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Report : Claim of Len-ne-pi-ze-qua

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IN THE SENATE OF THE UNITED STATES.

JULY 2, 1886.—Ordered to be printed.

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

R E P O R T :

[To accompany an amendment proposed by Mr. Harrison to H. R. 9478.]

The Committee on Indian Affairs, having under consideration Senate bill 2128, entitled "A bill for the relief of Len-ne-pi-ze-qua, a Miami Indian woman," report upon the same as follows :

The bill provides for payment to the claimant of a sum equal to one per capita share of the final payment to the Miamies of Indiana, under the provisions of the act making appropriation therefor, of March 3, 1881, said per capita share amounting to \$695.77, and interest thereon at 5 per cent. for one year, the interest representing the last interest payment or annuity to the Indians composing this band.

The treaty with the Miami Indians, under which payments to the Miamies of Indiana have since been made, bore date of June 5, 1854 (10 Stat., 1095). It was ratified by the Senate, with an amendment limiting future payments to this band to certain persons "embraced in the corrected list," identified by reference therein. The appropriating act of March 3, 1881 (21 Stat. 433), contained this provision, to wit :

Provided, That no persons other than those embraced in the corrected list agreed upon by the Miamies of Indiana, in the presence of the Commissioner of Indian Affairs, in June, 1854, comprising three hundred and two names as Miami Indians of Indiana, and the increase of the families of persons indicated in said corrected list, shall be recipients of the money hereby appropriated.

This limitation was copied from the Senate amendment to the treaty above referred to.

To enable him to make payment in accordance with the appropriating act, the Secretary of the Interior appointed an enrolling officer to take a census of the Indians comprising this band, and a paymaster to make payments accordingly.

Some difficulty was encountered by the census-taker in his search for the name of Len-ne-pi-ze-qua upon "the corrected list." Similar names were there, bearing different orthography, traceable in some instances to other persons, and in others not traceable to anybody. This was the natural result of attempting to reduce Indian names to English methods of spelling. It happened that two Miamies who represented the Indiana band in the execution of the treaty in 1854, by names Pim-y-ok-te-mah and Wop-pop-pe-tah, *alias* Bondy, were still living, and to them the census-taker referred the case of this claimant. They answered that she was an infant at the time the treaty was agreed to, and fatherless; that her name was placed upon the original list probably by such or-

thography as was not then recognizable or incorporated with the names comprising other families, the slips of paper containing the lists of four or five families having been lost before they reached the official files in the Department of the Interior.

This testimony as to her right to share in the final payment having been held by the Secretary of the Interior to be insufficient, a consultation without the peculiarities and formalities of an Indian council, was held with all the prominent people of this band, who stated (what the records of the Indian Office mainly verified) that the claimant was born among them; that she was of Miami blood, and had, without objection from any source, drawn her annuity at each annual payment, from the ratification of the treaty down to the date of said final payment, and they unanimously agreed that she ought to be paid as the other members of the band were paid. They also, in a preamble and resolutions, petitioned the Secretary of the Interior to include her in the final payment.

The Secretary, however, believed that a strict construction of the language of the appropriating act would exclude her, and he so ruled. She now comes to Congress for relief, which the committee believe should be granted. Before reaching this conclusion, they called upon the Secretary for information and suggestions, and received in response several papers too voluminous to be referred to in detail, but which, in their judgment, fully sustain the conclusion in claimant's favor. The Commissioner of Indian Affairs in reporting to the Secretary of the Interior upon the case, says:

* * * It was believed that she (Len-ne-pi-ze-qua) was properly entitled to a share of the money, which was \$695.77 to each person, with interest thereon for one year. As I am now of the opinion that this woman was entitled to a share in all the money payable to the Indiana Miamies, under the treaty referred to, and that she has suffered hardship, I would be pleased to know that Congress has granted her the relief she asks.

The committee, therefore, recommend the adoption of the amendment, which is as follows:

That the Secretary of the Interior be, and he is hereby, directed to pay to Len-ne-pi-ze-qua, alias Nancy Lafontain, an Indian woman residing in Miami County, State of Indiana, and of the band of Indians known as the Miamies of Indiana, the sum of six hundred and ninety-five dollars and seventy-seven cents, with interest thereon at five per centum per annum for one year, equal to one per capita share paid to the said Miamies of Indiana by authority of the act of Congress of March third, eighteen hundred and eighty-one, which appropriated the sum necessary to make the final payment to said Indians and directed the payment thereof, the sum herein directed to be paid to said Len-ne-pi-ze-qua being her per capita share in said payment; and the sum necessary to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.