

INDIANS IN MICHIGAN AND INDIANA.

MEMORIAL
OF
CERTAIN INDIANS

RESIDING IN

Michigan and Indiana, for relief.

DECEMBER 18, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

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

Your memorialists are that portion of the Pottawatomie Nation of Indians now residing in Cass, Van Buren and Berrien Counties in the State of Michigan, and Saint Joseph County in the State of Indiana, and by their duly constituted business committee and attorney in these premises would most respectfully represent :

That they are parties to various treaties by them and the Government of the United States, duly made and confirmed. (See exhibit in Mis. Doc. No. 32, 3d sess. 41 Cong., pages 1 and 15 ; Mis. Doc. No. 137, 2 sess. 42 Cong., pages 4 and 5 ; Report, No. 121, 2 sess. 42 Cong., page 2 hereof.

That by the provisions of said treaties your memorialists were to receive large sums of money from said Government to them in annuities to be paid, in consideration of vast tracts of land therein the said treaties by them to said Government ceded and sold. (See report of Hon. S. S. Burdett, 42d Cong., page 7 hereof ; report No. 19, 1st sess. 38th Cong. ; Ex. Doc. No. 19, 3d sess. 37th Cong., (vol. 4, &c.)

That said Government has not in all things faithfully maintained and performed its covenants as in the treaties aforesaid so solemnly made, in that the said Government has failed and refused to pay your memorialists their just proportion of the aforesaid moneys.

That there now remains due and unpaid to your memorialists, upon the provisions of the aforesaid treaties, in consideration of the lands by your memorialists therein sold and ceded to said Government, said lands now by said Government and its grantees from your memorialists held and owned, the sum of \$155,447.83. (See report No. 121, U. S. S., 2d sess. 42d Cong., page 6 hereof ; report of the Commissioner of Indian affairs, page 7 hereof ; report of the Secretary of the Interior, page 7 hereof ; report of Hon. S. S. Burdett, 42d Cong., page 12 hereof.)

That the aforesaid treaties have, at all times, been faithfully maintained by your memorialists. That your memorialists have ever been the friends of the pioneer settlers and the Government, and have fought for the same in all the wars since 1795. That there is no just or equitable reason why the said sum should not now be paid to them. That they are an intelligent, industrious, prudent, and religious people, maintaining schools and churches. That they are in great need of their moneys to better enable them to meet the demands of the civilization in which they live and properly value. That they are now poor and weak, and unable to command a proper recognition of their rights at the hands of your honorable bodies, but that they rely confidently upon the plighted faith of their great and Christian guardian and Government, with an anxious faith, believing that your honorable bodies will, by proper legislation in the passage of the accompanying bill, duly provide for the payment of that sum to your memorialists, which the accounting and examining officers, and proper departments of the Government establish, maintain, and declare to be justly and equitable due them.

Your memorialists would finally represent that they memorialized the Forty-first and Forty-second Congress in these premises, being "Mis. Doc. No. 32, 3d sess. 41st Congress," and "Mis. Doc. No. 137, 2d sess. 42d Congress," to which they now most respectfully refer. That in lieu of a lengthy memorial in this instance, which otherwise the merits of the cause would demand, your memorialists herewith present the reports of the Hon. W. A. Buckingham, United States Senate, and the Hon. S. S. Burdett, House of Representatives, Forty-second Congress, before whom the cause was directly pending for a period of nearly three years, and whose reports are the result of the most exhaustive and patient painstaking research which the premises of the case presents. Also, the several important letters of the Hon. Commissioner of Indian Affairs, and the Hon. Secretary of the Interior, by all of whom this present cause has received the most impartial and critical examination, second to none of which was the patient, impartial and exhaustive labors of the distinguished Senator whose report is here presented.

[Senate report No. 121, Forty-second Congress, second session.]

Mr. BUCKINGHAM made the following report, (to accompany bill S. 914:)

The Committee on Indian Affairs, to whom was referred the petition of the Pottawatomie Indians remaining in Michigan and Indiana for the payment of annuities due them, submit the following report:

In the year 1795, and at various times, the Government of the United States has made treaties with the Ottawa, Chippewa, and Pottawatomie Indians, in which they were formally recognized as distinct nations uniting in the same treaties, but recently they have been known as the United Nation of Pottawatomies, and since 1846 as the Pottawatomie Nation.

By the provisions of the several treaties the Indians ceded lands to the Government, and the Government paid for the same in other lands, in money, and in goods, and pledged annuities—some for a short, and some for a long period.

On the 26th of September, 1833, a treaty was made by which the nation ceded to the United States about 5,000,000 acres of land lying on the western shore of Lake Michigan, for which the Government gave and pledged a satisfactory consideration. A part of the nation did not at the time agree to the treaty, but the next day, being the 27th day of September, 1833, those who had declined and were known as the chiefs and head-men of said united nation of Indians, residing upon their reservations of land lying in the Territory of Michigan, south of Grand River, entered into a treaty supplementary to that which had been executed the previous day, by which they became parties to the main treaty upon terms specified in the supplementary treaty; one of which permitted them to remove to Northern

Michigan, and declared that in case of removal they should be entitled to share in all annuities payable under former treaties.

The Commissioner of Indian Affairs, in a letter addressed to the Secretary of the Interior, dated November 15, 1862, said that the main tribe moved to their new homes west of the Mississippi, and the Catholic party of the northern portion of Michigan. This is evidence that they complied with the condition upon which they were to share in the annuities due the nation. The nation was permitted to remain on the lands they ceded to the Government, until 1836, and received all their annuities there, of which these bands undoubtedly received their portion. After the removal of the nation, the Government made repeated appropriations, and paid many of the annuities to the Pottawatomie Nation west of the Mississippi, while the bands in Michigan received no part of the same.

The Commissioner of Indian Affairs in 1843 recognized their claim to a portion of annuities granted to the nation under the treaties of July 20, 1829, and September 27, 1833, and paid the sum of \$1,587.50 annually as their portion of the same from 1843 until and including the year 1865. The Commissioner undoubtedly overlooked annuities pledged in other treaties which are evidently as obligatory as those under which he paid.

An act of Congress, approved March 2, 1861, directed the Secretary of the Interior to examine and report to Congress what amount, if any, was then due to the Chippewa, Ottawa, and Pottawatomie Indians residing in Michigan, under and by virtue of the treaties of July 29, 1829, September 26, 1833, and the articles supplementary thereto, and under the treaty of the 5th and 19th of June, 1846, with the Pottawatomie Nation of Indians, and also to report whether there is any money or property heretofore payable to said Pottawatomie Nation made, under and by virtue of the treaty of October 26, 1832, and other treaties, which has not been appropriated and paid; and, if any, what amount.

In compliance with the requirements of that act, the Secretary reported under date of December 19, 1862, that, based upon the construction given by the Indian-Office to the several treaties, there was due the Pottawatomie Nation \$160,540.48 in cash, beside tobacco, iron, steel, and salt, and that he had no reasons to doubt the statement or the construction given by the Commissioner to the treaties.

He also says that no payments were made the Michigan band under the provisions of the treaty of the 37th of September, until 1843, and adds, "that the band which by the supplementary treaty was permitted to remain in Michigan must be regarded as a part of the Pottawatomie Nation. They are entitled to receive *per capita* their proportion of the annuities and other payments provided for in the several treaties with the nation, to the same extent they would have been if they had gone west with the tribe." "To determine the amount due them it is necessary to ascertain the number in Kansas at the date of the several payments, and the number of those of the band who were by the supplementary treaty permitted to remain in Michigan, and of their descendants at the same period."

The Secretary transmits a report of the Commissioner of Indian Affairs, in which that officer states, that from the pay-rolls it appears that the Indians residing in Michigan participated in the benefits of nearly all the treaties from 1795 to the time of their separation in 1836.

Upon this basis he shows a balance of \$73,112.50 due the bands residing in Michigan, by virtue of the provisions of the supplementary treaty.

He also makes a second statement, in which he shows that if the bands are entitled "to participate in all the provisions contained in the treaty of September 26, 1833," (as may be claimed if we look only to the language quoted from the supplementary treaty of September 27, 1863,) "they are entitled to \$49,217.50 from former cash annuities, and to \$16,685 for interest received on money invested in stocks, for educational, agricultural, and other purposes, and to \$23,407.50 for interest due on a fund of \$643,000, the avails of a sale of land in Iowa, made under the treaty of June, 1846," making the sum \$99,310, besides an interest remaining in the fund.

In looking at the circumstances of the main nation, and of the Michigan band, and the object which each desired to accomplish, it is evident to your committee that, by the treaty of September 26, 1833, the main nation ceded to the United States all their interest in lands in Illinois and Michigan, for which they agreed to receive \$500,000, to be applied for different purposes—an annuity of \$14,000 per year for twenty years, and 5,000,000 acres of land west of the Mississippi River, and to remove to the same within three years; also, that the Michigan bands, by the supplementary treaty, ceded to the United States all their interest in lands described in the main treaty, together with certain sections of land which had been reserved to them by former treaties, for which they were paid a consideration separate from that paid to the nation.

After the supplementary treaty had been executed another provision was annexed, as follows: "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."

This provision was evidently a relinquishment of all claims "to participate in the provisions" of the main treaty of September 26, and gave the bands a right only to a portion of annuities under former treaties, and to the consideration then pledged for their reservations.

Your committee are therefore of the opinion that both the nation and the Michigan band executed the treaties of the 26th and 27th of September, 1833, for the purpose of making a complete separation of all pecuniary interests, except in annuities, due the nation under former treaties, that each party might go their own way, one west of the Mississippi and the other to Northern Michigan.

If this is a correct construction of the treaty and its supplement, it is evident that the Indians of Michigan have no claim to annuities arising under the main treaty of September 26, 1833, nor to any portion of the consideration paid for lands then ceded, nor to the proceeds arising from the sale of land lying west of the Mississippi. This construction is also a bar to the claim which the memorialists now make for payment of the lands alienated by the first section of the supplemental treaty. The \$100,000 was the consideration given for that land.

In examining the several treaties the committee find that, by the one of June 7, 1803, the United States engaged to deliver yearly, and every year, a quantity of salt not exceeding 150 bushels.

By the treaty of October 26, 1826, the United States stipulated to provide for the support of a blacksmith at some convenient point, to appropriate, for the purpose of education, the annual sum of \$2,000, so long as Congress might think proper, to build a mill at Tippecanoe River, to support a miller, and to pay annually 160 bushels of salt; all of which therein specified were to have been paid by the Indian agent at Fort Wayne.

By the treaty of September 20, 1828, the United States agreed to furnish the Pottawatomie tribe annually with a specified amount of tobacco, iron, and steel, with a blacksmith for 15 years, with 3 laborers for a part of each year for ten years, and to appropriate \$1,000 annually, to be applied for the purposes of education, so long as Congress should think the appropriation would be useful.

Other treaties have similar provisions.

Others reserved sections and tracts of lands for particular persons and bands which have since been ceded to the United States, and the consideration paid to the parties for whom they were reserved.

In the judgment of your committee the memorialists are not entitled to any part of the payments made for lands so reserved, nor for any annuities paid to chiefs and other individuals, nor are they entitled to any annuities for educational purposes which are restricted to the pleasure of Congress, nor to any which were pledged for the establishment of blacksmith-shops, for iron and steel, for mills, millers, and laborers. These were for local objects in which each individual might receive benefit only as he should resort to such localities, and participate in them in common with the entire nation.

But when, as in one instance, another treaty was afterward ratified, by which the Government agreed to pay a specified annuity in money instead of performing the stipulations referred to above, such annuity being made susceptible of subdivision and distribution, gave your memorialists a title to their just proportion.

The annuity of \$1,597.50 paid the Michigan Indians from 1843 to 1865, was regarded by the commissioners as their just proportion of an annuity of \$16,000 pledged by the treaty of 1829, and of the \$2,000 made payable annually by the supplementary treaties of September 27, 1833; whereas, in the judgment of your committee, as expressed in their construction of this and the several treaties, they are entitled to the entire annuity of \$2,000.

On the 23th of July, 1866, Congress passed an act directing the Secretary of the Interior "to pay the Chippewa, Ottawa, and Pottawatomie Indians of Michigan, in pursuance of an agreement and compromise made with the Pottawatomie Nation, so named and designated in the treaty of 1846 with the United States, the sum of \$39,000, in full of all claims in favor of said Michigan Indians, either against the United States or said nations of Indians, present, past, or future, arising out of any treaty made with them, or any band or confederation thereof, and the annuity now paid them is to be restored and paid to said nation for the future."

On examination it does not appear that the Michigan Indians were parties to that treaty, or that the treaty had any reference to them; and it is difficult for your committee to see how two interested parties can justly unite and deprive a third party of interests to which he is entitled by previous treaties which they have entered into with him. Nor do they understand how, in accordance with the principles of law or justice, the Government can determine that a partial fulfillment of treaty stipulations shall bar those with whom the treaties have been made, from claiming the amount stipulated. There is evidence that the Michigan Indians received this appropriation under a protest, and claimed that it did not discharge the Government from all pecuniary obligations to them; to which conclusion the committee have also arrived.

The committee believe that all annuities have been paid up to and including the year 1835, and they determine the amount which has become due since that year, and apportion it to

the memorialists and to the nation in proportion to their numbers at each semi-decade. They have, however, made no distinction between the value of annuities payable in silver and those payable in currency.

The number which makes up the nation west of the Mississippi is determined by the receipts on file in the Second Auditor's office of the Treasury Department, and the number which make up the Michigan Indians is determined by like rolls for the years 1843 to 1866 inclusive.

Previous to 1843 Government officers recognized their number as being 250, and by affidavits it is shown that a census was taken in 1871 which makes their number 233.

Affidavits show that in 1841 twenty-three of the Michigan band removed to Indiana, and that their number increased to eighty-nine in 1871. No allowance is made for any residing in that State prior to 1841, and as there has evidently been a gradual increase in their numbers since that date, the increase has been apportioned to each semi-decade.

The following exhibit is made in accordance with the construction given to all treaties as herein set forth, and shows the amount due the memorialists :

Treaty.	Annual amount.	Time.	Amount due in 1836.		Amount due first semi-decade, to 1841.		Amount due second semi-decade, to 1846.		Amount due third semi-decade, to 1851.	
			Yrs.		Yrs.		Yrs.		Yrs.	
Aug. 5, 1795	\$1,000	Perpetual ...	5	\$1,000	5	\$5,000	5	\$5,000	5	\$5,000
Sept. 30, 1809	500	do	5	500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	do	5	2,500	5	12,500	5	12,500	5	12,500
Aug. 29, 1821	5,000	20 years	5	5,000	5	25,000	Exp.			
Oct. 16, 1826	2,000	22 years	5	2,000	5	10,000	5	10,000	1	2,000
Sept. 20, 1828	2,000	Perpetual	5	2,000	5	10,000	5	10,000	5	10,000
Sept. 20, 1828	1,000	20 years	5	1,000	5	5,000	5	5,000	1	1,000
July 29, 1829	16,000	Perpetual	5	16,000	5	80,000	5	80,000	5	80,000
Oct. 20, 1832	15,000	20 years	5	15,000	5	75,000	1	15,000	Exp.	
Oct. 26, 1832	20,000	do	5	20,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1832	15,000	12 years	5	15,000	5	75,000	2	30,000		
June 17, 1846	300	Perpetual							5	1,500
Total				80,000		400,000		270,000		214,500

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1856.		Amount due fifth semi-decade, to 1861.		Amount due sixth semi-decade, to 1866.		Amount due seventh semi-decade, to 1871.		Amount due in 1872 for one year.
			Yrs.		Yrs.						
Aug. 5, 1795	\$1,000	Perpetual ...	5	\$5,000	5	\$5,000	\$5,000	\$5,000	\$5,000	\$1,000	
Sept. 30, 1809	500	do	5	2,500	5	2,500	2,500	2,500	2,500	500	
Oct. 2, 1818	2,500	do	5	12,500	5	12,500	12,500	12,500	12,500	2,500	
Aug. 29, 1821	5,000	20 years									
Oct. 16, 1826	2,000	22 years									
Sept. 20, 1828	2,000	Perpetual	5	10,000	5	10,000	10,000	10,000	10,000	2,000	
Sept. 20, 1828	1,000	20 years									
July 29, 1829	16,000	Perpetual	5	80,000	5	80,000	80,000	80,000	80,000	1,600	
Oct. 20, 1832	15,000	20 years									
Oct. 26, 1832	20,000	do	5								
Oct. 27, 1832	15,000	12 years									
June 17, 1846	300	Perpetual	5	1,500	5	1,500	1,500	1,500	1,500	300	
Total				111,500		111,500	111,500	111,500	111,500	22,300	

INDIANS OF MICHIGAN AND INDIANA.

Years.	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the bands.
1836	3,840	250	4,090	\$80,000 00	\$19 56	\$4,890 00
1841	3,390	273	3,663	400,000 00	109 20	29,811 60
1846	2,231	269	2,500	270,000 00	108 00	29,052 00
1851	3,914	287	4,201	214,500 00	51 05	14,651 35
1856	3,181	281	3,462	111,500 00	32 20	9,048 20
1861	2,142	304	2,446	111,500 00	45 58	13,856 32
1866	2,202	317	2,519	111,500 00	44 26	14,030 42
1871	2,202	322	2,524	111,500 00	45 60	14,683 20
1872	2,202	322	2,524	22,330 00	8 83	2,844 87
Add full annuity under treaty September 27, 1833, \$2,000 for 19 years.....						132,867 96
						38,000 00
						170,867 96
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years, \$1,587.50 per annum.....				\$33,337 50		
In 1864.....				1,237 50		
In 1865.....				1,587 50		
In 1866, in accordance with public act.....				3,900 00		
						75,162 50
Balance due memorialists.....						95,705 46
Annuity of \$2,844.87 capitation, at 5 per cent. per annum, equals.....						56,897 50
Due to make final settlement.....						152,602 96

The above report having been adopted by the Committee on Indian Affairs of the Senate, and subsequent thereto, during the same sessions the following bill was passed by the Senate:

(S. 944.)

IN THE SENATE OF THE UNITED STATES, APRIL 9, 1872.

Mr. BUCKINGHAM, from the Committee on Indian Affairs, submitted a report, (No. 121,) accompanied by the following bill; which was read and passed to a second reading:

A BILL to provide for the claims of the Pottawatomie Indians residing in Michigan and Indiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of one hundred and fifty-two thousand six hundred and two dollars and ninety-six cents, to the bands of Pottawatomie Indians residing in Michigan and Indiana, the sum being the amount of annuities due them to this date, under treaties with them and with the Pottawatomie Nation, as well as an amount equal to a capital that would yield annuities which are due them forever under existing treaties: *Provided,* That said Indians, being hereby recognized and declared to be citizens of the United States, shall express their willingness to accept such sums in full of all demands or claims arising out of any and all treaties and agreements heretofore made with said nation and bands in which said bands have an interest.

Pending the consideration of said bill by the Committee on Indian Affairs of the House of Representatives of the second session Forty-second Congress, the Hon. William L. Stoughton, House of Representatives, addressed to the Hon. Secretary of the Interior an inquiry, dated June 3, 1872, enclosing a copy of the above report and bill, stating that a greater portion of the Indians resided in his district, and requesting the recommendation of the department upon the report and bill, to which the honorable Secretary responded by the following letter and report:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 4, 1872.

SIR: I have the honor to herewith transmit for your information, and in reply to your letter of the 3d instant, in relation to report No. 121, United States Senate, accompanying a bill to provide for the claims of the Pottawatomie Indians, residing in Michigan and Indiana, a copy of a report of the Commissioner of Indian Affairs, to whom your letter was referred, wherein he expresses the opinion which is concurred in by this Department, that the Pottawatomies referred to are justly and equitably entitled to the amount allowed them by said bill.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Hon. WM. L. STOUGHTON,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Indian Office, Washington, D. C., June 3, 1872.

SIR: I have the honor to acknowledge the receipt, by informal reference from the Department, of a communication from Hon. William L. Stoughton, dated this day, inclosing a report submitted by Senator Buckingham, together with Senate bill No. 944, relative to certain Pottawatomie Indians residing in Michigan and Indiana, and requesting the opinion and recommendation of the Department in the matter.

The communication of Mr. Stoughton and enclosures having been submitted for the views of this office, I have the honor to state that I have examined Senator Buckingham's report and the treaties affecting the claims of said Indians, and am fully satisfied that the Pottawatomies referred to are justly and equitably entitled to the amount allowed them by said report and bill. The papers referred to are herewith returned.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

The following is the report of the Hon. Samuel S. Burdett, of the House of Representatives, during the Forty-first and Forty-second Congresses, who was a member of the Committee on Indian Affairs and chairman of the sub-committee, to which was referred the cause herein. Of the ability, integrity, experience, and energy which he brought to the impartial, critical, and yet patient examination of the case, it is unnecessary to here affirm, as they are well known and acknowledged. To each of the features of his report, which is here presented, your patient and impartial consideration is invited:

In order to more clearly understand the premises of this case, it may be profitable to briefly refer to some of the historical facts preceding the immediate origin of the case.

In 1795, and prior thereto, the Pottawatomie Indians, now so called, were the most numerous and powerful of our western frontier Indians, and occupied the greater portion of the territory now comprising the northwestern part of Ohio, the northern part of Indiana, the southwestern part of Michigan, the northeastern part of Illinois, and the southeastern part of Wisconsin.

From the first contact of these people with us, they have faithfully maintained the most friendly relations toward the Government and our frontier settlers in their midst, and early, gradually, and continuously fraternized with them and adopted the modes of civilized life, encouraged missions, schools, and agriculture, and, under General Cass, several thousand of them, at one time his entire force, marched under his command to the relief of the Detroit frontier from invasion by the Canadian Indians and British army.

In 1795, these people, by their friendly offices, effected such a feeling among the western Indians as to enable General Harrison to conclude the treaty of Greenville, which established a peace then of vast importance to the United States, and in which these Indians released to the Government their title to the greater portion of the territory of Ohio, and united these Indians to the interests of the United States.

This was the first important Indian treaty, and the Pottawatomies were the most numerous, powerful, and friendly of the Indians in attendance. At this treaty, the Ottawas and Chippewas residing within the general boundary of the Pottawatomies united with the Pottawatomies, and therefrom grew the "Ottawas, Chippewas, and Pottawatomies," as designated in subsequent treaties, now, and since the treaty of 1846, known as "Pottawatomies."

These historical facts are based upon Generals Harrison's and Cass's reports, and letters,

and the treaties. From 1795 to 1833, from time to time, as below shown, these people entered into many treaties with the United States. These treaties were simply treaties of purchase, in which by boundaries of rivers, &c., the United States purchased of them their general Indian title, and their specific reserves, for the frontier settlers of the country.

The following exhibit shows the reference and moneyed features of these several treaties of purchase, which, in the territory above mentioned, aggregate nearly 30,000,000 of acres of land, now second to no country in the nation.

Stipulations.	Volume.	Date of treaty.	Amount.	Proclamation.	Time to run.
Perpetual annuity	49	Aug. 3, 1795	\$1,000	Dec. 2, 1795	Forever.
Salt	74	June 7, 1803	.....	Dec. 26, 1803	.....
Perpetual annuity	113	Sept. 30, 1809	500	Jan. 16, 1810	Forever.
Perpetual annuity	185	Oct. 2, 1818	2,500	Jan. 15, 1819	Forever.
Annuity	295	Aug. 29, 1821	2,006	March 25, 1822	Twenty-two years.
Annuity	295	Oct. 16, 1826	2,000	Feb. 7, 1827	Pleasure of President.
Blacksmith	295	do	do	do	do
Iron, steel, and miller	295	do	do	do	do
Salt, (160 bushels)	295	do	do	do	do
Perpetual annuity	317	Sept. 20, 1828	2,000	Jan. 7, 1829	Forever.
Annuity	317	do	1,000	do	Twenty years.
Tobacco, iron, and steel	317	do	do	do	Annually.
Education	317	do	1,000	do	Pleasure of Congress.
To chief	317	do	100	do	Life of.
Blacksmith	317	do	do	do	do
Iron and steel	317	do	do	do	do
Annuity	378	Oct. 20, 1832	15,000	Jan. 21, 1833	Twenty years.
To chief	378	do	do	do	Life of.
Annuity	394	Oct. 26, 1832	20,000	do	Twenty years.
Education	394	Oct. 27, 1832	2,000	do	Pleasure of Congress.
Perpetual annuity	320	July 29, 1829	16,000	Jan. 2, 1830	Forever.
Iron and steel	320	do	do	do	Forever.
Blacksmith	320	do	do	do	Forever.
Salt, (50 barrels)	320	do	do	do	Forever.
Annuity	431	Sept. 26, 1833	14,000	Feb. 21, 1835	Twenty years.
Annuity	442	Sept. 27, 1833	2,000	do	Twenty years.
To chiefs	431	Sept. 26, 1833	1,100	do	Life of.
For 4 sections of land	498	March 29, 1836	2,560	June 4, 1836	One year.
For 36 sections of land	499	May 11, 1836	23,040	May 25, 1836	In one and two years.
For 10 sections of land	500	April 22, 1836	6,400	do	One year.
For 3 sections of land	501	do	1,920	do	One year.
For 22 sections of land	505	Aug. 5, 1836	14,080	Feb. 18, 1837	In 1838.
For 10 sections of land	513	Sept. 20, 1836	8,000	do	In 1838.
For 4 sections of land	514	Sept. 22, 1836	3,200	do	In 1838.
For 42 sections of land	515	Sept. 23, 1836	33,000	do	In 1838.
Annuity	218	Aug. 29, 1821	5,000	Mar. 25, 1822	Twenty years.
Three laborers	317	Sept. 20, 1828	.....	Jan. 7, 1829	Ten years.
Annuity	399	Oct. 27, 1832	15,000	Jan. 21, 1833	Twelve years.
Annuity	467	Dec. 10, 1834	1,000	March 16, 1835	Two years.
Trust-fund, &c. &c. ....	.....	June 5 and 17, 1846.	850,000	.....	.....
Trust-fund, interest annually .....	.....	June 5 and 17, 1846.	32,150	.....	.....

(By treaty, June 5 and 17, 1846, the 5,000,000 tract in Iowa was purchased by the United States, a trust fund of \$643,000 created, with an interest annuity of \$32,150 annually, and other funds and lands granted to the Indians in Kansas.)

About 1830 the Government adopted the policy of extinguishing, by purchase, all Indian title to lands east of the Mississippi River.

These annuitants, then numbering some 250, had made such progress in civilization, by the aid of their missionaries, schools, and the adoption of the modes of civil life, that they were resolved not to go west or release their Government reserve title to their reserves in Michigan and Indiana, then amounting, as shown in the treaty of September 27, 1833, to (104,960 acres,) 164 sections.

By the treaty, September 26, 1833, the Indians who finally went to Kansas ceded to the United States their title to the remaining tribal lands, as estimated in the treaty, of 5,000,000 acres, and agreed to go west, receiving therefor 5,000,000 acres on the Missouri, in the (now) State of Iowa, and some \$250,000 in annuities, trust funds, school-funds, and other moneyed provisions.

This treaty was completed on 26th September, 1833. These annuitants, (the memorialists,) refused to, and did not join in it or accept its provisions.

But on the following day they entered into a treaty called "articles supplementary" to the treaty of the 26th. The following extracts from this treaty exhibits all of importance in this case:

"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.

"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 Topenabee and Pokagon are situated, supposed to contain about 49 sections

"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.

"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."

The treaties of the 26th and 27th in substance simply provide: 1st, on the part of the main nation now in Kansas, that they were to remove west of the Mississippi within three years, on to this 5,000,000 tract, receive the entire benefits of all the moneyed benefits of their release of their Indian title to occupancy of the 5,000,000 tract about Chicago, and the \$850,000, while these annuitants were to remain in Michigan, and receive their just proportion of all former annuities there, their rights to the same remaining unchanged and unimpaired, and the \$100,000 mentioned in the treaty of September 27, in consideration of their tribal reserves (164 sections, 104,960 acres.) then ceded to the government, and their interest in common in the 5,000,000 about Chicago.

It appears from the records of the departments that the main nation then numbered 3,840, and these annuitants 250 souls.

These annuitants make no complaint of *laches* of the Government in these premises, prior to 1836. They confess the facts of having received their just proportion of all annuities, in full, up to that date, including the \$60,000 in moneyed provisions, and one of the twenty installments of \$2,000 under treaty 27th September, 1833.

The main nation was removed west, many of them by force of the military of the United States. These annuitants were exempted, and protected by the United States officers from such removal. They did, and do now remain there, and are doubtless as well civilized, christianized and industrious Indians as there are in the United States, being good and unobjectionable citizens in community.

As will be seen by Commissioner Crawford's letter accompanying the papers, they received no annuities until 1843, when an award of \$1,587.56, out of one of the "former annuities" of July, 1829, which was then paid them. This payment was continued to them until 1865. They continually remonstrated that it was not their just proportion of all the annuities due them.

They pressed their case in the Department of the Interior and Congress, and in 1862 the Secretary of the Interior, in compliance with act of March, 1861, reported \$192,850 due them. The Indian Committee reported unanimously in favor of the same, and the House passed a joint resolution awarding them that amount. (See reports accompanying the papers.)

But we must notice two errors in the same: 1st, the reports include the moneyed benefits resulting from an exchange, which the Kansas Indians and United States by treaties in 1846 made, resulting in \$850,000 in money to the Indians, which clearly, under the language of the treaty of September 27, before cited, does not belong to these annuitants, although it might so seem in equity that it did, this being a subsequent treaty to September 26, 1831, not a former treaty.

This error greatly increases the award; and the second error was "*supposing*" the existence of 6,130 Indians, when in fact there were but 4,090. (See Secretary Delano's letters and

reports of 1865 and 1872.) Which error, to almost an exact amount, reduced their proper award; so that, in fact, the award of \$192,850 was only some \$1,250 in error in their favor, at this date.

The Senate (see report of 1865,) corrected the first error, but failed to notice the second, which greatly reduced their just award. The Senate committee found \$50,925 their due as arrears, and by its decision established these annuitants in their rights to the perpetual annuities, (the last limited annuity having expired in 1847;) and they now only ask that this decision be applied to the settlement of this case upon the *corrected* data, as to the number of Indians participants.

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.)

The following exhibit, taken from Governor Buckingham's report, (No. 121, United States Senate,) shows the annuities of treaties of a date *prior* to 26th September, 1833. These annuitants, under the language of the article permitting them to remain, are *not* entitled to the annuities of September 26, 1833, it not being a "former" treaty; the treaty of the 27th being styled "articles supplementary," &c., making it a *present* and not a *former* treaty, of which the annuitants are entitled to their just per-capita proportion.

Treaty.	Annual amount.	Time.	Amount due in 1836.		Amount due first semi-decade, to 1841.		Amount due second semi-decade, to 1846.		Amount due third semi-decade, to 1851.	
				Yrs.		Yrs.		Yrs.		Yrs.
Aug. 5, 1795	\$1,000	Perpetual...	\$1,000	5	\$5,000	5	\$5,000	5	\$5,000	5
Sept. 30, 1809	500	do.....	500	5	2,500	5	2,500	5	2,500	5
Oct. 2, 1818	2,500	do.....	2,500	5	12,500	5	12,500	5	12,500	5
Aug. 29, 1821	5,000	20 years.....	5,000	5	25,000	5	Exp.			
Oct. 16, 1826	2,000	22 years.....	2,000	5	10,000	5	10,000	1	2,000	
Sept. 20, 1828	2,000	Perpetual...	2,000	5	10,000	5	10,000	5	10,000	5
Sept. 20, 1828	1,000	20 years.....	1,000	5	5,000	5	5,000	1	1,000	
July 29, 1829	16,000	Perpetual...	16,000	5	80,000	5	80,000	5	80,000	5
Oct. 20, 1832	15,000	20 years.....	15,000	5	75,000	5	15,000	Exp.		
Oct. 26, 1832	20,000	do.....	20,000	5	100,000	5	100,000	5	100,000	5
Oct. 27, 1832	15,000	12 years.....	15,000	5	75,000	2	30,000			
June 17, 1846	300	Perpetual...						5	1,500	
Total			80,000		400,000		270,000		214,500	

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1856.		Amount due fifth semi-decade, to 1861.		Due sixth semi-decade, to 1866.	Due seventh semi-decade, to 1871.	Due in 1872, for one year.
			Yrs.		Yrs.				
Aug. 5, 1795	\$1,000	Perpetual...	5	\$5,000	5	\$5,000	\$5,000	\$5,000	\$1,000
Sept. 30, 1809	500	do.....	5	2,500	5	2,500	2,500	2,500	500
Oct. 2, 1818	2,500	do.....	5	12,500	5	12,500	12,500	12,500	2,500
Aug. 29, 1821	5,000	20 years.....							
Oct. 16, 1826	2,000	22 years.....							
Sept. 20, 1828	2,000	Perpetual...	5	10,000	5	10,000	10,000	10,000	2,000
Sept. 20, 1828	1,000	20 years.....							
July 29, 1829	16,000	Perpetual...	5	80,000	5	80,000	80,000	80,000	1,600
Oct. 20, 1832	15,000	20 years.....							
Oct. 26, 1832	20,000	do.....							
Oct. 27, 1832	15,000	12 years.....							
June 17, 1846	300	Perpetual...	5	1,500	5	1,500	1,500	1,500	300
Total				111,500		111,500	111,500	111,500	22,300

To award the annuitants their proportion of the above annuities only rejects all their claims to the educational and blacksmith's funds, they not being divisible as annuities, to chiefs for salt, &c., which were moneyed provisions of the former treaties, *i. e.*, those prior to 1833, but not annuities. It also cuts them off from all participation in the \$643,000 trust fund, and the \$32,150 annual interest on the same arising out of the sale by the Kansas Indians of the 5,000,000 tract, as reserved to the Pottawatomies in Iowa, and sold to the United States by treaty in 1846. This was a subsequent, not a former, treaty to 1833.

It also cuts them off from participation in the land provisions arising out of the treaty of 1846, by which their Kansas brethren receive, by United States patent, from 80 to 160 acres apiece, old and young included.

This may seem a hardship to the Michigan and Indiana people, but it is the result of what seems to be and is accepted as a proper construction of the treaty of September 27, 1833, by which they were permitted to remain, and upon which their claim rests.

The action of Congress in 1866 terminated by the passage of a joint resolution, (No. 191, first sess. 39th Cong.,) allowing these annuitants \$39,000, in full of all demands, either as against the Kansas Indians or the United States, to be paid out of the trust funds of the Kansas Pottawatomies. This joint resolution states that its provisions are the result of an agreement between the eastern and western Indians.

The facts as presented in the case are these: A Michigan Indian, by the name of Edward Cowles, who had a common English education, was not a lawyer, and had no experience in such business, was presenting their case here. He was opposed by the Kansas delegation, and their able and experienced attorney in such matters. They at several sessions of Congress made overtures for a compromise of his claims, which he rejected, until, finally, he was presented with a proposition to accept \$39,000, accompanied by a threat that unless he entered into the compromise then they had it in their power to defeat his case entirely, and a written agreement was presented him to sign. He was allowed no time to confer with his people; was assured that by signing it he would not prejudice the rights of his people for any claims for all balances remaining due them from the United States under the treaties; and, so believing, he signed it, went home, reported to his people in counsel his action. They repudiated his agreement, revoked his power, employed Messrs. Baker & Richards, attorneys, to so notify the Government, which the Indians were informed and believed was properly done, some six weeks before the action of Congress, and supposed that that ended all action on the Cowles agreement, and knew nothing to the contrary until some time in August following, when they received notice that \$39,000 would be paid them soon, in full of all their claims.

They file their affidavits in the case stating that they were informed, and believed, that the results of their councils were properly sent to Washington, notifying the proper Department of their refusal to relinquish their annuities or any part of them. John R. Baker files his affidavit of having written to Hon. Charles Upson, then their Representative in Congress, to that effect; Hon. Charles Upson upon his oath states that he received such letter, identifying it by copy, and that he feels confident he gave the required notice to the Department, which letter includes notice of revocation of Cowles' power of attorney for having exceeded his powers, &c., and was dated and mailed, and doubtless received nearly six weeks prior to the action of Congress on the joint resolution.

They held councils, and unanimously instructed their interpreter to notify the agent of the United States making the payment that they would not receive it under the provisions of the resolution of Congress; but as they had contracted debts for schools and churches, expecting a large amount, &c., in their distress they would accept it only as so much paid on their just claim, to save their improvements from sheriff's sale, &c., which protest the interpreter fully made known to the agent of the United States making the payment, and before the money was paid; that, upon this protest by council and friends, the Indians were advised, and believed, and now fully believe, that by accepting the money they could not annul their treaty rights, which they held superior to a receipt, and sacred to them and the Government. Under these instructions, given in the presence and hearing of the agent of the United States making the payment, and without his modification or denial, but with the approval of his assistants, they accepted it and gave the required receipt.

It has been said that there is no valid basis for this case in the treaty of September 27, 1833; that the Government is not a party, and is not bound by the last-cited provision of that treaty.

In considering this objection it must be remembered that the removal of these Indians west was the principal object of the treaty; that permission to remain could only emanate from the United States as a party.

By virtue of this article they did remain. In effecting the removal of the Indians by military force these annuitants were exempted, and protected in remaining by the United States officers, while all others who could be secured were arrested and taken west by force.

Commissioner Crawford, contemporaneous with the events, speaks of it in his letter to E. Stuart, Indian agent of this agency, as "the supplemental article of the treaty," the article, &c., of full and unquestioned authority and force in the premises.

At all times it has been maintained by the executive and legislative departments of the Government as part of the treaty; was ratified as such by the Senate, and is so printed in the statutes.

Both branches of Congress and the Department of the Interior, after frequent and protracted examinations, have established its authority as an article of the treaty. These annuitants have ever believed it a valid article, and to test it by adverse supposition, if it be not. Thus the United States have perpetrated a fraud upon these people, by maintaining them, when its obligations for a valuable consideration are invalid and of no force.

It now seems that it must be held as binding upon both parties as any other article of the treaty, and that in the true interest of both parties.

As to the obligation or guarantee contained in this article protecting the annuitants in their just proportion, it must be observed that, as the treaties by which the Government purchased these lands prior to 1833 provided for the payment of the annuities to these annuitants in common with their people in Michigan and Indiana, any act on the part of the Government which permits them, or any part of them, to remain there continues the original obligation to pay them there, and no new promise or guarantee is necessary from the United States other than permission to remain, or remaining by permission, which is the same in effect, to keep in full force the original treaty provisions to pay the annuities to these annuitants in Michigan and Indiana.

Again, the agreement as signed by the parties and presented as a defense to this case, does not recite that the \$29,000 shall be accepted as any release of claims against the United States, but only as against the tribe, *i. e.*, the Kansas Indians.

This fully reconciles the representations made to Cowles, believing which, he states in his affidavit he signed it.

It must be noticed in this relation that the tribe owed these annuitants for nothing. They had no claim upon the trust, educational, or reserve funds of the same, as these were created by treaties subsequent to 1833, and including 26th September, 1833, in which it is decided and accepted these annuitants have no claim.

The Government has at all times paid Indian annuities to the annuitants, per capita, at their villages or places of residence. The Government clearly permitted these annuitants to remain in Michigan, hence this agreement cannot be held as any bar or barrier to the case of the annuitants.

The resolution, as it passed Congress, in addition to the language of the agreement, which is in writing and signed by the parties, recites "*or against the United States.*"

It will not be doubted but that cestui que trusts, competent to contract, may, by contract, release the trustee, but that agreement must be clear, specific, and properly obtained. Here we have the agreement in writing signed by the parties; and it certainly cannot be maintained that it even attempts the release of the United States as trustee, purchasing-debtor, or otherwise, which leaves the joint resolution, as far as the claim of these annuitants is concerned against the Government, entirely foreign to the agreement executed by the parties in the premises.

The following shows the manner of determining the amount now due these annuitants on final settlement, taking the last table and the numbers of Indians as established by the record and facts in the case as the data.

Years.	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the bands.	
1836	3,840	250	4,090	\$80,000 00	\$19 56	\$4,890 00	
1841	3,390	273	3,663	400,000 00	109 20	29,811 60	
1846	2,321	269	2,590	270,000 00	108 00	29,052 00	
1851	3,914	287	4,201	214,500 00	51 05	14,651 35	
1856	3,181	281	3,462	111,500 00	32 20	9,048 20	
1861	2,142	304	2,446	111,500 00	45 58	13,856 32	
1866	2,202	317	2,519	111,500 00	44 26	14,070 42	
1871	2,202	322	2,524	111,500 00	45 60	14,683 20	
1872	2,202	322	2,524	23,300 00	8 83	2,844 87	
Add full annuity under treaty September 27, 1833, \$2,000 for 19 years						132,867 96	38,000 00
						170,867 96	
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years,							
\$1,587.50 per annum						\$33,337 50	
In 1864						1,237 50	
In 1865						1,587 50	
In 1866, in accordance with public act						3,900 00	75,162 50
Balance due memorialists						95,705 46	
Annuity of \$2,842.87 capitation, at 5 per cent. per annum, equals						56,897 50	
Due to make final settlement						152,602 96	

Having thus considered the facts and features for and against the case, it seems clear that, in the language of the Commissioner of Indian Affairs and the Secretary of the Interior, in approval of the Senate bill and report, "the amount allowed the said Pottawatomies is equitably and justly due them;" and the same should be appropriated and paid to them.

The foregoing pages contain a true copy of a report prepared by me as one of a sub-committee of the Committee of Indian Affairs, House of Representatives, Forty-second Congress.

The views expressed were reached after most diligent and painstaking research. It was to me a matter of sincere regret that opportunity was not found to have final action on the case by the committee and House.

This copy is furnished to W. N. Severance, esq., at his request.

S. S. BURDETT.

"The United States made those Indian nations, tribes, and bands their equals in the contracts, and hold the Indians to the faithful performance of their part of those contracts, and in honor cannot do less than to faithfully discharge their part of all of them." (See pages 12 and 13 of Report No. 98, 3d sess., 42 Cong., made by the Hon J. P. C. Shanks, late chairman of the House Committee on Indian Affairs, wherein that distinguished gentleman clearly, tersely, and forcibly maintains the law and rights of the Indians under the treaties.)

The number of your memorialists, the number of the Pottawatomies residing in Kansas, together with the amounts heretofore paid your memorialists, and the aggregated amounts stipulated in the annuity provisions of the various treaties of date prior to September 26, 1833, are the only data required to determine the amount now due your memorialists.

The aggregate amounts of annuities are shown by the treaties, and a full exhibit of the same is made by Senator Buckingham, in his report. (See pages 5 and 8 hereof.)

The remaining data have been obtained from the Interior and Treasury Departments, after the most exhaustive, careful, and laborious examination, as the following correspondence and reports will more fully show.

During the summer of 1870 and the winter of 1870 and '71 search was being made in the office of the Commissioner of Indian Affairs for these data, at the conclusion of which, and as a summary of the inquiries, the following letter was written, to which attention is called :

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 Pottawatomies) 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, 1865, 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 Pottawatomie Indians (now so called, being the united nation of Ottawas, Chippewas, and Pottawatomies) 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 extract from a letter of the Hon. F. A. Walker, late Commissioner of Indian Affairs, addressed to Hon. S. S. Burdett, after setting forth the facts in the case substantially as in the reports hereinbefore 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.

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 Pottawatomie 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 1866.

Respectfully,

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

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

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.*

W. N. SEVERANCE.

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 sum 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 1866 230 received, in compliance to joint resolution, for the \$39,000.

E. B. FRENCH,

Second Auditor.

W. N. SEVERANCE.

Pending the examination of the case by Senator Buckingham, on the 25th March, 1872, he addressed four letters of inquiry to the Secretary of the Interior, in one of which he inquired the number of Pottawatomie Indians residing in Kansas since 1836, by semi-decades, up to 1866; another, inquiring the number of your memorialists resident in Michigan at the same periods; another, inquiring the amounts paid your memorialists within the same period, and in compliance with what treaties; and a fourth, inquiring whether the treaty of Camp Tippecanoe, October 20, 1832, between the United States and the Pottawatomie "bands of the Prairie and the Kankakee" was regarded as made with the Pottawatomie Nation, or a part of the same known as bands of the Prairie and Kankakee.

The distinguished Senator, in his wisdom, did not deem it proper to rely upon the foregoing correspondence between the Interior and Treasury Departments and the counsel of your memorialists, but, considering the vast labor his inquiries would require, on the 26th, the day following, he addresses a letter to the Secretary of the Interior, substantially, that, if the examination resulting in the information afforded Mr. Severance had been such that the same could be indorsed to him in answer to his inquiries, it would be satisfactory. Whereupon proper verification was made, and the following communications transmitted to the Senator:

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 27, 1872.

SIR: I have received your four letters dated the 25th instant, asking certain information in reference to the Pottawatomie tribe of Indians of the Prairie and Kankakee.

In one you ask for a copy of the report of the Secretary of the Interior, made in compliance with the act of Congress approved March 2, 1861, in relation to the amounts, if any, then due the Chippewas, Ottawas, and Pottawatomies Indians, now residing in the State of Michigan.

I inclose herewith a copy of the report. (See Document 19, Ex. Docs., vol. 4, third session Thirty-seventh Congress, herewith.)

Your other letters ask for information not in the possession of this Department, but which can be found, as I am informed, in the office of the Second Auditor of the Treasury.

I therefore addressed to the Second Auditor a letter asking the information for which you call, and I have the honor to transmitt herewith the reply of that officer.

Very respectfully, your obedient servant,

C. DELANO, *Secretary.*

Since writing the foregoing, I am informed that the Second Auditor has failed to answer whether the Pottawatomie Nation, or only a band on a particular location, are included in the treaty concluded at Camp Tippecanoe on the 20th October, 1832, which treaty was made with the Pottawatomie tribe of Indians of the Prairie and Kankakee.

I am informed by the Commissioner of Indian Affairs that the construction put upon this treaty includes the Pottawatomie Nation, and that the annuities which have been paid under the provisions thereof have been paid to the nation, and not to any part thereof known as Indians of the Prairie and Kankakee.

I have no doubt that the construction of the treaty at the office of the Commissioner of Indian Affairs is correct.

C. DELANO, *Secretary.*

TREASURY DEPARTMENT,
Second Auditor's Office, March 27, 1872.

SIR: The papers herewith contain the information furnished May 4, 1871, January 12, and February 28, 1872, to W. N. Severance, esq., attorney for Pottawatomies of certain bands, being the same requested by your letter of to-day, modified by suggestions in that of yesterday to you from Senator Buckingham, which last was filed in this office by Mr. Severance.

Very respectfully,

E. B. FRENCH,
Second Auditor.

Hon. C. DELANO,
Secretary of the Interior.

The following exhibits the number of the main nation of the Pottawatomie Indians, (those residing west of the Mississippi,) for the years indicated, as the same appears from the receipt rolls in this office:

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

The \$1,587.50 was paid to those Pottawatomies residing in Michigan, in conformity to, and as their proportion of, the treaty of July 29, 1829, and the second article of the supplementary treaty of September 26, 1833, for all the years that the same was paid, excepting for the years 1851 and 1865, in which years the treaty of 1833 is not included.

The payment of the \$39,000 in 1866 was made in conformity to the joint resolution of Congress approved July 28, 1866, vol. 14, U. S. Stat. at Large, page 370.

In 1843 Robert Stuart paid 253 Indians	\$1,587 50
In 1844 Robert Stuart paid 269 Indians	1,587 50
In 1845 Wm. A. Richmond paid 217 Indians	1,587 50
In 1846 Wm. A. Richmond paid 204 Indians	1,587 50
In 1847 Wm. A. Richmond paid 244 Indians	1,587 50
In 1848 Wm. A. Richmond paid 260 Indians	1,587 50
In 1840 Chas. P. Babcock paid 260 Indians	1,587 50
In 1850 Chas. P. Babcock paid 218 Indians	1,587 50
In 1851 Wm. Sprague paid 229 Indians	1,587 50

In 1852 Wm. Sprague paid 214 Indians.....	1,587 50
In 1853 Henry C. Gilbert paid 219 Indians.....	1,587 50
In 1854 Henry C. Gilbert paid 236 Indians.....	1,587 50
In 1855 Henry C. Gilbert paid 236 Indians.....	1,587 50
In 1856 Henry C. Gilbert paid 221 Indians.....	1,587 50
In 1857 A. M. Filch paid 229 Indians.....	1,587 50
In 1858 A. M. Filch paid 234 Indians.....	1,587 50
In 1859 A. M. Filch paid 253 Indians.....	1,587 50
In 1860 A. M. Filch paid 236 Indians.....	1,587 50
In 1861 De Wit C. Leach paid 235 Indians.....	1,587 50
In 1862 De Wit C. Leach paid 247 Indians.....	1,587 50
In 1863 De Wit C. Leach paid 246 Indians.....	1,587 50
In 1864 De Wit C. Leach paid 242 Indians.....	1,237 50
In 1865 Richard M. Smith paid 232 Indians: principal, in currency, \$1,587.50; premium, in gold, \$692.24.....	2,279 74
In 1866 Richard M. Smith paid 338 Indians.....	33,000 00

The above shows the number of Pottawatomie Indians residing in Michigan in the years indicated who received the amount as shown thereon, as the same appears from the receipts on file in this office.

Your memorialists consider that they have herein laid before your honorable bodies all the facts in the case in any way essential in determining the same, which they know and verily believe to be true. Their cause is determined simply by the treaty of September 27, 1833, (vol. 7, U. S. Stat., p. 433,) pages 5 and 6 of Senator Buckingham's report, and the last exhibited letter of Secretary Delano. Nothing else is demanded in determining the amount due, and all else is simply authority and confirmation. Two thousand eight hundred and forty-four dollars and eighty-seven cents, the amount, by Senator Buckingham's report, found annually due your memorialists, is added to the amount found due at the last current year, \$152,602.96, to bring the account up to the present current year. Amount now due, \$155,447.83.

In the clear light now focused upon their cause from every source of evidence and authority in the premises, resulting from long-continued critical, patient, and painstaking research of counsel and the several Commissioners of Indian Affairs, the several Secretaries of the Interior, the auditing officers of the Treasury, confirmed by the patient labors of Committees on Indian Affairs of the Senate and House of Representatives, your unfortunate memorialists now most confidently and most humbly pray and petition your honorable bodies that the accompanying bill may become a law without further or unnecessary delay.

And they will ever pray.

SIMON POKAGON.
SETON MOTY.
LITTLE SETON MOTY.
BILLY AUGUSTA.
JOHN CUSH-AU-WA.
MAT-WASH-NEAH.
ANTHONY C. LABARDIE.
CHAS. THEO. CHANDONIA

W. N. SEVERANCE,
Of Counsel.