

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-19-1864

Chippewa, Ottawa, and Pottawatomie Indians. (To accompany H. Res. no. 38.).

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 19, 38th Cong., 1st Sess. (1864)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

CHIPPEWA, OTTAWA, AND POTTAWATOMIE INDIANS.

[To accompany H. Res. No. 38.]

FEBRUARY 19, 1864.—Ordered to be printed.

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

REPORT.

The Committee on Indian Affairs, having had under consideration the claim of the Chippewa, Ottawa, and Pottawatomie Indians of Michigan, report as follows:

That in 1795 there was a confederated nation of Indians called the Chippewa, Ottawa, and Pottawatomie, and occupying nearly all of Michigan and northern Indiana and Illinois and southern Wisconsin. That the government made a treaty with these Indians (see vol. 7, U. S. S., p. 49) during said year, and stipulated to give them \$1,000 per annum forever; this annuity is still being paid to the main nation. In 1809 the government made another treaty with them, (see vol. 7, p. 113, U. S. S.,) buying a small portion of their territory, and agreeing to give them \$500 more per annum forever, which is still being paid to the main nation. In 1818 another treaty (see vol. 7, U. S. S., p. 185) was made with them, the government buying a portion of their land, and agreeing to give them \$2,500 per annum forever, which is still being paid to the main nation. In 1821 another treaty was made with them, (see vol. 7, U. S. S., p. 218.) the government buying of them more land, and agreeing to pay them \$5,000 per annum for twenty years; this was paid to the main nation. In 1826 another treaty (see vol. 7, U. S. S., p. 295) was made with them, the government buying more land, and agreeing to pay them \$2,000 for twenty-two years; this, also, was paid to the main nation. Again, in 1828, another treaty (see vol. 7, U. S. S., p. 317) was made with them, the government buying more land, and agreeing to give them \$2,000 forever, and \$1,000 additional for twenty years; this was paid to the main nation. In 1829 another treaty was made with them, (see vol. 7, U. S. S., p. 320,) the government again buying land, and agreeing to give them \$16,000 per annum forever. This has all been paid to the main nation annually, except a small sum, which has been annually, since 1843, paid to these claimants. In 1832 three more treaties were made with these Indians, (see vol. 7, U. S. S., pp. 373, 394, and 399,) the government again buying land, and in the first one agreeing to give them \$15,000 per annum for twenty years; in the second, \$20,000 for twenty years; and in the third, \$15,000 for twelve years.

It was about this time that the government adopted the policy of removing all of the Indian tribes west of the Mississippi. The government, in carrying out this policy, again made another treaty with them at Chicago, on the 26th of September, 1833, (see vol. 7, U. S. S., p. 431,) by which they ceded to the government all of their remaining land, lying from Chicago up the west bank

of Lake Michigan, and estimated at 5,000,000 acres of land. In consideration of this cession, the government gave them 5,000,000 acres of land on the east bank of the Missouri river, near Council Bluffs, and \$50,000. But the second or vice chief of the tribe, named Pokagon, with a band of about 350 of these Indians, then resided on three small reservations in the southern part of Michigan, and would not join in this treaty. Pokagon, however, was induced with his people to come in on the next day, September 27, 1833, and to enter into articles supplementary, (see vol. 7, U. S. S., p. 442,) by which they assented to the cession of the day before, and also ceded the three reservations in Michigan on which they resided. In consideration of this assent and cession, it is agreed, in the second supplementary article, as follows:

“ARTICLE 2. In consideration of the above cession it is hereby agreed that the said chiefs and headmen and their immediate tribes shall be considered as parties to the said treaty, to which this is supplementary, and be entitled to participate in all the provisions therein contained, as a part of the united nation.”

Thereby specially guaranteeing to them full participation in the benefits of the whole treaty. But Pokagon (the second chief aforesaid) and about two-thirds of his band were civilized and christianized, (being Catholics,) and preferred to go to the northern part of Michigan than to going west, where they feared they would again return to barbarism. They therefore asked permission to remain east, and that permission was given them, (see vol. 7, U. S. S., p. 445.) as follows: “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 part of the peninsula 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 them at *L'Arbu Croche*.”

We find by this that in the second supplementary article they were guaranteed a full participation in the benefits of the main treaty, and consent being given them to remain east, their proportion of the moneys yet to be paid under the treaties heretofore mentioned, and that arising from the sale of the reservations on which they resided, was also guaranteed to them.

The whole was properly ratified by all parties. The removal of the main nation west did not commence until three years after, viz: 1836. The records of the department show that up to this period Pokagon and his band shared equally in all of the annuities mentioned heretofore. From that date the whole of the moneys were paid out to the main nation west until 1843. In that year Robert Stuart, then superintendent at Detroit, Michigan, addressed a letter to the Commissioner of Indian Affairs, stating that sons of Pokagon and some of his people had applied to him for their annuities guaranteed to them under the treaty of 1833; that they had been to the northern part of Michigan; that Pokagon was dead; that they had received no moneys, and that they numbered about 250 persons. A portion of the \$16,000 perpetual annuity, under the treaty of July 29, 1829, was then allowed them, amounting to \$1,587 50, and has been paid to them annually ever since. Thus the matter rested until somewhere about 1856, when these Indians, being satisfied that they were not having their just rights, again impertuned the department for action in the matter, which was denied, except to admit there was something due them from 1836 to 1843. They continued their efforts and carried the matter to Congress, and on the 2d day of March, 1861, a law was passed ordering an examination, and report to Congress, which was completed and made by the Secretary of the Interior on the 19th day of December, 1862. The records of the Committee on Indian Affairs show that the claimants were not then ready for action, and the matter has laid over to the present time. We should further add that the

5,000,000 acres of land set apart on the east bank of the Missouri river for these Indians, as a part consideration of the treaty of 1833, were again sold to the government in June, 1846, (see vol. —, U. S. S., p. —,) and in consideration therefor the government gave them the reservation they now reside on in Kansas and \$850,000 in money. Six hundred and forty-three thousand dollars of this money is now in the hands of the government at 5 per cent. The report of the Secretary of the Interior shows the amount due the claimants to be \$192,845, which sum has been paid to the main nation erroneously, and should be reclaimed and paid to the claimants.

The manner of getting at this amount has been to take the aggregate amount payable each year, the whole number of Indians to whom it was to be paid, and divide the amount by the whole number of Indians, thus getting at the *per capita*, which is the manner of paying annuities, and multiplying the *per capita* of each by the whole number of claimants for the given year, and so on from year to year. The whole number of Indians in 1836 was 6,180; 250 from these—the number of claimants—would leave 5,930, those who went west. Those who went west have continually decreased, until they now number but little over 2,000 persons, (see Commissioner's report for 1862,) while those in Michigan have remained stationary, being civilized, and of industrious and temperate habits. It is by the decrease of those west, and the stationary character of those east, thereby increasing their *per capita*, together with the great lapse of time, that has made the averages so large. The Commissioner of Indian Affairs was addressed on this subject, as to any further recommendation in the matter, and, in a response of the 16th, asserts that the claim is a just one and recommends that a joint resolution be passed authorizing the Secretary of the Interior to pay the claim out of any moneys or stocks in the hands of the government belonging to the main nation, or yet to accrue to them. We find that the government holds \$643,000 in money now in the treasury, and about \$215,000 invested in stock belonging to the nation at large, and in addition are paying them about \$60,000 per annum. Upon this state of facts your committee have unanimously to report and recommend the passage of the accompanying joint resolution.