

2-25-1893

Letter from the Attorney-General, in response to Senate resolution of February 24, 1893, relative to judgments by the Court of Claims in Indian depredation cases.

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#### Recommended Citation

S. Exec. Doc. No. 92, 52nd Cong., 2nd Sess. (1893)

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IN THE SENATE OF THE UNITED STATES.

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LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE

*To Senate resolution of February 24, 1893, relative to judgments by the Court of Claims in Indian depredation cases.*

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FEBRUARY 27, 1893.—Referred to the Select Committee on Indian Depredations and ordered to be printed.

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DEPARTMENT OF JUSTICE,  
*Washington, D. C. February 25, 1893.*

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate of February 24, 1893:

*Resolved*, That the Attorney-General be directed to report at his earliest convenience to the Senate a list of all judgments rendered by the Court of Claims in Indian depredation cases since February 6, 1893, and copies of all recent correspondence with the Secretary of the Interior relative to the payment of such claims.

In pursuance thereof, I transmit herewith copies of all recent correspondence with the Secretary of the Interior relative to the payment of Indian depredation claims, consisting of my letter to such officer of February 6, 1893, and his letter in reply thereto.

I also transmit a list of all judgments rendered in favor of claimants in the Court of Claims in Indian depredation cases since February 6, 1893, under the act of March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian depredations." Such list contains the name of claimant, amount claimed, and the amount and date of judgment in each case.

My report of February 10, 1893, contained a list of all final judgments in favor of claimants rendered under the act of March 3, 1891, from June 30, 1892, to February 6, 1893, aggregating \$302,259.38. Those included in the present report aggregate \$57,972.42. It will thus appear that the total amount of judgments in Indian depredation cases from June 30, 1892, to the date of this report, and for which no appropriation has been made by Congress, is \$360,231.80.

Very respectfully,

W. H. H. MILLER,  
*Attorney-General.*

The PRESIDENT OF THE SENATE,  
*Washington, D. C.*

*Judgments in favor of claimants.*

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Rufino Gonzales.....	\$825.00	\$605.00	Feb. 13, 1893.
Edward Morin.....	675.00	425.00	Do.
John McKee, administrator, etc.....	11,937.00	5,667.00	Do.
Joel McKee.....	14,200.00	9,960.00	Do.
Francis Mayock.....	1,500.00	1,500.00	Do.
Elizar Hills.....	350.00	200.00	Do.
Oliver P. Wiggins.....	4,590.00	4,590.00	Do.
Johanna Barry, administratrix, etc.....	1,270.00	1,270.00	Do.
John S. O'Neal, surviving partner, etc.....	13,100.00	7,800.00	Do.
Antonio Cedilla.....	447.00	447.00	Do.
William N. Byers.....	400.00	400.00	Do.
Abram T. Litchfield.....	14,665.70	10,190.00	Do.
Mountilian G. Driskell.....	100.00	100.00	Do.
Elijah Woolbert.....	165.00	24.00	Do.
Manuel Jiminez.....	13,582.00	5,135.07	Do.
H. A. Smith.....	1,728.00	1,618.00	Do.
Anastasio Romero, administrator, etc.....	560.00	325.00	Do.
Anna Nelson, executrix, etc.....	1,584.60	800.00	Do.
Isaac L. Peck.....	1,221.42	725.35	Do.
Jackson Leatherman.....	1,246.80	551.60	Do.
Russell S. Newell.....	3,113.00	2,000.00	Do.
William Sherburn.....	450.00	450.00	Do.
Joseph Murphy.....	150.00	100.00	Do.
David Cottier.....	1,050.00	840.00	Do.
Jerome H. Scott, administrator, etc.....	625.00	625.00	Do.
Warren W. Bassett.....	150.00	125.00	Feb. 20, 1893.
John Lawrence and James B. Woodson, copartners.....	600.00	600.00	Do.
Thomas McGlinn.....	1,205.00	900.00	Do.
Total.....	91,490.52	57,972.42	

DEPARTMENT OF JUSTICE,  
Washington, D. C., February 6, 1893.

SIR: I have the honor to request that you advise this office, at as early a date as practicable, whether the payment has been or will be authorized from Indian funds of any of the judgments rendered in the Court of Claims in Indian depredation cases since the appropriation contained in the act of July 28, 1892, with the reason for such decision. The object of this inquiry is to enable me to make a report to Congress of the judgments in such cases, under section 8 of the act of March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian depredations."

Very respectfully,

CHARLES H. ALDRICH,  
Acting Attorney-General.

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

DEPARTMENT OF THE INTERIOR,  
Washington, February 17, 1893.

SIR: I have the honor to acknowledge the receipt of your communication of the 6th instant requesting to be advised whether the payment has been or will be authorized from Indian funds of any of the judgments rendered in the Court of Claims in Indian depredation cases since the appropriation contained in the act of July 28, 1892, with the reason for such decision.

In reply thereto you are informed that in the case of the claim of Isaac Van Bremner, amounting to \$625, for depredations committed by the Ute Indians, the Department directed the payment of said claim out of the \$71,000 interest money belonging to said Indians.

In the case of the claim of William T. Asbell, amounting to \$550, for depredations committed by Osage Indians, the Department directed the payment of the claim from the accumulated interest on the land fund of the Osages.

Both of said funds were used with the approval of the President.

The balance of the claims, provided for in the act of July 28, 1892, were disposed of in the following manner, where the tribe committing the depredation had money to their credit the following instructions were given the Commissioner of Indian Affairs:

"The Department is of the opinion that the moneys to the credit of these Indians are now needed for the educational and other necessary requirements of the said

nation and that the payment should be made from the appropriation of \$478,252.62, contained in the deficiency act approved July 28, 1892 (Public No. 178), and you are hereby directed to forward the said judgment to the accounting officers for settlement, the amount paid to be reimbursed to the United States at such time and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service."

And in cases where there was no money to the credit of the tribe committing the depredation the following instructions were given:

"As these Indians have no money to their credit you are hereby directed to forward the said judgment to the accounting officers for settlement from the appropriation of \$478,252.62, contained in the deficiency act approved July 28, 1892 (Public No. 178), the amount paid to be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service."

I would recommend that Congress be asked to make an appropriation covering all judgments rendered by the Court of Claims similar to that contained in the act of July 28, 1892, and leave it to the discretion of the Secretary of the Interior whether the money should be charged to the tribe committing the depredation.

I have the honor to be, very respectfully,

GEORGE CHANDLER,  
*Acting Secretary.*

The ATTORNEY-GENERAL.