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DEPREDATIONS UPON THE SHAWNEE INDIANS.

[To accompany Bill H. R. No. 368.]

MARCH 30, 1860.

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

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of the Shawnee Indians in Kansas, asking indemnity for property destroyed there in 1855-'56-'57, have considered the same, and submit the following report:

That the Shawnee reserve lies principally in Johnson county, extending from the Missouri line nearly to Lawrence, Kansas Territory; that in 1855 the seat of government for the Territory was at the Shawnee manual labor school in this reserve; that Governor Shannon, upon calling out a large body of militia to make arrests at Lawrence, marched them to the vicinity of that place and encamped them upon this reserve; that to furnish themselves with horses, corn, oats, beef, and other supplies, they took any of this kind of property they desired, for which nothing whatever was paid. Again, in 1856, we find this reserve the theatre of similar operations and troubles, and, in some instances, that cattle were taken without pay by the regular troops. The condition of the Territory was such at these periods as to invite there the lawless and abandoned, who committed depredations with impunity upon these Indians.

During the month of February, 1860, these Indians held a council at their council-house, at which time and place the statement upon which this bill is based, of the loss sustained by each individual, was taken under oath, and what was supposed to be the necessary corroborating proof adduced, as required by law. These Indians claim that the payment of these damages is guaranteed by the 16th section of the general intercourse act of June 30, 1834, "to regulate trade and intercourse with the Indian tribes, &c.," and also treaty stipulations contained in the treaty of May 10, 1854, made with this tribe.

The 16th section of the act of 1834, (vol. 4 U. S. Statutes at Large, page 729,) provides as follows: "That where, in the commission, by a white person, of any crime, offence, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offence, or misde-

meanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the treasury of the United States: *Provided*, That if such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the treasury as aforesaid."

The 12th and 14th articles of the treaty of 10th May, 1854, vol. 10, page 1053, U. S. Statutes, are as follows: "The Shawnees acknowledge their dependence on the government of the United States, and invoke its protection and care. They will abstain from the commission of depredations, and comply, as far as they are able, with the laws in such cases made and provided, as they will expect to be protected and to have their rights vindicated. If, from causes not now foreseen, this instrument should prove insufficient for the advancement and protection of the welfare and interests of the Shawnees, Congress may hereafter by law make such further provision, not inconsistent herewith, as experience may prove to be necessary to promote the interests, peace, and happiness of the Shawnee people."

All the papers in this case, embracing the proofs, were presented by the committee to the Commissioner of Indian Affairs, with the request that he examine them and then make such report and suggestions to the committee as he thought proper. The papers were accordingly examined by the commissioner, and sent back to this committee accompanied by a report and recommendation that relief be granted. From that report we make the following extract:

"It is well known to the department that many depredations were committed upon the Shawnees and other Indians by lawless whites, and that it was impossible for them in most cases to identify the perpetrators, and thus bring them to justice, or to attempt to do so, as the 16th section of the intercourse act of June 30, 1834, requires; and I think the requirement should not be insisted upon. As you have done me the honor to solicit suggestions from me as to the mode which should be pursued in these cases, I would respectfully recommend that an appropriation be made sufficient to cover the amount of the claims presented, to be adjusted under the direction of the Secretary of the Interior."

At the request of the committee, the commissioner drew up the bill which is herewith reported. The committee state further that they are satisfied none of these claims have been assigned, but are to be paid by the Secretary of the Interior directly to the several claimants.

The policy of the government forbids the Indians to seek redress through any other source than the government direct; and in view of the disordered and unfortunate condition of the Territory at that time, it is believed best to grant an amnesty to all concerned. These Indians were innocent parties to the troubles in Kansas, and in accordance with their treaty stipulations, "abstained from committing depredations," or seeking retaliation for their injuries. The proofs, and the reports of the Commissioner of Indian Affairs, show that these Indians

are peaceable, industrious, civilized, and owners of large personal property, and rapidly advancing in civilization and improvement. We make the following extracts from the reports of the Commissioner of Indian Affairs for the following years—for the year 1855, pages 93 and 94 :

“ The Shawnees are making rapid progress towards civilization, and are gathering around them the comforts and, in many instances, some of the elegancies of a more refined and civilized life. The Indians over whom I have the honor to be placed have always, since I have entered upon the duties of my office, evinced an earnest desire to comply faithfully with the very letter of their treaty stipulations. A deviation from the strict requirements of the treaties, on the part of the government, cannot fail to weaken their faith in its integrity. To say the least, it gives those who are disposed to fail in their engagements an excuse for so doing.

“ R. C. MILLER, *Indian Agent.*”

In 1856 their agent was killed during the troubles, and no report was made.

In 1857, page 170, we find the following :

“ Among both the Shawnees and the Wyandots there has grown up a commendable spirit of emulation, which has resulted in much good ; each individual appears determined to build better houses and cultivate more land than his neighbor. Thus the efforts of one stimulate another to increased exertion for supremacy. The advancement of both tribes in agriculture and the arts of civilization is truly gratifying, but not more so than their advance in the moral and religious qualities essential to good citizens ; public opinion amongst themselves has rebuked drunkenness to an extent never before known among them, and among all other advances made, education is not neglected.

“ A. ARNOLD, *Indian Agent.*”

Report of 1858, page 11, as follows :

“ A great majority of those who are adopting, and have adopted in every particular, the customs and habits of their white neighbors, lose nothing by comparison with them in either their improvements, their comfortable, and in many instances, their fine houses, their well cultivated crops of corn, wheat, and grass, and not least, nor last, their fine stock. From the best estimate I can make now a majority of them have adopted the customs of the civilized, and this majority is rapidly growing.

“ B. J. NEWSUM, *Indian Agent.*”

Report of 1859, page 147, as follows :

“ The Indians of this agency are advancing as rapidly in civilization as the most sanguine of their friends can ask. The church is the strongest element of their prosperity ; its influence is carried into all their concerns. Such being the state of affairs here—the tribe having reached that point in civilization where the guarding control of the

government will not much longer be required for their protection and advancement as a tribe—I deem it unnecessary to enter into the details of their circumstances and internal polity, as has been done heretofore.

“B. J. NEWSUM, *Indian Agent.*”

Under all the circumstances your committee do not hesitate to recommend the passage of the bill herewith reported, and which, in its details, has the sanction and approval of the Commissioner of Indian Affairs.