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In the Senate of the United States. Letter from the Secretary of the Interior, relative to the act providing for the adjudication of the claims arising from Indian depredations.

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IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The act providing for the adjudication of the claims arising from Indian depredations.

JUNE 27, 1892.—Referred to the Select Committee on Indian Depredations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1892.

SIR: The condition of affairs that confronts this Department upon an endeavor to carry out the provisions of "An act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891" (26 Stats. 851), requires, in my judgment, early consideration by Congress.

In my annual report I called attention to the amount of these claims as reported by the Commissioner of Indian Affairs; they aggregate in number 7,985, and amount to \$25,589,006. The following table shows the amounts claimed from the several tribes:

Tribe.	No.	Amount.	Tribe.	No.	Amount.
Comanche.....	1,307	\$4,056,639	Cow Creek.....	25	\$30,151
Apache.....	986	4,186,490	Ponca.....	25	38,621
Creek.....	965	1,195,978	Pottawatomie.....	23	7,887
Cheyenne.....	653	2,394,382	Oregon.....	29	133,613
Sioux.....	670	2,900,415	Sac and Fox.....	20	270,145
Navajo.....	645	2,382,109	Yakama.....	20	85,783
Kiowa.....	334	1,447,592	Wichita.....	17	6,821
Chippewa.....	187	168,835	Crow.....	18	35,670
Pawnee.....	170	216,170	Puyallup.....	12	14,145
Osage.....	160	227,115	Omaha.....	11	4,067
Nez Percés.....	161	365,588	Modoc.....	11	34,259
Ute.....	157	525,233	Cayuse.....	13	43,009
Rogue River.....	137	434,796	Shoshone.....	11	57,997
Bannack.....	134	375,028	Caddo.....	12	37,240
California Indians.....	154	884,098	Walla Walla.....	9	67,253
Arapaho.....	70	297,308	Coquille.....	7	12,027
Nisqually.....	66	118,109	Skaquamish.....	7	3,676
Winnebago.....	58	73,251	Pima and Maricopa.....	6	9,752
Keechie.....	52	55,365	Flatheads.....	6	11,505
Klikatat.....	50	138,678	Memomonee.....	6	580
Washington Indians.....	48	84,527	Hualapais.....	6	53,819
Blackfeet.....	41	217,701	Otoe.....	5	3,564
Kansas or Kaw.....	36	65,261	Eluha.....	3	398
Piutes.....	41	368,315	Iowa.....	3	252
Cherokee.....	30	85,520	Prairie Indians.....	3	13,325
Southern refugee Indians.....	30	6,150	Lipan.....	10	52,090
Kickapoo.....	53	302,351	Pend d'Oreille.....	3	1,740
Snake.....	39	153,318			
	7,434	23,726,322		321	1,029,389
				7,434	23,726,322
Miscellaneous and unknown tribes.....				7,755	24,755,711
Committed by white persons, including United States soldiers, emigrants, and rebels.....				142	510,359
				88	322,936
Total.....				7,985	25,589,006

CLAIMS ARISING FROM INDIAN DEPREDEATIONS.

Years in which the depredations were committed.

Year.	No.	Amount.	Year.	No.	Amount.	Year.	No.	Amount.
1812.....	1	\$7,548	1853.....	79	\$244,340	1873.....	144	\$405,303
1821.....	1	5,770	1854.....	87	326,298	1874.....	134	358,511
1832.....	2	235	1855.....	230	722,519	1875.....	63	167,501
1833.....	4	1,155	1856.....	231	602,478	1876.....	45	145,269
1834.....	5	2,381	1857.....	131	299,261	1877.....	194	419,575
1835.....	25	11,206	1858.....	158	317,568	1878.....	305	667,458
1836.....	975	1,150,386	1859.....	191	408,981	1879.....	80	166,598
1837.....	26	8,876	1860.....	211	776,556	1880.....	250	1,148,950
1838.....	8	1,332	1861.....	182	1,275,152	1881.....	118	349,146
1839.....	4	1,815	1862.....	363	1,249,918	1882.....	41	109,418
1843.....	3	264,240	1863.....	147	497,704	1883.....	13	103,261
1844.....	3	4,205	1864.....	300	1,793,204	1884.....	24	126,946
1845.....	2	18,320	1865.....	320	1,599,218	1885.....	88	118,267
1846.....	4	68,806	1866.....	403	2,157,606	1886.....	12	17,438
1847.....	55	223,000	1867.....	443	1,962,370	1887.....	12	14,171
1848.....	28	168,393	1868.....	536	1,499,298	1888.....	3	675
1849.....	32	222,054	1869.....	371	650,141	1889.....	0	8,786
1850.....	27	176,797	1870.....	265	613,157	1890.....	5	1,966
1851.....	68	244,723	1871.....	185	650,025			
1852.....	69	341,423	1872.....	270	696,248			
	1,342	2,917,725		5,103	18,342,042		1,540	4,329,239
							5,103	18,342,042
							1,342	2,917,725
Total							7,985	25,589,006

Trust funds of tribes other than the five civilized tribes.

Tribes.	Principal.	Tribes.	Principal.
Cheyennes and Arapahoes.....	\$1,000,000.00	Sac and Fox of the Missouri.....	\$21,659.12
Chippewa and Christian Indians.....	42,560.36	Sac and Fox of Mississippi.....	55,058.21
Delawares.....	874,186.54	Sac and Fox of Oklahoma.....	300,000.00
Eastern Shawnees.....	9,079.12	Santee Sioux.....	20,000.00
Iowas.....	171,543.37	Senecas.....	40,979.60
Kansas.....	27,174.41	Senecas, Tonawanda band.....	86,950.00
Kaskaskias and Peorias, etc.....	52,000.00	Senecas and Shawnees.....	15,140.42
Kickapoos.....	115,727.01	Shawnees.....	1,985.65
L'Anse and Vieux de Sert Indians.....	20,000.00	Shoshones and Bannacks.....	13,621.04
Menomonees.....	155,039.38	Sissetons and Walpeton.....	1,699,800.00
Osages.....	8,295,079.69	Stockbridges.....	75,988.60
Omahas.....	182,324.08	Umatillas.....	55,270.44
Otoes and Missourias.....	601,085.88	Uintah and White River Utes.....	3,340.00
Pawnees.....	309,196.41	Utes.....	1,750,000.00
Poncas.....	70,000.00		
Pottawatomies.....	184,094.57	Total	16,246,883.90

The annual report of the Commissioner of Indian Affairs (1891, pp. 117, 118) lucidly presents the situation.

In section 6 of the act approved March 3, 1891, above referred to, appears the following:

"That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First, from annuities due said tribe from the United States; second, if no annuities are due or available, then from any other funds due said tribe from the United States arising from the sale of their lands or otherwise; third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education, and fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe."

Under the operation of the law contained in this section, it is apparent that a lien is constituted upon all funds which now are or may hereafter become due to any Indians on any account whatever, for the payment of these claims, except so much as may be necessary "for their current and necessary support, subsistence, and educa-

tion." By an examination of the tables herewith presented, showing the date of origin and the amount of the claims on file in this office, it will be seen that many of them originated at so remote a period that the present generation of Indians can not possibly have any knowledge of or personal responsibility for them. It thus occurs that a great hardship is liable to be imposed upon the present generation (which is making, comparatively speaking, satisfactory progress in civilization), by punishing children for crimes committed by their ancestors, and imposing upon them, in their advanced and advancing condition, a burden which was created by their fathers while yet in a state of savagery. If the law is permitted to remain as it is, it will work great hardship and will be a matter of very considerable discouragement to the present, if not to future generations. Many of the Indians belonging to the different tribes which are chargeable with depredations are poor and struggling to become self-supporting, and the collection of these amounts will unduly punish them for sins of which, personally, they are not guilty. It certainly would provoke, in many cases, a spirit of antagonism and restlessness that would be very hurtful, primarily to the Indians themselves, and might seriously impair the peaceable relations between them and the Government, in which event the unlimited expense of reducing them to a state of peace would be far greater than the payment of these claims outright from the United States Treasury.

When the different tribes which have entered into treaties and agreements with the United States bargained that the moneys to become due them by reason of such treaties or agreements should be held in trust by the Government and be paid to them in the manner and form set forth in such agreements or treaties, it was not contemplated by them that it would, at some subsequent period, enact a law, in the consideration of which they could have no part, which would practically confiscate these various moneys and divert their payment into an altogether different channel from that originally intended and agreed upon.

In view of this situation, I would respectfully recommend that the act be amended so as to leave it discretionary with the Secretary of the Interior to determine as to whether or not the financial condition of any tribe, against whom judgment may be obtained in the Court of Claims on account of depredations committed by members of that tribe, will justify the deduction from tribal moneys of the funds necessary for the payment of such judgments. At present it will be noticed there is no such discretion, except as to what funds may be necessary for the "current and necessary support, subsistence, and education" of such Indians.

The following table shows what disposition was made of these claims up to June 30, 1891:

	Number of claims.	Amount allowed.	Amount claimed.
Paid or otherwise adjudicated by the Secretary of the Interior prior to the act of May 29, 1872.....	220	\$216,380.83	\$438,166.71
Paid under authority of various acts of Congress prior to March 3, 1885.....	52	208,140.10	311,651.71
Paid under authority of acts of Congress since March 3, 1885.....	2	10,050.00	34,450.00
Acted upon by the Secretary of the Interior, pursuant to act of March 3, 1885, and reported to Congress January 1—			
1887.....	305	278,323.88	1,066,021.97
1888.....	399	336,728.42	984,433.66
1889.....	229	377,105.41	1,070,003.37
1890.....	164	213,288.69	707,825.65
1891.....	357	345,160.25	1,028,197.22
Acted upon by the Secretary of the Interior during 1891, pursuant to the act of March 3, 1885, but not reported to Congress.....	5	15,340.00	28,049.75
Total.....	1,733	2,000,517.58	5,668,800.04
Remaining on file in Indian Office June 30, 1891.....	6,252		19,920,205.96

I fully concur in the views expressed by the Commissioner and believe that unless the law is amended as recommended we shall find ourselves involved in trouble, to settle which will cost the Government immensely.

These Indians, as a rule, are not far enough advanced in civilization to be able to be entirely self-supporting. These depredations were perpetrated by past generations of the tribes, and are now being adjudicated with but little, if any, actual knowledge on the part of the Indians of the proceedings. The funds to the credit of the different tribes are, on the other hand, well known to them and the annual interest or other

payments eagerly anticipated and depended upon. Each diminution by payment of any of these judgments will be known, and, for the reason that it is not fully understood, deemed unjust and made in bad faith.

To illustrate I will take the case of the Cheyenne and Arapahoe Indians. There are claims filed against these Indians amounting to \$2,691,690. If 50 per cent of these are put in judgment, and experience shows that nearer 60 per cent of the amount claimed is allowed, there would be \$1,345,845 for them to pay, to meet which they have but \$1,000,000, which, it was agreed with them, should be placed in the Treasury, the interest on which at 5 per cent should be paid them annually. This money is the proceeds of an agreement but recently made for the purchase of their title to lands in the Cherokee Strip, etc., and during the negotiations nothing was said or thought of as to this payment being applied to pay old depredation claims.

It yet remains to be seen whether this \$50,000 annual interest is sufficient for their support. If this principal is exhausted in paying the claims against them it needs little experience to teach that great discontent and perhaps violence will ensue not only from the unexpected loss but the actual need for support for which the money is intended.

All of the tribes against whom the largest amounts of claims appear, notably the Comanche, Apache, Sioux, Kiowa, and Navajoes, will be in the same condition if the claims against them are as rapidly liquidated from their trust funds, as now threatens to occur.

When the time comes that these Indians become self-supporting, the situation will be so changed that the moneys they have to their credit may then be taken for these payments.

It has been the policy of the Government heretofore to pay these claims when lawfully adjudicated, but to have them remain a charge against the Indians to be paid by them in the judicious administration of their affairs.

In view of the daily adjudications of the Court of Claims against the tribes, and the necessary application of the moneys of these tribes to the payment thereof, I deem it my official duty to express my anxiety lest this may soon lead to commotion and eventual outbreaks. In my judgment a discretion as to immediate payment of these judgments should be vested in some executive officer and I respectfully submit the inclosed amendment to the law aforesaid.

The fourth provision of section 6 of said act is as follows:

And fourth: If no such annuity, fund or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States.

My suggestion is to amend such provision by inserting therein after the word "available" the following:

Or if in the opinion of the Secretary of the Interior the financial condition of any Indian tribe against whom judgment shall be rendered herein on account of depredations committed by members of that tribe is such as to imperatively demand for their support, education or civilization the full amount that would be due them for interest on any fund to their credit in the Treasury of the United States, or, when, in his judgment, it would be injudicious to use any of the moneys of the said Indians for the purpose of paying the judgments that may have heretofore or shall be herein rendered against them as aforesaid, in either case he shall certify the same to the Treasurer of the United States.

Yours, most respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.