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Amounts due certain Indians.

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Calendar No., 1529.

54TH CONGRESS, }
2d Session. }

SENATE.

{ REPORT
{ No. 1390.

AMOUNTS DUE CERTAIN INDIANS.

FEBRUARY 4, 1897.—Ordered to be printed.

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

REPORT.

[To accompany S. 3396.]

The Committee on Indian Affairs referred this bill to the Secretary of the Interior for information and advice, and in response to such reference the Secretary of the Interior, in his letter hereto attached and through a letter of the Commissioner of Indian Affairs hereto attached, makes a report substantially favorable to the different items contained in the bill.

The bill covers four distinct claims:

First. The amount of \$2,497.11, due the Indians under the treaty of 1843, and on deposit in the Treasury.

Second. To pay the Indians the amount of the difference between the coin value of payments made in paper currency in the years 1863 and 1864 and the amount actually due them in coin by treaty stipulations, with interest on such difference from the time of such paper-currency payment until the date of the payment herein provided for, which amount has been stated and found to be, principal and interest, \$49,102.12.

Third. The bill also provides for the payment of all unpaid and unclaimed annuities due the Indians, which have been ascertained to amount to the sum of \$81,702.61.

Fourth. The residue due the Indians from the money appropriated to compensate them for damages caused by the reservoir constructed at the headwaters of the Mississippi River, which residue amounts to \$25,000, and is still to the credit of said Indians on the books of the Treasury.

The total amount embraced within the scope and purview of the bill is, according to the letter of the Commissioner of Indian Affairs, \$130,804.72.

Your committee accordingly recommend that section 3 be amended by striking out, in lines 2 and 3, the words "an amount sufficient" and inserting in lieu thereof the following: "the sum of one hundred and thirty thousand eight hundred and four dollars and seventy-two cents," and as so amended your committee recommend the passage of the bill.

DEPARTMENT OF THE INTERIOR,
Washington, January 30, 1897.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th instant and accompanying S. 3396—"A bill to authorize and direct the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests."

In response thereto I transmit herewith copy of a communication of the 29th instant from the Commissioner of Indian Affairs, to whom your letter was referred.

The Commissioner calls attention to his report of the 26th instant, which was the subject of Department letter to you of the 27th instant, on Senate bill 3306—"to authorize the Secretary of the Interior to fulfill certain stipulations with the Chippewas of Lake Superior and the Mississippi, and making appropriations for the same"—and states that the bill covers the amount of the difference between the coin value of payments made in paper currency in 1863 and 1864, and the amount actually due in coin, with interest on such difference from the dates of Treasury warrants until February 6, 1897, and also the amount of unpaid and unclaimed annuities, which also is provided for in Senate bill 3396.

The Commissioner states further that the residue of the reservoir appropriation (\$25,000) and the sum of \$2,497.11, named in the first section of the bill (S. 3396), are to the credit of the Indians upon the books of the Treasury Department, and that if the proposed legislation should be enacted into a law the amount to be appropriated would be the sum of \$130,804.73.

Very respectfully,

D. R. FRANCIS, *Secretary.*

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 29, 1897.

SIR: I have the honor to be in receipt, by your reference of the 15th instant, for report, of a communication from Senator R. F. Pettigrew, inclosing S. 3396, entitled "A bill to authorize the Secretary of the Treasury to pay the moneys herein specified to the respective bands of Chippewa Indians in the State of Minnesota according to their respective rights and interests." The bill enacts—

"That the Secretary of the Treasury is hereby authorized and directed to pay to the Mississippi Band of Chippewas, in the State of Minnesota, the amount of two thousand four hundred and ninety-seven dollars and eleven cents, now on deposit in the Treasury and due said Indians under the treaty of eighteen hundred and forty-three, and also to pay said Indians the amount of difference between the coin value of payments made in paper currency in the years eighteen hundred and sixty-three and eighteen hundred and sixty-four and the amount actually due them in coin by treaty stipulations, with interest on such difference from the time of such paper-currency payments until the date of the payment herein provided for; and also to pay them the amount of all unpaid and unclaimed annuities due them under any and all treaties or acts existing prior to January fourteenth, eighteen hundred and eighty-nine.

"Sec. 2. That the Secretary of the Treasury is hereby further authorized and directed to pay to said Chippewa Indians of the various bands, according to their respective rights and interests therein, all the residue of the money allowed and appropriated to them for fowage of and damage to their lands caused by the reservoirs constructed at the head waters of the Mississippi River and its tributaries.

"Sec. 3. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount sufficient for making the payments in this act authorized and directed to be made to said Indians as aforesaid."

In compliance with the request for report, I have to state that this office, on the 26th instant, reported upon Senate bill 3306—"to authorize the Secretary of the Interior to fulfill certain stipulations with the Chippewas of Lake Superior and the Mississippi, and making appropriations for the same." This bill (No. 3306) covers the amount of the difference between the coin value of payments made in paper currency in 1863 and 1864 and the amount actually due in coin, with interest on such difference from the dates of treaty warrants until February 6, 1897. The amount found to be due, principal and interest, was \$49,102.12.

Senate bill No. 3306 also provides for the payment of all unpaid and unclaimed annuities, which were ascertained to be \$81,702.61. Section 2 of Senate bill No. 3396 provides for the payment to said Chippewa Indians of the residue of the \$150,000 appropriated by the Indian act for 1891 (26 Stat. L., 357), to compensate them for damages

caused by the reservoirs constructed at the head waters of the Mississippi River. This residue amounts to \$25,000, and is still to the credit of said Indians on the books of the Treasury. This office favors the proposition to pay these Indians this residue; also the sum of \$2,497.11, named in the first section of this bill.

If this proposed legislation should be enacted into a law, the amount to be appropriated would be the sum of \$130,804.73.

The letter, with inclosure, is respectfully returned.

Very respectfully,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

Washington, January 26, 1897.

SIR: I have the honor to be in receipt, by your reference, for report on the 16th ultimo, of Senate bill No. 3306—"to authorize the Secretary of the Interior to fulfill certain stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriations for the same"—submitted by Hon. R. F. Pettigrew for an opinion thereon by the Department.

The bill enacts that the Secretary of the Treasury be directed to set aside in the Treasury to the credit of the Chippewas of Lake Superior and the Mississippi the sum of \$301,923.56, being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years 1843 and 1878, inclusive, with interest at 5 per cent per annum from dates when said balances were covered into the Treasury to the 31st day of December, 1896, and the aggregate difference between the coin value of payments made in currency during the years 1863 and 1864, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of 5 per cent per annum from date of said Treasury warrants to February 6, 1897.

Section 2 provides that the amount shall be paid to the Chippewa Indians of Lake Superior and of the Mississippi in the proportion, if any, due to each, or invested or applied for their benefit by the Secretary of the Interior, as may be deemed most advantageous for the interests of said Indians.

In reply, I have to state that the claims of the Chippewa Indians, as required by the ninth article of the treaty with the Chippewas of September 30, 1854 (10 Stat. L., 111) were fully investigated in 1879 under a resolution of the House of Representatives by a subcommittee composed of two Members, viz, Hon. George M. Beebe and Hon. J. H. Stewart, and I. L. Mahan, Indian agent, detailed by this office for the purpose of assisting in the investigation, the full report of which committee will be found in the Congressional Record, volume 8, part 3, and appendix, Forty-fifth Congress, third session, page 134, which report is full and explicit, and is substantially correct.

I have caused an examination to be made of the abstract of balances of appropriations carried to the surplus fund, as printed in the Record, aggregating \$85,174.01, and find that at this date, owing to certain payments having been made after the date mentioned, viz, April 30, 1878, the amounts have been reduced, and I submit herewith a corrected statement as a basis for an appropriation by Congress, amounting to \$81,702.61.

As has been reported to Congress heretofore, this balance is largely made up of unexpended balances of appropriations provided by Congress years ago under treaty stipulations for education, mills, shops, and various employees, and for agricultural assistance, and was not used or expended for their benefit owing to the fact that the Indians were unsettled and not disposed to change their mode of life, and that probably there was a lack of energy on the part of the superintendents and agents who had charge of said Indians, who neglected to push their advancement in education, civilization, and agricultural pursuits.

The Chippewas are now in an advanced state of civilization, are taking allotments of land, and are anxious to build houses, to educate their children, and to contribute to their support by individual exertions in agricultural pursuits and other modes of civilized life; but they are very poor, owing to the expiration of their money annuities.

This bill provides for the payment of interest at 5 per cent per annum from dates when said balances were covered into the Treasury to the 31st day of December, 1896.

This interest I am unwilling to recommend, for the reason that the House of Representatives, through its own selected committee, examined thoroughly the merits of the claims of the Chippewas and recommended only the restoration of the balances noted in accompanying statement, without interest, nor can it be shown that the Chippewas ever claimed interest on said balances carried to the surplus fund.

I also submit herewith a copy of a statement prepared by the Comptroller of the Currency, showing the coin value of the several payments made in currency during

the years 1863 and 1864, and the amount of interest due on currency balances up to February 6, 1879, amounting to \$32,298.77, with an addition of the sum of \$16,808.35, being interest at 5 per cent per annum on currency balances, due up to February 6, 1897—eighteen years—making an aggregate of \$49,102.12.

This amount is justly and equitably due the Chippewas, as their several treaties provide that money annuities shall be paid in coin.

The records of this office and of the Treasury Department show that the advances to superintendents and Indian agents for these Indians in 1863 and 1864 were made in currency.

Attention is invited to the letter of the Commissioner of Indian Affairs, dated February 11, 1879, marked H, page 136, of the Record, hereinbefore referred to, in which is fully explained the currency advances made to agents for payment to said Indians in 1863 and 1864; also to 16 Stat. L., 337, where it will be seen that a similar appropriation was made for the benefit of the Indians located at Mackinac Agency, Mich.

Agreeably with the changes in the amounts found to be due these Indians, the aggregate will amount to \$130,804.73.

I have therefore to recommend that the bill be amended in the following particulars, viz:

Strike out in lines 6, 7, and 8 the words "three hundred and one thousand nine hundred and twenty-three dollars and fifty-six cents," and insert in lieu thereof the words "one hundred and thirty thousand eight hundred and four dollars and seventy-three cents."

Strike out in lines 12, 13, 14, and 15 the words "with interest at five per centum per annum from dates when said balances were covered into the Treasury to the thirty-first day of December, eighteen hundred and ninety-six."

Strike out in section 2, lines 1, 2, and 3, the words "three hundred and one thousand nine hundred and twenty-three dollars and fifty-six cents," and insert in lieu thereof the words "one hundred and thirty thousand eight hundred and four dollars and seventy-three cents."

Strike out in section 3, lines 1 and 2, the words "three hundred and one thousand nine hundred and twenty-three dollars and fifty-six cents," and insert in lieu thereof the words "one hundred and thirty thousand eight hundred and four dollars and seventy-three cents."

I return herewith the letter of Senator Pettigrew and inclosure.

Very respectfully,

D. M. BROWNING, *Commissioner*.

The SECRETARY OF THE INTERIOR.

[S. 3506. Fifty-fourth Congress, second session. In the Senate of the United States, December 9, 1896. Mr. Davis introduced the following bill; which was read twice and referred to the Committee on Indian Affairs.]

A BILL to authorize the Secretary of the Interior to fulfill certain treaty stipulations with the Chippewa Indians of Lake Superior and the Mississippi, and making appropriation for the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to set aside in the Treasury of the United States to the credit of the Chippewa Indians of Lake Superior and the Mississippi the sum of one hundred and thirty thousand eight hundred and four dollars and seventy-three cents, the sum being the total amount arising from balances of appropriations under treaties with said Indians and covered into the Treasury between the years eighteen hundred and forty-three and eighteen hundred and seventy-eight, inclusive, and the aggregate difference between the coin value of payments made in currency during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, at the dates of Treasury warrants, and the amounts due in coin by treaty stipulations, with interest at the rate of five per centum per annum on currency balances of coin annuities from date of said Treasury warrants to February sixth, eighteen hundred and ninety-seven.

SEC. 2. That the said amount of one hundred and thirty thousand eight hundred and four dollars and seventy-three cents shall be by the Secretary of the Interior paid to the Chippewa Indians of Lake Superior and of the Mississippi in the proportion, if any, due to each (in case it shall be found that a division of such fund is equitable), or invested or applied for their benefit by the said Secretary, as may be deemed most advantageous for the interests of the said Indians.

SEC. 3. That the sum of one hundred and thirty thousand eight hundred and four dollars and seventy-three cents be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of carrying the provisions of this act into effect.

Abstract of balances of appropriations covered into the United States Treasury between the years 1843 and 1880, inclusive, belonging to the Chippewas of the Mississippi and of Lake Superior, as reported by the Second Auditor and Commissioner of Indian Affairs, under the following treaties, viz:

Date.	Treaty of—	Amount.
June 30, 1843	July 29, 1837 (7 Stat. L., 536), surplus	\$42,515.59
June 30, 1846	do	6,321.12
June 30, 1849	do	2,380.37
Sept. 30, 1852	do	1,447.09
June 30, 1848	October 4, 1842 (7 Stat. L., 591), surplus	1,924.26
Dec., 1848	do	500.00
Sept., 1852	do	108.73
June 30, 1873	do	320.88
June 30, 1877	Sept. 30, 1854 (10 Stat. L., 1109), surplus, principal to 1873	6,032.75
Do	Sept. 30, 1854 (10 Stat. L., 1109), surplus, year 1874	1,073.69
June 30, 1878	Sept. 30, 1854 (10 Stat. L., 1109), surplus, principal to 1873	2,742.06
Do	Sept. 30, 1854 (10 Stat. L., 1109), surplus, year 1876	585.06
June 30, 1880	Sept. 30, 1854 (10 Stat. L., 1109), surplus, year 1878	559.20
June 30, 1875	Feb. 22, 1855 (10 Stat. L., 1165), surplus, principal to 1873	9,937.78
June 30, 1877	do	5,259.03
	Total	81,702.61

Statement by the Comptroller of the Currency of the coin value of the several payments made in currency during the years 1863 and 1864 to the Chippewa Indians of Lake Superior and the Mississippi.

Date of Treasury warrants.	Amounts due in coin at the dates named.	Average currency price at the dates named.	Currency value of amounts named in first column.	Balance due in currency at dates named in first column.	Interest at 5 per cent per annum on currency balances.	Principal and interest due in currency February 6, 1879.
July 15, 1863	\$10,666.66	129	\$13,759.99	\$3,093.33	\$2,406.77	\$5,500.10
August 13, 1863	4,166.66	126½	5,281.24	1,114.58	862.86	1,977.44
October 10, 1864	14,833.32	197½	29,295.80	14,462.48	10,358.75	24,821.23
Balance of principal and interest due Feb. 6, 1879				18,760.39		32,298.77
Add eighteen years interest to Feb. 6, 1897, on currency balances						16,803.35
Total						49,102.12