

4-19-1894

In the Senate of the United States. Letter from the Attorney-General, in response to the Senate resolution of April 17, 1894, relative to persons employed by the government in defense of Indian depredation cases brought under the Act of March 3, 1891.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

#### Recommended Citation

S. Exec. Doc. No. 83, 53rd Cong., 2nd Sess. (1894)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE TO

*The Senate resolution of April 17, 1894, relative to persons employed by the Government in defense of Indian depredation cases brought under the act of March 3, 1891.*

APRIL 20, 1894.—Referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

DEPARTMENT OF JUSTICE,  
Washington, D. C., April 19, 1894.

SIR: I acknowledge receipt of your communication covering certified copy of the resolution of the Senate under date of 17th instant, as follows:

*Resolved*, That the Attorney-General be, and he is hereby, directed to report to the Senate a list of all persons in office on April 10, 1894, in the Department of Justice, employed by the Government in the defense of Indian depredation cases brought under the act of March 3, 1891, to provide for the adjudication and payment of claims arising from Indian depredations, giving the names of such employed, the salaries of each, the terms of their employment, whether regular or special, temporary or permanent, the nature of the services performed by them, and the places of their employment, whether in Washington or elsewhere; also when such employment commenced.

And in compliance with the terms of said resolution I herewith submit the following information, to wit:

For the defense of Indian depredation claims there is an Assistant Attorney-General, whose salary is fixed by law at \$5,000 per annum, the nature of whose duties keep him generally employed at Washington. The present Assistant Attorney-General is Charles B. Howry, whose employment commenced August 1, 1893, though appointed in June, 1893.

The following are regular assistant attorneys, whose salaries are \$2,800 each, whose employment is regular and permanent, and whose duties keep them generally employed at Washington with the Assistant Attorney-General in the active trial of cases, to wit: W. H. Robeson, whose employment commenced on the 15th of September, 1893; and Harry Peyton, whose employment commenced on the 12th of September, 1893. The following are regular assistant attorneys, whose salaries

are \$1,200 and \$2,200, respectively, to wit; H. M. Garwood and S. W. De Witt (the salary of the former being \$1,200 and the salary of the latter being \$2,200 per annum). Garwood qualified on the 10th of February, 1894, but on account of illness in his family has signified his inability to report for duty until about the 20th of April. De Witt qualified on the 2d day of October, 1893. The nature of the services performed by these assistants (two) is to represent the defense in the examination of witnesses offered by the claimants in support of their claims, and to procure evidence for the defense wherever practicable, and the places of their employment cover those sections of country where the depredations are alleged to have occurred and where the witnesses reside.

The following are special assistant attorneys, to wit, Thos. Ball, who was appointed on the 12th of May, 1892, and whose compensation at this time is \$10 per diem, and C. R. Corning, who was appointed March 17, 1894, at \$7 per diem. The employment of these assistants is for such length of time as their services may prove useful. They represent the defense in the examination of witnesses offered by the claimants in support of their claims, as ordered, and procure evidence for the defense wherever practicable, and the places of their employment cover those sections of country where the depredations are alleged to have occurred and where the witnesses reside.

The following are law clerks regularly employed in the office at Washington, to wit, Lincoln B. Smith, appointed April 1, 1892, and whose salary is \$1,700 per annum, and Stanhope Henry, qualified September 20, 1893, at \$1,500 per annum. Miss Agnes Shaw, qualified November 30, 1891, has charge of the files and records referring to the 10,839 cases, and is known as the file clerk. Her compensation is \$1,000 per annum. Miss A. H. Dashiell, stenographer and typewriter, qualified August 30, 1893. Her compensation is \$1,000 per annum.

On the 30th of October, 1893, one of the law clerks, Stanhope Henry, esq., was authorized to begin the work of providing the Department of Justice with the dockets similar to those in the office of the Assistant Attorney-General in charge of the miscellaneous business of the Department in the Court of Claims, of which the Indian depredation department was deficient. For this purpose his compensation was temporarily increased so as to authorize the employment of an assistant by him at \$125 per month, and L. B. Howry has been giving this assistance.

The work, comprising the entries in 10,839 cases, in 22 ledgers of 500 pages each, and giving a history of the steps taken in each case and covering all orders, dates, and particulars concerning the progress of the cases, has been fully performed except as to the classification of the cases by States and Territories and localities; by Indian wars and those conditions of time where the want of amity is clearly established, and by other facts which will enable the entire work to be so systemized that the work of taking proof and preparing cases for trial may save much unnecessary time and expense hereafter. This classification is a matter of but few weeks time to complete.

It is proper to add in answering the resolution that the professional force on duty in Washington has been occasionally detached for field service in emergency cases, and at this time one of the regular office assistants is engaged in representing the Government where claimants are taking proof in some 25 cases in Illinois and Missouri. Special Attorney Ball is now on duty in New Mexico; Special Attorney Corning is now on duty in South Dakota; Assistant Attorney DeWitt is

now on duty in Colorado, and Assistant Attorney Garwood has not reported for duty in consequence of illness in his family, as stated.

The law clerks are permanently employed to assist in the preparation of cases. The clerk in charge of the files and confidential reports of the office is also a stenographer, and with the other stenographer is daily engaged in abstracting and copying testimony for use by the assistants in the field and in typewriting the briefs for the defense, and the correspondence.

Respectfully,

RICHARD OLNEY,  
*Attorney-General.*

The SECRETARY OF THE SENATE.

○