

4-4-1890

## Treaty obligations with Pottawatomie Indians.

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



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

---

### Recommended Citation

H.R. Rep. No. 1230, 51st Cong., 1st Sess. (1890)

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 [darinfox@ou.edu](mailto:darinfox@ou.edu).

## TREATY OBLIGATIONS WITH POTTAWATOMIE INDIANS.

APRIL 4, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

### REPORT:

[To accompany H. R. 4546.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 4546), having had the same under consideration beg leave to submit the following report:

The bill presents a claim for depredations resting upon treaty stipulation and the examination and finding of a special commission appointed in pursuance thereof.

The first clause of article 10, treaty of 1868 (15 Stats., 536), is as follows:

ARTICLE 10. It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidences thereof, examination and report should be made to Congress in order that such action shall be taken as shall be just in the premises.

Under this clause a large number of claims for depredations by white men upon their property were presented to the Department of the Interior by individuals of the Pottawatomie Indians.

The claims were examined and the evidence in support of them deemed unsatisfactory, and they were forwarded to the United States Indian agent for the Pottawatomies for re-examination and report. This agent (J. H. Morris) seems to have made a careful and thorough examination, and on the 19th of November, 1871, transmitted his report to the Commissioner of Indian Affairs in a letter marked Appendix A, annexed hereto.

The work of the agent was approved by letters of F. A. Walker, Commissioner of Indian Affairs, to Hon. C. Delano, Secretary of the Interior, of date December 6, 1871, and marked Appendix B. The Secretary of the Interior approved the action of the Commissioner and transmitted the report to Congress December 20, 1871. (See Appendix O.)

This report found to be due to some eighty-nine of the Pottawatomie Indians various sums, amounting in the aggregate to the sum of \$48,332.80. Their names and the amounts due them respectively are found in Appendix A, annexed to this report.

The United States have in this way partially carried out their treaty stipulations. They have caused "report" to be made of the amounts due these Indians because of depredations upon their property by citizens of the United States.

"Report shall be made to Congress of the amount found to be equi-

tably due, in order that such action shall be taken as shall be just in the premises" (*vide* article 10, treaty of 1868, 15 Stats., 536).

This is the treaty language.

Now what is "just" in the premises? What ought an honest man to do when he admits that he or those for whom he is responsible has damaged his neighbor in a sum of money?

What ought a nation—rich, strong, with a hundred millions of dollars of surplus money in its Treasury—to do when it admits that it owes a feeble band of its weakest and most dependent wards some thousands of dollars because its citizens have plundered and robbed those wards? What is "just" under such circumstances? The moral law answers that the nation should pay, and pay speedily and fully, a debt of this character.

Equally emphatic is the demand of the written law. These debts should be paid. The Government should not longer stand with the written admission of this debt to those Indians upon the record and refuse to pay them.

Your committee therefore recommend that it be passed.

## APPENDIX A.

POTTAWATOMIE INDIAN AGENCY,  
*Eleventh Month 19th, 1871.*

*To the honorable Commissioner of Indian Affairs, Washington, D. C. :*

Respectfully I herewith forward ninety-one claims of Pottawatomie Indians for depredations committed upon their stock, timber, and other property while living upon their reservation in Kansas, for the payment of which provision is made by the tenth article of the treaty of February 27, 1867 (certified and known as the treaty of 1868). In accordance with the instructions of Hon. E. S. Parker, Commissioner of Indian affairs, dated at Washington, D. C., March 8, 1870, I have given notice to all Indians having claims to present to come forward and prove them up, and also employed J. S. Merritt, a notary public of Pottawatomie County, Kans., duly commissioned and qualified, to take affidavits.

For my guidance in ascertaining the true value of property upon the reservation I called upon Alexander Peltier, Sidney W. Smith, and John D. Lasley, three disinterested, intelligent, and honest men, who have lived upon the reservation during the period covered by the losses for which claim is made, and I consulted with them frequently during the taking of the proof of the claims, and have had them subscribe the accompanying affidavits. I have taken especial care to guard against spurious claims that might have been presented, and I carefully investigated each claimant and the witnesses he introduced to prove up his or her claim as they presented themselves. I also inquired into the character of the claimants for truth and veracity; and such claims as were to all appearance spurious or dependent upon the testimony of witnesses not truthful for their substantiation I have rejected, and refused to present them to the Department for consideration.

From the testimony of all there were many depredations committed upon these Indians during the great immigration to California and Pike's Peak. Through this reserve was the main thoroughfare upon which many of the principal stock-growers and farmers lived, over which these immigrants traveled, and they seemed to be lawless when they had reached so far west as to be beyond civilization; and there is no doubt in my mind, from the testimony of all the witnesses, that these Indians suffered very much at their hands. It appears that immense trains of immigrants passed along this road daily during the immigration, and were constantly driving off their stock and destroying their timber and other property, and the Indians were powerless to oppose them, there being no law in force to which they could appeal for protection.

Very respectfully,

J. H. MORRIS,  
*United States Indian Agent.*

The list of claims furnished was as follows :

- To Kap-shuh-wid, one hundred and seventy-five dollars.
- To Shmah-gah, one hundred dollars.
- To Ah-got, three hundred and thirty-five dollars.
- To Louis H. Ogee, one thousand one hundred and sixty-dollars.
- To Lucius R. Darling, six hundred and five dollars.
- To M-tah-mah, four hundred and twenty dollars.
- To Samuel Cummings, three hundred and twenty-eight dollars.
- To Pe-tah, one hundred and twenty dollars.
- To Mnuh-quet, one hundred and sixty dollars.
- To An-twain (Curly Head), one thousand three hundred and twenty-five dollars.
- To Shah-we, two hundred and twenty dollars.
- To Wah-kas, one hundred and thirty dollars.
- To M-kuh-da-mko-qua, two hundred and seventy-eight dollars.
- To Anthony Tissier, one hundred and thirty dollars.
- To Kahn-sah-qua, one hundred and ninety dollars.
- To Margaret Fregor, nine hundred and fifteen dollars.
- To M. B. Beaubien, one thousand six hundred and thirty-five dollars.

- To James Baldwin, three hundred and twenty dollars.  
 To Josette Van Arsdale, four hundred and fifty dollars.  
 To Kah-dot, one hundred and ninety-five dollars.  
 To the administrator of the estate of Mitchell Willmett, deceased, four hundred dollars.  
 To E. R. Kennedy, five hundred and fifty-five dollars.  
 To Thomas J. Lazzell, four hundred dollars.  
 To the administrator of the estate of John S. Young, deceased, four thousand three hundred and fifty-eight dollars.  
 To James Kennedy, one hundred and forty dollars.  
 To the administrator of the estate of Mitchell Lafromboise, deceased, one thousand and thirty-five dollars.  
 To M. S. Beal, administrator of the estate of Me-yain-co, deceased, six hundred and sixty dollars.  
 To Mah-jwas, five hundred dollars.  
 To M. S. Beal, administrator of the estate of Pahs-kah-we, deceased, one hundred and twenty-five dollars.  
 To Pam-bo-go, one hundred and forty dollars.  
 To Napoleon Bertrand, three hundred and twenty-five dollars.  
 To Sahg-mag, one hundred and fifty dollars.  
 To Ah-got, three hundred dollars.  
 To John Neely, two hundred and thirty-five dollars.  
 To Ash-nick Pes-qua-je, one hundred and thirty-five dollars.  
 To Kuh-bah Lafromboise, four hundred and twenty-five dollars.  
 To John Pah-mah-me, one thousand seven hundred and ninety-five dollars.  
 To the administrator of the estate of Charles Vieux, deceased, two thousand and thirty-five dollars.  
 To Eliza A. Bertrand, five hundred dollars.  
 To Ozette Tromble, five hundred and sixty-five dollars.  
 To Louis Tromble, one thousand and nine hundred dollars.  
 To N-wak-tose, two hundred dollars.  
 To Pe-beje-mah, two hundred and eighty dollars.  
 To John B. Perish, seven hundred dollars.  
 To J. S. Merritt, executor of the estate of Louis Vieux, deceased, one thousand and five dollars.  
 To Kah-das Shop-kuk, three hundred and thirty dollars.  
 To the administrator of the estate of Catharine Gremore, deceased, five hundred and sixty-five dollars.  
 To Shaw-gwee, two hundred and forty-nine dollars.  
 To Adelaide Bertrand, eighty-five dollars and fifty cents.  
 To John B. Letende, five hundred and ninety dollars.  
 To Monica Lafromboise, ninety dollars.  
 To Eli G. Nadeau, two thousand dollars.  
 To Na-bna-shkuk, two hundred and sixty dollars.

## APPENDIX B.

DEPARTMENT OF THE INTERIOR,  
 OFFICE OF INDIAN AFFAIRS,  
 Washington, D. C., December 6, 1871.

SIR: The tenth article of the treaty with the Pottawatomie Indians, of February 27, 1867 (Stat., vol. 15, p. 533), provides "that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises."

Under this provision of the treaty a number of claims were presented by late Agent Palmer, under date of December 24, 1869, extending as far back as the year 1846. These, after examination in this office, were, on the 27th of February, 1870, I had the honor to submit the claims for consideration and appropriate action by the Department.

Very respectfully, your obedient servant,

F. A. WALKER,  
 Commissioner.

## APPENDIX C.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., December 20, 1871.*

SIR: I have the honor to transmit herewith a copy of a report, dated the 6th instant, from Commissioner of Indian Affairs, together with the claims therein referred to, of certain Pottawatomie citizens, for depredations committed upon their property while they were members of the Pottawatomie tribe of Indians.

The tenth article of the treaty with said Indians of February 27, 1867, provides that the claims referred to, accompanied by the evidence taken therein, shall be reported to Congress, with the amount found to be equitably due, in order that such action may be taken as shall be just in the premises.

The claims, with the evidence taken, and a schedule thereof, with the amounts allowed in each case as reported to the Department by Commissioner of Indian Affairs, are respectfully submitted to Congress for such action as the treaty contemplates.

Very respectfully, your obedient servant,

C. DELANO,  
*Secretary.*

Hon. JAS. G. BLAINE,  
*Speaker House of Representatives, Washington, D. C.*

○