

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-23-1872

J. A. Viall. Letter from the Secretary of the Interior, in answer to a resolution of the House of April 15, 1871, in relation to affidavits filed in his Department in answer to charges made by M. M. McCauley against J. A. Viall, superintendent of Indian affairs for Montana Territory.

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



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

Recommended Citation

H.R. Exec. Doc. No. 81, 42nd Cong., 2nd Sess. (1872)

This House 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 Law-LibraryDigitalCommons@ou.edu.

J. A. VIALL.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the House of April 15, 1871, in relation to affidavits filed in his Department in answer to charges made by M. M. McCauley against J. A. Viall, superintendent of Indian affairs for Montana Territory.

JANUARY 23, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 18, 1871.

SIR: I have this day received a resolution adopted by the House of Representatives on the 15th instant, requesting me to furnish the House "copies of all affidavits filed in his (this) Department in answer to charges made by M. M. McCauley against J. A. Viall, superintendent of Indian affairs for Montana Territory."

In reply, I have the honor to state that there is no paper of the nature referred to by the resolution on file in this Department.

There is, however, a letter from Superintendent Viall, inclosing an affidavit of Hugh Kirkendall preferring charges against M. M. McCauley, copies of which papers are herewith inclosed.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

OFFICE SUPERINTENDENT OF INDIANS, MONTANA,
Helena, Montana Territory, March 28, 1871.

SIR: I have the honor to transmit herewith affidavit of Hugh Kirkendall, one of the largest freighters in Montana, and by whom the flour and other supplies, stored at Sun River Crossing by A. J. Simmons to prevent their going into the hands of late Agent McCauley of the Black-

feet agency, was freighted. Mr. Kirkendall is one of Montana's best men, and universally recognized as a thorough business man, and upright and honest.

Very respectfully, your obedient servant,

J. A. VIALL,
Superintendent of Indians for Montana.

Hon. E. S. PARKER,
Commissioner of Indian Affairs, Washington, D. C.

TERRITORY OF MONTANA, *County of Lewis and Clark, ss:*

Hugh Kirkendall, being first duly sworn, deposes and says: My name is Hugh Kirkendall; I am thirty-five years of age, and am engaged in the freighting business in the Territory of Montana. I own and work three hundred (300) head of mules, and sixty (60) wagons; have followed the business of freighting for the past ten (10) years, and have frequently freighted Indian goods. On or about the first day of December, A. D. 1870, I met M. M. McCauley, United States agent for the Blackfeet Indians, at the office of Superintendent Viall, in Helena, Montana Territory. While in said office I heard a conversation between the said McCauley and others in reference to some flour and other supplies to be freighted to his agency. On the following day I met the said Agent McCauley in a saloon, and at his request I took a walk with him, he stating that he wished to have a private talk with me. We walked out alone, and McCauley informed me that he had made a requisition on the superintendent for a large lot of provisions for the Blackfeet agency; that he desired I should freight them. Said he was afraid to talk with L. M. Black or Superintendent Viall, because they were old fogies; that he wished to effect a private arrangement with me about the goods; that he would not want but a small portion of the amount purchased delivered at the agency; that he wished me to receipt for and take the whole amount from the superintendent, and leave part of them on the way, at a place he would thereafter designate, and that he would receipt to me for the delivery of the whole amount; that the goods so left he would cause to be disposed of and sold, and that he would divide the proceeds of such sale with me. He said it might be better to send all of the goods to the agency, and send a portion of them back by the same train. I replied to McCauley that if I was employed to do the freighting, he was the agent, and I would, as a matter of business, deliver the goods wherever he directed me to do so. My understanding from this conversation was to the effect that Agent McCauley desired to sell a portion (one-half or more) of the provisions about to be purchased for the use of the Blackfeet Indians, and to appropriate the proceeds of such sale to his own use and benefit, and that if I would deliver the goods at such point or place as he should designate he would divide with me, and give me one-half of the profits of the transaction.

HUGH KIRKENDALL.

TERRITORY OF MONTANA, *County of Lewis and Clark, ss:*

Personally appeared before me, W. S. Scribner, clerk of the third judicial district court of the Territory of Montana, in and for Lewis and Clark County, Hugh Kirkendall, well known to me to be the person who executed the foregoing instrument of writing, and acknowledged to me that he did the same freely and of his own accord, and upon oath said that the same was true and correct, of his own knowledge.

Witness my hand and the seal of said court affixed. Done at Helena, this Tuesday, seventh day of March, A. D. 1871.

W. S. SCRIBNER, *Clerk.*