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Letter from the Secretary of the Interior transmitting estimates of appropriations for fulfilling treaty stipulations with the Shawnees

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APPROPRIATIONS FOR SHAWNEES.

LETTER

FROM

THE SECRETARY OF THE INTERIOR

TRANSMITTING

Estimates of appropriations for fulfilling treaty stipulations with the Shawnees.

MARCH 8, 1867.—Laid on the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, March 7, 1867.

SIR: I have the honor to transmit herewith a copy of a letter, of the 2d instant, from the Commissioner of Indian Affairs, submitting an "estimate of appropriations required to fulfil treaty with the Shawnees, made March 2, 1867," amounting to \$152,746 25, and commend the subject to the favorable consideration of Congress.

Very respectfully, your obedient servant,

O. H. BROWNING,

Secretary.

Hon. SCHUYLER COLFAX,

Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,

Washington, March 2, 1867.

SIR: I have the honor to transmit herewith a treaty concluded this day with the Shawnee tribe of Indians, being the last of the series of treaties undertaken with a view of making arrangements for the removal of all of the Indians from Kansas.

More difficulty has been encountered in bringing about an arrangement for this tribe than in the case of any other, on account of circumstances peculiar to their history and condition, and a statement of these, as brief as possible so as to be intelligible, will explain many features of the treaty.

The whole number of Shawnees is about 1,300. Under the treaty made with them in 1854 they ceded to the United States, for \$829,000, (nearly all of which was to be paid in cash, in graduated payments,) a large tract of land in Kansas, while there was reserved 200,000 acres, of which such as chose to take allotments in severalty were to have 200 acres each; a like amount *per capita* was set apart in common for members of a band called Black Bob's band, and others who should choose to hold in common with them; and the remainder of

the 200,000 acres was to be reserved for a certain number of years for a portion of the tribe who were not represented at the treaty, and were then, and for years afterwards,—indeed, until the late war—living in the Indian country.

Practically, the result was that about 138,000 acres of the 200,000 were taken up by allotments *in severalty*; those taking them being the most intelligent of the tribe; about 38,000 acres were set apart *in common* in one tract, and about 24,000 acres were reserved for the *absentees*. These absentees were not for some time made acquainted with the rights reserved to them. Some few of them came north and settled upon the lands, but the great body of them remained south till driven out with the loss of everything that they possessed.

They then bethought them of the lands reserved for them, and some came to the lands in the hope to find a refuge there for their people, but finding the tract covered with white settlers they returned to the camp of the refugee Indians, where they have since remained, dependent upon the bounty of the government.

Several attempts have been made to accomplish a treaty with this tribe, which should at the same time unite its different portions, provide for the absentees, and locate all who were willing to remove upon a new reservation in the Indian country, while it would leave those who wished to become citizens of the United States free to do so. These attempts have thus far failed. Last year a treaty was made, which, as it was then satisfactory to the parties represented, (the absentees *not* being represented save as to the very few who had located upon their reserve,) it was hoped would be ratified. But after a short time one of the Shawnee parties to the arrangement set itself in opposition to that treaty, and the Senate declined to act upon it last year, and it should not now be ratified.

This year all the parts of the tribe were represented here, viz: 1st, the recognized chiefs and council, speaking for the tribe in general, and, in particular, for those who took lands in severalty, and, as is evident from papers on file, for some portion of those who hold land in common; 2d, Black Bob's band, holding their lands in common, and the few absentees who came up into Kansas and settled upon their tract; Pascol Fish, who was a severalty Indian and took his allotment as such, but who has abandoned that portion of the tribe, and by some process finds himself at the head of a considerable part of the Indians who took lands in common, comes with two others to represent this second class; and 3d, the absentees, Shawnees, now in charge of the Witchita agency, represented by their chiefs.

The first class number about 650, the second 150, and the third 500. It is probable, however, that if the tribe were polled the first class would be increased, and the second correspondingly decreased.

Opposition has been met from the outset from Fish and his party, who insisted upon a division of the tribe. Knowing the ill feeling which prevailed with him and some others, this point was at first conceded, and an attempt was made to form a treaty on the basis of a free choice of the people at a given day, upon which, if so many as one hundred and fifty should wish to have a separate tribal existence, a separate reservation should be given to them, and all the avails of the sale of these lands of either class were to be secured to them respectively. This, however, was refused by Fish, he insisting that some parties who two years ago are alleged to have been represented by him should be counted with his band, and making other claims which it was impossible to concede. The truth is, that this man Fish has been led by the representations of other parties, who have deluged the department with memorials and other papers during the last few years, to believe that he and his little squad of Shawnees are the only Shawnees proper to be recognized by the government; that the payment by the government of \$829,000 to the tribe in common was an infringement upon the exclusive rights of his particular people, and that the government is bound to refund it to them. A Mr. Guthrie has a claim against the Shawnees for back annuities and payments alleged to be due his wife, now amounting to some

\$15,000 or more, and Fish is willing to allow this claim, but it was carefully examined in the department several years since, and it being ascertained that Mrs. Guthrie was an adopted Wyandott, and that both Guthrie and his wife had regularly drawn their annuities and allotments of land with the Wyandotts, the claim upon the Shawnees was disallowed.

Under such circumstances and influences, as it was not possible to do anything with Fish personally, and as it was believed that while the true interest of the tribe demanded their union and removal, and that nearly the whole tribe will acquiesce in the plan adopted, an arrangement has been entered into by which, none of the tribe having become citizens, either by force of treaty stipulations or any act of their own, we make a treaty with the parties representing about eleven hundred and fifty of the tribe, and insert provisions under which any of the remaining one hundred and fifty may come into the arrangement if they choose. It is not doubted that when the matter is fully discussed among the people, nearly every person will gladly join the tribe at its new home. The treaty secures to every person the avails of his own property.

The large item inserted for claims against the government requires some remark. These Shawnees live in that part of Kansas, south of the Kansas river, stretching from the Missouri border to Lawrence. Through their lands marauding bands of Quantrell and others on the one side, and the hardly less scrupulous "Red Legs" of Kansas on the other, ranged hither and thither, destroying and plundering as they went; and upon their lands were encamped, in a disorganized state, many thousands of the Kansas militia whose commissariat was supplied, with little apparent scruple as to keeping accounts, from the fertile and well-tilled Shawnee farms. The value of farming products raised last year by the Shawnees was returned at \$70,000, and the value of their stock at \$55,500. The depredations upon their property continued through the whole war, and the Shawnees, not being protected in the enjoyment of their property and their homes, are, under the stipulations of treaties, entitled to remuneration for their losses.

Earnestly believing that the treaty herewith is just in its provisions and promises much good to the Shawnees, I have the honor to request that it may be sent to the President, to be by him, if it meets with his approval, transmitted to the Senate for its constitutional action.

I also transmit herewith four copies of the estimates of the appropriations deemed necessary for the current year to fulfil the stipulations of the treaty.

Very respectfully, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

Hon. O. H. BROWNING,

Secretary of the Interior.

Estimate of appropriations required to fulfil treaty with the Shawnees, made March 2, 1867.

Article 2. For expenses connected with register.....	\$500 00
Article 3. For expenses connected with survey.....	2,000 00
Article 3. For expenses connected with appraisal of lands.....	2,000 00
Article 8. For examination as to irregular and suspended deeds.....	500 00
Article 8. For examination of removal.....	5,000 00
Article 8. For subsistence, (this amount to be refunded. The absentee Shawnees will remove this year).....	20,000 00
Article 18. For claims.....	109,746 25
Article 18. For agency buildings.....	8,000 00
Article 18. For expenses of negotiating treaty.....	5,000 00

152,746 25