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Appropriation for Apache Indians. Letter from the Secretary of the Treasury, transmitting an estimate, submitted by the Secretary of the Interior, of the appropriations for the Apache Indians at Mount Vernon, Ala., and Fort Union, N. Mex., for the fiscal year 1892.

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APPROPRIATION FOR APACHE INDIANS.

L E T T E R

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate, submitted by the Secretary of the Interior, of the appropriations for the Apache Indians at Mount Vernon, Ala., and Fort Union, N. Mex., for the fiscal year 1892.

DECEMBER 4, 1890.—Referred to the Committee on Indian Affairs.

TREASURY DEPARTMENT, *December 3, 1890.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, estimates of appropriations submitted by the honorable Secretary of the Interior for "support and civilization" of the Apache and other Indians that are now, or may be, located at Mount Vernon, Ala., for the fiscal year 1892, amounting to \$41,500, and for the "support and civilization" of the Apache Indians that are now, or may be, located at Fort Union, N. Mex., for the fiscal year 1892, amounting to \$16,500.

Respectfully yours,

W. WINDOM,
Secretary.

The SPEAKER, HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, December 1, 1890.

SIR: I have the honor to transmit herewith estimates of appropriations for support and civilization of the Apaches and other Indians that are now, or may be, located at Mount Vernon, Ala., for pay of necessary employes, including a physician, and for the rent of land for the industrial employment of said Indians, including the building of cabins, for the fiscal year ending June 30, 1892, amounting to \$41,500. For support and civilization of the Apache Indians that are now, or may be, located at Fort Union, N. Mex., including pay of necessary employes at said agency, for the fiscal year ending June 30, 1892, \$16,500, and request the early and favorable action of Congress thereon.

Very respectfully,

JNO. W NOBLE,
Secretary.

The SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 29, 1890.

SIR: I have the honor to submit herewith, for your information and for the consideration of Congress, copies in duplicate of correspondence between this office, the War Department, and the Second Comptroller's Office, in reference to the care and support of those Apache Indians held in confinement as prisoners of war, at Mount Vernon Barracks, Ala., and those held in a condition of semi-confinement at Fort Union, N. Mex.

APACHE INDIANS AT MOUNT VERNON BARRACKS.

The Apache Indians held as prisoners of war at the above barracks are followers of the noted chiefs Natches and Geronimo, and have heretofore been cared for and supported by the War Department out of the appropriations for the support of Indian prisoners of war.

The War Department urging that this Department should hereafter take charge of the control, support, and management of said Indians, numbering 76 men, 157 women, 63 boys, and 66 girls, or a total of 362 souls, not including those now absent at the Carlisle school, and having no funds at its disposal applicable to their support, it will be necessary that Congress be called upon to supply the necessary means for their support, also to provide for the pay of an agent to supervise and care for them at the point named. Attention is invited to Senate Ex. Doc. No. 83, Fifty-first Congress, first session, which gives a full history of the capture or surrender and confinement of said Apache Indians.

APACHE INDIANS AT FORT UNION, N. MEX.

The Apache Indians under semi-confinement at Fort Union, N. Mex., number 54 souls, and were put there on the recommendation of the War Department. These Indians have since their removal to Fort Union been cared for by the War Department, and the expenses for feeding them paid for by that Department and the accounts therefor submitted for reimbursement from appropriations made for the Indian service. It will be seen by the accompanying correspondence that the Second Comptroller of the Treasury has finally decided that such reimbursement is proper to be made. At the request of this office the War Department has stated that the probable time the Indians would be retained at Fort Union is indefinite, and that it is necessary that this office should provide for and take care of them, although they are held in semi-confinement. In order to do this proper and necessary appropriation for the equipment of the place is necessary.

The reservation is large, and it is said that portions are valuable for agricultural and other industrial pursuits. While the number of Indians there is small, the condition of affairs at San Carlos Agency heretofore, if continued, may make it desirable or possibly necessary to remove to that point other Indians now at said agency, or elsewhere in Arizona and New Mexico, and the nucleus of an agency, if not a fully equipped agency, is best to be maintained at that point, so as to enable this bureau hereafter to take care properly of any Indians that it may be found necessary to place on that military reservation as a means of better security to life and property of the white settlers and also for the welfare of the Indians themselves.

The correspondence herewith fully sets forth the views of the War Department and this office relative to the transfer of the control of these Indians to the Interior Department.

In order to present this matter for the action of Congress, I have caused estimates to be prepared of the appropriations required for the support of the Indians named at the two proposed agencies, viz, \$41,500 for the Mount Vernon Barracks, Ala., and \$16,500 for Fort Union, N. Mex., and submit the same herewith with the recommendation that said estimates and accompanying papers be forwarded to the honorable Secretary of the Treasury for transmittal to Congress.

While these estimates were in course of preparation Maj. Gen. O. O. Howard called at this office and on his being informed that this Department was planning to accept the care and control of the Indians named, provided Congress furnished the necessary means for their support, and when informed that authority and means would be asked for renting land for their agricultural pursuits if the reservation did not afford sufficient tillable land for that purpose, he immediately telegraphed to the commanding officer at Mount Vernon Barracks, Ala., to inform this office as to the number of acres of land on the reservation suitable for farming and also as to available rentable land, to which the following was received in reply :

MOUNT VERNON BARRACKS, ALA., November 25, 1890.

At General Howard's request I inform you that there is 500 acres land on reservation available for farming after it shall have been cleared of timber. No cleared farms in vicinity for rent. Can buy or rent any amount of uncleared land. All land is poor and sandy.

WITHERSPOON.

The place, it will thus be seen, is not very favorable for advancing these Indians in the way of self-support, but as no other location has as yet been determined upon for them this Department will endeavor to do for them what is possible under existing circumstances here they are, if necessary funds for this purpose shall be provided by Congress.

Very respectfully,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

Estimate of appropriations required for the support and civilization of the Apache and other Indians that are now, or may be, located at Mount Vernon, Ala., for the fiscal year ending June 30, 1892.

Support and civilization of the Apache and other Indians that are now, or may be, located at Mount Vernon, Ala., for pay of necessary employes, including a physician, and for the rent of land for the industrial employment of said Indians, including the building of cabins.....	\$40,000.00
For pay of an agent at said agency	1,500.00
Total	41,500.00

Estimate of appropriations required for the support and civilization of the Apache Indians that are now, or may be, located at Fort Union, N. Mex., for the fiscal year ending June 30, 1892.

Support and civilization of the Apache Indians that are now, or may be, located at Fort Union, N. Mex., including pay of necessary employes at said agency	\$15,000
For pay of an agent at said agency.....	1,500
Total.....	16,500

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, October 31, 1890.

SIR: I am in receipt of your letter dated October 27, 1890, in which you state that you have received a letter from the honorable Secretary of War advising you that the commanding general, Department of Arizona, had notified him that the Indian prisoners at Fort Union, N. Mex., were suffering from cold, and requested authority to issue them blankets, etc., that a copy of this communication was sent to the honorable Secretary of the Interior, who replied that there were no funds at his disposal to pay for clothing of these Indians, and if there were funds they could not be used in view of your recent decision disallowing certain claims of the War Department for subsisting the same Indians.

You request to be informed as to the circumstances which led to the removal of these Indians from the San Carlos Reservation to Fort Union, and whether their removal was made at the request of this Department and with the understanding that they would be subsisted and cared for by the War Department and that Department be reimbursed from appropriations made to subsist and properly care for Apache and other Indians, who have been or may be collected on reservations in New Mexico or Arizona.

In reply I herewith inclose a copy of a letter from the Secretary of the Interior dated March 5, 1890, transmitting copies of telegrams from the department of Arizona, furnished with request for his views by the Secretary of War, relative to the outbreak of the Apaches at San Carlos Agency, from which it will be seen that Capt. John L. Bullis, acting agent at said agency, requested authority, which the assistant adjutant-general of the department of Arizona granted, to send said Indians, estimated at about one hundred, to Fort Union. The Secretary of the Interior in his said communication approved the transfer of the Indians referred to to Fort Union for "temporary confinement."

The removal of these Indians to Fort Union was done as a means for the better control of the turbulent element of the Apache Indians, and also as a measure for better securing the protection of the lives and property of the citizens of Arizona against the marauding and pillaging disposition of these Indians.

Agreeably with an understanding in the matter arrived at between the Secretary of War and the Secretary of the Interior, the latter directed this office to provide for the subsistence of these Indians, and this Department has accordingly endeavored to reimburse the War Department for subsistence furnished by it to said Indians, but it is understood that by a decision of your office, above referred to, this can not be done, for the reason, it is supposed, that the Indians are held as prisoners of war, and should be fed from an appropriation for that purpose under the War Department, or that the appropriation made to subsist and properly care for the Apache and other Indians, who have been or may be collected on reservations in New Mexico or Arizona, is inapplicable to the prisoners referred to, as they are not upon an Indian reservation.

This office will be glad to be informed of any ruling you may make upon this subject.

Very respectfully,

R. V. BELT,
Acting Commissioner.

The SECOND COMPTROLLER OF THE TREASURY,
Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Washington, March 5, 1890.

SIR: You are sent herewith telegrams furnished by the Secretary of War in regard to the outbreak of Apaches at San Carlos Agency, for your information.

The Secretary of War having requested my views, I have approved the transfer of the Indians, about one hundred, to Fort Union for temporary confinement.

You will please call and consult with me at half past 12 o'clock the 6th instant.

Yours, respectfully,

JOHN W. NOBLE,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

[Immediate.]

LOS ANGELES, CAL., March 4, 1890.

TO ADJUTANT-GENERAL, U. S. A.,
Washington, D. C.:

The following copies of telegrams are furnished for the information of higher authority. I request approval of my action and such further instructions as may be necessary.

GRIERSON, Comdg.

SAN CARLOS, ARIZ., FOURTH.

ASST. ADJUTANT-GENERAL,
Dept. Arizona, Los Angeles, Cal.:

Watson pursuit party took trail early yesterday morning; no news since. As in any event it will be necessary to apprehend the kin, old friends of Indians who committed murder on second, and probably also those of Kindalay, Cleshe, and Capt. Jack Chiefs now in confinement, to avert possible trouble another troop cavalry should be sent here immediately. From latest information I believe four of escaped convicts in Mexico, namely the Kid, Says, and Washlanta, and Miguel. The other four it is almost certain are still hiding on reservation or near its limits.

JOHNSON, Comdg.

SAN CARLOS, ARIZ., FOURTH,
ASST. ADJT. GENERAL, DEPT. ARIZONA,
Los Angeles, Cal.

(Through office commanding officer U. S. troops, San Carlos.)

There are known to be sixteen renegades, wanderers out from this reservation; eight that killed Sheriff Reynolds and deputy and escaped. All San Carlos Apaches, two White Mountain Apaches, and a Chiricahua from Ft. Apache and probably others from there, and the last a party of five that killed a freighter day before yesterday and burned the wagon, three San Carlos and two Tantos Apaches; the last-named party are in sympathy with the first-named party, making thirteen from this agency, and I would request authority to ship the wives, children, fathers, mothers, and other kin, such as I may deem best; also the three chiefs and followers now in arrest mentioned in my telegram of January sixteenth last, to some secure place beyond Arizona; total, about one hundred. The moral effect will be good on these now here and will, in my opinion, check those now out. There may be trouble from the Indians of this reservation this season.

BULLIS,
Actg. Indian Agent.

Respectfully forwarded, concurring in Capt. Bullis' recommendation.

JOHNSON, Comdg. Post.

LOS ANGELES, CAL., FOURTH.

Captain BULLIS, U. S. Army,
Actg. Indian Agent,
 (Through comd'g officer San Carlos, Arizona.)

Upon your application stating the urgent necessity approved by the commanding officer San Carlos you are authorized to send the Indians alluded to in your telegram of this date to Ft. Union, New Mexico, via Ft. Grant and Wilcox. The quartermaster's department will arrange for the necessary transportation. The commanding officer San Carlos will call upon the commanding officers Thomas and Grant for whatever additional troops, transportation, and supplies may be necessary for escorts guards, etc., from San Carlos to Ft. Union. The commanding officer San Carlos is charged with carrying out details of these instructions. Acknowledge receipt, and report action.

VOLKMAR,
Asst. Adjt. General.

LOS ANGELES, CAL., FOURTH.

COMMANDING OFFICER,
Fort Union, New M

It is probable that about one hundred disaffected Apache Indians—men, women and children—will be removed by troops from San Carlos within the next twenty-four hours and transported to Ft. Union for temporary confinement. Pending receipt of further instructions from superior authority, the department commander directs that you immediately arrange to receive and guard those Indians upon their arrival at your post. Acknowledge receipt.

VOLKMAR,
Asst. Adjt. General.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, October 2, 1890.

DEAR MR. SECRETARY: We were speaking about Fort Union at the last Cabinet meeting. That is a large, and as I have always understood, a fine reservation. There is no military reason for this Department holding it longer, except that the band of Apaches were taken there to guard against possible trouble. I shall be glad to turn it over to your Department in whole or in part, keeping such guard there as you may wish, and to turn over the care of the Indians held there. Can also let you have an officer if you wish, to act as Indian agent. You can certainly do much better for them than we, as you have the machinery and the legislation. It is the proper work of your Department and not ours.

Very truly yours,

REDFIELD PROCTOR.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, October 14, 1890.

SIR: I have the honor to acknowledge the receipt, by your reference of the 3d instant, of the letter from the Secretary of War, in which he expresses his willingness to turn over the Fort Union military reservation, in New Mexico, to the Interior Department, and with it the care of the Indian prisoners confined there.

In response to your request for a report on this matter, I would respectfully invite your attention to a letter from this office, dated August 18 last, in which the Department was informed that the entire appropriation of \$170,000 for the support of the Indians at the San Carlos, Jicarilla, and Mescalero agencies during the current fiscal year would be required to settle obligations already or about to be incurred, and that there would remain no funds to pay for the subsistence of prisoners at Fort Union, N. Mex., unless the quantity of supplies for Apaches at the three agencies named are reduced in quality.

In addition to this fact it is understood in the Office that the Second Comptroller of the Treasury has disallowed a claim of the War Department for re-imbursement for the value of supplies issued to these prisoners last spring, which was charged to the appropriation for the support of the Indians in Arizona and New Mexico, for the reason that these Indians not being on any reservation in these Territories, the appropriation in question is not applicable for expenditure for their support, as the act appro-

priating said fund reads "For this amount to subsist and properly care for the Apache and other Indians in New Mexico and Arizona who have been or may be collected on reservations in New Mexico and Arizona, and that if they are prisoners they should be fed from the appropriations made by Congress for feeding Indian prisoners."

After consideration of this case I think it would be unwise, in view of the fact that the total amount appropriated by Congress is required to feed, etc., the Indians of the San Carlos, Mescalero, and Jicarilla agencies, whereas Congress has made an appropriation, which is under the control of the War Department, for feeding Indian prisoners, to take Fort Union as a reservation under the charge of this Bureau, because, even if we get a military officer to act as agent, we will have to equip him with supplies, furnish employes, etc., and there are no funds at the disposal of this Office with which to do it, unless, as stated above, the supplies at the San Carlos and the other agencies are cut down, which I think would be very unwise, and which I would not like to do unless so instructed by the Department.

If these Indians are to be kept at Fort Union, I think they had better remain under the charge of the War Department until the matter can be laid before Congress and a sufficient appropriation for the establishment of an agency at that point and for their support can be secured, if such action shall finally be determined upon.

Very respectfully,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, October 25, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, inclosing an unofficial letter from the honorable Secretary of War in relation to the Indian prisoners at Fort Union and Mount Vernon, to which you invite my immediate attention, and request me to call upon the Secretary of War and discuss the matter, so as to arrive at a conclusion as to what should be done and report to you. In reply thereto I would respectfully state that I will immediately comply with your directions.

In connection with this subject, I note your remarks that "My own judgment is that we should assume all the responsibility that belongs to us to care for the Indians, and as far as possible support him. I have in my mind that it is unfair treatment for us to refuse to pay for the supplies furnished the Apache Indians at Fort Union." * * *

I would respectfully inform you that this Office has not refused to pay the War Department for supplies furnished the Apache Indians at Fort Union, but in obedience to your instructions allowed the accounts and sent them to the accounting officers of the Treasury for settlement. The Second Auditor as well as the Second Comptroller refused to allow the accounts payable from Indian appropriations, as will be seen by the inclosed copies of the opinions of these officers. As the Second Comptroller controls the expenditure of all the funds of this Office, as well as those of the War Department, the decision had to be accepted as final. In the annual estimates for the War Department the following item will be found under the head of Subsistence department: "Prisoners of war, including Indians, for the subsistence of whom no other appropriation is made: 750 for 365 days, 273, 750 at 20 cents for rations," which amounts to \$54,750. In the act making appropriation for the support of the army the following language is used under the head of Subsistence for the Army: "For the purchase of subsistence supplies * * * prisoners of war, including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made" * * *

The accounting officers held that the supplies for the Apaches at Fort Union should be paid for from this appropriation, as, if these Indians were not held as prisoners of war, they could not be held by the War Department, but should be turned over to the civil authorities.

It is, however, within the province of the Congress to make special provisions for the Indians now held under the custody of the War Department at Mount Vernon Barracks, in Alabama, and at Fort Union, in New Mexico, to be expended under direction of the Interior Department, and such an estimate will be submitted to Congress at its next session.

After my consultation with the Honorable Secretary of War the unofficial letter will be returned to you with my report on the subject.

Very respectfully,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

WAR DEPARTMENT, *Washington, October 23, 1890.*

SIR: In reply to your letter of the 16th instant, inclosing one from the Acting Commissioner of Indian Affairs, dated the 14th instant, relative to the transfer to your Department of the Fort Union military reservation and the Indians held there as prisoners, and expressing the opinion that these Indians should remain under the charge of the military until such time as Congress shall provide for the establishment of an Indian agency at that place and for the support of these Indians there, I have the honor to ask if it is the intention of your Department to request Congress to make provision for an Indian agency at Fort Union, N. Mex.?

Very respectfully,

REDFIELD PROCTOR,
Secretary of War.

THE SECRETARY OF THE INTERIOR.

WAR DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, October 23, 1890.

DEAR MR. SECRETARY: About the Apache Indians at Fort Union, N. Mex. They are not prisoners, it seems to me, in any proper sense. What is it your plan to say or do in your estimates in regard to their support? I think the right thing for you to do is to estimate for those and also the prisoners at Mount Vernon Barracks and care for them. It is out of our line, and we have not the machinery for doing it. As a matter of humanity the care and instruction of them should be under your Department. The Indian children at Mount Vernon Barracks are being instructed by schools supported by subscription. Unless you can provide for them I shall have to ask Congress to establish another Indian Department in the War Department.

Please make this matter special and oblige, as I wish to determine before sending in the estimates. If it will expedite it, should be glad to have the Commissioner call here, and we will try and fix on the best method of caring for them.

Very truly yours,

REDFIELD PROCTOR.

Hon. JOHN W. NOBLE,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, October 30, 1890.

SIR: I have the honor to acknowledge the receipt by your reference for report, of the 25th instant, of a communication from the honorable Secretary of War dated the 23d instant, in reply to the Department letter of the 16th instant, inclosing one from this office relative to the transfer to this Department of the Fort Union military reservation and the Indians held there as prisoners, in which the opinion was expressed that said Indians should remain under the charge of the military until such time as Congress shall provide for the establishment of an Indian agency at that place, and for the support of these Indians there.

The honorable Secretary asks to be informed if it is the intention of the Interior Department to request Congress to make provision for an Indian Agency at Fort Union, N. Mex.

In reply, I would say that without further information from the War Department, I am unable to state whether this office will recommend the establishment of an agency at Fort Union, N. Mex., or not. To enable this office to give this question proper consideration, I respectfully request that the honorable Secretary of War be asked to furnish such information as he may have as to the probable length of time it will be necessary to hold the 54 Indians (14 men and 40 women) at that place. If their detention there is only temporary, the necessity for the establishment of an agency is not apparent. I also request to be informed whether the number of Indians now at Fort Union includes those seven adults whose return to San Carlos, it is understood at this office, was agreed upon by Captain Bullis as a condition of the surrender of "Tonto B. Co."

When this information is furnished the question of the establishment of an agency will be further considered.

Very respectfully,

R. V. BELT,
Acting Commissioner,

THE SECRETARY OF THE INTERIOR.

WAR DEPARTMENT, WASHINGTON, D. C., *November 14, 1890.*

SIR: In reply to your letter of the 1st instant upon the subject of the establishment of an Indian agency at Fort Union, N. Mex., and asking how long it will probably be necessary to hold the Indians at that post, I have the honor to advise you that upon reference of your communication to the major-general commanding the Army he remarks that "So far as known at the present time, the Indians at Fort Union will be held there indefinitely."

Very respectfully,

L. A. GRANT,
Acting Secretary of War.

The SECRETARY OF THE INTERIOR.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., November 21, 1890.

SIR: Two claims of the War Department, now settlements 9969, of August 9, 1890, and 215, of September 24, 1890, for \$415 and \$884.83, respectively, for reimbursement on account of subsistence furnished Apache Indians confined at Fort Union, N. Mex., were disallowed in your office and confirmed by this office as stated by you.

In a memorandum of your office, dated June 10, 1889, referred to me, occurs the following language:

"The Commissioner of Indian Affairs holds that the captured Apaches were prisoners of war, and that the cost of keeping and transporting them falls upon the War Department. I think the Commissioner is right. * * * By parity of reasoning it would seem that Indians captured while in open hostility against the United States are prisoners of war in such sense as will make the War Department chargeable with their safe keeping, subsistence, and any transportation that circumstances may render necessary."

In your letter of June 3, 1890, you state that "The argument applicable to transportation seems equally applicable to subsistence, and the present claim (claim for \$415 above mentioned) is therefore disallowed, in accordance, not only with the quoted views of this office, which have undergone no change, but with your opinion as given in the decision above cited," referring to a decision of this office dated October 18, 1889, in which it was held that the expense of transporting Geronimo and his captive band, prisoners of war, to places of confinement in Florida should be borne by the War Department, and that such expense did not constitute a proper charge against any Indian appropriation.

The action of your office in disallowing the War Department claims for subsistence issued to the Indians removed to Fort Union, N. Mex., was concurred in by this office, but no formal ruling was made in the revision of either claim. Upon the evidence originally presented I do not think any other conclusion would have been warranted than that reached by both offices. No explanation or evidence was furnished to show whether these Indians had been removed to Fort Union, at the request of the Secretary of the Interior, with the express understanding that the War Department was to be reimbursed for their subsistence, or whether they were Indians who were captured by the military authorities while actually engaged in hostilities against the United States, as had Geronimo and his band at an earlier day. From the fact that they were termed "Indian prisoners" it was reasonably presumed that they were actual prisoners of war, and that claims for their subsistence were subject to the rulings laid down in the final disposition of claims for the transportation of Geronimo and his band.

Telegram of Acting Indian Agent Bullis to the assistant adjutant-general, Department of Arizona, Los Angeles, Cal., dated March 4, states that—

"There are known to be sixteen renegades, wanderers out from this reservation * * * and I would request authority to ship the wives, children, fathers, mothers, and other kin, such as I may deem best; also the three chiefs and followers, now in arrest, * * * to some secure place beyond Arizona. The moral effect will be good on these now here, and will, in my opinion, check those now out."

Letter of the Secretary of the Interior, dated March 5, 1890, to the Commissioner of Indian Affairs, shows that he approved the transfer of these Indians, about one hundred, to Fort Union for temporary confinement, and letter of the Acting Commissioner of Indian Affairs to me, dated October 31, 1890, states that "Agreeably with an understanding in the matter arrived at between the Secretary of War and the Secretary of the Interior, the latter directed this (Indian) office to provide for the subsistence of these Indians."

In view of the facts revealed by the evidence recently submitted, and which is forwarded herewith for your consideration, I am of the opinion that the Indians removed to Fort Union, N. Mex., for temporary confinement, were strictly speak-

ing "prisoners of war." It has not been shown that any of the Indians, so removed, were at any time engaged in open hostilities against the United States, and while so engaged were captured and held as prisoners by the military authorities. On the contrary, their transfer to Fort Union and their subsistence while there from Indian funds appropriated for Indians in Arizona and New Mexico, seems to have had the sanction of the Secretary of the Interior prior to their removal, and I therefore hold that the War Department should be re-imbursed for their subsistence. In future the rations issued by the War Department to Indians temporarily in its charge should be limited in amount to such as they would be entitled to if receiving them in the usual way at the agency to which they belong. It must have a tendency to arouse the rebellious spirit of the Indians on their regular reservations and encourage them in the commission of lawless acts, if other members of the same tribe, whom it is found necessary to keep under military surveillance are allowed to receive larger and better rations.

The claims transmitted with your letters of the 15th instant are herewith returned.

Very respectfully,

B. F. GILKESON,
Comptroller.

Hon. J. N. PATTERSON,
Second Auditor.

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