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Alvernus Jackson and other Miami Indians

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ALVERNUS JACKSON AND OTHER MIAMI INDIANS.

APRIL 15, 1856.—Ordered to be printed.

Mr. PRINGLE, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom were referred the memorial of Alvernus Jackson, Julia Ann Jackson, Charles Jackson, Edward Jackson, and Elizabeth Allen, of the Miami tribe of Indians, of the State of Indiana, and a bill accompanying said memorial, respectfully make the following report :

The memorialists (a man and his wife, and two infant children, three years and one year old, in one family, and a woman, whose age or condition, whether single or married, is not stated) pray for the enactment of a law by Congress, by which the present worth of their share or proportion, as members of the Miami tribe of Indians, of the moneys secured to said tribe by the treaty of June 5, 1854, and the amendments thereto, may be ascertained and paid now, to the Hon. Daniel Mace, of Indiana, for their benefit.

By the fourth article of the treaty above referred to, the sum of two hundred and thirty-one thousand and four dollars is stipulated to be paid by the government to certain of the Miami Indians residing in the State of Indiana, (whose names were inserted in lists prepared for the purpose by the council of the Indians, numbering three hundred and two names,) and the increase of their families, in six annual instalments, to commence with the month of October, 1854, unless they should, upon further consultation, determine to have the same invested by the United States for their benefit, and the interest only paid to them annually. They did so consult and determine, and the Senate of the United States, before ratifying the treaty, amended the fourth article so as to provide that the above mentioned sum should be invested, under the direction of the President, at an interest of five per cent. per annum, and that interest paid annually for twenty-five years to the said Indians; and at the expiration of that time, or sooner, if required by them and approved by the President, the principal sum should be paid to them in full, "*the United States being directly responsible therefor.*"

Long experience has taught this government and the great body of the Indian tribes the wisdom of placing the principal fund from which the Indians derive their support beyond the reach of accident or mis-

management, and especially of fraud on the part of the whites by whom they may be surrounded; and whenever good counsels have prevailed amongst them, the government has always been intrusted with the guardianship of their pecuniary interests. It would be unwise, unless for grave and special reasons, to interfere with such disposition of their means. Few of the adults among them are competent to conduct business or manage property, and none of them can be safely intrusted with the investment and control of large sums of money. How it may be with the petitioner, Alvernus Jackson, your committee will not undertake to say; but, as to the women and children, your committee believe it safe to assume that they are not fitted to be intrusted with the management of property, from which a livelihood is to be derived.

Again, this sum of two hundred and thirty-one thousand and four dollars belongs in common to the whole body of the band whose names are inserted in the lists, and their descendants; but no individual member has a right to a single dollar of the fund in its present condition, nor will have, so long as the band shall leave it invested, or until it shall have been paid over to them at the expiration of the twenty-five years, and divided by the survivors amongst themselves. When that time comes, then petitioners and their heirs may not be living.

They have at present, therefore, only a life-interest in the income of the fund, and a contingent interest in case they survive until the division above mentioned. It would, therefore, be improper and unjust to withdraw from that fund, at the suggestion of parents or guardians, an *infant's* share or interest, present or prospective, for the use and benefit of others, with the probability of throwing the child eventually a burden upon the tribe, not to speak of the absurdity that the *infant* itself should *petition*, as in this case to be dealt with.

The government is declared by the treaty to be directly responsible for the payment of this money in the manner and at the time stipulated therein. This is, therefore, an insurmountable objection to granting the prayer of the petitioners, if no other objection existed. These partial payments to individual members would in no manner exonerate or release the government from its liability to repay the whole sum, when demanded under the treaty by the proper authorities of the tribe. If half the gross amount secured by the treaty should be advanced to individual members, upon their petitions, without the consent of the tribe through its regularly constituted authorities, in this irregular manner, "the condition of the bond" would still have to be performed. It is further respectfully submitted, by your committee, that, inasmuch as this fund is a matter of treaty stipulation, Congress has power only to pass laws in *furtherance* of the objects of the treaty; it has no power to abrogate an express provision of such an instrument. The Indians and this government have solemnly agreed as to the time and mode in which the fund in question shall be paid over to them, or such of them as may be living when the time arrives; and, in the opinion of your committee, it is not in the power of one branch of the government, or of all of them, to alter and mate-

rially change such agreement, without the consent of all the contracting parties and those who have vested rights thereunder.

By the conclusions to which your committee have arrived, they are relieved from attempting to solve the problem of what is the present worth of the petitioners' respective shares in the fund secured by the treaty to the tribe.

For the reasons herein stated, and in which the Commissioner of Indian Affairs fully concurs, your committee recommend that the prayer of the petitioners be not granted.

All of which is respectfully submitted.