

Grayson, Capt. C. B.

Care of Deacon &amp; Co.

118 Duane St. New York.

Department of the Interior

Office Indian Affairs

August 4<sup>th</sup> 1857.

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Sir,

Referring to my act to you of the 1<sup>st</sup> instant, transmitting a copy of my letter of the 30<sup>th</sup> ultimo to Mr. Matthews, I have now to inform you, that Mr. Matthews presented himself to this office this morning, and from his personal representations verified by certificates of Messrs Brooks' Brothers, I have been induced to reconsider the case, and have therefore to direct that you inspect the clothing proposed to be substituted by Mr. Matthews, at the instance of late Agent Gilbert, in lieu of that originally ordered and receive the same; provided, that the goods offered shall be regarded by you as equal in all respects to the specimens selected, by Late Agent Gilbert, and designated in his letter to me of 10 May last, (copy herewith,) as Nos. 1, 3 and 4 and which are also designated by Messrs Brooks' Brothers as Nos. 1, 2 & 3, as indicated by the seal of this office stamped upon each, which Mr. Matthews conveys to you. Very Respectfully.

Your Obedient servant  
I. M. Denver  
Commissioner.

Dammond, Capt. Peter

Department of the Interior

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Disbursing Clerk,

Office Indian Affairs

Dept of Interior.

August 4<sup>th</sup> 1857.

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Sir,

You are directed to advance the sum of five hundred dollars to William M. Clarke, of Maria, Ohio, Special Agent, present, taking his receipt therefor, in which amount he will be charged, and account for the same under the appropriation, viz: "For surveying and allotting to the proper persons &c. the reserved tract per 9<sup>th</sup> & 10<sup>th</sup> articles treaty with the Seneca Foxes, 15<sup>th</sup> July 1830," per act July 31, 1852.

Very Respectfully  
Your Obedient servant  
I. M. Denver  
Commissioner

Clarke Capt. Wm. M.

Department of the Interior

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Present

Office Indian Affairs

August 4<sup>th</sup> 1857

Sir,

You are hereby appointed, with the approbation of the Secretary of the Interior, a special agent of this Department, for the purpose

the same  
breed Indians as may be entitled to, under the stipulations of the Treaty  
of Prairie du Chien of July 15<sup>th</sup> 1830.

By the 10<sup>th</sup> Article of said Treaty the following provision is made viz: The Omahas, Iowas, and others for themselves, and in behalf of the Yankton and Santee bands of the Sioux, having earnestly requested that they might be permitted to make some provision for their Half-breeds, and particularly that they might bestow upon them the tract of Country within the following limits, to wit: Beginning at the mouth of the Little Nemaha river, and running up the main channel of said river to a point which will be ten miles from its mouth in a direct line. (The distance between the two Ne-Mehas being about twenty miles) thence down said river to its mouth; thence up, and with the meanders of the Missouri river to the point of beginning it is agreed that the Half-breeds of said tribe and bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held; but the President of the United States may hereafter assign to any of the <sup>Half</sup>breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section of six hundred and forty acres to each individual. And this provision shall extend to the cession made by the Sioux in the preceding article."

It is also provided, by the 5<sup>th</sup> (4<sup>th</sup>) section of the act entitled, an act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30<sup>th</sup> 1855, and for other purposes, approved July 31<sup>st</sup> 1854, to wit: "And be it further enacted, That the President be, and he is hereby authorized and required to cause to be fulfilled the stipulations of the ninth and tenth article of the Treaty with Sac and Fox and other tribes of Indians, concluded on the fifteenth of July, one thousand eight hundred and thirty, by causing said reserved tracts to be surveyed and allotted to the persons properly entitled to the same, in fee simple, in such manner and under such rules and regulations as he may prescribe; and to defray the expenses of the same, there be, and is hereby appropriated the sum of ten thousand nine hundred and twenty-two dollars and twenty-nine cents."

The exterior boundaries of the reservation specified in the 10<sup>th</sup> Article of the aforesaid Treaty, were run by J. C. McCoy, Esq. surveyor, during the year 1838, but upon being retraced by Mr. Dayard, in 1853, and by Mr. Manns in 1856, it was ascertained that the original line run by Mr. McCoy, was erroneous, as it extended but 8 miles, 76 chains and 83 links, instead of 10 miles, in a direct line from the mouth of the Great Nemaha. Upon this representation of the facts in relation to the difficulty in regard to the western boundary of the tract lying between the Great and Little Nemahas,

The Commissioner of the General Land Office, on the 26<sup>th</sup> of September last, at the request of my predecessor, issued instructions to the Surveyor General of Nebraska and Kansas, to establish a new line, in accordance with the terms of the treaty, in disregard of the erroneous line of 1838; but in consequence of a subsequent protest on the part of white citizens who had settled within the reservation, the Surveyor General was directed by the Land Office to suspend operations until the subject could be brought to the attention of this Bureau; and on the 28<sup>th</sup> ultimo, Commissioner Hendricks was requested to direct the Surveyor General to carry out his former instructions.

Here it is proper to observe, that J. L. Sharp, Esq., was, by order of the Secretary of the Interior notified of his appointment on the 14<sup>th</sup> of May 1856, as a Commissioner to ascertain and report the number and names of such of the Half-breeds and mixed bloods of the Omaha, Iowa and other tribes, and of the Yankton and Santee Bands of the Sioux Indians, parties to the Treaty of July 1830, and for your information and with a view to aid you in the discharge of the duties hereinafter indicated, I transmit herewith, a copy of the list of Half-breeds and mixed bloods who have been reported by Commissioner Sharp as entitled to participate in the reservation before-mentioned; and it is expected that you will make yourself familiar with the subject of your trust, especially with the names embraced in said list, in order to prevent, if possible, the occurrence of any mistake in the assignments or selections to be made, or in the general report you are required to make, when you shall have completed the duties pertaining to your special Agency.

You will go upon the reservation, at the earliest practicable period, for the purpose of executing your instructions so far as they relate to the Half-breeds and Mixed Bloods, who are living within the reserve and entitled to participate in the Selections, having made improvement upon the lands respectively claimed by them, and you will allow each person so contemplated, to select (under your immediate supervision) the number of acres of land to which they may be entitled, so as to include their improvements, if the same can be effected without a disregard of the Subdivisional lines of survey. And should any dispute arise between contesting claimants to improvements, you will be governed by the priority of occupancy, in making your decision; as to the particular individual possessing the right of selection. When these selections have been made to embrace all the improvements on the Eastern side of the Cap line of 1838, forming the western boundary of the reservation, if the Surveyor General has not at that period surveyed the new line, extending the boundary on the west, to a point which shall be ten miles from the mouth of the Great Nemaha, in a direct line, you will commence making the assignments, but in case the survey to the extreme west should be finished, you will complete the improvement

selections first. Then after giving due public notice, in such manner as you may deem most expedient to such as have not made any improvements within the tract referred to, you will assume the responsibility of assigning or allotting an equal quantity of land for each of the absentees, without discriminating between participants.

If you should hereafter ascertain that such a material error has been made by Commissioner Sharp, in the census with which you have been furnished a copy, as would, when corrected, increase the aggregate quantity of land to each individual, you will immediately report such errors to this office, and suspend such allotments until you are apprised of its decision thereupon, by which your subsequent action will be governed. And should any question be presented respecting the rights of any individual to participate on account of blood, tending to embarrass your judgment, you will carefully investigate all the facts and circumstances, in every such case, and report the same to this Bureau, with an expression of your opinion thereon, and await further instructions before taking final action in the premises.

But with a view of making the distribution accord with the principles of justice, you should exercise a sound discretion in connection with the quality of the soil, and so far as may be practicable, you will strive to give an equal proportion of woodland and prairie to each individual. In making these allotments it is presumed that questions of disputation may be presented which cannot now be anticipated, and in such case, your own discretion and judgment should be the rule of action, with a due regard to the equalization of benefits among the persons entitled to the same.

By an approximate estimate, the area of the reservation will embrace about 143,647<sup>23</sup> acres, and out of this aggregate you will allow to each individual entitled thereto, 320 acres, without any reference to age or sex, upon the principles, by the Opinion of the Attorney General arising under the same treaty in connection with the Lake Pepin Reserve.

The Commissioner of the General Land Office will be requested to direct the Surveyor General to place at your disposal copies of the Township plats of Survey, upon which you will designate the locations for each person, by the use of figures corresponding with those you will prefix to their respective names, in making the selections or allotments, and in this, as well as in preparing the certificates of each selection or assignment of lands, you should be extremely careful to have the description of the subdivisional sections, to agree with each designation on the plats you are required to transmit to this office, with your general report.

Agent Vandervlice will be notified of the nature of your duties, and directed to render you such assistance as may be necessary in the prosecution thereof.

Your compensation will be at the rate of five dollars per day during the time you may be engaged in the performance of the duties assigned you, and you will receive as a commutation for traveling expenses ten cents per mile on the usual road of travel, in going to and returning from the reservation. But while engaged therein in making the selections and assignments of land, you will only be entitled to your daily compensation, and actual expenses to be incurred, and with a view of observing strict economy, you are authorized, before commencing the work, to purchase a suitable conveyance and outfit, at such point as you may think best, sufficient in your judgment to enable you to perform the services required at different points of the reserve, and when you shall have completed your labors, you will dispose of your conveyance to the best advantage, and render an account of the proceeds of such sale to this office. It is also expected that for every item of expense incurred within the reserve, you will procure proper vouchers when practicable, otherwise you will keep a strict account of the amounts and date of outlays, to be used in the final settlement of your accounts.

Peter Lammard Esq. disbursing agent, will be directed to place at your disposal the sum of five hundred dollars from the appropriation, for surveying and allotting to the proper persons &c. the reserved tracts per 9<sup>th</sup> and 18<sup>th</sup> Articles Treaty with the Sioux and Owas 15<sup>th</sup> of July 1830; on account of your traveling expenses &c.; and suitable arrangements will be made with the Superintendent of Indian Affairs at Saint Louis, to enable him to furnish you with such sum of money as you may require at various periods in the progress of your duties, for which you will properly account.

You will communicate freely with this Bureau in all matters pertaining to your business, and you will receive subsequent instructions from time to time as may be deemed necessary.

Very Respectfully  
Your obt Servt  
I.M. Denver  
Commissioner

Matthews Esq Wm  
Catharine Street  
New York.

Department of the Interior  
Office Indian Affairs  
July 22<sup>nd</sup> 1857

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Sir,

Your letter of the 16<sup>th</sup> instant enclosing copies