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## Report : Mr. Platt

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IN THE SENATE OF THE UNITED STATES.

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FEBRUARY 2, 1895.—Ordered to be printed.

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

REPORT:

[To accompany S. 2084.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2084) to refer to the Court of Claims the claims of the confederated Peoria, Piankeshaw, Wea, and Kaskaskia tribe of Indians against the United States, having had the same under consideration, report as follows:

The facts upon which the passage of the bill is asked are sufficiently set forth in the letter of the Secretary of the Interior to the chairman of the Committee on Indian Affairs, inclosing letter of the Acting Commissioner of Indian Affairs, which letters are attached to this report.

Following the suggestions of the Department, the committee recommends that the bill be amended by striking out all after the enacting clause and inserting the following:

That the Secretary of the Interior be, and he hereby is, authorized and directed to reopen and restate the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, under the treaties of 1854 and 1867; and that in such restatement of said accounts he restore to their credit such sums or portions of their trust or other funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit, and report the sums so found to be justly due them, if any, to Congress.

And that thus amended the committee recommend the passage of the bill.

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DEPARTMENT OF THE INTERIOR,  
*Washington, June 15, 1894.*

SIR: I have the honor to acknowledge the receipt, by your reference, of S. 2084, "A bill to refer to the Court of Claims the claims of the confederated Peoria, Piankeshaw, Wea, and Kaskaskia tribes of Indians against the United States."

In response thereto, I transmit herewith copy of a communication of 14th instant, from the Commissioner of Indian Affairs, to whom the bill was referred.

This report shows the action taken heretofore in regard to this matter, and it is held therein that the adjustment of the accounts of these Indians seems to be a simple one of fact, which the Department ought to be, and is, entirely competent to deal.

The Commissioner, therefore, sees no necessity for the passage of the bill in ques-

tion, and states that the only legislation necessary is such as would confer the requisite authority on the Department to open and restate the account, as was contemplated by Senate bill 1142, Forty-fourth Congress, and he presents a draft of a bill for that purpose, which he recommends be substituted for S. 2084.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, June 14, 1894.*

SIR: I am in receipt, by your reference for report, of a communication from the chairman of the Committee on Indian Affairs, United States Senate, requesting the opinion of the Department on Senate bill 2084, Fifty-third Congress, second session, entitled "A bill to refer to the Court of Claims the claims of the confederated Peoria, Piankeshaw, Wea, and Kaskaskia tribe of Indians against the United States."

Section 1 of the bill confers full jurisdiction upon the Court of Claims, subject to appeal to the Supreme Court of the United States, as in other cases, to hear and determine what are the just rights in law or in equity of the said Indians arising out of their treaty relations with the United States.

Section 2 gives the Indians the right to begin and prosecute to final judgment a suit or suits against the United States, in said court, to recover and collect from the Government any and all sums of money that may be found to be justly due to them, either in law or in equity, on account of treaty relations and from contracts, expressed or implied, under such treaties within one year from the passage of this bill.

Section 3 provides that the exercise of such jurisdiction shall not be barred by any lapse of time heretofore, nor shall the rights of said Indians be impaired by any acts of their council or any provisions of treaties not understood by them, and they shall have the right to be represented in all of said proceedings by attorneys employed by their tribal authorities.

In reporting upon said bill I have the honor to state that article 24 of the treaty of February 23, 1867 (15 Stats., 513), with certain Indian tribes in Kansas, provides, in relation to the Peorias, Kaskaskias, Weas, and Piankeshaws, parties to said treaty, that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds; and the representations of these Indians for overcharges for sales of their lands in 1857 and 1858 shall be examined and reported to Congress."

Upon the request of James Charley and others of the said confederated tribes, dated January 31, 1873, the Secretary of the Interior, by letter dated December 23, 1874, transmitted to Congress a copy of a communication dated December 21, 1874, from the Commissioner of Indian Affairs inclosing papers as follows:

(1) Copy of a letter from the Commissioner of the General Land Office, dated June 22, 1874, with statement attached showing in detail the number of acres of land sold under the treaty of 1854, including the eight sections not embraced in said treaty, and the amount realized from said sale.

(2) A statement from the books of the Indian Office showing the amount received on account of the sales of said lands, and of the Wea National Reserve, sold under the provisions of article 21 of the treaty of February 23, 1867, and the disposition of the proceeds of the same.

(3) A statement of the stock account of said Indians showing the various changes in the same and the amounts then held in trust for them.

(4) A detailed statement of their interest account showing receipts and disbursements.

(5) A statement of account "fulfilling treaty with" said Indians, showing the amounts appropriated by Congress under treaty stipulations and the disbursements of the same, and

(6) The letter from James Charley and others above referred to.

The said letter from the Commissioner of Indian Affairs also contained a report of his examination of the representation of the Indians relating to overcharges for sales of their lands in 1857 and 1858, as required by the said twenty-fourth article of the treaty of 1867.

All of the papers above described are published in House Ex. Doc. No. 101, Forty-third Congress, second session.

Senate Report No. 582, Forty-fourth Congress, second session, publishes the report of the Committee on Indian Affairs, upon the petition of the said tribe of Indians asking for the repayment to them of certain sums of money claimed to have been wrongfully diverted from their trust funds. The said committee stated that from a report made by the Commissioner of Indian Affairs, dated March 24, 1876, it appears

that in carrying out the provisions of the treaty of 1867, in relation to the sale of their ten sections of land, by some oversight the sum of \$723.32 had been withheld from these Indians since 1869, upon which sum they ask interest; that by a like oversight the sum of \$1,840 was paid to parties not entitled thereto; that this sum they properly ask, and it should be restored to them; that the petitioners base their claim to interest upon the seventh article of the treaty of 1854 (10 Stats., 1084), the second section of the act of July 12, 1862 (12 Stats., 540), and the twenty-fourth article of the treaty of 1867 (15 Stats., 519).

The recapitulation by the committee shows that the amounts in which these Indians claim that their funds should be reimbursed, with interest, aggregate the sum of \$25,504.96 at the date of the report, January 17, 1877. The committee, in view of the statements contained in said report, substantiated by the records of the Departments, as stated by the committee, were of the opinion that these Indians have a claim upon the Government; but that as the determination of the exact amount due would require a more detailed examination than the committee were able to make, they recommended the reference of the whole subject to the Secretary of the Interior, with authority to settle the same, and to restore to their funds all sums improperly taken therefrom; and that for this purpose the committee reported the bill accompanying said report and recommended its passage.

The said bill (S. 1142, Forty-fourth Congress, second session) required the Secretary of the Interior to reopen and restate the account of said Indians, and that in such restatement of said account he restores to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom, or diverted to other purposes, and report the sum so found, if any, to Congress at its next session.

I do not find that the said bill ever became a law or that it was ever referred to this office for report or action.

It is proper to state in connection with this subject that this office is in receipt of a letter dated May 8, 1894, from Mr. Poindexter Dunn, attorney at law, this city, transmitting, for the approval of this office and of the Department, a contract made by him April 30, 1894, with the confederated Peoria, Kaskaskia, Wea, and Piankeshaw tribe of Indians. The said contract stipulates for Mr. Dunn's employment to institute and prosecute to final judgment all necessary suits at law or equity in the courts of the United States for a full, final, and just settlement of all their accounts with and claims against the Government of every character and description, arising out of treaty stipulations, or contracts expressed or implied under such treaties, and to collect out of the Treasury of the United States all such sums of money as may be found to be due said Indians; and, further, to institute and prosecute suits against any and all persons who may have wrongfully misappropriated any funds or property belonging to said Indians.

The consideration for such services expressed in the contract is that the said Poindexter Dunn shall receive 33 per cent of all money recovered and collected by him, he to defray all expenses of the suit or suits.

A communication from Mr. Dunn, without date, received by Department reference of the 8th instant for consideration in connection with Department reference of June 7 on this subject (the said Senate bill 2084), briefly reviews the facts of the case and asks that the passage of said bill be recommended by the Department.

In considering this bill the first question that occurs to me is whether any necessity exists for its passage.

The question at issue, to wit, the adjustment of the accounts of the Indians, seems to be a simple one of fact, with which the Department ought to be, and I believe is, entirely competent to deal.

Should the bill become a law, suit or suits would be instituted, the Department would be called upon to furnish the court with the facts and figures of the case, and Congress would then be called upon for an appropriation to pay such judgment as may be rendered in favor of the Indians.

Such sum or sums of money as may be due these Indians could, it would seem, be definitely ascertained by this Department, a fact which was recognized by the committee in said Senate Report No. 582, accompanying S. 1142, Forty-fourth Congress, second session.

I do not therefore see the necessity for the passage of the bill in question.

The only legislation necessary is such as would confer the requisite authority on the Department to open and restate the account, as was contemplated by the said Senate bill 1142, Forty-fourth Congress.

In my opinion, the matter can be more expeditiously and economically adjusted by a bill similar to that, and I accordingly recommend that the inclosed draft of bill be substituted for S. 2084.

Very respectfully, your obedient servant,

FRANK C. ARMSTRONG,  
*Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

#### 4 CLAIMS OF PEORIA, PIANKESHAW, AND OTHER INDIANS.

DRAFT OF A PROPOSED BILL TO AUTHORIZE AND EMPOWER THE SECRETARY OF THE INTERIOR TO ADJUST AND SETTLE THE ACCOUNTS OF THE KASKASKIA, PEORIA, PIANKESHAW, AND WEA INDIANS.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior be, and he hereby is, authorized and directed to reopen and restate the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, under the treaties of eighteen hundred and fifty-four and eighteen hundred and sixty-seven; and that in such restatement of said accounts he restore to their credit such sums or portions of their trust or other funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit, and report the sums so found to be justly due them, if any, to Congress.

