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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, with a draft of proposed legislation relative to claims of Omaha Indians against the Winnebago Indians

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, with a draft of proposed legislation relative to claims of Omaha Indians against the Winnebago Indians.

JANUARY 24, 1885.—Read and referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication of 20th instant from the Secretary of the Interior presenting, with accompanying papers, a draft of proposed legislation providing for the settlement of certain claims of the Omaha Indians in Nebraska, against the Winnebago Indians, on account of horses stolen by members of the latter tribe from the Omahas.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January 23, 1885.*

DEPARTMENT OF THE INTERIOR,
Washington, January 20, 1885.

The President :

SIR : I have the honor to submit herewith a communication from the Commissioner of Indian Affairs of 2d March, 1882, inclosing extract from a report made by Inspector Howard, under date of October 14, 1881, respecting certain claims presented by the Omaha Indians for the period since 1871, for horses stolen from them by the Winnebago Indians.

These claims, as appear from the statement presented, aggregate the sum of \$5,190, being the value of 173 ponies taken at various times since 1871, and valued at an average of \$30 per head.

The matter was presented to the Congress under date of March 15, 1882, in a letter addressed to the chairman of the Senate Committee on Appropriations of that date, but no action was had in the premises, so far as this Department is advised.

Under the stipulations contained in article 10 of the treaty with the Winnebago Indians, "the said tribe of Indians jointly and severally obligate and bind themselves not to commit any depredation or wrong

upon other Indians or upon citizens of the United States; to conduct themselves at all times in a peaceable and orderly manner; to submit all difficulties between them and other Indians to the President, and to abide by his decision."

In view of this provision of the treaty, this Department is now informally advised that it is the opinion of the Senate Committee on Indian Affairs that the "decision" of the President is required authorizing the settlement of these claims from the funds of the Winnebago Indians before any legislative action can be taken looking to their payment from moneys belonging to said Winnebago Indians.

This matter has my approval, and I have caused an item of appropriation to be prepared in the sum of \$5,000 for the object herein set forth, which I respectfully request may be presented to the Congress for the favorable consideration of that body.

Very respectfully, your obedient servant,

M. L. JOSLYN,
Acting Secretary.

That the sum of \$5,000, or so much thereof as may be necessary, be, and the same hereby is, set apart out of any money in the Treasury to the credit of the Winnebago tribe of Indians, out of which the Secretary of the Interior is authorized and directed to cause to be paid to such individual members of the Omaha tribe of Indians or their heirs, as shall submit proof to his satisfaction, the sum of \$30 per head for each and every horse stolen from said individual members of said Omaha tribe of Indians by said Winnebago tribe of Indians or individual members thereof since the year 1871, unless the said depredation shall have in some way been settled or compromised by and between the said tribes, or the said horses returned to the parties from whom they were stolen.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 2, 1882.

SIR: The attention of this office has been drawn by George W. Wilkinson, United States Indian agent at Omaha and Winnebago Agency, Nebraska, to a claim by the Omahas for compensation for horses alleged to have been stolen from members of their tribe by Winnebagoes from the Winnebago Reservation, which adjoins the Omaha Reservation. From a report on file in this office, dated October 14, 1881, by Inspector C. H. Howard, it appears that under date of September 16, 1881, he was directed by you to investigate the matter carefully. I inclose herewith a copy of his report on the subject, from which it will be seen that differences between the Omahas and Winnebagoes prior to and including the year 1871, were in that year adjusted by the payment from tribal funds of losses and damages sustained by individuals of the respective tribes, and that the present claim of the Omahas can therefore apply only to losses sustained since the year 1871.

Inspector Howard furnishes a list of the names of such as presented claims for such losses, a copy of which is herewith inclosed, and he reports that after—

Counseling with the Winnebagoes and consulting with all the white people who had any information upon the subject, I [he] came to the conclusion that the horses stolen by the Winnebagoes were taken by the Winnebagoes from Wisconsin, on visiting their friends in Nebraska, and who are a roving, thieving class of Indians; or they were taken by some of the worst of the Nebraska Winnebagoes when they were about to visit Wisconsin Indians, and were sold en route, or were sold in Wisconsin.

The claim of the Omahas against the Winnebagoes is undoubtedly just, and should be paid.

The Omahas as a tribe are peaceable and industrious, and have heretofore not made reprisal against the Winnebagoes for the recovery of the stolen horses, but have sought to secure payment peaceably. The Winnebagoes have ample funds to their credit in the Treasury, but the act of January 18, 1881 (Stats. 21, p. 315), is regarded as giving specific direction to the funds therein declared to belong to the Wisconsin Winnebagoes, and thus interdicts the use of these funds for the payment of these losses, which cannot therefore be paid without further legislative authority. I have, therefore, the honor to submit herewith the form of a bill for the relief of the Omahas, which it is recommended may be transmitted to Congress with your favorable indorsement, and which, if matured into a law, will, it is believed, accomplish the desired object, and enable the Department to secure justice for the Omahas.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

UNITED STATES INDIAN SERVICE,
OFFICE INDIAN INSPECTOR,
Chicago, Ill., October 14, 1881.

SIR: * * * * *

ALLEGED STEALING OF OMAHA HORSES.

Your second item related to alleged stealing of Omaha horses by the Santee, Sioux, and by the Winnebagoes.

At the council with the Omahas I obtained the testimony of many individual Indians on this matter. I found that they had lost more or less of horses ever since they came upon the reservation. That there had been a party among them who favored retaliation upon the Winnebagoes and other Indian tribes who always were stealing; but in consequence of the treaty with the United States the majority had opposed retaliation on the ground that the United States had agreed to protect them and their property, and had made it as a condition that they should keep the peace and leave it to the Government to redress all their wrongs.

By careful inquiry I found that many horses had been stolen prior to 1870 and 1871 by the Winnebagoes, but that during these two years there were mutual councils under the direction of the agent and of a superintendent sent directly from the Department at Washington, and a settlement was reached between the two tribes. It was charged that the young men of the Omahas had given great offense to the Winnebagoes, by misconduct towards the women of the Winnebagoes at various times. The settlement arrived at involved the payment of cash for the horses stolen, and the payment of a certain sum also by the Omahas in redress for injuries to the women. The money in the latter case was paid over to the women to whom the injury had been done.

I then endeavored to ascertain accurately how many horses had been stolen by the Winnebagoes since 1871, and found that there was much corroborative testimony showing that horses had been taken every year, but almost never traced to this Winnebago Reservation; but the horses were taken across the River, and were sometimes traced to Wisconsin, sometimes were sold in Iowa, and sometimes had been recovered. I saw individuals who claimed in the aggregate that upwards of 140 horses had been stolen from them in this way and lost, and trustworthy representatives of widows and others unable to be present afterwards brought the number up to 173.

After the council with the Winnebagoes, and consulting with all the white people who had any information upon the subject, I came to the conclusion that the horses stolen by the Winnebagoes were taken by the Winnebagoes from Wisconsin, on visiting their friends in Nebraska, and who are a roving, thieving class of Indians; or they

were taken by some of the worst of the Nebraska Winnebagoes when they were about to visit Wisconsin Indians, and were sold en route, or were sold in Wisconsin. There is a large party of the Winnebagoes known as the "Dancing Indians," who refuse to yield to civilizing influences, who keep up their vicious dancing, and with it all sorts of lawless practices; these are the ones who frequently leave the reservation and go up to Wisconsin, on a visit, and who entertain their friends from Wisconsin with *war dances* and the like when they come to Nebraska. These are the Indians who without question have stolen the Omaha horses and swam them across the Missouri River.

Mr. Ashley, the very efficient overseer and farmer for the Omahas, has been cognizant of the loss of many of these horses. I have full notes of the testimony of each Indian in relation to this matter, but do not deem it necessary to go into the details of their testimony unless the Department shall require it.

Mr. Edward Foley, an intelligent white man of good character, testified that he assisted the Indians in the recovery of some eight horses in September, 1878. He found that these horses had been stolen by the Winnebagoes, and that they sold them on their way to Wisconsin. He then spent some two months or more co-operating with the sheriffs in different counties in Iowa, employed attorneys, and followed up the matter in the courts until he recovered the horses. The Omahas promised him compensation, and now fully recognize and acknowledge his claim, as they stated to me, and as their delegation also stated in Washington.

That same season 40 ponies were taken from the Omahas. They frequently saw Winnebagoes prowling around. They tracked them by their moccasins, and were told by the white people across the Missouri, who knew the Winnebagoes, that they saw parties of the latter having their horses; sometimes they offered them for sale.

The agent at that time was Jacob Vore. He applied for funds for hunting up ponies, and obtained a small amount.

Six fine ponies were taken August 13, and the Indians were interrupted in their work for the need of them. Mr. Farley finally agreed to hunt them up for one-half their value. The agent had \$40, which Mr. Farley expended towards the expenses. These 6 ponies were worth some \$400 or \$500, and he recovered them all through processes of the various courts. He recovered one pony three times, as various white people laid claim to him. He had with him two Indians. He owes \$30 to one attorney, H. F. Appleton, and he paid him \$10 out of his own pocket.

The agent paid altogether \$100 towards expenses. Mr. Farley testifies that he paid out \$60 in cash, besides wages for two months. His present claim is \$260, and as the Indians acknowledge it, and as all testimony was agreed that he is an honorable man, I would recommend, first, that he be paid out of whatever moneys shall be set apart to meet this claim for the ponies.

I would recommend, secondly, that inasmuch as the Omahas have lost a total of 173 ponies since 1871 and traceable to the Winnebagoes, partly to those residing on the Nebraska Reservation, who have taken them when about to start on a visit to the Wisconsin Winnebagoes, and partly to the Wisconsin Winnebagoes, who have taken them after a visit to their friends on the Nebraska Reservation; that the worth of these ponies at a fair valuation be deducted from the annuity money which has been retained for the Wisconsin Winnebagoes, and which is now claimed by the Nebraska Winnebagoes.

I would recommend that an average of \$30 for each pony be allowed, and be paid to the individual claimants, according to the evidence submitted to me, making a total sum of \$5,190. Herewith please find, in Exhibit A, the names of the various persons who claim that the ponies have been stolen from them by the Winnebagoes, and the number from each.

* * * * *

I am, sir, very respectfully,

C. H. HOWARD,
United States Indian Inspector.

Hon. S. J. KIRKWOOD,
Secretary of the Interior, Washington, D. C.

EXHIBIT A.—Statement showing names of Omahas claiming horses stolen by the Winnebagoes, with number stolen from each.

Names of Indians.	Number of horses stolen.	Names of Indians.	Number of horses stolen.
Shining Tail.....	5	Steven Guitar, reported by John	
Jim Dick.....	7	Pitcher.....	1
Sioux Solomon.....	4	Little Shooter.....	1
Little Star.....	2	None-to-teach.....	2
Ga-he-ga.....	1	Hook Pere.....	2
Four Eyes.....	1	John Dick, for sister, Betsey Dick.....	4
Old Man Bone.....	5	Louis Sansouci.....	5
Thos. McCawley.....	5	Lone Fork.....	2
Standing in Prairie, reported by Old		Taming horse, by Louis Sansouci.....	3
Man Bone.....	2	Havey Blackbird, by Louis Sansouci.....	2
Buffalo Bill.....	4	Cha-za-minga.....	1
Yellow Smoke.....	1	Walker, for Treetops.....	1
Back Walker.....	4	Four Nail.....	2
Wa-ke-de.....	2	Edward Miller, for Geo. Miller.....	2
Wa-sah-pa.....	1	Edward Miller, for Nemaha.....	1
James Springer.....	1	One White Buffalo (an old woman), re-	
White Weazel.....	2	ported by Two Crows.....	1
Badger.....	3	Two Crows.....	16
Big Elk.....	4	Wm. Spencer.....	1
Run-in-the-midst.....	4	Oo-m-ba-chiza, reported by Policeman	
Na-ga-wa-ka.....	1	Winner.....	1
Little Gray Wolf.....	1	Man-not-Afraid-of-Panthers.....	3
Mo-ha-tan.....	1	Al-a-Hogomani.....	1
Little Deer.....	1	Big Black Bear.....	2
Elk.....	3	Oo-zo-goke, reported by Mr. Ashley.....	1
Blackbird.....	2	White Buffalo.....	4
Singer.....	3	Ta-he-Watha, reported by Cyrus Phil-	
Tom Baxter.....	1	lip.....	1
Little Soldier.....	1	Wa-ja-pa, reported by two Crows.....	4
Ebe Homber—two belonging to Mo-		Joe La Fleische.....	5
giel-ahé.....	3	Brave.....	6
Little Village Maker.....	2	Lion.....	1
Rusty Knife.....	2	Blood.....	1
Little Chief.....	3	Ta-the-tha.....	1
Jno. Springer.....	2	Bathers.....	1
Geo. Mevick.....	5	Meh-pee.....	1
Lone Buffalo.....	1	Snatch-the-Leg.....	1
No Knife.....	1		
Smoking Walker.....	1	Total.....	178