

JOAB SPENCER AND JAMES R. MEAD.

## MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

*Without his approval the bill (H. R. 1331) for the relief of Joab Spencer and James R. Mead for supplies furnished the Kansas tribe of Indians.*

MAY 12, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed.

*To the House of Representatives :*

I return herewith, without my signature, a bill (H. R. 1331) entitled "An act for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians."

I withhold my approval of said bill for reasons which satisfy me that the claim should not be allowed for the entire amount stated in the bill, and which are set forth in the letter of the Acting Secretary of the Interior, dated the 7th instant, a copy of which, with its accompanying papers, is herewith transmitted.

U. S. GRANT.

EXECUTIVE MANSION, May 12, 1874.

DEPARTMENT OF THE INTERIOR,  
Washington, D. C., May 7, 1874.

SIR: I have the honor to return herewith engrossed bill H. R. 1331, entitled "An act for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," and to state that said bill was the subject of a report made to the Department by the Commissioner of Indian Affairs on the 11th ultimo, with which he submitted letters from Enoch Hoag, superintendent of Indian affairs, and Mahlon Stubbs, Indian agent, representing that the justness and correctness of the claim of Spencer & Mead had not been established, and suggesting that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case could be had.

The suggestion of the Indian agent received the concurrence of the

Commissioner of Indian Affairs and the approval of this Department, and on the 17th ultimo the attention of Congress was invited to the subject in a letter addressed to the Speaker of the House of Representatives by the Secretary of the Interior. At the latter date the bill appears to have been pending in the Senate, of which fact this Department at that time was not informed.

On the 5th instant the engrossed bill (H. R. 1331) was received, by reference from the Executive Office, and forwarded to the Commissioner of Indian Affairs for a further report on the subject, and on the 6th instant that officer returned said bill to this Department, with a letter presenting his views in relation to the matter, and suggesting that the rights of the Indians and of Messrs. Spencer & Mead would be fully protected by a modification of the bill authorizing the Secretary of the Interior to pay such amount of their claim as might be found to be due. The suggestion meets the approval of this Department.

Copies of the papers connected with this claim are herewith submitted.

I have the honor to be, very respectfully, your obedient servant,  
B. R. COWEN,

*Acting Secretary.*

The PRESIDENT.

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LAWRENCE, *Thirdmonth 22, 1874.*

MAHLON STUBBS,

*United States Indian Agent :*

Inclosed herewith I forward a claim of Spencer & Mead against the Kansas Indians for goods claimed to have been furnished these Indians previous to Eighthmonth 6, 1867, and I have to inform you that a bill is now before Congress providing for its payment from the proceeds of the sale of their lands in Kansas.

Thou wilt please investigate the claim; ascertain if the same, or any part thereof, is just; and, if so, how much. Also, if the whole, or any part thereof, has been paid; and, if so, how much, furnishing this office with any information touching the case in thy possession, and make due report of thy investigation, returning the claim at the earliest practicable day. (Amount, \$7,782.89.)

Very respectfully,

CYRUS BEEDE,  
*Chief Clerk.*

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KAW INDIAN AGENCY, INDIAN TERRITORY,  
*Via Arkansas City, Kans., Thirdmonth 28, 1874.*

ENOCH HOAG,

*Superintendent Indian Affairs, Lawrence, Kans. :*

Referring to letter from thy office, dated Thirdmonth 22, directing me to investigate certain claims of Spencer & Mead against the Kansas Indians, I will state that I have called the Indians and half-breeds together, and laid the subject before them, and have ascertained from them the following facts :

The head chief states that when Spencer was about to leave them as trader, and they had paid him \$8,000, their entire annuity, he asked him if his tribe, or any of them, owed him anything more. Spencer replied, "No, you have paid me all, and we are now even."

A number of Indians say they heard the above conversation, and assert that it is correct.

I would further state that from them I also gather the following facts, to wit: That there never has been an Indian by the name of Sin-get-i-sah belonging to the Kaw tribe. Bellevard states positively that he never bought a gun in his life, and never bought or used any Indian cloth. Bellevardshingah states he never bought an Indian blanket of the firm, and is positive he was in the Army at the date of this charge. Clementine Lessart was a young girl under the care of her parents, at the time of this transaction. Ebery Jo, at the date of this transaction, was only eight years old, and never had been enrolled in the Kaw tribe. Old Jo was a white man, and was never known to buy blankets, or Stroud. Heavy Jo was never at any time a member of the Kaw tribe. Several of the above statements I know to be true, as I resided with the tribe from the 17th of March, 1863, to the 1st of March, 1867.

I can further state, to my personal knowledge, that Laura Pappan was a member of the Pottawatomie tribe of Indians, and had never, previous to the date of this transaction, and for several years after, been enrolled in the Kaw tribe; and, further, that Age-hi and Tom Jefferson had been dead at least one year previous to the date of the charges against them, and that Frank Lecompte was a white man, and never a member of the Kaw tribe. R. Prudon is a New York Indian, and was never enrolled with the Kaws.

I would further say that I have resided with this tribe more than eight years; am intimately acquainted with all the male members and their manner of trading, and have never known them to buy beef and pork in as large quantities as is charged in the account, and that I have never known the half-breeds to buy blankets and Indian cloth as charged to them in this account, as they all dress in citizens' garb; and, further, Spencer informed me some four years ago that he had an account against the Kaws of about \$7,000, and asked me to sign a paper drawn up by himself, stating that, to my personal knowledge, I knew the debt to be a just one, &c. I refused to do it, but informed him that if he had a just account against the Kaws to set his time and bring his account to the agency, and I would have the council present, and if they acknowledged the debt, and were satisfied, after the investigation, that it was correct and just, and he would get the certificates of the agents at the time of the transaction, I would approve it. I have heard but little, if anything, of it since, and the agency was only four miles distant from his place of business.

From the foregoing facts, I ask that payment on it be stopped until there is time given for a thorough investigation at least.

Very respectfully,

MAHLON STUBBS,  
*United States Indian Agent.*

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OFFICE OF INDIAN AFFAIRS,  
CENTRAL SUPERINTENDENCY,  
*Lawrence, Kan.s, Fourthmonth 2, 1874.*

Hon. E. P. SMITH, *Commissioner:*

On seeing in congressional reports the presentation of a bill by Representative Lowe (I think) for payment of claim against the Kaw Indians, by Spencer & Mead, of some eight years' standing, and providing interest, and to be re-imbursed from sale of their lands, I deemed it my duty to call on claimants for their itemized account, on receipt of

which I transmitted it to Agent Stubbs, with request (copy inclosed) that he obtain the facts in the case from the Indians, and report the same, with his views, to this office. Said report is herewith transmitted, asking that the bill do not pass without an investigation.

Respectfully,

ENOCH HOAG,  
*Superintendent.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., April 11, 1874.*

SIR: I have the honor to invite your attention to the inclosed bill (H. R. 1331) "for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," by which it is proposed to authorize the payment of their claim against said tribe, amounting to \$7,509.83, with interest.

I also present, in connection with the above, a letter from Superintendent Hoag, of the 2d instant, inclosing a report from the agent having immediate charge of said Indians, Mr. Mahlon Stubbs, by which it will appear that the justness and correctness of said claim has not been established.

The agent's suggestion that further proceedings in the premises be deferred until a thorough investigation of the facts and circumstances of the case can be had, is concurred in by this office.

Very respectfully, your obedient servant,

EDWARD P. SMITH,  
*Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

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DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., April 17, 1874.*

SIR: A bill (H. R. 1331) "for the relief of Joab Spencer and James R. Mead, for supplies furnished the Kansas tribe of Indians," is now pending before Congress, which requires the Secretary of the Interior to pay, or cause to be paid, to said parties the sum of \$7,509.83, and interest on said sum at the rate of 7 per cent. per annum from the 6th day of August, 1867, until paid, out of any money now due or owing, or that may at any time hereafter become due and owing, the Kansas tribe of Indians in the State of Kansas, from the proceeds arising from the sale of lands owned by the said tribe of Indians in said State of Kansas, in full compensation for the goods and provisions furnished said Indians by said Spencer & Mead during the years 1866 and 1867.

I have the honor to transmit herewith, in relation to the subject, a copy of a letter dated the 11th instant, with accompanying papers, being copy of a letter dated the 2d instant, from Enoch Hoag, superintendent of Indian affairs, and report of Mahlon Stubbs, the agent having charge of the Kansas Indians, from which it appears that the justness and correctness of the claim of Spencer & Mead have not been established.

The suggestion of the agent, concurred in by the Commissioner of Indian Affairs, that further proceedings in the premises be suspended

until a thorough investigation of the facts and circumstances of the case can be had, meets the approval of this Department, and the attention of Congress is respectfully invited to the subject.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., May 6, 1874.*

SIR: I have the honor to invite your attention to the inclosed bill of Joab Spencer and James R. Mead, providing that the sum of \$7,509.83, and interest at 7 per cent., be paid to Spencer & Mead out of the fund belonging to the Kansas tribe of Indians, for goods furnished by said Spencer & Mead, and also to invite attention to the inclosed correspondence between this office and Superintendent Hoag and Agent Stubbs. While this bill was pending in Congress, Agent Stubbs's attention was called to it by Superintendent Hoag, and in reply he states his reasons why action provided in the bill should not be taken until further investigation is made as to the correctness of the claim against the tribe. From the statement of Agent Stubbs there seems to be considerable doubt as to the entire correctness and justness of this bill; and while there is no question but that there may be indebtedness on the part of the Indians to this firm, the amount of such indebtedness should not be fixed in this summary manner.

If the bill can be so modified as to allow the Secretary of the Interior to pay such amount thereof as may be found due, it is believed that the rights of both the Indians and traders will be fully protected.

Very respectfully, your obedient servant,

EDWARD P. SMITH,  
*Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

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