

6-16-1876

Memorial of Delegates of the Wyandotte Indians, praying that provision be made for the payment of all moneys due to said tribe under and by virtue of existing treaty; also, letter of the Acting Commissioner of Indian Affairs in relation to the amount due the said Wyandotte Indians.

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

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

---

#### Recommended Citation

S. Misc. Doc. No. 116, 44th Cong., 1st Sess. (1876)

This Senate Miscellaneous 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).

MEMORIAL

OF

DELEGATES OF THE WYANDOTTE INDIANS,

PRAYING

*That provision be made for the payment of all moneys due to said tribe under and by virtue of existing treaty; also, letter of the Acting Commissioner of Indian Affairs in relation to the amount due the said Wyandotte Indians.*

JUNE 16, 1876.—Referred to the Committee on Appropriations and ordered to be printed.

*To the Senate and House of Representatives of the United States of America in Congress assembled:*

Your memorialists, the undersigned Mathew Mudeater and Nicholas Colter, duly-accredited delegates of the Wyandotte tribe of Indians, for and in behalf of said tribe, most respectfully ask that your honorable body immediately provide for the payment of all moneys due to our said tribe under and by virtue of existing treaty, as hereinafter set forth, as follows, to wit:

Some time subsequent to the year 1867, the honorable Secretary of the Interior appointed a commission, under the thirteenth article of the treaty of February 23, 1867, to ascertain and report to the Department the amount of money, if any, due by the United States to the Wyandotte Indians under existing treaty stipulations, and the items mentioned in Schedule A, appended to said treaty, and to report the same, with the evidence taken, to Congress at its next session.

Which said commission, by their report of 2d March, 1869, the following sums were adjudged to be due from the United States to said Indians.

Interest on deferred annuity payments .....	\$11, 612 00
Loss on sale of bonds, May, 1859, with interest .....	18, 547 00
Loss on sale of bonds, March, 1860, with interest .....	12, 620 00
Money transferred to surplus fund .....	3, 844 69
Tax unjustly paid to Kansas Territory .....	14, 582 62
Grant of \$5,000 for Wyandottes to move home .....	5, 000 00

And by subsequent report of April 30, 1869:

Depredation-claim allowed .....	6, 293 50
---------------------------------	-----------

Which said report was sent to the Forty-second Congress by the honorable Secretary of the Interior, with a recommendation that an appropriation be made by Congress to pay said several sums so found due as aforesaid. For some reason, wholly unknown to said tribe of Indians, the said Congress only appropriated the gross sum of \$16,703.56, which

included a part only of the item of "taxes wrongfully collected by the territorial government of Kansas in the years 1859 and 1860," and the other item of \$5,000 "to establish said Indians in their own homes," leaving wholly unpaid every and all of the other said items intended to be paid by said treaty of February 23, 1867.

Wherefore your memorialists respectfully but most earnestly ask that this Congress provide by appropriation to pay the several sums so found due, as aforesaid.

And your petitioners will ever pray.

MATTHEW MUDEATER,  
NICHOLAS COLTER,  
*Delegates of the Wyandotte Indians.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., May 12, 1876.*

SIR: In further reply to your letter of 22d ultimo, with reference to the bill introduced by you (H. R. No. 3255) for the relief of the Wyandotte tribe of Indians, I have the honor to say:

The bill fails to specify the several items which are understood to be included therein, in satisfaction of the claims of the Wyandottes for losses on sales of bonds, deferred payments on annuities, and claims for depredations to property, and the gross sum (\$53,917) is \$1,000 in excess of the sum reported by the commission appointed under the 13th article of the treaty of February 23, 1867, to ascertain the indebtedness of the United States to the Wyandottes on account of these several objects.

By their report of March 2, 1869, the following sums were adjudged to be due:

Interest on deferred annuity payments.....	\$11,612 00
Loss on sale of bonds, May, 1859, with interest.....	18,547 00
Loss on sale of bonds, March, 1860, with interest.....	12,620 00
Money heretofore appropriated in fulfillment of treaty stipulations, but transferred to surplus fund, with interest.....	3,844 69
Taxes unjustly collected by the territorial government of Kansas in 1859 and 1860, to be refunded with interest.....	14,582 62
Grant of \$5,000 for Wyandottes, to establish themselves in their own homes.....	500 00
And by supplemental report of April 30, 1869, depredation claims allowed.....	6,293 50

The favorable action of Congress not being had on these reports as a whole, the Forty-second Congress, by the Indian appropriation act, approved May 29, 1872, (17 Stat., 189,) appropriated for the Wyandottes—

The following amounts ascertained to be due by the board of commissioners appointed by the Secretary of the Interior, as per their report, dated March 2, 1859, viz:

Taxes unjustly collected by the territorial government of Kansas in 1859 and 1860, to be refunded.....	\$11,703 56
To enable the Wyandottes to establish themselves in their new homes in the Indian Territory.....	5,000 00

It will be observed that Congress, in making appropriations for the above-specified objects, declined to allow interest on the original amounts.

In view of the precedent thereby established, which it is believed cannot be disregarded without, perhaps, endangering the appropriatio

now sought, and of the practice of this Office to disapprove claims for interest upon deferred payments of any and every kind, I suggest the following modifications to the bill :

Strike out all after line 2, and insert :

That the sum of twenty-eight thousand one hundred and five dollars and fifty-one cents be, and the same is hereby, appropriated, out of any moneys not otherwise appropriated, to be paid to the Wyandotte tribe of Indians, in full satisfaction of their claims on account of the following specified objects :

Loss on sale of bonds May, 1859.....	\$11,592 50
Loss on sale of bonds March, 1860.....	8,130 00
Money heretofore appropriated in fulfillment of treaty stipulations, but transferred to surplus-fund.....	2,089 51
Depredation-claims allowed.....	6,293 50

In this estimate no provision is made for "interest on deferred annuity payments," which was allowed by the commission in the sum of \$11,612.

I am not prepared to admit that the Wyandottes have any claim whatever on this ground. The following are my reasons therefor :

By the stipulations contained in the fifth article of the treaty of January 31, 1855, three annual installments of \$126,666.66 were to be paid, commencing in the month of October, 1855, and also "such part of the annuity under the treaty of 1842 as shall have accrued and may remain unpaid at the date of the payment of the first of the above-mentioned installments shall then be paid to the Wyandottes, and be in full and final discharge of said annuity."

On the 9th of August, 1855, this Office remitted to the superintendent of Indian affairs at Saint Louis, Mo., in addition to the sum of \$63,333.34, (one-half of the first installment due the following October,) the sum of \$13,125, being three-fourths of the annuity of \$17,500, due under the treaty of 1842, or payment in full to October, 1855, the date at which payment of part of the first installment under treaty of July 31, 1855, was made as per last clause of the eighth article of said treaty.

The dates of the remittances of the several sums making the \$380,000 paid under the last-mentioned treaty were :

August 9, 1855.....	\$63,333 34
March 8, 1856.....	63,333 33
September 22, 1856.....	63,333 34
March 20, 1857.....	63,333 33
September 8, 1857.....	63,333 34
October 14, 1857.....	63,333 33

The reasons for dividing the installments are set forth by the Commissioner of Indian Affairs as follows in a letter to the superintendent, forwarding the first remittance above named :

That the sum of \$126,666.67, with the other payments, is too large to pay the Wyandottes at one time, particularly under existing circumstances, the allotment of their lands not yet having been made. There is reason to believe that the survey and division may be completed in the spring, and, if so, a payment would then be particularly seasonable and of great advantage, affording them means to make improvements, each on his own land, and to gather the comforts and conveniences of life about their own homes.

In the above views the honorable Secretary of the Interior expressed his concurrence.

I am of the opinion, therefore, that the delay of a few months in the payment of one-half of the first installment due under the treaty was occasioned by the exercise of a wise discretion on the part of those whose duty it was to guard the interests of the Wyandottes; and that not only

was such action not detrimental to them, but of positive advantage under the circumstances in which they were then placed.

In conclusion, I desire to say that I heartily commend the bill, as herebefore modified, to Congress for its favorable action, believing, as I do, that the Government should discharge its obligations to this unfortunate people without further delay. Their present poverty-stricken condition is such as entitles them to at least justice, if not something more, at our hands.

Very respectfully, your obedient servant,

S. A. GALPIN,  
*Acting Commissioner.*

Hon. JOHN R. GOODIN,  
*House of Representatives.*

○