

INDIANS RESIDING IN MICHIGAN AND INDIANA.

[To accompany H. Res. —, first session 42d Congress.]

SUPPLEMENTARY MEMORIAL

OF

CERTAIN INDIANS

RESIDING

*In Michigan and Indiana.*

MARCH 19, 1872.—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 Pottawatomies 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 their cause rests directly upon the stipulations and provisions of treaty concluded at Chicago on the 27th day of September, A. D. 1833, between the Government of the United States and the said Pottawatomie Nation of Indians, (the same being supplementary to that of September 26, 1833.) (See vol. 7, United States Statutes at Large, p. 442.)

It appears by the caption of said treaty that your memorialists are fully identified as belonging to said Pottawatomie Nation of Indians, which said caption reads :

Articles supplementary to the treaty made at Chicago, in the State of Illinois, on the 26th day of September, 1833, between George B. Porter, Thomas J. V. Owen, and William Weatherford, commissioners on the part of the United States, of the one part, and the united nation of Chippewa, Ottawa, and Pottawatomie Indians, concluded at the same place on the 27th day of September, 1833, between the said commissioners on the part of the United States, of the one part, and the chiefs and head-men of said united nation of Indians residing upon the reservations of land situated in the Territory of Michigan, south of Grand River, of the other part.

It appears by the second article of said treaty that your memorialists are expressly declared as being fully entitled to participate in all of the treaty provisions of the Pottawatomie Nation of Indians, which said article 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.

It appears by the article of said treaty, on page 445, that your memorialists are expressly exempted from moving west of the Mississippi, and in expressed terms of the treaty, in the clearest and most positive language, fully guaranteed in the payment of their just proportion of all former annuities, and that arising from the sale of these reserves upon which they were then residing. No force can be gained by lengthy comment upon this article, 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'Arbre Croche.

It appears by the letter of R. Stuart, esq., then agent and superintendent of Indian affairs at Detroit, Michigan, they received nothing from the Government in compliance to this last-cited article of the said treaty, and that it was then estimated that your memorialists, then residing in Northern Indiana and Michigan, numbered some two hundred or two hundred and fifty.

The following is a copy of an extract of said letter as furnished by the Indian Bureau, and inserted in report of the Commissioner of Indian Affairs, No. 111, United States Senate, second session, Thirty-eighth Congress :

*Extract from a letter of Robert Stuart, acting superintendent of Indian affairs, dated at Detroit, March 25, 1843, and directed to Hon. T. Hartly Crawford, Commissioner of Indian Affairs.*

A delegation of the Pottawatomies, who resided on the reservation in Michigan prior to the treaty held at Chicago in 1843, and who have always refused to emigrate, called upon me a few weeks since to represent their grievances also. They stated that the chief, Pokagon, (father of one of them,) as also several of his band, were Catholics at the time of signing the treaty, and refused to emigrate west, as it would cause them to recede again into barbarism. That permission was granted them by said treaty to settle in Northern Michigan, where they would enjoy the instruction of priests, and receive their proportion of the annuities ; that they, in due time, applied to the Ottawas of L'Arbre Croche, near Mackinac, for permission to amalgamate with them, which, owing to the interference of some evil-disposed whites, was refused ; that they then purchased lands of the United States, which a portion of them still occupy, (except forty acres appropriated to their mission.) They urgently plead that the Department take their cause into favorable consideration, and allow them a just proportion of the annuities (which are now all paid on the Missouri) according to the stipulation on the 599th and 600th pages of the treaty-book. They say that there are from two hundred to two hundred and fifty of their tribe still in Northern Indiana and Michigan. A number of these, as well as the Ottawas, are very desirous of becoming citizens, and there are some hundreds, I have no doubt, worthy of the boon ; but how their application will be responded to is another question. I regret the necessity of troubling you with so many questions as have of late been pressed upon me, but the paucity of information left in the office by my predecessor renders it indispensable for me to know what course of policy has or should be adopted.

I am, respectfully, your obedient servant,

ROBERT STUART,

*Acting Superintendent Indian Affairs.*

(NOTE.—It will be seen by the letter of the Second Auditor, page —,

that 253 of your memorialists participated in their award of annuities in 1843.)

It appears that the Hon. T. Hartley Crawford, then Commissioner of Indian Affairs, awarded your memorialists \$1,587 50 as their just proportion of the \$16,000 perpetual annuity of treaty of July 29, 1829, and the \$2,000 of treaty of the 27th of September, 1833, which award, as thus made, included but one of the former annuities, when the treaty explicitly reads "their just proportion of all former annuities."

The following is the copy of the said letter of the honorable Commissioner making this award, as the same appears in the Senate report above cited :

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 Pottawatomes, who claim the privileges granted under the supplemental article to the treaty with the united bands of Chippewas, Ottawas, and Pottawatomes, of September, 1863, 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.*

It will be noticed that the honorable Commissioner made the award upon the data of 2,834 Pottawatome Indians, including 250 of your memorialists, which is considered by him as the just proportion, the same being as 250 is to 2,834, or .0882 +, decimal portion being within a small fraction of one-ninth of the whole.

It appears that the honorable Commissioner made a mistake in not allowing your memorialists their proportions thus justly determined in all of the annuities of treaties concluded prior to September 26, 1863, instead of only one of them, as the treaty plainly says "all," &c.

In confirmation of this statement, if it should be considered essential to present any, we are happy to be able to cite the most eminent authority.

The Hon. Caleb B. Smith, then Secretary of the Interior, in his report to Congress, dated December 19, 1862, in compliance to act of March 2, 1861, requesting him to state what amount, if any, was then due your memorialists, reported \$192,850 as due the same, and says:

The band which, by supplemental treaty, was permitted to remain in Michigan must be regarded as a part of the Pottawatome 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., 31 sess., 37th Cong.)

Upon a full report the Committee on Indian Affairs of the House of Representatives unanimously reported favorably, and recommended

the passage of a joint resolution allowing your memorialists \$192,850, (which amount did not include the present cash value of the perpetual annuities, or those arising from the sale of their reserves.)

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.

In the report of the Committee on Indian Affairs of the Senate upon the matters of this joint resolution is the following decision, which your memorialists accept as just and correct, and upon which they now base their claim for full, just, and final settlement, asking only that the principles of the same be faithfully applied in connection with the proceeds of the sale of their reserves, and the capitalization and payment of the present value of their perpetual annuities, as hereinafter presented.

The decision of the said committee is in these words :

While your committee agree with the committee of the other House that Commissioner Crawford, by mistake, failed to carry out the principle adopted by him, by giving them, in fact, their just proportion of all annuities under former treaties, and under the supplemental treaty of Chicago, and that it is just that such principle should now be applied, and that they should now receive their just proportion of annuities under all the treaties in which they had shared, as well as the annuities under the treaty of 1829, and supplemental treaty of 1833, they are at the same time decidedly of the opinion that the only just construction to be given to that supplementary article is that, in case they did not remove with the nation west, they were entitled to share in the annuities only." (See p. 4, Rep. Com. No. 111, Senate, 2d sess., 38th Congress.)

This \$192,850, it will be seen by examination of the reports cited, included the distributive share of the mills and educational funds of the treaty of 26th September, 1833, and the proceeds of the sale, by treaty of 1846, (vol. 9, p. 85, 3 United States Statutes,) of the 5,000,000-acre tract in Iowa. They were not former treaties.

Had we removed west with the main nation we should have participated under all of the treaties equally; but as we desired to and did remain under the provisions of the supplementary articles of the 27th September, we justly concede to the main nation all the direct and consequential benefits of the treaty of the 26th September, and maintain that all the benefits of the treaty of 27th September are exclusively ours upon remaining in Michigan.

It will be observed that the treaty of the 26th of September provides for \$630,000 to be paid the main nation in lieu of reserves asked by the Indians, payment of their debts, and an annuity of \$14,000 for twenty years, while the supplementary articles allow your memorialists \$100,000 for the corresponding items; (see pages 432 and 442, v. 7, U. S. Stat. ;) which, in connection with our just proportion of the old annuities, and that arising from the sales of our reserves, were evidently intended as our just distribution in the event we elected to remain in Michigan, which we did, and present our claim for a fair settlement on that basis.

It appears that your memorialists went to (L'Arbee Croche) L'Arbre Croche, returned, and purchased lands of the United States in the vicinity of their former reserves. These facts, and their just and legal effect, can be no better stated than by quoting at length from the report of the Senate committee, before referred to :

It seems, from evidence before the committee, they attempted to make some arrangement with the Indians there, (at L'Arbre Croche,) but, for some reason, and probably from their own dissatisfaction with the country there, they returned with Pakagon and purchased some lands of the United States, upon which they have since

resided. It is true the treaty required them to "remove to the northern part of the peninsula," and, "in case of such removal," their proportion of the annuities should be paid at L'Arbre Croche, and they have not strictly complied with its terms.

But the committee think that the United States, on their part, have waived a strict fulfillment, by allowing them to purchase and take the title in fee-simple to another portion of the public domain in Michigan, where they have since resided, and that they are, notwithstanding entitled to their just proportion of all annuities payable to them under former treaties, &c., &c.; besides, the action of the Department (citing Commissioner Crawford's letter) confirms this view of the committee. It is a clear acknowledgment that their rights to their just proportion of annuities was not forfeited by reason of their not removing to the northern part of Michigan. (See Rep. Com., Senate, 2d session 36th Congress, p. 1.)

It appears that the \$1,587 50 was annually paid to us from 1843 to 1865 inclusive, twenty-three years, and that in accepting it our people gave receipts for their share of only one of the former annuities, being that of July 29, 1829. (See the following letter of the Second Auditor of United States Treasury:)

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,

January 12, 1872.

SIR: In answer to your letter of the 5th instant, by which you ask to be informed "under and in conformity to what treaty stipulations the \$1,587 50 were annually paid those Pottawatomie Indians remaining in Michigan, from 1843 to 1865 inclusive," I send herewith copies of three captions—in all of which the treaty stipulations are given—appearing on the several annuity pay-rolls for the period named by you, and on which the years are designated in red ink on the margins.

Respectfully,

E. B. FRENCH, *Auditor.*

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,

January 11, 1872.

This form of caption was on the pay-rolls from 1843 to 1865, both inclusive, excepting the years 1851 and 1865—(the above was written in red ink, &c.):

"We, the chiefs, warriors, heads of families, and individuals without families of the Chippewa, Ottawa, and Pottawatomie tribes of Indians, within the agency of Michilimackinac, acknowledge the receipt from William A. Richmond, acting superintendent of Indian affairs, of fifteen hundred and eighty-seven dollars and fifty cents, in sums appended to our names, being our proportion of the permanent annuity due said tribes for the year 1846, under second article of the treaty of July 29, 1829, and second article supplementary to treaty of 26th September, 1833." (Voucher 5, set 5077, June 12, 1847.)

The form of the receipts given in the years 1851 and 1865 is substantially the same as the above, with the exception of the words "and second article supplementary to the treaty of September 26, 1833," which are not included in the same in form or substance. (See letters accompanying the papers.)

The following letter establishes the number of your memorialists who received for the \$1,587 50 from 1843 to 1865 inclusive:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE.

May 4, 1871.

SIR: In reply to your letter of the 28th ultimo, asking for information relative to payments made by the United States as annuities, &c., to Pottawatomies of Michigan and Indiana since 1836, and also the number of Indians that received for said annuities, I have to state that the records of this office show that the Chippewas, Ottawas, and Pottawatomies of Michigan, within Mackinac Indian agency, were paid as follows:

In 1843, 253 Indians; 1844, 269; 1845, 217; 1846, 204; 1847, 244; 1848, 260; 1849, 260; 1850, 218; 1851, 229; 1852, 214; 1853, 219; 1854, 236; 1855, 236; 1856, 221; 1857, 229; 1858, 234; 1859, 253; 1860, 236; 1861, 235; 1862, 247; 1863, 246; 1864, 242; 1865, 232, for \$1,587 50 each year, except in 1864, only \$1,237 50, and in 1865 for \$692 24, for the gold premium, and in 1865 230 received, in compliance to joint resolution, for the \$39,000.

E. B. FRENCH,

*Second Auditor.*

W. N. SEVERANCE.

The treaties provide that these payments of annuities shall be made in specie. We have received our premium per cent. but once—in 1865—it then being \$692 24 on the \$1,587 50. We only would wish to state this fact without comment.

The Hon. F. A. Walker, present Commissioner of Indian Affairs, in answer to an inquiry directed to him by the Hon. Samuel S. Burdett, a member of the Committee on Indian Affairs of the House of Representatives, in relation to the present cause, under date March 2, 1872, after setting forth the facts and history of the case substantially as in the reports heretofore cited, says:

No facts additional to those contained in the report made by the Commissioner of Indian Affairs in 1862, bearing on the rights and claims of these Indians, are now in possession of this office, nor have the views of the office upon the facts undergone any modification.

It thus appears, without an adverse opinion or question, that the treaties of the Government—which, it is needless to affirm, are the most pre-eminent, formal, solemn, and honored contracts known to our laws, with our people—the Bureau of Indian Affairs, the Department of the Interior, and both of the Committees on Indian Affairs of Congress have, after the most elaborate investigation, clearly decided and fully established the rights of your memorialists to their just proportion of all the annuity provisions of treaties concluded prior to September 26, 1833.

Preparatory to demonstrating what that just proportion is, we invite your attention to the following documentary evidence and the affidavits of some twenty-five of the most respectable, credible, and best informed witnesses in the case now living, who are now, and long have been, personally acquainted with your memorialists in their family, tribal, and national relations, many of them prior to 1833, and some of them nearly half a century.

By the name Pottawatomes, as used by your memorialists, is included all of those Indians styled Ottawas, Chippewas, and Pottawatomes, the Pottawatomes of the Prairie, of Miami and Eel Rivers, of the Wabash, of Indiana, and all who have united as a united nation of Indians in treating with the United States and sharing in common the proceeds of the sale of their common territory, which includes all Pottawatomes known in Indian history, save a small band, formerly residing on the river Huron, in Michigan, and designated as such, (see United States Stats., vol. 9, p. 853,) where the name Pottawatomie, where the abbreviated name is adopted, and their commonalty, past and future, established in treaty declarations.

Regarding the number of Pottawatomes, please note the following communications:

WASHINGTON, D. C., *January 23, 1871.*

DEAR SIR: I 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.

If you have not the information in your office, will you please inform me when and from what source I may obtain the same?

Very truly, yours, &c.,

W. N. SEVERANCE.

Hon. E. S. PARKER,

*Commissioner of Indian Affairs.*

A true copy:

F. A. WALKER,

*Commissioner.*

And the reply of the honorable Commissioner :

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 Pottawatomic 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.

A true copy :

F. A. WALKER,  
*Commissioner.*

The following appears in the letter of the Hon. F. A. Walker, present Commissioner of Indian Affairs, before referred to:

Should it be desired, for the purpose of contemplated legislation, to determine the amount now (1872) due under either or both of the alternative calculations made the basis of the calculations of 1862, above referred to, I will say that the data are in possession of the Second Auditor's Office, and this office is, therefore, not in a position to bring the calculation up to date.

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 *received* for the annuities," &c.

It was ascertained, upon examination of the pay-rolls, that chiefs and heads of families *received* 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 Pottawatomic Indians who received annuities in the years 1836, 1841, 1846, 1851, 1856, 1861, and 1866, 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 1865.

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) 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 Saint Joseph County, Indiana, where they have

since resided and steadily increased, and now number 89 souls, as is established by the evidence before referred to, to which your attention is now most respectfully invited.

*Synopsis of affidavits relating to the number of Pottawatonic Indians permitted to remain in Michigan by virtue of treaty of September 27, 1833, now residing in Cass, Van Buren, and Berrien Counties, in the State of Michigan. (The original affidavits accompany the papers in the case.)*

ROLL No. 1, AFFIDAVIT No. 1.

STATE OF MICHIGAN, *County of Cass, ss :*

A. J. Toposh, affiant, of Cass County, Michigan, testifies and says that he has personally visited the Indians whose names appear on the list attached to his affidavit, completing the same on the 9th January, 1871; that he is personally acquainted with them all, and personally knows them to be Pottawatonic Indians of the Pokagon band, who now reside in Cass, Van Buren, and Berrien Counties, Michigan, and have for the last thirty-five years, and that they number two hundred and thirty-three.

AUGUSTINE J. TOPOSH.

Subscribed and sworn to before me this 11th day of January, 1871; and I hereby certify that I am personally acquainted with A. J. Toposh, and know him to be a credible person, and that he makes oath that the foregoing statements made by him are true.

[SEAL.]

CHANCY T. LEE,  
*Notary Public, Cass County, Michigan.*

ROLL No. 1, AFFIDAVIT No. 2.

STATE OF MICHIGAN, *County of Cass, ss :*

Elias S. Howard and Jacob Suitz, affiants, of Cass County, Michigan, being duly sworn, say that they are personally acquainted with most of the Indians whose names appear on the annexed lists; have read the statements of A. J. Toposh, and from facts within our personal knowledge are fully satisfied that the list and statements are strictly true and correct; have lived in the immediate neighborhood of these Indians for the past eighteen years, and had frequent dealings with them; are not interested in their claim.

ELIAS S. HOWARD.  
JACOB SUITZ.

STATE OF MICHIGAN, *County of Cass :*

Personally appeared before me, the undersigned, a notary public for said county of Cass, Michigan, Elias S. Howard and Jacob Suitz, who signed the above, being personally known to me as credible persons, and, being duly sworn, upon their oaths stated the above statements made by them are true and correct.

[SEAL.]

CHANCY T. LEE,  
*Notary Public, Cass County, Michigan.*

Attached to the above roll is the certificate, under seal and signature of Charles L. Mortou, clerk of the circuit court of Cass County, Michigan, certifying that Chancy T. Lee is a duly-commissioned notary for said county, and that his signature appearing in the margin is genuine, &c.

*Index and synopsis of affidavits relating to the Pokagon band of the Pottawatonic Indians residing in Cass and Berrien Counties, in the State of Michigan.*

ROLL No. 2, AFFIDAVIT No. 3.

STATE OF MICHIGAN, *County of Cass, ss :*

(Page 1.) Edward Cowles, affiant, being duly sworn, says that since 1840 he has known old chiefs Pokagon and Topenabee, and many of their bands personally.

(Page 2.) Knew that the Indians were opposed to moving west of the Mississippi, and knew the attending circumstances of their removal, and the fact that the Pokagons were exempt from removal by the treaty of 1833, which distinguished them from the other bands.

(Pages 3 and 4.) List of 49 Indians of said band now residing in Cass and Berrien Counties, Michigan, who have resided there since 1843, ancestors and descendants.

EDWARD COWLES.

Subscribed and sworn to before me this 20th day of January, A. D. 1872.

SHAFFORD TRYON,  
*Notary Public in and for Cass County.*



## ROLL No. 2, AFFIDAVIT No. 4.

STATE OF MICHIGAN, *County of Cass, ss :*

(Page 5.) Eli S. Howard, affiant, being duly sworn, deposeth and says that he is aged forty-two years; resident of Cass County, Michigan, for the last eighteen years. I am well acquainted with the Pokagon band of Indians and Edward Cowles, and know him to be an honorable and credible person. I have carefully read his affidavit foregoing and attached, and personally know the number and names of said Indians, as set forth in said affidavit, is correct, and that they are actual residents of said counties and State. I have no interest in the claim.

ELIAS S. HOWARD.

Subscribed and sworn to before me this 20th day of January, 1872.

SHAFFORD TRYON,  
*Notary Public in and for Cass County.*

## ROLL No. 2, AFFIDAVIT No. 5.

STATE OF MICHIGAN, *County of Cass, ss :*

(Page 7.) Jacob Suits, affiant, being duly sworn, says that he is aged forty-three; thirty-six years a resident of Cass County. I am well acquainted with the Pokagon Indians and Edward Cowles, and know him to be a credible person; and after having carefully examined his affidavit, knows personally that the matters therein are true, and that the names and number of said Indians in said list is correct, and that they actually are residents of said counties and State; and that he has no interest in said Indians' claim, &c.

JACOB SUITS.

Subscribed and sworn to before me this 20th day of January, A. D. 1872; and he certifies that he knows the above affiants, Edward Cowles, Elias S. Howard, and Jacob Suits, to be respectable citizens, entitled to credit, being credible persons, &c.

SHAFFORD TRYON,  
*Notary Public in and for Cass County.*

Attached to this roll is the certificate of the county clerk of Cass County, Michigan, under his seal and signature, certifying that Shafford Tryon is a duly authorized notary, &c., signed Chas. L. Morton, clerk.

*Pottawatomie Indians now residing in Van Buren County, Michigan—Index and synopsis of affidavits.*

(Pages 9 to 21 inclusive.) Names and number of the Pottawatomies who have resided in said county time past the knowledge of man.

## ROLL No. 3, AFFIDAVIT No. 6.

STATE OF MICHIGAN, *County of Van Buren, ss :*

(Page 7.) Edward Cowles, affiant, being duly sworn, says he has recently visited them, and he personally knows the Pokagon band, and that the list, which is part of his affidavit, is correct in names and number; that he is sixty years of age.

EDWARD COWLES.

Subscribed and sworn to before me this 19th day of January, 1872.

CENIUS H. ENGLE,  
*Notary Public.*

## ROLL No. 3, AFFIDAVIT No. 7.

(Page 5.) Also, at the same time, personally appeared before me Ansel E. Reynolds, affiant, who, being duly sworn, says that he is forty-five years of age; has resided in Van Buren County, Michigan, twenty-three years; well knows the Pokagon band of Pottawatomie Indians, and Edward Cowles, who makes the attached affidavit; knows him to be an honorable and credible person; and he personally knows, after careful examination of the same, that the affidavit and list of Indians are those of actual residents of said county, and that the matters of fact by Cowles stated are correct; and that he has no interest in the prosecution of this claim, &c.

ANSEL E. REYNOLDS.

Subscribed and sworn to before me this 19th day of January, 1872:

CENIUS H. ENGLE,  
*Notary Public.*

## ROLL No. 3, AFFIDAVIT No. 8.

(Page 1.) Also, at the same time and place, personally appeared before me Henry Philps, affiant, who, being duly sworn, says that he is aged twenty-nine; a resident of said county twenty-nine years. Roswell Hall, affiant, (supervisor,) being duly sworn, says he is aged forty-nine years; a resident of said county seventeen years. George W. Stow, affiant, being duly sworn, says that he is aged fifty-one years; a resident of said county ten years. Keeler St. John, affiant, being duly sworn, says that he is aged fifty-four years; a resident of said county eighteen years; are well acquainted with the Pottawatomes of Pokagon band, and Edward Cowles, and personally know the facts in his affidavits, and the names and number of the Indians, to be correct.

HENRY PHILPS.  
ROSWELL HALL.  
GEORGE W. STOW.  
KEELER ST. JOHN.

Subscribed and sworn to before me this 19th day of January, A. D. 1872; and I certify that I am personally acquainted with all the deponents, and know them to be respectable citizens of Van Buren County, Michigan, and credible persons, and from my personal knowledge, being acquainted with nearly all of the Indians whose names appear in said list; and that I have no interest in their case.

CENIUS H. ENGLE,  
*Notary Public.*

(Page — of said roll.) Certificate of the clerk of Van Buren County, Michigan, that Cenius H. Engle is a duly appointed notary public in and for said county, in proper form, under the seal of the circuit court of said county, signed, J. W. Rowland, clerk.

*Synopsis of affidavits relating to Pottawatomie Indians of the Pokagon band, residing in Saint Joseph County, Indiana.*

## ROLL No. 4, AFFIDAVIT No. 9.

STATE OF INDIANA, *Saint Joseph County, ss :*

(Page 1.) Samuel Cottrell, affiant, being duly sworn, says that he is aged sixty-eight years; resided in Saint Joseph County since 1828; was appointed sheriff to organize said county; knew the settlers and Indians; knew the Pottawatomie Indians, and attended their treaties in 1840; assisted in emigrating these Indians; was intimately acquainted with many of the different bands of the same.

(Page 2.) He was employed by Alix Coquillard in removing Indians; as train-conductor Coquillard was paid so much apiece for removing them; many opposed to going; had to hunt them up, and, in many cases, bind them and haul them into camp in wagons.

(Page 3.) It being well understood by all of us that the Pokagon band were exempted from going west by the treaty of 1833, and that fact distinguished them from other bands, and, it being established, was sufficient to cause their release from arrest and removal. This fact has always distinguished them in my memory; that many of said band still reside in this county, and have from 1836 to 1843, and since; that the following list of such, with whom he is personally acquainted, (except a few young children,) are of said band, and residents now of said county.

(Page 4.) The same being carefully prepared by himself, signed by him, and containing the names of 89 parents and children, and that he has no interest in the claim of the same.

(Pages 5, 6, 7, 8, and 9.) List of names, numbering 89 souls. Has no interest in the claim.

SAMUEL L. COTTRELL.

Subscribed and sworn to before me this 18th day of January, A. D. 1872.  
[L. S.] GEO. W. MATTHEWS, *Clerk.*

## ROLL No. 4, AFFIDAVIT No. 10.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 1.) George Omea, (affiant,) being duly sworn, says that he is aged sixty-three; resided in Saint Joseph County, Indiana, thirty-seven years last past; was well acquainted with Indians residing in said county, and personally with Pokagon and his band. Have carefully examined the affidavit of Samuel L. Cottrell, his acquaintance, and the list of names of persons, and, from personal knowledge, he knows that the said list is correct, save as to three or four children; that said persons are now

and have been residents of said county, and always distinguished by belonging to Pokagon's band. He has no interest in the claim of said Indians, &c.

his  
GEO. + OMEA.  
mark.

Attest: A. N. DEACON.

Subscribed and sworn to before me this 18th day of January, 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 11.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 13.) Also appears Dr. Jacob Hardman, (affiant,) being duly sworn, says that he is aged sixty-eight years; resided in Saint Joseph County since 1831; was the first practicing physician in said county; knew all the settlers, and was called as physician and surgeon for Indians, and treated old Chief Pokagon at his lodge, and became extensively acquainted with his band; kept a book account of his fees with them, and was paid most of them at Chicago treaty in 1833. Has carefully examined Samuel L. Cottrell's affidavit and list of names, and, from his knowledge of the facts, knows the facts are as therein set up, and has no interest in the claim of said band.

JACOB HARDMAN.

Attest: A. N. DEACON.

Subscribed and sworn to before me this 18th day of January, 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 12.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 17.) E. C. Johnson, aged fifty-seven years, upon his oath, says that he is a resident of St. Jo. County since 1831. But few whites there then. Knew most of the Indians thereabouts. Knew Pokagon, and many of his band. Knew them to be Pokagon's band, because they were not arrested and taken west of the Mississippi River, and they then numbered some 350, whereas all the other Pottawatomies were compelled to go west by the treaty provisions, and have remained there ever since.

(Page 18.) Many Pottawatomies had to be arrested to be taken west by Alexis Coquillard, who had authority for removing them. Pokagon's band was exempt, and this distinguished them. Affiant was elected and served as sheriff of St. Jo. County from 1856 to 1860. I personally know that when they knew an Indian was of Pokagon's band, they did not arrest him to go west. Knew Samuel L. Cottrell since 1831, and know of no person who has had greater opportunities of knowing about the matters in his affidavit, and have examined his affidavit and list, and know that which is stated relative to the resident Indians is true. Has no interest in the claim, &c.

EVAN C. JOHNSON.

Subscribed and sworn to before me this 18th day of January, A. D. 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 13.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 21.) Hon. Thomas S. Stanfield, (affiant,) being duly sworn, says that he is judge of St. Joseph County circuit court; age fifty-five; resided in said county since 1831. Has known Samuel L. Cottrell ever since then, and from the fact of official positions, and being engaged in removing the Indians, no citizen had greater opportunities, &c., with the Indians in their tribal relations.

(Page 22.) Is personally knowing to the truth of many of the facts in Cottrell's affidavit, and believes his statement in detail to be true. I would further say that I know of no man whose statement is entitled to more credit, or more likely to make proper observation of facts, or more accurate in his recollections, or faithful in his testimony. Has no interest in the claim, &c.

THOS. S. STANFIELD.

Attest: A. N. DEACON.

Subscribed and sworn to before me this 19th day of January, A. D. 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 14.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 23.) S. W. Palmer, (affiant,) being duly sworn, says that he has served as sheriff

of St. Joseph County, Indiana, two terms; aged fifty-seven; resided in St. Joseph County thirty years; acted as sheriff for two terms in St. Joseph County, Indiana. Knows S. L. Cottrell intimately for twenty-five years, and knows of no man who could give more detailed accounts of the tribal relations of the Indians than he, and that Cottrell's statements are entitled to the utmost credit, as said Cottrell, as a man for truth and veracity, is a man of unquestionable character, and he has no interest in the claim, &c.

S. W. PALMER.

Subscribed and sworn to before me this 18th day of January, A. D. 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 15.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 27.) Alexis Coquillard, (affiant,) being duly sworn, says that he is aged forty-six years; is 40 years a resident of St. Joseph County, Indiana; nephew of the trader by his name, &c., and has known S. L. Cottrell during the time. Knew of his assisting in removing the Indians. Has examined carefully Cottrell's affidavit; knows most of the persons named in the list of Cottrell's affidavit, page 28, and he knows many of the facts therein (said Cottrell's affidavit) stated to be true, and believes the facts stated to be true; and he has no interest in the claim.

A. COQUILLARD, Jr.

Attest: A. N. DEACON.

Subscribed and sworn to before me this 18th day of January, 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 4, AFFIDAVIT No. 16.

STATE OF INDIANA, *St. Joseph County, ss :*

(Page 29.) Elliot Tutt, (affiant,) being duly sworn, says he is aged fifty-seven years; a resident of St. Joseph County, Indiana, since 1832. Has well known S. L. Cottrell ever since 1832; and from his own knowledge of the facts in the case, and the knowledge of said Cottrell, he knows of no man who would know more of the tribal relations than he, and that he believes the details of Cottrell's affidavit are true. Has no interest in the case, &c.

ELLIOT TUTT.

Subscribed and sworn to before me, this 18th day of January, A. D. 1872.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

NOTE.—The above affiant is at present a member of the common council of the city of South Bend, Indiana, and for many years has been a trustee in said city, and county commissioner of said county. Properly attached to this roll of affidavits is the official certificate of the clerk of the St. Joseph circuit court, in which he certifies that the above affiants, with all of whom he is personally well acquainted, personally appeared before him, and being made acquainted by reading their respective affidavits, signed the same in his presence, and were sworn according to law, &c.; that the affiants are entitled to credit; that from his personal knowledge he knows most of the statements in said affidavits to be true. That he has no interest whatever in the claim. (Signed: ) George W. Matthews, clerk of the Saint Joseph circuit court.

ROLL No. 5, AFFIDAVIT No. 17.

Affidavit of Dr. Jacob Hardman, aged sixty-seven years. He settled at South Bend, St. Joseph County, Indiana, in 1831, and commenced the practice of medicine; but few white settlers there then, but the Pottawatomies were numerous. Became favorably acquainted with the Indians, and practiced medicine with them. He knew old chief Pokagon and family, and many others, personally. He knows that in 1840 and 1841 several families of Pokagon's band settled in St. Joseph County, Indiana; that they and their families now number between eighty and ninety bands; that he is personally acquainted with most of them, and that he is not interested in the claim of said Indians.

JACOB HARDMAN.

George W. Matthews, clerk of the circuit court of St. Joseph County, Indiana, before whom the above affidavit was signed and affiant duly sworn, certifies that Jacob Hardman is one of the oldest citizens of St. Joseph County, is a practicing physician, and entitled to full credit.

(Certificate duly signed and sealed on the 17th February, 1871.)

Attached to the above roll is the following :

STATE OF INDIANA, *St. Joseph County, ss :*

We, the undersigned citizens of St. Joseph County, in the State of Indiana, hereby certify that we have for over thirty years been acquainted with Dr. Jacob Hardman, of South Bend, St. Joseph County, Indiana ; have known him as a practicing physician ; have read the affidavit of said Hardman relative to the Pokagon band of Pottawatomie Indians, and that we know that from the early residence of said Hardman as such physician, in his practice had great facilities for a thorough acquaintance with the Indians in said affidavit mentioned, and that we have every reason to believe the statements to be correct, being acquainted personally with many of the claimants, and have no interest in the claim.

LOUIS HUMPHREYS, M. D.,  
*Examining Surgeon for Pensions and Mayor of South Bend, Indiana.*  
BENJAMIN WALL,  
*Justice of the Peace.*  
DWIGHT DEMING,  
*County Commissioner of St. Joseph County.*  
JOHN BROWNFIELD,  
*President of South Bend National Bank.*

Following this is the official certificate of Geo. W. Matthews, clerk of the St. Joseph's circuit court, certifying that the persons whose names appear to the above are old and highly respectable citizens, occupying the several positions by them indicated.

ROLL No. 6, AFFIDAVIT No. 18.

Affidavit of Samuel L. Cottrell, aged sixty-eight: Settled in St. Joseph County, Indiana, in 1828; was appointed sheriff by the governor of Indiana, to organize St. Joseph County; traded with the Indians; knew Chief Pokagon and his band; personally assisted in removing Pottawatomies west; greater portion of Pokagon band now reside in Michigan; the following persons now residing in St. Joseph County belong to said band and nation, with whom he is personally acquainted; list of 91; has no interest in the claim, &c.

SAMUEL L. COTTRELL.

Subscribed and sworn to before George W. Matthews, clerk of the St. Joseph circuit court, February 16, 1871. Official certificate of credibility of affiant set up.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 6, AFFIDAVIT No. 19.

Affidavit of L. M. Taylor, aged sixty-six: A resident of St. Joseph County, Indiana, since 1827; has been acquainted with Samuel L. Cottrell since 1828; that to his personal knowledge most of the facts contained in Cottrell's affidavit are true; has no interest in the claim.

L. M. TAYLOR.

Subscribed and sworn to before me, this 16th day of February, 1871.

[SEAL.]

G. W. MATTHEWS,  
*Clerk of the St. Joseph Circuit Court.*

ROLL No. 7, AFFIDAVIT No. 20.

Affidavit of Lathrop M. Taylor, aged sixty-five years: Being duly sworn, states that he has resided in St. Joseph County, Indiana, since September, 1827, and, during that time, has known and traded with the Indians; he was present at the Chicago treaty in 1833; knew old Chief Pokagon and his band, and had for six years.

Before going to that treaty Topenebee and Pokagon bands held a council, and determined they would not sell their reserves, which were in a good hunting and fishing country, and convenient to church and school. Pokagon especially was an ardent advocate of education among his people, and it was resolved in their council that they would not go west and abandon their churches and school privileges.

Pokagon and his band camped a little way out of Chicago; they feared some advantage might be taken of them by the commissioners or land speculators, and, holding another council there, they repeated their determination, and also appointed a committee to watch and kill upon the spot any Indian who should sign any treaty ceding their reserves, &c.

Affiant saw Magosaw armed and watching the door of the commissioners. Upon affiant asking Magosaw what was wrong, he replied, "Topenebee has signed the treaty; he is a traitor to his people; I kill him as he comes out." Affiant notified J. Bertrand, one of the interpreters at the treaty, who approached Magosaw, took him away, promised him a horse and other property, and he signed the treaty.

This and similar transactions made such changes that, on the following day, Pokagon was compelled to sign the treaty. Affiant had an interview with old Chief Pokagon, during this time, who was greatly distressed about the turn affairs were taking. Affiant assured Pokagon that the Government was powerful, and was bound to have his reserves, and that he better dispose of them when he could make the best terms.

The old chief spoke feelingly of the friendship of his people toward the Government since the signing of the first treaty; the great amount of land his people had ceded to the Government; the confidence he had entertained that the Government would deal justly with them; the attachment to their reserves, with the advantages of religion, education, and subsistence that they then enjoyed on the hunting-grounds of their people; the earnestness of his manner when he said, "If I could save the reserves for my children, I would gladly die in defense of their rights before I would sign the treaty ceding the lands of his children and people away;" and he cried like a child when he signed the treaty.

The old chief told affiant at the treaty that it was understood that he and his people were to remain in Michigan, and have their full share of the annuities of that and all former treaties paid to them, without going west.

L. M. TAYLOR.

Subscribed and sworn to before me, this 15th day of December, A.D. 1870.

[SEAL]

GEO. W. MATTHEWS, *Clerk.*

L. M. Taylor, the above affiant, was a signing witness to the treaty, September 27, 1833; and in his affidavit (see p. —) states that he has no interest in this claim.

ROLL No. 8, AFFIDAVIT No. 21.

Affidavit of George Omea, aged sixty-two years: Is now and has been a resident of St. Joseph County, Indiana, for thirty-six years; knew the resident Indians, especially those who traded at South Bend; acquired their language, and traded some with them; knew of the removal of the main nation to their western home, in compliance to treaty of 1833. Knew old Chief Pokagon, and most of his band, personally, and that they did not remove west, but were for years in Michigan, in the northern part, as he understood it; that in 1840 several families came to St. Joseph County, Indiana, settled on their old hunting-grounds, near the Kankakee River. Said Indians and families numbered twenty-three; that they have increased, and that there are now residing in said county some ninety of said band, the greater portion of whom he knows personally, save some of the younger children. That among those who thus settled in said county in 1840 of said band, was Mah-wash-mah and family, Ship-she-wan-nan and family, the Labadies and families, Prin's and Chaudonie's. Affiant has no interest in the claim.

GEORGE + OMEA.  
his  
mark.

Witnesses:

ISAAC WINDLE.

E. B. METZGER.

Sworn to and subscribed before Geo. W. Matthews, clerk of St. Joseph circuit court, accompanied by an official certificate that Geo. Omea is an old and respectable citizen, entitled to credit, having had opportunities for thorough acquaintance with the Indians, &c., and that he (Matthews) has no interest in the case. Dated 17th February, 1871.

[SEAL]

GEO. W. MATTHEWS, *Clerk.*

Being thus incontrovertibly established, 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.	Year.	Main nation.	Memorialists of Michigan.	Memorialists of Indiana.	Total memorialists.	Total Indians.
1836.....	3,840	250	23	273	4,113	1856.....	3,181	239	53	292	3,473
1841.....	3,390	250	29	279	3,669	1861.....	2,142	237	63	300	2,442
1846.....	2,231	246	36	282	2,513	1869.....	2,292	235	74	300	2,511
1851.....	3,914	241	44	285	4,199	1874.....	928	233	82	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.

It will be observed that we show the number of your memorialists residing in Michigan to be 250 in 1836 and 1843, and 233 in 1871 and 1872, and graduate their decline through the semi-decades; and that your memorialists residing in Indiana numbered 23, and have increased to 89, their increase being also graduated through these semi-decades.

EXHIBIT OF TREATY STIPULATIONS EXISTING BETWEEN THE UNITED STATES AND THE POTTAWATOMIE NATION OF INDIANS IN 1836.

Appropriations made by Congress in fulfillment of the treaty stipulations.

[Volumes and pages of the United States Statutes refer to appropriation bills.]

Stipulations.	Volume 7.	Date of treaty.	Amount.	Proclamation.	Time to run.	Vol. 5, p. 37, 1836.	Vol. 5, p. 704, 1843.	Vol. 5, p. 766, 1846.	Vol. 9, p. 22, 1847.	Vol. 9, p. 132, 1848.	Vol. 9, p. 253, 1849.	Vol. 9, p. 382, 1850.	Vol. 9, p. 544, 1851.
Perpetual annuity.....	49	Aug. 3, 1795	\$1,000	Dec. 2, 1795	Forever.....	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Salt.....	74	June 7, 1803	.....	Dec. 26, 1803	.....	140	140	140	140	140	140	140	140
Perpetual annuity.....	113	Sept. 30, 1809	500	Jan. 16, 1810	Forever.....	500	500	500	500	500	500	500	500
Perpetual annuity.....	185	Oct. 2, 1818	2,500	Jan. 15, 1819	Forever.....	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Annuity.....	295	Aug. 29, 1821	2,000	Mar. 25, 1832	Twenty-two years.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Annuity.....	295	Oct. 16, 1826	2,000	Feb. 7, 1827	Pleasure of President.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Blacksmith.....	295	Oct. 16, 1826	.....	Feb. 7, 1827	.....	720	720	720	720	720	720	720	720
Iron, steel, and miller.....	295	Oct. 16, 1826	.....	Feb. 7, 1827	.....	820	820	820	820	820	820	820	820
Salt, (160 bushels).....	295	Oct. 16, 1826	.....	Feb. 7, 1827	.....	320	320	320	320	320	320	320	320
Perpetual annuity.....	317	Sept. 20, 1828	2,000	Jan. 7, 1829	Forever.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Annuity.....	317	Sept. 20, 1828	1,000	Jan. 7, 1829	Twenty years.....	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
Tobacco, iron, and steel.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	Annually.....	460	400	400	400	300	300	300	300
Education.....	317	Sept. 20, 1828	1,000	Jan. 7, 1829	Pleasure of Congress.....	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
To chief.....	317	Sept. 20, 1828	100	Jan. 7, 1829	Life of.....	100	100	100	100	100	100	100	100
Blacksmith.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	.....	720	720	720	720	720	720	720	720
Iron and steel.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	.....	220	220	220	220	220	220	220	220
Annuity.....	378	Oct. 20, 1832	15,000	Jan. 21, 1833	Twenty years.....	15,000	1,500	15,000	15,000	15,000	15,000	15,000	15,000
To chief.....	378	Oct. 20, 1832	.....	Jan. 21, 1833	Life of.....	1,000	400	13,500	400	400	400	400	400
Annuity.....	394	Oct. 26, 1832	20,000	Jan. 21, 1833	Twenty years.....	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Education.....	394	Oct. 27, 1832	2,000	Jan. 21, 1833	Pleasure of Congress.....	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Perpetual annuity.....	320	July 29, 1829	16,000	Jan. 2, 1830	Forever.....	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000
Iron and steel.....	320	July 29, 1829	.....	Jan. 2, 1830	Forever.....	220	220	220	220	220	220	220	220
Blacksmith.....	320	July 29, 1829	.....	Jan. 2, 1830	Forever.....	720	720	720	720	720	720	720	720
Salt, (50 barrels).....	320	July 29, 1829	.....	Jan. 2, 1830	Forever.....	250	250	250	250	250	250	250	250
To chiefs.....	.....	.....	.....	.....	Life of.....	1,100	700	700	700	700	700	700	700
Annuity.....	218	Aug. 29, 1821	5,000	Mar. 25, 1822	Twenty years.....	5,000	.....	.....	.....	.....	.....	.....	.....
Three laborers.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	Ten years.....	360	.....	.....	.....	.....	.....	.....	.....
Annuity.....	399	Oct. 27, 1832	15,000	Jan. 21, 1833	Twelve years.....	15,000	.....	.....	.....	.....	.....	.....	.....
						92, 930	56, 630	83, 230	70, 130	70, 030	67, 130	67, 030	67, 030

Appropriations made by Congress in fulfillment of the treaty stipulations—Continued.

Stipulations.	Volume 7.	Date of treaty.	Amount.	Proclamation.	Vol. 9, p. 574, 1852.	Vol. 10, p. 49, 1853.	Vol. 10, p. 223, 1854.	Vol. 10, p. 324, 1855.	Vol. 10, p. 693, 1856.	Vol. 11, p. 73, 1857.	Vol. 11, p. 178, 1858.	Vol. 11, p. 289, 1858.	Vol. 11, p. 396, 1860.	Vol. 12, p. 53, 1861.
Perpetual annuity.....	49	Aug. 3, 1795	\$1,000	Dec. 2, 1795	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Salt.....	74	June 7, 1803	.....	Dec. 26, 1803	140	140	.....	.....	.....	.....	.....	.....	.....	.....
Perpetual annuity.....	113	Sept. 30, 1809	500	Jan. 16, 1810	500	500	500	500	500	500	500	500	500	500
Perpetual annuity.....	185	Oct. 2, 1818	2,500	Jan. 15, 1819	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
Annuity.....	295	Aug. 29, 1821	2,000	Mar. 25, 1822	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Annuity.....	295	Oct. 16, 1826	2,000	Feb. 7, 1827	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Blacksmith.....	295	Oct. 16, 1826	.....	Feb. 7, 1827	720	720	720	720	720	720	720	720	720	720
Iron, steel, and miller.....	295	Oct. 16, 1826	.....	Feb. 7, 1827	220	220	220	220	220	220	220	220	220	220
Salt, (160 bushels).....	295	Oct. 16, 1826	.....	Feb. 7, 1827	320	320	320	320	320	320	320	320	320	320
Perpetual annuity.....	317	Sept. 20, 1828	2,000	Jan. 7, 1829	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Annuity.....	317	Sept. 20, 1828	1,000	Jan. 7, 1829	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tobacco, iron, and steel.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	300	300	300	300	300	300	300	300	300	300
Education.....	317	Sept. 20, 1828	1,000	Jan. 7, 1829	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000	1,000
To chief.....	317	Sept. 20, 1828	100	Jan. 7, 1829	100	100	100	100	100	100	100	100	100	100
Blacksmith.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	720	720	720	720	720	720	720	720	720	720
Iron and steel.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	220	220	220	220	220	220	220	220	220	220
Annuity.....	378	Oct. 20, 1832	15,000	Jan. 21, 1833	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
To chief.....	378	Oct. 20, 1832	.....	Jan. 21, 1833	400	400	400	400	400	400	400	400	400	400
Annuity.....	394	Oct. 26, 1832	20,000	Jan. 21, 1833	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Education.....	394	Oct. 27, 1832	2,000	Jan. 21, 1833	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000
Perpetual annuity.....	320	July 29, 1829	16,000	Jan. 2, 1830	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000
Iron and steel.....	320	July 29, 1829	.....	Jan. 2, 1830	220	220	220	220	220	220	220	220	220	220
Blacksmith.....	320	July 29, 1829	.....	Jan. 2, 1830	720	720	720	720	720	720	720	720	720	720
Salt, (50 barrels).....	320	July 29, 1829	.....	Jan. 2, 1830	250	250	250	250	250	250	250	250	250	250
To chiefs.....	320	July 29, 1829	.....	Jan. 2, 1830	700	700	700	700	700	700	700	700	700	700
Annuity.....	218	Aug. 29, 1821	5,000	Mar. 25, 1822	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Three laborers.....	317	Sept. 20, 1828	.....	Jan. 7, 1829	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Annuity.....	399	Oct. 27, 1832	15,000	Jan. 21, 1833	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
					66,780	67,030	30,950	32,510	31,570	28,450	28,450	28,450	31,270	31,270

\* Treaties of 1826, 1828, 1829.



Appropriations made by Congress in fulfillment of the treaty stipulations—Continued.

H. Mis. 137—2

Stipulations.	Volume 7.	Date of treaty.	Amount.	Proclamation.	Vol. 12, p. 228, 1862.	Vol. 12, p. 520, 1863.	Vol. 12, p. 782, 1864.	Vol. 13, p. 169, 1865.	Vol. 13, p. 548, 1866.	Vol. 14, p. 262, 1867.	Vol. 14, p. 505, 1868.	Vol. 15, p. 212, 1869.	Act March 10, 1870.	Act July 1871.
Perpetual annuity .....	49	Aug. 3, 1795	\$1,000	Dec. 2, 1795	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$724 77	\$724 77
Salt.....	74	June 7, 1803		Dec. 26, 1803										
Perpetual annuity .....	113	Sept. 30, 1809	500	Jan. 16, 1810	500	500	500	500	500	500	500	500	362 39	362 39
Perpetual annuity .....	185	Oct. 2, 1818	2,500	Jan. 15, 1819	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	1,811 93	1,811 93
Annuitv .....	295	Aug. 29, 1821	2,000	Mar. 25, 1822										
Annuitv .....	295	Oct. 16, 1826	2,000	Feb. 7, 1827	2,000	2,000	2,000	2,000	2,000	2,000	2,000		2,000 00	2,000 00
Blacksmith .....	295	Oct. 16, 1826		Feb. 7, 1827										
Iron, steel, and miller .....	295	Oct. 16, 1826		Feb. 7, 1827										
Salt, (160 bushels) .....	295	Oct. 16, 1826		Feb. 7, 1827										
Perpetual annuity .....	317	Sept. 20, 1828	2,000	Jan. 7, 1829	2,000	2,000	2,000	2,000	2,000	2,000	2,000	2,000	1,449 54	1,449 54
Annuitv .....	317	Sept. 20, 1828	1,000	Jan. 7, 1829										
Tobacco, iron, and steel .....	317	Sept. 20, 1828		Jan. 7, 1829	300	300	300	300	300	300	300	300	217 43	217 43
Pducation .....	317	Sept. 20, 1828	1,000	Jan. 7, 1829	1,000	1,000	1,000	1,000	1,000	1,000	1,000		1,000 00	1,000 00
To chief .....	317	Sept. 20, 1828	100	Jan. 7, 1829										
Blacksmith .....	317	Sept. 20, 1828		Jan. 7, 1829	2,160	2,160	2,160	2,160	2,160	2,160	2,820	2,820	2,042 94	2,042 94
Iron and steel .....	317	Sept. 20, 1828		Jan. 7, 1829	660	660	660	660	714	660				
Annuitv .....	378	Oct. 20, 1832	15,000	Jan. 21, 1833										*3,350 00
To chief .....	378	Oct. 20, 1832		Jan. 21, 1833	200	200	200	200	200	200	200	200	200 00	
Annuitv .....	394	Oct. 26, 1832	20,000	Jan. 21, 1833										
Education .....	394	Oct. 27, 1832	2,000	Jan. 21, 1833	2,000	2,000	2,000	2,000	2,000	2,000	2,000		2,000 00	2,000 00
Perpetual annuity .....	320	July 29, 1829	16,000	Jan. 2, 1830	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	11,596 33	11,596 33
Iron and steel .....	320	July 29, 1829		Jan. 2, 1830										
Blacksmith .....	320	July 29, 1829		Jan. 2, 1830										
Salt, (50 barrels) .....	320	July 29, 1829		Jan. 2, 1830	250	250	250	250	250		437½	437½	317 09	317 09
To chiefs .....					700	700	700	700	700	700	700	700	100 00	100 00
Annuitv .....	218	Aug. 29, 1821	5,000	Mar. 25, 1822										
Three laborers .....	317	Sept. 20, 1828		Jan. 7, 1829										
Annuitv .....	399	Oct. 27, 1832	15,000	Jan. 21, 1833										
					31,270	31,270	31,270	31,270	31,324	31,457½	31,457½	26,457½	23,822 42	27,972 42

NOTE.—Perpetual annuity, 1872, \$25,557 50.

\* Interest on stocks of educational fund.

INDIANS RESIDING IN MICHIGAN AND INDIANA.

Appropriations for 1837 to 1844, inclusive of both years, as appropriated without specifying treaty stipulations.

	Vol. 5, p. 158, 1837.	Vol. 5, p. 298, 1838.	Vol. 5, p. 323, 1839.	Vol. 5, p. 402, 1840.	Vol. 5, p. 407, 1841.	Vol. 5, p. 493, 1842.
Miami and Eel River Pottawatomes.....	\$20,800	\$88,120	\$20,200	\$20,200	\$20,200	\$15,200
Pottawatomes of the Prairie.....	16,000	16,000	16,000	16,000	16,000	15,400
Pottawatomes of the Wabash.....	20,000	20,000	20,000	20,000	20,000	20,000
Ottawas, Chippewas, and Pottawatomes.....	34,290	42,490	34,290	34,290	34,290	33,890
Pottawatomes of Indiana.....	17,000	17,000	17,000	17,000	17,000	17,000
Total.....	165,513	167,610	91,490	91,490	91,490	85,490

NOTE.—Volume 5, page 612, 1843 and 1844, changes fiscal year from January 1 to June 30, and appropriates \$723,708 for the half calendar year ending June 30, 1843, and \$749,565 for the fiscal year ending June 30, 1844, without any specifications. Due June 30, 1843, \$50,512. Due June 30, 1845, \$101,030. Arrears of \$12,053 20<sup>cts</sup> due in 1859, on the 5 per cent. bonds of the State of Indiana, held by the Secretary of the Interior for the Pottawatomes appropriated in 1860, volume 12, page 53. 1866, volume 14, page 370, \$39,000 to be paid those residing in Michigan.

Appropriated in 1868 for 1869. (See United States Statutes at Large, volume 15, page 213.)

The footings of the foregoing appropriations are as follows, the same being purely those of treaties concluded prior to 1833:

Appropriated in 1836 .....	\$92,930 00
Appropriated in 1837 .....	\$165,513 00
Appropriated in 1838 .....	167,610 00
Appropriated in 1839 .....	91,490 00
Appropriated in 1840 .....	91,490 00
Appropriated in 1841 .....	91,490 00
Total for this semi-decade of five years .....	607,593 00
Appropriated in 1842 .....	\$85,490 00
Appropriated in 1843 .....	42,515 00
Appropriated in 1844 .....	85,030 00
Appropriated in 1845 .....	56,630 00
Appropriated in 1846 .....	83,230 00
Total for this semi-decade of five years .....	352,893 00
Appropriated for 1847 .....	\$79,130 00
Appropriated for 1848 .....	70,030 00
Appropriated for 1849 .....	67,030 00
Appropriated for 1850 .....	67,030 00
Appropriated for 1851 .....	67,030 00
Total for this semi-decade of five years .....	341,250 00
Appropriated for 1852 .....	\$66,780 00
Appropriated for 1853 .....	67,030 00
Appropriated for 1854 .....	30,950 00
Appropriated for 1855 .....	32,510 00
Appropriated for 1856 .....	31,570 00
Total for this semi-decade of five years .....	228,840 00
Appropriated for 1857 .....	\$28,450 00
Appropriated for 1858 .....	28,450 00
Appropriated for 1859 .....	28,450 00
Appropriated for 1860 .....	31,270 00
Appropriated for 1861 .....	31,270 00
Total for this semi-decade of five years .....	147,890 00
Appropriated for 1862 .....	\$31,270 00
Appropriated for 1863 .....	31,270 00
Appropriated for 1864 .....	31,270 00
Appropriated for 1865 .....	31,270 00
Appropriated for 1866 .....	31,324 00
Appropriated for 1867 .....	31,457 50
Appropriated for 1868 .....	31,457 50
Appropriated for 1869 .....	26,457 50
Total for the above years .....	245,776 50
Appropriated for 1870 .....	\$23,822 42
Appropriated for 1871 .....	27,972 42
Perpetual annuity for 1872 .....	25,557 50
Total for the above years .....	77,352 34
Total appropriations of 1836-1872 inclusive, in which your memorialists are clearly entitled to their just proportion .....	\$2,094,524 84

The following is their just proportion of the same as computed for

the above designated periods upon the numbers of Indians as heretofore established:

Amount thus appropriated in 1836, \$92,950; 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, \$607,523; number of Indians, 3,669; per capita, \$146 +; for 279 Indians.....	37, 061 03
Sum of appropriations from 1842 to 1846, inclusive, \$352,893; number of Indians, 2,513; per capita, \$140 42 +; for 282 Indians.....	39, 593 44
Sum of appropriations from 1847 to 1851, inclusive, \$341,250; number of Indians, 4,199; per capita, \$81 26 +; for 285 Indians.....	23, 161 38
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, \$147,839; number of Indians, 2,442; per capita, \$60,56 +; for 300 Indians.....	18, 163 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, \$77,353 34; number of Indians, 1,249; per capita, \$61 13 +; for 321 Indians.....	19, 622 73
\$2,400 for 19 years, not included in the above, being the annuity provision of treaty supplemental, September 27, 1833.....	38, 000 00
<hr/>	
Aggregate of our just proportion of all former annuities up to and including 1872.....	231, 912 52
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
<hr/>	
Total payments made your memorialists since 1836.....	75, 512 50
Balance remaining unpaid on same.....	\$155, 699 02
<hr/>	

It thus appears how great was the extent of Commissioner Crawford's mistake, awarding as our portion of but one former annuity instead of some fourteen, and of but \$18,000, when it should have been the same proportion of over \$197,000.

But it appears that after many years of thorough investigation, resulting in the unquestioned establishment of our vested rights in all "former annuities" upon and by the permanent authorities hereinbefore cited, Congress appropriated \$39,000, to be received by us in satisfaction of all demands.

This \$39,000 was the amount then found due (the true amount, however, being as above shown) as arrears on annuities; \$25,557 56 are due annually forever, and which, by far, make up the greater proportion of the amount now due us.

The effect of this joint resolution was a most positive abrogation and utter disregard of the treaties of our Government and all of the identical facts and decisions upon which it rests; it at once recognizes, confirms, and freely establishes our vested rights in these annuities as being justly our due under treaties of the United States, which it fully assumes to respect, and in conformity to the reports of the Department of the Interior, and both committees of Indian affairs before cited, and then assumes to divest us of all of those identical rights in open violation of the treaties and all the authorities so eminent and unanimous, which it at the same time respects and in conformity to which it assumes to act. It is a law in violation of reason, and the books say that a law without a reason is no law.

We then well knew the extent of our vested rights in this case, being fully informed of the existence and nature of the reports herein cited.

The Department was satisfied that we would not so accept this

\$59,000, by order of repeated councils of our people. The agent paying the same was also so notified. But we were poor; we had long been expecting a much larger sum; we had involved ourselves and our friends in large debts for building our school-houses and churches; we were in distressed and straitened circumstances; we were under the duress of distress; we had to have some money or lose our improvements and all their benefits, which we most dearly prize, and being induced to believe by our friends that our great Christian Government and guardian would yet deal justly with us, her weak, poor, and defenseless wards, by faithfully settling with us upon the plain provisions of her own most solemn treaties with us, by which she acquired such vast tracts of the most valuable lands in her domain; believing that she could not afford to, and would not, refuse to pay us the small purchase-price of the lands she so purchased of us. Under all these circumstances, under the most determined and effective protests known to us, we reluctantly accepted the same, not as the Government would have it, but only as so much paid on our just claim, for which we now allow full credit; and we now, in the name of simple justice, most respectfully and most confidently pray that that simple receipt, so forced from us, will not be now presented as a bar to the payment of our just dues.

We have long been expecting this payment. We are a peaceful, industrious, religious, and law-abiding people, able to conduct the affairs of common life as citizens in like relations. We are strongly attached to the community in which we have so long and so pleasantly resided, and to which we are in no manner obnoxious or disagreeable. We are poor, but not represented in the prisons or poor-houses.

We greatly need our payment to assist us in supporting our aged, in maintaining our families, and to better educate our children in conformity to the civilization by which we are surrounded, and which we so dearly appreciate and greatly desire to realize, and we assure you that the money shall be so invested and disposed of as to most permanently secure the benefits of the same to our people.

Although the greater part of this amount has been our due for about twenty years, which at 5 per cent. would have been doubled, and though the Government has had the use of the same, we present no demand for interest.

Please notice the following synopsis of affidavits of the best informed and most respectable and credible witnesses, relating to the alleged facts attending the acceptance of the \$39,000, which affidavits are with the papers accompanying the case.

*Affidavits relating to payment of the \$39,000 in 1865, and the protest made by the Indians against accepting it in full satisfaction; the necessities amounting to duress under which they were placed, and the coercion and real condition upon which it was received, &c.*

ROLL No. 9, AFFIDAVIT No. 22.

Affidavit of A. J. Foposh, of Cass County, Michigan, aged thirty-eight years, who, being duly sworn, says that he is an educated Miami Indian, residing in the neighborhood of the Pokagon Indians of said county; being well acquainted with the same, was appointed interpreter at the payment of the \$39,000, in August, 1865; that the said Indians held two councils and authorized him to say that the Indians could not accept the \$39,000 as payment of the full amount due them; that they would only receive it as part of the amount due them, but would take it being in greatly embarrassed circumstances, believing the Government would deal justly with them; that to this the agent replied he could hear no propositions or conditions, and at the same time gathered up his papers and carpet-sack; that said Indians were very poor—in debt and straitened circumstances—with mortgages on their small tracts of land (note, for church and school-house buildings)—anticipating a large sum to meet their indebtedness, (see Cowles's deposition;) and they were advised by those friendly that they

could accept the \$39,000 without in the least invalidating their claim for whatever amount was justly due them under the treaties; that the Government could not afford to do otherwise than deal justly with them when their claim was properly presented; that the Indians believing and confiding in this information, and believing they could go with confidence to the Government for any and all amounts and annuities so due them, the \$39,000 was accepted; that they are a poor, needy people, struggling to sustain their families and educate their children by every effort and hunting, &c.; that they are fully informed of the nature of the favorable and friendly reports of committees, and various reports relative to their claim, and believe that a Christian Government will deal justly with them.

AUGUSTINE J. FOPOSH.

Subscribed and sworn to before me; that the same was read over to the affiant, and that he is capable of reading and understanding the same.

Witness my hand and official seal, this 4th day of January, 1871.

[SEAL.]

GEORGE W. MATTHEWS,  
*Clerk of Saint Joseph Circuit Court.*

ROLL No. 10, AFFIDAVIT No. 23.

Edward Cowles, affiant, being the same person whose affidavit appears on page — of this memorial, being duly sworn, says that he is personally familiar with the facts attending the payment of the \$39,000. The Indians had long expected the payment of a large amount, being familiar with the reports of Hon. W. P. Dole, Commissioner of Indian Affairs, and Hon. C. B. Smith, Secretary of the Interior, made in 1862, and believed the amount then reported (\$192,850) would be paid. In view of its early payment they had contracted a large amount of debts for churches, and school-houses, &c., and upon hearing of the joint resolution awarding only \$39,000, they held several councils of their people and decided not to accept the \$39,000, fearing it would debar them from prosecuting their just claim for the remainder.

But after these general councils were ended, the head-men of these people, being informed by lawyers and people in whom they had full confidence, that they could safely accept the \$39,000 without cutting themselves off from any just claim they then had against the Government; that it would only be as so much paid; that the joint resolution could not be made to abrogate or annul the treaties. Relying upon these representations, and the justice of a Christian Government as their guardian; being fully satisfied that they would yet be justly dealt with; and being in depressed and straitened circumstances—pressed by their creditors—a few of these head-men consented to accept the \$39,000, not as the Government would have it, but simply as so much paid on their claim, in which manner it was received and accepted by all of them.

I was present at the councils and at the payment, and very familiar with these matters, and know by personal acquaintance with the parties and the facts that what I have stated is true.

EDWARD COWLES.

Subscribed and sworn to before George W. Matthews, clerk of Saint Joseph circuit court, 20th January, 1871, accompanied with official certificate of knowledge of and credibility of affiant.

[SEAL.]

GEO. W. MATTHEWS, *Clerk.*

ROLL No. 11, AFFIDAVIT No. 24.

Affidavit of Rev. Lewis Broux, aged fifty-three years, being duly sworn, says that he is now a resident of said county, (Wayne County, Michigan,) and was the pastor of the Catholic church in Silver Creek, Michigan, in 1867, and served the Pokagon Indians, there residing, and was well acquainted with their circumstances; were poor, with small tracts of lands; had to devote most of their time to hunting and trapping to support themselves and families; were greatly disappointed and depressed in 1865 by being compelled to accept the \$39,000; they were disposed to believe some under influence had been exerted by the committee and agents of the main nation west to cut them off from the just proportions of said annuities; that in August, 1867, Benj. B. Bertrand, being a member of the business committee of the main nation west, and affiant had a conversation with said Bertrand relating to the said joint resolution. Bertrand said, "That the main nation west did not object to the Michigan Indians sharing with them in the annuities under the treaty, and that, so far from objecting to the payment of their just proportion, they desired that they should be protected and paid their full share of such annuities, and wholly disclaimed any disposition to see them treated otherwise, and also stated that such was the desire of the Indians west.

REV. L. BROUX.

Sworn and subscribed to before me this third day of February, A. D. 1871.

[SEAL.]

GABRIEL R. GOODELL,  
*Notary Public, Wayne County, Michigan.*

## ROLL No. 12, AFFIDAVIT No. 25.

<sup>1877</sup> Affidavit of A. J. Foposh, being same person, interpreter, &c., roll No. 9, being duly sworn, affiant says that he visited the Pottawatomies, in Kansas, some six weeks after the payment of the \$39,000 in Michigan. The Kansas Pottawatomies' head-men and Indians are surprised at the terms of the payment, and had not intended to disturb their perpetual annuities, and they, without a dissenting voice, to his knowledge, desired the Michigan band to continue to share them, that they were friendly, &c.

Affiant was present at the interview with Rev. L. Buroux and Benjamin B. Bertrand, and heard Bertrand say that it was not the intention or desire to cut them, (the Michigan band;) that they (the Kansas Indians) did not intend to disturb their (the Michigan band's) annuities, &c., and that whoever drew the joint resolution did so without the advice of Indians. That he (Bertrand) and his people considered that the Michigan Indians were justly entitled to draw their perpetual annuities to the full amount provided for in the treaty of Chicago in 1833, and other treaties. Mr. Bertrand stated this substantially to me at Niles, Michigan, a day or two before meeting with the priests and others. My memory of this matter is clear and distinct, as it has been the subject of much talk and interest among the Indians. Personally affiant has no part or lot in the claim.

AUGUSTINE J. FOPOSH.

I hereby certify that the above named Augustine J. Foposh, came personally before me and subscribed the foregoing affidavit and made oath that the foregoing affidavit was true.

Witness my hand and official seal this 10th day December, A. D. 1870.

[SEAL.]

GEO. W. MATTHEWS,

Clerk Saint Joseph County Court.

## ROLL No. 13, AFFIDAVIT No. 26.

STATE OF MICHIGAN, *County of Cass, ss.*

Elias S. Howard, affiant, of said county and State, being duly sworn, says he is forty-one years of age, has resided in said county eighteen years, is well acquainted with the Pokagon Indians residing in that county. They are poor, subsisting by farming in a small way, hunting and trapping.

Affiant was present in 1866 when the agent of the United States Government paid \$39,000. The Indians were very much dissatisfied with the amount, &c., and so informed the agent through A. J. Foposh, their interpreter. They were very unwilling to receive this amount in full satisfaction of their claim against the Government. Agent said he could only pay the money under the instructions of the Government. That affiant learned from the head-men at the payment, and subsequently, that they considered this \$39,000 but a small part of what was justly due said Indians, and that they were induced to receive it purely from their poverty, which made it necessary for them to receive it to save their farms from being sacrificed at mortgage sale, and partly from representations then made that their claim would yet be paid in full if said Government should be satisfied that it was just and equitable.

ELIAS S. HOWARD.

Subscribed and sworn to before me this 10th day of January, 1871.

[SEAL.]

CHANCY T. LEE,

Notary Public, Cass County, Michigan.

(Clerk's certificate that Lee is notary public.)

## ROLL No. 14, AFFIDAVIT No. 27.

STATE OF MICHIGAN, *County of Cass, ss :*

James Sullivan, affiant, duly sworn, is a resident of said county and State; aged fifty-nine; more than thirty years resident in said county; is personally well acquainted with the Indians there residing; was at the payment of the \$39,000; the Indians protested; accepted it as only part of what was due; their necessities forced them to accept it, which they only did believing that the Government would do justly with them.

(NOTE.—Being substantially the same in substance as E. S. Howard's affidavit upon the same subject, being No. 26.)

(NOTE.—Some half dozen of these people then owned some 40 and 60 acres of land each, and had mortgaged the same to build school-houses and churches, and incurred other common debts for the people, and they were principally instrumental in inducing

the others, upon the reasons set up in the affidavits, to accept the \$39,000, being convinced and confident that the Government could not be so unjust as to refuse the payment of all that is justly due them, by setting up as the ground of her refusal a receipt she has forced from us under the duress of distress, and the most determined protests.)

RELATING TO THE RESERVES.

It appears by the first article of the treaty of 27th of September, 1833, that the memorialists were residing on 164 sections (104,960 acres) of land at the time of the treaty, which they then held as reserves under former treaties, which said article reads:

ARTICLE 1. The said chiefs and head men cede to the United States all their land situate in the territory of Michigan, south of the Grand River, being the reservations at Notawasepe, of four miles square, contained in the third clause of the second article, treaty made at Chicago on the 29th day of August, 1821; and the 99 sections of land contained in the treaty made at St. Joseph on the 19th September, 1827; and also the tract of land on the St. Joseph River, opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of Topenebee and Pokagon are situated, supposed to contain about 49 sections.

Please notice the following synopsis of affidavits accompanying the papers in the case relative to the residence, &c., of these people at the time of the treaty, which affiants are of the most respectable citizens, and are believed to be the best informed in the premises now living, and entitled to full faith and credit, being disinterested contemporaries of the events and facts related.

*Synopsis of affidavits relating to the reserves of the Pokagon band of Pottawatonic Indians of Michigan and Indiana.*

ROLL No. 15, AFFIDAVIT No. 23.

STATE OF MICHIGAN, *Berrien County, ss:*

(Pages 1 and 2.) Edward Cowles, affiant, being duly sworn, says he is sixty years old; has resided in Berrien and Cass Counties, Michigan, since 1841; has at and since the time of the treaty of Chicago, in 1833; knows that the Pokagon band were the only occupants of the 49 sections of land near Niles; that at time of said treaty, and some years thereafter, a great many—as near as I can now judge, one-fourth—of said band, then numbering some 350 souls, resided on these reserves at Paw-Paw and Notawasepee; which said reserves, in the aggregate, appear by said treaty 27th September, 1833, to amount to 164 sections of land. I know this band alone occupied the 49 sections opposite Niles; that the exact proportion which the members of Pokagon's band bore as residents to the remaining 115 sections of their reserves, affiant has no data to determine, as many Pottawatonic Indians, including some of Pokagon's band, fled from their country—some to Canada, some elsewhere—to avoid removal west, and the actual number of tribal residents on these reserves was not known.

That, from all the means of knowledge within his reach, he feels safe in saying that the remainder of the band that did not reside on the 49 sections were, at the lowest estimate, one-half in numbers who were residents of the remaining 115 sections.

That it was understood at the time of the treaty of 1833 that the 164 sections of land, being Indian reserves, all belonged to Pokagon's band, and by said Pokagon's band ceded to the United States September 27, 1833.

EDWARD COWLES.

Subscribed and sworn to before me this 16th day of January, A. D. 1872.

EBENEZER McILVAIN.

*Justice of the Peace.*

ROLL No. 15, AFFIDAVIT No. 23.

STATE OF MICHIGAN, *County of Berrien, ss:*

(Page 3.) Thomas Deniston, affiant, being duly sworn, says that he is sixty-eight years of age, residing in Niles, Michigan, since 1830; was well acquainted with Pokagon, his band, and their tribal relations; knew that the Pokagon band were the only residents of the 49 sections—their reserves near Niles—and many of them now reside



in Cass County, &c. ; and he always understood that by treaty 27th September, 1833, they ceded all their lands to the United States.

THOMAS DENISTON.

Subscribed and sworn to before me this 17th day of January, A. D. 1872.

EBENEZER MCILVAIN,  
*Justice of the Peace.*

ROLL No. 15, AFFIDAVIT No. 30.

STATE OF MICHIGAN, *County of Berrien, ss :*

(Page 4.) Edward R. Griswold, affiant, aged fifty-four years, being duly sworn, says that he has resided in Niles, said State, since 1830 ; knew old Chief Pokagon and his band, and the Indians of the McCay mission-school near Niles.

Affiant has carefully read the affidavit of Thomas Deniston, and from personal knowledge knows the facts therein set forth are true. Has no interest in the claim.

EDWARD R. GRISWOLD.

Subscribed and sworn to before me this 17th day of January, A. D. 1872.

EBENEZER MCILVAIN,  
*Justice of the Peace.*

ROLL No. 15, AFFIDAVIT No. 31.

STATE OF MICHIGAN, *County of Berrien, ss :*

(Page 5.) Hiram Chilson, affiant, being duly sworn, says he is seventy-five years of age. Came to said county in 1829, and resided here ever since ; that he was, and still remains, well acquainted with the tribal relations of the Pokagon band of Pottawatomie Indians, at and since the year 1830 ; that he knows that the Pokagon band then resided, and were the only residents and occupants of their lands, near Niles, Michigan ; that many of said Indians now reside in Cass County, Michigan ; that he was waiting here until after the treaty, and then went and made a location on the reservation, west of Niles.

HIRAM CHILSON.

Subscribed and sworn to before me this 17th day of January, A. D. 1872.

EBENEZER MCILVAIN,  
*Justice of the Peace.*

ROLL No. 15, AFFIDAVIT No. 32.

STATE OF MICHIGAN, *County of Berrien, ss :*

(Page 6.) William B. Gray, affiant, being duly sworn, says that he has resided in the State of Michigan, near Niles, for the past forty-one years. Knew old Chief Pokagon and his band, being well acquainted with them, the Pottawatomies, and the Indians of the McCoy school, near Niles ; that he is well acquainted with Edward Cowles, whose affidavit is hereunto annexed ; he has carefully read, and from his personal knowledge of the facts therein set forth, he knows that they are true in substance and in fact, and that he has no interest in this claim.

WILLIAM B. GRAY.

Subscribed and sworn to before me this 16th day of January, A. D. 1872.

EBENEZER MCILVAIN,  
*Justice of the Peace.*

ROLL No. 15, AFFIDAVIT No. 33.

STATE OF MICHIGAN, *County of Berrien, ss :*

(Page 7.) George Priest, affiant, being duly sworn, says that he has resided in Niles and vicinity for the forty years last past. That he was well acquainted with Pottawatomie Indians ; knew old Chief Pokagon and his band, the Indians of the McCoy mission, and Edward Cowles, whose affidavit is hereunto annexed ; that he has carefully read the same, and knows, from his personal knowledge of the same, that the matters therein set forth are true in substance and in fact, and that he has no interest in the claim.

GEORGE PRIEST.

Subscribed and sworn to before me this 16th day of January, A. D. 1872.

EBENEZER MCILVAIN,  
*Justice of the Peace.*

## ROLL No. 15, AFFIDAVIT No. 34.

STATE OF MICHIGAN, *County of Berrien, ss :*

(Page 8.) William B. Buson, affiant, being duly sworn, says that he is sixty-two years of age; has resided in Niles since 1831. Remembers the Chicago treaty, and that Pokagon resided on Indian reservation opposite Niles, and did not go west with the Pottawatomies, but went with his people to Cass and Van Buren Counties, Michigan. Has known Edward Cowles since 1840.

WILLIAM B. BUSON.

Subscribed and sworn to before me this 17th day of January, A. D. 1872.

EBENEZER McILVAIN,  
*Justice of the Peace.*

NOTE.—Attached to this roll is the official certificate, under seal, of Chas. E. How, clerk of the county of Berrien, and the circuit court of said county, certifying that Ebenezer McIlvain is a duly commissioned justice of the peace in and for said county, &c., &c.  
CHAS. E. HOW, *Clerk.*

By way of concession and compromise, it is agreed that 60 sections of the above 164 sections, at \$1 25 per acre, will be satisfactory for this item of our claim, although it is shown that we were the sole occupants of the 49 sections near Niles, and the one-half of the remaining, which would make our claim for 106½ sections.

It will be noticed that, by the treaties of 1836, (see exhibit in original memorial,) the United States paid \$94,006 for 144 sections, purchased by treaty of our people, (which, being subsequent to 1833, with the \$32,150 of 1846, are not included in our claim.)

It appears, by reference to page 1192 of volume 12, and page 763, volume 14, United States Statutes, that the Government has, by treaty with our people, provided for the final payment, upon the bases of their present value, of all the perpetual annuities.

The perpetual annuities due our people, and in and to which we are so well established in our vested rights by the authorities hereinbefore cited and considered, are, as shown by Hon. F. A. Walker, present Commissioner of Indian Affairs—

## PERMANENT ANNUITIES.

As per 4th article treaty August 3, 1795, (7 Stat., p. 51,) payable in silver...	\$1,000 00
As per 3d article treaty September 30, 1809, (7 Stat., p. 114,) payable in silver	500 00
As per 3d article treaty October 2, 1818, (7 Stat., p. 118,) payable in silver..	2,600 00
As per 2d article treaty September 20, 1828, (7 Stat., p. 317,) payable in money	2,000 00
As per 2d article treaty July 29, 1829, (7 Stat., p. 320,) payable in specie...	16,000 00
As per 2d article treaty September 20, 1829, (7 Stat., p. 317,) and 10th article treaty June 5 and 17, 1846, (6 Stat., p. 855).....	300 00
As per 3d article treaty October 16, 1826, (7 Stat., p. 296;) 2d article treaty September 20, 1828, (7 Stat., p. 317;) and 2d article treaty July 29, 1829, (7 Stat., p. 320,) for blacksmith, iron, steel, &c.....	2,820 00
As per 2d article treaty July 29, 1829, (7 Stat., p. 320,) for salt.....	437 50
Total amount of permanent annuities.....	<u>25,557 50</u>

(See Ex. Doc. No. 151, second session Forty-second Congress.)

The present cash value of the same, at 5 per cent., is \$511,150. Two thousand five hundred and eleven Indians; 321 *per capita* proportion of the same \$65,339 55.

## Aggregated items of our claim :

Balance due as arrears on annuities.....	\$155,699 02
Due on sales of 164 sections reserves.....	48,000 00
Due as our <i>per capita</i> proportion of the capitalized perpetual annuities....	65,339 55
Aggregate of claim.....	<u>269,038 57</u>

Appropriated in 1868 for 1869, (see United States Statutes at Large, volume 15, page 213) :

For 600 Pottawatomies, being their proportion of the present cash value of their annuities .....	\$207,564 22
For 600 distribution shares of the funds of the nation, (in coin) .....	110,091 74
	317,655 96

Similar appropriations are being made from year to year.

By way of a brief but significant comparison, we would state that in 1869 the Government gave \$317,655 96 in cash, and 160 acres of land, to each head of families, and 80 acres to all other persons, which amounted to some 56,000 acres, with a cash *per capita* of \$529, as their proportion of annuities and tribal funds alone, not including any arrears or moneys arising under treaties for purchase of lands.

While your memorialists receive but \$853, including their great arrears, the capitalized annuities pay for 164,960 acres of land, involving a full and final settlement with their Government, and retiring from all treaty benefits to the brighter and happier relation of citizens of their guardian Republic.

We have not presented our claim under the full breadth of Commissioner Smith's decision cited. Had we done so, and presented our claim for our share of the proceeds of the sale of the five million tract in Iowa, it would have increased our claim greatly, and entitled us to 160 acres to each head of family, and 80 acres to all other persons. But this involves a grave question of trust, and our plain claim is for all annuities prior to 1833, under the plainest possible construction of the treaty of 27th September, 1833.

And we now submit our claim, confidently trusting that our great, just, and Christian Government and guardian will not fail or refuse to speedily respect her own treaties, decisions, and authorities, and, being herself the accountant by whom we establish our claim, honorably and early adjust and pay our just claim; as we will ever pray.

And hereby indorse to your honorable bodies W. N. Severance, of South Bend, Indiana, of our counsel.

Most respectfully submitted.

SIMON POKAGON,  
 SETON MOTY,  
 LITTLE SETON MOTY,  
 BILLY AUGUSTA,  
 JOHN CUSH-AU-WA,  
 MAT-WASH-MAH,  
 ANTHONY C. LOBARDIE,  
 CHAS. THEO. CHANDONIA,  
*Business Committee of Memorialists.*