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Report : Mr. Blanchard

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IN THE SENATE OF THE UNITED STATES.

JANUARY 10, 1895.—Ordered to be printed.

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

REPORT:

[To accompany S. 2364.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2364) entitled "A bill for the relief of Silas P. Keller," having had the same under consideration, report it back favorably, with the following amendment:

After the word "Keller," in line 11, add "without interest."

Your committee recommend, as thus amended, the bill be passed.

In support of this recommendation they refer to the subjoined letters from the Secretary of the Interior and Commissioner of Indian Affairs, made part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, December 20, 1894.

SIR: I have the honor to be in receipt of your communication of 10th instant requesting the opinion of the Department of bills (S. 2364 and S. 2365) for the relief of Silas P. Keller and Northrup & Chick, late licensed traders with the Pottawatomie Indians, for supplies alleged to have been furnished the said Indians.

In reply I beg to hand you herewith a copy of a letter dated 18th instant from the Commissioner of Indian Affairs, wherein report is made of the facts and circumstances under which the liabilities referred to were incurred by the said Indians and the steps that have since been taken to secure payment therefor by the claimants.

As suggested by the Commissioner, I see no objection to the proposed legislation, providing the adjudication of said claims be left to the Department, as indicated in the bills referred to.

Very respectfully,

HOKE SMITH, *Secretary.*

HON. JAMES J. JONES,

Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 18, 1894.

SIR: I have the honor to acknowledge the receipt, by your reference of the 11th instant, for report of Senate bill 2364, for the relief of Silas P. Keller, late licensed trader with the Pottawatomie Indians of Kansas, for supplies furnished said Indians, and Senate bill 2365, for the relief of Northrup & Chick, late licensed Indian traders with the Pottawatomie Indians in Kansas, for supplies furnished said Indians; also

by your reference of the 13th instant, for consideration in connection with the two above-named bills, of a communication from the clerk of the Senate Committee on Indian Affairs, in which he refers the above bills submitted for the opinion of the Department, and states that Senator Jones had just directed him to request that the Senate committee be furnished, in the report of the Department thereon, with a full and complete history of these transactions, and that suggestions and opinions as the Department may have on the subject be given the committee as early as practicable.

Senate bill 2364 provides "that the Secretary of the Interior be, and hereby is, authorized and directed to examine and adjudicate the claim of Silas P. Keller, late licensed Indian trader with the Pottawatomie Indians in Kansas, for supplies furnished said Indians for their subsistence and to determine the amount thereof justly due said Keller, and whether there is any funds belonging to said Indians which can be applied to the payment of such claims, and if so determined, then to report and certify the amount found due to said Keller, to be paid from the funds of said Indians, to the Secretary of the Treasury, to be so paid by him.

Senate bill 2365 provides that the same course be pursued in the matter of the claim of Messrs. Northup & Chick.

The following is a history of the claims, as ascertained from the records and files of this office: Prior to 1864, Pottawatomie Indians residing in Kansas were largely indebted to traders and others for supplies furnished them for some years previous, and at the urgent request of the said Indians, through their business committee and upon the recommendation of their agent, Mr. W. W. Ross, this office determined to appoint a commission to examine and report upon the merits of said claims. Accordingly a committee of two was appointed, one of whom was the Pottawatomie agent, W. W. Ross, and the other Mr. J. A. Steele. On the 13th January, 1864, the committee rendered its report to this office, in which it stated that claims to the amount of \$98,601.11 were examined, and recommended to be allowed \$43,365.91.

On the 14th day of March, 1863, the Pottawatomie business committee addressed a letter to Mr. Ross, in which they stated that they desired to have him pay \$15,000, or as much as may be necessary, out of their funds upon their national debts at the rate of 50 cents on the dollar, for all accounts that are approved and recommended to be paid by the commission appointed by the Department to investigate the same.

A great many of the claimants accepted 50 cents on the dollar for their claims and were paid, but others objected to this mode of settlement and demanded payment in full, among whom were Messrs. Northup & Chick, named in Senate bill 2365, whose claim had been approved in part.

The claim of Mr. Keller was disallowed in toto by the commission, the said commission having attached a certificate to the claim, in which is set forth the statement that evidence of fraud or dishonesty appeared in making up the account, and recommended the rejection of the whole claim, amounting to \$11,189.33, it being impossible for them or any one else to determine what parts of said claim, if any, are paid and unpaid.

On the 31st of October, 1864, Mr. Keller filed in this office his protest against the report of Agents Ross and Steele against his claim, and filed an affidavit of his clerk, Mr. Ewing M. Sloan, who swears that during the years of 1853, 1854, 1855, and 1856 he was a clerk in the employ of Silas P. Keller; that in 1854 and 1855 S. P. Keller kept a larger stock of goods in the Pottawatomie Reservation than any other trader there, save during payment, at which time others, perhaps, had stocks as large as Keller's, but that he resided continually on the reservation during the years named, and he knew positively that Keller kept a large, well-assorted stock of such goods as the Indians most needed, and when the tribe was in need of credit, that the credit extended them by said Keller through him was larger, and for such articles as the Indians most needed, than any other trader there. Mr. Sloan answers in detail every point made against the claim by the commission, and in closing his affidavit states that the claim of Mr. Keller having been made and filed by him, it was proper for him to state that the goods charged in the accounts against the different Indians were all actually sold and delivered to parties to whom they are charged, and that the prices at which they were sold were the fair market price for the goods at the time they were sold and delivered, and that he believes the amount claimed by said Keller is justly due him, of course allowing for such clerical errors as will be found upon careful examination to have been made.

On the 24th day of April 1865, the then Commissioner of Indian Affairs, W. P. Dole, submitted a report to the Secretary of the Interior in which he stated that several claimants against the Pottawatomie Indians, whose books, transcript, and testimony relative thereto were examined and reported upon by W. W. Ross and J. A. Steele, commissioners, June 13, 1864, having through their attorney protested against the decision of said commission, he had at his earnest repeated requests caused the same to be reexamined in this office in connection with new testimony filed by some of the parties interested, viz:

Claim No. 40, Northrup & Chick called for \$5,522.68; \$3,529.98, allowed.

Claim No. 47, S. P. Keller, \$11,189.33, rejected by commission.

In this report the Commissioner states in regard to claim No. 40, as follows:

"This claim was allowed by the commissioners to the extent of \$3,529.98, but Messrs. Northrup & Chick protest against the finding—both, I presume, against the reduction and the taking of the pro rata.

"The claim is badly prepared, and I do not see how the commission could make an intelligent examination; they seem, however, by some process to have arrived at the conclusion that there was due after deduction for errors, etc., \$4,011.34, from which amount they deduct 12 per cent, and arbitrarily, as I think, take \$481.36 from the \$4,011.34. After a consideration of the claim, I think it should have been allowed for \$4,011.34.

"Claim No. 47, S. P. Keller; amount claimed, \$11,189.33. This claim was rejected by the commission in toto. It was the largest one examined by the commission, and perhaps for that reason and the fact that it was known that only a 'pro rata,' was to be paid the traders, it was attacked by some of the other claimants. In this connection, I would respectfully refer you to the affidavit of Lewis Ogee and E. G. Nadean, with the explanation that when Mr. Keller's late clerk was in this city, for the purpose of making his explanatory affidavits, those affidavits were not observed, but were afterwards found folded in the leaves of the transcript; besides, by consulting the schedule you will find that the parties named are themselves claimants.

"I consider that Mr. E. M. Sloan's testimony in the above case, he being a reliable gentleman, as appears from the affidavit of A. S. Johnson, filed by S. N. Blackledge on the 15th instant, removes all the aspersions cast upon the claimant; and I can not see that any deduction should be made, except of the individual accounts of Lewis Ogee and E. G. Nadean."

The Secretary of the Interior, under date of May 5, 1865, in reply to the above report of April 26, 1865, returned the claims, books, etc., with the statement that as there was no appropriation for paying these debts, and no express authority for their examination and adjudication, he was of the opinion that all attempts to adjust them would be unavailing to the claimants, concluding no one, and that the books, etc., might be filed for future reference, it being possible that Congress will provide for their settlement. Mr. Keller states that since 1865, he has several times called up his claim for examination and settlement, but that until recently the papers could not be found.

Since the date of the reports referred to 1,400 Indians of the Pottawatomie Nation have become citizens of the United States and received their pro rata share of the assets of the tribe, and 780 preserved their tribal relations, and are now residing upon their reservation in Kansas; consequently, if these claims should be paid, $\frac{1}{2}$ thereof would be chargeable to the Citizen band and $\frac{1}{2}$ thereof to the Prairie band, or Indian class. Within the last five years large sums of money have been appropriated for the Pottawatomie Nation on account of annuities growing out of various unfulfilled treaty stipulations, which money has been distributed among the two classes named upon the above basis.

The Citizen class has now to its credit in the Treasury the sum of \$61,123.32, being the aggregate of unexpended balances of the appropriations made for said class, and the Prairie band receive an annual appropriation of \$20,647.65, under treaties, besides trust-fund interest amounting annually to \$9,204.72, the principal being \$184,094.57.

The papers referred are respectfully returned herewith, with the above statement of facts, and with the remark that I can see no objection to the legislation proposed by the two bills named.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

