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Sums due Chippewa and other Indians. Letter from the Secretary of the Interior, transmitting reports of the amounts due Chippewa, Ottawa, and other Indians now residing in the State of Michigan

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SUMS DUE CHIPPEWA AND OTHER INDIANS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

Reports of the amounts due Chippewa, Ottawa, and other Indians now residing in the State of Michigan.

DECEMBER 23, 1862.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, December 19, 1862.

SIR: An act of Congress, approved March 2, 1861, directs the Secretary of the Interior to examine and report to Congress what amount, if any, is due to the Chippewa, Ottawa, and Pottawatomie Indians now residing in the State of Michigan, under and by virtue of the treaties of July 29, 1829, September 26, 1833, and the articles supplementary thereto of September 27, 1833, and under the treaty of the 5th and 19th June, 1846, with the Pottawatomie nation of Indians; and also to report whether there is any money or property heretofore payable to said Pottawatomie nation under and by virtue of the treaty of October 26, 1832, and other treaties, which has not been appropriated and paid; and if any, what amount?

In compliance with this act, I have the honor to transmit a report from the Commissioner of Indian Affairs, showing that, in the judgment of that officer, based upon the construction given by the Indian office to the several treaties referred to, there is due to the Pottawatomie nation the sum of \$160, 540 48 in cash; and also 11,000 pounds of tobacco, 5,667 pounds of iron, 855 pounds of steel, and 672 barrels of salt. I have no reason to doubt the correctness of the statement or the construction given by the Commissioner to the treaties.

On September 27, 1833, supplementary articles to the treaty of the 26th of the same month were agreed to between the United States commissioners and the Pottawatomes. By these supplementary articles it was stipulated that a portion of the united nation of Pottawatomes, who then lived upon the reservations in Michigan south of Grand river, should be considered as parties to the treaty of the 26th September, and be entitled to participate in all its advantages. It was also agreed that a part of the band residing on the reservations in the Territory of Michigan, who had requested permission, on account of their religious creed, to return to the northern part of the peninsula of Michigan, should receive their just proportion of all annuities payable under former treaties, and that arising from the sale of the reservation on which they resided at L'arbre Croche.

No payments were made to the Indians who remained in Michigan until 1843. From that date until the last year \$1, 587 50 have been paid each year, and divided among them.

I transmit herewith a report of the Commissioner of Indian Affairs, in which he estimates the amount due to that portion of the nation who remained in Michigan, in pursuance of the supplementary treaty of September 27, 1833, at \$73, 112 50. Whatever sum may be found due to these Indians must be paid from the sum due to the Pottawatomie nation. I am not informed of the data upon which the estimate of the Commissioner is made, nor have I been able to procure from the Indian office such information as would enable me to report to Congress the amount due to the band remaining in Michigan.

As the report of the Commissioner was only made on the 15th ultimo, there has not been sufficient time to procure the necessary information and enable me to report during the present session of Congress.

The band which, by the supplementary treaty, was permitted to remain in Michigan must be regarded as a part of the Pottawatomie nation. They are entitled to receive, per capita, their proportion of the annuities and other payments provided for in the several treaties with the nation to the same extent they would have been if they had gone west with the tribe. To determine the amount due to them it is necessary to ascertain the number in Kansas at the date of the several payments, and the number of those of the band who, by the supplementary treaty, were permitted to remain in Michigan, and of their descendants at the same periods. This information cannot be obtained from the records of the Indian office.

Believing the report of the Commissioner upon the amount due to the Pottawatomie nation to be substantially correct, I recommend an appropriation of that amount, with instructions to the Commissioner of Indian Affairs, under the directions of the Secretary of the Interior, to ascertain the amount due to that portion of the nation who remained in Michigan under the stipulations of the supplementary treaty, and to pay the same from the appropriation for the benefit of the nation.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Hon. GALUSHA A. GROW,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, November 15, 1862.

SIR: I have the honor to report, in compliance with your directions, upon the act of Congress for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians, approved March 2, 1861.

By this act you were authorized and directed to examine and report to Congress at its next session what amount, if any, is due to the Chippewa, Ottawa, and Pottawatomie Indians, now residing in the State of Michigan, under and by virtue of the treaties of July 29, 1829, September 26, 1833, and the articles supplementary thereto of September 27, 1833, with said Indians, and under the treaty of June 5 and 17, 1846, with the Pottawatomie nation of Indians, and to report at the same time whether (there is) any money or property heretofore payable to said Pottawatomie nation under and by virtue of the treaty of October 26, 1832, or other treaties, which have not been appropriated and paid, and, if any, what amount.

With a view to prompt action in the premises, I suggested to you on May 2, 1861, the propriety of your requesting the Secretary of the Treasury to direct the Second Auditor to furnish from the accounts on file in his office a statement of facts to enable this department to report. You acquiesced in the suggestion on the succeeding day, and the Secretary of the Treasury responded to your request by directing the Second Auditor to furnish the statement desired.

In compliance with the above direction an examination and report was made to this office by the Second Auditor of the Treasury, showing a detailed statement of payments in money, goods, provisions, &c., &c., from 1819 to 1860, said years both included.

After careful examination of this report, it appears that there is still due the united nation of Pottawatomie Indians under the several articles of all the treaties, in cash, annuities, debts, claims, &c., &c., the sum of \$69,507 56, and besides this amount there is due to them 11,000 pounds of tobacco, 5,667 pounds of iron, 855 pounds of steel, and 672 barrels of salt, which is short of the required amount of treaty stipulations.—(See abstract of treaties herewith enclosed.) Referring to the letter of the Second Auditor under date of May 1, 1862, accompanying his report, I find that he states, "that the archives of his office supply no distinct or available information as to what extent the several treaties with the Pottawatomies, from the treaty of Greenville, in 1795, to the treaty of St. Mary's, in 1818, have been fulfilled, but by a subsequent report, made by the Third Auditor in compliance with your letter addressed to the Secretary of the Treasury of the 5th June last, it is shown that payments were made under the annuity laws of May 6, 1796, April 21, 1806, February 19, 1808, and May 1, 1810, in all of which the Pottawatomies were provided for, and the sum of \$15,737 34 was paid the tribe, as per statement herewith enclosed." It also appears by the letter of the Third Auditor that large sums of money were drawn from the treasury by General John Mason, acting superintendent of Indian trade, on the account of the Pottawatomie Indians, commencing in the early part of 1811 and running up to the close of the 1st quarter of 1816; not having had any settlement of his Indian accounts in the Third Auditor's office during this period, the several amounts of his debit were closed by transferring the same to his debit on the books of the Register of the Treasury. The Register, in a letter under date of June 21, 1862, says: "I have the honor to state that the accounts of John Mason and Thomas L. McKenney, general superintendents of Indian trade, from October 1, 1807, to January 1, 1819, have been examined, and the sum of \$1,250 appears to have been paid to the Pottawatomie Indians on account of their annuity in the year 1812," (see enclosed report;) no further payments are found. By a subsequent report of the Second Auditor, showing the payment of annuities prior to the year 1819, the sum of \$13,400 in merchandise was purchased and forwarded to the Pottawatomies by Thomas L. McKenney, being for their annuities under sundry treaties for the years 1813, 1814, 1815, 1816, 1817, and 1818, as credited to him in settlement of his accounts. Although the receipts of the Indians do not accompany his accounts, this amount, together with the sums reported by the Register and Third Auditor of the Treasury, make the total amount paid, prior to the year 1819, \$30,387 34, which is probably as much as they would be entitled to receive up to that time, owing to the part they took against the government in the war of 1812. The accounts of disbursing officers during the war are very imperfect, and it is fair to suppose that some amounts were paid to them which are not embraced in this report.

The requirements of the several treaties of 1795, 1803, 1805, 1807, and 1809, up to the year 1819, amount to \$36,900, and in addition to this sum they were to receive 40 bushels of salt annuity from 1803 to 1819, in all 15 years, of 600 bushels of salt for that time. The following is a tabular statement of the above treaty stipulations.

Treaty August 5, 1795, ratified December 2, 1795:	
Permanent annuity \$1,000, from 1795 to 1819, 23 years.....	\$23, 000 00
7th June, ratified 25th November, 1803; 40 bushels salt annually.	
From 1803 to 1819, 15 years, 600 bushels; 25th August, 1805,	
ratified 21st April. 1806:	
Annuity 10 years, \$500.....	5, 000 00
17th November, 1807, ratified 27th January, 1808:	
Permanent annuity \$400, from 1808 to 1819, 11 years.....	4, 400 00
Treaty 30th September, 1809, ratified 2d January, 1810:	
Permanent annuity \$500, from 1810 to 1819, 9 years.....	4, 500 00
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	36, 900 00
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Salt, 600 bushels.

Article 5th, of the treaty of 26th October, 1832, stipulates that if, at any time hereafter, they wish to change their residence an amount, either in goods, farming utensils, and such other articles as shall be required and necessary, in good faith, and to an extent equal to what has been furnished any other Indian tribe or tribes emigrating, and in just proportion to their numbers.

Congress appropriated, 3d March, 1833, for fulfilling the stipulations of this article, and for the expense of removing and subsisting the Indians, as follows:

For rifles and ammunition.....	\$2, 334 00	
For blankets.....	2, 916 00	
For transportation and subsistence.....	33, 320 00	
For one year's supplies.....	60, 809 00	
	<hr/>	\$99, 379 00
March 3, 1835, for rifles, looms, and blankets, &c.....		7, 357 50
		<hr/>
Making in all, to fulfil this article, and for removal and subsistence.....		106, 736 50
		<hr/>

Which amount was disbursed and paid out for the benefit of the Pottawatomie Indians.

The 3d article of the treaty of 26th September, 1833, stipulates that as fast as the Indians shall be prepared to emigrate they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes. The reports of the Commissioner of Indian Affairs show that from 1833 to 1851 there were removed by the government 4,792 Indians, and the muster-rolls on file in the Second Auditor's office show the number of self-emigrated Indians to be 1,138, who removed themselves without expense to the government; but from the reports of the superintendents and agents who had supervision over these Indians it appears that they were all subsisted by the government for one year after their arrival at their new homes, the same as those that were removed by the United States.

Appropriations were made from year to year, after 1835, for removal and subsistence of the Pottawatomie Indians; but no sum appears to have been appropriated since March, 1835, for the outfit agreed upon in the 5th article of the treaty of 1832; but it was no doubt the intention on the part of the government to secure the removal of all the Pottawatomes; and to accomplish this object, with a view to improve the condition of the Indians, the commissioners on the part of the United States provided for an outfit, suitable to their condition, to all who might be induced to emigrate to the country destined for their future homes west of the Mississippi.

Taking this view of the case, justice would seem to demand from the government an equivalent, either in presents or money, for the amount found due them

by the following estimate, which is based upon the construction given to the 5th article by Commissary General Gibson. For evidence confirmatory of this position see letters of General Gibson and Lewis Cass, herewith enclosed, and the report of commissioners Jennings Davis and Crane, cong. doc., Emigration Correspondence, vol. 11, page 514.

The following articles are the same furnished the Choctaws, and in due proportion according to numbers. There are not as many manufacturing implements, in consequence of their not having made any advance in manufacturing. The ratio of warriors and families to the whole number of Indians is 1 to 5, or one-fifth of the whole number, according to the usual custom of this office:

1, 186 rifles, at \$12 50	\$14, 825 00
5, 930 blankets, at \$3	17, 790 00
1, 186 axes, at \$1 50	1, 779 00
1, 186 hoes, at 50 cents	593 00
395 ploughs, at \$6	2, 370 00
3, 558 pounds powder, at 25 cents	889 50
14, 232 pounds lead, at 6 cents	853 92
50 looms, at \$15	750 00
100 wheels, at \$6	600 00
100 cards, at 50 cents	50 00
2 tons iron, at \$1 50	300 00
1, 000 pounds steel, at 25 cents	250 00
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	41, 050 42
Amount appropriated for outfit:	
For rifles and ammunition, 3d March, 1843	\$2, 334 00
For blankets	2, 916 00
For rifles, blankets, and looms, 3d March, 1835	7, 357 50
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	12, 607 50
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	28, 442 92
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The amount of difference between the above estimate and the several sums appropriated would seem justly due to the united nation of Pottawatomie Indians, who, in compliance with the compact made between them and the United States, removed to the lands assigned by the government. I, therefore, have to recommend this to your favorable consideration, in connexion with other amounts.

The price paid Alexander Coquillard for removing the Pottawatomies from Indiana to the west, as per contract, made June 13, 1840, was \$55 for each individual so removed, including subsistence while on the journey.

These self-emigrating Indians removed without expense to the United States, and as individuals would be entitled to a commutation for each removal, if the original parties who thus emigrated or their lineal descendants could now identify themselves as such; but this would be a difficult matter, and perhaps impossible. I, therefore, taking an equitable and more liberal view of the case, have to recommend a commutation of \$55 for each of the 1,138 who removed, and that the amount, (\$62,590,) when appropriated, be paid to the tribe. This position is sustained by former decisions of this office on claims of a similar nature made by the Choctaws and Creeks. There is another branch of these claims that properly comes within the purview of the resolution authorizing this examination; but, as the claims are prosecuted by two parties, I have thought proper to make the case of the Michigan Indians the subject of a separate report.

RECAPITULATION.

Deficiency under treaty stipulations.....	\$69, 507 56
11,000 pounds of tobacco.....	.....
567 pounds of iron.....	.....
855 pounds of steel.....	.....
672 pounds salt.....	.....
Outfit of emigrating Indians.....	28, 442 92
Commutation for self-emigration.....	62, 590 00
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	160, 540 48
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Very respectfully, your obedient servant,

WM. P. DOLE, *Commissioner.*

Hon. CALEB B. SMITH,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, November 15, 1862.

SIR: I have the honor to call your attention to the claims of the Michigan Indians, the examination of which is authorized by the same resolution as the preceding report.

The supplementary article of the 27th September, 1833, to the treaty of the 26th of the same month with the Chippewas, Ottawas, and Pottawatomie Indians, (see Statutes at Large, vol. 7, page 445,) viz: "And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern peninsular of Michigan, it is agreed that, in case of such removal, the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservations on which they now reside, shall be paid to them at L'arbre Croche."

These Indians, residing in Michigan, and known as Pokagon's band, (Tope-nebu and Pokagon were their principal chiefs,) were parties to the treaties of 1826, 1828, 1832, and 1833, and from the pay-rolls it appears that they participated in the benefits of nearly all of the treaties from 1795 up to the time of separation, which took place about the year 1836, the main tribe moving to their new homes west of the Mississippi river, and the Catholic party to the northern portion of Michigan.

The attention of this office was called to this case while Mr. Greenwood was Commissioner, and he reported to Secretary Thompson, January 8, 1861, and decided that they were entitled to a proportion of the annuities under the treaty of July, 1829, and supplementary to that of September, 1833, amounting to \$18,000, and per annum of \$1,587 50, which sum was duly remitted and paid to them for 1843, being the first payment made to them thereunder since the year 1836, and from which period they have since been regularly paid from year to year.

These Indians, having participated with the main nation, and having received their per capita of all the annuities and benefits arising under the different treaties up to the time of separation, and obtained consent of the government to remove to the northern peninsular of Michigan, instead of going west with the balance of the nation, the just proportion of all annuities payable to them under former treaties, and that arising from the sale of their reservations, guaranteed to be

paid to them at L'arbre Croche, I can see no just cause why they are not entitled to receive their share of the benefits of former treaties, and all of the money resulting from the sale of their reservations, made by the supplementary article attached to the treaty of 1833, the same as if they had remained with the main nation. The entire amount of the annuities payable to the nation has been paid since the year 1842 west of the Mississippi river; \$1,587 50 paid annually to the Michigan band since that time. It therefore appears that a restitution from the former to the latter should be made, and I would recommend that the necessary steps be taken for such restitution and payment from the present accumulated balances of annuities due the Pottawatomies, the amount of which, according to my views, is shown by the following tabular statement.

The first statement gives them a per capita share of the money annuities of all the treaties up to 1833; from 1836 (time of separation) to the present time; and the entire of the \$2,000 annuity of the supplementary treaty of 1833, which would seem to be the most equitable construction; but wishing to present all of the evidence at my command that will aid you to make up your decision, I have prepared a second statement for your consideration, which if in your opinion is a more just and equitable distribution of the annuities than the former you can adopt it.

Statement No. 1.

Date of treaty.	Amount.	Years to run from 1837.
PERMANENT ANNUITIES.		
Treaty of 1795.....	\$1,000	.....
Do.... 1809.....	500	.....
Do.... 1818.....	2,500	.....
Do.... 1828.....	2,000	.....
Do... 1829.....	16,000	.....
LIMITED ANNUITIES.		
Treaty of 1821, 20 years.....	5,000	5 years.
Do.... 1826, 22..do.....	2,000	12 do.
Do.... 1828, 20..do.....	1,000	12 do.
Do.... 1832, 20..do.....	15,000	16 do.
Do.... 1832, 20..do.....	20,000	16 do.
Do.... 1832, 12..do.....	15,000	8 do.
Total.....	80,000	

Number of Indians in 1836, 6,180—

6,180 Indians, per capita of \$80,000.....	\$12 94	
250....do....for 5 years.....		\$16,075 00
6,180..do....per capita of \$75,000.....	12 13	
250....do....for 3 years.....		9,097 50
6,180..do....per capita of \$60,000.....	9 70	
250....do....for 2 years.....		4,850 00

Number of Indians in 1846, 4,250—

4,250 Indians, per capita of \$60,000.....	14 11	
250....do....for 2 years.....		7,055 00

4,250 Indians per capita of \$57,000.....	\$13 41	
250...do...for 4 years.....		\$13,410 00
4,250..do...per capita of \$22,000.....	5 17	
250...do...for 7 years.....		9,047 50
Number of Indians in 1860, 2,250—		
2,250 Indians, per capita of \$22,000.....	9 77	
250...do...for 3 years, to 1862, inclusive.....		7,327 50
Supplementary article of 1833, \$2,000 per annum, 20 years—		
From 1837 to 1854, inclusive, 19 years.....		38,000 00
		<u>104,862 50</u>
There has been paid to this band of Indians \$1,587 50 annually since 1843, inclusive, which is to be deducted from the above amount—		
From 1843 to 1862, 20 years.....		31,750 00
Amount found due by this statement.....		<u><u>73,112 50</u></u>

Statement No. 2.

Date of treaty.	Amount.	Years to run from 1836.
PERMANENT ANNUITIES.		
Treaty of 1795.....	\$1,000	.....
Do...1809.....	500	.....
Do...1818.....	2,500	.....
Do...1828.....	2,000	.....
Do...1829.....	16,000	.....
LIMITED ANNUITIES.		
Treaty of 1821, 20 years.....	5,000	5 years.
Do...1826, 22..do.....	2,000	12 do.
Do...1828, 20..do.....	1,000	12 do.
Do...1832, 20..do.....	15,000	16 do.
Do...1832, 20..do.....	20,000	16 do.
Do...1832, 12..do.....	15,000	8 do.
Do...1833, 20..do.....	14,000	18 do.
Do...1833, 20..do.....	2,000	18 do.
Total.....	96,000	

6,180 Indians, per capita of \$96,000.....	\$15 53	
250...do...for 5 years.....		\$19,412 50
6,180..do...per capita of \$91,000.....	74 72	
250...do...for 3 years.....		11,040 00
6,180..do...per capita of \$76,000.....	12 20	
250...do...for 2 years.....		6,145 00
4,250..do...per capita of \$76,000.....	17 88	
250...do...for 2 years.....		8,940 00

4,250 Indians per capita of \$73,000.....	\$17 17	
250...do...for 4 years.....		\$17,170 00
4,250..do...per capita of \$38,000.....	8 94	
250...do...for 2 years.....		4,470 00
4,250..do...per capita of \$22,000.....	5 17	
250...do...for 5 years.....		6,462 50
2,250..do...per capita of \$22,000.....	9 77	
250...do...for 3 years, from 1860 to 1862, inclusive.....		7,327 50
		<hr/>
		80,967 50

There has been paid to this band of Indians \$1,587 50 annually since 1843, which is to be deducted from the above amount—
 \$1,587 50 for 20 years.....

		31,750 00
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		49,217 50

By the 5th article of the treaty of September 26, 1833, \$220,000 was to be applied to mills, agricultural implements, and schools, not included in the above, which was invested as follows: \$150,000 in Maryland 6 per cent. stocks, which purchased \$130,850 43; annual interest \$7,851 02, less State tax, \$130 85; and net income, yearly, \$7,720 17.

Total amount of interest from 1837 to 1846, 10 years, \$77,201 70:

6,180 Indians, per capita of \$77,201 70.....	\$12 49	
250...do...for same time.....		3,122 50
4,250..do...per capita of \$7,720 17.....	1 81	
250...do...for 13 years.....		5,882 50
2,250..do...per capita of \$7,720 17.....	3 43	
250...do...for 3 years, to 1860, inclusive.....		2,572 50

By the 5th article, \$70,000 was invested for schools in 5 per cent. Indiana stock, which purchased \$68,000 of stock.

Annual interest on that amount, \$3,400—

6,180 Indians, per capita of \$3,400.....	\$0 55	
250...do...from 1837 to 1846, 10 years.....		1,375 00
4,250..do...per capita of \$3,400.....	80	
250...do...from 1846 to 1860, 13 years.....		2,600 00
2,250..do...per capita of \$3,400.....	1 51	
250...do...from 1860 to 1862, inclusive, 3 years.....		1,132 50
		<hr/>
		65,902 50

Principal of mill fund, \$130,800 43—

2,250 Indians, per capita of this.....	58 15	
250...do...distributive share.....		14,537 50

Principal of school fund, \$68,000—

2,250 Indians, per capita of this.....	30 22	
250...do...distributive share.....		7,555 00

On the 6th and 17th June, 1846, the Pottawatomies made a treaty ceding to the government 5,000,000 acres of land in northwestern Missouri. This land was a part of the consideration given to them in the treaty of 1833. The consideration of this purchase was \$850,000, and from this amount was deducted \$87,000 for the land purchased by the Indians of the United States, \$50,000 for

debts, \$30,000 for removal, and \$40,000 for subsistence; leaving \$643,000 in the treasury, for which the United States has paid 5 per cent. interest on annually.

Total amount of interest accruing from 1847 to 1860, 12 years, \$385,800—

4,250 Indians, per capita of this amount.....	\$90 77	
250....do....for same time.....		\$22, 692 50
2,250..do....per capita of \$385,800	42 86	
250....do....from 1860 to 1862, inclusive, 3 years.....		10, 715 00
		<hr/>
Total amount of interest.....		33, 407 50
2,250 Indians, per capita of \$643,000, (principal)....	\$285 77	
250....do....distributive share of this amount.....		71, 442 50
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Very respectfully, your obedient servant,

WM. P. DOLE,
Commissioner.

Hon. CALEB B. SMITH,
Secretary of the Interior.