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Letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation to complete the census of the "Old Settlers," or Western Cherokee Indians.

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IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

*An estimate of appropriation to complete the census of the "Old Settlers,"
or Western Cherokee Indians.*

FEBRUARY 2, 1895.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *February 1, 1895.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation submitted by the Secretary of the Interior, under date of the 28th ultimo, to complete the census of the "Old Settlers," or Western Cherokee Indians, \$2,000.

Respectfully, yours,

C. S. HAMLIN, *Acting Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 25, 1895.

SIR: I have the honor to transmit herewith copies of communications from the United States Indian agent at the Union Agency, Ind. T., and the five Commissioners appointed to take a census of the "Old Settlers" or Western Cherokee Indians, setting forth that the sum of \$5,000 appropriated by act of Congress approved August 15, 1894, to provide for the expenses of the Commission, is insufficient for the purpose, and that a further sum of \$2,000 will be required to complete the work.

I therefore respectfully recommend that the inclosed form of amendment be transmitted through the usual channels to Congress, with the request that it be incorporated in the Indian appropriation bill for the ensuing fiscal year, now under consideration in the Senate.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

[Indorsement.]

DEPARTMENT OF THE INTERIOR,
January 28, 1895.

Approved and respectfully forwarded through the honorable Secretary of the Treasury for the favorable consideration of Congress.

HOKE SMITH, *Secretary.*

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., January 18, 1895.

SIR: I have the honor to transmit herewith a letter addressed to me from the Old Settlers Cherokee Commission, with certain inclosures attached thereto, and I desire to call your special attention to statements made in said letter, which meet with my approval.

The work of this Commission has been pushed, to my personal knowledge, with as much expedition as possible consistent with the gravity of the work, and no time has been lost since the Commission entered actively upon these duties.

So far as I know, no similar enrollment has ever been made of an Indian tribe or community, and the work has been found both onerous and intricate, and when the Commission has finished its own peculiar and special part of the enrollment, which, up to this time, is a mere memoranda, then the clerk will enter upon the still difficult task of making the permanent enrollment to be submitted to your Department for approval.

I do not think the most expert clerk can finish up the rolls in less than two months, and during his work thereon he must have, at certain times, the aid and cooperation of the Commission.

As the letter to me of the Commissioners will show, there are now 103 contested cases, which must be settled with much care and patience, as each one of them will involve many nice points of heirship under the Cherokee law of succession, and in order to save and preserve what has already been done I think this Commission ought to be provided with sufficient money to finally close out and complete their labors of enrollment.

I believed at the outset that \$5,000 would be a sufficient sum to complete the enrollment, and the Commission agreed with me; but I find that we were mistaken in our opinion, and I therefore deem it my duty to recommend that the prayer of the Commission be granted, and that an additional sum be allowed for the purposes indicated in their letter.

I think a resolution should be ingrafted in the proper appropriation bill making the appropriation requested, and I request that you will give the matter the attention that it deserves.

Very respectfully,

DEW M. WISDOM,
*United States Indian Agent.*The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., January 17, 1895.

SIR: We have the honor to submit to you, and through you to the proper authorities at Washington, D. C., the opinion of the "Old Settlers" commission, that the funds available are inadequate to complete the enrollment per stirps of Old Settler Cherokees, in conformity with instructions from the Interior Department, of date December 8, 1893, and the Cherokee law. In estimating the probable cost of taking a census of Old Settlers Cherokee at \$5,000, the opinion prevailed that a per capita enrollment similar to the one of 1851 would be made, but in the opinion of John I. Hall, assistant attorney for the Department of the Interior, dated May 22, 1894, and subsequent letters from the Secretary of the Interior, dated June 5, 1894, peremptory instructions were given that the enrollment must be made per stirps, in conformity with the decision of the Supreme Court.

This enrollment differs materially from an ordinary census involving legal questions, complicated heirships, and contests which require time and patience. We are using all expedition possible to complete the work. We have found the original beneficiaries and heirs of 2,754 persons whose names appear on the roll of 1851, and

there still remain 519 names on said rolls unclaimed, which we have advertised, in order that all parties interested may know and appear before us at an early date. Of the 2,754 claims already filed, we have 102 contests which we must hear, determine, and award.

We are of the opinion that the magnitude of this work is not apparent to the Department at Washington, it being different from all previous Indian enrollments, and a lapse of forty-three years to be traced through. We therefore inclose samples of enrollment of original beneficiaries alive, of heirship, and of contests, which please forward with the recommendation that the additional sum of \$2,000 be set apart to complete the enrollment now in progress, as a delay would greatly retard and complicate the work and result in the loss of that which has already been done by this Commission.

Very respectfully, your obedient servants,

WILLIAM H. HENDRICKS,
THOMAS R. KNIGHT,
WILLIAM C. WOODALL,
JAMES M. KEYS,
DARIUS G. WARD,
Old Settlers Commissioners.

Hon. DEW M. WISDOM,
United States Indian Agent, Muscogee, Ind. T.

GOING SNAKE DISTRICT.

433. *John Duncan, sr.*

Original beneficiary. Dead.

- Family No. 54, page 25.
- A { Charlotte Martin, née Duncan, daughter of Joshua, granddaughter, 32, F.
Lafayette Duncan, son of Joshua, grandson, 29, M.
Annie Duncan, daughter of Joshua, granddaughter, 18, F.
Delue Duncan, daughter of Joshua, granddaughter, 20, F.
- B.—Cherokee Scott, née Duncan, daughter of T. C. Duncan, No. 435, granddaughter, 44, F.
- C.—James A. Duncan (O. B., 455), son, 69, M.
- D { T. B. Hitchcock, son of Elizabeth Duncan (O. B., 515), 36, M.
Esther H. Burns, née Hitchcock, daughter of Elizabeth Duncan, 34, F.
Irenius Hitchcock, son of Elizabeth Duncan, 30, M.
- E.—Heirs of Malala West, grandchildren, see 578.
- F.—D. W. C. Duncan (O. B., 1049), son, 65, M.
- G.—Heirs of W. W. Duncan, son, see 1178.
- H.—W. A. Duncan (O. B., 1602), son, 69, M.
- I.—Heirs of John F. Duncan, son, see 954.
- J.—Emily B. Measles, née Duncan, daughter, 77, F.

TAHLEQUAH DISTRICT.

1596. *William Bertholf.*

Original beneficiary. Alive. 44, M.
Family No. 9, page 55.
Post-office, Checotah.

FLINT DISTRICT.

1565. *George W. Smoker.*

Original beneficiary. Deceased.
Family No. 103, page 14.

A.—Louise Smoker, widow, 70, F.
Contest January 7, 1895.

B.—Maggie Hood, widow, 55, F.
Post-office, (A) Tahlequah; (B) Hanson.

SKIN BAYOU DISTRICT.

1840. *George White.*

Original beneficiary. Dead. No issue.

Family No. 37, page 121.

A.—Mary Pemberton, née Hynum, cousin, 55, F.

Contest December 14, 1894.

B.—Ailsey Snyder, No. 2211, cousin, 63, F.

Contest December 20, 1894.

C.—Jack Haynes, son of Che coo wah, daughter of George White, grandson, 14, M.

Post-office, (A) Redland; (B) McLain; (C) Webbers Falls.

MEMORANDUM.—Five thousand dollars were appropriated for this work by the act of August 15, 1894 (28 Stats., 308).

The commission now state that the work to be performed in taking a census of the "Old Settler" Cherokees has been much enlarged by the opinion of Assistant Attorney-General Hall, of May 22, 1894, requiring a census and payment per stirpes, and consequently a longer time and more money will be needed than first estimated.

The \$2,000 here asked for, as well as the original appropriation of \$5,000, are to be reimbursed to the United States out of the amount awarded to the "Old Settlers" by the judgment of the Court of Claims.

I am of the opinion that the appropriation should be made to continue and complete the work already begun.

W. C. POLLOCK,
Chief Indian Division.

Proposed amendment to the Indian appropriation bill for the fiscal year 1895-96.

To provide for the expenses of the five commissioners appointed to take a census of the Old Settler Cherokees, two thousand dollars (in addition to the sum of five thousand dollars appropriated for such purpose by act of Congress approved August fifteenth, eighteen hundred and ninety-four), the same to be deducted from the amount awarded to said Indians by judgment of the Court of Claims, dated June sixth, eighteen hundred and ninety-three, and reimbursed to the United States.

