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Indians residing in Michigan and Indiana. (To accompany H. Res. No. 443.) Memorial of certain Indians residing In Michigan and Indiana.

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INDIANS RESIDING IN MICHIGAN AND INDIANA.

[To accompany H. Res. No. 443.]

MEMORIAL

OF

CERTAIN INDIANS

RESIDING

In Michigan and Indiana.

JANUARY 16, 1871.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives of the United States in Congress assembled :

The undersigned, appointed a committee by that portion of the Pottawatamies remaining in Michigan and Indiana, present to Congress the condition of the annuities and other funds heretofore granted by the Government to them, and to show the amounts of the same now remaining due and unpaid, most respectfully represent :

That from the earliest knowledge of Indian affairs up to 1833, there has been a united nation of Indians known as the united nations of the Ottawas, Chippewas, and Pottawatomies, for many years known and treated with as the Pottawatomie nation of Indians, residing upon and occupying that portion of the United States now embraced in the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin.

From the earliest history of the Government they have been friendly toward the pioneer settlers in their midst, and as early as 1795 entered into a treaty of peace and friendship with them, and they, with other tribes who claimed some title to the same, relinquished their right of possession to the greater part of the territory of Ohio; since which time the nation, as such, has at all times kept and maintained her covenants of peace and fidelity to her treaty stipulations.

At different times since 1795, especially in the years 1809, 1818, 1821, 1826, 1828, 1829, 1832, 1833, and 1846, (see exhibit of treaty stipulations hereunto attached,) the Government has purchased, by the different treaty provisions, vast tracts of land, amounting in the aggregate to about twenty-five million acres, (25,000,000,) therein stipulating to pay certain sums of money annually forever, or for a given term of years; also to provide them with means to support blacksmiths and supply their shops, for education, salt, &c., (see exhibit of treaty stipulations and citations.) In 1832 or 1833 the Government adopted the

policy of purchasing their remaining lands and reservations, which were specifically guaranteed to them in former treaties, and inducing them to remove west of the Mississippi.

As the result of this policy, before 1837 the Government had purchased all their tribal lands in the said States, and all of the Pottawatomies were under treaty stipulations to remove from their reserves and go west of the Mississippi, excepting only those whose interests are herein presented. (See exhibit of treaty stipulations and citations of same.)

On the 26th and 27th September, 1833, there was a treaty concluded between the Government and this nation, in which the Indians cede the last lands which they as a nation held in common, the same being estimated in the treaty at 5,000,000 acres, being less than one-fifth the amount they as a united nation had, at different times, ceded to the United States. (See exhibit, &c., and citations.)

A portion of the nation, being the band of Pokagon, the second chief of the nation, then numbering some 350, the same being your memorialists and their ancestors, did not desire to remove west, and did not enter into the treaty of the 26th September, 1833, but on the following day, by articles supplemental, they unite in the cession of the 5,000,000 acre tract, (the property of the nation in common,) and they also cede tribal and band reserves guaranteed to them under former treaties in the State of Michigan, amounting to 164 sections, upon which they were then residing, and became parties to the main treaty of the 26th, and participants in the provisions of the same, by virtue of the express terms of the second article supplementary. (See vol. 7 U. S. Stat., p. 442, which reads):

ARTICLE 2: In consideration of the above cession it is hereby stipulated that the said chiefs and head-men and their immediate tribes shall be considered 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; and, further, there shall be paid by the United States the sum of one hundred thousand dollars, (\$100,000,) to be applied as follows.

The remainder of the article, in four clauses, awards \$10,000 to satisfy those who asked for individual reserves; \$25,000 to pay outside debts of the nation; \$25,000 in goods; and \$40,000 in \$2,000 payments for twenty years.

The old chief, Pokagon, was very anxious to remain in Michigan. He and his people had become greatly attached to their religious and educational missions; they were a quiet, religious, and orderly people, agreeable, and friendly to the settlers; and it was well known to the United States treaty commissioners that they were determined to avoid treaty stipulations to go west; and, according to their desires, they were permitted to remain, and their just proportion of annuities due under former treaties, and that arising from the proceeds of the sale of their reserves, (the 164 sections ceded,) should be paid to them. (See vol. 7 United States Statutes, p. 445, which reads):

On behalf of the chiefs and head-men of the United Nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

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 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 reservation on which they now reside, shall be paid to them at L'Arbee Croche.

Five million acres of land west of the Mississippi were reserved to the nation by the second article of treaty of 26th September, 1833,

(main treaty,) see page 431, same, "in part consideration" of the 5,000,000 tract ceded to the United States in the first article of same. In 1846, see vol. 9, p. 853, same, the Government purchased the 5,000,000 west of the Mississippi, and set apart \$643,000 as a fund in trust for the Pottawatomies, stipulating to pay them 5 per cent. interest on the same, amounting to \$32,150 per annum.

Your memorialists now residing in Michigan and Indiana now number three hundred and twenty-one.

They have not "participated in all the provisions," nor have they "received a just proportion" due their people in common; neither have they received the proceeds of the sale of their land.

We refer you with pleasure to the solemn declarations of friendship made by our people to General Harrison, at Granville, in 1795, at Fort Harmer, (American State Papers, vol. 1, Indian Affairs, pp. 317, 563-4,) when we were powerful in numbers and influence; and we can with pride assert that as a people we have ever kept and maintained our treaty covenants. The United States treaty commissioners then assured our people that "The United States do not mean to wrong you out of your lands," and ever confiding in the integrity of our Government and guardian, acknowledging most humbly our present weakness, dependence, and the pinching necessities of poverty, now confidingly ask that our claim be patiently and impartially considered, and speedily adjusted upon the basis of simple justice.

Your memorialists most respectfully invite the attention of Congress to the following exhibit of their claim: (See opposite page.)

Your memorialists removed to L'Arbrecoche, but returned and purchased land of the Government in the neighborhood of their reserves ceded in 1833, with the money paid them down upon the ratification of the treaty under articles therein contained. (See 2d clause of art. 2, treaty 27th September, 1833, page 442, U. S. Stat., vol. 7.)

For some six years they received no annuities, then made complaint to R. Stuart, esq., then Indian agent at Detroit, and in 1843, and for that year, T. Hartley Crawford, then Commissioner of Indian Affairs, allowed them, and remitted to Mr. Stuart for them, \$1,587 50, being, as he estimated, their proportion in the perpetual annuity of July 29, 1829. See treaty stipulations in which was ceded by the Pottawatomies, now so called, some 6,000,000 acres of land in Northern Illinois and South-western Wisconsin. (See map of treaty stipulations and boundaries marked "30, 30," and see credit of same in exhibit of claim P.) Commissioner Crawford awarded them their portion of one treaty only, when the article on page 445, above referred to and inserted, says a just proportion of *all* former annuities. For amounts of annuities due under all treaties, see stipulations and appropriations in exhibit.

See letter of Hon. T. H. Crawford, hereunto attached :

OFFICE INDIAN AFFAIRS, *May 17, 1843.*

SIR: My letter to you of the 19th instant informed you of the views of this office respecting the right of the Chippewas of Swan Creek and Black River, yet in Michigan, to participate in the benefits of the annuity due the bands, the whole of which has heretofore been remitted west.

I now reply to the remaining portion of your letter of the 25th March, viz, relative to the Pottawatomies, who claim the privileges granted under the supplemental article to the treaty with the united bands of Chippewas, Ottawas, and Pottawatomies, of September, 1833, which is in the following words :

"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 reservation on which they now reside, shall be paid them at l'Arbre Croche."

By the tenor of this article it would seem that their claim is well founded, and that they are entitled to their numerical 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 250 represented by you, the share that would be to the latter would amount to \$1,587 50, or \$6 35 to each individual; accordingly, that sum will be remitted to you to be paid out to them as their share of the annuities.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD,
Commissioner.

ROBERT STUART, Esq.,
Detroit, Michigan.

This amount (\$1,587 50) was regularly paid until and including 1865.

In 1861 your memorialists, yet being satisfied that they were not receiving a just proportion of the annuities, presented the matter to Congress. By act of March 2, 1861, the Secretary of the Interior was directed to report to Congress the amounts, if any, due two hundred and fifty of your memorialists residing in Michigan; and on December 19, 1862, reported \$99,310 annuities and \$93,535 due them as their distributive share of the trust funds arising from the sale of the 5,000,000 tract west of the Mississippi. In this report, p. 2, Secretary C. B. Smith says:

The band which by supplemental treaty was permitted to remain in Michigan must be regarded as a part of the Pottawatomie Nation. They are entitled to receive, per capita, their proportion of the annuities and other payments provided for in the several treaties with the nation to the same extent they would have been had they gone west with the tribe. (See Ex. Doc. 19, H. R., 3d sess. 37th Cong.)

February 9, 1864, Mr. Windom, chairman of Committee on Indian Affairs of House of Representatives, made a report of the committee favoring the claim, (report No. 19, House of Representatives, first session Thirty-eighth Congress,) accompanied by House resolution 38, (joint resolution) appropriating \$192,850 to your memorialists, which passed the House.

February 1, 1865, Mr. Doolittle, chairman of the Senate Committee on Indian Affairs, made report awarding \$50,925, which was reduced to \$39,000 by joint resolution appropriating the same out of the trust fund of the nation. (See vol. 14 U. S. Statutes, p. 370. See credit of same in exhibit of claim P.)

On the 11th instant verbal inquiry was made at the office of the Commissioner of Indian Affairs, in the interests of your memorialists, to learn the numbers of Pottawatomes, now so called, consisting of the United Nation of Ottawas, Chippewas, and Pottawatomes—the Pottawatomes of Indiana, of the prairie, and of the Wabash—that had complied with treaty stipulations of removal, &c., and had received the annuities due the nation and people as such for the years 1836, 1841, 1846, 1851, 1856, 1861, and 1866. Verbal answer was made to this by assuring us that the required information was not in the office, and suggested inquiry to be made at the office of the Second Auditor of the Treasury for the same, which verbal request was formally made in writing on the 23d instant, and responded to as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 27, 1871.

SIR: I acknowledge the receipt of your letter of the 23d instant, in which you express a desire to "learn the number of Pottawatomie Indians (now so called, being the united nation of Ottawas, Chippewas, and Pottawatomes) that complied with the treaty stipulations existing between them and the United States and participated in the annuities of the same for the years 1836, 1841, 1846, 1851, 1856, 1861, and 1866," and reply that the information desired is not in the possession of this office. I suggest that it may be

obtained from the pay-rolls of the United States agents in whose charge the Indians were at the different periods mentioned, which will doubtless be found filed with the accounts of such agents in the Second Auditor's office of the Treasury Department.

Very respectfully, your obedient servant,

E. S. PARKER,
Commissioner.

W. N. SEVERANCE, Esq.,
Washington, D. C.

On the 11th instant the desired information was formally requested of the Second Auditor, in a letter setting forth the nature of the inquiry as shown above, using, however, the term "who *receipted* for the annuities," &c.

It was ascertained upon examination of the pay-rolls that chiefs and heads of families receipted for their dependencies, which were given in numbers in a column opposite their names, and so included in the footings; accordingly on the 26th the letter of the 11th was so modified as to require the "numbers who *received* the annuities," &c.; to which inquiry the following response was received:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 26, 1871.

SIR: In compliance with request contained in your letter of the 11th instant, modified by that in letter of to-day, asking to be informed as to the numbers of Pottawatic Indians who received annuities in the years 1836-'41-'46-'51-'56-'61, and '66, I send you the following list, made from the annuity pay-rolls on file in this office:

J. L. Jamison, agent, paid 3,764 persons in 1836; J. P. Simonton, 76 in 1836; A. S. Davis, 3,390 in 1841; R. B. Mitchell, 2,231 in 1846; J. R. Chenault, 3,914 in 1851; G. W. Clarke, 3,181 in 1856; W. W. Ross, 2,142 in 1861; L. R. Palmer, 2,202 in 1866.

Respectfully,

E. B. FRENCH,
Second Auditor.
By A. F. W.

W. N. SEVERANCE, Esq.,
133 North A street, Washington, D. C.

The number of your memorialists residing in Michigan in 1843 (see Commissioner Crawford's letter, p. 3) is stated at 250, but your memorialists are assured that in 1836 they numbered some 350; but assuming them to number 250 only in 1836, they have since 1843 steadily declined, and now number only 233.

About 1840 some twenty-three of your memorialists removed to their old hunting grounds in St. Joseph County, Indiana, where they have since resided and steadily increased, and now number 88, (as shown by affidavits of disinterested cotemporaries now living.)

The following exhibit will show the whole number of Indians who received and are entitled to receive the annuities for the years indicated:

Year.	Main nation.	Memorialists of Michigan.	Memorialists of Indiana.	Total memorialists.	Total Indians.
1836.....	3,840	250	23	273	4,113
1841.....	3,390	250	29	279	3,669
1846.....	2,231	246	36	282	2,513
1851*.....	3,914	241	44	285	4,199
1856.....	3,181	239	53	292	3,473
1861.....	2,142	237	63	300	2,442
1869.....	2,202	235	74	309	2,511
1871†.....	928	233	88	321	1,249

* Immigration of scattering bands increased the number of main nation this year.

† 1,270 of main nation "civilized" in 1869 and 1870.

Your memorialists of their personal knowledge know (and believe the same is so understood in the Departments) that nearly one-half of the

Pottawatomies, so called, abandoned their tribal relations when the Government insisted upon removing them West, preferring to surrender the treaty benefits rather than go. About 1,000 fled to Canada in 1836, where those remaining, numbering some 500, now reside; and many fled to Northern Michigan, Wisconsin, and Minnesota.

We fully believe that the above exhibits all who have complied with treaty stipulations.

The following exhibit of your memorialists is made by dividing the sum of the appropriations of annuities (see exhibit of same) by the whole number of Indians that received and were entitled to receive the same, and multiplying that per capita by the number of your memorialists.

Amount appropriated in 1836, \$108,930; number of Indians in 1836, 4,113; per capita, \$26 48 +; for 273 Indians.....	\$7, 230 14
Amount appropriated from 1837 to 1841, inclusive, \$708,134 25; number of Indians, 3,669; per capita, \$193 +; for 297 Indians.....	53, 848 40
Amount appropriated from 1842 to 1846, inclusive, \$411,395; number of Indians, 2,513; per capita, \$163 70.4 +; for 282 Indians.....	46, 155 38
Amount appropriated from 1847 to 1851, inclusive, \$519,700; number of Indians, 4,199; per capita, \$121 38 +; for 285 Indians.....	34, 595 01
Amount appropriated from 1852 to 1856, inclusive, \$453,590; number of Indians, 3,473; per capita, \$130 60 +; for 292 Indians.....	38, 136 66
Amount appropriated from 1857 to 1861, inclusive, \$308,640; number of Indians, 2,442; per capita, \$126 38 +; for 300 Indians.....	37, 916 40
Amount appropriated from 1862 to 1869, inclusive, \$502,976 50; number of Indians, 2,511; per capita, \$200 23 +; for 309 Indians.....	61, 873 54
Amount appropriated for 1870 and 1871, \$97,397 38; number of Indians, 1,249; per capita, \$77 97 +; for 321 Indians.....	25, 027 37

By the 5th article of the treaty of September 26, 1833, \$220,000 was to be applied to mills, agricultural implements, and schools, not included in the above, which was invested as follows: \$150,000 in Maryland 6 per cent. stocks, which purchased \$130,850 43.

By the 5th article, \$70,000 was invested for schools in 5 per cent. Indiana stock, which purchased \$68,000 of stock.

Principal of mill fund, \$130,850 43:	
2, 511 Indians; per capita of this, \$51 71 +; 309 Indians, distributive share	\$15, 978 39
Principal of school fund, \$68,000:	
2, 511 Indians; per capita of this, \$27 08 +; 309 Indians, distributive share	8, 367 72

On the 5th and 17th June, 1846, the Pottawatomies made a treaty ceding to the Government 5,000,000 acres of land in Northwestern Missouri. This land was a part of the consideration given to them in the treaty of 1833. The consideration of this purchase was \$850,000, and from this amount was deducted \$87,000 for the land purchased by the Indians of the United States, \$50,000 for debts, \$30,000 for removal, and \$40,000 for subsistence; leaving \$643,000 in the treasury, for which the United States has paid 5 per cent. interest on annually, which amounts to \$32,150, and has been included in the amounts appropriated for the years since 1849. (See exhibit.)

2, 511 Indians, per capita of \$643,000, (principal,) \$265 15; 309 Indians, distributive share of this amount.....	\$69, 150 45
Total amount due your memorialists.....	\$393, 279 46
There has been paid to this band since 1843 to 1865, inclusive, twenty-three years, \$1,587 50 per annum, amounting to.....	\$36, 512 50
There was also paid this band in 1866, \$39,000, out of the funds of the nation in common.....	39, 000 00
Total payments made your memorialists, since 1835.....	75, 512 50
Balance remaining due and unpaid.....	322, 766 96

The following exhibit shows the amount due your memorialists, including only their distributive shares in all former annuities, the exclusive benefits of the supplemental treaty of September 27, 1833, and the proceeds of the sale of their reservations, and excluding the direct and consequent benefits of the treaty of September 26, 1833. The items included in the preceding exhibit, and thus excluded in this, are the interest on the \$643,000 trust-fund, being \$32,150 annually, their distributive shares of the principal of the same, together with that of the mills and educational stock funds, and the \$16,000 annuity for twenty years. (Provision of treaties September 26 and 27, 1833.)

Your memorialists do not present this exhibit as an abandonment of their claim upon the preceding exhibit. They feel that they are justly entitled to participate in all the provisions of the treaty of September 26, 1833, and all benefits resulting from the same, as expressly guaranteed to them in the second article of the treaty of September 27, 1833. See page 6, of this memorial, cited. But confiding in their Government for justice, they present this exhibit as the other and only alternative:

Total footings of appropriations, excluding funds for removal and subsistence, &c.....	\$3, 110, 763 13
Deduct interest on \$643,000 at 5 per cent., appropriated 1849 and 1871, inclusive, being \$32,150 annually, excepting in 1870 and 1871, when it was \$26,301 27.....	\$721, 752 54
Deduct \$14,000 and \$2,000 for 20 years, treaty of September 26 and 27, 1833	320, 000 00
	<u>1, 041, 752 54</u>
	<u>2, 069, 010 59</u>

Which deductions, made in the years in which they were appropriated, gives the basis of this exhibit.

Amount thus appropriated in 1836, \$92,930; number of Indians in 1836, 4,113; per capita, \$22 47 +; for 273 Indians.....	\$6, 134 86
Sum of appropriations from 1837 to 1841, inclusive, \$628,134 25; number of Indians, 3,669; per capita, \$171 20; for 279 Indians.....	50, 764 80
Sum of appropriations from 1842 to 1846, inclusive, \$331,390; number of Indians, 2,513; per capita, \$131 87 +; for 282 Indians.....	37, 184 90
Sum of appropriations from 1847 to 1851, inclusive, \$343,250; number of Indians, 4,199; per capita, \$81 74 +; for 285 Indians.....	23, 297 33
Sum of appropriations from 1852 to 1856, inclusive, \$228,840; number of Indians, 3,473; per capita, \$65 89 +; for 292 Indians.....	19, 240 17
Sum of appropriations from 1857 to 1861, inclusive, \$147,890; number of Indians, 2,442; per capita, \$60 56 +; for 300 Indians.....	18, 168 30
Sum of appropriations from 1862 to 1869, inclusive, \$245,776 50; number of Indians, 2,511; per capita, \$97 87 +; for 309 Indians.....	30, 244 61
Sum of appropriations from 1870 to 1871, inclusive, \$50,794 84; number of Indians, 1,249; per capita, \$40 66 +; for 321 Indians.....	13, 051 86
\$2,000 for 19 years, not included in the above, being the annuity provision of treaty supplemental, September 27, 1833.....	38, 000 00
Proceeds of sale of reserves at \$1 25 per acre	131, 825 00
Total due per this exhibit.....	367, 936 83
Less the payments same as in preceding exhibit.....	75, 512 50
Total remaining due.....	<u>292, 424 33</u>

Your memorialists are kindred and common with the Ottawas, Chipewas, and Pottawatomies, the Pottawatomies of the Prairie, of Wabash, and of Indiana, and justly entitled to participate equally in all of those treaty stipulations (see exhibit, &c.) which were provided for the benefit of their people in common.

Your memorialists are disposed to effect a final settlement of their perpetual annuities under the provisions of the treaties of 1861, (vol. 12, U. S. Stat. at Large, p. 1192,) and 1866, (vol. 14, same, p. 763,) upon an equitable basis.

Ever confiding in the fidelity, friendship, and sympathy of their Government, your memorialists trust that their claim, herein presented, may receive your unbiased attention and be met by a just and speedy settlement.

As we will ever pray.

SIMON POKAGUN,
SETON MOTY,
LITTLE SETON MOTY,
BILLY AUGUSTA,
JOHN CUSH-AU-WA,
MAT-WASH-MAH,
ANTHONY C. LOBADI,
CHAS. THEO. CHANDOUIA.