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Claims of Certain wyandote Indians

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IN THE SENATE OF THE UNITED STATES.

JULY 19, 1894.—Referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN presented the following

COMMUNICATION FROM THE ACTING COMMISSIONER OF INDIAN AFFAIRS, RELATIVE TO THE CLAIMS OF CERTAIN WYANDOTTE INDIANS.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 17, 1894.

SIR: I have the honor to state that I am in receipt of a communication from Hon. William S. Holman, chairman of the Committee on Indian Affairs, House of Representatives, dated February 9, 1894, in which he incloses copy of a letter from this office to R. B. Armstrong, esq., dated January 8, 1891, relative to the claims of certain Wyandotte Indians and a proposed amendment to the Indian appropriation bill, and asks for my views in relation to the claim.

With the papers submitted by Mr. Holman is the draft of what appears to be an item intended for insertion in the Indian appropriation bill, as follows:

Whereas there is due the Wyandotte Indians by the Government of the United States, as ascertained by a report of special commissioners appointed by Congress to investigate the claims of the Wyandottes, transmitted to Congress March 19, 1869, the sum of \$24,811.50; and whereas there are absentee Wyandotte Indians, who are poor and homeless, numbering between 150 and 200;

Therefore the Secretary of the Interior is hereby authorized and directed to purchase for said absentee Wyandotte Indians 80 acres of land per capita, such purchase to be made of the Indians comprising the Quapaw Agency in the Indian Territory, or, if found impracticable, of other Indians in the Indian Territory, said lands to be taken in allotments, as provided in the severalty act of February, 1887, and amendments thereto, and to be paid for at the maximum price of \$1.50 per acre; and the sum of \$25,000 is hereby appropriated out of the general fund not otherwise appropriated for the purpose of carrying out this provision.

The thirteenth article of the treaty of February 23, 1867, known as the Omnibus Treaty (15 Stats., 516), as originally agreed upon, provided "that there shall be recognized as due and paid to the Wyandottes of all classes the sum of eighty-three thousand eight hundred and fourteen dollars and forty cents," as shown by a schedule attached to the treaty.

The items in said schedule were as follows:

1. Annuity due under the sixth article of the treaty of January 31, 1855..	\$8, 750. 00
2. Amount discounted on \$53,594.53 in State bonds on May 13, 1859	15, 187. 03
3. Interest on the above \$15,187.03 from May 13, 1859, to February, 1867, at 5 per cent.....	6, 150. 87
4. Amount discounted on \$53,000 in State bonds, March 24, 1860.....	11, 130. 00

5. Interest on above \$11,130 from March 24, 1860, to February 24, 1867...	\$4,618.95
6. Moneys heretofore appropriated in fulfillment of treaty stipulations, but transferred to surplus fund.....	3,635.05
7. Amount for depredations on Wyandotte property, claim approved by Secretary of the Interior March 21, 1862.....	34,342.50
Total amount.....	83,814.40

The schedule also contained the following statement:

The above-named total sum is designed to represent the full claim of the Wyandottes against the United States under former treaties.

The first, second, and fourth items, together with another named in the fourteenth article of the foregoing treaty, were examined and approved by the House Committee on Indian Affairs, and their payment recommended. (See Congressional Globe, p. 1037, part 2, second session Thirty-eighth Congress.)

The third and fifth items constitute the interest on the moneys discounted on the bonds mentioned in the items 2 and 4. Although the committee did not recommend the payment of this interest they acknowledged its justice, but said that its allowance would possibly endanger the passage of the appropriation, as the general feeling was averse to paying interest on claims.

In ratifying the treaty the Senate struck out the above provision of the thirteenth article and inserted the following in lieu thereof:

And the Secretary of the Interior is hereby authorized and required to appoint three persons whose duty it shall be 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 this treaty, and the report of the persons so appointed, with the evidence taken, shall be submitted to Congress for action at its next session.

This amendment was accepted by the Wyandottes, and Messrs. James H. Embry, Julius A. Fay, and James P. Taylor were appointed commissioners thereunder March 2, 1869. These commissioners submitted their report, in which they found the following sums justly due the Wyandottes from the United States, to wit:

A. Interest on deferred payments.....	\$11,612.00
B. Loss on sale of bonds, May, 1859, with interest.....	18,547.00
Loss on sale of bonds, March, 1860, with interest.....	12,620.00
C. Money heretofore appropriated in fulfillment of treaty stipulations, but transferred to the surplus fund.....	3,844.69
D. Taxes unjustly collected by the Territorial government of Kansas, in 1859 and 1860, to be refunded with interest.....	14,582.62
E. Grant of \$5,000 for Wyandottes to establish themselves in their new homes.....	5,000.00
Total.....	66,206.31

This report was transmitted to the Senate by the Secretary of the Interior March 17, 1869 (Senate Ex. Doc. No. 6, Forty-first Congress, first session).

In a supplemental report the commissioners allowed for claims of various parties for losses by depredations committed on their property, \$6,293.50, making the total amount allowed by the Commission, \$72,499.81.

It will be observed that there are three items of interest included in the above amounts:

First. A, composed entirely of interest on deferred payments.....	\$11,612.00
Second. In B, interest on loss on bonds, which is found to amount to...	11,444.51
Third. In D, interest on taxes illegally collected, found to amount to...	2,879.06
Total.....	25,935.56
It also appears from the records of this office that item C included the sum of \$1,755.18 for interest.....	1,755.18
	27,690.74

The draft submitted with Mr. Holman's letter appears to be composed of these several items with the exception of No. 3, the correct amount of the other items being \$24,811.68.

By the act of May 29, 1872 (17 Stats., 165), the sum of \$16,703.50 was appropriated to refund the taxes unjustly collected, being item D of the Commission's report, less interest, \$11,703.56, and for the payment of the \$5,000 for removal, being item E.

By the act of March 3, 1881 (21 Stats., 421), the sum of \$28,109.51 was appropriated to be paid to members of the Wyandotte tribe of Indians, which appears to include the following items:

Losses on sale of bonds, May, 1859.....	\$11,592.50
Losses on sale of bonds, March, 1860 (being item B with interest omitted).....	8,130.00
Money theretofore appropriated but transferred to surplus fund (being item C without interest).....	2,089.51
And deprecation claims (being amount allowed by Commission in supplemental report).....	6,293.50
	28,105.51

The commissioners allowed the sum of \$44,809.07, exclusive of the items for interest, and Congress had up to 1891 appropriated the sum of \$44,813.01 in payment.

It having been ascertained that in the payment of the foregoing appropriations the Citizen Wyandottes had not received the amount to which they were entitled, Congress, on March 3, 1891 (26 Stats., 1009), appropriated the sum of \$13,000, or so much thereof as might be necessary, to pay balances due the Citizen Wyandottes.

There has, therefore, been paid to the Wyandottes of all classes, in carrying out the provisions of the amended thirteenth article of the treaty of 1867, the sum of \$57,813.01, leaving a balance, according to the report of the commission, of \$15,686.80.

I see no reason to differ from the conclusion of the Committee on Indian Affairs, as referred to in Schedule A attached to the treaty of 1867, and of the commissioners appointed under the amended thirteenth article of that treaty, that the Wyandottes are justly entitled to the items of interest.

I think, however, that the tribal Indians should be charged with the \$13,000 paid to the citizen class, to equalize the payments to each, as full payment of their entire share of the amount found due by the commission, the balance to be paid the citizen class in full discharge of their share of said amount. This would reduce the proposed appropriation from \$25,000 to \$15,686.80.

It is understood that the latter Indians will be satisfied with the proposed disposition of the money, but regarding this I have no other information than that conveyed by Mr. Armstrong.

It is probable that such disposition would be for the best interests of the Indians referred to in the item submitted.

Very respectfully, your obedient servant,

FRANK C. ARMSTRONG,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.