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Letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation, submitted by the Secretary of the Interior, to pay the expenses of timber experts incurred in connection with the sale of lands of the Eastern Band of Cherokee Indians, in North Carolina.

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EXPENSES OF TIMBER EXPERTS.

L E T T E R

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate of appropriation, submitted by the Secretary of the Interior, to pay the expenses of timber experts incurred in connection with the sale of lands of the Eastern Band of Cherokee Indians, in North Carolina.

JANUARY 4, 1893.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,

January 3, 1893.

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation, submitted by the Secretary of the Interior on the 28th ultimo, to pay the expenses of timber experts incurred in connection with the sale of lands of the Eastern Band of Cherokee Indians in North Carolina, \$500.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, December 22, 1892.

SIR: I have the honor to submit the following report on an application of the 19th instant for a full report of the nature and merits of the claim of M. C. Felmet and Pinkney W. Mitchell, of Waynesville, N. C., for services and expenses in inspecting the timber on the lands of the Eastern Band of Cherokee Indians, and for a favorable recommendation, if the claim is just, for an allowance therefor in one of the appropriation bills, viz:

On the 16th of March last, Hon. George H. Smathers, special assistant attorney for the western district of North Carolina, advised this

office of the employment with his approval of M. C. Felmet and P. W. Mitchell by James Blythe, United States Indian agent for said Indians, two timber experts, to measure and approximate the quantity of timber within the Cathcart tract that could be sold and removed; that they were to be paid \$3 per day each, out of the money to be realized from the sale of the timber of said Indians which had been authorized by the President and by act of the Cherokee council to be sold to redeem their lands sold for taxes and to pay taxes on their lands then due and to become due.

Application was made at the same time for authority to employ Maj. T. C. Bowen, civil engineer and surveyor, to survey certain tracts of land owned by these Indians in Jackson and Swain counties, N. C., to determine the quantity of lands owned by them in said counties respectively, the area taxed being, in the opinion of the Indians, greatly in excess of the actual quantity of land owned by them.

On the 26th of March Mr. Smathers was advised that so far as this office was involved there was no objection to the employment of the two timber experts at \$3 per day each, provided they performed the work within a reasonable time, but the authority for such employment must emanate from the Secretary of the Interior, who would be asked to grant such authority as soon as an estimate of the probable cost of the examination by said experts was furnished; and that respecting the employment of a surveyor to run the lines indicated to determine the actual quantity of land, the office was not prepared to make recommendation therefor, for the same reason, viz, that no estimate of the work or time required to perform it or cost thereof had been submitted.

On the 1st of April Mr. Smathers submitted a report of the work of the two timber experts and of the time made and yet required to finish their computation of the timber; also of the time required to make the desired survey.

On the 12th of April last the matter was reported fully to the Department, showing the necessity of the employment of timber experts to go upon the land and measure and approximately estimate the probable quantity of accessible timber within the said Cathcart tract, so as to furnish a basis from which to judge whether or not the prices to be offered for the aforementioned timber were reasonable, satisfactory, and just to the Indians. It was equally as important that the quantity of land owned by the Indians in Jackson and Swain counties should be ascertained and determined, so that the lands listed for taxation in their name should not exceed the quantity owned by them.

Estimates of the probable cost of these experts and surveyor were submitted and recommendation made that authority be granted to employ said experts at \$3 per day each, and of two Indians as axmen at \$1 per day each, to mark the trees as they were estimated, and of the employment of a surveyor at \$5 per day, the whole cost not to exceed \$500.

The estimate submitted was as follows:

53 days of two experts, at \$6, or \$3 each.....	\$318
2 Indian axemen, at \$1 each for 53 days.....	106
Surveyor 6 days, at \$5.....	30

On the 13th of April the acting Secretary of the Interior, Hon. George Chandler, approved the recommendation made and authorized the em-

ployment of the necessary assistance and the expenditure of a sum not exceeding \$500 for that purpose, to be paid out of the proceeds arising from the sale of the timber.

The timber was duly advertised to be sold at the agency June 23, 1892, but no bids were received, and as no sale was made of said timber there was no fund available from which to pay the expenses of these experts and surveyor.

On the 30th of June Messrs. Felmet and Mitchell filed their account for expenses and services, amounting to \$338, and on the 1st of July Maj. T. C. Bowen rendered his account for expense of survey in Jackson County, \$32.50; estimate of expenses of survey in Swain County, \$65; total, \$435.50.

I inclose herewith a copy of advertisement of sale of timber and of each account rendered by these claimants with their report.

The bill for the survey made in Swain County has never been filed, but it was estimated to be \$65.

As the attempt made to redeem the lands of these Indians sold for taxes through the sale of their timber failed, this office, on the 6th of July last, submitted the draft of a bill for the relief of these Indians, authorizing the Secretary of the Interior to use the funds of these Indians for the purpose of the redemption of their land and for payment of their taxes.

A bill (S. 3402) was introduced by Senator Jones July 9 as recommended in said report of July 6, and on the same day a similar bill was introduced in the House by Hon. Mr. Crawford, with two amendments to said office draft of a bill, one providing for the payment of the "costs incurred upon conveyance of purchasers of said lands to the said Eastern Band of Cherokee Indians," the other revoking "all orders or provisions for the sale of timber on said lands to pay the accrued taxes and incumbrances on the same."

On the 19th of July this office submitted a report upon these two bills and recommended an amendment so as to authorize the Secretary of the Interior to pay the expenses of the timber experts in determining the quantity, kind, quality, and location of the timber, and the expenses of the surveyor or computer in determining the area of land owned by these Indians in Swain and Jackson counties, respectively. It was essential, as before stated, that this office should have this information to enable the Department to act intelligently upon the bids for the purchase of timber that had been offered for sale, and it was equally as important that this office should have correct and authentic knowledge of the quantity of land owned by the Indians in each of said counties before paying the taxes assessed thereon. This importance has since been demonstrated, for the commissioners for Jackson County, upon being furnished a statement of the computation of area, reduced their assessment (of area) 30 per cent. The amended bill offered by Mr. Crawford having passed the House, it was deemed inadvisable then to urge the proposed amendment in the Senate, inasmuch as it was feared that the House would not be able to act upon the House bill before final adjournment if so amended by the Senate; consequently the bill as amended by Mr. Crawford became an act of Congress and was approved August 4, 1892 (27 Stats., p. 348).

These claims are just and the work was authorized to be performed as herein set forth and has been satisfactorily performed, and I respectfully recommend that Congress be requested to make the necessary appropriation out of the funds of these Indians to pay said claims,

and respectfully submit the draft of an item to be inserted in the Indian, sundry civil, or other appropriation act to that effect.

Very respectfully, your obedient servant,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF INTERIOR, *December 28, 1892.*

Respectfully forwarded through the honorable Secretary of the Treasury for appropriate action of Congress.

JOHN W. NOBLE,
Secretary.

Item.

For this amount, or so much thereof as may be necessary to enable the Secretary of the Interior to pay, out of the funds of the Eastern Band of Cherokee Indians in North Carolina, the expenses of timber experts incurred in ascertaining the quantity, kind, quality, and location of the timber of said Indians, offered for sale June 23, 1892, but not sold; also the expenses of surveyor incurred in ascertaining and computing the area of land claimed by said Indians, in Jackson and Swain counties, in the State of North Carolina, \$500.

WAYNESVILLE, N. C., *June 30, 1892.*

The SECRETARY OF THE INTERIOR,
Washington, D. C.:

We, P. W. Mitchell and M. C. Felmet, timber experts, beg leave to submit the following report as to the quantity of timber trees measured and approximated by us on the Cathcart tract of Qualla boundary of land, belonging to the Eastern Band of North Carolina Cherokee Indians, situated and lying on the waters of Soco Creek, in Jackson County, and Ocona Lufty River, in Swain County, N. C., which we measured and approximated in obedience to an order made by your office on the — day of —, 1892; and charges against James Blythe, Stillwell Saunooka, and Andy Standing Deer for and in behalf of Eastern Band Cherokee Indians, for services rendered by ourselves and axmen in measuring and approximating the quantity of said timber as per the annexed account. We first proceeded to make an estimate of the quantity of lumber in the trees on Soco Creek in Jackson County by scaling up the trees, which was done by taking the girth of the tree and approximating the length of trunk of each tree, and after making an allowance for the tapering and bark, calculating the number of feet therein, by which method we measured or scaled up the following lots of timber trees:

The trees on Salolanita Creek, 6 miles from Wilmot Station on line of Murphy Division of the Richmond and Danville Railroad:

	Feet.
Poplar.....	55, 101
Chestnut and oak.....	145, 513

Sam Georges Creek, 7 miles from same railroad station:

Poplar.....	244, 720
Chestnut	187, 924
Oak.....	84, 783
Ash.....	8, 260

And the following quantity on what is known as the main belt of timber on Soco Creek, which principally lies on the south side of the creek, from where an old Indian by the name of Pheasant lives up the creek to where Jim Hornbuckle, another Indian, lives, being from 7 to 12 miles distant from Wilmot Station on railroad:

	Feet.
Poplar.....	2, 290, 322
Chestnut	481, 230
Oak.....	68, 468
Ash.....	72, 238
Birch.....	13, 494

On Wrights Creek, 7 miles from railroad:

	Feet.
Poplar	280,605
Oak	65,091
Chestnut	61,517

The foregoing is the timber trees computed by actual measurement by the foregoing stated method, of each tree on Soco Creek, and the following are boundaries of timber trees that was partly measured by the tree, and partly approximated, by looking through the trees of each boundary without an actual measurement:

	Feet.
Pheasants Creek, 7 miles from railroad, poplar, oak, and chestnut.....	150,000
Jenkins Creek, 9 miles from railroad, poplar, oak, and chestnut.....	200,000
Shutin Creek, 8 miles from railroad, poplar, oak, and chestnut, and ash..	250,000
Ducksoop Mountain, 7½ miles from railroad, poplar, oak, and chestnut..	100,000
Big Witch Creek, 8 miles from railroad, poplar, oak, and chestnut.....	150,000
Bunchs Bald, 12 miles from railroad, poplar, oak, and chestnut.....	300,000
Walnut on Soco Creek, which is principally on Wrights Creek and Sam Georges Creek	10,696

Making a total of poplar trees actually measured sum up as follows:

Salolanita Creek	55,101
Sam Georges Creek.....	244,720
Main Soco Belt.....	2,290,322
Wrights Creek.....	280,605

And we estimate that one-half of the quantity of timber on Pheasants Creek, Jenkins Creek, Shut-in Creek, Duck Soop Mountain, Big Witch Creek, Bunchs Bald, is poplar timber, making on these creeks 575,000, making a total of poplar trees on Soco Creek, 3,445,748.

And the chestnut, oak, ash, and birch, making in the aggregate 1,764,518; walnut, 10,696; making total number of feet of plain wood, 5,220,962.

And we find on Soco Creek the following fancy or figured wood, which can be found in the main Soco belt, fancy or figured ash, 10,459, making total of all kinds of timber trees on Soco Creek, 5,231,421.

The above lots of timber are all accessible and easy to handle, and is the finest lot of hard-wood timber that we have ever seen. The road leading to Wilmot Station is a good country road. In our estimates we have only measured the timber trees of easy access, and we estimate that there is from ten to twenty million feet more on the waters of Soco Creek, one-half of which can be got at by constructing roads. The other half might be said to be inaccessible—to say the least of it, it would be hard to get out. Below we give the quantity of lumber approximated by us on Ocona Lufty River and tributaries.

On Straight Fork of Ravens Fork of Ocono Lufty River, in and around Chiltaskie's farm, 16½ miles from Whittier Station on railroad:

	Feet.
Poplar, oak, chestnut, and walnut.....	350,000
Stillwells Creek, 15 miles from Whittier Station; poplar, oak, and chestnut.	150,000
Bunchs Creek, 14 miles from Whittier Station; poplar, oak, chestnut, etc..	2,000,000
Big Cove, 15 miles from Whittier Station; poplar, oak, chestnut, etc.....	660,000
Aseph Enloe's farm, 17 miles from Whittier Station; oak, poplar, chestnut, walnut, etc	530,000
Opposite Big Cove Church, 13 miles from Whittier Station; poplar, oak, chestnut, and ash.....	336,000
Galamore Creek, 12½ miles from Whittier Station; poplar, oak, chestnut, etc	125,000
Pigeon Creek, 11 miles from railroad; poplar, oak, chestnut, etc	300,000
Mingus Creek, 10 miles from Whittier Station; poplar, oak, chestnut, etc.	200,000
Ellis Creek, 9 miles from Whittier Station; poplar, oak, chestnut, etc	250,000
Toe String Creek, 10 miles from Whittier Station; poplar, oak, chestnut, etc	50,000
Poplar Hollow Branch, 8 miles from Whittier Station; poplar, oak, etc ..	50,000
Total.....	5,000,000

The above is the approximated estimate of accessible timber on Ocona Lufty River and its tributaries, of which amount we estimate that about one-half is poplar; the bulk of the other is chestnut and the different species of oak. There is some maple and ash through each lot of timber, and some walnut, but not a great deal. There is some fancy or figured ash trees in Big Cove settlement, and one figured walnut tree standing on the land occupied by an Indian named Watty in Big Cove settlement. There is from ten to twenty million feet more of timber trees

on the waters of Ocona Lufty River within the Cathcart tract that is hard of access, such as hemlock, white pine, different species of oak, and considerable cherry, that lies high up on Bunch Creek and other tributaries of Ocona Lufty River. With the time limited to measure the timber, we saw that we could not compute the number of feet of accessible timber trees on the Ocona Lufty River and tributaries as we did most of the Soco timber, and reported that fact to George H. Smathers, special assistant United States attorney, and James Blythe, Indian agent, when we were ordered by them to approximate the number of feet on Ocona Lufty River and its tributaries, which we did, and from a test of our observation as to the approximation of standing timber trees in the past, and by way of comparison of these lots of timber to those we measured on Soco Creek, we do not believe that the approximated estimate will miss the actual 20 per cent one way or the other.

The road leading from the timber approximated on Ocona Lufty River and its tributaries in Swain County to Whittier Station, which is the nearest railroad station to this timber, is a good country road.

Below we give the number of days service performed in the measurement and approximated estimate of the timber measured on Soco Creek and Ocona Lufty River:

P. W. Mitchell: 14 days from the 15th to 31st of March, 1892; 21 days from the 1st to 30th of April, 1892; 8 days from the 2d to 9th day of May, 1892; total number 43 days, at \$3 per day	\$129
David Blythe, as axman for P. W. Mitchell, performed service as follows: 9 days from 21st to 31st of March, 1892; 21 days from 1st to 30th of April, 1892; total, 30 days, at \$1 per day	30
M. C. Felmet, 14 days from 15th to 31st March, 1892; 23 days from 1st to 30th of April, 1892; 13 days from 2d to 31st of May, 1892; total, 50 days at \$3 per day	150
Jesse Reed, as axman for M. C. Felmet, performed service as follows: 7 days work from 15th to 22d of March, 1892, at \$1 per day	7
William Locust, as axman for M. C. Felmet, 7 days from 23d to 31st of March, 1892, 10 days from 1st to 15th of April, 1892; total, 17 days, at \$1 per day ..	17
George French, as axman for M. C. Felmet: 5 days' work from 2d to 6th of May, 1892, at \$1 per day	5
Total	338

Below you will find address of the foregoing-named parties:

P. W. Mitchell, Waynesville, Haywood County, N. C.; M. C. Felmet, Waynesville, Haywood County, N. C.; David Blythe, Cherokee P. O., Swain County, N. C.; Jesse Reed, Cherokee P. O., Swain County, N. C.; William Locust, Cherokee P. O., Swain County, N. C.; George French, Cherokee P. O., Swain County, N. C.

The last four named (axmen) are Indians.

Respectfully submitted.

P. W. MITCHELL,
M. C. FELMET,
Timber Experts.

STATE OF NORTH CAROLINA, Haywood County:

I, J. K. Boone, clerk of the superior court for Haywood County, N. C., hereby certify that this day P. W. Mitchell and M. C. Felmet, both known to me, personally appeared before me, and after being duly sworn doth state, each for himself, that the annexed report of measurements and approximated estimates of the different lots of timber therein named, and the charges for services rendered by themselves and their axmen, are true, to the best of their knowledge, information, and belief.

P. W. MITCHELL.
M. C. FELMET.

Sworn and subscribed to before me this the 30th day of June, A. D. 1892.

[SEAL.]

J. K. BOONE,

Clerk of the Superior Court of Haywood County, N. C.

WAYNESVILLE, N. C., June 30, 1892.

The SECRETARY OF THE INTERIOR,
Washington, D. C.:

Below find statement of account charged by us for services rendered in measuring and approximating the number of feet of timber trees on the Cathcart tract of the

Qualla boundary of land belonging to the Eastern Band of North Carolina Cherokee Indians, situated and lying on the waters of Soco Creek, in Jackson County, and Ocona Lufly River, in Swain County, N. C., which measurement and approximation was made in obedience to an order made by you on the — day of —, 1892:

James Blythe, Stilwell Sau-noo-ka, and Andy Standing Deer, for and in behalf of the Eastern Band of Cherokee Indians, in account with P. W. Mitchell and M. C. Felmet and axmen as hereinafter mentioned, Dr.

To services rendered in measuring and approximating the number of feet of lumber in timber trees on the waters of Soco Creek, in Jackson County, and Ocona Lufly, River in Swain County, on the Cathcart tract of Qualla boundary of land, belonging to the Eastern Band of North Carolina Cherokee Indians, as per the annexed report:

To work by P. W. Mitchell, as follows: 14 days, from 15th to 31st of March, 1892, 21 days from 1st to 30th of April, 1892, 8 days from 2d to 9th of May, 1892; total, 43 days, at \$3 per day.	\$129
To work by David Blythe as axman for P. W. Mitchell: 9 days, from 21st to 31st of March, 1892; 21 days, from 1st to 30th of April, 1892; total, 30 days, at \$1 per day.	30
To work by M. C. Felmet: 14 days from 15th to 31st of March, 1892, 23 days from 1st to 30th of April, 1892, 13 days from 2d to 31st of May, 1892; total, 50 days at \$3 per day.	150
To work by Jesse Reed as axman for M. C. Felmet: 7 days from 15th to 22d of March, 1892, at \$1 per day.	7
To work by William Locust as axman for M. C. Felmet; 7 days from 23d to 31st of March, 1892; 10 days from 1st to 15th of April, 1892; total, 17 days, at \$1 per day.	17
To work by George French as axman for M. C. Felmet; 5 days' work from 2d to 6th of May, 1892, at \$1 per day.	5
Total	338

Below you will find address of the foregoing-named parties:

P. W. Mitchell, Waynesville, Haywood County, N. C.; M. C. Felmet, Waynesville, Haywood County, N. C.; David Blythe, Cherokee P. O., Swain County, N. C.; Jesse Reed, Cherokee P. O., Swain County, N. C.; William Locust, Cherokee P. O., Swain County, N. C.; George French, Cherokee P. O., Swain County, N. C.

The last four named (axmen) are Indians.

Respectfully submitted.

P. W. MITCHELL,
M. C. FELMET,
Timber Experts.

WAYNESVILLE, N. C., July 2, 1892.

SIR: Below find statement of account for services rendered to the Eastern Band of Cherokee Indians, in computing the acreage of said Indians within Cathcart tract of Qualla boundary of land, in Jackson County, N. C.

Eastern Band of Cherokee Indians in account with T. C. Bowen, of Waynesville, N. C., Dr.

To six days and a half services render in computing the number of acres of land from Temple field notes, within Cathcart tract of Qualla boundary of land in Jackson County, N. C., at \$5 per day.	\$32.50
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The services were rendered one-half day March 31, 1892, and April 1, 2, 4, 5, and 7, 1892.

Computations made by latitude and departures.

Respectfully submitted.

T. C. BOWEN,
Civil Engineer and Surveyor.

The SECRETARY OF THE INTERIOR,
Washington, D. C.