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GENERAL SERVICES ADMINISTRATION REPORT



RE: PETITION OF

THE HOPI TRIBE OF INDIANS, ET AL.

INDIAN CLAIMS COMMISSION NO. 196

GENERAL SERVICES ADMINISTRATION

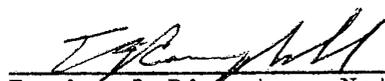
WASHINGTON 20407

The following report of the General Services Administration "Re: Petition of the Hopi Tribe of Indians, et al., Indian Claims Commission No. 196," consisting of 258 pages, was prepared in the Indian Tribal Claims Branch of the Federal Records Center, National Archives and Records Service, General Services Administration, Region 3. The information and data contained therein which were compiled from the records of the United States General Accounting Office, as supplemented by certain information obtained from the records of the Bureau of Indian Affairs, Department of the Interior, and other sources, are believed to be true and accurate in all respects and are hereby so certified under the seal of the General Services Administration this 14th day of March 1966.


Chief, Indian Tribal Claims Branch



For the Administrator of General
Services


Regional Director, National Archives
and Records Service

INTRODUCTION

This report was prepared pursuant to a letter from the Attorney General dated September 29, 1952, requesting an accounting report in response to the allegations of petition No. 196 of the Hopi Tribe of Indians, and a statement of gratuity payments under section 2 of the act of August 13, 1946, 60 Stat. 1049. The petition was filed before the Indian Claims Commission on August 3, 1951.

The petitioner alleges that by the treaty of Guadalupe Hidalgo, proclaimed July 4, 1848, the defendant obtained sovereignty over lands owned and occupied by petitioner from time immemorial, and converted the lands to the use of defendant without the payment of just compensation or of any compensation agreed to by them.

The petitioner further alleges that the defendant from time to time has collected or received or, in the exercise of its fiduciary duties ought to have collected or received, various property, including money, for or on behalf of petitioner, or defendant itself has become liable to pay moneys to or for on behalf of petitioner; that the defendant has failed to account for management, handling and disposition of said moneys and properties; and as a result, petitioner has been damaged by having been deprived of the amount of money or value of other property, together with interest thereon, which may be shown to be owing to petitioner upon a proper accounting.

The petitioner prays that it be awarded judgment against the defendant, after allowance of all just credits and offsets, for an amount which will provide just compensation for the lands taken from the petitioner by the defendant, and that the defendant be required to make a full, just and complete accounting for all property or funds received or receivable and expended for and on behalf of petitioner, and for all interest paid or due to be paid on any and all funds of petitioner, and that judgment be entered in the amount shown to be due under such an accounting.

Although petitioner's claims arise principally from the treaty of Guadalupe Hidalgo, dated July 4, 1848, the first disbursement of record for these Indians was in the fiscal year 1870.

This report, containing 258 numbered pages, was compiled from the records of the United States General Accounting Office and other sources, and contains an accounting of petitioner's trust funds and statements of gratuity expenditures made to the petitioner in accordance with the provisions of section 2 of the Indian Claims Commission act of August 13, 1946.

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Summary of disbursements for the Hopi Tribe of Indians and said tribe jointly with other tribes and bands of Indians during the fiscal years 1870 to 1951.

Disbursements for the benefit of the Hopi Indians

Pursuant to:

Act of March 3, 1883,
as amended

(a) \$244,630.43

Disbursements for the benefit of the Hopi Indians and said Indians jointly with other Indians

Under other than treaty appropriations during the fiscal years 1870 to 1951, as set out in Part III:

Section A	(b) \$403,088.14
Section B	(c) 68,122.91
Section C	(d) <u>142,523.67</u>

\$613,734.72

Under other than treaty appropriations during the fiscal years 1872 to 1951, where the records show that the merchandise was delivered to or the services were rendered at the various agencies having jurisdiction over the Hopi Tribe of Indians, as set out in Part IV:

Section A	(e) \$130,894.36
Section B	(f) 113,879.88
Section C	(g) 59,512.31
Section D	(h) 214,698.99
Section E	(i) <u>158,443.88</u>

\$677,429.42

- (a) See page 7, item (b); also page 25, item (g).
- (b) See page 42, item (a); also page 47, item (a).
- (c) See page 91, item (a); also page 94, item (a).
- (d) See page 109, item (a); also page 112, item (a).

(For notes (e) through (i) see next page.)

The fund "Indian Moneys, Proceeds of Labor" was established pursuant to the act of March 3, 1883, 22 Stat. 590, which reads in pertinent part:

"The proceeds of all pasturage and sales of timber, coal, or other product of any Indian reservation, except those of the five civilized tribes, and not the result of the labor of any member of such tribe, shall be covered into the Treasury for the benefit of such tribe under such regulations as the Secretary of the Interior shall prescribe; and the Secretary shall report his action in detail to Congress at its next session."

The act of March 2, 1887, 24 Stat. 463, authorizing disbursements from said funds reads, in pertinent part:

"That the Secretary of the Interior is hereby authorized to use the money which has been or may hereafter be covered into the Treasury under the provisions of the act approved March third, eighteen hundred and eighty-three, and which is carried on the books of that Department under the caption of 'Indian moneys, proceeds of labor,' for the benefit of the several tribes on whose account said money was covered in, in such way and for such purposes as in his discretion he may think best, and shall make annually a detailed report thereof to Congress."

Pursuant to the act of March 3, 1883, certain classes of receipts pertaining to the Hopi Tribe of Indians were carried on the ledgers of the Department of the Interior under the heading "Proceeds of Labor, Hopi Indians, Arizona." A statement showing the sources and amounts of receipts credited under this heading and the disposition thereof, is set out on page 21.

These acts were amended by the act of May 17, 1926, 44 Stat. 560, which reads:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter all miscellaneous revenues derived from Indian reservations, agencies, and schools, which are not required by existing law to be otherwise disposed of, shall be covered into the Treasury of the United States under the caption 'Indian moneys, proceeds of labor,' and are hereby made available for expenditure, in the discretion of the

Secretary of the Interior, for the benefit of the Indian tribes, agencies, and schools on whose behalf they are collected, subject, however, to the limitations as to tribal funds, imposed by section 27 of the Act of May 18, 1916 (Thirty-ninth Statutes at Large, page 159).

"SEC. 2. The Act of March 3, 1883 (Twenty-second Statutes at Large, page 590), and the Act of March 2, 1887 (Twenty-fourth Statutes at Large, page 463), are hereby amended in accordance with the foregoing."

Pursuant to this act, revenue derived from the Hopi reservation, agency, and school were set up under the general heading "Indian Moneys, Proceeds of Labor," and carried on the ledgers of the Department of the Interior under the specific heading, viz: "Hopi Agency," "Hopi School," "Hopi Agency Sheep Dipping," "Hopi Agency Telephone," and "Hopi Agency Traders Regulations." Statements showing the sources and amounts of receipts under these headings, and the disposition thereof, are set out on pages 8 to 20.

Separate statements showing detailed information relative to revenue and royalties derived from the sale of coal are set out on pages 11 to 13, 20, 23, and 24.

STATEMENT NO. 1

Statement of disbursements made for the Hopi Tribe of Indians, Hopi Agency, and Hopi School, pursuant to the acts of March 3, 1883, 22 Stat. 582, 590, and March 2, 1887, 24 Stat. 463, as amended by the act of May 17, 1926, 44 Stat. 560.

Agency buildings and repairs	\$3,672.59
Agricultural aid:	
Hay binding	23.92
Pest control	120.00
Agricultural implements and equipment	67.69
Coal mine, operation and maintenance	97,102.82
Construction of telephone lines	90.00
Education	42,771.37
Expenses of Indian councils	890.04
Expenses of Indian fairs	50.37
Expenses of telephone system	952.87
Fuel and light	1,273.80
Hardware, glass, oils, and paints	579.64
Household equipment and supplies	94.49
Indigent Indians: Subsistence	71.30
Livestock:	
Expenses of dipping sheep	23,936.15
Feed and care of	368.12
Maintaining law and order	115.61
Medical attention	56.10
Mills and shops:	
Blacksmith shops	19.70
Unidentified shops	84.46
Miscellaneous agency expenses	1,360.75
Miscellaneous agency supplies	1,284.29
Miscellaneous building material	273.86
Motor vehicles:	
Operation and maintenance	5,362.02
Purchase of	3,339.79
Purchase of accessories	25.61
Pay of burro drivers	193.38
Pay of carpenters	147.00
Pay of foremen	7,026.86
Pay of grader operators	19.70
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Carried forward	\$191,374.30

STATEMENT NO. 1 (Continued)

Brought forward	\$191,374.30
Pay of laborers	27,210.26
Pay of linemen	496.00
Pay of machine operators	32.00
Pay of mechanics	(a) .09
Pay of rodmen	55.00
Pay of stone masons	2,158.62
Pay of tractor drivers	82.15
Pay of truck drivers	7,582.73
Pay of unidentified employees	4,249.14
Provisions	82.90
Repairs to telephone lines	756.33
Surveying land	18.00
Transportation of:	
Miscellaneous agency supplies	10,464.56
Miscellaneous Indian supplies	1.52
Motor vehicles	52.38
Unidentified items	14.45
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	(b) \$244,630.43
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(a) Refund of retirement deduction.

(b) See page 2, item (a); also see page 25, item (g).