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In the senate of the United States. (To accompany joint resolution H.R. no. 38.) Letter of the Secretary of the Interior to Hon. James R. Doolittle, Chairman of the Committee on Indian affairs, relative to the claim of the Michigan Indians

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IN THE SENATE OF THE UNITED STATES.

[To accompany joint resolution H. R. No. 38.]

LETTER

OF

THE SECRETARY OF THE INTERIOR

TO

HON. JAMES R. DOOLITTLE, CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS, RELATIVE TO THE CLAIM OF THE MICHIGAN INDIANS.

JULY 2, 1864.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., July 1, 1864.

SIR: In compliance with your verbal request to make further examination into the claim of the Michigan Indians, and to suggest a mode of paying the same without a direct appropriation from the treasury, I have the honor to report that I have examined the case to the extent that the limited time and my other duties would permit, and, assuming the report of the Commissioner of the 15th November, 1862, to be correct as to the number of the Indians, and that the Michigan Indians were entitled to participate in all the treaties mentioned in the statement No. 1 of the Commissioner of Indian Affairs, I am of the opinion, upon examination of the case, that the Michigan Indians are entitled to be paid the sum of \$41,695. The mode of arriving at this conclusion is shown by the annexed statement. It differs from the Commissioner's statement No. 1 in this: that he allows the Michigan Indians the benefit of the entire annuity to be paid under the last clause of the 2d article of the supplemental treaty of the 27th September, 1863. In this I think he erred, and that they were only entitled to their just proportion of that annuity. In the adjustment made by Commissioner Crawford, in 1843, he estimated the number of Indians interested in the lands ceded by the said supplemental treaty at 2,834, making their just proportion in the \$40,000 to be paid under that article, of the two hundred and fifty Indians who remained, \$4,872 50, computing the same with the estimated decrease of the nation. There is not within my knowledge any data from which it is possible to determine the number of Indians who participated in the supplemental treaty of September 27, 1863, but Commissioner Crawford, in 1843, estimated their number at 2,834, including the 250 remain-

ing in Michigan ; and as no complaint was made of that estimate by either party of the Indians, nor by Mr. Stuart, acting for the Michigan Indians, and a witness to the treaty, I think it is safe to assume that the estimate of Mr. Crawford was substantially correct.

Mr. Crawford, in his communication to Mr. Stuart of 11th May, 1843, uses this expression: "By the tenor of the article, (viz: the supplement to the supplemental treaty,) it would seem that their claim is well founded, and that they are entitled to their increased proportion of those annuities payable to the tribe under the treaty of 1829, and also under the supplementary article of the treaty of 1833, amounting, together, to \$18,000. Therefore, estimating the number of the Chicago Indians at 2,834, including the two hundred and fifty represented by you, the share that would be due to the latter would amount to \$1,587 50, or \$6 58 to each individual."

I find it impossible to reconcile this statement of the Commissioner with the facts as they undeniably existed. The treaty of 1829 granted a permanent annuity of \$16,000 per annum, and that was to the whole tribe, while the treaty of 1833 granted \$40,000 for twenty years, and that was for the reservations of the Michigan Indians, as before stated, estimated by him at 2,834, of which the claimants formed a part.

After an investigation of the papers connected with the action of Commissioner Crawford, I am satisfied that the case did not have the examination that was required. The errors are palpable. The Indians who should remain were certainly entitled to share in the money arising from the sale of the reservation on which they resided—(that was \$40,000;) and if they were entitled to share in the treaty of 1829, which does not so well appear from the treaty itself, (that annuity was \$16,000, making an aggregate for these two annuities of \$56,000,) I am at a loss to imagine how the Commissioner ascertained that the aggregate was \$18,000. The papers that I have been enabled to consult furnish no explanation to this, and I am constrained to believe that it was an oversight.

I have caused an examination to be made by the Commissioner to enable me to say positively whether the tribe or tribes of the claimants had participated in the treaties enumerated in statement No. 1, and have the honor to submit copies of the correspondence with the Commissioner upon that subject, from which my mind rests satisfied that they were interested and entitled to participate in the treaties specified in said statement; and, if I am not mistaken in this, then the Michigan Indians are entitled to the sum of \$41,695, before stated, as shown in the exhibit annexed.

Statement No. 1.

Date of treaty.	Amount.	Years to run from 1837.
<i>Permanent annuities.</i>		
Treaty of 1795.....	\$1,000
Treaty of 1809.....	500
Treaty of 1818.....	2,500
Treaty of 1828.....	2,000
Treaty of 1829.....	16,000

Statement No. 1—Continued.

Date of treaty.	Amount.	Years to run from 1837.
<i>Limited annuities.</i>		
Treaty of 1821, 20 years.....	\$5,000	5 years.
Treaty of 1826, 22 years.....	2,000	12 years.
Treaty of 1828, 20 years.....	1,000	12 years.
Treaty of 1832, 20 years.....	15,000	16 years.
Treaty of 1832, 20 years.....	20,000	16 years.
Treaty of 1832, 12 years.....	15,000	8 years.
Total.....	80,000	

Number of Indians in 1836, 6,180.

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

Number of Indians in 1856, 4,250.

4,250 Indians, per capita of \$60,000.....	14 11	
250 Indians, for 2 years.....		7,055 00
4,250 Indians, per capita of \$57,000.....	13 41	
250 Indians, for 4 years.....		13,410 00
4,250 Indians, per capita of \$22,000.....	5 17	
250 Indians, for 7 years.....		9,047 50

Number of Indians in 1860, 2,250.

2,250 Indians, per capita of \$22,000.....	9 77	
250 Indians, for 5 years, to 1864, inclusive.....		12,212 50
The amount to which the 250 Michigan Indians are entitled under the supplementary article of 1833.....		4,872 50
		76,620 00

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 1864, 22 years.....

34,925 00
41,695 00

Respecting the mode of payment of this sum, I am not aware that I can suggest any better plan than that proposed in the bill now before the Senate. I therefore recommend that the sum to be paid the Michigan Indians be reduced to \$41,695, as herein ascertained.

As to the future I do not anticipate any difficulty, as the annuities in which they are interested are permanent, and the division among them can be made according to their numbers.

I am, sir, very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. J. R. DOOLITTLE,

Chairman Com. Ind. Affairs, Senate United States.

DEPARTMENT OF THE INTERIOR,
June 29, 1864.

SIR: Will you cause an account and careful examination to be made, upon which implicit reliance may be placed, and certify the result of that examination to me, whether it appears from the pay-rolls, or otherwise of record in the department, that the Michigan Indians, now making claim of the government for back pay, &c., were entitled to or did participate in all the annuities, permanent and limited, mentioned in the statement No. 1 of the Commissioner's report of November 15, 1862. In that report it is stated that they participated in the benefits of nearly all of the treaties, &c.

I want to know whether they actually participated in those mentioned in the statement, and if not in all, please state which.

I am, sir, very respectfully, your obedient servant,

J. P. USHER,
Secretary.

CHARLES E. MIX, Esq.,
Acting Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, June 30, 1864.

SIR: In reply to your letter of 29th instant, relative to the payments made to the Michigan Indians from the various treaties made with the Pottawatomie and confederated nation, from time to time, I have to say, that on a careful examination of a statement, made from the pay-rolls in the Second Auditor's office, I find that Pokogon and his band participated in the permanent annuity arising under the treaty of 1795; also, in the treaty of 1809; also, in the treaty of 1818; also, in the treaty of 1821; also, treaty of 1826; also, treaty of 1828; also, treaty of 1829; also, the three treaties of 1832. These include all the limited and permanent annuities under those treaties, and are the ones included in my statement No. 1 of November 15, 1862, except the treaty of 1846.

Pokogon and his band participated in the moneys arising from the main and supplemental treaties of 1833, up to the time of separation, and is included in my statement No. 2. I find from the same report or statement, that Pokogon and his band also participated in the treaty of 1807, which is not embraced in the statement you refer to, for some reason or other, perhaps an oversight, and that in the treaty of 1803, his name does not appear; consequently no moneys under all the treaties seem to have been paid to all the nation at large, for the record shows the payments to have been made to the chiefs and the aggregate Indians present, ranging from 2,000 up to 8,000.

There does not, upon a careful examination of all the treaties, appear to be anything in any of them hostile to payments to Pokogon or his band; and from this fact, and that they participated in payments under all the treaties, we may presume that they are entitled to be paid under all the treaties.

Very respectfully, your obedient servant,

WM. P. DOLE,
Commissioner.

Hon. J. P. USHER,
Secretary of the Interior.