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Mexican Pottawatomie Indians

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MEXICAN POTTAWATOMIE INDIANS.

APRIL 23, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. SPAULDING, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 6021.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1778) to enable the Secretary of the Interior to make final settlement with the Mexican Pottawatomie Indians under treaty stipulations existing with them, respectfully reports as follows:

The committee reports a substitute for said bill, and recommends its passage, for reasons appearing in the following letter of the Commissioner of Indian Affairs to the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 27, 1882.

SIR: I am in receipt by your reference of the 22d instant of a communication from the House Committee on Indian Affairs, submitting for the views of the department the bill (H. R. 1778) "to enable the Secretary of the Interior to make final settlement with the Mexican Pottawatomie Indians under treaty stipulations existing with them," and the bill (H. R. 2965) "to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians in Michigan and Indiana under treaty stipulations existing with them."

In view of the labor involved in the examination of the claims of the Indians mentioned in the bill No. 2965, a report cannot be made at this time, but the matter will be attended to at the earliest date possible.

In relation to the bill 1778 for the relief of the Mexican Pottawatomes, I have the honor to state that the claims of the Indians mentioned was the subject of a report to the Secretary of the Interior January 24, 1881, in which will be found a history of their claim and the following facts:

The treaty of February 27, 1867, with the Pottawatomes (15 Stat., page 531) provided that where allottees under the treaty of 1861 had died they should be considered citizens of the United States, and their lands should be patented in fee simple, their shares of the treaty funds should be capitalized, and the courts of Kansas should take charge of the settlements of their estates, and appoint guardians of their orphan children. Early in 1871 a list of Pottawatomes who desired to become citizens of the United States and to receive their per capita share of the tribal funds was prepared and duly certified by the business committee of the tribe, according to the requirements of the treaty. The list included the following names:

- | | |
|---------------------|----------------------------|
| 1. Kah-ro-sah. | 11. K-pa-yo-mah. |
| 2. M. Kko-qua-wa. | 12. Pe-ad-wa-dnea-qua. |
| 3. Wa-sho-qua. | 13. Mah-ne-awn-kpa-yo-mah. |
| 4. Go-sha-was. | 14. Cha-ksot. |
| 5. Na-oh-qah-be. | 15. Wah-be-ah-shkuk. |
| 6. Ba-na-zhwa-qua. | 16. Sha-wa-shkuk. |
| 7. Pe-qua. | 17. Ko-ze-qua |
| 8. Kah, tsa-qua. | 18. New-yoh-gua. |
| 9. Nas-he. | 19. Puk-quere. |
| 10. Kish-kunk-e-uk. | 20. Nwa-ka-quah. |

- | | |
|------------------------------|---------------------|
| 21. Pua-nuk-qua. | 30. Mko-o-quih-ma. |
| 22. Maghe-nah-uim-nuk-shkuk. | 31. Wah-we-ah-kunk. |
| 23. Kas-qua. | 32. Shaw-we. |
| 24. Wain-he-qua. | 33. Muk-hise. |
| 25. Zhah-buak. | 34. Nah-quah-shkuk. |
| 26. Ne-hah-we. | 35. Taba-seiq. |
| 27. Auch-ma-gwe. | 36. Captain John. |
| 28. Otish-qua-ya. | 37. Pam-je-yak. |
| 29. Ze he-qua. | 38. Mhuk-do-sko. |

All the above were reported by the business committee as dead, which fact, according to the treaty, gave them the status of citizens. Their funds were accordingly capitalized, and in June, 1871, the sum of \$661.19 per capita was paid by S. W. Thomas, special Indian agent, to the administrators, appointed as such by the Kansas courts, and whose letters of administration are on file in the Treasury Department, with the account of said Thomas. Of these, the shares of Nos. 1 to 4, 11 to 14, 32 and 38 were receipted for by B. F. Payne, administrator; Nos. 10, 15, 16, 18, to 28, 34, and 37, by Geo. L. Young, administrator; and Nos. 5 to 9, 17, 29, 30, 31, 33, 35, and 36, by E. G. Nadeau, administrator.

In 1872 most of the Mexican Pottawatomes "returned to life, and the United States." The same year a consolidated roll of all the citizen Pottawatomes was made preparatory to making them a final payment of all the remaining tribal funds to which they were entitled. Upon this roll were placed the names of the Mexican Pottawatomes, but when the payment of \$143.33 per capita came to be made by Superintendent Hoag, in November, 1872, it was found that the appearance of the Mexican Pottawatomes had so disturbed their status as citizens that their claims to any such payment were extremely doubtful, since, as live citizens, they had failed to qualify according to the requirements of the treaty. The shares of all but Nos. 1, 2, 3, 4, 22, 23, 24, 29, 30, 35, and 36, which were paid direct to the parties, were retained by Superintendent Hoag, and covered into the Treasury, to their credit, until their rights, and those of their numerous heirs, administrators, and guardians, should be decided.

In 1875, steps were taken by this office to institute suits against Young, Payne, and Nadeau, to recover the moneys collected by them as administrators of so-called deceased Pottawatomes, and for the interest on the same at six per cent. per annum. On the 12th of February, 1876, and 7th of June, 1877, suits were entered in the United States district court of Kansas against Young and Payne, and judgment was rendered against them for \$15,280.98 and \$3,309.04, respectively, but executions issued June 7, 1877, were returned, "no property found." E. G. Nadeau had already refunded to Indians represented by Nos. 29, 30, and 35, the moneys previously collected by him on their account, and agreed to refund the balance of the sums collected, with interest, without suit. *Nine shares* should have been refunded by him, but by some error, District Attorney Peck called on him for only *eight*, viz, Nos. 5, 6, 7, 8, 9, 31, 33, and 36, amounting to \$5,289.56, which sum was paid over by Mr. Nadeau, and brought back on the books of this office to the credit of said Pottawatomes, and there it has since remained, pending settlement of the question as to the status of the claimants.

The bill enacts that the sum of \$38,694.56 be appropriated out of any moneys in the Treasury not otherwise appropriated for the purpose of fulfilling treaty stipulations with the said Indians, while from calculations made in this office the sum due is \$27,011.60, of which amount \$17,995.46 only is to be appropriated out of moneys not otherwise appropriated, the balance \$9,016.14 being on the books of this office to the credit of the Indians interested. The amount to be appropriated is made up of the following sums, namely:

Ten shares of \$661.19, paid to B. F. Payne, and not recovered	\$6,611 90
Sixteen shares of \$661.19, paid to George L. Young, and not recovered.....	10,579 04
One share of \$661.19, paid to E. G. Nadeau, and not recovered	661 19
Oneshare of \$143.33, paid by Enoch Hoag to a Mexican Pottawatome Indian not on the list of 38 named in this report, thereby increasing the number to 39. He paid eleven shares and covered back into the Treasury twenty-six shares, leaving a deficiency to be met of one share.....	143 33
Total	17,995 46

I respectfully recommend that the bill be so amended as to appropriate only the sum of \$17,995.46 out of any moneys in the Treasury not otherwise appropriated, and that the Secretary of the Interior be authorized to pay the balance due, \$9,016.14, from funds standing to the credit of said Indians on the books of the Treasury.

Very respectfully,

H. PRICE, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.