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Eastern Band of Cherokee Indians of North Carolina.

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EASTERN BAND OF CHEROKEE INDIANS OF NORTH CAROLINA.

MARCH 18, 1884.—Referred to the Committee on Appropriations and ordered to be printed.

Mr. PERKINS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 1112.]

The Committee on Indian Affairs having had under consideration bill H. R. 1112, submit the following report:

This bill makes an appropriation of \$15,000, or so much thereof as may be necessary, for the purpose of paying the expenses of the present and former delegations of the Eastern Band of Cherokee Indians who have visited Washington City on the business of the band, and also such attorney fees as said delegations, the Commissioner of Indian Affairs, or the Secretary of the Interior may have in good faith stipulated to pay.

But the bill is fully explained in the following letter of the honorable Commissioner of Indian Affairs of date March 3, 1884, to whom it was referred for information and suggestions, and we make such letter a part of this report:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 3, 1884.

SIR: I have the honor to acknowledge the receipt, by Department reference for report, of House bill No. 1112, "to pay certain expenses of the Eastern Band of Cherokee Indians of North Carolina," submitted on the 1st instant by Messrs. Skinner and Perkins, subcommittee on Indian Affairs, to whom it was referred, for suggestions and for such information as may be had respecting the propriety of this proposed legislation.

In accordance therewith I have to report that there are several objections to said bill in its present form, viz: (1) It provides that the money appropriated and used thereunder shall be replaced out of the sale of the lands belonging to the said Cherokee Indians in North Carolina, when none of their lands are being sold, and there is no authority whatever to sell said lands. (2) It provides for the payment of the expenses of the present and former delegations of said bands of Indians who have visited the city of Washington, when there are no "former" delegations making claim for compensation or payment of their expenses as such. (3) It provides for the payment of such attorney fees as said delegations, the Commissioner of Indian Affairs, or the Secretary of the Interior may have in good faith stipulated to pay, &c.

This band of Indians has made contracts, which have been approved by the Department, with certain attorneys for the prosecution of certain claims pending before the Department and the Court of Claims, on contingent fees, and I am not aware that the delegation, the Commissioner of Indian Affairs, or the Secretary of the Interior, has, in good faith, stipulated to pay any other.

I would, therefore, suggest the following amendments to the bill, viz: Reduce the sum to be appropriated from "fifteen" to "two" thousand dollars, or so much thereof as may be necessary; strike out the words "and former," in the sixth and seventh

lines, and change the word "delegations" to "delegation," in the seventh line; strike out the the words "who have visited," in the eighth line, and insert in lieu thereof the words "now in;" and strike out the remainder of the bill after the word "band," in the ninth line, and insert the words "the same to be expended under the direction of the Secretary of the Interior," so as to read, when so amended, as follows: "That the sum of two thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purpose of paying the expenses of the present delegation of the Eastern Band of Cherokee Indians now in the city of Washington on the business of the band, the same to be expended under the direction of the Secretary of the Interior." This bill, thus amended, conforms to the language of Senate bill No. 1066, as amended in office report made on said bill on the 6th of February last.

The funds of this band of Indians, by Congressional enactment, approved August 15, 1876 (19 Stat., 197), have been dedicated to, and can only be used for, "educational purposes and the purchase of agricultural implements," and these Indians have no other resource from which to reimburse the Government for any appropriation made in their behalf, except what they may realize from their claim against the Cherokee Nation West now pending in the Court of Claims.

I have the honor to return herewith bill H. R. 1112, Forty-eighth Congress, first session, with a copy of this report.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

Your committee finds that this Eastern Band of Cherokees claims it has been grossly wronged by the Western Cherokees; that they should have received some portion of the large sums of money paid by the Government of the United States to the Western Cherokees; that they have been excluded from the benefits of the money so paid, and have not been permitted in any way to receive any share thereof. And your committee further finds that these Eastern Cherokees have at this time a suit pending in the Court of Claims to recover from the Western Cherokees the sum of \$—— they claim to be their due, from the money so paid the Western Cherokees by the Government of the United States. And while your committee does not attempt to express an opinion upon the legality of their claim, we find them assured by good lawyers that they can recover; and we find if the claim is to be prosecuted it is necessary that some of the band should be here giving it their attention and aiding by their presence their attorneys who are prosecuting this claim against their stronger and wealthier brethren from the Cherokee Nation.

Your committee further finds from the letter of the Commissioner of Indian Affairs, and from other evidence, that these North Carolina Cherokees have no funds or moneys from which they can pay their expenses here while engaged in this litigation and in looking after their interests, unless aided by the Government, and it is in that view that your committee recommends that the following resolution shall be adopted, and that it shall be discharged from further consideration of the bill:

Resolved, That the item of the bill (H. R. 1112), as recommended by the Commissioner of Indian Affairs and the Secretary of the Interior, be referred to the Committee on Appropriations, with the recommendation that said item be inserted in the deficiency bill, but upon the condition that the Government of the United States shall be reimbursed for the money thus appropriated if the said Eastern Band of Cherokees is successful in its suit in the said Court of Claims.