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Letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs relative to certain sums of money appropriated by the Cherokee Nation in violation of treaty obligations

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A communication from the Commissioner of Indian Affairs relative to certain sums of money appropriated by the Cherokee Nation in violation of treaty obligations.

JUNE 7, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, June 4, 1890.

SIR: In compliance with the provisions contained in the Indian appropriation act of March 2, 1889 (25 Stat. 994), authorizing and directing the Secretary of the Interior "to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same," I have the honor to transmit herewith copy of a communication of 3d instant from the Commissioner of Indian Affairs, and its inclosures.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, June 3, 1890.

SIR: I have the honor to report that, under date of March 15 last, this office addressed a communication to Agent Bennett of the Union Agency, in the Indian Territory, calling his attention to the provision of the act of Congress approved March 2, 1889 (25 Stat., 994) relative to the appropriation of money by the Cherokee Nation in violation of treaty stipulation.

The act referred to provides as follows:

And said Secretary [of the Interior] is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedom in said nation, and what sum would be required to secure said freedom those treaty rights in respect to the same.

In order to enable this office to make an intelligent report to the Department upon the matter, Agent Bennett was directed, in the communication from this office above referred to, to endeavor to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest the source from which such funds were derived, the purpose for which they were appropriated, and if paid out per capita, the persons or class of citizens of said nation receiving such payments, and the amount per capita of each payment.

Agent Bennett replied, under date of May 16 last, setting forth that on March 18, following the receipt of office letter above referred to, he furnished the national treasurer of the Cherokee Nation with a copy of the same and requested him to furnish the information desired, but that he had received no reply to his request.

Under date of May 19, ultimo, Agent Bennett transmitted to this office a letter addressed to him, under date of the 12th ultimo, by R. B. Ross, esq., treasurer of the Cherokee Nation, wherein that official acknowledges the receipt of the several communications of the agent, and also a copy of the letter from this office above referred to, but he refuses to furnish the information requested upon the ground that the object for which it is sought is not stated. Mr. Ross adds, however, that he does not know of any appropriation of funds by the said nation in violation of treaty obligations.

It is understood by this office that considerable sums of money have been paid into the treasury of the Cherokee Nation, as the proceeds of certain leases of the Cherokee outlet lands, and it is also understood that a large portion of the funds so received has been appropriated by said nation to the exclusion of the freedmen, Delaware, and Shawnee citizens thereof, but there is no official information relative to said receipts and appropriations on file here.

With regard to the disposition of the funds then due the Cherokee Nation or thereafter accruing from the sale of its lands by the United States, the twenty-third article of the treaty between said nation and the United States provides as follows:

All funds now due the nation, or that may hereafter accrue from the sale of their lands by the United States as hereinbefore provided for, shall be invested in United States registered stocks at their current value, and the interest on all said funds shall be paid semi-annually on the order of the Cherokee Nation, and shall be applied to the following purposes, to-wit: Thirty-five per cent. shall be applied for the support of the common schools of the nation and educational purposes; fifteen per cent. for the orphan fund, and fifty per cent. for general purposes, including reasonable salaries of district officers; and the Secretary of the Interior, with the approval of the President of the United States, may pay out of the fund due the nation, on the order of the national council or a delegation duly authorized by it, such amount as he may deem necessary to meet outstanding obligations of the Cherokee Nation, caused by the suspension of the payment of their annuities, not to exceed the sum of one hundred and fifty thousand dollars.

With regard to the provisions of the act of March 2, above quoted, I have the honor to state that the "inquiry" therein directed has been made as herein set forth, and copies of all the correspondence upon the subject are herewith inclosed with the recommendation that the matter be laid before Congress for such further action as may be deemed necessary by that body.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 15, 1890.

SIR: Your attention is invited to a requirement in the act of Congress approved March 2, 1889, which provides as follows:

And said Secretary [of the Interior] is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same. (25 Stats., 994.)

In order to enable this office to render an intelligent report to the Department upon the matter, you will endeavor to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest, the source from which such funds were derived, the purpose for which they were appropriated, and, if paid out per capita, the persons or class of citizens of said nation receiving such payments and the amount per capita of each payment.

It is desirable that you make a full and complete report upon the matter for the information of this office and the Department.

Very respectfully,

T. J. MORGAN,
Commissioner.

LEO. E. BENNETT, esq.,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

TREASURY DEPARTMENT, CHEROKEE NATION,
Tahlequah, Ind. T., May 12, 1890.

DEAR SIR: I have the honor to acknowledge the receipt of your notes—three in number, dated respectively March 18, April 14, and May 8, 1890, in regard to the disposition by this nation of funds in which the Cherokee freedmen claim an interest, as stated in your letter of the 18th March.

Under date of March 18, 1890, you inform me that under date of the 15th instant (March), "the honorable Commissioner of Indian Affairs calls the attention of this (your) office to the following extract from the act of Congress approved March 2, 1889:

"And said Secretary (of the Interior) is hereby authorized and directed to make inquiry and report to the next session of Congress what other sums of money, if any, have been appropriated by the Cherokee Nation in violation of their treaty obligations in reference to freedmen in said nation, and what sum would be required to secure to said freedmen those treaty rights in respect to the same."

Also, that "The Commissioner further directs me (you) to secure an official statement of all funds paid into the treasury of the Cherokee Nation in which the freedmen citizens of said nation claim an interest, the source from which such funds were derived, the purpose for which they were appropriated, and, if paid out per capita, the persons or class of citizens of said nation receiving such payments, and the amount per capita of each payment."

To what end this information is sought for at my hands you do not state, and in the absence of which I feel that I commit no breach of etiquette in declining to answer. I will, however, say that I am not aware of the Cherokee Nation having appropriated any of her funds in violation of treaty obligations.

More I need not add until I am better informed as to the scope and aim of your inquiry.

I have the honor to be, yours very respectfully,

ROBT. B. ROSS,
Treasurer Cherokee Nation.

Hon. LEO E. BENNETT,
United States Indian Agent, Union Agency, Muscogee, Ind. T.

CHEROKEE INDIANS.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., May 16, 1890.

SIR: I have the honor to report, having received your communication of March 16, 1890, relative to information required by act of Congress approved March 2, 1889, in reference to the Cherokee freedmen. On March 18, 1890, a copy of this communication was transmitted to Hon. R. B. Ross, national treasurer of the Cherokee Nation. On April 14 I again wrote Mr. Ross, and on May 8 another communication, requesting and urging him to furnish the information called for by you. As yet I have had no reply, and it is my opinion that it is the intention of the Cherokee authorities to not furnish information called for. I will, however, make another effort, the result of which I will advise you.

Very respectfully, your obedient servant,

LEO E. BENNETT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE, UNION AGENCY,
Muscogee, Ind. T., May 19, 1890.

SIR: Referring to Indian Office letter of March 15, 1890, and to agency letter of May 16 instant, I have the honor to transmit herewith a communication from Hon. R. B. Ross, treasurer of the Cherokee Nation.

Very respectfully, your obedient servant,

LEO E. BENNETT,
United States Indian Agent.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.