

TO ADJUST AND SETTLE WITH CERTAIN INDIANS WHO  
HAVE BECOME CITIZENS OF THE UNITED STATES.

MARCH 23, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 3436.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 3436) to provide for a revision of a distribution of the invested and other common property of the Confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians, made under the treaty of 1867 with the United States, and for the payment to those of said Indians who became citizens of the United States under said treaty, the survivors of them, their heirs or legal representatives, of their proportionate share of the invested and other common property of the tribe still held in trust for them by the United States, have considered the same, and respectfully report:*

That, under a treaty made with said Confederated Peoria, Kaskaskia, Wea, and Piankeshaw Indians by the United States, on the 23d day of February, 1867 (U. S. Stats. at Large, Vol. 15, p. 520), certain of the Indians of said tribe elected to become citizens of the United States.

That said treaty provides that—

A register shall be taken by the agent, which shall show the names, separately, of all who voluntarily desire to remove, and all who desire to remain and become citizens; and those who shall elect to remain may appear before the judge of the United States district court for Kansas, and make declaration of their intention to become citizens; \* \* \* and they shall be entitled to receive the proportionate share of themselves and their children in the invested and other common property of the tribe, &c. (See Art. 23, treaty of 1867, U. S. Stats. at Large, Vol. 15, p. 520.)

Your committee find that no register of the Indians of this tribe was made as the treaty provided, nor was a list made and accepted by the members of the tribe, but the following Indians of the tribe, viz: Baptiste Peoria, Daniel Eddy, James Charly, Ed. H. Black, and Frank Valley, signing themselves as "representing Indian class," and L. S. Dagenette, Noel Dagenette, and Baptiste Peoria, signing as "representing citizen class" (the latter being one who elected to remain an Indian and signing "as attorney for certain of the citizen class"), got together in the city of Washington, D. C., and made a list on the 7th day of April, 1870, now on file in the Indian Bureau of the Interior Department, and upon which is the following indorsement, made by said Indians:

We, the undersigned, representing the confederated bands of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, and such of said Indians as have elected to become

citizens of the United States under the 28th article of the treaty concluded February 23, 1867, hereby agree that the foregoing lists shall be taken and considered as the basis upon which the tribal funds of said Indians shall be divided, the number of those who elect to remain in their tribal capacity being one hundred and sixty-four and the number of those who elect to become citizens of the United States being fifty-five.

Done at the city of Washington this 7th day of April, 1870.

The existence of said list only became known to those of the tribe who became citizens about the year 1874, and it was at once repudiated and a revision of the same and of the distribution made under it was requested through the Indian Bureau of the Interior Department.

Your committee also find that certain moneys held by the United States in trust for this tribe were distributed and the citizen class of these Indians were paid an amount, alleged to be their share of the "invested and other common property of the tribe" under the list referred to; against which said distribution the citizen class protested and still protest, as being illegal, unfair, and unjust to them, and as defrauding them out of at least one-half of their proper share of the "invested and other common property of the tribe," a revision of which is provided for in the bill under consideration.

The Commissioner of Indian Affairs reports that the records of his office show a full investigation was made of said distribution by his Department in 1875, but your committee find that the parties to the list referred to under which the distribution was made in 1870 were not empowered to make said list and that it could not take the place of the "register" provided for by the treaty of 1867 aforesaid.

That while said list made in 1870 showed the number of the tribe who retained their Indian status to be one hundred and sixty-four and those who became citizens to be fifty-five—a total of two hundred and nineteen—the citizen class claim the total number of the tribe at the time was one hundred and nineteen. When those of the tribe who retained their Indian status, in 1874, were about to consolidate, *on equal terms*, with the Miamies, under act of Congress approved March 3, 1873, they addressed a communication (February 9, 1874) to the Commissioner of Indian Affairs, in reply to his request to explain the discrepancies between the list offered for the purpose of consolidation with the Miamies and their pay-rolls, in which communication they show that a great many of those claimed as members of the tribe, in list made for the distribution complained of, were, in fact, not so.

And the claim of those Indians of this tribe who became citizens, for a revision and correction of said list of 1870 and the distribution thereunder, is, in the opinion of your committee, well founded in law and in fact.

Your committee also find, that of the invested and other common property of this tribe held by the United States in trust in 1870, a portion was distributed to the citizen class in 1870, a portion is still held by the United States in trust for the tribal Indians, and a portion was invested in lands now held in common by the Indians of said tribe who retained their tribal status and have since united with the Miamies and are now known as the United Peorias and Miamies.

Your committee therefore report bill H. R. 3436, which provides for a revision of said distribution, and recommend its passage.