

STOCKBRIDGE INDIANS.

[To accompany bill H. R. No. 321.]

MARCH 27, 1846.

Mr. JACOB THOMPSON, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial of members of the Stockbridge tribe of Indians, residing on Winnebago lake, in the Territory of Wisconsin, have had the same under consideration, and beg leave to report:

The history of this tribe of Indians is full of interesting incident to every American statesman. The Stockbridges or Moheicans have ever been our fast and reliable friends, from the earliest settlements in this country down to the present hour. In former times, when we were weak and without resources, they were strong, independent, and powerful; their warriors stood side by side with our forefathers in their struggle for independence, and poured out their blood in the cause of liberty. Now, they are feeble, few, and dependant, and we have grown rich and powerful; and this memorial is an appeal to the magnanimity and generosity of the Congress of the United States, praying us to repair what they conceive to be past wrongs and injustice done them by this government. The appeal, thus respectfully made by a people who have conferred upon the citizens of the United States innumerable kindnesses, has been taken up and examined with a disposition on the part of the committee to grant every thing which justice demanded, or which propriety would sanction. We are anxious to meet all their reasonable expectations, and report such a law as would tend to the amelioration of their condition, their advancement in civilization, their contentment, and happiness. But we feel unwilling that our kindness and generosity in this instance should lead us into the establishment of a precedent; which, if followed out in other cases similarly situated, will involve this government in the most unreasonable appropriations.

The grounds of complaint are four-fold, as set forth in the memorial, and they will be examined in detail.

First. They complain that the proportion of the annuity due them by virtue of the treaty of 11th of November, 1794, between the United States and the Six Nations, has not been regularly paid them since the year 1826. The committee have instituted inquiry in the proper department, and find that difficulties have existed on this score for several years, in ascertaining their ratable proportion of this annuity; but steps are taken to do them

full and ample justice, and the committee do not see that any additional legislation is needed on this subject. For the elucidation of this subject, the letter of the Commissioner of Indian Affairs to Mr. Spencer, then Secretary of War, dated February 1st, 1843, is appended to and made a part of this report, marked A.

Secondly. The Stockbridges complain, and with justice, that the interest upon the \$6,000, invested by virtue of the treaty of 1839 with the said tribe as a perpetual school fund, has not been regularly paid to them. This refusal to pay this interest has resulted from defective legislation. It appears there is no person authorized, under existing arrangements, to receive and appropriate this interest. It was provided by the treaty of 1839, that the interest on this investment was to be annually paid their sachems and counsellors; but that these offices were abolished by the act of March, 1843, which extended the laws of the Wisconsin Territory over their country, and made the Stockbridges citizens of the United States. (See letter of the Commissioner of Indian Affairs, April 24, 1844, appended to and made a part of this report.) To remedy this defect, the bill reported by the committee repeals the act of 1843, by virtue of which the Stockbridges were deprived of their ancient form of government, and restores their sachems and counsellors to their former powers; and thus they will be enabled to receive whatever may be due the nation.

Thirdly. They complain that injustice has been done them by the United States in former treaties, and the same liberality has not been shown them as to other tribes; and they make special reference to our liberality in the treaty of 1838 with the Oneida tribe of Indians. Reference is made in their memorial to their interest in a large tract of country acquired by them, in company with the Delawares and Munsees, from the Miami tribe of Indians in 1809, lying on White river, which was admitted by Thomas Jefferson, then President, and Henry Dearborn, his Secretary of War; and that, in 1818, by the treaty of St. Mary's, the government bought this land from the Delawares, for which they paid \$13,000, and allowed them \$4,000 annuity. The Stockbridges claimed an equal interest in these lands; and the committee consider there is some plausibility in the equitable claim they have, at any future time, to demand of the Delawares a home for themselves out of the land which the Delawares now hold in exchange for the lands on White river. But it does not appear that prior to 1818 the Stockbridges had perfected their rights to possession of the country on White river; and, in 1821, the government of the United States paid the Stockbridges \$3,000, which appears to have been received in satisfaction of this claim, and in addition promised to aid them in procuring another home. In conformity with this promise, the Six Nations, embracing the Stockbridges, by the aid and under the encouragement of Mr. Calhoun, then Secretary of War, bought of the Winnebagoes and Menomones in Wisconsin, in the years 1821 and 1822, an interest in 1,428,480 acres of land, and soon afterwards emigrated and settled in this country. The Stockbridges allege that, in the payment for this purchase, they paid out more than their proportion of the consideration money; and the committee have had great difficulties in testing the truth of this allegation—the evidence is uncertain, vague, and unsatisfactory, but still they are convinced that there is some justness in this representation. It appears by the treaty of 1821, the Six Nations were to pay \$2,000 in goods and money for the rights they acquired; and by the treaty of 1822 they were

to pay \$3,000. It further appears, for goods furnished and moneys paid the Winnebagoes and Menomonomies, and support of colony at Green Bay, the Stockbridges paid \$4,953 63, and that Governor Clinton, of the State of New York, paid them \$3,000. Though it is not perfectly clear, yet in a spirit of liberality, the committee are willing to allow this tribe \$2,000; and this is the more willingly done when it is considered that they claim the moneys to be refunded to them which they expended in their emigration from the State of New York, for the discharge of which the committee can see no liability on the part of this government.

After the emigration of the Six Nations to Wisconsin, difficulties arose between them and the Winnebagoes and Menomonomies; and in 1830 commissioners were sent from this government, and so divided the country that 500,000 acres were set apart for the Six Nations, and the residue was permitted to be vested in the Menomonomies; but the Stockbridges protested against this division of their lands. In 1831, a treaty was made with the Menomonomies for the cession of their lands, but the Stockbridges still protested; and, in order to satisfy them, two choice townships of land, on the Winnebago lake, were assigned to the Stockbridges, which, at the time, seemed to give satisfaction. In 1836, the United States purchased all this land from the Menomonomies, and the Stockbridges consented to this arrangement. In 1838, the government made a very liberal, and even extravagant, treaty with the Oneidas; and that led to a petition from the Stockbridges for the privilege of making a treaty, which was consummated in 1839, and by which they sold one of their two townships of land at the enormous rate of one dollar per acre to this government. From this condensed statement, the committee are unable to perceive any just ground of complaint of injustice and wrong, and have concluded to report in their bill a provision for the payment of \$2,000 only, but for the bill which has hitherto passed the Senate.

Fourthly. They complain of the act approved March 3d, 1843, entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," by which they were forced to abandon their old customs and form of government against their inclinations, and become citizens of the United States in opposition to the wish of a decided majority of their people. This act was clearly unwise and impolitic, even if Congress had the clear and unquestionable right to enact it, of which the committee entertain strong doubts, and has produced great distraction and confusion. The committee are satisfied of the truth of the allegation that a majority of the tribe did not petition for, or assent to, this law, and that it was forced upon them. Fraud is charged to have been exercised in the election of the commissioners for the partition of the lands, and all the circumstances give plausibility to the charge; and though returns have been made of the division of the lands among the members of the tribe, the executive government of the United States has withheld the patents for the land, and some now remain suspended in the departments. It is furthermore the opinion of the committee that it is against sound policy, justice, good conscience, and the fundamental principles of our government, to constrain an Indian to become a citizen in opposition to his decided wishes, when his love of his ancestors, of his Indian name, and of the habits and customs in which he has been reared and educated, engraft into his mind prejudices which can never be erased, and a pride to maintain to the latest hour their individual national character, and to ap-

propriate to themselves the glory and honor of their brave and illustrious ancestors; and the committee can feel no sympathy with that portion of the tribe who have evinced a willingness to have obliterated from their recollections that they bear the venerable and time-honored name of Moheicans or Stockbridges; to cease their vigils over the ashes of their fathers; to desert their brothers; to expunge a name for which every American citizen must entertain the highest respect, and to assume duties for the faithful discharge of which they must feel their incompetency. The committee, therefore, believe that the ends of justice would be subserved, and the quiet and happiness of the Stockbridges secured, by a total repeal of the act of 1843, and a restoration of the tribe to their ancient form of government; and in order that those dissatisfied spirits, who wish to desert their nation, and become citizens of the United States, may be left without ground of complaint, a provision is inserted in the bill, by which the governor of Wisconsin is authorized to enrol the names of those becoming citizens, and assign to them their separate share of lands in a part of the township to themselves; so that, if a division of the tribe becomes inevitable, they may be so separated and divided, territorially, as not to interfere with each other.

With the greatest anxiety on the part of the committee to report a bill, which will remedy all the just grounds of complaint; and secure the future contentment and happiness of this decayed and decaying people, the committee beg leave to report a bill for the relief of the Stockbridge tribe of Indians.

The memorial of members of the Stockbridge tribe of Indians, residing on Winnebago lake, in the Territory of Wisconsin, to the honorable the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists respectfully show that they are members of a tribe of Indians, once large and numerous. The Stockbridges were formerly *free, independent, and powerful*; they have now become *feeble, few, and dependant* upon the magnanimity and justice of this great nation. Ever since the war of the Revolution, when the independence of the United States was declared and established, they have preserved their fidelity, and extended their friendship to the government of the country. In the late war with Great Britain they cemented this friendship with their *blood*. They partook of the quarrel of their friends and allies, and bravely fought in defence of the homes and possessions of their white brethren.

As the population of the whites increased, and the arts of civilization spread over that portion of the United States which they formerly inhabited, they were necessarily driven *westward*. After several changes of residence, and after being compelled to abandon their *own homes* and the *graves of their fathers*, they were permitted by the President to enter into negotiations with the Menomonic and Winnebago nations, for the purpose of securing a home for themselves and the few that remained of their tribe. Under this permission, in the years 1821 and 1822, they entered into an agreement with the tribes just named, whereby they purchased, together with the other New York Indians, a right to occupy, in

common with the Menomonies and Winnebagoes, a large tract of country bordering upon the Fox river and lake Winnebago. After paying to these tribes a good and valuable consideration, the Stockbridges, under the said agreement, selected a tract of land upon the Fox river for their settlement; built comfortable dwelling-houses; opened farms, and made other valuable and permanent improvements. They cultivated the soil; sought for and obtained the introduction of *Christianity* and *education*, and imitated the examples of their more enlightened white brethren. They then hoped that they would have been permitted quietly to remain in the possession and enjoyment of their new homes. But here, again, they were disappointed. As early as the year 1827, efforts were made to expel them from their then location; and, soon afterwards, it was deemed expedient by the government to remove them still further into the wilderness.

In 1831-'32 a treaty was concluded between the United States and the Winnebagoes, Menomonies, and New York Indians. By this treaty the United States acquired title to a large and valuable tract of country, embracing the tract previously granted by the Menomonies and Winnebagoes to the Stockbridges. Under the stipulations of this treaty, a tract of land, situated upon Winnebago lake, where they now reside, and equal to two townships of land, was secured to the Stockbridges; and upon this they entered, and have continued to occupy and improve it. Since the period when they settled upon this tract, they have opened farms and erected dwelling-houses; they have likewise, until recently, lived in harmony and peace. Following the examples of their civilized brethren, they have encouraged the introduction of schools and religious instruction amongst them; and, by the aid of kind and benevolent instructors, were much improved in their social condition. Finding themselves in debt, and unable to extricate the nation from its embarrassments, they determined to sell to the government one township of land, in order that they might realize sufficient from the sale thereof to pay the debts of the nation and secure to themselves and children a permanent home. Accordingly, in 1839, they sold to the government one township, and were to receive therefor \$23,000.

In 1841, a part of the tribe residing on Winnebago lake, (and consisting, for the most part, of *inexperienced* and *foolish* young men,) became possessed with the idea that they must, in imitation of the Brothertons, become citizens of the United States; and, accordingly, drew up a petition, which was circulated and signed by the Brothertons and some white men, praying Congress to pass a law to make the Stockbridges white men, and admit them as "*citizens of the United States.*" At the session of 1842 the prayer of the petition was granted, and the Stockbridge Indians residing within the Territory of Wisconsin were declared (after the performance of certain formalities) to be *citizens of the United States!* And this, notwithstanding a clear and decided majority of the tribe then were, and still continue, strongly opposed to becoming such.

Your memorialists pass over the iniquitous conduct of the "*citizen party,*" so called, and of the illegal and unjust proceedings of the board at the first election under this law, whereby the *majority* were compelled to submit to the dictates of the *minority.*

The passage of this law to *naturalize* the Stockbridges, and make *white men* of them, has proved to them a source of *discord and disunion*; instead

of being a law for their "*relief*," as it purports, it has been one of serious and deep injury and oppression to a great portion of the tribe.

Following the example set by the commissioner on the part of the United States, who presided at the first election, the members of the *citizen party* (although but a minority) have assumed new and extraordinary powers, and usurped the entire government of the community; receiving the moneys belonging to the whole, they have distributed them, with a lavish hand, amongst the members of their *own party*, or squandered them in the indulgence of *drunkenness* and *dissipation*. The *old men*, the *sages*, the *sachems*, and *former chiefs* of the nation, are, under the new order of things, despised and forgotten; *their opinions* are never asked, and their advice is utterly disregarded.

Your memorialists are, for the most part, the oldest and most experienced men of the tribe; they are the heads of families; they have all their lives been called "*Indians*;" it is their desire so to continue. While they are willing to adopt, in many respects, the *customs* of the whites, they are unwilling to come under the *laws* and submit to the *restraints* of *civilized society*; they are not only willing to adopt, but have adopted already, the Christian religion; they have encouraged the support of schools; but they prefer their own and the customs and laws of their forefathers; and, therefore, they object to being *forced into* the observance of laws, and the exercise of privileges and responsibilities, with which they are now, and ever must remain, unacquainted.

It is true that the opposition of your memorialists to measures of this kind must be *faint and feeble*; compared with the might and power of the government of the United States, they are weak and insignificant. They can only raise the voice of an *injured and oppressed* people; they can but appeal to the *justice*, the *magnanimity*, and the *honor*, of the American people: they are convinced this appeal will not be made in vain. The general policy of the government is believed to be the amelioration of the condition of the slender remains of the numerous tribes which once peopled this vast continent. It should equally be its aim to protect the weak, and secure to the aged members of the tribes what they so deeply venerate—the *enjoyment of their old established customs, their ancient and venerable form of government*.

While your memorialists readily admit that the treatment of the Indian tribes generally, by the government of the United States, has been just and humane, yet they believe, on *their* part, they have good grounds of complaint. It is therefore that they now address their humble petition to the great councils of the nation. Relying upon *its wisdom and justice*, and believing that their complaints need only be made known to meet with speedy redress, they allege the following instances wherein the United States has failed to comply with treaty stipulations; has departed from established rules, or adopted laws and regulations inconsistent with the principles of justice and sound policy.

First. The United States has not complied with the stipulations of the treaty between them and the Six Nations, made on the 11th November, 1794, and to which treaty the Stockbridges are made a party. By this treaty the United States agree to pay to the Six Nations, and their friends incorporated with them, the sum of \$4,500 yearly forever. The proportion which the Stockbridges were entitled to receive from this annuity was \$350 per annum. This sum they received for upwards of 30 years, i. e.

from 1794 until 1826. In 1827, 1828, and 1829, they received each year \$261, being then informed that this was their proportion. In 1830, the sum of \$300 was paid to them. From 1830 until 1836, no payment whatever was made. In 1836, the sum of \$1,000 was paid by the late United States agent, Col. Boyd. From 1836, no payment was made under this treaty until 1842, when the sum of \$300 was paid by the late Secretary at War to a delegation of the chiefs, then at Washington; and, in 1843, the sum of \$280 was paid by the late agent, George W. Lowe. Your memorialists, therefore, claim that there is a large sum due them for arrearages under this treaty.

Second. That the government has not fulfilled the provisions of the treaty made between the United States and the Stockbridges, in 1839, inasmuch as there was great delay in the payments made under this treaty; and have entirely failed to pay the interest upon the \$6,000 funded by the government, whereby the Stockbridges were deprived of the means of paying the debts of the nation, and left destitute of means of support for their schools.

Third. The United States has not acted with the same degree of liberality and justice which have been shown to other tribes of Indians. In 1821 and 1822, when the treaties or agreements were made between the New York Indians and the Menomonies and Winnebagoes, a large and valuable consideration, amounting to about thousand dollars, was paid by the former to the latter. Nearly the whole of this sum was advanced and paid by the Stockbridges. The Oneidas paid much less than their proportion. By the treaty of 1831-'32, the Oneidas were more amply provided for in land than the Stockbridges. By a treaty between the United States and the Oneidas, made on the day of February, 1838, a tract of country, in the vicinity of Green Bay, of sufficient extent to allow to each individual of the tribe 100 acres, was given to them. In addition to this, the sum of \$33,000 was paid to them in cash for services of their chiefs, head-men, and agents, in effecting the treaty with the Menomonies and Winnebagoes, and for reimbursing the nation for the amounts paid for the lands, &c. No such allowance has ever been made to the Stockbridges, although it is beyond dispute that the latter tribe mainly contributed to the payment of the consideration given, and were highly instrumental in accomplishing the treaty with the Menomonies and Winnebagoes. Your memorialists do not complain of the payment made to the Oneidas in 1838; on the contrary, they think it was just, and they only now ask for the display of the same liberality and justice towards themselves. In addition to this, the United States, in 1840, made a treaty with the Senecas, at Buffalo, and made them a very liberal allowance of lands west of the Mississippi, in consideration of their relinquishing title to the lands acquired under the treaties of 1821-'22, and also made donations of money to chiefs and agents for services, although the Senecas paid nothing for their lands, and the agents and chiefs never visited the country, or rendered any service in negotiating the said treaties.

Fourth. The United States has, in relation to the Stockbridges, adopted a course of policy differing from its general conduct toward Indian tribes, in forcing them to become *citizens* against their wishes and inclinations. Your memorialists respectfully submit to your honorable body the following suggestions and considerations on this subject. Is it not reasonable and proper that the government of a civilized and powerful nation should,

before it attempts to change, radically and entirely, the character, institutions, and laws of a dependant and inferior nation, residing within its limits and under its protection, first consult the wishes of the people to be affected, and ascertain whether the proposed change will suit their condition and contribute to their prosperity and welfare?

If a difference of opinion exists between those whose condition is to be changed, should not they who prefer it be permitted to remain in their former condition?

If a tribe of Indians, still retaining their language, and many of their customs and laws, are forced to become *citizens* of the United States, because a *minority* of the tribe desire it, is it not a species of oppression; an attempt to force them to become *citizens* of a *free country* contrary to their wishes?

If a portion of our brethren desire to become citizens, and adopt, in every particular, the laws and institutions of the *whites*, your memorialists do not object; they will be glad to witness their happiness and prosperity, and hope they may make *good white men*, although some of them have proved to be *faithless and bad "Indians."*

Your memorialists only ask the privilege to choose for themselves; they not only *ask*, but *earnestly pray*, that they may not be disturbed in the enjoyment of the little happiness and the short remnant of life left to them. The country which they now occupy is their only home; they have resided upon the lands for several years; there are many pleasing associations connected with it—many of their people lie buried in the soil; they have raised up families, and had fondly looked upon this spot as a resting-place for themselves and children. They are generally far advanced in years, and unable to labor in opening new farms, or journeying to distant lands. They are, therefore, loth to leave their present residence; but they are willing to do so, rather than be compelled to become *citizens*, and submit to the trammels and burdens of the white man. They are willing again to move further westward—*once more* to seek an abiding place where, for a time, at least, they can remain in peace; until at last they find that *resting-place* to which their people so fast are hastening.

Your memorialists have now made known to your honorable body a statement of their wrongs and grievances, and respectfully but earnestly ask at your hands that redress and relief which have heretofore been denied. Their weakness and suffering entitle them to a patient hearing; and through your power and sense of right and justice they confidently look forward to the enjoyment of better days, of peace, and of repose.

Your memorialists ask that whatever amount is due to them under the provisions of either of the treaties hereinbefore alluded to, may be ascertained and paid to them, and that a law or resolution of your honorable body may in this respect be passed for their relief. They also, in the name of *justice* and *humanity*, demand that the law of Congress, passed at its last session, entitled "An act for the relief of the Stockbridge Indians in the Territory of Wisconsin," may be repealed or suspended, or at least so modified as to permit your memorialists, and such other members of the tribe as desire it, to remain in their former condition; to hold their lands as all other Indians hold them, in *common*; that their own laws and customs may be retained; and, finally, that they be permitted

to enjoy happiness and tranquillity after the manner and dictates of their hearts and dispositions.

That by treaty or otherwise the government will pursue the liberal and just course heretofore adopted towards the other New York tribes, by remunerating their chiefs, head-men, and agents, for services in negotiating the treaties of 1821 and '22; and by reimbursing to the nation the sums expended in the purchase of the country on the Fox river and Winnebago lake.

And, finally, if it is the unalterable determination of the government to force the Stockbridges either to become *citizens*, contrary to their inclinations, or otherwise compel them to abandon their present homes and fire-sides, and seek beyond the great father of rivers *another temporary abode*, then, and then only, do they ask that provision may be made for holding with them a treaty for the purchase of their lands in Wisconsin, and the adjustment of all existing subjects of controversy between them, the government, and their own brethren.

Many individuals of the tribe have formed a resolution which is unchangeable, namely, never to become *citizens*, or submit to the dictation of the party who now rule the affairs of their community. Their poverty and dependance prevent them from acquiring, without the aid of the government, lands elsewhere; but rather than remain in their present state of discord and embarrassment, they will *abandon all*, and become outcasts *from their own people*, and "*wanderers in the land.*"

And your petitioners, as in duty bound, will ever pray.

Done and signed at Stockbridge, in the Territory of Wisconsin, this 29th day of January, A. D. 1844.

Austin E. Quinney,
John Metoxen,
Joseph M. Quinney,
John W. Quinney,
D. Big Deer, his x mark,
Garret Thompson, his x mark,
John Killswake,
Simon S. Metoxen,
John P. Quinney,
Samuel Miller,
Moses Charles, his x mark,
Jonas Thompson, his x mark,
Benjamin Pye, 3d, his x mark,
Aaron Turkey,

Elisha Konkapot, his x mark,
Thomas S. Branch,
Ziba T. Peters,
Samuel Stevens,
Benjamin Pye, sen., his x mark,
Peter D. Littleman,
James Joshua, his x mark,
Abram Pye, his x mark,
Moses Doxtator,
John Yoccum, his x mark,
George T. Bennett,
Benjamin Pye, } By John W.
Thomas Skenandrah, } Quinney.

A.

WAR DEPARTMENT,
Office Indian Affairs, February 1, 1843.

SIR: I have caused a re-examination to be made in regard to the division and payments of the annuity belonging to the Six Nations of New York; and, in accordance with your views, estimate the Stockbridges as a

part of the Six Nations. The Oneidas, who emigrated to Wisconsin prior to 1830, have complained that they did not receive their just proportion according to numbers; and, for the purpose of correcting the errors complained of, and of dispensing justice for the future, I have directed that, in the examination, the division should be made as equal as the data would permit.

The whole annuity payable to the Six Nations is \$4,500 a year, and the estimated number of those entitled to share in the distribution, including the Stockbridges, is assumed to be 4,500; no correct census of all the bands having been furnished in any one year.

The Oneidas and Stockbridges appear to have been more particular in ascertaining their numbers, and, from time to time, furnished such statements as are nearly satisfactory. Their returns are, therefore, made the basis of the present settlement, and every four years renewed according to their returns in round numbers. By the accompanying statement, it appears that the bands residing in New York have received more than a fair proportion within 12 years ending with 1842, \$3,934 88; the Oneidas \$4,260 less, and the Stockbridges \$174 88. In 1838, the \$500 allotted to the Oneidas and Stockbridges of Wisconsin was remitted to Mr. Schoolcraft, the acting superintendent in Michigan, which sum has not yet been accounted for—making, in all, due to the Oneidas, \$4,260, and to the Stockbridges, \$174 88.

A second statement is herewith submitted, designating the extra sums to be annually withheld from payment to the New York bands, and also designating the sums to be paid to the Oneidas and Stockbridges until 1850, when the arrearages shall be paid up; after which time the New York bands will receive \$3,550, and the Oneidas \$650, and the Stockbridges \$300, unless the emigration, or other causes, shall justify a new apportionment, exclusive of the arrearages. The \$300 for the Stockbridges to be fairly divided between the party remaining in Wisconsin, and those who have emigrated to the Indian country—giving to the former two thirds, and the latter one-third of the sums allotted to them.

Respectfully submitted for approval.

T. HARTLEY CRAWFORD.

Hon. JOHN C. SPENCER,
Secretary of War.

Approved February 3, 1843.

JOHN C. SPENCER.

Statement of the annuity of the Six Nations.

Years.	Annual amount.	New York Indians.		Green Bay Oneidas.		Stockbridges.		Remarks.
		Share.	Payment.	Share.	Paym't.	Share.	Paym't.	
1831	\$4,500 00	\$3,900 00	\$4,200 00	\$400 00	-	\$200 00	\$300 00	
1832	4,500 00	3,900 00	4,300 00	400 00	-	200 00	300 00	
1833	4,500 00	3,900 00	4,200 00	400 00	-	200 00	300 00	
1834	4,500 00	3,900 00	4,111 22	400 00	-	200 00	388 78	
1835	4,500 00	3,750 00	4,111 22	500 00	-	250 00	388 78	
1836	4,500 00	3,750 00	4,111 22	500 00	-	250 00	388 78	
1837	4,500 00	3,750 00	4,111 22	500 00	-	250 00	388 78	
1838	4,500 00	3,750 00	4,000 00	500 00	-	250 00	-	\$500 in School-craft's hands.
1839	4,500 00	3,550 00	4,000 00	650 00	\$500 00	300 00	-	
1840	4,500 00	3,550 00	4,000 00	650 00	500 00	300 00	-	
1841	4,500 00	3,550 00	4,000 00	650 00	500 00	300 00	-	
1842	4,500 00	3,550 00	3,690 00	650 00	440 00	300 00	370 00	
	54,000 00	44,800 00	48,734 88	6,200 00	1,940 00	3,000 00	2,825 12	
Balance. Dr.	-	3,934 88	-	-	-	-	-	
" Cr.	-	-	-	-	4,260 00	-	174 88	

Application of the annuity of the New York Indians from 1843.

Years.	Amount.	New York.		Oneidas.		Stockbridges.	
		To be paid	Reclaimed and paid in addition.	To be paid.	Additional.	To be paid.	Additional.
1843	\$4,500 00	\$3,000 00	\$550 00	\$650 00	\$500 00	\$300 00	\$50 00
1844	-	-	550 00	-	500 00	-	50 00
1845	-	-	550 00	-	500 00	-	50 00
1846	-	3,025 12	524 88	-	500 00	-	25 88
1847	-	3,050 00	500 00	-	500 00	-	-
1848	-	-	500 00	-	500 00	-	-
1849	-	-	500 00	-	500 00	-	-
1850	-	-	260 00	-	260 00	-	-

1843, (to be paid)	-	\$3,000 00	\$550 00	\$300 00	
Additional	-	-	500 00	50 00	
		<u>3,000 00</u>	<u>1,150 00</u>	<u>350 00</u>	Whole, annually, \$51,000.

Paid to New York Indians -	-	\$48,734 88, overpaid	\$3,934 88
Paid to Oneidas -	-	1,940 00, Schoolcraft	500 00
			<u>4,434 88</u>
Paid to Stockbridges -	-	2,825 12	
Remaining in Schoolcraft's hands -	-	500 00	
		<u>54,000 00</u>	
Due to Oneidas (Green Bay) -	-	\$4,260 00	
Due to Stockbridges -	-	174 88	
			<u>4,434 88</u>
Due to Mr. Schoolcraft -	-	500 00	
New York Indians to pay by instal-	-		
ments six years \$650 -	-	3,934 88	
			<u>4,434 88</u>

The New York Indians having been overpaid, according to the views now taken of the proper division of the annuity, \$3,934 88.

Their proportion, payable in 1843, being estimated at \$3,550, it is proposed to reduce it to \$3,000, until the overpayment is satisfied, and apply the difference as shown in the annexed table so as to complete all the overpayments by the year 1850—being eight years—increasing the payments to the Oneidas to \$1,150, in all, each year, to and inclusive of 1849; and in 1850, to \$910; and afterwards, to \$650.

The New York Indians to be paid in 1845 -	-	\$3,000 00	
Do do 1846 -	-	3,025 12	
Do do 1847-48-49 -	-	3,050 00	
Do do 1850 -	-	3,310 00	
The Stockbridges to receive to 1845 -	-	350 00 a year	
The Stockbridges to receive in 1846 -	-	324 88	
And afterwards but -	-	300 00	

To be divided between those at Green Bay and those in Missouri, according to numbers.

<i>The Stockbridge Indians in account with John Sergeant, jr.</i>	Dr.
To paying the Winnebago and Menomonie Indians, agreeably to a stipulation entered into at the treaty holden at Green Bay, Michigan Territory, August 18, 1821 -	\$1,257 75
To paying the Menomonie Indians, agreeably to a treaty made at Green Bay, dated September, 1822 -	1,006 00
To expenses in maintenance, transportation, and supplies for the colony left at Green Bay, as by them receipted -	1,670 99
To expenses attending the delegation, and support and maintenance of the Indians -	1,018 89
	<u>\$4,953 63</u>

CR.—By cash received from his excellency Governor Clinton - 3,000 00

VERNON, December 21, 1822.

This may certify the above statement of accounts as relates to the purchase of lands from the Winnebago and Menomonie Indians, and the settlement of the Stockbridge Indians upon the same, is just and true; and do further state, that I was the agent for the government in the transaction of said purchase of land, and settlement of Indians thereon; and that the Stockbridge Indians were first and foremost in making advances to promote the object of the government in removing and concentrating the New York Indians; and that they are still in debt for moneys expended for that purpose.

JOHN SERGEANT.

WAR DEPARTMENT,
Office Indian Affairs, January 23, 1846.

SIR: I have had the honor to receive a communication from the Committee on Indian Affairs of the House of Representatives, referred by you to this office for a report.

In April, 1844, a resolution of the House of Representatives, embracing a number of questions, was answered in a report from this office to your predecessor, a copy of which I beg leave to enclose, as containing as full an answer to the two first items of the communication now under consideration, as it is in the power of this office to make. With regard to the payment of the interest on the \$6,000 invested in stock for the benefit of the Stockbridges, I have only to remark, that the difficulty first presented (of there being no person properly authorized to receive it) still exists, and it remains for Congress to pass some act by which the department can be guided.

The third item of the committee's communication is, a complaint that injustice has been done the Stockbridges in various treaties made between the New York Indians, the Menomonies, and the Winnebagoes. I cannot see how this can be, the treaties showing nothing that would lead to any such conclusion. The provisions of the treaties have, doubtless, all been carried out, both in spirit and in letter, so far as any obligation rested upon the government. No grounds of complaint are known (by the department) to exist; and, if they do exist, there are no means at its disposal to correct or remedy them.

With regard to the complaint in the fourth item, I have examined the treaty with the Delawares, made in 1818, for a cession of their lands in Indiana; and can find nothing that could lead to the remotest idea that the Stockbridges had any interest in them. And the only evidence that any claim has heretofore been made to them is by reference to the proceedings of Congress, (Journal H. R., 1st session 16th Congress, p. 426.) It appears that a bill granting the Stockbridge Indians relief on their claim to a part of these lands was rejected by that body.

Item No. 5.—The alleged expenditure of the sum of \$66,343 13, in the removal of the Stockbridges from New York to White river, and afterwards to Green Bay, is, as far as I am aware, brought to the notice of the department for the first time. If it be that the government was not bound to pay these expenses, as is presumed to be the fact, why do the Stock-

bridges make the demand? or, if otherwise, why has the application for indemnity remained so long dormant? There is no evidence in this office, as far as my researches have extended, to show that this claim has any foundation.

I enclose a copy of a communication addressed to Governor Doty by Austin E. Quinney, John Metoxen, and John W. Quinney, dated May 1, 1843; and also of a census of the tribe in April, 1843.

Very respectfully, your most obedient servant,

W. MEDILL.

HON. WM. L. MARCY,
Secretary of War.

WAR DEPARTMENT,
Office Indian Affairs, April 24, 1844.

SIR: In answer to a resolution of the Senate of the United States, passed 10th April instant, in relation to the Stockbridge tribe of Indians, I have the honor to report. The resolution is in the words following, viz:

"Resolved, That the President of the United States be requested to cause to be communicated to the Senate all such information as may be in his possession, or in the possession of any one of the executive departments, relative to any proceedings under the act entitled 'An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin,' approved March 3, 1843; and, especially,

"First. All the proceedings touching any election which has been held in pursuance of the third section of the said act, if any such election has been held, with all the facts which have been communicated to the President, or the appropriate officer or department of the government, relating to the same.

"Second. All the proceedings which have been had in relation to the partition of the lands of the said Indians among the individual members of the tribe, pursuant to the provisions of the said act; together with copies of all instructions and correspondence on file, between whatever parties to any such election, or to the partition of the said lands, or to any objections against the partition made, as contemplated in the fifth section of the said act."

All the papers relating to so much of the resolution of the Senate as concerns the election of commissioners, the partition of the lands, &c., were sent; on the 5th April instant, to the General Land Office, with a view to the issuing of patents as provided for in the act of 3d March, 1843; it being the proper depository of all such papers, and it being only the duty of this department to transmit the same after their reception, in order that the provisions of law might be carried out.

Copies of those papers, marked A, with the letter of this office accompanying the same, are herewith sent; and also, of those still remaining in this office, which had not a direct bearing on the action of the land office, marked B. These papers will answer the first and second clauses of the resolution.

As to the third division of the resolution, which is as follows:

"Whether any or what annuities are now due and payable from the United States to the said Stockbridge Indians, and whether any and what

payments of annuities have been made to the said tribe since the passage of the said act; by and through what agent, or other person, paid; to whom, and under what authority from the said tribe of Indians, or any member thereof."

The papers herewith, marked "C," will fully explain the manner in which the annuities have been paid to the Stockbridges. By the treaty of 1794 with the Six Nations, a perpetual annuity of \$4,500 was to be paid to these people, who have since become much scattered; that portion of them called the Oneidas of Green Bay, and the Stockbridges of Wisconsin, have been paid at their respective homes. Owing, however, to the difficulty of learning their precise number, it would appear that a portion of the Six Nations had obtained more than their proper share of the annuity. This having been brought to the notice of the department, an examination was entered into, and my report, with the accompanying statement, (being the paper marked C, above referred to,) was made to the Secretary of War, Mr. Spencer, on the 1st February, 1843, and was approved by him on the 3d of the same month. By this statement you will at once perceive that arrangements have been made to clear up all arrearages, and that, by the year 1850, all will be paid.

The annuity—the portion of which due to the Stockbridges of Wisconsin, for the year 1843, was \$280—was paid by George W. Lowe, esq., then sub-agent of Indian affairs at Green Bay, to Austin E. Quinney and others, sachems and counsellors of the Stockbridge tribe of Indians, on the 26th October, 1843, and their receipt taken for the same. This is the only annuity which has been paid these people since the passage of the law of 3d March, 1843. In connexion with this part of the resolution, it might be well to state, that the interest on the sum of \$6,000 invested by the treaty of 1839 as a perpetual school fund, remains unpaid for the last two years in consequence of the uncertain movements of these people—the difficulty is, to whom shall it be paid? The act of 1843 recognises no such officers as *sachems* and *counsellors*, to whom, by the terms of the treaty, the interest is to be paid; but, on the contrary, abrogates their existence as a tribe, and their power to make or execute their own laws, usages, and customs. It is therefore respectfully suggested that Congress will take some action on this subject, and provide by law for the election among these people of schoolmen, or selectmen, or officers by any other name, to whom this money shall be paid, to be expended in the education of the youth of that tribe.

To the fourth call of the resolution—"whether any patents for the Indian lands have been issued in pursuance of the said act"—I am informed by the Commissioner of the Land Office that none have been so issued.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

HON. WM. WILKINS,
Secretary of War.

STOCKBRIDGE, April 25, 1843.

DEAR SIR: I would respectfully represent to your excellency, that I have resided with the Stockbridge tribe of Indians, as their missionary,

since 1830, and, consequently, that my acquaintance with the situation and population of this tribe is as correct as that of any white citizen.

The census made out by the committee, viz: Messrs. John W. Quinney, John P. Quinney, and Ziba T. Peters, and bearing this date, is, in my belief, *correct* and accurately made out in all of the particulars specified therein. And the relative strength and numbers of the two parties which now exist in the nation are, as I believe, set forth truly.

By the request of the above mentioned committee and the principal men, I would state to your excellency that the Indian party of this tribe, or those who are opposed to a change in their existing relations with government, and desire to remain Indians, constitute, in my belief, an undoubted majority; and that the delegation now authorized to treat with your excellency represent their fixed and deliberate purpose of disposing of their lands in this Territory to the United States.

Very respectfully, yours,

CUTTING MARSH.

His Excellency JAMES D. DOTY,

Governor of Wisconsin Territory and

Superintendent of Indian Affairs.

General census of the Stockbridge tribe, and of the Munsees, including those of all ages, and showing the relative strength of the citizen and Indian parties, viz:

Indian party.	Over 10 years.	Under 10 years.	Total number.	Citizen party.	Over 10 years.	Under 10 years.	Total number.
Austin E. Quinney -	6	3	9	John N. Childs -	3	2	5
Joseph M. Quinney -	5	2	7	Jacob Chicks -	4	-	4
John W. Quinney -	2	3	5	Joseph L. Chicks -	2	1	3
John P. Quinney -	4	1	5	Josiah Chicks -	2	1	3
John Metoxen -	4	-	4	Timothy Jourdan -	6	4	10
Benjamin Pye, sen. -	3	-	3	Jacob David -	4	5	9
Benjamin Pye, 2d -	3	5	8	Daniel David -	2	1	3
Benjamin Pye, 3d -	2	2	4	Dennis David -	2	-	2
Abram Pye -	4	4	8	John Littleman -	1	-	1
Simon S. Metoxen -	2	3	5	Isaac Jacobs -	2	2	4
Garret Thompson -	3	1	4	Jeremiah Johnson -	2	-	2
Jonas Thompson -	3	1	4	William Gardner -	5	4	9
Aaron Turkey -	2	3	5	John W. Abrams -	2	1	3
John Turkey -	1	-	1	Charles Stevens -	2	-	2
Moses Charles -	4	1	5	John Yocum -	2	1	3
Samuel Miller -	5	4	9	Wm. Yocum -	1	1	2
James Joshua -	2	-	2	Joseph Doxtator -	2	-	2
Moses Doxtator -	2	-	2	Levi Konkapot -	1	-	1
Peter D. Littleman -	2	3	5	Isaac Simmons -	2	-	2
Thos. S. Kendock -	3	-	3	George Barnet -	1	-	1
Samuel Stevens -	1	-	1	Job Moore -	2	3	5
Adam King -	2	-	2	John Moore -	1	-	1
Calvin & Rix Robinson -	2	-	2				
Widow Betsey Palmer -	3	-	3	<i>Absent.</i>			
Hannah Marquis -	1	1	2				
Betsey Scipio -	1	1	2	Henry & Jac Moore -	2	-	2
Mary Hendrick -	2	1	3	Sophia Moore -	1	-	1
Betsey Aaron -	3	1	4	Mary R. Doxtator -	-	1	1
Catharine Littleman -	1	-	1	Clarissa -	-	-	-
Widow Nancy Hunt -	1	-	1				
Lucy Waunaunsqnoh -	2	-	2				
Dedemia Bigdeer -	3	-	3				
<i>Absent.</i>							
Jeremiah Kingerland -	1	-	1				
Jacob Ichoiakim -	1	-	1				
Ichoiakim Abrams -	4	-	4				
David Palmer -	1	-	1				
Aaron Konkapot -	3	-	3				
Mary & Louisa Konkapot -	2	-	2				
Elias Konkapot -	2	-	2				
John W. Quinney, jr. -	2	-	2				
Pendena Quinney -	1	-	1				
Mary Quinney -	1	-	1				
Elijah Lowery -	2	-	2				
Clana Miller -	3	-	3				
Rachel Colvin -	2	-	2				
	109	40	149		54	27	81

The whole number of the Munsees in New York having an interest in the lands of the Stockbridge reservation, according to treaty of 1839, is 80.

We, the undersigned, having been appointed a committee to make out a list of the number of legal voters and individuals belonging both to the Indian and citizen parties of the Stockbridge nation, and of the Munsees, hereby certify that the above is a correct list, according to the best of our knowledge.

JOHN W. QUINNEY,
JOHN P. QUINNEY,
ZIBA T. PETERS.

MAY 1, 1843.

The undersigned, who are Indians of the Stockbridge tribe, representing the majority of that tribe, as well as the Munsee tribe, well known personally to your excellency, respectfully submit to you, as the general agent of the government, as well as the kind guardian and friend of the tribes in this Territory, the following statement:

Father, you have known us by families and individually for years; we could not deceive you; for the facts and history of our condition are before you. We have therefore been sent, by what is called the Indian party, to see you, and, through you, to treat with the proper authorities at Washington, and we trust you will endorse our statements, so far as you know them to be true.

Congress, at its last session, passed a law "for the relief of the Stockbridge tribe of Indians;" a copy of which we herewith annex, and we beg you to peruse it carefully. This act was the consequence of a petition got up by a few idle young men, and, for the most part, dissipated members of our tribe, and industriously circulated and signed by the Brothertons and other citizens, our neighbors. How far the good character and strength of the Stockbridges were enlisted, will be apparent from the census and classification, which we herewith present to your excellency. It did not enter into our comprehension that Congress would pass a law of such great concern to us, unless a case had been made of, positive and general consent, and the moral and social improvement of our people had clearly dictated the humanity and justice of the measure. The idea of compelling, even a minority of the tribe to hold their lands by new titles, and to change the whole relations and associations of their existence, and that, too, in the face of treaties with a government professing to regard and protect their rights, did not give us a moment's uneasiness.

This act, we must frankly say to your excellency, we consider no law; and we believe it will ever be so considered, so long as there exists in the organization of the government of the United States a judiciary, to review and construe the rights of parties, and the extent of the powers of the legislature under the constitution.

Our objections to this act are:

1st. That by the treaties of 1832 and 1839, the township on lake Winnebago was guarantied to the Stockbridge and Munsee tribes. This act vests the whole in the Stockbridge tribe without reference to the Munsee interest, and in every particular conflicts with the provisions of the said treaties.

2d. That a majority of the Stockbridge tribe utterly refuse to become citizens of the United States under any circumstances whatever, although, under the unusual and extraordinary power conferred upon him, the register of the land office at Green Bay has, by the votes of a minority, elected a board of commissioners, who are now proceeding under the law to divide the land.

3d. We know that great doubts are entertained whether our neighbors, the Brothertons, in whose favor an act was passed some years since, are really citizens of the United States. They were admitted by a special and private law, not by virtue of that uniform rule contemplated by the constitution. Besides, it may well be doubted if Indians are "free white males." We are unwilling to incur, by possibility, the state of confusion

and embarrassment we must be thrown into should the law hereafter be pronounced unconstitutional.

These are our objections, to which we will add to your excellency, that as we were born and have lived Indians, so will we die Indians. Our tribe, for a century, has been in the midst of white people, but nothing in the history of our intercourse for that period has weakened the affection with which we cling to what little remains of the freedom and birthright of our fathers.

As we have intimated, there are two parties with us—the Indian and citizen party. We do not desire to interfere with the wishes of the former, so far as they do not conflict with our rights; and in this view, we will not refer to the particulars of the election conducted by Mr. Horner, further than to say that knowing that we had a majority, we were present, and voted for commissioners, intending, after their election, to allow the law to expire, without further action on our part, by the terms of its limitation. The result, however, showed the election of commissioners from the other party by a vote of 21 to 19—all of their votes being counted, while nine of ours were thrown out. The list of voters, on both sides, is submitted to your excellency's personal information without further comment.

Presuming that the Indian party are in the minority of 19 to 21, may we ask your excellency if it enters into the views of Congress or the government to make us citizens by force? Does the consent of a majority of the Stockbridge tribe to this law abrogate former treaties, and the rights of the minority under them?

Your excellency will observe that under the law there is no alternative; for should we relinquish our houses and seek an asylum with some friendly and kindred tribe, wherever we may go, within the territorial limits of the United States, our condition is the same, no longer Indians, but citizens.

In the existing state of things, we are well aware that in whatever court the rights and wrongs arising from this act shall be tried, they will not be sustained. But why drive us into the courts?

We have come to see your excellency for the purpose of selling to the United States that portion of our lands and improvements to which we are entitled under the treaty of September 3, 1839. It is our desire to remove forthwith to some region beyond the Mississippi. The citizen party in our tribe, as we understand, have no objection to this course, while we are equally pleased that they should retain their share, and live hereafter in what manner they may desire.

AUSTIN E. QUINNEY,
JOHN METOXEN,
JNO. W. QUINNEY.

His Excellency GOVERNOR DOTY,
Superintendent of Indian Affairs.