

POTTAWATOMIE INDIANS OF KANSAS.

MARCH 3, 1875.—Ordered to be printed.

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

REPORT :

[To accompany bill H. R. 4882.]

*The Committee on Indian Affairs, to whom was referred the petition of H. C. Linn and others, on behalf of the Pottawatomie Indians, praying for payment to said Indians of the amount claimed to be due them under various treaties, as reported by the commissioners, Charles Rowland and Stephen D. Mills, appointed under the tenth article of the treaty of August 7, 1868, with the Pottawatomie Indians, report the same back to the House, with the following observations and recommendations in relation thereto :*

By the tenth article of the treaty with the Pottawatomie Indians of August 7, 1868, it was provided that two commissioners should be appointed by the President, who should examine and make report upon the claims of the Pottawatomies theretofore reported upon by the Secretary of the Interior under the act of Congress of March 2, 1861.

In pursuance of that provision of the treaty, Charles Rowland and Stephen D. Mills were appointed such commissioners, and made their report to the Secretary of the Interior January 18, 1869, and the same was communicated to this House by the Secretary of the Interior January 28, 1869, and is embraced in Executive Document No. 61 of the Fortieth Congress, third session. The report of the Secretary of the Interior referred to above as under the act of March 2, 1861, is embraced in House Ex. Doc. No. 19, Thirty-seventh Congress, third session.

The treaties passed under review by the said commissioners commence with the treaty of December 2, 1795, and come down to the treaty of July 23, 1846. They give, as the result of their investigations, the following tabular statement of stipulations, payments, and balances :

RECAPITULATION.

*Statement of stipulations, payments, and balances.*

Schedule—	When proclaimed.	To what date calculated.	Stipulations.	Payments.	Due Indians.	Due United States.
A.....	Dec. 2, 1795	Dec. 2, 1860	\$65,000 00	\$42,000 00	\$23,000 00	.....
B.....	Dec. 26, 1803	Dec. 26, 1860	3,800 00	2,200 00	1,600 00	.....
C.....	Apr. 24, 1806	Apr. 24, 1826	5,000 00	.....	5,000 00	.....
D.....	Jan. 27, 1808	Jan. 27, 1861	21,200 00	16,800 00	4,400 00	.....
E.....	Jan. 16, 1810	Jan. 16, 1861	25,500 00	20,250 00	5,250 00	.....
F.....	Dec. 30, 1816	Dec. 30, 1828	12,000 00	12,000 00	.....	.....
G.....	Jan. 4, 1819	Jan. 4, 1861	19,500 00	19,500 00	.....	.....
H.....	Jan. 15, 1819	Jan. 15, 1861	105,000 00	103,750 00	1,250 00	.....

## Recapitulation—Continued.

Schedule—	When proclaimed.	To what date calculated.	Stipulations.	Payments.	Due Indians.	Due United States.
I.....	Mar. 25, 1822	Mar. 25, 1861	\$132, 280 00	\$112, 245 23	\$20, 044 77	.....
K.....	Feb. 7, 1827	Feb. 7, 1861	200, 263 37	208, 620 47	.....	\$8, 357 10
L.....	Jan. 7, 1829	Jan. 7, 1861	208, 203 00	194, 957 91	13, 245 09	.....
M.....	Jan. 2, 1830	Jan. 2, 1861	527, 351 00	501, 629 01	25, 721 99	.....
N.....	Jan. 21, 1833	Jan. 21, 1861	419, 309 83	413, 780 33	5, 529 50	.....
O.....	Jan. 21, 1833	Jan. 21, 1861	701, 148 50	661, 431 61	39, 716 89	.....
P.....	Jan. 21, 1833	Jan. 21, 1861	298, 721 00	299, 349 29	.....	628 29
Q.....	Feb. 21, 1835	Feb. 21, 1861	1, 304, 399 99	1, 319, 664 99	.....	15, 265 00
R.....	Feb. 21, 1835	Feb. 21, 1861	110, 000 00	112, 200 00	.....	2, 200 00
S.....	Feb. 18, 1837	Feb. 18, 1861	135, 604 33	135, 604 33	.....	.....
T.....	July 23, 1846	July 23, 1860	629, 286 00	629, 286 00	.....	.....
Deficiency for outfit for emigrating Indians.....					28, 442 02	.....
For emigrating Indians.....					62, 590 00	.....
Payment to Pottawatomies prior to 1819.....					.....	30, 387 34
					235, 791 16	56, 837 73
					56, 837 73	.....
Balance due Pottawatomies as awarded.....					178, 953 43	.....

Your committee have examined with much care the report of the commissioners and the treaties under which the alleged claims arise, and they entertain no doubt that a considerable amount is due these Indians under various treaties by reason of the defective execution of the same on the part of the Government. The examination and report of the two commissioners above referred to seems to have been thorough, and the result of their labors is embraced in the document above referred to, a pamphlet of thirty pages, to which reference may be had for particulars. The general features and results of their report are also strongly sustained by the report of Hon. William P. Dole, late Commissioner of Indian Affairs, which is embraced in Ex. Doc. No. 19, above referred to. Such of the items in the foregoing tabular statement as your committee are not satisfied with, will now be specified.

The item of salt, \$1,600, (Schedule B of above table,) is claimed to arise under the treaty of December 26, 1803, but by reference to the treaty it appears that, by way of commutation for the use of a certain salt-spring, the United States agreed to deliver yearly for the use of said Indians and others "a quantity of salt, not exceeding one hundred and fifty bushels." There is no evidence that during the existence of the treaty a sufficient quantity of salt for the use of the Indians was not delivered, and as this treaty only contemplated the delivery of an amount requisite for their use, "not exceeding" the quantity mentioned, your committee think there is no ground for this item, and that it should be rejected.

The item of \$1,250 (Schedule H of said table) is supposed to arise under the treaty of January 15, 1819, granting a permanent annuity of \$2,500 a year, amounting in the aggregate to 1861, the time to which the report is extended, to \$105,000. Of this amount the commissioners find categorical evidence of the payment of \$103,750, leaving a deficit of \$1,250, for half a year of 1855 or 1856. It appears that the disbursing officer is credited with the payment of the full amount, but no voucher is found by the commissioners for the same. Your committee are not satisfied that that is sufficient evidence under the circumstances to show a non-payment, and they think the item should be rejected.

The item of \$20,044.77 (Schedule I) arises under treaty of March 25, 1822. This item is composed in part of a supposed deficit of payments for blacksmith and teacher. By the terms of the treaty, \$1,000 a year

was to be appropriated for a blacksmith and school-teacher, for fifteen years, without any apportionment between them being provided for. The blacksmith's services, by the subsequent treaty of January 7, 1829, were made perpetual, but the teacher's terminated with the fifteen years. The commissioners have computed, arbitrarily, so far as appears, the blacksmith's services at \$750 a year and the teacher's at \$280. By act of Congress of 1834 (4 Stats. at L., p. 735) it is provided that blacksmiths' compensation under treaties shall be \$480 per annum and school-teachers' not less than \$480 nor more than \$600 per annum. As by the treaty \$1,000 per annum was to be paid for blacksmith and teacher, and it appears that by other acts the Government rated their services of equal value, your committee believe that in computing for these services the two should be placed upon an equal footing of \$500 per annum. A re-adjustment of the item upon this basis reduces it to \$15,800, being a reduction of \$4,244.77.

The item of \$25,721.99 (Schedule M) arises under treaty of January 2, 1830, which provides for the payment of a permanent annuity of \$16,000 and fifty barrels of salt. It appears that the annuity of \$16,000 per annum was regularly paid up to and including 1845, but from thence to 1860 but \$14,412.50 was paid per annum. This is accounted for by the fact that by virtue of the subsequent treaty of September 26, 1833, \$1,587.50 was paid per annum to the Pokagan band, at L'Arbre Croche, in Michigan, the aggregate amount of such payments being \$23,812.50, which, being deducted from the supposed deficit of \$25,721.99, leaves the real amount due under this treaty \$1,909.49.

The remainder of the items in the tabular statement of the commissioners stated as due the Indians your committee believe are well sustained by the treaties and the facts.

The aggregate of the items which your committee think should be disallowed are as follows:

Under Schedule B.....	\$1,600 00
Under Schedule H.....	1,250 00
Under Schedule I.....	4,244 77
Under Schedule M.....	23,812 50
Total .....	30,907 27

The aggregate found due by the commissioners' report is \$178,953.43. Deducting above amount of items disallowed by your committee, leaves a balance of \$148,046.16.

The commissioners find, under treaty of February 7, 1827, an over-payment to the Indians of \$8,357.10, which they have properly allowed in the account. It appears by reference to the account, as stated by commissioners under the same treaty, that the Indians were furnished iron and steel to the amount of \$7,480, which was also an over-payment, the treaty, in fact, not providing for the furnishing of iron and steel. This sum being deducted, leaves the final balance \$140,566.16 due the tribe up to 1861.

By joint resolution of Congress of July 28, 1866, it was directed that \$39,000 be paid the Pokagan band of Pottawatomies living in Michigan, out of the funds of the tribe, and this sum is a proper credit upon the above amount, and which being deducted therefrom, leaves the amount for which the Government is indebted \$101,566.16, for the payment of which the committee report the accompanying bill, and recommend its passage.