

4-29-1886

## Report : Claim of J. Hiatt and Co.

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S. Rep. No. 828, 49th Cong., 1st Sess. (1886)

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IN THE SENATE OF THE UNITED STATES.

APRIL 29, 1886.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1942.]

*The Committee on Indian Affairs, to which was referred the bill (S. 1942) for the relief of Hiatt & Co., respectfully submits the following report:*

A careful examination of the testimony on file in this case abundantly shows that the report of the Committee on Indian Affairs of the House of Representatives at the present session on a bill having the same object in view as Senate bill 1942 is sustained by the facts, and is adopted, as follows:

On a full examination we find the facts in this case to be as follows: The claimants, Hiatt & Co., were duly licensed traders for the Osage tribe of Indians at the Osage Agency (Pahuska), Indian Territory, during the year 1878. The Indians being in very great destitution and suffering both for food and clothing, owing to the failure of Congress to make adequate appropriation for their support, as it had done for the two years next preceding—the reduction being \$200,000—it is a fact well supported by evidence that nearly, if not quite, all the chiefs, councilors, governor, and headmen of the Osage tribe of Indians made a strong and pitiable appeal to said traders, backed up by Cyrus Beede, United States Indian agent for the Osage Indians at the time, to extend to them a credit of from \$8 to \$10 per capita, promising payment out of their next annuity, which was expected to be ample for the purpose; but instead of being \$15 per capita, as expected, it was reduced to little over \$3 per capita, so that the payment out of that was impossible. It is well supported by evidence that said traders were very careful in making such extended credit, having the advice and assistance of some of the chiefs, Governor Joe (a full-blood, though an educated man) and Paul Akin, United States interpreter, and the then Indian agent, Cyrus Beede, so that the goods and supplies might be fairly distributed to all the families and individuals of the tribe. Before the appropriations were adequate to the payment of the amount of the extended credit (\$16,759.99) Cyrus Beede was superseded, and the claimants found that in consequence of a change of agents an appeal would have to be made to the Commissioner of Indian Affairs for its payment, and in the month of August, 1880, a most thorough and searching investigation was made of all the items composing such extended credit before the governor, chief, councilors, and headmen and head chiefs, acting as a business committee, together with Paul Akin, United States interpreter, and Mr. Gay, chief clerk of Hiatt & Co., who was present with the books and itemized accounts, and after a long and careful investigation the amount above stated was found to be due said firm, as fully appears by the petition for its payment out of their funds in the custody of the Government signed by the chiefs and headmen, which petition is as follows:

*To the honorable Secretary of the Interior:*

The undersigned, the governor, chief councilors, and head chiefs, constituting the business committee of the Osage tribe of Indians, respectfully ask that you pay to Hiatt & Co. the sum of \$16,759.99 out of the money accruing to us by act of Congress approved June 16, 1880.

The above sum is the correct aggregate of accounts against our people for supplies furnished them, and which they have hitherto been unable to pay.

The accounts are correct, the supplies were needed and had, and as honest men we desire payment to be made as promptly as possible.

To that end we make this requisition upon you, and this shall be our receipt for the same.

JOSEPH PARD NE NO PARHE,  
*Governor of the Nation.*  
STRIKE AX (his x mark), *Chief.*  
BIG CHIEF (his x mark).  
BLACK DOG (his x mark).  
HARD ROPE (his x mark).  
N. H. CONNOR.

Interpreted fully and signed.

Explained in our presence, Osage Agency, Ind. T., August 17, 1880.

W. P. ADAIR.  
THOS. R. GAY.  
DANIEL TERDALL.

I hereby certify that I am entirely familiar with the character, origin, and amount of Hiatt & Co.'s claim of \$16,759.99 against the Osages, payment of which has been asked by the governor and chiefs of the tribe. I advised giving the credit, and interpreted largely for the Indians when they traded; that I also interpreted and explained fully the order they have given for the payment.

Osage Agency, Ind. T., August 17, 1880.

PAUL AKIN.  
*United States Interpreter.*

The evidence of the then agent in support of the claim is as follows:

OSKALOOSA, IOWA, December 1, 1885.

I certify on honor that I have examined the statement of J. M. Hiatt, of the late firm of Hiatt & Co., licensed traders at Osage Agency, Ind. T., and believe the same to be substantially correct.

I was United States Indian agent for the Osage Indians from the early part of the year 1876 to about the 20th of July, 1878. During a great portion of this time the Osages were in a peculiar state of destitution, owing to the failure of Congress to make adequate appropriation for their support, as it had done for the two years next preceding, the item of reduction being \$200,000, and at times these Indians were reduced to hunger and altogether too near nakedness.

At times during my administration, on the earnest and pitiable appeal of almost every leading Indian of the tribe (and in accordance with my own judgment as necessary, based upon actual observation of their destitution), I encouraged the licensed traders to credit them to the extent of furnishing limited amounts of subsistence and clothing to relieve suffering, trusting the promises of the Indians to settle these accounts at times of annuity payments, knowing full well that the tribe had ample funds at the disposal of the Government (whenever the same could be made available) to meet all such liabilities without embarrassment.

The precise amount of credit given I am unable to state at this time without access to data not just now at hand.

That portion of this debt contracted during my administration I believe to be just, and that the same should be paid out of Osage funds, in accordance with the expressed wish of the tribe, all as I verily believe.

CYRUS BEEDE.

STATE OF IOWA,  
Mahaska County, ss:

Subscribed and affirmed to before me this 3d day of December, 1885.

F. E. SMITH,  
*Clerk District Court, a Court of Record.*

OSAGE AGENCY, IND. TER.,  
August 20, 1880.

Hon. COMMISSIONER OF INDIAN AFFAIRS:

SIR: The governor of the Osages and a number of the chiefs have directed or petitioned the honorable Secretary of the Interior to pay a claim of \$16,759.99, due to Hiatt & Co. from said tribe.

As chief of the half-breed band, and having a better knowledge, perhaps, of the origin and character of said claim than any other chief, I unite with them in earnestly ask-

ng that the claim be promptly paid, as requested. The Indians and others were led to believe that the payment of about \$15 per head in January, 1878, would be continued at substantially that sum. In that belief I advised H. & Co. to give the Osages a credit for half the sum, knowing that it would greatly accommodate the Indians, and believing it would be entirely safe; but the consequent payment and later ones, instead of \$15, have been but little over \$3 per head. Their present needs absorbed this small sum at once, so there has been no time at which it was possible to pay a debt made in good faith, and of which they reaped the full benefit. Knowing their ability to pay their debts, and grateful for the accommodation, the honor and self-respect of the Osages is concerned in the quick and full discharge of the debt.

I have the honor to be your obedient servant,

SAMUEL BEIVNEW,  
*Head Chief of Half-breed Band.*

Witness:

J. H. TISDALE.

It seems to the committee that, in view of all the circumstances, Hiatt & Co. were justified in granting credit, as set forth in the bill, to the Indians; that the account against the Indians was fairly stated, and was an honest account. In addition to the examination thereof hereinbefore set out, Mr. J. M. Hiatt's sworn statement on file shows its correctness (marked Exhibit A), as well as the affidavit of T. R. Gay, September 21, 1885 (marked Exhibit B), and by supplemental affidavit of December 3, 1885 (marked Exhibit C), and the affidavit of Fannie Mathes, September 2, 1885 (marked Exhibit D). Mr. Gay was bookkeeper of Hiatt & Co., and testifies that the account is just and correctly kept, and that every item was gone through by the committee which examined the account with the original book of accounts before them and was assented to. Mr. Hiatt shows why he is unable to produce the original book of accounts, and he is fortified by the affidavit of Mrs. Mathes. Mr. Hiatt's character for truth and veracity is fully established by Mr. Justice Miller, of the Supreme Court of the United States, and by Senator Wilson, of Iowa.

It will be observed that there is no dispute of the account by the Indians; on the contrary, they assert that it is just, and they desire it paid out of their funds.

In view of the whole case the committee recommends the passage of the bill, amended as reported.