

L E T T E R

OF

THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

A resolution of the Senate of the 29th ultimo, transmitting copies of the reports of W. H. Walsh and William H. Coombs, in relation to the "half-breed Kaw lands" on the Kansas river, in the State of Kansas.

JUNE 5, 1862.—Read, and referred to the Committee on Indian Affairs.

JUNE 11, 1862.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR, *June 3, 1862.*

SIR: I have the honor to transmit herewith, in compliance with a resolution of the Senate of the 29th ultimo, copies of the reports of W. H. Walsh and William H. Coombs, in relation to the parties entitled to certain lands in Kansas, commonly denominated "half-breed Kaw lands."

An act of Congress, approved May 26, 1860, vested the title to the lands specified in said reports in certain half-breeds of the Kansas tribe, to whom they were reserved by a treaty between the United States and said tribe, made at St. Louis June 3, 1825, and to the heirs of such of said reservees as were deceased, and directed the Secretary of the Interior to decide who were the heirs of the deceased reservees.

The reports enclosed are the result of investigations made to ascertain which of the reservees are deceased, and who are their legal heirs.

It will be seen, by an examination of the reports, that there is a large number of settlers upon portions of these lands, some of whom have made improvements. These settlers claim that they have a right to purchase the lands. This department cannot recognize such a claim under the existing law, and, unless Congress shall interpose by some new legislation, it only remains to execute the act of Congress above referred to, by deciding who are the heirs of the deceased reservees, and perfecting their titles.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary of the Interior.

Hon. HANNIBAL HAMLIN,
President of the Senate of the United States.

REPORT OF W. H. WALSH.

WASHINGTON, D. C., *February* 18, 1861.

SIR: In pursuance of instructions to me as special agent "for the purpose of procuring such information as may be necessary to execute the provisions of an act of Congress entitled "An act to settle the titles to certain lands set apart for the use of certain half-breed Kansas Indians in Kansas Territory," approved May 26, 1860, I proceeded to the Territory, and called on the agent of the Kansas Indians, Mr. C. Dickey, whom I found at Topeka, and from whom I learned that the chiefs and headmen, with the tribe, were not at these reservations, but out on a buffalo hunt, and was informed that he had received instructions, in consequence of the drought and destitution in the Territory, not to call them in until early in October. At that interview I obtained all the information I could from him respecting the reservees, and heirs to the reservees, named in the treaty of June 3, 1825, made at St. Louis, Missouri, and which I have filed with the papers accompanying this report, marked A.

Finding from this information that a number of the reservees and some heirs lived in the neighborhood immediately opposite Topeka, on the reservations, I concluded it best to proceed at once to obtain such information and testimony from them as would facilitate the progress of my investigations, and gave notice to them that I would proceed to take testimony in the presence of Agent Dickey as soon as they could be ready for that purpose.

They informed me that R. S. Stevens, esq., was their attorney, and they would not give any testimony without his presence, and as soon as they could inform him and set a time for that purpose they would be ready.

While awaiting their action, and that of their attorney, I received additional instructions, dated at Kansas City, August 21, from yourself, confirming the propriety of my action, but it was not until August 31 that I could get the half-breeds and their attorney together at Topeka for the purpose of taking testimony, and from thence I have proceeded from time to time with this investigation as I could obtain information.

I found quite a number of the reservees with their families living on the land, and some of these heirs with their families also so living, while one of the reservees lives with the tribe, and another acting as interpreter, and one wandering about living alternately with the half-breeds and whites, while some of the heirs, and others claiming to be heirs, are scattered far and wide.

Proceeding to direct your attention to the chief points in the testimony which accompanies this report, I will commence with the reservees in their order, and refer to the testimony as filed, without regard to the date at which it was taken, but as it refers to each particular case.

Surveys 1 and 2.—First, then, respecting Adel and Clement, the children of Clement, the two first-named reservees in the 6th article of the treaty, you will find, by testimony marked B, from the evidence of Joseph, the husband of Josette Gouvill, and Me-ho-yah, the Indian wife of Clement, and mother of Adel, and that of Julia Lessert, the second wife of Clement, that Adel is now living with her husband, Moses Belnard, on the land set apart for the use of the half-breeds with their family; that the child Clement died young, at about the age of twelve years. This testimony is confirmed by that of Frederic and Cyprian Chouteau, now living in Johnson county, Kansas, and Jackson county, Missouri, also filed with this report, marked S, and also confirmed by researches made by Isaac McCoy, as ascertained by documents in the possession of J. C. McCoy, living near Westport, Missouri, a copy of which is also filed with this report, marked T.

The mother of these two children—Me-ho-yah, the Indian wife of Clement, and Julia Lessert, his second wife—is also living. Me-ho-yah appeared before me, in presence of the half-breeds, and gave her testimony as the acknowledged

mother of Adel, and also appeared again and gave testimony as the acknowledged mother of Adel with regard to Louis, son of Francis Laventure, and his heirs, respecting survey No. 9, as appears by testimony marked E.

With regard to Julia Lessert and the other children of Clement Lessert living amongst the Osages, I have taken no testimony. I asked instructions in that case and some others of the department, but have received no reply.

Survey 3.—Proceeding next to examine the evidence respecting Josette, the first-named child of Louis Gouvill, you will find by the testimony marked C, also filed with this report, of Julia Lessert, Julia Pappan, Margaret Pappan, Moses Belnard, and Anable Francouer de Aubic, that Josette, the reservee named in the treaty, married Joseph Pappan, and by him had four children, as follows: Louis, Achan, Mary Ogelle, and Susan; the first being twenty-one, the next nearly twenty, Mary Ogelle about eighteen, and Susan about seventeen years of age, respectively. These children being now all living with the father on the land set apart for Josette, as survey No. 3, by the laws of Kansas, husband and wife are entitled to one-half the real estate belonging to either at death, and it is for your consideration whether the father is entitled to her half of this land, the act of Congress of May, 1860, having passed subsequently to the laws of Kansas on that subject.

The death of Josette is confirmed by Cyprian Chouteau in testimony marked S, accompanying this report.

Survey 4.—By the testimony marked D, filed with this report, of Moses Belnard, Joseph Butler, and Joseph Pappan, also confirmed by the testimony of the Chouteau's, marked S, before referred to, and the papers of Isaac McCoy, marked T, you will perceive that Julia Pappan, the wife of Louis Pappan, is now living on reserve No. 4, and that she is the second child of Louis Gouvill, and that ———

Survey 5.—Pelagie de Aubic, the wife of Anable Francouer de Aubic, is also living on the land on survey No. 5, and is the third child of Louis Gouvill, and that ———

Survey 6.—Margaret Pappan, the widow of Achan Pappan, is now living on survey No. 6, and is reservee Victoire, fourth child of Louis Gouvill, named in the treaty.

Surveys 7 and 8.—By the testimony marked E, and filed with this report, you will find that Marie and Lafleche, the children of Baptiste Gouvill, both died unmarried, and the same is confirmed by the testimony of Cyprian Chouteau, marked S, accompanying this report. It also appears that Baptiste and Louis Gouvill were brothers, which would make the heirs of Josette and Julia, Pelagie, and Victoire, or Margaret, the heirs of these two children, without Joseph James and Frank James have also a right of heirship by virtue of their being children of Pelagie's mother, and her half-brothers, Pelagie, Jo, Jim, and Frank James being children of the same mother, Pelagie by Gouvill, and the other two by Joseph James, as will more fully appear by examination of testimony marked S, given by Frederick Chouteau, and also by the testimony marked R, and filed with this report.

Survey 9.—Proceeding to examine the testimony filed with this report, marked E, and that of the Chouteau, marked S, respecting Louis Laventure, it will be found that he is dead, leaving a widow, a white woman, who is now married to a man by the name of John Brown, also a white man, both living on survey No. 9; that Laventure left no children, the only child dying in child-birth or immediately afterwards; that he has no living brothers or sisters, or any known relatives, except this woman claiming to be his widow; attached to testimony marked F is an affidavit of Dr. J. D. Blanchard, formerly of the Delaware mission, sworn to before the county judge of Frémont county, Iowa, on the 16th of February, 1860, stating that he did marry, about the year 1844, one Louis Laventure, a nominal half-breed Kansas Indian, to one Catharine J. Trappe.

There is also attached to the same testimony the affidavit of George J. Biggs, sworn to before the clerk of the district court of the same county on the 25th of January, 1860, to the same effect. Frederick Chouteau's testimony, marked S, also shows that she was married to Louis Laventure at his own house by Dr. Blanchard, but that she had a husband then alive, at her marriage, in the Missouri penitentiary. The question arises whether the second marriage was valid or not without a divorce, or valid by reason of the conviction of her first husband and sentence to the penitentiary of Missouri; and if valid, whether she is entitled as his widow to any portion of said reservation; if entitled as his widow, by the laws of Kansas, made previously to this act of Congress, she would be entitled to half the land, the same as Joseph Pappan in the case of survey No. 3.

There is a protest filed in this case by Hiram Pardee, a settler on the land, which is filed with the testimony marked G. I received this protest and filed it not on account of any right Mr. Pardee has in the case, but that the department might have the benefit of any light the statement in the case might throw upon it; and if Mrs. Brown should be decided to be entitled to any portion of reserve No. 9, that it might be determined by the papers accompanying and attached what portion ought properly to be awarded to her; and if the argument in the protest is good for anything against her, it is for the benefit of the other heirs and reservees.

Surveys 10 and 11.—By the testimony filed, marked H, respecting Elizabeth and Pierre Carbon and the children of Pierre Brisa, named in this treaty, you will find that they are dead; that Pierre died young, without children; that Elizabeth married Joseph Vertifer, and left three daughters, viz: Pelagie, Louise, and Victoire, and that they are all married—the second being 19 years old, June 14, 1860; the youngest being 17 years of age in April, 1860, and the oldest 21 years of age.

The death of their uncle, Pierre, when a child, is confirmed by the testimony of the Chouteaus, marked S, before referred to, and also the fact of their mother's marriage to Joseph Vertifer.

Surveys 12, 13, and 14.—By the testimony filed with this report, marked I and J, it will be found that the three brothers, named Joncas, went by the name of Bazil also; and, by the testimony of the Chouteaus, that the Bazils and Joncas are the same, and that there was one of them living amongst the Osages; by the testimony it will be found that two of them are dead, without any trace being left of them or of any heirs, and that one of them, under the name of James Joncas, Bazil Joncas, and Louis Bazil, and that he is dead and left two sons, one John and the other Louis, living amongst the Osages.

Survey 15.—By the testimony, marked K, filed with this report, you will find that Elizabeth, the child of Baptiste Datcherute, is dead, as reported amongst the half-breeds, and no heirs are known by them to be alive. She was taken from amongst them when a child by her father, and carried to St. Louis, Missouri. By the testimony, marked L, taken at Quincy, Illinois, of Antoine Morine, and by the testimony of Adelaide Morine, taken in St. Louis, attached thereto, you will find that Elizabeth Datcherute, the child of Baptiste Datcherute, named in the treaty, died when a child; that she had no full-brothers or sisters or half-brothers or sisters of the Kansas nation, but that she had a half-sister, the daughter of her father, by an Omaha mother, and who is now living in Quincy, Illinois, and is married to a colored doctor by the name of George G. Howard.

Survey 16.—By the testimony filed herewith, marked M, you will find that Joseph Benter is living amongst the tribe and half-breeds alternately, which is confirmed by the testimony of the Chouteaus, marked S. He has two children by an Indian woman, and is an Indian in his habits, and incompetent to transact business of any kind without a guardian.

Survey 17.—By the testimony filed herewith, marked N, you will find that William Rodgers, the reservee named in the treaty, is dead, and left no children and no brothers or sisters amongst the Kansas Indians, but left two half-sisters, one an Omaha, and the other an Otoe. The Otoe half-sister resides among the Delawares, and is the wife of William Pe-chu-ka. The Chouteaus also testify to his death without children. Whether these two half-sisters, who are provided for, one as a Delaware and the other as a Nemeha, are entitled to inherit Kansas lands, is the question to be determined in this case, as also in the case of Louisa Howard, half-sister of Elizabeth Datcherute.

Survey 18.—By the testimony, marked O, and filed herewith, it would appear that Joseph Coté is dead, and the testimony of Margaret Pappan, formerly Victoire Gonvill, is direct to that point, and she is particular to state the fact that he was the only half-breed that had blue eyes, and also that he died without children. I could not hear anything further of him, either from the Chouteaus or old residents of Kansas City or in St. Louis. In Isaac McCoy's memorandum, a copy of which is filed with this testimony, marked T, he is mentioned as a wild fellow, an Indian in his habits, and speaking different languages.

Surveys 19, 20, 21, and 22.—There is some difficulty with the four children of Cecile Compare, in consequence of their names not being mentioned in the treaty.

The testimony of Madame de la Longdue, marked 2, and the records of the St. Louis cathedral, in French, (a translation of which has been made in your office,) attached thereto, in a great measure corroborate each other. In the testimony of Madame de la Longdue the names of the children of Cecile Compare, by her two husbands, Antoine Bisset and Hyacinth Lecompte, (Hebert or Hyacinth Lecompte, as he is generally called,) are mentioned, in their order, as recorded at the cathedral, with the exception of Cecile, the oldest child of Cecile Compare, by Lecompte, born in 1817, and Herbert, born in 1822, of which she did not appear to have any recollection, and gives no account. She also gives a clear and distinct account of the death of the Bisset children, which shows Victoire to have been alive at the date of the treaty, and one of the four children, and who has since died unmarried. It also appears by her testimony that Catharine Lecompte, Marie Louise Lecompte, and Hyacinth Lecompte, (or Charley, as he is called,) were all, as corroborated by the records of the cathedral, born before the treaty; that Catharine and Marie Louisa both were married—the first twice, and the second time married Wilson, the husband of Marie Louisa, (who was then dead,) and that they both died without heirs; of Cecile, the first and natural child, by Lecompte, and of Herbert, she makes no mention. Hyacinth, or Charles, as will be seen by other testimony, marked P, and filed herewith, is now alive. Madame also testifies as to Francis Rami (or Frank, as he is called) being another of Cecile Compare's children, who was alive a year or two ago, and also to Pelagie, or Eliza, who lives in St. Louis, and to her identity. These two last, by the cathedral record, were born—the first September 17, 1826, and the other March 30, 1829—both since the treaty. She also testifies to the death of Emelie, the youngest child of Cecile Compare, and the death of Cecile Compare herself.

As this testimony corresponds with information given me by Catharine (who married Wilson) a few days before her death, in September last, I am inclined to think that Cecile and Herbert are both dead, and have been dead so long that all trace of them is lost. As there have been great doubts entertained as to Charley's age, and as Cecile Compare has recited Hyacinth as dead, in a deed which she made to this man *Richard Byron*, who married Pelagie or Eliza, I asked Madame Longdue if she knew of any mark which would identify him. She made the remark, as set down in her testimony, that some persons said he was neither man nor woman. Her answer is conclusive as to his identity, he being a notorious character in Kansas, and his private parts having been examined by many persons, myself amongst the number, as one of Nature's

curiosities, he being a full-grown man, and his privates not being larger than a new-born infant's. The testimony marked P corroborates the death of Catharine and Marie Louise, without heirs, and of their husband, Wilson, and also of the existence of Frank or Remi, or Rami, as per the cathedral record. I expected more assistance from the record of the cathedral than I find it gives. Amongst the deaths are several Lecomptes—two Hyacinths, neither of which correspond with Charles's age; but as the record does not give their parentage, and there were other Lecomptes in St. Louis, it gives no assistance, except in the naming of Cecile as the natural daughter of Cecile Compare, at her birth and at her burial, although the age does not correspond, and the death of Julie Bissett, of an age corresponding to Victoire's sister.

Survey 23.—By the testimony filed herewith, marked R, you will find that Joseph James, commonly known as Joe Jim, the present interpreter of the Kansas Indians, is the Joseph James named in the treaty. This testimony is confirmed by Cyprian Chouteau, in testimony marked S. Amongst the papers marked T, and filed with the testimony accompanying this report, being copies of papers in possession of J. C. McCoy, (the son of Isaac McCoy,) of Westport, will be found an agreement made by the said McCoy, on behalf of the United States, with Joseph James, sr., for the lands of Joseph James, jr., and witnessed by Mr. Johnson, missionary, and David Bemly, Kansas farmer, which shows that there is no pretence that it was the father, and not the son, who was provided for by the treaty; besides, the testimony of Chouteau shows that the father was a half-breed Osage, and not a half-breed Kansas Indian.

In accordance with my instructions, I also visited the Kansas nation of Indians, and obtained all the information in their power to give—the recognition of the identity of all the reservees living, and living heirs who presented themselves before them on that occasion, and the acknowledgment by them of such as they know to be alive. I also obtained their consent to the sale of the lands of such of the reservees as died without heirs, for the benefit of the living reservees and the heirs of those deceased, in conformity with the act of Congress approved May 26, 1860; all of which will be found in a paper filed with the testimony in connexion with this report, marked A. The living reservees and heirs who were identified and acknowledged by the chiefs and headmen were as follows:

Adel Belmard, the child of Clement.

Louis Pappan, Mary Ogelle Pappan, Achan Pappan, and Susan Pappan, the four children of Josette Gouvill; Joseph Pappan, her husband.

Julie Pappan, as daughter of Louis Gouvill; Louis Pappan, her husband.

Pelagie De Aubri, a daughter of Louis Gouvill; Anable Franconer De Aubri, her husband.

Margaret Pappan, as Victoire, the daughter of Louis Gouvill.

Pelagie, Louise, and Victoire, as the daughters of Elizabeth Carbonau, the grandchildren of Pierre Brisa.

John Bazil was also present, and identified as child of one of the Joncas.

Louis Bazil, his brother, acknowledged also.

John Bazil himself had formerly been an interpreter for the Kansas, and was well known to them.

Joseph Butler, identified as the original reservee.

Charles Lecompte, identified as a child of Cecile Compare, the original reservee named in the treaty.

Those they stated were *dead* were as follows:

Clement, child of Clement, and brother of Adel, without children.

Josette Gouvill, leaving a husband and four children.

Marie and Lafleche, children of Baptiste Gouvill, leaving no children, their cousins, the children of Louis Gouvill, being their heirs.

Laventure, the child of Francis Laventure, died without children.

NOTE.—He left a widow, a white woman.

Elizabeth Carbonau, the child of Pierre Brisa, leaving three daughters.

Pierre Carbonau, the child of Pierre Brisa, leaving no children, but left three nieces, the daughters of Elizabeth.

NOTE.—Pierre Brisa, under the name of Carbonau, left a widow and a large family among the Osages.

Louis Joncas, Bazil Joncas, James Joncas—these three were all stated to be dead, two leaving no children, and the other two sons among the Osages, but which one they could not determine.

Elizabeth Datcharute, leaving no children and no heirs known by them.

William Rodgers, leaving no children or heirs known to them.

NOTE.—William Rodgers married Louis Gouvill's widow, and had children, the half-sisters of Josette, Julie, Pelagie, and Victoire.

The chiefs could give no account of Joseph Coté, or of any of the children of Cecile Compare, except Charles, the Hyacinth of the church record, as appears by Madame de la Longdue's testimony, who was present before them. They stated that Louis and Baptiste Gouvill were brothers, and that Louis Gouvill had two other children. I have obtained the applications for the sale of their interests in these reservations, or other disposition of them, as reservees or heirs of deceased reservees under the treaty, and in conformity with the act of Congress approved May 26, 1860.

First. Adel, the child of Clement, joined with her husband, Moses Belnard.

Second. Joseph Pappan, husband of Josette Gouvill, joined with her four children.

Third. Julia Gouville Pappan, joined with her husband, Louis Pappan.

Fourth. Pelagie Gouvill De Aubri, joined with her husband, Anable Francouer De Aubri.

Fifth. Victoire, child of Louis Gouvill, known as Margaret, widow of Achan Pappan.

Sixth. Catharine J. Brown, widow of Louis Laventure, joined with her husband, John Brown.

Seventh. Pelagie, Louise, and Victoire, children of Elizabeth and nieces of Pierre Carbonau, joined with their husbands.

Eighth. John Bazil, the identified heir of the Joncas.

NOTE.—John and his brother live near the Osage mission, and can be identified by the missionaries and Trombly, a Frenchman.

Ninth. Louisa Howard, the half-sister (by the Omaha wife of Baptiste Datcherute) of Elizabeth Datcherute, joined with her husband.

Tenth. Joseph Butler, the original reservee; also application for a guardian in same paper.

Eleventh. Elizabeth Pe-chu-ka, the half-sister of William Rodgers, an Omaha woman, married to a Delaware, joined with her husband.

Twelfth. Charles Lecompte, identified as the child of Cecile Compare, and most probably an original reservee; also application in the same paper for appointment of guardian.

Thirteenth. Pelagie Lecompte, or Eliza Byron, a child of Cecile Compare, born after the treaty.

Fourteenth. Joseph James, the original reservee.

Fifteenth. Frank James, brother of Joseph James; whatever interest he may have as heir to Baptiste Gouvill's children.

I believe that applications above referred to and filed with this report comprise all the known living reservees and their relations, except *Me-ho-yah*, the mother of Adel, *Baptiste Gouvill*, the son of Louis Gouvill, thought to be in California, and the child *Elijah*, the son of Charles Fish, a Shawnee chief, by Rosella, the child of Louis Gouvill, *Louis Bazil*, the brother of John, living in the Osage

nation, *Frank Lecompte*, or Francis Remi Lecompte, now in the Rocky mountains or Kansas gold region, and the Otoo or Nemaha half-sister of William Rodgers, and the children of Clement by his second marriage, and their mother, and the children of Pierre Brisa, or Carbonau, by his second marriage with a French woman, both families living among the Osages, except the widow of Clement, who is now married to Joseph Pappau.

I have made efforts, by correspondence, to discover the residence or stopping-place of Frank Lecompte, but, so far, have been unsuccessful, although he was seen in the gold region by persons known to me as late as September. I have since heard he was killed, but do not know how much credence to give to the report.

I would call your attention to the condition of the reservees, as well as the whole settlers on these lands. The first are without means of subsistence, except their portion of the annuity drawn at the payment, having made no crop last year. They have hitherto always made a small crop, and received some money from sales of timber, and sometimes large sums for sales of land from persons settling or speculating. The Gouvill women and their husbands at one time sold, as heirs, surveys seven (7) and eight, (8,) receiving two thousand (\$2,000) in cash, and Margaret or Victoire acknowledged this to me, and desired to know if something could not be done for the parties now living on the land, and made request that I would inform the commissioner of the fact. I state this to show what means they have hitherto had, and, their falling in the present destitute condition of the country, it would be a great benefit to them to have arrangements made for the sale of their lands as soon as practicable.

The settlers will, by such an arrangement, also be benefitted by being able to ascertain upon what conditions they may be able to purchase the respective portions which they are occupying, or whether they will have to go elsewhere. Much litigation will also be saved by the action of the department, which will probably stop suits brought on sales made by Byron, under a deed from Cecile Compare, as heir to her children.

Making the above suggestions with all due deference, and hoping my action may meet your approval—

I have the honor to be your very obedient servant,
HUGH S. WALSH, *Special Agent*.

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs.

REPORT OF WM. H. COOMBS.

SIR: In pursuance of your instructions to me, as special commissioner to take testimony and report my opinions as to the persons entitled to certain lands in Kansas, with a view to settle the title to said lands, under the provisions of an act of Congress approved May 26, 1860, entitled "An act to settle the titles of certain lands set apart for the use of certain half-breed Kansas Indians, in Kansas Territory," bearing date of December 23, 1861, I immediately left Washington, on my way to Kansas; but, learning on the way that the travel on the St. Joseph's railroad had been interrupted by the destruction of bridges, I stopped at my residence in Fort Wayne, Indiana, until the 2d of January, 1862, during which time I made out a full abstract of the testimony taken by Mr. Walsh.

On the 2d day of January I again started for Kansas, and arrived at Topeka on the 7th. I immediately notified all the half-breed claimants in that region to meet me at Topeka; but, on account of the extreme cold weather at that time, it was very difficult to get the parties out. I succeeded, however, in obtaining

interviews with most of them, together with many of the witnesses, whose testimony had been taken by Mr. Walsh, and re-examined them. In all cases when, upon a careful examination, I could elicit anything more materially bearing on the questions submitted to me, I have taken their sworn statements, which, for convenience of reference, I have appended to the testimony heretofore taken and reported by Mr. Walsh, which will be referred to in my detailed report.

After the lapse of thirty-six years with these people on the extreme frontier, it is exceedingly difficult to find intelligent and reliable witnesses to prove the identity of the reservees who are living, and still more difficult to ascertain the heirs of those who are deceased. The reservees at the time of the treaty mostly resided in and about St. Louis, but soon afterwards left that region for the Indian country.

Those who knew them at St. Louis lost all knowledge of them after their removal, except a few of the traders, who followed the Indians to their new locations. A large proportion of these men are now dead, and those who survive are so scattered over the world that it is impossible to procure the testimony of many of them, especially those who are said to be now living in the disloyal States. Those who have been acquainted with these half-breeds since their removal from St. Louis have no knowledge of their previous history, and of course are unable to identify them.

One great difficulty in identifying these people consists in the fact that the same individual is not uniformly known by the same name among the Indians of the different tribes with which he may at different times be associated. In one tribe he may be known by his Christian name; in another by his surname; and in a third by some other appellation which may have been acquired by accident. In this way a family name may change half a dozen times in as many generations. An illustration of this will be found in my report on surveys Nos. 13, 14, and 15.

In the treaty the reservees are called Louis, Bazil, and James Joncas, whereas, the name of their father was Vessor. The one called Bazil Joncas, soon after the treaty, went to the Osage country, where he raised a family and died, leaving two sons, who are now known by the names of John and Louis Bazil.

The testimony of these half-breeds is often very uncertain, and sometimes contradictory. Upon a personal examination of them, it became evident that, when they spoke of events as within their own knowledge, they frequently knew nothing of the matter, except what others had told them. Some of them would swear to events which must have happened before they were born, or while they were in early infancy, as positively as though it had occurred within a few years passed. They would rarely answer questions at all, unless they were all together, and when a question was asked of one of them, they would talk the matter over among themselves in the French or Indian language, before I could get an answer. In this way we are able to get the general understanding of these people, and find the reputed owners of these lands; and, as they have taken more interest in these matters than others have, perhaps general reputation among them is about as good evidence as can be procured. I have in most cases found them correct. When these people are examined separately, as in the case of surveys 19, 20, 21, and 22, they differ so materially in their statements that it is difficult to reconcile their testimony.

A number of witnesses have been examined as to the family of Cecile Compae, including two of her own children, but no two of them agree as to the number or names of her children. Similar discrepancies will be found in the testimony relating to the brothers Joncas.

After obtaining all the information I could from the half-breeds and their acquaintances in Kansas, I made diligent inquiry at St. Louis and other places, among the Canadian-French and old Indian traders, for such persons as would be most likely to have a knowledge of these people. I learned of many of the

old traders who had once lived in Kansas, but had gone to various parts of the country, and where they were within reach of the ordinary mails, I have addressed letters of inquiry to them, and in this way obtained some valuable information. I have directed my inquiries mostly to cases left in doubt by the testimony reported by Mr. Walsh; and, although I have not been able in all cases to procure such testimony as would have been desirable, I believe that all the evidence which could have been procured by any reasonable degree of diligence has been obtained, and that substantial justice has been done to the claimants of these lands.

Before leaving Kansas I made a personal examination of these lands with a view of ascertaining their value, who was in the occupation thereof, by what title they claimed them, and the improvements made thereon.

Owing to the present distracted condition of that country and great scarcity of money, there seems to be no present demand for land at any price. I made frequent inquiries of those living in the neighborhood and well acquainted with these lands as to their present value, but their estimates were so widely variant that but little reliance could be placed upon them. Learning, however, that government lands fully equal to the poorest of these reserves could be entered at the price of \$1 25 per acre, I adopted that as the minimum value, estimating those of a superior quality proportionably higher. My estimates of the value of these lands will be found in a tabular abstract of my report herewith submitted. These reserves are mostly rich alluvial bottom land, extending along the north side of the Kansas river from a point about four miles below the town of Lecompton to about one mile above Topeka. They are, at times, subject to inundation from the river overflowing its banks. They are mostly prairie lands, but some of the tracts were originally well timbered. The squatters and other trespassers have taken off all the best of the timber, and but little remains valuable for other purposes than fuel.

I found no less than four saw-mills on or immediately adjoining these lands, which appear to have been in operation for years, procuring their logs exclusively from those lands. Indeed, almost all the lumber used in the valley, including the three towns of Lecompton, Tecumseh, and Topeka, seems to have come from these reserves.

I inquired of all the claimants I could find as to whether they desired all or any parts of their lands sold by the Secretary of the Interior, and they invariably answered that they did not.

As some of them, whom I did not see, have heretofore requested a sale of their lands, as will be seen by the papers returned by Mr. Walsh, and marked "applications," they will be noticed in their order. It will be seen by reference to these papers that many of these claimants have requested the Secretary to confirm certain deeds made by them to Robert S. Stevens and others. They told me, however, that they did not want their deeds to Stevens confirmed, on the ground that they were obtained by fraud and without consideration, and desired me to take evidence and investigate this matter.

Not deeming such an investigation within the letter or spirit of my instructions, I declined doing so, but informed them that if they would prepare and send me a statement of their grievances, I would report the same for such action as the department might deem proper.

On my arrival in Washington I found a package of papers addressed to me, containing certain deeds from some of the claimants to one William Andrew, for portions of these lands, which appear to have been executed since I left Kansas, and also petitions from the same parties asking the Secretary to approve these deeds. Having no knowledge of these sales or of this man Andrews, other than what I got from these papers, I shall return them with the other papers, to be disposed of as this department may think best. I also find a package of petitions, asking the approval and confirmation of certain deeds made to various

parties before my visit to Kansas, and also the statements of the various grantors named in the deeds to R. S. Stevens, charging that such deeds were obtained without consideration, which I also place on file.

Whether the Secretary of the Interior has any power under the act of Congress to confirm deeds made by the claimants to these bonds, or whether such an act of confirmation would be of any validity, are questions with which I have nothing to do.

There is a special provision in the laws of Kansas which may have some bearing on this question, as follows: "Where a deed purports to convey a greater interest than the grantor was at the time possessed of, any after acquired title of such grantor, to the extent of that which the deed purports to convey, inures to the benefit of the grantees."—(Act of 1859, section 4, page 289.) This is the adoption of a familiar common law principle, but, perhaps, without the exceptions to the common law rule.

The act of Congress having vested all the right, title, and interest of the United States in the original reservees who are living, and in such persons as the Secretary of the Interior may decide to be the heirs of those who are deceased, without any instruction upon their power of alienation, it would seem that the act of the Secretary in designating the parties would make their title complete, and perhaps bring them within the operation of the above-mentioned statute.

Surveys No. 1 to 6, inclusive, are in the exclusive possession of the half-breed claimants, but all the other tracts have settlers on them, generally one to each quarter, except survey No. 19, upon which there is a town, with some thirty or forty houses, called Rising Sun. All the settlers on surveys from No. 7 to 23 inclusive, with the exception of Brown, of survey No. 9, are, so far as I could learn, mere trespassers, who have taken possession, claiming pre-emption rights. Some of them have forcibly expelled the half-breed claimants from their lands, and still keep them out by force.

Many of these settlers have committed great waste upon the lands, principally by the destruction of timber.

The improvements made by these pre-emptors add but little to the value of the lands, as they generally consist of log-cabins, with a few acres of prairie land enclosed with a poor fence. As a body I have no doubt that these intruders have injured the lands to at least five times the value of all their improvements.

Those of the claimants who reside on their lands, or desire to reside on them, are very anxious to have patents issued to them as soon as possible. I deem this of the utmost importance to those people, as in that event the settlers at once abandon all hope of holding their pre-emption claims, and most of them leave the lands at once.

I now proceed to examine each case in detail, in the order in which the parties are named in the treaty, and the surveys are numbered; but when two or more of the surveys have fallen to the same persons they will be considered together.

Survey No. 1.—Adel, first child of Clement, reservee.

Adel is still living, and is the wife of Moses Belnard. They live on survey No. 2, nearly opposite Topeka, where they have resided twenty years or more. They have a comfortable log-house, and about forty acres under cultivation, on survey No. 2.

There is no doubt of the identity of this woman as the first reservee named in the treaty. See the testimony of Joseph Pappan, Me-ho-yah, her mother, and Julia Lessert, marked B.; also of Frederick and Cyprian Choteau, marked S.; the McCoy notes, marked T.; and the statement of the chiefs of the Kansas tribe, marked U.

I am, therefore, of the opinion that Adel Belmard is entitled to survey No. 1. in her own right, as the original reservee.

Survey No. 2.—Clement, second child of Clement, reservee.

It will be seen, by reference to the testimony above referred to, that Clement, the second reservee named in the treaty, died at the age of 14 or 15 years without issue, and that his father has since died; that Me-ho-yah, his mother, and Adel, his sister, who is the only surviving issue of his father, are still living. By the laws of Kansas in force at the date of the act of Congress above referred to, (May 26, 1860,) it is enacted as follows, acts of 1859, page 382, section 18: "If the intestate leaves no issue the whole of his estate shall go to his wife, and if he leaves no wife nor issue, the whole shall go to his father."

The same act provides that when the intestate dies leaving a wife and children, one half of the estate shall go to the wife in fee-simple, and the other half to his children. Under these rules, upon the death of Clement, the reservee, the land would have descended to his father, and, upon his death, one half would descend to the wife, and the other half to his daughter.

I am, therefore, of the opinion that Me-ho-yah, former wife of Clement, and Adel Belmard are the only heirs of Clement, the original reservee of survey No. 2, and as such are entitled to said tract in equal portions.

Neither of these parties desire to have their lands sold. Adel has already deeded away all of survey No. 1 to various persons, and seems entirely satisfied with all her sales, except one quarter deeded to R. S. Stevens; Me-ho-yah is a very old Indian woman who lives on the land, and is supported, as I am informed, by her daughters. She makes no claim to the land.

Survey No. 3.—Josette, first child of Louis Gouvill, reservee.

Josette, the third reservee named in the treaty, was married to Joseph Pappan, and lived many years on the land allotted to her. She died about thirteen or fourteen years since, leaving her husband, Joseph Pappan, and four children, viz: Louis, Achan, Mary Ogille, and Susan, surviving her, all of whom are still living. By the laws of Kansas, above referred to, it is declared in section 29 that "All the provisions hereinbefore made in relation to the widow of a deceased husband shall be applicable to the husband of a deceased wife. Each is entitled to the same rights or portion in the estate of the other, and like interests shall in the same manner descend to their heirs." It follows, therefore, that, upon the death of Josette, survey No. 3 descended one half to her husband, Joseph Pappan, and the other half to her four children, Louis, Achan, Mary Ogille, and Susan, in equal portions.

I therefore report that Joseph Pappan is entitled to one half of survey No. 3, and that Louis Pappan, Achan Pappan, Mary Ogille Pappan, and Susan Pappan are entitled to the other half, or one-eighth each.

By reference to the testimony of Julia Lessert, Julia Pappan, and Anette Francoise De Aubri, marked C, and of C. and F. Choteau, marked S, it will be seen that the identity of Josette as the third reservee, her marriage with Joseph Pappan, her death, and the names of her children, are sufficiently proved.

I did not see all of these heirs, some of them being at Council Grove, but those I saw do not desire their lands sold. It will be seen, by application No. 2, that the children of Josette had deeded the west half of the tract to R. S. Stevens, and set apart the east half for Mary Ogille and Susan, and ask a confirmation of the deed. This arrangement was made under the idea that the whole estate belonged to the children. Joseph Pappan and family still reside on the land, and have a comfortable log-house and thirty or forty acres under cultivation.

Survey No. 4.—Julia, second child of Louis Gouvill, reservee.

It will be seen by the testimony of Moses Belmard, Joseph Butler, and Joseph Pappan, marked D, and of C. and F. Chatern, marked S, that Julia, the fourth reservee named in the treaty, is still living; that she is married to Louis Pappan, and resides with her husband and family on the land reserved to her, (survey No. 4.) They have a good log-house, and about thirty acres of land under cultivation.

I therefore report that Julia Pappan is entitled to the whole of survey No. 4 in her own right, as the original reservee. She does not desire this land sold, but it seems she had deeded the northeast quarter to R. S. Stevens, and asked a confirmation of the deed.—(See application No. 3.)

Survey No. 5.—Pelagia, third child of Louis Gouvill, reservee.

It is proved by testimony, marked D and S, last referred to, that Pelagia, the fifth reservee named in the treaty, is still living with her husband, Francorn De Aubris, on the land reserved to her. They have a log-house, and about fifteen acres of land under cultivation.

As there is no doubt of her identity, I report that Pelagia De Aubri is entitled to the whole of survey No. 5 in her own right, as the original reservee thereof.

It seems she has deeded the northwest quarter to R. S. Stevens, and part of the southwest quarter to Mrs. Mary Miller, and asked a confirmation of the sales.—(See application No. 4.)

Survey No. 6.—Victorine, fourth child of Louis Gouvill, reservee.

By the testimony last referred to it is satisfactorily proved that Victorine, the sixth reservee named in the treaty, is still living on the land allotted to her, where she has resided for many years. She was first married to Achan Pappan, who died, and she has recently married Henry Smith. There being no doubt as to her identity, I report that Pelagia (or Margaret, as she is sometimes called,) Smith is entitled to the whole of survey No. 6, in her own right, as the original reservee.

She does not desire any of this land sold, but it seems she has deeded the northeast quarter to R. S. Stevens, and asked a confirmation of the deed. See application 5, filed by Mr. Walsh. She has a log-house, and twenty acres under cultivation.

Surveys No. 7 and 8.—Marie and Lafleche, the two children of Baptiste Gouvill, reservees.

From the testimony of Joseph Pappan, Joseph, James, and Julia Pappan, marked E, and C. and F. Chatran, marked S, it satisfactorily appears that both of these children, named as the seventh and eighth reservees in the treaty, died in infancy, without issue, brothers or sisters. It also appears that Baptiste Gouvill, their father, is dead, but whether he died before or after both of those children is not certain, nor is it deemed material, as the rule of descent would be the same. It appears, however, that Baptiste and Louis Gouvill were brothers, and the children of Louis, who is also dead, are his nearest heirs. Louis Gouvill had eight children, named Joseth, Julia, Pelagia, Victoire, Louis, Baptiste, Rosalia, and America. Louis and America both died in infancy, without issue. Rosalia was married to a half-breed Shawnee, by whom she had one child, called Elijah, and that she has since died. Her infant son is still living, and inherits her share of this property. Joseth, the reservee of survey No. 3, died, as above reported, leaving four children, above named, who are all living, and inherit Joseth's share of this property. The other children of Louis Gouvill, viz: Julia, wife of Louis Pappan; Pelagia, wife of De Aubri; and Baptiste, who is in California, are all living. By the laws of Kansas the children of a deceased heir will inherit the shares of their deceased parent.

I, therefore, am of the opinion that surveys No. 7 and 8 have descended to the four surviving children of Louis Gouvill, and the children of Joseth and Rosalia, in the following portion or shares :

To Julia Pappan, one share, or sixth part ; to Pelagia De Aubri, one share, or sixth part ; to Victoine Smith, one share, or sixth part ; to Baptiste Gouvill, one share, or sixth part ; to Elijah Fish, son of Rosalia, one share, or sixth part ; to Louis Pappan, Achan Pappan, Mary Ogelle Pappan, Susan Pappan, children of Joseth Pappan, deceased, one share, or sixth part, jointly, or one twenty fourth part each.

On survey No. 7 I found two occupants, Albert Plyley and Thomas Fuller. They have each a small cabin, but no other improvements worthy of notice. On survey No. 8 are several occupants, viz : Gabriel P. Clark & Son, who have a dwelling-house, out-houses, and from eighty to one hundred acres of land under cultivation ; Jacob Morrison, with a house, and twenty-three acres under cultivation ; and Jacob Sypfers, with a house, and about forty acres under cultivation.

These occupants are mere trespassers, claiming no other title than by right of pre-emption.

Survey No. 9.—Laventure, son of Francis Laventure, reservee.

Lewis Laventure, who was partly raised by Frederick Christian, an Indian trader, is fully identified as the son of Francis Laventure, named in the treaty as the within reservee by the testimony of Cyprian and Frederick Christian, marked S, and of various other witnesses, marked F. It is also proved by the same witnesses that he died in the service of the government during the Mexican war, being a teamster in the Santa Fé expedition. It is further proved by the testimony of the Rev. J. D. Blanchard and Chastty Brassfield, marked F, and the two Christians, that some years before his death, whilst living with Frederick Christian, he was married to Catherine J. Trapp at the Delaware mission, by the Rev. J. D. Blanchard, a Baptist missionary, according to the rites of that church, and that they lived together as husband and wife (which is of itself evidence of marriage by the laws of Kansas) for several years, and until he left for Mexico, shortly before his death, during which time they had one child, who died in infancy. It further appears that his widow, Catherine Jane, afterwards married a man by the name of John Brown, with whom she is now living on survey No. 9, claiming it as the widow and heir of Laventure.

As by the laws of Kansas above referred to, "If the intestate leaves no issue the whole of his estate shall go to his wife," it follows that Catherine Jane Brown is entitled to the whole of survey No. 9, unless her marriage with Laventure was void for the reason that she had another husband living at the time. The evidence upon this point is as follows: Chastty Brassfield says, when he first knew Mrs. Brown she was a single woman living with her father, about six miles from Kansas City, and went by the name of Jane Biggs. "She was afterwards married to a man by the name of Martin Trapp, between fourteen and sixteen years ago, may be more or less. We suppose he is dead. He went out on the plains some fourteen years ago, and has not been heard of since. I do not know anything further about it." Cyprian Christian, in speaking of her marriage with Laventure, says: "She had been married before, but I do not know what her first husband's name was." Frederick Christian says: "She had been married previously to a man by the name of Trapp, who was in the penitentiary in Missouri at the time of this marriage." The above is all the evidence relating to the previous marriage.

It will be seen that no marriage in fact has been proved by any one who was present, or who pretends to have had personal knowledge of the fact, nor is it shown that the parties even cohabited, or that they were ever recognized as husband and wife by their respective families or relations, or any other circum-

stances from which a marriage in fact could be inferred. I have been unable to find any case where a marriage has been held void on the ground of bigamy upon such slight testimony of a previous marriage as in this case. The legal presumption against the commission of crime is held to be where a marriage in fact has been proved sufficient to override what would otherwise have been sufficient presumptive evidence of marriage, even when it involves the party in the disgrace of a meretricious connexion with her former reputed husband. But the evidence in this case does not involve Mrs. Brown in such disgrace. This case might have been relieved of all difficulties by a more careful examination of the witnesses, but I was unable to find either of the witnesses who testified upon this matter, or any other testimony bearing on this question.

There being no one else claiming as the heirs of Laventure, I called upon the half-breeds to furnish evidence, if they could, of Mrs. Brown's marriage to Trapp; but they knew nothing of the matter. Belnard and wife were the only half-breeds I found who disputed the right of Mrs. Brown, and they put it upon the ground that she was never married to Laventure.

I am therefore of the opinion that Catherine Jane Brown is entitled to the whole of survey No. 9, as the widow and heir of Laventure, the original reservee.

Mrs. Brown has a good log-house, and about seventy acres under cultivation on this tract, on which she and her present husband reside.

There are three settlers on this land, viz: Hiram Pardu, who has a small house and ten acres under fence; David Zimmerman and Thomas O. Brown, with each a small cabin, but no other improvement. They also claim as pre-emptors.

Surveys No. 10 and 11.—Elizabeth and Pierre Carboman, reservees.

By the testimony of Julia Lessert, A. F. De Aubre, and Moses Belman, marked H, and of the two Chataus, marked S, it is proved that Pierre Carboman, named in the treaty as the eleventh reservee, died in infancy without issue, and as there are no other known relatives but the children of his sister Elizabeth, they will, of course, be his heirs.

It is also proved by the same witnesses that Elizabeth Carboman, named in the treaty as the tenth reservee, was married to a man by the name of Joseph Vestifer, by whom she had five or six children, all of whom died in infancy except Pelasia, Louisa, and Victoria, who are still living. It is also proved that Elizabeth, the mother of these children, died some thirteen or fourteen years since, and that her husband, Joseph Vestifer, died about three years ago. The father and mother of these reservees being both dead, the surviving children of Elizabeth will be the heirs to both tracts. It is further proved that Pelasia Vestifer is now married to Louis Catalan, that Louisa is married to Antoine Delonia, and that Victoria is married to U. E. Hardy.

I am therefore of the opinion that Pelazia Catalan, Louisa Delonia, and Victoria Hardy are entitled to the whole of surveys No. 10 and 11, in legal portions, as the heirs of the deceased reservees, Elizabeth and Pierre Carboman.

By reference to the papers marked application No. 7, as filed by Mr. Walsh, it will be seen that these parties asked a confirmation of a deed for southwest quarter of survey No. 10, made to R. S. Stevens "for his services," and a deed for the northwest quarter of same survey, made to same party for a "*valuable consideration*," and to have the northeast quarter patented to Louisa and the southeast quarter patented to Pelazia.

I found the following named persons living on these lands and claiming as pre-emptors, viz: Archilles Jacobs, Harvey Lafaughn, John Donalson, and James Wilson on survey No. 10, and P. M. Gilbert, Ichiel Tyler, William Bell and Frederick Marky on survey No. 11. They have each a small cabin, but no other improvements worthy of notice.

Surveys 12, 13, and 14.—Louis Joncas, Bazile Joncas, James Joncas, reservees.

The above-named reservees are, no doubt, all dead, but I have found it exceedingly difficult to determine who are the proper heirs to these lands. I find among the papers submitted to me the testimony of nine witnesses examined by Mr. Walsh, and marked I and J, but their statements were so contradictory and conflicting that I found it impossible to reconcile them, or to come to any definite conclusion. From this testimony it seems that these reservees continued to live at St. Louis for several years after the treaty; that four or five years after the treaty one of them went to live with a French trader by the name of Girrard, in the Osage country, and that the other two shortly afterwards went up the Little Missouri river, in the employ of the American Fur Company, and have never returned, but are reported dead. The witnesses differ as to which of these men went with Girrard. Two men, called John Bazil and Louis Bazil, from the Osage country, claim to be the sons of the one who went to that country, and heirs to those three sections. The great difficulty is to identify their father as one of the reservees.

Joseph Pappan, who says he knew these reservees at and before the treaty, when they were boys, and was raised in the same house with Bazil, says that ten or fifteen years after the treaty Bazil Joncas went with him up the Little Missouri, in the employ of the American Fur Company; that he left him there in the spring, and has never seen him since; that he has never returned, to his knowledge.

He also says that four or five years after the treaty *Louis Joncas* went to the Osage country, in the employ of Girrard, a trader; that he heard he was married there, and had four children, but does not know the fact.

Moses Belmand says that 20 years ago he knew *Bazil Joncas*, who was then living at Girrard's trading-post in the Osage country, and that Girrard told him he was one of the three brothers who had land under the treaty. He had two boys, John and Tom, and that he saw these boys in the Osage country last July.

Margaret Pappan says that about six years ago *Bazil Joncas*, quite an old man, acted as interpreter for the Kaws at Council Grove when Whitfield was agent, and she understood he lived with the Osages.

Joseph James says that about 1850 he saw a man in the Osage country called *Bazil Joncas*, and took dinner with him; that he had a son named John, but does not know whether he had any other children.

Julia Lesseth says she knew a man called *Louis Bazil*, living in the Osage country, who had two sons named John and Lewis; that she understands from her husband, who was a white man, and was at the treaty, that *Bazil* was one of the half-breed reservees.

Frank Jeni says he knew a man, in the Osage country, called *Bazil Joncas*. He first knew him about twelve years ago. Since then he has seen him draw money at the Kaw payments twice; that he is dead, but has two sons living called John and Lewis. That this *Bazil* had two brothers who are both dead.

Ellen, the wife of Frank Jeni, says her name is *Ellen Bazil*, and is the daughter of *Bazil's* wife. That *Bazil* named her mother when she was an infant, and that he is sometimes called *James Bazil Vessin*. That he died two years ago, and left two sons, John *Bazil* and Louis *Bazil*, who are both living.

From the above testimony, notwithstanding the many names given to this Osage man, it might reasonably be inferred that he was one of the reservees; that it was *Bazil Joncas* who went to the Osage country, and not *Louis*, as stated by Joseph Pappan, especially as Pappan, when he was afterwards examined in reference to survey No. 14, in speaking of *James Joncas*, says: "He went at the same time with myself and *Louis* up the Little Missouri," &c., (a fact which had heretofore escaped my notice,) and upon his re-examination by

me he says he has often seen Basil Joncas among the Osages, and knew him to be one of the reservees.

But against this inference we have the statements of John Basil, who claims to be the son of this Osage man, who would be most likely to know his father's name. In his statement, marked I, he says: "My name is John, and my father's name was *James* Joncas. My father told me there were three brothers; the oldest was named Louis and the other was named Basil; that Louis had been dead a long time; he was a farmer, and died near St. Louis; that Basil died in Mexico or Santa Fé." He further says that his father had had nine children, but they were all dead but himself and brother Louis. This witness signs his deposition by the name of John Basil, and in his application (No. 8) for the sale of his land, says: "I, John Basil, one of the heirs of James Joncas, and nephew of Basil Joncas and Louis Joncas," &c., which application is also signed "John Basil."

As one of the Choctaws had stated in his testimony that he knew nothing of these parties, but that the Bazils and Joncas were the same, I was suspicious from this hint that an attempt was being made to bring forward spurious heirs for this land, by an attempt to identify this man Basil as the reservee, called Basil Joncas.

I therefore submitted to the half-breeds in full council. They could give no new facts tending to settle this question of identity, but generally expressed the opinion that the men called John and Louis Basil were the heirs of Basil Joncas, and entitled to these lands; but some of them seemed to doubt. The general opinion among the whites was against their claim.

In this state of the case I wrote to the department for further instructions, and on receipt of your letter of February 19 I proceeded to St. Louis and there made diligent inquiry amongst the old French residents of the city and vicinity, and also of such old Indian traders as I could find, but could get no positive information upon this question of identity. I found many who knew the reservees called Joncas, when they lived in the city, but had lost all knowledge of them since they left there. I learned, however, that the proper name was Vassier and not Joncas. That Joncas was the Indian name of their father. I also learned that one Charles Findlay, who was for many years with Ginaud, the Indian trader above mentioned, and well acquainted with this man called Basil, resided somewhere in the vicinity of Baltimore. I have, with much difficulty, succeeded in perusing the testimony of Mr. Findlay, who is a man of the highest respectability, and his testimony removes all doubts from my mind and completely identifies this Basil as one of the original reservees.

There is no positive proof of the death of Louis and James Joncas, but the general reputation of the death among the half-breeds, together with their long absence without being heard from, is deemed sufficient evidence of the fact. Some of the witnesses say they have heard of these men having had children among other tribes, but no one pretends to know that such was the case except from mere rumor, and as none have appeared to claim these lands other than the two Osages above named, and there being no proof of the existence of such children, I am of the opinion that John Basil and Louis Basil are entitled to the whole of the surveys Nos. 12, 13, and 14, as the only surviving heirs of Louis Basil and James Joncas, the original reservees.

On survey No. 12 I found three occupiers claiming pre-emptions, viz: John Brauseaub, one Ellis, and one Whitaker. They have each a small cabin, but no other improvements worthy of note.

On survey No. 13 I found four pre-emptors, viz: C. K. Smith and R. Johnson, with about forty acres under fence; Michael Damy, with about twenty-five acres under fence; and William Shirley, with fifteen or twenty acres fenced; all having the usual log cabins.

And on survey No. 14 I found John and Robert Garret, with a house, and almost sixty acres under fence; William Rawles, with a house, and ten acres improved; and John Jamison, with a house, and about twenty acres improved; all, as in other cases, claiming as pre-emptors.

It will be seen, by reference to application No. 8, that John Bazil, for himself and in behalf of his brother Louis, requests a sale of these lands, under the provisions of the act of Congress, but it nowhere appears that he was in any manner authorized to act for his brother Louis.

Survey No. 15.—Elizabeth Datchunte, reservee.

From the testimony of Joseph Pappan, Margaret Pappan, and Julius Pappan, marked K, and Cyprian Choteau, marked S, it is satisfactorily proved that Elizabeth Datchuntes, the daughter of Baptiste Datchuntes, and the reservee of survey No. 15, died at St. Louis, at the age of about fifteen, and without issue; and that her mother, Tacongo, also died, leaving no children. Her father, Baptiste Datchunte, was a mulatto, and interpreter for the Kansas Indians at the treaty of St. Louis. He died at the house of Frederick Choteau, some fifteen or eighteen years ago. An attempt has been made by one Louisa Howard, wife of George G. Howard, a colored man, living at Quincy, Illinois, to claim this tract as the heir of the reservee. She claims to be the daughter of Baptiste Datchunte by an Omaha woman, and rests her claim solely on the testimony of Antoine and Adelaide Morin, marked L. They say that Elizabeth had a half-sister, the daughter of Datchunte, by an Omaha woman; but as they do not disclose how they know the fact, and as there is no proof of the marriage of Datchunte with this Omaha woman, and as it is proved by the testimony of Joseph Pappan, marked J, that they were not married, and as the Choteaus, the most reliable witnesses, with the best means of knowing, say that he left no children, I am of the opinion that this claim ought not to be allowed.

There is also an attempt to show that this woman had some distant relatives among the Indians on the mother's side, but there is no evidence of the fact.

I therefore report that Elizabeth Datchunte, the original reservee of survey No. 15 is dead, without any known heirs. There are four settlers on this tract, viz: Alfred Hendricks, with a house and fifteen acres improved; Henry Smith, a house and seventeen acres improved; John Pennell, house and ten acres improved, and a man by the name of Supples, with a cabin, but no other improvements. They all claim as pre-emptors.

Survey No. 16.—Joseph Butler, reservee.

From the testimony of Joseph Pappan, Margaret Pappan, and De Aulin, marked M, as also of the Choteaus, marked S, there is no doubt that Joseph Butler, the reservee of survey No. 16, is still living and fully identified.

I therefore report that Joseph Butler is entitled to the whole of survey No. 16, as the original reservee. I found some occupants of this tract—Augustus Slenno, Patrick Waters, and five others, whose names I did not ascertain. They have generally a small house and a few acres improved, and all claim as pre-emptors. It will be seen by application No. 8, reported by Mr. Walsh, that Joseph Butler asks for a sale of this land, under the provisions of the act of Congress, and also asks the appointment of a guardian.

Survey No. 17.—William Rodgers, reservee.

It will be seen by the testimony of Joseph Pappan and Margaret Pappan, that William Rogers, the reservee of survey No. 17, married a Kaw woman and had one child; that both his wife and child died before him, and that he died at Charles Fisher's, on the Wakarusa, during the Mexican war, without surviving issue. The witnesses say he had no brothers or sisters that were Kaws, but had one sister who was an Omaha, and another who was an Otoe. These must

have been half-sisters by different mothers, and as there is no evidence of their marriage of his father with the mothers of these half-sisters, according to the Indian customs, or otherwise, I am of the opinion that they are not his heirs. I therefore report that William Rodgers, the reservee of survey No. 17, is dead, and has left no known heirs.

I found upon this tract E. McLain, with about fifteen acres improved; John Kalish, with seventeen acres improved; the widow Samples, with ten acres improved; and Joseph Myers, with no improvements but a small cabin. They all claim as pre-emptors.

Survey No. 18.—Joseph Cote, reservee.

By the testimony of Joseph Pappan and others, marked O, it appears that Joseph Cote, the reservee of survey No. 18, was married, but had no children, and that he and his wife both died at Council Grove soon after the Kansas Indians removed there; and that he left no known relatives. I am, therefore, of the opinion that Joseph Cote, the reservee of survey No. 18, is dead, and that he has left no known heirs.

I found living on this tract William Osborne, with fifteen acres improved; one Williams, with about eighteen acres improved; Milton Cuch, with ten acres improved; and Jerome Kunkle, with no improvements of note.

Surveys Nos. 19, 20, 21, and 22.—The four children of Cecile Compan, reservees.

I have found this a difficult case to determine, from the fact that the four children of Cecile Compan were not named, in the treaty, and the disagreement of the witnesses as to the number and names of his children.

Mr. Walsh took the testimony of six witnesses, and also procured copies of the records of the St. Louis cathedral of the baptism of eleven of her children; and I have examined two of her children, Resni Heln, and Lecompte and Eliza, Pelagias Byson, all of which will appear in the testimony marked P and Q, but no two agree in their statements.

Cecile Compan was a half-breed Kaw, and resided in St. Louis from 1807 until her death, in 1857. I learned at St. Louis that Cecile Compan was a somewhat notorious character, who had many children by different men who were not her husbands, but I could find no one who knew how many children she has had, unless it was her daughter Eliza, who says she had twelve in all. From the records of the St. Louis cathedral, of the baptism of eleven of her children, it appears she had four by Antoine Bissett, five by Hyacinth Lecompt, and one by Hyacinth Hebert, one by Ignasias Hebert, and one by Joseph Hebert, but not in the order here mentioned; and after the birth of all these children she was married to Hyacinth Lecompte on the 15th of July, 1830. The names of these children, in the order of their birth, was Julia, Victoire, Francaise, Cecile, Catherine, Marie Louisa, Herbert, and Hyacinth, all born before the treaty, and Rensi, Pelagia, and Emily, born after the treaty. It is impossible, at this late day, to know which four of these eight children born before the treaty were the original reservees. I am of the opinion that they are all dead, and have left no issue. I have found three living, who are, no doubt, all children of Cecile Compan, viz: Charles Lecompt, Rensi Herbert Lecompt, both in Kansas, and Eliza or Pelagaia Byson, who lives in St. Louis. Some of the witnesses speak of Charles and Hyacinth as the same. If this is so, he may or may not have been one of the original reservees, as Hyacinth was born a few months before the treaty. But on the other hand it is proved by Andrew Lecompte, their cousin, that Hyacinth died at his mother's, in St. Louis, when he was about twelve years old. Rensi Lecompte, son of Cecile, says his mother told him that all of his children who got land under the treaty died long before she did, except Catharine, and his sister Eliza says that Charles lived

with her mother until about five years ago, and she never heard of his having any other name than Charles.

There is no doubt that Catharine was one of the four reservees, but she died without issue about two years ago. All of the witnesses agree, however, that Charles, Runi, and Eliza or Pelagia, and all of the children of Cecile Compan who are now living, and as by the laws of Kansas illegitimate children can take as heirs of their mother and the mother from them, upon the death of the reservees the land descended to the mother, and upon her death to her then surviving children above named. I am, therefore, of the opinion that Charles Lecompt, Runi Hebert Lecompt, and Eliza Byson are entitled to the whole of surveys Nos. 19, 20, 21, and 22, in equal portions, as the heirs of the original reservees. Eliza was formerly married to a man by the name of Byson, who has been dead some years.

By reference to application No. —, it will be seen that Charles Lecompt has requested the Secretary to sell his interest in these lands, and also to appoint a guardian for him. I have also been informed that he has recently deeded all his interest to some man living in the State of Indiana. Although I did not see this man Charles, I have no doubt that he is idiotic, exceedingly intemperate, and totally incapable of transacting business with prudence and safety to himself. The other parties do not desire a sale of their interest in these lands, and as they have been raised in St. Louis and have received some education, they are, perhaps, capable of taking care of their own property, as whites of that class usually are. They appear to have but little Indian blood.

On survey No. 19 there is a town called Rising Sun, with some thirty or forty houses and two sawmills, and on the residue of the survey, as also on surveys Nos. 20, 21, and 22, there are a large number of settlers, all claiming, however, as pre-emptors.

I was furnished with the names of all these parties by Remi Lecompt, one of the claimants, but have accidentally lost the paper, so that I am unable to give their names or the precise nature of their improvements. The houses in the town of Rising Sun are generally small frame buildings of little value, and the sawmills are so nearly portable that they will probably be removed. Those living out of town have the usual wooden houses, with small enclosures of cultivated ground. These four sections were originally better supplied with timber, and of a better quality than any of the others, and greater waste has been committed. The settlers seem to have relied upon this timber as a means of living, and are entitled to no favors of the government if it was in their power to bestow any.

Survey No. 23.—Joseph James, reservee.

It is proved by the testimony of Joseph and Julia Pappan, marked R, and C. and F. Choteau, marked S, that Joseph James, the present interpreter of the Kansas Indians, is the same person named in the treaty as the last reservee.

I therefore report that Joseph James is entitled to the whole of survey No. 23, as the original reservee thereof.

It will be seen by application No. 14, reported by Mr. Walsh, that this claimant has asked a confirmation of a deed made by him to R. S. Stevens for one-quarter of this tract, but which one does not appear, and also asks a sale of the residue. As he was at Council Grove with the tribe when I was in Kansas, I did not see him.

WILLIAM H. COOMBS,
Special Commissioner.

Hon. WILLIAM P. DOLE,
Commissioner of Indian Affairs.