

**POKAGON BAND OF POTAWATOMI INDIANS ACT AND
THE LITTLE TRAVERSE BAY BANDS OF ODAWA
INDIANS AND THE LITTLE RIVER BAND OF
OTTAWA INDIANS ACT**

**HEARING
BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE
ONE HUNDRED THIRD CONGRESS
SECOND SESSION**

ON

S. 1066

**TO RESTORE FEDERAL SERVICES TO THE POKAGON BAND OF
POTAWATOMI INDIANS**

AND

S. 1357

**TO REAFFIRM AND CLARIFY THE FEDERAL RELATIONSHIPS OF THE
LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS AND THE LITTLE
RIVER BAND OF OTTAWA INDIANS AS DISTINCT FEDERALLY RECOG-
NIZED INDIAN TRIBES**

**FEBRUARY 10, 1994
WASHINGTON, DC**



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Note.—These materials have been retained in the files of the committee: A Visual Cultural History of the Little Traverse Bay Bands of Odawa, Gah-Bach-Jhagwah-Buk, The Way It Happened, by James McClurken. The Pokagons, 1683-1983, Catholic Potawatomi Indians of the St. Joseph River Valley, James A. Clifton. Ethnohistorical Report on the Little Traverse Bay Bands of Odawa Indians, Richard White, Department of History, University of Washington and James M. McClurken, Department of Anthropology, Michigan State University. Ethnohistorical Report on the Little River Band Ottawa Indians, prepared by James M. McClurken, Michigan State University Museum, Michigan State University.

**POKAGON BAND OF POTAWATOMI INDIANS
ACT, AND THE LITTLE TRAVERSE BAY BAND
OF ODAWA INDIANS AND THE LITTLE RIVER
BAND OF OTTAWA INDIANS ACT**

THURSDAY, FEBRUARY 10, 1994

**U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
*Washington, DC.***

The committee met, pursuant to notice, at 9:30 a.m. in room 485, Russell Senate Office Building, Hon. John McCain (vice chairman of the committee) presiding.

Present: Senators McCain and Campbell.

**STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM
ARIZONA, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

Senator McCAIN. Good morning. The committee will come to order.

I want to welcome all of you here this morning. Unfortunately, Chairman Inouye regrets that he cannot be here, he's managing the Supplemental Appropriations Bill on the Senate floor, and I would ask unanimous consent that the Chairman's full statement be included in the record.

[Prepared statement of Senator Inouye appears in appendix.]

Senator McCAIN. I would like to make some brief remarks about today's hearing. The issue of Federal acknowledgement is not new to this committee. Over the past several years, numerous oversight hearings have taken place on the Federal recognition process. At each of these hearings, the record has clearly shown that the current administrative process is a very costly and protracted one. There needs to be consistency and fairness in the Federal recognition process which too often has been characterized by inconsistency and the lack of fairness.

Given this situation, I have great compassion for groups that have literally waited years for action on their petitions. On the other hand, we're seeing an increasing number of Federal acknowledgement bills being introduced in the Congress. This fact is troubling to me, because I don't believe that the Congress is equipped to render judgment on such matters. In fact, this committee does not even apply a set of established criteria when considering a recognition bill.

The continued existence of two recognition processes, one Federal and one legislative, is a proven formula for unfairness. It is espe-

cially unfair to those petitioners who are frustrated with the Federal process but are unable to muster the political support necessary to move a legislative recognition bill through the Congress.

The parameters of future reforms, in my view, must be the existence of only one Federal recognition process with firm time lines for consideration of each petition and an end point for the consideration of all petitions. I plan to introduce such legislation in the near future, and it's my intention to ask the chairman to schedule this bill for an early hearing.

[Text of S. 1066 and S. 1357 follows:]

103D CONGRESS
1ST SESSION

S. 1066

To restore Federal services to the Pokagon Band of Potawatomi Indians.

IN THE SENATE OF THE UNITED STATES

MAY 28 (legislative day, APRIL 19), 1993

Mr. RIEGLE (for himself and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To restore Federal services to the Pokagon Band of Potawatomi Indians.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress finds the following:

5 (1) The Pokagon Band of Potawatomi Indians
6 is the descendant of, and political successor to, the
7 signatories of the Treaty of Greenville 1795 (7 Stat.
8 49); the Treaty of Grouseland 1805 (7 Stat. 91); the
9 Treaty of Spring Wells 1815 (7 Stat. 131); the
10 Treaty of the Rapids of the Miami of Lake Erie
11 1817 (7 Stat. 160); the Treaty of St. Mary's 1818

1 (7 Stat. 185); the Treaty of Chicago 1821 (7 Stat.
2 218); the Treaty of the Mississinewa on the Wabash
3 1826 (7 Stat. 295); the Treaty of St. Joseph 1827
4 (7 Stat. 305); the Treaty of St. Joseph 1828 (7
5 Stat. 317); the Treaty of Tippecanoe River 1832 (7
6 Stat. 399); and the Treaty of Chicago 1833 (7 Stat.
7 431).

8 (2) In the Treaty of Chicago 1833, the
9 Pokagon Band of Potawatomi Indians was the only
10 band that negotiated a right to remain in Michigan.
11 The other Potawatomi bands relinquished all lands
12 in Michigan and were required to move to Kansas or
13 Iowa.

14 (3) Two of the Potawatomi bands later re-
15 turned to the Great Lakes area, the Forest County
16 Potawatomi of Wisconsin and the Hannahville In-
17 dian Community of Michigan.

18 (4) The Hannahville Indian Community of
19 Michigan, the Forest County Potawatomi Commu-
20 nity of Wisconsin, the Prairie Band of Potawatomi
21 Indians of Kansas, and the Citizen Band Pota-
22 watomni Indian Tribe of Oklahoma, whose members
23 are also descendants of the signatories to one or
24 more of the aforementioned treaties, have been rec-
25 ognized by the Federal Government as Indian tribes

1 eligible to receive services from the Secretary of the
2 Interior.

3 (5) Beginning in 1935, the Pokagon Band of
4 Potawatomi Indians petitioned for reorganization
5 and assistance pursuant to the Act of June 18, 1934
6 (25 U.S.C. 461 et seq., commonly referred to as the
7 "Indian Reorganization Act"). Because of the finan-
8 cial condition of the Federal Government during the
9 Great Depression it relied upon the State of Michi-
10 gan to provide services to the Pokagon Band. Other
11 Potawatomi bands, including the Forest County Pot-
12 awatomi and the Hannahville Indian Community
13 were provided services pursuant to the Indian Reor-
14 ganization Act.

15 (6) Agents of the Federal Government in 1939
16 made an administrative decision not to provide serv-
17 ices or extend the benefits of the Indian Reorganiza-
18 tion Act to any Indian tribes in Michigan's lower pe-
19 ninsula.

20 (7) Tribes elsewhere, including the Hannahville
21 Indian Community in Michigan's upper peninsula,
22 received services from the Federal Government and
23 were extended the benefits of the Indian Reorganiza-
24 tion Act.

1 (8) The Pokagon Band of Potawatomi Indians
2 consists of at least 1,500 members who continue to
3 reside close to their ancestral homeland in the St.
4 Joseph River Valley in southwestern Michigan and
5 northern Indiana.

6 (9) In spite of the denial of the right to orga-
7 nize under the Indian Reorganization Act, the
8 Pokagon Band has continued to carry out its gov-
9 ernmental functions through a Business Committee
10 and Tribal Council from treaty times until today.

11 (10) The United States Government, the gov-
12 ernment of the State of Michigan, and local govern-
13 ments have had continuous dealings with the recog-
14 nized political leaders of the Band from 1795 until
15 the present.

16 **SEC. 2. FEDERAL RECOGNITION.**

17 Federal recognition of the Pokagon Band of Pota-
18 watomi Indians is hereby affirmed. Except as otherwise
19 provided in this Act, all Federal laws of general applica-
20 tion to Indians and Indian tribes, including the Act of
21 June 18, 1934 (25 U.S.C. 461 et seq.), shall apply with
22 respect to the Band and its members.

23 **SEC. 3. SERVICES.**

24 Notwithstanding any other provision of law, the Band
25 and its members shall be eligible, on and after the date

1 of the enactment of this Act, for all Federal services and
2 benefits furnished to federally recognized Indian tribes
3 without regard to the existence of a reservation for the
4 Band or the location of the residence of any member on
5 or near an Indian reservation.

6 **SEC. 4. TRIBAL MEMBERSHIP.**

7 Not later than 18 months after the date of the enact-
8 ment of this Act, the Band shall submit to the Secretary
9 membership rolls consisting of all individuals eligible for
10 membership in such Band. The qualifications for inclusion
11 on the membership rolls of the Band shall be determined
12 by the membership clauses in the Band's governing docu-
13 ments, in consultation with the Secretary. Upon comple-
14 tion of the rolls, the Secretary shall immediately publish
15 notice of such in the Federal Register. The Bands shall
16 ensure that such rolls are maintained and kept current.

17 **SEC. 5. CONSTITUTION AND GOVERNING BODY.**

18 (a) CONSTITUTION.—

19 (1) ADOPTION.—Not later than 24 months
20 after the date of the enactment of this Act, the Sec-
21 retary shall conduct, by secret ballot and in accord-
22 ance with the provisions of section 16 of the Act of
23 June 18, 1934 (25 U.S.C. 476), an election to adopt
24 a constitution and bylaws for the Band.

1 (2) INTERIM GOVERNING DOCUMENTS.—Until
2 such time as a new constitution is adopted under
3 paragraph (1), the governing documents in effect on
4 the date of enactment of this Act shall be the in-
5 terim governing documents for the Band.

6 (b) OFFICIALS.—

7 (1) ELECTION.—Not later than 6 months after
8 the Band adopts a constitution and bylaws pursuant
9 to subsection (a), the Secretary shall conduct elec-
10 tions by secret ballot for the purpose of electing offi-
11 cials for the Band as provided in the Band's con-
12 stitution. The election shall be conducted according
13 to the procedures described in subsection (a), except
14 to the extent that such procedures conflict with the
15 Band's constitution.

16 (2) INTERIM GOVERNMENT.—Until such time
17 as the Band elects new officials pursuant to para-
18 graph (1), the Band's governing body shall be the
19 governing body in place on the date of the enact-
20 ment of this Act, or any new governing body selected
21 under the election procedures specified in the in-
22 terim governing documents of the Band.

23 **SEC. 6. TRIBAL LANDS.**

24 The Band's tribal land shall consist of all real prop-
25 erty, including the land upon which the Tribal Hall is situ-

1 ated, now or hereafter held by, or in trust for, the Band.
2 The Secretary shall acquire real property for the Band.
3 Any such real property shall be taken by the Secretary
4 in the name of the United States in trust for the benefit
5 of the Band and shall become part of the Band's reserva-
6 tion.

7 **SEC. 7. SERVICE AREA.**

8 The Band's service area shall consist of the Michigan
9 counties of Allegan, Berrien, Van Buren, and Cass and
10 the Indiana counties of La Porte, St. Joseph, Elkhart,
11 Starke, Marshall, and Kosciusko.

12 **SEC. 8. JURISDICTION.**

13 The Band shall have jurisdiction to the full extent
14 allowed by law over all lands taken into trust for the bene-
15 fit of the Band by the Secretary. The Band shall exercise
16 jurisdiction over all its members who reside within the
17 service area in matters pursuant to the Indian Child Wel-
18 fare Act (25 U.S.C. 1901 et seq.), as if the members were
19 residing upon a reservation as defined in that Act.

20 **SEC. 9. DEFINITIONS.**

21 For purposes of this Act—

22 (1) the term "Band" means the Pokagon Band
23 of Potawatomi Indians;

1 (2) the term "member" means those individuals
2 eligible for enrollment in the Band pursuant to sec-
3 tion 4; and

4 (3) the term "Secretary" means the Secretary
5 of the Interior.

○

103D CONGRESS
1ST SESSION

S. 1357

To reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4 (legislative day, JUNE 30), 1993

Mr. LEVIN (for himself and Mr. RIEGLE) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

A BILL

To reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Little Traverse Bay
5 Bands of Odawa Indians and the Little River Band of
6 Ottawa Indians Act".

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) The Little Traverse Bay Bands of Odawa
2 Indians and the Little River Band of Ottawa Indi-
3 ans are descendants of, and political successors to,
4 signatories of the 1836 Treaty of Washington and
5 the 1855 Treaty of Detroit.

6 (2) The Grand Traverse Band of Ottawa and
7 Chippewa Indians, the Sault Ste. Marie Tribe of
8 Chippewa Indians, and the Bay Mills Band of Chip-
9 pewa Indians, whose members are also descendants
10 of the signatories to the 1836 Treaty of Washington
11 and the 1855 Treaty of Detroit, have been recog-
12 nized by the Federal Government as distinct Indian
13 tribes.

14 (3) The Little Traverse Bay Bands of Odawa
15 Indians consists of at least 1,000 eligible members
16 who continue to reside close to their ancestral home-
17 land as recognized in the Little Traverse Reserva-
18 tion in the 1836 Treaty of Washington and 1855
19 Treaty of Detroit, which area is now known as
20 Emmet and Charlevoix Counties, Michigan.

21 (4) The Little River Band of Ottawa Indians
22 consists of at least 500 eligible members who con-
23 tinue to reside close to their ancestral homeland as
24 recognized in the Manistee Reservation in the 1836
25 Treaty of Washington and reservation in the 1855

1 Treaty of Detroit, which area is now known as
2 Manistee and Mason Counties, Michigan.

3 (5) The Bands filed for reorganization of their
4 existing tribal governments in 1935 under the Act of
5 June 18, 1934 (25 U.S.C. et seq.; commonly re-
6 ferred to as the "Indian Reorganization Act"). Fed-
7 eral agents who visited the Bands, including Com-
8 missioner of Indian Affairs, John Collier, attested to
9 the continued social and political existence of the
10 Bands and concluded that the Bands were eligible
11 for reorganization. Due to a lack of Federal appro-
12 priations to implement the provisions of such Act,
13 the Bands were denied the opportunity to reorga-
14 nize.

15 (6) In spite of such denial, the Bands continued
16 their political and social existence with viable tribal
17 governments. The Bands, along with other Michigan
18 Odawa/Ottawa groups, including the tribes described
19 in paragraph (2), formed the Northern Michigan Ot-
20 tawa Association in 1948. The Association subse-
21 quently pursued a successful land claim with the
22 Indian Claims Commission.

23 (7) Between 1948 and 1975, the Bands carried
24 out many of their governmental functions through

1 the Northern Michigan Ottawa Association, while re-
2 taining individual Band control over local decisions.

3 (8) In 1975, the Northern Michigan Ottawa As-
4 sociation petitioned under the Act of June 18, 1934
5 (25 U.S.C. 461 et seq.; commonly referred to as the
6 "Indian Reorganization Act"), to form a government
7 on behalf of the Bands. Again in spite of the Bands'
8 eligibility, the Bureau of Indian Affairs failed to act
9 on their request.

10 (9) The United States Government, the govern-
11 ment of the State of Michigan, and local govern-
12 ments have had continuous dealings with the recog-
13 nized political leaders of the Bands from 1836 to the
14 present.

15 **SEC. 3. DEFINITIONS.**

16 For purposes of this Act—

17 (1) the term "Bands" means the Little Tra-
18 verse Bay Bands of Odawa Indians and the Little
19 River Band of Ottawa Indians;

20 (2) the term "member" means those individuals
21 enrolled in the Bands pursuant to section 7; and

22 (3) the term "Secretary" means the Secretary
23 of the Interior.

1 **SEC. 4. FEDERAL RECOGNITION.**

2 (a) **FEDERAL RECOGNITION.**—Federal recognition of
3 the Little Traverse Bay Bands of Odawa Indians and the
4 Little River Band of Ottawa Indians is hereby reaffirmed.
5 All laws and regulations of the United States of general
6 application to Indians or nations, tribes, or bands of Indi-
7 ans, including the Act of June 18, 1934 (25 U.S.C. 461
8 et seq.; commonly referred to as the “Indian Reorganiza-
9 tion Act”), which are not inconsistent with any specific
10 provision of this Act shall be applicable to the Bands and
11 their members.

12 (b) **FEDERAL SERVICES AND BENEFITS.**—

13 (1) **IN GENERAL.**—The Bands and their mem-
14 bers shall be eligible for all services and benefits pro-
15 vided by the Federal Government to Indians because
16 of their status as federally recognized Indians, and
17 notwithstanding any other provision of law, such
18 services and benefits shall be provided after the date
19 of the enactment of this Act to the Bands and their
20 members without regard to the existence of a res-
21 ervation or the location of the residence of any mem-
22 ber on or near any Indian reservation.

23 (2) **SERVICE AREAS.**—

24 (A) **LITTLE TRAVERSE BAY BANDS.**—For
25 purposes of the delivery of Federal services to
26 the enrolled members of the Little Traverse

1 Bay Bands of Odawa Indians, the area of the
2 State of Michigan within 70 miles of the bound-
3 aries of the reservations for the Little Traverse
4 Bay Bands as set out in Article I, paragraphs
5 "third" and "fourth" of the Treaty of 1855, 11
6 Stat. 621, shall be deemed to be within or near
7 a reservation, notwithstanding the establish-
8 ment of a reservation for the tribe after the
9 date of the enactment of this Act. Services may
10 be provided to members outside the named
11 service area unless prohibited by law or pro-
12 gram regulations.

13 (B) LITTLE RIVER BAND.—For purposes
14 of the delivery of Federal services to enrolled
15 members of the Little River Band of Ottawa
16 Indians, the Counties of Manistee, Mason, Wex-
17 ford and Lake, in the State of Michigan, shall
18 be deemed to be within or near a reservation,
19 notwithstanding the establishment of a reserva-
20 tion for the tribe after the date of the enact-
21 ment of this Act. Services may be provided to
22 members outside the named Counties unless
23 prohibited by law or program regulations.

1 **SEC. 5. REAFFIRMATION OF RIGHTS.**

2 (a) **IN GENERAL.**—All rights and privileges of the
3 Bands, and their members thereof, which may have been
4 abrogated or diminished before the date of the enactment
5 of this Act are hereby reaffirmed.

6 (b) **EXISTING RIGHTS OF TRIBE.**—Nothing in this
7 Act shall be construed to diminish any right or privilege
8 of the Bands, or of their members, that existed prior to
9 the date of enactment of this Act. Except as otherwise
10 specifically provided in any other provision of this Act,
11 nothing in this Act shall be construed as altering or affect-
12 ing any legal or equitable claim the Bands might have to
13 enforce any right or privilege reserved by or granted to
14 the Bands which were wrongfully denied to or taken from
15 the Bands prior to the enactment of this Act.

16 **SEC. 6. TRANSFER OF LAND FOR THE BENEFIT OF THE**
17 **BANDS.**

18 (a) **LITTLE TRAVERSE BAY BANDS.**—The Secretary
19 shall acquire real property in Emmet and Charlevoix
20 Counties for the benefit of the Little Traverse Bay
21 Bands. The Secretary shall also accept any real property
22 located in those Counties for the benefit of the Little Tra-
23 verse Bay Bands if conveyed or otherwise transferred to
24 the Secretary, if at the time of such acceptance, there are
25 no adverse legal claims on such property including out-
26 standing liens, mortgages or taxes owed:

1 (b) **LITTLE RIVER BAND.**—The Secretary shall ac-
2 quire real property in Manistee and Mason Counties for
3 the benefit of the Little River Band. The Secretary shall
4 also accept any real property located in those Counties for
5 the benefit of the Little River Band if conveyed or other-
6 wise transferred to the Secretary, if at the time of such
7 acceptance, there are no adverse legal claims on such
8 property including outstanding liens, mortgages or taxes
9 owed.

10 (c) **ADDITIONAL LANDS.**—The Secretary may accept
11 any additional acreage in each of the Bands' service area
12 specified by section 4(b) of this Act pursuant to his au-
13 thority under the Act of June 18, 1934 (25 U.S.C. 461
14 et seq.; commonly referred to as the "Indian Reorganiza-
15 tion Act").

16 (d) **RESERVATION.**—Subject to the conditions im-
17 posed by this section, the land acquired by or transferred
18 to the Secretary under or pursuant to this section shall
19 be taken in the name of the United States in trust for
20 the Bands and shall be a part of the respective Bands'
21 reservation.

22 **SEC. 7. MEMBERSHIP.**

23 Not later than 18 months after the date of the enact-
24 ment of this Act, the Bands shall submit to the Secretary
25 membership rolls consisting of all individuals currently en-

1 rolled for membership in such Bands. The qualifications
2 for inclusion on the membership rolls of the Bands shall
3 be determined by the membership clauses in such Bands'
4 respective governing documents, in consultation with the
5 Secretary. Upon completion of the rolls, the Secretary
6 shall immediately publish notice of such in the Federal
7 Register. The Bands shall ensure that such rolls are main-
8 tained and kept current.

9 **SEC. 8. CONSTITUTION AND GOVERNING BODY.**

10 (a) **CONSTITUTION.—**

11 (1) **ADOPTION.—**Not later than 24 months
12 after the date of the enactment of this Act, the Sec-
13 retary shall conduct, by secret ballot, elections for
14 the purposes of adopting new constitutions for the
15 Bands. The elections shall be held according to the
16 procedures applicable to elections under section 16
17 of the Act of June 18, 1934 (25 U.S.C. 476; com-
18 monly referred to as the "Indian Reorganization
19 Act").

20 (2) **INTERIM GOVERNING DOCUMENTS.—**Until
21 such time as new constitutions are adopted under
22 paragraph (1), the governing documents in effect on
23 the date of the enactment of this Act shall be the
24 interim governing documents for the Bands.

25 (b) **OFFICIALS.—**

1 (1) ELECTION.—Not later than 6 months after
2 the Bands adopt constitutions and bylaws pursuant
3 to subsection (a), the Bands shall conduct elections
4 by secret ballot for the purpose of electing officials
5 for the Bands as provided in the Bands' respective
6 governing constitutions. The elections shall be con-
7 ducted according to the procedures described in the
8 Bands' constitutions and bylaws.

9 (2) INTERIM GOVERNMENTS.—Until such time
10 as the Bands elect new officials pursuant to para-
11 graph (1), the Bands' governing bodies shall be
12 those governing bodies in place on the date of the
13 enactment of this Act, or any new governing bodies
14 selected under the election procedures specified in
15 the respective interim governing documents of the
16 Bands.

○

Senator McCAIN. I appreciate your indulgence as I share with you my thinking on the Federal acknowledgement process. I want to welcome the members of the Michigan Congressional delegation this morning, and we are especially pleased to have my friend and colleague, Senator Levin, and my dear friend and former colleague, Congressman Kildee, whom I have grown to know and appreciate very much over many years of friendship. I guess it would be appropriate for Senator Levin to begin. I'm not sure, whichever you two choose.

Senator LEVIN. Well, Congressman Kildee is older and wiser. [Laughter.]

But I'm the more glamorous one, so maybe I'll begin, Mr. Chairman.

Senator McCAIN. Thank you, and welcome, both of you.

STATEMENT OF HON. CARL LEVIN, U.S. SENATOR FROM MICHIGAN

Senator LEVIN. First let me thank you and your staff and the other members of the committee and their staffs for scheduling this hearing. I understand the frustrations which you've just described, and understand the reason why you would want to try to bring some more rational approach to this problem.

We are faced, however, as others are, with a real world situation which, until we do rationalize and harmonize the approaches, we feel very strongly that justice cries out for these recognitions. And we do have three tribes in Michigan that deserve recognition, I think, by any standard. They have for generations been tribes, they have a tremendous amount of pride in their heritage.

There is a long history of treaties here which have been both signed and in many instances not kept, but nonetheless, which existed over the generations which provide the proof of their identity. We believe that by the standards which this committee would adopt and which the Bureau has adopted that these three tribes are eligible for Federal recognition.

It is long overdue, Mr. Chairman. They have waited a long, long time. We hope that this committee will look favorably upon these two bills. We have bill S. 1066, Senator Riegle has introduced that bill which I have cosponsored in the Senate. This would provide recognition for the Pokagons.

And then S. 1357, which I've introduced with Senator Riegle's co-sponsorship, which would provide that recognition, but really reaffirm in this case, because there was previous recognition which over the decades has been confused for two bands, the Little Traverse Bay Tribe and the Little River Tribe, in one case of the Odawas, the other one in the case of the Ottawas.

But we do hope that this committee will now find favor in these bills and finally render some recognition justice to these three tribes. We again thank the committee. Congressman Fred Upton has now joined us and with the committee's permission, I know that he would like to add a few words of support to these bills, one of which I understand has already passed the House.

Senator McCAIN. Thank you very much, Senator Levin. We appreciate your valuable input, and I know that these tribes are very

appreciative of your longstanding support for them. We thank you for being here.

Senator LEVIN. Thank you.

Senator McCAIN. Congressman Kildee, I know that you have other pending important business, and we thank you.

And thank you, Senator Levin.

**STATEMENT OF HON. DALE E. KILDEE, U.S. REPRESENTATIVE
FROM MICHIGAN**

Mr. KILDEE. Thank you, Mr. Chairman. It's good to be with you. I worked with you through many years, I can recall one year, with your help and your input, we were able to save bilingual education. I can remember those meetings yet, and it was.

Senator McCAIN. I remember those battles. We still both bear the scars, I believe.

Mr. KILDEE. That is still a struggle. But you contributed so much, I remember that one reauthorization. Without your help, I think bilingual would have died. And I certainly appreciate your work. I know the bilingual people in this country appreciate that.

Senator McCAIN. Thank you.

Mr. KILDEE. I'm here to testify this morning on S. 1357, the Senate companion of H.R. 2376, the bill I've introduced in the House to reaffirm the government-to-government relationship between the United States and the Little Traverse Bands of Odawa Indians, and the Little River Band of Ottawa Indians.

In addition, Mr. Chairman, I also want to express my strong support for the legislation introduced by my colleague, Senator Riegler, and Congressman Fred Upton, who's sitting next to me here, to restore Federal services to the Pokagon Band of the Potawatomi Indians. I've worshipped many times with the Potawatomi Indians down in Fred's district down there, going to Mass on Sunday, and they are very fine people, deserving of recognition.

Mr. Chairman, I use the words "reaffirm" and "restore" rather than "recognize," because the historical documentation proves that these tribes have had, in fact, formal government-to-government relations with the United States from the time Americans first entered the Great Lakes region to the present.

As a matter of fact, Mr. Chairman, my father used to tell me many times stories of his parents on land given to my grandparents. His parents would trade with the Indians in that area around Traverse City, between Traverse City and around Manistee and the Indians of that area, would trade with them. The Indians at that time, still on what had been their land for thousands of years, were able to move more freely and come up and trade with the European settlers. And my dad would tell of the Indians being pushed further and further back. And that was just in my father's lifetime.

It is simply the legal status of that relationship that we seek to clarify through this legislation. This legislation merely seeks to confirm de jure the legal status of these tribes, which has been continuously recognized de facto by other Federally-recognized tribal governments, state and local governments, and for many purposes, the Bureau of Indian Affairs [BIA] and by the Congress.

It is appropriate and necessary for these tribes to seek reaffirmation of their political relationship with the Federal Government through this legislation rather than the Federal acknowledgement process administered by the BIA, which is not designed to address situations of this nature. It was instead designed to address recognition of tribes which had never had a treaty relationship with the United States.

In addition, at the current rate of progress, recognition from the BIA could take 50 years. Mr. Chairman, many of the witnesses and tribal members present today are the children and grandchildren of tribal leaders who have tirelessly petitioned the Congress and the BIA in the past

Too many generations of tribal leaders have been forced to struggle just to get the Government to recognize and enforce the promises made to their tribes. The time to acknowledge our obligations to these tribes is long overdue. This legislation will permit this and future generations of tribal leaders to move on to the more pressing problems of providing for the economic and social welfare of their people. For these reasons I urge this committee to support this most important legislation and I am committed to working for passage of this in the 103d Congress.

Mr. Chairman, as you know, I've been involved with the Indian Affairs, a labor of love, for 17 years since I've been in the Congress of the United States. And I always tell people they should go down to the National Archives and read the treaties which the United States Government signed with France, with Germany, with Japan, with the former Soviet Union, and the treaties signed with the sovereign nations, the Indian nations, of this country.

And the constitution says that this constitution and all treaties entered into shall be the supreme law of the land. And those treaties established a sovereign-to-sovereign relationship. And I think we should recognize that.

And when they signed those treaties, they very often gave up millions and millions of acres of land, and got in return a commitment from the U.S. Government. And I think that we should carry out that commitment. Thank you.

Senator McCAIN. Thank you very much for a very powerful statement, Congressman Kildee. And we welcome our friend, Fred Upton, also a Congressman from Michigan, and we appreciate your being here, Fred. Please proceed in whatever fashion you choose.

**STATEMENT OF HON. FREDERICK S. UPTON, U.S.
REPRESENTATIVE FROM MICHIGAN**

Mr. UPTON. Thank you, Senator, and I might ask that my full statement, a rather lengthy one on behalf of our bill, be entered into the record.

Senator McCAIN. Without objection.

[Prepared statement of Mr. Upton appears in appendix.]

Mr. UPTON. I would just like to summarize things very briefly, and I appreciate the leadership and the support by both my colleagues, Dale Kildee, and both Senators from our Michigan delegation, Senator Levin and Senator Riegle, for the hard work that they've done.

And I would just like to relate to you that this does have strong bipartisan support in the House. I have spent a lot of my time dealing with House members with regard to this issue, as I do not serve on the committee of jurisdiction. And it is my firm assumption and belief that in fact we will be moving this to the House floor in the not too distant future.

And so finally justice, I think, will be given to the many, many families throughout the years to deal with the recognition and to reaffirm the recognition problems that the Potawatomi tribe has had. And I would appreciate your assistance here in the Senate to correspond and move along as we will be doing in the House. I just wanted to assure the gentlemen that there has been bipartisan support in the House from the very first.

And I might just reflect, just for a sad moment, and say we have tried to work with the Department of the Interior for decades, and we have been stymied every step of the way. We've tried to follow every little thing that they've told us, literally boxes of information have been submitted, and years and years and years pass. And as I look at my constituents in my district, many of which I have known for a long time, decades as well, I share their extreme frustration in the way that this process has worked, and I would hope that we bear on the indulgence of the good Senator from Arizona to help us in their just cause.

Senator McCAIN. Thank you very much, Fred.

I note the presence of our dear friend, Senator Campbell. I wonder if he had any statement he would like to make.

Senator CAMPBELL. No; I would like to sit and listen for a few minutes before I say anything, Mr. Chairman, thank you.

Senator McCAIN. Thank you.

Could I just mention before you leave, and for our followup witnesses who are in the room, not only is the problem terrible as it is, but in the recent year to 2 years, there's been a dramatic increase in applications for Federal recognition. The process now extends as long as 10 to 15 years, is that right, Dan? Ten to 15 years in some cases, the fortunate ones. Others are never decided.

The office in the BIA that is required to address these issues is badly understaffed, and clearly the situation cries out for remedy. And I applaud the people who are here today who have turned to you for help. I think that's the right of every constituent to seek the help of their elected representatives, and I would hope that would could revise this system so that that's not necessary and that everybody has an equal opportunity.

And I want to thank both of you for your advocacy, along with Senator Levin and Senator Riegle, advocacy for these people. And I think, Congressman Kildee, you put it very well, and we should not forget the solemn commitments that we made through treaties which we seem to honor with other countries, but sometimes don't, at least we sometimes ignore in the case of our own native Americans.

Thanks very much for being here. I know you both have very busy schedules, I know you'd like to stay for the hearing, I know you're very busy over there on the other side, and appreciate your being here. We'll keep you posted as to the progress of this. Thanks for being here this morning.

Next witness will be Debra Maddox, who's the Acting Director of the Branch of Tribal Services of the BIA. Ms. Maddox, welcome this morning, and we'd be glad to hear your statement. I know that as much as anyone you look forward to trying to reform this process as well.

Ms. MADDUX. Yes, sir; you're correct.

Senator McCAIN. We've had other discussions. So please proceed in whatever fashion you choose to.

STATEMENT OF DEBRA MADDUX, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES, BIA, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY HOLLY RECKORD, BRANCH CHIEF, ACKNOWLEDGEMENT BRANCH; AND SCOTT KEEP, DIVISION OF INDIAN AFFAIRS, OFFICE OF SOLICITOR

Ms. MADDUX. Thank you. I do send our Assistant Secretary's best to you and her apologies for not being here. She's on another business meeting with the Department's Reorganization Task Force, and is unable to be here today.

Senator McCAIN. I hope she's reorganizing to help you out.

Ms. MADDUX. I hope so, too.

Good morning, Mr. Chairman and members of the committee. I am pleased to be here to present the Department's views on S. 1066, a bill to restore the Federal recognition to the Pokagon Band of Potawatomi Indians, and S. 1357, a bill to reaffirm and clarify the Federal relationship of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally-recognized tribes. If enacted, these bills would make the Bands eligible to receive all services and benefits provided to Indians because of their status as federally-recognized Indians.

We do not object to the enactment of S. 1066, recognizing the Pokagon Band of Potawatomi. However, we do recommend that the Pokagon complete the Department's administrative process for Federal recognition. The findings in the bill comport with our preliminary review of the Band's acknowledgement petition. The Pokagon Band's petition is under active consideration, which is the final phase of evaluating whether the Band meets all of the seven criteria for acknowledgement. We anticipate completing the Pokagon petition by July 1994.

Nevertheless, if S. 1066 is enacted, we strongly recommend that the bill be amended to require the tribe to submit a current membership list to the Secretary of the Interior and to identify a single governing body. Further, we recommend that the bill provide that criminal and law enforcement remain with the State. We also recommend that on page 7, line 2, the word "shall" be deleted and the word "may" be inserted in lieu thereof.

We do oppose the enactment of S. 1357 which would recognize the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians. The Little Traverse Bay Band submitted a petition letter for acknowledgement to the Department on September 27, 1989. We received a petition letter from the Little River Band on July 4, 1991. To date, neither of the petitioners has submitted the documentation necessary for us to make an evalua-

tion on whether the Band meets the mandatory acknowledgement criteria.

The Department's acknowledgement process has proven to provide a uniform process for making these determinations. We believe that a fair and objective decision on these important matters can be made only on a case-by-case basis. I would like to add that we are making every effort to improve the process. We have increased our staff from 4 researchers to 12 researchers in the past year. We are now able to accelerate the process and attack some of the delay problems that have plagued us in the past.

The important decision of recognizing a group as an American Indian tribe establishes a solemn Federal trust relationship between that tribe and the United States. This allows the tribe to become eligible for the services and benefits from the BIA, Indian Health Service and other Federal agencies.

The Little Traverse Bay Bands and Little River Band claim previous Federal recognition based in part on the claim that their ancestors were signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit. The Ninth Circuit Court of Appeals has addressed in considerable detail the effect of prior recognition on the question of present-day status.

The court, in considering arguments of five intervener Indian groups in *United States v. Washington*, rejected the argument that the groups "benefited from a presumption of continuing existence" just because their ancestors belonged to tribes with which the United States has signed treaties. This decision supports the responsibility of the Department to inquire as to the maintenance of tribal existence, notwithstanding previous tribal recognition.

We strongly recommend that the Little Traverse Bay Bands and Little River Band complete our acknowledgement process so that detailed evaluations of their cases can be made.

This concludes my prepared statement. I will be happy to answer any questions that the committee may have. I also have with me Holly Reckord, who is Branch Chief of the Acknowledgement Branch, and I also have Scott Keep, from the Solicitor's Office.

[Prepared statement of Ms. Maddox appears in appendix.]

Senator McCAIN. Welcome to both of you.

Ms. Maddox, how long has the Pokagon Band's petition been under consideration, do you know?

Ms. MADDox. I'm going to ask for a little bit of assistance from Ms. Reckord.

Senator McCAIN. Sure, if any of your staff would like to weigh in and answer.

Ms. RECKORD. We placed them on active consideration on January 28.

Senator McCAIN. Of 1993?

Ms. RECKORD. Of this year, yes.

Senator McCAIN. Of 1994?

Ms. MADDox. Yes.

Senator McCAIN. How long had their petition been pending?

Ms. RECKORD. Pending?

Senator McCAIN. Why are you looking that up? Given the number of petitions that are pending before your Branch of Acknowledgement research and the time required to review each peti-

tion, if the Little Traverse and Little River Bands were to submit a documented petition today, how long would it take before their petitions could be acted on, in your estimation?

Ms. RECKORD. I don't know. I'm going to have to look that up and try to compute something, because I have to know what date they originally came in. Since they came in with one in 1991, I would assume they have a fairly high priority number, or low, which would mean that they would have to be put at the end of the line, and it could be 1 or 2 years if nobody bumps them. Because of this bumping issue, which I think we've talked about in the past, it's very unclear when we could place them on active consideration.

Senator McCAIN. Would you submit for the record a little more additional about the bumping, as to what's going on?

Ms. RECKORD. Yes; I can do that.

The letter petition for the Pokagon Band of Potawatomi Indians, was originally received in 1981. I can also get you when they completed their documents.

Senator McCAIN. But they originally petitioned in 1981?

Ms. RECKORD. Yes; and I think they would probably—no, I'm sorry, I don't have that number with me on this particular list. But it was probably within the last 2 years or so, that they completed their petition.

Senator McCAIN. Senator Campbell.

STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, U.S. SENATOR FROM COLORADO

Senator CAMPBELL. Thank you, Mr. Chairman. Sorry I was a little late and missed the testimony of our colleagues from the House side. But I'm happy to be here for a little while.

This is a complicated problem, always has been. And I guess whenever I sit in a hearing dealing with the reinstatement of Indian tribes, I always think of the same thing. These people are descendants of people that have been here for 20,000 years or more. They weren't Indians before Columbus got here, they were "The People," that's what all tribes called themselves.

I guess it's just interesting to me now that they have to ask permission to be Indian from the Federal Government. But that is the process and it's very difficult. They're at a terrific disadvantage. It was mentioned that the Ninth Circuit Court of Appeals rejected their case. I wonder how many Indians were on that court. Probably none.

And I know that many times when they go through the process of being reinstated, when they try to fulfill the acknowledgement process, it's a very difficult thing to do. Because in many cases, there was a lack of written records. It wasn't in their culture to keep written records hundreds of years ago, and it's very difficult for them to track. They're at a terrific disadvantage even when they start. To throw up more road blocks because of bureaucratic rules and regulations seems to me is a rather unfair thing.

It's a very, very complicated thing nowadays even to define who is an Indian. I've met people who are 100 percent Indian in some of the hearings we've done, on the Indian Arts and Crafts Bill, for instance, a few years ago. I knew their families.

And yet by law, they weren't Indian, because one I met was eight-eighths, he had eight different ancestries, but 100 percent Indian. So by law, all of those tribes, of those eighths, require that you be one-fourth or more of that tribe to be enrolled and therefore a legal Indian. So here we have a guy that's 100 percent Indian but by our law here in Washington, DC, he wasn't an Indian.

And yet the rules were so screwed up, frankly, in the olden days, that there are people who don't have a drop of Indian blood who are legally on a federally-recognized tribe and therefore legally an Indian. And because of that totally convoluted process by which we try to identify a people—and they're the only ones who have to go through this in the whole United States, as you know, I mean, Japanese Americans don't have to prove who they are, Chinese Americans don't have to, no one else has to, just American Indians.

But because of that convoluted history and that convoluted process, the disadvantage they are up against is almost impossible to surmount in many, many cases. And then of course you add to that that we have a shrinking pie and more people that need benefits through the Indian Health Benefits and the Bureau. We often have Indian tribes who are recognized opposing those Indian groups who are seeking recognition because they're afraid it will diminish the amount of money they get for their programs. The Chairman, I am sure, is aware of this, everybody's aware of it.

But I didn't mean to make a dissertation out of this. But it's clear to me that the process we have now is not very good. And I guess that's why so many groups now come to the U.S. Congress for relief, because they know that almost the eternal wait and the eternal rejections of being able to fulfill the process and the fact that they simply can't produce some records because there were none, and yet they're held by what I term the white man's method of documenting, it makes it almost impossible.

So I just thought I'd get that off my chest, Mr. Chairman, and tell you that I do support this legislation, whether we're going to move forward on it or not. I don't know, but I hope we do. Thank you.

Senator McCAIN. Thank you, Senator Campbell. I would mention that it's always a pleasure to hear from you on these issues. It's not only a pleasure, but it's a very enlightening experience.

I notice that Senator Riegle is here, who has a markup quite soon, and I know of his advocacy. Senator Riegle, if you would like to come up and speak, I know how busy you are with your other duties. But at the same time, I know you wanted to be here, and so we appreciate your appearing on behalf of these bands wanting to be recognized tribes, and thank you for being here this morning.

STATEMENT OF HON. DONALD W. RIEGLE, JR., U.S. SENATOR FROM MICHIGAN

Senator RIEGLE. Well, thank you very much for your courtesy, Senator McCain, and I think it says a lot about the working relationship here that across the party aisle we can handle the chairmanship. We just did that 2 days ago in the Banking Committee, where Senator Bennett of your party, I asked to assume the Chair. So I particularly want to thank you for your courtesy, and I also want to thank Senator Inouye for his very important leadership.

And I'm very honored to follow our colleague, Ben Nighthorse Campbell, in the sequence of remarks here. I'm very touched by the comments he just made, and this seemingly endless struggle for justice for Native American people, now over literally hundreds of years, stretching back over thousands of years of history.

The two bills that are before you today will have a significant impact on the Indian Nations in Michigan and are ones that I wanted to come speak to, and feel very strongly about. The first bill, sponsored by my colleagues, Senator Levin and cosponsored by me as well, reaffirms the Federal recognition for the Little Traverse Bay of Odawa Indian Nation. In this statement I will focus on S. 1066, which I introduced, also cosponsored by Senator Levin. The bill carrying my name directly in the lead role will reaffirm the Federal recognition of the Pokagon Band of the Potawatomi Indian Nation.

The Pokagon Band of the Potawatomi Indian Nation first applied for recognition through the Federal recognition process back in the 1930's. And as you know, and as that illustrates, this process unfortunately moves very slowly.

But we are now here to address this reaffirmation of a century-old treaty. The record makes clear that our Government has not met its obligation to America's native people. The history of our Government's relationship with the Indian Nations is full of broken promises and of unfulfilled opportunities. Today, more than 200 years after the first dealings between the Federal Government and the Indian tribes, many issues remain unresolved or inadequately addressed. I think it is important that we create a new level of trust by reaffirming Federal recognition of the Pokagons.

One of the principal requirements set out in the recognition process is that the tribe have a "substantially continuous Indian identity," from the perspective of the Federal Government. The Pokagons have had interaction with the Federal Government from the beginning of our Nation's history. They descended from a tribe that was a signer of the Treaty of Greenville in 1795, which resolved conflict among tribes in the Michigan and Ohio region. The Pokagon Band of Potawatomi Indians also descends from signatories of eight other treaties entered into between the years 1800 and 1830. So I think they certainly meet the test of long-term continuity over the decades.

The Tribe has assembled a great deal of documentation to support its claim for recognition, including a book that details its tribal history, and that book, I know, has been given to the committee and will be part of the record. It also lays out its relationship with the Federal Government.

So I am very pleased to be here on their behalf and to testify and to urge that you and the members of the committee help us complete the job of honoring this group of native Americans by reaffirming their federally-recognized status as our and their ancestors intended them to be.

And I appreciate again your courtesy, I was unavoidably detained from being here earlier. But I appreciate your working me in now and I appreciate the courtesy of the witnesses at the table to allow me to come in at this time.

Senator McCAIN. Thank you very much, Senator Riegler. I know that these people who will follow as witnesses are very grateful for your support and your sponsorship without which we would not be having this hearing today. So we're very appreciative, and it's very difficult for me to followup Senator Campbell's remarks, so I'll leave them alone, except to say, along with you, that I agree with him. Thank you very much, Senator Riegler.

Senator RIEGLE. Thank you very much.

Senator McCAIN. Ms. Maddox, is there anything else you'd like to add? We'll be submitting some additional questions for the record for you and your staff. I want to assure you that there are three or four priorities that this committee has, one of them is to try to get this whole process of Federal recognition into some kind of order, so that everybody gets fair and equal treatment, and that we can address it in the most fair and open fashion, and I know you and your staff desire that as much as anyone.

So thank you for being here this morning.

Ms. MADDUX. Thank you, sir.

Senator McCAIN. I'd like to mention, we have two panels remaining. At 11 o'clock, there's going to be a series of votes, and so I'm going to give each panel one-half an hour, and close this hearing at 11 o'clock, and I hope that that offends no one. I know that you know that this committee is very well aware of your testimony. I have read over the statements that were submitted ahead of time, and I will be glad to listen and to have further testimony submitted for the record, if need be.

So we'll ask the first panel to come forward, Joseph R. Winchester, Rachel Daugherty, Richard Daugherty, and James Keedy. Would you please come forward? I would like to mention again, your complete statements will be made part of the record. You are free to summarize in any way that you choose to.

We welcome you, we know you've come a long way, and welcome to this nice weather here in Washington. I understand in Michigan, it's not much better. Maybe you might come to Arizona some time, it's much better there.

Welcome to you this morning. Did I pronounce your name, Daugherty, right?

Mr. DAUGHERTY. Sure did.

Senator McCAIN. Good.

Mr. Winchester, we'll begin with you, Mr. Chairman, please proceed.

**STATEMENT OF JOSEPH R. WINCHESTER, CHAIRMAN, POKAGON
BAND OF POTAWATOMI INDIANS, DOWAGIAC, MI**

Mr. WINCHESTER. Thank you, Mr. Chairman.

My name is Joseph Winchester. I'm currently the chairman of the Pokagon Band of Potawatomis residing in southwestern Michigan. We appreciate the opportunity to be here to testify on our behalf and we have a lot of factual information that will be presented, to a certain degree in oral form, as well as more written testimonies, keeping within the 30 day restraint. And I speak on behalf of the committee, to see one of our colleagues, Senator Campbell, he's one of us, so to speak.

I became involved with the Pokagon Band years ago, and my late brother John, who you have pictures of, with members of the Council, taken in 1958. The gentleman on your left in the picture was my late brother, John. And the gentleman, I think he's third from the right, was Michael D. Williams, standing, that was Rachel Daugherty's father. So it tells the committee that our council members go way back, those of us sitting here testifying today are from that generation.

So we have the continuous membership within the council and the governmental structure for many, many years. Some of the elders within that picture have birth dates way back in the 1880's and 1890's, as well as the turn of the century. So keep in mind that we do have this membership within the council that is still continuing.

In 1963, it was my great pleasure and privilege to sit in on the Indian Claims Commission to hear the testimonies in regard to our treaties, specifically the Pokagon Band, on land acquisition and/or treaties. And once we left those hearings 3 or 4 days afterwards, I left with a sense that golly, this is going to sound real good when we attempt to obtain Federal recognition.

But evidently that is not true, because we have been told by various officials that even though the Indian Claims Commission agreed at that time, yes, we were Potawatomi, sure, we will pay you two different checks, but evidently that does not hold water, so to speak, in us applying for Federal recognition. Why, I do not know, but I would be interested to find out someday as to why that doesn't hold any water.

In 1963, they agreed yes, we will pay you because you are Pokagon Potawatomi. But since then, they have not recognized us as being Pokagon Potawatomi. I will not dwell on that particular subject too much.

Currently the Pokagon Band does not receive any Federal benefits due to the fact that we "are not federally recognized." Down where we live in the southern part of the State, the nearest health benefits that our people can receive is way up in Northern Michigan across the straits in the cold country of Sault Ste. Marie. Our people can drive up there, which is about a 6 to 8 hour haul, depending on the weather, they can receive some of those benefits within the hospital at Sault Ste. Marie, and also obtain prescriptions as they need be. By not being recognized, we can't arbitrarily use those benefits unless we drive way up there.

Another thing that we cannot benefit by is to receive the benefits for our youngsters, babies, if you will, that we do not have the necessary recognition that we are Indians to receive the benefits of the Indian Child Welfare Act, which was enacted in 1978. Amongst our tribal membership currently we have a specific family that is going to court, so to speak, to have those decisions turned around in favor of their family, because they were put in a "dominant society dwelling home," if you will.

So that's just a few of the things that we as Pokagons, not being recognized, are unable to reap the harvest, so to speak. Also, we cannot have use of Federal housing, build homes, if you will, for our elders who are number one on our priority list as far as helping those elders. Because logic tells us, you know, if it weren't for

the elders, we wouldn't be here today. So that's our number one priority.

We also do not receive education benefits through the BIA for our people that hopefully go on to college.

Senator McCAIN. Mr. Chairman, may I just interrupt?

Mr. WINCHESTER. Sure.

Senator McCAIN. This committee is very well aware of what will accrue as a result of recognition of your tribe. You are free to repeat it, but we are very well aware of it, of the benefits or the entitlements that accrue when you are Federally recognized. Please proceed.

Mr. WINCHESTER. Thank you.

In response to Holly Reckord, she didn't realize that on November 2 of 1988 is when we brought the documentation to the BAR in regard to our petition, on November 2, 1988. And it was good news as far as the BAR is concerned for us that yes, we are put on active consideration as of what, January 28, 1994? And here it is February 10, 1994 and we have not officially been notified to that effect, only to receive that information today. I would appreciate a letter from the BAR telling us that.

May I answer any questions?

[Prepared statement of Mr. Winchester appears in appendix.]

Senator McCAIN. If it's agreeable to you, Mr. Chairman, let the other three make any statements that they would like to make at this time, and then we'll ask questions, if that's agreeable to you.

Mr. WINCHESTER. That's fine with me. Thank you.

Senator McCAIN. Ms. Daugherty, would you care to proceed.

**STATEMENT OF RACHEL DAUGHERTY, TREASURER,
POTAWATOMI INDIAN NATIONS, INC.**

Ms. DAUGHERTY. Thank you, Mr. Chairman, and committee members.

Thank you for this opportunity to speak to you. My name is Rachel Daugherty. My father was Michael B. Williams, who lived from 1881 to 1969, who began his tribal business as Secretary when he was 16, in 1897, because he could speak both languages and read and write. He spent a lifetime seeking fairness and justice for the Potawatomi. He was active, along with his father, Peter Kowtuckmuck, and brothers, Peter, Frank, and John. A priest gave them the name of Williams.

My grandfather, Thomas Topash, was also a man of political and spiritual leadership. As my grandmother and my mother did to help their families to seek our rights and causes, I have continued to do the same with much help and support from my husband, Richard E. Daugherty. Today I serve on the present council. I have lived my lifetime seeking the reaffirmation of Federal recognition. I will continue. I believe that this is the true justice for us.

The treaties between the U.S. Government and Pokagon Potawatomi promised payment for those lands that were to be purchased by the U.S. Government from the Potawatomi. Payments were not well honored, very sparse and so long in coming.

But these payments could have given the Pokagon Potawatomis the means to buy their original property, thereby giving them good

land, good homes, good jobs and good health, to quote my father, who years ago said "If we had the land to raise celery and onions, we could become self-sufficient." We have always respected this land and what it gives back to us. Today, we are seeking for the same self-sufficiency.

When the Bureau of Acknowledgement and Research was formed, it gave us hope. But today, I am asking for your support of S. 1066. Federal recognition and reaffirmation of our treaty rights are long overdue.

Thank you.

[Prepared statement of Ms. Daugherty appears in appendix.]

Senator McCAIN. Thank you very much, Ms. Daugherty. I note with some interest you have the most important position, in that of Treasurer.

Ms. DAUGHERTY. Yes.

Senator McCAIN. We thank you for your hard work in that respect.

Ms. DAUGHERTY. Thank you.

Senator McCAIN. Mr. Daugherty, welcome, and please proceed in whatever fashion you choose.

STATEMENT OF RICHARD DAUGHERTY, TRIBAL HISTORIAN, POTAWATOMI INDIAN NATION, INC.

Mr. DAUGHERTY. My name is Richard "Mike" Daugherty. I'm the Tribal Historian, and I've been involved in this ever since we got married, and that was in 1945. As a result of that, I've had a long association with the tribal membership, tribal leadership. As a consequence, I also learned to speak the language.

The tribe has been seeking Federal recognition, as was mentioned earlier, since 1934, when they created the Wheeler Howard Act. At that time, my wife's father, Michael D. Williams, wrote a letter to the BIA, wrote to John Collier, who was Secretary of the Interior at the time, to inquire as to the procedure they must follow in order to come under this procedure.

Senator McCAIN. This is this individual, Michael Williams, the one in this picture?

Mr. DAUGHERTY. Yes; he was Chairman and Secretary, was involved up to the time of his death.

The tribe has had an ongoing government-to-government relationship with the U.S. Government since the signing of the treaty, the supplement to the treaty of September 27, 1833. That was brought about by the necessity of having to confront the Federal Government because it wasn't living up to the treaty. They signed that agreement in September 27, 1833.

The Government did not make any payments at all until 1843, and then only as a consequence of the tribe getting an enactment of Congress, because as you people all know, back in those days, you could not sue the Federal Government without getting the permission of the Federal Government through an enactment of Congress.

So they have a long history over the years of continually having to confront the Federal Government in order to make the Govern-

ment pay the annuities and pay what they should have paid according to the agreements.

The Government, as a consequence of making those payments, compiled rolls, so in 1896, the Government again, and I'm shortening this for the sake of brevity, because I know that you'd like to get through this. But it's also on the record. In 1896, they again compiled a roll, it was compiled originally by an individual by the name of Cadman. He died before it was over, he died in 1895. And it was finished by an individual by the name of M.D. Shelby.

The only reason for citing that is that they compiled a roll, so again, our people knew, are known by the Federal Government. The Government knows who our people are. There is no way in the world it can be faked. They are absolutely descendants of the original signatories to the treaty, and this is a matter of record, a matter that the Federal Government has.

In the Roll of 1896, they made the people trace their ancestries back to the 1840 and 1866 rolls. So for our people to have to go through this process, you know, to prove that they are, number one, Indians, it's a matter of Government record. To prove that they have a continuing government is also ridiculous, because that's a matter of Government record.

We have had a continual government since the signatories to that treaty. The people we have on the council today are descendants of Anequeba, who is the father of Totnabee, who was the main chief of the entire nation. Our people are descendants of Pokagon, of Wesaw, the people sitting here on this panel today are direct descendants of those people.

So the people that you're talking to, the people who are petitioning this Government for this are direct descendants of the signatories to those treaties. There's no question who we are. We've had a continual government-to-government relationship. We've had a continual government. And that's a matter of Federal record.

In 1934, our people, as I said earlier, filed a petition for Federal recognition. Unbeknownst to us, John Collier decided that because the Government failed to appropriate enough money to buy land for those tribes that might need land, he said that none of the tribe in the lower peninsula were to be given Federal recognition. And that included the Ottawa, Chippewa and Potawatomi. It was not just the Pokagons, it was all the people of the lower peninsula.

All the people of the lower peninsula are treaty tribes, and that's one of the unique things about our people. The Government at that time did not extend the courtesy of notifying our people that they had decided that they were not going to give Federal recognition to the tribes on the lower peninsula.

We didn't find that until our former chairman, about 6 or 8 years ago, got to digging through the archives, and found interdepartmental communication from Collier to Farber and some of the other field agents that they would not extend that. The argument was that if they gave Federal recognition to our people and they were in dire economic straits, what's new, we're always in that situation, if you're Anishnabek, that's where you are.

But they said that if they did, since they were getting aid from the State, the State would then say they are now federally-recognized and this is now the Federal Government's problem. The irony

and the hollowness of that argument is the fact that the people that they recognized, the Pokagons at Crandall, Wisconsin, they're now called the Forest County People, and the people at Hannibal, in the upper peninsula, that are also Potawatomi, were given Federal recognition. The Ottawa and the Chippewa in the upper peninsula were given Federal recognition.

That did in not any way disturb the fact that those people continued to derive benefits. Anishnabek are resourceful people, you know, even though we did not get those benefits we continued to scramble as we always do, you know, work on the farms or cut wood or whatever else. But the fact is, we do not disagree with those people having been given Federal recognition, they should.

The part that we disagree with is the fact that they gave Federal recognition to people who were escapees and denied recognition to the people who were here by treaty. Our people are here by the treaty of September 27, 1833.

Now, we're not saying those people shouldn't have been given Federal recognition. Absolutely they should have. But we're also saying at that point in time they should have given our people Federal recognition. And we're now 50 years later, 50 plus years later, asking for the same thing and we feel that justice ought to be done.

And I thank you very much.

[Prepared statement of Mr. Daugherty appears in appendix.]

Senator McCAIN. Thank you very much, Mr. Daugherty.

Chairman Winchester, does the Federally-recognized Potawatomi tribal government support your effort to be federally-recognized?

Mr. WINCHESTER. Very much so. In fact, we will enter letters to that effect before the 30-day deadline.

Senator McCAIN. Thank you. I think that's very helpful.

How is your tribe and membership affected by the lack of Federal recognition, Chairman Winchester?

Mr. WINCHESTER. How are they affected?

Senator McCAIN. How are they affected by the fact that you do not have Federal recognition?

Mr. WINCHESTER. The membership as a whole, comparing with life today as opposed to say, 50 years ago, it has definitely improved economically because of their own way of doing things. But if it continues at the current rate, if you will, it may decrease to some degree, which we hope it does not. And by obtaining Federal recognition, hopefully down the road soon, we will continue to better ourselves economically and other ways.

Senator McCAIN. Thank you, Mr. Chairman.

Mr. Daugherty, how did the tribal members survive economically during the 20th century without benefits or services from the Federal Government?

Mr. DAUGHERTY. What they did, as I said earlier, they are a very resourceful people. So they worked on the farms, they logged, the cut wood, firewood. They worked in construction, they worked in the factories when the factories were running. A lot of them worked in the basket factory. The people continue to make black ash baskets and baskets out of maple and out of hickory which they sold. They also made porcupine quill baskets which they sold, which incidentally get a lot more money today than what we got for them in those days.

And they continued to do bead work and the appliques and so they did whatever they could, which is what a lot of them do today. In fact, we were talking, we still have a lot of the people who still operate in the same way, and a lot of it's due to the fact that they still don't have the education that's necessary. That's one of the things that we could benefit by.

And in short, if there was anything that they could do, they trapped, and they sold the furs and they still do that today. And they also set snares for rabbits, they still do that today, and they still hunt and fish. We had several individuals in the tribe that used to specialize in hunting turtles. And we had Harry Dezio, who was a real good turtle catcher. He used to make a good deal of his money for the winter. That's when you used to have to worry about the winter, and a lot of our people still have to worry about the winter.

Senator McCAIN. Thank you, Mr. Daugherty.

Ms. Daugherty, in what ways are your tribal traditions still carried on today?

Ms. DAUGHERTY. We have an annual traditional pow wow. We make black ash baskets, we teach the language, we have dancing, singing, drumming. We have feasts, we have a ghost supper, we do many things that have been traditional throughout our lifetime.

Senator McCAIN. Great.

Senator Campbell.

Senator CAMPBELL. Thank you, Mr. Chairman.

I thought that last question was rather important, because I know some of the Indian people that come in and want to seek Federal recognition through a legislative process, when that question is asked, they don't have any. They say "Well, we've incorporated," I remember one telling me that, "We've incorporated."

And I asked him, "Well, most tribal groups, they have something that is specific to the tribe, they have their own dances, they have their own stories of creation, for instance, and their own language." And a group that's preserved that, to me, that is very strong evidence that they have been always and will continue to be a tribal group, with or without recognition.

There's a couple of questions I'd like to ask just for a minute, before I have to run off to Senator Riegle's committee for a markup. The gentleman on the end mentioned that some of the people still make some money by fishing, by catching turtles, rabbits and so on. That would indicate that many of your tribal people are rural rather than urban, is that correct?

Mr. DAUGHERTY. That's correct. Most of our tribal people are rural.

Senator CAMPBELL. And I noticed in some of the written testimony there was something about some land ownership. But you don't have any trust land now?

Mr. DAUGHERTY. No, we do not.

Senator CAMPBELL. The land that is owned, is that privately owned, or is that owned by a tribal council? What is the ownership of the land?

Mr. DAUGHERTY. It's owned by the tribe, and the only land that we have is 20 feet on each side of the tribal hall.

Senator CAMPBELL. So it's just a matter of a few acres?

Mr. DAUGHERTY. Not even that. To get back to what you were talking about, the traditions, we still have the longhouse, we still have the sweat lodges. And even though that was outlawed, and it didn't come back until the enactment of the Freedom of Religion Act of 1978, our people never quit. What they did, they just did it after dark, to the extent that most people think that that's traditional, but it isn't, the people were just hiding. Like Rae and Joe's grandfather, who was our spiritual leader, and part of the Maday.

Senator CAMPBELL. My people said the heck with them, and kept on doing it, too.

So the money that was talked about earlier in the testimony, in 1963, when your tribal group got some money, that was for ceded lands, primarily?

Mr. WINCHESTER. Yes; what we did, when they created the Indians Claims Commission in 1946, we then filed suit against the Federal Government, because that gave us the right. We went through a series of suits with that. We basically won it in 1963, but then the other lawyers in there tried to make an argument of res judicata, meaning that there was a case of a previous decision against us, and that the decision had to come out of the United States Court of Claims. The United States Court of Claims stated that was not so, and then they ordered them to go back and accept all of the testimony and all of the evidence that we had submitted.

We ultimately won that in 1972. They did not pay anything until 1985.

Senator CAMPBELL. I don't need the whole history. I'm trying to get at the difference. That was also during the time when, they referred to you as a tribe then?

Mr. DAUGHERTY. Yes; they did.

Senator CAMPBELL. And when the payment was made, how much was that payment?

Mr. DAUGHERTY. I don't remember. Joe, do you remember?

Senator CAMPBELL. Well, we can probably look it up.

Mr. DAUGHERTY. We got two checks, one in 1984, one in 1985, totalling \$1,900.

Senator CAMPBELL. \$1,900?

Mr. DAUGHERTY. Per individual.

Senator CAMPBELL. I see. And how many individuals, how many members of the tribe were there?

Mr. DAUGHERTY. At that time, there was in the neighborhood of 2,000.

Senator CAMPBELL. But they referred to you as a tribe when they made that money. And then in the Ninth Circuit Court of Appeals, your appeal was turned down. Was the documentation that you were identified as a tribe by the Claims Commission used in that court case?

Mr. DAUGHERTY. No.

Senator CAMPBELL. What I'm trying to find out is if the Branch had recognized you as a tribe and therefore paying you some money for ceded lands—

Mr. DAUGHERTY. No; that case did not involve the Pokagons. That involved another group. That didn't involve us.

Senator CAMPBELL. I see.

Mr. DAUGHERTY. What that suit was for, and I probably should have said it in the beginning, what the suit was for was the unconscionable amount of money that they paid. What they were supposed to be paying was the difference between what it was, what they considered it to be worth and what they paid at the time.

Senator CAMPBELL. I see.

Thank you, Mr. Chairman, and I apologize for having to leave.

Senator McCAIN. Thank you.

Thank you all for being here today.

Mr. WINCHESTER. Excuse me, Mr. Chairman. I failed to introduce the gentleman that is taking the pictures today. He is Bob Moody, he's a member of our tribal council. Bob, stand up.

Senator McCAIN. Thank you, Bob, and I hope you'll send us a copy of some of those pictures.

Mr. WINCHESTER. Thank you, Mr. Chairman.

Senator McCAIN. After recognition, of course. [Laughter.]

Mr. WINCHESTER. We thank you very much for your time and consideration.

Senator McCAIN. Thank you, and thank you for joining us this morning, Mr. Keedy. Thanks very much.

Our next panel will be Frank Ettawageshik, which I will agree to correction on the pronunciation of the chairman's name; Shirley Oldman, who is the Treasurer of the Little Traverse Bay Bands of Odawa Indians; Daniel Bailey, Chairman of the Little River Band of Ottawa Indians; Katherine Glocheski, Tribal Elder of the Little River Band; William Brooks, who is an attorney-at-law of the Michigan Indian Legal Services; and James McClurken, who is the Ethnohistorical Consultant from East Lansing, Michigan.

Welcome to all of you this morning, and maybe we could begin, Frank, by you correcting my pronunciation.

STATEMENT OF FRANK ETTAWAGESHIK, CHAIRMAN, LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

Mr. ETTAWAGESHIK. Thank you, Senator. My name is Frank Ettawageshik.

Senator McCAIN. One more time, please.

Mr. ETTAWAGESHIK. Ettawageshik.

Senator McCAIN. Thank you.

Mr. ETTAWAGESHIK. When I went to college, I was on a first name basis with all of my professors. [Laughter.]

Senator McCAIN. Maybe you can extend that courtesy to me as well.

Mr. ETTAWAGESHIK. Okay.

I know that we're on a fairly tight time schedule today, and I have prepared a written statement for testimony, and I had an oral statement prepared. I think what I'm going to do is dispense with this and just speak directly to a few points.

Senator McCAIN. By the way, Frank, could I mention I did have a look at this document, it's a very excellent, whoever prepared that did a very fine job.

Mr. ETTAWAGESHIK. Thank you. This book was written by our ethnohistorian, it's history for our tribe, written by Dr. James McClurken, who is also on this panel with us.

Senator McCAIN. Very well done.

Mr. ETTAWAGESHIK. The number of points that we would like to point out, the issues for our tribe, are similar to what have been spoken earlier, we have a very similar case, in testimony that's previously been given for the Pokagon Band. However, we have different histories and some different treaties.

We've run through the same problems with the IRA era. Our people also petitioned the same as all of the Potawatomis and also ran into the same rulings by John Collier and others. And for the same reasons, lack of appropriation for money. It became not a matter of justice, but it was a matter of an economic issue.

The primary focus of what we're here for today is a matter of justice. Economic issues, the reality of the world, rears its head often in what we must do. But we're not here asking for services or asking for money we're asking for the relationship that our ancestors negotiated very carefully when they negotiated the treaties. By analyzing the journals of the treaty negotiations and not just the treaties themselves, as Congressman Kildee talked about this morning, you discover a great deal about what actually was meant by many of the words in the treaties.

One of the things that was very important and stands out all the time is that our ancestors who worked on these treaties, one of them was my great-great-great-grandfather, on the treaty of 1836, they negotiated for the right of continued existence. That was the most basic of all the treaty rights, the right of continued existence and the right of acknowledgement of that existence by the Federal Government. This to me is one of the most key issues that's before us.

A couple of other points that I have are, for the record, I have some copies here, I know these are in the file record, but we have resolutions in support of this legislation. The resolutions that we have here are from a variety of different sources, from federally-recognized tribes in Michigan and some from outside of Michigan. We have resolutions from traditional leaders, we have resolutions of other tribes, we have resolutions from the tribal governments of the other tribes.

We also have resolutions from local townships, from cities, we have the support of the chamber of commerce, for instance. We have a number of different entities that have broad ranging support for both bills, and I will take it upon myself to speak not only for Little Traverse, the Little Traverse Bay Bands, but I know that there are resolutions here from other entities supporting Little River Band.

I also have, it should be on your desk there, a series of pictures. This series of pictures primarily traces different people from my family in different ways. There is a written statement that follows them, showing continuity within my family and conversely, within many of the other families of our area.

We have been working at this for many generations, people not only were treaty negotiators and worked on signing the treaty, but also there have been people throughout the years who have worked on various aspects of protecting our treaty rights, or working on protecting our land rights, worked on protecting the reservation

from squatters, doing various and assorted other things through this.

We strongly believe that we are a recognized tribe, and that what we're asking is reaffirmation of this recognition. I would like to mention, I know that we've had a mention through the BAR office testimony, the process is, as you mentioned in your opening comments, the process is very lengthy. It's been plagued by lots of problems. I do want to mention that the staff, when we've gone to the BAR office has been helpful and has been supportive.

But the process itself is flawed, and I think we all agree with that. And our situation is, we understand that we would like to see changes, we would like to see this process changed because we would like to see it work in a better way.

But we also realize that if there is a change, if there is a bill that changes, this procedure, getting regulations and getting it in place is going to be a fairly-lengthy process. We believe that we have waited long enough, and that we have gotten this far working on this issue.

I think that our situation is that we would support efforts to reform the process, but we would want to continue the progress that we've made at this point, and we would urge the committee to pass this legislation to the floor, and we would urge passage for the bill.

And with that, I will pass on to the next person here.

[Prepared statement of Mr. Ettawageshik appears in appendix.]

Senator McCAIN. Thank you very much, Frank.

Shirley Oldman is the Treasurer, welcome, Ms. Oldman.

STATEMENT OF SHIRLEY M. OLDMAN, TREASURER, LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

Ms. OLDMAN. Aannii, Shirley Naganashe Oldman Ndizhnikaaaz. Nimkee Odawuk Ododem.

My name is Shirley Naganashe Oldman and I belong to the Thunder Clan. Mr. Chairperson and members of the committee, greetings from the Waukanaukazee, the Land of the Crooked Tree.

It is my honor to be here not only to represent myself and family but my Odawa people. I come from a family who instilled in us the values and traditions of the Anishnabek, the Original People. My mother's and father's names were Eva Keway Petoskey and Daniel Naganashe. They were considered traditional leaders in our community. They spoke our language fluently. They sang our traditional songs. They prayed the Anishnabek prayers. They taught us to be proud to be Odawa, especially during the time when being "Indian" was uncool.

Today, I consider myself a contemporary traditionalist who is a strong believer in teaching our children the Odawa culture so that they grow and learn to be productive citizens in a global society. I am very fortunate to have had elders for parents who were my teachers.

The house where I live today with my husband and five children is the same dwelling I grew up in. This house is located in We-quado-Sing, an Odawa settlement commonly called Indian Town by the people who live in the adjacent city of Harbor Springs, MI. This

house, which is over 50 years old, is the same house where my aunts, uncles, grandparents and other relatives come to celebrate our traditions of the Odawa culture.

Every fall, we harvest corn. We roast the corn and dry it in the sun. After it is dried, we store it for future use. This is the way we preserve our food for many months. During our feasts, especially the Jibi-wisining or Ghost Suppers we eat to honor our ancestors. We take the corn and boil it for many hours until the kernel gets soft again.

Then we add our Wee-aus, Schoo-dees-min, and Pi-nik, which is deer meat, beans and potatoes. This soup we call Dham-naa-boo. During the month of October, we begin our preparation. The first task is making wreaths from crepe paper. These wreaths are placed on graves, and we believe are worn as head pieces by our loved ones.

When the day of the feast comes, a fire is built outside the home and is kept burning until the sun goes down. Keshick, Sama and Wes-Gun, which is cedar, tobacco, and sage, are placed in the entrance of the sacred fire so that everyone coming can use them for their offering or prayer. All our relatives from near and far come home to help with the feast, which is like a family reunion or holiday for the Anishnabek.

In August we celebrate our Odawa Homecoming Pow Wow, which is another social gathering for tribal members to return to their original homelands. This is a time to come together to dance and sing the songs we were taught. It is also a time to visit with the elders and meet old friends, while making new ones. Today we still practice these traditions our ancestors did years before the coming of the Europeans. Thus far, we have maintained as a tribe through our culture and unity.

In order to continue these cultures and traditions of the Odawa People, we need the existence of a tribal land base. In treaty negotiations with the Federal Government, the maintaining of a tribal land base was always the highest priority of our tribe. Today our land base has been largely lost. The reaffirmation of our government-to-government relationship with the United States will help us to reestablish our land base and help us to perpetuate our way of life.

Thank you for letting me express my concerns, and for the opportunity to urge you to pass the legislation, S. 1357, for the betterment of my people.

[Prepared statement of Ms. Oldman appears in appendix.]

Senator McCAIN. Thank you very much, Ms. Oldman.

Now we'd like to hear from Daniel Bailey, who's the chairman of the Little River Band of Ottawa Indians. Welcome, Chairman Bailey.

STATEMENT OF DANIEL BAILEY, CHAIRMAN, LITTLE RIVER BAND OF OTTAWA INDIANS

Mr. BAILEY. Thank you.

Bozhoo. My name is Cabayonqaue, but I am also called Daniel Bailey. I am the great-great-great-grandson of the Grand River Ottawa leaders Cobmoosa, Wabisis and Francis Bailey, who signed

the Treaties of 1836 and 1855. I am also the chairman of the Little River Band of Ottawa Indians, which also makes me the sixth generation of tribal leaders to work with the U.S. Government. I therefore come here today to represent my people.

In 1855, my grandfathers made a treaty with the United States. This treaty made it so that my people would not have to move to Kansas, but could remain in Michigan permanently. This same treaty also allotted our tribal lands, but over the next 50 years, most of our people lost their lands when the State of Michigan illegally taxed their property. There were also corrupt Indian agents, land speculators and lumber barons that conspired to defraud our people of their land.

During the Great Depression, when all the rural people of Michigan were suffering, our people more than ever were living by hunting, fishing and trapping, and during this time, our people would do this and the State of Michigan decided that it was illegal to hunt, fish and trap. So when the men of our community would get arrested, my grandfather, Cornelius Bailey, as a tribal leader, would then go to the court systems and represent the men of our community. Most of the time it worked, they would listen to him about our treaty rights, and they would get off the charges.

Another point I would like to say is that our tribe has never been terminated by Congress. The Little River Band of Ottawa Indians has continued to act as a tribe from treaty time to the present. And for more than a century, our members have worked to protect our treaty rights. Although we have done so, the U.S. Government ignored its treaty obligations with us, and abandoned its trust responsibilities.

I am here today to tell you that they have failed. We have reminded the Federal Government of its responsibility through Congress, the courts, and through the BIA, and we have no plans to stop.

We're not asking Congress to acknowledge that we exist as a tribe. Congress has already done so in the treaties of 1836 and 1855. We are asking that our rightful government-to-government relationships with the United States be reaffirmed. Mr. Chairman, we are asking for your help.

Thank you.

[Prepared statement of Mr. Bailey appears in appendix.]

Senator McCain. Thank you very much, Chairman Bailey.

Katherine Glocheski, welcome. Please proceed, Ms. Glocheski.

STATEMENT OF KATHERINE SAM GLOCHESKI, TRIBAL ELDER, LITTLE RIVER BAND OF OTTAWA INDIANS

Ms. GLOCHESKI. Thank you, Mr. Chairman.

My name is Katherine Glocheski, and I am a member of the Little River Band of Ottawa Indians of Manistee, Michigan, and I was born on December 21, 1926, in a one-room log house built at the Indian Village on the Manistee River. It was located about 10 miles from the town of Manistee.

And I am the great-great-granddaughter of Chief Sam Paquodush, who was forced to move his band from Fort Village on the Grand River, according to the 1855 Treaty of Detroit. They had to

travel about 200 miles north by barge and steamboat to an unknown reservation created or ceded near Manistee.

In 1930, while I was a child, our community suffered from the Great Depression. Like everyone around us, we simply had no money, and those of us who owned farms lost them and were forced to move into cramped houses in Indian Village. So long as we were able to hunt and fish, we could survive.

In 1934, my band requested the opportunity to reform our tribal government under the Indian Reorganization Act, and the Federal officials met with my grandfather and other tribal leaders in Manistee in 1935. They told us that we were a tribe, and therefore had the right to reorganize our tribal government. My elders wrote officials and went to Washington, but in the end, the Federal Government decided that it could not afford the money to honor their treaty obligations with my tribe.

Between 1948 and 1980, I represented our tribe with the Northern Michigan Ottawa Association, a coalition of Michigan Ottawa and Chippewa bands who came together to file a claim before the Indian Claims Commission, a claim that we also won. I was elected to serve on the Northern Michigan Ottawa Association board, and helped certify our Little River community members who qualified for the Docket 40-K judgment fund distribution.

In 1983, our community formed a non-profit organization to raise funds to continue our efforts with the Federal Government, and I was elected chairperson on the original board of directors. And I have also worked with the Enrollment Office, preparing our membership roll.

Our experiences and our willingness to fight for our rights have brought us here today again. And I am the fourth generation of Chief Paquodush to work on restoring our rights promised in the 1855 Treaty. I am here now so that my grandchildren and all of my relatives might have a better life.

I also have a map here showing where our Little River Band is located.

Me—gwetch.

[Prepared statement of Ms. Glocheski appears in appendix.]

Senator McCAIN. I have a copy of that map here. Thank you, Ms. Glocheski. Thank you for your very powerful testimony.

Mr. Brooks, do you have anything you'd like to say?

STATEMENT OF WILLIAM J. BROOKS, MICHIGAN INDIAN LEGAL SERVICES, INC.

Mr. BROOKS. Yes; thank you, Mr. Chairman. I'm going to try to be very brief here, in the interest of time.

First of all, I think there are two points that I want this committee to go away with. First of all, these tribes are treaty tribes. Second and probably more importantly, these tribes have maintained a political relationship with the Federal Government from treaty times to the present, although the Federal Government has denied the tribe's existence in law.

Article 5 of the 1855 Treaty is where the confusion began. In the 1836 treaty with these bands, the Federal Government formed an artificial entity called the Ottawa and Chippewa Nation. These

bands specifically requested that they be separated in the 1855 Treaty, and article 5 was intended to do that. And that article dissolved the artificial creation of the Ottawa and Chippewa Nation and gave to the bands the right to deal with the Government separately as bands.

However, the Federal Government interpreted that particular provision of the treaty as dissolving the tribal status of the bands themselves. That particular position was expressly reversed by Judge Fox in the *United States v. Michigan* decision, where he said that that provision did not dissolve the bands themselves, that it merely recognized that the political authority had always been with the bands themselves, and gave the bands authority to deal with the Federal Government.

As I stated, these tribes have had continuing political relations with the United States, and I think that is what separates these tribes from the tribes at issue in the *United States v. Washington* decision, which was cited by the Department. In that decision, first of all, the situation involved there involved whether those tribes had maintained a political structure that was capable of enforcing treaty fishing as to their members. In a more general sense, the factual predicate to that decision were specific findings by the courts that those tribes had not maintained political continuity.

With respect to these tribes, that is not the case. In the 1940's, when these bands formed the coalition, the Northern Michigan Ottawa Association, the Minneapolis Area Office and the Great Lakes Agency for the Bureau immediately began working with the various bands through the NMOA to prepare tribal rolls. Those rolls were used to certify members of the bands for Federal services, Indian Health Services, education services, including vocational education services, which at that time were only available to members of Indian tribes.

Also, these tribes were before the Congress when the distribution plan for the distribution of Docket 40-K for the Grand River Ottawa was being prepared. The Grand River bands, which included the bands which make up the Little River Band, argued that the judgment fund plan should limit distribution only to members who were one-quarter blood or more, that the Bureau opposed that distribution plan, saying that only recognized tribes had the authority to limit distribution in that manner.

This Congress accepted the arguments from these tribes. This Congress implicitly recognized these tribes as governments and enacted that judgment plan.

When the issue concerning blood quantum certification for both Indian Health Services and BIA services and the judgment funds reached a boiling point, Commissioner Morris Thompson referred the matter to the Solicitor's office, and in that memo, which is attached to my written testimony, Commissioner Thompson acknowledged, and I quote,

The Northern Michigan Ottawa Association and Grand River organization are in many basic senses functioning as, or at least are accepted as tribal political entities, by the Minneapolis Area and Great Lakes Agency.

Mr. Chairman, this is Federal recognition. And this is Federal recognition in 1976. This is the kind of evidence that supports political continuity. These documents came from the offices of the

Branch of Acknowledgment and Research. The BAR has this information. The testimony you've heard today establishes the social and cultural continuity of these tribes.

There is simply no reason for these tribes to have to go through the FAP when the information is already there, and particularly when the political recognition of these tribes as political entities is there as recently as 1976 officially, and the fact that these tribes are here before this committee again today attests to the fact that they are still here today.

I would urge this committee to give due consideration to this legislation and pass S. 1357. Thank you.

[Prepared statement of Mr. Brooks appears in appendix.]

Senator McCAIN. Thank you very much, Mr. Brooks.

Dr. McClurken.

**STATEMENT OF JAMES M. MCCLURKEN, ASSISTANT PROFESSOR
OF ANTHROPOLOGY, MICHIGAN STATE UNIVERSITY**

Mr. McClurken. I will be very brief; I would like to leave you a few minutes to ask some questions.

It's very hard to follow people telling their own stories. But I would like to say that I began working with these tribes 14 years ago. It's been a humbling experience to learn the history of these tribes first-hand, from the people themselves, and then to go into the Federal records and find documentation providing that what they've been telling us is true.

There has been no time, since the United States first sent its territorial representatives to Michigan to the very present, when these bands have not had a direct line of leaders drawn from the same clans and lineages that produced leaders when French people first came to the Great Lakes in the 1600's.

There is no criteria that the Branch of Acknowledgement and Research uses to justify recognizing or not recognizing an Indian tribe that these people cannot meet. As Mr. Brooks has already testified, I have gathered documents showing continual Federal dealings with these Bands even letters drawn from the files of the Branch of Acknowledgement and Research.

Furthermore, the very first tribe to go through the process of the Branch of Acknowledgement and Research is the Grand Traverse Band of Ottawa and Chippewa Tribe which is located immediately between the Little Traverse Bay Bands and the Little River Band of Ottawa Indians. All of these bands were signatories to the same treaties. Grand Traverse, which is actually a composite community formed by bands who left both Little Traverse Bay and Little River, is acknowledged as an Indian tribe while its parent community is not. These tribes meet the criteria that were applied to Grand Traverse and more so.

I urge you to support this bill. It's a matter of justice. These people began this process, far earlier than 1934. They began in the 1890's, when the Dawes Act allowed the Federal Government to use ambiguous language in legal documents to shirk a trust responsibility.

That responsibility was not shirked on the local level, because the local offices of the BIA have always worked with these tribes.

The central bureau office in Washington who has used these ambiguities to deny the dealings that the local offices have had.

So I urge you to support this bill, sir. Thank you.

[Prepared statement of Mr. McClurken appears in appendix.]

Senator McCAIN. Thank you, Dr. McClurken.

And again, I would like to congratulate you on this very excellent document that you put together. I think many of our Native Americans always need friends, and you are truly a friend to these people. I know that members of this committee appreciate it as well.

Frank, and Chairman Bailey, could I ask, how did your tribal government manage to carry on after it was denied the opportunity to reorganize and without the benefit of a tribal land base?

Mr. ETTAWAGESHIK. We continued our traditions, we continued our feasts, we continued naming our children, and we continued telling the stories. We worked as cooks in the logging camps, and we worked on caring for the lawns of the various people who had moved into our area and we continued doing the best we could to survive. And we have survived, it may seem like a simple answer, but that is what we have done. We have continued to work as a people.

We have continued to send people to Washington to work on these issues, and we have continued to compile our histories, always working with the idea in mind, as our elders have said, that one of the items of the 1855 Treaty, the one that was mentioned earlier about the potential termination of the Ottawa Chippewa Tribe, was that the artificial construct was terminated but not the individual bands. One of the things that the treaty said was that we had the right to come to Congress individually as Bands to deal on our issues. Our elders have counseled that that's the way we should do this.

We have come to Congress, and we have also not ignored other avenues of looking to this problem. We're working on everything that we can, knowing full well that, what do they say about luck being 5 percent inspiration and 95 percent perspiration? Our situation is that we've been working very hard for this for a very long time. The way we've continued is to just keep plugging away.

Senator McCAIN. Thank you.

Chairman Bailey.

Mr. BAILEY. About the only thing that I can add to that is that we have pretty much done the same as the Little Traverse Bay Band has done. One other thing is that we have worked as migrant workers also, prior to today's migrant workers.

And one other thing I would like to add is that we have also worked on, as I said in my statement, we have worked on restoring our treaty rights for a number of years, my grandfather and my great-grandfather, so on and so on. And I now am also a grandfather, and today I brought along my daughter, who is the audience in the back, Brandy.

Senator McCAIN. Would you stand so we can see you? Thank you for being here.

Mr. BAILEY. Who will hopefully not have to be sitting in this chair, hopefully I will get this accomplished, and I will also continue until I can no longer do this.

Senator McCAIN. Thank you. Although you would not object if someday she were the chairperson?

Mr. BAILEY. Yes. [Laughter.]

Senator McCAIN. Thank you very much, Chairman Bailey.

How does the lack of Federal acknowledgement affect your members today, Chairman Bailey?

Mr. BAILEY. The lack of Federal acknowledgement would affect me, pretty much in the normal way of not having a health system, educational.

Senator McCAIN. Does it affect the ability or the attractiveness of members to remain as members of the tribe and in the area? In other words, would the conditions make them want to, for economic reasons, leave the area and leave the tribal membership?

Mr. BAILEY. Yes; it would. The tribal members are now, because of the economic system, the times that are in Michigan right now, it's causing a lot of members to move out of Michigan or out of our area. Should we be Federally-recognized, I think that a number of them, if not all of them, would return to our particular area.

Senator McCAIN. You think a lot of them would return if they do receive recognition?

Mr. BAILEY. Yes.

Senator McCAIN. Chairman Frank.

Mr. ETTAWAGESHIK. What I would add to this idea that Dan mentioned is that the issue for us is primary an issue of justice. And although the committee, as you mentioned earlier, knows full well the condition of Indians and the problems that Indian people have, for our tribe, we have all of the same problems of any of the Indian people in the country, and we have one other problem, we don't have access to some of the same tools that the other tribes do to work on those problems. And that's one of the key, I think one of the key points.

The second aspect of my answer to your question would be that we have a matter of self-esteem, a matter of pride. It's a matter of pride in our tribe and our community. Our lack of acknowledgement in the midst of other tribes that are acknowledged means that the focus on Indian activities, the focus on community activities throughout the State of Michigan often focuses on the other tribes. All the articles in the newspaper, when they talk about Indian tribes, they often mention the Federal tribes. And there are as many non-Federal tribes as there are Federal tribes.

And so this is something that we work on with our children and work with other members of our community constantly to try to strengthen and continue to foster that self-identity, that self-esteem that is so essential to a good life.

Senator McCAIN. Well, thank you all very much. The record will be kept open for 30 days for any additional testimony or information that you feel the committee needs, and I hope we can move forward.

And I, speaking for, I think, the majority of the members of this committee, recognize your particular concerns and ambitions, and I think the committee also is beginning to recognize that we have to convince Congress that the entire system, aside from what is happening here today, needs to be reformed so that they don't have to

go through the same agony and difficulties that you have undergone.

Thank you very much. This hearing is adjourned.

[Whereupon, at 11:30 a.m., the committee was recessed, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII, CHAIRMAN,
COMMITTEE ON INDIAN AFFAIRS

This morning the committee meets to consider two measures providing for the restoration of Federal services and benefits to three Indian tribal governments located in the State of Michigan. The first measure, S. 1066, the Pokagon Band of Potawatomi Indians Act was introduced by Senator Riegle, for himself and Senator Levin. The second measure, S. 1357, the Little River Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act was introduced by Senator Levin, for himself and Senator Riegle. Identical measures were introduced in the House by Representatives Upton and Kildee, respectively.

All of the tribal governments testifying before the committee today assert their status as descendants and political successors to signatories of treaties negotiated between representatives of the United States and Indian tribal governments. All of the tribes testifying before the committee today petitioned for reorganization of their governments and Federal assistance pursuant to the Indian Reorganization Act (IRA) in the mid-1930's.

Yet, it is alleged that an administrative decision was made not to provide services or extend the benefits of the Indian Reorganization Act to Indian tribal governments in Michigan's lower peninsula, in great part because of the lack of financial resources of the Federal Government and because tribes in Michigan's lower peninsula did not possess tribal land bases.

The committee is concerned by allegations that inequitable historical treatment by the Federal Government and wide fluctuations in Federal Indian policy account in great part for the current unacknowledged status of the Michigan tribal governments before us today.

The trust responsibility of the United States does not hinge on the availability of appropriated funds. Further, the possession of a tribal land base is not the foundation for determining tribal status.

Just as the committee rejects the notion that federally recognized Indian tribal governments possess certain gradations of sovereignty, based on whether the Bureau of Indian Affairs considers them to be "created" or "historic" tribes—the committee rejects using such distinctions to determine whether the United States should acknowledge the existence of a government-to-government relationship or to restore or clarify the status of unacknowledged Indian tribal governments.

I look forward to the response of the representatives of the Bureau of Indian Affairs regarding allegations of unequal historic treatment accorded tribal governments located in Michigan's lower and upper peninsulas and how it might best be rectified. I also hope that when the committee takes action on these measures, the Bureau of Indian Affairs will put aside any procedural objections and work with the Congress to insure the proper exercise of the trust responsibility of the United States.

The committee is pleased to be joined today by the House and Senate Members of the Michigan Delegation sponsoring these measures. We appreciate their support for Michigan Indian tribal governments and look forward to receiving their testimony this morning.

STATEMENT OF HON. FRED UPTON, U.S. REPRESENTATIVE FROM MICHIGAN

Thank you for holding this hearing and for affording me this opportunity to speak on behalf of legislation to restore federal services to the Pokagon Band of Potawatomi Indians. You and Senator McCain have shown outstanding leadership and concern towards Native Americans and I know that I speak for the Pokagons and many other Americans in drawing attention to this.

I strongly believe that the federal government's refusal to recognize the Pokagon Band under the 1934 Indian Reorganization Act is one of the most glaring uncorrected injustices in the country's treatment of Native Americans. If enacted, the legislation that Senator Riegle and I have introduced in our respective houses will correct this situation as will the bills introduced by Senator Levin and Congressman Kildee regarding the Little Traverse Bay and Little River Band of Odawa and Ottawa Indians. In all of these cases, justice delayed has truly been justice denied.

I will confine the rest of my remarks specifically to the case of the Pokagon Potawatomis whose approximately 3,000 members that live primarily in Representative Roemer's and my Congressional districts. In February, at the start of the session of the 103rd Congress, Congressman Time Roemer and I reintroduced H.R. 878, a bill we had first introduced at the very end of the 102nd Congress to restore federal services to the Pokagon Band of the Potawatomi Indians. This bipartisan legislation would formally establish that the government of the United States of America recognizes the tribal government and people of the Pokagon Band of Potawatomis. The formal recognition that this government-to-government arrangement embodies would ensure that the Pokagon Band of Potawatomis finally receives the fair and equitable treatment that has been lacking in our government's policy toward the Potawatomis.

It is no secret that our nation's treatment of Native Americans has not been exemplary. In fact, it has too often been the opposite. The treatment of the Potawatomis has certainly been no exception. The most serious inequity is that the federal government has arbitrarily excluded the Pokagon Band from federal recognition. This recognition is important because it would make the tribe and its members in southern Michigan and northern Indiana eligible for federal Indian programs and services to which their ancestors in the early 1800's were once entitled. These programs—including education, health, housing, and economic development—would have a positive impact on tribal members, many of who are poor. These programs would give tribal members a chance to succeed and enrich not just their own lives but those of fellow community members.

But more than that, affirming formal federal recognition would restore fairness and legitimacy to the recognition process and to the government's treatment of the Pokagons. Under the 1934 Indian Reorganization Act, tribes not receiving federal services were authorized to petition the government for federal recognition. In 1940 the Pokagon Band was turned down because federal official decided their case not on the merits but simply because they did not want to extend recognition to tribes in the lower peninsula. It did not matter that other bands of Potawatomis do have federal recognition.

The time is long overdue for the Pokagon Band of Potawatomis to join the league of Indian nations recognized by the United States. It would elevate the relationship between the United States government and the tribal government, as well as between the Pokagons and previously recognized tribes to the appropriate level of respect. More than just program eligibility, recognition entails a trust relationship as described by the decision written by the former Supreme Court Chief Justice John Marshall in the 19th Century.

The Potawatomis have a long and proud history in the area we now know as northern Indiana and southwestern Michigan. They inhabited the St. Joseph River basin as well as Northern Illinois and Wisconsin long before European explorers discovered America. As other Native Americans and even other Potawatomi bands were being removed west of the Mississippi River, Leopold Pokagon shrewdly negotiated an exception to the 1833 Treaty of Chicago that permitted his Potawatomi band to stay in the Michigan region. The Pokagon band has been an integral part of the development of this region ever since. Many names of natural features and even cities like Dowagiac ("Place of Plenty") and Kalamazoo ("Boiling Water") are from

the Potawatomi language. Tribal tradition holds that they donated the land to establish the University of Notre Dame in South Bend. Other churches throughout the area were also started by land grants from the Potawatomis. Throughout the 19th and 20th centuries, many outstanding Potawatomi individuals have contributed to the development of the communities of our region. To this day, schoolchildren in Michigan read and learn about the history of the Potawatomis in the area.

I am pushing this legislation because I am frustrated by the Department of Interior's administrative process for recognition. The Pokagon Band of Potawatomis restarted their drive for recognition in 1981. Even though boxes and boxes of materials have been submitted, very little real progress has been made. For the last two years, efforts have been at a standstill. The Pokagons have been ready to go under the stage called "active consideration." My staff, their tribal leadership, and even the House Interior Committee staff on at least one occasion have been told throughout those two years that it will be just another month before active consideration happens—but it never happens and still has not happened. Only one or two tribes per year get placed on active consideration, and other tribes keep bumping the Pokagons from this necessary review even though the Pokagons' application has been ready far longer. In fact, the Bureau's most recent quarterly status report indicates that instead of being closer to active review after a full two years of waiting, they sunk from first to fourth on the list. A review of the petitions which appear to be nearly ready to be eligible for active consideration indicates that they will continue to sink lower on the waiting list.

We have come to the conclusion that the administrative process is fundamentally flawed and broken. We are not alone in that assessment. A panel of experts before this Congressional Subcommittee on the current recognition process unanimously concluded last year that the process is arbitrary and unworkable. For this reason, we are turning to the legislative process for progress. We are now appealing to other Congressional legislators' sense of fairness and justice to restore federal services and affirm federal recognition to the Pokagon Potawatomis. It seems we have no place left to turn. Since these administrative procedures have been set up in 1978, more tribes have been recognized by legislation than through this process. At the current rate of administrative review, it could be well into the 21st century before all the reviews for pending tribes are considered. This is a terrible state of affairs; and to wait for the system to be fixed someday in the future is also not fair for a group that has waited far too long already.

Furthermore, as the representatives of the Michigan Indian Legal Services will point out in greater detail, there is some question whether tribes which had been parties to treaties with the United States, like the Pokagon Band of Potawatomis, should even have to submit to the rigorous analysis of administrative recognition process set up in 1978. As a signatory to 11 treaties from 1795 to 1833, the Pokagon Band were regarded as federally recognized tribes and received federal services, payments and annuities at various times from the United States government because of this status. In this light, the administrative process is almost like a re-recognition of a relationship which already exists. In fact only 8 of the approximately 300 recognized tribes in this country were recognized by the administrative process, and more tribes have actually been recognized by legislation than through the administrative process since 1978.

In the mid-1930's, the Pokagons petitioned the federal government to reorganize under the Indian Reorganization Act of 1934. However, the Pokagons were unfairly and arbitrarily reflected in their petition due simply to their location in the lower Peninsula of Michigan. There was no law or executive order that terminated the Pokagons status as a federally recognized tribe. The government justified the denial of reorganization entirely on a lack of funding. Since Congress has never delegated the authority for the Executive Branch to terminate a tribes legitimate status and relationship with a tribe, I believe that the government should be able to simply restore federal services in full force and effect to the Pokagons because the government's trust status with this treaty tribe was never relinquished. Nonetheless, it seems that legislation like H.R. 878 to clarify this intent and will of Congress will be necessary before services will resume.

What is most frustrating is that the Pokagon Potawatomis' case for recognition even under the criteria of the administrative process is almost textbook clear. Even Indian Affairs officials would admit that their grounds for recognition appear sound. The Pokagon Band meets all of the criteria and requirements including tracing its roots to before the Europeans landed, inhabiting a distinct area, maintaining a continual tribal influence over its members, and documenting a history of federal government treatment of the tribe as a distinct entity in court cases, treaties, and letters stretching back to 1795. These contacts and all of evidence necessary for fed-

eral recognition are extensively documented by the Michigan Indian Legal Services, and in the material present to the Bureau.

I must conclude that at this point, it seems manifestly unfair to make the Potawatomi wait until however long it may take to fix the Department of Interior's process. I am certainly more than willing to work with the Subcommittee Members to help resolve any outstanding questions about the specifics of the legislation, and urge that we all push for the quick enactment of recognition legislation.

**STATEMENT OF DEBRA MADDOX, ACTING DIRECTOR, OFFICE OF TRIBAL SERVICES,
BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR**

Good morning Mr. Chairman, and members of the committee. I am pleased to be here to present the Department's views on S. 1066, a bill to restore Federal recognition to the Pokagon Band of Potawatomi Indians and S. 1357, a bill to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized tribes. If enacted, these bills would make the Bands eligible to receive all services and benefits provided to Indians because of their status as federally recognized Indians.

We do not object to the enactment of S. 1066 recognizing the Pokagon Band of Potawatomi. However we recommend that the Pokagon complete the Department's administrative process for Federal recognition. The findings in the bill comport with our preliminary review of the Band's acknowledgment petition. The Pokagon Band's petition is under active consideration, which is the final phase of evaluating whether the Band meets all the seven criteria for acknowledgment. (25 CFR 83). We anticipate completing the Pokagon petition by July 1994. Nevertheless, if S. 1066 is enacted, we strongly recommend that the bill be amended to require the tribe to submit a current membership list to the Secretary of the Interior and to identify a single governing body. Further, we recommend that the bill provide that criminal and law enforcement remain with the State. We also recommend that on page 7, line 2, the word "shall" be deleted and the word "may" be inserted in lieu thereof.

We oppose the enactment of S. 1357 which would recognize the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians. The Little Traverse Bay Bands submitted a petition letter for acknowledgment to the Department on September 27, 1989. We received a petition letter from the Little River Band on June 4, 1991. To date, neither of the petitioners has submitted the documentation necessary for us to make an evaluation on whether either Band meets the mandatory acknowledgment criteria.

The Department's acknowledgment process has proven to provide a uniform process for making these determinations. We believe that a fair and objective decision on these important matters can be made only on a case-by-case basis. I would like to add that we are making every effort to improve the process. We have increased our staff from four researchers to 12 researchers in the past year. We are now able to accelerate the process and attack the delay problem that has plagued us in the past.

The important decision of recognizing a group as an Indian tribe establishes a solemn Federal trust relationship between that tribe and the United States. This allows the tribe to become eligible for the services and benefits from the Bureau of Indian Affairs, Indian Health Service, and other Federal agencies.

The Little Traverse Bay Bands and Little River Band claim previous Federal recognition based in part on the claim that their ancestors were signatories to the 1836 Treaty of Washington and the 1855 Treaty of Detroit. The Ninth Circuit Court of Appeals has addressed in considerable detail the effect of prior recognition on the question of present-day status. The Court, in considering arguments of five intervenor Indian Groups in *United States v. Washington*, rejected the argument that the groups "benefited from a presumption of continuing existence" just because their ancestors belonged to tribes with which the United States had signed treaties (641 F. 2d 1374 (9th Cir. 1981)). This decision supports the responsibility of the Department to inquire as to the maintenance of tribal existence, notwithstanding previous tribal recognition.

We—strongly recommend that the Little Traverse Bay Bands and the Little River Band complete our acknowledgment process so that detailed evaluations of their cases can be made.

This concludes my prepared statement. I will be happy to answer any questions the Committee may have.

**PREPARED STATEMENT OF SHIRLEY M. OLDMAN, TREASURER, LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS**

Aanii, Shirley Naganashe Oldman Ndizhnikaaaz. Niinkee Odawuk Ododem. My name is Shirley Naganashe Oldman and I belong to the Thunder Clan.

Mr. Chairperson and Members of the Committee, greetings from Waukanaukazee, the Land of the Crooked Tree.

I am the Treasurer for the Little Traverse Bay Bands of Odawa Indians and the Vice President of our tribal museum.

It is my honor to be here not only to represent myself and family but my Odawa people.

I come from a family who instilled in us the values and traditions of the Anishnabek, the Original People.

My mother's and father's names were Eva Keway Petoskey and Daniel Naganashe. They were considered traditional leaders in our community. They spoke our language fluently. They sang our traditional songs. They prayed the Anishnabe prayers. They taught us to be proud to be Odawa, especially during the time when being "Indian" was uncool.

Today, I consider myself a Contemporary Traditionalist who is a strong believer in teaching our children the Odawa culture so that they grow and learn to be productive citizens in a global society. It is not easy but it can be done. I am living proof. I attended elementary school at Holy Childhood Indian Mission School located in Harbor Springs, Michigan. I attended the Institute of American Indian Arts in Santa Fe, New Mexico and graduated from Haskell Indian Junior College with an Associates of Arts Degree in Liberal Arts.

I am very fortunate to have had elders for parents who were my teachers. The house where I live today with my husband and five children is the same dwelling I grew up in. This house is located in We-qua-do-Sing, an Odawa settlement commonly called Indian Town by the people who live in the adjacent city of Harbor Springs, Michigan. This house, which is over fifty years old, is the same house where my aunts, uncles, grandparents and other relatives came to celebrate our traditions of the Odawa People.

Every fall, we harvest corn. We roast the corn and dry it in the sun. After it is dried, we store it for future use. This is the way we preserve our food for many months. During our feasts especially the Jibi-wisining or Ghost Suppers where we eat to honor our ancestors, we take the corn and boil it for many hours until the kernel gets soft again. Then we add our Wee-aus, Schoo-dees-min, and Pi-nik which is deer meat, beans and potatoes. This soup we call Dham-naa—boo. During the month of October we begin our preparation. The first task is to make wreaths from crepe paper. These wreaths are placed on the graves and we believe are worn as head pieces by our loved ones. When the day of the feast comes, a fire is built outside of the home and is kept burning until the sun goes down. Keshick, Sama and Wes-Gun, which is Cedar, Tobacco and Sage, are placed in the entrance of the sacred fire so that everyone coming can use them for their offering or prayer. All our relatives from near and far come home to help with the feast which is like a family reunion or holiday for the Anishnabek or Original People.

In August we celebrate our Odawa Homecoming Pow Wow which is another social gathering for tribal members to return to their original homelands. This is a time to come together to dance and sing the songs we were taught. It is also a time to visit with the elders and meet old friends while making new ones. Today we still practice these traditions our ancestors did years before the coming of the Europeans. Thus far, we have remained as a tribe through our culture and unity. In order to continue these cultures and traditions of the Odawa People we need the existence of a tribal land base. In treaty negotiations with the federal government, the maintaining of a tribal land base was always the highest priority of our tribe. Today our land base has been largely lost. The reaffirmation of our government-to-government relationship with the United States will help us reestablish our land base and help us perpetuate our way of life.

Thank you for letting me express my concerns and for the opportunity to urge you to pass this legislation, S. 1357, for the betterment of my people.

**PREPARED STATEMENT OF KATHERINE SAM GLOCHESKI, TRIBAL ELDER, LITTLE RIVER
BAND OF OTTAWA INDIANS**

My name is Katherine Sam Glocheski of the Little River Band of Ottawa Indians of Manistee, Michigan. I was born on December 21, 1926, in a one-room log house that my great-great-grandfather built at Indian Village on the Manistee River.

Indian Village is located about ten miles upstream from the town of Manistee, in the middle of what is now the Manistee National Forest.

I am the great-great-granddaughter of Chief Sam Paquodush who moved his band from Fort Village on the Grand River according to the 1855 Treaty of Detroit. They had to travel about 200 miles north by barge and steamboat to an unknown reservation created near Manistee.

My great-grandfather, William Sam, was a young man when our band left the Grand River. In the 1870's through the early 1900's, he was a leader who represented our band in dealings with United States officials.

When I was a girl, my great-grandfather was very old. He spent hours telling me and my cousins the stories of our history. My Grandmother Maggie Sam was the community mid-wife for Indian women and for the white women who lived around Indian Village until the 1940's.

In the 1930's, while I was a child, our community suffered from the Great Depression. Like the everyone around us, we simply had no money; Those of us who owned farms lost them and were forced to move into the cramped houses of Indian Village. So long as we here able to hunt, fish, and trap, we could survive.

The white people who owned businesses in our area would not hire our men as laborers. During the harvest season our families, young and old alike, would travel along the Lake Michigan coastline picking fruit and vegetables. We did this to earn enough money for clothing an other necessities for the winter months. We were the original migrant workers.

In 1934 my band requested the opportunity to reform our tribal government under the Indian Reorganization Act. Federal officials met with my Grandfather and other leaders at Manistee in 1935. They told us that we were a tribe and therefore had the right to reorganize our tribal government. My elders wrote officials and went to Washington, but in the end, the federal government decided that it could not afford the money to honor their treaty obligations with my tribe.

During World War II, the federal government had other concerns. So did my tribe. All of the men under forty-five years of age enlisted in the United States military. They served with distinction, and many of our great Americans died. One of our community members, Frank Saugee, served on the front lines in Europe during World War II. One of his assignments involved communicating important messages in our Ottawa language to another Ottawa soldier. This was done because our language was too complex for the Germans to decode. Most of the men and some of the women from our community have served in every major war since the Civil War.

After the war, the men found they had to move to nearby cities like Muskegon, Grand Haven, and Grand Rapids in order to find a job and support their families. Some worked in the cities part of the year and came home for winter hunts. Others moved their families to the cities and came home for special occasions. This does not mean that our tribe fell apart. The leaders of my band continued working for our best interests. The men continued to be arrested for hunting and fishing, going to court, and demanding release under our treaty.

Following in the footsteps of my grandfathers, I and the others of my generation have worked much of our lives for the welfare of our people. Between 1948 and 1980 I represented our tribe with the Northern Michigan Ottawa Association, a coalition of Michigan Ottawa and Chippewa bands who came together to file a claim before the Indian Claims Commission, a claim that we also won. I was elected to serve on the NMOA board and helped certify our community members who qualified for the Docket 40-K distribution

In 1983 our community formed a nonprofit organization so that we could raise funds to continue our efforts with the federal government. I was elected Chairperson on the original board of directors. I have also worked as the Enrollment Officer, preparing our tribal membership roll.

The Little River Band of Ottawa Indians is my tribe and my family. Although we have been known by several names throughout history, we are the same people who were forced out of our Grand River homes by American settlers. We were also cheated out of our land by lumber companies and corrupt local politicians. We were ignored by federal officials whenever we brought our rightful treaty claims to them. We have never stopped pursuing our rights, no matter how poor we were, how badly we were discriminated against, or how unjustly we were treated in the courts. Our experiences and our willingness to fight for our rights have brought us here again today.

I am the fourth generation descended from Chief Paquodush to work on restoring our rights promised In the 1855 Treaty. I am here now so that my grandchildren and all of my relatives might have a better life. Me-gwetch.

PREPARED STATEMENT OF DANIEL BAILEY CHAIRMAN, LITTLE RIVER BAND OF OTTAWA INDIANS

Bozhoo, Cabayonqaue, n'de zhn cazit. I am also called Daniel Bailey. I am the Great-great-great grandson of the Grand River Ottawa leaders Cobmoosa, Wabisis and Francis Bailey who signed the Treaty of Washington in 1836. I am also Chairman of the Little River Band of Ottawa.

The Little River Ottawa have sent me here today to help you understand who we are, and to give you a short history of our band. We are a distinct band of the Ottawa nation; we existed before the Americans came to Michigan in 1812; and, we have continued as an autonomous community from that time to the present.

I am the sixth generation of Little River Band people to deal with the United States government. When the Americans came to Michigan, my Great-great-great grandparents lived in prosperous villages along the Grand River. In the winter time, our people traveled north to the Little River at Manistee, trapping for furs that they traded to the French who lived near us and married into our families. During the 1820's and 1830's, American farmers began settling in our territory.

At first, the Americans claimed only the land around Detroit, but by 1830, they had begun following the Grand River westward into the Ottawa villages. In 1835 the American politicians in Detroit wished to turn the Ottawa homeland into a state. My ancestors on the Grand River refused to sell their land. For four months they refused to make a treaty. The Americans demanded that we send chiefs to Washington to make a treaty. My Great-great-great grandfathers refused to go and instead sent young men to talk with the Americans in Washington, boys were not capable of making an agreement that the tribe would accept. Officials in Washington made the 1836 treaty and sent it back to Michigan for the chiefs to sign. My Grandfathers were told that they had no choice but to sign this treaty that sold their lands along the Grand River and reserved only a small piece of their northern trapping grounds at Manistee. They were given a choice, they could move permanently to Manistee, or they could move to Kansas.

Cobmoosa and Wabisis signed the 1836 Treaty of Washington, but refused to leave their villages along the Grand River for many years. The United States vacillated in their policies, telling my tribe that they could stay in their towns so long as they behaved like American farmers, that they could move to their northern reservation, or that they could leave the state altogether. My Grandfathers refused to move to Kansas or to the marshes of the Manistee River.

In 1855 my Grandfathers made another treaty with the United States that ended the danger of their removal to Kansas and made provisions for their permanent residence in Michigan. But the Americans demanded even the last of their gardens and told them that they had to move to northern reserves. Faced with constant harassment from the Americans, and the effects from European diseases and alcohol, my Grandfathers decided to move their people away from the settlers who made their lives miserable. They kept their right to hunt, trap, gather and fish on their former lands and they made reservations, once again, in their northern winter trapping grounds—land that they believed the Americans would not take from them.

My grandparents loaded their families into canoes and travelled to the mouth of the Grand River, on Lake Michigan, in 1859. There they were loaded onto steamboats and carried north to the mouth of the Pentwater River. From there, they travelled inland to make new settlements. But they found that American settlers had already made claims to most of the reserved lands. Timber speculators had already begun cutting the virgin white pine. My ancestors tried to make farms on their new reservation in keeping with the American demand that they become "civilized." But they were not allowed to make new homes in peace. Land speculators, timber speculators, settlers and even corrupt government officials sought to get rich providing lumber to build Chicago and other cities. Between 1860 and 1875 they managed through any means possible to take title to our reservation lands.

The next generation of leaders, my Great-great grandfathers, provided for their families by moving between the summer gardens and winter villages as we had done for centuries. But, these gardens were not on their reservations. When speculators had taken the best reservation lands, my band selected small homesteads where they and their families raised gardens in the summer. In the winter our people travelled twenty miles north to their traditional trapping territories along the Manistee River and relied on their treaty protected right to hunt, trap, fish and gather. Their winter camp on the north shore of the Manistee River became known as Indian Village. Eventually, Indian Village became a permanent settlement where my people continued to live by hunting, fishing and trapping well into the mid-twentieth century.

The Little River Ottawa were a small migratory band. They owned only small parcels of land. Few had any education. The non-Indians around us did not think of the Little River Band as a tribe with any authority or rights other than the right to do manual labor. The state of Michigan chose to ignore any of our claims to land, and the federal government, time after time, refused to honor their trust responsibilities.

My Great-grandfather, Henry Bailey, wrote in English. Throughout his lifetime he wrote letters to officials in Washington telling them of the difficult lives our people lead because of land frauds, and reminding them of their treaty obligations to our band. From the 1880's through the early 1900's he continued his campaign. When Henry was too old to write, his son and my Grandfather, Cornelius Bailey, continued the work.

During the Great Depression, when all of the rural people of Michigan suffered privation, the state for the first time in our band's history forbid us to hunt, trap and fish on the Manistee. Each time one of our men was arrested and brought to the local courts, my Grandfather, Cornelius Bailey, exercised his authority as a leader and servant of his people. He brought our band's copy of the 1836 Treaty which shows that our people had reserved the right to hunt, trap and fish. He pointed to the very clause in the treaty and showed it to the judge. Some judges ruled that our band members did indeed have these rights, and other Judges did not. The importance of this act is that my people know about their treaty-reserved rights, and always did. We continued to exercise our rights and act as a self-governing tribe, even when the federal government abandoned their responsibilities to us.

Our band asked Commissioner of Indian Affairs John Collier in 1934 to reestablish our relationship with the United States government under the Indian Reorganization Act (IRA). In 1935 Mr. Collier visited Manistee and told our people that we were eligible to become a federally "recognized" tribe. For six years we tried to vote on forming a constitutional government. Bureau of Indian Affairs officials first told us that we could vote to form a constitutional government. Then they said that we had to have land in trust before we could vote. Then they said we could not acquire land and have it placed into trust until we voted. Finally they said that the federal government could not afford to let us form this government because they did not have enough money to buy land for us. My Grandfather was a band leader through this time.

World War II interrupted my tribe's efforts to reorganize under the Indian Reorganization Act. Almost all the able bodied men in our settlement, even those forty-five years old and older, left the community. Women, children and the elders stayed behind to take care of themselves. In Washington, the resources and attention of federal officials focused on the war effort. The Little River Ottawa were given a low priority. When the soldiers returned, the federal government forgot about its commitment to help us reorganize.

The Little River Ottawa, however, did not stop governing ourselves or end our efforts to reestablish a federal trust. Our band joined a newly formed, locally elected, statewide association of bands who were parties to the 1836 and 1855 treaties. My Grandfather was one of the charter members of Unit Seven of the Northern Michigan Ottawa Association. Through this organization my band was involved in the filing of several suits through the Indian Claims Commission for compensation for under valuation of our tribal lands from previous treaty cessions. Little River, along with the other Ottawa bands won their initial claim in 1972. Our members received per capita payments from this claim in 1976. My Grandfather died in 1972, at age 75, and did not receive a payment. But my mother did and I did.

My tribe was not subsumed by the Northern Michigan Ottawa Association (NMOA). Through the Northern Michigan Ottawa Association we formed alliances with other Michigan bands and we were able to maintain political influence throughout Michigan. The strength of relationships that formed during this time is demonstrated by the friendship between my tribe and the Little Traverse people who are here with us today. The Little River Band has always acted as a tribe, and we were treated as such by local, state and federal officials.

The Little River Band of Ottawa, along with the other NMOA members used the association to combine their influence and pursue issues that had proven difficult for the individual bands to win alone. For example, the bands who made up the Northern Michigan Ottawa Association petitioned for reestablishment of government to government relations with the United States under the Indian Reorganization Act in 1975. Bureau of Indian Affairs Officials were, at the time considering the problem of acknowledging dozens of other tribes like ours. Over the next three years, the Federal Acknowledgement Process was formed.

Our band was informed by the Bureau of Indian Affairs that if we wished to restore our relationship with the United States, we would have to go through the Federal Acknowledgement Process. We have always believed and acted as though we were and are a "recognized" tribe. We have treaties; we have maintained continual relations with the federal government through the efforts of my grandparents and other leaders; and, we have continued to act as a community from the times of those treaties to the present. Bureau of Indian Affairs officials knew this well before the Federal Acknowledgement Process was created. We see this process as yet another unnecessary hurdle placed between us and our treaty-based rights. We have filed a petition with the Bureau of Indian Affairs, Branch of Acknowledgement and Research at the advice of our local Congressional delegates. Still, we believe that Congress is the proper branch of government to address our case.

In closing, I wish to point out that our tribe has never been formally terminated by Congress. The Little River Band of Ottawa Indians has continued to act as a tribe from treaty times to the present. We are a kin-based community who make decisions about our common issues by the consensus of our members. For more than a century our members have worked to protect our treaty-based rights. We have passed the knowledge of who we are and the record of our rights from generation to generation from before the Americans came to our land to this day. Although we have done so, the federal government chose to ignore its treaty mandated relationship with us—and tried to implement its own form of defacto termination. I am here today as the Chairman of the Little River Band to tell you that they have failed. We have reminded the federal government of its responsibilities through Congress, the courts, and through the Bureau of Indian Affairs, and we have no plans to stop.

The Little River Band is now asking Congress to end the defacto termination of our tribal rights. We are not asking the Congress to acknowledge that we exist as a tribe Congress has already done so in the Treaty of 1836 and the Treaty of 1855. We are asking that we be restored to our rightful government-to-government relationship with the United States. The United States will now deal only with tribes who are "recognized."

I am now a grandfather. I think about the great cost to my tribe if we are not successful at restoring our government-to-government relationship with the United States. My tribe does not have the means to maintain tribal economic programs that will allow my children and grandchildren to remain in our community. We no longer own any common property that we can use to house our people or generate income. We lack basic health and human services that would help us overcome social problems that rob us of our human potential. I want my children and grandchildren to know that they are Ottawa Indians and to exercise the rights my grandparents have worked so hard to preserve. We have overcome these problems as our ancestors did—using our own initiative working together with the federal government as a tribe. If we do not do so in this generation, our band will continue to exist as a second class tribe. This cost is too high for us to bear. We ask for your help in affording the Little River Band of Ottawa Indians the legal right that we deserve.

PREPARED STATEMENT OF MICHAEL PETOSKY, CHIEF JUDGE, GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS

I respectfully urge you to give the utmost consideration to favorable, expeditious action on S.B. 1357 to reaffirm the political relationship between the federal government and the Little Traverse Bands of Odawa Indians and the Little River Band of Ottawa Indians. I offer my background and experience for a frame of reference and for your consideration in giving weight to my testimony. I am an attorney and a member of the Grand Traverse Band of Ottawa and Chippewa Indians. I have been the Chief Judge for the tribe since January 1986. My statewide involvement in Indian matters began in 1983 as a staff attorney with Michigan Indian Legal Services, where for five years I worked primarily with our group clients, who included the unacknowledged tribes in Michigan. I am a former Chairperson of the Michigan Commission on Indian Affairs, having served on that body for seven years from 1985-92. For the past six years, I have worked as the Coordinator of American Indian and Minority Services at Northwestern Michigan College. I have taught Contemporary Native American Issues at NMC for five years, and am currently teaching a federal Indian law & sovereignty class at Central Michigan University. Of course, one of the topics for both classes is federal recognition/non-recognition and how it came to pass that some Michigan treaty tribes are not currently acknowledged by the Bureau of Indian Affairs.

Indian people throughout Michigan have always recognized the legitimacy of the political authority of both the Little Traverse Bands of Odawa Indians and the Little River Band of Ottawa Indians, and the Michigan Commission on Indian Affairs and others have dealt with them both accordingly. It is truly unfortunate and a cruel twist of fate that neither of these tribes is currently recognized by federal government. They find themselves unrecognized through no fault of their own. Michigan Ottawa people have been subjected to several historical misfortunes which are painfully clear as presented in the testimony of Dr. James McClurken. Those historical injustices, along with the frequent and extreme fluctuations in federal Indian policy have put the Bureau of Indian Affairs in the position of telling Indian tribes that the political relationship does not exist unless the Bureau says it does. This does not make any sense to Indian people. It is clear, however, that the federal government prefers to ignore the fact that some people are Indian. Perhaps it is a matter of convenience, or more likely, a concern about the cost of living up to one's responsibilities. Even if the federal government had a thousand excuses, none would really mean much. The excuses get lost in the unfairness of the situation. The cruelty of the Bureau's position is readily apparent in the face of the fact that both of these Ottawa entities are treaty tribes to whom the federal government pledged its utmost good faith as it took their land for white settlement. Not only are they tribes whose sovereign status was recognized through their participation as parties in treaties with the federal government, but also, they have maintained the struggle to get the federal government to deal with them on a government-to-government basis since the time the federal government began to ignore them. They have been unsuccessful in that struggle, but they have not given it up. During the course of their struggle for justice, there have been numerous contacts between the federal government and these two tribes. A noted Justice of the United States Supreme Court observed that "Great nations, like great men, should keep their word." It is in an attempt to persuade the federal government to keep its promises to some of its very own citizens that these Ottawa people come before you.

The federal acknowledgement ordeal is inappropriate for these two Michigan Ottawa tribes. The current administrative process provides a mechanism whereby tribes can submit evidence to prove the legitimacy of their claim of right to a political relationship with the federal government. The process is inappropriate in this instance for two reasons. First of all, it was designed to accommodate tribes about whom little was known. Clearly, this is not the case for either of these two tribes. On the contrary, the fact that these two tribes are who they say they are is widely known, even among federal bureaucrats. There is a consensus that they are bona fide Indian tribes, and that it is extremely unfair that they are not recognized. Secondly, the process is inappropriate because it requires the tribes to submit themselves to the very agency that has ignored their responsibility to these two tribes for so many years. What could be more unfair? The acknowledgement process has been subverted to accommodate the interests of the Bureau of Indian Affairs rather than serving the purpose which it was designed. The process has become onerous beyond imagination. It is unconscionable that the demands of the current process fall upon those who have been stripped of very resources which are required to go through the ordeal of acknowledgement.

The re-establishment of formal political relations is critical for both of these tribes, and it would amount to further injustice to require them to wait any longer. The primary significance to both of these tribes is that there would be federal recognition of their respective rights of self-government. Rights that are inherent, but that have ignored by the federal government. Only through the exercise of such rights can they assume primary responsibility for the well-being of their members. Both tribes wish dearly to increase their independence through community development and lessen their dependence on others. A quick look at the indicators which reflect their socio-economic condition is very telling. There can be no doubt that they ought to have the opportunity to provide for themselves. It is a responsibility that both would gladly assume. However, they are handicapped because true self-determination requires that their political authority be recognized.

It simply is impossible to overstate support for this legislation. It is long overdue. In closing, I wish to express my appreciation for the opportunity to submit this written testimony as part of the Hearing Record.

PREPARED STATEMENT OF RACHEL DAUGHERTY, TREASURER—POTAWATOMI INDIAN NATIONS, INC., VICE CHAIR, CONFEDERATED HISTORIC TRIBE, INC.

My name is Rachel Daugherty. My father was Michael B. Williams (1881-1969), who began his tribal business as secretary when he was 16 in 1897, because he could speak both languages and read and write. He spent a lifetime seeking fairness and justice for the Potawatomi. He was active along with his father, Peter Kowtuckmuck and brothers, Frank, Peter and John. A priest gave them the name of Williams in place of Kowtuckmuck. My grandfather, Thomas Topash, was also a man of political and spiritual leadership. As my grandmother and mother did to help their families to seek our rights and causes, I have continued to do the same with much help and support from my husband, Richard E. Daugherty. Today I serve on the present council. I have lived my lifetime seeking the reaffirmation of Federal Recognition. I will continue. I believe that this is the true justice for us.

The treaties between the U.S. Government and the Pokagon Potawatomi promised payment for those lands that were to be purchased by the U.S. Government from the Potawatomi. Payments were not well honored, very sparse and so long in coming. But these payments could have given the Pokagon Potawatomi the means to buy their original property, thereby giving them good land, good homes, good jobs and good health. To quote my father who years ago said "If we had the land to raise celery and onions we could become self-sufficient." We have always respected this land and what it gives back to us. Today, we are seeking for the same self-sufficiency that comes from this land. We need means of economic development, education privileges, health care, jobs, homes for our elders, and protection of our future through our childrens' successes.

Federal Recognition and reaffirmation of our treaty rights are long overdue. Thank you.

PREPARED STATEMENT OF RICHARD "MIKE" DAUGHERTY, TRIBAL HISTORIAN, POTAWATOMI INDIAN NATION, INC.

My name is Richard "Mike" Daugherty. I am the tribal historian of the Pokagon Band of Potawatomi. My involvement started almost 50 years ago "1945" when I married my wife Rachel Williams, Kowtuckmuck (family name). Her father was Michael B. Williams and he was tribal chairman. The council was comprised of John Topash, R.C. Mix, John Wesaw, Isaac Shagonaby, Jewett Pokagon, Tom Winchester, John Williams, Joseph Morsaw and in 1948 John Richard Winchester and Peter Pokagon in addition. Over the years I have always had close association with the tribal leaders and so had the benefit of listening and questioning the elders and authorities as to what had taken place over the years in the tribal government relations with the US. Government. I learned the Potawatomi language as a result of these associations. Our language is now being shared. The Pokagon Band of Potawatomi is a treaty tribe and has been in the same area of southwestern Michigan for hundreds of years. They were part of the St. Joseph River Valley Band. They are in southwestern Michigan today by virtue of the amendment to the Treaty of Chicago, September 27, 1833. They were the only Potawatomi Band allowed to remain in Michigan.

When Pokagon arrived at the treaty site he found that most of the bands were under the influence. The Government had allowed the whiskey peddlers to come in. Pokagon, being a teetotaler, pulled the band back away from the site. By the 26th of September 1833 the Government agents had everyone of the leader's signatures except Leopold Pokagon's. Leopold refused to sign. He would not leave Michigan because of his fear that he would lose the meck-daa koon-yah (Black Robe, Priest) and would lose their religion. The band was predominately Catholic.

According to legend the Government agents were angry with Pokagon and one of them said "Everyone else has signed but you." The agent is quoted as saying further "You did not bring any warriors. We have you in here and we could kill you." To which Pokagon said, "Yes, but I have you and I can kill you."

Whatever the facts are, the government agents agreed to allow the Pokagon Band to stay in Michigan and would procure land for them at L'Arbre Croche (called Harbor Springs today). The Band was supposed to be there by 1836. All benefits and annuities were to be paid there the same as if the Band had gone west. In 1835 Pokagon sent tribal members to Harbor Springs. They reported back to him that the area was still Ottawa. The government had not finished negotiations with the Ottawa. In 1836 Pokagon and a priest by the name of Father Reese went back to Harbor Springs and found the situation was basically the same. There was no land available for the Pokagon Band. The government had failed to procure the land. Po-

kagon then met with the government agents and told them you are dishonest. You cannot give us what you don't own. The government gave Pokagon approximately \$2,000.00 with which to buy land. This he did and ultimately acquired 1400-1500 acres just north and west of the town of Dowagiac.

The land Leopold Pokagon bought for the Band was part of the Band's old hunting, fishing, trapping, gathering and planting area. Pokagon had the deeds registered with the Register of Deeds office in Cassopolis, Michigan.

However, the government had assigned General Hugh Brady the task of removing all Indians from the area. The General proceeded to try to convince Pokagon to move.

Pokagon realizing that the government might not honor the Band's treaty right to remain in Michigan sought other help in the person of Assistant Supreme Court Justice Epaphroditus Ranson who wrote an opinion stating that the Pokagons had the right to remain. On the 17th of August 1840 General Brady met with Pokagon near Silver Creek at which time Pokagon gave the General the Judge's letter. The General met with Judge Ranson a short time later and confirmed the letter's validity. General Brady then notified his superiors that the Pokagon Band had the right to remain. From the very beginning the Band's Council government has had a continuous fight with the Federal Government to make the U.S. live up to their treaty contract with the band concerning annuities, payments and other obligations. The Band's Tribal government has been forced from the beginning to seek legislation and litigation as well as lobbying to try to get justice.

In 1934, the Band applied for recognition under the Indian Reorganization Act known as the Wheeler Howard Act. The government gave recognition and bought land for the Potawatomi in Crandon, Wisconsin and the Potawatomi in the Upper Peninsula of Michigan as well as the Chippewa and Ottawa in the U.P. Both of these Potawatomi Bands were supposed to have removed west to the reservation. In short, they were not legally by treaty in Wisconsin or Michigan. They were escapees. We have no argument with their having been given Federal Recognition but we definitely have an argument with the Government for withholding Federal Recognition from the Tribes/Bands in the Lower Peninsula of Michigan and specifically from the Pokagon band which was the only Potawatomi Band in the State of Michigan with the Treaty right to be there.

The Secretary of Interior, John Collier, and his field agents never said that the Potawatomi, Ottawa and Chippewa tribes in the Lower Peninsula were not eligible. They said that none of the Indians in the Lower Peninsula should be recognized because the Government had failed to appropriate enough money to buy them land and the Indians were in dire economic straits but were receiving aid from the State of Michigan. If the Feds stepped in it would upset that relationship and the Indians would be in worse shape. This has a hollow ring as the people in the U.P. were in exactly the same situation and it did not make their situation worse. The government of the Pokagon Band is still comprised of the descendants of the Band's Tribal government from 150 years ago i.e. Joseph Quigno, grandson of Simon Pokagon and the great grandson of Leopold Pokagon; Daniel Rapp descendant of George Rapp and Victoria Moose and Leopold Pokagon; Phil Alexis, grandson of Patrick Alexis, great grandson of Henrietta Pokagon, great great grandson of Leopold Pokagon; John Wesaw, Jr., great great great grandson of Topinasiee and great great grandson of Chief Wesaw; Rachel Daugherty, Tom Topash, Joseph Winchester descendants of Tom Topash, Frank Topash and Augustine Topash and Peter Kawtuckmuck Williams.

The Tribal Band government today, the same as in the past, continues to work for the benefit of the Tribe/Band.

The Pokagon Band is now again seeking reaffirmation and acknowledgment of their status as a Federally Recognized Tribe/band. They are a Treaty Tribe/Band. They have never been terminated. They have always had an interactive Tribal/Band Community. They have always had a Tribal/Band government and have always had government to government relationship with the U.S. government.

We are requesting that our Federal Recognition be acknowledged, be reaffirmed and that after 150 years justice be finally done.

PREPARED STATEMENT OF JOSEPH R. WINCHESTER, CHAIRMAN, POKAGON BAND OF POTAWATOMI INDIANS

Good morning Mr. Chairman and Members of the Committee.

I am Joseph Winchester, Tribal Chairman of the Pokagon Band of Potawatomi Indians living in southwestern Michigan. I am here as the latest representative of a

tribal government that dates back over 150 years to treaty times. My predecessors petitioned for reorganization under the Indian Reorganization Act. They also, along with Tribal Councils dating back to the late 19th century brought successful claims against the United States for monies owed under the treaties. Our Tribal Councils that led us during the early and mid 1800's entered into treaties to cede land to your government. Rather than suffer the fate of removal, our leaders insisted on a provision to allow the Pokagon Band to stay in Michigan in the 1833 Treaty of Chicago. We then pooled our annuity monies to purchase land for our tribe. We still live in our ancestral homeland of southwestern Michigan, where we lived when we signed the treaties.

I'd like to show you a picture of our tribal council in 1948. The men in the picture are members of the Tribal Council. The man on the left is my oldest brother, John Winchester, deceased. The man third from the left is my uncle Michael Williams, deceased. This council worked diligently to reorganize under the Indian Reorganization Act during the 1930's. They did not disappear when denied this right, but continued to keep the community together and press the Pokagon's claims with the federal government. My uncle Michael Williams started in tribal politics as an interpreter for his father, my great uncle, during the late 1800's. My great uncle, who lived to be 104, was already a young man when the 1833 treaty was signed, and was present at the treaty negotiations. There has been continuity in the Pokagon Band leadership from the time Pokagon led us in the treaty negotiations through today.

In May of 1963 I listened to testimony by Pokagon Band Potawatomi before the Indian Claims Commission for land claims from numerous treaties signed by the Potawatomi and the U.S. Government during the period of 1795 and 1833.

At long last the U.S. Government settled the claims with the Potawatomi Indians. Two separate payments were issued to the Pokagon Band in 1984 and 1985. Simple arithmetic tells us that it was due for 150 years.

Even though the U.S. Government entered into treaties with us and finally settled their claims monies due the Pokagons—they still maintain that we are not Indians for federal recognition purposes today, is that justice? Clearly not.

Our tribal government and community has survived the past 150 years. It is time we were treated the same as the other tribes that entered into treaties. Federal recognition will allow us to take our rightful place as a tribal government and better serve our members.

At this time I would like to identify all of the people in the picture that I submitted: Standing left to right; John Winchester, Joseph Morsaw, R.C. Mix, Michael Williams, and Pete Pokagon; sitting left to right; John Wesaw, Sr. and Leo Alexis.

Thank you for allowing me to express my thoughts today on behalf of the Pokagon Band of Potawatomi Indians from Michigan.



James A. Keedy
 Director - Attorney
 James A. Brandy
 Staff Attorney
 William J. Brode
 Staff Attorney
 Debra A. Shroyer
 Administrative Assistant

Michigan Indian Legal Services, Inc.

160 E. State Street, Suite 102

Traverse City, Michigan 49684-2672

Telephone (616) 947-0122

Facsimile (616) 947-3966

Toll free (800) 968-6877

**Testimony of James A. Keedy, Michigan Indian Legal Services
 before the Senate Committee on Indian Affairs
 in support of S. 1066
 a bill to reaffirm the federal relationship with
 the Pokagon Band of Potawatomi Indians**

February 10, 1994

I would like to thank the committee for allowing me to give testimony in support of S. 1066. This bill would reaffirm the long standing relationship between the Pokagon Band of Potawatomi Indians and the United States. It will at long last give the tribal council the tools needed to provide for their people and protect their children using the Indian Child Welfare Act and other legislation available to Indian tribes. The Pokagon Band has successfully struggled to maintain its identity as a people and a right to decide for themselves how best to live their lives. The bill, by restoring the promised federal status, will assist them in continuing to do so.

The history of the Pokagon Band is a simple quest to be left alone to live as they choose. It began in 1833. The tide of European immigrants to their homeland made it inevitable that they would be required to enter into treaties with the United States in an attempt to preserve some of their way of life. The treaty making began in 1795 and ended in 1833 with the Treaty of Chicago. In that treaty every other Potawatomi band agreed to move from Michigan. The Pokagon Band alone insisted that they should remain in Michigan to pursue the way of life they had led for hundreds of years and practice the Catholic beliefs they first adopted when French missionaries came to them in Southern Michigan in the 1600's.

The adoption of Catholicism aided the band in its strategy to remain in their homeland. The Church provided a buffer against the encroaching Europeans. As with the Pueblo peoples of the Southwest, they adapted Catholicism into their traditional way of life, and actually used it to strengthen and protect their Indian identity. The Kalamazoo diocese, in southwest Michigan, through its Indian ministry, has become a staunch defender of the Pokagon's traditional practices.

The Pokagons immediately found that their negotiated right to remain in Michigan would be difficult in spite of the promises. The treaty required they move north by 1836 to L'Arbre Croche (the Crooked Tree near present day Good Hart, Michigan) but they found that in that same year the Ottawa and Chippewa had

ceded that land to the US and there was no place to go. They had to buy back their own land in southwestern Michigan where they have continued to live to this day.

To live among the many settlers in the rich farm land of southern Michigan meant that they had to compete with farmers for land and livelihood. Soon most of the game land was under plow. Fortunately, the farmer found little use for the huckleberry marshes and some of the people sitting in this room continued the annual celebration gathering of huckleberries as had their ancestors for hundreds of years.

To compete with the farmer (and pay taxes on their land) they needed the money from the perpetual annuities promised in the treaties as compensation for their land cessions. The federal government's failure to pay the annuities at all led to the first of many long collective battles to enforce promises made by the United States. During the critical time from 1836 to 1843 when they were still subsistence farmers and hunters they received none of their land cession payments. Because the United States did not keep its word the Pokagon Band lost its land to tax sales and distress sales to pay debts. The tribe petitioned officials in Indian Affairs and finally succeeded in getting a small portion of their promised annuities paid until 1866. During these years they worked hard to gain the full amount due them. They repeatedly petitioned Congress. Reports of the 36th, 37th and 38th Congress agreed that the promises had not been kept and the United States owed them money. In 1866 the Band was paid a portion of what was due, but Congress wrongly stipulated that the 1866 payment would be payment in full for all claims past, present and future.

The band's business committee (the arm of the tribe that dealt with the outside world) immediately set about to remedy this latest breach of the promise to pay annuities and committee reports from the 41st, 42nd, 43rd, 44th, 45th, 47th, 49th and 51st Congresses testify to their persistence. As part of their struggle the band hired an attorney, whose contract with the tribe was approved by Commissioner on Indian Affairs and Secretary of the Interior in 1882 and 1888 (Exhibit A). This contract is explicit federal recognition of the Band because the only reason for the Secretary of the Interior to approve a contract is if one of the parties is an Indian tribe. Finally, Congress recognized the wrong committed them and authorized a suit against the United States in the Court of Claims. Many years of litigation resulted before payment of the claims were made in 1896 pursuant to the affirmance of the Court of Claims by the Supreme Court.

Even though business with the government did not continue to be a priority for the Band again until the 1930's, the tribal government continued to function and meet. The Band records

contain meticulous hand written minutes from the 1890's, 1900's, 1910's and 1920's concerning elections of chiefs and chairmen, membership questions and sanctions for unacceptable behavior. The council continued to be a vibrant institution for Band members. While written records help show outsiders the Band's history Band members do not rely upon written records to remember the history of the functioning of the tribal council through the years. For example, present tribal council treasurer Rae Daugherty's grandfather, Kawtuckmuck, was a young man at the time of the treaty in 1833. Her father, Michael Williams, born in 1880, was involved in council business from 1897 to his death in 1969 as interpreter, secretary or chairman. Most of the present day council members can count fathers, uncles and other relatives among the members of past councils.

The 1930's saw the end of a practice that has caused great harm to the Pokagons' desires to choose their own path. Many Pokagon Band members were sent to the Indian school in Mt. Pleasant, Michigan. Current tribal member Phil Alexis' father, former tribal chairman, Mark Alexis attended the school. Phil attended another government Indian school, Holy Childhood, in Harbor Springs, Michigan. Another tribal member, Elizabeth Ballev, recounted at a gathering of elders in 1991 that she did not speak English until government people forced her to go to the Indian school in Mt. Pleasant. She stayed at the school until it closed in 1934. She commented how strange it is that she no longer speaks any Indian.

In the 1930's the federal government finally passed legislation that allowed Indian tribes to gain the necessary legal protection so that they could live in the midst of an overwhelming majority while continuing to follow their own way. It was the Indian Reorganization Act (IRA), Act of June 18, 1934, 48 Stat. 984. It promised relief, especially for landless Indians like the Pokagon Band. The Pokagon Band council set about immediately to organize under the IRA.

Throughout the 30's the Band's council and officials from the Indian office met and corresponded about applying the act to the Band. At one time the Indian office contemplated purchasing land for the Band and other Potawatomi tribes (Exhibit B). Unfortunately, the economic depression of the 1930's curtailed the government's plans and a decision was made to refuse the request for reorganization under that act to any tribe in Michigan's lower peninsula.

That decision had unfortunate consequences for the Pokagon Band because the depression worked greater hardship on the Pokagon Band members than the general public. In a 1940 letter to the government John Williams, Rae Daugherty's uncle, wrote "Winter is coming again and it is hard for an Indian to rent a house, no work no money, all they can get is the berry shanties

to live in for the winter and sometimes they live in tents all winter." (Exhibit C)

Even worse, as a result of the refusal to apply the IRA to lower Michigan, the Pokagon Band's ability to be left alone to propagate their culture and beliefs was put to an extreme test. This past year tribal member, Earnest Daisy, came to the council to ask for its assistance in obtaining custody of his nephews and niece. They were placed in non-Indian foster homes. They will likely lose contact with their culture. The federal Indian Child Welfare, Act 25 USC § 1901 et seq., was passed by Congress to solve problems like this. But the act has been interpreted by state courts to apply only to children of federally recognized tribes. Attorneys from Michigan Indian Legal Services have represented several band members who sought to keep Indian children in Indian homes. MILS attorneys have not had any success because the courts rely upon BIA's statement that the Pokagon Band is not recognized by the federal government.

The Pokagon Band's long struggle has had one fortunate side effect. The government always demanded that the Band members show their relationship to the people who gained the treaty right to stay in Michigan. Thus, the Court of Claims in 1892 left to the Commissioner of Indian Affairs (COIA) to decide who was to be paid the back annuities it awarded. The Commissioner decided that it was the people paid annuities from 1843 to 1866. That decision was approved by the Secretary of the Interior. See Secretary of Interior to COIA, January 4 & 10, 1896; in NAM M606 R87: 248 & 262 (Exhibit D). Therefore the COIA sent Indian agents to the Pokagon Band to conduct a census. This census is currently used by the Pokagon Band as membership criteria. Because of the struggle to obtain their rights the Pokagon Band has a clearly documented roster of their members from the 1833 Treaty of Chicago, to the annuity rolls of 1843, to Agent Shelby's census of 1896 to the current rolls based on the Shelby census.

The Pokagon Band has come to Congress because it is the only proper forum for a request for reaffirmation of their relationship with the federal government. Congress, by treaty and statute, has recognized the Pokagon Band. For some reason the administrative branch of the government has ignored that and insists that the Band must be re-recognized in order to exercise limited self rule, preserve their culture and protect their children.

To require a treaty recognized tribe, like the Pokagon Band, to go through the process set forth in 25 CFR 83 is wrong and is against the policy and law of the United States. There are over 300 tribes in the continental United States and only 8 have been acknowledged through the process set up by 25 CFR 83. Inequities are created by the process, not solved by it. The Branch of Acknowledgment and Research has had the Pokagon Band's petition

for federal acknowledgment since 1988. There is no telling how much longer the Pokagon Band members will have to wait if they are required to go through the process.

The vast majority of tribes have been recognized by the Congress of the United States through treaties ratified by the Senate or both the House and Senate. No one claims that Congress has recognized even one tribe that was not a genuine Indian tribe.

An additional number of tribes have been recognized through the executive branch of the government, either through an executive order of the President or through action of the Bureau of Indian Affairs. In 1976 (two years before the effective date of 25 CFR 83) the Solicitor in a memorandum to the Secretary of the Department of Interior reported that tribes had been recognized by various officials in the Department of the Interior without any action by Congress or the President, including two tribes recognized by the Acting Deputy Commissioner on Indian Affairs, one by Commissioner on Indian Affairs, one by a letter from the Assistant Secretary of the Interior for Indian Affairs with a supporting letter from the Acting Director of the Office of Indian Services.

Last year in testimony before the House Sub-committee on Native American Affairs, Vine Deloria, Jr., listed 143 tribes that had been recognized between 1900 and 1950. The process then was a simple act of formalizing a relationship between the federal government and Indian people because of the haphazard way federal services had been applied in the past. Now the process has become a complex, cumbersome and expensive procedure that effectively terminates Indian tribes.

The criteria for acknowledging an Indian tribe as set forth in 25 CFR 83 are not the sole criteria for acknowledging all tribes. To apply the criteria to all tribes is inequitable. Bud Shapard, former Chief, Branch of Acknowledgment and Research, stated in testimony before the same House sub-committee on July 8, 1992 that the process set forth in 25 CFR 83 was not meant to apply to all tribes.

The criteria set forth in 25 CFR 83 do not comport with the law. In 1976 the Solicitor of the Department of the Interior reviewed the history of federal acknowledgment in a memorandum to the Secretary of the Interior. The memorandum first looked at the definition adopted by Felix Cohen's Handbook of Federal Indian Law;

The considerations which, singly or jointly, have been particularly relied upon in reaching the conclusion that a group constitutes a 'tribe' or 'band' have been:

- (1) That the group has had treaty relations with the United States.
- (2) That the group has been denominated a tribe by act of Congress or Executive Order.
- (3) That the group has been treated as having collective rights in tribal lands or funds, even though not expressly designated a tribe.
- (4) That the group has been treated as a tribe or band by other Indian tribes.
- (5) That the group has exercised political authority over its members, through a tribal council or other governmental forms.

Other factors considered, though not conclusive, are the existence of special appropriation items for the group and the social solidarity of the group F. Cohen, Handbook of Federal Indian Law 271 (1942) (footnotes omitted).

Memorandum from the Solicitor to the Secretary of the Interior, p 5 (1976).

The Solicitor further found that "It has not been necessary for a tribe seeking to be 'recognized' to satisfy all five principal criteria..." However, the Pokagon Band does meet all five as shown above. It was specifically singled out in the 1833 Treaty of Chicago and the Acts of Congress in 1866 and 1896. Both acts of Congress recognized the Pokagon Band as a tribe and its right to pursue past due annuities collectively. Tribes in Michigan and elsewhere have treated the Pokagon Band as a tribe. The brief history above has shown that over the course of years the Band has acted on behalf of its members and bound them to the result. The Michigan Commission on Indian Affairs (Michigan law has placed the commission in the Governor's office and commissioners are appointed by the Governor) in written testimony submitted to this House Sub-committee Native American Affairs states that it recognizes the Pokagon Band as an Indian tribe. Last fall the Police Administrator (similar to a chief of police) of the Weesaw Township Police Department came before the tribal council and asked permission to use a likeness of Chief Wesaw (an 1833 treaty signatory and member of one of the groups collectively known as the Pokagon Band). The Police Administrator recognized the authority of the council to act on behalf of all its members.

The Pokagon Band has been repeatedly recognized as an Indian tribe by Congress. The administrative branch of the government has no authority to repudiate that. In summarizing the criteria

for recognizing Indian tribes the Solicitor reviewed The Kansas Indians, 72 U.S. 737 (1867). As a result it concluded that the Court had issued an opinion "... making clear that one of the prime indicia of federal recognition of an Indian tribe is the execution of a treaty with the tribe." The Solicitor concluded "In our opinion, tribal existence continues until specifically terminated by Congress, and we can find no solid authority for the proposition that this Department can alone disestablish a tribe". By refusing to provide services to the Pokagon Band the Department of the Interior has sought to disestablish the tribe without authority to do so.

There is a good policy reason for following the law set forth in the Solicitor's opinion. It is equitable. Officials below the President in the administrative branch of the government cannot un-recognize a tribe and ignore the political relationship established by the Congress or the President by applying tests based on marriage patterns and other social science theories. Otherwise this same test would have to be applied to all the tribes the Secretary of the Interior lists as being eligible to receive services.

This matter is where by law it ought to be, before the Congress of the United States.

Congress must reaffirm the political status of the Pokagon Band of Potawatomi Indians because there is no other proper forum for their request.

Not only was the process set out in 25 CFR 83 not meant for treaty tribes it does not work for treaty tribes. It is time consuming and expensive. Already it has been six years since the Pokagon Band petition has been submitted. The Branch of Acknowledgment and Research (BAR) has since 1991 considered them "ready" to go on active consideration but they are currently third on the list to be reviewed. Since the BAR assigned priority numbers based on first contact with tribes, tribes with lower priority numbers can and will come along and push the review of the Pokagon Band petition further down the list. It may be 10 or 20 years before review of the Pokagon Band petition is completed. The BAR has completed work on 21 petitions since 1978 for an average of 1.4 a year.

Basic fairness demands that Congress act. The United States has long held out the promise of limited self rule for Indian tribes to induce their cooperation. But the tools for that depend on "recognition". Rae Daugherty's father worked his entire life on these issues, from a young teen until his death at age 89. The present council is entitled to see this process completed before they too are gone.

LAKW7511WORK\POKAGON\FIN23M.TST

EXHIBIT A

✓ 1182	OFFICE OF INDIAN AFFAIRS. DEC 9 JAN 14	1883
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SC 351541-86.
 Int. Dept. 23465-87.
 ✓ 1714-
 ✓ 32538-
 ✓ 185-82
 Jan. 15 1887
 CASE NO. 35
 Returns approved
 Contract between
 John Critcher and
 Pottawat, of Michigan
 and Indiana, and
 assignment to S. J.
 Heath.

10 inc

To second Comptroller;
John Critcher, and

Principal Chief and Business Com-
mitter of Pottawat of Michigan and
subsidiary. July 20 1885,

L. B. 169-261-267.

P17/199
L. B. 169-261-267
269

DEPARTMENT OF THE INTERIOR,

WASHINGTON, January 13, 1888.

2517
1192
R

The Commissioner of Indian Affairs.

Sir:

The contract in triplicate, which accompanied your letter of 6th instant, entered into the 29th day of September 1887, between John Critcher, Counsellor at Law of Washington City, party of the first part, and the Pottawatomie Indians residing in tribal relations in Michigan and in St. Joseph's County, Indiana, parties of the second part, through their principal chief and business committee, is herewith returned with the accompanying papers forwarded therewith.

This contract which is for the performance of legal services on the part of said Critcher in procuring the settlement of certain accounts and claims arising out of treaty stipulations as noted therein, is limited to the term of four years from its date, the compensation thereunder to be at the rate of twelve per centum of and out of any sum that may be recovered or authorized to be paid to said Indians on account of said claims.

Attached to said contract is an assignment to S. J. Heath, Esq., Capitalist, of Benton Harbor, Michigan, under date of October 11, 1887, of a one-fourth part or interest in said contract.

The approval of the Department has this day been endorsed upon said contract and also upon the said assignment, as recommended by you.

Very respectfully,



Acting Secretary.

147, Ind. Div. '88.

10 enclosures.

Sof

EXHIBIT B

Office of Indian Affairs
Field Service

Tomah Indian School
Tomah, Wisconsin
May 4, 1933

Journal

Commissioner of Indian Affairs,
Washington, D. C.

Dear Sir:

Following is a report of the joint survey of conditions among the Michigan Indians under the Tomah jurisdiction just completed by the undersigned in accordance with the plans and instructions of the Office.

The survey which started at Tomah, Wisconsin on April 15th covered the following points: Chicago, Lansing, Detroit, Mount Pleasant, Clare, Bay City, Pigeon, Saginaw, Oshtemo, Hubbard Lake, Alpena, Cheboygan, St. Ignace, Sault Ste. Marie, Drummond Island, Sugar Island, Bay Mills, Mackinac City, Cross Village, Middle Village, Petoskey, Charlevoix, Traverse City, Peashabtown, Northport, Crystal Valley (Oscoda County), Milledgeville, Hartford, Deception, Fife and Abbeok. This survey therefore made a complete circuit of the lower peninsula of Michigan and covered part of the upper. Mr. Burns plans later to complete his survey of the upper peninsula and will probably make the trip before May 15th.

The visit to Chicago was made in connection with an effort to secure the interest of Mr. Edward Burton, Regional Director of the F.B.I., in the welfare of the Michigan Indians and secure his support of any program that might be formulated for their rehabilitation under the Rural Rehabilitation Corporation of which he is the head. We have reason to believe that our efforts along this line have been successful. All these Indians have an expert knowledge of commercial fishing although they do not visit to Detroit for the purpose of conferring with the officials of the Michigan Legion of Michigan at their headquarters there. Later another conference between the representatives of your office, the Michigan Legion and the County welfare authorities was held at Petoskey on April 27th at which time a definite statement of policy was formulated and agreed upon. A copy of the resolution passed at this conference is enclosed for your information. Commercial fishing is a profitable industry in this locality.

In general it may be said that while the Michigan Indians are for the most part rather poorly housed and unfavorably situated from an economic point of view, they are intelligent, energetic, industrious, already fix their habits, and give promise because of their general attitude that they will take full advantage of the assistance that may be made available through the joint efforts of the Indian Service and local authorities in efficient methods of constructing and marketing the articles made.

interested in the betterment of conditions among them. Also it was found that no general policy of rehabilitation can be applied to all of them because of differences in background and present physical environment. It was also generally agreed that owing to the financial limitation imposed by Congress in connection with the Indian Reorganization Act the best prospect for the rehabilitation of these people was to have them included in the program now being considered by the Rural Rehabilitation Corporation for the economic betterment of citizens in urgent need of the assistance of that body.

A tentative statement showing the program regarded as feasible for each of the different tribes or bands visited is given below:-

Pottawatomi of South Michigan - Acquisition of additional land adjoining the existing small reservation at Athens and formation of a community there consisting of Pottawatomis now scattered over several counties who wish to avail themselves of the opportunity offered them. The activities to be carried on would consist of gardening, subsistence farming, basket making, small fruit culture, to be supplemented by seasonal labor. The educational advantages of this locality are all that could be desired.

Saginaw, Swan Creek, Black River Chippewas of Isabella County - These live in an agricultural area. They have knowledge of farming and can do so successfully if supplied with the necessary equipment and other facilities. Acquisition of additional land so that each family may be enabled to cultivate a small farm. Bee raising is profitable in this area and should be encouraged among them. The services of an agricultural field agent would be desirable and might possibly be supplied through the cooperation of the Michigan State College.

Saginaw, Swan Creek, Black River Bands located on the shores of Lake Huron, north of Bay City (at Saginaw, Pishonung, Oscoda & other points) - All these Indians have an expert knowledge of commercial fishing although unable to engage in that pursuit actively because of lack of the necessary equipment. The program for these would be - their concentration at one favorable location, probably Saginaw, acquisition of enough additional land to give each family a good fertile garden plot and sufficient additional land to enable them to keep a cow, chickens, etc. Then a loan on reimbursable basis sufficient to provide the community with boats, nets, beachouses, and other accessories necessary for successfully engaging in commercial fishing which is profitable in this locality.

Sugar Island, Roundhead Island, Cedarville, Bay Mills - A program similar to that outlined above for the Lake Huron, Saginaw, Swan Creek and Black River Chippewas, the colony to be located at Cedarville on the mainland. In both localities the income of these Indians to be supplemented by basket making under a cooperative system which would provide for more efficient methods of constructing and marketing the articles made.

Cross Village, Middle Village, Goodheart, Harbor Springs, Petoskey and Vicinity - Location of a large community centering at Cross Village. Acquisition of additional land for subsistence farming and berry raising. Purchase of necessary equipment for fishing on a commercial basis. Systematic and planned development of native arts (basket making and quill work), development of facilities for the entertainment and accommodation of tourists.

Mik Rapids, Traverse City, Northport, Brethren, Hoser, Hart, Pentwater, Mackegon - Location of a large community of Ottawas, drawn from the points listed above and from other outposts of the tribe, at Peshabytown on Sultans Bay. Acquisition of land necessary for subsistence farming, fruit raising (this is a cherry district). Small sawing factory; purchase of facilities for commercial fishing.

A fact which has persistently come to the attention of your representatives during the survey is the rapid disappearance of the Black ash from which most of the Indian baskets are made. This was taken up with the American Legion representatives who indicated their intention of taking up with the State Department of Forestry the matter of reforestation of their essential source of raw materials upon which many of the Indians depend for ready cash.

In view of the improbability that any of the necessary additional land for these Indians can be acquired under the Wheeler Howard Act it is likely that this proposed program if carried out will have to be financed on a reimbursable basis by the Rural Rehabilitation Corporation. Naturally, therefore, the question of the ability of the Indians to repay the obligation must be given careful consideration. Major Langdon has suggested the acquisition of a large tract of timber land in northern Michigan on which "unattached" Indians wishing to make a start might be colonized. This suggestion is approved by your representatives not only because a number of scattered Indians having now no definite affiliation with any existing community could be settled there, but also because if such a tract could be acquired and held in part-ownership, G.O.G. camps could be established in which the young men from the various communities which it is proposed to establish could be engaged in useful work and part of the proceeds of their labor returned to their dependents. From this source of ready cash it should be possible for the Indians to reimburse the Corporation for funds advanced for their economic rehabilitation.

Before the close of the survey an outline of the proposed program for these Michigan Indians was placed before Dr. Haber, State Director of F.I.R.A. and before Mr. R. S. Carr who is in direct charge of such projects. Their attitude was most sympathetic and helpful. They proposed to have a special meeting of the Rural Rehabilitation Corporation soon at which your representatives would appear and submit definite co-

minutes of cost, plans for reimbursement and other details which must be considered before final approval can be given. They also suggested that a representative of the Service familiar with the proposed plans visit Mr. Hopkins or his assistant, Mr. Westbrook, in Washington, for the purpose of familiarizing these gentlemen with the proposed program, the urgent need which exists for it and with the other essential details that might assure intelligent and sympathetic consideration when the question of allocation of funds to the State of Michigan by the Washington heads of the organization comes up.

Respectfully,

(Signed) M. L. Burns
M. L. Burns

(Signed) Frank Christy
Frank Christy

FC:LS

EXHIBIT C

W. R. 1
 Aug. 29, 1940

Dear Sirs:

I went to see the old time Indian reservation in Township West, Marshall County, Indiana some time ago and I like it awfully well for the Indians to have for their reservation for the rest of the days of their lives. Winter is coming again and it is hard for an Indian to rent a house, no work, no money, all they can get is the berry shanties to live in for the winter and sometimes they live in tents all winter.

We ask the government to help us to get the land for our home or reservation. General Lewis Cass advised the Indians to ask our Great Father for anything we want and he will let us have it because he has plenty and never goes without.

If you agree with him you are being the same way. You always have plenty and never go without according to March 3, 1871.

Yours Respectfully
 John D. Williams

33

EXHIBIT D

January 4, 1896. J. 66

The Commissioner
of Indian Affairs.

Sir:

I have considered your communication of 19th ultimo and accompanying papers in the matter of the application of certain Indians to be enrolled as Pottawatomies of Indiana and Michigan.

As to the distribution of the moneys found due these Indians by the Courts as debt to this Department, I am of opinion that these Pottawatomies and their descendants who remained east on account of their religious creed under the Commission granted by the treaty of September 27, 1833, if found to be entitled, should be enrolled, notwithstanding the fact that their names do not appear upon the roll of 1846 and I so direct that they be enrolled.

The papers accompanying your communication are herewith returned.

Very respectfully,

Hoke Smith

Secretary.

1952 Ind. Div. 95.

71 encls.

W. G. P.

January 10, 1896.

J. G. G.

Commissioner of Indian Affairs,

Div.

I have considered your communication of 4th instant, acknowledging receipt of Department letter of 4th instant and submitting plan of enrollment of Pottawatomie Indians of Michigan and Indians entitled to participate in the judgments of the courts in their case.

I concur in your opinion that only those should be enrolled who make satisfactory proof of their claim and who can show that they were on one of the rolls taken in the years 1842 to 1866, inclusive, or are descended from some one of those rolls.

Very respectfully,

Hoke Smith

Secretary.

169 Ind. Div. '96.

Testimony of Frank Ettawageshik, Chairman
Little Traverse Bay Bands of Odawa Indians

Submitted to the Committee on Indian Affairs
United States Senate

Hearing concerning S-1357
February 10, 1994

Bozhoo. Naakwegeeshik n'dizhnikaas. Pepegwezanse Ododem. Hello. Noonday is my name, Sparrowhawk is my clan, of the Odawa (Ottawa) tribe. I am also known as Frank Ettawageshik, currently chairman of the Little Traverse Bay Bands of Odawa Indians, also known as the Waganakising Odawa.

We have lots of evidence to present at this hearing. We have tribal leaders, historians and attorneys with us to help present that evidence. But there is something which we must be sure is not forgotten; there is an idea which we must bring to this hearing. All of the people in this room, from you and your fellow Committee Members and staff, to the spectators in the back row, are people who work long hours to support important goals. We all attend meetings that take us away from our homes and keep us away from our children's activities. We involve ourselves in projects so deeply that we are preoccupied mentally even when we are at home and could otherwise relax.

Why do we do these things? What is so important that we will sacrifice our own needs and the needs of our families? We all work to maintain fairness. We all work to satisfy our sense of self-worth. We all work hoping to accomplish things that will allow our children and their descendants to enjoy peace and well-being in their lifetimes.

For Odawa people this is not some unobtainable utopian dream. Accomplishing this peace and well-being has been and is a goal of our traditional ways. Most times, the path towards this goal does not involve bureaucracies or councils or reams of paperwork. It's a simple one-on-one exchange in which we honor and support the individuals within our families and our communities in our daily lives. We praise our children, respect our elders, and try to forgive ourselves and others who get mired in life's struggles. We strive to support others with our deeds and with positive thoughts, while we learn to respect and honor ourselves.

Every now and then an issue arises for which we must set aside simplicity and independent action. We gather together and speak in unison. We prepare the reams of paperwork. We attend the councils and committee meetings. We sacrifice our own needs and the needs of our families and we struggle to right historical wrongs; we struggle today so that the seventh generation from now will be free to work on more important accomplishments. Seven generations ago, our Odawa ancestors were locked in a battle just to survive in whatever way they could. We were compelled to sell our lands and pressed to adopt a new culture, but even so, we have survived. Today we work for that

seventh generation upcoming. We who are speaking in the Odawa world today hope that we will not be found lacking in courage and strength by the tellers and writers of histories in the future.

We are sure that this committee and its members will consider what is presented at this hearing with a clear mind and an open heart. We honor each of you and all of your staff members. We wish to validate all of the sacrifices that have been made by all of the people who have worked and will work in the future on this legislation.

I come here today to testify on behalf of the Odawa people of the Little Traverse Bay Bands. Our people live in Michigan along the northern shores of Lake Michigan. For generations we have been writing to and coming to Washington to try to serve the needs of our people, to protect our treaty rights, and to assert our political rights as an Indian tribe. Many times we have been ignored and often we've met with indifference. The historical and legal details of our case for this Congress will be presented by our tribal legal assistants from Michigan Indian Legal Services and by our tribal ethnohistorian.

Some here might say, who are these Odawa people? Who is it who comes to ask for this action by this Congress? We represent many families and communities. We represent our grandmothers and grandfathers. We represent our children and the coming generations. So that you may better understand our issues I will tell you about my family.

After the Odawa fought the United States in the War of 1812, my great-great-great uncle Assiginac, who was born in 1768, made a wooden carving of his war canoe. He carved images of himself and two of his brothers, my great-great-great uncles. My great-great-grandfather's picture was taken in 1880 in front of the church in the town of Little Traverse, now called Harbor Springs, in northern Michigan. Paul Ettawageshik was one of the many Odawa people who were involved in trying to regain lands taken from them through fraudulent means. His cousin Margaret Blackbird Ogabegijigokwe took a trip to Washington in the 1870s to attempt to convince President Grant to help our people keep our lands. Her January 7th, 1877 letter is housed at the National Archives. This letter describes a long and arduous trip she made to Washington to convince the President to protect our reservation from squatters. The President would not see her and she returned home. My grandfather, Joseph Ettawageshik, and my Grandmother, Agnes Chingwa, were active in tribal affairs in the late 1800s and the early 1900s. Joseph and Agnes were two of the many people from the Odawa families in our tribe who helped to keep our traditions and language alive to pass on to the coming generations.

Testimony of Frank Ettawageshik, LTBB Chairman

February 10, 1994

In the mid-1930s my father Fred Ettawageshik worked on the tribe's efforts to assert and maintain our treaty guaranteed rights during the early days of the Wheeler-Howard Act.

Today, I am before you as a representative of the Odawa from Waganakising, the Crooked Tree Place. Just as my ancestors have done before me, I ask the United States to live up to its government-to-government responsibilities to our tribe established in the treaties of 1836 and 1855. We are not asking to be taken care of; rather we ask that the political status of our tribe be reaffirmed. We are working to care for ourselves, to keep our traditions and language alive. By passing this legislation this Congress will assist us in the work of caring for ourselves by providing us with an important legal tool.

We do not come here asking Congress to create a tribe for us. Our tribe exists. We have been here long before the coming of the Europeans. Since the treaty making time we have not gone away or stopped being a tribe. There has never been an express action of Congress nor of history which terminated our tribe. We still live, work and raise our children in the same lands we occupied before the United States existed.

We don't come here asking for anything complex. All we ask is that the U.S. Congress look at us, read the evidence presented by the experts who have come to testify with us, and to pass this proposed legislation, S-1357. This will be an important step in righting historic wrongs and in helping us to help ourselves.

We thank you for your consideration and we wish you well.

fetsl94.fin

Testimony of Frank Ettawageshik, LTBB Chairman

February 10, 1994





W. S. DARLING

JEREMIAH BLACKBIRD.

JOHN SHOWMAN.

PRINCESS MARGUERITE BOYD.

— S. P. —

P. 24 33

Executive Mansion.

Cabriguigone, Margaret
Little France

Wants some government land.



Respectfully referred to the Secretary of the Interior.

whose attention is invited to the
within endorsement of the
President.

By direction President:

January 15 1877
[Signature]

Little Traverse Emmet Co. Jan 7th 1877

To the President Grant

My great Father

A poor child
 went a great long way to see the
 great Father to the poor children
 returning home with greatest
 grief no satisfaction answer
 from the great Father to his poor
 child, I went there to ask you
 to give these few families who
 never had any Lands from the
 great Father who ought have
 had the Lands, that was my
 intention of undertaking that
 long bitter journey, many times
 most throwing me out of cars
 because I had not money ^{to} pay

to pay full fare, and after all not
 obtaining anything, we do not
 want take the Land as homestead
 because we are obliged to cut
 down trees and clear the Land
 but we want preserve our
 Trees from cutting down to make
 Sugar for we use great deal of
 Sugar, this is the object of your
 poor Children by sending me to
 go see their great Father person-
 -ly, to hear him from his own word
 and when they saw me coming
 home they all rush in haste to
 the house asking what the great
 Father had said, all most ashamed
 to tell them that the man
 who took me to see the great
 Father did not give me no time
 to hear any answer or obtain
 even a spool of Thread from the
 Father of poor Children.

O Great Father who is full
 power to do any thing all but
 creat another world, do
 please have compassion and pity
 your children for we are your
 from Indian children, for I
 was weeping all way coming home
 such bitter long journey for a
 poor old woman of sixty years like
 me, please excuse and pardon me
 a poor child went so far to see
 your Great Father to talk to him
 personally as a child to his own Father
 Your poor child

Margaret Ojabeqijigo
 Phase

Excuse my poor writing
 I was told by some of those men in the office
 that the Great Father did not wish to see
 his children, from me going so far from







James A. Lundy
Director - Attorney
James A. Bransky
Staff Attorney
William J. Brooks
Staff Attorney
Dorlene A. Bransky
Administrative Assistant

Michigan Indian Legal Services, Inc.

160 E. State Street, Suite 102

Traverse City, Michigan 49684-2572

Telephone (616) 847-0122
Facsimile (616) 947-3966
Toll free (800) 868-6877

**TESTIMONY OF JAMES A. BRANSKY AND WILLIAM J. BROOKS
MICHIGAN INDIAN LEGAL SERVICES, INC.
ATTORNEYS FOR THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
AND THE LITTLE RIVER BAND OF OTTAWA INDIANS
on S. 1357, before the
SENATE COMMITTEE ON INDIAN AFFAIRS
February 10, 1994**

Michigan Indian Legal Services, by James Bransky and William Brooks, is grateful for the opportunity to submit this testimony in support of S. 1357 to reaffirm and clarify the federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are federally recognized tribes through treaties and a longstanding subsequent relationship with the federal government. These tribal communities still reside in their traditional homelands where they lived during treaty times. They have never been terminated by act of Congress. By all rights, these tribes should now have a legally affirmed government-to-government relationship with the United States. However, for the reasons described below and in the testimony of Dr. McClurken, federal agencies abandoned their trust responsibility without Congressional approval. This morally and legally untenable situation requires rectification by this Congress. Congress already recognized these tribes. It must now reaffirm the trust relationship unlawfully denied to these tribes.

Both tribes were party to the 1836 treaty of Washington, 7 Stat. 491. The tribes ceded the western half of what is now Michigan's lower peninsula, and the eastern half of what is now Michigan's upper peninsula in that treaty. The continuing validity of the recognition and rights accorded the tribal signatories of that treaty have been upheld by both federal and state courts.

Both tribes were also party to the Detroit treaty of 1855, 11 Stat. 621. The treaty created reservations for the tribes in which land was to be allotted to individual tribal members. Although the State of Michigan, local governments, and American citizens subsequently gained title to almost all of the lands allotted, the majority of tribal members continue to reside within the reservation boundaries set out in the 1836 and 1855 treaties.

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The continuous political and social history of the tribes is well documented by tribal members and Dr. McClurken. The contemporary tribes maintain intergovernmental relationships with other tribes, local units of government, and the State of Michigan. They promote social and cultural preservation and continuity through various projects such as the yearly Elders' Council, Odawa Homecoming Pow-wow, ghost suppers and Little Traverse Bay Bands operation of the Andrew Blackbird Museum in Harbor Springs.

How, then, can treaty tribes that continue to reside and function as tribes within their traditional homeland fall outside of the federal trust relationship? The answer to this question lies in the history of the implementation of the 1855 treaty of Detroit, the implementation of the Indian Reorganization Act in Michigan, and the subsequent behavior of the Bureau of Indian Affairs.

As was the case throughout much of the United States, in order to more efficiently conduct treaty making with loosely affiliated Ottawa and Chippewa bands and communities of Indians found in Michigan, the federal government "created" an organization called the Ottawa and Chippewa Nations of Indians. The final treaty entered into by the United States with the Ottawa and Chippewa Nations was the treaty of 1855. In addition to setting aside a reservation for the allotment of land to individual tribal members, the 1855 treaty, in Article 5, "dissolved" the artificial organization of the Ottawa and Chippewa Nations of Indians. The Office of Indian Affairs and its successor, the Bureau of Indian Affairs has treated this article as terminating the tribal status of these groups. It is clear, however, that Article 5 did not dissolve or terminate the tribal status of the individual bands and communities which made up the Ottawa and Chippewa Nations. That Article expressly acknowledged the right of the various bands and communities to "arrange matters between themselves and the United States" in the future without the need to call a general convention of all bands and communities.

The treaty of 1855 was one of the first allotment treaties entered into by the United States. This allotment system, designed to eliminate communal tribal land holdings, proved exceptionally disastrous to these tribes. Almost all of the original allotments quickly passed out of Indian ownership due to confusion, mismanagement, and outright fraud on the part of the agencies and officials charged with protecting the tribes' reservations. Despite this situation, the United States continued to allot restricted deed and trust parcels for tribal members well into the twentieth century.

The tragic loss of the tribal land base through mismanagement and corruption did not end relations with the United States. The continued political relationship between the tribes and federal Indian Agents and agencies is well documented. Indeed, records

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indicate that the Bureau continued to allot restricted fee and trust lands for tribal members until 1930.

Soon after enactment of the IRA, both of these tribes petitioned the federal government for reorganization under its provisions. Historic documentation shows that John Collier found these tribes to be eligible for reorganization under the IRA. However, historic documentation also shows that the BIA thereafter abandoned efforts to implement the IRA in Michigan. Although the BIA had purchased restricted fee and other trust lands for tribal members as recently as 1930, the BIA cited the lack of trust lands as a reason for denying these tribes their rights under the IRA. Only those tribes which still had tribal (unallotted) lands held in trust at the time of reorganization were permitted to go under the IRA. Historic documentation shows that the BIA initially found the tribes to be eligible for reorganization, and that its true reason for refusing to extend the IRA to these tribes was a lack of appropriations.

From that time forward, the Bureau has refused to fully acknowledge the legal status of the tribes. The Bureau has justified its legally insupportable position by claiming that: 1. the tribes were terminated by Article 5 of the 1855 Treaty, and 2. members of the tribe became assimilated by receiving state services. Both of these positions are without legal or factual support.

First, as was discussed, Article 5 did not dissolve or terminate the tribal status of the individual Ottawa bands and communities. The federal court for the Western District of Michigan accurately found that Article 5 did not end government-to-government relations:

Article 5 had no impact on the government-to-government structure of the bands. There was no change in the way in which the Indian agents dealt with them after the treaty, except they were never convened again as one group. . . . The United States wanted to handle disputes arising as a result of the 1855 treaty on a localized basis and sought to avoid the need for calling a general convention of the Indians to resolve future problems, and the Indians of the treaty area wished to be treated with locally, and not as an artificial "Ottawa and Chippewa nation." This--and only this--is what Article 5 accomplishes. . . . Even if the Treaty of 1855 were the only source of the tribe's federal relationship, the treaty provision would not end aboriginal federal rights or prevent recognition of a modern tribal group as a political successor in interest.¹

¹ *United States v. State of Michigan*, 471 F. Supp 192, 264-65 (1979).

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If subsequent generations of federal officials did not understand the meaning of Article 5 of the 1855 treaty, the Ottawa bands certainly did. Individual Ottawa bands and, in many cases, a number of bands with close kinship ties sent numerous petitions and letters to federal officials requesting enforcement and protection of rights guaranteed under their treaties.² Although the Bureau attempted to administratively terminate all federal services to and trust relations with the Ottawa, the tribes continued to fight with the Bureau over the continuation of services well into the twentieth century.³ Indeed, the Bands before this Committee have come to Congress in accordance with the 1855 treaty stipulation which affords the individual bands and communities the right to "arrange matters between themselves and the United States".

Second, the BIA does not have the authority to unilaterally terminate Indian tribes. Its assimilationist justification is without merit. In a formal opinion issued in 1976, the Solicitor for the Department of the Interior correctly stated that "tribal existence continues until specifically terminated by Congress, and we can find no solid authority for the proposition that this Department can alone disestablish a tribe."

The only difference between the Little Traverse Bay Bands of Odawa and Little River Band of Ottawa and other Michigan tribes who appear on the BIA's list of "recognized tribes" is that these tribes have, for the historical reasons described in more detail in Dr. McClurken's testimony, been caught in a game of legal/technical semantics with the Bureau over whether the tribes are or can be "recognized." The tribes continued to maintain government-to-government relations with the United States, belying the BIA's historic claims that no "recognized" tribal governments existed. The illogic of that debate is evidenced by a short, documented chronology of the tribes' dealings with the United States.

Following the ratification of the 1855 treaty, both local Indian agents and tribal leaders continued governmental relations on the assumption that they were dealing with tribal governments on

² See attached Exhibit 1, Petition of Chiefs of the Pere Marquette Bands of Grand River Ottawa (Little River Band) to Indian Agent requesting re-opening of school for their children. (LRMS - 1131, August 24, 1865).

³ See Exhibit 2, Letter appeal of Northern Michigan Ottawa Association to Secretary regarding BIA proposal to end medical and education services to non-reservation Ottawa and Chippewa.

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Indian reservations.⁴ The Grand River Bands, including the Little River Bands from Pere Marquette also met in a general regional Council to reorganize their government to more effectively deal with matters relating to the enforcement of existing treaties and negotiation of future agreements.⁵ These are clearly not the statements of tribes (and Indian Agents) who believed that their tribal relations had been terminated.

The absurdity of the federal government's position of treating the tribal governments of the Michigan Ottawa as having been terminated is clearly demonstrated by a quote from the 1886 report of the Commissioner of Indian Affairs, which appeared in a report of the 1890 census:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations . . . While no tribal relations exist, yet the Indians annually elect certain of their number, whom they call chiefs or headmen, whose duty it is to transact all business with the government or the Indian agent, sign all papers and stipulations, which they consider as binding upon their band.⁶

That line of thinking - acknowledging the political existence and authority of the Ottawa bands "in fact", yet denying the legal existence of bands as political entities based upon the 1855 treaty - remained BIA policy until approximately 1980.

Despite denying the Ottawa's legal status as tribal governments, the Minneapolis Area Office and Great Lakes Agency of the BIA actively worked with the tribes on enrollment matters and accepted the tribes' certifications of individuals as eligible for medical and educational benefits during the 1970s. Indeed, as recently as 1976, Commissioner of Indian Affairs Morris Thompson acknowledged in a memorandum to the Solicitor that the tribes "are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes

⁴ See Exhibit 3, Letter from Agent John Smith at "Indian Reservation, Indian Town P.O., Mason County, Mich." to the Commissioner of Indian Affairs requesting assistance on behalf of a number of Little River Band elders. (NAM M234 R.408: 997-999) (November 27, 1869).

⁵ See attached Exhibit 4, NAM M234 R.407: 1037-1040. (June 7, 1866).

⁶ Exhibit 5, Report on Indians Taxed and Indians Not Taxed in the United States at the Eleventh Census: 1890 (Department of the Interior, 1894) (quoting 1886 report of the Commissioner of Indian Affairs).

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Agency." Commissioner Thompson went on, however, to state:

"[c]ontrary to the views expressed . . . by various Michigan Indian spokesmen we reiterate that we consider the involved Ottawa and Chippewa Indians, or their descendants, to have lost their tribal political identity in 1855."⁷

Congress also recognized the tribes by enacting PL-540, 90 Stat 2503 (October 18, 1976), which provided for the disposition of funds appropriated to settle the Grand River Bands of Ottawa Indians land claims. The Bureau contended that the judgment fund must be distributed strictly on the basis of descendance and could not be limited to descendants with at least one-quarter blood quantum. According to the Bureau, the only exceptions to this rule were the organized, reservation-based Bay Mills and Sault Ste. Marie Chippewa, who had the political authority to certify and enroll members based on blood quantum. The other Ottawa bands were considered to have lost their tribal identify under Article 5 of the 1855 treaty.

Commissioner Thompson recognized the legal ramifications if Congress were to accept the blood quantum limitations advocated by the Grand River Descendant's Committee:

Should we be compelled by the Congress to accept a blood quantum designation, the Grand River Ottawa case will immediately affect the Ottawa-Chippewa case and, we strongly feel, disastrously interfere with those situations in which we have found modern tribes to be the successors of aggrieved historic tribes.

Exhibit 6, page 3.

Commissioner Thompson knew that if Congress were to accept the Grand River Band Descendant's Committee and Northern Michigan Ottawa Association proposals it would, in essence, be recognizing the political authority of and tribal status of those entities.

The Northern Michigan Ottawa Association and Grand River Descendant's Committee actively lobbied against the Bureau's proposed distribution. Despite strong opposition from the Bureau, Congress adopted language consistent with the enrollment criteria adopted by the Northern Michigan Ottawa Association and Grand River Bands Descendant's Committee. The enrollment criteria and tribal rolls prepared by those tribes were subsequently utilized to certify persons eligible for judgment fund payments.

⁷ Exhibit 6, Memorandum from Commissioner of Indian Affairs to the Solicitor (February 1976).

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Realizing that clarification of their government-to-government relationship is essential, the tribes are preparing petitions under 25 CFR part 83. However, there are many reasons that the administrative acknowledgment process does not and should not apply to these tribes, and that immediate Congressional action is necessary.

These tribes are for all intents and purposes already acknowledged by the federal government. The Federal Acknowledgement Procedure (FAP) was promulgated and enacted to deal with tribes that the BIA has little or no previous knowledge. The administrative process is for tribes that either have no treaty relations with the federal government or are remnants of treaty tribes that were moved to other parts of the country. The Little Traverse Bands of Odawa Indians and the Little River Band of Ottawa Indians are treaty tribes that remain in the exact same geographical locations where they were during treaty times. During the 1930's the BIA initially found them eligible to come under the provisions of the IRA. The political existence and authority of tribes' governing bodies were again recognized by the BIA and the Congress as recently as the late-1970s.

The FAP is designed to review evidence regarding federal recognition and tribal existence. In this case, there is no question as to federal recognition and tribal existence. Legally and factually, the tribes have a government-to-government relationship with the United States. They are simply the victims of neglect and unlawful contradictory positions taken by the BIA with respect to Michigan tribes. Congress must reaffirm the trust relationship. Until that occurs, the BIA will not hold lands in trust for tribes, provide assistance available to Indian tribes, or in any way promote their government-to-government relationship with the United States. The BIA will not support the tribes' right to protect their children and families under the critically important Indian Child Welfare Act. The tribes are without standing to protect critically important reserved resources.

This bill is properly characterized as a "reaffirmation and clarification" bill rather than a "recognition" or "restoration" bill. As previously stated, recognition already exists through treaties, statutes and the historic course of dealing with the federal government. The term "restoration" is generally used when dealing with Congressionally terminated tribes. In this case we are dealing with treaty tribes that have had continuous government-to-government relations with the United States. In this case, the trust relationship must be "reaffirmed" to end the unlawful neglect and denial of tribal status.

This legislation will end the semantical debate over "recognition" which the tribes and the BIA have engaged in. This legislation will reaffirm the obvious fact of Ottawa's continued existence as federally-recognized Indian tribes and clarifies in

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law that which has plainly existed in fact.

Clarification of the federal relationship, however, is only the first step toward realizing the promise of self-government. Therefore, S. 1357 contains a number of important substantive provisions which were not included in the bill which was introduced in the 102d Congress. These provisions were included in the current bill to ensure that the tribes are provided with the tools to assume greater responsibility and control over the welfare of their members. A land base and clearly defined service area will be critical to the tribes.

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Section 4. (b) Federal Service and Benefits.

Although the majority of the members of both tribes continue to reside on or near the reservations established for the tribes under both the 1836 Treaty of Washington and 1855 Treaty of Detroit, those reservations are not recognized as such because of the same historical circumstances and legal semantics which bring these tribes before the Congress today. Many federal services available to members of federally recognized tribes, including most of the services provided by the Indian Health Service and Bureau of Indian Affairs, limit eligibility to members who "reside on or near" the tribe's reservation. Unless and until these tribes reservations are established and/or recognized, their members would not be eligible for the many benefits and services available to members of other federally-recognized tribes. This language will ensure that members of these tribes will be eligible for services without having to wait for lands to be acquired, placed into trust, and designated as an Indian reservation.

The language will also ensure that all members who reside within the tribes' historic geographic territories will be eligible for services. The tribes recognize that fiscal limitations may restrict the number of members who can actually be served within their service areas. However, the tribes strongly believe that they themselves, rather than federal agencies, should make critical decisions concerning the allocation and prioritization of scarce resources.

Sec. 6. Transfer of Land for the Benefit of the Bands.

Section 6 was added to outline the Secretary's authority and duties with respect to the acquisition of land to be held in trust for the tribes. This section imposes the duty upon the Secretary, subject to appropriations, to acquire lands to be taken into to trust and designated part of the tribes' reservations. As with the provisions related to service area, this section assures that the tribes will be able to use their reaffirmed sovereign status to exercise jurisdiction and acquire a land base upon which to provide housing and economic development opportunities for their members. This section reflects the tribes' willingness to limit the areas which can become part of the tribes' reservations to the primary geographic areas over which the tribes have historically exercised jurisdiction. Congress recognized this historic, territorial jurisdiction in the 1836 Treaty of Washington and 1855 Treaty of Detroit.

02/07/11 10:10:00 AM

REPRODUCED AT THE NATIONAL ARCHIVES

we believe he possesses all the necessary qualifications for a teacher - the children improved rapidly and he taught.

We do most earnestly, sincerely, and respectfully request you to approve our selection and appoint Mr. Frost for our teacher. We shall feel glad if you will.

We cordially hope you will find a deep interest in our affairs. You will devise some plan and use your utmost exertions that our request be granted.

If however our request cannot be granted we shall feel deeply grieved.

Great, deep, and lasting wounds will be inflicted in our hearts not easily recovered!

Done in public Council Hall at Fox Harbour by the unanimous consent of the Chiefs and people being all present, the twenty-fourth day of August in the year of our Lord one thousand eight hundred and sixty-five. In witness whereof we have hereunto subscribed our names.

Thos. Bay, Chief
 Yoh. Zam. Hevema H. M.

us x mark
 L. mark

More of all the nations and people
in the world need education and
than we do!

Unless we have education
we never can hope nor expect
ever to become rightly and prop-
-erly civilized but shall still continue
to be savages both by name and
appearance amidst the light and
glare of civilization!

Unless our children can be
educated they must grow up ignorant
to suffer and be exposed to every kind
of vice, corruption and immorality the
natural consequence and result of ignorance.

In withholding the means of edu-
-cation from our children we commit
a great wrong and injury against them
not easily told!

We earnestly solicit you to use
your best endeavors to prepare and
put our school into operation in accordance
according to the stipulations made to us
by the U.S. Government in the Treaty
of July 27, 1835.

We have all unanimously selected
Mr. John Smith to be our teacher because

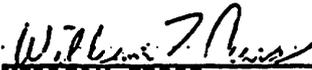
Dear Sir,
 Respected Friend,
 We the undersigned, feeling an irresistible desire to address you, would most humbly and earnestly beg leave to present to you our wants and wishes. We have seriously considered our present and future conditions and, after a careful and mature deliberation, we see that our condition and prospects in the future is dark, sad, and gloomy! We have nothing which could enlighten, elevate, and ameliorate our deplorable condition! We see, with profound regret, that among all the means, plans, agencies, and instrumentalities employed to enlighten, to elevate, and to civilize a people, one of the most essential and gigantic elements to improve the condition of our people have been systematically withdrawn and closed by your predecessors against the wishes of our people, namely, Education.

Northern Michigan Ottawa Association
 911 Franklin Street
 Petoskey, Michigan 49770
 March 23, 1976

Mr. Thomas Kleppe
 Secretary
 U. S. Department of the Interior
 18th & C Streets N. W.
 Washington, D. C. 20240

Dear Mr. Secretary:

This letter is in reference to a recent directive made by the Commissioner of the Bureau of Indian Affairs in regards to the discontinuance of services provided by the Bureau of Indian Affairs to the descendants of the Durant Roll, specifically the Ottawa and Chippewas, in a telegram from the Commissioner of Indian Affairs to the Area Director, George Goodwin, Minneapolis Area Office, Minneapolis, Minnesota, dated March 3, 1976. The Ottawa and Chippewas have been receiving Bureau of Indian Affairs services for the past 65 years. We feel this is an arbitrary decision and without any legal or moral foundation. As we, as individuals and as Ottawa and Chippewas collectively, will be presently and prospectively affected in our rights and benefits as Indians, we hereby appeal this decision pursuant to 25 CFR § 2, et seq.


 WILLIAM CROSS


 DAVID DOMINIC

as individuals and in their representative capacity for the Northern Michigan Ottawas Association, who represents individual Ottawa and Chippewa Indians in Michigan.

Mackinac 11/46
 John Smith,
 Indian Town, Mich.

Asks information in
 regard to a training
 service furnished
 by the Indian Affairs
 Dept. Mr. [unclear] and
 [unclear] Mich. to name

Answered Nov 27/69

105

Ind. Reservation.
Ind. Terr. P. O.
Mason Co. Mich.

Gen. C. L. Parker,
Com. of Indian Affairs, Secy,
Ind. Terr.

Sir, I am requested
by two war widows residing in Riverton
(~~Christian~~ Reservation) Mason Co. State of Michigan
to write to you for information and
instructions how to proceed or do, to
urge and secure their claims for
"Pension." Whether the Government is
paying any pension to war widows
whose husbands died ^{whilst} in the service
of the United States - The claims of
these two widows have too long been
neglected, and they are poor.
The husbands of these widows
enlisted in the first Regiment of Mich.
Sharpshooters, Company H, about the

months of July and Aug. 1868, and
 one of the men whose name is
 Joseph Now-gua-guot, died at Chicago,
 and Thomas Nix-dema-wa died at
~~at~~ Detroit - they ask you to
 do them the kindness to give
 them all the necessary information
 and instruction what to do in de-
 -cussing their claims, and to whom
 should they present their claims
 for Bounties, &c.

Be kindly pleased to write
 at your earliest convenience
 and give all the necessary instructions
 so greatly needed.

Yours very
 Respectfully
 John Smith

Address - Indian Town P.O.
 Mason Co.
 Michigan

These widows requesting for information
are Indian Women, of the Ottawa Tribe,
and their names are Oshahdaygoi
and Oshahpaw.

NAM M234 R.407:1037-1040

1866

Ne-be-na-ge-zhick et al. to All and singular to whom it may concern, June 7, 1866

/1037/ United States of America. State of Michigan

To all and singular to whom it may concern.

Be it known to all men that, we the Chiefs and people of the Grand River Ottawa and Chippeway Indian residing at Pentwater and Pere Marquett, Oceana and Mason Counties; State of Michigan, have called and instituted a public convention or council at Pere Marquett, this seventh day of June A. D. one thousand eight hundred and sixty five in order to form and establish some foundation by which we may be better enabled to conduct all our public conventions and councils in a more legal and systematic form; and to carry into full effect all our public Acts, Treaties Resolutions, and agreements.

Be it therefore enacted and resolved; by the powers of this convention that we the chiefs and people do hereby nominate and

appoint Moses, Shaw-be-ko-ung (chief) to the office of head speaker who shall preside in all our public councils and conventions; when and wherever held; and in all Treaty; or Treaties, which may hereafter be held and negotiated, "between the United States Government and the Grand River Ottawa and Chippeway Indians.

He shall hold his office during good behavior, and be compensated so much for his services as the Indians may see fit and proper to allow and direct. His knowledge and influence, his honesty, and integrity, the public confidence of our people, and his philanthropic regard for the welfare of our people, - all this preeminently qualifies him for that important Office.

/1038/ The Indian Department and all officers connected with the Indian agency is hereby informed and acquainted to recognize Moses Shaw-be-ko-ung as the Head Speaker for the Ottawa and Chippeway Indians.

In testimony whereof we the said Grand River Ottawa and Chippeways have hereunto signed our names and affixed our seals and marks. Done in public convention held at Pere Marquett Mason

Ne-be-na-ge-zhick et al. to All and singular to whom it may concern, June 7, 1866

County, State of Michigan the seventh day of June A.D. one thousand eight hundred and sixty five; and in the presence of our United States Interpreter David K. Foster.

Signed in the presence of.

Ne-baw-na-ge-zhick (chief); Kaw-ga-gob-we(chief); Pay-ko-tush (chief); Ching-gwash (chief); Pay-shaw-se-gay (chief); Kaw-ba-o-maw, (Chief); Shaw-go-waw-baw-no (chief); Penasy (chief); Maish-caw (chief); Cobmosay (chief); Joseph Ke-dawis (chief).

Domnicke, 2nd chief; Taw-bus-se-ge-zhe-gwa-um, 2nd chief; Pawdees, 2nd chief; Louis Ka-bu-osay, 2nd chief; /1039/ Naw-gaw-ne-ko-ung, 2nd chief; Skip-goish, 2nd chief; Wap-pe-son 2nd chief.

Headmen

Wolinoka, Kis-sis-sway-by; Pay-baw-me-gow-do-we; Hish-ke-baw-gaw-sunk; Joseph Dan-gay; Pay-qua-na; Aw-she-day-qua; Ag-gaw-c-dw; Ke-na-beek; Ka-a-wis; Shaw-o-beek; A. C. Shaw; Jaccob Shaw, To-do-ke-too; Tong-qwish, Pay-qua; Meshe-gak-ake; Mon-no-me-ne; Anne-me-ke-we; Shaw-shaw-o-ne-bees; Ke-we-skum; Nim-ke-waw; Shaw-wan; Awine-koase.

Done in public and in my presence at Pere Marquett Mason County, Mich, the seventh day of June A. D. 1865 [sic].

Signed David K. Foster, U. S. Interpreter.

~~March 19 1866~~
De laur m. g. et al. others
Attorneys & Chippers, of
Grand River Mich.

Submit their proceedings
in Council at Bend
Marquette del. To ap-
pointment of Moses
Shaw be holding (Chief)
to the office of Deed
Speaker etc

(19)

Rec 11 March 31. 66

See letter to R. M. Smith
April 3. 1866

Chas
MAR 31 1866
INDIAN
TREATY

Know all men that, We the Chief
 and people of the Grand River Ottawa and
 Chippewa Indians residing at Pentwater and
 Pele Marquette, Oscoda and Mason Counties, State of
 Michigan, have called and instituted a public
convention or council at Pele Marquette, this seventh
 day of June A.D. one thousand eight hundred and
 eighty five in order to form and establish
 a firm foundation by which, we may be better able
 to conduct all our public conventions and councils
 in a more legal and systematic form; and to
 carry into full effect all our public Acts, Treaties,
 Resolutions, and agreements:

Be it therefore enacted
 and resolved, by the powers of this convention that
 we the Chief and people do hereby nominate and
 appoint Mois, Shawabekung, (Chief) to the Office
 of head Speaker who shall preside in all our public
 Councils and Conventions, when and wherever held,
 and in all Treaty, or Treaties, which may hereafter
 be held and negotiated, between the United States
 Government and the Grand River Ottawa and Chippewa
 Indians—

He shall hold his office during good
 behaviour, and be compensated so much for his services
 as the Indians may see fit and proper to allow
 and direct: His knowledge and influence— His
 honesty, and integrity— The public confidence of our
 people, and his philanthropic regards for

qualify him for that important Office.

The Indian Department and all Officers connected with the Indian Agents hereby informed and acquainted to recognize & honor Shawabunga as the Head Speaker for the Ottawa and Chippeway Indians

In testimony whereof we the said Grand River Ottawa and Chippeway have hereunto signed our names and affixed our Seals and Marks. Done in public Council held at Port Merguette, Mason County, State of Ohio the seventh day of June A.D. one thousand eight hundred and sixty five, and in the presence of United States Interpreter Daniel K. Foster

Signed in the presence of -

- | | | | |
|---------------|-------|-----|--------|
| McLawrence | Chief | His | x Mark |
| Kawagobwe | Chief | His | x Mark |
| Paul Kottach | Chief | His | x Mark |
| Chingwach | Chief | His | x Mark |
| Paul Shawagay | Chief | His | x Mark |
| Kumbawant | Chief | His | x Mark |
| Shawagawant | Chief | His | x Mark |
| Penney | Chief | His | x Mark |
| Maishaw | Chief | His | x Mark |
| Boboway | Chief | His | x Mark |
| Joseph McDowd | Chief | His | x Mark |

...the Indian Department
 and all Officers connected with the Indian Agency
 were duly informed and acquainted to recognize
 the said Shah as the Head Speaker for
 the Ottawa and Chippeway Indians

In testimony
 whereof the said Grand River Ottawa and
 Chippeway have herunto signed our names and
 affixed our seals and marks. Done in public Council
 held at Bre Marquette Mission County, State of Michigan
 the seventh day of June A.D. one thousand eight hundred
 and sixty five, and in the presence of United States
Interpreter Daniel K. Foster

Signed in the presence of -

- | | |
|--------------------------------------|--------------------------|
| <u>McLawrence</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Nawgahwe</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Ray Kottah</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahngwah</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Paushawagay</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahwahwah</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Shungwahawno</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Bandy</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Maikew</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahwah</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Joseph McLawrence</u> Chief | <u>His</u> x <u>Mark</u> |
| <u>Danville</u> 2 ^d Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahwah</u> 2 ^d Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahwah</u> 2 ^d Chief | <u>His</u> x <u>Mark</u> |
| <u>Wahwah</u> 2 ^d Chief | <u>His</u> x <u>Mark</u> |

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE.

ROBERT P. PORTER,
Superintendent.

Appointed April 21, 1887; resigned July 21, 1893.

CARROLL D. WRIGHT,
Commissioner of Labor in charge.

Appointed October 1, 1893.

REPORT

OR

INDIANS TAXED AND INDIANS NOT TAXED

OR

THE UNITED STATES

(EXCEPT ALASKA)

AT THE

ELEVENTH CENSUS: 1890.



WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.
1894.

MASSACHUSETTS.

INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	424
Indians in prisons not otherwise enumerated.....	4
Indians off reservations, self-supporting and taxed (counted in the general census).....	421

The civilized (self-supporting) Indians of Massachusetts, counted in the general census, number 424 (222 males and 202 females), and are distributed as follows:

Barnstable county, 146; Dukes county, 133; Middlesex county, 19; Plymouth county, 27; Suffolk county, 29; Worcester county, 21; other counties (13 or less in each), 49.

The Indians of southern New England are mainly descendants of the tribes that inhabited the region when the white people came, and some of them inherit legal claims by reason of Indian blood; but to the casual observer there is often little in their appearance to distinguish them from hunters and fishers of the neighboring population, toward whom they have been assimilating in blood and in habits.

Descendants of the Wampanoag Indians, as many consider them, form a quiet community at Gay Head, on the western part of the island of Martha's Vineyard. They are sailors and fishermen with their white neighbors. A few negroes and some Portuguese have been absorbed in the community. The use of Indian words even has almost disappeared, English being used by all.

On the mainland, in Barnstable county, are those of similar tribal ancestry, sometimes known as Mashpee Indians. Occasionally one of these Indians has been elected to the state legislature.

MICHIGAN.

TOTAL INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	5,626
Indians off reservations, self-supporting and taxed (counted in the general census).....	5,621
Indian prisoners, not otherwise enumerated.....	5

The civilized (self-supporting) Indians of Michigan, counted in the general census, number 5,624 (2,623 males and 3,000 females), and are distributed as follows:

Alcona county, 26; Alger county, 78; Allegan county, 71; Antrim county, 184; Arenac county, 120; Baraga county, 287; Bay county, 92; Berrien county, 32; Calhoun county, 71; Cass county, 33; Charlevoix county, 221; Cheboygan county, 132; Chippewa county, 441; Delta county, 217; Emmet county, 614; Grand Traverse county, 33; Iosco county, 50; Isabella county, 315; Kalamazoo county, 21; Leapeer county, 22; Leelanaw county, 295; Mackinac county, 227; Mahoning county, 22; Manistowic county, 56; Marquette county, 50; Mason county, 313; Mecosta county, 44; Menominee county, 129; Muskegon county, 102; Newaygo county, 18; Oceana county, 271; Ontonagon county, 36; Osceola county, 24; Ottawa county, 31; Saginaw county, 232; Schoolcraft county, 12; Tuscola county, 61; Van Buren county, 30; other counties (17 or less in each), 306.

Many of the Indians work as fishermen and lumbermen. Large quantities of maple sugar are made by Indians in favorable years, which is used for food and for trade with the whites. In some localities Indians gather great quantities of wild berries for canning or for shipment to the cities. Many of them are scattered, singly and in groups, along the shores of the Great Lakes, on the banks of rivers, and in the woods.

There are 3 Indian reservations in Michigan, as noted in the records of the Indian Office: the Isabella, containing but 7.317 acres, or 11.4 square miles; the L'Anse reservation, containing 19,324 acres, or 30.2 square

miles, and the Ontonagon reservation, containing 678 acres, or 1.1 square miles. These reservations are the remnants of large tracts which have been surveyed and allotted to the Indians. The agency at Mackinac was abolished by the act of Congress making appropriations for the Indian service July 1, 1800.

Indians now in Michigan are classed as taxed. They were enumerated by the regular enumerators and counted in the general population of the state.

The agent, in his report for 1821 to the Commissioner of Indian Affairs, says:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations, either by state laws or treaties, and in every respect, so far as the rights of citizenship are concerned, they stand on an equality with the whites. While no tribal relations exist, yet the Indians annually elect certain of their number, whom they call chiefs or headmen, whose duty it is to transact all business with the government or the Indian agent, sign all papers and stipulations, which they consider as binding upon the band.

HISTORIC REVIEW.

The Indians of Michigan are all of Algonkian stock.

The tribes known as the Chippewas, Ottawas, and Pottawatemies composed the aboriginal population of Michigan. Many of these Indians are now in Kansas and Indian territory.

The early Jesuits found the Michigan Indians good material for laboring with, and numerous missions were established. They found the Indians hunters, trappers, fishers, and sharp traders. The Indians raised and sold provisions, and, although agriculturally inclined, after the French occupation they frequently attacked the French posts. These Indians were kept in constant trouble by the claims of the English to the territory through the Iroquois, who early possessed the country by capture. The Hurons were the allies of the French, and constant intrigue was the result. They aided the French in the disastrous border war between France and England.

After England took possession of Michigan, the Ottawas became restless, and in 1763 Pontiac's conspiracy was formed, and attempts were made to capture the British posts from Niagara to Chicago, Pontiac personally undertaking to capture Detroit, in which he failed. The attacks on the various posts were made on one day, May 7, 1763. The movement ended in the capture of 9 of the 12 posts or forts, but Detroit was saved through information given by an Indian woman to the commandant. After this a treaty was made with several tribes, but Pontiac held out until 1765. Detroit became the center of British frontier power after 1763.

Great Britain began to encourage fishing and the fur trade, and made the various tribes allies. During the Revolutionary war Michigan was a British colony, with lieutenant governors at Detroit and Mackinaw. Vast amounts of supplies and arms and ammunition were given to the Indians from these posts, and bounties were given for scalps. Governor Hamilton reported in January, 1778, that the Indians had brought in 23 prisoners and 139 scalps. In September, 1778, he again reported that "since last May the Indians have taken 34 prisoners, 17 of which they delivered up, and 81 scalps". It is estimated that more than 3,000 persons were scalped or made prisoners of war by war parties of Indians and soldiers from Detroit. These war parties went as far south as Kentucky.

After the Revolutionary war the Michigan Indians suddenly submitted to the rule of the United States. Governor Hall made a treaty with them in 1803, obtaining certain land cessions from them, which they afterward claimed they did not understand.

Tecumseh, the Shawnee chief, who lived at that time on the upper Wabash, effected gradually a union of tribes in the territory now in Indiana, Michigan, and a portion of Illinois and Ohio, and began war on the whites. In 1811 General William Henry Harrison defeated him at the battle of Tippecanoe, and peace for a time followed.

In the war of 1812 the Michigan Indians again became allies of Great Britain and ravaged the northern frontier. At the battle of Frenchtown, of 900 United States soldiers only 50 escaped capture, more than 400 were killed, and many others were scalped on the way to Malden.

Lewis Cass, as governor of Michigan, after 1812 made treaties with the various Indian tribes for cessions of their lands up to 1821, and was looked upon as their friend. He was ex officio superintendent of the Indian agency at Detroit and the agencies at Chicago, Fort Wayne, Green Bay, Mackinaw, Piqua, and the subagencies at Blanchards fork and Upper Sandusky. In the Detroit agency alone there were 8,000 Indians in 1813. In a report to the War Department in 1821 Governor Cass wrote that "my family is driven from one extremity of the house to the other by them". At that time 400 Indians arrived daily at Detroit. The British had fed and clothed them when in possession of Detroit, and Governor Cass was now expected to do it on behalf of the United States, and during 8 years he paid out \$400,000.

General Macomb wrote in 1821 that he often detailed soldiers as a guard to protect the family of Governor Cass from the importunities of the Indians. In fact, for a number of years Governor Cass kept open house and a constant feast on the table for Illinois, Indiana, Michigan, and Ohio Indians.

On September 26, 1833, at Chicago, a treaty was made with the Chippewas, Ottawas, and Pottawatemies for their removal west of the Mississippi river. This treaty was proclaimed February 21, 1833, and thereafter a large portion of the Indians named were removed. The Pottawatemies removed under this treaty are now in Kansas

and Oklahoma territory. The removed Ottawas are at Quapaw agency, Indian territory, and some of the removed Chippewas are in Minnesota. Three reservations were established in Michigan in 1854-1855, and some after. The Chippewas, Ottawas, and Pottawatomies now remaining in Michigan are citizens.

MICHIGAN RESERVATIONS.

Report of Special Agent E. J. Foxrux on the Indians of Michigan.

Names of Indian tribes or parts of tribes, reservations, and unallotted areas are: (a)

Isabella reservation: Chippewas of Saginaw, Swan creek, and Black river, area 7,317 acres, or 11.8 square miles; executive order, May 15, 1855; treaties of August 2, 1835 (11 U. S. Stat., p. 633), and of October 18, 1864 (14 U. S. Stat., p. 637); the residue allotted.

L'Ance reservation: L'Ance and Vieux de Sert bands of Chippewas of Lake Superior, area 19,324 acres, or 30 square miles; treaty of September 20, 1864 (16 U. S. Stat., p. 1109); the residue, 33,320 acres, allotted.

Ontonagon reservation: Ontonagon band of Chippewas of Lake Superior, area 678 acres, or 1 square mile; sixth clause, second article.

treaty of September 20, 1864 (16 U. S. Stat., p. 1109); executive order, September 25, 1866; the residue, 1,273 acres, allotted.

Total, 27,319 acres, or 42.5 square miles.

Indian population June, 1870: 8,621.

ISABELLA RESERVATION.

There are now living on this reservation, as nearly as could be ascertained, 460 Indians, most of whom are Chippewas. A few Ottawas and Pottawatomies reside here, but they are considered members of the tribe and call themselves Chippewas. The Indians are scattered in little groups throughout the different townships, and the Chippewa dialect is universally spoken. With the exception of a very few old men and women they are of mixed blood. All wear citizens' dress. The civilized Indians are not polygamists, nor are the pagans avowedly so, though they profess to believe in the doctrine. Sixty families own houses, 8 of which are frame and 52 log, which are for the most part well built. With these there is generally a patch of ground upon which vegetables and corn are raised. Very little, if any, produce is marketed. There are no Indian schools, but a majority of the children attend district schools and are said to be as bright as ordinary white children. Twenty-six pupils from this reservation are now at the Indian school in Carlisle, Pennsylvania. It is estimated that 50 adults and 100 under 20 years of age can read. While many of the male Indians can speak English sufficiently for ordinary use, they are very suspicious and reticent, and when questioned about their condition, habits, and religion they either remain silent or profess not to understand. They have 4 churches, worth perhaps \$300, 3 of which are log cabins and the other an old frame building. The membership is 300, 288 of whom are of the Methodist Episcopal and 12 of the Roman Catholic denomination. The latter have no church. There are 4 half-breed preachers, who are appointed by the Methodist Episcopal annual conference, and the services are conducted in the Chippewa language.

The tribe is decreasing. The principal disease is consumption, always attributed to exposure, want, and disease contracted by mixing with white men. On being interrogated as to whether they were not more exposed when in a savage state, they replied: "Yes; but we were hardier and had never been taught to wear white men's clothes. Now we have got used to them, and are often without enough to cover ourselves, and thus suffer more than the white man. Besides, we had many furs."

There have been 10 deaths during the year, 1 adult and 9 children, all in the pagan settlement.

In the opinion of the nominal chief, Joseph Bradley, there are 6 white families now living here unlawfully, cutting timber and farming in a small way, who claim to occupy under homestead law. Others have been here, cut the timber, and moved away. According to figures given by one of the chief men there are yet 3,480 acres of land belonging to the tribe, distributed as follows:

	ACRES.
Nottawa township	1,270
Denver township	1,020
Isabella township	1,210
Wise township	1,310
Iscedehi township	280

In a remote part of Nottawa township is a band of pagan Indians consisting of 8 families, in all 32 persons. All are discontented and miserable. They do a little work when they can obtain employment at manual labor, and manage to exist in a forlorn, hopeless way. They are sickly, and have no stock except a pair of ponies belonging to the chief, A-ken-hel, who is quite intelligent, and who says his people are willing to work if they could be sure of their lands, which he claims the white men obtained under false pretenses. This is also the general complaint of the civilized Indians.

The pagans have festivals and war dances, during the performance of which they are dressed in native costumes, which are carefully preserved for these occasions. There is a marked difference between the appearance of the pagan and civilized Indians, the advantage being greatly with the latter.

a The statements giving tribes, areas, and how the reports are from the Report of the Commissioner of Indian Affairs, 1874, pages 424-425. The population is the result of the census.



MICHIGAN

1908

W. Coakley and daughter, half blood Potawatomi Indian

Great Ojibwa Nyan gwa nek kung Ojibwa Indian

Margie Avelausung (full blood) Margie Ginoleskire (half blood) and Margie Avelausong (full blood) Ojibwa Indian girls

While the Indians of the reservation have improved mentally, they have degenerated physically. A large majority are entirely improvident, saving nothing. A few own farms, employ a number of men, and have horses, cattle, and other stock. Some are very intelligent and well educated and own good houses in town and in the country. The question of morals seems to be a disputed one, they claiming to possess a fair share of morality, while their white neighbors generally do not agree with them in this particular. That there is an almost universal taste for intoxicating liquors appears to be conceded on all sides. They are peaceable and honest.

The land of the reservation is generally of good quality, and if cleared and properly farmed would be quite productive, but they have not the capacity for prolonged labor of any description. The greater portion say that they were happier and more prosperous while under the care of the government than at present. They are discontented.

L'ANSE RESERVATION.

There are 450 Chippewas on this reservation, and the Chippewa language is spoken. Nearly one-half are of mixed blood, all wear citizens' dress wholly, and none are polygamists.

There are 3 missions on the reservation, the Roman Catholic, situated on the west shore of the bay, 8 miles from L'Anse village, and the Methodist Episcopal mission, 3 miles northeast of the town. With few exceptions the Indians over 20 years of age can read their own language, and a great majority (over seven-eighths) can read English. All speak English sufficiently for ordinary use.

There are 3 schoolhouses, 1 boarding school for girls, 1 for boys, and a government schoolhouse, the latter valued at \$500. There are 53 Indian scholars. The building for girls is of stone, 4 stories high, 40 by 90 feet in dimensions, sleeping accommodations for 65; that for boys is 3 stories high, with an addition, and will accommodate 75. Dormitories are in excellent order and well ventilated. There are here also 57 white children, orphans or half-bred, who are supported by relatives or by contributions of the Roman Catholic churches. Indian and white children associate together daily.

Indian children are bright, cleanly, orderly, and apparently happy. They have a fine piano, upon which some of the Indian girls perform in a very creditable manner. All are taught vocal music. As a general rule they are too idle to be apprenticed, but when old enough are sent away to learn trades and other kinds of business. They are thoroughly instructed in housework and needlework. The scholars are all members of the church. The church edifice is of stone and cost \$6,000, which was donated by members of the diocese. All are of the Roman Catholic denomination. The priest reports that the tribe is increasing at this place and that Indians here are not having complete titles to their land. The mission is beautifully located, and the children appear to be of an ordinarily intelligent.

The Methodist mission is 1 government schoolhouse, which is valued at \$500, and will accommodate 40 scholars. There are 63 Indian children of school age within the mission precincts. The average attendance is the highest number present for 1 month during the year, 34. Many will attend school for a short time, then leave themselves for a longer or shorter period, and again return. There is 1 church not belonging to the mission, with 75 Indian members of the Methodist denomination.

The Indians at this mission, of whom there are 270, own 2 frame and 53 log houses, and have during the past year made 1,000 pounds of butter and raised 1,200 bushels of potatoes and 50 tons of hay. They own 15 horses, 50 cattle, and are very intelligent. The land in general is not considered very good for farming purposes, but potatoes, wheat, and grass are of good quality, if not abundant.

Notwithstanding pledges given by the Indians at both missions, there is not much drunkenness among them, although they have strong appetites for intoxicating liquors.

The government physician states that 200 Indians have received treatment at his hands during the year, for chronic troubles. He also reports 12 deaths in the same period, 2 of old age, 5 of consumption, 4 small children of various complaints, and 1 man frozen. There have been 18 births. No one has been killed and no one punished for crime during the year.

The males of the tribe work at farming, lumbering, and quarrying. They also fish, hunt, and trap. In season young and old, male and female, engage in berry-picking and root-gathering.

According to statements of the most reliable men, Indian and white, the tribe is decreasing; causes, death and desertion.

As a whole, they are intelligent, peaceable, honest, and fairly industrious, though restless and changeable. They have greatly improved mentally and have not degenerated physically. They are generally self-supporting, but improvident.

ONTONAGON RESERVATION.

Indians in this section are a rarity. There are not more than 5 families in the section, and these are to all appearances and purposes white people. Their children attend school and the older ones are married to whites. All are intelligent and well to do, and would resent being classified as Indians. The land allotted to the Indians is fertile and has never been occupied by them. The Ontonagons as a band are extinct. Those who are now living are of mixed blood and white.

REPORT ON INDIANS TAXED AND NOT TAXED.

Besides those with indirect relations to the old reservations, there are groups of Indians in a number of counties no longer connected with any reservation or any special administration of Indian interests.

MASON COUNTY.—The census enumerators found 335 Indians, under the name of the "Ottawa and Chippewa tribe", residing in Mason county, and the Ottawa dialect is used. The people wear citizens' dress wholly, with the exception of 20 very old Indians, are of mixed blood. Perhaps 40 over 20 years old and 80 under that age can read.

A majority of the civilized male Indians can use English sufficiently for ordinary intercourse, although a stranger can obtain but little information from them. They will answer their minister and teacher readily, as it is mainly through these that facts are obtained. Some, however, are intelligent and educated, and had hesitancy in answering. Indian women, as a rule, do not speak English.

There are 80 Indian voters on the reservation. They have no Indian school and no Indian church, but their children attend district schools, and nearly all, young and old, are church members, the younger portion being baptized at a very early age. Three hundred and fifty are said to be communicants, by far the greater number being of the Roman Catholic faith. The services are conducted in English, an interpreter being present, and translates for the benefit of the Indians. Ninety families own houses, 10 frame and 80 log, for the most part neat and comfortable, with a patch of ground upon which vegetables are cultivated. The greater number of Indians follow a variety of callings, sometimes logging and laboring, then fishing, hunting, trapping, picking berries, gathering roots, according to the season. Three-fourths of the tribe are at this time (last of September) in the woods gathering ginseng root, which commands a good price. They raise no produce for the market.

The tribe is decreasing rapidly. There are 4 mulattoes, but no negroes, quadroons, or octoroons here. There is 1 blind and 1 deaf and dumb person, but none are crippled, insane, idiotic, or deformed. Seven deaths have occurred during the year, 5 of consumption and 2 of unknown diseases. No Indians have been killed in the year ended September 1, 1890, but 1 was murdered in June, 1889, and a white man is now in prison for the crime. Whites have been killed and none are unlawfully on the reservation.

There were originally 4 full townships in this reservation, but how much now belongs to the Indians is difficult to ascertain. Much of the property is mortgaged, and in such cases is seldom redeemed. Three-fourths of the land would be tillable if cleared. It is thickly timbered and well fitted for farming purposes. The remainder is now pine-stump land and is not so valuable. The price is from \$10 to \$30 per acre, according to quality and location.

Consumption is the prevailing disease. All are addicted to liquor drinking, though many do not indulge in excess. The Indians are growing weaker physically but better mentally. They are usually honest, and their morals are generally good among themselves, but become bad when mingling with the whites.

Generally they do not seem to know the first rudiments of economy. There are of course some notable exceptions to this rule, forming, however, a very small minority.

In the deep woods of Sherman township is a band of pagan Indians. They number 75 members and have log cabins. A few live in wigwags. The band is generally unhealthy, and the children do not attend any school. The chief claims that they are as happy now as during the agency system, while a full-blooded Ottawa, aged 70, thinks the tribe has not been happier since mingling with the whites nor better off than under the agency. He believes in witchcraft and worships imaginary gods, each having his own deity, though all recognize the existence of a Great Spirit. There are no farmers among them and no stock whatever. They use their own medicines, employ no physicians, and prefer to live by themselves, as far from civilization as possible, but they receive no help from the whites. They as well as some of the civilized Indians think the government owes the Ottawa and Chippewas a considerable sum of money.

OCEANA COUNTY.—There were found in Oceana county, adjoining Mason county on the south, 271 Indians whose general conditions are kindred to those given for Indians in Mason county.

HURON COUNTY.—It was learned that there were but 8 Indians in the county, 5 males and 3 females, and of these, except 1 old man, were absent from their homes much of the time. Years ago each Indian took up acres of land, but during the war a large number, afraid of being drafted, sold their lands and went to Canada. But few returned, and these, with the exceptions above named, have disposed of their property and left for parts unknown.

GENESSEE COUNTY.—There are 5 families of Chippewas in Gaines township. They are of mixed blood, own 100 acres of land and some horses, dress in citizens' clothes and use the English language, but are prosperous. They consider themselves civilized, but do not belong to any church. There are all the Indians to be found in Genessee county.

SAGINAW COUNTY.—There are nearly 100 Chippewas distributed throughout the south and east corners of Saginaw county, all of mixed blood, who dress in citizens' clothes. The males speak sufficient English for ordinary intercourse. A few own farms and stock and are prosperous, but the majority are poorly off and quite a number receive assistance from the whites.

The list of Indians by counties at the beginning of this report on Michigan will indicate the number in other places. Their condition is like that in the counties here mentioned.

There is a government day school at Baraga, Baraga county, with an enrollment of 36; a contract school at Baraga with 49 enrolled; a government day school at L'Anse with 30 enrolled; a contract school, Harbor Springs, at Harbor Springs, Emmet county, with an enrollment of 107.

GENERAL REMARKS.

Few Indians own cows; even on the larger farms their absence is noticeable. These people are not very industrious and are fond of liquor. They have no idea of economy and will never succeed until they have learned to accumulate and manage property.

The Michigan Indians off reservations are scattered singly and in groups along the shores of the Great Lakes, the banks of rivers, and in the woods, and it would be the work of months for any person to visit even a party of them. They are poor but self-sustaining. The greater number of the Indians on the Isabella reservation are disheartened and dissatisfied, and in my opinion it would be better for them if the government could appoint a just and impartial man (detail of an army officer would probably be best) to act as agent among them, they have no knowledge of business matters nor the least comprehension of their rights.

Compulsory education would be an excellent thing for all Indians in the state. They will not now force their children to attend school regularly, and when those who go to school return to their homes they soon relapse into old habits and forget the lessons that have been taught. Education and constant good associates are the ways by which an Indian can best overcome his natural instinct and become a respectable citizen.

The Indian children in boarding schools, where they remain until their education is completed, of course do better than those not having such advantages. Their tastes are elevated, their ambition is aroused, and the love for their old ways is created, which is seldom eradicated. If the state or national government would create and maintain an industrial school for the younger Indians in the state, it would be a great benefit.

Observation among Indians in all parts of the west has led to the belief that it would be much better for them if the government, in granting them lands, would give alternate sections and let white men have the intervening sections so allotted to Indians to be held in trust for a number of years.

The Indian of old is doomed, and it will be best for him and the country if his extinction is accomplished with dignity and mental elevation rather than with partial starvation and neglect, as is now largely the case in Michigan.

REPORT ON INDIANS TAXED AND NOT TAXED.

INDIAN TRUST FUNDS JUNE 1, 1899.

As shown by the tables below, the total of trust funds held by the United States for Indian tribes amounted to \$31,844,818.59 in 1899. The following is from the report of the Commissioner of Indian Affairs for 1899, page CXXVII:

TRUST FUNDS OF THE FIVE CIVILIZED TRIBES.

Tribe.	Amount of principal.	Annual interest.
Total	\$1,004,136.75	\$413,259.05
Cherokee	1,000,000.00	127,000.00
Chickasaw	1,000,000.00	60,000.00
Choctaw	500,000.00	30,000.00
Creek	1,000,000.00	100,000.00
Seminole	1,000,000.00	70,000.00

TRUST FUNDS OF TRIBES, OTHER THAN THE FIVE CIVILIZED TRIBES.

Tribe.	Principal.	Tribe.	Principal.
Total	\$13,300,000.00	Frees	\$70,000.00
Chippewa and Christian Indians	25,000.00	Pottawatomie	100,000.00
Dakotas	274,175.04	Red and Face of Missouri	21,000.00
Eastern Shawnee	8,070.13	Red and Face of the Mississippi	20,000.00
Iowa	171,843.37	Santee Sioux	20,000.00
Kansas	57,174.41	Swains	20,000.00
Kaskaskia, Peoria, Wena, and Piankashaw	20,000.00	Sioux, Teton and band	20,000.00
Kickapoo	120,000.00	Sioux and Sisseton	15,100.00
L'Anse and Vieux de Surt bands	20,000.00	Shawnee	1,000.00
Massachusetts	150,000.00	Shoshone	70,000.00
Omaha	8,000,000.00	Shoshone and Nez Percé	5,000.00
Ojibwa	200,000.00	Union	20,000.00
Ozark and Missouri	200,175.00	Win	1,000,000.00
Pawnee	200,000.00	Yank and White River Cree	1,000.00

REFERENCES TO INDIAN LAWS, REPORTS, AND TREATIES.

References to laws, reports, and treaties are as follows:

For all Indian treaties and laws, see United States Statutes at Large, 1776-1899.

For a "statement showing the present liabilities of the United States to Indian tribes under treaty stipulations"; for a statement of "trust funds" and trust lands, being "list of names of Indian tribes for whom stock is held in trust by the Secretary of the Interior, (treasurer of the United States custodian), showing the amount standing to the credit of each tribe, the annual interest, the date of treaty or law under which the investment was made, and the amount of abstracted bonds for which Congress has made an appropriation, and the annual interest on the same"; for "list of securities held for invested tribal funds"; for all expenses, receipts from sale of Indian lands, appropriations by Congress, and expenditures of the same; for "schedule showing the names of Indian reservations in the United States, agencies, tribes occupying or belonging to the reservation, area of each reservation in acres and square miles, and reference to treaty, law, or other authority by which reservations were established"; for area of arable land on the several reservations; for executive orders relating to Indian reservations, and for annual table of statistics relating to population, industries, and sources of subsistence, together with religious and vital statistics, see annual reports of the Commissioner of Indian Affairs.

For laws relating to Indians, see report of Public Land Commission, 1890, laws and decisions, and Revised Statutes of the United States, sections 2028-2178; for performance of engagements between the United States and Indians, see Revised Statutes of the United States, sections 2079-2130; for government and protection of Indians, see Revised Statutes of the United States, sections 2111-2116; for government of Indian country, see Revised Statutes of the United States, sections 2127-2156; 6 Cranch, 646; 8 Wheaton, 543; 7 Johnson, 246; Indian treaties, United States Statutes at Large; act of Congress March 26, 1804, section 15, dividing Louisiana into 3 territories; Bump's Notes of Constitutional Decisions, titles "Indians" and "Territories".

See also United States Senate report, by Hon. J. R. Doolittle, chairman of joint committee of Congress to inquire into the condition of the Indian tribes, and report of the Indian Peace Commission, 1867-1869, General W. T. Sherman, chairman.

See also A Descriptive Catalogue of the Government Publications of the United States, September 3, 1774, to March 4, 1861. See: Parley Peora: Washington, Government Printing Office, 1863. The titles of all government publications relating to Indians and Indian affairs from 1774 to March 4, 1861, can be found in the index, pages 1307-1308.

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The tribes known as the Chippewas, Ottawas, and Pottawatomes composed the aboriginal population of Michigan. Many of these Indians are now in Kansas and Indian territory.

The early Jesuits found the Michigan Indians good material for laboring with, and numerous missions were established. They found the Indians hunters, trappers, fishers, and sharp traders. The Indians raised and sold provisions, and, although agriculturally inclined, after the French occupation they frequently attacked the French posts. These Indians were kept in constant trouble by the claims of the English to the territory through the Iroquois, who early possessed the country by capture. The Hurons were the allies of the French, and constant intrigue was the result. They aided the French in the disastrous border war between France and England.

After England took possession of Michigan, the Ottawas became restless, and in 1763 Pontiac's conspiracy was formed, and attempts were made to capture the British posts from Niagara to Chicago, Pontiac personally undertaking to capture Detroit, in which he failed. The attacks on the various posts were made on one day, May 7, 1763. The movement ended in the capture of 9 of the 12 posts or forts, but Detroit was saved through information given by an Indian woman to the commandant. After this a treaty was made with several tribes, but Pontiac held out until 1765. Detroit became the center of British frontier power after 1763.

Great Britain began to encourage fishing and the fur trade, and made the various tribes allies. During the Revolutionary war Michigan was a British colony, with lieutenant governors at Detroit and Mackinaw. Vast amounts of supplies and arms and ammunition were given to the Indians from these points, and bounties were given for scalps. Governor Hamilton reported in January, 1778, that the Indians had brought in 33 prisoners and 139 scalps. In September, 1778, he again reported that "since last May the Indians have taken 34 prisoners, 17 of which they delivered up, and 81 scalps". It is estimated that more than 3,000 persons were scalped or made prisoners of war by war parties of Indians and soldiers from Detroit. These war parties went as far south as Kentucky.

After the Revolutionary war the Michigan Indians surreally submitted to the rule of the United States. Governor Hall made a treaty with them in 1803, obtaining certain land cessions from them, which they afterward claimed they did not understand.

Tecumseh, the Shawnee chief, who lived at that time on the upper Wabash, effected gradually a union of tribes in the territory now in Indiana, Michigan, and a portion of Illinois and Ohio, and began war on the whites. In 1811 General William Henry Harrison defeated him at the battle of Tippecanoe, and peace for a time followed.

In the war of 1812 the Michigan Indians again became allies of Great Britain and ravaged the northern frontier. At the battle of Frenchtown, of 1800 United States soldiers only 50 escaped capture, more than 400 were killed, and many others were scalped on the way to Malden.

Lewis Cass, as governor of Michigan, after 1812 made treaties with the various Indian tribes for cessions of their lands up to 1821, and was looked upon as their friend. He was ex officio superintendent of the Indian agency at Detroit and the agencies at Chicago, Fort Wayne, Green Bay, Mackinaw, Piqua, and the subagencies at Blanchard's fork and Upper Sandusky. In the Detroit agency alone there were 2,000 Indians in 1813. In a report to the War Department in 1821 Governor Cass wrote that "my family is driven from one extremity of the house to the other by them". At that time 400 Indians arrived daily at Detroit. The British had fed and clothed them when in possession of Detroit, and Governor Cass was now expected to do it on behalf of the United States, and during 8 years he paid out \$400,000.

General Macomb wrote in 1821 that he often detailed soldiers as a guard to protect the family of Governor Cass from the importunities of the Indians. In fact, for a number of years Governor Cass kept open house and a constant feast on the table for Illinois, Indiana, Michigan, and Ohio Indians.

On September 21, 1833, at Chicago, a treaty was made with the Chippewas, Ottawas, and Pottawatomes for their removal west of the Mississippi river. This treaty was proclaimed February 21, 1833, and thereafter a large portion of the Indians named were removed. The Pottawatomes removed under this treaty are now in Kansas



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C. 20245

IN REPLY REFER TO
Tribal Government Services

FEB 11 1976

Memorandum

To: The Solicitor

From: Commissioner of Indian Affairs

Subject: Status of Grand River Ottawa descendants regarding eligibility for Federal Indian Services

In preparing for House hearings scheduled for March 4 on S. 1659, a bill for the disposition of the Grand River Ottawa award in Docket 40-K (exhibit A), we are again faced with the problem of explaining to the Congress why we do not find justification for a blood quantum limitation.

The Central Office of this Bureau has been consistent in maintaining that the Durant Roll, approved in 1910, contains no blood quantum designations whatever, and that any roll purportedly derived from it cannot logically include blood quantum designations (see legislative report of August 21, 1975, exhibit B, and also exhibits C and D). Nevertheless, the Northern Michigan Ottawa Association for more than a decade, and more recently the Grand River Band Descendants Committee, has been developing a roll containing blood quantum designations of a minimum of one-quarter. Various exhibits attached to this memorandum, particularly exhibit B, detail the historical and current situations. Briefly stated, the Descendants Committee is adamant in their contention that, with the exception of certain checked names, all of the Durant enrollees are full bloods; the blood quantum of contemporary applicants is derived accordingly. This developing roll is often known as "the Dominic Roll" and purportedly is limited to descendants of at least one-quarter blood.

While the Central Office has been consistent in rejecting the enrollment concepts and procedures of the Descendants Committee (and the Northern Michigan Ottawa Association), the Minneapolis Area Office and the Great Lakes Agency have not only encouraged the development of this unauthorized roll but have made Federal Indian services available to



Save Energy and You Serve America!

some of the enrollees. This practice is known to the Congress (see p. 3 of exhibit E, Senate Report on S. 1659). Somewhat inconsistently, a memorandum of November 14, 1975, from the Great Lakes Agency Superintendent states in part that the agency is not in a position to advise whether the Dominic Roll would be "acceptable for [blood quantum] certifications (exhibit F)." We are aware, however, that as of the date of this writing the agency continues to accept the certifications provided by Mr. Robert Dominic, President of the Association, and his wife, Mrs. Waunetta Dominic, Chairman of the Descendants Committee.

Mr. Dominic has made very public statements about the number of individuals he has certified for special Indian services (exhibit G). At the request of Senator Abourezk, Chairman of the Senate Subcommittee, the Commissioner reported by letter of October 29, 1975, that the Great Lakes Agency in fiscal years 1974 through 1976 had assisted 37 individuals, certified on the Dominic Roll as one-quarter blood or more, in vocational training at a total cost of \$73,462.78.

The Northern Michigan Ottawa Association and the Grand River organization are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and the Great Lakes Agency. In this context we invite your attention to the attached copy of the Ottawa and Chippewa treaty of 1855 (exhibit H) and Resolution 001A of a "Michigan Ottawa and Chippewa Descendants Committee of Non-Reservation Indians", particularly p. 2 (exhibit I).

Contrary to the views expressed in the last cited exhibit, and elsewhere, by various Michigan Indian spokesmen we reiterate that we consider the involved Ottawa and Chippewa Indians, or their descendants, to have lost their tribal political identity in 1855. In our view, the only pertinent exceptions are the organized, reservation-based Bay Mills and Sault St. Marie Chippewa entities. We have strongly expressed the view that the overwhelming majority of these people are non-tribal descendants, with the above noted exceptions, and maintain this view in the very closely related Ottawa-Chippewa case in Dockets 58 and 18-E.

Should we be compelled by the Congress to accept a blood quantum designation, the Grand River Ottawa case will immediately affect the Ottawa-Chippewa case and, we strongly feel, disastrously interfere with those situations in which we have found modern tribes to be the successors of aggrieved historic groups. Unfortunate precedents may also be established in descendant situations in various parts of the country wherein individuals have clamored for a blood quantum limitation.

A speedy opinion from you on the question of eligibility for services will be greatly appreciated. It is our contention that without a legal opinion we will not be able to intelligently testify before the House Subcommittee on March 4, and that we will also be unable to resolve the very peculiar and vexing field situation.

Thank you for your attention to this matter.

Morris Thompson

91TH CONGRESS
2^D SESSION

S. 1659

IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1976

Referred to the Committee on Interior and Insular Affairs

AN ACT

To provide for the disposition of funds appropriated to pay a judgment in favor of the Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40-K, and for other purposes.

1. *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 *That, notwithstanding any other provision of law, the funds*
- 4 *appropriated by the Act of October 21, 1968 (82 Stat.*
- 5 *1190, 1198), to pay a judgment to the Grand River Band of*
- 6 *Ottawa Indians in Indian Claims Commission docket num-*
- 7 *bered 40-K, together with any interest thereon, after pay-*
- 8 *ment of attorney fees and litigation expenses and such ex-*
- 9 *penses as may be necessary in effecting the provisions of this*
- 10 *Act, shall be distributed as provided herein.*

**Testimony of James M. McClurken, Ph.D.
before the
Senate Committee on Indian Affairs
concerning
S. 1066
A Bill for Status Reaffirmation and Clarification
of the
Potawatomi Indian Nation (The Pokagons)**

February 10, 1994

Mr. Chairman and members of the Committee, I am James McClurken, Assistant Professor of Anthropology at Michigan State University. I have recently had the pleasure of working with the Pokagons in preparation of a museum exhibit which is designed to tell the story of their tribe to the public. The scope of my work for that project included research in nineteenth and twentieth century documents and ethnographic study in the Pokagon Community. I did not come here to testify today about the details of Pokagon Potawatomi history. There are other scholars better qualified than myself to testify concerning the volumes of facts that history has recorded about this tribe.

I came here today to assure this committee that from my studies of the Pokagon Community, and from my previous studies in Great Lakes Indian ethnohistory that the Potawatomi Indian Nation or The Pokagons are and have been a tribe since Americans first came to the Great Lakes. The Pokagons have treaties with the United States. Their tribal status has never been terminated by Congress or compromised by Executive Order. They are in very sense, a traditional kin-based community with a distinct culture that they, other Indian tribes, and non-Indians all recognize as distinct.

The Pokagons have been known as the Catholic Potawatomi of Michigan since the early 1830s. The traditional center of Pokagon polity is the extreme southwestern portion of Michigan's Lower Peninsula. Even today, tribe members live in their traditional territorial range in Allegan, Berrien, Cass, and Van Buren counties with population concentrations near the towns of Buchanan Berrien Springs, Dowagiac, and Hartford.

Historically, this southern location in the richest of Michigan's richest farmlands, placed the Pokagons in the direct line of American settlement a full decade before their Ottawa neighbors to the north. As the owners of these prime agricultural lands, the Pokagons were called upon to negotiate a series of treaties with the United States, documents that stand today as United States acknowledgment of the Pokagon's and as markers of the tribes justified claims to government-to-government relations with the federal government.

The Pokagons were first called upon to relinquish their claim to lands in the southern Great Lakes region in 1795 at the Treaty of Greenville which acknowledged United States jurisdiction over the Potawatomi and their territories. Between 1796 and 1811 the Potawatomi bands who lived to the south and east of the Pokagons made a number of treaties that ceded title of their lands in Ohio and Indiana to the United States. In those years before the War of 1812, Michigan lands still remained off the beaten path of American westward movement. The Michigan Potawatomi, including the Pokagons, were not called upon to cede the lands they inhabited and regularly used for subsistence until negotiations of the 1821 Treaty of Chicago.

Opening of the Erie Canal in 1825 turned the southern tiers of Michigan counties into a thoroughfare for American settlers and a prime destination for farmers who wished to remain in Michigan. In the 1821 Treaty of Chicago the Pokagons ceded to the United States land between the Grand and Kalamazoo rivers, a region north of their modern home which they shared with the Grand River Ottawas. In 1827 the Huron Potawatomi, eastern neighbors of the Pokagons, signed a treaty relinquishing their lands in southern Michigan reserving lands for themselves within their traditionally used territory. In 1828 the Pokagons and related Potawatomi bands sold their lands on the St. Joseph River, the heart of their Michigan territory, leaving only one small parcel of Michigan land in Potawatomi ownership. In 1832 the Pokagons signed yet another treaty selling all but one 35,000 reservation within their home territory. They were not allowed to enjoy possession of this land for long. In 1833 the Pokagons were called to Chicago to negotiate a final treaty to cede their remaining Michigan reservation (Appendix A).

The 1833 negotiations at Chicago were a carefully orchestrated event put together by well-versed, prominent state and territorial. Their goal was to purchase all remaining Potawatomi land in the Great Lakes and move all of members of this tribe to Kansas under the provisions of the newly ratified Indian Removal Act. From the American perspective, the negotiations were a success. The Potawatomi did sell all of their land. All but one band, the Pokagons, agreed to move west. Their opposition to leaving their home for Kansas was so strong that a supplementary article signed on September 27, 1833 which reads in part, that:

. . . And, as since the beginning 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 the 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 arise shall be paid to them at L'Arbre, Croche (Appendix A, Treaty 1833).

This supplemental article preserved the Pokagon's right to remain in Michigan and set the stage for the tribe's future dealings with the United States, many of which occurred around the payment of annuities that would be distributed by the United States until 1866. This was the Pokagon's final treaty with the United States, and nowhere in it's language is the tribe terminated.

For a variety of reasons, the Pokagons did not move north into Ottawa territory, nor did they receive their annuities, nor were they allowed to live peacefully. The Pokagons and other Catholic Potawatomi Indians of southern Michigan had given the United States everything that the federal government wanted of them. They gave up all of their land, they had agreed to remake their entire economy by becoming agriculturists, they had become Christians and were well on their way to becoming "civilized" after the American style. Yet, the United States did not see fit to leave them in quiet possession of their homes in Michigan. In 1840 Secretary of War Joel Poinsett ordered General Hugh Brady to round-up all of the Michigan Potawatomi, including the Pokagons, and move them to Kansas. Some Potawatomi left Michigan and moved to Canada, some hid in the swamps. Leopold Pokagon, the leader from whom the modern Pokagon Band draws its name, enlisted the aid of the Michigan Supreme Court. Associate Justice Epaphroditus Ransom issued an opinion on the Pokagons' saying that the 1833 treaty gave the Pokagons the right to remain in Michigan and that no federal force had a right to move them. The federal government capitulated to threats issued in this opinion and the United States made no more attempts to move the Pokagons from Michigan.

Rebuilding their economic structures and adjusting their society to the new realities of life in southern Michigan was no easy task for the Pokagons. A long list of difficulties exacerbated their poverty and political helplessness. The treaties that the Pokagons were parties to had left them landless. Although the small annuities promised in the treaties would have allowed them to purchase land, the United States failed to deliver the money due to the Pokagons until 1843, a full ten years after they were to have begun. Even when the money was delivered, only a portion of the cash due to them actually arrived.

Until 1866 the procurement of their back annuities served as a catalyst for continuing a highly active political relationship between the Pokagons and the United States. Pokagon tribe members used every means at their disposal, especially lobbying congressmen and sending delegates to Washington, to pursue the band's interests. In 1866, after more than twenty years of political effort, the Pokagons won back-payment of their annuities. They received, however, an amount less than they had expected, to be distributed in a way that they considered unjust. The feeling that they had been denied justice in this matter served as a catalyst for further political actions by their leaders and lead to a continued presence of the Pokagons in the halls of Congress.

The Bureau of Indian Affairs today contends that the Pokagon Potawatomes are an "unacknowledged" tribe. When did the United States stop acknowledging the Pokagons? Throughout the Pokagons' pursuit of justice after the 1866 annuity distribution, the tribe and the United States acknowledged that even though the Pokagons were considered voting citizens of the State of Michigan, that the United States remained their guardian in a treaty-based trust relationship with the tribe. This trust relationship continued until at least 1882. In 1882, the Pokagons once again sent representatives to Congress seeking redress of grievances surrounding the 1866 payment. Ethnohistorian James Clifton conducted extensive research on Pokagon political history. He found contemporary documents showing that in 1882 the Office of Indian Affairs and the Department of Interior certified that the Catholic Potawatomi of Michigan were a recognized tribe and that the United States considered the Pokagon tribe to be wards of the United States (Appendix B).

The United States still recognized its trust relationship with the Pokagons in 1890. In January of that year the House of Representatives and the United States Senate passed legislation which allowed the Pokagons to sue the United States in the Court of Claims for annuity monies still due the tribe after the 1866 payment, a case that the Pokagons won (Appendix C). In 1896 the United States created a roll of tribe members and paid them the proceeds of the Court of Claims settlement (Appendix D). The same tribal council that functioned throughout the nineteenth century continued well into the twentieth century and maintained the same relationship that they had always enjoyed with members of Congress, the Commissioner of Indian Affairs, and the Secretary of the Interior.

I believe that the federal abandonment of the trust relationship between the Potawatomi and the United States had no basis in law. Rather it was an administrative act done by the Bureau of Indian Affairs and was a matter of perceived economic necessity during the Great Depression. The first documentary indication that the United States regarded the Pokagons as anything but a legitimate, federally acknowledged tribe did not occur until 1934. That year the Pokagon tribal council sought some of the economic benefits that were to accrue to Indian tribes under John Collier's Indian New Deal the United States had remade their tribal status. When the landless Pokagon Potawatomi began the process of "reorganization", they were informed that they were not in a "wardship" status with the United States and that they could only apply for reorganization under the "half-blood" provision, Article 19, of the act (Appendix E). Based on little information and still less understanding of the Pokagon relationship with the United States, twentieth century officials at the Bureau of Indian Affairs made an administrative decision to break a treaty-based trust relationship with yet another Michigan Indian Tribe.

This adverse and erroneous ruling by the Bureau did not end the Pokagons. Their political structures and culture continued as it had for the hundred years since their last treaty with the United States. Their elected tribal council, comprised of the leaders of each kin-group of the community, continued to unite their kinsmen and constituents in dealings with the United States. They filed claims with the Indian Claims Commission, cases which they pursued throughout the 1940s, 1950s, and into the 1960s. When the United States refused to recognize the right of the elected council to operate as a tribal government, the Pokagon council incorporated under Michigan law in 1952. Corporate status enabled the tribe to legally hold property on behalf of its members, devise and fund tribal development programs, and provide access to social programs that were available to them.

In 1982, the Pokagon tribal council began the arduous task of petitioning the Bureau of Indian Affairs, Branch of Acknowledgment and Research to restore their government-to-government relationship with the United States. I have followed their progress from the beginning of research, through the preparation of their petition, and most recently through the working of the Bureau's arcane administrative rules. Even though the Pokagons completed their petition to the Branch of Acknowledgment over two years ago, they have still not been placed on active consideration. For eleven years, members of the Potawatomi Indian nation have invested their precious time, their limited resources, and their hopes in a process that is hopelessly flawed. It is their frustration at being wrongfully denied a status legally due to them that brings the Pokagons to Congress today. I believe that historical facts support their political contentions. I also believe that justice will be served by passage of S. 1066.

The treaties that I listed earlier in this testimony may appear as ancient history to modern readers. To the Pokagons, these treaties are not part of a distant past. On this panel today you have heard testimony from Mrs. Rachel Daugherty. Mrs. Daugherty has served as a member of the Pokagon tribal council for much of her life; her father, Michael Williams, served on the tribal council for nearly seventy years before her. Michael William's father, Kowtuckmuck (Universe), was present at the 1833 negotiations of the Treaty of Chicago. The treaty tradition is passed directly from generation to generation. Although the Bureau of Indian Affairs has forgotten its trust responsibility to the Pokagons, the tribe has not. I am pleased to add my voice to those of the Potawatomi Indian Nation asking for speedy passage of this legislation and restoration of their legal relationship with the United States.

Appendix A

Kappler, Charles J., comp.
1904 Indian Affairs: Laws and Treaties. Volume 2 (Washington:
Government Printing Office) 39-45, 198-201, 283-284, 294-297,
353-356, 402-413.

TREATY WITH THE WYANDOT, ETC., 1795.

89

Turtle Tribe:		Tuscarora:	
Shonobleyo, war chief, his x mark, [L. S.]		Thaukulaungon, sachem, his x mark, [L. S.]	
Peter Konnasterlook, sachem, his x mark, [L. S.]		Kanajogh, or Nicholas Cudick, war chief, his x mark, [L. S.]	
Daniel Tecumsees, son of Skendo, war chief, his x mark, [L. S.]			

Witnesses to the signing and sealing of the agent of the United States, and of the chiefs of the Oneida and Tuscarora nations:

S. Kirkland,
James Dean, Interpreter.

Witnesses to the signing and sealing of the four chiefs of the Stockbridge Indians, whose names are below:

Saml. Kirkland,
John Sergeant.
Stockbridge Indians:

Hendrick Aupaumut,	[L. S.]
Joseph Quonney,	[L. S.]
John Konkapot,	[L. S.]
Jacob Konkapot,	[L. S.]

TREATY WITH THE WYANDOT, ETC., 1795.

A treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoss, Ottawos, Chipewas, Putawatimes, Miamis, Ed-river, Weas's, Kickapoo, Piankashawes, and Kaskaskias.

Aug. 3, 1795.
7 Stat. at Large, 217.
Proclamation, Dec. 2, 1795.

To put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes; Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above-mentioned, and the said tribes of Indians, by their Sachems, chiefs, and warriors, met together at Greenville, the head quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place, between the said United States and Indian tribes.

Peace established.

ARTICLE II.

All prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greenville, Fort Wayne or Fort Defiance; and ten chiefs of the said tribes shall remain at Greenville as hostages, until the delivery of the prisoners shall be effected.

Prisoners on both sides to be restored.

ARTICLE III.

The general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between

Boundary line established.

that and the Tuscarawas branch of the Muskingum: thence down that branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the great Miami river running into the Ohio, at or near which fork stood Lorumie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; then south-westerly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttawa river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indians tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

Cession of particular
tracts of land by the
Indians.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to-wit. (1.) One piece of land six miles square at or near Lorumie's store before mentioned. (2.) One piece two miles square at the head of the navigable water or landing on the St. Mary's river, near Girty's town. (3.) One piece six miles square at the head of the navigable water of the Au-Glaize river. (4.) One piece six miles square at the confluence of the Au-Glaize and Miami rivers, where Fort Defiance now stands. (5.) One piece six miles square at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it. (6.) One piece two miles square on the Wabash river at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne. (7.) One piece six miles square at the Ouatanon or old Weea towns on the Wabash river. (8.) One piece twelve miles square at the British fort on the Miami of the lake at the foot of the rapids. (9.) One piece six miles square at the mouth of the said river where it empties into the Lake. (10.) One piece six miles square upon Sandusky lake, where a fort formerly stood. (11.) One piece two miles square at the lower rapids of Sandusky river. (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie, and Detroit river. (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on lake Huron, or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island De Bois Blanc, being an extra and voluntary gift of the Chipewa nation. (14.) One piece of land six miles square at the mouth of Chicago river, emptying into the south-west end of Lake Michigan, where a fort formerly stood. (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi. (16.) One

piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river: And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie: again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au-Glaize, and down the same to its junction with the Miami at Fort Defiance: again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake: and from thence to Detroit. Again from the mouth of Chicago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

Cession of passages
in certain places by
the Indians.

ARTICLE IV.

In consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual; the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great-Britain, in the treaty of peace made between them in the year 1793. But from this relinquishment by the United States, the following tracts of land, are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article; and 4th. The post of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

Relinquishment of
certain lands by
United States.

Exceptions.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place

Annual allowance
to be made to the In-
dians.

in the United States, where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following.

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Miamis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chippewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. And to the Kickapoo, Weas, Eel-river, Piankashaw and Kaskaskias tribes, the amount of five hundred dollars each.

Provido.

Provided, That if either of the said tribes shall hereafter at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

ARTICLE V.

Indians have right to hunt on lands relinquished by United States, etc.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

ARTICLE VI.

Indians may expel settlers from their lands.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

ARTICLE VII.

Indians may hunt on lands ceded to United States.

The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ARTICLE VIII.

Trade to be opened with the Indians.

Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with

their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department north-west of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses; to the end, that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendent or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendent or his deputies, of the names of the traders residing among them.

ARTICLE IX.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured, to the other: By the said Indian tribes, or any of them, to the President of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the President, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States or either of them, and the same shall come to the knowledge of the before-mentioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt, to the general or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

Retaliation restrained.

Indians to give notice of designs against United States.

ARTICLE X.

All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

Former treaties void.

In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the before-mentioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest

of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne,	[L. a.]	Weymegwas, his x mark,	[L. a.]
Wyandots:		(Jobuaatick, his x mark,	[L. a.]
Tarhe, or Crane, his x mark,	[L. a.]	Ottawa:	
J. Williams, Jun. his x mark,	[L. a.]	Chegonickoka, (an Ottawa from	[L. a.]
Teyyaghtaw, his x mark,	[L. a.]	Sandusky,) his x mark,	[L. a.]
Harcosyou, or half king's son,	[L. a.]	Pattawalluas of the river St.	
his x mark,	[L. a.]	Joseph:	
Tehawtorens, his x mark,	[L. a.]	Thupenebo, his x mark,	[L. a.]
Awmeyoeray, his x mark,	[L. a.]	Nawac, (for himself and brother	[L. a.]
Stayetah, his x mark,	[L. a.]	Etsimethe,) his x mark,	[L. a.]
Shatyyaronyah, or Leather Lips,	[L. a.]	Nenauwka, his x mark,	[L. a.]
his x mark,	[L. a.]	Keceass, or Run, his x mark,	[L. a.]
Daghehuttayah, his x mark,	[L. a.]	Isabanasaw, (for himself and	[L. a.]
Shawrunthe, his x mark,	[L. a.]	brother (Chicagan,) his x	[L. a.]
Delawares:		mark,	[L. a.]
Tetabokahke, or Grand Glaise	[L. a.]	Sugganunk, his x mark,	[L. a.]
King, his x mark,	[L. a.]	Wapmeme, or White Pigeon,	[L. a.]
Lemantanque, or Black King,	[L. a.]	his x mark,	[L. a.]
his x mark,	[L. a.]	Wacheners, (for himself and	[L. a.]
Wabattioe, his x mark,	[L. a.]	brother Pedagosok,) his x	[L. a.]
Magpiway, or Red Feather, his	[L. a.]	mark,	[L. a.]
x mark,	[L. a.]	Wabehicawnaw, his x mark,	[L. a.]
Kikthawenund, or Anderson, his	[L. a.]	La Chase, his x mark,	[L. a.]
x mark,	[L. a.]	Meshegethenogh, (for himself and	[L. a.]
Bukongehelas, his x mark,	[L. a.]	brother Wawasek,) his x mark,	[L. a.]
Peckelund, his x mark,	[L. a.]	Hingoswash, his x mark,	[L. a.]
Wellebawkeelund, his x mark,	[L. a.]	Anewasaw, his x mark,	[L. a.]
Pecketelemund, or Thomas Ad-	[L. a.]	Nawbudgh, his x mark,	[L. a.]
ams, his x mark,	[L. a.]	Misehogomaw, his x mark,	[L. a.]
Kishkopekund, or Captain Buf-	[L. a.]	Waweeghe, his x mark,	[L. a.]
falo, his x mark,	[L. a.]	Thawme, or Le Blanc, his x mark,	[L. a.]
Amenahenah, or Captain Crow,	[L. a.]	Geegue, (for himself and brother	[L. a.]
his x mark,	[L. a.]	Shewinse,) his x mark,	[L. a.]
Queshawkesy, or George Washing-	[L. a.]	Pattawalluas of Heron:	
ton, his x mark,	[L. a.]	Okia, his x mark,	[L. a.]
Weywinquis, or Billy Siscomb	[L. a.]	Chamung, his x mark,	[L. a.]
his x mark,	[L. a.]	Segagewan, his x mark,	[L. a.]
Moses, his x mark,	[L. a.]	Nanawme, (for himself and brother	[L. a.]
Shawanees:		A. Gin,) his x mark,	[L. a.]
Misquaconacaw, or Red Pole,	[L. a.]	Marchand, his x mark,	[L. a.]
his x mark,	[L. a.]	Wenameac, his x mark,	[L. a.]
Cutthewekaaw, or Black Hoof,	[L. a.]	Miamis:	
his x mark,	[L. a.]	Nagohquangogh, or Le Gris, his x	[L. a.]
Kayswaceekah, his x mark,	[L. a.]	mark,	[L. a.]
Weythapamattha, his x mark,	[L. a.]	Meshekunnoghquob, or Little	[L. a.]
Nianymaska, his x mark,	[L. a.]	Turtle, his x mark,	[L. a.]
Waytheah, or Long Shanka, his	[L. a.]	Miamis and Eel Rivers:	
x mark,	[L. a.]	Peejeewa, or Richard Ville, his x	[L. a.]
Weyapiersenaw, or Blue Jacket,	[L. a.]	mark,	[L. a.]
his x mark,	[L. a.]	Cochkepoghtogh, his x mark,	[L. a.]
Nequetanghaw, his x mark,	[L. a.]	Eel River Tribe:	
Hahgooseekaw, or Captain Reed,	[L. a.]	Shamekunness, or Soldier, his x	[L. a.]
his x mark,	[L. a.]	mark,	[L. a.]
Ottawas:		Miamis:	
Augoochaway, his x mark,	[L. a.]	Wapamangwa, or the White Loon,	[L. a.]
Keenoshaneek, his x mark,	[L. a.]	his x mark,	[L. a.]
La Malice, his x mark,	[L. a.]	Weas, for themselves and the	[L. a.]
Machiwetah, his x mark,	[L. a.]	Piankeesaws:	
Thowonawa, his x mark,	[L. a.]	Amacunza, or Little Beaver, his x	[L. a.]
Secaw, his x mark,	[L. a.]	mark,	[L. a.]
Chippewas:		Accoolatha, or Little Fox, his x	[L. a.]
Mashpinashirish, or Bad Bird,	[L. a.]	mark,	[L. a.]
his x mark,	[L. a.]	Francis, his x mark,	[L. a.]
Nabshogache, (from Lake Super-	[L. a.]	Kickapoon and Kaskaakias:	
rior,) his x mark,	[L. a.]	Kecawhah, his x mark,	[L. a.]
Kathawasing, his x mark,	[L. a.]	Neenighka, or Jossey Renani, his x	[L. a.]
Mamas, his x mark,	[L. a.]	mark,	[L. a.]
Neemekase, or Little Thunder,	[L. a.]	Palkestanogh, his x mark,	[L. a.]
his x mark,	[L. a.]	Delawares of Sandusky:	
Peshakay, or Young Ox, his x	[L. a.]	Hawkinpumiaka, his x mark,	[L. a.]
mark,	[L. a.]	Peyamawkesy, his x mark,	[L. a.]
Xangery, his x mark,	[L. a.]	Reyntoocon, (of the Six Nations, liv-	[L. a.]
Neeneelohgwasogh, his x mark,	[L. a.]	ing at Sandusky,) his x mark,	[L. a.]
Pewanshomopogh, his x mark,	[L. a.]		

TREATY WITH THE SEVEN NATIONS OF CANADA, 1796.

45

In presence of (the word "goods" in the sixth line of the third article; the word "before" in the twenty-sixth line of the third article; the words "five hundred" in the tenth line of the fourth article, and the word "Plankeshaw" in the fourteenth line of the fourth article, being first interlined)—

H. De Butts, first aid de camp and secretary to Major General Wayne.
 Wm. H. Harrison, aid de camp to Major General Wayne.
 T. Lewis, aid de camp to Major General Wayne.
 James O'Hara, quartermaster general.
 John Mills, major of infantry and adjutant general.
 Caleb Swan, P. M. T. U. S.
 Geo. Demter, lieutenant artillery.
 Vigo.
 P. Fra. La Fontaine.
 Ant. Lasselle.
 H. Lasselle.
 Jn. Beau Bien.

David Jones, chaplain U. S. S.
 Lewis Beaufait.
 R. Lachambre.
 Jas. Pepen.
 Baties Coutien.
 P. Navarre.
 Sworn interpreters:
 Wm. Wells.
 Jacques Lasselle.
 M. Morins.
 St. Sans Crainte.
 Christopher Miller.
 Robert Wilson.
 Abraham Williams, his x mark.
 Isaac Zane, his x mark.

TREATY WITH THE SEVEN NATIONS OF CANADA, 1796.

At a treaty held at the city of New York, with the Nations or Tribes of Indians, denominating themselves the Seven Nations of Canada; Abraham Ogden, Commissioner, appointed under the authority of the United States, to hold the Treaty; Ohnaweeio, alias Goodstream, Teharagwanegen, alias Thomas Williams, two Chiefs of the Caghnewagas; Atialoharongean, alias Colonel Lewis Cook, a Chief of the St. Regis Indians, and William Gray, Deputies, authorized to represent these Seven Nations or Tribes of Indians at the Treaty, and Mr. Gray, serving also as Interpreter; Egbert Benson, Richard Varick and James Watson, Agents for the State of New York; William Constable and Daniel M' Cormick, purchasers under Alexander Macomb:

May 21, 1796.
 1 Stat., 46.
 Proclamation, Jan. 21, 1797.

THE agents for the state, having, in the presence, and with the approbation of the commissioner, proposed to the deputies for the Indians, the compensation hereinafter mentioned, for the extinguishment of their claim to all lands within the state, and the said deputies being willing to accept the same, it is thereupon granted, agreed and concluded between the said deputies and the said agents, as follows: The said deputies do, for and in the name of the said Seven Nations or tribes of Indians, cede, release and quit claim to the people of the state of New-York, forever, all the claim, right, or title of them, the said Seven Nations or tribes of Indians, to lands within the said state: *Provided nevertheless*, That the tract equal to six miles square, reserved in the sale made by the commissioners of the land-office of the said state, to Alexander Macomb, to be applied to the use of the Indians of the village of St. Regis, shall still remain so reserved. The said agents do, for, and in the name of the people of the state of New-York, grant to the said Seven Nations or tribes of Indians, that the people of the state of New-York shall pay to them, at the mouth of the river Chazy, on Lake Champlain, on the third Monday in August next, the sum of one thousand two hundred and thirty-three pounds, six shillings and eight-pence, and the further sum of two hundred and thirteen pounds six shillings and eight-pence, lawful money of the said state, and on the third Monday in August, yearly, forever thereafter, the like sum of two hundred and thirteen pounds six shillings and eight-pence: *Provided nevertheless*, That the people of the state of New-York shall not

Cession of lands to
 State of New York.

Consideration paid
 therefor.

Jan. 8, 1821.

DISCHARGE FOR ALL CLAIMS ON THE CREEKS.

WHEREAS a treaty or convention has this day been made and entered into, by and between the United States and the Creek nation, by the provisions of which the United States have agreed to pay, and the commissioners of the state of Georgia have agreed to accept, for and on behalf of the citizens of the state of Georgia, having claims against the Creek nation, prior to the year one thousand eight hundred and two, the sum of two hundred and fifty thousand dollars:

Commissioners of Georgia release the Creeks from all claims prior to 1822.

Now, know all men by these presents, that we, the undersigned, commissioners of the state of Georgia, for, and in consideration of, the aforesaid sum of two hundred and fifty thousand dollars, secured by the said treaty or convention to be paid to the state of Georgia, for the discharge of all bona fide and liquidated claims, which the citizens of the said state may establish against the Creek nation, do, by these presents, release, exonerate, and discharge, the said Creek nation from all and every claim and claims, of whatever description, nature, or kind, the same may be, which the citizens of Georgia now have, or may have had, prior to the year one thousand eight hundred and two, against the said nation. And we do hereby assign, transfer, and set over, unto the United States, for the use and benefit of the said Creek nation, for the consideration hereinbefore expressed, all the right, title, and interest, of the citizens of the said state, to all claims, debts, damages, and property, of every description and denomination, which the citizens of the said state have, or had, prior to the year one thousand eight hundred and two, as aforesaid, against the said Creek nation.

Claims transferred to United States.

In witness whereof, we have hereunto affixed our hands and seals, at the Mineral Spring, in the said Creek nation, this eighth day of January, one thousand eight hundred and twenty-one.

J. McIntosh, [L. s.]
David Adams, [L. s.]
Daniel Newman, [L. s.]

Present:

D. M. Forney,
D. Meriwether,
D. B. Mitchell, Agent for Indian Affairs.

TREATY WITH THE OTTAWA, ETC., 1821.

Aug. 29, 1821.

7 Stat. 218.
Proclamation, Mar.
25, 1822.

Articles of a treaty made and concluded at Chicago, in the State of Illinois, between Lewis Cass and Solomon Sibley, Commissioners of the United States, and the Ottawa, Chippewa, and Pottawatamie, Nations of Indians.

Cession of land within the boundaries described.

ARTICLE I. The Ottawa, Chippewa, and Pottawatamie, Nations of Indians cede to the United States all the Land comprehended within the following boundaries: Beginning at a point on the south bank of the river St. Joseph of Lake Michigan, near the Parc aux Vaches, due north from Rum's Village, and running thence south to a line drawn due east from the southern extreme of Lake Michigan, thence with the said line east to the Tract ceded by the Pottawatamies to the United States by the Treaty of Fort Meigs in 1817, if the said line should strike the said Tract, but if the said line should pass north of the said Tract, then such line shall be continued until it strikes the western boundary of the Tract ceded to the United States by the Treaty of Detroit in 1807, and from the termination of the said line, following the boundaries of former cessions, to the main branch of the Grand River of Lake Michigan, should any of the said lines cross the said

River, but if none of the said lines should cross the said River, then to a point due east of the source of the said main branch of the said river, and from such point due west to the source of the said principal branch, and from the crossing of the said River, or from the source thereof, as the case may be, down the said River, on the north bank thereof, to the mouth; thence following the shore of Lake Michigan to the south bank of the said river St. Joseph, at the mouth thereof, and thence with the said south bank to the place of beginning.

ART. 2. From the cession aforesaid, there shall be reserved, for the use of the Indians, the following Tracts:

One tract at Mang-ach-qua Village, on the river Peble, of six miles square.

One tract at Mick-ke-saw-be, of six miles square.

One tract at the village of Na-to-wa-se-pe, of four miles square.

One tract at the village of Prairie Ronde, of three miles square.

One tract at the village of Match-e-be narb-she-wish, at the head of the Kekalamazoo river.

ART. 3. There shall be granted by the United States to each of the following persons, being all Indians by descent, and to their heirs, the following Tracts of Land:

To John Burnet, two sections of land.

To James Burnet, Abraham Burnet, Rebecca Burnet, and Nancy Burnet, each one section of land; which said John, James, Abraham, Rebecca, and Nancy, are children of Kaw-kee-me, sister of Top-ni-be, principal chief of the Potawatamie nation.

The land granted to the persons immediately preceding, shall begin on the north bank of the river St. Joseph, about two miles from the mouth, and shall extend up and back from the said river for quantity.

To John B. La Lime, son of Noke-no-qua, one-half of a section of land, adjoining the tract before granted, and on the upper side thereof.

To Jean B. Chandonai, son of Chip-pe-wa-qua, two sections of land, on the river St. Joseph, above and adjoining the tract granted to J. B. La Lime.

To Joseph Dazé, son of Chip-pe-wa-qua, one section of land above and adjoining the tract granted to Jean B. Chandonai.

To Monguago, one-half of a section of land, at Mish-she-wa-ko-kink.

To Pierre Moran or Peeresh, a Potawatamie Chief, one section of land, and to his children two sections of land, at the mouth of the Elk-heart river.

To Pierre Le Clerc, son of Moi-qua, one section of land on the Elk-heart river, above and adjoining the tract granted to Moran and his children.

The section of land granted by the Treaty of St. Mary's, in 1818, to Peeresh or Perig, shall be granted to Jean B. Cicot, son of Pe-say-quot, sister of the said Peeresh, it having been so intended at the execution of the said Treaty.

To O-she-ak-ke-be or Benac, one-half of a section of land on the north side of the Elk-heart river, where the road from Chicago to Fort Wayne first crosses the said river.

To Me-naw-che, a Potawatamie woman, one-half of a section of land on the eastern bank of the St. Joseph, where the road from Detroit to Chicago first crosses the said river.

To Therese Chandler or To-o-ak-qui, a Potawatamie woman, and to her daughter Betsy Fisher, one section of land on the south side of the Grand River, opposite to the Spruce Swamp.

To Charles Beaubien and Modart Beaubien, sons of Man-na-ben-a-qua, each one-half of a section of land near the village of Ke-wi-go-shkeem, on the Washtenaw river.

Reservations.

Grants to persons named.

Location of the preceding grants.

Further grants.

To Antoine Roland, son of I-gat-pat-a-wat-a-mie-qua, one-half of a section of land adjoining and below the tract granted to Pierre Moran.

To William Knaggs or Was-es-kuk-son, son of Ches-qua, one-half of a section of land adjoining and below the tract granted to Antoine Roland.

To Madeline Bertrand, wife of Joseph Bertrand, a Potawatamie woman, one section of land at the Parc aux Vaches, on the north side of the river St. Joseph.

To Joseph Bertrand, junior, Benjamin Bertrand, Laurent Bertrand, Theresa Bertrand, and Amable Bertrand, children of the said Madeline Bertrand, each one half of a section of land at the portage of the Kankakee river.

To John Riley, son of Me-naw-tum-a-go-quoi, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending up the said River.

To Peter Riley, the son of Me-naw-cum-e-go-qua, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending down the said river.

To Jean B. Le Clerc, son of Moi-qua, one half of a section of land, above and adjoining the tract granted to Pierre Le Clerc.

To Joseph La Framboise, son of Shaw-we-no-qua, one section of land upon the south side of the river St. Joseph, and adjoining on the upper side the land ceded to the United States, which said section is also ceded to the United States.

Grants not transferable without consent.

Tracts to be located after survey.

Payment for said cession.

The Tracts of Land herein stipulated to be granted, shall never be leased or conveyed by the grantees or their heirs to any persons whatever, without the permission of the President of the United States. And such tracts shall be located after the said cession is surveyed, and in conformity with such surveys as near as may be, and in such manner as the President may direct.

ART. 4. In consideration of the cession aforesaid, the United States engage to pay to the Ottawa nation, one thousand dollars in specie annually forever, and also to appropriate annually, for the term of ten years, the sum of fifteen hundred dollars, to be expended as the President may direct, in the support of a Blacksmith, of a Teacher, and of a person to instruct the Ottawas in agriculture and in the purchase of cattle and farming utensils. And the United States also engage to pay to the Potawatamie nation five thousand dollars in specie, annually, for the term of twenty years, and also to appropriate annually, for the term of fifteen years, the sum of one thousand dollars, to be expended as the President may direct, in the support of a Blacksmith and a Teacher. And one mile square shall be selected, under the direction of the President, on the north side of the Grand River, and one mile square on the south side of the St. Joseph, and within the Indian lands not ceded, upon which the blacksmiths and teachers employed for the said tribes, respectively, shall reside.

Land to be reserved for blacksmiths and teachers.

Right of Indians to hunt on land ceded.

United States may make a road through Indian country.

Treaty binding when ratified.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded while it continues the property of the United States, shall apply to this treaty.

ART. 6. The United States shall have the privilege of making and using a road through the Indian country, from Detroit and Fort Wayne, respectively, to Chicago.

ART. 7. This Treaty shall take effect and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Solomon Sibley, commissioners as aforesaid, and the chiefs and warriors of the said Ottawa, Chippewa, and Pattiwatima nations, have hereunto set their hands, at

Chicago aforesaid, this 30th day of August, in the year of our Lord one thousand eight hundred and twenty-one.

Lewis Cass,
Solomon Sibley.

Ottawas:

Kewagoushcum, his x mark,
Nokawegaun, his x mark,
Kee-o-to-aw-be, his x mark,
Ket-che-me-chi-na-waw, his x mark,
Ee-pe-san-se, his x mark,
Kay-nee-wee, his x mark,
Mo-a-put-to, his x mark,
Mat-che-pee-na-che-wish, his x mark,

Chippewas:

Met-tay-waw, his x mark,
Mich-el, his x mark,

Pattiwatimas:

To-pen-ne-bee, his x mark,
Mee-te-ay, his x mark,
Chee-ban-se, his x mark,
Loui-son, his x mark,
Wee-saw, his x mark,
Kee-po-taw, his x mark,
Shay-suk-ke-bee, his x mark,
Sho-mang, his x mark,
Waw-we-uck-ke-meck, his x mark,
Nay-ou-chee-moon, his x mark,
Kon-gee, his x mark,
Shee-shaw-gan, his x mark,
Ayah-cam, his x mark,
Meek-say-mank, his x mark,
May-ten-way, his x mark,
Shaw-wen-ne-me-tay, his x mark,
Francois, his x mark,
Mank-see, his x mark,
Way-me-go, his x mark,
Man-daw-min, his x mark,

Quay-guee, his x mark,
Aa-pen-naw-bee, his x mark,
Mat-cha-wee-yaas, his x mark,
Mat-cha-pag-gish, his x mark,
Mongaw, his x mark,
Fug-gay-gaus, his x mark,
See-cobe-mesh, his x mark,
Chee-gwa-mack-gwa-go, his x mark,
Waw-seb-baw, his x mark,
Fee-chee-co, his x mark,
Quoi-quoi-taw, his x mark,
Pe-an-nish, his x mark,
Wy-ne-naig, his x mark,
Onuck-ke-meck, his x mark,
Ka-way-sin, his x mark,
A-meck-kose, his x mark,
Os-see-meet, his x mark,
Shaw-ko-to, his x mark,
No-shay-we-quat, his x mark,
Mee-gwun, his x mark,
Mee-she-ke-ten-now, his x mark,
Kee-no-to-go, his x mark,
Wa-baw-nee-she, his x mark,
Shaw-waw-nay-see, his x mark,
Atch-wee-muck-quee, his x mark,
Fish-she-baw-gay, his x mark,
Waw-be-saye, his x mark,
Meg-gee-reece, his x mark,
Say-gaw-koo-nuck, his x mark,
Shaw-way-no, his x mark,
Shee-shaw-gun, his x mark,
To-to-mee, his x mark,
Ash-kee-wee, his x mark,
Shay-suk-ke-bee, his x mark,
Aw-be-tone, his x mark.

In presence of—

Alex. Wolcott, jr. Indian agent,
Jno. R. Williams, Adjutant-General, M.

Ma.

G. Godfroy, Indian agent,
W. Knaggs, Indian agent,
Jacob Vaget,
Henry I. Hunt,
A. Phillips, paymaster, U. S. Army,
R. Montgomery,

Jacob B. Varnum, United States factor
John B. Beaubien,
Conrad Ten Eyck,
J. Whippley,
George Miles, jun.
Henry Connor,
James Barnerd,
John Kenzie, subagent.

The tract reserved at the village of Match-e-be-nash-she-wish, at the head of the Ke-kal-i-ma-zoo river, was by agreement to be three miles square. The extent of the reservation was accidentally omitted.

The tract at Match-e-be-nash-she-wish to be 3 miles square.

Lewis Cass,
Solomon Sibley.

TREATY WITH THE OSAGE, 1822.

Articles of a Treaty, entered into and concluded at the United States' Factory on the M. De Cigu Augt. by and between Richard Graham, Agent of Indian Affairs, authorized on the part of the United States for that purpose, and the Chiefs, Warriors, and Head Men, of the Tribes of Great and Little Osage Indians, for themselves and their respective Tribes, of the other part.

Aug. 31, 1822.

7 Stat., 222.
Proclamation, Feb. 12, 1823.

WHEREAS, by the second article of the Treaty made and entered into between the United States and the Great and Little Osage nation of Indians, concluded and signed at Fort Clark, on the Missouri, on the tenth day of November, one thousand eight hundred and eight, it

The second article of the treaty of Nov. 10, 1808, abrogated; consideration.

TREATY WITH THE CREEKS, 1827.

Sections numbered one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five, and thirty-six, in the fifth township, south, and eleventh range, west.

The whole of the fourth township, south, in the ninth range, west.

Sections numbered eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two, in the fourth township, south, and ninth range, west.

Sections numbered one, two, eleven, twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, in the fourth township, south, and eleventh range, west.

Which tracts of land will form a continuous reservation, and contain ninety-nine sections.

Treaty binding when ratified.

After this treaty shall be ratified by the President and Senate, the same shall be obligatory on the United States and the said tribe of Indians.

In testimony whereof, Lewis Cass, commissioner on the part of the United States, and the chiefs and warriors of the said tribe, have hereunto set their hands at St. Joseph, in the territory of Michigan, this nineteenth day of September, A. D. one thousand eight hundred and twenty-seven.

Lewis Cass,
Mize-a-bee, his x mark,
Shee-ko-n-ig, or marsh fish, his x mark,
Fee-nai-sheish, or little bird, his x mark,
Kue-o-suck-o-wah, his x mark,
Mals-ko-see, his x mark,
A-bee-ta-que-zic, or half day, his x mark,
K-o-jai-waince, his x mark,
Sa-kee-maus, his x mark,
Mith-e-pe-nain-she-wish, or bad bird,
his x mark,

Ma-tsal-bat-to, his x mark,
Ne-kee-quin-nish-ka, his x mark,
Wa-kai-che-maus, his x mark,
Peerish Moran, his x mark,
Mee-she-pe-she-wa-non, his x mark,
O-tuck-uen, his x mark,
Que-quan, his x mark,
Wai-sai-gau, his x mark,
O-kee-yau, his x mark,
Me-shai-wais, his x mark.

In presence of—

John L. Leib,
R. A. Forsyth,
Benj. B. Kercheval,
Isaac McCoy,
G. W. Silliman,
James J. Godfroy,
Joseph Bertrand,
T. T. Smith.

TREATY WITH THE CREEKS, 1827.

Nov. 15, 1827.

7 Stat., 207.
Proclamation, Mar.
4, 1828.

Articles of agreement made and concluded at the Creek Agency, on the fifteenth day of November, one thousand eight hundred and twenty-seven, between Thomas L. McKenney, and John Crowell, in behalf of the United States, of the one part, and Little Prince and others, Chiefs and Head Men of the Creek Nation, of the other part.

Object of the treaty.

WHEREAS a Treaty of Cession was concluded at Washington City in the District of Columbia, by JAMES BARBOUR, Secretary of War, of the one part, and OROTHLEOHLO, JOHN STIDHAM, and OTHERS, of the other part, and which Treaty bears date the twenty-fourth day of January, one thousand eight hundred and twenty-six; and whereas, the object of said Treaty being to embrace a cession by the Creek Nation, of all the lands owned by them within the chartered limits of Georgia, and it having been the opinion of the parties, at the time when said Treaty was concluded, that all, or nearly all, of said lands were embraced in said cession, and by the lines as defined in said Treaty, and the supplemental article thereto: and whereas it having been

TREATY WITH THE POTAWATOMI, 1823.

Nee-hoo-kaw, or whirlpool, his x mark,
 Nath-kay-saw-kaw, or fierce heart, his x
 mark,
 Wheank-kaw, or duck, his x mark,
 Saw-waugh-kee-wau, or he that leaves the
 yellow track, his x mark,
 Sin-a-gee-wen, or ripple, his x mark,
 Shush-que-nau, his x mark,
 Sa-gin-nal-nee-pee, his x mark,
 Nun-que-wee-bee, or thunder sitting, his
 x mark,

O-lwa-gunn, or thunder turn back, his x
 mark,
 Tuk-que-gun, or last feather, his x mark,
 Maun-gv-zik, or big foot, his x mark,
 Way-meek-see-goo, or wampum, his x
 mark,
 Meeks-zoo, his x mark,
 Pay-mau-bee-mee, or him that looks over,
 his x mark.

Witnesses present:

W. B. Le, secretary,
 H. J. B. Brevoort, United States Indian
 agent,
 R. A. Forsyth,
 Jno. H. Kinzie,
 John Marsh,
 E. A. Brush,

G. W. Silliman,
 C. Chouteau,
 Peter Menard, jun., Indian subagent,
 Henry Gratiot,
 Pierre Paquet, Winnebago interpreter,
 J. Ogee, Potawatami interpreter.

TREATY WITH THE POTAWATOMI, 1823.

Sept. 20, 1823.

7 Stat., 517,
 Proclamation, Jan.
 7, 1829.

*Articles of a treaty made and concluded at the Missionary Establish-
 ments upon the St. Joseph, of Lake Michigan, in the Territory of
 Michigan, this 20th day of September, in the year of our Lord one
 thousand eight hundred and twenty-eight, between Lewis Cass and
 Pierre Menard, Commissioners, on the part of the United States,
 and the Potawatami tribe of Indians.*

Potawatamies cede
 part of their lands.

ARTICLE 1st. The Potawatami tribe of Indians cede to the United States the tract of land included within the following boundaries:

1st. Beginning at the mouth of the St. Joseph, of Lake Michigan, and thence running up the said river to a point on the same river, half way between La-vache-qui-pisse and Macousin village; thence in a direct line, to the 19th mile tree, on the northern boundary line of the State Indians; thence, with the same, west, to Lake Michigan; and thence, with the shore of the said Lake, to the place of beginning.

2. Beginning at a point on the line run in 1817, due east from the southern extreme of Lake Michigan, which point is due south from the head of the most easterly branch of the Kankekee river, and from that point running south ten miles; thence, in a direct line, to the northeast corner of Flatbelly's reservation; thence, to the northwest corner of the reservation at Seek's village; thence, with the lines of the said reservation, and of former cessions, to the line between the States of Indiana and Ohio; thence, with the same to the former described line, running due east from the southern extreme of Lake Michigan; and thence, with the said line, to the place of beginning.

Additional annu-
 ities.

ART. 2. In consideration of the cessions aforesaid, there shall be paid to the said tribe an additional permanent annuity of two thousand dollars; and also an additional annuity of one thousand dollars, for the term of twenty years; goods, to the value of thirty thousand dollars, shall be given to the said tribe, either immediately after signing this treaty, or as soon thereafter as they can be procured; an additional sum of ten thousand dollars, in goods, and another of five thousand dollars, in specie, shall be paid to them in the year 1829.

Purchase of domes-
 tic animals, etc.

The sum of seven thousand five hundred dollars shall be expended for the said tribe, under the direction of the President of the United States, in clearing and fencing land, erecting houses, purchasing domestic animals and farming utensils, and in the support of labourers to work for them.

Two thousand pounds of tobacco, fifteen hundred weight of iron, and three hundred and fifty pounds of steel, shall be annually delivered to them.

Tobacco, iron, and steel.

One thousand dollars per annum shall be applied for the purposes of education, as long as Congress may think the appropriation may be useful.

Education.

One hundred dollars, in goods, shall be annually paid to To-pen-i-be-the, principal chief of the said tribe, during his natural life. The blacksmith, stipulated by the treaty of Chicago to be provided for the term of fifteen years, shall be permanently supported by the United States.

Allowance of goods to principal chief. Blacksmith.

Three labourers shall be provided, during four months of the year, for ten years, to work for the band living upon the reservation South of the St. Joseph.

Labourers.

ART. 3. There shall be granted to the following persons, all of whom are Indians by descent, the tracts of land hereafter mentioned, which shall be located upon the second cession above described, where the President of the United States may direct, after the country may be surveyed, and to correspond with the surveys, provided that no location shall be made upon the Elkheart Prairie, nor within five miles of the same; nor shall the tracts there granted be conveyed by the grantees, without the consent of the President of the United States.

Grants of land to individual Indians, stipulated for.

To Sah-ne-mo-quay, wife of Jean B. Dutrist, one-half section of land.

To Way-pe-nah-te-mo-quay, wife of Thomas Robb, one half section of land.

To Me-no-ka-mick-quay, wife of Edward McCarty, one half section of land.

To Ship-pe-shick-quay, wife of James Wyman, one half section of land.

To Assapo, wife of Antoine Gamlin, one half section of land.

To Moahquay, wife of Richard Chabert, one half section of land.

To Me-shaw-ke-to-quay, wife of George Cicot, two sections of land.

To Mary Préjean, wife of Louis St. Combe, one section of land.

To To-pe-naw-koung, wife of Peter Langlois, one section of land.

To Au-bee-nan-bee, a Potawatami chief, two sections of land.

To Me-che-hee, wife of Charles Minie, a half section of land.

To Louison, a Potawatami, a reservation of one section, to include his house and cornfield.

To Kes-he-wa-quay, wife of Pierre F. Navarre, one section of land.

To Benac, a Potawatami, one section of land.

To Pe-pe-ne-way, a chief, one section of land.

To Pierre Le Clair, one section of land.

To Betsey Ducharme, one half section of land. The section of land granted by the treaty of Chicago to Nancy Burnett, now Nancy Davis, shall be purchased by the United States, if the same can be done for the sum of one thousand dollars.

To Madeleine Bertrand, wife of Joseph Bertrand, one section of land.

Payment of claim against Indians.

ART. 4. The sum of ten thousand eight hundred and ninety-five dollars shall be applied to the payments of certain claims against the Indians, agreeably to a schedule of the said claims hereunto annexed.

ART. 5. Circumstances rendering it probable that the missionary establishment now located upon the St. Joseph, may be compelled to remove west of the Mississippi, it is agreed that when they remove, the value of their buildings and other improvements shall be estimated, and the amount paid by the United States. But, as the location is upon the Indian reservation, the Commissioners are unwilling to assume the responsibility, of making this provision absolute, and therefore its rejection is not to affect any other part of the treaty.

Missionary establishment.

Treaty binding
when ratified.

ART. 5. This treaty shall be obligatory, after the same has been ratified by the President and Senate of the United States.

In testimony whereof, the commissioners, and the chiefs and warriors of the said tribe have hereunto set their hands, at the place and upon the day aforesaid.

Lewis Cass,
Pierre Menard,
To-jen-e-bee, his x mark,
A-bee-na-bee, his x mark,
Pu-ku-gon, his x mark,
Ship-she-wa-non, his x mark,
Quai-qual-ta, his x mark,
Mix-a-be, his x mark,
Mo-sack, his x mark,
Wa-ban-see, his x mark,
Pe-nau-shies, his x mark,
Mish-ko-see, his x mark,
Moran, his x mark,
Shaw-wa-nan-see, his x mark,
Mank-see, his x mark,
Sbee-qua, his x mark,
Ash-kum, his x mark,
Louison, his x mark,
Che-chalk-koo, his x mark,
Pee-pee-nai-wa, his x mark,
Moc-conse, his x mark,
Kaush-quaw, his x mark,
Sko-mans, his x mark,
Au-tis, his x mark,
Me-non-quet, his x mark,
Sack-a-mans, his x mark,
Kin-ne-koe, his x mark,
No-shal-e-quon, his x mark,
Pe-tee-nau, his x mark,
Jo-salh, his x mark,
Mo-telle, his x mark,
Wa-pee-kai-nou, his x mark,
Pack-quin, his x mark,
Pash-po-oo, his x mark,
Man-kev-os, his x mark,
Wash-e-on-ause, his x mark,

Pee-hee-wai, his x mark,
O-kee-an, his x mark,
Nau-kee-o-nuck, his x mark,
Me-lu-ken-ho, his x mark,
Kon-al, his x mark,
Wa-shals-kuck, his x mark,
Pal-que-sha-bal, his x mark,
Mix-a-mans, his x mark,
Me-tai-was, his x mark,
Mis-qua-buck, his x mark,
A-bee-tu-que-zuck, his x mark,
Kee-ai-so-qua, his x mark,
A-bee-tai-que-zuck, his x mark,
Wau-shus-tee-zuck, his x mark,
Kee-kee-wee-nus-ka, his x mark,
Nichee-poo-sick, his x mark,
Wa-sal-ka, his x mark,
Mee-quen, his x mark,
Num-qui-twa, his x mark,
Mee-kee-sia, his x mark,
Sane-gen-al, his x mark,
Wish-kal, his x mark,
She-she-gon, his x mark,
Pee-pee-su, his x mark,
O-tuck-quin, his x mark,
Moo-koo, his x mark,
Louison, his x mark,
Pchee-koo, his x mark,
Sha-wai-no-kuck, his x mark,
Zo-zai, his x mark,
Wai-za-we-shuck, his x mark,
Me-chee-pee-nal-she-inab, his x mark,
Com-o-zoo, his x mark,
Je-bause, his x mark,
Le Bouf, his x mark.

Payment in goods.

After the signature of the Treaty, and at the request of the Indians, it was agreed, that of the ten thousand dollars stipulated to be delivered in goods, in 1829, three thousand dollars shall be delivered immediately, leaving seven thousand dollars in goods to be delivered in 1829.

Location of grants.

The reservation of Pe. Langlois' wife to be located upon the north side of Eel river, between Peerish's village and Louison's reservation. The reservation of Betsey Ducharme to be located at Louison's run.

Lewis Cass,
Pierre Menard.

Ratified, with the exception of the following paragraph in the third article: "To Joseph Barron, a white man, who has long lived with the Indians, and to whom they are much attached, two sections of land; but the rejection of this grant is not to affect any other part of the treaty."

Signed in the presence of—

Alex. Wolcott, Indian agent,
John Tipton, Indian agent,
Charles Noble, secretary to commissioners,
A. Edwards, president of the legislative council,
R. A. Forsyth,
D. G. Jones,
Walter Wilson, major general Indiana Militia,
Calvin Britain,
E. Reed.

APPENDIX II.

Schedule of claims referred to in the fourth article of the treaty of the 24th September, 1828, with the Potawatamie Indians.

Thomas Rollé \$200, for goods heretofore sold to the Indians.
 McTernon \$200, for provisions sold to the Indians.
 Jno. B. Gullfroy \$200, for goods heretofore sold to the Indians.
 Jno. P. Helges \$200, for goods heretofore delivered to the Indians.
 Joseph Allen \$145, for horses stolen from him by the Indians while he was surveying.
 Jean B. Bourre \$700, for goods furnished the Indians, a part of them in relation to this treaty.
 Thomas Forsyth \$200, for goods heretofore sold to the Indians.
 S. Hanna & Co. \$100, for goods heretofore sold to the Indians.
 Gabriel Godfroy, jr. \$500, for goods heretofore sold to the Indians.
 Timothy S. Smith \$100, for goods heretofore sold to the Indians.
 W. G. and G. W. Ewings \$200, for goods heretofore sold to the Indians.
 Joseph Bertrand \$2,000, for goods heretofore sold to the Indians.
 To Eleanor Kinzie and her four children, by the late John Kinzie, \$3,500, in consideration of the attachment of the Indians to her deceased husband, who was long an Indian trader, and who lost a large sum in the trade by the credits given to them, and also by the destruction of his property. The money is in lieu of a tract of land which the Indians gave the late John Kinzie long since, and upon which he lived.
 Robert A. Forsyth \$1,250, in consideration of the debts due from the Indians to his late father, Robert A. Forsyth, who was long a trader among them, and who was assisted by his son, the present R. A. Forsyth. The money is in lieu of a tract of land which the Indians gave to the late R. A. Forsyth, since renewed to the present R. A. Forsyth, upon which both of them heretofore lived.
 Jean B. Comparet \$500, for goods heretofore sold to the Indians.
 C. and D. Douveau \$100, for goods heretofore sold to the Indians.
 P. F. Navarre \$100, for goods heretofore sold to the Indians.
 Francis Paget \$100, for goods heretofore sold to the Indians.
 G. O. Hubbard \$200, for goods heretofore sold to the Indians.
 Alexis Coquillard \$200, for goods heretofore sold to the Indians.
 Amounting, in the whole, to the sum of ten thousand eight hundred and ninety-five dollars.

LEW. CASS,
 PIERRE MÉNARD.

TREATY WITH THE CHIPPEWA, ETC., 1829.

Articles of a treaty made and concluded at Prairie du Chien, in the Territory of Michigan, between the United States of America, by their Commissioners, General John McNeil, Colonel Pierre Menard, and Caleb Atwater, Esq. and the United Nations of Chippewa, Ottawa, and Potawatamie Indians, of the waters of the Illinois, Milwaukee, and Manitowick Rivers.

July 29, 1829.
 7 Stat., 320.
 Proclamation, Jan. 2, 1830.

ARTICLE I.

THE aforesaid nations of Chippewa, Ottawa, and Potawatamie Indians, do hereby cede to the United States aforesaid, all the lands comprehended within the following limits, to wit: Beginning at the Winnebago Village, on Rock river, forty miles from its mouth, and running thence down the Rock river, to a line which runs due west from the most southern bend of Lake Michigan to the Mississippi river, and with that line to the Mississippi river opposite to Rock Island; thence, up that river, to the United States' reservation at the mouth of the Chisconsin; thence, with the south and east lines of said reservation, to the Chisconsin river; thence, southerly, passing the heads of the small streams emptying into the Mississippi, to the Rock River aforesaid, at the Winnebago Village, the place of beginning. And, also, one other tract of land, described as follows, to wit: Beginning on the Western Shore of Lake Michigan, at the northeast corner of the field of Antoine Oultmette, who lives near Cross Pointe, about twelve miles north of Chicago; thence, running due west, to the Rock River, aforesaid;

Certain lands ceded to United States.

TREATY WITH THE POTAWATOMI, 1832.

Articles of a treaty made and concluded at Camp Tippecanoe, in the State of Indiana, this twentieth day of October, in the year of our Lord one thousand eight hundred and thirty-two, between Jonathan Jennings, John W. Davis and Marks Crume, Commissioners on the part of the United States of the one part, and the Chiefs and Headmen of the Potawatamie Tribe of Indians of the Prairie and Kankakee, of the other part.

Oct. 20, 1832.
7 Stat. 978.
Proclamation, Jan. 21, 1833.

ARTICLE I. The said Potawatamie Tribe of Indians cede to the United States the tract of land included within the following boundary, viz: Cession to the United States.

Beginning at a point on Lake Michigan ten miles southward of the mouth of Chicago river; thence, in a direct line, to a point on the Kankakee river, ten miles above its mouth; thence, with said river and the Illinois river, to the mouth of Fox river, being the boundary of a cession made by them in 1816; thence, with the southern boundary of the Indian Territory, to the State line between Illinois and Indiana; thence, north with said line, to Lake Michigan; thence, with the shore of Lake Michigan, to the place of beginning.

ARTICLE II. From the cession aforesaid the following tracts shall be reserved, to wit: Reservations.

Five sections for Shaw-waw-nas-see, to include Little Rock village.

For Min-e-maung, one section, to include his village.

For Joseph Laughton, son of Wais-ke-shaw, one section, and for Ce-na-ge-wine, one section, both to be located at Twelve Mile Grove, or Na-be-na-qui-nong.

For Claude Laframboise, one section, on Thorn creek.

For Maw-te-no, daughter of Francois Bourbonnois, jun. one section, at Soldier's village.

For Catish, wife of Francis Bourbonnois, sen. one section, at Soldier's village.

For the children of Wais-ke-shaw, two sections, to include the small grove of timber on the river above Rock village.

For Jean B. Chevallier, one section, near Rock village; and for his two sisters, Angelique and Josette, one half section each, joining his.

For Me-she-ke-ten-o, two sections, to include his village.

For Francis Le Via, one section, joining Me-she-ke-ten-o.

For the five daughters of Mo-nee, by her last husband, Joseph Bailey, two sections.

For Me-saw-ke-qua and her children, two section, at Wais-us-kucks's village.

For Sho-bon-ier, two sections, at his village.

For Josette Beaubien and her children, two sections, to be located on Hickory creek.

For Therese, wife of Joseph Laframboise, one section; and for Archange Pettier, one section, both at Skunk Grove.

For Mau-i-to-qua and son, one half section each; for the children of Joseph Laframboise, one section, at Skunk Grove.

For Washington Bourbonnois, one section, joining his mother's reservation (Calish Bourbonnois).

For Ah-be-te-kezhic, one section, below the State line on the Kankakee river.

For Nancy, Sally, and Betsy Countreman, children of En-do-ga, one section, joining the reserves near Rock village.

For Jacque Jonveau, one section, near the reservation of Me-she-ke-ten-o.

For Wah-pon-seb and Qua-qui-to, five sections each, in the Prairie near Rock village.

The persons to whom the foregoing reservations are made, are all Indians and of Indian descent.

Annuities.

ARTICLE III. In consideration of the cession in the first article, the United States agree to pay to the aforesaid Potawatamie Indians, an annuity of fifteen thousand dollars for the term of twenty years. Six hundred dollars shall be paid annually to Billy Caldwell, two hundred dollars to Alexander Robinson, and two hundred dollars to Pierre Le Clerc, during their natural lives.

Payment of claims against Indians.

ARTICLE IV. The sum of twenty-eight thousand seven hundred and forty-six dollars, shall be applied to the payment of certain claims against the Indians, agreeably to a schedule of the said claims, hereunto annexed.

Merchandise.

The United States further agree to deliver to the said Indians, forty-five thousand dollars in merchandise immediately after signing this treaty; and also the further sum of thirty thousand dollars in merchandise is hereby stipulated to be paid to them at Chicago in the year 1833.

Payments for horses stolen.

There shall be paid by the United States, the sum of one thousand four hundred dollars to the following named Indians, for horses stolen from them during the late war, as follows, to wit:

To Pe-quo-no, for two horses,	eighty dollars.	\$80
To Pa-ca-cha-be, for two ditto,	eighty dollars.	80
To Shaw-wa-nas-see, for one ditto,	forty dollars.	40
To Francis Sho-bon-nier, for three ditto,	one hundred and twenty dollars.	120
To Sho-bon-ier, or Cheval-ier, for one ditto,	forty dollars.	40
To Naw-o-kee, for one ditto,	forty dollars.	40
To Me-she-ke-ten-o, for one ditto,	forty dollars.	40
To Aun-take, for two horses,	eighty dollars.	80
To Che-chalk-ose, for one ditto,	forty dollars.	40
To Naa-a-gue, for two ditto,	eighty dollars.	80
To Pe-she-ka-of-le-beouf, one ditto,	forty dollars.	40
To Naw-ca-a-sho, for four ditto,	one hundred and sixty dollars.	160
To Nox-sey, for one ditto,	forty dollars.	40
To Ma-che-we-tab, for three ditto,	one hundred and twenty dollars.	120
To Masco, for one ditto,	forty dollars.	40
To Wah-pou-seh, for one horse,	forty dollars.	40
To Waub-e-sai, for three ditto,	one hundred and twenty dollars.	\$120
To Chi-cag, for one ditto,	forty dollars.	40
To Mo-swah-en-wah, one ditto,	forty dollars.	40
To She-bon-e-go, one ditto,	forty dollars.	40
To Saw-saw-wais-kuk, for two ditto,	eighty dollars.	80

Permission to hunt and fish.

The said tribe having been the faithful allies of the United States during the late conflict with the Sacs and Foxes, in consideration thereof, the United States agree to permit them to hunt and fish on the lands ceded, as also on the lands of the Government on Wabash and Sangamon rivers, so long as the same shall remain the property of the United States.

In testimony whereof, the commissioners, and the chiefs, head men, and warriors of the said tribe, have hereunto set their hands, at the place and on the day aforesaid.

Jonathan Jennings,
John W. Davis,
Marks Crume,
Ah-be-to-ke-zhic, his x mark,
Shaw-wa-nas-see, his x mark,
Wah-pou-seh, his x mark,
Caw-we-ant, his x mark,
Shab-e-neal, his x mark,

Pat-e-go-shuc, his x mark,
Aun-take, his x mark,
Me-she-ke-ten-o, his x mark,
Shay-tee, his x mark,
Co-na-je-wins, his x mark,
Ne-swa-bay-o-city, his x mark,
Ke-wah-ra-to, his x mark,
Wal-saw-o-ke-ah, his x mark,

Chi-rag, his x mark,
 Te-ca-can-wa, his x mark,
 Chah-wee, his x mark,
 Mac-ca, his x mark,
 Sho-nin, his x mark,
 Car-bon-ca, his x mark,
 O-gouse, his x mark,
 Ash-ke-wee, his x mark,
 Ka-qui-tah, his x mark,
 She-mar-gar, his x mark,
 Nar-ga-to-nuc, his x mark,
 Puc-won, his x mark,
 Ne-be-gous, his x mark,
 E-to-wan-a-cote, his x mark,
 Quis-e-wen, his x mark,
 Wi-law, his x mark,
 Pierish, his x mark,
 Cho-van-in, his x mark,
 Wash-is-kuck, his x mark,
 Ma-sba-wah, his x mark,
 Capt. Heeld, his x mark,
 Man-tloo, his x mark,
 Ke-me-gu-bee, his x mark,
 Pe-shuc-kee, his x mark,

No-tee, his x mark,
 No-che-ke-se-qua-lee, his x mark,
 She-lon-e-go, his x mark,
 Mix-e-maung, his x mark,
 Mah-che-wish-a-wa, his x mark,
 Mac-a-ta-be-na, his x mark,
 Ma-che-we-tah, his x mark,
 Me-gie, his x mark,
 Mo-swa-en-wah, his x mark,
 Ka-che-na-bee, his x mark,
 Wah-be-no-ey, his x mark,
 Mash-ca-shuc, his x mark,
 A-bee-shah, his x mark,
 Me-chi-ke-kar-ba, his x mark,
 Nor-or-ka-kee, his x mark,
 Pe-na-o-cart, his x mark,
 Quar-cha-mar, his x mark,
 Francois Cho-van-ier, his x mark,
 Ge-toc-quar, his x mark,
 Me-gwun, his x mark,
 Ma-sha-ware, his x mark,
 Che-co, his x mark,
 So-wat-so, his x mark,
 Wah-be-min, his x mark.

Signed in the presence of—

John Tipton,
 Th. Jo. Owen, United States Indian agent,
 J. B. Beaubien,
 B. H. Laughton, interpreter,
 G. S. Hubbard, interpreter,

William Conner, interpreter,
 Thomas Hartzell,
 Meadore B. Beaubien,
 James Conner,
 Henry B. Hoffman.

After the signing of this treaty, and at the request of the Indians, three thousand dollars was applied to the purchasing of horses; which were purchased and delivered to the Indians by our direction, leaving the balance to be paid in merchandise at this time, forty-two thousand dollars.

Horses delivered.

Jonathan Jennings,
 J. W. Davis,
 Marks Crume,

Commissioners.

It is agreed, on the part of the United States, that the following claims shall be allowed, agreeably to the fourth article of the foregoing treaty, viz:

Claims to be paid.

To Gurdon S. Hubbard, five thousand five hundred and seventy three dollars.

Samuel Miller, seven hundred and ninety dollars.

John Bt. Bobea, three thousand dollars.

Robert A. Kinzie, four hundred dollars.

Jacque Jombeaux, one hundred and fifty dollars.

Jacque Jombeaux, senior, fifteen hundred dollars.

Medad B. Bobeaux, five hundred and fifty dollars.

Noel Vasier, eighteen hundred dollars.

Joseph Balies, twelve hundred and fifty dollars.

Joseph Shawnier, one hundred and fifty dollars.

Thomas Hartzell, three thousand dollars.

Bernardus H. Lawton, three thousand five hundred dollars.

George Walker, seven hundred dollars.

Stephen J. Scott, one hundred dollars.

Cole Weeks, thirty eight dollars.

Timothy B. Clark, one hundred dollars.

George Pettijohn, fifty dollars.

Thomas Forsyth, five hundred dollars.

Antoine Le Clerc, fifty-five dollars.

James B. Campbell, fifty-three dollars.

TREATY WITH THE CHICKASAW, 1832.

John W. Blackstone, sixty dollars.
 Alexander Robinson, ninety-one dollars.
 Francis Bullona, jr. one thousand dollars.
 John Bt. Chevalier six hundred and sixty dollars.
 Joseph La Frombois four hundred and forty-one dollars.
 Leon Bourasau eight hundred dollars.
 Peter Menard, jr. thirty-seven dollars.
 Joseph Shoemaker, eighteen dollars.
 Tunis S. Wendell one thousand dollars.
 F. H. Countraman, forty dollars.
 Samuel Morris, one hundred and forty dollars.
 William Conner, two thousand dollars.
 John B. Bourie, twelve hundred dollars.

Jonathan Jennings,
 J. W. Davis,
 Marks Crume,
 Commissioners.

TREATY WITH THE CHICKASAW, 1832.

Oct. 26, 1832.
 7 Stat., 281.
 Proclamation Mar.
 1, 1833.

Articles of a treaty made and entered into between Genl. John Coffee, being duly authorised thereto, by the President of the United States, and the whole Chickasaw Nation, in General Council assembled, at the Council House, on Pontitock Creek on the twentieth day of October, 1832.

Preamble.

THE Chickasaw Nation find themselves oppressed in their present situation; by being made subject to the laws of the States in which they reside. Being ignorant of the language and laws of the white man, they cannot understand or obey them. Rather than submit to this great evil, they prefer to seek a home in the west, where they may live and be governed by their own laws. And believing that they can procure for themselves a home, in a country suited to their wants and condition, provided they had the means to contract and pay for the same, they have determined to sell their country and hunt a new home. The President has heard the complaints of the Chickasaws, and like them believes they cannot be happy, and prosper as a nation, in their present situation and condition, and being desirous to relieve them from the great calamity that seems to await them, if they remain as they are—He has sent his Commissioner Genl. John Coffee, who has met the whole Chickasaw nation in Council, and after mature deliberation, they have entered into the following articles, which shall be binding on both parties, when the same shall be ratified by the President of the United States by and with the advice and consent of the Senate.

Cession of lands to
 United States.

ARTICLE I. For the consideration hereinafter expressed, the Chickasaw nation do hereby cede, to the United States, all the land which they own on the east side of the Mississippi river, including all the country where they at present live and occupy.

Ceded lands to be
 surveyed, etc.

ARTICLE II. The United States agree to have the whole country thus ceded, surveyed, as soon as it can be conveniently done, in the same manner that the public lands of the United States are surveyed in the States of Mississippi and Alabama, and as soon thereafter as may be practicable, to have the same prepared for sale. The President of the United States will then offer the land for sale at public auction, in the same manner and on the same terms and conditions as the other public lands, and such of the land as may not sell at the public sales shall be offered at private sale, in the same manner that other private sales are made of the United States lands.

TREATY WITH THE CHIPPEWA, ETC., 1833.

Sept. 26, 1833.

7 Stat., 421.
Proclamation, Feb.
21, 1836.See supplementary
articles, post, 439.

Articles of a treaty made at Chicago, in the State of Illinois, on the twenty-sixth day of September, in the year of our Lord one thousand eight hundred and thirty-three, 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 Potawatamie Indians of the other part, being fully represented by the Chiefs and Head-men whose names are hereunto subscribed—which Treaty is in the following words, to wit:

Lands ceded to
United States.

ARTICLE 1st.—The said United Nation of Chippewa, Ottawa, and Potawatamie Indians, cede to the United States all their land, along the western shore of Lake Michigan, and between this Lake and the land ceded to the United States by the Winnebago nation, at the treaty of Fort Armstrong made on the 15th September 1832—bounded on the north by the country lately ceded by the Menominees, and on the south by the country ceded at the treaty of Prairie du Chien made on the 29th July 1829—supposed to contain about five millions of acres.

Lands west of the
Mississippi assigned to
the Indians.

ARTICLE 2d.—In part consideration of the above cession it is hereby agreed, that the United States shall grant to the said United Nation of Indians to be held as other Indian lands are held which have lately been assigned to emigrating Indians, a tract of country west of the Mississippi river, to be assigned to them by the President of the United States—to be not less in quantity than five millions of acres, and to be located as follows: beginning at the mouth of Boyer's river on the east side of the Missouri river, thence down the said river to the mouth of Naudoway river, thence due east to the west line of the State of Missouri, thence along the said State line to the northwest corner of the State, thence east along the said State line to the point where it is intersected by the western boundary line of the Sacs and Foxes—thence north along the said line of the Sacs and Foxes, so far as that when a straight line shall be run therefrom to the mouth of Boyer's river (the place of beginning) it shall include five millions of acres. And as it is the wish of the Government of the United States that the said nation of Indians should remove to the country thus assigned to them as soon as conveniently can be done; and it is deemed advisable on the part of their Chiefs and Headmen that a deputation should visit the said country west of the Mississippi and thus be assured that full justice has been done, it is hereby stipulated that the United States will defray the expenses of such deputation, to consist of not more than fifty persons, to be accompanied by not more than five individuals to be nominated by themselves, and the whole to be under the general direction of such officer of the United States Government as has been or shall be designated for the purpose.—And it is further agreed that as fast as the said Indians shall be prepared to emigrate, they shall be removed at the expense of the United States, and shall receive subsistence while upon the journey, and for one year after their arrival at their new homes.—It being understood, that the said Indians are to remove from all that part of the land now ceded, which is within the State of Illinois, immediately on the ratification of this treaty, but to be permitted to retain possession of the country north of the boundary line of the said State, for the term of three years, without molestation or interruption and under the protection of the laws of the United States.

Money to be paid
by United States.

ARTICLE 3d.—And in further consideration of the above cession, it is agreed, that there shall be paid by the United States the sums of money hereinafter mentioned: to wit.

One hundred thousand dollars to satisfy sundry individuals, in behalf of whom reservations were asked, which the Commissioners refused to grant: and also to indemnify the Chippewa tribe who are parties to

this treaty for certain lands along the shore of Lake Michigan, to which they make claim, which have been ceded to the United States by the Menominee Indians—the manner in which the same is to be paid is set forth in Schedule "A" hereunto annexed.

One hundred and fifty thousand dollars to satisfy the claims made against the said United Nation which they have here admitted to be justly due, and directed to be paid, according to Schedule "B" hereunto annexed.

One hundred thousand dollars to be paid in goods and provisions, a part to be delivered on the signing of this treaty and the residue during the ensuing year.

Two hundred and eighty thousand dollars to be paid in annuities of fourteen thousand dollars a year, for twenty years.

One hundred and fifty thousand dollars to be applied to the erection of mills, farm houses, Indian houses and blacksmith shops, to agricultural improvements, to the purchase of agricultural implements and stock, and for the support of such physicians, millers, farmers, blacksmiths and other mechanics, as the President of the United States shall think proper to appoint.

Seventy thousand dollars for purposes of education and the encouragement of the domestic arts, to be applied in such manner, as the President of the United States may direct.—[The wish of the Indians being expressed to the Commissioners as follows: The united nation of Chippewa, Ottawa and Potawatamie Indians being desirous to create a perpetual fund for the purposes of education and the encouragement of the domestic arts, wish to invest the sum of seventy thousand dollars in some safe stock, the interest of which only is to be applied as may be necessary for the above purposes. They therefore request the President of the United States, to make such investment for the nation as he may think best. If however, at any time hereafter, the said nation shall have made such advancement in civilization and have become so enlightened as in the opinion of the President and Senate of the United States they shall be capable of managing so large a fund with safety they may withdraw the whole or any part of it.]

Fund for the purposes of education, etc.

Four hundred dollars a year to be paid to Billy Caldwell, and three hundred dollars a year, to be paid to Alexander Robinson, for life, in addition to the annuities already granted them—Two hundred dollars a year to be paid to Joseph Lafromboise and two hundred dollars a year to be paid to Shabehnay, for life.

Annuities

Two thousand dollars to be paid to Wau-pon-eh-see and his band, and fifteen hundred dollars to Awn-kote and his band, as the consideration for nine sections of land, granted to them by the 3d Article of the Treaty of Prairie du Chien of the 29th of July 1829 which are hereby assigned and surrendered to the United States.

Payments for sections of land.

ARTICLE 4th.—A just proportion of the annuity money, secured as well by former treaties as the present, shall be paid west of the Mississippi to such portion of the nation as shall have removed thither during the ensuing three years.—After which time, the whole amount of the annuities shall be paid at their location west of the Mississippi.

Where annuities shall be paid.

ARTICLE 5th.—[Stricken out.]

This treaty after the same shall have been ratified by the President and Senate of the United States, shall be binding on the contracting parties.

Treaty binding when ratified.

In testimony whereof, the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men of the said nation of Indians, have hereunto set their hands at Chicago, the said day and year.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
To-pon-e-lux, his x mark,

Sau-ko-noek,
Che-che-bin-quay, his x mark,
Joseph, his x mark,
Wah-mix-i-co, his x mark,

TREATY WITH THE CHIPPEWA, ETC., 1837.

Ob-wa-quan-unk, his x mark,
 N-aw-way-quet, his x mark,
 Puk-quech-a-mis-nee, his x mark,
 Nah-che-wine, his x mark,
 Ke-wase, his x mark,
 Wah-bou-esh, his x mark,
 Mang-e-ett, his x mark,
 Caw-we-ant, his x mark,
 Ah-be-to-ke-zhic, his x mark,
 Pat-e-go-shuc, his x mark,
 E-to-wow-cota, his x mark,
 Shim-e-nah, his x mark,
 O-ches-pwaise, his x mark,
 Ce-nah-ge-win, his x mark,
 Shaw-waw-nas-see, his x mark,
 Shab-eh-nay, his x mark,
 Mac-a-ta-o-ehic, his x mark,
 Squah-ke-zic, his x mark,
 Mah-che-o-tah-way, his x mark,
 Cha-ke-ta-ah, his x mark,
 Me-am-see, his x mark,
 Shay-tee, his x mark,
 Kee-new, his x mark,
 Ne-bay-noc-ecum, his x mark,
 Naw-bay-caw, his x mark,
 O'Kee-mase, his x mark,
 Saw-o-tup, his x mark,
 Me-tal-way, his x mark,
 Na-ma-ta-way-shuc, his x mark,
 Shaw-waw-nuk-wuk, his x mark,
 Nah-che-wah, his x mark,
 Sho-bon-nier, his x mark,
 Me-nuk-quet, his x mark,
 Chis-in-ke-bah, his x mark,
 Mix-e-maung, his x mark,
 Nah-bwait, his x mark,

Sen-e-bau-un, his x mark,
 Puk-woa, his x mark,
 Wa-be-no-say, his x mark,
 Non-tou-ish, his x mark,
 No-nee, his x mark,
 Mac-quat, his x mark,
 Sho-mia, his x mark,
 Ah-take, his x mark,
 He-me-nah-wah, his x mark,
 Che-pec-co-quah, his x mark,
 Mis-quab-o-no-quah, his x mark,
 Wah-be-Kal, his x mark,
 Ma-ca-ta-ke-ehic, his x mark,
 Sho-mia, (2d.) his x mark,
 She-mah-gah, his x mark,
 O'ke-mah-wah-be-see, his x mark,
 Na-mash, his x mark,
 Shab-y-a-tuk, his x mark,
 Ah-cah-o-mah, his x mark,
 Quah-quah, tah, his x mark,
 Ah-see-e-ralah-cum, his x mark,
 Pa-mob-a-mee, his x mark,
 Nay-o-ay, his x mark,
 Ce-tah-quah, his x mark,
 Ce-ku-tay, his x mark,
 Sauk-ee, his x mark,
 Ah-quee-wee, his x mark,
 Ta-cau-ko, his x mark,
 Me-ehim-e-nah, his x mark,
 Wah-see-kuk, his x mark,
 Pe-nay-o-cat, his x mark,
 Pay-maw-see, his x mark,
 Pe-sha-ka, his x mark,
 Shaw-we-mon-o-tay, his x mark,
 Ah-be-nah, his x mark,
 Sau-sau-quas-see, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to commis-
 sion,
 E. A. Brush,
 Luther Rice, interpreter,
 James Conner, interpreter,
 John T. Schermerhorn, commissioner,
 etc. west,
 A. G. Pepper, S. A. R. P.
 Gbo. Kercheval, sub-agent,
 Geo. Bender, major, Fifth Regiment In-
 fantry,
 D. Wilcox, captain, Fifth Regiment,
 J. M. Barley, captain, Fifth Infantry,
 R. A. Forsyth, U. S. Army,
 L. T. Jamison, lieutenant, U. S. Army,
 E. K. Smith, lieutenant, Fifth Infantry,
 P. Maxwell, assistant surgeon,
 J. Allen, lieutenant, Fifth Infantry,
 I. P. Simonton, lieutenant, U. S. Army,
 George F. Turner, assistant surgeon, U. S.
 Army,
 Richd. J. Hamilton,
 Robert Stuart,
 Jona. McCarty,

Daniel Jackson, of New York,
 Jno. H. Kinzie,
 Robt. A. Kinzie,
 G. S. Hubbard,
 J. C. Schwarz, adjutant general M. M.
 Jn. B. Beaubrier,
 James Kinzie,
 Jacob Beeson,
 Saml. Humes Porter,
 Andw. Porter,
 Gabriel Godfroy,
 A. H. Arndt,
 Lauris Marsh,
 Joseph Chaunier,
 John Watkins,
 B. B. Kercheval,
 Jas. W. Berry,
 Wm. French,
 Thomas Forsyth,
 Pierre Menard, fils,
 Edmd. Roberts,
 Geo. Hunt,
 Isaac Nash.

SCHEDULE "A."

(Referred to in the Treaty, containing the sums payable to individuals in lieu of Reservations.)

	Dollars.
Jesse Walker	1500
Henry Cleveland	800
Rachel Hall	800
Sylvia Hall	800
Joseph Laframboise and children	1000

	Dollars.
Victoire Forthier and her children	700
Jean St. Miranda	300
Jane Miranda } For each of whom John	300
Rosetta Miranda } H. Kinzie is Trustee	300
Thomas Miranda }	400
Alexander Muller, (Gibson Kercheval, trustee	800
Pascal Muller, do. do.	800
Margaret Muller	300
Socra Muller	300
Angelique Chevallier	300
Joseph Chevallier	300
Fanny Leclere (Captain David Hunter, Trustee)	400
Daniel Bourassa's children	400
Nancy Contraman } For each of whom J. B	600
Bally Contraman } Campbell is Trustee	600
Betsy Contraman }	600
Alexis Laframboise	800
Alexis Laframboise's children	1300
Mrs. Mann's children	600
Mrs. Mann (daughter of Antoine Ouilmet)	400
(Geo. Turkey's children (Fourier) Th. J. V. Owen Trustee	500
Jacques Chapeau's children do. do.	600
Antonie Roscum's children	750
Francois Barbonnals' Senrs. children	400
Francis Barbonnals' Jr. children	300
John St. Cloutier's children, (Robert A. Kinzie Trustee)	600
Claude Lafromboise's children	300
Antoine Ouilmet's children	300
Josephine Ouilmet (John H. Kinzie, Trustee)	200
Mrs. Welsh (daughter of Antoine Ouilmet)	200
Alexander Robinson's children	400
Billy Caldwell's children	600
Mo-ah-way	200
Medare B. Beaubien	370
Charles H. Beaubien	300
John K. Clark's Indian children, (Richard J. Hamilton, Trustee)	400
Josephine Juno and her children	1000
Angelique Juno	300
Josephine Beaubien's children	1000
Mah-go-que's child (James Kinzie, Trustee)	300
Esther, Rosene and Eleanor Bailly	600
Sophia, Hortense and Therese Bailly	1000
Rosa and Mary children of Hoo-mo-ni-gah wife of Stephen Mack	600
Jean St. Rabba's children	400
Francis Chevallier's children	800
Mrs. Nancy Jamison and child	800
Co-pah, son of Archange	250
Martha Burnett (R. A. Foreyth, Trustee)	1000
Isadore Chabert's child (G. S. Hubbard Trustee)	400
Chee-bee-qui or Mrs. Allen	500
Luther Rice and children	2500
John Jones	1000
Pierre Corbonno's Children	800
Pierre Chalipeaux's children	1000
Phoebe Treat and children	1000
Robert Foreyth of St. Louis Mo	500
Alexander Robinson	5000
Billy Caldwell	5000
Joseph Laframboise	3000
Nis noan see (B. B. Kercheval Trustee)	200
Margaret Hall	1000
James, William, David and Sarah children of Margaret Hall	3200
Margaret Ellen Miller, Mont-	800
gomery Miller and Finly } for each of whom Richard	800
Miller, grandchildren of } J. Hamilton of Chicago is	800
Margaret Hall. } Trustee	800
Jean Letendre's children	200
Bernard Grignon	100
Josephine Polier	100
Joseph Vieux, Jacques Vieux, Louis Vieux, and Josephine Vieux each \$100.	400
Angelique Hardwick's children	1800
Joseph Bourassa and Mark Bourassa	300
Jule Bourassa and Therese Bourassa	200

TREATY WITH THE CHIPPEWA, ETC., 1833.

	Dollars.
Stephen Bourassa and Gabriel Bourassa.....	200
Alexander Bourassa and James Bourassa.....	200
Eliel Bourassa and Jerome Bourassa.....	200
M. D. Bourassa.....	100
Ann Rice and her Son William M. Rice and Nephew John Leib.....	1000
Agate Biddle and her children.....	900
Magdaline Laframboise and her son.....	400
Therese Schandler.....	200
Joseph Dailly's son and daughter Robert and Therese.....	500
Therese Lawe and George Lawe.....	200
David Lawe and Rachel Lawe.....	200
Rebecca Lawe and Maria Lawe.....	200
Polly Lawe and Jane Lawe.....	200
Appotone Lawe.....	100
Angelique Vieux and Amable Vieux.....	200
Andre Vieux and Nicholas Vieux.....	200
Pierre Vieux and Maria Vieux.....	200
Madaline Thibeault.....	100
Paul Vieux and Joseph Vieux.....	200
Susanne Vieux.....	100
Louis Grignon and his son Paul.....	200
Paul Grignon Sen'r. and Amable Grignon.....	200
Perish and Robert Grignon.....	200
Catist Grignon and Elizabeth Grignon.....	200
Ursal Grignon and Charlotte Grignon.....	200
Louise Grignon and Rachel Grignon.....	200
Agate Porlier and George Grignon.....	200
Amable Grignon and Emily Grignon.....	200
Therese Grignon and Simon Grignon.....	200
William Burnett (B. B. Kercheval Trustee).....	1000
Shan-na-nees.....	400
Josette Beaubien.....	500
For the Chippewa, Ottawa, and Potawatamie Students at the Choctaw } Academy. The Hon. R. M. Johnson to be the Trustee.	5000
James and Richard J. Connor.....	700
Pierre Duverney and Children.....	300
Joshua Boyd's Children (Geo. Boyd Esq to be the Trustee.).....	500
Joseph Bailly.....	4000
R. A. Forsyth.....	3000
Gabriel Godfroy.....	2420
Thomas R. Covill.....	1300
George Hunt.....	750
James Kinale.....	5000
Joseph Chaunier.....	550
John and Mark Noble.....	180
Alexis Provansalle.....	100
One hundred thousand dollars.....	\$100,000

SCHEDULE "B."

(Referred to in the treaty containing the sums payable to individuals, on claims admitted to be justly due, and directed to be paid.)
[See Second Amendment, at end of this treaty.]

	Dollars.
Brewster Hogan & Co.....	243
John S. C. Hogan.....	50
Frederick H. Contraman.....	200
Brookfield & Bertrand.....	100
R. E. Heacock.....	100
George W. McClure, U. S. A.....	125
David McKee.....	180
Oliver Emmell.....	300
George Hollenbeck.....	100
Martha Gray.....	78
Charles Taylor.....	187
Joseph Naper.....	71
John Mann.....	200
James Walker.....	200
John Blackstone.....	100

	Dollars.
Harris & McCord.....	178
George W. Dole.....	133
George Haverhill.....	60
William Whistler, U. S. A.....	1000
Squire Thompson.....	100
C. C. Troubridge.....	2010
Louis Drullard.....	330
Abraham Francis.....	23
D. R. Beane & Co.....	250
Dr. E. Winslow.....	150
Nicholas Klingler.....	77
Joseph Porthier.....	200
Clark Hollenbeck.....	50
Henry Enslin.....	75
Robert A. Kinzie.....	1218
Joseph Ogilvie.....	200
Thomas Hartzell.....	400
Calvin Britain.....	48
Benjamin Fry.....	400
Pierre F. Navarro.....	100
C. H. Chapman.....	30
James Kinzie.....	300
G. S. Hubbard.....	125
Jacques Jenveaux.....	150
John B. Du Charme.....	65
John Wright.....	15
James Galloway.....	200
William Marquis.....	150
Louis Chevalier, Adm'r of J. B. Chevalier dec'd.....	112
Solomon McCallough.....	100
Joseph Curtis.....	50
Edward E. Hunter.....	90
Rachel Legg.....	25
Peter Lamsee.....	100
Robert Beresford.....	200
G. W. & W. Laird.....	150
M. B. Beaubien.....	440
Jeduthan Smith.....	60
Edmund Weed.....	100
Phillip Maxwell, U. S. A.....	35
Henry Gratlot.....	118
Tyler K. Blodgett.....	50
Nehemiah King.....	125
S. P. Brady.....	188
James Harrington.....	68
Samuel Ellice.....	50
Peter Menard, Maume.....	500
John W. Anderson.....	350
David Bailey.....	50
Wm. G. Knaggs.....	100
John Hirely.....	150
John B. Bertrand, Sen'r.....	50
Robert A. Forsyth.....	3000
Maria Kercheval.....	3000
Alice Hunt.....	3000
Jane C. Forsyth.....	3000
John H. Kinzie.....	5000
Ellen M. Wolcott.....	5000
Maria Hunter.....	5000
Robert A. Kinzie.....	5000
Samuel Godfroy.....	120
John E. Schwarz.....	4800
Joseph Loranger.....	5000
H. B. and G. W. Hoffman.....	358
Phelps & Wendell.....	680
Henry Johns.....	270
Benjamin C. Hoyt.....	20
John H. Kinzie, in trust for the heirs of Jos. Miranda, dec'd.....	250
Francis Bourbonnais, Senr.....	500
Francis Bourbonnais, junr.....	200
R. A. Forsyth, in trust for Catherine McKenzie.....	1000
James Laird.....	50
Montgomery Evans.....	250
Joseph Bertrand, jr.....	300

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	Dollars.
George Hunt.....	900
Benjamin Sherman.....	150
W. and F. Brewster, Assignees of Joseph Bertrand, Senr.....	700
John Forsyth, in trust for the heirs of Charles Peltier, dec'd.....	900
William Hazard.....	30
James Shirley.....	125
Jacob Patter.....	25
John B. Bourie.....	2500
B. B. Kercheval.....	1500
Charles Lucier.....	75
Mark Beaubien.....	500
Catharine Stewart.....	82
Francis Mouton.....	200
Dr. William Brown.....	40
R. A. Forsyth, in trust for heirs of Charles Guion.....	200
Joseph Bertrand, Senr.....	652
Moses Rice.....	800
James Connor.....	2250
John B. Du Charne.....	250
Coquillard & Comparet.....	5000
Richard J. Hamilton.....	500
Adolphus Chapin.....	80
John Dixon.....	140
Wm. Huff.....	81
Stephen Mack, in trust for the heirs of Stephen Mack, dec'd.....	500
Thomas Forsyth.....	1500
Felix Fontaine.....	200
Jacque Mette.....	200
Francis Boucher.....	250
Margaret Helm.....	2000
O. P. Lacy.....	1000
Henry and Richard J. Connor.....	1500
James W. Craig.....	50
R. A. Forsyth (Maumee).....	1300
Antoine Peltier do.....	200
R. A. Forsyth, in trust for Wau-se-on-o-quet.....	300
John E. Hunt.....	1450
Payne C. Parker.....	70
Isaac Hull.....	1000
Foreman Evans.....	82
Horatio N. Curtis.....	300
Ica Rice.....	250
Thomas P. Quick.....	35
George B. Woodcox.....	60
John Woodcox.....	40
George B. Knaggs.....	1400
Ebenezer Read.....	100
George Pomeroy.....	150
Thomas K. Green.....	70
William Meure, in trust for Willis Fellows.....	500
Z. Cicott.....	1800
John Johnson.....	100
Antoine Antilla.....	100
John Baldwin.....	500
Isaac G. Bailey.....	100
James Cowen.....	35
Joseph D. Lane.....	50
T. E. Phelps.....	250
Edmund Roberts.....	50
Augustus Bona.....	60
E. C. Winter & Co.....	1850
Charles W. Ewing.....	200
Antoine Oulmet.....	800
John Bt. Chandonal, (\$1000 of this sum to be paid to Robert Stuart, agent of American Fur Company, by the particular request of Jno. B. Chandonal,.)	2500
Lowrin Marsh.....	3290
P. & J. J. Godfroy.....	2000
David Hull.....	500
Andrew Drouillard.....	500
Jacob Beeson & Co.....	220
Jacob Beeson.....	800
John Anderson.....	600
John Green.....	100
James B. Campbell.....	600

TREATY WITH THE CHIPPEWA, ETC., 1833.

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	Dollars.
Pierre Menard, Jun. in right of G. W. Campbell	250
George E. Walker.....	1000
Joseph Thelault	50
Gideon Lowe, U. S. A.....	160
Pierre Menard, Jun	2000
John Tharp.....	45
Pierre Menard, Junr. in trust for Marie Tremblé	500
Henry B. Stillman	300
John Hamblin.....	500
Francois Page.....	100
George Brooks.....	20
Franklin McMillan.....	100
Lorance Shellhouse	30
Martin G. Shellhouse.....	35
Peter Bellair.....	150
Joseph Morass.....	200
John I. Wendell.....	2000
A. T. Hatch	300
Stephen Downing.....	100
Samuel Miller.....	100
Moses Hardwick	75
Margaret May.....	400
Francois Felix.....	1100
John B. Bourie.....	500
Harriet Ewing.....	500
Nancy Hedges.....	500
David Bourie	500
Caroline Fery.....	500
Bowie & Minie.....	500
Charles Minie.....	600
Francis Minie.....	700
David Bourie	150
Henry Ossum Reed.....	200
Francoise Bezon.....	2500
Dominique Rousseau	500
Hanna & Taylor.....	1570
John P. Hedges.....	1000
Francoise Chobare	1000
Isadore Chobare	600
Jacob Leephart	700
Amos Amaden	400
Nicholas Bollvin	350
Archibald Clyburn	200
William Conner (Michigan)	70
Tunis S. Wendall.....	500
Noel Vasseur	800
James Abbott, agent of the American Fur Company.....	2300
Robert Stewart, agent of the American Fur Company.....	17000
Solomon Jauneau	2100
John Bt. Beaubien	250
Stephen Mack, Jnr.....	350
John Lawe	3000
Alexis Larose	1000
Daniel Whitney.....	1350
P. & A. Grignon	650
Louis Grignon	2000
Jacques Vieux	2000
Laframboise & Bourassa	1300
Heirs of N. Bollvin, deceased	1000
John K. Clark	400
William G. & G. W. Ewing.....	5000
Rufus Hitchcock	400
Reed and Cuons.....	200
B. H. Loughton.....	1000
Rufus Downing	500
Charles Reed	200

One hundred and seventy-five thousand dollars \$175,000

The above claims have been admitted and directed to be paid, only in case they be accepted in full of all claims and demands up to the present date.

G. B. Porter,
Th. J. V. Owen,
William Weatherford.

Sept. 27, 1833.
Goods purchased
and delivered.

Agreeably to the stipulations contained in the 3d Article of the Treaty, there have been purchased and delivered at the request of the Indians, goods, provisions and horses to the amount of sixty-five thousand dollars (leaving the balance to be supplied in the year one thousand eight hundred and thirty-four, thirty-five thousand dollars.)

As evidence of the purchase and delivery as aforesaid under the direction of the said Commissioners, and that the whole of the same have been received by the said Indians, the said George B. Porter, Thomas J. V. Owen and William Weatherford, and the undersigned Chiefs and Head-men on behalf of the said United Nation of Indians have hereunto set their hands the twenty-seventh day of September in the year of our Lord one thousand eight hundred and thirty-three.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
Jo-pen-e-bee, his x mark,
We-saw, his x mark,
Ne-kaw-nooh-kee, his x mark,
Wai-saw-o-ke-ne-aw, his x mark,
Ne-see-waw-bee-tuck, his x mark,
Kai-kaw-tai-mon, his x mark,
Saw-ko-nooh,

Tabe-Tabee-chin-be-quay, his x mark,
Joseph, his x mark,
Shab-e-nal, his x mark,
Ah-be-te-re-ahic, his x mark,
E-to-woon-rots, his x mark,
Shab-y-e-tuk, his x mark,
Me-am-see, his x mark,
Wah-be-me-rose, his mark,
Shim-e-nah, his x mark,
We-in-co, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to the
commission,
R. A. Forsyth, U. S. Army,
Madn. F. Abbott,
Saml. Humes Porter,

Andw. Porter,
Joseph Bertrand, junr.
Jno. H. Kinzie,
James Conner, interpreter,
J. E. Schwarz, adjutant-general, M. M.

Sept. 27, 1833.
7 Stat., 442.

Articles supplementary, to the treaty made at Chicago, in the State of Illinois, on the 26th day of September, one thousand eight hundred and thirty-three, 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 Potawatamie Indians, of the other part, concluded at the same place on the twenty-seventh day of September, one thousand eight hundred and thirty-three, between the said Commissioners on the part of the United States of the one part, and the Chiefs and Head-men of the 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.

Cession of land to
United States.

ARTICLE 1st—The said chiefs and head-men cede to the United States, all their land situate in the Territory of Michigan south of Grand river being the reservation at Notawasepe of 4 miles square contained in the 3d clause of the 2d article of the treaty made at Chicago, on the 29th day of August 1821, and the ninety-nine sections of land contained in the treaty made at St. Joseph on the 19th day of Sept. 1827;—and also the tract of land on St. Joseph river opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of To-pc-ne-bee and Pokagon are situated, supposed to contain about 49 sections.

Chiefs and headmen
parties to treaty.

ARTICLE 2d—In consideration of the above cession, it is hereby agreed that the said chiefs and head-men and their immediate tribes shall be considered as 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, that there shall be paid by the United States, the sum of one hundred thousand dollars: to be applied as follows.

Ten thousand dollars in addition to the general fund of one hundred thousand dollars, contained in the said treaty to satisfy sundry individuals in behalf of whom reservations were asked which the Commissioners refused to grant;—the manner in which the same is to be paid being set forth in the schedule "A," hereunto annexed.

Money to be paid for lands relinquished.

Twenty-five thousand dollars in addition to the sum of one hundred and fifty thousand dollars contained in the said Treaty, to satisfy the claims made against all composing the United Nation of Indians, which they have admitted to be justly due, and directed to be paid according to Schedule "B," to the Treaty annexed.

Twenty-five thousand dollars, to be paid in goods, provisions and horses, in addition to the one hundred thousand dollars contained in the Treaty.

Goods, provisions, etc.

And forty thousand dollars to be paid in annuities of two thousand dollars a year for twenty years, in addition to the two hundred and eighty thousand dollars inserted in the Treaty, and divided into payments of fourteen thousand dollars a year.

Annuities.

ARTICLE 3d—All the Indians residing on the said reservations in Michigan shall remove therefrom within three years from this date, during which time they shall not be disturbed in their possession, nor in hunting upon the lands as heretofore. In the mean time no interruption shall be offered to the survey and sale of the same by the United States. In case, however, the said Indians shall sooner remove the Government may take immediate possession thereof.

Indians to remove in three years.

ARTICLE 4th—[Stricken out. See 4th Amendment at end of treaty.]

Obligatory when ratified.

These supplementary articles after the same shall have been ratified by the President and Senate of the United States shall be binding on the contracting parties.

In testimony whereof, the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men of the said United Nation of Indians, have hereunto set their hands at Chicago, the said day and year.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,
To-pen-e-bee, his x mark,
We-saw, his x mark,
Ne-kaw-nooh-kee, his x mark,
Wai-saw-o-to-ne-aw, his x mark,
Po-ka-gon, his x mark,
Kai-kaw-tai-mon, his x mark,
Pe-pe-ah, his x mark,
Ne-see-waw-bee-tuck, his x mark,
Kitchee-bau, his x mark,
Fee-chee-ko, his x mark,
Nai-gaw-geocke, his x mark,
Wag-maw-kan-so, his x mark,
Mai-go-sai, his x mark,
Nai-chee-wai, his x mark,
Aka-puck-sick, his x mark,
Kaw-kai-mai, his x mark,
Mane-kai-sick, his x mark,
L'am-ko-wuck, his x mark,
No-taw-zai, his x mark,
Kauk-muck-kiein, his x mark,
Wes-see-nion, his x mark,
Moo-ben-out, his x mark,
Kee-o-kum, his x mark.

Maatch-kee, his x mark,
Kaw-bai-me-sai, his x mark,
Wees-ke-qua-tap, his x mark,
Ship-she-wuh-no, his x mark,
Wah-co-mah-o-pe-tuk, his x mark,
Ne-so-wah-quet, his x mark,
Shay-o-no, his x mark,
Ash-o-nee, his x mark,
Mix-i-nee, his x mark,
Ne-wah-ox-see, his x mark,
Sauk-e-mau, his x mark,
Shaw-waw-nuk-wuk, his x mark,
Mo-rah, his x mark,
Suk-see, his x mark,
Quesh-a-wase, his x mark,
Pat-o-go-to, his x mark,
Mash-ke-oh-see, his x mark,
Mo-nase, his x mark,
Wab-e-kale, his x mark,
Shay-oh-new, his x mark,
Mo-gua-go, his x mark,
Pe-qua-shuc, his x mark,
A-inuwa-noc-ey, his x mark,
Kau-ke-eh-ke-to, his x mark,
Shaw-waw-nuk-wuk, his x mark.

In presence of-

Wm. Lee D. Ewing, secretary to the commission,
E. A. Brush,
Luther Rice, interpreter,
James Conner, interpreter,
Joseph Bertrand, jr., interpreter,
Gen. Ketchival, with Indian agent,

J. L. Thompson, lieutenant Fifth Infantry,
J. Allen, lieutenant Fifth Infantry,
P. Maxwell, assistant surgeon U. S. Army,
Geo. F. Turner, assistant surgeon U. S. Army,

TREATY WITH THE CHIPPEWA, ETC., 1833.

B. B. Kercheval,	L. M. Taylor,
Thomas Forsyth,	Pierre Menard, s/n,
Daniel Jackson, of New York,	Jacob Besson.
J. E. Schwarz, adjut-at-general M. M.	Samuel Humes Porter,
Robt. A. Kinzie,	Edmd. Roberts,
G. S. Hubbard,	Jno. H. Kinzie,
Geo. Bender, major Fifth Regiment In-	Jas. W. Berry,
fantry,	Gabriel Godfroy, jr.
D. Wilcox, captain Fifth Regiment,	Geo. Hunt,
J. M. Baxley, captain Fifth Infantry,	A. H. Arndt,
R. A. Forsyth, U. S. Army,	Andw. Porter,
L. T. Jamison, Lieutenant U. S. Army,	Isaac Nash,
O. K. Smith, lieutenant Fifth Infantry,	Richard J. Hamilton.

SCHEDULE "A,"

Referred to in the Article supplementary to the Treaty, containing the sums payable to Individuals, in lieu of Reservations of Land.

	Dollars.
Po-ka-gon	2000
Rebecca Burnett } Edward Brooks Trustee for: each {	500
Mary Burnett }	250
Martha Burnett (R. A. Forsyth Trustee)	250
Madaline Bertrand	200
Joseph Bertrand Junr	200
Luke Bertrand Junr	200
Benjamin Bertrand	200
Lawrence Bertrand	200
Theresa Bertrand	200
Amable Bertrand	200
Julianne Bertrand	200
Joseph H. Bertrand	100
Mary M. Bertrand	100
M. L. Bertrand	100
John B. Du Charme	200
Elizabeth Du Charme (R. A. Forsyth Trustee)	200
George Henderson	400
Mary Nado and children	400
John St. Chandonal	1000
Charles Chandonal } For each of whom R. A. Forsyth is Trustee {	400
Mary Chandonal }	400
Mary St. Comb and children	200
Sa-gen-nais' daughter	200
Me-chain, daughter of Pe-che-co	200
Alexis Rolan	200
Polly Neighbush	200
Francois Page's wife and children	200
Pierre F. Navarre's children	100
Jarmont (half breed)	100
Ten thousand dollars	\$10,000

Sept. 27, 1833.

Agreeably to the stipulations contained in the Articles supplementary to the Treaty, there have been purchased and delivered at the request of the Indians, Goods, Provisions and Horses to the amount of fifteen thousand dollars (leaving the balance to be supplied hereafter ten thousand dollars.)

As evidence of the purchase and delivery as aforesaid, under the direction of the said commissioners, and that the whole of the same been received by the said Indians, and the said George B. Porter, Thomas J. V. Owen, and William Weatherford, and the undersigned chiefs and head men on behalf of the said United Nation of Indians, have hereunto set their hands the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and thirty-three.

G. B. Porter,
Th. J. V. Owen,
William Weatherford,

To-pen-a-bee, his x mark,
Wee-aw, his x mark,
Ne-kaw-noob-kee, his x mark,

Wai-saw-o-ko-ne-aw, his x mark,
 Ne-see-waw-be-tuk, his x mark,
 Kai-kaw-tai-mon, his x mark,
 Saw-Ka-Noah, his x mark,
 Tehee-tahce-chin-ke-bequay, his x mark,
 Joseph, his x mark,
 Shab-e-nai, his x mark,

Ah-be-to-ke-Zhic, his x mark,
 E-to-wau-coto, his x mark,
 Shab-y-a-tuk, his x mark,
 Ma-ani-ese, his x mark,
 Wah-be-me-inee, his x mark,
 Shim-e-nah, his x mark,
 We-in-co, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to the com-
 mission,
 R. A. Forsyth, U. S. Army,
 John H. Kinzie,
 Madn. F. Abbott,

Saml. Humes Porter,
 Joseph Bertrand, junr.
 Andw. Porter,
 J. E. Schwarz, adjutant-general M. M.
 James Conner, interpreter.

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 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 to them at, L'arbre, Croche.

Witness our hands, the said day and year.

Saw-ka-nosh, his x mark,
 Che-obe-bin-quay, his x mark,
 Ah-be-to-ke-zhic, his x mark,
 Shab-e-nay, his x mark,

O-cheep-pwaise, his x mark,
 Maug-estt, his x mark,
 Shim-e-nah, his x mark,
 Ke-me-nah-wah, his x mark.

In the presence of—

Wm. Lee D. Ewing, secretary to the
 commission,
 Jno. H. Kinzie,
 Richd. J. Hamilton,
 Robert Stuart,

R. A. Forsyth, U. S. Army,
 Saml. Humes Porter,
 J. E. Schwarz, adjutant-general M. M.
 James Conner, interpreter.

The Commissioners certify that when these supplementary articles were ready for signature, the original paper of which the annexed is a copy was presented by Messrs. Peter and James J. Godfroy, and the due execution of it was made satisfactorily appear to the Commissioners, the subscribing witnesses R A Forsyth and Robert A Kinzie being present.—The Chiefs and Head men present recognizing this as a reservation, it was agreed that it shall be considered in the same light as though the purport of the instrument had been inserted in the body of the treaty;—with the understanding that the rejection of it by the President and Senate of the United States shall not affect the validity of the treaty.

G. B. PORTER,
 TH. J. V. OWEN,
 WILLIAM WEATHERFORD.

(Copy of the instrument referred to in the above certificate.—)

Know all men by these presents that we the undersigned Chiefs and Young men of the Potawatamie tribe of Indians living at Na-to-wa-se-pe in the territory of Michigan, for and in consideration of the friendship and sundry services rendered to us by Peter and James J.

May 12, 1833.

TREATY WITH THE CHIPPEWA, ETC., 1833.

Godfroy we do hereby by these presents give, grant, alien, transfer and convey unto the said Godfroys their heirs and assigns forever one entire section of land situate lying and being on our reserve of Na-to-wa-se-pe, in the Territory aforesaid to be located by said Godfroy wherever on said reserve they shall think it more to their advantage and benefit.

It is moreover the wishes of the undersigned Chiefs and Young men as aforesaid, that so soon as there shall be a treaty held between the United States and our said tribe of Pottawatamies, that our great father the President confirm and make good this our grant unto them, the said Godfroys by issuing a patent therefor to them and to their heirs forever.—In so doing our great father will accomplish the wishes of his children.

Done at Detroit, this eighteenth day of May, A. D. one thousand eight hundred and thirty.

In witness whereof, we have hereunto signed, sealed, and set our hands and seals, the day and year last above written.

Penenchese, his x mark,	[L. S.]
Pit-goit-ke-se, his x mark,	[L. S.]
Nah-o-te-nan, his x mark,	[L. S.]
Ke-a-sac-wa, his x mark,	[L. S.]
Sko-paw-ka, his x mark,	[L. S.]
Ce-ce-baw, his x mark,	[L. S.]
Na-wa-po-to, his x mark,	[L. S.]
To-ta-gas, his x mark,	[L. S.]
Pierre Morin, alias Perish, his x mark,	[L. S.]
We-say-gah, his x mark,	[L. S.]

Signed, sealed, and delivered in the presence of us—

R. A. Forsyth,
Robt. A. Kinzie,
G. Godfroy,

Witnesses to the signature of Pierre Morin, alias Perish,
and Wa-say-gah.

Richard Godfroy,
Francis Mouton.

Chicago, Illinois, Oct. 1, 1834.

THO. J. V. OWEN, Esqr. }
U. S. Indian Agent.

Oct. 1, 1834.

FATHER: Feeling a disposition to comply with the resolution of Senate of the United States, and the views of the Government in relation to an alteration in the boundaries of the country ceded to the United nation of Chippewa, Ottawa, and Potawatamie Indians at the treaty at Chicago in the State of Illinois, concluded on the 26th and 27th days of September 1833:—we therefore propose as the chiefs of the said united nation, and for and on their behalf that we will accept of the following alteration in the boundaries of the said tract of country viz:—Beginning at the mouth of Boyer's river; thence down the Missouri river, to a point thereon; from which a due east line would strike the northwest corner of the State of Missouri: thence along the said east line, to the northwest corner of said State; then along the northern boundary line of the said State of Missouri, till it strikes the line of the lands of the Sac and Fox Indians; thence northwardly along said line to a point from which a west line would strike the sources of the Little Sioux river; thence along said west line, till it strikes the said sources of said river; then down said river to its mouth; thence down the Missouri river to the place of beginning: *Provided* the said boundary shall contain five million of acres; but should it

contain more, then said boundaries are to be reduced so as to contain the said five millions of acres.

And, in consideration of the alteration of said boundary we ask that ten thousand dollars should be paid to such commissioner, as shall be designated by us to receive the same west of the Mississippi river, at such place on the tract of country ceded to the said united nation as we may designate, and to be applied, as we may direct for the use and benefit of the said nation. And the further sum of two thousand dollars to be paid to Gholson Kercheval, of Chicago, Ill.: for services rendered the said united nation of Indians during the late war, between the U. S. Government and the Sacs and Foxes; and the further sum of one thousand dollars to George E. Walker for services rendered the said United nation, in bringing Indian prisoners, from west of the Mississippi river to Ottawa, LaSalle county, Ill. for whose appearance at the circuit court of said county, the said nation was bound.

The foregoing propositions are made with the expectation, that with the exception of the alteration in the proposed boundary, and the indemnity herein demanded as an equivalent for said exchange, the whole of the treaty made and concluded at this place on the 26th and 27th days of September 1833, be ratified as made and concluded at that time, within the space of five months from the present date; otherwise it is our wish that the whole of the said treaty should be considered as cancelled.

In witness whereof, we, the undersigned chiefs of the said United Nation of Chippewa, Ottawa, and Pottawatamie Indians, being specially delegated with power and authority to effect this negotiation, have hereto set our hands and seals, at Chicago, in the State of Illinois, on the first day of October, A. D. 1834.

R. Caldwell,	[L. S.]
Kee-tabee-zhing-ee-beh, his x mark,	[L. S.]
Tshee-tabee-beeng-guay, his x mark,	[L. S.]
Joseph, his x mark,	[L. S.]
Ob-ee-tab-kee-zhik, his x mark,	[L. S.]
Wau-bon-see, his x mark,	[L. S.]
Kay-kot-ee-mo, his x mark,	[L. S.]

In presence of—

Richd. J. Hamilton,
Jno. H. Kenzie,
Dr. P. Maxwell, U. S. Army,
J. Grant, jr.,
E. M. Owen,
J. M. Baxley, captain Fifth Infantry.

[NOTE.—This Treaty and Supplementary Articles thereto, were ratified and confirmed, upon the conditions expressed in the two resolutions of the Senate in relation to the same; which conditions as contained in the first named resolution, are as follows:

"That the Senate do advise and consent to the ratification of the Treaty, made on the 26th day of September 1833, at Chicago, by George B. Porter and others, Commissioners on behalf of the United States, and the United Nation of Chippewa, Ottawa, and Pottawatamie Indians, and the supplementary articles thereto, dated on the 27th day of September, 1833, with the following amendments and provisions, to wit, 1st: amend the third article in Schedule A, by striking out the word "ten" and inserting the word *five* as to each of the sums to be paid to Billy Caldwell and Alexander Robinson; so that the sum of five thousand dollars *only* will be paid to each of them, and the sum of ten thousand dollars, thus deducted, to be paid to the Indians.—2d. All the debts, mentioned in schedule B, in the same article, and which are specified in exhibit E, to the report of the committee, to be examined by a commissioner to be appointed by the President, with the advice and consent of the Senate, and the individuals to be paid only the sums found by said commissioner, to have been justly due; in no instance increasing the sum agreed to be paid; and whatever sum is saved by deduction or disallowance of the debts in exhibit E, to be paid to the Indians, and the residue to the claimants respectively. 3d. Strike out article 5th in the Treaty. 4th. Strike out article 4th in the supplementary articles: and provided, that the lands

TREATY WITH THE CHIPPEWA, ETC., 1833.

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Wai-saw-o-ko-ne-aw, his x mark,
 Ne-see-waw-be-tuk, his x mark,
 Kai-kaw-tai-mon, his x mark,
 Saw-Ka-Nosh, his x mark,
 Tshee-tshee-chin-ke-bequay, his x mark,
 Joseph, his x mark,
 Shab-e-nai, his x mark,

Ah-be-to-ke-Zhic, his x mark,
 E-to-wau-coto, his x mark,
 Shab-y-a-tuk, his x mark,
 Me-ani-see, his x mark,
 Wah-be-me-mee, his x mark,
 Shim-e-nah, his x mark,
 We-in-co, his x mark.

In presence of—

Wm. Lee D. Ewing, secretary to the com-
 mission,
 R. A. Forsyth, U. S. Army,
 John H. Kinzie,
 Madn. F. Abbott,

Saml. Humes Porter,
 Joseph Bertrand, junr.
 Andw. Porter,
 J. E. Schwarz, adjutant-general M. M.
 James Conner, interpreter.

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 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 to them at, L'arbre, Croche.

Witness our hands, the said day and year.

Saw-ka-nosh, his x mark,
 Che-obe-bin-quay, his x mark,
 Ah-be-to-ke-zhic, his x mark,
 Shab-e-nay, his x mark,

O-cheep-pwalee, his x mark,
 Maug-e-sett, his x mark,
 Shim-e-nah, his x mark,
 Ke-me-nah-wah, his x mark.

In the presence of—

Wm. Lee D. Ewing, secretary to the
 commission,
 Jno. H. Kinzie,
 Richd. J. Hamilton,
 Robert Stuart,

R. A. Forsyth, U. S. Army,
 Saml. Humes Porter,
 J. E. Schwarz, adjutant-general M. M.
 James Conner, interpreter.

The Commissioners certify that when these supplementary articles were ready for signature, the original paper of which the annexed is a copy was presented by Messrs. Peter and James J. Godfroy, and the due execution of it was made satisfactorily appear to the Commissioners, the subscribing witnesses R A Forsyth and Robert A Kinzie being present.—The Chiefs and Head men present recognizing this as a reservation, it was agreed that it shall be considered in the same light as though the purport of the instrument had been inserted in the body of the treaty;—with the understanding that the rejection of it by the President and Senate of the United States shall not affect the validity of the treaty.

G. B. PORTER,
 TH. J. V. OWEN,
 WILLIAM WEATHERFORD.

(Copy of the instrument referred to in the above certificate.—)

Know all men by these presents that we the undersigned Chiefs and Young men of the Potawatamie tribe of Indians living at Na-to-wa-se-pe in the territory of Michigan, for and in consideration of the friendship and sundry services rendered to us by Peter and James J.

May 14, 1833.

Appendix B

Clifton, James A.
1984 The Pokagons, 1683-1983 (Lanham, MD: University Press of
America) pp.97-98.

This period. For many decades Congress itself had investigated and decided on Indian claims of all kinds, but this practice was being phased out. Now an enabling act was required to be passed by the Congress allowing the Potawatomi to sue the United States in the Court of Claims. This in turn required full-scale legislative action and the assent of both Houses of Congress, which Severance was not able to obtain. Moreover, as the years passed without evidence of success, dissatisfaction with Severance grew in the Potawatomi community. Finally, because Simon Pokagon had been Severance's patron, and since the Potawatomi were increasingly discontented with his style of leadership, when he was ousted from office as Chairman in mid-term, Severance lost his remaining supporter. Hence, in 1863 he was replaced by new legal counsel. The complaint against Severance, and indirectly against Simon Pokagon who stood to benefit, was that this attorney had promised to pay Edward Currier \$3000 for his supposed aid in preparing the Potawatomi case. As is understandable, Edward Currier, long associated with Simon Pokagon and remembered for his role in the 1860 fiasco, was not generally revered among the Potawatomi of Michigan and Indiana.⁷⁶

Nevertheless, in the dozen or so years that William K. Severance worked with these Potawatomi he served them industriously and to the best of his ability. By 1871 he had delivered to Congress a Memorial from them, and in 1872 he persuaded the House and Senate Committee on Indian Affairs to respond favorably to their case. The Senate Committee then determined that the 1866 stipulation blocking all further annuity claims had been obtained fraudulently, negated its effect, and concluded that these Potawatomi were due substantial additional annuity payments. The memorials and evidence delivered to Congress by Severance, bolstered by additional materials sent subsequently, marshalled considerable weight in support of the case. They were the foundation for the final success in the Court of Claims.⁷⁷

At the 1866 payment an eye-witness participant, the Reverend Andrew J. Southard of Ann Arbor, had listened to the complaints of the Potawatomi and advised them to accept the partial compensation with the advice that they should go on to "prevent your cases; justice may be a little slow, but it will come." He had no idea then just how glacially slow justice would be in arriving. Two in the decade after their opening moves, the lobbying effort limbed along under Severance's guidance. By 1861, however, a considerable amount of eager anticipation arose that the case would soon be satisfactorily resolved. At that point a variety of additional claimants began clamoring to gain acceptance to the ranks of the Potawatomi of Michigan and Indiana, hoping to share in the windfall. These included a small group of Potawatomi from

Eastwinds, whose ancestors decades earlier had fled to northern Michigan, and several others from the Huron bands. They were the first of many over the years eager to share in what was often seen by neighbors as the easy wealth of the Potawatomi.⁷⁸

The frequent memorials to Congress and the favorable responses of the Committee on Indian Affairs attracted the attention of other attorneys as well. Among these were representatives of an influential Chicago firm, ED. Palmer and John Critcher, who in 1861 moved in on Severance's case, quickly replacing him. Thereafter, it was Critcher, operating out of both his Chicago and his Washington offices, who advocated the interests of the Potawatomi in Congress and before the Court of Claims. While they were acquiring new attorneys, the Potawatomi were also experiencing changes in their own leadership. Simon Pokagon, long the elected Chairman, was fast falling out of favor. While his reputation among Americans grew as a celebrity spokesman for "the Indian," and as he traveled about the region delivering speeches and thrilling various audiences with his "native eloquence," his standing among his own people declined rapidly. What most drew the ire of the Potawatomi was Simon Pokagon's practice, without the consent of the General Council or Business Committee, of selling discounted notes for cash to bankers and businessmen, notes supposedly guaranteed by the anticipated proceeds of their claims case.

In any event, a minor crisis in leadership developed. One man who attempted to exploit this situation was Frank Topash, who repeatedly appealed to the Commissioner of Indian Affairs for recognition as the official "chief" of the Michigan Potawatomi. Although he had not been elected to that position, he claimed that it was his right because his father, A.J. Topash, had been the "main chief" of the St. Joseph River Potawatomi. Apparently, this upstart "chief" was attempting to gain the recognition from federal authorities that the Potawatomi would not award him, but it was not delivered.

Meanwhile, the well converted and astute John Critcher began laying the groundwork for his case, a task that would take him another fourteen years to complete. His first step was to obtain from the Michigan Potawatomi a formal contract; but unlike Severance before him he had his approved by the Commissioner of Indian Affairs and the Secretary of the Interior. This step required that the Potawatomi give evidence that they were organized and in "tribal relations," and when the Commissioner and Secretary judged this to be the case, Critcher's contract was approved. Thus in 1862 the Office of Indian Affairs and the Department of the Interior certified that the Catholic Potawatomi of

Michigan were a recognized tribe in a wardship relation with the United States. However, apparently unknown to Critcher, someone in the Office of Indian Affairs had struck out one short phrase in his contract, reducing the fee he was due from twenty-five to twelve per cent of any successful recovery, an action that caused great consternation and controversy in later years.⁴¹

Critcher's next steps were to attempt to buy Sovereigns off by offering to purchase his interest in the case for \$2000, which tender Sovereigns rejected. He then enlisted the services as attorney-of-record in Washington of Charles E. Landon, a former congressman and influential lobbyist. By the summer of 1888 Critcher and Landon had introduced a bill in the House recommending the payment of \$121,551.65 to the Michigan Potawatomi. However, as discussed earlier, Congress was holding at such tactics for the direct settlement of Indian claims, and the bill languished.⁴²

The hiring of this new attorney was the work of a newly elected "Principal Chief," Alexis Chauger (or Chaugel), and a Business Committee composed mainly of men from the Bush Lake-Burford region. Their rivals from Silver Creek and vicinity were led by the deposed Simon Peltuga and his few allies, although for some years the most visible spokesman for this faction was John Winchester. It was Winchester who led the fight against Critcher, who supported Sovereigns, and who opposed the overly ambitious Frank Tapan, the self-appointed "chief." In turn, the Business Committee headed Tapan by appointing him official interpreter, which gave him an important position where he could be managed. Thereafter, when Tapan addressed American officials he was careful to assume that he spoke or wrote on behalf of "the proper authorities," which is to say the Business Committee. Since Sovereigns had not gotten official sanction from Washington for his contract, while Critcher had, the contest was one-sided and soon resolved. Thus under new leadership and with fresh legal counsel the Catholic Potawatomi proceeded with their lobbying efforts.⁴³

In 1894 a rumor to the effect that the Potawatomi of Michigan and Indiana would soon receive a large payment swept through Michigan and adjacent areas. Probably encouraged by some of the public pronouncements of Simon Peltuga, then attempting to regain his old position, this conviction had several interesting consequences. One of these was an effort of various individuals and groups of ambiguous ancestry to gain recognition as legitimate members of the Catholic Potawatomi community. Similarly, the attention of other Potawatomi groups in the region was drawn to the hoped for success of the Peltugas. Some of

these also sought recognition as members of the Potawatomi of Michigan and Indiana group, while others began consulting with attorneys and planning similar lobbying efforts on their own behalf. In effect, efforts were underway to erode the membership "boundary" established by the Peltugas, an effort that would have considerable enlarged the numbers eligible for remuneration, thereby diminishing the amount each would some day receive. Eventually, this process led to an intense competition between attorney Critcher and rival lawyers serving different clients. The whole issue remained on the boil until it was finally resolved by the decisions of the United States Court of Claims and the Supreme Court a decade later.

Among these rival claimants were a cluster of MEIs from the South Bend region, some of whom originally had been sponsored by Simon Peltuga. These were among the most persistent in clamoring for recognition as legitimate Catholic Potawatomi. Then there were a small group of Potawatomi who in the 1860s had been associated with the Peltugas and had received annuity payments with them, but who later moved into Allegan County near the Potawatomi of the Huron. The Potawatomi of the Huron, in turn, led by Philman Pan-De-Pan, were encouraged to undertake their own lobbying efforts and litigation and some years later their attorney intervened in the Peltuga case, attempting to displace Critcher. Finally, several small groups of Potawatomi from northern Michigan, long resident among the Ottawa and Chippewa and receiving benefits there, also attempted to affiliate themselves with the Peltugas. All these conflicting demands created much anxiety among the Potawatomi of the St. Joseph River valley, who had to fend them off; and they also created much work for the Commissioner of Indian Affairs, who ultimately had to determine who was or who was not truly a member of the Potawatomi of Michigan and Indiana community. Suffice it to say that none of these claimants were successful except the few Attikias and Rapps who had originally been counted as Peltugas.⁴⁴

In 1888 Critcher had another bill introduced in the 49th Congress authorizing the Secretary of the Interior to pay the Potawatomi of Michigan and Indiana, this time the sum of \$184,748.68. Again the legislation died without final approval by both houses. Since his contract with the Potawatomi expired the following year, and because he had not delivered an award as promised, the issue of renewing the agreement created considerable discord. John Winchester, representing the Silver Creek faction, was opposed. Interestingly enough, so was Frank Tapan, who now had been elected Chairman of the Business Committee.

Appendix C

"An Act to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana". U.S. Statutes at Large, volume 26, page 24.

"Potawatoni Indians" House Report 324 (51-1) 2808.

"Report" Senate Report 129 (51-1) 2703.

March 19, 1890.

CHAP. 39.—An act to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.

Preamble.

Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

Pottawatomie Indians of Michigan and Indiana. Court of Claims to try, etc., claim of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference de novo, and it shall not be estopped by the joint resolution of Congress approved twenty-eighth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: *Provided,* That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such cause precedence.

To review de novo. Not estopped by Rec. No. 37, Vol. 14, P. 371, nor by receipt in full.

Limitation of fact evidenced by receipt.

Attorney-General to appear.

Appeal.

Proviso.

Precedence to be given in courts.

Commencement of action.

SEC. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "Business Committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification.

Approved, March 19, 1890.

March 19, 1890.

CHAP. 40.—An act prescribing the times for sales and for notices of sales of property in the District of Columbia for over-due taxes.

District of Columbia. Tax arrearage sales. Listing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia shall prepare a list of all taxes on real property in said District, subject to taxation upon which said taxes are levied and in arrears on the first day of July, eighteen hundred and eighty-nine, and each and every year thereafter, including all taxes due to the late corporations of Washington City, Georgetown, the levy court of the County of Washington, and the District of Columbia. And the said Commissioners shall publish the same with a notice of sale in a pamphlet of which not less than three thousand copies shall be printed for distribution to taxpayers applying therefor. Said Commissioners shall, on the first Tuesday in April, eighteen hundred and ninety, and the third Tuesday in March of each year thereafter, give notice which shall contain the name of each and every person in which each piece of property is assessed together with the amount of assessment upon each piece by advertising twice a week for three successive weeks in the regular issue of two or more daily newspapers published in said District, that said pamphlet has been printed and that a copy thereof will be delivered

Publication and distribution of pamphlets.

Notice in newspapers.

POTTAWATOMIE INDIANS.

FEBRUARY 19, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 7256.]

The Committee on Indian Affairs having had under consideration House bill 493, "Providing for the settlement of the claims of the Pottawatomie Indians of Michigan and Indiana, including the Pottawatomies of Huron, in Calhoun County, Mich., as per treaty stipulations existing with said bands," beg leave to report a substitute therefor as follows:

A BILL to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.

Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in behalf of all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference *de novo*, and it shall not be stopped by the joint resolution of Congress approved twenty-ninth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor shall said receipt be evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may, within thirty days from the rendition of the judgment, appeal the cause to the Supreme Court of the United States; and from any judgment that may be rendered the said Pottawatomie Indians may also appeal to said Supreme Court: *Provided,* That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such *cause precedence*.

Sec. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "business committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements need be contained in said petition or verification.

Sec. 3. That whatever be the finding of the court as to the sum or sums due said Indians no interest is to be allowed thereon by the judgment of the court.

Your committee are of the opinion that the court should not be stopped by the joint resolution of Congress approved 29th July, 1866, for the reasons set forth in the memorial of the Indians contained in House A. Doc. No. 8, Forty-fifth Congress, second session, and in the report of

In brief, it appears from these documents, and from the appended correspondence, that to compel by the resolution of 23d of July, 1866, would work absolute injustice, and thus could not be designed or knowingly permitted by the United States.

The resolution of July 23, 1866, is to be found in the United States Statutes at Large, vol. 14, p. 370, and is as follows:

JOINT RESOLUTION for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians.

Be it resolved 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 to the Chippewa, Ottawa, and Pottawatomie Indians, of Michigan, in pursuance of an agreement and compromise made with the Pottawatomie nation of Indians so named and designated by the treaty of eighteen hundred and forty-six with the United States, the sum of thirty-nine thousand dollars in full of all claims in favor of said Michigan Indians either against the United States or said nation of Indians, past, present, or future, arising out of any treaty made with them or any band or confederation thereof, and the annuity now paid to them is to be restored and paid to said nation in the future. Said sum of thirty-nine thousand dollars is to be paid out of funds of said Indians, by the United States now held in trust for said nation, drawing interest at the rate of five per centum, which amount is hereby appropriated; said payment to be made per capita direct to heads of families, adults, and guardians of minors, as is now required by law in reference to annuities, by the proper agent of the Government.

It is not disputed that the sum provided for was duly paid. A receipt in full was given therefor, and without the assent of Congress there the matter ends. But notwithstanding said payment and said receipt the very fact is that a large sum is really still due the Pottawatomies, and the evidence of the fact is too plain and unmistakable to be disregarded.

In his letter of April 6, 1880, Hon. J. D. C. Atkins, Commissioner of Indian Affairs, says:

I have caused an examination to be made of said claims as set forth in the memorial contained in House Mia. Doc. No. 8, of the Forty-fifth Congress, second session, and find that the said claims are well founded; also, that said claims have been reported favorably to the honorable Secretary of the Interior for reference to Congress at several times, namely, June 3, 1872, February 3, 1877, January 14, 1881, March 29, 1882, and January 24, 1884.

Superadded to these favorable reports is that wherein they are quoted and those which are here exhibited in letters appended hereto, from the Secretary of the Interior and the Commissioner of Indian Affairs. Under such a showing the request to submit the matter to the adjudication of the Court of Claims seems to your committee to be just and reasonable, and in the opinion of your committee should be granted.

Secretary Teller's letter to Hon. W. B. Allison, of February 27, 1883, a copy of which is also appended, is an additional confirmation of the rightness of this claim.

Mia. Doc. No. 8, Forty-fifth Congress, second session, is hereto appended to be printed as a part of this report, there being no copy on file in the office of the Commissioner of Indian Affairs, and there being need of it for reference.

The explanation of the receipt by the Indians "in full" on payment of the \$39,000 is found thereon, and may be briefly summed up as follows:

Under the foregoing resolution of July 23, 1866, as is explained by the Pottawatomie agent of the Government, was dispatched with \$39,000 to pay the Indians in full.

The Indians were poor, and greatly distressed by mortgages and debts incurred in expectation of receiving what the Government had

from the money due them. When the agents saw that a debt, they were greatly surprised and alarmed. On both sides ruin seemed inevitable. The agent of the Government refused to confer with the Indians. He had but one duty to perform—pay the money and take their receipts. The Indians were then advised by friends and counsel, and a Mr. Johnson, minister of the Gospel, who was understood to be present to aid Mr. Smith, the agent, by appointment of the Government, that their acceptance of the money could not have the effect to prevent the payment of all just balances due them, as they only accepted it upon no express condition of their protest; that this advice of friends, counsel, and Mr. Johnson was freely given and expressed in the presence of the agent, to which the agent made no reply. That, under these circumstances and advice, relying upon the laws and facts as thus assured to them, they signed the receipt required by the agent.

Accordingly, this Government, from that day to the present time, has recognized the true condition of the case, and has placed its own construction upon the treaties and allowed to each such amounts as they seemed justly entitled to. The Department has regarded the payment of the \$39,000 as an amount, and recognized the balance due. They have, on the other hand, refused to allow the Indians of Michigan any share in the funds appropriated for schools, mills, shops, salt, etc., because these advantages were not divisible, but have allowed them their just share of all former annuities and the sums named in the supplemental treaty of September, 1833.

But the resolution of Congress, and the receipt in full stand in our way; also, the items are quite numerous under ten or more treaties, all of which render necessary and proper a judicial determination.

DEPARTMENT OF THE INTERIOR.

Washington, March 17, 1858.

Sir: I have the honor to acknowledge the receipt of your communication dated the 5th instant, inclosing S. 2170, for ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana.

In response thereto, you are respectfully informed that reply has this day been made to the chairman of the Committee on Indian Affairs, United States Senate, on this bill, which was the subject of his letter of 2d instant to this Department.

The papers accompanying your communication are herewith returned.

Very respectfully,

WM. F. VERNER,
Secretary.

Hon. J. W. DANFORD,
United States Senate.

DEPARTMENT OF THE INTERIOR.

Washington, March 17, 1858.

Sir: I have the honor to acknowledge the receipt of your communication of 2d instant, inclosing for examination and report S. 2170, for the ascertainment of amount due the Pottawatomie Indians of Michigan and Indiana.

In response thereto, I transmit herewith copy of a report, dated 16th instant, from the Commissioner of Indian Affairs, to whom the matter was referred. It is therein stated that, in view of the fact that this claim has been before the Department many years, and has heretofore been reported to Congress as well from the Department as from the Commission, and as the Department has no objection taken thereon, and as the Commission has reported the same as a claim not

Concurring in the recommendation of the Commissioner of Indian Affairs, I return herewith the bill which accompanied your letter.

Very respectfully,

WM. F. VILAS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 18, 1883

Sir: By your reference of the 3d instant, for report, I have the honor to acknowledge the receipt of a communication from Hon. H. L. Dawes, chairman Senate Committee on Indian Affairs, dated the 2d instant, referring, for examination and report, S. 2175, "For the ascertainment of the amount due the Pottawatonic Indians of Michigan and Indiana." The bill recites that—

"Whereas the business committee of the Pottawatonic Indians of Michigan and Indiana, for themselves and in behalf of all other Pottawatonic Indians of said States, make claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore

"Be it enacted, etc. That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatonic Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of differences referred, and it shall not be estopped by the joint resolution of Congress, approved 23d July, 1850, entitled 'Joint resolution for the relief of certain Chippewa, Ottawa and Pottawatonic Indians,' and the Attorney-General is hereby directed to appear in behalf of the Government, and, if the said court shall decide against the United States, the Attorney-General may, within thirty days from the rendition of judgment appeal the cause to the Supreme Court of the United States, and from any judgment that may be rendered the said Pottawatonic Indians may also appeal to the said Supreme Court: *Provided*, That the appeal of said Pottawatonic Indians shall be taken within sixty days after the rendition of said judgment, and the said court shall give such cause precedence.

"Sec. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatonic Indians claim to recover, and the amount of their claim, and said petition may be verified by any member of said business committee or their authorized attorney as to the existence of such facts, and no other statements need be contained in said petition or verification."

In reply to the inquiry of the Senate committee, I have to state that the claims of the Pottawatonic Indians of Indiana and Michigan for arrearages of annuities have been the subject of reports to the Department, upon calls from various committees of Congress, since 1872, viz, June 3, 1872; February 3, 1877; April 24, 1878; January 24, 1881; March 29, 1882; January 26, 1884, and April 6, 1885.

By this latter report, which was written in response to a Senate resolution of the Forty-ninth Congress, first session, calling for information as to the amount due said Indians, as set forth in the memorial of said Indians contained in House Document No. 8, of Forty-fifth Congress, second session (a copy of which is not now available in this office) it was stated that an examination of said claims had been made as set forth in the memorial contained in said Document No. 8, and it was found that said claims were well founded.

In the report of my predecessor, dated June 26, 1884, he recommended that the sum named in House bill No. 1747, Forty-eighth Congress, first session, for the relief of said Indians, be increased to \$168,165.33, which would be the sum due up to and including June 30, 1885. By office report of April 6, 1885, this office recommended that the sum should be increased to the amount of \$102,431.14 by the addition of the sum of \$4,227.21, being their pro rata share of permanent annuities due to the Pottawatonic Nation for the eighteen months ending December 31, 1884, at the rate of \$2,341.67 per annum, or by the increase of the sum of \$112,604.01, award made by Senator Buckingham, April 19, 1872 (Report No. 121, Forty-second Congress, second session), to \$122,431.14, being the additional amount due these Indians as their pro rata share of annuities from 1873 to 1886, both inclusive, fourteen years, at \$2,864.77 per annum, \$21,254.14.

In view of the fact that this claim has been before the Department and the Congress for so many years, and that the business committee of the said tribe has petitioned

proper course to pursue, and respectfully recommend that the bill be returned to the Senate committee with the favorable recommendation of the Department.

The papers referred are respectfully returned, together with a communication from Hon. John W. Daniel, Senate Subcommittee on Indian Affairs, containing for report a copy of said bill, referred on the 4th instant; also one of like import from Hon. H. F. Shively, of the House of Representatives.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 6, 1886.

SIR: On the 7th day of February, 1885, there was received at this office, by reference from the Department, for report, the following Senate resolution, namely:

"Whereas those members of the Pottawatomie Nation of Indians residing in the States of Indiana and Michigan claim that there is due them, by virtue of treaties made with the said nation, considerable sums of money:

"Resolved, That the Secretary of the Interior be, and he is hereby, directed to examine into said claims and ascertain what, if any, amounts are due said Indians, said claims being those set forth in the memorial contained in House Mis. Doc. No. 8, of the Forty-fifth Congress, second session."

The Secretary is further directed to "ascertain whether the bands of Pottawatomies of Huron located in Calhoun County, Mich., and not mentioned in said memorial should, by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial."

In reply I have the honor to state that I have caused an examination to be made of said claims as set forth in the memorial contained in House Mis. Doc. No. 8, of the Forty-fifth Congress, second session, and find that said claims are well founded; also that said claims have been reported favorably to the honorable Secretary of the Interior, for reference to Congress, at sundry dates, viz, June 3, 1872, February 3, 1877, April 21, 1878, January 14, 1881, March 23, 1882, and January 20, 1884.

In the report last named my predecessor recommended that the sum named in House bill No. 1742, Forty-eighth Congress, first session, for the relief of said Indians, be increased to \$183,163.63, which would be the sum due up to and including June 30, 1885. This sum should be increased to the amount of \$192,431.14 by the addition of the sum of \$1,267.31, being their pro rata share of permanent annuities due to the Pottawatomie Nation for the fiscal year 1880, and from July 1, to December 31, 1886, at the rate of \$2,844.87 per annum, or by the increase of the sum of \$152,602.00, award made by Senator Buckingham in April 19, 1872 (Report No. 121, Forty-second Congress, second session), to \$192,431.14, being the additional amount due these Indians as their pro rata share of annuities from 1873 to 1880, both inclusive, fourteen years, at \$2,844.87 per annum, \$39,829.18.

In reply to that portion of the resolution directing that it be ascertained "whether the bands of Pottawatomie of Huron located in Calhoun County, Mich., and not mentioned in said memorial" should by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial," I have to say that the band of Pottawatomie Indians, located in Calhoun County, Mich., were parties to the treaties of November 17, 1807, September 19, 1827, and September 27, 1833, and should be included in any settlement that may hereafter be made of the claims set forth in said memorial.

The resolution of the Senate is returned herewith.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1883.

SIR: I have the honor to invite your attention to the matter of the Pottawatomie Indians of Michigan and Indiana, arising under treaty stipulations.

The claims of these Indians have been pending before Congress for a long time.

... reports by committees of both Houses of Congress, all of which show that there is due these Indians, in fulfillment of treaty provisions, \$181,051.66.

This sum represents the per capita share and the amounts due the Pottawatomie Indians in Michigan and Indiana of the annuity and other moneys inuring to the Pottawatomie Indians under treaty provisions, which are carefully reviewed in the report of the House Committee on Indian Affairs, No. 1404, Forty-seventh Congress, first session, copy herewith.

I respectfully recommend that provision be made in the sundry civil bill now before your committee to enable this Department to settle these long-pending claims.

A clause for that purpose is herewith submitted.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. W. B. ALLISON,
Chairman Senate Committee on Appropriations.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1883.

Sir: I have the honor to invite your attention to the matter of the Pottawatomie Indians of Michigan and Indiana, arising under treaty stipulations.

The claims of these Indians have been pending before Congress for a long time. They have been thoroughly investigated by this Department, and have been the subject of favorable reports by committees of both houses of Congress, all of which show that there is due these Indians, in fulfillment of treaty provisions, \$181,051.66.

This sum represents the per capita share and the amounts due the Pottawatomie Indians in Michigan and Indiana of the annuity and other moneys inuring to the Pottawatomie Indians under treaty provisions, which are carefully reviewed in the report of the House Committee on Indian Affairs, No. 1404, Forty-seventh Congress, first session, copy herewith.

I respectfully recommend that provision be made in the sundry civil bill now before your committee to enable this Department to settle these long-pending claims. A clause for that purpose is herewith submitted.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. W. B. ALLISON,
Chairman Senate Committee on Appropriations.

The following is a copy of the clause:

Fulfilling treaties with Pottawatomies of Michigan and Indiana: amount due Pottawatomies of Michigan and Indiana for arrears of annuities under various acts, specifically set forth in H. R. Report No. 1404, Forty-seventh Congress, first session, \$181,051.66.

(House Misc. Doc. No. 2, Forty-fifth Congress, second session.)

Memorial of certain Indians residing in Michigan and Indiana, for relief.

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

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

our memorialists are that portion of the Pottawatomie Nation of Indiana which, by the provisions of the treaty of September 27, 1833, were expelled from removal to the Mississippi River, and are now residing in the counties of Cass, Van Wert, and Itaska, in the State of Michigan, and Saint Joseph County, in the State of Indiana, and by their duly constituted business committee, and attorney, a resident near their vicinity, in their premises would most respectfully represent:

that from the earliest knowledge of Indian affairs up to 1833, there has been a great Nation of Indians known as the United Nations of the Ottawa, Chippewas, Pottawatomies, for many years known and treated with as the Pottawatomie Nation of Indiana, residing upon and occupying that portion of the United States

now embraced in the States of Ohio, Michigan, and Indiana, which nation included the bands known as the bands of the Prairie and Kankakee. From the earliest history of the Government they have been friendly toward the pioneer settlers in their midst, and as early as 1795 entered into a treaty of peace and friendship with them, and they, with other tribes who claimed some title to the same, relinquished their right of possession to the greater part of the territory of Ohio; since which time the nation, as such, has at all times kept and maintained her covenants of peace and fidelity to her treaty stipulations.

At different times since 1795, especially in the years 1809, 1818, 1821, 1826, 1828, 1829, 1832, 1833, and 1846 (see exhibit of treaty stipulations hereunto attached), the Government has purchased, by the different treaty provisions, vast tracts of land, amounting in the aggregate to about twenty-five million acres (25,000,000), therein stipulating to pay certain sums of money annually forever, or for a given term of years; also to provide them with means to support blacksmiths and supply their shops, for education, salt, etc.; (See exhibit of treaty stipulations and citations.) In 1832 or 1833 the Government adopted the policy of purchasing their remaining lands and reservations, which were specifically guaranteed to them in former treaties, and inducing them to remove west of the Mississippi.

As the result of this policy, before 1837 the Government had purchased all their tribal lands in the said States, and all of the Pottawatomies were under treaty stipulations to remove from their reserves and go west of the Mississippi, excepting only those whose interests are herein prosecuted. (See exhibit of treaty stipulations and citations of same.)

On the 26th and 27th September, 1833, there was a treaty concluded between the Government and this nation, in which the Indians ceded the last lands which they as a nation hold in common, the same being estimated in the treaty at 6,000,000 acres, being less than one-fifth the amount they as a united nation had, at different times, ceded to the United States. (See exhibit, etc., and citations.)

A portion of the nation, being the band of Pokagon, the second chief of the nation, then numbering some 350, the same being your memorialists and their ancestors, did not desire to remove West, and did not enter into the treaty of the 26th September, 1833, but on the following day, by articles supplemental, they united in the cession of the 5,000,000 acre tract (the property of the nation in common), and they also ceded tribal and band reserves guaranteed to them under former treaties in the State of Michigan, amounting to 164 sections, upon which they were then residing.

The old chief, Pokagon, was very anxious to remain in Michigan. He and his people had become greatly attached to their religious and educational missions; they were a quiet, religious, and orderly people, agreeable and friendly to the settlers; and it was well known to the United States treaty commissioners that they were determined to avoid treaty stipulations to go West; and, according to their desires, they were permitted to remain, and their just proportion of annuities due under former treaties, and that arising from the proceeds of the sale their reserves (the 164 sections ceded), should be paid to them.

Five million of acres of land west of the Mississippi River were secured by the second article of the treaty entered into September 26, 1833, to that portion of the nation that by this treaty had stipulated for their removal West, "in part consideration" of the 6,000,000 tract ceded to the United States in the first article of same. In 1816 (see vol. 9, page 853, same) the Government purchased the 6,000,000 west of the Mississippi, and set apart \$643,000 as a fund in trust for the Pottawatomies, stipulating to pay them 5 per cent. interest on the same, amounting to \$32,150 per annum, to which treaty your memorialists were not parties, and to the money therein stipulated to be paid make no claim, whatever might be the equitable rights of your memorialists in the premises.

In accordance with the provisions of the supplemental treaty bearing date September 27, 1833, to which your memorialists were parties, and which was made for the direct and sole purpose of defining and protecting the rights of your memorialists (and with them only), your memorialists removed to L'Arbre Croche; but finding the climate inhospitable and the resident Indians unfriendly, they, by and with the consent of the Government of the United States, returned and purchased land of the Government, in the neighborhood of their reserves ceded in 1833, with the money paid them down upon the ratification of the treaty under articles therein contained.

For some six years they received no annuities; then made complaint to R. Stuart, esq., then Indian agent at Detroit; and in 1841, and for that year, F. Hartley Crawford, then Commissioner of Indian Affairs, allowed them, and remitted to Mr. Stuart for them, \$1,687.50, being, as he estimated, their proportion in the perpetual annuity of July 23, 1833.

Commissioner Crawford awarded them their portion of our treaty only, when the article says "a just proportion of all former annuities." This amount, \$1,687.50, was regularly paid up to and including the year 1855, and which payments have been duly acknowledged by your memorialists; which, with the sum of \$29,000 paid by the

...supplies with your petitioners since the year 1835, prior to which time, and including that year (1835), your memorialists make no claim of any kind whatever against the Government.

Having thus briefly stated the history of our claim, your memorialists respectfully submit the following proposition:

1st. The Government of the United States purchased some 30,000,000 acres of land from the Pottawatomie Nation of Indians, then occupying large portions of the territory now embraced in the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin in consideration whereof the United States covenanted to pay said nation of Indians certain sums of money, at stated periods of time, as is evidenced by the several treaties entered into between the Government of the United States and said Pottawatomie Indians, and which said treaties may be found in vol. 7, United States Statutes at Large, fabricated reference being made thereto in the following exhibit.

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. 20, 1803	.....
Perpetual annuity.....	113	Sept. 30, 1805	500	Jan. 16, 1810	Forever.
Perpetual annuity.....	183	Oct. 2, 1818	2,500	Jan. 15, 1819	Do.
Annuitiy.....	293	Aug. 23, 1821	2,000	Mar. 25, 1823	Twenty-two years.
Annuitiy.....	295	Oct. 16, 1826	2,000	Feb. 7, 1827	Pleasure of President.
Blacksmith.....	295	.....	.....	.....	.....
Iron, steel, and miller.....	295	.....	.....	.....	.....
Salt (1/2 bushels).....	295	.....	.....	.....	.....
Perpetual annuity.....	317	Sept. 26, 1828	2,000	Jan. 7, 1829	Forever.
Annuitiy.....	317	.....	1,000	.....	Twenty years.
Tobacco, iron, and steel.....	317	.....	.....	.....	Annually.
Education.....	317	.....	1,000	.....	Pleasure of Congress.
To chief.....	317	.....	100	.....	Life of.
Blacksmith.....	317	.....	.....	.....	.....
Iron and steel.....	317	.....	.....	.....	.....
Annuitiy.....	373	Oct. 23, 1832	15,000	Jan. 21, 1833	Twenty years.
To chief.....	373	.....	.....	.....	Life of.
Annuitiy.....	391	Oct. 26, 1833	20,000	.....	Twenty years.
Yalocation.....	391	Oct. 27, 1833	2,000	.....	Pleasure of Congress.
Perpetual annuity.....	329	July 23, 1839	10,000	Jan. 2, 1839	Forever.
Iron and steel.....	329	.....	.....	.....	Do.
Blacksmith.....	329	.....	.....	.....	Do.
Salt (50 barrels).....	329	.....	.....	.....	Do.
Annuitiy.....	421	Sept. 26, 1833	14,000	Feb. 21, 1835	Twenty years.
Annuitiy.....	421	Sept. 27, 1833	2,000	.....	Do.
To chiefs.....	421	Sept. 25, 1833	1,100	.....	Life of.
For 4 sections of land.....	492	Mar. 27, 1836	2,500	June 4, 1839	this year.
For 26 sections of land.....	492	May 11, 1836	23,000	May 23, 1836	In one and two years.
For 10 sections of land.....	518	April 22, 1836	6,400	.....	One year.
For 3 sections of land.....	501	.....	1,920	.....	Do.
For 22 sections of land.....	503	Aug. 8, 1836	14,000	Feb. 18, 1837	In 1838.
For 10 sections of land.....	513	Sept. 20, 1836	8,000	.....	Do.
For 4 sections of land.....	514	Sept. 23, 1836	3,200	.....	Do.
For 42 sections of land.....	518	Sept. 23, 1836	23,000	.....	Do.
Annuitiy.....	219	Aug. 28, 1821	5,000	Mar. 25, 1822	Twenty years.
Three laborers.....	317	Sept. 24, 1828	.....	Jan. 7, 1829	Ten years.
Annuitiy.....	393	Oct. 27, 1832	15,000	Jan. 21, 1833	Twelve years.
Annuitiy.....	467	Dec. 10, 1834	1,000	Mar. 16, 1835	Two years.
Trust-fund, etc.....	.....	June 5 and 17, 1846	20,000	.....	.....
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 \$243,000 created, with an interest annuity of \$32,150 annually, and other funds and lands granted to the Indians in Kansas.

Your memorialists were parties to all treaties made by the United States with the Pottawatomie Nation of Indians, and were entitled to share per capita in all annuities secured to said nation by said treaties; and that no doubt should be permitted to cloud the title of your memorialists to share in the annuities secured by these several treaties, the supplemental treaty, dated September 27, 1833, was framed and ratified between the United States and your memorialists, the caption and first article of said being in the words following:

"Articles supplementary to the treaty made at Chicago, in the State of Illinois, on the 26th day of September, 1833, between George H. Porter, Thomas J. V. Owou, and

William W. ... part, and the united nation of Chippewa, Ottawa, and Pottawatomo 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 I. The said chiefs and head men cede to the United States all their land situated in the Territory of Michigan, south of the Grand River, being the reservations at Notawasope, 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 Saint Joseph on the 19th September, 1827; and also the tract of land on the Saint Joseph River, opposite the town of Niles and extending to the line of the State of Indiana, on which the villages of Topenebeco and Pokagon are situated, supposed to contain about 49 sections."

That no question may remain as to the identity of your memorialists, and to establish the fact that they are the parties with whom the supplemental treaty of September 27, 1833, was made, we submit the following extract from a letter written by Robert Stuart, then acting superintendent of Indian affairs at Detroit, Mich., to the Hon. T. Hartley Crawford, Commissioner of Indian Affairs:

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

A delegation of Pottawatomes, who resided on the reservation in Michigan prior to the treaty held at Chicago in 1833, and who have always refused to emigrate, called upon me a few weeks since to represent their grievances also. They stated that the chief, Pokagon (father of one of them), as also several of his band, were Catholics at the time of signing the treaty, and refused to emigrate west, as it would cause them to recede again into barbarism; that permission was granted them by said treaty to settle in northern Michigan, where they would enjoy the instruction of priests and receive their proportion of the annuities; that they, in due time, applied to the Ottawas of L'Arbre Croche, near Mackinac, for permission to amalgamate with them, which, owing to the interference of some evil-disposed whites, was refused; that they then purchased lands of the United States, which a portion of them still occupy (except forty acres appropriated to their mission). They urgently plead that the Department take their cause into favorable consideration, and allow them a just proportion of the annuities (which are now all paid on the Miamis) according to the stipulation on the 599th and 600th pages of the treaty book. They say that there are from two hundred to two hundred and fifty of their tribe still in Northern Indiana and Michigan. A number of these, as well as the Ottawas, are very desirous of becoming citizens, and there are some hundreds, I have no doubt, worthy of the boon; but how their application will be responded to is another question. I regret the necessity of troubling you with so many questions as have of late been pressed upon me, but the paucity of information left in the office by my predecessor renders it indispensable for me to know what course of policy has or should be adopted.

I am, respectfully, your obedient servant,

ROBERT STUART,
Acting Superintendent Indian Affairs.

After the receipt of this letter, Mr. Crawford, then Commissioner of Indian Affairs, awarded your memorialists \$1,537.50 as their just proportion of the \$16,000 perpetual annuity of treaty of July 29, 1829, and the \$2,000 of treaty of the 27th of September, 1833, which award, as thus made, included but one of the former annuities, when the treaty explicitly reads "their just proportion of all former annuities."

The following is the copy of the said letter of the honorable Commissioner making this award, as the same appears in Senate report No. 111, second session Thirty-eighth Congress:

OFFICE INDIAN AFFAIRS, May 17, 1843.

SIR: My letter to you of the 19th instant informed you of the views of this office respecting the right of the Chippewas of Swan Creek and Black River, yet in Michigan, to participate in the benefits of the annuity due the bands, the whole of which has heretofore been remitted west.

I now reply to the remaining portion of your letter of the 25th March, viz, relative to the Pottawatomes, who claim the privileges granted under the supplemental article to the treaty with the united bands of Chippewas, Ottawas, and Pottawatomes, of September, 1833, which is in the following words:

"And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed,

that, in case of such removal, the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside, shall be paid them at L'Arbre Croche."

By the tenor of this article it would seem that their claim is well founded, and that they are entitled to their numerical proportion of those annuities payable to the tribe under the treaty of 1829, and also under the supplementary articles of the treaty of 1833, amounting together to \$18,000. Therefore, estimating the number of the Chicago Indians at 2,834, including the 250 represented by you, the share that would be to the latter would amount to \$1,557.50, or \$6.35 to each individual. Accordingly that sum will be remitted to you, to be paid out to them as their share of the annuities.

Very respectfully, your obedient servant,

ROBERT STUART, Esq.,
Detroit, Mich.

T. HARTLEY CRAWFORD,
Commissioner.

It will be noticed that the honorable Commissioner made the award upon the date of 2,834 Pottawatomie Indians, including 250 of your memorialists, which is considered by him as the just proportion of the annuity to which your memorialists were entitled by the treaty of July 29, 1829; and your memorialists further say that the sum of \$1,557.50 was annually paid to us from 1843 to 1865 inclusive, twenty-three years, and that in accepting it our people gave receipts for their share of only one of the former annuities, being that of July 29, 1829. (See the following letter of the Second Auditor of the United States Treasury.)

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 12, 1872.

Sir: In answer to your letter of 5th instant, by which you ask to be informed "under and in conformity to what treaty stipulations the \$1,557.50 were annually paid those Pottawatomie Indians remaining in Michigan, from 1843 to 1865 inclusive," I send herewith copies of three captions—in all of which the treaty stipulations are given—appearing on the several annuity pay-rolls for the period named by you, and on which the years are designated in red ink on the margins.

Respectfully,

E. B. FRENCH,
Auditor

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,
January 11, 1872.

This form of caption was on the pay-rolls from 1843 to 1865, both inclusive, excepting the years 1851 and 1863—(the above was written in red ink, etc.):

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

The form of the receipts given in the years 1851 and 1863 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.)

2d. Your memorialists were exempt from removal west.

In 1832, the Government had adopted the policy of removing the Indian tribes then inhabiting the reserves reserved to them, and which were being rapidly encroached upon by the tide of emigration then flowing into the territory east of the Mississippi, and to that end treaties were entered into between the several tribes and the Government, by which the titles of the Indians to their reservations, as well as their tribal possessions, were extinguished by purchase. At the time when the Government of the United States sought to extinguish the title of the Pottawatomie Nation to their reservations and tribal possessions, your memorialists, then having made much progress toward civilized life, objected to being removed with the other members of the nation, as will be seen by the affidavit of Lathrop M. Taylor, which is herewith submitted:

ROLL NO. 7, AFFIDAVIT NO. 20.

Affidavit of Lathrop M. Taylor, aged sixty-five years, being duly sworn, states that he has resided in Saint Joseph County, Ind., since September, 1837, and during that

time was known and traded with the Indians; he was present at the Chicago treaty in 1833; knew old chief Pokagou and his band, and had for six years.

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

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

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

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

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

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

L. M. TAYLOR.

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

[SEAL.]

GEO. W. MATTHEWS, Clerk.

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

After the earnest and persistent protest against removal detailed in Mr. Taylor's affidavit, the following supplemental article to the treaty of September 27, 1833, was entered into between the United States and your memorialists, and which was afterward duly ratified and proclaimed as such, and which is as follows, and requires no comments here:

"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 thereto, 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 LaArbro Croche."

In the further support of the proposition that your memorialists were exempted from removal West by the terms of this treaty, we now submit, most respectfully and confidently, the following extracts from the evidence in this case, being the testimony of Samuel L. Cottrell, who was the appointed sheriff to organize Saint Joseph County, Indiana, was subsequently elected to the same office, and was personally acquainted with your memorialists, and assisted in the removal of the main nation:

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

ROLL No. 4, AFFIDAVIT No. 9.

STATE OF INDIANA, Saint Joseph County, ss:

(Page 1.) Samuel Cottrell, affiant, being duly sworn, says that he is aged sixty-eight years; resided in Saint Joseph County since 1825; was appointed sheriff to organize

said county; knew the settlers and Indians; knew the Pottawatomie Indians, and attended their treaties in 1810; assisted in emigrating these Indians; was intimately acquainted with many of the different bands of the same.

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

(Page 3.) It being well understood by all of us that the Pokagon band were exempted from going West by a treaty of 1813, and that fact distinguished them from other bands and, it being established, was sufficient to cause their release from arrest and removal. This fact has always distinguished them in my memory; that many of said band still reside in this county, and have from 1836 to 1843, and since; that the following list of such, with whom he is personally acquainted (except a few young children), are of said band, and residents now of said county.

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

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

SAMUEL L. COTTRILL

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

[L. S.]

GEO. W. MATTHEWS,

Clerk.

Also the following extract from the evidence of Evan C. Johnson, also an ex-sheriff of said Saint Joseph County:

ROLL NO. 4, AFFIDAVIT NO. 12.

STATE OF INDIANA, Saint Joseph County, ss:

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

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

EVAN C. JOHNSON.

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

[SEAL]

GEO. W. MATTHEWS,

Clerk.

Also the following extract from the evidence of Hon. Thomas S. Stanfield, judge of the Saint Joseph County circuit court:

ROLL NO. 4, AFFIDAVIT NO. 13

STATE OF INDIANA, Saint Joseph County, ss:

(Page 21.) Hon. Thomas S. Stanfield (affiant), being duly sworn, says that he is judge of Saint Joseph County circuit court; aged fifty-five; resided in said county since 1811. Has known Samuel L. Cottrell ever since then, and from the fact of official positions, and being engaged in removing the Indians, no citizen had greater opportunities, etc., with the Indians in their tribal relations.

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

observation of him, or more interested in the same
has no interest in the claim, etc.

Attest: A. N. DRACON.

THOS. S. STANFIELD.

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

GEO. W. MATTHEWS,
Clerk.

Also, the following extract from the testimony of Dr. Jacob Hardman, of South Bend, in said county and State:

ROLL No. 4, AFFIDAVIT No. 11.

STATE OF INDIANA, Saint Joseph County, ss:

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

JACOB HARDMAN.

Attest: A. N. DRACON.

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

GEO. W. MATTHEWS,
Clerk.

Also, the following testimony as to the character of the men whose evidence is submitted by your memorialists:

STATE OF INDIANA, Saint Joseph County, ss:

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

LOUIS HUMPHREYS, M. D.,

Examining Surgeon for Pensions and Mayor of South Bend, Ind.

BENJAMIN WALL,

Justice of the Peace.

DWIGHT DEMING,

County Commissioner of Saint Joseph County.

JOHN BROWNFIELD,

President of South Bend National Bank.

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

The original testimony from which these extracts are made is on file with the committees of the House and Senate of the United States.

3. Your memorialists are entitled to share per capita in all annuities accrued by treaty to the Pottawatomie nation of Indians, bearing date prior to September 26, 1833, in proof of which we respectfully submit the supplemental article of the treaty dated September 27, 1833, which reads:

"On behalf of the chiefs and head-men of the united nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

"And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of Michigan, it is agreed that in case of

said county; knew the settlers and Indians; knew the Pottawatomie Indians, and attended their treaties in 1840; assisted in emigrating these Indians; was intimately acquainted with many of the different bands of the same.

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

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

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

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

SAMUEL L. COTTRELL.

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

[L. S.]

GEO. W. MATTHEWS,

Clerk.

Also the following extract from the evidence of Evan C. Johnson, also an ex-sheriff of said Saint Joseph County:

ROLL No. 4, AFFIDAVIT No. 12.

STATE OF INDIANA, Saint Joseph County, ss:

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

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

EVAN C. JOHNSON.

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

[SEAL]

GEO. W. MATTHEWS,

Clerk.

Also the following extract from the evidence of Hon. Thomas S. Stanfield, Judge of the Saint Joseph County circuit court:

ROLL No. 4, AFFIDAVIT No. 13

STATE OF INDIANA, Saint Joseph County, ss:

(Page 21.) Hon. Thomas S. Stanfield (affiant), being duly sworn, says that he is Judge of Saint Joseph County circuit court; aged fifty-five; resided in said county since 1841. Has known Samuel L. Cottrell ever since then, and from the fact of official positions, and being engaged in removing the Indians, no citizen had greater opportunities, etc., with the Indians in their tribal relations.

(Page 22.) I personally knowing to the truth of many of the facts in Cottrell's affidavit, and believe his statement in detail to be true. I would further say that I know of no man whose statement is entitled to more credit, or more likely to make proper

observation of same, or more interested
has no interest in the claim, etc.

Attest: A. N. DRACON.

THOS. S. STANFIELD,

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

GEO. W. MATTHEWS,
Clerk.

Also, the following extract from the testimony of Dr. Jacob Hardman, of South Bend, in said county and State:

ROLL No. 4, AFFIDAVIT No. 11.

STATE OF INDIANA, Saint Joseph County, ss:

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

JACOB HARDMAN.

Attest: A. N. DRACON.

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

GEO. W. MATTHEWS,
Clerk.

Also, the following testimony as to the character of the men whose evidence is submitted by your memorialists:

STATE OF INDIANA, Saint Joseph County, ss:

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

LOUIS HUMPHREYS, M. D.,

Examining Surgeon for Pensions and Mayor of South Bend, Ind.

BENJAMIN WALL,

Justice of the Peace.

DWIGHT DEMING,

County Commissioner of Saint Joseph County.

JOHN BROWNFIELD,

President of South Bend National Bank.

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

The original testimony from which these extracts are made is on file with the committees of the House and Senate of the United States.

3. Your memorialists are entitled to share per capita in all annuities accrued by treaty to the Pottawatomie nation of Indians, bearing date prior to September 26, 1833, in proof of which we respectfully submit the supplemental article of the treaty dated September 27, 1833, which reads:

"On behalf of the chiefs and head-men of the united nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our concurrence therein, become parties thereto.

"And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of Michigan, it is agreed that in case of

...and that arising from the sale of the reservation on which they now reside, shall be paid to them at L'Arbre Croche."

It will be seen on an examination of this article that your memorialists, after being exempt from removal west with the body of the main nation, were secured by the terms of this treaty, and the United States thereby agreed to pay the just proportion of all annuities payable to them (the Pottawatomie Nation) under former treaties.

What is embraced in the term "all annuities" has been frequently passed upon by the Department of the Interior and the officers having charge of Indian affairs, and several committees, both of the Senate and House of Representatives, who have had the subject under consideration, and all have uniformly concurred in recognizing the right of your memorialists to share per capita in "all annuities" made payable to the Pottawatomie Nation by treaties made with the United States and said Indian nation prior to September 26, 1833.

In support of this proposition, we respectfully refer to the letter of Robert Stuart, acting superintendent of Indian affairs (see page hereof), and the reply of T. Hartley Crawford, Commissioner of Indian Affairs. (Please see page hereof.)

It will be seen from an examination of Crawford's letter that he awarded to your memorialists their proportion of one of the "former annuities" only, specifically designating the treaty to which the payment should apply, when in plain terms they were clearly entitled to their "just proportion of all former annuities," which includes some eleven annuities of eleven "former" treaties then operative and in full force, and binding upon the United States.

Regarding this error, the Committee on Indian Affairs of the Senate, in 1865, reported as follows, which is accepted as just and fair, and now only ask that it be faithfully applied to their cause and carried into effect:

"While your committee agrees 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 1839, 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 supplemental 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, second session, 1865, Thirty-eighth Congress.)

The following exhibit, taken from the report of the Hon. S. S. Burdett, House of Representatives, hereafter (on page) cited, makes exhibit at once of the holdings of the Senate and House committees, by quoting the Senate report, and including in it the eleven designated treaties, and their annuities, amounts, time to run, etc.; also quoting and adopting the above extract from the Senate Report No. 111, second session Thirty-eighth 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," etc., 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 1833.	Amount due first semi-decade to 1841.		Amount due second semi-decade, to 1846.		Amount due third semi-decade, to 1851.	
				Yrs.		Yrs.		Yrs.	
Aug. 3, 1797	\$1,000	Perpetual..	\$1,000	5	\$5,000	5	\$5,000	5	\$5,000
Sept. 20, 1799	500	do.....	500	5	2,500	5	2,500	5	2,500
Oct. 2, 1804	2,500	do.....	2,500	5	12,500	5	12,500	5	12,500
Aug. 29, 1821	5,000	20 years...	5,000	5	25,000	Exp.			
Oct. 16, 1823	2,000	22 years...	2,000	5	10,000	5	10,000	1	2,000
Sept. 20, 1824	2,000	Perpetual..	2,000	5	10,000	5	10,000	5	10,000
Sept. 20, 1824	1,000	20 years...	1,000	5	5,000	5	5,000	1	1,000
July 29, 1825	15,000	Perpetual..	15,000	5	75,000	5	75,000	5	75,000
Oct. 29, 1827	15,000	20 years...	15,000	5	75,000	1	15,000	Exp.	
Oct. 31, 1827	20,000	do.....	20,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1829	15,000	12 years...	15,000	5	75,000	2	30,000		
June 17, 1846	300	Perpetual..	300					5	1,500
Total..			101,000		440,000		270,000		211,500

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1834.		Amount due fifth semi-decade, to 1861.		Due sixth semi-decade, to 1864.	Due seventh semi-decade, to 1871.	Due in 1872, for one year.
			Yrs.	\$	Yrs.	\$			
Aug. 8, 1795	\$1,000	Perpetual..	5	\$1,000	5	\$1,000	\$1,000	\$1,000	\$1,000
Sept. 30, 1809	500	do.....	5	2,500	5	2,500	2,500	2,500	500
Oct. 3, 1818	2,500	do.....	5	12,500	5	12,500	12,500	12,500	2,500
Aug. 29, 1821	8,000	20 years..							
Oct. 18, 1824	2,000	22 years..							
Sept. 20, 1824	2,000	Perpetual..	5	10,000	5	10,000	10,000	10,000	2,000
Sept. 20, 1824	1,000	20 years..							
July 29, 1829	18,000	Perpetual..	5	80,000	5	80,000	80,000	80,000	1,000
Oct. 20, 1832	15,000	20 years..							
Oct. 20, 1832	20,000	do.....							
Oct. 27, 1832	18,000	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

Previous to 1872, this measure had been repeatedly examined by the Department of the Interior.

Pending the consideration of this measure 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 honorable Secretary of the Interior an inquiry, dated June 3, 1872, inclosing a copy of the above report and bill, stating that a greater portion of the Indians resided in his district, and requesting the opinion 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. 911, 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 inclosures 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.

And, in further confirmation of this proposition, the Senate has twice, once in the Forty-second and once in the Forty-third Congress, passed a bill awarding your memorialists \$152,402.96 and an annual perpetual annuity of \$2,111.87 from and after 1872, and the committee of the House of Representatives of the Forty-third Congress

same in the House, Congress adjourning before the bill was reached.

4th. The construction thus given to the supplemental article of the treaty of September 27, 1833, being thus conclusive, it only remains to ascertain what "former treaties" existed at the date of the supplemental treaty of September 27, 1833, in order to determine how much the United States by said treaty agreed and covenanted to pay to your memorialists.

To establish this point, the following reference to the treaties is given, and they will be found on the pages designated in the table in vol. 7, United States Statutes at Large:

Date of treaty.	Page of treaty.	Page of annuity.	Annuity.	Time to run.
August 3, 1795.....	46	81	\$1,000	Forever.
September 20, 1803.....	113	174	500	Do.
October 2, 1818.....	185	185	2,200	Do.
August 29, 1825.....	218	320	8,000	For 20 years.
October 14, 1826.....	295	296	2,000	For 21 years.
September 20, 1828.....	317	317	2,000	Forever.
September 20, 1828.....	317	317	1,000	For 20 years.
July 27, 1829.....	320	320	18,000	Forever.
October 20, 1832.....	378	378	15,000	For 20 years.
October 28, 1832.....	394	395	20,000	Do.
October 27, 1833.....	399	431	15,000	For 12 years.

See United States Senate Report 121, second session Forty-second Congress.

To this exhibit must be added the \$2,630 annuity for twenty years of treaty of September 27, 1833, which was made solely with your memorialists; and \$300 annually after 1847, as one of the salt provisions of a treaty prior to 1833, was then commuted in cash, and after that paid as an annuity.

Under the strictly legal and accepted ruling upon the treaty of September 27, 1833, your memorialists are not entitled to participate in any of the monetary considerations of the treaties with their people, but "annuities" of "former" treaties; this excludes them from sums of vast amount, as the following will exhibit, which the Kansas people alone can enjoy.

The following sums, as annuities, etc., have been paid, or are due the Kansas Indians for reasons shown in the statement, but were improperly included in making the distribution, in the House report and bill in 1864, but are now by Senate bill and the reports excluded:

\$950,000 of treaty of September 20, 1833.....	\$950,000
\$550,000 of treaty of June, 1846.....	850,000
These were improperly included, as these were not treaties "former" to September 20, 1833, which was the treaty of separation.	
\$5,000 educational fund, annually for thirty years, 1836 to 1866, by treaties of 1826, 1829, and 1829.....	150,000
\$3,410 blacksmith's fund, annually for thirty years, 1836 to 1866, by treaties of 1826, 1829, and 1829.....	103,200
\$210 for salt, annually, for thirty years, by treaties 1795, 1826, and 1829.....	27,300
These last funds were improperly included, because they are not annuities; they are specific funds not divisible, or distributed as annuities. The treaty of separation says all "annuities" of former treaties.	
To this sum must be added 5 per cent. per annum on \$643,000, the trust-fund of treaty June, 1846, which was \$32,150 for twenty years, 1846 to 1866.....	643,000
Total.....	2,623,500

This exhibits the amounts from which the Michigan and Indiana people are by present rulings excluded, and sufficiently explains why the Kansas people resisted the cause in 1840-'66.

This also sheds light on the agreement which the Kansas people urged so strongly. It was their personal interest to release these funds from the claims of the eastern Indians by this agreement. By the treaty dated September 27, 1833, these Indians became separate peoples, with distinct, separate rights, by the treaty. The Government owed each a definite sum. This agreement was not made in the interest of the Government, nor with any intention of releasing the Government from its obligations to the Michigan and Indiana people, nor was the Government in any sense a party to

no claim to.

Having given the treaties under which these annuities are secured to be paid, and we trust satisfactorily disclaimed all claims to any payment not strictly secured to us by the term "former annuities," as the same has been construed and defined by the Government from time to time uniformly since the proclamation of the treaties, we submit the following tabulated statement from the report of Senator Buckingham, made to the Senate of the United States after a most exhaustive examination, dated April 9, 1872, being Report No. 121, United States Senate, second session Forty-second Congress, and also the report of the Hon. S. S. Burdett, of the House of Representatives and chairman of subcommittee of the Committee on Indian Affairs having the examination of this case in charge, same Congress.

The following, taken from pages 5 and 6 of the Senate Report, No. 121, and Mr. Burdett's report, demonstrates the treaties and sums to which your memorialists are entitled to participate, their per capita amount, the entire amounts which have been paid them, and the balance remaining due.

Treaty.	Annual amount.	Time.	Amount due in 1830.		Amount due first semi-decade, to 1841.		Amount due second semi-decade, to 1856.		Amount due third semi-decade, to 1871.	
			Yrs.	\$	Yrs.	\$	Yrs.	\$	Yrs.	\$
Aug. 5, 1705	\$1,000	Perpetual	5	\$5,000	5	\$5,000	5	\$5,000	5	\$5,000
Sept. 30, 1709	500	do	5	2,500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	do	5	12,500	5	12,500	5	12,500	5	12,500
Aug. 20, 1821	5,000	20 years	5	25,000	Exp.					
Oct. 16, 1824	2,000	22 years	5	10,000	5	10,000	5	10,000	5	10,000
Sept. 20, 1828	2,000	Perpetual	5	10,000	5	10,000	5	10,000	5	10,000
Sept. 20, 1828	1,000	20 years	5	5,000	5	5,000	5	5,000	5	5,000
July 20, 1829	10,000	Perpetual	5	50,000	5	50,000	5	50,000	5	50,000
Oct. 20, 1832	15,000	20 years	5	75,000	1	15,000	Exp.			
Oct. 26, 1832	20,000	do	5	100,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1832	15,000	12 years	5	75,000	2	20,000				
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 1871.		Amount due sixth semi-decade, to 1886.		Amount due seventh semi-decade, to 1871.		Amount due in 1872 for one year.
			Yrs.	\$	Yrs.	\$	Yrs.	\$	Yrs.	\$	
Aug. 5, 1705	\$1,000	Perpetual	5	\$5,000	5	\$5,000	5	\$5,000	5	\$5,000	\$1,000
Sept. 30, 1709	500	do	5	2,500	5	2,500	5	2,500	5	2,500	500
Oct. 2, 1818	2,500	do	5	12,500	5	12,500	5	12,500	5	12,500	2,500
Aug. 20, 1821	5,000	20 years									
Oct. 16, 1824	2,000	22 years									
Sept. 20, 1828	2,000	Perpetual	5	10,000	5	10,000	5	10,000	5	10,000	2,000
Sept. 20, 1828	1,000	20 years									
July 20, 1829	10,000	Perpetual	5	50,000	5	50,000	5	50,000	5	50,000	1,000
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	5	1,500	5	1,500	300
Total				111,500		111,500		111,500		111,500	22,300

Years.	west of the Mississippi.	Michigan and Indiana.	Total number of Indians.	Summe due the nation.	Per capita.	Summe due the bands.
1836.....	2,810	750	4,050	\$40,000.00	\$10.86	\$1,890.00
1841.....	2,320	273	2,623	470,000.00	168.20	29,811.00
1846.....	2,231	268	2,500	270,000.00	108.00	29,852.00
1851.....	2,016	287	2,261	214,000.00	91.65	14,651.25
1856.....	2,181	291	2,463	111,800.00	32.20	9,048.20
1861.....	2,142	304	2,446	111,500.00	46.66	12,828.22
1866.....	2,202	317	2,519	111,800.00	44.24	14,638.42
1871.....	2,202	322	2,524	111,800.00	48.66	14,622.20
1872.....	2,202	322	2,524	22,300.00	8.83	2,444.67
Add full annuity under the treaty September 27, 1833, \$1,000 for 19 years						172,867.00
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years, \$1,557.50 per annua						32,607.50
In 1864.....						1,237.50
In 1865.....						1,557.50
In 1866, in accordance with public act						30,000.00
						75,162.50
Balance duo memorialists.....						91,703.40
Annuity of \$2,444.87 capitatum, at 5 per cent. per annum, equals						50,897.50
Due to make final settlement.....						152,008.99

The per capita proportion of the perpetual annuities agreed to be paid to the Pottawatomies, including your memorialists, prior to 1833, at which time the supplemental treaty heretofore referred to was entered into, will be found in the report of the Secretary of the Interior to the House of Representatives, dated May 14, 1838, an extract from which is as follows:

The Secretary of the Interior, in his report to the House of Representatives, May 14, 1863, reported the following as the perpetual annuities due the Pottawatomies. (See Ex. Doc. No. 290, second session Fortieth Congress:)

PERMANENT ANNUITIES.

Treaty of August 3, 1795, article 4 (see Statutes at Large, vol. 7, p. 51), payable in silver.....	\$1,000.00
Treaty of September 30, 1809, article 3 (Statutes at Large, vol. 3, p. 114), payable in silver	500.00
Treaty of October 2, 1816, article 3 (Statutes at Large, vol. 7, p. 185), payable in silver.....	2,500.00
Treaty of September 20, 1823, article 2 (Statutes at Large, vol. 7, p. 317), payable in money.....	2,000.00
Treaty of July 29, 1829, article 2 (Statutes at Large, vol. 7, p. 320), payable in specie	16,000.00
Treaty of September 20, 1829 (see reference above), and of June 5 and 17, 1846, article 10 (Statutes at Large, vol. 9, p. 255), payable in lieu of tobacco, iron and steel.....	300.00
Treaty of October 16, 1824, article 3 (Statutes at Large, vol. 7, p. 290), and of September 20, 1828, and of July 29, 1829 (references as above), being for blacksmith, iron, steel, etc.....	2,820.00
Treaty of July 20, 1829, article 2 (reference as above), being for salt.....	437.50
Total amount of permanent annuities.....	25,557.50

The just per capita proportion of these, due your memorialists, is \$2,444.87, the same being determined upon their relative numbers in 1836 and 1863, when distribution was commenced on the basis of \$22,300, instead of \$25,557.50, as set forth in the report of the Secretary above; this difference being caused by reason of the deduction from the amount found by the Secretary of all sums due from any other source than those which were strictly annuities.

It should be observed that by treaty of September 27, 1833 (vol. 7, U. S. Stat., page 443), all the annuities are made payable in specie. The premium was paid in 1843, being 42 per cent. about. No premiums or interest are asked or included in this case, although these two items alone would, in equity, more than equal the present bill. Their demand is simple justice.

In June, 1872, there was remaining due and unpaid to your memorialists, after deducting all payments made to them on account of the several treaties, the sum of \$152,692.96; the proportion due to your memorialists annually from the perpetual annuities being \$2,844.87. At the close of this fiscal year (1878) there will be due in addition to the sum found above, six annual payments of \$2,844.87, which, being added to the sum due in 1872, aggregates the sum of \$169,672.19, which last-mentioned sum represents the actual amount of money due to your memorialists on account of these several annuity treaties, on the payment of which your memorialists agree to release the Government of the United States from all future obligations on account of the same.

February 19, 1864, the Committee on Indian Affairs of the House of Representatives reported in favor of the case, awarding \$192,845 (see Report H. R. No. 19, 1st sess. 38th Cong.), and the same session the House passed an act allowing them that sum. But there were two errors in this report: one was that it included the moneyed benefits of other treaties than "former treaties" to September 26, 1833, and other funds than "annuities," as fully shown on page 16 hereof. This greatly increased the amount over what it should have been had no other error been included; but the other error was this distribution was calculated upon the supposed existence of 6,160 of those people when in fact, as heretofore shown, there were but 4,090. This error greatly reduced the amount—nearly to the same extent that the other error increased it.

The Senate, in 1865, as fully stated on page 16, and decision of the committee, quoted on page 8 hereof, corrected the first error by excluding the amounts before improperly included in making the distribution, but failed to correct the other error regarding the number of Indians; 6,160 Indians were used in calculating the distribution (see page 4, Report, U. S. S. No. 111, 2d sess. 38th Cong.), when there should have been but 4,090, as will be seen on an examination of the correspondence between Senator Buckingham and the Hon. Columbus Delano, then Secretary of the Department of the Interior.

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 residing 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 following are the replies:

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 Chippewa, Ottawa, and Pottawatomie 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 transmit 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

thereof known as Indians of the ITAIPIC and KANKAWIC.

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

C. DELANO, Secretary.

TRÉASURY 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. D. FRENCH,
Second Auditor.

Hon. C. DELANO,
Secretary of the Interior.

Exhibits referred to and accompanying the above letter of E. D. French, Second Auditor of the Treasury.

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 the Indian Office:

J. L. Jamison, agent, paid 3,764 persons in 1836.
J. P. Simonton, agent, paid 70 persons in 1836.
A. S. Davis, agent, paid 3,390 persons in 1841.
H. B. Mitchell, agent, paid 2,231 persons in 1846.
J. R. Chénault, 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 \$1,537.50 was paid to those Pottawatomies residing in Michigan, in conformity to, and as their proportion of, the treaty of July 29, 1833, 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 1863, in which years the treaty of 1833 is not included.

The payment of the \$53,000 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 201 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 1849 Charles P. Babcock paid 260 Indians.....	1,587.50
In 1850 Charles P. Babcock paid 213 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 231 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 Witt C. Leach paid 235 Indians.....	1,587.50
In 1862 De Witt C. Leach paid 247 Indians	1,587.50
In 1863 De Witt C. Leach paid 246 Indians.....	1,587.50
In 1864 De Witt C. Leach paid 212 Indians.....	1,237.50
In 1865 Richard M. Smith paid 232 Indians: principal, in currency, \$1,587.50; premium, in gold, \$652.24	2,279.74
In 1866 Richard M. Smith paid 335 Indians	39,000.00

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 receipt rolls on file in this office.

share in these annuities numbered 322, this number being ascertained from evidence then and now on file with the case. This number may be regarded as correct, notwithstanding the fact that in 1860 the evidence on file in the Treasury Department shows that in that year 333 persons were paid by the Government, as is evidenced by the receipted pay-rolls on file in that Department.

For the purpose of securing their rights under these several treaties, your memorialists visited Washington with varied prospect of success, until in 1859 they sent Edward Cowles, one of their people, to look after their matters. In 1861 he succeeded so far as to have an act passed directing the Secretary of the Interior to examine their case and report to Congress, which Caleb B. Smith, Secretary of the Interior, made December 10, 1862 (Ex. Doc. No. 19, third session Thirty-seventh Congress).

After receiving the report of the Secretary of the Interior, above referred to, and ordered by Congress, the Senate Committee on Indian Affairs made a report upon the questions involved in this case, from which we submit the following extract:

"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 principles 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 a share in the annuities only." (See p. 4, Rep. Com., No. 111, Senate, second session, Thirty-eighth Congress, 1865.)

At the same session of Congress the House of Representatives, having this subject under consideration, passed a joint resolution, to which we have before called your attention, awarding to your memorialists, as their share of the annuities secured to the Pottawatomie Nation of Indians by these treaties the sum of \$192,845. (See Report No. 19, first session Thirty-eighth Congress, H. R.)

This action of Congress in 1865 and 1866 was not the result of *ex parte* proceedings. The Kansas delegations were here with their experienced attorney and gave Cowles a most active, relentless, and even vindictive opposition. He was frequently approached with propositions to compromise the case, and finally, in April, 1866, he was threatened that, unless he signed the proposition in writing, they had it in their power to defeat his case.

The proposition submitted by the Kansas Indians, and which was subsequently signed by Cowles, is in words following:

"THE COWLES AGREEMENT.

"The controversy heretofore existing between certain Chippewa, Ottawa, and Pottawatomie Indians of Michigan and the Pottawatomie Nation of Kansas has been compromised and adjusted, the latter agreeing to pay the former the sum of thirty-nine thousand dollars, in full of all claims, past, present, and future, against the tribe, arising out of any treaty or otherwise."

Dated Office Indian Affairs, April 11, 1866 [5]6.

(Original on the files of the House of Representatives and a certified copy with the Committee on Indian Affairs, House of Representatives.)

He was greatly distressed. He was assured that it contained no release to the Government; that by signing it the Indians would lose no rights under the Government treaties. He was allowed no time to confer with his people in Michigan, and, believing these representations, he signed it and reported to his people at once, as shown by the following evidence:

Affidavit of Edward Cowles—Synopsis of affidavit No. 43.

He now resides in (Niles) Berien County, Michigan. Has received a common-school education. In 1859 he came to Washington to look after their annuities. Was delayed from year to year, and resisted by the delegations and attorneys of the Kansas Indians.

That in 1865 and '66 he was approached by them with propositions to compromise the claim, accompanied by threats that unless he accepted their proposition of \$30,000 they had it in their power to defeat the case entirely. That a paper was presented him to sign in April, 1866. It was represented to him that this paper would not release the Government from paying his people all that it might owe them on the treaties with them.

....., expecting to receive their annuities. They had built churches and school-houses, which they must lose unless they received what was due them from the Government.

That many times on the streets of Washington he was urged by people whom he did not know to accept the proposition; that he became so embarrassed and distressed he hardly knew what to do; that finally, believing the agreement to be what it was represented and appeared to be, he signed it. That he would not have signed it if he had thought it capable of being construed to cut his people off from their just rights under the treaties, and went home as soon as possible and reported what he had done to his people in council.

NOTE.—The remainder of his affidavit concerning the history of the protests, the circumstances of the payment, the representations of Mr. Johnson and others, is substantially the same as that of Toposh, Simon Pakagon, Francis Pakagon, Augusta, and the Notes, and others.

After several councils, on the 14th of June, 1866, the Indians in full council unanimously voted to notify the Government that they would not accept the Cowles agreement or relinquish their annuities or any part of them, and employed attorneys to so notify the proper Department of their action; which was done, as appears from the following evidence in the case:

Baker & Richard's letter to Hon. Charles Upson.

PAW PAW, MICH., June 15, 1866.

DEAR SIR: We are instructed, by the unanimous vote of our Michigan Indians in council at Rush Lake, to address you this note, and request you to advise the Department that the Indians will not relinquish their annuities or any part of them.

BAKER & RICHARDS.

Hon. CHAS. UPSON,
House of Representatives, Washington, D. C.

Synopsis of affidavit of John R. Baker.

[Exhibit of letter same as in Upson's affidavit.]

STATE OF MICHIGAN, County of Van Buren:

John R. Baker, of Paw Paw, said county, was one of the law firm of Baker & Richards, of same place, and he wrote the above letter to Hon. Charles Upson, signed the firm name, and duly mailed the same to said Upson.

Sworn to before S. W. Deascombe, notary public.

February 3, 1873.

Synopsis of affidavit of Hon. Charles Upson.

STATE OF MICHIGAN, Branch County:

Charles Upson, of Coldwater, said county, in 1866, while in Washington, D. C., as Representative, received a letter from Messrs. Baker & Richards, of which he thinks the annexed paper, marked A, is a true copy. He does not now recollect, but feels confident that he must have informed either the Department or committee of its contents soon after its reception.

Sworn to before David Thompson, United States commissioner, etc.

February 11, 1873.

By this evidence it appears that your memorialists promptly entered their protest by employing attorneys to notify the Government that they would not relinquish their annuities, or any part of them, which was duly forwarded to their Representative in Congress (thus "bringing it to the ear of the court"), and requesting him as an officer of the Government to so notify the Department. Upson received the protest "some six weeks" before the passage of the act, and believes he gave the notice required. Be that as it may, it matters nothing. The Indians had exercised full diligence, and can not in law, much less in honor and right dealing, be held liable for any neglect on the part of the officers of the Government, especially under trusteeship. The memorialists had gone into debt to build for themselves two churches and two school-houses, as they are now mostly residing in two parishes, expecting in 1863 and 1864 the large amount to be soon paid them, and in 1866 these debts were cu-

jeopardizing their small farms and cherished improvements, as appears from the following evidence:

ROLL No. 10, AFFIDAVIT No. 23.

The Indians had long expected the payment of a large amount, being familiar with the reports of Hon. W. P. Dole, Commissioner of Indian Affairs, and Hon. C. B. Smith, Secretary of the Interior, made in 1862, and believed the amount then reported (\$192,850) would be paid. In view of its early payment they had contracted a large amount of debts for churches and school-houses, etc., and upon hearing of the Government's resolution awarding only \$39,000 they held several councils of their people and declined to accept the \$39,000, fearing it would debar them from prosecuting their just claim for the remainder.

ROLL No. 13, AFFIDAVIT No. 23.

STATE OF MICHIGAN, County of Cass, ss:

[Extract.]

which made it necessary for them to receive it save their farms from being sacrificed at mortgage sale, and partly from representations then made that their claim would yet be paid in full if said Government should be satisfied that it was just and equitable.

ELIAS S. HOWARD,

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

[SEAL.]

CHANCY T. LEE,

Notary Public, Cass County, Michigan.

Synopsis of affidavit of A. J. Toposh.

That he was present at several councils of these people held in May and June, 1866 that at a council held immediately before, and at the payment of \$39,000, he was requested and authorized, as their interpreter, to make their deliberations known to the agent making the payment. He was instructed to inform him that the Indians could not accept the \$39,000 as payment in full of the large amounts they then knew to be due them by the Government's reports, decisions, and actions, but as they had mortgages on their small farms, church and school property, and threatened with fore closure and sheriff's sale, being in greatly distressed circumstances, being poor and needy, they would accept the \$39,000, and allow the same as so much paid them on their just claim. That before the payment was made he did faithfully make known the result of the deliberations of the Indians in council, as above set forth, in the presence and hearing of the agent, Mr. Smith, the Indians, and others present. The agent would have no conference with the Indians. That the Indians were advised by friends and counsel, and a Mr. Johnson, who, it was understood, was present to aid Mr. Smith in the payment in some way by appointment of the Government, that their acceptance of the money could not have any effect to prevent the payment of all just balances due them, as they only accepted it upon the express condition of their protests. That this advice of friends, counsel, and Mr. Johnson was freely given and expressed in the presence of the agent, to which the agent made no reply. That under these circumstances and advice, relying upon the laws and facts as thus ascertained to them, they signed the receipt required by the agent.

Affidavits of Francis Pokagon and Simon Pokagon.

They are sons of old chief Pokagon; have had a partial English education. (Note.—Their testimony is substantially the same, and fully corroborative of the above affidavit of Toposh; referring to Johnson's advice, they say:) The Indians were advised by friends and counsel that a receipt so forced from them, under all its attending facts, could not be held to abrogate the Government treaties, or in any way defeat them in their just claim under said treaties, and such was the statement then and there made before the payment by said Johnson, which advice and assurances were accepted by the Indians as of authority, and the same was given in the presence of said agent, and the same was not, in the presence or hearing of the Indians or to their knowledge, by said agent in any way modified or disavowed, and, relying on this, they signed the required receipt and took the money, said Johnson assisting in the payment, and from our knowledge we don't believe one dollar of it would have been accepted to this day had the Indians believed or been informed that accepting it would be fatal to their recovering the large balance remaining due them.

February 14, 1873, who certifies that these Indians are intolligant; that the above affidavits were read to them, and signed by them in his presence.
 These affidavits are supported substantially by two affidavits of Elias S. Howard, date February 1, 1873, and James Sullivan, date January 10, 1871, of Dowagiac, Mich., being disinterested white witnesses.

STATE OF INDIANA, Saint Joseph County, ss:

Seton Moty, Little Seton Moty, Billy Augusta, John Cash-au-wa-Weso Moty, and Francis Williams, all over thirty-six years of age, residing in Michigan. (Note.— These applicants cover the same facts, and fully sustain the preceding affidavit of A. J. Toposh. The first four are members of their business committee.)
 Signed and sworn to before George W. Mathews, clerk of Saint Joseph circuit court, February 1, 1873.

Testimony of Rev. P. O. Johnson.

STATE OF MICHIGAN, County of Washtenaw, ss:

Personally appeared before me, Andrew J. Sutherland, a notary public in and for said county, one P. O. Johnson, to me personally known, and being by me first duly sworn, upon his oath says that his name is Peter O. Johnson, aged fifty-seven years; that he is a minister of the gospel, now residing in Ann Arbor, said county and State; that he did at the request of the late Richard M. Smith, an Indian agent, accompany him and assist him in making the payment of \$39,000 to the Pottawatomies of Michigan and Indiana at their homes, near Dowagiac, said State, in 1866. Mr. Smith made known to the Indians that he was instructed by the then Acting Secretary of the Interior that this was to be their final payment.

At this the Indians were much surprised, and greatly distressed that they were to receive as a final payment only so small a part of what they said the Department of the Interior and the House of Representatives had declared was due them for their lands, and which they seemed to know and believe was due them.

One of their people, Augustine J. Toposh, as the interpreter of their councils, before the payment was made, and in the presence and hearing of Mr. Smith and the Indians, said that the Indians in their councils had instructed him to say to him (Mr. Smith) that, in full accord with their written protest, which they had sent to the Hon. Charles Upsom and the department, they could not accept the \$39,000 and relinquish any of their rights under the treaties, but being in great distress, they would accept it only as so much paid on their just demand.

Everything came to a stand-still for the whole day, or nearly so, when Mr. Smith, having known me as a missionary to the Indians since 1843, advised them to counsel with me, as I had intimate knowledge of the treaties and the manner of the Government dealing with them. They acted upon this advice, and after several hours spent in free interchange of thought and feelings, during which they stated their claims and grievances to me fully, as I understood their language. I advised them to receive the \$39,000 and sign the required receipt upon their protests already made. I also stated to them that I believed, from what I had seen of the dealings of our Government with Indians, that the intention of the Government was not to wrong them, but to deal kindly and justly with them; that I felt sure that if, upon examination of their treaty stipulations, it should be found that there remained any sum, large or small, due them it would be paid them. The fact of their signing this receipt would not be a bar to their claim, especially so when it could be shown that the mistake was on the part of our Government, and that they were compelled by reason of debts incurred, in anticipation of a much larger sum, long before that, to have the \$39,000 or lose their improvements.

Upon these facts I said to them, "You must or better take the \$39,000 and trust to the Government." I said, "Present your case; justice may be a little slow, but it will come."

After this they quietly accepted the money and signed the required receipt. I am stating these facts from a clear recollection of their occurrence. I have no interest personally whatever in the case of these people.

PETER O. JOHNSON.

Attest:

HIRSH C. WALDRON,
 L. Sr. Lord.

Subscribed and sworn to before me this 31 day of December, A. D. 1874; and I certify that the above Peter O. Johnson is to me personally known to be a person entitled to full faith and credibility.

[L. S.]

ANDREW J. SUTHERLAND,
 Notary Public.

of said county and the above, is a notary public in and for said county, signed by
H. C. Waldron, deputy clerk.

The legal propositions in this case are few and simple.

The United States can take nothing by the joint resolution of the eighteenth Congress.

The resolution was proposed for the purpose of carrying into effect a treaty entered into between the Kansas branch of the Pottawatomie and Cowles.

The resolution can not be made to embrace more than was embraced in the agreement upon which it was based and which it was passed to carry into effect.

If, however, this agreement was wrested from Cowles, an ignorant Indian, by intimidation and offers of violence, the agreement has no force or effect. This would be such duress as would avoid the agreement. But we are not left to rest the case upon this proposition. The agreement itself. It provided for a settlement of claims made by the Michigan Indians of money arising out of treaties with the United States made subsequent to the treaties of 1833, heretofore referred to, and to which we now make no claim.

In support of the several legal propositions that may be suggested in the examination of the case, we respectfully submit the following authorities from the many that might be referred to:

"A contract made by a party under compulsion is void, because consent is the essence of a contract, and where there is compulsion there is no consent, for this must be voluntary (1 Par. on Cont., 392; 1 Blk. Com., 131; 5 Hill, 159; 16 Wend., 321; 5 Cow., 625).

"So cautiously does the law watch over all contracts, that it will not permit any to be binding but such as are made by persons perfectly free and at full liberty to make or refuse such contract" (1 Bay, S. C., 270; 2 Ib., 211; Grocul. on Ev., 301; 16 Ill., 32; 12 Pick., 7).

It is the court (4 Ohio), 347:

"A receipt is prima facie evidence of payment, but a receipt acknowledging the reception of ten dollars and acquitting and releasing from all obligations would be a receipt for ten dollars only" (2 Ves., Ch., 310; 5 Barn. & Ad., 606; 18 Pick., 325; 1 Ed. Ch., N. Y. 341).

From the above it appears that the receipt they signed when forced and advised to accept the \$39,000 is, *per se*, no bar to the recovery of the remainder.

This sum was, at most, but a part payment of an ascertained, just, and acknowledged debt, and proven upon the findings of record by the Government.

"Part payment is no satisfaction of the debt, even where the creditors agree to receive a part of the whole, and gives receipt for the whole demand; and a plea of payment of a small sum in satisfaction of a larger is bad even after verdict" (2 Par. on Cont., 619; 3 N. H., 518; 11 Vt., 69; 5 Johns., 338).

Again, these people were, and now are, the *cestui que trusts* of the Government of the United States, which then was and now is their trustee, in possession of their funds, and protector of their persons and rights. As a reminder of the rigor of the law by which trustees are held to faithfully discharge their trusts, the following is cited from the books:

"Trustees are to faithfully apply the property according to the confidence reposed in them by the *cestui que trusts* (1 Kent Com., 295; Hill on Trustees, 495, 324; 1 Saunders N. & T., 6; 3 Blk. Com., 431).

"The continuance of an estate of trustee will be continued or limited to the accomplishment of the purposes of the trust over the express language of the instrument creating the same (4 Den., N. Y., 335; 11 B. Mon., Ky., 233).

"Payment must be made of the whole sum, and even where receipt in full has been given for a payment of part of an ascertained sum, it has been held not to be an extinction of the debt (5 Coko, 117; 2 Barn. & Ad., 477; 11 Vt., 69; 26 Mo., 68; 5 Johns., 333; 17 Ill., 196)."

Upon the most critical examination of the evidence of protest and the circumstances attending the payment, it must be conceded that the Cowles agreement, even though it had been properly obtained and the act in accord with it, was, and remains in law, fully annulled in all legal respects and effects void.

The joint resolution (vol. 14 United States Statutes, page 370) reads:

"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 1816 with the United States, the sum of \$30,000, 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."

The act itself states that it was to carry into effect a compromise and agreement be-

sional Globe, it appears that this was the only representation made on the floor which secured its hasty passage by both houses on the last two days of the session.

Now, most happily for these unfortunate people, this agreement is in writing, signed by Mr. Cowles and the Kansas delegation, and duly preserved on the file records of the House, and it reads:

"The controversy heretofore existing between certain Chippewa, Ottawa, and Pottawatomie Indians of Michigan and the Pottawatomie Nation of Kansas has been compromised and adjusted, the latter agreeing to pay the former the sum of \$39,000, in full of all claims, past, present, or future, against the tribe, arising out of any treaty or otherwise."

The purpose of this agreement is manifest. Your memorialists were then claiming their distributive proportion of vast sums to which they had no right. (See page 16, hereof.) It was to release those funds from their claims, and not to release the United States from the treaty obligations with your memorialists, that it was so ardently demanded.

Cowles was assured that by signing it he would not impair the rights of his people upon the treaties to all remaining balances; believing which, he signed it (see evidence, page 29, hereof), and the agreement itself sustains those representations. He or his people in no manner and at no time ever agreed to accept \$39,000 and release their claims against the United States upon the treaties.

The words "either against the United States or" and "and the annuity now paid them is to be restored and paid to said nation for the future," which appear in the act, are not, in fact, in substance, or by implication, to be found in the agreement upon which the act declares it is based.

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 following are the replies:

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 Chippewa, Ottawa, and Pottawatomie 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 transmit 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 24, 1872, to W. N. Severance, esq., attorney for Pottawatomies of

mentions in that of yesterday to you from Senator Buckingham,
in this office by Mr. Beveraue.

Very respectfully,

E. B. FRENCH,
Second Auditor.

Hon. C. DRLAND,
Secretary of the Interior.

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

J. L. Junction, agent, paid 3,764 persons in 1830.
J. P. Simonton, agent, paid 70 persons in 1830.
A. S. Davis, agent, paid 3,390 persons in 1841.
R. H. Mitchell, agent, paid 2,231 persons in 1840.
J. R. Chouault, 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 Pottawatomes 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 1866, 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 29, 1866 (vol. 14, U. S. Stat. at Large, page 370).

In 1813 Robert Stuart paid 253 Indians.....	\$1,587.50
In 1814 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 214 Indians.....	1,587.50
In 1848 Wm. A. Richmond paid 260 Indians.....	1,587.50
In 1849 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 239 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.....	1,587.50
In 1865 Richard M. Smith paid 232 Indians: principal, in currency, \$1,587.50; premium, in gold, \$692.24.....	2,279.70
In 1866 Richard M. Smith paid 333 Indians.....	39,000.00

The above shows the number of Pottawatome Indians residing in Michigan in the years indicated who received the amount as shown thereon, as the same appear from the receipt-rolls on file in this office.

As the questions arising in this case have so often been considered and examined by the several departments of the Government, with a uniformly favorable result to your memorialists' claims for redress; as every question arising out of these severities and the relations to, and the rights of, your memorialists under them, have been subjected to the most rigid scrutiny by the officers of the Government and members of the Senate and House of Representatives, we deem it unnecessary to add anything further.

The reports of Senator Buckingham and the Hon. S. S. Burdett, of the House, as so full and complete upon all questions arising in the case, whether those questions be of fact, of equity, or of law, that we submit them entire as a part of this memorial. In conclusion, we will only add that your memorialists are an intelligent, frugal, industrious, and Christian people, fully competent to manage their own affairs. They are at all times assured by the highest authority of the Government that their cause is just, and are conscious that ultimately it must prevail. They are in want, as

once the House, and it is most ardently hoped that all future expense and trouble, both to them and the Government, may be avoided by the present bill becoming a law, as they will ever pray.

SISON POKAGON,
Chairman Business Committee.
W. N. SEVERANCE,
Of South Bend, Ind., Counsel.
CHARLES N. LAMISON,
Of Lima, Ohio, Counsel.

REPORT FROM THE COMMITTEE ON INDIAN AFFAIRS OF THE SENATE OF THE UNITED STATES AND REFERRED TO IN THE FOREGOING MEMORIAL AS THE "BUCKINGHAM REPORT."

(Senate Report No. 131, Forty-second Congress, second session.)

Mr. BUCKINGHAM made the following report (to accompany bill S. 913):

The Commission on Indian Affairs, to whom was referred the petition of the Pottawatomi 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 Pottawatomi 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 Pottawatomi 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 that 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 Pottawatomi 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 \$1,597.50 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 Pottawatomi Indians residing in Michigan, under and by virtue of the treaties of July 20, 1829, September 26, 1833, and the articles supplementary thereto and under the treaty of the 5th and 19th of June, 1846; with the Pottawatomi Nation of Indiana, and also to report whether there is any money or property therefore payable to said Pottawatomi Nation, made under and by virtue of the

In compliance with the requirements of the act of December 19, 1802, that, based upon the construction given by the Indian Office to the several treaties, there was due the Pottawatomie Nation \$160,640.44 in cash, besides tobacco, iron, steel, and salt, and that he had no reasons to doubt the statement of 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 27th 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 band 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 20, 1833" (as may be claimed if we look only to the language quoted from the supplementary treaty of September 27, 1833), "they are entitled to \$19,217.50 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 \$133,000 the avails of a sale of land in Iowa, made under the treaty of June, 1846," making the sum \$59,310, 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 Warren Crocho."

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 lands 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 supplementary treaty. The consideration was the consideration given for that land.

In examining the several treaties, the committee find that by the one of June 7, 1804, the United States engaged to deliver yearly, and every year, a quantity of salt not exceeding 150 bushels.

By the treaty of October 26, 1806, the United States stipulated to provide for the support of a blacksmith at some convenient point; to appropriate for the purpose of

POTTAWATOMIE INDIANS.

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 wheat, all of which therein specified were to have been paid by the Indian agent at Fort Wayne.

By the treaty of September 20, 1823, the United States agreed to furnish the Pottawatomie tribe annually with a specified amount of tobacco, iron, and steel; with a blacksmith for fifteen years; with three 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 land 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 \$1,567.50, paid the Michigan Indians from 1813 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 28th 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 \$30,000, 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 1865, 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 receipt-rolls 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 1813 to 1865, inclusive.

Previous to 1813 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 231.

Affidavits show that in 1811 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 1811, and as there has evidently been a gradual increase in their numbers since that date, the increase has been apportioned to each semi-decade.

POTTAWATOMIE INDIANS.

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 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.		Yrs.		Yrs.		
Aug. 8, 1795	\$1,000	Perpetual	5	\$5,000	5	\$5,000	5,000	5,000	5,000	\$1,000	
Sept. 30, 1800	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. 22, 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	16,000	
Oct. 20, 1832	15,000	20 years									
Oct. 20, 1832	20,000	do	5								
Oct. 27, 1832	15,000	12 years									
June 17, 1846	500	Perpetual	5	1,500	5	1,500	1,500	1,500	1,500	500	
Total				111,500		111,500	111,500	111,500	111,500	22,300	

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. 8, 1795	\$1,000	Perpetual	5	\$5,000	5	\$5,000	5,000	5,000	5,000	
Sept. 30, 1800	500	do	5	2,500	5	2,500	2,500	2,500	2,500	
Oct. 2, 1818	2,500	do	5	12,500	5	12,500	12,500	12,500	12,500	
Aug. 22, 1821	5,000	20 years			5	25,000	Exp.			
Oct. 16, 1826	2,000	22 years			5	10,000	5	10,000	10,000	
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			5	5,000	5	5,000	5,000	
July 29, 1829	16,000	Perpetual	5	80,000	5	80,000	80,000	80,000	16,000	
Oct. 20, 1832	15,000	20 years			5	75,000	1	15,000	Exp.	
Oct. 20, 1832	20,000	do	5	100,000	5	100,000	5	100,000	20,000	
Oct. 27, 1832	15,000	12 years			5	75,000	2	20,000		
June 17, 1846	500	Perpetual	5	1,500					1,500	
Total				80,000		400,000		270,000		214,500

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.
1814	3,814	250	4,064	\$80,000.00	\$19.70	\$,890.00
1821	3,390	273	3,663	400,000.00	109.20	23,811.00
1828	2,231	269	2,500	270,000.00	108.00	29,052.00
1831	3,814	247	4,061	214,500.00	51.65	14,851.35
1833	3,181	281	3,462	111,500.00	32.20	8,018.20
1834	2,112	304	2,416	111,500.00	45.74	13,834.32
1835	2,202	317	2,519	111,500.00	44.24	14,036.43
1837	2,202	322	2,524	111,500.00	43.60	14,831.20
1838	2,202	322	2,524	22,500.00	8.83	2,444.87

All full annuity under treaty September 30, 1833, \$2,000 for 19 years.....	132,867.81
.....	34,000.00
Total paid the memorialists from the year 1813 to 1863, inclusive, 21 years, \$1,500 per annum	315,337.50
.....	1,287.50
.....	1,587.50
.....	3,000.00
Total paid the memorialists	75,162.50
.....	2,704.49
.....	2,897.50
Total paid the memorialists	132,612.98

passed by the Senate:

(S. 944.)

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.

REPORT OF THE HON. S. S. BURDOTT REFERRED TO IN THE FOREGOING MEMORIAL.

The following is the report of the Hon. Samuel S. Burdott, 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 subcommittee 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 all 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 historic 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, affected 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 General 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, etc., the United States purchased of them their general Indian title, and their specific reserves, for the frontier settlers of the country.

30,000,000 of acres of land, now second to no country in the nation:

Stipulations.	Vol. 7.	Date of treaty.	Amount.	Proclamation.	Time to run.
Perpetual annuity	49	Aug. 2, 1793	\$1,000	Dec. 2, 1795	Forever.
Salt	74	June 7, 1803	.....	Dec. 24, 1803	.....
Perpetual annuity	112	Sept. 30, 1809	400	Jan. 18, 1810	Forever.
Perpetual annuity	145	Oct. 2, 1818	2,500	Jan. 12, 1819	Do.
Annuity	169	Aug. 29, 1831	2,000	Mar. 28, 1832	Twenty-two years.
Annuity	195	Oct. 14, 1820	2,000	Feb. 7, 1827	Pleasure of President.
Blacksmith	293	do	.....	do	.....
Iron, steel, and miller	293	do	.....	do	.....
Salt (160 barrels)	295	do	.....	do	.....
Perpetual annuity	317	Sept. 20, 1833	2,000	Jan. 7, 1833	Forever.
Annuity	317	do	1,000	do	Twenty years.
Tobacco, iron, and stool	317	do	.....	do	Annually.
Education	317	do	1,600	do	Pleasure of Congress.
To chief	317	do	100	do	Life of.
Blacksmith	317	do	.....	do	.....
Iron and steel	317	do	.....	do	.....
Annuity	378	Oct. 20, 1833	15,600	Jan. 31, 1833	Twenty years.
To chief	378	do	.....	do	Life of.
Annuity	394	Oct. 20, 1833	20,000	do	Twenty years.
Eduation	394	Oct. 27, 1833	2,000	do	Pleasure of Congress.
Perpetual annuity	420	July 29, 1829	18,000	Jan. 2, 1830	Forever.
Iron and steel	420	do	.....	do	Do.
Blacksmith	420	do	.....	do	Do.
Salt (50 barrels)	420	do	.....	do	Do.
Annuity	431	Sept. 26, 1833	14,000	Feb. 31, 1833	Twenty years.
Annuity	442	Sept. 27, 1833	2,000	do	Do.
To chiefs	431	Sept. 26, 1833	1,100	do	Life of.
For 1 sections of land	408	Mar. 29, 1836	2,560	June 4, 1836	One year.
For 20 sections of land	490	May 11, 1836	23,040	May 25, 1836	In one and two year
For 10 sections of land	500	Apr. 24, 1836	6,400	do	One year.
For 2 sections of land	501	do	1,280	do	Do.
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	Do.
For 4 sections of land	514	Sept. 22, 1836	3,200	do	Do.
For 42 sections of land	515	Sept. 23, 1836	33,000	do	Do.
Annuity	518	Aug. 29, 1821	5,400	Mar. 25, 1822	Twenty years.
Three chiefs	317	Sept. 20, 1828	.....	Jan. 7, 1829	Ten years.
Annuity	399	Oct. 27, 1832	15,600	Jan. 31, 1833	Twelve years.
Annuity	467	Dec. 10, 1834	1,600	Mar. 16, 1835	Two years.
Trust-fund, etc .....	.....	June 5 and 17, 1846.	850,060	.....	.....
Trust-fund, interest annually .....	.....	do	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 \$613,000 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 6,000,000 acres, and agreed to go west, receiving therefor 5,000,000 acres on the Missouri, in the (now) State of Iowa, and some \$850,000 in annuities, trust-funds, school-funds, and other moneyed provisions.

This treaty was completed on September 26, 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 exhibit 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 Pottawatonic Indians, concluded at the same place on the 27th day of September, 1833, between the said commission-

ers on the part of the United States, of the one part, and the chiefs and headmen 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 headmen cede to the United States all their land situate in the Territory of Michigan, south of the Grand River, being the reservation at Nottawaseppi, 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 Saint Joseph on the 19th September, 1827; and also the tract of land on the Saint Joseph River, opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of Topenoos 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 headmen, 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 headmen 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 reservation 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 \$450,000, 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, 104,000 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 3,800, and these annuitants 250 souls.

These annuitants make no complaint of lack 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, 1823.

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 soon by Commissioner Crawford's letter accompanying the papers, they received no annuities until 1813, when an award of \$1,527.56, out of one of the "former annuities" of July, 1822, 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 \$192,250 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 treaty in 1846 made, resulting in \$750,000 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, 1823, not a former treaty.

This error greatly increases the award; and the second error was "supposing" the existence of 6,150 Indians, when in fact there were but 3,000 (see Secretary DeLano's letters and reports of 1862 and 1872), which error, to almost an exact amount, reduced their proper award; so that, in fact, the award of \$192,250 was only some \$1,200 in error in their favor, at this date.

The Senate (see report of 1845) 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 those 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 Indian 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 1820, 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 supplemental 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. 33th 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 September 26, 1833. These annuities, 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," etc., 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.	
				Frs.	Dols.	Frs.	Dols.	Frs.	Dols.
Aug. 8, 1793	\$1,000	Perpetual	\$1,000	5	\$5,000	5	\$5,000	5	\$5,000
Sept. 30, 1809	500	do	500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	do	2,500	5	12,500	5	12,500	5	12,500
Aug. 29, 1821	5,000	20 years	5,000	5	25,000	Exp			
Oct. 18, 1824	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
July 29, 1829	1,000	20 years	1,000	5	5,000	5	5,000	1	1,000
Oct. 20, 1832	15,000	Perpetual	15,000	5	80,000	5	80,000	5	80,000
Oct. 20, 1832	15,000	20 years	15,000	5	75,000	1	15,000	Exp	
Oct. 20, 1832	20,000	do	20,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1832	15,000	12 years	15,000	5	75,000	2	30,000		
June 17, 1840	300	Perpetual						5	1,500
Total			80,000		400,000		270,000		214,000

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.
			Frs.	Dols.	Frs.	Dols.			
Aug. 8, 1793	\$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. 18, 1824	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	10,000	Perpetual	5	80,000	5	80,000	80,000	80,000	1,000
Oct. 20, 1832	15,000	20 years							
Oct. 20, 1832	20,000	do							
Oct. 27, 1832	15,000	12 years							
June 17, 1840	300	Perpetual	5	1,500	5	1,500	1,500	1,500	300
Total				111,000		111,500	111,500	111,500	22,200

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, etc., which were moneyed provisions of the former treaties, &c., those prior to 1833, but not annuities. It also cuts them off from all participation in the \$413,000 trust fund, and the \$32,500 annual interest on the same arising out of the sale by the Kansas Indians of the 5,000,000 tract, as reserved to the Pottawatomie in Iowa, and sold to the United States by treaty in 1816. This was a subsequent, not a former, treaty to 1833.

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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 20 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 Pottawatomie. 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 council 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's power of attorney for having exceeded his powers, etc., and was dated and mailed, and doubtless received nearly six weeks prior to 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, etc., in their distress they would accept it only as so much paid on their just claim, to save their improvements from sheriff's sale, etc., 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 H. Stuart, Indian agent of this agency, as "the supplemental article of the treaty," the article, etc., 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.

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These annuitants have ever believed it a valid article, and to treat it by adverse apposition, if it be not, then the United States have perpetrated a fraud upon these people by maintaining them, where 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 guaranty contained in this article protecting the annuitants in their just proportion, it must be observed that, as the treaties by which the Government purchased those 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 guaranty 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 \$39,000 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, these were created by treaties subsequent to 1833, and including 26th September, 1853, 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 place of residence. The Government clearly permitted these annuitants to remain in Michigan, hence this agreement can not 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 that *cestui que trusts*, competent to contracts, 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 can not 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 by final settlement, taking the last table and the numbers of Indians as established by the record and facts in the case as the data:

Year	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the annuitants.
1836	2,840	250	4,090	\$50,000.00	\$12.22	\$49,750.00
1837	2,380	273	2,653	400,000.00	109.20	29,811.60
1838	2,321	269	2,590	270,000.00	104.25	29,072.00
1839	2,914	287	4,201	214,500.00	51.05	14,651.35
1840	2,181	281	3,462	111,500.00	32.20	9,047.20
1841	2,142	304	2,446	111,500.00	45.58	12,856.32
1842	2,202	317	2,519	111,500.00	44.26	14,070.43
1843	2,202	323	2,524	111,500.00	44.60	14,682.20
1844	2,202	322	2,524	21,300.00	8.83	2,214.87
						132,267.08
Add full annuity under treaty September 27, 1833, \$2,000, for 19 years.....						38,000.00
						170,267.08
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years.						
At \$27.50 per annuitant.....						587,375.00
In 1843.....						1,237.50
In 1845.....						1,237.50
In 1860, in accordance with public act.....						3,292.00
						77,102.50
Federal Government.....						15,750.00
State of Michigan.....						15,000.00

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. DUNNITT.

This cause was again presented to the Forty-third Congress, and the bill (then being Senate bill No. 215) was reported to the Senate by the Committee on Indian Affairs and passed.

The following extracts are here inserted from the report of the House Committee on Indian Affairs of the Forty-third Congress on the above bill, which report is on the files of the committee with the other papers in this case:

[Extract.]

The Committee on Indian Affairs, to whom was referred Senate bill No. 216, "to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana, under treaty stipulations existing with them," having considered the same, make the following report:

This bill appropriates the sum of \$155,447.81, due to the Pottawatomie Indians who are now citizens of Cass, Van Buren, and Berrien Counties, in the State of Michigan, and Saint Joseph County, Ind., in full settlement of all claims whatsoever, under treaties with the United States, and for the surrender of their lands and reservations to the Government.

The history of this claim in favor of the Pottawatomie Indians of Michigan and Indiana shows that for twelve years past they have personally, and through their representatives, urged its settlement before Congress, and during all that time their claim has been recommended to be paid by the Indian Office, and favorably considered by the Senate and by the Committee of Indian Affairs of this House.

It has at no time been reported adversely.

The committee therefore deem it sufficient to report the facts briefly upon which they recommend the passage of the Senate bill and the payment of the sum mentioned.

The following testimony will, we trust, fully explain everything connected with the payment of the \$39,000 provided for by the joint resolution of Congress, passed for the purpose of carrying into effect the agreement entered into between the Kansas Italians and Cowles, and to which we have before referred. We desire to submit no comments upon this evidence. We append this evidence to our memorial and make it a part thereof.

Testimony of assistants, Nos. 55 and 61, inclusive, roll 23.

[The original testimony will be found accompanying this memorial.]

STATE OF MICHIGAN, County of Van Buren, ss:

Before me, Ceclius H. Engle, a notary public, in and for said county of Van Buren, personally appeared Augustino J. Toposh, Cetone Mot6, Cetone Mot6, jr., James Pokagan, John Koshwa, Alexus Chonigar, Joseph Bertrand, William Cowtuckmuck, and John Mix, who, being by me duly sworn, upon their oaths say that Augustino J. Toposh, Simon Pokagan, Cetone Mot6, Cetone Mot6, jr., James Pokagan, John Koshwa, Alexander Chonigar, Joseph Bertrand, Joseph Otuckwin, William Cowtuckmuck, and John Mix, are members of the Pokagan band of Pottawatomie Indians, residing in Cass, Van Buren, and Berrien Counties, Mich., and Saint Joseph County, Ind., and Augustino J. Toposh has for many years been living in their midst, and acting many times as their friend, and at the payment of the \$39,000, in 1886, as their interpreter to make known the protest of their people against accepting that sum as final, and their determination not to relinquish any of their treaty rights or annuities.

That their people, as shown by the former evidence in the case, now number some 322 souls; that they are an industrious, orderly, frugal, and religious people, maintaining themselves, their churches, and schools, which they have built for their own people; and that they, as a people, are as fully competent to manage their own affairs as any other people in equal common walks of life.

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That before the payment of the \$39,000, which was made in 1866, these people had received and fully considered and understood, at several full councils, the various reports of the Department of the Interior, and of the House of Representatives United States, which showed the Government owed them nearly \$200,000, which they believed to be just and right in amount; and for these good reasons they wholly refused to accept the \$39,000 as a full and final payment, and relinquish their treaty rights.

But then being in great distress for money, being several years in debt, for money borrowed to build two churches and two school-houses in two parishes for their people and children, in full confidence of the early payment of the sum of \$192,850, as stated by the Government to be due them for their lands, they were forced to accept this \$39,000, as the only escape to save their improvements from sheriff's and mortgage sales, but accepted it only as so much paid on the amount due them.

In 1866, as soon as the Indians learned that the Government contemplated paying them but \$39,000, they in full council directed the proper department of the Government to be notified of their determined protest; which was that they could not accept the \$39,000 and relinquish their annuities, or any treaty rights; which protest was made in writing, and by them forwarded to and received by Hon. Charles Upson, then in the city of Washington, D. C., their representative in Congress, some six weeks before the passage of the act awarding them the \$39,000.

Again, at the payment, in 1866, before money was paid, they, by Augustine J. Toposh as their interpreter, duly authorized so to do, stated to the agent of the Government making the payment, that upon reports of the Government \$192,850 was due them for their lands; that by the Government delaying to pay them they had become distressed by debts; that they had no money or credit; that their improvements were liable to be sold at sheriff's sale; that they must have the \$39,000, but that they would only give receipt for so much paid on their treaty rights, and not as the Government wanted it, in full and final payment.

They were then informed by friends, and advised by counsel, that they could safely accept the \$39,000 and give the receipt demanded; that the Government could not, and would not, hold such receipt so forced from them as an abrogation of their treaty rights.

They yet feared to sign the receipt lest it might endanger or destroy their treaty rights in the payment for the many broad sections of their land, in sight of and around them, then and now occupied by their more fortunate white neighbors.

There was one Rev. P. O. Johnson, who came with the agent, and was assisting him, and by the Indians was regarded as an officer of the Government, speaking with authority, and he told them that if they would sign the paper they could have the money, and that the Government, which was their great Christian guardian, and which for so many years had been the friend of their people and was yet their friend, would, upon a proper presentation of their case, pay them all that should be found due to them from the United States Government.

Everything came to a stand-still for the whole day, or nearly so, when Mr. Smith, having known me as a missionary to the Indians since 1843, advised them to counsel with me, as I had intimate knowledge of the treaties and the manner of the Government dealing with them. They acted upon this advice, and after several hours spent in free interchange of thought and feelings, during which they stated their claims and grievances to me fully, as I understood their language, I advised them to receive the \$39,000 and sign the required receipt upon their protests already made. I also stated to them that I believed, from what I had seen of the dealings of our Government with Indians, that the intention of the Government was not to wrong them, but to deal kindly and justly with them; that I felt sure that if, upon examination of their treaty stipulations, it should be found that there remained any sum, large or small, due them, it would be paid them. The fact of their signing this receipt would not be a bar to their claim, especially so when it could be shown that the mistake was on the part of our Government; and that they were compelled, by reason of debts incurred in anticipation of a much larger sum, long before that, to have the \$39,000 or lose their improvements. (Extract from the testimony of Rev. P. O. Johnson; see p. 12, Supl. Memorial.)

Believing and relying upon these representations, the reports, advice of friends and counsel, and statement of Mr. Johnson, they then signed the receipt, received the \$39,000, and at once commenced these proceedings for the remainder, and they can

* One of their people, Augustine J. Toposh, as the interpreter of their councils, before the payment was made, and in the presence and hearing of Mr. Smith and the Indians, said that the Indians in their councils had instructed him to say to him (Mr. Smith) that in full accord with their written protests, which they had sent to the Hon. Charles Upson and the Department, they could not accept the \$39,000 and relinquish any of their rights under the treaties, but, being in great distress, they would accept it only as so much paid on their just demand.

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not yet believe but that their Christian guardian and Government will be true to its obligations, so solemnly entered into and just to them, by paying them for their lands, which they so unwillingly sold to it.

AUGUSTINE J. TOPOSH.

his
CETONE + MOTKE.
mark.

his
CETONE + MOTE, Jun.
mark.

JAMES POKAGON.

his
JOHN + KOSIWA.
mark.

ALEXIS CHENICAR.

his
JOSEPH + BERTRAND.
mark.

his
WM. + COWTUCKNUCK.
mark.

JOHN MIX.

Witnesses to signatures by mark:

C. H. ENGLE.
ALLIE ENGLE.

STATE OF MICHIGAN,
County of Van Buren, ss:

Subscribed and sworn to before me this fifth day of December, A. D. 1874, and I certify the above affiants can all speak English generally and understandingly, and that before administering to them the oath I clearly read in their hearing the above affidavit; and further, in order that they might more fully understand its contents in their mother tongue, I swore said Augustine J. Toposh, who I believe to be an able interpreter, to well and truly interpret the same to them all, which he did in their hearing, and fully made known to them the nature of the oath to be administered to them by me; and I further certify that I have been acquainted with said band of Indians referred to in aforesaid affidavit for seventeen years past, and was present at a great council held by them in their church in 1866, a few weeks before they received the \$32,000 payment from Government.

They met to talk over the propriety of receiving the payment aforesaid, and after discussing the matter nearly all day, finally took a vote of all present that they would not receive the payment only as part payment of their due from the United States Government, which was claimed by them to be about \$200,000; and, further, I certify that all the above affiants, so far as I know, sustain a good reputation, and are men of truth and veracity, and that I have good reason to believe that the facts and circumstances set forth in said affidavit are true in substance, and that I have no interest in the prosecution of this claim against the United States Government.

[SEAL.]

CENIUS H. ENGLE,
Notary Public.

(NOTE.—To this is attached the certificate, under seal, of Samuel Holmes, clerk of Van Buren circuit court, certifying that C. H. Engle is a notary public in and for said county, etc.)

STATE OF MICHIGAN, County of Van Buren, ss:

Before me, Cenias H. Engle, a notary public in and for said county, personally appeared Ansel E. Reynolds and Henry P. Phelps, who, being by me duly sworn, upon their oaths state that the above affidavit has been distinctly read in their hearing, and that they are well acquainted with the persons who subscribed the same, except one or two, and that they sustain a good reputation where they live for truth and veracity; that they have been acquainted with the band of Indians mentioned in said affidavit for twenty-six years; that they have dealt with them a great deal during that period, purchasing of them furs, and selling them goods; that they are acquainted with the facts set forth in said affidavit relative to said band of Indians having built two churches, and having to help build two school-houses in two different parishes; that they built them, judging from their talk, with the expectation of an early payment from the United States Government of some \$200,000; and that at the time they received the \$32,000 payment in 1866 they were heavily in debt on their farms, as a general thing, and that many of the mortgages were becoming due, and that they had no money or credit to meet their obligations; that it was much talked of in the

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neighborhood where said Indians lived; that they were obliged to receive the \$39,000 payment on account of debts, and that they received the same believing that they should receive the balance of their claim against the United States Government, and that they are still confident, believing that they are to receive it within a few months at most; and, still further, said affiants believe, from their own knowledge, that all the facts and circumstances set forth in said affidavit are correct and true in substance, except as to the matters connected with the protest against the \$39,000, which facts they have no personal knowledge of, but from reliable reports believe them to be true; and that they have no interest in this claim of the Indians against the United States Government.

ANSEL E. REYNOLDS,
HENRY P. PHELPS.

STATE OF MICHIGAN, County of Van Buren, ss:

Sworn and subscribed to before me this 5th day of December, A. D. 1874. I hereby certify that the said Ansel E. Reynolds and Henry P. Phelps have been merchants of Hartford Village, in said county, for many years, and that they are persons to be relied upon for honesty and integrity.

CENIUS H. ENGLE,
Notary Public.

STATE OF MICHIGAN, County of Cass, ss:

Before me, Chauncy T. Lee, a notary public in and for Cass County, State of Michigan, personally appeared Elias S. Howard, of the county of Cass and State of Michigan, who, being duly sworn, testifies and says:

That the foregoing affidavits have been distinctly read to me, and that I am well acquainted with the persons who have subscribed the same, and that they sustain good moral characters where they reside, and have the reputation of telling the truth in all matters.

That I have been well acquainted with the band of Indians mentioned in said affidavit for twenty years; that I have had quite a large amount of dealings with them, and found them well adapted to take care of their own matters.

That they are an honest and industrious band, and that I am acquainted with their building two churches, and helping to build two school-houses, which they would not have done had they not expected to receive from Government some \$200,000.

And I further swear that I was present at the payment by the agent of the United States of the sum of \$39,000, in 1866, and although they were badly in debt, and many of them about to lose their houses by mortgage, etc., they utterly refused to receive said \$39,000 in full satisfaction of their claims against the Government, and only received said \$39,000 in part payment of their claims against the United States Government, and many of them would not have signed the receipt had not one Johnson, who was with said agent, told the Indians that if they would sign the receipt the Government would still see that the said Indians would receive from the Government the full amount of their claim; and by these means they consented to receive the \$39,000 in part payment of their claim, and as soon as said \$39,000 was paid the Indians took measures to secure and have allowed the balance of their claim from the United States, and that I am not interested in this claim, directly or indirectly.

ELIAS S. HOWARD.

Subscribed and sworn to before me this 9th day of December, A. D. 1874; and I further certify that said Howard is fully entitled to full faith and credit; and I hereby certify that I have no interest in the claim.

[REAL.]

CHAUNCEY T. LEE,
Notary Public.

STATE OF MICHIGAN, County of Cass, ss:

Personally appeared before me James S. Sullivan, of the county of Cass, State of Michigan, who, being duly sworn, testifies and says:

That he is a practicing attorney, and that he is well acquainted with the band of Indians mentioned in the foregoing affidavits, and has been well acquainted with said band for more than twenty years, and has acted as their counsel more or less ever since, and was their counsel at the payment of \$39,000 in 1866, by the Government to said band. And the understanding was by the said Indians that they only received said \$39,000 in part payment of their claim against the Government, and they protested and refused to receive said \$39,000 in any other shape than as part payment; and I, as their counsel, assured them that the Government would not make them receive said \$39,000 in full payment as long as more was their honest due.

And it was under my advice, and the advice of one Johnson (in his name, as I am informed), that they finally consented to receive said \$39,000, and only then as part payment of what was due them from the Government.

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That I am well acquainted with the most of said Indians constituting said band, and they are an honest and industrious people, and trying hard to make a living, and that they were heavily in debt at the time they received said \$39,000, and unless they had so received said money they would have suffered greatly; and further that I am not interested in this claim.

JAMES SULLIVAN.

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

I, Chauncy T. Leo, a notary public in and for Cass County, State of Michigan, do hereby certify that James Sullivan, who subscribed the foregoing affidavit, personally appeared before me and made oath that the same was true, and I hereby certify that the said Sullivan is entitled to full faith and credit. Subscribed and sworn to before me this ninth day of December, 1874.

[SEAL.]

CHAUNCY T. LEO,
Notary Public.

NOTE.—Attached to this instrument is the usual certificate of the clerk of the circuit court of Cass County, Michigan, certifying under seal that said Chauncy T. Leo is a notary in and for said county.

[SEAL.]

CHAS. L. MORTON, Clerk.

FLAGS CARRIED BY COLORADO REGIMENTS.

FEBRUARY 20, 1890.—Referred to the House Calendar and ordered to be printed.

Mr. JANSING, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 4553.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 4553) to authorize the Secretary of War to deliver to the State of Colorado the flags carried by the Colorado troops, have duly considered the same and submit the following report:

The State of Colorado was, during and at the close of the late civil war, a Territory, and furnished several regiments of troops for service in the field.

At the close of the war it was considered, as they had no State government, the flags carried by such troops should be placed in the War Department at the National Capital.

Now that a State government has been organized, and there is a place of deposit for such flags within the State, the people of such State desire the custody of such flags as a memorial of their fidelity to the National Government.

The committee believe that the spirit manifested by this bill is commendable. They therefore recommend the passage of the bill.

and gone unpunished for want of power in any tribunal to take jurisdiction of the same.

This state of things, constituting a reproach on the national administration, has constantly been brought to the attention of Congress by various Secretaries of the Interior, and many scientific and other associations, as well as individual citizens from all portions of the country, have year after year memorialized Congress to pass some measure of protection.

In the Forty-eighth and Forty-ninth and Fiftieth Congresses bills similar to the one now reported passed the Senate. The present bill like those which preceded it, seeks to afford to the authorities the means of protecting the forests, the game, and the natural wonders which are great objects which make the Park in every sense a national treasure to be cared for as such.

The machinery provided by the act for the administration of justice within the Park is simple and inexpensive, being substantially the same as that contained in the act which passed the Senate at the last Congress, but involving much less expense. It involves only the appointment of a local magistrate, who shall reside in the Park and shall try all violations of the rules made for its preservation. Such crimes may be tried in the district court of Wyoming, and the local magistrate is invested with the power of arresting persons committing such crimes, and have them conveyed to within the jurisdiction of the Wyoming court. Adequate, but not too severe, penalties are provided for violations of the rules and regulations. The national laws applicable to places within the exclusive jurisdiction of the local magistrate are made applicable to the Park, except in so far modified by the present act.

In regard to the government of the Park, the only important change from the act of last year is found in section 4. The civil establishment consisting of a superintendent and assistant superintendents, which formerly existed, and for which provision was made in the act of last Congress, finds no place in the present act. Congress having failed in the last Congress to make any appropriation for such civil establishment, the Secretary of the Interior, as the only means of protecting the Park, requested the Secretary of War to detail troops for that purpose. Accordingly a company of cavalry was ordered to the Park, under the command of a captain, who acts as superintendent of the Park, under the authority of the Secretary of the Interior. While in time it may be found to be advisable to have the Park entirely under civil authority, the present condition of affairs meets the essential requirements of the present act.

IN THE SENATE OF THE UNITED STATES.

JANUARY 20, 1890.—Ordered to be printed.

MR. DANIEL, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 308.]

The Committee on Indian Affairs has had under consideration Senate bill No. 308, entitled "A bill for the ascertainment of the amount due the Pottawatomie Indians of Michigan and Indiana," and respectfully reports that they have examined the same and recommend that it be passed by inserting after the words "Pottawatomie Indians," in line 14, the following, "nor by the receipt in full given by said Pottawatomie under the provisions of said resolution;" and that the bill so amended do pass.

A bill quite similar to this passed the Senate during the Fiftieth Congress, and was favorably reported in the House.

The bill now pending reads as follows:

A BILL to ascertain the amount due the Pottawatomie Indians of Michigan and Indiana.

Whereas representatives of the Pottawatomie Indians of Michigan and Indiana, in person and all the Pottawatomie Indians of said States, make claim against the United States on account of various treaty provisions which, it is alleged, have not been complied with: Therefore,

It is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the Pottawatomie Indians of Michigan and Indiana, and to render judgment thereon; and it is hereby granted the said court to review the entire question of difference between said Indians and all not be estopped by the joint resolution of Congress approved August eighth July, eighteen hundred and sixty-six, entitled "Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians," nor by the receipt in full given by said Pottawatomies under the provisions of said resolution, nor by the receipt in evidence of any fact except of payment of the amount of money mentioned in it; and the Attorney-General is hereby directed to appear in behalf of the Government, and if the said court shall decide against the United States the Attorney-General may, within thirty days from the rendition of the judgment, appeal therefrom to the Supreme Court of the United States; and from any judgment rendered the said Pottawatomie Indians may also appeal to said Supreme Court; provided, That the appeal of said Pottawatomie Indians shall be taken within sixty days after the rendition of said judgment, and the said courts shall give such construction as may be necessary.

Sec. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatomie Indians claim to recover, and the amount of their claims, and said petition may be verified by a member of any "business committee" or authorized attorney of said Indians as to the existence of such facts, and no other statements shall be contained in said petition or verification.

The committee is of opinion that the court should not be estopped by the joint resolution of Congress approved 28th July, 1866, for the reasons set forth in the memorial of the Indians contained in House Misc. Doc. No. 8, Forty-fifth Congress, second session, and in the report of

acknowledged to be due. They had commenced churches and school-houses; and their farms and improvements would be lost without help from the money due them. When the agent offered \$39,000, in full of a debt, they were greatly surprised and alarmed. On both sides ruin seemed inevitable. The agent of the Government refused to confer with the Indians. He had but one duty to perform—pay the money and take their receipts. The Indians were then advised by friends and counsel, and a Mr. Johnson, minister of the Gospel, who was understood to be present to aid Mr. Smith, the agent, by appointment of the Government, that their acceptance of the money could not have the effect to prevent the payment of all just balances due them, as they only accepted it upon the express condition of their protest; that this advice of friends, counsel, and Mr. Johnson was freely given and expressed in the presence of the agent, to which the agent made no reply. That under these circumstances and advice, relying upon the laws and facts as thus assured to them, they signed the receipt required by the agent.

Accordingly, this Government, from that day to the present time, has recognized the true condition of the case, and has placed its own construction upon the treaties and allowed to each such amounts as they seemed justly entitled to. The Department has regarded the payment of the \$39,000 as on account, and recognized the balance due. They have, on the other hand, refused to allow the Indians of Michigan any share in the funds appropriated for schools, mills, shops, salt, etc., because these advantages were not divisible, but have allowed them their just share of all former annuities and the sums named in the supplemental treaty of September, 1833.

But the resolution of Congress, and the receipt in full stand in our way; also, the items are quite numerous under ten or more treaties, all of which render necessary and proper a judicial determination.

DEPARTMENT OF THE INTERIOR,
Washington, March 17, 1868.

SIR: I have the honor to acknowledge the receipt of your communication dated the 5th instant, inclosing S. 2176, for ascertainment of the amount due the Pottawatonic Indians of Michigan and Indiana.

In response thereto, you are respectfully informed that reply has this day been made to the chairman of the Committee on Indian Affairs, United States Senate, on this bill, which was the subject of his letter of 2d instant to this Department.

The papers accompanying your communication are herewith returned.

Very respectfully,

WM. F. VILAS,
Secretary.

Hon. J. W. DANIEL,
United States Senate.

DEPARTMENT OF THE INTERIOR,
Washington, March 17, 1868.

SIR: I have the honor to acknowledge the receipt of your communication of 2d instant, inclosing for examination and report S. 2176, for the ascertainment of amount due the Pottawatonic Indians of Michigan and Indiana.

In response thereto, I transmit herewith copy of a report, dated 16th instant, from the Commissioner of Indian Affairs, to whom the matter was referred, wherein he states that, in view of the fact that this claim has been before the Department so many years, and has heretofore been reported to Congress as well founded, and no dual action taken thereon, and as the business committee of said tribe has petitioned

the Commissioner of Indian Affairs of April 6, 1886, written in response to Senate resolution of the Forty-ninth Congress, first session.

In brief, it appears from these documents, and from the appended correspondence, that estoppel by the resolution of 28th of July, 1866, would work absolute injustice, and thus could not be designed or knowingly permitted by the United States.

The resolution of July 28, 1866, is to be found in the United States Statutes at Large, vol. 14, p. 370, and is as follows:

JOINT RESOLUTION for the relief of certain Chippewa, Ottawa, and Pottawatomie Indians.

Be it resolved 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 to the Chippewa, Ottawa, and Pottawatomie Indians of Michigan, in pursuance of an agreement and compromise made with the Pottawatomie nation of Indians so named and designated by the treaty of eighteen hundred and forty-six with the United States, the sum of thirty-nine thousand dollars in full of all claims in favor of said Michigan Indians either against the United States or said nation of Indians, past, present, or future, arising out of any treaty made with them or any band or confederation thereof, and the annuity now paid to them is to be restored and paid to said nation in the future. Said sum of thirty-nine thousand dollars is to be paid out of funds of said Indians, by the United States now held in trust for said nation, drawing interest at the rate of five per centum, which amount is hereby appropriated; said payment to be made per capita direct to heads of families, adults, and guardians of minors, as is now required by law in reference to annuities, by the proper agent of the Government.

It is not disputed that the sum provided for was duly paid. A receipt in full was given therefor, and without the assent of Congress there the matter ends. But notwithstanding said payment and said receipt the very fact is that a large sum is really still due the Pottawatomies, and the evidence of the fact is too plain and unmistakable to be disregarded.

In his letter of April 6, 1886, Hon. J. D. C. Atkins, Commissioner of Indian Affairs, says:

I have caused an examination to be made of said claims as set forth in the memorial contained in House Mis. Doc. No. 8, of the Forty-fifth Congress, second session, and find that the said claims are well founded; also, that said claims have been reported favorably to the honorable Secretary of the Interior for reference to Congress at sundry times, namely, June 3, 1872, February 3, 1877, January 14, 1881, March 27, 1882, and January 26, 1884.

Superadded to these favorable reports is that wherein they are quoted and those which are here exhibited in letters appended hereto, from the Secretary of the Interior and the Commissioner of Indian Affairs. Under such a showing the request to submit the matter to the adjudication of the Court of Claims seems to your committee to be just and reasonable, and in the opinion of your committee should be granted.

Secretary Teller's letter to Hon. W. B. Allison, of February 27, 1883, a copy of which is also appended, is an additional confirmation of the righteousness of this claim.

Mis. Doc. No. 8, Forty-fifth Congress, second session, is hereto appended to be printed as a part of this report, there being no copy on file in the office of the Commissioner of Indian Affairs, and there being need of it for reference.

The explanation of the receipt by the Indians "in full" on payment of the \$39,000 is found thereon, and may be briefly summed up as follows:

Under the foregoing resolution of July 28, 1866, as is explained by the Pottawatomies, an agent of the Government was dispatched with \$39,000 to pay the Indians in full.

The Indians were poor, and greatly distressed by mortgages and debts incurred in expectation of receiving what the Government had

Congress to refer the case to the Court of Claims, he is of opinion that this is the proper course to pursue, and he so recommends.

Concurring in the recommendation of the Commissioner of Indian Affairs, I return herewith the bill which accompanied your letter.

Very respectfully,

WM. E. VILAS,
Secretary.

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 16, 1882.

SIR: By your reference of the 3d instant, for report, I have the honor to acknowledge the receipt of a communication from Hon. H. L. Dawes, chairman Senate Committee on Indian Affairs, dated the 2d instant, referring, for examination and report, S. 2176, "For the ascertainment of the amount due the Pottawatonic Indians of Michigan and Indiana." The bill recites that—

"Whereas the business committee of the Pottawatonic Indians of Michigan and Indiana, for themselves and in behalf of all other Pottawatonic Indians of said States, make claim against the United States on account of various treaty provisions which it is alleged have not been complied with: Therefore

"Be it enacted, etc., That the Court of Claims is hereby authorized to take jurisdiction of and try all questions of difference arising out of treaty stipulations with the said Pottawatonic Indians of Michigan and Indiana, and to render judgment thereon; power is hereby granted the said court to review the entire question of difference aforesaid, and it shall not be estopped by the joint resolution of Congress, approved 21st July, 1866, entitled 'Joint resolution for the relief of certain Chippewa, Ottawa, and Pottawatonic Indians,' and the Attorney-General is hereby directed to appear in behalf of the Government, and, if the said court shall decide against the United States, the Attorney-General may, within thirty days from the rendition of judgment, appeal the cause to the Supreme Court of the United States, and from any judgment that may be rendered the said Pottawatonic Indians may also appeal to the said Supreme Court: *Provided*, That the appeal of said Pottawatonic Indians shall be taken within sixty days after the rendition of said judgment, and the said court shall give such cause precedence.

"SEC. 2. That said action shall be commenced by a petition stating the facts on which said Pottawatonic Indians claim to recover, and the amount of their claim, and said petition may be verified by any member of said business committee or their authorized attorney as to the existence of such facts, and no other statements need be contained in said petition or verification."

In reply to the inquiry of the Senate committee, I have to state that the claims of the Pottawatonic of Indiana and Michigan for arrearages of annuities have been the subject of reports to the Department, upon calls from various committees of Congress, since 1872, viz, June 3, 1872; February 3, 1877; April 24, 1878; January 14, 1881; March 29, 1882; January 26, 1884, and April 6, 1885.

By this latter report, which was written in response to a Senate resolution of the Forty-ninth Congress, first session, calling for information as to the amounts due said Indians, as set forth in the memorial of said Indians contained in House Document No. 8, of Forty-fifth Congress, second session (a copy of which is not now on file in this office) it was stated that an examination of said claims had been made as set forth in the memorial contained in said Document No. 8, and it was found that said claims were well founded.

In the report of my predecessor, dated June 26, 1884, he recommended that the sum named in House bill No. 1742, Forty-eighth Congress, first session, for the relief of said Indians, be increased to \$168,165.33, which would be the sum due up to and including June 30, 1885. By office report of April 6, 1886, this office recommended that the sum should be increased to the amount of \$192,431.14 by the addition of the sum of \$4,267.31, being their pro rata share of permanent annuities due to the Pottawatonic Nation for the eighteen months ending December 31, 1885, at the rate of \$2,844.87 per annum, or by the increase of the sum of \$152,602.96, award made by Senator Buckingham, April 19, 1872 (Report No. 121, Forty-second Congress, second session), to \$192,431.14, being the additional amount due those Indians as their pro rata share of annuities from 1873 to 1886, both inclusive, fourteen years, at \$2,844.87 per annum, \$39,829.18.

In view of the fact that this claim has been before the Department and the Congress for so many years, and that the business committee of the said tribe has petitioned

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Congress to refer their case to the Court of Claims, I am of the opinion that this is the proper course to pursue, and respectfully recommend that the bill be returned to the Senate committee with the favorable recommendation of the Department.

The papers referred are respectfully returned, together with a communication from Hon. John W. Daniel, Senate Subcommittee on Indian Affairs, including for report a copy of said bill, referred on the 8th instant; also one of like import from Hon. B. F. Shively, of the House of Representatives.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 6, 1886.

SIR: On the 7th day of February, 1885, there was received at this office, by reference from the Department, for report, the following Senate resolution, namely:

"Whereas those members of the Pottawatomie Nation of Indians residing in the States of Indiana and Michigan claim that there is due them, by virtue of treaties made with the said nation, considerable sums of money:

"Resolved, That the Secretary of the Interior be, and he is hereby, directed to examine into said claims and ascertain what, if any, amounts are due said Indians, said claims being those set forth in the memorial contained in House Misc. Doc. No. 8, of the Forty-fifth Congress, second session."

The Secretary is further directed to "ascertain whether the bands of Pottawatomies of Huron located in Calhoun County, Mich., and not mentioned in said memorial should, by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial."

In reply I have the honor to state that I have caused an examination to be made of said claims as set forth in the memorial contained in House Misc. Doc. No. 8, of the Forty-fifth Congress, second session, and find that said claims are well founded; also that said claims have been reported favorably to the honorable Secretary of the Interior, for reference to Congress, at sundry dates, viz, June 3, 1872, February 3, 1877, April 24, 1878, January 14, 1881, March 29, 1882, and January 26, 1884.

In the report last named my predecessor recommended that the sum named in House bill No. 1742, Forty-eighth Congress, first session, for the relief of said Indians, be increased to \$183,163.83, which would be the sum due up to and including June 30, 1885. This sum should be increased to the amount of \$192,431.14 by the addition of the sum of \$1,267.31, being their pro rata share of permanent annuities due to the Pottawatomie Nation for the fiscal year 1886, and from July 1, to December 31, 1886, at the rate of \$2,844.87 per annum, or by the increase of the sum of \$152,602.93, award made by Senator Buckingham April 19, 1872 (Report No. 121, Forty-second Congress, second session), to \$192,431.14, being the additional amount due these Indians as their pro rata share of annuities from 1873 to 1886, both inclusive, fourteen years, at \$2,844.87 per annum, \$39,828.18.

In reply to that portion of the resolution directing that it be ascertained "whether the bands of Pottawatomies of Huron located in Calhoun County, Mich., and not mentioned in said memorial" should by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial," I have to say that the band of Pottawatomie Indians, located in Calhoun County, Mich., were parties to the treaties of November 17, 1807, September 19, 1827, and September 27, 1833, and should be included in any settlement that may hereafter be made of the claims set forth in said memorial.

The resolution of the Senate is returned herewith.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1883.

SIR: I have the honor to invite your attention to the matter of the Pottawatomie Indians of Michigan and Indiana, arising under treaty stipulations.

The claims of these Indians have been pending before Congress for a long time.

They have been thoroughly investigated by this Department and have been the subject of favorable reports by committees of both Houses of Congress, all of which show that there is due these Indians, in fulfillment of treaty provisions, \$181,051.66.

This sum represents the per capita share and the amounts due the Pottawatomie Indians in Michigan and Indiana of the annuity and other moneys owing to the Pottawatomie Indians under treaty provisions, which are carefully reviewed in the report of the House Committee on Indian Affairs, No. 1404, Forty-seventh Congress, first session, copy herewith.

I respectfully recommend that provision be made in the sundry civil bill now before your committee to enable this Department to settle these long-pending claims. A clause for that purpose is herewith submitted.

Very respectfully,

H. M. TRILLEN,
Secretary.

Hon. W. B. ALLISON,
Chairman Senate Committee on Appropriations.

DEPARTMENT OF THE INTERIOR,
Washington, February 27, 1863.

SIR: I have the honor to invite your attention to the matter of the Pottawatomie Indians of Michigan and Indiana, arising under treaty stipulations.

The claims of these Indians have been pending before Congress for a long time. They have been thoroughly investigated by this Department, and have been the subject of favorable reports by committees of both houses of Congress, all of which show that there is due these Indians, in fulfillment of treaty provisions, \$181,051.66.

This sum represents the per capita share and the amounts due the Pottawatomie Indians in Michigan and Indiana of the annuity and other moneys owing to the Pottawatomie Indians under treaty provisions, which are carefully reviewed in the report of the House Committee on Indian Affairs, No. 1404, Forty-seventh Congress, first session, copy herewith.

I respectfully recommend that provision be made in the sundry civil bill now before your committee to enable this Department to settle these long-pending claims. A clause for that purpose is herewith submitted.

Very respectfully,

H. M. TRILLEN,
Secretary.

Hon. W. B. ALLISON,
Chairman Senate Committee on Appropriations.

The following is a copy of the clause:

"Fulfilling treaties with Pottawatomies of Michigan and Indiana: amount due the Pottawatomies of Michigan and Indiana for arrears of annuities under various treaties, specifically set forth in H. R. Report No. 1404, Forty-seventh Congress, first session, \$181,051.66.

[House M. Doc. No. 8, Forty-fifth Congress, second session.]

Memorial of certain Indians residing in Michigan and Indiana, for relief.

JANUARY 15, 1878.—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 west of the provisions of the treaty of September 27, 1833, were exempted from removal west of the Mississippi River, and are now residing in the counties of Cass, Van Buren, and Berrien, in the State of Michigan, and Saint Joseph County, in the State of Indiana, and by their duly constituted business committee, and attorney, a resident in their vicinity, in these premises would most respectfully represent:

That from the earliest knowledge of Indian affairs up to 1833, there has been a united nation of Indians known as the United Nations of the Ottawa, Chippewa, and Pottawatomie, for many years known and treated with as the Pottawatomie Nation of Indians, residing upon and occupying that portion of the United States

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now embraced in the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin, and which nation included the bands known as the bands of the Prairie and Kankakee.

From the earliest history of the Government they have been friendly toward the pioneer settlers in their midst, and as early as 1795 entered into a treaty of peace and friendship with them, and they, with other tribes who claimed some title to the same, relinquished their right of possession to the greater part of the territory of Ohio; since which time the nation, as such, has at all times kept and maintained her covenants of peace and fidelity to her treaty stipulations.

At different times since 1795, especially in the years 1809, 1818, 1821, 1826, 1828, 1829, 1832, 1833, and 1846 (see exhibit of treaty stipulations hereunto attached), the Government has purchased, by the different treaty provisions, vast tracts of land, amounting in the aggregate to about twenty-five million acres (25,000,000), therein stipulating to pay certain sums of money annually forever, or for a given term of years; also to provide them with means to support blacksmiths and supply their shops, for education, salt, &c. (See exhibit of treaty stipulations and citations.) In 1832 or 1833 the Government adopted the policy of purchasing their remaining lands and reservations, which were specifically guaranteed to them in former treaties, and inducing them to remove west of the Mississippi.

As the result of this policy, before 1837 the Government had purchased all their tribal lands in the said States, and all of the Pottawatomies were under treaty stipulations to remove from their reserves and go west of the Mississippi, excepting only those whose interests are herein prosecuted. (See exhibit of treaty stipulations and citations of same.)

On the 26th and 27th September, 1833, there was a treaty concluded between the Government and this nation, in which the Indians ceded the last lands which they as a nation hold in common, the same being estimated in the treaty at 5,000,000 acres, being less than one-fifth the amount they as a united nation had, at different times, ceded to the United States. (See exhibit, etc., and citations.)

A portion of the nation, being the band of Pokagon, the second chief of the nation, then numbering some 350, the same being your memorialists and their ancestors, did not desire to remove West, and did not enter into the treaty of the 26th September, 1833, but on the following day, by articles supplemental, they united in the cession of the 5,000,000 acre tract (the property of the nation in common), and they also ceded tribal and band reserves guaranteed to them under former treaties in the State of Michigan, amounting to 161 sections, upon which they were then residing.

The old chief, Pokagon, was very anxious to remain in Michigan. He and his people had become greatly attached to their religious and educational missions; they were a quiet, religious, and orderly people, agreeable and friendly to the settlers; and it was well known to the United States treaty commissioners that they were determined to avoid treaty stipulations to go West; and, according to their desires, they were permitted to remain, and their just proportion of annuities due under former treaties, and that arising from the proceeds of the sale their reserves (the 161 sections set-^{off}) should be paid to them.

Five million of acres of land west of the Mississippi River were secured by the second article of the treaty entered into September 26, 1833, to that portion of the nation that by this treaty had stipulated for their removal West, "in part consideration of the 5,000,000 tract ceded to the United States in the first article of same. In 1846 (see vol. 9, page 853, same) the Government purchased the 5,000,000 west of the Mississippi, and set apart \$613,000 as a fund in trust for the Pottawatomies, stipulating to pay them 5 per cent. interest on the same, amounting to \$32,150 per annum, which treaty your memorialists were not parties, and to the money therein stipulated to be paid make no claim, whatever might be the equitable rights of your memorialists in the premises.

In accordance with the provisions of the supplemental treaty bearing date September 27, 1833, to which your memorialists were parties, and which was made for the secret and sole purpose of defining and protecting the rights of your memorialists (and with them only), your memorialists removed to L'Arbre Croche; but finding the same inhospitable and the resident Indians unfriendly, they, by and with the consent of the Government of the United States, returned and purchased land of the Government, in the neighborhood of their reserves ceded in 1833, with the money paid them down upon the ratification of the treaty under articles therein contained.

For some six years they received no annuities, then made complaint to R. Stuart, Esq., then Indian agent at Detroit; and in 1838, and for that year, T. Hartley Crawford, then Commissioner of Indian Affairs, allowed them, and remitted to Mr. Stuart for them, \$1,587.50, being, as he estimated, their proportion in the perpetual annuity of July 23, 1829.

Commissioner Crawford awarded them their portion of one treaty only, when the treaty says "a just proportion of all former annuities." This amount, \$1,587.50, was probably paid up to and including the year 1825, and which payments have been duly acknowledged by your memorialists; which, with the sum of \$2,000 paid by the

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Government in 1866, comprises all the money paid by the United States in fulfillment of its treaty stipulations with your petitioners since the year 1817, and including that year (1817), your memorialists make no claim of any kind ever against the Government.

Having thus briefly stated the history of our claim, your memorialists respectfully submit the following proposition:

1st. The Government of the United States purchased from the Pottawatomie Nation of Indians, then occupying large portions of the territory now embraced in the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin, certain sums of money, at stated periods of time, as is evidenced by the several treaties entered into between the Government of the United States and the Pottawatomie Indians, and which said treaties may be found in vol. 7, United States Statutes at Large, tabulated reference being made thereto in the following table.

The following exhibit shows the reference and monetary value of the several treaties of purchase, which, in the territory above mentioned, aggregated nearly 30,000,000 of acres of land, now accord to no country in the world.

Stipulations.	Volume.	Date of treaty.	Amount.	Proclamation.	Remarks.
Perpetual annuity.....	49	Aug. 8, 1793	\$1,000	Dec. 2, 1793	Sample.
Salt.....	74	June 7, 1803	.....	Dec. 28, 1803	.....
Perpetual annuity.....	113	Sept. 30, 1809	500	Jan. 18, 1810	Sample.
Perpetual annuity.....	181	Oct. 2, 1818	2,000	Jan. 11, 1819	.....
Annuity.....	295	Aug. 27, 1821	2,000	Mar. 25, 1821	.....
Annuity.....	295	Oct. 10, 1828	2,000	Feb. 7, 1828	.....
Blacksmith.....	295	.....	.....	.....	.....
Iron, steel, and miller.....	295	.....	.....	.....	.....
Salt (100 bushels).....	295	.....	.....	.....	.....
Perpetual annuity.....	317	Sept. 20, 1822	2,000	Jan. 7, 1822	.....
Annuity.....	317	.....	3,000	.....	.....
Tobacco, iron, and steel.....	317	.....	.....	.....	.....
Education.....	317	.....	1,000	.....	.....
To chief.....	317	.....	100	.....	.....
Blacksmith.....	317	.....	.....	.....	.....
Iron and steel.....	317	.....	.....	.....	.....
Annuity.....	378	Oct. 20, 1833	15,000	Jan. 21, 1833	.....
To chief.....	378	.....	.....	.....	.....
Annuity.....	391	Oct. 20, 1833	20,000	.....	.....
Education.....	391	Oct. 27, 1833	2,000	.....	.....
Perpetual annuity.....	420	July 20, 1833	10,000	Jan. 2, 1833	.....
Iron and steel.....	420	.....	.....	.....	.....
Blacksmith.....	420	.....	.....	.....	.....
Salt (50 barrels).....	420	.....	.....	.....	.....
Annuity.....	431	Sept. 26, 1833	11,000	Feb. 21, 1833	.....
Annuity.....	432	Sept. 27, 1833	2,000	.....	.....
To chiefs.....	431	Sept. 16, 1833	2,000	.....	.....
For 4 sections of land.....	494	Mar. 29, 1839	2,500	June 2, 1839	.....
For 16 sections of land.....	499	May 11, 1839	21,000	May 27, 1839	.....
For 30 sections of land.....	500	April 27, 1840	0,000	.....	.....
For 23 sections of land.....	501	.....	1,000	.....	.....
For 23 sections of land.....	505	Aug. 5, 1856	11,000	Feb. 18, 1856	.....
For 10 sections of land.....	513	Sept. 20, 1830	8,000	.....	.....
For 4 sections of land.....	514	Sept. 22, 1830	3,000	.....	.....
For 42 sections of land.....	515	Sept. 23, 1830	22,000	.....	.....
Annuity.....	518	Aug. 29, 1831	5,000	Mar. 25, 1831	.....
Three laborers.....	517	Sept. 20, 1832	.....	Jan. 7, 1832	.....
Annuity.....	520	Oct. 27, 1832	13,000	Jan. 21, 1832	.....
Annuity.....	467	Dec. 10, 1811	1,000	Mar. 15, 1811	.....
Trust-fund, etc.....		June 5 and 17, 1816	50,000	.....	.....
Trust-fund, interest annually.....		June 5 and 17, 1816	33,130	.....	.....

By treaty June 5 and 17, 1816, the 5,000,000 tract in Iowa was purchased by the United States, a trust-fund of \$613,000 created, with an interest of 5% per annum, and other funds and lands granted to the Indians in Iowa.

Your memorialists were parties to all treaties made by the United States with the Pottawatomie Nation of Indians, and were entitled to share pro rata in all benefits secured to said nation by said treaties; and that no doubt should be entertained that the title of your memorialists to share in the annuities secured by these treaties, in fact, the supplemental treaty, dated September 27, 1833, was proved and established between the United States and your memorialists, the caption and last words of which being in the words following:

"Articles supplementary to the treaty made at Chicago, in the 4th day of July, 1833, the 26th day of September, 1833, between George H. Porter, Thomas J. T. Lewis, 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 claims in the Territory of Michigan, south of the Grand River, being the reservation at Nottawasago, of four miles square, contained in the third clause of the second article of the treaty made at Chicago on the 20th day of August, 1821; and the 20 sections of land contained in the treaty made at Saint Joseph on the 19th September, 1827; and the tract of land on the Saint Joseph River, opposite the town of Niles and extending to the line of the State of Indiana, on which the villages of Topenobee and Pigeon are situated, supposed to contain about 49 sections."

That no question may remain as to the identity of your memorialists, and to establish the fact that they are the parties with whom the supplemental treaty of September 27, 1833, was made, we submit the following extract from a letter written by Robert Stuart, then acting superintendent of Indian affairs at Detroit, Mich., to the Hon. T. Hartley Crawford, Commissioner of Indian Affairs:

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

A delegation of Pottawatomies, who resided on the reservation in Michigan prior to the treaty held at Chicago in 1833, and who have always refused to emigrate, called upon me a few weeks since to represent their grievances also. They stated that the chief, Lukagon (father of one of them), as also several of his band, were Catholics at the time of signing the treaty, and refused to emigrate west, as it would cause them to recede again into barbarism; that permission was granted them by said treaty to settle in northern Michigan, where they would enjoy the instruction of priests and receive their proportion of the annuities; that they, in due time, applied to the Ottawas of L'Arbre Croche, near Mackinac, for permission to amalgamate with them, which, owing to the interference of some evil-disposed whites, was refused; that they then purchased lands of the United States, which a portion of them still occupy (except forty acres appropriated to their mission). They urgently plead that the Department take their cause into favorable consideration, and allow them a just proportion of the annuities (which are now all paid on the Missouri) according to the population on the 599th and 600th pages of the treaty book. They say that there are two two hundred to two hundred and fifty of their tribe still in Northern Indiana and Michigan. A number of these, as well as the Ottawas, are very desirous of becoming citizens, and there are some hundreds, I have no doubt, worthy of the boon; but how their application will be responded to is another question. I regret the necessity of troubling you with so many questions as have of late been pressed upon me, but the paucity of information left in the office by my predecessor renders it inadvisable for me to know what course of policy has or should be adopted.

I am, respectfully, your obedient servant,

ROBERT STUART,

Acting Superintendent Indian Affairs.

After the receipt of this letter, Mr. Crawford, then Commissioner of Indian Affairs, awarded your memorialists \$1,537.50 as their just proportion of the \$16,000 perpetual annuity of treaty of July 20, 1820, and the \$2,000 of treaty of the 27th of September, 1821, which award, as thus made, included but one of the former annuities, when the treaty explicitly reads "their just proportion of all former annuities."

The following is the copy of the said letter of the honorable Commissioner making the award, as the same appears in Senate report No. 111, second session Thirty-eighth Congress:

OFFICE INDIAN AFFAIRS, May 17, 1843.

Sir: My letter to you of the 19th instant informed you of the views of this office respecting the right of the Chippewas of Swan Creek and Black River, yet in Michigan, to participate in the benefits of the annuity due the bands, the whole of which has heretofore been remitted west.

In my reply to the remaining portion of your letter of the 25th March, viz, relative to the Pottawatomies, who claim the privileges granted under the supplemental articles in the treaty with the united bands of Chippewas, Ottawas, and Pottawatomies, of September, 1833, which is in the following words:

"And as since the signing of the treaty a part of the band residing on the reservations in the Territory of Michigan have requested, on account of their religious creed,

permission to remove to the northern part of the peninsula of Michigan, it is agreed that, in case of such removal, the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside, shall be paid them at L'Arbre Croche."

By the tenor of this article it would seem that their claim is well founded, and that they are entitled to their numerical proportion of those annuities payable to the tribe under the treaty of 1829, and also under the supplementary article of the treaty of 1833, amounting together to \$18,000. Therefore, estimating the number of the Chicago Indians at 2,834, including the 250 represented by you, the share that would be to the latter would amount to \$1,597.50, or \$6.35 to each individual. Accordingly that sum will be remitted to you, to be paid out to them as their share of the annuities.

Very respectfully, your obedient servant,

ROBERT STUART, Esq.,
Detroit, Mich.

T. HARTLEY CRAWFORD,
Commissioner.

It will be noticed that the honorable Commissioner made the award upon the data of 2,834 Pottawatomie Indians, including 250 of your memorialists, which is considered by him as the just proportion of the annuity to which your memorialists were entitled by the treaty of July 29, 1829; and your memorialists further say that the sum of \$1,597.50 was annually paid to us from 1843 to 1865 inclusive, twenty-three years, and that in accepting it our people gave receipts for their share of only one of the former annuities, being that of July 29, 1829. (See the following letter of the Second Auditor of the United States Treasury.)

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,

January 12, 1872.

SIR: In answer to your letter of 5th instant, by which you ask to be informed "under and in conformity to what treaty stipulations the \$1,597.50 were annually paid those Pottawatomie Indians remaining in Michigan, from 1843 to 1865 inclusive," I send herewith copies of three captions—in all of which the treaty stipulations are given—appearing on the several annuity pay-rolls for the period named by you, and on which the years are designated in red ink on the margins.

Respectfully,

E. B. FRENCH,
Auditor.

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,

January 11, 1872.

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

"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 50 cents, in sums appended to our names, being our proportion of the permanent annuity due said tribes for the year 1846, under second article of the treaty of July 29, 1829, and second article supplementary to treaty of 26th September, 1833" (voucher 5, 6677, 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.)

2d. Your memorialists were exempt from removal west.

In 1832, the Government had adopted the policy of removing the Indian tribes then inhabiting the reserves reserved to them, and which were being rapidly encroached upon by the tide of emigration then flowing into the territory east of the Mississippi, and to that end treaties were entered into between the several tribes and the Government, by which the titles of the Indians to their reservations, as well as to their tribal possessions, were extinguished by purchase. At the time when the Government of the United States sought to extinguish the title of the Pottawatomie Nation to their reservations and tribal possessions, your memorialists, then having made much progress toward civilized life, objected to being removed with the other members of the nation, as will be seen by the affidavit of Lathrop M. Taylor, which is here submitted:

ROLL No. 7, AFFIDAVIT No. 20.

An affidavit of Lathrop M. Taylor, aged sixty-five years, being duly sworn, states that he has resided in Saint Joseph County, Ind., since September, 1837, and during that

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time was known and traded with the Indians; he was present at the Chicago treaty in 1833; knew old chief Pokagon and his band, and lived for six years.

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

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

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

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

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

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

L. M. TAYLOR.

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

[SEAL.]

GEO. W. MATTHEWS, Clerk.

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

After the earnest and persistent protest against removal detailed in Mr. Taylor's affidavit, the following supplemental article to the treaty of September 27, 1833, was entered into between the United States and your memorialists, and which was afterward duly ratified and proclaimed as such, and which is as follows, and requires no comments here:

"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."

In the further support of the proposition that your memorialists were exempted from removal West by the terms of this treaty, we now submit, most respectfully and confidently, the following extracts from the evidence in this case, being the testimony of Samuel L. Cottrell, who was the appointed sheriff to organize Saint Joseph County, Indiana, was subsequently elected to the same office, and was personally acquainted with your memorialists, and assisted in the removal of the main nation:

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

ROLL NO. 4, AFFIDAVIT NO. 9.

STATE OF INDIANA, Saint Joseph County, ss:

(Page 1.) Samuel Cottrell, affiant, being duly sworn, says that he is aged sixty-eight years; resided in St. Louis, Mo., for

said county; knew the settlers and Indians; knew the Pottawatomie Indians, and attended their treaties in 1810; assisted in emigrating these Indians; was personally acquainted with many of the different bands of the same.

(Page 2.) He was employed by Alexis Coquillard in removing Indians; as a conductor Coquillard was paid so much a piece for removing them; many opposed by them had to hunt them up, and, in many cases, bind them and haul them into camp to be removed.

(Page 3.) It being well understood by all of us that the Pokagon band was excluded from going West by a treaty of 1811, and that fact distinguished them from other bands, and, it being established, was sufficient to cause their release from arrest and removal. This fact has always distinguished them in my memory; that many of said Indians still reside in this county, and have from 1836 to 1841, and since; that the following are of such, with whom he is personally acquainted (except a few young children, part of said band, and residents now of said county).

(Page 4.) The same being carefully prepared by himself, signed by him, and containing the names of 60 parents and children, and that he has no interest in the result of the same.

(Pages 5, 6, 7, 8, and 9.) List of names, numbering 60 souls. Has no interest in the claim.

SAMUEL L. COCHRAN.

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

Geo. W. Matthews

Also the following extract from the evidence of Ryan C. Johnson, since deceased, of said Saint Joseph County:

ROLL No. 4, AFFIDAVIT No. 12.

STATE OF INDIANA, Saint Joseph County, ss:

(Page 17.) E. C. Johnson, aged fifty-seven years, upon his oath, says that he is a resident of Saint Joseph County since 1811. But few whites were there then. He is most of the Indians thereabouts. Know Pokagon and many of his band. Know them to be Pokagon's band, because they were not arrested and taken west of the Mississippi River, and they then numbered some 250, whereas all the other bands were compelled to go West by the treaty provisions, and have remained there ever since.

(Page 18.) Many Pottawatomies had to be arrested to be taken West by Alexis Coquillard, who had authority for removing them. Pokagon's band was not arrested, and this distinguished them. Assant was elected and served as sheriff of Saint Joseph County from 1856 to 1860. I personally know that when they knew as a matter of fact of Pokagon's band they did not arrest him to go West. Know Samuel L. Cochran since 1831, and know of no person who has had greater opportunities of knowing about the matters in his affidavit, and have examined his affidavit and his, and know that which is stated relative to the resident Indians is true. Has no interest in the claim, etc.

RYAN C. JOHNSON

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

Geo. W. Matthews

Also the following extract from the evidence of Hon. Thomas S. Stauffer, Judge of the Saint Joseph County circuit court:

ROLL No. 4, AFFIDAVIT No. 13

STATE OF INDIANA, Saint Joseph County, ss:

(Page 21.) Hon. Thomas S. Stauffer (assant), being duly sworn, says that he is a Judge of Saint Joseph County circuit court; aged fifty-five; resided in said county since 1831. Has known Samuel L. Cochran ever since then, and from the fact of official relations, and being engaged in removing the Indians, no citizen had greater opportunities, etc., with the Indians in their tribal relations.

(Page 22.) Is personally knowing to the truth of many of the facts in the affidavit, and believes his statement in detail to be true. I would further say that I know of no man whose statement is entitled to more credit, or more likely to be true.

observation of facts, or more accurate in his recollections, or faithful in his testimony, or
 have an interest in the claim, etc.

Attest: A. N. DRACON.

THOS. S. STANFIELD,

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

GEO. W. MATTHEWS,
 Clerk.

Also, the following extract from the testimony of Dr. Jacob Hardman, of South Bend, in said county and State:

ROLL NO. 4, AFFIDAVIT NO. 11.

STATE OF INDIANA, Saint Joseph County, ss:

(Page 12.) Also appears Dr. Jacob Hardman (affiant), being duly sworn, says that he is now sixty-eight years; resided in Saint Joseph County since 1831; was the first practicing physician in said county; knew all the settlers, and was called as physician and surgeon for Indians, and treated old Chief Pokagon at his lodge, and became extensively acquainted with his band; kept a book account of his fees with them, and was paid most of them at Chicago treaty in 1833. Has carefully examined Samuel L. Cook's affidavit and list of names, and, from his knowledge of the facts, knows the same are as therein set up, and has no interest in the claim of said band.

JACOB HARDMAN.

Attest: A. N. DRACON.

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

GEO. W. MATTHEWS,
 Clerk.

Also, the following testimony as to the character of the men whose evidence is introduced by your memorialists:

STATE OF INDIANA, Saint Joseph County, ss:

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

LOUIS HUMPHREYS, M. D.,

Examining Surgeon for Pensions and Mayor of South Bend, Ind.

BENJAMIN WALL,

Justice of the Peace.

DWIGHT DRUMING,

County Commissioner of Saint Joseph County.

JOHN BROWNFIELD,

President of South Bend National Bank.

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

The original testimony from which these extracts are made is on file with the committees of the House and Senate of the United States.

Your memorialists are entitled to share per capita in all annuities accrued by treaty to the Pottawatomie Nation of Indians, bearing date prior to September 26, 1862, in proof of which we respectfully submit the supplemental article of the treaty dated September 27, 1863, which reads:

"On behalf of the chiefs and head-men of the united nation of Indians who signed the treaty to which these articles are supplementary, we hereby, in evidence of our assent thereto, become parties thereto.

"And as since the signing of the treaty a part of the band residing on the reservation in the Territory of Michigan have requested, on account of their religious creed, permission to remove to the northern part of Michigan, it is agreed that in case of

such removal the just proportion of all annuities payable to them under former treaties, and that arising from the sale of the reservation on which they now reside shall be paid to them at L'Arbre Croche."

It will be seen on an examination of this article that your memorialists, who being exempt from removal west with the body of the union nation, were secured by the terms of this treaty, and the United States thereby agreed to pay the just proportion of all annuities payable to them (the Pottawatomie Nation) under former treaties.

What is embraced in the term "all annuities" has been frequently passed upon by the Department of the Interior and the officers having charge of Indian Affairs, and several committees, both of the Senate and House of Representatives, who have had the subject under consideration, and all have uniformly concurred in recognizing the right of your memorialists to share pro capita in "all annuities" made payable to the Pottawatomie Nation by treaties made with the United States and said before and after prior to September 26, 1833.

In support of this proposition, we respectfully refer to the letter of Robert Stuart, acting superintendent of Indian affairs (see page hereof), and the reply of Dr. Hartley Crawford, Commissioner of Indian Affairs. (Please see page hereof.)

It will be seen from an examination of Crawford's letter that he wanted to designate the treaty to which the payment should apply, when in plain terms they were clearly entitled to their "just proportion of all former annuities," which includes some eleven annuities of eleven "former" treaties then operative and in full force and binding upon the United States.

Regarding this error, the Committee on Indian Affairs of the Senate in 1835 reported as follows, which is accepted as just and fair, and now only ask that it be faithfully applied to their cause and carried into effect:

"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 in 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 supplemental 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, second session, 1835, Thirty-eighth Congress.)

The following exhibit, taken from the report of the Hon. S. S. Bartlett, House of Representatives, hereafter (on page) cited, makes exhibit at once of the substance of the Senate and House committees, by quoting the Senate report, and including it in the eleven designated treaties, and their annuities, amounts, time to run, etc., and quoting and adopting the above extract from the Senate Report No. 111, second session Thirty-eighth 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 east, are entitled to the annuities of September 26, 1833, it not being a "former" treaty; the treaty of the 27th being styled "articles supplementary," etc., making it a present and not a former treaty, of which the annuitants are entitled to their just proportion.

Treaty.	Annual amount.	Time.	Amount due in 1834.	Amount due first semi-annually to 1831.		Amount due second semi-annually to 1831.		Total.
				Yrs.	Amount.	Yrs.	Amount.	
Aug. 3, 1795	\$1,000	Perpetual	\$1,000	5	\$5,000	5	\$5,000	\$15,000
Sept. 30, 1800	500	do	500	5	2,500	5	2,500	5,000
Oct. 2, 1804	2,500	do	2,500	5	12,500	5	12,500	25,000
Aug. 29, 1821	5,000	20 years	5,000	5	25,000	Exp.		
Oct. 16, 1826	2,000	22 years	2,000	5	10,000	5	10,000	20,000
Sept. 26, 1833	2,000	Perpetual	2,000	5	10,000	5	10,000	20,000
Sept. 26, 1833	1,000	20 years	1,000	5	5,000	5	5,000	10,000
July 20, 1839	10,000	Perpetual	10,000	5	50,000	5	50,000	100,000
Oct. 3, 1837	15,000	20 years	15,000	5	75,000	5	75,000	150,000
Oct. 26, 1837	20,000	do	20,000	5	100,000	5	100,000	200,000
Oct. 27, 1837	15,000	15 years	15,000	5	75,000	2	25,000	100,000
June 17, 1816	300	Perpetual	300					300
Total			60,000		400,000		270,000	670,000

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. 8, 1795	\$1,000	Perpetual..	5	65,000	5	65,000	65,000	65,000	61,000
Sept. 30, 1809	800	do.....	5	2,500	5	2,500	2,000	2,500	500
Oct. 2, 1818	2,000	do.....	5	12,500	5	12,500	12,500	12,500	2,500
Aug. 29, 1821	8,000	20 years.....							
Oct. 18, 1826	2,000	23 years.....							
Sept. 24, 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	10,000	Perpetual..	5	80,000	5	80,000	80,000	80,000	1,000
Oct. 24, 1832	15,000	20 years.....							
Oct. 24, 1833	20,000	do.....							
Oct. 27, 1833	15,000	13 years.....							
June 17, 1816	300	Perpetual..	5	1,500	5	1,500	1,500	1,500	300
Total.....				111,500		111,500	111,500	111,500	22,300

Previous to 1872, this measure had been repeatedly examined by the Department of the Interior.

Pending the consideration of this measure 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 honorable Secretary of the Interior an inquiry, dated June 3, 1872, inclosing a copy of the above report and bill, stating that a greater portion of the Indians residing in his district, and requesting the opinion 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. 211, 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 inclosures having been submitted for the files 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.

And, in further confirmation of this proposition, the Senate has twice, once in the Forty-second and once in the Forty-third Congress, passed a bill awarding your memorialists \$152,402.06 and an annual perpetual annuity of \$2,414.87 from and after 1872, and the committee of the House of Representatives of the Forty-third Congress

reported favorably on the Senate bill of same Congress, but the bill failed for want of time in the House, Congress adjourning before the bill was reached.

4th. The construction thus given to the supplemental article of the treaty of September 27, 1833, being thus conclusive, it only remains to ascertain what "former treaties" existed at the date of the supplemental treaty of September 27, 1833, in order to determine how much the United States by said treaty agreed and covenanted to pay to your memorialists.

To establish this point, the following reference to the treaties is given, and they will be found on the pages designated in the table in vol. 7, United States Statutes at Large:

Date of treaty.	Page of treaty.	Page of annuity.	Annually.	Time to run.
August 3, 1795.....	49	51	\$1,000	Forever.
September 30, 1809.....	113	114	500	Do.
October 1, 1818.....	185	185	2,000	Do.
August 29, 1821.....	218	220	5,000	For 20 years.
October 16, 1826.....	295	296	2,000	For 22 years.
September 26, 1828.....	317	317	2,000	Forever.
September 26, 1828.....	317	317	1,000	For 20 years.
July 29, 1829.....	320	320	10,000	Forever.
October 20, 1832.....	378	370	15,000	For 20 years.
October 26, 1832.....	391	395	20,000	Do.
October 27, 1833.....	399	401	15,000	For 12 years.

See United States Senate Report 121, second session Forty-second Congress.

To this exhibit must be added the \$2,000 annuity for twenty years of treaty of September 27, 1833, which was made solely with your memorialists; and \$300 annually after 1817, as one of the salt provisions of a treaty prior to 1833, was then commuted in cash, and after that paid as an annuity.

Under the strictly legal and accepted ruling upon the treaty of September 27, 1833, your memorialists are not entitled to participate in any of the moneyed considerations of the treaties with their people, but "annuities" of "former" treaties; this excludes them from sums of vast amount, as the following will exhibit, which the Kansas people alone can enjoy.

The following sums, as annuities, etc., have been paid, or are due the Kansas Indians for reasons shown in the statement, but were improperly included in making the distribution, in the House report and bill in 1864, but are now by Senate bill and the reports excluded:

\$950,000 of treaty of September 26, 1833	\$950,000
\$250,000 of treaty of June, 1816	250,000
These were improperly included, as these were not treaties "former" to September 26, 1833, which was the treaty of separation.	
\$5,000 educational fund, annually for thirty years, 1836 to 1866, by treaties of 1826, 1828, and 1829	150,000
\$3,440 blacksmith's fund, annually for thirty years, 1836 to 1866, by treaties of 1826, 1828, and 1829	103,200
\$910 for salt, annually, for thirty years, by treaties 1795, 1826, and 1828...	27,300
These last funds were improperly included, because they are not annuities; they are specific funds not divisible, or distributed as annuities. The treaty of separation says all "annuities" of former treaties.	
To this sum must be added 5 per cent. per annum on \$613,000, the trust-fund of treaty June, 1816, which was \$32,150 for twenty years, 1816 to 1836	613,000
Total.....	2,023,500

This exhibits the amounts from which the Michigan and Indiana people are by present rulings excluded, and sufficiently explains why the Kansas people resisted the cause in 1860-'66.

This also sheds light on the agreement which the Kansas people urged so strongly. It was their personal interest to release these funds from the claims of the eastern Indians by this agreement. By the treaty dated September 27, 1833, these Indians became separate peoples, with distinct, separate rights, by the treaty. The Government owed each a definite sum. This agreement was not made in the interest of the Government, nor with any intention of releasing the Government from its obligations to the Michigan and Indiana people, nor was the Government in any sense a party to

The eastern Indians had no right to participate in these funds, and now make no claim to.

Having given the treaties under which these annuities are secured to be paid, and we trust satisfactorily disclaimed all claims to any payment not strictly secured to us by the term "former annuities," as the annuity has been construed and defined by the Government from time to time uniformly since the proclamation of the treaties, we submit the following tabulated statement from the report of Senator Buckingham, made to the Senate of the United States after a most exhaustive examination, dated April 9, 1872, being Report No. 121, United States Senate, second session Forty-second Congress, and also the report of the Hon. S. S. Burdett, of the House of Representatives and chairman of subcommittee of the Committee on Indian Affairs having the examination of this case in charge, same Congress.

The following, taken from pages 5 and 6 of the Senate Report, No. 121, and Mr. Burdett's report, demonstrates the treaties and annuities to which your memorialists are entitled to participate, their per capita amount, the entire amounts which have been paid them, and the balance remaining due.

Treaty.	Annual amount.	Time.	Amount due in 1834.	Amount due first semi-decade, to 1841.		Amount due second semi-decade, to 1848.		Amount due third semi-decade, to 1855.	
				Yrs.		Yrs.		Yrs.	
Aug. 5, 1795	\$1,000	Perpetual	\$1,000	5	\$5,000	5	\$5,000	5	\$5,000
Sept. 30, 1809	500	do	500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	do	2,500	5	12,500	5	12,500	5	12,500
Aug. 29, 1821	5,000	70 years	5,000	5	25,000	Exp.			
Oct. 16, 1826	2,000	25 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
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
Oct. 20, 1832	15,000	20 years	15,000	5	75,000	1	15,000	Exp.	
Oct. 20, 1832	20,000	do	20,000	5	100,000	6	100,000	5	100,000
Oct. 27, 1842	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 1854.		Amount due fifth semi-decade, to 1861.		Amount due sixth semi-decade, to 1868.		Amount due seventh semi-decade, to 1875.	
			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	70 years								
Oct. 16, 1826	2,000	25 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. 20, 1832	20,000	do	5							
Oct. 27, 1842	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

Years	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due them.	Per capita.	Amount due the bands.
1836.....	2,810	256	4,026	\$70,000.00	\$12.54	\$1,520.00
1841.....	2,350	273	2,623	100,000.00	102.20	25,411.00
1846.....	2,231	265	2,546	170,000.00	109.04	23,432.00
1851.....	2,914	257	4,291	210,000.00	51.03	11,651.33
1856.....	2,181	281	2,462	111,500.00	32.29	8,016.29
1861.....	2,142	304	2,446	111,500.00	45.58	12,550.75
1866.....	2,202	317	2,519	111,500.00	44.28	11,030.12
1871.....	2,202	322	2,521	111,500.00	45.60	11,607.20
1872.....	2,203	323	2,524	22,300.00	8.83	2,214.87
Add full annuity under the treaty September 27, 1833, \$1,000 for 10 years						132,467.00
There were paid the memorialists from the year 1843 to 1863, inclusive, 21 years, \$1,567.50 per annum						23,417.50
In 1864.....						1,237.50
In 1865.....						1,567.50
In 1866, in accordance with public act						30,000.00
						75,162.20
Balance due memorialists.....						81,702.10
Annuity of \$2,844.67 capitulation, at 5 per cent. per annum, equals						60,907.50
Due to make final settlement.....						152,002.80

The per capita proportion of the perpetual annuities agreed to be paid to the Pottawatomies, including your memorialists, prior to 1833, at which time the supplemental treaty hereinbefore referred to was entered into, will be found in the report of the Secretary of the Interior to the House of Representatives, dated May 14, 1868, an extract from which is as follows:

The Secretary of the Interior, in his report to the House of Representatives, May 14, 1868, reported the following as the perpetual annuities due the Pottawatomies. (See Ex. Doc. No. 290, second session Fortieth Congress:)

PERMANENT ANNUITIES.

Treaty of August 3, 1795, article 4 (see Statutes at Large, vol. 7, p. 51), payable in silver.....	\$1,000.00
Treaty of September 30, 1809, article 3 (Statutes at Large, vol. 3, p. 114), payable in silver	500.00
Treaty of October 2, 1818, article 3 (Statutes at Large, vol. 7, p. 185), payable in silver.....	2,500.00
Treaty of September 20, 1823, article 2 (Statutes at Large, vol. 7, p. 317), payable in money.....	2,000.00
Treaty of July 29, 1829, article 2 (Statutes at Large, vol. 7, p. 320), payable in specie	16,000.00
Treaty of September 20, 1828 (see reference above), and of June 5 and 17, 1846, article 10 (Statutes at Large, vol. 9, p. 255), payable in lieu of tobacco, iron and steel.....	300.00
Treaty of October 16, 1826, article 3 (Statutes at Large, vol. 7, p. 296), and of September 20, 1823, and of July 29, 1829 (references as above), being for blacksmith, iron, stool, etc.....	2,820.00
Treaty of July 20, 1829, article 2 (reference as above), being for salt.....	437.50
Total amount of permanent annuities.....	25,557.50

The just per capita proportion of these, due your memorialists, is \$2,644.87, the same being determined upon their relative numbers in 1836 and 1868, when distribution was commenced on the basis of \$22,300, instead of \$25,557.50, as set forth in the report of the Secretary above; this difference being caused by reason of the deduction from the amount found by the Secretary of all sums due from any other source than those which were strictly *annuities*.

It should be observed that by treaty of September 27, 1833 (vol. 7, U. S. Stat., page 442), all the annuities are made payable in specie. The premium was paid in 1835, being 42 per cent., about. No premiums or interest are asked or included in this case, although these two items alone would, in equity, more than equal the present bill. Their demand is simple justice.

From the foregoing statements it will be seen that at the end of the fiscal year ending June, 1872, there was remaining due and unpaid to your memorialists, after deducting all payments made to them on account of the several treaties, the sum of \$152,602.00; the proportion due to your memorialists annually from the perpetual annuities being \$2,544.87. At the close of this fiscal year (1873) there will be due in addition to the sum found above, six annual payments of \$2,544.87, which, being added to the sum due in 1872, aggregates the sum of \$160,672.18, which last-named sum represents the actual amount of money due to your memorialists on account of these several annuity treaties, on the payment of which your memorialists agree to release the Government of the United States from all future obligations on account of the same.

February 19, 1861, the Committee on Indian Affairs of the House of Representatives reported in favor of the case, awarding \$192,845 (see Report H. R. No. 19, 1st sess. 37th Cong.), and the same session the House passed an act allowing them that sum. But there were two errors in this report: one was that it included the moneyed benefits of other treaties than "former treaties" to September 26, 1833, and other funds than "annuities," as fully shown on page 16 hereof. This greatly increased the amount over what it should have been had no other error been included; but the other error was this distribution was calculated upon the supposed existence of 6,180 of those people when in fact, as heretofore shown, there were but 4,000. This error greatly reduced the amount—nearly to the same extent that the other error increased it.

The Senate, in 1865, as fully stated on page 16, and decision of the committee, quoted on page 8 hereof, corrected the first error by excluding the amounts before improperly included in making the distribution, but failed to correct the other error regarding the number of Indians; 6,180 Indians were used in calculating the distribution (see page 4, Report U. S. S. No. 111, 2d sess. 39th Cong.), when there should have been but 4,000, as will be seen on an examination of the correspondence between Senator Buckingham and the Hon. Columbus Delano, then Secretary of the Department of the Interior.

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 1835, by semi-decades, up to 1866; another, inquiring the number of your memorialists residing 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 Tippecanoo, 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 following are the replies:

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 Chippewa, Ottawa, and Pottawatomie 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 transmit 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 Tippecanoo 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. D. FRENCH,
Second Auditor.

Hon. C. DELANO,
Secretary of the Interior.

Exhibit referred to and accompanying the above letter of E. D. French, Second Auditor of the Treasury.

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 the Indian Office:

J. L. Jamison, agent, paid 3,764 persons in 1836.
J. P. Simonton, agent, paid 76 persons in 1840.
A. S. Davis, agent, paid 3,390 persons in 1841.
R. B. Mitchell, agent, paid 2,231 persons in 1846.
J. R. Chouault, agent, paid 3,914 persons in 1851.
G. W. Clark, agent, paid 3,161 persons in 1856.
W. W. Ross, agent, paid 2,142 persons in 1861.
L. K. 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 23, 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 201 Indians	1,587.50
In 1847 Wm. A. Richmond paid 214 Indians	1,587.50
In 1848 Wm. A. Richmond paid 260 Indians	1,587.50
In 1849 Charles P. Babcock paid 260 Indians	1,587.50
In 1850 Charles 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 231 Indians	1,587.50
In 1859 A. M. Filch paid 233 Indians	1,587.50
In 1860 A. M. Filch paid 236 Indians	1,587.50
In 1861 De Witt C. Leach paid 215 Indians	1,587.50
In 1862 De Witt C. Leach paid 217 Indians	1,587.50
In 1863 De Witt C. Leach paid 216 Indians	1,587.50
In 1864 De Witt C. Leach paid 212 Indians	1,587.50
In 1865 Richard M. Smith paid 232 Indians: principal, in currency, \$1,587.50; premium, in gold, \$39,241	2,270.71
In 1866 Richard M. Smith paid 235 Indians	39,000.00

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 receipt rolls on file in this office.

POTTAWATOMIE INDIANS.

By reference to the report of Senator Buckingham, before referred to, it will be seen that the number of Indians residing in Michigan and Indiana who are entitled to share in these annuities numbered 322, this number being ascertained from evidence then and now on file with the case. This number may be regarded as correct, notwithstanding the fact that in 1836 the evidence on file in the Treasury Department show that in that year 333 persons were paid by the Government, as is evidenced by the receipted pay-rolls on file in that Department.

For the purpose of securing their rights under these several treaties, your memorialists visited Washington with varied prospect of success, until in 1839 they sent Edward Cowles, one of their people, to look after their matters. In 1861 he succeeded so far as to have an act passed directing the Secretary of the Interior to examine the case and report to Congress, which Caleb H. Smith, Secretary of the Interior, made December 19, 1862 (Ex. Doc. No. 19, third session Thirty-seventh Congress).

After receiving the report of the Secretary of the Interior, above referred to, an order was issued by Congress, the Senate Committee on Indian Affairs made a report upon the questions involved in this case, from which we submit the following extract:

"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 an annuity 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, second session Thirty-eighth Congress, 1863.)

At the adjournment of Congress the House of Representatives, having this subject under consideration, passed a joint resolution, to which we have before called your attention, awarding to your memorialists, as their share of the annuities secured to the Pottawatomie Nation of Indians by these treaties the sum of \$192,845. (See Report No. 19, first session Thirty-eighth Congress, H. R.)

This action of Congress in 1865 and 1866 was not the result of *ex parte* proceedings. The Kansas delegations were here with their experienced attorney and gave Cowles a most active, relentless, and even vindictive opposition. He was frequently approached with propositions to compromise the case, and finally, in April, 1866, he was threatened that, unless he signed the proposition in writing, they had it in their power to defeat his case.

The proposition submitted by the Kansas Indians, and which was subsequently signed by Cowles, is in words following:

"THE COWLES AGREEMENT.

"The controversy heretofore existing between certain Chippewa, Ottawa, and Pottawatomie Indians of Michigan and the Pottawatomie Nation of Kansas has been compromised and adjusted, the latter agreeing to pay the former the sum of thirty-nine thousand dollars, in full of all claims, past, present, and future, against the tribe, arising out of any treaty or otherwise."

Dated Office Indian Affairs, April 11, 1866 [5]6.

(Original on the files of the House of Representatives and a certified copy with the Committee on Indian Affairs, House of Representatives.)

He was greatly distressed. He was assured that it contained no release to the Government; that by signing it the Indians would lose no rights under the Governmental treaties. He was allowed no time to confer with his people in Michigan, and, believing these representations, he signed it and reported to his people at once, as shown by the following evidence:

Affidavit of Edward Cowles—Synopsis of affidavit No. 43.

He now resides in (Niles) Berrien County, Michigan. Has received a common-school education. In 1839 he came to Washington to look after their annuities. Was delayed from year to year, and resisted by the delegations and attorneys of the Kansas Indians.

That in 1865 and '66 he was approached by them with propositions to compromise the claim, accompanied by threats that unless he accepted their proposition of \$21,000 they had it in their power to defeat the case entirely. That a paper was presented him to sign in April, 1866. It was represented to him that this paper would not release the Government from paying his people all that it might owe them on the treaties with them.

The Michigan Indians were poor and greatly distressed by debts and mortgages they had incurred, expecting to receive their annuities. They had built churches and school-houses, which they must lose unless they received what was due them from the Government.

That many times on the streets of Washington he was urged by people whom he did not know to accept the proposition; that he became so embarrassed and distressed he hardly knew what to do; that finally, believing the agreement to be what it was represented and appeared to be, he signed it. That he would not have signed it if he had thought it capable of being construed to cut his people off from their just rights under the treaties, and went home as soon as possible and reported what he had done to his people in council.

NOTE.—The remainder of his affidavit concerning the history of the protests, the circumstances of the payment, the representations of Mr. Johnson and others, is substantially the same as that of Toposh, Simon Pakagon, Francis Pakagon, Augustus, and the Motes, and others.

After several councils, on the 14th of June, 1866, the Indians in full council unanimously voted to notify the Government that they would not accept the Cowles agreement or relinquish their annuities or any part of them, and employed attorneys to notify the proper Department of their action; which was done, as appears from the following evidence in the case:

Baker & Richard's letter to Hon. Charles Upson.

PAW PAW, MICH., June 15, 1866.

DEAR SIR: We are instructed, by the unanimous vote of our Michigan Indians in council at Rush Lake, to address you this note, and request you to advise the Department that the Indians will not relinquish their annuities or any part of them.

BAKER & RICHARDS,

HON. CHAS. UPSON,
House of Representatives, Washington, D. C.

Synopsis of affidavit of John R. Baker.

[Exhibit of letter same as in Upson's affidavit.]

STATE OF MICHIGAN, County of Van Buren:

John R. Baker, of Paw Paw, said county, was one of the law firm of Baker & Richards, of same place, and he wrote the above letter to Hon. Charles Upson, signed the firm name, and duly mailed the same to said Upson.

Sworn to before S. W. Denscombe, notary public.
February 3, 1873.

Synopsis of affidavit of Hon. Charles Upson.

STATE OF MICHIGAN, Branch County:

Charles Upson, of Coldwater, said county, in 1866, while in Washington, D. C., as Representative, received a letter from Messrs. Baker & Richards, of which he thinks the annexed paper, marked A, is a true copy. He does not now recollect, but feels confident that he must have informed either the Department or committee of its contents soon after its reception.

Sworn to before David Thompson, United States commissioner, etc.
February 11, 1873.

By this evidence it appears that your memorialists promptly entered their protest by employing attorneys to notify the Government that they would not relinquish their annuities, or any part of them, which was duly forwarded to their Representative in Congress (thus "bringing it to the ear of the court"), and requesting him as an officer of the Government to so notify the Department. Upson received the protest "some six weeks" before the passage of the act, and believes he gave the notice required. Be that as it may, it matters nothing. The Indians had exercised full diligence, and can not in law, much less in honor and right dealing, be held liable for any neglect on the part of the officers of the Government, especially under trusteeship. The memorialists had gone into debt to build for themselves two churches and two school-houses, as they are now mostly residing in two parishes, expecting in 1863 and 1864 the large amount to be soon paid them, and in 1866 these debts were cu-

dangering their small farms and cherished improvements, as appears from the following evidence:

ROLL No. 10, AFFIDAVIT No. 23.

The Indians had long expected the payment of a large amount, being familiar with the reports of Hon. W. P. Dole, Commissioner of Indian Affairs, and Hon. C. B. Smith, Secretary of the Interior, made in 1862, and believed the amount then reported (\$192,850) would be paid. In view of its early payment they had contracted a large amount of debts for churches and school-houses, etc., and upon hearing of the joint resolution awarding only \$30,000 they held several councils of their people and decided not to accept the \$30,000, fearing it would debar them from prosecuting their just claim for the remainder.

ROLL No. 13, AFFIDAVIT No. 26.

STATE OF MICHIGAN, County of Cass, ss:

[Extract.]

... which made it necessary for them to receive it to save their farms from being sacrificed at mortgage sale, and partly from representations then made that their claim would not be paid in full if said Government should be satisfied that it was just and equitable.

ELIAS S. HOWARD.

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

[SEAL.]

CHIANGY T. LEE,

Notary Public, Cass County, Michigan.

Synopsis of affidavit of A. J. Toposh.

That he was present at several councils of these people held in May and June, 1866; that at a council held immediately before, and at the payment of \$30,000, he was requested and authorized, as their interpreter, to make their deliberations known to the agent making the payment. He was instructed to inform him that the Indians could not accept the \$30,000 as payment in full of the large amounts they then knew to be due them by the Government's reports, decisions, and actions, but as they had mortgages on their small farms, church and school property, and threatened with foreclosure and sheriff's sale, being in greatly distressed circumstances, being poor and needy, they would accept the \$30,000, and allow the same as so much paid them on their just claim. That before the payment was made he did faithfully make known the result of the deliberations of the Indians in council, as above set forth, in the presence and hearing of the agent, Mr. Smith, the Indians, and others present. The agent would have no conference with the Indians. That the Indians were advised by friends and counsel, and a Mr. Johnson, who, it was understood, was present to aid Mr. Smith in the payment in some way by appointment of the Government, that their acceptance of the money could not have any effect to prevent the payment of all just balances due them, as they only accepted it upon the express condition of their protests. That this advice of friends, counsel, and Mr. Johnson was freely given and expressed in the presence of the agent, to which the agent made no reply. That under these circumstances and advice, relying upon the laws and facts as thus assured to them, they signed the receipt required by the agent.

Affidavits of Francis Pokagon and Simon Pokagon.

They are sons of old chief Pokagon; have had a partial English education. (Note.—Their testimony is substantially the same, and fully corroborative of the above affidavit of Toposh; referring to Johnson's advice, they say:) The Indians were advised by friends and counsel that a receipt so forced from them, under all its attending facts, could not be held to abrogate the Government treaties, or in any way defeat them in their just claim under said treaties, and such was the statement then and there made before the payment by said Johnson, which advice and assurances were accepted by the Indians as of authority, and the same was given in the presence of said agent, and the same was not, in the presence or hearing of the Indians or to their knowledge, by said agent in any way modified or disowned, and, relying on this, they signed the required receipt and took the money, said Johnson assisting in the payment, and from our knowledge we don't believe one dollar of it would have been accepted to this day had the Indians believed or been informed that accepting it would be fatal to their recovering the large balance remaining due them.

Signed and sworn to before George W. Mathews, clerk of Saint Joseph circuit court, February 14, 1873, who certifies that these Indians are intelligent; that the above affidavits were read to them, and signed by them in his presence. These affidavits are supported substantially by two affidavits of Elias S. Howard, date February 1, 1871, and James Sullivan, date January 10, 1871, of Dowagiac, Mich., being disinterested white witnesses.

STATE OF INDIANA, Saint Joseph County, ss:

Seton Moty, Little Seton Moty, Billy Augusta, John Cash-au-wa-Yeso Moty, and Francis Williams, all over thirty-six years of age, residing in Michigan. (Note.—These applicants cover the same facts, and fully sustain the preceding affidavit of A. J. Toposh. The first four are members of their business committee.)

Signed and sworn to before George W. Mathews, clerk of Saint Joseph circuit court, February 1, 1873.

Testimony of Rev. P. O. Johnson.

STATE OF MICHIGAN, County of Washtenaw, ss:

Personally appeared before me, Andrew J. Sutherland, a notary public in and for said county, one P. O. Johnson, to me personally known, and being by me first duly sworn, upon his oath says that his name is Peter O. Johnson, aged fifty-seven years; that he is a minister of the gospel, now residing in Ann Arbor, said county and State; that he did at the request of the late Richard M. Smith, an Indian agent, accompany him and assist him in making the payment of \$30,000 to the Pottawatouies of Michigan and Indiana at their houses, near Dowagiac, said State, in 1866. Mr. Smith made known to the Indians that he was instructed by the then Acting Secretary of the Interior that this was to be their final payment.

At this the Indians were much surprised, and greatly distressed that they were to receive as a final payment only so small a part of what they said the Department of the Interior and the House of Representatives had declared was due them for their lands, and which they seemed to know and believe was due them.

One of their people, Augustine J. Toposh, as the interpreter of their councils, before the payment was made, and in the presence and hearing of Mr. Smith and the Indians, said that the Indians in their councils had instructed him to say to him (Mr. Smith) that, in full accord with their written protest, which they had sent to the Hon. Charles Upsom and the department, they could not accept the \$30,000 and relinquish any of their rights under the treaties, but being in great distress, they would accept it only as so much paid on their just demand.

Everything came to a stand-still for the whole day, or nearly so, when Mr. Smith, having known me as a missionary to the Indians since 1843, advised them to consult with me, as I had intimate knowledge of the treaties and the manner of the Government dealing with them. They acted upon this advice, and after several hours spent in free interchange of thought and feelings, during which they stated their claims and grievances to me fully, as I understood their language. I advised them to receive the \$30,000 and sign the required receipt upon their protests already made. I also stated to them that I believed, from what I had seen of the dealings of our Government with Indians, that the intention of the Government was not to wrong them, but to deal kindly and justly with them; that I felt sure that if, upon examination of their treaty stipulations, it should be found that there remained any sum, large or small, due them it would be paid them. The fact of their signing this receipt would not be a bar to their claim, especially so when it could be shown that the mistake was on the part of our Government, and that they were compelled by reason of debt incurred, in anticipation of a much larger sum, long before that, to have the \$30,000 or lose their improvements.

Upon these facts I said to them, "You must or better take the \$30,000 and trust to the Government." I said, "Present your case; justice may be a little slow, but it will come."

After this they quietly accepted the money and signed the required receipt. I am stating these facts from a clear recollection of their occurrence. I have no interest personally whatever in the case of these people.

PETER O. JOHNSON.

Attest:

HIRAM C. WALDRON.

L. ST. LOUD.

Subscribed and sworn to before me this 3d day of December, A. D. 1871; and I certify that the above Peter O. Johnson is to me personally known to be a person entitled to full faith and credibility.

[L. S.]

ANDREW J. SUTHERLAND,
Notary Public.

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Attached to this instrument is the usual certificate of the clerk of the circuit court of said county and State, under the seal of said court, that Andrew J. Sutherland, the above, is a notary public in and for said county, signed W. N. Stevens, clerk, by H. C. Waldron, deputy clerk.

The legal propositions in this case are few and simple.

The United States can take nothing by the joint resolution passed by the Thirty-eighth Congress.

The resolution was proposed for the purpose of carrying into effect an agreement entered into between the Kansas branch of the Pottawatomie Nation of Indians and Cowles.

The resolution can not be made to embrace more than was contained in the agreement upon which it was based and which it was passed to carry into effect.

If, however, this agreement was wrested from Cowles, an inexperienced if not an ignorant Indian, by intimidation and offers of violence, the agreement itself could have no force or effect. This would be such duress as would avoid the agreement. But we are not left to rest the case upon this proposition. The agreement explains itself. It provided for a settlement of claims made by the Michigan Indians to sums of money arising out of treaties with the United States made subsequent to the treaties of 1833, heretofore referred to, and to which we now make no claim.

In support of the several legal propositions that may be suggested in the examination of the case, we respectfully submit the following authorities from the many that might be referred to:

"A contract made by a party under compulsion is void, because consent is the essence of a contract, and where there is compulsion there is no consent, for this must be voluntary (1 Par. on Cont., 392; 1 Blk. Com., 131; 5 Hill, 153; 15 Wend., 321; 5 Cow., 53).

"So cautiously does the law watch over all contracts, that it will not permit any to be binding but such as are made by persons perfectly free and at full liberty to make or refuse such contract" (1 Bay, S. C., 270; 2 ib., 211; Grocul. on Ev., 301; 16 Ill., 33; 12 Pick., 7).

By the court (4 Ohio), 347:

"A receipt is prima facie evidence of payment, but a receipt acknowledging the reception of ten dollars and acquitting and releasing from all obligations would be a receipt for ten dollars only" (2 Ves., Ch., 310; 5 Barn. & Ad., 606; 18 Pick., 325; 1 Ed. Ch., N. Y. 341).

From the above it appears that the receipt they signed when forced and advised to accept the \$39,000 is, *per se*, no bar to the recovery of the remainder.

This sum was, at most, but a part payment of an ascertained, just, and acknowledged debt, and proven upon the findings of record by the Government.

"Part payment is no satisfaction of the debt, even where the creditors agree to receive a part of the whole, and gives receipt for the whole demand; and a plea of payment of a small sum in satisfaction of a larger is bad even after verdict" (2 Par. on Con., 618; 3 N. H., 518; 11 Vt., 60; 5 Johns., 383).

Again, these people were, and now are, the *cestui que trusts* of the Government of the United States, which then was and now is their trustee, in possession of their funds, and protector of their persons and rights. As a reminder of the rigor of the law by which trustees are held to faithfully discharge their trusts, the following is cited from the books:

"Trustees are to faithfully apply the property according to the confidence reposed in them by the *cestui que trusts* (4 Kent Com., 235; Hill on Trustees, 495, 321; 1 Saunders N. & T., 6; 3 Blk. Com., 431).

"The continuance of an estate of trustee will be continued or limited to the accomplishment of the purposes of the trust over the express language of the instrument creating the same (4 Den., N. Y., 385; 11 B. Mon., Ky., 233).

"Payment must be made of the whole sum, and even where receipt in full has been given for a payment of part of an ascertained sum, it has been held not to be an extinction of the debt (5 Coko, 117; 2 Barn. & Ad., 477; 11 Vt., 60; 20 Mo., 83; 9 Johns., 333; 17 ib., 196)."

Upon the most critical examination of the evidence of protest and the circumstances attending the payment, it must be conceded that the Cowles agreement, even though it had been properly obtained and the act in accord with it, was, and remains in law, fully annulled in all legal respects and effects void.

The joint resolution (vol. 14 United States Statutes, page 370) reads:

"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 1816 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."

The act itself states that it was to carry into effect a compromise and agreement be-

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tween the memorialists and the Kansas people; and, by reference to the Congressional Globe, it appears that this was the only representation made on the floor which secured its hasty passage by both houses on the last two days of the session.

Now, most happily for these unfortunate people, this agreement is in writing, signed by Mr. Cowles and the Kansas delegation, and duly preserved on the file records of the House, and it reads:

"The controversy heretofore existing between certain Chippewa, Ottawa, and Pottawatomie Indians of Michigan and the Pottawatomie Nation of Kansas has been compromised and adjusted, the latter agreeing to pay the former the sum of \$30,000, in full of all claims, past, present, or future, against the tribe, arising out of any treaty or otherwise."

The purpose of this agreement is manifest. Your memorialists were then claiming their distributive proportion of vast sums to which they had no right. (See page 16, hereof.) It was to release those funds from their claims, and not to release the United States from the treaty obligations with your memorialists, that it was so ardently demanded.

Cowles was assured that by signing it he would not impair the rights of his people upon the treaties to all remaining balances; believing which, he signed it (see evidence, page 29, hereof), and the agreement itself sustains those representations. He or his people in no manner and at no time ever agreed to accept \$30,000 and release their claims against the United States upon the treaties.

The words "either against the United States or" and "and the annuity now paid them is to be restored and paid to said nation for the future," which appear in the act, are not, in fact, in substance, or by implication, to be found in the agreement upon which the act declares it is based.

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 1832, 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 following are the replies:

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 Chippewa, Ottawa, and Pottawatomie 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 transmit 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 17, and February 24, 1872, to W. N. Sovereance, 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. Severauck.

Very respectfully,

E. B. FRANKET,
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 3,761 persons in 1833.
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. Chonault, agent, paid 3,914 persons in 1851.
G. W. Clark, agent, paid 3,181 persons in 1856.
W. W. Russ, agent, paid 2,142 persons in 1861.
L. R. Palmer, agent, paid 2,202 persons in 1866.

The \$1,687.50 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, 1813, 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 23, 1866 (vol. 14, U. S. Stat. at Large, page 370).

In 1843 Robert Stuart paid 253 Indians.....	\$1,687.50
In 1844 Robert Stuart paid 269 Indians.....	1,687.50
In 1845 Wm. A. Richmond paid 217 Indians.....	1,687.50
In 1846 Wm. A. Richmond paid 204 Indians.....	1,687.50
In 1847 Wm. A. Richmond paid 244 Indians.....	1,687.50
In 1848 Wm. A. Richmond paid 260 Indians.....	1,687.50
In 1849 Chas. P. Babcock paid 259 Indians.....	1,687.50
In 1850 Chas. P. Babcock paid 218 Indians.....	1,687.50
In 1851 Wm. Sprague paid 229 Indians.....	1,687.50
In 1852 Wm. Sprague paid 214 Indians.....	1,687.50
In 1853 Henry C. Gilbert paid 219 Indians.....	1,687.50
In 1854 Henry C. Gilbert paid 236 Indians.....	1,687.50
In 1855 Henry C. Gilbert paid 236 Indians.....	1,687.50
In 1856 Henry C. Gilbert paid 221 Indians.....	1,687.50
In 1857 A. M. Filch paid 239 Indians.....	1,687.50
In 1858 A. M. Filch paid 234 Indians.....	1,687.50
In 1859 A. M. Filch paid 253 Indians.....	1,687.50
In 1860 A. M. Filch paid 235 Indians.....	1,687.50
In 1861 Do Wit C. Leach paid 235 Indians.....	1,687.50
In 1862 Do Wit C. Leach paid 247 Indians.....	1,687.50
In 1863 Do Wit C. Leach paid 246 Indians.....	1,687.50
In 1864 Do Wit C. Leach paid 212 Indians.....	1,237.50
In 1865 Richard M. Smith paid 233 Indians: principal, in currency, \$1,687.50; premium, in gold, \$602.24.....	2,279.74
In 1866 Richard M. Smith paid 338 Indians.....	30,000.00

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 receipt rolls on file in this office.

As the questions arising in this case have so often been considered and examined by the several departments of the Government, with a uniformly favorable result to your memorialists' claims for redress; as every question arising out of these several treaties and the relations to, and the rights of, your memorialists under them, have been subjected to the most rigid scrutiny by the officers of the Government and members of the Senate and House of Representatives, we deem it unnecessary to add anything further.

The reports of Senator Buckingham and the Hon. S. S. Burdett, of the House, are so full and complete upon all questions arising in the case, whether these questions be of fact, of equity, or of law, that we submit them entire as a part of this memorial.

In conclusion, we will only add that your memorialists are an intelligent, frugal, industrious, and Christian people, fully competent to manage their own affairs. They are at all times assured by the highest authority of the Government that their cause is just, and are conscious that ultimately it must prevail. They are in want, and

have waited long for their money, diligently and continually urging Congress to enable the Secretary of the Interior to pay them. It has twice passed the Senate, and once the House, and it is most ardently hoped that all future expense and trouble, both to them and the Government, may be avoided by the present bill becoming a law, as they will over pray.

SIMON POKAGON,
Chairman Business Committee.
W. N. SEYMOUR,
Of South Bend, Ind., Counsel.
CHARLES N. JAMISON,
Of Lima, Ohio, Counsel.

REPORT FROM THE COMMITTEE ON INDIAN AFFAIRS OF THE SENATE OF THE UNITED STATES AND REFERRED TO IN THE FOREGOING MEMORIAL AS THE "BUCKINGHAM REPORT."

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

Mr. BUCKINGHAM made the following report (to accompany bill S. 944):

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

In the year 1793, and at various times, the Government of the United States has made treaties with the Ottawa, Chippewa, and Pottawatonic 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 Pottawatonic, and since 1846 as the Pottawatonic 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 that 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 now home 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 lands undoubtedly received their portion. After the removal of the nation, the Government made repeated appropriations, and paid many of the annuities to the Pottawatonic Nation west of the Mississippi, while the bands in Michigan received no part of the same.

The Commissioner of Indian Affairs in 1813 recognized their claim to a portion of annuities granted to the nation under the treaties of July 20, 1821, and September 27, 1833, and paid the sum of \$1,557.50 annually as their portion of the same from 1843 until and including the year 1845. 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 Pottawatonic Indians residing in Michigan, under and by virtue of the treaties of July 20, 1821, September 27, 1833, and the articles supplementary thereto and under the treaty of the 5th and 19th of June, 1846, with the Pottawatonic Nations of Indians, and also to report whether there is any money or property therefore payable to said Pottawatonic 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 27th 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 band 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, 1833), "they are entitled to \$49,217.50 from former cash annuities, and to \$16,683 for interest received on money invested in stocks for educational, agricultural, and other purposes, and to \$21,407.50 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 lands 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, 1833, the United States engaged to deliver yearly, and every year, a quantity of salt not exceeding 150 bushels.

By the treaty of October 26, 1836, 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, 1823, the United States agreed to furnish the Pottawatomie tribe annually with a specified amount of tobacco, iron, and steel; with a blacksmith for fifteen years; with three 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 land 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 \$1,587.50, paid the Michigan Indians from 1813 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 26th 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 1816 with the United States, the sum of \$20,000, 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 receipt-rolls 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 1813 to 1866, inclusive.

Previous to 1813 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 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	\$1,000
Sept. 30, 1800.	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. 23, 1821.	5,000	20 years							
Oct. 16, 1826.	2,000	23 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.	18,000	Perpetual ..	5	90,000	5	90,000	90,000	90,000	1,800
Oct. 20, 1832.	15,000	20 years							
Oct. 26, 1833.	20,000	.....do	5						
Oct. 27, 1833.	15,000	12 years							
June 17, 1846.	800	Perpetual...	5	1,500	5	1,500	1,500	1,500	800
Total				111,500		111,500	111,500	111,500	22,200

Treaty.	Annual Amount.	Time.	Amount due in 1856.		Amount due first semi-decade, to 1861.		Amount due second semi-decade, to 1866.		Amount due third semi-decade, to 1871.	
			Yrs.		Yrs.		Yrs.		Yrs.	
Aug. 5, 1795.	\$1,000	Perpetual...	5	\$1,000	5	\$5,000	5	\$1,000	5	\$1,000
Sept. 30, 1800.	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. 23, 1821.	5,000	20 years		5,000	5	25,000	Exp.			
Oct. 16, 1826.	2,000	23 years		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		1,000	5	5,000	5	5,000	1	1,000
July 29, 1829.	18,000	Perpetual...	5	18,000	5	90,000	5	90,000	5	90,000
Oct. 20, 1832.	15,000	20 years		15,000	5	75,000	1	15,000	Exp.	
Oct. 26, 1833.	20,000	.....do	5	20,000	5	100,000	5	100,000	5	100,000
Oct. 27, 1833.	15,000	12 years		15,000	5	75,000	2	20,000		
June 17, 1846.	800	Perpetual...							5	1,500
Total				80,000		400,000		270,000		214,500

Years.	Indians west of the Mississippi.	Indians in Michigan and Indiana.	Total number of Indians.	Amount due the nation.	Per capita.	Amount due the lands.
1820.....	2,816	250	4,033	\$50,000.00	\$12.50	\$1,500.00
1811.....	2,680	273	3,661	400,000.00	109.30	29,811.60
1816.....	2,231	260	2,590	270,000.00	104.00	29,032.00
1851.....	3,814	287	4,201	210,000.00	51.65	14,631.35
1856.....	3,181	281	3,462	111,500.00	32.20	8,818.20
1861.....	2,141	301	2,446	111,500.00	45.58	12,824.22
1866.....	2,293	317	2,510	111,500.00	44.38	11,039.42
1871.....	2,202	322	2,524	111,500.00	43.60	10,642.20
1872.....	2,202	322	2,524	22,200.00	8.83	2,114.87
Add full annuity under treaty September 27, 1833, \$2,000 for 10 years.....						132,267.83
There were paid the memorialists from the year 1813 to 1863, inclusive, 21 years, \$1,587.50 per annum.....						33,237.50
In 1864.....						1,217.50
In 1845.....						1,587.50
In 1866, in accordance with public act.....						2,000.00
						75,162.50
Balance due memorialists.....						\$4,783.48
Annuity of \$2,816.81 per capita, at 5 per cent. per annum, equals.....						\$4,237.60
Due to make final settlement.....						132,602.98

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

(S. 314.)

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 Pottawatamie 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 Pottawatamie 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 Pottawatamie 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.

REPORT OF THE HON. S. S. BURDETT REFERRED TO IN THE FOREGOING MEMORIAL.

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 subcommittee 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 all 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 historic facts preceding the immediate origin of the case.

In 1793, and prior thereto, the Pottawatamie 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 those Indians to the interests of the United States.

This was the first important Indian treaty, and the Pottawatamies 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 Pottawatamies united with the Pottawatamies, and therefrom grew the "Ottawas, Chippewas, and Pottawatamies," as designated in subsequent treaties, now, and since the treaty of 1816, known as "Pottawatamies."

These historical facts are based upon General 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, etc., 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.	Vol.7.	Date of treaty.	Amount.	Proclamation.	Time to run.
Perpetual annuity	49	Aug. 2, 1795	\$1,000	Dec. 2, 1795	Forever.
Salt	74	June 7, 1803	.....	Dec. 24, 1803	.....
Perpetual annuity	113	Sept. 20, 1808	500	Jan. 10, 1810	Forever.
Perpetual annuity	123	Oct. 2, 1810	2,500	Jan. 16, 1810	Do.
Annuity	206	Aug. 23, 1821	2,000	Mar. 25, 1822	Twenty-two years.
Annuity	235	Oct. 14, 1826	2,000	Feb. 7, 1827	Pleasure of President.
Blacksmith	285	.....do.....	.....do.....	.....do.....	.....do.....
Iron, steel, and willow	285	.....do.....	.....do.....	.....do.....	.....do.....
Salt (100 bushels)	285	.....do.....	.....do.....	.....do.....	.....do.....
Perpetual annuity	317	Sept. 20, 1828	2,000	Jan. 3, 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, 1833	14,000	Jan. 21, 1833	Twenty years.
To chief	378	.....do.....	.....do.....	.....do.....	Life of.
Annuity	394	Oct. 23, 1833	20,000	.....do.....	Twenty years.
Education	394	Oct. 27, 1833	2,000	.....do.....	Pleasure of Congress.
Perpetual annuity	370	July 29, 1839	14,000	Jan. 2, 1830	Forever.
Iron and steel	370	.....do.....	.....do.....	.....do.....	Do.
Blacksmith	370	.....do.....	.....do.....	.....do.....	Do.
Salt (50 barrels)	370	.....do.....	.....do.....	.....do.....	Do.
Annuity	431	Sept. 26, 1833	11,000	Feb. 21, 1835	Twenty years.
Annuity	442	Sept. 27, 1833	2,000	.....do.....	Do.
To chiefs	431	Sept. 28, 1833	1,100	.....do.....	Life of.
For 4 sections of land	494	Mar. 29, 1834	2,500	June 4, 1834	One year.
For 20 sections of land	400	May 11, 1834	23,000	May 25, 1834	In one and two year.
For 10 sections of land	500	Apr. 22, 1834	6,000	.....do.....	One year.
For 3 sections of land	501	.....do.....	1,000	.....do.....	Do.
For 23 sections of land	505	Aug. 5, 1834	14,000	Feb. 18, 1837	In 1834.
For 10 sections of land	513	Sept. 20, 1834	8,000	.....do.....	Do.
For 4 sections of land	514	Sept. 22, 1834	2,300	.....do.....	Do.
For 42 sections of land	515	Sept. 23, 1834	23,000	.....do.....	Do.
Annuity	218	Aug. 28, 1831	5,000	Mar. 21, 1832	Twenty years.
Three laborers	317	Sept. 20, 1829	.....	Jan. 7, 1829	Ten years.
Annuity	399	Oct. 27, 1832	15,000	Jan. 21, 1833	Twelve years.
Annuity	467	Dec. 10, 1834	1,000	Mar. 15, 1835	Two years.
Trust-fund, etc .....	.....	June 5 and 17, 1816.	850,000	.....	.....
Trust-fund, interest annually .....	.....	.....do.....	82,150	.....	.....

(By treaty, June 5 and 17, 1836, the 5,000,000 tract in Iowa was purchased by the United States, a trust-fund of \$613,000 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 (104,400 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 September 26, 1833. These annuitants (the memorialists) refused to sign 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 exhibit 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 Pottawatonic Indians, concluded at the same place on the 27th day of September, 1833, between the said commission-

ers on the part of the United States, of the one part, and the chiefs and headmen 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 headmen cede to the United States all their land situate in the Territory of Michigan, south of the Grand River, being the reservations at Nottawasque, 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 Saint Joseph on the 19th September, 1827; and also the tract of land on the Saint Joseph River, opposite the town of Niles, and extending to the line of the State of Indiana, on which the villages of Topoubeu 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 headmen, 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 \$10,000 in \$2,000 payments for twenty years.)

"On behalf of the chiefs and headmen 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 reservation 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 \$50,000, 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, 104,170 acres) then ceded to the Government, and their interest in commerce 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 \$50,000 in moneyed provisions, and one of the twenty installments of \$2,000 under treaty 27th September, 1823.

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 1813, when an award of \$1,527.66, 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 \$30,000 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 seem in equity that it did, this being a subsequent treaty to September 26, 1823, not a former treaty.

This error greatly increases the award; and the second error was "supposing" the existence of 6,180 Indians, when in fact there were but 4,020 (see Secretary Do- lano'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 \$50,025 their due as arrears, and by its decision established those 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 Indian 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 supplemental 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. 33th 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 September 26, 1833. Those annuities, 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," etc., 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 1830.		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. 8, 1795	\$1,000	Perpetual	5	\$1,000	5	\$5,000	5	\$5,000	5	\$1,000
Sept. 30, 1809	500	do	5	2,500	5	2,500	5	2,500	5	2,500
Oct. 2, 1818	2,500	do	5	12,500	5	12,500	5	12,500	5	12,500
Aug. 30, 1821	8,000	20 years	5	8,000	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
Do	1,000	20 years	5	1,000	5	5,000	5	5,000	1	1,000
July 20, 1829	16,000	Perpetual	5	16,000	5	80,000	5	80,000	5	80,000
Oct. 20, 1831	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	20,000		
June 17, 1846	300	Perpetual							5	1,500
Total				80,000		400,000		270,000		214,000

Treaty.	Annual amount.	Time.	Amount due fourth semi-decade, to 1850.		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. 8, 1795	\$1,000	Perpetual	2	\$1,000	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	12,000		2,500	
Aug. 30, 1821	8,000	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 20, 1829	16,000	Perpetual	5	80,000	5	80,000	60,000	60,000		1,600	
Oct. 20, 1831	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		22,200	

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 sale, etc., 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 \$333,000 trust fund, and the \$12,150 annual interest on the same arising out of the sale by the Kansas Indians of the 6,000,000 tract, as reserved to the Pottawatomies in Iowa, and sold to the United States by treaty in 1816. This was a subsequent, not a former, treaty to 1833.

34 POTTAWATOMIE INDIANS.

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 claims rest.

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 prosecuting 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 council 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 know 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 in due notice of revocation of Cowles's power of attorney for having exceeded his powers, etc., and was dated and mailed, and doubtless received nearly six weeks prior to 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, etc., in their distress they would accept it only as so much paid on their just claim, to save their improvements from sheriff's sale, etc., 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 R. Stuart, Indian agent of this agency, as "the supplemental article of the treaty," the article, etc., 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, then the United States have perpetrated a fraud upon these people by maintaining them, where 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 guaranty 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 guaranty 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 \$10,000 shall be accepted as any release of claims against the United States, but only as against the tribe, i. e., the Kwasas 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 those were created by treaties subsequent to 1833, and including 25th 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 place of residence. The Government clearly permitted these annuitants to remain in Michigan, hence this agreement can not 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 that *cestui que trusta*, competent to contracts, 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 can not 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:

Year	Indians west of the Mississippi	Indians in Michigan and Indiana	Total number of Indians	Amount due the nation	Per capita	Amount due the lands
1816	2,840	250	4,000	\$70,000.00	\$17.50	\$1,000.00
1831	3,380	273	3,653	400,000.00	109.20	29,811.60
1846	2,321	269	2,590	270,000.00	104.00	29,022.00
1851	2,911	297	3,208	314,500.00	98.05	16,651.35
1856	2,181	281	2,462	111,500.00	45.29	9,044.29
1861	2,112	301	2,413	111,500.00	46.21	13,856.33
1866	2,203	317	2,520	111,500.00	44.26	14,678.42
1871	2,202	323	2,525	111,500.00	44.16	14,683.20
1872	2,203	323	2,526	111,500.00	44.16	2,844.87
Add full annuity under treaty September 27, 1833, \$1,000, for 10 years						132,847.00
						25,000.00
						170,867.00
There were paid the memorialists from the year 1813 to 1863, inclusive, 31 years, \$1,587.50 per annum						333,237.50
In 1864						1,217.50
In 1865						1,607.50
In 1866, in accordance with public act						2,000.00
						75,162.50
Balance due memorialists						93,704.50
Annuity of \$2,812.87 per capita, at 5 per cent per annum, equals						26,897.50
Due to make final settlement						152,602.00

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 Pottawatomie 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. Soveraue, esq., at his request.

S. S. BURDETT.

This cause was again presented to the Forty-third Congress, and the bill (then being Senate bill No. 215) was reported to the Senate by the Committee on Indian Affairs and passed.

The following extracts are here made from the report of the House Committee on Indian Affairs of the Forty-third Congress on the above bill, which report is on the files of the committee with the other papers in this case:

[Extract.]

The Committee on Indian Affairs, to whom was referred Senate bill No. 215, "to enable the Secretary of the Interior to make final settlement with the Pottawatomie Indians of Michigan and Indiana, under treaty stipulations existing with them," having considered the same, make the following report:

This bill appropriates the sum of \$155,447.83, due to the Pottawatomie Indians who are now citizens of Cass, Van Buren, and Berrien Counties, in the State of Michigan, and Saint Joseph County, Ind., in full settlement of all claims whatsoever, under treaties with the United States, and for the surrender of their lands and reservations to the Government.

The history of this claim in favor of the Pottawatomie Indians of Michigan and Indiana shows that for twelve years past they have personally, and through their representatives, urged its settlement before Congress, and during all that time their claim has been recommended to be paid by the Indian Office, and favorably considered by the Senate and by the Committee of Indian Affairs of this House.

It has at no time been reported adversely.

The committee therefore deem it sufficient to report the facts briefly upon which they recommend the passage of the Senate bill and the payment of the sum mentioned.

The following testimony will, we trust, fully explain everything connected with the payment of the \$39,000 provided for by the joint resolution of Congress, passed for the purpose of carrying into effect the agreement entered into between the Kansas Indians and Cowles, and to which we have before referred. We desire to submit no comments upon this evidence. We append this evidence to our memorial and make it a part thereof.

Testimony of affiants, Nos. 55 and 64, inclusive, roll 23.

[The original testimony will be found accompanying this memorial.]

STATE OF MICHIGAN, County of Van Buren, ss:

Before me, Genius H. Engle, a notary public, in and for said county of Van Buren, personally appeared Augustine J. Toposh, Cetone Mot6, Cotone Mot6, jr., James Pokagan, John Koshwa, Aloxus Chenigar, Joseph Bertrand, William Cowtuckmuck, and John Mix, who, being by me duly sworn, upon their oaths say that Augustine J. Toposh, Simon Pokagan, Cetone Mot6, Cotone Mot6, jr., James Pokagan, John Koshwa, Alexander Chenigar, Joseph Bertrand, Joseph Otuckwin, William Cowtuckmuck, and John Mix, are members of the Pokagan band of Pottawatomie Indians, residing in Cass, Van Buren, and Berrien Counties, Mich., and Saint Joseph County, Ind., and Augustine J. Toposh has for many years been living in their midst, and acting many times as their friend, and at the payment of the \$39,000, in 1856, as their interpreter to make known the protest of their people against accepting that sum as final, and their determination not to relinquish any of their treaty rights or annuities.

That their people, as shown by the former evidence in the case, now number some 322 souls; that they are an industrious, orderly, frugal, and religious people, maintaining themselves, their churches, and schools, which they have built for their own people; and that they, as a people, are as fully competent to manage their own affairs as any other people in equal common walks of life.

That before the payment of the \$39,000, which was made in 1866, these people had received and fully considered and understood, at several full councils, the various reports of the Department of the Interior, and of the House of Representatives United States, which showed the Government owed them nearly \$200,000, which they believed to be just and right in amount; and for these good reasons they wholly refused to accept the \$39,000 as a full and final payment, and relinquish their treaty rights.

But then being in great distress for money, being several years in debt, for money borrowed to build two churches and two school-houses in two parishes for their people and children, in full confidence of the early payment of the sum of \$192,650, as stated by the Government to be due them for their lands, they were forced to accept this \$39,000, as the only escape to save their improvements from sheriff's and mortgage sales, but accepted it only as so much paid on the amount due them.

In 1866, as soon as the Indians learned that the Government contemplated paying them but \$39,000, they in full council directed the proper department of the Government to be notified of their determined protest; which was, that they could not accept the \$39,000 and relinquish their annuities, or any treaty rights; which protest was made in writing; and by them forwarded to and received by Hon. Charles Upson, then in the city of Washington, D. C., their representative in Congress, some six weeks before the passage of the act awarding them the \$39,000.

Again, at the payment, in 1866, before money was paid, they, by Augustine J. Toposh as their interpreter, duly authorized so to do; stated to the agent of the Government making the payment, that upon reports of the Government \$192,650 was due them for their lands; that by the Government delaying to pay them they had become distressed by debts; that they had no money or credit; that their improvements were liable to be sold at sheriff's sale; that they must have the \$39,000, but that they would only give receipt for so much paid on their treaty rights, and not as the Government wanted it, in full and final payment.

They were then informed by friends, and advised by counsel, that they could safely accept the \$39,000 and give the receipt demanded; that the Government could not, and would not, hold such receipt so forced from them as an abrogation of their treaty rights.

They yet feared to sign the receipt lest it might endanger or destroy their treaty rights to the payment for the many broad sections of their land, in sight of and around them, then and now occupied by their more fortunate white neighbors.

There was one Rev. P. O. Johnson, who came with the agent, and was assisting him, and by the Indians was regarded as an officer of the Government, speaking with authority, and he told them that if they would sign the paper they could have the money, and that the Government, which was their great Christian guardian, and which for so many years had been the friend of their people and was yet their friend, would, upon a proper presentation of their case, pay them all that should be found due to them from the United States Government.*

Everything came to a stand-still for the whole day, or nearly so, when Mr. Smith, having known me as a missionary to the Indians since 1843, advised them to counsel with me, as I had intimate knowledge of the treaties and the manner of the Government dealing with them. They acted upon this advice, and after several hours spent in free interchange of thought and feelings, during which they stated their claims and grievances to me fully, as I understand their language, I advised them to receive the \$39,000 and sign the required receipt upon their protests already made. I also stated to them that I believed, from what I had seen of the dealings of our Government with Indians, that the intention of the Government was not to wrong them, but to deal kindly and justly with them; that I felt sure that if, upon examination of their treaty stipulations, it should be found that there remained any sum, large or small, due them, it would be paid them. The fact of their signing this receipt would not be a bar to their claim, especially so when it could be shown that the mistake was on the part of our Government; and that they were compelled, by reason of debts incurred in anticipation of a much larger sum, long before that, to have the \$39,000 or lose their improvements. (Extract from the testimony of Rev. P. O. Johnson; see p. 12, Suppl. Memorial.)

Believing and relying upon these representations, the reports, advice of friends and counsel, and statement of Mr. Johnson, they then signed the receipt, received the \$39,000, and at once commenced these proceedings for the remainder, and they can

* One of their people, Augustine J. Toposh, as the interpreter of their councils, before the payment was made, and in the presence and hearing of Mr. Smith and the Indians, said that the Indians in their councils had instructed him to say to him (Mr. Smith) that in full accord with their written protests, which they had sent to the Hon. Charles Upson and the Department, they could not accept the \$39,000 and relinquish any of their rights under the treaties, but, being in great distress, they would accept it only as so much paid on their just demand.

not yet believe but that their Christian guardian and Government will be true to its obligations, so solemnly entered into and just to them, by paying them for their lands, which they so unwillingly sold to it.

AUGUSTINE J. TOPOSH.

his
OTONE + MOTER.

mark.
his
OTONE + MOTER, JR.

mark.
JAMES POKAGON.

his
JOHN + KOSHWA.

mark.
ALEXIS CHENIGAR.

his
JOSEPH + BERTRAND.

mark.
his
WM. + COWTUCKMUOK.

mark.
JOHN MIX.

Witnesses to signatures by mark:

C. H. ENGLE.

ALLIE ENGLE.

STATE OF MICHIGAN,
County of Van Buren, ss:

Subscribed and sworn to before me this fifth day of December, A. D. 1874, and I certify the above affiants can all speak English generally and understandingly, and that before administering to them the oath I clearly read in their hearing the above affidavit; and further, in order that they might more fully understand its contents in their mother tongue, I swore said Augustine J. Toposh, who I believe to be an able interpreter, to well and truly interpret the same to them all, which he did in their hearing, and fully made known to them the nature of the oath to be administered to them by me; and I further certify that I have been acquainted with said band of Indians referred to in aforesaid affidavit for seventeen years past, and was present at a great council held by them in their church in 1866, a few weeks before they received the \$30,000 payment from Government.

They met to talk over the propriety of receiving the payment aforesaid, and after discussing the matter nearly all day, finally took a vote of all present that they would not receive the payment only as part payment of their due from the United States Government, which was claimed by them to be about \$200,000; and, further, I certify that all the above affiants, so far as I know, sustain a good reputation, and are men of truth and veracity, and that I have good reason to believe that the facts and circumstances set forth in said affidavit are true in substance, and that I have no interest in the prosecution of this claim against the United States Government.

[SEAL.]

CENIUS H. ENGLE,
Notary Public.

(NOTE.—To this is attached the certificate, under seal, of Samuel Holmes, clerk of Van Buren circuit court, certifying that C. H. Engle is a notary public in and for said county, etc.)

STATE OF MICHIGAN, County of Van Buren, ss:

Before me, Cenius H. Engle, a notary public in and for said county, personally appeared Ansel E. Reynolds and Henry P. Phelps, who, being by me duly sworn, upon their oaths state that the above affidavit has been distinctly read in their hearing, and that they are well acquainted with the persons who subscribed the same, except one or two, and that they sustain a good reputation whom they live for truth and veracity; that they have been acquainted with the band of Indians mentioned in said affidavit for twenty-six years; that they have dealt with them a great deal during that period, purchasing of them furs, and selling them goods; that they are acquainted with the facts set forth in said affidavit relative to said band of Indians having built two churches, and having to help build two school-houses in two different parishes; that they built them, judging from their talk, with the expectation of an early payment from the United States Government of some \$100,000; and that at the time they received the \$30,000 payment in 1866 they were heavily in debt on those farms, as a general thing, and that many of the mortgages were becoming due, and that they had no money or credit to meet their obligations; that it was much talked of in the

neighborhood where said Indians lived; that they were obliged to receive the \$39,000 payment on account of debts, and that they received the same believing that they should receive the balance of their claim against the United States Government, and that they are still confident, believing that they are to receive it within a few months at most; and, still further, said affiants believe, from their own knowledge, that all the facts and circumstances set forth in said affidavit are correct and true in substance, except as to the matters connected with the protest against the \$39,000, which facts they have no personal knowledge of, but from reliable reports believe them to be true; and that they have no interest in this claim of the Indians against the United States Government.

ANSKL E. REYNOLDS,
HENRY P. PHELPS.

STATE OF MICHIGAN, County of Van Buren, ss:

Sworn and subscribed to before me this 5th day of December, A. D. 1874. I hereby certify that the said Ansel E. Reynolds and Henry P. Phelps have been merchants of Hartford Village, in said county, for many years, and that they are persons to be relied upon for honesty and integrity.

CENIUS H. ENGLE,
Notary Public.

STATE OF MICHIGAN, County of Cass, ss:

Before me, Chauncy T. Lee, a notary public in and for Cass County, State of Michigan, personally appeared Elias S. Howard, of the county of Cass and State of Michigan, who, being duly sworn, testifies and says:

That the foregoing affidavits have been distinctly read to me, and that I am well acquainted with the persons who have subscribed the same, and that they sustain good moral characters where they reside, and have the reputation of telling the truth in all matters.

That I have been well acquainted with the band of Indians mentioned in said affidavit for twenty years; that I have had quite a large amount of dealings with them, and found them well adapted to take care of their own matters.

That they are an honest and industrious band, and that I am acquainted with their building two churches, and helping to build two school-houses, which they would not have done had they not expected to receive from Government some \$200,000.

And I further swear that I was present at the payment by the agent of the United States of the sum of \$39,000, in 1866, and although they were badly in debt, and many of them about to lose their houses by mortgage, etc., they utterly refused to receive said \$39,000 in full satisfaction of their claims against the Government, and only received said \$39,000 in part payment of their claims against the United States Government, and many of them would not have signed the receipt had not one Johnson, who was with said agent, told the Indians that if they would sign the receipt the Government would still see that the said Indians would receive from the Government the full amount of their claim; and by these means they consented to receive the \$39,000 in part payment of their claim, and as soon as said \$39,000 was paid the Indians took measures to secure and have allowed the balance of their claim from the United States, and that I am not interested in this claim, directly or indirectly.

ELIAS S. HOWARD.

Subscribed and sworn to before me this 9th day of December, A. D. 1874; and I further certify that said Howard is fully entitled to full faith and credit; and I hereby certify that I have no interest in the claim.

[SEAL.]

CHAUNCY T. LEE,
Notary Public.

STATE OF MICHIGAN, County of Cass, ss:

Personally appeared before me James S. Sullivan, of the county of Cass, State of Michigan, who, being duly sworn, testifies and says:

That he is a practicing attorney, and that he is well acquainted with the band of Indians mentioned in the foregoing affidavits, and has been well acquainted with said band for more than twenty years, and has acted as their counsel more or less ever since, and was their counsel at the payment of \$19,000 in 1866, by the Government to said band. And the understanding was by the said Indians that they only received said \$19,000 in part payment of their claim against the Government, and they protested and refused to receive said \$19,000 in any other shape than as part payment; and I, as their counsel, assured them that the Government would not make them receive said \$19,000 in full payment as long as more was their honest due.

And it was under my advice, and the advice of one Johnson (in his name, as I am informed), that they finally consented to receive said \$19,000, and only then as part payment of what was due them from the Government.

That I am well acquainted with the most of said Indians constituting said band, and they are an honest and industrious people, and trying hard to make a living, and that they were heavily in debt at the time they received said \$39,000, and unless they had so received said money they would have suffered greatly; and further that I am not interested in this claim.

JAMES SULLIVAN,

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

I, Chauncy T. Lee, a notary public in and for Cass County, State of Michigan, do hereby certify that James Sullivan, who subscribed the foregoing affidavit, personally appeared before me and made oath that the same was true, and I hereby certify that the said Sullivan is entitled to full faith and credit. Subscribed and sworn to before me this ninth day of December, 1874.

[SEAL.]

CHAUNCY T. LEE,
Notary Public.

NOTE.—Attached to this instrument is the usual certificate of the clerk of the circuit court of Cass County, Michigan, certifying under seal that said Chauncy T. Lee is a notary in and for said county.

[SEAL.]

CHAS. L. MORTON, Clerk.

1st Session.

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1890.—Ordered to be printed.

Mr. VANOR, from the Committee on the District of Columbia, reports the following

REPORT:

[To accompany bill S. 296.]

The committee to whom this bill was referred sent the same to the Commissioners of the District of Columbia, who requested the States attorney for the District of Columbia and Col. John M. U. S. Army, in charge of public buildings and grounds, to examine the bill and to report their opinion thereon. The Commission returned the bill with the recommendation that it pass, which recommendation is based upon the accompanying reports of the said attorney and Colonel Wilson.

This bill is framed to vest all of the title of the United States square south of square 1002, in the city of Washington, in the Christ Church, District of Columbia, who are, by mesne conveyance, purchasers from the original proprietors of this whole square—George Walker and William Young. The following are extracts from the District attorney's report:

All the proprietors of the lands upon which the city of Washington was with few exceptions, conveyed their holdings to two trustees, Thomas George, and John M. Gantt, upon trusts, that a "Federal city" should be laid out upon them. The portion of the deed which affects the present inquiry provides for an equal division of all the building squares between the original proprietors and the commissioners appointed under the act of Congress establishing the temporary permanent seat of the Government, the parts falling to the commissioners to be sold and the proceeds applied to the creation of the public buildings.

George Walker and William Young's heirs were the proprietors of tracts of land, each other, and part of each of those tracts, in unequal proportions, were within the limits of this square.

The individual account of Walker with the commissioners (page 185) shows that he is charged with lots 2 and 3 in this square amounting to 37,631 square feet; his original holding in the square was 14,727 square feet, and of this the commissioners were entitled to one-half; the difference in his favor on this transaction is made up in favor of the commissioners by allowances from his interest in other squares.

The individual account of William Young's heirs with the commissioners (page 215) that they are charged with lots 1 and 4 in this square, contain 48,000 square feet; their original holding was 48,000 square feet, of which the commissioners were entitled to one-half, and the difference in their favor in the transaction is made up in favor of the commissioners by deductions from their interest in other squares.

The above facts, in connection with the further entry in the book captioned "Public Lot No. 2," which was prepared by Nich. King (survivor) in 1805, viz, "square south of 1002, assigned to George Walker and William Young, the original proprietors thereof," show that the United States has all its interest in the square by the assignment of the whole of the same to said owners on the division; nothing was reserved.

Appendix D

Annuity Pay Roll Certificate of Witnesses, 1904.

Annuity Pay Roll certificate of witnesses.

We, the undersigned here by certify on honor, that we were present and witnessed the payment by M.D. Shelby Spl. United States Indian agent, on the respective dates mentioned in the foregoing payroll of the several sums to the individuals opposite whose name our signature are affixed as witnesses, and that we saw said individuals sign the same, by writing their name or making their mark; and the pages of said Payroll are numbered from one (1) to ten (10) inclusive and contains the names of, two hundred seventy two (272) persons, numbered from (1) to (272) inclusive, and we further declare our interests interestedness in this matter.

Dec. 9, 1896, Alvah G. Smith.	Nov. 12, 1896, J. W. Clark.
Dec. 10, 1896, C. Martin.	Dec. 1, 1896, Thomas Topash.
Dec. 10, 1896, C. Crovin.	Dec. 3, 1896, H. G. Wiley.
Dec. 11, 1896, Daniel Mosaw.	Dec. 3, 1896, Simon Pokagon.
Dec. 15, 1896, A. B. Gardner.	Dec. 5, 1896, H. C. Crooby.
Dec. 15, 1896, D. H. Owen.	Dec. 8, 1896, Chas. Blaine.

Certificate of the Interpreters.

We, the undersigned Interpreters, hereby certify and we were present and witnessed the payment by M.D. Shelby Spl. Indian agent on the respective dates mentioned in the foregoing Pay Roll, of the several sums to the individuals who have receipted for the same; that we saw said individuals sign the same, by writing or making their mark; that we fully explained the nature of the said payments to the said individuals; that the pages of the said Pay Roll are numbered from one (1) to ten (10) inclusive and contain the names of two hundred seventy two (272) persons, numbered one (1) to two hundred seventy two (272) inclusive.

Dec. 9, 1896, Isaac Hall.	Dec. 1, 1896, Thomas Topash.
Dec. 10, 1896, C. Martin.	Dec. 3, 1896, Simon Pokagon.
Dec. 11, 1896, Daniel Mosaw.	Dec. 8, 1896, Joseph Cushman.

I, M.D. Shelby Spl. United States Indian agent, hereby certify, on honor, that on the respective dates mentioned in the foregoing Pay Roll I made payment of several sums to the individuals who receipted for the same; that the pages of the said Pay Roll are numbered from one (1) to ten (10) inclusive, and contain the names of two hundred seventy two (272) persons numbered from one (1) to two hundred seventy two (272) inclusive and the aggregate amount of said payments were, one hundred five thousand no hundreds and twenty five and 07/100 dollars \$105,025.07.

Payments to numbers 9-40-51-52-53-58-60-61-62-63-64-65-94-114-121-139-141-147-165-176-177-196-208-209-213-219-249-253-259-272, amounting to three thousand five hundred nine and 45/100 dollars, (\$13,509.45) not having been made.

December 15, 1896.

M. D. Shelby. Indian Agent.

COPIED FROM THE RECORDS OF THE BUREAU OF INDIAN AFFAIRS.

1895 CENSUS AND PATROLL NUMBERS OF THE PYTAWATCHI INDIANS OF INDIANA AND MICHIGAN.

#1- SUI-30-YAW, and wife dead.

#2--I John Mix age 80

- 2 Elizabeth Mix age 50 Dau. of #1 2nd wife of #2.
 3 Julia Bouraisa age 48 Dau of #2. by 1st wife.
 4 Laurance Mix age 39 son of #2. by 1st wife.
 5 RC Mix age 12 son of 4.
 6 LP Mix age 9 son of 4.
 7 William Mix age 33 son of #2. by 1st wife.
 8 Agnes Mix age 25 dau. of #2.
 9 John Mix Jr. age 25 son of #2. by 1st wife.
 10 Lena Bird age 13 dau. of 9, adapted name.
 11 Bessie Bird age 10 dau. of 9, adapted name.
 12 Angeline Cushway age 45 dau of #2. by 1st wife.
 13 Clara A. Cushway age 19 dau. of 12.
 14 Charles H. Cushway age 16 son of 12.
 15 James E. Cushway age 12 son of 12.
 16 Annie C. Cushway age 7 dau. of 12.
 17 Martha A. Cushway Rider age 25 dau. of 12.
 18 Emory J. Rider age 4 son of 17.
 19 John A. Rider age 2 son of 17.
 20 Nora J. Cushway Bushaw age 23 dau. of 12.
 21 Joseph Bushaw age 2 son of 20.
 22 Mary F. Cushway Wilson age 21 dau. of 12.

#3 NAW-GE-ZHE-YAW and wife dead.

- 23 Mary Josephine King age 49 dau. of #3 widow no children.
 24 Anna Winchester age 40 dau. of #4, widow of John Winchester.
 25 Thomas Winchester age 21 son of 24.

#4-26 John Quigano age 64 wife dead.

- 27 Dominick Quigano age 15 son of 26.
 28 Isaac Quigano age 40 son of #4.
 29 Michael Quigano age 20 son of 28.
 30 Julia Quigano age 17 dau. of 28.
 31 Francis Quigano age 9 son of 28.
 32 Sarah Quigano age 7 dau. of 28.
 33 John Quigano age 33 son of #4.
 34 Angeline Quigano age 26 dau. of #14.
 35 Elizabeth Quigano age 11 dau. of 33.
 36 Mary Quigano age 9 dau. of 33.
 37 Louisa Quigano age 4 dau. of 33.
 38 Peter Quigano age 2 son of 33.
 39 Henry Quigano age 10 mo. son of 33.
 40 William Battice age 40
 41 Teresa Battice age 21 dau. of #4 second wife of 40.
 42 Mary Battice age 6 dau. of 40. by 2nd wife.
 43 Daucie Battice age 4 son of 40. by 2nd wife.
 44 Alice Battice age 2 dau. of 40. by 2nd wife.
 45 Nancy Battice age 1 dau. of 40. by 2nd wife.
 46 Frank Battice age 15 son of 40. by 1st wife.
 47 Joseph Battice age 13 son of 40. by 1st wife.
 48 Henry Battice age 11 son of 40. by 1st wife.

- #5 NAUB SEIGH dead.
 49 Frank Winchessya Wopsee age 51 son of #5.
 50 Mary Ann Sands age 21 dau. of 49.
 51 Ester Sands age 5 dau. of 50.
 52 Susan Kaw-Gaibe age 21 Ord. dau. of #5.
 53 John Kaw-Gaibe age 10 Ord. son of #5.
- #6 O-SKE-JAW-WAY dead.
 54 Mary Skinway age 30 dau. of #6.
 55 Louis Skinway age 7 son of 54.
 56 Angeline Skinway age 12 Orddau. of #6.
 57 Alexander Skinway age 50 son of #6.
- #7 KAW-KAW-KAW-SHE dead.
 58 Edward B. Cowles age 48 son of #7.
 59 Elizabeth Helen Cowles age 50 dau. of #7.
 60 Calvin C. Cowles age 43 son of #7.
 61 Zula C. Cowles age 11
 62 Lola Cowles age 9
 63 Pearl Lorain Cowles age 7
 64 Aaron H. Cowles age 32 son of #7.
 65 Harriet Cowles age 38 dau. of #7.
- #8-66 George Rapp age 83 son of #7.
 67 Cecilia Rapp age 17 dau. of #8.
 68 Andrew Rapp age 31 son of #7.
 69 Anthony Rapp age 33 son of #7.
 70 Joseph Rapp age 13 son of #7.
 71 William Rapp age 9 son of #7.
 72 David Rapp age 39 son of #8.
 73 Mary Rapp age 38 dau. of #22.
 74 Maggie Rapp age 16 dau. of 66.
 75 Lizzie Rapp age 14 dau. of 66.
 76 Loyl Rapp age 12 dau. of 66.
 77 Cecilia Rapp age 10 dau. of 66.
 78 Victoria Rapp age 8 dau. of 66.
 79 John Rapp age 6 son of 66.
 80 Jennie Rapp age 4 dau. of 66.
- #9-81 Wero Motay age 70
 82 Joseph Motay age 51 son of #9.
 83 Elizabeth Motay age 50
 84 Louis Motay age 12 son of 82.
 85 Agnes Motay age 10 son of 82.
 86 Annie Motay age 8 dau. of 82.
 87 David Motay age 5 son of 82.
 88 Basil Motay age 25 son of 82.
 89 Charles Motay age 21 son of 82.
 90 Sophie Motay Blackman age 29 son of 82.
 91 Louis Blackman age 5 son of 90.
 92 Peter Blackman age 5mo. son of 90.
- #10-93 KAW-O-GIN wife dead.
 94 John Wagin age 36 son of 93.
 95 Benjamin Wagin age 12 son of 94.
 96 Frances Wagin age 10 son of 94.

#11- KECHR SETONE and wife dead.
 97 Isaac Setone age 35 son of #11.
 98 Angelina Setone age 27 dau. of #8.
 99 Lauronce Setone age 6 son of 97.
 100 Louis Setone age 3 son of 97.

#12-101 KECHN-MAY-OC- name changed to Chenignr-Alexis age 70.
 102 David Alexis age 40 son of #12.
 103 Arthur Alexis age 13 son of 102.
 104 Samuel Alexis age 11 son of 102.
 105 Robert Alexis age 7 son of 102.
 106 Mary Elizabeth Alexis age 2 dau. 102.
 107 Patrick Alexis age 32 son of #12.
 108 Betsy Rapp Alexis age 38 dau of #8.
 109 Charles Alexis age 18 son of 107.
 110 Henry Alexis age 10 son of 107.
 111 Leo Alexis age 6 son of 107.
 112 St. Patrick Alexis age Lmo. son of 107.
 113 Michael Alexis age 45 son of #12.
 114 Elizabeth Alexis age 17 dau. of 113.
 115 Louisa Alexis age 3 dau of 113.
 116 Nora Alexis age 1 dau. of 113.
 117 Mary Lewis age 28 dnu. of #12.
 118 Ida Lewis age 10 dnu. of 117.
 119 William Lewis age 7 son of 117.
 120 Jacob Lewis age 5 son of 117.
 121 Martha Lewis age 3 dau. of 117.
 122 Julia Lewis age 1 dau. of 117.

#13- O-GE-MAV-Ne dead.

#14- JOSEPH MAWSE dead.
 123 Nancy Saugma age 40 dau of #14.
 124 Peter Mawse age 38 son of #14.
 125 Treasa Mawse age 1 dau of 124.
 126 Mary Elizabeth Gibson age 36 dau. of #14.
 127 Martha Gibson age 7 dau. of 126.
 128 James Gibson age 5 son of 126.
 129 Isaac Gibson age 2 son of 126.
 130 Alexis Mawse age 32 son of #14.
 131 Martha Mawse age 13 dau. of 130.
 132 Daniel Mawse age 21 Grd. son of #14. Joe Mawse jr.s child. Joe Mawse jr. dead.
 133 Mary Mawse age 16 Grd. dau of #14. Joe mawse jr.s child.
 134 Louisa Mawse age 14 Grd. dau. of #14. Joe Mawse jr.s child.
 135 Edward. H. Mawse age 3 Grd son of #14. Joe Mawse jr.s child.
 136 Louisa Mawse age 25 dau. of #14.
 137 Mary Walker age 23 dau. of #14.
 138 Martha Walker age 6 dau. of 137.
 139 Angeline Walker age 4 dau. of 137.
 140 John Walker age 2 son of 137.
 141 Alice Mawse age 21 dnu of #14.

#15 AKEN dead.

142 Mary Green Aken age 60.
 143 Paul Green Aken age 17. son of 142.
 144 Alexander Pokagon age 40 son of #15.
 145 Joseph Pokagon age 12 son of 144.
 146 William Pokagon age 7 son of 144.
 147 White Fign Pokagon age 1 son of 144.

- #16-148 KCS-TUCK-HOCK age 75
- 149 Elizabeth Williams age 55 wife of #16.
 150 Michael Williams age 15 son of #16.
 151 Peter Williams age 29 son of #16.
 152 Frank Williams age 25 son of #16.
 153 John Williams age 23 son of #16.
 154 Angeline Williams age 21 dau. of #16.
- #17 Hrs. LEVIE PARSONS dead.
- 155 Joseph Parsons age 41 son of #17.
 156 Frank Parsons age 11 son of #155.
 157 Nora Parsons age 9 dau of #155.
 158 Louis Parsons age 39 son of #17.
 159 Charles Parsons age 31 son of #17.
 160 Peter Parsons age 25 son of #17.
- #18 AN-QUE-KE-RAW dead.
- 161 Agnes Knapp age 45 dau. of #18.
 162 Joseph O'Kief age 25 son of #161.
 163 Paul Knapp age 8 son of #161.
- #19 William Augustus wife both dead.
- 164 Joseph Augustus age 34 son of #19.
 165 Isaac Augustus age 32 son of #19.
 166 Lawrence Moose age 36 son of Mrs. Augustus 1st husband.
- #20 Leopold Pokagon dead.
- 167 Simon Pokagon age 65 son of #20.
 168 Victoria Pokagon age 50 dau. of #4.
 169 William Pokagon age 28 son of #20.
 170 Lizette Pokagon age 25 dau. of #14.
 171 Julia Pokagon age 13 dau. of #169.
 172 Mary pokagon age 11 dau of #169.
 173 Cecelia Pokagon age 2 dau. of #169.
 174 Jevitt Pokagon age 3 mo. son of #169.
 175 Charles Pokagon age 26 son of #167.
 176 Josephine Pokagon age 14 dau of #175.
 177 Elizabeth Pokagon age 8 dau. of #175.
 178 Lucy Pokagon age 6 dau. of #175.
- #21 O-SAW-GE-QUAY dead.
- 179 Mary Bush age 41 dau. of #21.
 180 Frank Bush age 18 son of #179.
 181 Foster Bush age 14 son of #179.
 182 Joshua Bush age 6 son of #179.
 183 Silas Bush age 2 son of #179.
 184 Mary Thompson age 61 dau. of #21.
- #22 TAN-CAW-NAW-GAY dead.
- 185 Mary Tan-Caw-Naw-Gay age 65 wife.
 186 Paul Tan-Caw-Naw-Gay age 45 son of #22.
 187 John Tan-Caw-Naw-Gay age 16 son of #186.
 188 Nora Tan-Caw-Naw-Gay age 11 dau. of #186.
 189 Martha Tan-Caw-Naw-Gay age 9 dau. of #186.
 190 James Tan-Caw-Naw-Gay age 7 son of #186.
 191 Minnie Tan-Caw-Naw-Gay age 5 son of #186.
 192 Daniel Tan-Caw-Naw-Gay age 3 son of #186.

- #23 SETHONE dead.
- #24 JAMES PORACON dead.
193 Frank Hamilton age 19 Grd. son of #24.
- #25 MAW-NEDO-OWE-SAINCE dead
194 Sarah White age 30 Grd. dau. of #25..
195 Goldie He-n-White age 1 dau. of 194.
196 Louisa Shennon age 26 Grd. dau. of #25.
197 Jerome Manish age 21 Grd. son of #25.
- #26-190 Marion Knuges age 56 or Mrs. Joe Bevins.
199 Elizabeth Cezick age 33 dau. of #26.
200 Angeline Cezick age 18 dau. of 199.
201 Cecelia Cezick age 4 dau. of 200.
202 Agnes Cezick age 2 dau. of 200.
203 Julia Cezick age 10 dau. of 199.
204 Lucy Cezick age 7 dau. of 199.
205 Sullivan Cezick age 5 son of 199.
206 Tior Cezick age 3 son of 199.
207 Avaso Cezick age 1 son of 199.
208 Joseph Riffle age 10 son of #26.
209 George Riffle age 8 son of #26.
- #27-210 JOSEPH TOQUIN age 70 wife dead.
211 Dominick Toquin age 25 son of #27.
- #28 WICK-SE-MOCK dead.
212 Mary Jane Hick-Se-Mock age 22 dau. of #28.
213 Louis Sherborn age 21 Grd. son of #28.
- #29 KE-NO-MAW-NE-QUAY dead.
214 Stephen Peppyar age 39 Grd. son of #29.
215 Joe.H.Cushway age 45 adopted son of #29. drew in 1866.
216 Alexis Lewis age 37 adopted son of #29 . drew in 1866.
217 Joseph Lewis age 6 son of 216.
218 Ella Lewis age 3mo. dau of 216.
- #30 MAW-CHU-WE-TAW and wife dead.
- #31 ME-SQUAW-BAW-NO-QUAY and wife dead.
- #32 AISH-NE-BE and wife dead.
- #33 MAY-NE-OWE and wife dead.
219 John Agusta age 48 son of #47.
220 Madoline Agusta age 38 dau. of #33.
221 William Agusta age 19 son of 220.
222 Mary Agusta age 16 dau. of 220.
223 Lucy Silas Agusta age 18 dau. of 220.
224 Sarah Agusta age 8 dau. of 220.
- #34 PE-QUAY-CO-SAY dead.
225 Josephine Pen-To-Pe dau of #34.
- #35-226 KAW-O-GO-NIO age 62 Frank Williams.
227 Angeline Topash age 52 dau. of #37.

#35

1874-1875

1874-1875

- #36 KEY-TOSH or Joseph Molay same person see descendant #9.
- #37 ANTOINE RAIL dead.
228 Elizabeth Rail age 45 dau. of #37.
- #38 KE-NE-SO-QUAY dead.
- #39 PIY-CO-SHW dead.
- #40- 229 LOUIS WEZO age 51 .
- #41 HAW-O-KEE and wife dead.
- #42 SO-ESTTE dead.
230 Nancy Battice age 30 adopted by #42.
- #43 KE-CHE-WEZO dead.
231 Frances Wezo age 23 son of #43 (called big wezo).
232 James Wezo age 21 son of #43.
- #44 KEK-Nick dead.
233 Mary Solomon age 64 was wife of #44.
- #45 SIN-SO-QUAY dead.
- #46 Marv Brazil dead.
234 Noyeo Brazil age 45 son of #46.
235 Alice Brazil age 44 Ord. dau. of #21.
236 June Brazil age 20 dau. of 234.
237 Charles Brazil age 18 son of 234.
238 Lewis Brazil age 16 son of 234.
239 Elizabeth Brazil age 13 dau. of 234.
240 Sarah Brazil age 11 dau. of 234.
241 Mary Brazil age 8 dau. of 234.
- #47-242 PE-HAW-QUS-WHM age 80 (Agusta)
- #48 JOHN BASIL dead.
243 Elizabeth Watson age 49 1st.husband Brazil 2nd.husband Watson.
244 Henry Brazil age 23 son of 243.
245 Nancy Jane Watson age 20 dau. of 234.
246 Sarah Ann Watson age 8 dau. of 234.
247 Agusta Brazil age 26 dau. of #48.
248 Margaret Brazil age 3 dau. of 247.
- #49 Laurence Poligon dead.
249 Beard Poligon age 25 son of #49.
- #50 FRANCIS FORAON dead.
250 Betsy Poligon age 70 widow.
251 Mary Elizabeth Derrrell age 50 dau. of #50.
252 Joseph Blackman age 32 son of 251.
253 Martha Dixon age 29 dau. of 249.
254 Elizabeth Jane Dixon age 11 dau. of 253.
255 Cira Dixon age 9 dau. of 253.
256 Lucy Dixon age 7 dau. of 253.
257 Jane Dixon age 5 dau. of 253.
- #51 DOMENTON dead.

#52 HOOSE dead.

#53 Mrs. ANTCHE AUSE dead.
 258 Peter AUSE age 27 son of #53.
 259 John AUSE age 25 son of #53.

#54 John Gushway dead.

#55 MAWIDE TOPASH dead.
 260 Thomas Topash age 36 son of #55.
 261 Mary Topash age 37 widow.
 262 Louis Topash age 8 son of 261.
 263 Levi Topash age 6 son of 261.
 264 Cecelia Topash age 5 dau. of 261.
 265 Joseph Topash age 1 1/2 son of 261.
 266 Cecelia Sarah Topash age 28
 267 Agnes Topash age 1 dau. of 266.
 268 Daniel Topash age 27 son of #55.
 269 Theresa Topash age 25 dau. of #55.

#56 Louis Augustus dead.

#57 Peter Battice dead.

#58-270 John Battice age 60 or John Blackman or short Tise.

#59 SAW-OO-MAW-QUAY dead.

#60 MAISE QUOS dead.

#61 Mrs. MAW-OO-KO-WE-MAW dead.

#62 JACKSON dead.

#63 OOE-MAW-QUAY dead.

#64 JOSEPH-KAN-KU dead.
 #65 WAW-SO dead.

#66 ELIZABETH-SIN-OO-MAW see wife of #2.
 271 Angeline Pokagon age 28
 272 Elizabeth Aiken age 17 dau. of 271.

93 1/2 supplemented John Bagin sr. age 78 Enrolled by authority of Sec. of Interior 6-:

Department of the Interior Office of Indian Affairs (Washington June 23, 1899.
 Certified True Copy and correct duplicates of the payroll filed in the office

Of W.A. Jones,
 Commissioner.

Coor.
60523-34
YHD

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Smith

DEC 17 1934

Hon. A. H. Vandenberg,
United States Senate.

My dear Senator:

The Potawatomi Indians of Southwestern Michigan mentioned in your letter of December 3 must have one-half degree or more of Indian blood in order to be able to participate in the benefits of the Indian Reorganization Act. We are already making arrangements to extend the benefits of the Act to several thousand qualified Indians in the northern part of Michigan. Since practically all of the Michigan Indians lost their so-called wardship status and are not members of a recognized tribe under Federal jurisdiction, the half-blood rule laid down in Section 19 of the Act must be applied to them. I suggest that Mr. Knapp send to this Office a list of the Potawatomies, their financial and blood status, and any other information that would help us to determine what we can legally do for them under the provisions of the Indian Reorganization Act.

Sincerely yours,

(Signed) William Zimmerman, Jr.
Assistant Commissioner.

12 Jc 11

Testimony of James M. McClurken, Ph.D.
 before the
Senate Select Committee on Indian Affairs
 concerning
S. 1357
A Bill for Status Reaffirmation and Clarification
 of the
Little River Band of Ottawa Indians
 and the
Little Traverse Bay Bands of Odawa Indians

February 10, 1994

Mr. Chairman and members of the Committee, I am James McClurken, Assistant Professor of Anthropology at Michigan State University. Over the past fourteen years I have had the opportunity to study and analyze the documentary record of Indian affairs throughout the Great Lakes. The historical record clearly shows that the Ottawa/Odawa people who form this panel today are the descendants of and political successors to signatories of five treaties with the United States. The documents attest to a continuous relationship between the United States and a vigorous Ottawa/Odawa community which has never lost sight of their treaty-based trust relationship with the federal government, nor have the Ottawa/Odawa allowed officials at the Bureau of Indian Affairs to do so.

The bill before you does not seek "recognition" of the Michigan Ottawa/Odawa bands. Its provisions call for a federal reaffirmation of a tribal status already exists. The relationship began when the ancestors of the people before you signed the treaties with the United States in 1795, 1807, 1819, 1820, 1821, 1836, and 1855 (Appendix A). The United States acknowledged the Ottawa/Odawa people in these treaties and accorded them the same status as other Indian tribes, including a government-to-government trust relationship with the federal government. Nineteenth century assimilationist policies and twentieth century Bureau of Indian Affairs efforts to lighten its administrative load have caused United States officials to misinterpret historical federal documents and create an ambiguous political status for the Michigan Ottawa/Odawa.

The Ottawa/Odawa have found themselves in a bureaucratic no-tribes-land. Their tribal status has never been terminated by Congress or in any way limited by executive order. On the one hand, Bureau of Indian Affairs officials have, throughout the twentieth century, denied the Ottawa/Odawas' their treaty-based right to tribal governance and the rights that tribal status conveys under United States law. On the other hand, documentation from the Bureau's own files show continued dealings with Ottawa/Odawa tribal representatives from treaty times to the present, Bureau administration of trust property at least throughout the 1950s, and a continuing record of health and economic services to the members of the Ottawa/Odawa bands today. This bureaucratic no-tribes-land has barred Ottawa/Odawa

people from exercising a government-to-government relationship at times when their community was in urgent need of the benefits of the federal trust. Passage of the legislation before you will remedy errors made by Bureau of Indian Affairs officials in the past and recognize the historically legitimate relationship that the Ottawa/Odawa bands have enjoyed with the United States throughout history.

As the invited scholar, it is my responsibility to outline the history that has produced the ambiguous political situation that the Ottawa/Odawa now find themselves in. No brief outline can do justice to the story of this tribe--the process of their dispossession from their tribal estate, the strength of their leadership, nor to the cultural tenacity that tribe members have shown throughout the twentieth century. My goal, Mr. Chairman and Committee Members is to briefly discuss the ambiguities of the historical record and to show how these ambiguities have been interpreted and misinterpreted by generations of federal employees and officials to continue the process of dispossession by separating the Ottawa/Odawa from their political trust-status with the United States.

The early years of the United States and Ottawa/Odawa relationship was marked by ambiguous Indian policy and unequal power in the negotiating process that defined the Indians' relationship with the government. In the first decades of the nineteenth century Ottawa/Odawa leaders faced a harsh reality. Michigan territorial officials and the federal government had unambiguous plans for the Ottawa/Odawa estate. Despite any actions the Ottawa/Odawa might take, the federal government would purchase the Indians' land. That land and its resources would eventually become the private property of United States citizens who would transform the natural resources that the Ottawa/Odawa had relied on for centuries to build an industrial state. The only ambiguity in this plan was the federal government's intention for the Ottawa/Odawa who would be forced from their lands. At best, the Indians could remain in Michigan and live on treaty-specified reservations where they would become "civilized." At the worst, they could be forcibly moved west of the Mississippi River where they would also become "civilized." In all reality, few people in Michigan or in the federal government cared what happened to the Ottawa/Odawa, so long as their property and resources became the property of the United States and her citizens.

The Michigan treaty history clearly reflects the ambiguity of United States intentions for the Ottawa/Odawa. The Ottawa/Odawa first met the Americans in eighteenth century wars for the Ohio River Valley. By the treaties of 1795 and 1805 the Indians relinquished any claims they had to southern territories outside the range of their regularly-used hunting, fishing, and gathering range. In 1820 the Ottawa/Odawa ceded some of their smallest islands to the United States. In 1821 commissioners for the United States used less than honorable negotiating techniques to win a cession of the Ottawa/Odawa hunting and trapping territories between the Kalamazoo and Grand Rivers, the southernmost portion of their tribal estate. For ten years the Ottawa/Odawa refused to acknowledge this treaty as a legally binding document or to receive any services that the United States was to provide them under its terms. Until the mid-1830s, the Ottawa/Odawa remained isolated enough from the front line of American settlement that they could survive on the more limited

natural resources of their diminished estate.

In the middle 1830s the Michigan Territory had the fastest growing American population of any region in the United States. In 1835, the Michigan territorial officials were preparing for statehood. They wanted title to the entire Ottawa/Odawa estate, the western half of the Lower Peninsula and the eastern half of the Upper Peninsula. During the administrations of Andrew Jackson and Martin Van Buren, the Ottawa/Odawa faced not only dispossession, but also forced removal to Kansas. When the Ottawa/Odawa were called to Washington D.C. in 1836 to cede their Michigan lands, the Indian leaders had few options.

At the negotiations of the 1836 Treaty of Washington, Ottawa leaders selected from the best of their limited options. They made a treaty that allowed them to stay in Michigan. The treaty created reservations that preserved their towns and the vital resources they needed to stay alive. The reservations of the ancestors of the Little River Ottawa and the Little Traverse Odawa under the 1836 Treaty of Washington are:

From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse Bay. . . . one tract of seventy thousand acres to be located on, or north of the Pere Marquette river. . . . The Beaver Islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian Department (Appendix A, Treaty of 1836).

The treaty also made reservations of lands that were clearly used by both the Ottawas and their Chippewa kinsmen. The treaty reserves:

two tract of three miles square each, on the north shores of the said straits, between Point-au-Barbe and Mille Coquin river, including the fishing grounds in front of such reservations, to be located by a council of chiefs. . . (Appendix A, Treaty of 1836)

The reservations defined in the treaty were to be permanent and provide the Indians with sufficient natural resources to allow their entry into Michigan's developing agricultural/industrial economy. Government negotiators and the Ottawa/Odawa hoped these locations were far enough north of Michigan's prime agricultural lands to allow them to live without fear of dispossession by American squatters. The Little Traverse Odawa reserved all of their horticultural and fishing villages in Emmet and Charlevoix counties. The ancestors of the Little River Ottawa agreed to move north to their traditional trapping territories. Both tribes reserved their fields, trapping areas, maple sugar groves, and their Great lakes and in-land fisheries. Further, the treaty provided the Ottawa/Odawa with the tools and equipment that they would require to intensify their traditional horticulture and

fishing for the American market economy. The Ottawa continued to reside on and use the resources of these reservations throughout the nineteenth and twentieth centuries. Neither the Congress nor the President of the United States ever ordered the Ottawas to leave these lands.

Had Congress ratified the 1836 treaty as it was negotiated, the Ottawa/Odawa people on this panel would probably not be here today. Wrangling between Congress and President Jackson led to amendment of the 1836 treaty. Ottawa/Odawa tenure of their reservations was limited to only five years, or so long as the President allowed them to remain in Michigan. At the end of that time, the Ottawa/Odawa could move west of the Mississippi River or could remain in Michigan under state laws. For this insecure land tenure and uncertain political future, the Michigan Ottawa/Odawa had ceded all of their territory and resources.

Ottawa/Odawa leaders pressed the federal government from 1837 until 1855 for a new treaty that ended the removal threat once and for all. The 1855 Treaty of Detroit guaranteed that the United States would not force the Ottawa/Odawa to leave their Michigan homes. The document reconfirmed boundaries of the 1836 reservations or, where the lands were already taken by Americans, created new ones. The 1855 reservations are:

...all the unsold public lands within the State of Michigan embraced in the following descriptions, to wit: ...for the Beaver Island Band--High Island, and Garden Island in Lake Michigan, being fractional townships 38 and 39 north, range 11 west -- 40 north, range 10 west, and in part 39 north, range 9 and 10 west. Forth. For the Cross village, Middle village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 and 39, inclusive, north, range 5 west -- townships 34 to 38, inclusive, north, range 6 west -- townships 34, 36, and 37 north, range 7 west, and all that part of township 34 north, range 8 west, and all that part of township 34 north, range 8 west, lying north of Pine River. ... Sixth. For the Grand River bands, township 12 north, range 15 west, and townships 15, 16, 17, and 18 north, range 16 west (Appendix A, Treaty of 1855).

The 1855 Treaty of Detroit was also among the earliest allotment treaties made between an Indian tribe and the United States. The reservations established in the 1855 treaty were to be held in common for five years. By the end of that time, the land was to be divided into individually owned parcels that would resemble American farms. The parcels were to be held under restricted title, protected from sale or alienation for ten years, or so long as the President deemed necessary and proper. Despite the good intentions of the United States, the allotment process became an effective tool by which American farmers, Michigan officials, corrupt missionaries, and federal agents separated the Ottawa/Odawa from title to the largest portion of their reservations. By the end of the nineteenth century, all that remained of the reservations were the boundaries described in their treaties, scattered parcels of restricted-title allotments and isolated Ottawa/Odawa homesteads.

Loss of the remaining Ottawa/Odawa estate was not the worst legacy of the 1855 Treaty of Detroit. Ambiguous language in the treaty proved an effective tool by which generations of Bureau of Indian Affairs officials have deprived the Ottawa/Odawa of their treaty-based trust status with the United States. At the Treaty of 1836 and again at the 1855 Treaty of Detroit, United States' commissioners had insisted in linking the Ottawa/Odawa and the Chippewa in a legal fiction called the Ottawa and Chippewa Tribe. These tribes shared common territory but were and are historically separate. United States commissioners recognized the differing interests of the two tribes. When the Ottawa refused to negotiate on individual points, the commissioners simply turned to the Chippewa who willingly conceded the properties that U.S. officials demanded. During the 1855 treaty negotiations, both tribes demanded that this historical fiction end and that each tribe be treated as independent political units by subsequent federal officials.

The demands by Ottawa/Odawa and Chippewa treaty negotiators resulted in Article Five which reads:

The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved;" (Appendix A, Treaty of 1855)

Subsequent generations of Michigan and United States agents and officials who lacked historical knowledge of the treaty negotiations and the intention of this clause devised a new theory. They claimed that the language of Article Five "terminated" the Ottawa/Odawa tribal government. Indeed, that is a plausible explanation when the treaty language is taken at face value. The intention of the clause is clearly recorded in the minutes of the treaty negotiation, and any subsequent reinterpretation of the original language is patently false.

Historical documents show that the Ottawa/Odawa believed that their tribal status continued after the ratification of the 1855 Treaty of Detroit. The Little Traverse Bay Bands continued to live in the towns and settlements that they had lived in since at least 1670. They continued to select their leaders as they had from time immemorial. They continued to make their living from the waters of Lakes Michigan and Huron and from the wild resources of their reservation lands. The bands who comprise the modern Little River Band faced more difficult obstacles. By the terms of the 1855 treaty the Ottawa were compelled to leave their homes on the Grand River, move to a reservation at the heart of their historic trapping range, and build new settlements from scratch. The residents of the Mason County Reservation who lived in the settlement commonly called Indian Town, on the Pere Marquette River, defied the odds. They continued their political unity throughout the dark days of the late nineteenth century. They maintained their schools, their economy, and had a clear succession of leaders (Appendix B).

Throughout the fiasco of the allotment process which extended into the 1880s, Ottawa/Odawa tribal leaders continued to petition the United States for a new treaty with their tribe. This is not the act of people who believe that their tribe was terminated.

Throughout the 1860s and early 1870s the correspondence of federal officials shows that the United States fully intended to negotiate such a treaty, though accidents of history prevented the implementation of their plans. These plans on behalf of the United States were not the plans of a government that believed the Ottawa/Odawa tribal structure or right were "terminated". Further, the United States sent special investigators to Michigan in the 1870s to prosecute Americans who made fraudulent claims on Ottawa/Odawa lands. Even though local courts with their non-Indian juries rarely ruled in favor of the Indians, the United States recognized and made efforts to protect their trust into the 1880s.

The Dawes Act with its assimilationist intentions ended United States' attempts to protect the Ottawa/Odawa. In the 1890s, the Ottawa/Odawa who addressed their grievances to the United States received little help. They were informed that they were citizens and subject to Michigan laws. Federal and state officials alike espoused a theory that when title to reservation lands passed from Indian hands to those of American citizens, the Ottawa/Odawa somehow lost jurisdiction on their reservations and the United States in some mysterious way was released from the treaty-mandated trust relationship with the tribe. The all-pervasive land frauds that occurred in Michigan assured that the Ottawa/Odawa had little trust land. For most of the early twentieth century, Bureau of Indian Affairs officials told the Ottawa/Odawa time and again that no trust land remained on their reservations and that the United States was no longer liable for their welfare. Documentation in the United States National Archives, however, shows that while the Bureau made this pronouncement, they administered trust lands which were only sold in the 1950s (Appendix C). Indeed, the Bureau of Indian Affairs was still purchasing lands within boundary reservations for Little River Ottawas in the 1930s (Appendix D). So total was the Bureau effort to sever their relationship and responsibility that even today, the Bureau is not aware of what lands it holds in trust for the Ottawa/Odawa. The Central Title Plant in Aberdeen, South Dakota, cannot locate any of the information on restricted titles on the Michigan reservation.

The declared end of the federal trust relationship between the United States and the Ottawa/Odawa was arbitrary and unilateral. The Ottawa/Odawa found the pronouncements unacceptable and continued to press their interests in Washington. Although Bureau officials regularly declared that the federal government administered no Ottawa/Odawa property and proclaimed the end of their trust, Ottawa/Odawa leaders hired attorneys to examine their treaties and prepare suits on the behalf of their people. After ten years of work, the Ottawa/Odawa filed their first suit against the United States, not for land, but for cash due them under their treaty provisions. In 1905 they won their claim in Petoskey, Abraham, Kewakendo, et al. v. the United States. They received a cash award of \$131,000 to be divided between the members of their tribe. An agent was sent from Washington to Michigan to determine the people eligible for payment and to list their names. Federal officials believed that this job would require only a short time, since they believed that there were few Indians in Michigan and that there was no tribal organization. The federal agent who came to Michigan was overwhelmed to find not a few hundred Indians but thousands of them. The Ottawa/Odawa were not simply a few Metis living on

farms and in cities. Seventy-five percent of the people they found were full-blooded Indian. The Ottawa/Odawa continued to live in discrete settlements with headmen selected by band consent, the traditional form of Ottawa/Odawa political organization. The payroll preparation took two agents two years to prepare and was not completed until 1907. People living today received payment from the award of the lawsuit. The payroll document itself is recognized by the Bureau of Indian Affairs as the historical base for determining Ottawa/Odawa tribal membership and eligibility for federal health and education services.

The Ottawa/Odawa did not see the 1911 settlement of their claims suit as the conclusion of their relationship with the United States. Tribal leaders, most often leading men of the most prominent lineages, were selected by their community to continue pursuing rights they believed were theirs under the 1836 and 1855 treaties. Throughout the twentieth century the Ottawa/Odawa have asked that the federal government protect their treaty mandated rights to hunt and fish on lands "not required for settlement" throughout the 1836 cession area. The right to hunt and fish from this right held by tribe members in-common was worth fighting for. The Ottawa/Odawa had been pushed to the margins of the American economy and the resources were essential for their subsistence. Each Ottawa/Odawa band knew their rights and pursued them. The number of petitions and letters sent by Ottawa/Odawa people grew during the 1930s when Michigan's farm economy collapsed during the Great Depression.

The issue of hunting, fishing, and other treaty based rights served as a catalyst for succeeding Ottawa political associations. In 1932, the Ottawa founded the Michigan Indian Organization to pursue their claims and to continue dealing with the United States government. They drew up by-laws and presented them to the Commissioner of Indian Affairs, E.B. Meritt. When Congress passed the Wheeler-Howard Act of 1934 (IRA), the Ottawa/Odawa were ready to reorganize immediately, either as individual bands or as a coalition of bands under a centralized organization. Because of Article Five in the 1855 Treaty of Detroit which dissolved the fictive Ottawa and Chippewa Tribe, Bureau officials advised the Ottawa/Odawa to file their petitions for reorganization individually.

The Wheeler-Howard Act was subtitled "An Act to conserve and develop Indian lands and resources; to extend to Indians the right to form business and other organizations; to establish a credit system for Indians; to grant certain rights of home rule to Indians; to provide for vocational education for Indians; and for other purposes." Although the Michigan Ottawa/Odawa did not have reservations currently administered by the Bureau of Indian Affairs, these people were clearly the descendants of treaty signatories, lived in the towns that their grandparents founded after the Americans came to their home territory, and indeed, in all instances these Indians lived within the external boundaries of the reservations established in the 1836 Treaty of Washington and 1855 Treaty of Detroit. They continued their own system of political representation that had been confirmed by federal officials as recently as 1907 with the development of the Durant Roll and the 1910 payment of treaty claims due the tribe. They and many of the federal officials they worked with in the mid-1930s believed that the Wheeler-Howard Act aimed to extend its benefits to people

such as the Ottawa/Odawa.

Federal correspondence between 1934 and 1935 shows that Bureau of Indian Affairs Officials intended to include the Little Traverse Odawa and the Little River Ottawa under the provisions of this bill. As early as December 1934, Bureau officials acknowledged the Ottawa/Odawa right to reorganize the bill's provisions. Frank Christy, Superintendent of Tomah Indian School was placed in charge of reorganization efforts in Michigan. On December 6, 1934, he reported to Dr. W. Carson Ryan that:

If the Indian Re-Organization Act is fulfill its primary purpose, the rehabilitation of the Indians in need of such rehabilitation, its provisions should be extended to Indians such as these Ottawas and Chippewas. Certainly there are none in more urgent need of economic rehabilitation (Appendix E).

Christy was so certain that the Michigan tribes were eligible for reorganization that he secured options to purchase 7,000 acres of land in Emmet County to reestablish a land base to be held in trust by the Odawa where they could acquire basic resources for economic redevelopment. Ryan authorized Christy to continue his work and his Washington staff began the necessary steps for securing the Ottawa/Odawa a land base. However, as of January 12, 1835, Congress had not appropriated any funds for carrying out the IRA.

Lack of a land base held in trust by the federal government became a serious impediment to reorganizing the Ottawa/Odawa. Three Chippewa tribes who had not allotted all of their lands and maintained a land base held in federal trust were immediately allowed to vote in a referendum to accept or reject reorganization under the IRA, as well as to accept or reject bylaws and constitutions. These tribes reorganized. Since the Ottawa, did not still have reserve land in trust, they were not allowed to vote on this issue. Their fate under the IRA eventually rested on Congressional appropriations to purchase land. The appropriation never passed.

Although the Little Traverse Odawa and Little River Ottawa were not able to participate in early referendums, they were still eligible for reorganization under Section 19 of the IRA. The Wheeler-Howard Act intended that all Indians, unless otherwise prohibited by prior legislation, could apply for reorganization. The western Michigan Indians clearly met the definition of "Indian" intended by the creators of the act. John Collier once again spelled out the definition of "Indian" for Ben Shawanese, a political letter from the Little Traverse Odawa community.

Section 19 of the act defines the term Indian and as will be noted there are three classes. A recognized tribe is one with which the government at one time or another has had a treat or agreement or those for whom reservations or lands have been provided and over whom the government exercises supervision through an official representative. There is a third class not mentioned in your letter, namely, those who are "one-half or more Indian blood". This refers to any Indian regardless of

whether he belongs to a recognized tribe or not (Appendix F).

The Ottawa/Odawa met all three requirements. They were encouraged to petition the government for reorganization and they promptly did so. The Bureau of Indian Affairs then filed their petitions indefinitely. The proposals, they said, could not be considered because the Indians had yet to "vote on the application of this legislation". After this had been done, "the Indians must then organize under Section 16, and after that has been accomplished steps can be taken to request incorporation." Bureau of Indian Affairs officials caught the Michigan tribes in a "catch 22." Using the issue of trust land, they prevented the votes called for in Section 16, yet the tribes could not place land in trust until they had voted.

In 1936, John Collier sent Peru Farver and M. L. Burns to Michigan to discuss the IRA with the tribes directly. They held meetings at Cross Village-- an Odawa town on the Little Traverse reservation, at the center of the Little River Ottawa Community in Manistee, and at other centers of Ottawa population. Burns knew nothing of Michigan history of Collier's own admission of the applicability of the IRA to the Michigan tribes. Burns ignored the treaties that the Ottawa/Odawa people had made with the United States and applied standard Bureau thinking of his day. He reported that the Michigan Indians had not lived on a reservation for more than a century, a falsehood that would cost the Ottawa/Odawa dearly.

Burns also could not understand how the Michigan Ottawa/Odawa could apply for IRA recognition unless the government held land in trust on their behalf. Again accepting fashionable Bureau of Indian Affairs rhetoric, Burns reasoned that the Michigan Indians were United States citizens and that the federal government had no administrative responsibilities to them. Burns believed that a lack of trust land somehow ended treaty based government-to-government responsibilities of the United States and precluded the Ottawa/Odawa from achieving IRA recognition. Again, Burns failed to read the 1836 and 1855 treaties. He made a simple recommendation that eventually became the BIA policy for the Ottawa/Odawa, saying "...either arrangements must be made to purchase lands for these people or they should be definitely informed that they cannot be considered under the Act." Burns preferred the second option because "[f]inances with which to carry on the work" were of great concern at this time and "might mean considerable delay even though it is found that these people are eligible to come under the Act." (Appendix G)

There is one mystery in Burns's logic. Despite his frugal advice to ignore Little Traverse Ottawa and Grand Traverse Ottawa requests for IRA recognition, Burns took a different stance regarding the Little River Ottawa. He said:

I feel that they [Indians of Oceana, Mason, and Manistee Counties] are entitled to come under the Reorganization Act, although they have no reservation, nor are they enrolled. However, before anything can be done for these people, quantum of Indian blood must be determined." (Appendix H)

A changing Washington political and economic climate finally ended the hopes of Little River Ottawa and Little Traverse Odawa hopes for restoration of their government-to-government relations through the Wheeler-Howard Act. On April 6, 1936, Joe Jennings, Field Administrator In Charge of Indian Organization, also recommended that the federal government begin restricting acknowledgment. The government was overwhelmed with requests for reorganization and simply did not have the funds to meet the demand. When all other avenues to facilitate IRA acknowledgement failed, the Grand Traverse Band of Ottawa and Chippewa Indians asked their Congressional Representative, Albert Engle, to intervene on their behalf to facilitate action on their petition. Commissioner of Indian Affairs Collier responded to the Congressman saying:

The enactment of the Indian Reorganization Act has taxed to the capacity the efforts of a limited field force to ascertain the status of Indians in the lake States, a nd especially those Indians of Michigan, many having been apparently abandoned, some of whom can now be assisted through the Act (Appendix I).

By June of 1937 financial responsibility for the Michigan tribes, not their right to reorganize, became the primary issue determining extension of the IRA. Frank Christy said:

I have consistently maintained that it would be unwise for the Indian Service at this time to make any gestures that might be interpreted as evidence that it was about to assume responsibility for the welfare of these Indians. At present the local and state municipalities regard them in the same light as other citizens and extend to them without discrimination all the advantages in the way of direct relief, employment relief, and health facilities that are enjoyed by other citizens of a similar economic status. In my judgment it would be exceedingly unwise to disturb this arrangement until and if the Indian Service is prepared financially and otherwise to assume full responsibility for them. Naturally the local county and township governments while under present conditions they are willing to discharge their responsibilities toward the Indians, would welcome the opportunity to transfer responsibility to the Federal Government (Appendix J).

Christy recommend against IRA acknowledgement for the Ottawa/Odawa, but he encouraged cooperation between the Resettlement Administration and the Indian Service to look for ways they could employ Indians in the government forest areas of Michigan and Wisconsin. When the Grand River Ottawa, the southern neighbors of the Little River Ottawa, pressed Senator Burton Wheeler to help them in their bid for IRA acknowledgement, the Commissioner of Indian Affairs responded to the legislator's query by quoting Christy's statement above and adding that since there were "no funds available for the propose of assisting these Indians, it has been and is the policy of this office to follow the recommendation as made by Superintendent Christy" (Appendix K).

John Collier personally responded to Senator Wheeler on the matter of acknowledging the Grand River Ottawa, including the Little River Ottawa band. He said:

This particular group presents an unusual problem. While they have rights under the Indian Reorganization Act when and if organized, they have for years been dealt with by the State authorities as have other citizens, receiving direct relief, employment relief, health and educational facilities etc. For the Indian Service to go among these people with inadequate funds and to attempt to take over functions and services which they are now receiving from the state and thereby disturb a definite social order in the community presents a real problem. It is a situation which we hesitate to disturb.

This letter does not mean that we have made a final decision but at the same time the funds available and the demands made upon them by the Indians whom we really consider our responsibility, we are not disposed to take any action at this time (Appendix L).

The recommended cooperation between the Bureau of Indian Affairs and the local, state, and federal agencies to find work and support services for Michigan Indians became policy. In 1939 the Bureau commissioned a study which aimed to justify the new policy. The work was conducted by John Holst, Supervisor of Indian Schools, Archie Phinney, a Nez Pierce Indian who disliked the Michigan Indians, and Olive Gwinn, a local social worker charged with coordinating services. This work is filled with more misreading of history and weakly supported opinions about Ottawa/Odawa legal rights. The recommendations met the Bureau's needs to jettison their obligations to the Ottawa/Odawa communities. They recommended:

1. That the present understanding and arrangements between the Federal Government and the State of Michigan, relating to the general welfare and education of Indian children be continued, except that the sponsorship of the Federal Government may be diminished gradually as the State agencies extend their responsibilities of the common welfare of all citizens.
2. That the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies for the Indians of lower Michigan that in any way tend to recognize Indians as a separate group of citizens.
3. That there be no further extension of organization under the Indian Reorganization Act in Michigan.
4. That steps be taken to abolish the prohibition on the sale of liquor to Indians of lower Michigan (Appendix M).

When the Bureau of Indian Affairs made these recommendations their policy, officials there attempted to administratively sever the Ottawa/Odawa from their trust relationship with the United States. They ignored the treaty relationship between the Indians and the federal government in favor of a fast administrative remedy for difficult economic straits. This was

unfair, unjust, and I believe that it was also illegal. The Ottawa/Odawa believed in their rights and continued to deal with Bureau officials as they always had.

After reading the Holst report, Peru Farver, the man who initially recommended acknowledgement for the Michigan tribes, made one small attempt to rebut the skewed analysis and findings. Farver reported that Holst, Phinney and Gwinn were able to offer such a glowing report of Ottawa economic conditions because they interviewed "the near-white living in towns, cities and villages." Had they gone into the rural Indian communities where a majority of tribe members lived, they may have reached different conclusions. Although he grudgingly agreed that IRA acknowledgment should not be granted at the present time, he thoughtfully predicted that:

This issue will be kept alive for many years in view of the fact that most of the groups in the upper peninsula have been recognized and we are likewise contributing to the chippewas of Lower Michigan. In other words, the Ottawas and Potawatomes are the only tribes in Michigan which have been denied assistance under the Indian Reorganization Act (Appendix N).

Farver's prophesy proved correct. When young Indian men returned from World War II, they wrote a new Ottawa/Odawa political agenda. Having been stalled on the issue of IRA reorganization, leaders who had been active during the 1930s formed the Northern Michigan Ottawa Association (NMOA) to pursue claims under the Indian Claims Commission. The NMOA was a business committee made up of elected representatives from each Michigan tribe. The organization adopted a constitution and by-laws similar to those being approved by the Bureau of Indian Affairs. NMOA leaders and members spent years organizing their individual communities for financial and political support of the association.

From 1948 to roughly 1980, the NMOA served as a vehicle for pursuing Indian Claims Commission claims, but also acted as the tribal government of the Indians in western Michigan. The combined cooperation of the individual tribes allowed the NMOA to gradually evolve from a single-issue organization to meet broader health, education, welfare and political needs. NMOA leadership made sure that health and education services available to the Michigan tribes who organized under the Wheeler-Howard Act were also available to the Ottawa/Odawa. Little River Ottawa and Little Traverse Odawa members still receive health services that the NMOA worked to establish.

The NMOA dealt with the issue of IRA "recognition" again in the 1970s. The NMOA had won its Indian Claims Commission suit and received a multi-million dollar award. Since the Ottawa/Odawa tribes were not "recognized" a problem arose in Washington over the means by which the Bureau would distribute the money to heirs of the treaty signatories. The NMOA proposed that the Bureau of Indian Affairs distribute the funds using the rolls they had compiled over their twenty-five year existence. Bureau officials declined this offer, arguing that the NMOA did not represent all of the Michigan Ottawa/Odawa and that the NMOA was not an acknowledged tribe. In truth, Bureau officials wished to make a

payment to all descendants of the Grand River Ottawa, regardless of their standing with the tribe or their degree of Indian blood. The NMOA opposed this Bureau move to strong-arm their leadership. The Ottawa/Odawa preferred to make payment only to their members who were one half or more Indian, but would compromise to make payment to those persons who were one quarter or more Indian. The debate over blood quantum went on for several years, with the Bureau eventually accepting the NMOA one-quarter compromise.

"Recognition" continued to be an important issue to NMOA leadership. On a visit to the Minneapolis BIA Office, a prominent Little Traverse Odawa leader made an agreement with the Bureau agent. She accepted the agent's position that "recognition must be worked on before many of our problems with the Michigan Indians are solved." That meeting resulted in an NMOA resolution calling for full restoration of tribal relations with the federal government. The NMOA acknowledged that it did not have a reservation land base but argued that its members remained eligible for serves, a position that even Holst and company had taken in 1938. Robert Dominic, who had filed the first petition for "recognition" under the IRA in 1935, filed a second letter with Secretary of Interior Rogers Morton on May 5, 1975, again asking that the formal Ottawa/Odawa relationship with the United States be restored (Appendix O).

The Commissioner of Indian Affairs who was weary of NMOA opposition to his policies regarding the Indian Claims Commission distribution and other issues, opposed the NMOA's move, saying that the organization was never a tribe and was not eligible for acknowledgment. The commissioner completely ignored that the members of the constituent units of the NMOA were indeed the descendants of the signatories of the 1836 and 1855 treaties. Many of the signatories' descendants were over one-half Indian, and were indeed eligible for acknowledgement under the Wheeler-Howard Act of 1934. Still, the Commissioner's influence was an important force working against Dominic's petition being granted.

Between 1948 and 1975, the NMOA had succeeded in strengthening Michigan tribal governments, without explicit blessing or support of the Bureau of Indian Affairs. Its leaders learned the workings of Washington politics and called upon the influence of Senator Philip Hart, Senator Carl Levin, Senator Robert Griffin, Congressman Robert Davis, and Congressman Guy Vander Jagt to aid the association in the Indians' debates with the Bureau of Indian over blood quantum and payments. They also assumed the prerogatives of a governing body. The Bureau relied upon the NMOA to certify its members' eligibility for a number of health and welfare benefits.

Based upon this long-standing tacit BIA recognition, the NMOA served as the representative of the Michigan Indians until approximately 1980 when the Grand Traverse Ottawa and Chippewa--one of the Michigan bands that was a member of the organization, became the first Indian tribe in the United States to be "recognized" through the Federal Acknowledgment Process (FAP). Creation of the FAP in 1978 gave the federal government a formal way to avoid contentious issues with the NMOA. By 1979 the Commissioner of

Indian Affairs answered NMOA claims of tribal government status with a cordial invitation to file a petition with the Branch of Acknowledgment and Research. He would no longer deal with the Ottawa/Odawa until they had filed the petition. The FAP process proved the final step in the historical process of de facto termination of the Little Traverse Bay Bands of Odawa and the Little River Ottawa.

In conclusion, this brief history clearly shows that from their earliest treaties to the present, the Michigan Ottawa/Odawa have continually maintained a political relationship with the United States. They have been "recognized" by the United States by treaty. They have and have always had a tribal organization which regularly pursued the interests of their people with the United States, even though local, state, and federal officials took every opportunity to dissuade them of their right to do so. Congress has never "terminated" the Ottawa/Odawa. The uninformed misinterpretations of history by Bureau of Indian Affairs employees have lead to a redefinition of the Ottawa/Odawa status, finally severing the relationship altogether.

The vitality of Ottawa/Odawa culture. The members of each tribe know each other face-to-face as they have throughout history. They maintain their ceremonies, art and community interests. The strength of Ottawa/Odawa cultural identity has allowed their members to maintain a strong community that has focused its energies on the continuing their tribal existence despite the many attempts that have been made to end their polity. I believe that the facts of history justify Congressional action on the request being put forward by the Little River Ottawa and the Little Traverse Bay Bands of Odawa in bill H.R.237.

Appendix A

Kappler, Charles J., comp.
1904 Indian Affairs: Laws and Treaties. Volume 2 (Washington:
Government Printing Office) 39-45, 92-95, 185-187, 188-189,
198-201, 450-456, 725-731.

TREATY WITH THE WYANDOT, ETC., 1795.

89

Turtle Tribe:		Tuscaroras:	
Shonohieyo, war chief, his x mark, [L. S.]		Thauloudauwagon, sachem, his x mark, [L. S.]	
Peter Konnauterlook, sachem, his x mark, [L. S.]		Kanatjogh, or Nicholas Cusick, war chief, his x mark, [L. S.]	
Daniel Tecuneslees, son of Skendo, war chief, his x mark, [L. S.]			

Witnesses to the signing and sealing of the agent of the United States, and of the chiefs of the Oneida and Tuscarora nations:

S. Kirkland,
James Dean, Interpreter.

Witnesses to the signing and sealing of the four chiefs of the Stockbridge Indians, whose names are below:

Saml. Kirkland,
John Sergeant.
Stockbridge Indians:

Hendrick Aupaumut,	[L. S.]
Joseph Quonney,	[L. S.]
John Konkapot,	[L. S.]
Jacob Konkapot,	[L. S.]

TREATY WITH THE WYANDOT, ETC., 1795.

A treaty of peace between the United States of America and the Tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chipewas, Putawatimes, Miamis, Eel-river, Weas's, Kickapoos, Piankashaws, and Kaskaskias.

Aug. 3, 1795.

7 Stat. 49.
Proclamation, Aug. 3, 1795.

To put an end to a destructive war, to settle all controversies, and to restore harmony and a friendly intercourse between the said United States, and Indian tribes; Anthony Wayne, major-general, commanding the army of the United States, and sole commissioner for the good purposes above-mentioned, and the said tribes of Indians, by their Sachems, chiefs, and warriors, met together at Greenville, the head quarters of the said army, have agreed on the following articles, which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the said Indian tribes.

ARTICLE I.

Henceforth all hostilities shall cease; peace is hereby established, and shall be perpetual; and a friendly intercourse shall take place, between the said United States and Indian tribes.

Peace established.

ARTICLE II.

All prisoners shall on both sides be restored. The Indians, prisoners to the United States, shall be immediately set at liberty. The people of the United States, still remaining prisoners among the Indians, shall be delivered up in ninety days from the date hereof, to the general or commanding officer at Greenville, Fort Wayne or Fort Defiance; and ten chiefs of the said tribes shall remain at Greenville as hostages, until the delivery of the prisoners shall be effected.

Prisoners on both sides to be restored.

ARTICLE III.

The general boundary line between the lands of the United States, and the lands of the said Indian tribes, shall begin at the mouth of Cayahoga river, and run thence up the same to the portage between

Boundary line established.

that and the Tuckawas branch of the Muskingum; thence down that branch to the crossing place above Fort Lawrence; thence westerly to a fork of that branch of the great Miami river running into the Ohio, at or near which fork stood Loromie's store, and where commences the portage between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westerly course to Fort Recovery, which stands on a branch of the Wabash; then south-westerly in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucke or Cuttaw river. And in consideration of the peace now established; of the goods formerly received from the United States; of those now to be delivered, and of the yearly delivery of goods now stipulated to be made hereafter, and to indemnify the United States for the injuries and expenses they have sustained during the war; the said Indians tribes do hereby cede and relinquish forever, all their claims to the lands lying eastwardly and southwardly of the general boundary line now described; and these lands, or any part of them, shall never hereafter be made a cause or pretence, on the part of the said tribes or any of them, of war or injury to the United States, or any of the people thereof.

Cession of particular tracts of land by the Indians.

And for the same considerations, and as an evidence of the returning friendship of the said Indian tribes, of their confidence in the United States, and desire to provide for their accommodation, and for that convenient intercourse which will be beneficial to both parties, the said Indian tribes do also cede to the United States the following pieces of land; to-wit. (1.) One piece of land six miles square at or near Loromie's store before mentioned. (2.) One piece two miles square at the head of the navigable water or landing on the St. Mary's river, near Girty's town. (3.) One piece six miles square at the head of the navigable water of the Au-Glaize river. (4.) One piece six miles square at the confluence of the Au-Glaize and Miami rivers, where Fort Defiance now stands. (5.) One piece six miles square at or near the confluence of the rivers St. Mary's and St. Joseph's, where Fort Wayne now stands, or near it. (6.) One piece two miles square on the Wabash river at the end of the portage from the Miami of the lake, and about eight miles westward from Fort Wayne. (7.) One piece six miles square at the Ouatanon or old Weea towns on the Wabash river. (8.) One piece twelve miles square at the British fort on the Miami of the lake at the foot of the rapids. (9.) One piece six miles square at the mouth of the said river where it empties into the Lake. (10.) One piece six miles square upon Sandusky lake, where a fort formerly stood. (11.) One piece two miles square at the lower rapids of Sandusky river. (12.) The post of Detroit and all the land to the north, the west and the south of it, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and so much more land to be annexed to the district of Detroit as shall be comprehended between the river Rosine on the south, lake St. Clair on the north, and a line, the general course whereof shall be six miles distant from the west end of lake Erie, and Detroit river. (13.) The post of Michillimackinac, and all the land on the island, on which that post stands, and the main land adjacent, of which the Indian title has been extinguished by gifts or grants to the French or English governments; and a piece of land on the main to the north of the island, to measure six miles on lake Huron, or the strait between lakes Huron and Michigan, and to extend three miles back from the water of the lake or strait, and also the island De Bois Blanc, being an extra and voluntary gift of the Chipewa nation. (14.) One piece of land six miles square at the mouth of Chicago river, emptying into the south-west end of Lake Michigan, where a fort formerly stood. (15.) One piece twelve miles square at or near the mouth of the Illinois river, emptying into the Mississippi. (16.) One

piece six miles square at the old Piorias fort and village, near the south end of the Illinois lake on said Illinois river: And whenever the United States shall think proper to survey and mark the boundaries of the lands hereby ceded to them, they shall give timely notice thereof to the said tribes of Indians, that they may appoint some of their wise chiefs to attend and see that the lines are run according to the terms of this treaty.

And the said Indian tribes will allow to the people of the United States a free passage by land and by water, as one and the other shall be found convenient, through their country, along the chain of posts herein before mentioned; that is to say, from the commencement of the portage aforesaid at or near Loromie's store, thence along said portage to the St. Mary's, and down the same to Fort Wayne, and then down the Miami to lake Erie: again from the commencement of the portage at or near Loromie's store along the portage from thence to the river Au-Glaize, and down the same to its junction with the Miami at Fort Defiance: again from the commencement of the portage aforesaid, to Sandusky river, and down the same to Sandusky bay and lake Erie, and from Sandusky to the post which shall be taken at or near the foot of the rapids of the Miami of the lake: and from thence to Detroit. Again from the mouth of Chikago, to the commencement of the portage, between that river and the Illinois, and down the Illinois river to the Mississippi, also from Fort Wayne along the portage aforesaid which leads to the Wabash, and then down the Wabash to the Ohio. And the said Indian tribes will also allow to the people of the United States the free use of the harbors and mouths of rivers along the lakes adjoining the Indian lands, for sheltering vessels and boats, and liberty to land their cargoes where necessary for their safety.

Cession of passages
in certain places by
the Indians.

ARTICLE IV.

In consideration of the peace now established and of the cessions and relinquishments of lands made in the preceding article by the said tribes of Indians, and to manifest the liberality of the United States, as the great means of rendering this peace strong and perpetual; the United States relinquish their claims to all other Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters uniting them, according to the boundary line agreed on by the United States and the king of Great-Britain, in the treaty of peace made between them in the year 1783. But from this relinquishment by the United States, the following tracts of land, are explicitly excepted. 1st. The tract of one hundred and fifty thousand acres near the rapids of the river Ohio, which has been assigned to General Clark, for the use of himself and his warriors. 2d. The post of St. Vincennes on the river Wabash, and the lands adjacent, of which the Indian title has been extinguished. 3d. The lands at all other places in possession of the French people and other white settlers among them, of which the Indian title has been extinguished as mentioned in the 3d article; and 4th. The post of fort Massac towards the mouth of the Ohio. To which several parcels of land so excepted, the said tribes relinquish all the title and claim which they or any of them may have.

Relinquishment of
certain lands by
United States.

Exceptions.

And for the same considerations and with the same views as above mentioned, the United States now deliver to the said Indian tribes a quantity of goods to the value of twenty thousand dollars, the receipt whereof they do hereby acknowledge; and henceforward every year forever the United States will deliver at some convenient place northward of the river Ohio, like useful goods, suited to the circumstances of the Indians, of the value of nine thousand five hundred dollars; reckoning that value at the first cost of the goods in the city or place

Annual allowance
to be made to the In-
dians.

in the United States, where they shall be procured. The tribes to which those goods are to be annually delivered, and the proportions in which they are to be delivered, are the following.

1st. To the Wyandots, the amount of one thousand dollars. 2d. To the Delawares, the amount of one thousand dollars. 3d. To the Shawanese, the amount of one thousand dollars. 4th. To the Miamis, the amount of one thousand dollars. 5th. To the Ottawas, the amount of one thousand dollars. 6th. To the Chippewas, the amount of one thousand dollars. 7th. To the Putawatimes, the amount of one thousand dollars. 8th. And to the Kickapoo, Weea, Eel-river, Piankasbaw and Kaskaskias tribes, the amount of five hundred dollars each.

Provido.

Provided, That if either of the said tribes shall hereafter at an annual delivery of their share of the goods aforesaid, desire that a part of their annuity should be furnished in domestic animals, implements of husbandry, and other utensils convenient for them, and in compensation to useful artificers who may reside with or near them, and be employed for their benefit, the same shall at the subsequent annual deliveries be furnished accordingly.

ARTICLE V.

Indians have right to hunt on lands relinquished by United States, etc.

To prevent any misunderstanding about the Indian lands relinquished by the United States in the fourth article, it is now explicitly declared, that the meaning of that relinquishment is this: The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States; but when those tribes, or any of them, shall be disposed to sell their lands, or any part of them, they are to be sold only to the United States; and until such sale, the United States will protect all the said Indian tribes in the quiet enjoyment of their lands against all citizens of the United States, and against all other white persons who intrude upon the same. And the said Indian tribes again acknowledge themselves to be under the protection of the said United States and no other power whatever.

ARTICLE VI.

Indians may expel settlers from their lands.

If any citizen of the United States, or any other white person or persons, shall presume to settle upon the lands now relinquished by the United States, such citizen or other person shall be out of the protection of the United States; and the Indian tribe, on whose land the settlement shall be made, may drive off the settler, or punish him in such manner as they shall think fit; and because such settlements made without the consent of the United States, will be injurious to them as well as to the Indians, the United States shall be at liberty to break them up, and remove and punish the settlers as they shall think proper, and so effect that protection of the Indian lands herein before stipulated.

ARTICLE VII.

Indians may hunt on lands ceded to United States.

The said tribes of Indians, parties to this treaty, shall be at liberty to hunt within the territory and lands which they have now ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

ARTICLE VIII.

Trade to be opened with the Indians.

Trade shall be opened with the said Indian tribes; and they do hereby respectively engage to afford protection to such persons, with

their property, as shall be duly licensed to reside among them for the purpose of trade, and to their agents and servants; but no person shall be permitted to reside at any of their towns or hunting camps as a trader, who is not furnished with a license for that purpose, under the hand and seal of the superintendent of the department north-west of the Ohio, or such other person as the President of the United States shall authorize to grant such licenses; to the end, that the said Indians may not be imposed on in their trade. And if any licensed trader shall abuse his privilege by unfair dealing, upon complaint and proof thereof, his license shall be taken from him, and he shall be further punished according to the laws of the United States. And if any person shall intrude himself as a trader, without such license, the said Indians shall take and bring him before the superintendent or his deputy, to be dealt with according to law. And to prevent impositions by forged licenses, the said Indians shall at least once a year give information to the superintendent or his deputies, of the names of the traders residing among them.

ARTICLE IX.

Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals, the United States, and the said Indian tribes agree, that for injuries done by individuals on either side, no private revenge or retaliation shall take place; but instead thereof, complaint shall be made by the party injured, to the other: By the said Indian tribes, or any of them, to the President of the United States, or the superintendent by him appointed; and by the superintendent or other person appointed by the President, to the principal chiefs of the said Indian tribes, or of the tribe to which the offender belongs; and such prudent measures shall then be pursued as shall be necessary to preserve the said peace and friendship unbroken, until the Legislature (or Great Council) of the United States, shall make other equitable provision in the case, to the satisfaction of both parties. Should any Indian tribes meditate a war against the United States or either of them, and the same shall come to the knowledge of the before-mentioned tribes, or either of them, they do hereby engage to give immediate notice thereof to the general or officer commanding the troops of the United States, at the nearest post. And should any tribe, with hostile intentions against the United States, or either of them, attempt to pass through their country, they will endeavor to prevent the same, and in like manner give information of such attempt, to the general or officer commanding, as soon as possible, that all causes of mistrust and suspicion may be avoided between them and the United States. In like manner the United States shall give notice to the said Indian tribes of any harm that may be meditated against them, or either of them, that shall come to their knowledge; and do all in their power to hinder and prevent the same, that the friendship between them may be uninterrupted.

ARTICLE X.

All other treaties heretofore made between the United States and the said Indian tribes, or any of them, since the treaty of 1783, between the United States and Great Britain, that come within the purview of this treaty, shall henceforth cease and become void.

In testimony whereof, the said Anthony Wayne, and the sachems and war chiefs of the before-mentioned nations and tribes of Indians, have hereunto set their hands and affixed their seals.

Done at Greenville, in the territory of the United States northwest

Retaliation restrained.

Indians to give notice of designs against United States.

Former treaties void.

of the river Ohio, on the third day of August, one thousand seven hundred and ninety-five.

Anthony Wayne,	[L. a.]	Wesmegwas, his x mark,	[L. a.]
Wyandots:		(Jobnaatick, his x mark,	[L. a.]
Tarhe, or Crane, his x mark,	[L. a.]	Ottawa:	
J. Williams, jun. his x mark,	[L. a.]	Chegonickaka, (an Ottawa from	[L. a.]
Teyyaghtaw, his x mark,	[L. a.]	Sandusky,) his x mark,	[L. a.]
Haronyou, or half king's son,	[L. a.]	Pattawatimas of the river St.	
his x mark,	[L. a.]	Joseph:	
Tehawtorens, his x mark,	[L. a.]	Thupenebu, his x mark,	[L. a.]
Awmeeyeray, his x mark,	[L. a.]	Nawac, (for himself and brother	
Stayetah, his x mark,	[L. a.]	Eisimethe,) his x mark,	[L. a.]
Shateyyaronyah, or Leather Lips,	[L. a.]	Nenanseka, his x mark,	[L. a.]
his x mark,	[L. a.]	Kecenas, or Run, his x mark,	[L. a.]
Daughshuttayah, his x mark,	[L. a.]	Kabamasaw, (for himself and	
Shawrunthe, his x mark,	[L. a.]	brother Chisauagan,) his x	
Delawares:		mark,	[L. a.]
Tetabokahke, or Grand Glaise	[L. a.]	Sugganunk, his x mark,	[L. a.]
King, his x mark,	[L. a.]	Wapneme, or White Pigeon,	
Lemantanquis, or Black King,	[L. a.]	his x mark,	[L. a.]
his x mark,	[L. a.]	Wachenees, (for himself and	
Wabatthoe, his x mark,	[L. a.]	brother Pedagogohok,) his x	
Maghpiway, or Red Feather, his	[L. a.]	mark,	[L. a.]
x mark,	[L. a.]	Wabehicawnaw, his x mark,	[L. a.]
Kikthawenund, or Anderson, his	[L. a.]	La Chasse, his x mark,	[L. a.]
x mark,	[L. a.]	Meshogethenogh, (for himself and	
Bukongehelas, his x mark,	[L. a.]	brother Wawasek,) his x mark,	[L. a.]
Peekelund, his x mark,	[L. a.]	Hingowash, his x mark,	[L. a.]
Wellebawkeelund, his x mark,	[L. a.]	Anewasaw, his x mark,	[L. a.]
Peeketelemund, or Thomas Ad-	[L. a.]	Nawbodgh, his x mark,	[L. a.]
ams, his x mark,	[L. a.]	Missenogomaw, his x mark,	[L. a.]
Kishkopekund, or Captain Buf-	[L. a.]	Waweegehe, his x mark,	[L. a.]
falo, his x mark,	[L. a.]	Thawme, or Le Blanc, his x mark,	[L. a.]
Amenabehan, or Captain Crow,	[L. a.]	Geeque, (for himself and brother	
his x mark,	[L. a.]	Shewinse,) his x mark,	[L. a.]
Queshawkeey, or George Washing-	[L. a.]	Pattawatimas of Huron:	
ton, his x mark,	[L. a.]	Okia, his x mark,	[L. a.]
Weywinquis, or Billy Siscomb,	[L. a.]	Chamung, his x mark,	[L. a.]
his x mark,	[L. a.]	Segagewan, his x mark,	[L. a.]
Moesa, his x mark,	[L. a.]	Nanawme, (for himself and brother	
Shawanees:		A. Gin,) his x mark,	[L. a.]
Misquaconacaw, or Red Pole,	[L. a.]	Marchand, his x mark,	[L. a.]
his x mark,	[L. a.]	Wenamesac, his x mark,	[L. a.]
Cutthewekasaw, or Black Hoof,	[L. a.]	Miamis:	
his x mark,	[L. a.]	Nagohquangogh, or Le Gris, his x	
Kaysewaseekah, his x mark,	[L. a.]	mark,	[L. a.]
Weythapamattha, his x mark,	[L. a.]	Meshekunnoghquoh, or Little	
Nianymaska, his x mark,	[L. a.]	Turtle, his x mark,	[L. a.]
Waytheah, or Long Shanks, his	[L. a.]	Miamis and Eel Rivers:	
x mark,	[L. a.]	Peejeewa, or Richard Ville, his x	
Weyapiersenaw, or Blue Jacket,	[L. a.]	mark,	[L. a.]
his x mark,	[L. a.]	Cochkepghtogh, his x mark,	[L. a.]
Nequetanghaw, his x mark,	[L. a.]	Eel River Tribe:	
Hahgooseekaw, or Captain Reed,	[L. a.]	Shamekunnessa, or Soldier, his x	
his x mark,	[L. a.]	mark,	[L. a.]
Ottawas:		Miamis:	
Augoochaway, his x mark,	[L. a.]	Wapainangwa, or the White Loon,	
Keenoshaneek, his x mark,	[L. a.]	his x mark,	[L. a.]
La Malice, his x mark,	[L. a.]	Weas, for themselves and the	
Machiwetah, his x mark,	[L. a.]	Piankeshaws:	
Thowonawa, his x mark,	[L. a.]	Amarunna, or Little Beaver, his x	
Secaw, his x mark,	[L. a.]	mark,	[L. a.]
Chippewas:		Acoolatha, or Little Fox, his x	
Maahipinashiwish, or Bad Bird,	[L. a.]	mark,	[L. a.]
his x mark,	[L. a.]	Francis, his x mark,	[L. a.]
Nahahogushe, (from Lake Supe-	[L. a.]	Kickapoo and Kaskaskias:	
rior,) his x mark,	[L. a.]	Kecawhah, his x mark,	[L. a.]
Kathawasung, his x mark,	[L. a.]	Neimighka, or Josey Renard, his x	
Mamas, his x mark,	[L. a.]	mark,	[L. a.]
Nemekase, or Little Thunder,	[L. a.]	Paiteekanogh, his x mark,	[L. a.]
his x mark,	[L. a.]	Delawares of Sandusky:	
Peshawkay, or Young Ox, his x	[L. a.]	Hawkinpumiska, his x mark,	[L. a.]
mark,	[L. a.]	Peyamawkeey, his x mark,	[L. a.]
Nanguay, his x mark,	[L. a.]	Reyntueco, (of the Six Nations, liv-	
Meenevohigeeogh, his x mark,	[L. a.]	ing at Sandusky,) his x mark,	[L. a.]
Peewanshemengh, his x mark,	[L. a.]		

TREATY WITH THE SEVEN NATIONS OF CANADA, 1796.

45

In presence of (the word "goods" in the sixth line of the third article; the word "before" in the twenty-sixth line of the third article; the words "five hundred" in the tenth line of the fourth article, and the word "Piankeshaw" in the fourteenth line of the fourth article, being first interlined)—

H. De Butts, first aid de camp and secretary to Major General Wayne.	David Jones, chaplain U. S. S.
Wm. H. Harrison, aid de camp to Major General Wayne.	Lewis Beaufait.
T. Lewis, aid de camp to Major General Wayne.	R. Lachambre.
James O'Hara, quartermaster general.	Jas. Pepen.
John Mills, major of infantry and adjutant general.	Battles Coutien.
Caleb Swan, P. M. T. U. S.	P. Navarre.
Geo. Demter, lieutenant artillery.	Sworn interpreters:
Vigo.	Wm. Wells.
P. Fra. La Fontaine.	Jacques Lasselle.
Ant. Lasselle.	M. Morins.
H. Lasselle.	Bt. Sans Crainte.
Jn. Beau Bien.	Christopher Miller.
	Robert Wilson.
	Abraham Williams, his x mark.
	Isaac Zane, his x mark.

TREATY WITH THE SEVEN NATIONS OF CANADA, 1796.

At a treaty held at the city of New York, with the Nations or Tribes of Indians, denominating themselves the Seven Nations of Canada; Abraham Ogden, Commissioner, appointed under the authority of the United States, to hold the Treaty; Ohnawacio, alias Goodstream, Teharagocanegen, alias Thomas Williams, two Chiefs of the Caghnavagas; Atiatoharongean, alias Colonel Lewis Cook, a Chief of the St. Regis Indians, and William Gray, Deputies, authorized to represent these Seven Nations or Tribes of Indians at the Treaty, and Mr. Gray, serving also as Interpreter; Egbert Benson, Richard Varick and James Watson, Agents for the State of New York; William Constable and Daniel M'Cornick, purchasers under Alexander Macomb:

May 21, 1796.
7 Stat., 46.
Proclamation, Jan. 21, 1797.

THE agents for the state, having, in the presence, and with the approbation of the commissioner, proposed to the deputies for the Indians, the compensation hereinafter mentioned, for the extinguishment of their claim to all lands within the state, and the said deputies being willing to accept the same, it is thereupon granted, agreed and concluded between the said deputies and the said agents, as follows: The said deputies do, for and in the name of the said Seven Nations or tribes of Indians, cede, release and quit claim to the people of the state of New-York, forever, all the claim, right, or title of them, the said Seven Nations or tribes of Indians, to lands within the said state: *Provided nevertheless*, That the tract equal to six miles square, reserved in the sale made by the commissioners of the land-office of the said state, to Alexander Macomb, to be applied to the use of the Indians of the village of St. Regis, shall still remain so reserved. The said agents do, for, and in the name of the people of the state of New-York, grant to the said Seven Nations or tribes of Indians, that the people of the state of New-York shall pay to them, at the mouth of the river Chazy, on Lake Champlain, on the third Monday in August next, the sum of one thousand two hundred and thirty-three pounds, six shillings and eight-pence, and the further sum of two hundred and thirteen pounds six shillings and eight-pence, lawful money of the said state, and on the third Monday in August, yearly, forever thereafter, the like sum of two hundred and thirteen pounds six shillings and eight-pence: *Provided nevertheless*, That the people of the state of New-York shall not

Cession of lands to
State of New York.

Consideration paid
therefor.

Eastern limits of the tract granted by the treaty of Jan. 7, 1806.

interest which the said Cherokee nation ever had to a tract of country contained between the Tennessee river and the Tennessee ridge (so called); which tract of country had since the year one thousand seven hundred and ninety four, been claimed by the Cherokees and Chickasaws: the eastern boundary whereof is limited by a line so to be run from the upper part of the Chickasaw Old Fields, as to include all the waters of Elk river, any thing expressed in said convention to the contrary notwithstanding. It is therefore now declared by James Robertson and Return J. Meigs, acting under the authority of the executive of the United States, and by a delegation of Cherokee chiefs, of whom Eunolee or Black Fox, the king or head chief of said Cherokee nation, acting on the part of, and in behalf of said nation, is one, that the eastern limits of said ceded tract shall be bounded by a line so to be run from the upper end of the Chickasaw Old Fields, a little above the upper point of an island, called Chickasaw Island, as will most directly intersect the first waters of Elk river, thence carried to the Great Cumberland mountain, in which the waters of Elk river have their source, then along the margin of said mountain until it shall intersect lands heretofore ceded to the United States, at the said Tennessee ridge. And in consideration of the readiness shown by the Cherokees to explain, and to place the limits of the land ceded by the said convention out of all doubt; and in consideration of their expenses in attending council, the executive of the United States will direct that the Cherokee nation shall receive the sum of two thousand dollars, to be paid to them by their agent, at such time as the said executive shall direct, and that the Cherokee hunters, as hath been the custom in such cases, may hunt on said ceded tract, until by the fullness of settlers it shall become improper. And it is hereby declared by the parties, that this explanation ought to be considered as a just elucidation of the cession made by the first article of said convention.

Done at the point of departure of the line at the upper end of the island opposite to the upper part of the said Chickasaw Old Fields, the eleventh day of September, in the year one thousand eight hundred and seven.

James Robertson,
Return J. Meigs,
Eunolee, or Black Fox, his x mark,
Fauquitee, or Glass, his x mark,
Fulaquokoko, or Turtle at home, his x mark,
Richard Brown, his x mark,
Sowolotoh, king's brother, his x mark.

Witnesses present:
Thomas Freeman,
Thomas Orme.

TREATY WITH THE OTTAWA, ETC., 1807.

Nov. 17, 1807.
7 Stat., 106.
Proclamation, Jan.
27, 1808.

Articles of a treaty made at Detroit, this seventeenth day of November, in the year of our Lord, one thousand eight hundred and seven, by William Hull, governor of the territory of Michigan, and superintendent of Indian affairs, and sole commissioner of the United States, to conclude and sign a treaty or treaties, with the several nations of Indians, north west of the river Ohio, on the one part, and the sachems, chiefs, and warriors of the Ottawa, Chippeway, Wyandotte, and Pottawatamie nations of Indians, on the other part. To confirm and perpetuate the friendship, which happily subsists between the United States and the nations aforesaid, to manifest the sincerity of that friendship, and to settle arrangements mutually beneficial to the

parties; after a full explanation and perfect understanding, the following articles are agreed to, which, when ratified by the President, by and with the advice and consent of the Senate of the United States, shall be binding on them, and the respective nations of Indians.

ARTICLE I. The sacheins, chiefs, and warriors of the nations aforesaid, in consideration of money and goods, to be paid to the said nations, by the government of the United States as hereafter stipulated; do hereby agree to cede and forever quit claim, and do in behalf of their nations hereby cede, relinquish, and forever quit claim, unto the said United States, all right, title, and interest, which the said nations now have, or claim, or ever had, or claimed, in, or unto, the lands comprehended within the following described lines and boundaries: Beginning at the mouth of the Miami river of the lakes, and running thence up the middle thereof, to the mouth of the great Au Glaize river, thence running due north, until it intersects a parallel of latitude, to be drawn from the outlet of lake Huron, which forms the river Sinclair; thence running north east the course, that may be found, will lead in a direct line, to White Rock, in lake Huron, thence due east, until it intersects the boundary line between the United States and Upper Canada, in said lake, thence southwardly, following the said boundary line, down said lake, through river Sinclair, lake St. Clair, and the river Detroit, into lake Erie, to a point due east of the aforesaid Miami river, thence west to the place of beginning.

Consideration.

Cession.

Boundaries.

ART. II. It is hereby stipulated and agreed on the part of the United States, as a consideration for the lands, ceded by the nations aforesaid, in the preceding article, that there shall be paid to the said nations, at Detroit, ten thousand dollars, in money, goods, implements of husbandry, or domestic animals, (at the option of the said nations, seasonably signified, through the superintendent of Indian affairs, residing with the said nations, to the department of war,) as soon as practicable, after the ratification of the treaty, by the President, with the advice and consent of the Senate of the United States; of this sum, three thousand three hundred and thirty three dollars thirty three cents and four mills, shall be paid to the Ottoway nation, three thousand three hundred and thirty three dollars thirty three cents and four mills, to the Chippeway nation, one thousand six hundred sixty six dollars sixty six cents and six mills, to the Wyandotte nation, one thousand six hundred sixty six dollars sixty six cents and six mills, to the Pottawatamie nation, and likewise an annuity forever, of two thousand four hundred dollars, to be paid at Detroit, in manner as aforesaid: the first payment to be made on the first day of September next, and to be paid to the different nations, in the following proportions: eight hundred dollars to the Ottoways, eight hundred dollars to the Chippeways, four hundred dollars to the Wyandottes, and four hundred dollars to such of the Pottawatamies, as now reside on the river Huron of lake Erie, the river Raisin, and in the vicinity of the said rivers.

How the consideration is to be apporportioned and paid.

ART. III. It is further stipulated and agreed, if at any time hereafter, the said nations should be of the opinion, that it would be more for their interest, that the annuity aforesaid should be paid by instalments, the United States will agree to a reasonable commutation for the annuity, and pay it accordingly.

United States will agree to a reasonable commutation for the annuity, &c.

ART. IV. The United States, to manifest their liberality, and disposition to encourage the said Indians, in agriculture, further stipulate, to furnish the said Indians with two *blacksmiths*, one to reside with the Chippeways, at Saguina, and the other to reside with the Ottoways, at the Miami, during the term of ten years; said blacksmiths are to do such work for the said nations as shall be most useful to them.

United States to supply the Indians with blacksmiths.

ART. V. It is further agreed and stipulated, that the said Indian nations shall enjoy the privilege of hunting and fishing on the lands

Indians to have the privilege of hunting, &c., on lands ceded.

ceded as aforesaid, as long as they remain the property of the United States.

Reservations.

ART. VI. It is distinctly to be understood, for the accommodation of the said Indians, that the following tracts of land within the cession aforesaid, shall be, and hereby are reserved to the said Indian nations, one tract of land six miles square, on the Miami of lake Erie, above *Roche à Buuf*, to include the village, where *Tondaganie*, (or the Dog) now lives. Also, three miles square on the said river, (above the twelve miles square ceded to the United States by the treaty of Greenville) including what is called *Presque Isle*; also four miles square on the Miami bay, including the villages where *Meshkamau* and *Waugau* now live; also, three miles square on the river *Raisin*, at a place called *Macon*, and where the river *Macon* falls into the river *Raisin*, which place is about fourteen miles from the mouth of said river *Raisin*; also, two sections of one mile square each, on the river *Rouge*, at *Seginiwin's* village; also two sections of one mile square each, at *Tonquish's* village, near the river *Rouge*; also three miles square on lake St. Clair, above the river Huron, to include *Machonce's* village; also, six sections, each section containing one mile square, within the cession aforesaid, in such situations as the said Indians shall elect, subject, however, to the approbation of the President of the United States, as to the places of location. It is further understood and agreed, that whenever the reservations cannot conveniently be laid out in squares, they shall be laid out in *parallelograms*, or other figures, as found most practicable and convenient, so as to contain the area specified in miles, and in all cases they are to be located in such manner, and in such situations, as not to interfere with any improvements of the French or other white people, or any former cessions.

Indians acknowledge the protection of the United States.

ART. VII. The said nations of Indians acknowledge themselves to be under the protection of the United States, and no other power, and will prove by their conduct that that are worthy of so great a blessing.

In testimony whereof, the said William Hull, and the sachems and war chiefs representing the said nations, have hereunto set their hands and seals.

Done at Detroit, in the territory of Michigan, the day and year first above written.

William Hull,	[L. a.]	Tonquish, his x mark,	[L. a.]
Chippewas:		Miott, his x mark,	[L. a.]
Peewanehemogh, his x mark,	[L. a.]	Meuetugesbeck, or the Little Cedar,	
Mamanehagauts, or Bad Legs, his x mark,	[L. a.]	his x mark,	[L. a.]
Pooquiganboawie, his x mark,	[L. a.]	Ottawas:	
Klost, his x mark,	[L. a.]	Aubauway, his x mark,	[L. a.]
Poquaquet, or the Ball, his x mark,	[L. a.]	Kawachewan, his x mark,	[L. a.]
Sogangewan, his x mark,	[L. a.]	Sawgamaw, his x mark,	[L. a.]
Quitcheonequit, or Big Cloud, his x mark,	[L. a.]	Ogouee, his x mark,	[L. a.]
Quitcheonequit, his x mark,	[L. a.]	Wawagashick, his x mark,	[L. a.]
Quitcheonequit, his x mark,	[L. a.]	Pattawatimas:	
Puckeneee, or the Spark of Fire, his x mark,	[L. a.]	Toquish, his x mark,	[L. a.]
Negig, or the Otter, his x mark,	[L. a.]	Noname, his x mark,	[L. a.]
Messita, his x mark,	[L. a.]	Nawme, his x mark,	[L. a.]
Macquettequet, or Little Bear, his x mark,	[L. a.]	Ninnewa, his x mark,	[L. a.]
Nemekas, or Little Thunder, his x mark,	[L. a.]	Skush, his x mark,	[L. a.]
Sawanabense, or Pechegabua, or Grand Blanc, his x mark,	[L. a.]	Wyandots:	
		Skahomet, his x mark,	[L. a.]
		Miere, or Walk in the Water, his x mark,	[L. a.]
		Iyouayotha, his x mark,	[L. a.]

In presence of—

George McDougall, chief judge court D. H. and D.

C. Rush, attorney general.

Jacob Visger, associate judge of the D. court.

Jos. Watson, secretary to the legislature of Michigan.

Abijah Hull, surveyor for Michigan Territory.

Harris H. Hickman, counsellor at law.
 Abraham Fuller Hull, counsellor at law and secretary to the
 Commission.
 Whitmore Knaggs,
 William Walker,
 Sworn Interpreters.

TREATY WITH THE OSAGE, 1808.

Articles of a treaty made and concluded at Fort Clark, on the right bank of the Missouri, about five miles above the Fire Prairie, in the territory of Louisiana, the tenth day of November, in the year of our Lord one thousand eight hundred and eight, between Peter Chouteau, esquire, agent for the Osage, and specially commissioned and instructed to enter into the same by his excellency Meriwether Lewis, governor and superintendent of Indian affairs for the territory aforesaid, in behalf of the United States of America, of the one part, and the chiefs and warriors of the Great and Little Osage, for themselves and their nations respectively, on the other part.

Nov. 10, 1808.
 7 Stat., 107.
 Ratified Apr. 28,
 1810.

ART. 1. The United States being anxious to promote peace, friendship and intercourse with the Osage tribes, to afford them every assistance in their power, and to protect them from the insults and injuries of other tribes of Indians, situated near the settlements of the white people, have thought proper to build a fort on the right bank of the Missouri, a few miles above the Fire Prairie, and do agree to garrison the same with as many regular troops as the President of the United States may, from time to time, deem necessary for the protection of all orderly, friendly and well disposed Indians of the Great and Little Osage nations, who reside at this place, and who do strictly conform to, and pursue the counsels or admonitions of the President of the United States through his subordinate officers.

A fort to be built.

ART. 2. The United States being also anxious that the Great and Little Osage, resident as aforesaid, should be regularly supplied with every species of merchandise, which their comfort may hereafter require, do engage to establish at this place, and permanently to continue at all seasons of the year, a well assorted store of goods, for the purpose of bartering with them on moderate terms for their peltries and furs.

A store of goods to be kept at the fort.

ART. 3. The United States agree to furnish at this place, for the use of the Osage nations, a blacksmith, and tools to mend their arms and utensils of husbandry, and engage to build them a horse mill, or water mill; also to furnish them with ploughs, and to build for the great chief of the Great Osage, and for the great chief of the Little Osage, a strong block house in each of their towns, which are to be established near this fort.

A blacksmith, etc., to be furnished by United States.

ART. 4. With a view to quiet the animosities which at present exist between the inhabitants of the territory of Louisiana, and the Osage nations, in consequence of the lawless depredations of the latter, the United States do further agree to pay to their own citizens, the full value of such property as they can legally prove to have been stolen or destroyed by the said Osage, since the acquisition of Louisiana by the United States, provided the same does not exceed the sum of five thousand dollars.

Property stolen by the Osages before the acquisition of Louisiana to be paid for by the United States.

ART. 5. In consideration of the lands relinquished by the Great and Little Osage to the United States as stipulated in the sixth article of this treaty, the United States promise to deliver at Fire Prairie, or at St. Louis, yearly, to the Great Osage nation, merchandise to the

Merchandise to be delivered.

TREATY WITH THE CHIPPEWA, 1819.

Articles of a treaty made and concluded at Saginaw, in the Territory of Michigan, between the United States of America, by their Commissioner, Lewis Cass, and the Chippewa nation of Indians.

Sept. 24, 1819.
7 Stat., 303.
Proclamation, Mar. 23, 1820.

ART. 1. The Chippewa nation of Indians, in consideration of the stipulations herein made on the part of the United States, do hereby, forever, cede to the United States the land comprehended within the following lines and boundaries: Beginning at a point in the present Indian boundary line, which runs due north from the mouth of the great Auglaize river, six miles south of the place where the base line, so called, intersects the same; thence, west, sixty miles; thence, in a direct line, to the head of Thunder Bay River; thence, down the same, following the courses thereof, to the mouth; thence, northeast, to the boundary line between the United States and the British Province of Upper Canada; thence, with the same, to the line established by the treaty of Detroit, in the year one thousand eight hundred and seven; thence, with the said line, to the place of beginning.

The Chippewas cede land to United States.

Bounds of the cession.

ART. 2. From the cession aforesaid the following tracts of land shall be reserved, for the use of the Chippewa nation of Indians:

Reservations from the cession.

One tract, of eight thousand acres, on the east side of the river Au Sable, near where the Indians now live.

One tract, of two thousand acres, on the river Mesagwisk.

One tract, of six thousand acres, on the north side of the river Kawkawling, at the Indian village.

One tract, of five thousand seven hundred and sixty acres, upon the Flint river, to include Reaum's village, and a place called Kishkawbawee.

One tract, of eight thousand acres, on the head of the river Huron, which empties into the Saginaw river, at the village of Otusson.

One island in the Saginaw Bay.

One tract, of two thousand acres, where Nabobask formerly lived.

One tract, of one thousand acres, near the island in the Saginaw river.

One tract, of six hundred and forty acres, at the bend of the river Huron, which empties into the Saginaw river.

One tract, of two thousand acres, at the mouth of Point Augrais river.

One tract, of one thousand acres, on the river Huron, at Menoquet's village.

One tract, of ten thousand acres, on the Shawassee river, at a place called the Big Rock.

One tract, of three thousand acres, on the Shawassee river, at Ketchewaundaugenink.

One tract, of six thousand acres, at the Little Forks on the Tetabawasink river.

One tract, of six thousand acres, at the Black Bird's town, on the Tetabawasink river.

One tract, of forty thousand acres, on the west side of the Saginaw river, to be hereafter located.

ART. 3. There shall be reserved, for the use of each of the persons hereinafter mentioned and their heirs, which persons are all Indians by descent, the following tracts of land:

Reservations for persons named.

For the use of John Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres of land, beginning at the head of the first marsh above the mouth of the Saginaw river, on the east side thereof.

For the use of Peter Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres of land, beginning above and

adjoining the apple trees on the west side of the Saginaw river, and running up the same for quantity.

For the use of James Riley, the son of Menawcumegoqua, a Chippewa woman, six hundred and forty acres, beginning on the east side of the Saginaw river, nearly opposite to Campeau's trading house, and running up the river for quantity.

For the use of Kawkawiskou, or the Crow, a Chippewa chief, six hundred and forty acres of land, on the east side of the Saginaw river, at a place called Menitegow, and to include, in the said six hundred and forty acres, the island opposite to the said place.

For the use of Nowokeshik, Metawanene, Mokitchenoqua, Nondashemau, Petabonaqua, Messawwakut, Checbaik, Kitchegeequa, Sago-sequa, Annoketoqua, and Tawcumegoqua, each, six hundred and forty acres of land, to be located at and near the grand traverse of the Flint river, in such manner as the President of the United States may direct.

For the use of the children of Bokowtonden, six hundred and forty acres, on the Kawkawling river.

Payment to Chippewas.

ART. 4. In consideration of the cession aforesaid, the United States agree to pay to the Chippewa nation of Indians, annually, for ever, the sum of one thousand dollars in silver; and do also agree that all annuities due by any former treaty to the said tribe, shall be hereafter paid in silver.

Right of hunting and making sugar on lands ceded, granted.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded, while it continues the property of the United States, shall apply to this treaty; and the Indians shall, for the same term, enjoy the privilege of making sugar upon the same land, committing no unnecessary waste upon the trees.

United States to pay for Indian improvements.

ART. 6. The United States agree to pay to the Indians the value of any improvements which they may be obliged to abandon, in consequence of the lines established by this treaty, and which improvements add real value to the land.

United States reserve right to make roads.

ART. 7. The United States reserve to the proper authority the right to make roads through any part of the land reserved by this treaty.

United States to furnish a blacksmith, etc.

ART. 8. The United States engage to provide and support a blacksmith for the Indians, at Saginaw, so long as the President of the United States may think proper, and to furnish the Chippewa Indians with such farming utensils and cattle, and to employ such persons to aid them in their agriculture, as the President may deem expedient.

Treaty to be obligatory when ratified.

ART. 9. This treaty shall take effect, and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the Chippewa nation of Indians, have hereunto set their hands, at Saginaw, in the territory of Michigan, this twenty-fourth day of September, in the year of our Lord one thousand eight hundred and nineteen.

Lewis Cass,
Pakenoega, his x mark,
Kekenutchege, his x mark,
Chimokemow, his x mark,
Kekenutchegeun, his x mark,
Pashkobwis, his x mark,
Muskobenense, his x mark,
Waubonooa, his x mark,
Wauaquanai, his x mark,
Minequet, his x mark,
Otauson, his x mark,
Tuwegua, his x mark,
Mixaher, his x mark,
Kitchewawashen, his x mark,
Neebenaquin, his x mark.

Anueemaycounbeeme, his x mark,
Onewequa, his x mark,
Nayokeenan, his x mark,
Peshquecum, his x mark,
Muckcumcinaw, his x mark,
Kitcheenoting, his x mark,
Waubeekeenow, his x mark,
Pashkeekou, his x mark,
Mayto, his x mark,
Sheemaugua, his x mark,
Kanguet, his x mark,
Kitchematush, his x mark,
Anewayla, his x mark,
Walkwaykeejugo, his x mark,
Autowavnavv, his x mark.

Nawgonisee, his x mark,
 Owenisham, his x mark,
 Wauweyatam, his x mark,
 Mookoonga, his x mark,
 Noukonwabe, his x mark,
 Shingwalk, his x mark,
 Shingwalk, jun. his x mark,
 Wawaubequak, his x mark,
 Meewayson, his x mark,
 Wepecungegut, his x mark,
 Markkenwuwbe, his x mark,
 Fonegawne, his x mark,
 Nemetetowwa, his x mark,
 Klahkaukou, his x mark,
 Peenaysee, his x mark,
 Ogemaankeketo, his x mark,
 Reaume, his x mark,
 Nowkeshuc, his x mark,
 Mixmunitou, his x mark,
 Waman, his x mark,
 Keneobe, his x mark,
 Mokauba, his x mark,
 Mutchwetan, his x mark,
 Nuwagon, his x mark,
 Okumanpinase, his x mark,
 Meckeeoune, his x mark,
 Paupeemiskoba, his x mark,
 Kogkakeshik, his x mark,
 Wauwasack, his x mark,
 Misheneanonquet, his x mark,
 Okemana, his x mark,
 Nimeke, his x mark,
 Maneleugobwawaa, his x mark,
 Pockwash, his x mark,
 Waseneo, his x mark,
 Montons, his x mark,
 Kennewobe, his x mark,
 Shawshauwenabala, his x mark,
 Okooyouinee, his x mark,
 Ondottowaugane, his x mark,
 Amickoneena, his x mark,
 Kitcheonundeeyo, his x mark,
 Saugamauway, his x mark,

Okeemanpeenaysee, his x mark,
 Minggeeseetay, his x mark,
 Waubishcan, his x mark,
 Peaypaymanshee, his x mark,
 Ocanauck, his x mark,
 Ogeeboulnse, his x mark,
 Paymeenoting, his x mark,
 Naynooautienishkoan, his x mark,
 Kanjagonaygee, his x mark,
 Mayneeseo, his x mark,
 Kakagouryan, his x mark,
 Kitchmokooman, his x mark,
 Singok, his x mark,
 Maytwayashing, his x mark,
 Saguhooh, his x mark,
 Saybo, his x mark,
 Obwoie, his x mark,
 Aguagonabe, his x mark,
 Sigonak, his x mark,
 Kokoosh, his x mark,
 Pemaw, his x mark,
 Kawotoktame, his x mark,
 Sabo, his x mark,
 Kewageope, his x mark,
 Metewa, his x mark,
 Kawgeshequum, his x mark,
 Keyacum, his x mark,
 Atowagesek, his x mark,
 Mawmawkena, his x mark,
 Mamawecuta, his x mark,
 Pencaysewaykeek, his x mark,
 Kewaytinam, his x mark,
 Sepewan, his x mark,
 Shaahshak, his x mark,
 Shaconk, his x mark,
 Menakrea, his x mark,
 Paymusawtom, his x mark,
 Endus, his x mark,
 Aushetyawnekosa, his x mark,
 Wawpenishik, his x mark,
 Omikou, his x mark,
 Leroy, his x mark.

Witnesses at signing:

John L. Leib, secretary,
 D. G. Whitney, assistant secretary,
 C. L. Cass, captain Third Infantry,
 R. A. Forsyth, jun. acting commissioner,
 Chester Root, captain U. S. Artillery,
 John Peacock, lieutenant Third U. S.
 Infantry,
 G. Godfroy, sub agent,
 W. Knaggs, sub agent,
 William Tucky,
 Lewis Beufort,
 John Hurson,
 Sworn interpreters.

James V. S. Riley,
 B. Campau,
 John Hill, army contractor,
 J. Whipple,
 Henry I. Hunt,
 William Keith,
 A. E. Lacock, M. S. K.
 Richard Smyth,
 Louis Dequindre,
 B. Head,
 John Smyth,
 Conrad Ten Eyck.

TREATY WITH THE CHIPPEWA, 1820.

Articles of a treaty, made and concluded at the Saltil de St. Marie, in the Territory of Michigan, between the United States, by their Commissioner Lewis Cass, and the Chippeway tribe of Indians.

June 16, 1820.
 7 Stat., 208.
 Proclamation, Mar.
 2, 1821.

ART. 1. The Chippeway tribe of Indians cede to the United States the following tract of land: Beginning at the Big Rock, in the river St. Mary's, on the boundary line between the United States and the British Province of Upper Canada; and, running thence, down the said river, with the middle thereof, to the Little Rapid; and, from those

Ceded by the Chip-
 peway.

points, running back from the said river, so as to include sixteen square miles of land.

Receipt of goods acknowledged.

ART. 2. The Chippeway tribe of Indians acknowledge to have received a quantity of goods in full satisfaction of the preceding cession.

Perpetual right of fishing at the falls of St. Mary's secured to Indians.

ART. 3. The United States will secure to the Indians a perpetual right of fishing at the falls of St. Mary's, and also a place of encampment upon the tract hereby ceded, convenient to the fishing ground, which place shall not interfere with the defences of any military work which may be erected, nor with any private rights.

Treaty binding when ratified.

ART. 4. This treaty, after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, shall be obligatory on the contracting parties.

In witness whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the said Chippeway tribe of Indians, have hereunto set their hands, at the place aforesaid, this sixteenth day of June, in the year of our Lord one thousand eight hundred and twenty.

Lewis Cass,
Shingauwayassin, his x mark,
Kegosh, his x mark,
Sagibewayoson, his x mark,
Wayshkey, his x mark,
Necowaiskam, his x mark,
Wasawton, his x mark,
Wemignacwanay, his x mark,

Nabinois, his x mark,
Macadaywawet, his x mark,
Shaiwabeaton, his x mark,
Netaway, his x mark,
Kalbayway, his x mark,
Nawoquesecum, his x mark,
Tawabit, his x mark,
Augustin Bart, his x mark.

Witnesses present:

R. A. Forsyth, secretary,
Alex. Wolcott, jr., Indian agent, Chicago,
D. B. Douglass, captain U. S. Engineers,
Eneas Mackay, lieutenant corps artillery,
John J. Pearce, lieutenant artillery,

Henry R. Schoolcraft, mineralogist to the
expedition,
James Duane Doty,
Charles C. Trowbridge,
Alex. R. Chase,
James Ryley, sworn interpreter.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1820.

July 6, 1820.

7 Stat., 207.
Proclamation, Mar.
8, 1821.

Articles of a treaty, made and concluded at L'Arbre Croche and Michilimackinac, in the territory of Michigan, between the United States of America, by their Commissioner Lewis Cass, and the Ottawa and Chippewa nations of Indians.

St. Martin Island^s
ceded to the United
States.

ART. 1. The Ottawa and Chippewa nations of Indians cede to the United States the Saint Martin Islands in Lake Huron, containing plaster of Paris, and to be located under the direction of the United States.

Goods in full satisfaction to the Indians.

ART. 2. The Ottawa and Chippewa nations of Indians acknowledge to have this day received a quantity of goods in full satisfaction of the above cession.

Treaty binding when ratified.

ART. 3. This treaty shall be obligatory on the contracting parties after the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass, commissioner as aforesaid, and the chiefs and warriors of the Ottawa and Chippewa nations of Indians, have hereunto set their hands, at Michilimackinac and L'Arbre Croche, in the territory of Michigan, this 6th day of July, in the year of our Lord one thousand eight hundred and twenty.

Lewis Cass,
Skahjenini, his x mark,
Pabquesegun, or Smoking Weed, his x
mark,

Chemogueeman, or Big Knife, his x mark,
Miesonguay, his x mark,
Papametaby, his x mark,
Oetawa, his x mark

TREATY WITH THE OTTAWA, ETC., 1821.

Jan. 8, 1821.

DISCHARGE FOR ALL CLAIMS ON THE CREEKS.

WHEREAS a treaty or convention has this day been made and entered into, by and between the United States and the Creek nation, by the provisions of which the United States have agreed to pay, and the commissioners of the state of Georgia have agreed to accept, for and on behalf of the citizens of the state of Georgia, having claims against the Creek nation, prior to the year one thousand eight hundred and two, the sum of two hundred and fifty thousand dollars:

Commissioners of Georgia release the Creeks from all claims prior to 1822.

Now, know all men by these presents, that we, the undersigned, commissioners of the state of Georgia, for, and in consideration of, the aforesaid sum of two hundred and fifty thousand dollars, secured by the said treaty or convention to be paid to the state of Georgia, for the discharge of all bona fide and liquidated claims, which the citizens of the said state may establish against the Creek nation, do, by these presents, release, exonerate, and discharge, the said Creek nation from all and every claim and claims, of whatever description, nature, or kind, the same may be, which the citizens of Georgia now have, or may have had, prior to the year one thousand eight hundred and two, against the said nation. And we do hereby assign, transfer, and set over, unto the United States, for the use and benefit of the said Creek nation, for the consideration hereinbefore expressed, all the right, title, and interest, of the citizens of the said state, to all claims, debts, damages, and property, of every description and denomination, which the citizens of the said state have, or had, prior to the year one thousand eight hundred and two, as aforesaid, against the said Creek nation.

Claims transferred to United States.

In witness whereof, we have hereunto affixed our hands and seals, at the Mineral Spring, in the said Creek nation, this eighth day of January, one thousand eight hundred and twenty-one.

J. McIntosh, [L. s.]
David Adams, [L. s.]
Daniel Newman, [L. s.]

Present:

D. M. Forney,
D. Meriwether,
D. B. Mitchell, Agent for Indian Affairs.

TREATY WITH THE OTTAWA, ETC., 1821.

Aug. 29, 1821.

7 Stat. 218
Proclamation, Mar.
25, 1822.

Articles of a treaty made and concluded at Chicago, in the State of Illinois, between Lewis Cass and Solomon Sibley, Commissioners of the United States, and the Ottawa, Chippewa, and Pottawatamie, Nations of Indians.

Cession of land within the boundaries described.

ARTICLE I. The Ottawa, Chippewa, and Pottawatamie, Nations of Indians cede to the United States all the Land comprehended within the following boundaries: Beginning at a point on the south bank of the river St. Joseph of Lake Michigan, near the Parc aux Vaches, due north from Rum's Village, and running thence south to a line drawn due east from the southern extreme of Lake Michigan, thence with the said line east to the Tract ceded by the Pottawatamies to the United States by the Treaty of Fort Meigs in 1817, if the said line should strike the said Tract, but if the said line should pass north of the said Tract, then such line shall be continued until it strikes the western boundary of the Tract ceded to the United States by the Treaty of Detroit in 1807, and from the termination of the said line, following the boundaries of former cessions, to the main branch of the Grand River of Lake Michigan, should any of the said lines cross the said

River, but if none of the said lines should cross the said River, then to a point due east of the source of the said main branch of the said river, and from such point due west to the source of the said principal branch, and from the crossing of the said River, or from the source thereof, as the case may be, down the said River, on the north bank thereof, to the mouth; thence following the shore of Lake Michigan to the south bank of the said river St. Joseph, at the mouth thereof, and thence with the said south bank to the place of beginning.

ART. 2. From the cession aforesaid, there shall be reserved, for the use of the Indians, the following Tracts:

Reservations.

One tract at Mang-ach-qua Village, on the river Peble, of six miles square.

One tract at Mick-ke-saw-be, of six miles square.

One tract at the village of Na-to-wa-se-pe, of four miles square.

One tract at the village of Prairie Ronde, of three miles square.

One tract at the village of Match-a-be narb-she-wish, at the head of the Kekalamazoo river.

ART. 3. There shall be granted by the United States to each of the following persons, being all Indians by descent, and to their heirs, the following Tracts of Land:

Grants to persons named.

To John Burnet, two sections of land.

To James Burnet, Abraham Burnet, Rebecca Burnet, and Nancy Burnet, each one section of land; which said John, James, Abraham, Rebecca, and Nancy, are children of Kaw-kee-me, sister of Top-ni-be, principal chief of the Potawatamie nation.

The land granted to the persons immediately preceding, shall begin on the north bank of the river St. Joseph, about two miles from the mouth, and shall extend up and back from the said river for quantity.

Location of the preceding grants.

To John B. La Lime, son of Noke-no-qua, one-half of a section of land, adjoining the tract before granted, and on the upper side thereof.

Further grants.

To Jean B. Chandonai, son of Chip-pe-wa-qua, two sections of land, on the river St. Joseph, above and adjoining the tract granted to J. B. La Lime.

To Joseph Dazé, son of Chip-pe-wa-qua, one section of land above and adjoining the tract granted to Jean B. Chandonai.

To Monguago, one-half of a section of land, at Mish-she-wa-kokink.

To Pierre Moran or Peeresb, a Potawatamie Chief, one section of land, and to his children two sections of land, at the mouth of the Elk-heart river.

To Pierre Le Clerc, son of Moi-qua, one section of land on the Elk-heart river, above and adjoining the tract granted to Moran and his children.

The section of land granted by the Treaty of St. Mary's, in 1818, to Peeresb or Perig, shall be granted to Jean B. Cicot, son of Pe-say-quot, sister of the said Peeresb, it having been so intended at the execution of the said Treaty.

To O-she-ak-ke-be or Benac, one-half of a section of land on the north side of the Elk-heart river, where the road from Chicago to Fort Wayne first crosses the said river.

To Me-naw-che, a Potawatamie woman, one-half of a section of land on the eastern bank of the St. Joseph, where the road from Detroit to Chicago first crosses the said river.

To Theresa Chandler or To-c-ak-qui, a Potawatamie woman, and to her daughter Betsey Fisher, one section of land on the south side of the Grand River, opposite to the Spruce Swamp.

To Charles Beaubien and Modart Beaubien, sons of Man-na-ben-n-qua, each one-half of a section of land near the village of Ke-wi-go-shkeern, on the Washtenaw river.

TRATY WITH THE OTTAWA, ETC., 1821.

To Antoine Roland, son of I-gat-pat-a-wat-a-mie-qua, one-half of a section of land adjoining and below the tract granted to Pierre Moran.

To William Knaggs or Was-es-kuk-son, son of Ches-qua, one-half of a section of land adjoining and below the tract granted to Antoine Roland.

To Madeline Bertrand, wife of Joseph Bertrand, a Potawatamie woman, one section of land at the Parc aux Vaches, on the north side of the river St. Joseph.

To Joseph Bertrand, junior, Benjamin Bertrand, Laurent Bertrand, Theresa Bertrand, and Amable Bertrand, children of the said Madeline Bertrand, each one half of a section of land at the portage of the Kankakee river.

To John Riley, son of Me-naw-tum-a-go-quoi, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending up the said River.

To Peter Riley, the son of Me-naw-cum-e-go-qua, one section of land, at the mouth of the river Au Foin, on the Grand River, and extending down the said river.

To Jean B. Le Clerc, son of Moi-qua, one half of a section of land, above and adjoining the tract granted to Pierre Le Clerc.

To Joseph La Framboise, son of Shaw-we-no-qua, one section of land upon the south side of the river St. Joseph, and adjoining on the upper side the land ceded to the United States, which said section is also ceded to the United States.

Grants not transferable without consent.

Tracts to be located after survey.

Payment for said cession.

Land to be reserved for blacksmiths and teachers.

Right of Indians to hunt on land ceded.

United States may make a road through Indian country.

Treaty binding when ratified.

The Tracts of Land herein stipulated to be granted, shall never be leased or conveyed by the grantees or their heirs to any persons whatever, without the permission of the President of the United States. And such tracts shall be located after the said cession is surveyed, and in conformity with such surveys as near as may be, and in such manner as the President may direct.

ART. 4. In consideration of the cession aforesaid, the United States engage to pay to the Ottawa nation, one thousand dollars in specie annually forever, and also to appropriate annually, for the term of ten years, the sum of fifteen hundred dollars, to be expended as the President may direct, in the support of a Blacksmith, of a Teacher, and of a person to instruct the Ottawas in agriculture and in the purchase of cattle and farming utensils. And the United States also engage to pay to the Potawatamie nation five thousand dollars in specie, annually, for the term of twenty years, and also to appropriate annually, for the term of fifteen years, the sum of one thousand dollars, to be expended as the President may direct, in the support of a Blacksmith and a Teacher. And one mile square shall be selected, under the direction of the President, on the north side of the Grand River, and one mile square on the south side of the St. Joseph, and within the Indian lands not ceded, upon which the blacksmiths and teachers employed for the said tribes, respectively, shall reside.

ART. 5. The stipulation contained in the treaty of Greenville, relative to the right of the Indians to hunt upon the land ceded while it continues the property of the United States, shall apply to this treaty.

ART. 6. The United States shall have the privilege of making and using a road through the Indian country, from Detroit and Fort Wayne, respectively, to Chicago.

ART. 7. This Treaty shall take effect and be obligatory on the contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

In testimony whereof, the said Lewis Cass and Solomon Sibley, commissioners as aforesaid, and the chiefs and warriors of the said Ottawa, Chippewa, and Pattiwatina nations, have hereunto set their hands, at

Chicago aforesaid, this 20th day of August, in the year of our Lord one thousand eight hundred and twenty-one.

Lewis Cass,
Solomon Sibley.
Ottawas:
Kewagouscum, his x mark,
Nokawjegaun, his x mark,
Kee-o-to-aw-be, his x mark,
Ket-che-me-chi-na-waw, his x mark,
Ep-pe-ean-se, his x mark,
Kay-nee-wee, his x mark,
Mo-a-pat-to, his x mark,
Mat-che-pee-na-che-wish, his x mark,

Chippewas:
Met-tay-waw, his x mark,
Mich-el, his x mark,
Pattiwatimas:
To-pen-ne-bee, his x mark,
Mee-te-ay, his x mark,
Chee-banse, his x mark,
Lool-son, his x mark,
Wee-saw, his x mark,
Kee-po-taw, his x mark,
Shay-suk-ke-bee, his x mark,
Sho-mang, his x mark,
Waw-we-uck-ke-meck, his x mark,
Nay-ou-chee-mon, his x mark,
Kon-gee, his x mark,
Shee-shaw-gan, his x mark,
Ayah-cam, his x mark,
Meek-say-mank, his x mark,
May-ten-way, his x mark,
Shaw-wen-ne-me-tay, his x mark,
Francols, his x mark,
Mank-see, his x mark,
Way-me-go, his x mark,
Man-daw-min, his x mark,

Quay-gee, his x mark,
Aa-pen-naw-bee, his x mark,
Mat-cha-wee-yaa, his x mark,
Mat-cha-pag-gish, his x mark,
Mongaw, his x mark,
Pug-gay-gaus, his x mark,
See-cobe-mesh, his x mark,
Chee-gwa-mack-gwa-go, his x mark,
Waw-seb-baw, his x mark,
Pee-chee-co, his x mark,
Quoi-quoi-taw, his x mark,
Pe-an-nish, his x mark,
Wy-ne-naig, his x mark,
Onuck-ke-meck, his x mark,
Ka-way-ein, his x mark,
A-meck-kose, his x mark,
Os-see-meet, his x mark,
Shaw-ko-to, his x mark,
No-shay-we-quat, his x mark,
Mee-gwun, his x mark,
Mee-she-ke-ten-now, his x mark,
Kee-no-to-go, his x mark,
Wa-baw-nee-she, his x mark,
Shaw-waw-nay-see, his x mark,
Atch-wee-muck-gee, his x mark,
Pish-she-baw-gay, his x mark,
Waw-ba-saye, his x mark,
Meg-gee-see, his x mark,
Say-gaw-koo-nuck, his x mark,
Shaw-way-no, his x mark,
Shee-shaw-gun, his x mark,
To-to-mee, his x mark,
Aah-kee-wee, his x mark,
Shay-suk-ke-bee, his x mark,
Aw-be-tone, his x mark.

In presence of—

Alex. Wolcott, jr. Indian agent,
Jno. R. Williams, Adjutant-General, M.
Ma.
G. Godfroy, Indian agent,
W. Knaggs, Indian agent,
Jacob Visget,
Henry I. Hunt,
A. Phillips, paymaster, U. S. Army,
R. Montgomery,

Jacob B. Varnum, United States factor
John B. Beaubien,
Conrad Ten Eyck,
J. Whippley,
George Miles, jun.
Henry Connor,
James Barnerd,
John Kensie, subagent.

The tract reserved at the village of Match-e-be-nash-she-wish, at the head of the Ke-kal-i-ma-zoo river, was by agreement to be three miles square. The extent of the reservation was accidentally omitted.

The tract at Match-e-be-nash-she-wish to be 3 miles square.

Lewis Cass,
Solomon Sibley.

TREATY WITH THE OSAGE, 1822.

Articles of a Treaty, entered into and concluded at the United States' Factory on the M. De Cigue Augt. by and between Richard Graham, Agent of Indian Affairs, authorized on the part of the United States for that purpose, and the Chiefs, Warriors, and Head Men, of the Tribes of Great and Little Osage Indians, for themselves and their respective Tribes, of the other part.

Aug. 31, 1822.
7 Stat., 222.
Proclamation, Feb. 13, 1823.

WHEREAS, by the second article of the Treaty made and entered into between the United States and the Great and Little Osage nation of Indians, concluded and signed at Fort Clark, on the Missouri, on the tenth day of November, one thousand eight hundred and eight, it

The second article of the treaty of Nov. 10, 1804, abrogated; considered.

TREATY WITH THE POTAWATOMI, 1836.

Mar. 26, 1836.
7 Stat. 460.
Proclamation, June
4, 1836.

Articles of a treaty made and concluded at camp in Turkey Creek Prairie, in the State of Indiana, between Abel C. Pepper commissioner of the United States and Mes-quaw-buck, a chief of the Pottawatamy tribe of Indians and his band, on twenty-sixth day of March, in the year eighteen hundred and thirty-six.

Cession of land to
United States.

ART. 1. The above named chief and his band hereby cede to the United States the four sections of land reserved for them by the second article of the treaty between the United States and the Pottawatamy Indians, on Tippecanoe river on the twenty-seventh day of October 1833.

Payment therefor.

ART. 2. In consideration of the cession aforesaid the United States stipulate to pay the above named chief and his band the sum of twenty-five hundred and sixty dollars in specie at the next payment of annuity after the ratification of this treaty.

Expenses of this
treaty to be paid by
United States.

ART. 3. The United States stipulate to provide for the payment of the necessary expenses attending the making and concluding this treaty.

Indians to remove
within two years.

ART. 4. The above named chief and his band agree to yield peaceable possession of the above sections of land and remove to the country west of the Mississippi provided for the Pottawatamy nation by the United States, within two years from this date.

Treaty binding
when ratified.

ART. 5. This treaty shall be binding upon both parties from the date of its ratification by the President and Senate of the United States.

ART. 6. [Stricken out by Senate.]

In testimony whereof, the said A. C. Pepper, commissioner on the part of the United States, and the above named chief and head men for themselves and their band, hereunto subscribed their names, the day and year above written.

A. C. Pepper,
Mes-quaw-buck, his x mark,
Me-s-Sett, his x mark,
Muck Rose, his x mark,

Waw-baw-que-ke-aw, his x mark,
Naush-waw-pi-tant, his x mark,
Che-qua-sau-quah, his x mark.

Witnesses:

C. Carter, secretary,
Edward McCartney, interpreter.

TREATY WITH THE OTTAWA, ETC., 1836.

Mar. 26, 1836.
7 Stat. 491.
Proclamation, May
27, 1836.

Articles of a treaty made and concluded at the city of Washington in the District of Columbia, between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates.

Cession of land to
the United States.

ARTICLE FIRST. The Ottawa and Chippewa nations of Indians cede to the United States all the tract of country within the following boundaries: Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821, thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Sagunaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent,

through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of *Gitchy Seebing*, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line to the head of the *Skonawba* river of Green bay, thence down the south bank of said river to its mouth, thence, in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

ARTICLE SECOND. From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts for the term of five years from the date of the ratification of this treaty, and no longer; unless the United States shall grant them permission to remain on said lands for a longer period, namely: One tract of fifty thousand acres to be located on Little Traverse bay; one tract of twenty thousand acres to be located on the north shore of Grand Traverse bay, one tract of seventy thousand acres to be located on, or, north of the *Pierre Marquette* river, one tract of one thousand acres to be located by Chingassanoo,—or the Big Sail, on the Cheboigan. One tract of one thousand acres, to be located by Mujeekeewis, on Thunder-bay river.

Reservations in
common.

ARTICLE THIRD. There shall also be reserved for the use of the Chippewas living north of the straits of Michilimackinac, the following tracts for the term of five years from the date of the ratification of this treaty, and no longer, unless the United States shall grant them permission to remain on said lands for a longer period, that is to say: Two tracts of three miles square each, on the north shores of the said straits, between *Point-au-Barbe* and *Mills Coquin* river, including the fishing grounds in front of such reservations, to be located by a council of the chiefs. The Beaver islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment for the Indians, to be under the charge of the Indian department. The islands of the *Chenos*, with a part of the adjacent north coast of Lake Huron, corresponding in length, and one mile in depth. Sugar island, with its islets, in the river of St. Mary's. Six hundred and forty acres, at the mission of the Little Rapids. A tract commencing at the mouth of the *Pississowining* river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the Tacquimenon river, and down the same to its mouth, including the small islands and fishing grounds, in front of this reservation. Six hundred and forty acres, on Grand island, and two thousand acres, on the main land south of it. Two sections, on the northern extremity of Green bay, to be located by a council of the chiefs. All the locations, left indefinite by this, and the preceding articles, shall be made by the proper chiefs, under the direction of the President. It is understood that the reservation for a place of fishing and encampment, made under the treaty of St. Mary's of the 16th of June 1820, remains unaffected by this treaty.

Reservations for
Chippewas.

ARTICLE FOURTH. In consideration of the foregoing cessions, the United States engage to pay to the Ottawa and Chippewa nations, the following sums, namely. 1st. An annuity of thirty thousand dollars per annum, in specie, for twenty years; eighteen thousand dollars, to be paid to the Indians between Grand River and the Cheboigan; three thousand six hundred dollars, to the Indians on the Huron shore, between the Cheboigan and Thunder-bay river; and seven thousand four hundred dollars, to the Chippewas north of the straits, as far as the cession extends; the remaining one thousand dollars, to be invested in stock by the Treasury Department and to remain incapable of being

Payments to be
made to the Indians.

sold, without the consent of the President and Senate, which may, however, be given, after the expiration of twenty-one years. 2nd. Five thousand dollars per annum, for the purpose of education, teachers, school-houses, and books in their own language, to be continued twenty years, and as long thereafter as Congress may appropriate for the object. 3rd. Three thousand dollars for missions, subject to the conditions mentioned in the second clause of this article. 4th. Ten thousand dollars for agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper. 5th. Three hundred dollars per annum for vaccine matter, medicines, and the services of physicians, to be continued while the Indians remain on their reservations. 6th. Provisions to the amount of two thousand dollars; six thousand five hundred pounds of tobacco; one hundred barrels of salt, and five hundred fish barrels, annually, for twenty years. 7th. One hundred and fifty thousand dollars, in goods and provisions, on the ratification of this treaty, to be delivered at Michilimackinac, and also the sum of two hundred thousand dollars, in consideration of changing the permanent reservations in article two and three to reservations for five years only, to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians.

Payment of claims
against the Indians.

ARTICLE FIFTH. The sum of three hundred thousand dollars shall be paid to said Indians to enable them, with the aid and assistance of their agent to adjust and pay such debts as they may justly owe, and the overplus, if any, to apply to such other use as they may think proper.

Provision for half-
breeds, etc.

ARTICLE SIXTH. The said Indians being desirous of making provision for their half-breed relatives, and the President having determined, that individual reservations shall not be granted, it is agreed, that in lieu thereof, the sum of one hundred and fifty thousand dollars shall be set apart as a fund for said half-breeds. No person shall be entitled to any part of said fund, unless he is of Indian descent and actually resident within the boundaries described in the first article of this treaty, nor shall any thing be allowed to any such person, who may have received any allowance at any previous Indian treaty. The following principles, shall regulate the distribution. A census shall be taken of all the men, women, and children, coming within this article. As the Indians hold in higher consideration, some of their half-breeds than others, and as there is much difference in their capacity to use and take care of property, and, consequently, in their power to aid their Indian connexions, which furnishes a strong ground for this claim, it is, therefore, agreed, that at the council to be held upon this subject, the commissioner shall call upon the Indian chiefs to designate, if they require it, three classes of these claimants, the first of which, shall receive one-half more than the second, and the second, double the third. Each man woman and child shall be enumerated, and an equal share, in the respective classes, shall be allowed to each. If the father is living with the family, he shall receive the shares of himself, his wife and children. If the father is dead, or separated from the family, and the mother is living with the family, she shall have her own share, and that of the children. If the father and mother are neither living with the family, or if the children are orphans, their share shall be retained till they are twenty-one years of age; provided, that such portions of it as may be necessary may, under the direction of the President, be from time to time applied for their support. All other persons at the age of twenty-one years, shall receive their shares agreeably to the proper class. Out of the said fund of one hundred and fifty thousand dollars, the sum of five thousand dollars shall be reserved to be applied, under the direction of the President, to the support of such of the poor half breeds, as may require

assistance, to be expended in annual instalments for the term of ten years, commencing with the second year. Such of the half-breeds, as may be judged incapable of making a proper use of the money, allowed them by the commissioner, shall receive the same in instalments, as the President may direct.

ARTICLE SEVENTH. In consideration of the cessions above made, and as a further earnest of the disposition felt to do full justice to the Indians, and to further their well being, the United States engage to keep two additional blacksmith-shops, one of which, shall be located on the reservation north of Grand river, and the other at the *Sault Ste. Marie*. A permanent interpreter will be provided at each of these locations. It is stipulated to renew the present dilapidated shop at Michillimackinac, and to maintain a gunsmith, in addition to the present smith's establishment, and to build a dormitory for the Indians visiting the post, and appoint a person to keep it, and supply it with fire-wood. It is also agreed, to support two farmers and assistants, and two mechanics, as the President may designate, to teach and aid the Indians, in agriculture, and in the mechanic arts. The farmers and mechanics, and the dormitory, will be continued for ten years, and as long thereafter, as the President may deem this arrangement useful and necessary; but the benefits of the other stipulations of this article, shall be continued beyond the expiration of the annuities, and it is understood that the whole of this article shall stand in force, and inure to the benefit of the Indians, as long after the expiration of the twenty years as Congress may appropriate for the objects.

Two additional blacksmiths, etc.

ARTICLE EIGHTH. It is agreed, that as soon as the said Indians desire it, a deputation shall be sent to the southwest of the Missouri River, there to select a suitable place for the final settlement of said Indians, which country, so selected and of reasonable extent, the United States will forever guaranty and secure to said Indians. Such improvements as add value to the land, hereby ceded, shall be appraised, and the amount paid to the proper Indian. But such payment shall, in no case, be assigned to, or paid to, a white man. If the church on the Cheboigan, should fall within this cession, the value shall be paid to the band owning it. The net proceeds of the sale of the one hundred and sixty acres of land, upon the Grand River upon which the missionary society have erected their buildings, shall be paid to the said society, in lieu of the value of their said improvements. When the Indians wish it, the United States will remove them, at their expence, provide them a year's subsistence in the country to which they go, and furnish the same articles and equipments to each person as are stipulated to be given to the Pottowatomies in the final treaty of cession concluded at Chicago.

Locations to be sought for: payment for improvements, etc.

ARTICLE NINTH. Whereas the Ottawas and Chippewas, feeling a strong consideration for aid rendered by certain of their half-breeds on Grand river, and other parts of the country ceded, and wishing to testify their gratitude on the present occasion, have assigned such individuals certain locations of land, and united in a strong appeal for the allowance of the same in this treaty; and whereas no such reservations can be permitted in carrying out the special directions of the President on this subject, it is agreed, that, in addition to the general fund set apart for half-breed claims, in the sixth article, the sum of forty-eight thousand one hundred and forty-eight dollars shall be paid for the extinguishment of this class of claims, to be divided in the following manner: To Rix Robinson, in lieu of a section of land, granted to his Indian family, on the Grand river rapids, (estimated by good judges to be worth half a million,) at the rate of thirty-six dollars an acre: To Leonard Slater, in trust for Chiminonoquat, for a section of land above said rapids, at the rate of ten dollars an acre: To John A. Drew, for a tract of one section and three quarters, to his Indian

Payment to half-breeds in lieu of reservations.

family, at Cheboigan rapids, at the rate of four dollars; to Edward Biddle, for one section to his Indian family at the fishing grounds, at the rate of three dollars: To John Holiday, for five sections of land to five persons of his Indian family, at the rate of one dollar and twenty-five cents; to Eliza Cook, Sophia Biddle, and Mary Holiday, one section of land each, at two dollars and fifty cents: To Augustin Hamelin junr, being of Indian descent, two sections, at one dollar and twenty-five cents; to William Lasley, Joseph Dally, Joseph Trotier, Henry A. Levake, for two sections each; for their Indian families, at one dollar and twenty-five cents: To Luther Rice, Joseph Lafrombois, Charles Butterfield, being of Indian descent, and to George Moran, Louis Moran, G. D. Williams, for half-breed children under their care, and to Daniel Marsac, for his Indian child, one section each, at one dollar and twenty-five cents.

Payment to chiefs.

ARTICLE TENTH. The sum of thirty thousand dollars shall be paid to the chiefs, on the ratification of this treaty, to be divided agreeably to a schedule hereunto annexed.

Annuities to two aged chiefs.

ARTICLE ELEVENTH. The Ottawas having consideration for one of their aged chiefs, who is reduced to poverty, and it being known that he was a firm friend of the American Government, in that quarter, during the late war, and suffered much in consequence of his sentiments, it is agreed, that an annuity of one hundred dollars per annum shall be paid to Ningweegon or the Wing, during his natural life, in money or goods, as he may choose. Another of the chiefs of said nation, who attended the treaty of Greenville in 1793, and is now, at a very advanced age, reduced to extreme want, together with his wife, and the Government being apprized that he has pleaded a promise of Gen. Wayne, in his behalf, it is agreed that Chusoc of Michillimackinac shall receive an annuity of fifty dollars per annum during his natural life.

Expenses of this treaty to be paid by United States.

ARTICLE TWELFTH. All expenses attending the journeys of the Indians from, and to their homes, and their visit at the seat of Government, together with the expenses of the treaty, including a proper quantity of clothing to be given them, will be paid by the United States.

Right of hunting on lands ceded.

ARTICLE THIRTEENTH. The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.

In testimony whereof, the said Henry R. Schoolcraft, commissioner on the part of the United States, and the chiefs and delegates of the Ottawa and Chippewa nation of Indians, have hereunto set their hands, at Washington the seat of Government, this twenty-eighth day of March, in the year one thousand eight hundred and thirty-six.

Henry R. Schoolcraft.

John Hulbert, secretary.

Oroun Alehkum, of Maskigo, his x mark,

Wassangase, of Maskigo, his x mark,

Oowya, of Maskigo, his x mark,

Wabi Windago, of Grand river, his x

mark,

Megies Ininee, of Grand river, his x

mark,

Nabun Ageeshig, of Grand river, his x

mark,

Winnimissagee, of Grand river, his x

mark,

Makutaysee, of Grand river, his x mark,

Wanaw Bequum, of Grand river, his x

mark,

Ainoo, of Michillimackinac, his x mark,

Oshawaywa, of Michillimackinac, his x

mark,

Jawha Wadiek, of Sault Ste. Marie, his x

mark,

Waub Oreeg, of Sault Ste. Marie, his x

mark,

Kawgayosh, of Sault Ste. Marie, by Maid-

ysage, his x mark,

Apawkozisgun, of L'Arbre Croche, his x

mark,

Keminitchagun, of L'Arbre Croche, his x

mark,

Tawagenee, of L'Arbre Croche, his x

mark,

Kinoshamaig, of L'Arbre Croche, his x

mark,

Naganigobowa, of L'Arbre Croche, his x

mark,

Onaisino, of L'Arbre Croche, his x mark,

Mukuday Bensaie, of L'Arbre Croche, his

x mark,

Chingassamo, of L'Arbre Croche, his x

mark,

Aishquagonabee, of Grand Traverse, his

x mark,

Akosa, of Grand Traverse, his x mark,

Oshawun Epenaysee, of Grand Travers,

his x mark.

Lucius Lyon,
R. P. Parrott, captain, U. S. Army,
W. P. Zantsinger, purser, U. S. Navy,
Josiah F. Polk,
John Holdday,
John A. Drew,
Rix Robinson,

Leonard Slater,
Louis Moran,
Augustin Hamelin, jr.,
Henry A. Lenake,
William Lasley,
George W. Woodward,
C. O. Ernatinger.

Schedule referred to, in the tenth article.

1. The following chiefs constitute the first class, and are entitled to receive five hundred dollars each, namely: On Grand river, Mucoutay Osha, Namatippy, Nawequa Geezhig or Noon Day, Nabun Egeezhig son of Kewayguabowequa, Wabi Windego or the White Giant, Cawpemoosay or the Walker, Mukutay Oquot or Black Cloud, Megis Ininee or Wampum-man, Winnimissagee: on the Maskigo, Osawya, and Owun Aishcum; at L'Arbre Croche, Apawkozign, or Smoking Weed, Nisowakeout, Keminechawgun; at Grand Travers, Aishquagonabee, or the Feather of Honor, Chabwosun, Mikenok: on the Cheboigan, Chingasamo, or the Big Sail; at Thunder-bay, Mjjeskiwiss; on the Manistie North, Mukons Ewyau; at Oak Point on the straits, Ains: at the Chonos, Chabowaywa; at Sault Ste. Marie, Iawba Wadick and Kewayzi Shawano; at Tacjuimenon, Kawgayosh; at Grand Island, Oshawun Epenaysee, or the South Bird. Chiefs entitled to \$500 each.
2. The following chiefs constitute the second class, and are entitled to receive two hundred dollars each, namely: On Grand river, Keeshawash, Nugogikaybee, Kewaytowaby, Wapooos or the Rabbit, Wabitouguaysay, Kewatondo, Zhaquinaw, Nawiqua Geezhig of Flat river, Kenaytinunk, Weenonga, Pabawboco, Windecowiss, Mucoutay Penay or Black Patridge, Kaynotin Aishcum, Boynashing, Shagwabeno son of White Giant, Tushetowun, Keway Gooshcum the former head chief, Pamosseaga; at L'Arbre Croche, Sagitondowa, Ogiman Wininee, Megisawba, Mukuday Benais; at the Cross, Nishcajinee, Nawamushoota, Pahamitabi, Kimmewun, Gitchy Mocoman; at Grand Traverse, Akosa, Nebauquaum, Kabibonocca; at Little Traverse, Miscomamaingwa or Red Butterfly, Keezhigo Benais, Pamanikinong, Paimossega; on the Cheboigan, Chonees, or Little John, Shaweenossegay; on Thunder bay, Suganikwato; on Maskigo, Wassangazo; on Owigomico or Platte river, Kalgwaldoseay; at Manistee, Keway Gooshcum: on river Pierre Markette, Saugima; at Saulte Ste. Marie, Neegaubayun, Mukudaywacquot, Cheegud; at Carp river west of Grand island, Kaug Wynais: at Mille Cocquin on the straits, Aubunway; at Michilimackinac, Missutigo, Saganosh, Akkukogesh, Chebyawboas. Chiefs entitled to \$200 each.
3. The following persons constitute the third class, and are entitled to one hundred dollars each, namely: Kayshewa, Penasee or Gun lake, Kenisoway, Keenabie of Grand river: Wasso, Moeaniko, Unwatin Oashcum, Nayogirna, Itawachkochi, Nanaw Ogomoo, Gitchy, Peendowan or Scabbard, Mukons, Kinochimaig, Tekamosimo, Pewaywitum, Mudji Keguabi, Kewayaum, Paushkizigun or Big Gun, Onausino, Ashquabaywisa, Negaunigubowi, Petossegay, of L'Arbre Croche: Poices or Dwarf and Pamosay of Cheboigan: Gitchy Ganocquot and Pamossegay of Thunder Bay: Tabushy Geeshic: and Mikenok, of Carp river south of Grand Traverse; Wapooos, Kaubinau, and Mudjeeke of river Pierre Markette: Pubokway, Manitowaba, and Misbewatig, of White river: Shawun Epenaysee and Agauages of Grand Traverse: Micqumisut, Chusco of Mackinac; Keshkidjiwum, Waub Ojeeg, Aukudo, Winikis, Jaubeens, Maidoseege, Antya, Ishquagunaby, Shaniwaygunabi son of Kakaker, Nittum Egabowi, Magianikway, Ketekewegauboway, of Sault Ste. Marie: Chegauzhe and Waubudo of Grand Island: Ashegons, Kinuwals, Misquonaby and Chiefs entitled to \$100 each.

Mongons of Carp and Chocolate rivers; Gitchy Penaisson of Grosse Tete, and Wauhiasaig of Bay de Nocquet: Kainwaybekis and Pazhik-waywitum of Beaver islands: Neezhick Epenais of the Ance: Ahdanima of Manistic: Mukwyon, Wabzahkoon, Oshawun, Oneshannocquot of the north shore of Lake Michigan: Nagauniby and Keway Gooshkum of the Chenos.

Henry R. Schoolcraft,
Commissioner.

SUPPLEMENTAL ARTICLE.

How certain provisions in preceding articles are to be construed.

To guard against misconstruction in some of the foregoing provisions, and to secure, by further limitations, the just rights of the Indians, it is hereby agreed: that no claims under the fifth article shall be allowed for any debts contracted previous to the late war with Great Britain, or for goods supplied by foreigners to said Indians, or by citizens, who did not withdraw from the country, during its temporary occupancy by foreign troops, for any trade carried on by such persons during the said period. And it is also agreed: that no person receiving any commutation for a reservation, or any portion of the fund provided by the sixth article of this treaty, shall be entitled to the benefit of any part of the annuities herein stipulated. Nor shall any of the half-breeds, or blood relatives of the said tribes, commuted with, under the provisions of the ninth article, have any further claim on the general commutation fund, set apart to satisfy reservation claims, in the said sixth article. It is also understood, that the personal annuities, stipulated in the eleventh article, shall be paid in specie, in the same manner that other annuities are paid. Any excess of the funds set apart in the fifth and sixth articles, shall, in lieu of being paid to the Indians, be retained and vested by the Government in stock under the conditions mentioned in the fourth article of this treaty.

In testimony whereof, the parties above recited, have hereunto set their hands, at Washington the seat of Government, this thirty-first day of March, in the year one thousand eight hundred and thirty-six.

Henry R. Schoolcraft.

John Hulbert, Secretary.

Owun Aalehkum, of Maskigo, his x mark,
Wassangao, of Maskigo, his x mark,
Oawya, of Maskigo, his x mark,
Wab' Widego, of Grand river, his x mark,
Megie Innee, of Grand river, his x mark,
Nabun Ageeshig, of Grand river, his x mark,
Aime, of Michillimackinac, his x mark,
Chabowaywa, of Michillimackinac, his x mark,
Jamba Wadic, of Sault Ste. Marie, his x mark,
Waub Ogeeg, of Sault Ste. Marie, his x mark,
Kawgoyoh, of Sault Ste. Marie, by
Maldouge, his x mark,

Robert Stewart,
Wm. Mitchell,
John A. Drew,

Apawtosigun, of L'Arbre Croche, his x mark,
Keminitchagun, of L'Arbre Croche, his x mark,
Tawagoo, of L'Arbre Croche, his x mark,
Kincobemaig, of L'Arbre Croche, his x mark,
Naganigabawi, of L'Arbre Croche, his x mark,
Oniasino, of L'Arbre Croche, his x mark,
Mukaday Benais, of L'Arbre Croche, his x mark,
Chingamamoo, of Ct. boigan, his x mark,
Aahquagoosabee, of Grand Traverse, his x mark,
Akoon, of Grand Traverse, his x mark,
Oshawun Epenaysee, of Grand Traverse, his x mark.

Augustin Hamelin, jr.
Rix Robinson,
C. O. Ermatinger.

liquor into said reservation, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

ARTICLE 10. The United States further agree to guaranty the exclusive use of the reservation provided for in this treaty, as against any claims which may be urged by the Hudson Bay Company under the provisions of the treaty between the United States and Great Britain of the fifteenth of June, eighteen hundred and forty-six, in consequence of the occupation of a trading-post on the Pru-in River by the servants of that company.

Guaranty of reservation against certain claims of Hudson Bay Company.

ARTICLE 11. It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general reservation provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo Fork, shall be opened to settlement until such examination is had and the decision of the President made known.

Bitter Root Valley to be surveyed, and portions may be set apart for reservation.

ARTICLE 12. This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Meanwhile not to be opened for settlement.

In testimony whereof, the said Isaac I. Stevens, governor and superintendent of Indian affairs for the Territory of Washington, and the undersigned head chiefs, chiefs and principal men of the Flathead, Kootenays, and Upper Pend d'Oreilles tribes of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

When treaty to take effect.

Isaac I. Stevens, [L. S.]
Governor and Superintendent Indian Affairs W. T.

Victor, head chief of the Flathead Nation, his x mark. [L. S.]	Big Canoe, his x mark. [L. S.]
Alexander, chief of the Upper Pend d'Oreilles, his x mark. [L. S.]	Kootel Chah, his x mark. [L. S.]
Michelle, chief of the Kootenays, his x mark. [L. S.]	Paul, his x mark. [L. S.]
Ambrose, his x mark. [L. S.]	Andrew, his x mark. [L. S.]
Pah-oh, his x mark. [L. S.]	Michelle, his x mark. [L. S.]
Bear Track, his x mark. [L. S.]	Battiste, his x mark. [L. S.]
Adolphe, his x mark. [L. S.]	Kootenays.
Thunder, his x mark. [L. S.]	Gun Flint, his x mark. [L. S.]
	Little Michelle, his x mark. [L. S.]
	Paul See, his x mark. [L. S.]
	Moses, his x mark. [L. S.]

James Doty, secretary.
R. H. Lansdale, Indian Agent.
W. H. Tappan, sub Indian Agent.

Henry R. Crosire,
Gustavus Sohon, Flathead Interpreter.
A. J. Hoecken, sp. mis.
William Craig.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1835.

Articles of agreement and convention made and concluded at the city of Detroit, in the State of Michigan, this the thirty-first day of July, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March 23, 1836.

July 31, 1855.
11 Stat., 621.
Ratified April 12, 1856.
Proclaimed Sept. 10, 1856.

In view of the existing condition of the Ottawas and Chippewas, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as follows:

ARTICLE 1. The United States will withdraw from sale for the benefit of said Indians as hereinafter provided, all the unsold public lands

Certain lands in Michigan to be withdrawn from sale.

within the State of Michigan embraced in the following descriptions, to wit:

For use of the six bands at and near Sault Ste. Marie.

First. For the use of the six bands residing at and near Sault Ste. Marie, sections 13, 14, 23, 24, 25, 26, 27, and 28, in township 47 north, range 5 west; sections 18, 19, and 30, in township 47 north, range 4 west; sections 11, 12, 13, 14, 15, 22, 23, 25, and 26, in township 47 north, range 3 west, and section 29 in township 47 north, range 2 west; sections 2, 3, 4, 11, 14, and 15 in township 47 north, range 2 east, and section 34 in township 48 north, range 2 east; sections 6, 7, 18, 19, 20, 28, 29, and 33 in township 45 north, range 2 east; sections 1, 12, and 13, in township 45 north, range 1 east, and section 4 in township 44 north, range 2 east.

For the use of the bands north of the Straits of Mackinac.

Second. For the use of the bands who wish to reside north of the Straits of Mackinac townships 49 north, ranges 1 and 2 west; township 48 north, range 1 west, and township 44 north, range 12 west.

For the Beaver Island band.

Third. For the Beaver Island Band—High Island, and Garden Island, in Lake Michigan, being fractional townships 38 and 39 north, range 11 west—40 north, range 10 west, and in part 39 north, range 9 and 10 west.

For certain other bands.

Fourth. For the Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 to 39, inclusive, north, range 5 west—townships 34 to 38, inclusive, north, range 6 west—townships 34, 36, and 37 north, range 7 west, and all that part of township 34 north, range 8 west, lying north of Pine River.

For bands who are usually paid at Grand Traverse Township.

Fifth. For the bands who usually assemble for payment at Grand Traverse, townships 29, 30, and 31 north, range 11 west, and townships 29, 30, and 31 north, range 12 west, and the east half of township 29 north, range 9 west.

For the Grand River band.

Sixth. For the Grand River bands, township 12 north, range 15 west, and townships 15, 16, 17 and 18 north, range 16 west.

For the Cheboygan band.

Seventh. For the Cheboygan band, townships 35 and 36 north, range 3 west.

For the Thunder Bay band.

Eighth. For the Thunder Bay band, section 25 and 36 in township 30 north, range 7 east, and section 29 in township 30 north, range 8 east.

Purchase for bands who wish to locate near the missionary lands at Iroquois Point.

Should either of the bands residing near Sault Ste. Marie determine to locate near the lands owned by the missionary society of the Methodist Episcopal Church at Iroquois Point, in addition to those who now reside there, it is agreed that the United States will purchase as much of said lands for the use of the Indians as the society may be willing to sell at the usual Government price.

Grant of lands to each Indian.

The United States will give to each Ottawa and Chippewa Indian being the head of a family, 80 acres of land, and to each single person over twenty-one years of age, 40 acres of land, and to each family of orphan children under twenty-one years of age containing two or more persons, 80 acres of land; and to each single orphan child under twenty-one years of age, 40 acres of land to be selected and located within the several tracts of land hereinbefore described, under the following rules and regulations:

Selection, how made.

Each Indian entitled to land under this article may make his own selection of any land within the tract reserved herein for the band to which he may belong—*Provided*, That in case of two or more Indians claiming the same lot or tract of land, the matter shall be referred to the Indian agent, who shall examine the case and decide between the parties.

List of those entitled to be prepared.

For the purpose of determining who may be entitled to land under the provisions of this article, lists shall be prepared by the Indian agent, which lists shall contain the names of all persons entitled, designating them in four classes. Class 1st, shall contain the names of heads of families; class 2d, the names of single persons over twenty-one years of age; class 3d, the names of orphan children under twenty-

one year of age, comprising families of two or more persons, and class 4th, the names of single orphan children under twenty-one years of age, and no person shall be entered in more than one class. Such lists shall be made and closed by the first day of July, 1856, and thereafter no applications for the benefits of this article will be allowed.

At any time within five years after the completion of the lists, selections of lands may be made by the persons entitled thereto, and a notice thereof, with a description of the land selected, filed in the office of the Indian agent in Detroit, to be by him transmitted to the Office of Indian Affairs at Washington City.

Selections may be made within five years.

All sections of land under this article must be made according to the usual subdivisions; and fractional lots, if containing less than 60 acres, may be regarded as forty-acre lots, if over sixty and less than one hundred and twenty acres, as eighty-acre lots. Selections for orphan children may be made by themselves or their friends, subject to the approval of the agent.

To be according to usual subdivisions.

After selections are made, as herein provided, the persons entitled to the land may take immediate possession thereof, and the United States will thenceforth and until the issuing of patents as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued, in a suitable form, guaranteeing and securing to the holders their possession and an ultimate title to the land. But such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein.

Possession may be taken at once.

After the expiration of ten years, such restriction on the power of sale shall be withdrawn, and a patent shall be issued in the usual form to each original holder of a certificate for the land described therein, *Provided* That such restriction shall cease only upon the actual issuing of the patent; *And provided further* That the President may in his discretion at any time in individual cases on the recommendation of the Indian agent when it shall appear prudent and for the welfare of any holder of a certificate, direct a patent to be issued. *And provided also*, That after the expiration of ten years, if individual cases shall be reported to the President by the Indian agent, of persons who may then be incapable of managing their own affairs from any reason whatever, he may direct the patents in such cases to be withheld, and the restrictions provided by the certificate, continued so long as he may deem necessary and proper.

Sale within ten years forbidden.

After ten years a patent shall issue and restrictions on sales cease.

Should any of the heads of families die before the issuing of the certificates or patents herein provided for, the same shall issue to the heirs of such deceased persons.

Provision for case of death.

The benefits of this article will be extended only to those Indians who are at this time actual residents of the State of Michigan, and entitled to participate in the annuities provided by the treaty of March 28, 1836; but this provision shall not be construed to exclude any Indian now belonging to the Garden River band of Sault Ste. Marie.

To whom this treaty shall extend.

All the land embraced within the tracts hereinbefore described, that shall not have been appropriated or selected within five years shall remain the property of the United States, and the same shall thereafter, for the further term of five years, be subject to entry in the usual manner and at the same rate per acre, as other adjacent public lands are then held, by Indians only; and all lands, so purchased by Indians, shall be sold without restriction, and certificates and patents shall be issued for the same in the usual form as in ordinary cases; and all lands remaining unappropriated by or unsold to the Indians after the expiration of the last-mentioned term, may be sold or disposed of by the United States as in the case of all other public lands.

After five years the remaining lands may be entered in the usual manner by Indians for five years, and then by anyone.

Nothing contained herein shall be so construed as to prevent the appropriation, by sale, gift, or otherwise, by the United States, of any tract or tracts of land within the aforesaid reservations for the location of churches, school-houses, or for other educational purposes, and

Grants for churches, schools, etc., may be made.

Indians may sell
with President's con-
sent.

for such purposes purchases of land may likewise be made from the Indians, the consent of the President of the United States, having, in every instance, first been obtained therefor.

It is also agreed that any lands within the aforesaid tracts now occupied by actual settlers, or by persons entitled to pre-emption thereon, shall be exempt from the provisions of this article; provided, that such pre-emption claims shall be proved, as prescribed by law, before the 1st day of October next.

Any Indian who may have heretofore purchased land for actual settlement, under the act of Congress known as the Graduation Act, may sell and dispose of the same; and, in such case, no actual occupancy or residence by such Indians on lands so purchased shall be necessary to enable him to secure a title thereto.

In consideration of the benefits derived to the Indians on Grand Traverse Bay by the school and mission established in 1838, and still continued by the Board of Foreign Missions of the Presbyterian Church, it is agreed that the title to three separate pieces of land, being parts of tracts Nos. 3 and 4, of the west fractional half of section 85, township 30 north, range 10 west, on which are the mission and school buildings and improvements, not exceeding in all sixty-three acres, one hundred and twenty-four perches, shall be vested in the said board on payment of \$1.25 per acre; and the President of the United States shall issue a patent for the same to such person as the said board shall appoint.

The United States will also pay the further sum of forty thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Ottawa and Chippewa Indians; provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justness of the claims, as he shall deem suitable and proper; and no claim shall be paid except upon the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary within six months from the ratification of the treaty, or whose claims, having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; and provided, also, that no portion of the money due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided, that the balance of the amount herein allowed, as a just increase of the amount due for the cessions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Chippewas or expended for their benefit, in such manner as the Secretary shall prescribe, in aid of any of the objects specified in the second article of this treaty.

Payments to said In-
dians.

ARTICLE 9. The United States will also pay to the said Indians the sum of five hundred and thirty-eight thousand and four hundred dollars, in manner following, to wit:

Eighty thousand
dollars in ten equal
annual instalments.

First. Eighty thousand dollars for educational purposes to be paid in ten equal annual instalments of eight thousand dollars each, which sum shall be expended under the direction of the President of the United States; and in the expenditure of the same, and the appointment of teachers and management of schools, the Indians shall be consulted, and their views and wishes adopted so far as they may be just and reasonable.

Seventy-five thou-
sand dollars in five
equal annual install-
ments.

Second. Seventy-five thousand dollars to be paid in five equal annual instalments of fifteen thousand dollars each in agricultural implements and carpenters' tools, household furniture and building materials, cat-

tle, labor, and all such articles as may be necessary and useful for them in removing to the homes herein provided and getting permanently settled thereon.

Third. Forty-two thousand and four hundred dollars for the support of four blacksmith-shops for ten years.

Forty-two thousand four hundred dollars for blacksmith shops.

Fourth. The sum of three hundred and six thousand dollars in coin, as follows: ten thousand dollars of the principal, and the interest on the whole of said last-mentioned sum remaining unpaid at the rate of five per cent. annually for ten years, to be distributed *per capita* in the usual manner for paying annuities. And the sum of two hundred and six thousand dollars remaining unpaid at the expiration of ten years, shall be then due and payable, and if the Indians then require the payment of said sum in coin the same shall be distributed *per capita* in the same manner as annuities are paid, and in not less than four equal annual instalments.

Three hundred and six thousand dollars to be paid per capita."

Fifth. The sum of thirty-five thousand dollars in ten annual instalments of three thousand and five hundred dollars each, to be paid only to the Grand River Ottawas, which is in lieu of all permanent annuities to which they may be entitled by former treaty stipulations, and which sum shall be distributed in the usual manner *per capita*.

Thirty-five thousand dollars in ten annual instalments.

ARTICLE 3. The Ottawa and Chippewa Indians hereby release and discharge the United States from all liability on account of former treaty stipulations, it being distinctly understood and agreed that the grants and payments hereinbefore provided for are in lieu and satisfaction of all claims, legal and equitable on the part of said Indians jointly and severally against the United States, for land, money or other thing guaranteed to said tribes or either of them by the stipulations of any former treaty or treaties; excepting, however, the right of fishing and encampment secured to the Chippewas of Sault Ste. Marie by the treaty of June 16, 1820.

Liabilities under former treaties released.

ARTICLE 4. The interpreters at Sault Ste. Marie, Mackinac, and for the Grand River Indians, shall be continued, and another provided at Grand Traverse, for the term of five years, and as much longer as the President may deem necessary.

Interpreters.

ARTICLE 5. The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.

Tribal organization dissolved in most respects.

Future treaties; how made.

ARTICLE 6. This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

Treaty when to be binding

In testimony whereof the said George W. Manypenny and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Ottawas and Chippewas, have hereto set their hands and seals, at the city of Detroit the day and year first above written.

Geo. W. Manypenny, [L. S.]
Henry C. Gilbert, [L. S.]

Commissioners on the part of the United States.

J. Logan Chipman,
Rich'd M. Smith,
Secretaries.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1855.

Sault Ste. Marie Bands:		Naw-te-naish-cum, headman, his x mark.	(L. a.)
O-shaw-waw-no-ke-wain-se, chief, his x mark.	(L. a.)	Grand Traverse Bands:	
Waw-bo-jieg, chief, his x mark.	(L. a.)	Aish-quay-go-nay-be, chief, his x mark.	(L. a.)
Kay-bay-no-din, chief, his x mark.	(L. a.)	Ah-ko-say, chief, his x mark.	(L. a.)
O-maw-no-maw-be, chief, his x mark.	(L. a.)	Kay-quay-to-ey, chief, his x mark.	(L. a.)
Shaw-wan, chief, his x mark.	(L. a.)	O-naw-maw-nince, chief, his x mark.	(L. a.)
Pi-aw-be-daw-sung, chief, his x mark.	(L. a.)	Shaw-braw-sung, chief, his x mark.	(L. a.)
Waw-we-gun, headman, his x mark.	(L. a.)	Louis Mich-saw-bay, headman, his x mark.	(L. a.)
Pa-ne-gwon, headman, his x mark.	(L. a.)	May-dway-aw-abe, headman, his x mark.	(L. a.)
Bwan, headman, his x mark.	(L. a.)	Me-tay-o-meig, chief, his x mark.	(L. a.)
Taw-meece, headman, his x mark.	(L. a.)	Me-naw-quot, headman, his x mark.	(L. a.)
Naw-o-ge-zhick, headman, his x mark.	(L. a.)	Little Traverse Bands:	
Saw-gaw-glew, headman, his x mark.	(L. a.)	Waw-oo, chief, his x mark.	(L. a.)
Grand River Bands:		Mwaw-to-we-naw, chief, his x mark.	(L. a.)
Ne-baw-nay-ge-zhick, chief, his x mark.	(L. a.)	Pe-taw-ee-gay, headman, his x mark.	(L. a.)
Shaw-gwaw-baw-mo, chief, his x mark.	(L. a.)	Ke-ne-me-chaw-gun, chief, his x mark.	(L. a.)
Aish-ke-baw-gosh, 3d chief, his x mark.	(L. a.)	May-tray-on-daw-gaw-abe, headman, his x mark.	(L. a.)
Nay-waw-goo, chief, his x mark.	(L. a.)	Me-ge-ee-moog, headman, his x mark.	(L. a.)
Ne-be-ne-esh, chief, his x mark.	(L. a.)	Pi-a-zhick-way-we-dong, headman, his x mark.	(L. a.)
Waw-be-gay-take, chief, his x mark.	(L. a.)	Key-way-ken-do, headman, his x mark.	(L. a.)
Ke-ne-we-ge-zhick, chief, his x mark.	(L. a.)	Mackinac Bands:	
Men-daw-waw-be, chief, his x mark.	(L. a.)	O-saw-waw-ne-me-ke, chief, his x mark.	(L. a.)
Maish-ke-aw-abe, chief, his x mark.	(L. a.)	Ke-no-zhay, headman, his x mark.	(L. a.)
Pay-shaw-ee-gay, chief, his x mark.	(L. a.)	Peter Hance, headman, his x mark.	(L. a.)
Pay-baw-me, headman, his x mark.	(L. a.)	Shaw-be-co-ehing, chief, his x mark.	(L. a.)
Pe-go, chief, his x mark.	(L. a.)	Shaw-bway-way, chief, his x mark.	(L. a.)
Ching-gwooh, chief, his x mark.	(L. a.)	Pe-ene, headman, his x mark.	(L. a.)
Shaw-be-quo-ung, chief, his x mark.	(L. a.)	Saw-gaw-naw-quaw-do, headman, his x mark.	(L. a.)
Andrew J. Blackbird, headman, his x mark.	(L. a.)	Nay-o-ge-maw, chief, (Little Traverse,) his x mark.	(L. a.)
Ke-ete-swaw-bay, headman, his x mark.	(L. a.)		

Executed in the presence of—

Jno. M. D. Johnston,
John F. Godfroy,
Gbt. Johnston,
Aug. Hamlin,
Interpreters.

L. Campen,
Joseph F. Mursul,
G. D. Williams,
P. B. Barbeau,
A. M. Fitch,
W. H. Godfroy.

We, the undersigned chiefs and headmen of the Chippewa Indians living near Sault Ste. Marie, Mich., having had the amendments adopted by the Senate of the United States to the treaty concluded at Detroit on the 31st day of July, 1855, fully explained to us and being satisfied therewith, do hereby assent to and ratify the same.

In witness whereof we have hereunto set our hands this 27th day of June, A. D. 1856.

Pi-aw-be-daw-sung, his x mark.
Te-gose, his x mark.
Saw-gaw-jow, his x mark.
Shaw-ano, his x mark.
Waw-bo-jick, his x mark.
Ray-bay-no-din, his x mark.
Shaw-wan, his x mark.

O-me-no-mee-ne, his x mark.
Pay-ne-gown, his x mark.
Waw-we-gown, his x mark.
Ma-ne-do-ecung, his x mark.
Naw-we-ge-zhick, his x mark.
Yaw-mence, his x mark.
Bawn, his x mark.

TREATY WITH THE OTTAWA AND CHIPPEWA, 1855.

781

Signed in presence of—

Ebenr Warner,
Jno. M. Johnston, United States Indian Interpreter.
Placidus Ord.

We, the undersigned chiefs and headmen of the Ottawa and Chippewa nation, having heard the foregoing amendments read and explained to us by our agent, do hereby assent to and ratify the same.

In witness whereof we have hereto affixed our signatures this 2d day of July, A. D. 1856, at Little Traverse, Mich.

Waw-so, his x mark.
Mwaw-ke-we-naw, his x mark.
Ne-saw-wz-w-quot, his x mark.
Aw-se-go, his x mark.
Ke-she-go-ne, his x mark.
Kain-waw-be-kis-se, his x mark.
Pe-aine, his x mark.

Pe-taw-se-gay, his x mark.
Ke-ne-me-chaw-gun, his x mark.
May-tway-on-day-gaw-abe, his x mark.
Me-go-se-mong, his x mark.
Key-way-ken-do, his x mark.
Nay-o-go-maw, his x mark.

In the presence of—

Henry C. Gilbert, Indian Agent,
Aug. Hamlin, Interpreter,
John F. Godfroy, Interpreter,
G. T. Wendell,
A. J. Blackbird.

We, the chiefs and headmen of the Ottawa and Chippewa Indians residing near Grand Traverse Bay, having heard the foregoing amendments adopted by the Senate of the United States to the treaty of July 31, 1855, read, and the same having been fully explained to us by our agent, do hereby assent to and ratify the same.

Done at Northport on Grand Traverse Bay, Mich., this 5th day of July, A. D. 1856.

Aish-quay-go-nay-be, his x mark.
Ah-ko-say, his x mark.
O-naw-mo-neece, his x mark.
Kay-qua-to-say, his x mark.
Peter-waw-ka-zoo, his x mark.
Shaw-bwaw-sung, his x mark.
Louis-mick-saw-bay, his x mark.

In presence of—

H. C. Gilbert, Indian agent,
J. F. Godfroy, interpreter,
Geo. N. Smith,
Peter Dougherty,
Normon Barnes.

We, the undersigned, chiefs and headmen of the Grand River bands of the Ottawa and Chippewa Indians of Michigan having heard the amendments of the Senate to the treaty of the 31st of July, 1855, read, and the same having been fully explained to us, do hereby assent to and ratify the same.

Done at Grand Rapids in the State of Michigan this 31st day of July, A. D. 1856.

Caw-be-mo-say, his x mark.
Shaw-gwaw-baw-no, his x mark.
Aish-ke-baw-gorb, his x mark.
Waw-be-gay-kake, his x mark.
Ne-be-ne-ech, his x mark.
Ching-gwooh, his x mark.
Mash-caw, his x mark.

Gaw-ga-gaw-bwa, his x mark.
Note-eno-kay, his x mark.
Ne-baw-nay-ge-zhick, his x mark.
Pay-baw-me, his x mark.
Shaw-be-quo-ung, his x mark.
Men-daw-waw-be, his x mark.

In presence of—

John F. Godfroy, United States Interpreter.
Wm. Coburn,
F. N. Goutry.

Appendix B

LRMS-1131

Kahbayomaw et al. to Richard M. Smith. August 24, 1865. United States, Bureau of Indian Affairs. RG 75. Letters Received By the Michigan Superintendency and Mackinac Agency, 1849-1869. Entry 1131. National Archives: Washington, D.C.

NAM M234

Nebawnagezhick et al. to Whom It May Concern. June 1865. National Archives and Records Service, Correspondence of the Office of Indian Affairs (Central Office) and Related Records, Letters Received 1824-1881. Record Group 75 (Washington D.C.: National Archives Microfilms), reel 407, frames 1037-1040.

Henry Jackson to Ely Parker. September 23, 1870. National Archives and Records Service, Correspondence of the Office of Indian Affairs (Central Office) and Related Records, Letters Received 1824-1881. Record Group 75 (Washington D.C.: National Archives Microfilms), reel 409, frames 24-26.

John Smith to General E. L. Parker. Received November 26, 1869. National Archives and Records Service, Correspondence of the Office of Indian Affairs (Central Office) and Related Records, Letters Received 1824-1881. Record Group 75 (Washington D.C.: National Archives Microfilms), reel 408, frames 997-999.

United States, Department of Interior. Report on Indians Taxed and Indians Not Taxed in the United States at the Eleventh Census, 1890. Washington D.C., Government Printing Office, 1894, pp.330-335.

Muskegon #46
John Smith,
Indian Run, Mich.

Ask information in
regards to obtaining
specimens for collection
of 150 Indian skins
from Michigan and
Michigan Territory

Answered Nov 27/69



205

Ind. Reservation.
Ind. Terr. P.O.
Mason Co. Mich.

Gen. C. L. Parker,
Com. of Indian Affairs, Secy.
Sir,

I am requested
by two war widows residing in Riverton
(Christian Reservation) Mason Co. State of Michigan
to write to you for information and
instructions how to proceed or do, to
urge and secure their claims for
"Pensions." Whether the Government is
paying any pension to war widows
whose husbands died ^{whilst} in the service
of the United States. - The claims of
these two widows have too long been
neglected, and they are poor.

The husbands of these widows
enlisted in the first Regiment of Mich.
Sharpshooters, Company H, about the

Months of July and Aug. 1868 and
 one of the men whose name is
 Joseph Now-gua-quot. died at Chicago,
 and Thomas Mux-dumaw-ba died at
 Detroit. They ask you to
 do them the kindness to give
 them all the necessary information
 and instruction what to do in de-
 -cussing their claims, and to whom
 - should they present their claims
 for Bounty ^{in Michigan} &c.

Be kindly pleased to write
 at your earliest convenience
 and give all the necessary instructions
 so greatly needed.

Yours very
 Respectfully
 John Smith

Address - Indian Town P.O. /
 Mason Co. /
 Michigan /

These widows requesting for information
are Indian Women of the Ottawa Tribe,
and their names are Oshahoyagohi
and Oodishpaw.

St. Louis
 Sunday

Respected Friends

The undersigned
 feeling an irresistible desire to
 address you would most humbly
 and earnestly beg leave to present
 to your ear words and wishes
 We have seriously considered
 your present and future conditions
 and after a careful and deliberate
 deliberation we see that our condition
 and prospects in the future are dark,
 sad and gloomy. The few things
 which could enlighten, elevate and
 ameliorate our deplorable condition
 We see, with profound regret
 that owing all the means, plans,
 agencies, and instrumentalities employed
 to enlighten, to elevate, and to civilize
 people, one of the most essential and
 gigantic elements to improve the con-
 dition of our people have been discontinued,
 withdrawn and abused by your preaching
 against the wishes of our people, namely,
Education

More of all the nations and people
in the world need education than
than we do!

Unless we have education
we never can hope nor expect
ourselves to become rightly and truly
civilized - but shall still
be savages, both by name and
appearance, amidst the light
place of civilization!

Unless our children are
educated they must grow up
to suffer and be exposed to the
of vice, corruption and immorality
natural consequences and result of
ignorance.

In withholding the means of
education from our children we are
greatly wrong and injuring ourselves
not easily told!

We earnestly solicit you to use
your best endeavors to prepare and
put our school into operation, in
accordance to the stipulations made
by the U. S. Government in the
Treaty of July 27, 1836.

we believe the possession of the necessary
qualifications for a teacher - the children
improved rapidly when he taught.

We do most solemnly & earnestly entreat
you to approve our selection and appoint
Mr. Frost for our teacher. We shall feel
glad if you will.

We cordially hope you will find a deep
interest in our affairs if you will devise
some plan and use your utmost exertions
that our request be granted.

If however our request cannot be
granted we shall feel deeply grieved.

Grief, deep and lasting wound will
be inflicted in our hearts not easily
recovered!

Done in public Council held at Parkington
by the unanimous consent of the Chiefs
and people being all present, the twenty
fourth day of December in the year of
our Lord one thousand eight hundred and
sixty five. We witness whereof we have
subscribed our names.

Thos. Bay. v. man. Chief
Yak. gen. Hecung St. M.

us x mark
us x mark

Dec. su. gay	his	x	month
Dec. Dec. regay	his	x	month
A me me he me	his	x	month
185. 1900	his	x	month
Other. not. de. ya.	his	x	month
Other. not. de. ya.	his	x	month
New. he. me	his	x	month
King. Hak. Sum	his	x	month
He. mah. Kich	his	x	month
Boy. may. su. wak. be	his	x	month
Go. to. He. to.	his	x	month
Wish. He. me	his	x	month
Me. e. saw. boy	his	x	month
Me. e. saw. boy	his	x	month
Ha. Ka. He. me	his	x	month
Ha. Ka. He. me	his	x	month
Ha. Ka. He. me	his	x	month

Tokio P. 1875

Shallerguitt

Other, of the papers
etc. for the book

Aug 27, 1875.

c/o Messrs. Messrs.

We the Chief
 of the Grand River Ottawa and
 Chippewa Indians residing at Pentwater and
 Peshigo, Ucaua and Hason, Counties, State of
 Michigan, have called and instituted a public
 Convention or Council at Pere Marquette, this sun-
 day of June A. D. one thousand eight hundred and
 thirty five in order to form and establish
 a permanent foundation by which we may be better able
 to conduct all our public Conventions and Councils
 in a more legal and systematic form; and to
 carry into full effect all our public Acts, Treaties
 Resolutions, and Agreements:

Be it therefore enacted
 and resolved, by the powers of this Convention that
 we the Chief and people do hereby nominate and
 appoint Mois, Shawbeasing, (Chief) to the Office
 of Head Speaker who shall preside in all our public
 Councils and Conventions, when and wherever held,
 and in all Treaty, or Treaties, which may hereafter
 be held and negotiated, between the United States
 Government and the Grand River Ottawa and Chippewa
 Indians -

He shall hold his office during good
 behaviour, and be compensated so much for his ser-
 vices as the Indians may see fit and proper to allow
 and direct. His knowledge and influence - His
 ability and integrity - the public confidence of our
 people, and his philanthropic regards for

qualifications for that important Office).

The Indian Department and all Officers connected with the Indian Agents were hereby informed and acquainted to recognize and receive as the Head Speaker for the Ottawa and Chippewy Indians

In testimony whereof the said Grand River Ottawa and Chippewy have hereunto signed our names and affixed our Seals and Marks, Done in public Council held at Beechmargate Massan County, State of Ohio the seventh day of June A.D. one thousand eight hundred and sixty five, and in the presence of

Signed in the presence of -

- | | | |
|-----------------|-------|------|
| McLaurin, Chief | Chief | Mark |
| Kawaga, Chief | Chief | Mark |
| Paw, Chief | Chief | Mark |
| Wing, Chief | Chief | Mark |
| Paw, Chief | Chief | Mark |
| Hammer, Chief | Chief | Mark |
| Wing, Chief | Chief | Mark |
| Paw, Chief | Chief | Mark |
| Wing, Chief | Chief | Mark |
| Paw, Chief | Chief | Mark |
| Wing, Chief | Chief | Mark |
| Paw, Chief | Chief | Mark |

all Officers connected with the Indian Agency
 were informed and acquainted to recognize
 the said ^{the Indian Agency} as the Head Speaker for
 the Ottawa and Chippewy Indians

In testimony
 whereof the said Grand River Ottawa and
 Chippewy have hereunto signed our names and
 affixed our seals and marks, Done in public Council
 held at Beaufort Nassau County, State of Virginia
 the seventh day of June A.D. one thousand eight hundred
 and sixty five, and in the presence of
 Subj. David K. Foster

Signed in the presence of -

- | | | |
|--------------------|------|--------|
| McLawrence, Chief | This | x Mark |
| Kangahwe, Chief | This | x Mark |
| Paul Ketch, Chief | This | x Mark |
| John Gresh, Chief | This | x Mark |
| Paulthamsey, Chief | This | x Mark |
| Thomas, Chief | This | x Mark |
| Shawgo, Chief | This | x Mark |
| Reandy, Chief | This | x Mark |
| Neill, Chief | This | x Mark |
| Butman, Chief | This | x Mark |
| Joseph, Chief | This | x Mark |
| Don, Chief | This | x Mark |
| John, Chief | This | x Mark |
| Paul, Chief | This | x Mark |

Wachicac 61405
Cheung wa sha, Chf.
Richardson P.O. Mich.

Sept 23-1870.
E. 10
E. 11

Inquires after the
property of his late
father "Mercentay Osha"
and refers to a former
letter as to the nature of the
information required.

[Signature]
L. Vaughan
F. D. C.

INDIAN
SEP 27 1870
RECEIVED
F. D. C. Dulc.
E. 145.

Indian Town Post Office
 Mason County Michigan
 Sept 23rd 1870

Some time last spring I wrote you a
 letter from Grand Rapids in this state
 inquiring after the Property of my late Father
 in Massachusetts who died some time ago.
 By referring to that letter you will see the
 particulars which I was desirous to know.
 J. T. Ford of Grand Rapids stated to
 me verbally the purport of a letter
 which he states you sent him on
 the subject indicated in this letter.
 This is not sufficient for me if you
 have replied to that letter I want your
 word to me in Black and White &
 plain than for myself what you
 are pleased to say to me,

Be pleased to answer this
 letter and also informing me
 what you have to day to my first
 letter I wrote you last Spring.
 I am the successor of the late
 chief "Mucentay osha" referred to
 in the Treaty of the United States.
 It is very highly important that
 my claims be adjusted with the
 Government as soon as it may
 be practicable send your letter
 to the Reservation viz Indian
 Town P. O. Mason County Mich.
 It will be highly gratifying to me
 to see your letter ~~fracturing~~

that you will write soon
 to the Hon ^{my Rep} Gen. Stephen A. Hiss
 U.S. Parku ^{Chief} Oshung osha chief
 Ind. Commission
 Office Washington City

D. B.

attest
 Henry Jackson
 Special Agent

DEPARTMENT OF THE INTERIOR,
CENSUS OFFICE.

ROBERT P. PORTER,
Superintendent.
Appointed April 23, 1890; resigned July 23, 1893.

CARROLL D. WRIGHT,
Commissioner of Labor in charge.
Appointed October 4, 1893.

REPORT

ON

INDIANS TAXED AND INDIANS NOT TAXED

IN

THE UNITED STATES
(EXCEPT ALASKA)

AT THE

ELEVENTH CENSUS: 1890.



WASHINGTON, D. C.:
GOVERNMENT PRINTING OFFICE.
1894.

5607 14

MASSACHUSETTS.

INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	429
Indians in prisons not otherwise enumerated.....	4
Indians off reservations, self-supporting and taxed (counted in the general census).....	421

The civilized (self-supporting) Indians of Massachusetts, counted in the general census, number 424 (222 males and 202 females), and are distributed as follows:

Barnstable county, 146; Dukes county, 133; Middlesex county 19; Plymouth county, 27; Suffolk county, 29; Worcester county, 31; other counties (13 or less in each), 49.

The Indians of southern New England are mainly descendants of the tribes that inhabited the region when the white people came, and some of them inherit legal claims by reason of Indian blood; but to the casual observer there is often little in their appearance to distinguish them from hunters and fishers of the neighboring population, toward whom they have been assimilating in blood and in habits.

Descendants of the Wampanoag Indians, as many consider them, form a quiet community at Gay Head, on the western part of the island of Martha's Vineyard. They are sailors and fishermen with their white neighbors. A few negroes and some Portuguese have been absorbed in the community. The use of Indian words even has almost disappeared, English being used by all.

On the mainland, in Barnstable county, are those of similar tribal ancestry, sometimes known as Mashpee Indians. Occasionally one of these Indians has been elected to the state legislature.

MICHIGAN.

TOTAL INDIAN POPULATION AS OF JUNE 1, 1900.

Total.....	4,624
Indians off reservations, self-supporting and taxed (counted in the general census).....	4,624
Indian prisoner, not others so enumerated.....	1

The civilized (self-supporting) Indians of Michigan, counted in the general census, number 4,624 (2,023 males and 2,601 females), and are distributed as follows:

Alcona county, 26; Alger county, 78; Allegan county, 71; Antrim county, 184; Arenac county, 120; Baraga county, 287; Bay county, 92; Benzie county, 32; Calhoun county, 71; Cass county, 33; Charlevoix county, 222; Cheboygan county, 132; Chippewa county, 441; Delta county, 217; Emmet county, 914; Grand Traverse county, 33; Iosco county, 50; Isabella county, 33; Kalamazoo county, 21; Lake county, 22; Leelanaw county, 296; Mackinac county, 227; Manistee county, 22; Manistowick county, 56; Marquette county, 56; Mason county, 233; Mecosta county, 44; Menominee county, 129; Muskegon county, 32; Newaygo county, 18; Oceana county, 271; Ontonagon county, 30; Oshtemo county, 24; Ottawa county, 31; Saginaw county, 232; Schuette county, 12; Tuscola county, 61; Van Buren county, 30; other counties (17 or less in each), 206.

Many of the Indians work as fishermen and lumbermen. Large quantities of maple sugar are made by Indians in favorable years, which is used for fuel and for trade with the whites. In some localities Indians gather great quantities of wild berries for canning or for shipment to the cities. Many of them are scattered, singly and in groups, along the shores of the Great Lakes, on the banks of rivers, and in the woods.

There are 3 Indian reservations in Michigan, as noted in the records of the Indian Office: the Isabella, containing but 7,317 acres, or 11.4 square miles; the Leelanaw reservation, containing 19,324 acres, or 30.2 square

CONDITION OF INDIANS—MICHIGAN.

351

miles, and the Otonagon reservation, containing 678 acres, or 1.1 square miles. These reservations are the remnants of large tracts which have been surveyed and allotted to the Indians. The agency at Mackinac was abolished by the act of Congress making appropriations for the Indian service July 1, 1850.

Indians now in Michigan are classed as taxed. They were enumerated by the regular enumerators and counted in the general population of the state.

The agent, in his report for 1836 to the Commissioner of Indian Affairs, says:

The Indians of Michigan are all citizens, are taxed, and eligible to hold office. They are not known or recognized by tribal relations, either by state laws or treaties, and in every respect, so far as the rights of citizenship are concerned, they stand on an equality with the whites. While no tribal relations exist, yet the Indians annually elect certain of their number, whom they call chiefs or headmen, whose duty it is to transact all business with the government or the Indian agent, sign all papers and stipulations, which they consider as binding upon the band.

HISTORIC REVIEW.

The Indians of Michigan are all of Algonkian stock.

The tribes known as the Chippewas, Ottawas, and Pottawatomes composed the aboriginal population of Michigan. Many of these Indians are now in Kansas and Indian territory.

The early Jesuits found the Michigan Indians good material for laboring with, and numerous missions were established. They found the Indians hunters, trappers, fishers, and sharp traders. The Indians raised and sold provisions, and, although agriculturally inclined, after the French occupation they frequently attacked the French posts. These Indians were kept in constant trouble by the claims of the English to the territory through the Iroquois, who early possessed the country by capture. The Hurons were the allies of the French, and constant intrigue was the result. They aided the French in the disastrous border war between France and England.

After England took possession of Michigan, the Ottawas became restless, and in 1763 Pontiac's conspiracy was formed, and attempts were made to capture the British posts from Niagara to Chicago, Pontiac personally undertaking to capture Detroit, in which he failed. The attacks on the various posts were made on one day, May 1763. The movement ended in the capture of 8 of the 13 posts or forts, but Detroit was saved through information given by an Indian woman to the commandant. After this a treaty was made with several tribes, but Pontiac did not until 1765. Detroit became the center of British frontier power after 1763.

Great Britain began to encourage fishing and the fur trade, and made the various tribes allies. During the Revolutionary war Michigan was a British colony, with lieutenant governors at Detroit and Mackinaw. Vast amounts of supplies and arms and ammunition were given to the Indians from these points, and bounties were given for scalps. Governor Hamilton reported in January, 1778, that the Indians had brought in 33 prisoners and 230 scalps. In September, 1778, he again reported that "since last May the Indians have taken 34 prisoners, 17 of which they delivered up, and 81 scalps". It is estimated that more than 2,000 persons were scalped or made prisoners of war by war parties of Indians and soldiers from Detroit. These war parties went as far south as Kentucky.

After the Revolutionary war the Michigan Indians suddenly submitted to the rule of the United States. Governor Hall made a treaty with them in 1806, obtaining certain land cessions from them, which they afterward claimed they did not understand.

Tecumseh, the Shawnee chief, who lived at that time on the upper Wabash, effected gradually a union of tribes in the territory now in Indiana, Michigan, and a portion of Illinois and Ohio, and began war on the whites. In 1811 General William Henry Harrison defeated him at the battle of Tippecanoe, and peace for a time followed.

In the war of 1812 the Michigan Indians again became allies of Great Britain and ravaged the northern frontier. At the battle of Frenchtown, of 900 United States soldiers only 50 escaped capture, more than 400 were killed, and many others were scalped on the way to Mahan.

Lewis Cass, as governor of Michigan, after 1812 made treaties with the various Indian tribes for cessions of their lands up to 1821, and was looked upon as their friend. He was ex officio superintendent of the Indian agency at Detroit and the agencies at Chicago, Fort Wayne, Green Bay, Mackinaw, Piqua, and the subagencies at Blanchards fork and Upper Sandusky. In the Detroit agency alone there were 2,000 Indians in 1813. In a report to the War Department in 1821 Governor Cass wrote that "my family is driven from one extremity of the house to the other by them". At that time 400 Indians arrived daily at Detroit. The British had fed and clothed them when in possession of Detroit, and Governor Cass was now expected to do it on behalf of the United States, and during 8 years he paid out \$400,000.

General Macomb wrote in 1821 that he often detailed soldiers as a guard to protect the family of Governor Cass from the importunities of the Indians. In fact, for a number of years Governor Cass kept open house and a constant feast on the table for Illinois, Indiana, Michigan, and Ohio Indians.

On September 26, 1833, at Chicago, a treaty was made with the Chippewas, Ottawas, and Pottawatomes for their removal west of the Mississippi river. This treaty was proclaimed February 21, 1834, and thereafter a large portion of the Indians named were removed. The Pottawatomes removed under this treaty are now in Kansas

REPORT ON INDIANS TAXED AND NOT TAXED.

and Oklahoma territory. The removed Ottawas are at Quasaw agency, Indian territory, and some of the removed Chippewas are in Minnesota. Three reservations were established in Michigan in 1834-1835, and some after. The Chippewas, Ottawas, and Pottawatomies now remaining in Michigan are citizens.

MICHIGAN RESERVATIONS.

Report of Special Agent E. J. BROWN on the Indians of Michigan.

Names of Indian tribes or parts of tribes, reservations, and unallotted areas are: (a)

Isabella reservation: Chippewas of Saginaw, Swan creek, and Black river, area 7,317 acres, or 11.3 square miles; executive order, May 14, 1868; treaties of August 2, 1868 (11 U. S. Stat., p. 623), and of October 18, 1864 (14 U. S. Stat., p. 637); the residue allotted. L'Annoe reservation: L'Annoe and Vieux de Fort bands of Chippewas of Lake Superior, area 19,224 acres, or 28 square miles; treaty of September 20, 1864 (16 U. S. Stat., p. 1169); the residue, 23,200 acres, allotted. Ontonagon reservation: Ontonagon band of Chippewas of Lake Superior, area 678 acres, or 1 square mile; sixth clause, second article, treaty of September 20, 1864 (16 U. S. Stat., p. 1169); executive order, September 28, 1868; the residue, 1,373 acres, allotted. Total, 27,219 acres, or 42.3 square miles. Indian population June, 1890: 5,621.

ISABELLA RESERVATION.

There are now living on this reservation, as nearly as could be ascertained, 460 Indians, most of whom are Chippewas. A few Ottawas and Pottawatomies reside here, but they are considered members of the tribe and call themselves Chippewas. The Indians are scattered in little groups throughout the different townships, and the Chippewa dialect is universally spoken. With the exception of a very few old men and women they are of mixed blood. All wear citizens' dress. The civilized Indians are not polygamists, nor are the pagans avowedly so, though they profess to believe in the doctrine. Sixty families own houses, 8 of which are frame and 23 log, which are for the most part well built. With these there is generally a patch of ground upon which vegetables and corn are raised. Very little, if any, produce is marketed. There are no Indian schools, but a majority of the children attend district schools and are said to be as bright as ordinary white children. Twenty-six pupils from this reservation are now at the Indian school in Carlisle, Pennsylvania. It is estimated that 50 adults and 100 under 20 years of age can read. While many of the male Indians can speak English sufficiently for ordinary use, they are very suspicious and reticent, and when questioned about their condition, habits, and religion they either remain silent or profess not to understand. They have 4 churches, worth perhaps \$300, 3 of which are log cabins and the other an old frame building. The membership is 300, 268 of whom are of the Methodist Episcopal and 13 of the Roman Catholic denomination. The latter have no church. There are 4 half-breed preachers, who are appointed by the Methodist Episcopal annual conference, and the services are conducted in the Chippewa language.

The tribe is decreasing. The principal disease is consumption, always attributed to exposure, want, and disease contracted by mixing with white men. On being interrogated as to whether they were not more enjoyed when in a savage state, they replied: "Yes; but we were hardier and had never been taught to wear white men's clothes. Now we have got used to them, and are often without enough to cover ourselves, and thus suffer more than the white man. Besides, we had many furs".

There have been 10 deaths during the year, 1 adult and 9 children, all in the jagan settlement.

In the opinion of the nominal chief, Joseph Bradley, there are 6 white families now living here unlawfully, cutting timber and farming in a small way, who claim to occupy under homestead law. Others have been here, cut the timber, and moved away. According to figures given by one of the chief men there are yet 8,400 acres of land belonging to the tribe, distributed as follows:

	acres.
Nottawa township	1,370
Deaver township	700
Isabella township	1,200
Wise township	1,330
Woodfield township	700

In a remote part of Nottawa township is a band of jagan Indians consisting of 8 families, in all 22 persons. All are discontented and miserable. They do a little work when they can obtain employment at manual labor, and manage to exist in a forlorn, hopeless way. They are sickly, and have no stock except a pair of ponies belonging to the chief, A-ken-bel, who is quite intelligent, and who says his people are willing to work if they could be sure of their lands, which he claims the white men obtained under false pretenses. This is also the general complaint of the civilized Indians.

The pagans have festivals and war dances, during the performance of which they are dressed in native costumes, which are carefully preserved for these occasions. There is a marked difference between the appearance of the pagan and civilized Indians, the advantage being greatly with the latter.

a The statements giving tribes, areas, and lists of agencies are from the Report of the Commissioner of Indian Affairs, 1890, pages 624-643. The population is the result of the census.



MICHIGAN

J. R. Cusway and daughter, with blood Indian at the Indian Park. (Captioned in the paper.)
Mazze, Veronessing, full blood, Mazze, Sam-to-dier, full blood, and Mazze, Veronessing, full blood, (Captioned in the paper.)

CONDITION OF INDIANS—MICHIGAN.

333

While the Indians of the reservation have improved mentally, they have degenerated physically. A large majority are entirely improvident, saving nothing. A few own farms, employ a number of men, and have horses, cattle, and other stock. Some are very intelligent and well educated and own good houses in town and in the country. The question of morals seems to be a disputed one, they claiming to possess a fair share of morality, but their white neighbors generally do not agree with them in this particular. That there is an almost universal habit of intoxicating liquors appears to be conceded on all sides. They are peaceable and honest. The land of the reservation is generally of good quality, and if cleared and properly farmed would be quite fertile, but they have not the capacity for prolonged labor of any description. The greater portion say that they are happier and more prosperous while under the care of the government than at present. They are contented.

LANSE RESERVATION.

There are 450 Chippewas on this reservation, and the Chippewa language is spoken. Nearly one-half are of mixed blood, all wear citizens' dress wholly, and none are polygamists.

There are 3 missions on the reservation, the Roman Catholic, situated on the west shore of the bay, 6 miles from Anse village, and the Methodist Episcopal mission, 3 miles northeast of the town. With few exceptions, Indians over 30 years of age can read their own language, and a great majority (over seven-eighths) can read and write. All speak English sufficiently for ordinary use.

There are 3 schoolhouses, 1 boarding school for girls, 1 for boys, and a government schoolhouse, the latter valued at \$2,000. There are 53 Indian scholars. The building for girls is of stone, 4 stories high, 40 by 90 feet in dimensions, affording accommodations for 65; that for boys is 3 stories high, with an addition, and will accommodate 75. Both buildings are in excellent order and well ventilated. There are here also 57 white children, orphans or half-breed, who are supported by relatives or by contributions of the Roman Catholic churches. Indian and white children associate together daily.

The Indian children are bright, cleanly, orderly, and apparently happy. They have a fine piano, upon which some of the girls perform in a very creditable manner. All are taught vocal music. As a general rule they are too indolent to be appreciated, but when old enough are sent away to learn trades and other kinds of business. They are thoroughly instructed in housework and needlework. The scholars are all members of the church of the Roman Catholic denomination. The priest reports that the tribe is increasing at this place and that Indians here are not having complete titles to their land. The mission is beautifully located, and the children appear to be unusually intelligent.

The Methodist mission is 1 government schoolhouse, which is valued at \$200, and will accommodate 40 scholars. There are 65 Indian children of school age within the mission precincts. The average attendance is the highest number present for 1 month during the year, 34. Many will attend school for a short time, then return home for a longer or shorter period, and again return. There is 1 church not belonging to the denomination, with 78 Indian members of the Methodist denomination.

Indians at this mission, of whom there are 270, own 2 frame and 53 log houses, and have during the past year raised 1,000 pounds of butter and raised 1,200 bushels of potatoes and 50 tons of hay. They own 18 horses, 20 cattle, and are very intelligent. The land in general is not considered very good for farming purposes, but potatoes, wheat, and grass are of good quality, if not abundant.

Notwithstanding the pledges given by the Indians at both missions, there is not much drunkenness among them, although they have a strong appetite for intoxicating liquors.

The government physician states that 200 Indians have received treatment at his hands during the year, for various chronic troubles. He also reports 12 deaths in the same period, 3 of old age, 5 of consumption, 4 smallpox, and 1 man frozen. There have been 18 births. No one has been killed and punished for crime during the year.

The males of the tribe work at farming, lumbering, and quarrying. They also fish, hunt, and trap. In season they hunt and kill, male and female, engage in berry-picking and root-gathering.

According to statements of the most reliable men, Indian and white, the tribe is decreasing; causes, death and disease.

As a whole, they are intelligent, peaceable, honest, and fairly industrious, though restless and changeable. They are greatly improved mentally and have not degenerated physically. They are generally self-supporting, and are contented.

ONTONAGON RESERVATION.

In this section are a rarity. There are not more than 5 families in the section, and these are to all intents and purposes white people. Their children attend school and the older ones are married to whites. All are well to do, and would resent being classified as Indians. The land allotted to the Indians is fertile and has never been occupied by them. The Ontonagons as a band are extinct. Those who are left are of mixed blood and are of mixed race.

Besides those with indirect relations to the old reservations, there are groups of Indians in a number of counties no longer connected with any reservation or any special administration of Indian interests.

MASON COUNTY.—The census enumerators found 335 Indians, under the name of the "Ottawa and Chippewa tribe", residing in Mason county, and the Ottawa dialect is used. The people wear citizens' dress wholly, with the exception of 20 very old Indians, are of mixed blood. Perhaps 40 over 30 years old and 60 under 30 age can read.

A majority of the civilized male Indians can use English sufficiently for ordinary intercourse, although stranger can obtain but little information from them. They will answer their minister and teacher readily, as it is mainly through these that facts are obtained. Some, however, are intelligent and educated, and had hesitancy in answering. Indian women, as a rule, do not speak English.

There are 80 Indian voters on the reservation. They have no Indian school and no Indian church, but men and children attend district schools, and nearly all, young and old, are church members, the younger portion being baptized at a very early age. Three hundred and fifty are said to be communicants, by far the greater number being of the Roman Catholic faith. The services are conducted in English, an interpreter being present, and translated for the benefit of the Indians. Ninety families own houses, 10 frame and 80 log, for the most part and comfortable, with a patch of ground upon which vegetables are cultivated. The greater number of men follow a variety of callings, sometimes logging and laboring, then fishing, hunting, trapping, picking berries, gathering roots, according to the season. Three-fourths of the tribe are at this time (last of September) in woods gathering ginseng root, which commands a good price. They raise no produce for the market.

The tribe is decreasing rapidly. There are 4 maldrops, but no negroes, quadroons, or octeroons here. There is 1 blind and 1 deaf and dumb person, but none are crippled, insane, idiotic, or deformed. Seven deaths have occurred during the year, 5 of consumption and 2 of unknown diseases. No Indians have been killed in the year ended September 1, 1890, but 1 was murdered in June, 1888, and a white man is now in prison for the crime. 3 whites have been killed and none are unlawfully on the reservation.

There were originally 5 full townships in this reservation, but how much now belongs to the Indians is difficult to ascertain. Much of the property is mortgaged, and in such cases is seldom redeemed. Three-fourths of the land would be fit to clear. It is thickly timbered and well fitted for farming purposes. The remainder is now pine stump land and is not so valuable. The price is from \$10 to \$20 per acre, according to quality and location.

Consumption is the prevailing disease. All are addicted to liquor drinking, though many do not indulge in it. The Indians are growing weaker physically, but better mentally. They are usually honest, and their morals are generally good among themselves, but become bad when mingling with the whites.

Generally they do not seem to know the first rudiments of economy. There are of course some notable exceptions to this rule, forming, however, a very small minority.

In the deep woods of Sherman township is a band of pagan Indians. They number 75 members and have log cabins. A few live in wigwags. The band is generally unhealthy, and the children do not attend any school. The chief claims that they are as happy now as during the agency system, while a full-blooded Ottawa, aged 70, thinks the tribe has not been happier since mingling with the whites nor better off than under the agency. He believes in witchcraft and worships imaginary gods, each having his own deity, though all recognize the existence of a Great Spirit. There are no farmers among them and no stock whatever. They use their own medicines and employ no physicians, and prefer to live by themselves, as far from civilization as possible, but they receive no help from the whites. They as well as some of the civilized Indians think the government owes the Ottawa and Chippewas a considerable sum of money.

OCEANA COUNTY.—There were found in Oceana county, adjoining Mason county on the south, 271 Indians whose general conditions are kindred to those given for Indians in Mason county.

EUROPE COUNTY.—It was learned that there were but 8 Indians in the county, 5 males and 3 females, and of these, except 1 old man, were absent from their homes much of the time. Years ago each Indian took up acres of land, but during the war a large number, afraid of being drafted, sold their lands and went to Canada. But few returned, and those, with the exceptions above named, have disposed of their property and left for good unknown.

GENESSEE COUNTY.—There are 5 families of Chippewas in Gaines township. They are of mixed blood, own 100 acres of land and some horses, dress in citizens' clothes and use the English language, but are prosperous. They consider themselves civilized, but do not belong to any church. These are all the Indians found in Genessee county.

SAGINAW COUNTY.—There are nearly 100 Chippewas distributed throughout the south and east corner of Saginaw county, all of mixed blood, who dress in citizens' clothes. The males speak sufficient English for ordinary intercourse. A few own farms and stock and are prosperous, but the majority are poorly off and quite a number receive assistance from the whites.

The list of Indians by counties at the beginning of this report on Michigan will indicate the number in other counties. Their condition is like that in the counties here mentioned.

There is a government day school at Baraga, Baraga county, with an enrollment of 36; a contract school at Baraga, with 49 enrolled; a government day school at L'Anse with 30 enrolled; a contract school, Harbor Springs, at Harbor Springs, Emmet county, with an enrollment of 107.

GENERAL REMARKS.

Very few Indians own cows; even on the larger farms their absence is noticeable. These people are not very industrious and are fond of liquor. They have no idea of economy and will never succeed until they have learned to accumulate and manage property.

The Michigan Indians off reservations are scattered singly and in groups along the shores of the Great Lakes, on the banks of rivers, and in the woods, and it would be the work of months for any person to visit even a majority of them. They are poor but self-sustaining. The greater number of the Indians on the Leabell reservation are disheartened and demoralized, and in my opinion it would be better for them if the government could employ a just and impartial man (detail of an army officer would probably be best) to act as agent among them, who has no knowledge of business matters nor the least comprehension of their rights.

Compulsory education would be an excellent thing for all Indians in the state. They will not now force their children to attend school regularly, and when those who go to school return to their homes they soon relapse into their old ways and forget the lessons that have been taught. Education and constant good associates are the ways by which an Indian can best overcome his natural instinct and become a respectable citizen.

Indian children in boarding schools, where they remain until their education is completed, of course do better than those not having such advantages. Their tastes are elevated, their ambition is aroused, and a respect for their old ways is created, which is seldom eradicated. If the state or national government would employ and maintain an industrial school for the younger Indians in the state, it would be a great benefit.

The starvation among Indians in all parts of the west has led to the belief that it would be much better for them if the government, in granting them lands, would give alternate sections and let white men have the intervening sections so allotted to Indians to be held in trust for a number of years.

The Indian of old is doomed, and it will be best for him and the country if his extinction is accomplished with a mental elevation rather than with partial starvation and neglect, as is now largely the case in Michigan.

78 REPORT ON INDIANS TAXED AND NOT TAXED.

INDIAN TRUST FUNDS JUNE 1, 1899.

As shown by the tables below, the total of trust funds held by the United States for Indian tribes amounted to \$31,944,318.20 in 1899. The following is from the report of the Commissioner of Indian Affairs for 1899, page CXLVII:

TRUST FUNDS OF THE FIVE CIVILIZED TRIBES.

TRIBE.	Amount of principal.	Annual interest.
Total	\$1,000,000.00	\$400,000.00
Cherokee	2,000,000.00	800,000.00
Chickasaw	1,000,000.00	400,000.00
Choctaw	500,000.00	200,000.00
Creek	2,000,000.00	800,000.00
Seminole	1,500,000.00	600,000.00

TRUST FUNDS OF TRIBES, OTHER THAN THE FIVE CIVILIZED TRIBES.

TRIBE.	Principal.	TRIBE.	Principal.
Total	\$10,000,000.00	Pawnee	\$500,000.00
Shoshone and Christian Indians	\$1,000,000.00	Piedmont	\$500,000.00
Delaware	\$500,000.00	San and Pecos of Missouri	\$500,000.00
Eastern Shawnee	\$500,000.00	San and Pecos of the Mississippi	\$500,000.00
Iowa	\$1,000,000.00	Snake River	\$500,000.00
Klamath	\$500,000.00	Sonora	\$500,000.00
Modoc, Klamath, Fossil, Wana, and Pitkin	\$500,000.00	Sonora, Sacramento land	\$500,000.00
Shoshone	\$500,000.00	Sonora and Shoshone	\$500,000.00
U'Anne and Vieux de Sart lands	\$500,000.00	Texas	\$500,000.00
Navaho	\$500,000.00	Yukon	\$500,000.00
Ojibwa	\$500,000.00	Yukon	\$500,000.00
Omaha	\$500,000.00	Yukon	\$500,000.00
Ozark and Minnesota	\$500,000.00	Yukon	\$500,000.00
Pawnee	\$500,000.00	Yukon	\$500,000.00

REFERENCES TO INDIAN LAWS, REPORTS, AND TREATIES.

References to laws, reports, and treaties are as follows:

For all Indian treaties and laws, see United States Statutes at Large, 1776-1899.

For a "statement showing the present liabilities of the United States to Indian tribes under treaty stipulations"; for a statement of "trust funds" and trust lands, being "list of names of Indian tribes for whom stock is held in trust by the Secretary of the Interior (treasurer of the United States custodian), showing the amount standing to the credit of each tribe, the annual interest, the date of treaty or law under which the investment was made, and the amount of abstracted bonds for which Congress has made no appropriation, and the annual interest on the same"; for "list of securities held for invested tribal funds"; for all expenses, receipts from sale of Indian lands, appropriations by Congress, and expenditures of the same; for "circulars showing the names of Indian reservations in the United States, agencies, tribes occupying or belonging to the reservation, area of each reservation in acres and square miles, and reference to treaty, law, or other authority by which reservations were established"; for area of arable land on the several reservations; for executive orders relating to Indian reservations, and for annual table of statistics relating to population, industries, and sources of subsistence, together with religious and vital statistics, see annual reports of the Commissioner of Indian Affairs.

For laws relating to Indians, see report of Public Land Commission, 1898, laws and decisions, and Revised Statutes of the United States, sections 2079-2176; for performance of engagements between the United States and Indians, see Revised Statutes of the United States, sections 2079-2176; for government and protection of Indians, see Revised Statutes of the United States, sections 2111-2119; for government of Indian country, see Revised Statutes of the United States, sections 2127-2128; 6 Cruise, 648; 8 Wheaton, 643; 7 Johnson, 268; Indian treaties, United States Statutes at Large; act of Congress March 24, 1804, section 15, dividing Louisiana into 2 territories; Bump's Notes of Constitutional Decisions, titles "Indians" and "Territories".

See also United States Senate report, by Hon. J. R. Matthews, chairman of joint committee of Congress to inquire into the condition of the Indian tribes, and report of the Indian Peace Commission, 1867-1868, General W. T. Sherman, chairman.

See also A Descriptive Catalogue of the Government Publications of the United States, September 3, 1774, to March 4, 1891. See: Parley Potts. Washington, Government Printing Office, 1893. The titles of all government publications relating to Indians and Indian affairs from 1774 to March 4, 1891, can be found in the index, pages 1289-1304.

Appendix C

E. J. Riley to Don C. Foster. September 24, 1953. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Consolidated Great Lakes 18361-1953, 312.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Great Lakes Area Field Office
Ashland, Wisconsin
September 24, 1953

Tract No. 265
John Jacobs
Allottee No. 24
Charlevoix County, Mich.

Mr. Don C. Foster
Area Director
Minneapolis Area Office
2908 Colfax Avenue South
Minneapolis 8, Minnesota

Dear Mr. Foster:

In accordance with the authority granted in letter of March 20, 1953 to advertise for sale the allotment of John Jacobs, located in Charlevoix County, Michigan, there are submitted herewith papers in connection with the proposed sale of this allotment.

In checking the records of this allotment we find that there are nine heirs to same and consents to sale have been obtained from six of the heirs. The others failed to reply so it is assumed they have no objection to the sale. Of the six heirs from whom a reply was received three are minors.

This tract of land is located on Beaver Island in Lake Michigan and is forest type land, suitable only for the growing of forest products. The heirs have never used it for a house site, nor have they been able to derive any income from it. They feel therefore, that it is in their best interest to dispose of the land and make a more profitable use of the proceeds. The sale of this land will not have an adverse effect on the use or administration of other Indian lands in this area.

This tract has been offered for sale in accordance with Chapter 2, Section 202.04D of the Indian Affairs Manual. The Carey Handle and Lumber Company, Inc. submitted the successful bid in the amount of \$3,975.00, which exceeds the appraised value. It is recommended that the bid be accepted, the sale approved and the Bureau of Land Management be requested to issue a Patent in Fee to H. H. Hamaker & Son, Inc. of Grand Rapids, Michigan, which is a branch plant of the above named bidder.

Sincerely yours,

Sgd/ E. J. Riley
E. J. Riley
Administrative Officer

Appendix D

L. E. Baumgarten to Commissioner of Indian Affairs. December 12, 1930. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Mount Pleasant 44474-1930, 311.

L. E. Baumgarten to Commissioner of Indian Affairs. August 22, 1931. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Mount Pleasant 44474-1930, 311.

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

FIELD SERVICE

E-3
50721-30.

U. S. Indian School,
Mt. Pleasant, Michigan,
December 12, 1950.

Commissioner of Indian Affairs,
Washington, D.C.

Dear Mr. Commissioner:

I am not certain if I understand fully Office letter of December 10 regarding the abstract of title covering lands recently purchased for Louis Bailey and Alice Pete. I believe everything is fully covered in the abstract. The warranty deed from Jefferson D. Rose and Wife and Mary V. Rose to Louis Bailey and Alice Pete is found in the center of the abstract in that part giving the record of warranty deeds and numbered 50 B and 50 C. These two numbers follow immediately transaction number 50. The certificate of the abstracting company appears at the back of the book.

If this does not cover the objections of the Office I will be pleased to have the abstract returned and I will take up such subjects as the Office feels have not been properly handled.

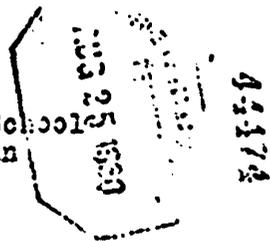
Very truly yours,

L. E. Baumgarten
L. E. Baumgarten,
Superintendent.

122:15.

DEPARTMENT OF THE INTERIOR
INDIAN FIELD SERVICE

Mt. Pleasant Indian School
Mt. Pleasant, Michigan
August 22, 1901



Honorable Commissioner of Indian Affairs
Washington, D. C.

My dear Mr. Commissioner:

I am inclosing herewith deeds made by Jefferson F. Rose and Mary V. Rose, wife, of Brethren, Michigan, conveying to Louis Bailey the east half of Government lot No. 1 (S. 1/2 of N.E. 1/4 of S.E. 1/4) Sec. 23, Twp. 22 N., R. 15 W., Michigan. There is also inclosed a deed made by Jefferson F. Rose and wife, Mary V. Rose, conveying to Alice Iste the east half of Government lot No. 1, or the W. 1/2 of N.E. 1/4 of S.E. 1/4, Sec. 23, Twp. 22 N., R. 15 W., Michigan.

In addition there is inclosed herewith the following papers: Abstract of title of lot No. 1, tax history, statement of unsettled liens, and a discharge of mortgages.

This land is to be purchased for Louis Bailey and Alice Iste, both Indians. As these people wish to build homes upon these twenty acre tracts this fall it is requested that authority be given to purchase this land at as early a date as possible.

Very truly yours,

L. E. Baumgarten
L. E. Baumgarten
Superintendent

Appendix E

Frank Christy to Dr. W. Carson Ryan. December 6, 1934. Bureau of Indian Affairs, Branch of Acknowledgment and Research, Washington D.C.

Education
88170-34

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Tomah Indian School
Tomah, Wisconsin
Dec. 6, 1934



Dr. W. Carson Ryan,
Director, Indian Education,
Office of Indian Affairs,
Washington, D. C.

My dear Dr. Ryan:

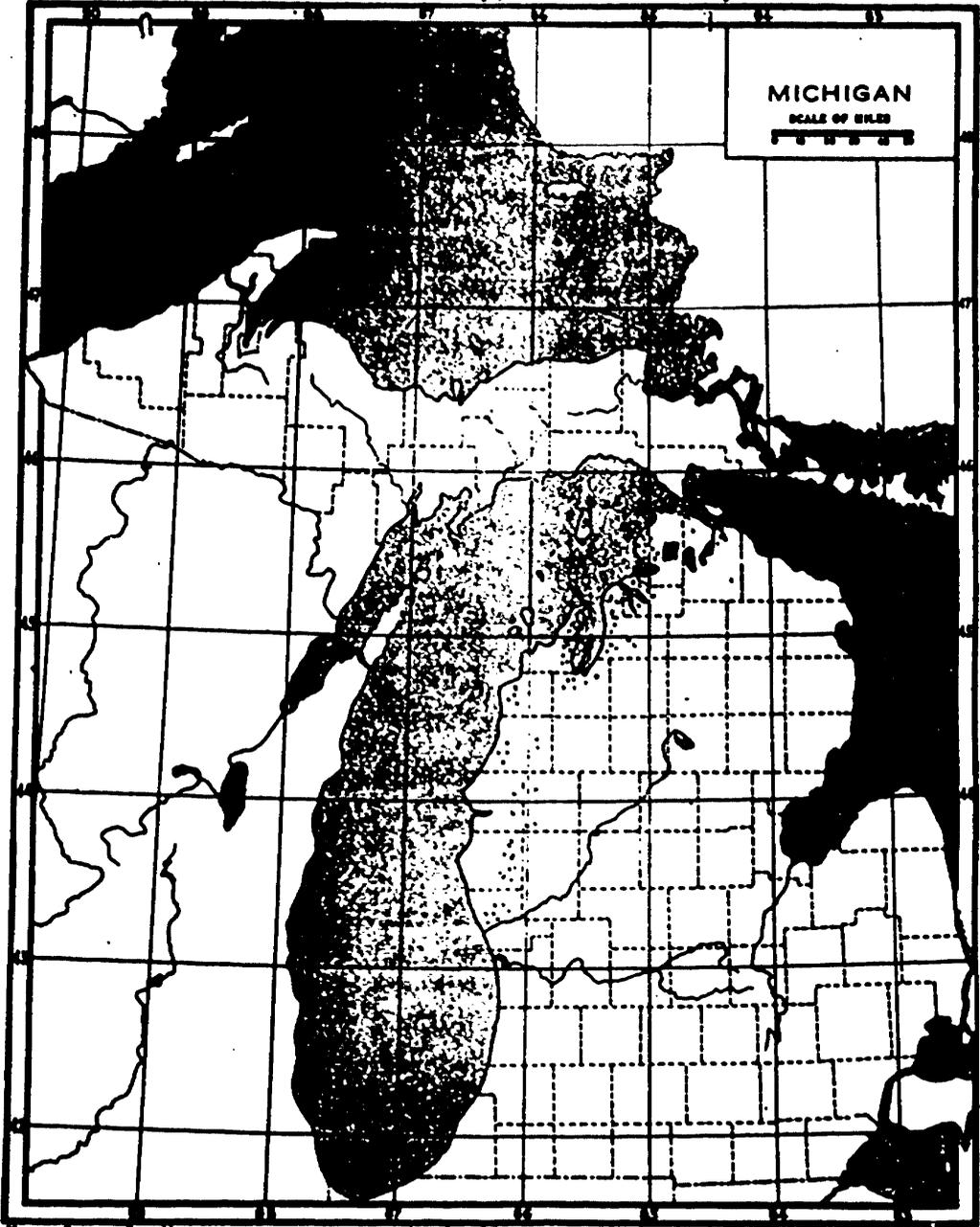
This is in reply to your letter of December 3, having reference to the Ottawa and Chippewa Indians of Michigan.

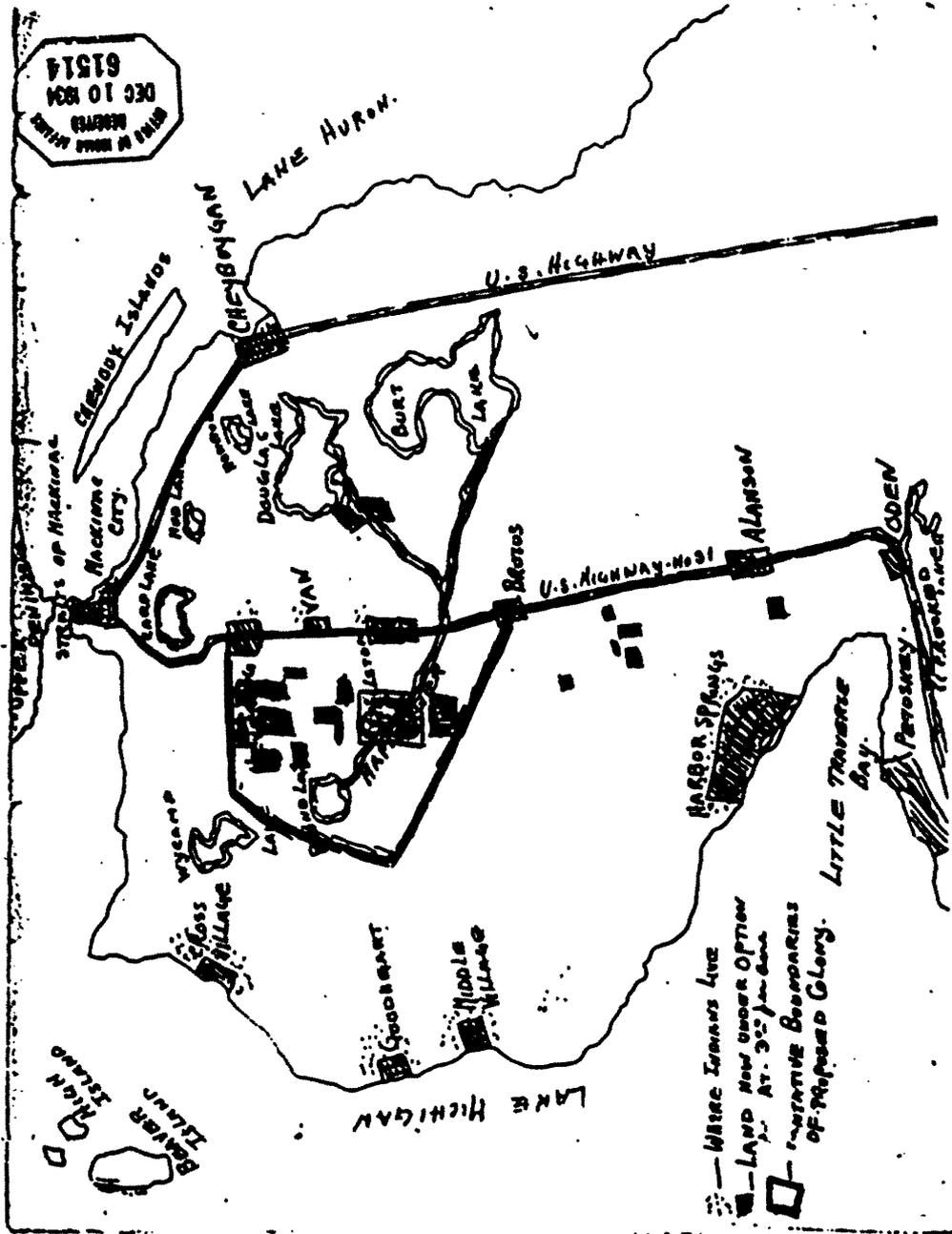
These Indians are located chiefly on the eastern shore of Lake Michigan in Mackinac, Cocona, Grand Traverse, Apolenon, Charlevoix, and Emmet Counties. Their number is difficult to determine with a reasonable degree of accuracy for the reason that they are not segregated from other citizens when a census is taken, and not being under Government control, they are not carried on any Agency rolls. However, they certainly do not number less than a thousand.

Many years ago they were given allotments of land over which their patents gave them full control (with possibly few exceptions). As a result, they have lost practically all their lands through sale, tax delinquency, etc. Their economic condition is almost without exception deplorable, and Miss Cheney's recommendation that "they should be given consideration in any constructive plan for Michigan Indians" has our full and hearty endorsement. With respect to the specific points enumerated in your letter, the following comment is offered:

1. These Indians are all located within reach of public schools to which they have free access on the same basis as white people. Not all of them have high school facilities immediately available, but in this respect also they, for the most part, are no worse condition than many of their white neighbors in rural communities. In the case of specially promising students living beyond the reach of high school facilities, the program of boarding home placement now in effect could easily make provision for them during the school year, by finding suitable homes for them from which they could attend classes in any of the numerous small cities of that region, all of which have excellent high school systems. Higher education and specialized vocational training where needed could be provided through the loan feature of the Re-Organization Act, assuming, of course, that these Indians are given the opportunity to organize under that Act and enjoy its advantages.

Map. Showing general location of Ottawas + Chippewas of Mich.
 - - - - - Indicate places where Indians now live
 ■ - - - - - location of proposed Colony





Appendix F

John Collier to Mr. Ben C. Shawanese. April 24, 1935. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Michigan Miscellaneous Part I 9634-1936, 066.

Dear.
JTB

Much

APR 24 1935

Mr. Ben C. Shawanese,
Harbor Springs, Michigan.

Dear Mr. Shawanese:

We have your letter of March 22, wherein you refer to Office correspondence with Mrs. James Walker and Mr. Jonas Shawanese with reference to the status of the Michigan Indians. You want to know who has been designated by this Office to represent us in connection with any election that may be held under Section 18 of the act.

Superintendent Burns of the Cass Lake jurisdiction in Minnesota, together with our Acting Superintendent of the Lac du Flambeau Agency, Mr. King, and Superintendent Christy of the Tomah School are the only official representatives working on this matter. We have not designated Mr. Daybird or any other person to handle this although, of course, as individuals and Indians they have the same right to talk to the Indians and express their views as has anyone else. This we cannot control or prevent. We would much rather have only persons speak and act who are thoroughly familiar with this legislation and can, therefore, talk with authority as to the position of this Office.

Section 19 of the act defines the term Indian and as will be noted there are three classes. A copy of the act is enclosed. (A recognized tribe is one with which the government at one time or another has had a treaty or agreement or those for whom reservations or lands have been provided and over whom the government exercises supervision through an official representative. There is a third class not mentioned in your letter, namely, those who are "one-half or more Indian blood". This refers to any Indian, regardless of whether he belongs to a recognized tribe or not.)

Sec. 19

I trust this gives you the information you want.

Sincerely yours,
(Signed) John Collier

Commissioner.

Enclosure 643012.

cc - Tomah School.

M.L. Burns, Consolidated Chippewa Agency.
Lac du Flambeau Agency.

Carbon for Indian Office

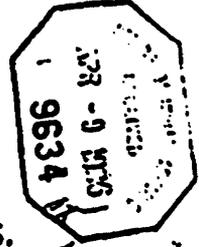
Appendix G

Mark L. Burns to Commissioner of Indian Affairs. April 6, 1936.
Central Classified Files of the Bureau of Indian Affairs. Record
Group 75, National Archives, Washington, D.C., file Michigan
Miscellaneous Part I 9634-1936, 066.

Indian
Reorganization

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

653 Plymouth Building,
Minneapolis, Minnesota.



April 6, 1936.

Commissioner of Indian Affairs,

Washington, D. C.

Dear Sir:

On my return from the Denver conference I proceeded to Lower Michigan on March 17, for meetings at Petoosky and Sutton Bay, in connection with the Indian Reorganization Act.

Mr. Peru Farver, who became ill while attending the conference at Denver, was unable to be present at these meetings which he had previously arranged. I arrived at Petoosky Friday night and held a meeting at that place Saturday night, one at Sutton Bay Monday night, one at Berges Tuesday afternoon and had another meeting at Petoosky Tuesday night. A meeting was held at Cross Village Wednesday morning and several meetings were held with groups of Indians living in and around Manistee, Muskegon and Grand Haven. I spent the entire week ending March 23 in Michigan and proceeded to Minneapolis, via Tomah, Wisconsin, Sunday March 29, arriving in Minneapolis Monday, March 30.

There are three distinct bands of Indians in Michigan, excluding the Swan Creek, Black River and Saginaw Band of Chippewas, namely: Chippewa and Ottawa Band, numbering approximately 1800, living within the area extending from the Straits of Mackinac to Traverse City, most of whom live at Cross Village, Petoosky and Sutton Bay; the Ottawa Band, numbering about 700, and living in scattered groups extending from Traverse City to Grand Haven; and the Potawatomi Band, living in five or six counties in the southwestern corner of the State of Michigan and numbering about 500.

The number of Indians in the State of Michigan, as shown by the census of 1930, is 7,080; of these about 2,500 are shown as living in Upper Michigan and the remainder in Lower Michigan. Approximately 900 are located in seventeen cities. This census may not be accurate, as there may be many persons with some degree of Indian blood who registered as white.

9634
New

The Chippewa and Ottawa Band showed a very keen desire to be considered eligible to come under the Indian Reorganization Act, but in view of the fact that they are not an enrolled band, nor have they lived on a reservation for nearly a century (in fact I was unable to find any record in Wisconsin or Michigan which would indicate that the Michigan Indians, exclusive of the Swan Creek, Black River and Saginaw Band of Chippewas, ever had a reservation) I cannot see how they can be considered eligible, unless lands can be purchased for them and held in trust by the United States for their use under Section 5 of the Act, as "landless" Indians.

As near as I can find out from interviewing the oldest Indians at different points, it seems that these Indians were given allotments on the Public Domain, but no reservation was ever defined, in which case it is questionable that they can be recognized as a Band, insofar as the Indian Reorganization Act is concerned, unless, as I said before, these landless Indians are permitted to incorporate separately from the Indians having lands; if this is possible, new lands would have to be purchased for these landless Indians and a new reservation set up for their use.

Furthermore, these Indians have been citizens of the State of Michigan for many years - they are not wards of the federal government. The only time the federal government had jurisdiction over their welfare was during the time the Mount Pleasant Boarding School was in operation, at which time many of the Michigan Indian children received their early schooling at Mount Pleasant; while under the supervision of the boarding school these Indian children could have been classed as wards of the government. With this exception, these people have been citizens of the State of Michigan and come under the laws of the state. Unless funds can be provided for these Indians under the Indian Reorganization Act within a reasonable time, say two years, I recommend that no action be taken for them to be considered under the terms of the Act. In this connection, I desire to state that one of two things must be done by the Office: either arrangements must be made to purchase lands for these people or they should be definitely informed that they cannot be considered under the Act. Otherwise continuous correspondence will ensue, as heretofore. At the present time they feel that they are being discriminated against and they see no reason why they do not have just as much right to benefit from the Indian Reorganization Act as to the Swan Creek, Black River and Saginaw Band, who live on the Lake Huron side.

With the passage of the Indian Reorganization Act, a problematical issue arose in Michigan among the Indians as to what benefits were in store for them under the new legislation. They did not seem to realize that the Act was primarily drawn up to legislate for those Indians who were directly under Federal jurisdiction, living within the confines of reservations and enrolled members of tribes. In advertising these recent meetings held in Michigan it was clearly stated that the meetings were to be held for the dissemination of information, so that the Indians attending would not expect immediate action on organization, etc.

Finances with which to carry on the work were of great concern at this time and might mean considerable delay even though it is found that these people are eligible to come under the Act. In scheduling the meetings these points were brought out by Mr. Farver with no view to discouraging them, but with the hope that the meetings might be attended with a clear understanding of their purpose. In all of the meetings held I made no promises. I informed the Indians very clearly and distinctly that in view of the fact that they are not enrolled and are not living on a reservation, it is questionable whether they could come under the Act. This was told to them so that there would be no misunderstanding or confusion as to their status. Section 19 of the Act clearly defines the term "Indian" as used in the Act, and reads in part as follows:

"The term 'Indian' as used in this Act shall include all persons of Indian descent, who are members of any recognized Indian tribes now under Federal jurisdiction and all persons who are descendants of such members and who were on June 1, 1934, residing within the present boundaries of any Indian reservation and shall further include all other persons of one-half or more Indian blood."

To determine the blood status of the Michigan Indians of "one-half or more Indian blood" as defined in the Act, will necessitate the employment of one or two men for at least one year to collect data and there is a question in my mind as to whether or not this information can be obtained with any degree of accuracy, because the reliability of this information will largely depend upon the honesty and integrity of the Indians themselves, since there are no census rolls from which this information might be obtained. Upon the expiration of Doctor Henry Roe Cloud's leave of absence, he should be detailed to Michigan on such an assignment.

Father Aubert, who has been instrumental in organizing the Michigan Indian Defense Association, an organization quite active at this time, is evidently trying to dominate the situation in Michigan and since many of the Indians resent his trying to have anything to do with what they feel to be a business undertaking and not a religious venture, the organization will not be a success. In considering the Indian Reorganization Act they want to keep out religion, whether it be Protestant or Catholic. I am bringing this up at this time for the reason that Father Aubert endeavored to dominate three of the five meetings I held in Northern Michigan.

I am enclosing herewith a map of the State of Michigan on which I have shown, in blue, the several areas where groups of the Chipewa and Ottawa Band are located; in green, the several locations of the Ottawa Band; in red, the localities in which the Potawatomes live, while the location of the Swan Creek, Black River and Saginaw Band, on the Lake Huron side, is shown in black. This map is sub-

mitted to give to the Office a clear picture of how very widely scattered the various groups are.

Sincerely yours,

M. L. Burns

M. L. BURNS,
Coordinator.

mlb:s

incl.

Appendix H

Mark L. Burns to Commissioner of Indian Affairs. June 16, 1936.
Central Classified Files of the Bureau of Indian Affairs. Record
Group 75, National Archives, Washington, D.C., file Michigan
Miscellaneous Part I 9634-1936, 066.

Int-Ofs
9559

UNITED STATES
DEPARTMENT OF THE INTERIOR *9634*
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

633 Plymouth Building,
Minneapolis, Minnesota.

June 16, 1936.



Commissioner of Indian Affairs,

Washington, D. C.

Attention: Mr. Fred E. Baker.

Dear Sir:

Reference is made to Office letter of May 27, enclosing a copy of a letter received by the Office from Mr. Mose Page, of Hart, Michigan, requesting information concerning the Indian Reorganization Act.

Mr. Page refers to the Indians living in Oceana and Mason Counties, in Michigan, where he claims the Grand River Band of Ottawa had their reservation.

Under date of April 6, I made a report to the Office concerning these Indians; I feel that they are entitled to come under the Reorganization Act, altho they have no reservation, nor are they enrolled. However, as stated in my letter of April 6, before anything can be done for these people, quantum of Indian blood must be determined. This was clearly explained to the Indians on my last trip to Michigan. I believe that two or three field men should be sent into Michigan to work this out, and urge that this be done.

Mr. Page states that the Indians to whom he refers are still wards, not citizens; he is evidently mistaken in this respect, as all Indians in the State of Michigan are citizens and not wards.

Sincerely yours,

M. L. Burns
M. L. BURNS,
Coordinator.

mlb:rc

Appendix I

John Collier to Albert J. Engle. April 27, 1836. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Michigan Miscellaneous Part I 9634-1936, 066.

REFER IN REPLY TO THE FOLLOWING:
125-5084
21

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

Hon. Albert J. Engel,
House of Representatives,

APR 27 1936

Herald

My dear Mr. Engel:

Your letter of April 19, referring also to one written March 28, in behalf of Mr. Arthur Hubay relative to his economic condition has been one of a number of similar cases in Michigan which is causing unusual concern in this Office.

The enactment of the Indian Reorganization Act has tended to expedite the efforts of a limited field force to ascertain the status of Indians in the Lake States, and especially those Indians of Michigan, many having been apparently abandoned, some of whom can now be assisted through the Act.

Pending certain reports from the field it was hoped an appropriate reply could be given you, not only in the disposition of Mr. Hubay's case but of any others should they arise. Such reports to date are too meager to permit mention at this time; however, the subject of Mr. Hubay's query relative to an Indian census, is being taken up through other channels, and you can be assured of a reply within the next week or ten days.

We are extremely sorry for this delay and beg your indulgence in this matter for which there is every mutual concern.

It should be added that there is being sent into the Lake States, Minnesota, Wisconsin, and Michigan, three additional field men of the Indian Reorganization Unit to assist in the task of supplying needed information and help for rehabilitating those Indians in dire need. Such efforts as these have been made possible by an awakened public to conditions of Indians and a sympathetic Congress.

The concern exhibited by you for your Indian constituency is one of many others which is reassuring and heartening to those of us who are endeavoring to alleviate conditions among Indians.

~~Respectfully yours,~~
(Signed) John Collier

Commissioner.

(4 in 24)
4 am 24

Carbon for Indian Office

* * * 312

Appendix J -

Frank Christy to Commissioner of Indian Affairs. June 16, 1937.
Central Classified Files of the Bureau of Indian Affairs. Record
Group 75, National Archives, Washington, D.C., file Michigan
Miscellaneous Part I 9634-1936, 066.

June 18, 1934
4770
RECEIVED
JUN 19 1934
U.S. DEPT. OF THE INTERIOR

Commissioner of Indian Affairs,
Washington, D. C.

Att'n: Mr. F. H. Baker

Dear Mr. Commissioner:

" This is in reply to your letter of June 11th with which there was enclosed a file containing correspondence with Mr. O. F. Grismer relative to the Ottawa Indians of Michigan. The file is returned herewith in accordance with your request.

Mr. Baker

I have consistently maintained that it would be unwise for the Indian Service at this time to make any gestures that might be interpreted as evidence that it was about to assume responsibility for the welfare of these Indians. At present the local and State municipalities regard them in the same light as other citizens and extend to them without discrimination all the advantages in the way of direct relief, employment relief, and health facilities that are enjoyed by other citizens of a similar economic status. In my judgment it would be exceedingly unwise to disturb their arrangement until and if the Indian Service is prepared financially and otherwise to assume full responsibility for them. Naturally the local county and township governments while under present conditions they are willing to discharge their responsibilities toward the Indians, would welcome the opportunity to transfer responsibility to the Federal Government.)

In the event that these Indians are found eligible for organization under the Act of June 18, 1934 and that the Indian Service has the funds necessary to engage in the work of rehabilitating them, Mr. Grismer's proposal appears to me to have definite merit as a part of the program. In fact a somewhat similar recommendation was made by Mr. Burns and the writer about two years ago when we made a survey and set up tentative programs for the Indians of the Lower Peninsula. Mr. Grismer's suggestion that Indians be utilized as game wardens in the national forests is in line with my own recent suggestion to the Office contained in a memorandum suggesting cooperation between the Resettlement Administration and the Indian Service looking to the employment of Indians in capacities of this kind in all Government forest areas, in Michigan and Wisconsin.

file 200

[Signature]

A program of this kind if capable of realization would furnish the Indians with employment for which they are peculiarly well fitted by nature and inclination and if supplemented by a sufficient amount of fertile agricultural land on which they might raise subsistence for themselves and their families would in my judgment assure their economic independence.

Very truly yours,

Frank Christy
FRANK CHRISTY
Superintendent

FC:g

cc-Mr. Mark L. Barnes

Mark L. Barnes

Appendix K

John Collier to Burton K. Wheeler. No Date 1938. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Michigan Miscellaneous Part I 9634-1936, 066.

Hon. Burton K. Wheeler,
United States Senate.

My dear Senator Wheeler:

This is in reference to your letter of March 31 in which you enclose a letter to you from Mr. Enos Pego and Mr. Peter Stone of Hesperia, Michigan, relative to the Ottawa Band of Indians coming under the Wheeler-Howard Act.

The matter of the Grand River Band of Ottawas of the State of Michigan coming under the Indian Reorganization Act has heretofore received the attention of this Office. For your information a copy of letter of June 26, 1938, signed by Assistant Commissioner Zimmerman to Major Frank M. Langdon, Chairman, Michigan Indian Affairs, The American Legion, Detroit, Michigan, is enclosed herewith.

✓ Zimmerman
Superintendent Christy of the Tomah Indian School reported in part on June 16, 1937, as to these Indians, as follows:

"I have consistently maintained that it would be unwise for the Indian Service at this time to make any gestures that might be interpreted as evidence that it was about to assume responsibility for the welfare of these Indians. At present the local and State municipalities regard them in the same light as other citizens and extend to them without discrimination all the advantages in the way of direct relief, employment relief, and health facilities that are enjoyed by other citizens of a similar economic status. In my judgment it would be exceedingly unwise to disturb this arrangement until and if the Indian Service is prepared financially and otherwise to assume full responsibility for them. Naturally the local county and township governments while under present conditions they are willing to discharge their responsibilities toward the Indians, would welcome the opportunity to transfer responsibility to the Federal Government."

Since there were and are no funds available for the purpose of assisting these Indians, it has been and is the policy

You will find enclosed a copy of the Reorganization Act and copies of the Michigan constitutions which have been approved by the Secretary of the Interior.

Sincerely yours,

Commissioner

Enclosure 1369511

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Sincerely yours,

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Appendix L

John Collier to B. K. Wheeler. April 18, 1938. Central Classified Files of the Bureau of Indian Affairs. Record Group 75, National Archives, Washington, D.C., file Michigan Miscellaneous Part I 9634-1936, 066.

Hon. E. E. Wheeler,
United States Senate.

APR 18 1938

My dear Senator Wheeler:

This is in reference to your letter of March 21 in which you enclose a letter to you from Mr. Ems Page and Mr. Peter Stone of Keweenaw, Michigan, relative to the Ottawa Band of Indians coming under the Wheeler-Howard Act.

The matter of the Grand River Band of Ottawas of the State of Michigan coming under the Indian Reorganization Act has heretofore received the attention of this Office. The American Legion of Michigan has been very much interested in the Indians of that State, and it has also taken up various questions concerning them.

This particular group presents an unusual problem. While they may have rights under the Indian Reorganization Act when organized, they have for years been dealt with by the State authorities as have other citizens, receiving direct relief, employment relief, health and educational facilities, etc. For the Indian Service to go among these people with inadequate funds and to attempt to take over functions and services which they are now receiving from the State and thereby disturb a definite social order in the community presents a real problem. It is a situation which we have hesitated to disturb.

Our representatives in that area, and others from the Washington Office, have recommended against action until we are prepared to assume full responsibility. There is no doubt that as we undertake this work the State will withdraw. If we cannot do an equally good or better job, then we should not interfere.

This letter does not mean that we have made a final decision but at the same time with the funds available and the demands made upon them by Indians when we really consider our responsibility, we are not disposed to take any action at this time.

Sincerely yours,

(Signed) John Collier
Commissioner.

cc: Archie Finney,
M. L. Burns

4 jc 9

Carbon for Indian Office

Appendix M

"A Survey of Indian Groups in the State of Michigan, 1939, by John H. Holst, Supervisor of Indian Schools. Bureau of Indian Affairs, Branch of Acknowledgment and Research, Washington D.C.

**A SURVEY OF INDIAN GROUPS
IN THE
STATE OF MICHIGAN, 1939
by
John H. Holst,
Supervisor of Indian Schools.**

CONCLUSION

I believe we must conclude that the Indians of Lower Michigan have entered into full citizenship and have been so accepted by the State in all of its relations with them; that these Indians neither need nor ask help, special favors, or gratuity from the Federal Government; that such help or subsidy tends to weaken the ties of that citizenship they have attained and which they prize, and that it tends to subject them to the scorn of those who have accepted them as equals; that special Federal laws governing Indians should give way to State laws which govern other citizens under similar conditions; and above all, we must conclude that so far as lower Michigan is concerned trust-hold land, with its implications of Federal wardship is a menace to Indian welfare and progress, both in its effect upon Indians and in its effect upon other citizens and civic agencies that resent class privileges or prohibitions.

RECOMMENDATIONS

1. That the present understanding and arrangements between the Federal Government and the State of Michigan, relating to the general welfare and education of Indian children be continued, except that the sponsorship of the Federal Government may be diminished gradually as the State agencies extend their responsibilities for the common welfare of all citizens.

2. That the Indian Office shall not attempt to set up any additional or supplementary educational or welfare agencies for the Indians of lower Michigan that in any way tend to recognize Indians as a separate group of citizens.

3. That there be no further extension of organization under the Indian Reorganization Act in Michigan.

4. That steps be taken to abolish the prohibition on the sale of liquor to Indians of lower Michigan.

Appendix N

Peru Farver to Commissioner of Indian Affairs. December 1, 1939.
Central Classified Files of the Bureau of Indian Affairs. Record
Group 75, National Archives, Washington, D.C., file Michigan
Miscellaneous Part I 9634-1936, 066.

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

Tomah Indian Agency
Tomah, Wisconsin
December 1, 1939

Commissioner of Indian Affairs
Washington, D. C.

Attention: Fred E. Daiker

Sir:-

This is in reference to Office letter dated Oct. 3, 1939, submitting a report of the survey of Indian groups of the Lower Peninsula of Michigan made by Supervisor, John H. Holts.

The general trend of this report indicates that the economic status of these people is above the average that could be expected among low income groups throughout the country. This idea is evidently based upon what was found among the near-white living in towns, cities, and villages. It would seem that more definite information could have been furnished had a distinct line of demarcation been made between the near-white and those more definitely Indian. Perhaps my attention has been attracted only to the less fortunate. However, it may be recalled that such individuals as Levi McClellan of Petoskey, Enos Pego of Hart, George Antoine of Omena, John Williams of Dowagiac, and Miss Amelia Schaub, Prosecuting Attorney for Leelanau County have written many letters to the Office and to Congressional representatives requesting meetings and wanting to know why these people were not recognized. Such requests have necessitated a visit to many homes and the holding of a number of meetings and my impression has been that those more nearly Indian are for the most part a destitute people. This thought is expressed in that portion of the report which reads as follows:

"As the white man pressed upon him and took from him the lion's share of his natural resources, the Indian was forced to a wage economy for which he was wholly unprepared either

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6/11/40
Mushell

by experience or aptitude, and through which he is finding it exceedingly difficult to rise to any satisfactory standard of living. He is now following as he can, the ways of his ancestors into the new economy. The more limited areas of wild berries and fruits still call him for brief seasons as he makes the transit to the berry and fruit orchards of his white neighbors who pay him by the unit quantity. Where he hunted the deer and other game for his meat supply, he now finds occasional calls to guide the foreign hunter for pay. He finds seasonal employment where he can, and sometimes turns his ancient craftsmanship to the making of imitations for a little tourist coin. But gradually he is learning to adjust himself to new occupations and is entering various fields in competition with other skilled labor, or taking his place in the professions."

The last sentence of this statement, I should say, is more nearly applicable to the near-white.

I fully agree that no further extension of organization under the Indian Reorganization Act should be made in Lower Michigan and that no action tending to designate these people as a separate group should be taken. However, it is believed that there is a definite need of rehabilitation among some of these groups. The housing facilities of many are deplorable and it was hoped that through this survey some plan would be developed through State and Federal cooperation to improve the living conditions of many of these people. It is believed that with some assistance from the Federal Government, the State could be interested in undertaking a re-housing program for those in the rural areas. If some assistance were extended through the State without the Federal Government being recognized as taking part, it would relieve an acute need and thereby lessen the plea for recognition as Indians.

The statement of Mr. Levi McClellan that no assistance is needed is in direct contrast with his activities for the past 4 or 5 years and his present contentment can only be attributed to the fact that he has been employed as a foreman on a WPA project for some time and is perhaps receiving a better income than he has been able to earn at any time in the past. As a matter of fact, his last request for a meeting was in July of this year. As soon as emergency relief projects are discontinued, we may well expect to hear from such in-

dividuals as Mr. McClellan.

This issue will be kept alive for many years in view of the fact that most of the groups in the upper peninsula have been recognized and we are likewise contributing to the Chippewas of Lower Michigan. In other words, the Ottawas and Potawatomies are the only tribes in Michigan which have been denied assistance under the Indian Reorganization Act. There are some 35 Ottawa and Potawatomic children receiving Boarding Home Care and Public School Assistance at this time and so far as I know none have been denied enrollment in Government boarding schools on the basis of belonging to these tribes. The fact that we are rehabilitating all other groups in the state and are granting certain benefits to these two tribes keeps alive a ray of hope and a realization that there is an Indian Service.

✓ I agree that immediate steps should be taken to repeal the Indian Liquor Law. This statute is not being enforced, though it is common knowledge that such law exists and that it is being violated when an Indian is sold intoxicating liquors.

✓ The State is exercising and the Indian is accepting, State jurisdiction. However, it is believed legislation should be enacted granting State jurisdiction on Government-owned and restricted Indian lands. There is every reason to believe that State jurisdiction will eventually be questioned in those areas where we hold restricted lands and have purchased IIA land.

If it should be decided that no assistance is to be given the Ottawas and Potawatomies of Lower Michigan then it would seem that a definite statement of policy to that effect should be made.

Respectfully,



Peru Farver
Superintendent

PF:ft

Appendix O

Minutes of a Meeting of the Executive Board, Unit Officers, and C.E.N.A. Organizations, Northern Michigan Ottawa Association. September 28, 1974. Bureau of Indian Affairs, Branch of Acknowledgment and Research, Washington D.C.

Robert Dominic to Rogers Morton. May 5, 1975. Bureau of Indian Affairs, Branch of Acknowledgment and Research, Washington D.C.

NORTHERN MICHIGAN CITIZENS ASSOCIATION
 911 Franklin Street
 Petoskey, Michigan

MEETING OF EXECUTIVE BOARD, UNIT OFFICERS, AND C.E.N.A. ORGANIZATION

PLACE: American Legion Hall, Cadillac, Michigan

TIME: 7:30 P.M.

DATE: September 28, 1974

Meeting called to order by Chairman Robert Dominic

Prayer by Anthony Gilman

Robert Dominic tells why the meeting was called. The purpose of the meeting was to act on matters concerning C.E.N.A., the Coalition of Eastern Native Americans, and to tell of progress etc. that has been made available to the members of C.E.N.A. It was also revealed that 1336 hearings will be taken in southern Michigan and in the northern area of the lower peninsula, perhaps in Petoskey. Testimonies taken on the Grand River Band claim were explained and also the position taken.

Roll Call of Executive Board - Members present were: Robert Dominic, President; Steven Slavin, Vice-President; Marjatta Dominic, Secretary; Ann Smith, Treasurer; Anthony Gilman, Librarian; Counsellors: John Cantu, Paul Johnson, and Gary Johnson; and Accountant: Councilor Carol Bennett.

Roll Call of Units -

Present were: Units 1, 2, 4, 5, 7, 10

Absent were: Units 3, 6, 8, 11

(Units 5 and 8 were represented but not by officers)

943

Secretary Marjatta Dominic tells of her visit with the Minneapolis Area Office. Her agreement that recognition must be worked on before any of our units can be recognized is noted. It was also agreed that a letter to that effect should be mailed into the office.

Minutes read by Robert Dominic.

Comments on resolution were given by Paul Johnson and a change requested.

Vice-chairman, Steven Slavin assumes chairmanship.

Robert Dominic moves that Paul Johnson be authorized to revise the resolution to include modifications and other stated additions to meet the needs of the Northern Michigan Citizens Association as stated previously by Paul Johnson. This was seconded by Paul Johnson. Vote of the Executive Board (business meeting).

RES: _____ (Resolution attached)

Robert Dominic resumes chairmanship.

Chairman Robert Dominic stated that G.E.O.A. joined the Coalition of Native American Organizations in June of 1973 and other groups who are members of G.E.O.A. are the the Littletonale group of southern Michigan, North American Indian Foundation of St. Ignace and the Indians of Marquette.

Paul Johnson, a member of the G.E.O.A. board gave a report on the activities and operations of the organization.

It was brought out by Robert Dominic that a steering committee should be formed for the Michigan G.E.O.A. group and that nominations were in order for that committee.

Nominations for the steering committee representing the Northern Michigan G.E.O.A. Association were:

Gladys Laws ~~XXXXXXXXXXXX~~ Pauline Barber
John Centu Joe John

Maubette Dominic, Jennie Samson, It was moved by Paul Johnson and seconded by Gladys Laws that nominations be closed. Maubette Dominic and Joe John declined the nominations.

Tellers Field King and Cecil John were appointed by chairman.

By secret ballot Gladys Laws and John Centu won the election. The North American Indian Foundation informed the members that Edward Pickley, Jr. and Elmer Hobbs will serve on the steering committee for that organization. Paul Johnson said he will contact the Federation and have them submit the names of their representatives to the committee.

It was moved by Alvin Anderson and seconded by Steven Shoen that the steering committee (planning committee) be authorized to make necessary plans for this incorporation, etc. By voice vote this passed unanimously.

Fred Boyd of Detroit, Michigan, was introduced as one seeking the position of Secretary for the G.E.O.A. organization and he gave a brief resume concerning himself and the projects he has concerned himself with during the past few years.

Paul Johnson was asked to give a progress report on the University of Michigan. He reported slow progress but that he was continuing on and may ask for more support from our people in the near future.

Vincent Esling moved that the meeting adjourn and this was seconded by Rose Esling.

Meeting adjourned 10:45

Submitted by: Maubette Dominic
(Secretary)

Attest: Robert Dominic
(Chairman)

94

RESOLUTION

Whereas: the Northern Michigan Ottawa Association has been in continuous existence since June 5, 1948 when the Bureau of Indians called the first meeting of the Ottawa and Chippewa; this meeting was conducted by Mr. Rolland K. Miller, Acting Superintendent of Tomah Agency, Tomah, Wisconsin, and

Whereas: the Northern Michigan Ottawa Association was selected as the organization to pursue land claims against the United States government through lawfully selected attorneys, approved by the Bureau of Indian Affairs, and

Whereas: the Northern Michigan Ottawa Association has successfully obtained a monetary judgment before the Indian Claims Commission amounting to approximately eleven million dollars, and

Whereas: the president of the Northern Michigan Ottawa Association has been recognized by the Bureau of Indian Affairs on matters of blood degree certification for educational scholarships, employment and certain health services, and

Whereas: it now appears that full recognition should be accorded the Northern Michigan Ottawa Association who has limited their membership to the descendants of those Ottawa and Chippewa Indians who signed the Treaty of 1838 between the aforementioned Indians and the United States government, and

Whereas: the Northern Michigan Ottawa Association does not have sufficient land base to consider petitioning for Reservation status; they are fully aware of the Snyder Act of November 2, 1921 and its implications for all Indians, be it

Therefore Resolved: at a duly called meeting of the Business Committee of Northern Michigan Ottawa Association on September 28, 1974 in the American Legion Hall, Cadillac, Michigan, that the president of the aforementioned organization request entitlement to federal services provided by the Bureau of Indian Affairs, and

Be It Further Resolved: that the president of the Northern Michigan Ottawa Association is hereby authorized to act on behalf of the general membership of the said organization while attempting to obtain services from other Federal and State agencies (i.e., HEW, DOL, OMI).

VOTE
 Yes 8
 No 0

Waverette Dammie
 Signed Secretary N.M.O.A.

Attest, I hereby certify that the foregoing resolution was duly adopted September 28, 1974.

Robert Dammie Pres. N.M.O.A.



Northern Michigan Ottawa Association

Robert Dominic, President
911 Franklin Street
Petoskey, Michigan
49770

May 5, 1975

The Honorable Rogers C.B. Morton
Secretary of the Interior
Washington, D.C. 20013

943

Dear Mr. Secretary:

This letter is being written in accordance with a resolution adopted on September 28, 1974, in the City of Cadillac, Michigan, by the Business Committee of the Northern Michigan Ottawa Association, for the purpose of obtaining federal recognition from the United States Bureau of Indian Affairs as an existing and active Ottawa and Chippewa Indian tribal group in the State of Michigan presently on a non-land base and non-reservation status. This action is being pursued through the advice of our area agency and attorney. (Resolution and minutes attached).

The Northern Michigan Ottawa Association's membership is comprised of those Ottawa and Chippewa Indians whose ancestors made treaties in 1821, 1836, 1820, 1855, and others, and substantiated by existing federal Indian rolls for complete identification and qualification. Chippewas of the Bay Mills Indian Community would not be included on this request. The request is for the present non-reservation Ottawa and Chippewas of Michigan.

In addition to what is contained in the attached resolution, other matters of vital importance have permeated into the activities of the Northern Michigan Ottawa Association which under present operating conditions cannot be resolved to the full satisfaction of those involved.

It appears very clearly that because of the ever increasing requests for services of tribal nature, in education, health, employment, etc., an office building and finances are earnestly needed. Top priority would be in the field of education. Through thirty (30) years of research involving personal interviews, analysis of federal rolls, etc., we have compiled a roll with family trees that is now being used by the Indian Bureau for educational certifications, employment, health benefits, etc. It is the only tribal roll that exists whereby identification can be properly made regarding our non-reservation Ottawa and Chippewa Indians. Because of the large number of Indians that come under our tribal classification, it is very necessary that a properly staffed educational office be set up to deal with non-reservation educational needs. We desire to contract for this office.

PG. 2
 Honorable Rogers C.E. Horton.
 May 9, 1975

If necessary, a land base would be acceptable to meet certain required criteria for setting up tribal operating offices for the aforementioned Ottawa and Chippewa Indians of Michigan.

I will appreciate your considerate attention on the foregoing matter as soon as possible.

Our 27th annual council meeting will be held on June 21, 1975. We would like to have some report by that time if possible. *VC*

Very truly yours,

Robert Dominic
 Robert Dominic, President
 Northern Michigan Ottawa Assn.

Enclosure (2)
 RD:ga

cc: Supt. Reginald E. Miller
 Ashland, Wisconsin

cc: Gagnier LoBeau
 Tribal Operations Officer
 Minneapolis, Minn.

943

James A. Keedy
Director - Attorney
James A. Bransky
Staff Attorney
William J. Brooks
Staff Attorney
Debra A. Brower
Administrative Assistant

Michigan Indian Legal Services, Inc.

180 E. State Street, Suite 102

Traverse City, Michigan 49684-2672

Telephone (616) 947-0122

Facsimile (616) 947-3666

Toll free (800) 966-6877

**SUPPLEMENTAL TESTIMONY OF MICHIGAN INDIAN LEGAL SERVICES, INC.
ATTORNEYS FOR THE LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
AND THE LITTLE RIVER BAND OF OTTAWA INDIANS
ON S. 1357, submitted for the hearing record for the
SENATE COMMITTEE ON INDIAN AFFAIRS
March 7, 1994**

Michigan Indian Legal Services, by James Bransky and William Brooks, is grateful for the opportunity to submit this additional testimony in support of S. 1357 to reaffirm and clarify the federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians.

The Ottawa/Odawa tribes seeking reaffirmation and clarification of their relationship with the federal government through S. 1357 are the political successors to bands which were signatories to the 1836 treaty of Washington, 7 Stat. 491 and the 1855 treaty of Detroit, 11 Stat. 621. Despite these prior treaty relations and the continuing political relations between these tribes and the United States, the Bureau of Indian Affairs and its predecessors have treated these tribes as if they had been terminated by the 1855 treaty.

That continuing recognition of political relations "de facto", while refusing to recognize those political relations "de jure" make the situation presented by these tribes unique.

This is not the first time that these same legal and factual arguments regarding the tribes' right to reaffirmation of their status as federally-recognized Indian tribes has been considered by this federal government. This testimony examines the context of those earlier debates.

The final treaty entered into by the United States with the bands called the "Ottawa and Chippewa Nations" was the treaty of 1855. In addition to setting aside a reservation for the allotment of land to individual tribal members, the 1855 treaty, in Article 5, "dissolved" the artificial organization of the Ottawa and Chippewa Nations of Indians. Article 5 did not dissolve or terminate the tribal status of the individual bands which made up the Ottawa and Chippewa Nations. That Article expressly acknowledged the right of the various bands individually or bands residing in a particular vicinity to "arrange matters between

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themselves and the United States" in the future without the need to call a general convention of all bands and communities.

Although Article 5 was not itself ambiguous, subsequent generations of federal officials read Article 5 in conjunction with other articles of the 1855 treaty which called for the allotment of the lands reserved for the tribes under that treaty and an end to the perpetual annuities which had been provided under earlier treaties. The first official opinion that the Ottawas and Chippewas had been terminated seems to have appeared in the 1875 Annual Report of the Commissioner of Indian Affairs, which referred to the Ottawa and Chippewa in this manner:

"This is the largest tribe of Indians in the State, numbering about 6,500. In 1872 their tribal relations to the government were dissolved, and their last payments received, so that they are citizens of the United States. The last promise of the government has just been fulfilled in the delivery of patents to those Indians that were twenty-one years of age at the formation of the treaty of July 31, 1855. The balance of the land of their reservations was opened by act of Congress in 1874 for homestead entry.

Commissioner's Annual Report of 1875 at page 293 (emphasis supplied).

Thus, federal officials erroneously believed that Article 5 dissolved the tribal relations of the individual bands with the government once the stipulations under the 1855 treaty had been fulfilled. Despite such statements, the federal government has continued to recognize the existence of organized bands which were the political successors to the treaty signatories.

For example, in the 1886 report of the Commissioner of Indian Affairs, which was quoted in a report of the 1890 census, the Commissioner states:

The Indians of Michigan are all citizens, are voters, and eligible to hold office. They are not known or recognized by tribal relations . . . While no tribal relations exist, yet the Indians annually elect certain of their number, whom they call chiefs or headmen, whose duty it is to transact all business with the government or the Indian agent, sign all papers and stipulations, which they consider as binding upon their band.¹

¹ See Report on Indians Taxed and Not Taxed in the United States at the Eleventh Census, 1890, attached as Exhibit 5 to Michigan Indian Legal Service's Testimony submitted February 10, 1994.

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Although the Commissioner asserted that the Michigan Indians were "not known or recognized by tribal relations" he also acknowledged that organized bands continued "to transact all business with the government or the Indian agent" through chiefs and headmen.

Approximately twenty years later, the federal government again dealt with the Ottawa bands in context of a claims suit which the bands brought and won. The Commissioner of Indian Affairs assigned Special Agent Horace Durant to prepare the roll of Indians entitled to share in that judgment award. Among the instructions Durant received from the Commissioner on preparation of the roll was the following:

"Where the Indians were found to be living in tribal relation, to accept the certificate of the chief or headmen of a band as prima facie evidence of the right to enrollment of any Indian belonging to such band."

(See attached Exhibit 7, Memorandum from Rogers C.B. Morton, Secretary of the Interior to Honorable James O. Eastland at p. 5 (October 30, 1974)

Agent Durant found the Ottawa/Odawa continuing to live in discrete settlements with chiefs and headmen selected by band consent and prepared his roll of the Michigan Ottawa and Chippewa accordingly. The payroll list of Ottawa/Odawa bands prepared by Durant is recognized by the Bureau of Indian Affairs as the historical base for determining tribal membership and eligibility for services provided to members of Indian tribes. The membership criteria for the Little Traverse Bay Bands require members to trace from the "Traverse Bands" from Little Traverse Bay which were identified by Durant. The membership criteria for the Little River Ottawa require members to trace those "Grand River Bands" identified by Durant which had settled at Indian Town on the Mason County Reservation.

The federal government was again called upon to examine the impact of Article 5 of the 1855 treaty during the 1930s in the context of the Indian Reorganization Act (IRA). Federal officials administering the IRA recognized that reorganization assistance was available to three groups of Indians under section 19 of the act: organized bands or tribes of Indians, members or descendants of members of organized bands or tribes of Indians residing on Indian reservations, and other persons of one-half or more Indian blood. The debate within the Department of Interior focused on whether the political descendants of the Ottawa and Chippewa bands which were signatories to the 1855 treaty were recognized by the Indian Office as "organized bands", and therefore entitled to organize under

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Section 16 regardless of residence.²

Although federal officials focused on the ambiguities regarding the legal status of the Ottawa and Chippewa bands, similar confusion existed regarding the "residence" of the bands.³ Many, if not most, members of the tribes continued to reside within the exterior boundaries of the reservations established for their bands under the 1855 treaty. Indeed, many tribal members continued to reside on restricted allotments, some of which had been purchased as recently as 1930. However, federal officials apparently believed that the phrase "residing within the present boundaries of any Indian reservation" in section 19 only applied to reservations containing trust lands held in common for the tribe as opposed to individuals.

Soon after enactment of the IRA, both of these tribes petitioned the federal government for reorganization under its provisions. Commissioner of Indian Affairs John Collier's staff re-examined the position taken by previous administrations concerning the effect Article 5 had on the Michigan Ottawa and Chippewa's rights under the IRA:

"In spite of this general acceptance of this group as the Sault Ste. Marie Band and the implicit recognition of this band in the correspondence of this Office, there has been going on through a number of years a dispute between these Indians and this Office as to whether this band was dissolved by the treaty of July 31, 1855.

In answering this argument this Office likewise assumed that Article 5 applied to band organizations and has stated at various times that Article 5 did disband this group of Indians except for the purpose of carrying out the terms of that treaty, and that the treaty of August 2 was, in effect, a carrying out of the former treaty. However, if the words of Article 5 are read carefully it will be noted that it is the "tribal organization of said Ottawa and Chippewa Indians" that is dissolved. The article says nothing whatsoever of the dissolution of the band organization and, in fact, the latter part of the article clearly implies that the United States will treat

² See attached Exhibit 8, Memorandum from William Zimmerman, Jr., Assistant Commissioner of Indian Affairs to Secretary of the Interior, January 14, 1936.

³ See e.g. attached Exhibit 9, M.L. Burns to Commissioner of Indian Affairs, April 6, 1936. Central Classified Files of the BIA. Record Group 75, National Archives, Washington, D.C., file Michigan Misc. Part I 9634-1936, 066 at page 2.

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with band organizations in the future in preference to dealing with the tribal organization. It states that future negotiations will be had with Indians residing in particular localities without the concurrence of other portions of their people.

The present position of this Office is, therefore, that Article 5 of the treaty of July 31, 1835, did not dissolve the band organization[s] ... and they have continued to be an organized and recognized band.

See, Exhibit 8 at pp. 3-4 (emphasis supplied).

Consistent with that position, Commissioner Collier advised the Ottawa and Chippewa bands to petition for reorganization based on band relations. In 1936, Commissioner Collier sent Peru Farver and M.L. Burns to Michigan to discuss the IRA with the bands directly. They held meetings with leaders of the Little Traverse Bay Bands at Cross Village and met in Manistee with leaders of the resident Grand River Bands who would later call themselves the Little River Ottawa. Other meetings were held in various parts of the state with other Ottawa Bands, including the Grand River Bands residing in Oceana and Muskegon Counties.⁴ Historic documentation clearly shows that Commissioner Collier found the Grand River Bands from Oceana, Mason and Manistee Counties to be eligible for reorganization under the IRA.

However, for some reason, the BIA thereafter abandoned its revised position regarding Article 5's impact on the Ottawa bands and limited reorganization assistance to only those Michigan tribes for whom the federal government continued to hold trust lands. Historic documentation also shows that the BIA thereafter abandoned efforts to implement the IRA in Michigan because of a lack of appropriations.

Despite having been frustrated on the issue of reorganization, the Ottawa bands' relations with the federal government continued. In the 1940s, the Ottawa and Chippewa Bands formed a coalition business committee called the Northern Michigan Ottawa Association (NMOA). The business committee of the NMOA was made up of elected officials from groups of bands from around the state designated as "Units". Most of the bands comprising the Little Traverse Bay Bands were represented by "Unit 1" delegates and the Little River Band was represented by "Unit 7" delegates. Officials from the BIA's Minneapolis Area Office and Great Lakes Agency began working with the NMOA bands to develop tribal rolls based on Durant's payroll lists. The Minneapolis Area Office and Great Lakes Agency

⁴ Exhibit 9.

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also accepted the bands' certification of individuals' eligibility for various educational and health services based on those rolls.

Despite denying the Ottawa's legal status as tribal governments, as recently as 1976, Commissioner of Indian Affairs Morris Thompson acknowledged in a memorandum to the Solicitor that the NMOA and Grand River Band Descendant's Committee "are, in many basic senses, functioning as or at least are accepted as tribal political entities by the Minneapolis Area and Great Lakes Agency." Commissioner Thompson went on, however, to state:

"[c]ontrary to the views expressed . . . by various Michigan Indian spokesmen we reiterate that we consider the involved Ottawa and Chippewa Indians, or their descendants, to have lost their tribal political identity in 1855."⁵

Article 5 was also raised by the Bureau when leaders from the various Grand River Bands, including the Little River Band, proposed to limit the distribution of the judgment fund award in the Docket 40-K Claims Commission case to persons who were at least one-fourth degree Indian blood. The Bureau contended that the judgment fund must be distributed strictly on the basis of descentance and could not be limited to descendants with at least one-quarter blood quantum. According to the Bureau, the only exceptions to this rule were the organized, reservation-based Bay Mills and Sault Ste. Marie Chippewa, who had the political authority to certify and enroll members based on blood quantum. The other Ottawa bands were considered to have lost their tribal identity under Article 5 of the 1855 treaty.

Commissioner Thompson recognized the legal ramifications if Congress were to accept the blood quantum limitations advocated by the Grand River Descendant's Committee:

Should we be compelled by the Congress to accept a blood quantum designation, the Grand River Ottawa case will immediately affect the Ottawa-Chippewa case and, we strongly feel, disastrously interfere with those situations in which we have found modern tribes to be the successors of aggrieved historic tribes.

Exhibit 6, page 3.

Commissioner Thompson knew that if Congress were to accept the Grand River Band Descendant's Committee and Northern Michigan Ottawa Association proposals it would, in essence, be recognizing the political authority of and tribal status of the constituent

⁵ See Exhibit 6, attached to Michigan Indian Legal Service's February 10, 1994 testimony.

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bands represented by those entities.

The Northern Michigan Ottawa Association and Grand River Descendant's Committee actively lobbied against the Bureau's proposed distribution. Despite strong opposition from the Bureau, Congress adopted language consistent with the enrollment criteria adopted by the Northern Michigan Ottawa Association and Grand River Bands Descendant's Committee in PL-540, 90 Stat 2503 (October 18, 1976), which provided for the disposition of funds appropriated to settle the Grand River Bands of Ottawa Indians land claims. The enrollment criteria and tribal rolls prepared by those tribes were subsequently utilized to certify persons eligible for judgment fund payments.

Article 5 was again raised by the State of Michigan in the context of the treaty fishing litigation involving tribes who were signatory to the 1836 and 1855 treaties. The State argued that the tribes did not have treaty rights because the entities which might have possessed such rights were dissolved by the 1855 treaty. Just as Assistant Commissioner Zimmerman had found some 40 years earlier, the federal court for the Western District of Michigan accurately found that Article 5 did not end government-to-government relations with the Ottawa/Odawa bands:

Article 5 had no impact on the government-to-government structure of the bands. There was no change in the way in which the Indian agents dealt with them after the treaty, except they were never convened again as one group. . . . The United States wanted to handle disputes arising as a result of the 1855 treaty on a localized basis and sought to avoid the need for calling a general convention of the Indians to resolve future problems, and the Indians of the treaty area wished to be treated with locally, and not as an artificial "Ottawa and Chippewa nation." This--and only this--is what Article 5 accomplishes. . . . Even if the Treaty of 1855 were the only source of the tribe's federal relationship, the treaty provision would not end aboriginal federal rights or prevent recognition of a modern tribal group as a political successor in interest.⁶

Because the BIA and Congress had implicitly acknowledged the continued political existence and authority of the Ottawa bands "in fact" just three years before this decision, one would have expected the BIA to simply reverse its position and add these tribes to the list of federally-recognized Indian tribes; however, the Bureau had recently developed a new reason to deny these tribes the legal status they so clearly warranted - the Federal Acknowledgement Process.

⁶ *United States v. State of Michigan*, 471 F. Supp 192, 264-65 (1979).

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Citing *United States v Washington*,⁷ the Department has presented testimony asserting that these tribes are not entitled to any presumption of continued political existence based on a claim of prior treaty relations alone and therefore should go through the Federal Acknowledgement Process. However, the factual predicate for the *Washington* decision involved specific, detailed findings of fact that the involved tribes "had not functioned since treaty times as 'continuous separate, distinct and cohesive Indian cultural or political communit[ies].'" *United States v Washington*, 641 F.2d at 1373. In contrast, the political continuity of the bands affected by the instant legislation was at least implicitly acknowledged by the Department and the Congress as recently as 1976. The Federal Acknowledgement Process represents nothing more than a very expensive and time-consuming procedural hurdle, rather than a necessary fact-finding forum in this instance.

The situation presented by these tribes is more like those tribes whose status as organized tribes is not questioned but whose political relationship with the federal government was terminated. These tribes are for all intents and purposes already acknowledged by the federal government. The FAP is designed to review evidence regarding federal recognition and tribal existence. The Final Rule for revising the Procedures for Establishing That an American Indian Group Exists as an Indian Tribe, which was published in the Federal Register on Friday February 25, 1994, at page 9280 modified the language of 25 CFR §83.8(d) to provide that tribes which were previously acknowledged by the Federal government need only demonstrate that continued existence from the latest date of Federal acknowledgement. In this case, the fact that these tribes continued to exist and function as tribal political entities was acknowledged by both the Commissioner of Indian Affairs and the Congress as recently as 1976. The fact that these tribes are before this Committee now can leave no question that these tribes continue to exist during the nineteen (19) years since that time. Indeed, under the precedent set by prior BAR decisions, these tribes would be entitled to acknowledgement under the existing criteria as a matter of law based on this most recent acknowledgement.⁸

Legally and factually, the tribes have a government-to-

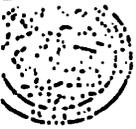
⁷ 476 F. Supp. 1101 (W.D. Wash. 1979), aff'd 641 F.2d 1368 (9th Cir. 1981).

⁸ 25 CFR §83.7(a) stated: "A petitioner shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years." Even if there were no evidence of tribal activity from either of these two tribes during the last 19 years - which is clearly not the case - the Bureau found that a gap (from 1955-71) in the documentation filed by the Grand Traverse Band of Ottawa and Chippewa Indians, which was party to the same treaties as these tribes and whose bands were also represented on the Northern Michigan Ottawa Association, did not prevent acknowledgement of the Grand Traverse Band under this criteria. 45 Federal Register 19321-22 (Tuesday, March 25, 1980).

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government relationship with the United States. They are simply the victims of neglect and unlawful contradictory positions taken by the BIA with respect to Michigan tribes. Congress must reaffirm and restore that trust relationship.

EXHIBIT # 7



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 30 1974

Dear Mr. Speaker:

Enclosed with this letter we are submitting a proposed plan, pursuant to the provisions of the Act of October 19, 1973 (87 Stat. 466), for the use and distribution of Grand River Band of Ottawa judgment funds awarded in Docket 40-K before the Indian Claims Commission.

The petitioner sought additional payment for 1,140,740 acres of land in southeastern Michigan that were ceded by the Grand River Band of Ottawas under the Treaty of August 29, 1821. On March 27, 1968, the Indian Claims Commission approved offsets at \$4,671.66 and entered a final award of \$952,620.01 in Docket 40-K "on behalf of and for the benefit of the Grand River Band of Ottawa Indians as it was constituted on March 25, 1822, the effective date of the Treaty of August 29, 1821". Covering funds were appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198).

The proposed plan submitted herewith provides that the judgment funds shall be distributed in individual shares to persons who were born on or prior to and are living on the approval date of the plan and whose name or the name of a lineal ancestor appears on the Grand River Band of Ottawa roll contained in the Durant Roll approved February 18, 1910, or the payment roll derived therefrom approved May 17, 1910, or on any available rolls or records acceptable to the Secretary of the Interior.

By provision of the Treaty of July 31, 1855, the governing bodies of the Grand River and other bands that comprise the Ottawa and Chippewa tribes were dissolved, and the bands and parent tribes ceased to function as organized entities. The band members, particularly those of the Grand River Band, began to scatter throughout Michigan and into other States. Grand River Band descendants today remain rather widely scattered. Although the band was granted land at various times and for varying periods of use and occupancy in treaties, including the treaties of 1821 and 1855, the Grand River Band descendants have no reservation or other land base, nor are they formally



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organized. However, some 1,000 persons claiming Grand River Band descent are members of an organization primarily formed to press claims against the United States on behalf of its membership. This organization, the Northern Michigan Ottawa Association, has in its membership Chippewa Indians as well as Ottawas, and requires that its members possess at least one-fourth Degree Indian blood. The determination of an individual's Indian blood degree apparently is made by the Association.

The Northern Michigan Ottawa Association does not represent and is not recognized as, a tribal entity. The Association concedes that its membership does not include all persons of Grand River Band descent, but officers of the organization have stated that they know the identity of all such descendants.

The introduction of past proposed legislation to authorize the disposition of the judgment in Docket 40-K elicited protests from Association members that their views and the proposals in resolutions they had adopted within the Association have been ignored by the Bureau of Indian Affairs. In a letter dated January 21, 1972, the then-Deputy Commissioner of the Bureau pointed out that the Northern Michigan Ottawa Association cannot be considered as a representative entity for all Grand River Band of Ottawa descendants and, therefore, there was no representative group of Grand River Ottawas with which the Bureau could deal directly. The Deputy Commissioner suggested that a committee be selected from among the several known communities of Grand River Band descendants throughout Michigan, pointing out that while the question would still remain as to the Bureau of Indian Affairs extending formal recognition to a successor entity to the Grand River Band of Ottawas, the committee envisioned would appear to suffice to represent the descendants of the aboriginal band in resolving the immediate issues arising from the then-proposed legislation. Such a committee was formed. Its members, and the claims attorney for the Northern Michigan Ottawa Association, acting as counsel for the committee of descendants, met with staff members of the Bureau of Indian Affairs at Muskegon, Michigan, on March 18, 1972.

The committee of descendants agreed to waive the requests in all of the Association's resolutions pertaining to the distribution and handling of the judgment funds except for

a request in a resolution that eligibility to share in the award be limited to persons of not less than one-fourth degree Grand River Band of Ottawa Indian blood. In addition, the committee requested that the age of 18 be established as the legal age of minors, and that lineal descendancy be traced from persons named on the Grand River Band portion of the Durant Roll of Ottawa and Chippewa Indians that was approved by the Secretary of the Interior on February 18, 1910.

The Bureau of Indian Affairs representatives agreed to the committee's stipulation regarding the age of majority. They conceded to the committee's request that the Durant Roll be named in proposed legislation as a roll from which to trace lineal descendancy, but recommended that the legislation also permit the use of other rolls or records acceptable to the Secretary of the Interior, because the Durant Roll does not include the names of all persons of Grand River Band descent who were living at the time of preparation of the Durant Roll. The chairman of the committee agreed that she knew of the exclusion from the Durant Roll of some persons whose full brothers and sisters were named on the roll, and that other means of establishing their eligibility to share in the award should be made available to such persons.

The one point on which the committee of descendants and the representatives of the Central Office of the Bureau of Indian Affairs did not reach agreement was the proposal that eligibility to share in the judgment funds should be limited to persons possessing at least one-fourth degree Grand River Band of Ottawa Indian blood.

At a Hearing of Record held on May 18, 1974, and attended by persons who believe they are Grand River Band descendants, the testimony was overwhelmingly in favor of restricting participation in the judgment funds to persons of not less than one-fourth degree Grand River Band of Ottawa Indian blood. The Area Director of the Minneapolis Area Office of the Bureau of Indian Affairs and the Superintendent of the Great Lakes Agency support that position.

The Department of the Interior does not support it. Consistent with a long-standing policy of the Bureau of Indian Affairs and the Department with respect to all descendancy situations involving judgment funds, we believe that all descendants, regardless of their degree of Grand River Band of Ottawa Indian blood, should be eligible to

share in the judgment in Docket 40-K. Past situations in which a distribution of judgment funds has been made to lineal descendants of not less than one-fourth degree Indian blood have not been similar to that of the Grand River Band descendants. They have involved either a straight descendancy group sharing a judgment with one or more formally organized tribal entities whose constitutional membership criteria required the possession of one-fourth or greater degree blood of the tribe by persons born since the date of the respective tribe or tribes' base roll; or have allowed the participation of a small "descendancy group" of children born since the date of a previous payment roll, but not yet enrolled with the tribe. In each case, the requirement that lineal descendants must possess at least one-fourth degree Indian blood was imposed to be consistent with other factors related to the situations. These factors are absent with respect to the Grand River Band of Ottawa descendants.

Neither the Durant Roll nor any other official Ottawa and Chippewa roll that we know of gives the blood quantum of the persons named thereon, so it appears to us that individuals living today would find it difficult to establish proof of their Indian blood quantum. Early rolls, including a payment roll prepared in 1870, gave only the names of the heads of families (generally Indian names that are long forgotten), and designated other family members only by figures showing the number of men, women and children in each family. In 1908, when Special Agent Horace B. Durant was working on his roll, he said it was "very difficult to establish the identity of a family or person whose ancestor was enrolled in 1870 by some long, almost forgotten Indian name". He added that, "by arranging to meet a number of the oldest men and women of each sub-band at the same time, who are of aid to each other in recalling family names as recorded in 1870, I have been singularly successful in my work. For it is well to state that perhaps two-thirds of the tribe are today known by entirely different names from those by which they were known or enrolled in 1870".

At the meeting in March 1972, the chairman of the descendants' committee stated that she assumes all of the persons named on the Grand River Band portion of the Durant Roll were fullbloods, because Special Agent Durant made red pencil marks by the names of all mixed-bloods of the Ottawa and Chippewa tribes and they did not share in the Court of Claims judgment which caused the preparation of the Durant Roll,

Such an assumption is misguided. Durant's basic instructions from the Commissioner of Indian Affairs on the preparation of the roll were:

1. To enroll all members of the tribe found by Durant to be properly entitled to participate in the Court of Claims judgment.
2. In the case of full or mixed-bloods who had allotments or had in their possession patents which belonged to their parents, to enroll them and their living children without further evidence.
3. Where the Indians were found to be living in tribal relation, to accept the certificate of the chief or headmen of a band as prima facie evidence of the right to enrollment of any Indian belonging to such band.

Finally, the Commissioner of Indian Affairs advised Durant that "the method or plan to be followed by you in tracing families or individual members of the tribe who may have removed from the Indian communities must, of course, be left largely to your own judgment and discretion".

Durant elected to base his roll on the roll of the Ottawa and Chippewa Indians made in 1870, upon which the last payment to those tribes had been made, and was advised by the Commissioner that "the Office assumes that it was a fairly correct census of the tribe at that time. As such, it is proper for you to use it as a basis for the roll you are now making".

Subsequently, in a letter dated July 13, 1909, Durant informed the Commissioner of Indian Affairs that he had found many persons of very little, if any, Indian blood on the 1870 roll who had intermarried with the tribes and had been enrolled by "mere consent of the chiefs and headmen through friendship, sympathy or other influences". He reported that some of the children of mixed-bloods were placed on the 1870 roll and other children of the same parents were refused membership in accordance with a tribal custom by which the chiefs and headmen admitted only such children "as the Indians desired or indicated". He added that the chiefs and headmen were willing to permit the enrollment on his roll of all those half-breeds and their children then living who had been enrolled in 1870, but not the half-breeds and their children who had been denied enrollment in that year.

By letter dated July 19, 1909, the Commissioner of Indian Affairs instructed Durant that:

1. You should enroll all mixed-blood Ottawa and Chippewa Indians who were enrolled with the tribe in 1870.

2. Such of their children as were not at that time enrolled should not now be enrolled by you, nor should any of the descendants of such mixed-bloods not enrolled in 1870 be entered on your final roll * * * you should designate so far as practicable the mixed-bloods who are not to share the payment with these Indians.

These instructions were supplemented four days later by the advice that " * * * a separate roll should be prepared showing all persons of mixed-blood Ottawa and Chippewa descent who are not to be included in your final roll * * *".

In a letter of January 25, 1910, transmitting Durant's final roll to the Secretary of the Interior for consideration and approval, the Commissioner of Indian Affairs explained that Durant had enrolled 7,396 persons; "all of whom are members or descendants of members enrolled in 1870" and living on March 4, 1907, the date of the judgment of the Court of Claims, and that he also submitted a supplemental roll containing the names of children born after March 4, 1907, and prior to August 1, 1908, to enable the Department of the Interior to have a complete roll for the purpose of paying the tribe pro rata a sum "now to its credit in the Treasury, and arising under the terms of the Treaty of July 31, 1855". Durant designated by a red check mark the names of 1,613 persons, including mixed-blood children on the supplemental roll, to whose enrollment the chiefs and headmen objected. He checked with a blue pencil mark the names of 274 Indians whom he had enrolled but who were found to be receiving rights with other tribes or benefits from the Canadian government. Those whose names were checked with red or blue pencil marks were excluded from sharing in the payment to the Ottawa and Chippewa Indians.

Thus, it is clear that there were two classes of mixed-blood Ottawa and Chippewa Indians involved in the Durant Roll: those who were identified by pencil mark as being ineligible to share in the Court of Claims judgment, and

those who were enrolled as eligible to share in that judgment and were not in any manner identified as mixed-bloods on that roll. Therefore, the appearance of an individual's name on the Grand River Band portion of the Durant Roll does not support an assumption that the individual was necessarily a fullblood Grand River Band of Ottawa Indian.

With respect to blood degree, Durant wrote to the Commissioner of Indian Affairs as follows:

"Under my instructions from you, the degree of blood does not determine the right to enrollment [emphasis added]. * * * To determine the degree of blood of members of this tribe will entail many more months of work, if, indeed, it can be accomplished at all. Certainly it cannot be done with accuracy, since there is not, to my knowledge any existing record upon which to base such determination and, if done at all, must be by oral testimony."

On another occasion, he advised the Commissioner that in following his plan or system of enrollment; "the degree of blood was not considered; indeed, the degree of blood would be difficult, if not impossible, to ascertain".

At the Grand River Band Hearing of Record, most of the individuals who offered testimony spoke in favor of the provisions of S. 558, a bill introduced in Congress on January 26, 1973, but not enacted. The major provisions of that bill stipulated that eligibility to participate in the judgment in Docket 40-K should be based on the possession of not less than one-fourth degree Grand River Band of Ottawa Indian blood; and that "no person shall be eligible to have his name placed on the [payment] roll who at the same time is an enrolled member of any tribe other than the Grand River Band of Ottawa Indians or the Ottawa and Chippewa Tribe of Michigan".

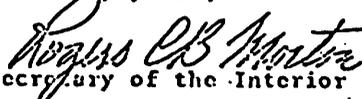
Neither the Grand River Band of Ottawa Indians nor the Ottawa and Chippewa Tribe of Michigan is a viable, organized tribal entity in which a person can be an enrolled member. We reiterate our belief that all persons of Grand River Band of Ottawa Indian descent should be eligible to share in the judgment in Docket 40-K, regardless of their blood degree or their enrollment as a member of

any organized tribe. The language in the proposed plan for the use and distribution of the judgment funds in Docket 40-K will make such participation possible.

The proposed plan also includes language for the suitable protection of the funds of minors and other legal incompetents, and provides that the administrative work on roll preparation will be handled by the Great Lakes Agency of the Bureau of Indian Affairs:

Enclosed with this letter is the document labeled PLAN and an Appendix containing copies of other pertinent documents, including a transcript of the Grand River Band of Ottawa Hearing of Record. Your attention to the proposed plan is much appreciated. If approved, the plan will be published in the Federal Register and titled Plan for the Use and Distribution of Grand River Band of Ottawa Judgment Funds in Docket 40-K before the Indian Claims Commission, and the approval date shall be cited in the publication.

Sincerely yours,


Secretary of the Interior

Honorable James O. Eastland
President Pro Tempore
United States Senate
Washington, D. C. 20510

Enclosure

EXHIBIT # 8

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

JAN 14 1936

W. J. Folsom
Folsom

Memorandum for the Secretary:

A question has arisen as to the manner in which the Indians at Bay Mills, Michigan, can organize under the Indian Reorganization Act (48 Stat. 984). It is legally possible for them to organize simply as residents of the Bay Mills Reservation. However, it appears from conferences with these Indians that they prefer to organize, if possible, as the Sault Ste. Marie Band of Chippewa Indians, thereby taking into their organization certain groups of Indians scattered in Chippewa County, Michigan, whom the Bay Mills residents consider belong to this band. Besides the fact that the Indians prefer such an organization, it may be said in favor of organization of all these Indians as one band that the scattered Indians are greatly in need of the land acquisition and credit facilities available through organization under the Reorganization Act. Certain difficulties, however, are connected with this form of organization. In the first place, it may be questioned whether this alleged band is "an organized band", within the terms of section 19 of the Reorganization Act and therefore entitled to organize as a band (or "tribe"), regardless of residence, under section 15 of the act. Furthermore, because of the policy of the Department and its interpretation of section 19, the band must be one that has been "recognized" in some way by the Department. In the second place, assuming that the band is recognized as such, there is the question whether the members thereof could be identified at this date considering the fact that the scattered Indians, and indeed those residing on the Government land at Bay Mills, have had little supervision in recent years from this Office.

As this problem of organization is an unusual one and involves a question disputed in this Office as to the legal existence of this band, this Office wishes to call to your attention for your approval its decision that in the circumstances of this case these Indians are privileged to organize as the Sault Ste. Marie Band.

The legal justification for such organization is based upon the early treaties with the Ottawas and Chippewas and with the "Chippewas of Sault Ste. Marie." The treaty of July 31, 1855, with the Ottawas and Chippewas provided for the withdrawal from the public lands of certain lands "for the use of the six bands residing at and near Sault

COPY FOR INDIAN OFFICE

COPY FOR INDIAN OFFICE

Sto. Marie", and in Article III provided for the release of all claims against the United States by the Ottawa and Chippewa Indians "excepting, however, the right of fishing and encampment secured to the Chippewas of Sault Ste. Marie by the treaty of June 16, 1820." This treaty was signed for the Sault Ste. Marie Indians by six Chiefs and six Headmen. While the treaty refers to six bands at Sault Ste. Marie, the Indians claim that they were in fact one band with six sub-bands or clan subdivisions, each grouped around a chief. It is certainly true that the "Chippewas of Sault Ste. Marie" have been continuously treated as one unit in all official acts of the Government. On August 2, 1865, a treaty was made with "the Chippewa Indians of Sault Ste. Marie", for the surrender of their right of fishing and encampment at the Falls of St. Mary's. This treaty was likewise signed by the six Chiefs and six Headmen. As compensation for this surrender, the United States agreed to pay the value of the interest of the Indians as might be determined by Commissioners. The Act of March 2, 1867 (11 Stat. 169,172), authorized the payment of this consideration to the "Chippewas of Sault Ste. Marie" and a roll of these Indians was made in the same year for the distribution of this money. Rolls of these Indians for the years 1857-1867 were also made in connection with the annuities paid to the Ottawas and Chippewas under Article II of the treaty of July 31, 1836. However, while the most recent roll of the Ottawa and Chippewa Indians, that of 1911, made for the purpose of distributing the award in the Court of Claims to the Ottawa and Chippewa Indians (48 Ct.Cl.240), did not list the Sault Ste. Marie Indians separately, in the previous rolls they were listed separately as were the other bands of the Ottawa and Chippewa. These facts indicate that these Indians were recognized as a separate group with their own local property interest and organization.

In recent years this group is invariably referred to in the correspondence and records of this Office as the "Sault Ste. Marie Band" or "See Band", and the designation of them as several bands has apparently ceased entirely. The correspondence in which the Sault Ste. Marie Indians are referred to as a band has continued over a long period of years, the most recent letters being those of Commissioner Collier, dated September 26, 1938, May 15, 1938, and March 23, 1938, the latter two being addressed to members of the House of Representatives and the Senate. It appears from this correspondence that the Indians communicating with the Office were elected officers of the band or duly authorized representatives. At the recent conference with the Bay Mills Indians it was stated that formal organization as one band had continued to the present and that a general council of these Indians had been held regularly at the Sault until five years ago. Great activity on the part of these Indians as an organized band appears from our files to have

occurred at the time of the introduction and consideration of Senate Bill 3387, 66th Congress, 2d Session, 1922, which provided for the setting aside for the "Sault Ste. Marie Band of Chippewa Indians" of lands in the Minnesota National Forest as a recompense for the destruction of their home site at Sault Ste. Marie Falls because of the Government canal developments. The Department reported this bill adversely on the ground that a new home site was unnecessary, after investigation of the economic conditions of the "Sault Ste. Marie Band." In support of this bill there appeared, among other documents submitted by the band, many affidavits signed by Indians as members of this band. From these facts it appears that these Indians may be considered an "organized band" within the meaning of Section 19 of the Reorganization Act.

In spite of this general acceptance of this group as the Sault Ste. Marie Band and the implicit recognition of this band in the correspondence of this Office, there has been going on through a number of years a dispute between these Indians and this Office as to whether this band was dissolved by the treaty of July 31, 1855. The relevant provisions in this treaty are as follows:

"Article 5. The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented."

In order to establish claims against the Government the Sault Ste. Marie Indians have worked out propositions, arguments, as follows: If Article 5 of the July 31 treaty dissolved their band organization, then the treaty of August 8 was ineffective, as made with a non-existent organization, and the Indians are still entitled to the fishing rights at St. Mary's; but if their band organization was not dissolved, this would indicate that their band was not bound by Article 5, nor the rest of the July 31 treaty. In answering this argument

This Office likewise assumed that Article 8 applied to band organizations and has stated at various times that Article 8 did disband this group of Indians except for the purpose of carrying out the terms of that treaty, and that the treaty of August 8 was, in effect, a carrying out of the former treaty. However, if the words of Article 8 are read carefully it will be noted that it is the "tribal organization of said Ottawa and Chippewa Indians" that is dissolved. The article says nothing whatsoever of the dissolution of the band organization and, in fact, the latter part of the article clearly implies that the United States will treat with band organizations in the future in preference to dealing with the tribal organization. It states that future negotiations will be had with Indians residing in particular localities without the concurrence of other portions of their people. The Sault Ste. Marie Indians was one of the groups of Ottawa and Chippewa most obviously and continuously residing at and connected with a special locality. Furthermore, there had been in existence a well-recognized tribal organization of all the Ottawa and Chippewa. This fact is reported in the case of Ottawa and Chippewa Indians of the State of Michigan v. United States (48 Ct. Cl. 240), in the following language:

"The Ottawa and Chippewa Indians were, on May 27, 1836, a duly recognized and existing tribe of Indians, residing in the State of Michigan, consisting of Indians theretofore known by the name of Ottawas and Chippewas, who were, and had been, by the action of the authorities of the United States and by their own consent and action, consolidated as one tribe, to be known as the Ottawa and Chippewa nations of Indians of the State of Michigan."

Moreover, considering that the treaty of July 31, expressly reserved to the Sault Ste. Marie Indians the fishing and encampment rights, the later treaty of August 8, taking away these rights, can hardly be considered an act carrying into effect the earlier treaty.

The present position of this Office is, therefore, that Article 8 of the treaty of July 31, 1836, did not dissolve the band organization of the Sault Ste. Marie Indians and that they have continued to be an organized and recognized band.

Assuming that these Indians can and will organize under the Re-organization Act as one band, the identification of members of this band need not be a serious obstacle in view of the rolls made of these Indians as above mentioned. This Office might require that as a pre-

liminary step in organization an authorized committee of these Indians work out, with the assistance and approval of this Office, an up-to-date roll of the Sault Ste. Marie Band. This roll would be made up of those persons whose names appear on the rolls of the Sault Ste. Marie Indians of 1867 to 1867 and their descendants whose names appear on the 1911 roll of Ottawa and Chippewa Indians and the descendants of the 1911 enrollees who are now residing with one of the Indian groups in Chippewa County which are recognized by the Indians as parts of the Band. If the Indians have good reason to believe that the 1911 roll was inaccurate, leeway might be left for the inclusion in the up-to-date roll of persons who are shown to have been entitled to appear on the 1911 roll, or their descendants.

We therefore ask your approval of our permission to these Indians to organize under the Indian Reorganization Act as the Sault Ste. Marie Band.

(Signed) William Zimmerman, Jr.

ASSISTANT Commissioner.

Approved:

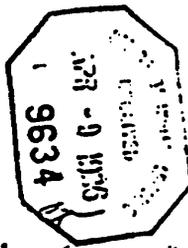
Secretary of the Interior.

EXHIBIT # 9

Indian
Reorganization

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

653 Plymouth Building,
Minneapolis, Minnesota.



April 6, 1936.

Commissioner of Indian Affairs,

Washington, D. C.

Dear Sir:

On my return from the Denver conference I proceeded to Lower Michigan on March 17, for meetings at Petoskey and Sutton Bay, in connection with the Indian Reorganization Act.

Mr. Peru Farver, who became ill while attending the conference at Denver, was unable to be present at these meetings which he had previously arranged. I arrived at Petoskey Friday night and held a meeting at that place Saturday night, one at Sutton Bay Monday night, one at Berge Tuesday afternoon and had another meeting at Petoskey Tuesday night. A meeting was held at Cross Village Wednesday morning and several meetings were held with groups of Indians living in and around Manistee, Muskegon and Grand Haven. I spent the entire week ending March 28 in Michigan and proceeded to Minneapolis, via Tomah, Wisconsin, Sunday March 29, arriving in Minneapolis Monday, March 30.

There are three distinct bands of Indians in Michigan, excluding the Swan Creek, Black River and Saginaw Band of Chippewas, namely: Chippewa and Ottawa Band, numbering approximately 1500, living within the area extending from the Straits of Mackinac to Traverse City, most of whom live at Cross Village, Petoskey and Sutton Bay; the Ottawa Band, numbering about 700, and living in scattered groups extending from Traverse City to Grand Haven; and the Potawatomi Band, living in five or six counties in the southwestern corner of the State of Michigan and numbering about 500.

The number of Indians in the State of Michigan, as shown by the census of 1930, is 7,050; of these about 2,500 are shown as living in Upper Michigan and the remainder in Lower Michigan. Approximately 900 are located in seventeen cities. This census may not be accurate, as there may be many persons with some degree of Indian blood who registered as white.

9634
Peru

The Chippewa and Ottawa Band showed a very keen desire to be considered eligible to come under the Indian Reorganization Act, but in view of the fact that they are not an enrolled band, nor have they lived on a reservation for nearly a century (in fact I was unable to find any record in Wisconsin or Michigan which would indicate that the Michigan Indians, exclusive of the Swan Creek, Black River and Saginaw Band of Chippewas, ever had a reservation) I cannot see how they can be considered eligible, unless lands can be purchased for them and held in trust by the United States for their use under Section 5 of the Act, as "landless" Indians.

As near as I can find out from interviewing the oldest Indians at different points, it seems that these Indians were given allotments on the Public Domain, but no reservation was ever defined, in which case it is questionable that they can be recognized as a Band, insofar as the Indian Reorganization Act is concerned, unless, as I said before, these landless Indians are permitted to incorporate separately from the Indians having lands; if this is possible, new lands would have to be purchased for these landless Indians and a new reservation set up for their use.

Furthermore, these Indians have been citizens of the State of Michigan for many years - they are not wards of the federal government. The only time the federal government had jurisdiction over their welfare was during the time the Mount Pleasant Boarding School was in operation, at which time many of the Michigan Indian children received their early schooling at Mount Pleasant; while under the supervision of the boarding school these Indian children could have been classed as wards of the government. With this exception, these people have been citizens of the State of Michigan and come under the laws of the state. Unless funds can be provided for these Indians under the Indian Reorganization Act within a reasonable time, say two years, I recommend that no action be taken for them to be considered under the terms of the Act. In this connection, I desire to state that one of two things must be done by the Office: either arrangements must be made to purchase lands for these people or they should be definitely informed that they cannot be considered under the Act. Otherwise continuous correspondence will ensue, as heretofore. At the present time they feel that they are being discriminated against and they see no reason why they do not have just as much right to benefit from the Indian Reorganization Act as to the Swan Creek, Black River and Saginaw Band, who live on the Lake Huron side.

With the passage of the Indian Reorganization Act, a problematical issue arose in Michigan among the Indians as to what benefits were in store for them under the new legislation. They did not seem to realize that the Act was primarily drawn up to legislate for those Indians who were directly under Federal jurisdiction, living within the confines of reservations and enrolled members of tribes. In advertising these recent meetings held in Michigan it was clearly stated that the meetings were to be held for the dissemination of information, so that the Indians attending would not expect immediate action on organization, etc.

Finances with which to carry on the work were of great concern at this time and might mean considerable delay even though it is found that these people are eligible to come under the Act. In scheduling the meetings these points were brought out by Mr. Farver with no view to discouraging them, but with the hope that the meetings might be attended with a clear understanding of their purpose. In all of the meetings held I made no promises. I informed the Indians very clearly and distinctly that in view of the fact that they are not enrolled and are not living on a reservation, it is questionable whether they could come under the Act. This was told to them so that there would be no misunderstanding or confusion as to their status. Section 19 of the Act clearly defines the term "Indian" as used in the Act, and reads in part as follows:

"The term 'Indian' as used in this Act shall include all persons of Indian descent, who are members of any recognized Indian tribes now under Federal jurisdiction and all persons who are descendants of such members and who were on June 1, 1934, residing within the present boundaries of any Indian reservation and shall further include all other persons of one-half or more Indian blood."

To determine the blood status of the Michigan Indians of "one-half or more Indian blood" as defined in the Act, will necessitate the employment of one or two men for at least one year to collect data and there is a question in my mind as to whether or not this information can be obtained with any degree of accuracy, because the reliability of this information will largely depend upon the honesty and integrity of the Indians themselves, since there are no census rolls from which this information might be obtained. Upon the expiration of Doctor Henry Roe Cloud's leave of absence, he should be detailed to Michigan on such an assignment.

Father Aubert, who has been instrumental in organizing the Michigan Indian Defense Association, an organization quite active at this time, is evidently trying to dominate the situation in Michigan and since many of the Indians resent his trying to have anything to do with what they feel to be a business undertaking and not a religious venture, the organization will not be a success. In considering the Indian Reorganization Act they want to keep out religion, whether it be Protestant or Catholic. I am bringing this up at this time for the reason that Father Aubert endeavored to dominate three of the five meetings I held in Northern Michigan.

I am enclosing herewith a map of the State of Michigan on which I have shown, in blue, the several areas where groups of the Chippewa and Ottawa Band are located; in green, the several locations of the Ottawa Band; in red, the localities in which the Potawatomes live, while the location of the Swan Creek, Black River and Saginaw Band, on the Lake Huron side, is shown in black. This map is sub-

mitted to give to the Office a clear picture of how very widely scattered the various groups are.

Sincerely yours,

M. L. Burns

M. L. BURNS,
Coordinator.

mlb:s

incl.

Statement of

Mr. Philip V. Alexis, Executive Director
Confederated Historic Tribes of Michigan

at Hearings on the Status of Certain Tribes in Michigan

before the

Committee on Native American Affairs
United States Senate

February 10, 1994



CONFEDERATED HISTORIC TRIBES, INC.

2004 E. MICHIGAN, SUITE C, LANSING, MICHIGAN 48912 (517) 485-6000 FAX (517) 485-6222

INTRODUCTION

My name is Philip Alexis. I am the Executive Director of the Confederated Historic Tribes of Michigan. I am also a member and former Chairman of the Pokagon Band of Potawatomis of Michigan. We thank you for the opportunity to speak to you today.

The Confederated Historic Tribes of Michigan is a unique organization consisting of five historic Tribes of Michigan; each recognized by the State of Michigan as Indian Tribes; each a signatory to Treaties with the United States government and each currently not recognized by the federal government as Indian Tribes. The Confederation was created by the Michigan Commission on Indian Affairs in 1988 at the request of its members' Tribal Councils and incorporated as a non-profit organization in 1989 to assist the State's Historic Tribes in re-establishing their "Trust" status as independent Indian nations and to enhance their capacity for self-government and self-sufficiency as tribes.

The Confederation is governed by a Board of Directors comprised of two representatives from each of its member Tribes. The Tribes include:

- * The Burt Lake Band of Ottawa and Chippewa Indians
- * The Gun Lake Band of Grand River Ottawas
- * The Little River Band of Ottawa Indians
- * The Little Traverse Bay Band of Odawa Indians, and
- * The Pokagon Band of Potawatomi Indians.

At this time, the Confederation is assisting each of its member Tribes to complete the petition process for recognition with the BIA's Bureau of Acknowledgement and Research. As you have heard from the other panels this morning, three of the Confederation's member Tribes are also requesting Congress to legislatively re-affirm their Tribal status in S.1066, a bill to restore Federal recognition to the Pokagon Band of Potawatomi Indians and S.1357, a bill to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized tribes.

As Treaty signatories, all of the Confederation's member Tribes were treated as recognized Tribes throughout their history until the 1930's. In 1934, Congress reversed its assimilation policy and tried to strengthen or re-establish tribal government with the Wheeler-Howard Indian Reorganization Act. Although the Michigan Tribes applied for reorganization, all of the bands of lower Michigan - including all the Confederation's members - were either ignored or rejected. Congress had not appropriated adequate funds to carry out the mandates of the IRA and consequently, officials at the Office of Indian Affairs arbitrarily chose to end the delivery of services to the Indian peoples of Michigan's lower peninsula.

Office of Indian Affairs memoranda written during the late 1930's contain revealing statements concerning the implementation of the IRA in Michigan; for example:

"Unless we have the funds and personnel to do a real job in Lower Michigan, we should stay out of the territory. We all know that neither the personnel or the funds are available. Hence, it would be a crime to disturb the present excellent relations between the states, counties and the Indians..."

(Memorandum from Walter V. Woehike to the Indian Affairs Commission, October 11, 1939)

It must be stressed that the Office of Indian Services' failure to apply the IRA in lower Michigan in no way alters the political, social and legal status of the Tribes that remain in existence. The Bureau of Indian Affairs does not have the authority to terminate a Tribe's federal status and at no time in their history have the Confederation's member Tribes' status as federally-recognized Tribes been terminated by an Act of Congress. These treaty-signatory Tribes have the same status as any other Indian Tribe regardless of the Office of Indian Services' financial inability to include them in implementing the IRA.

THE SIGNIFICANCE OF FEDERAL RECOGNITION

The affirmation of our member Tribes' status as Indian tribes represents the first and most important step to reestablishing ourselves as self-governing and self-sustaining societies. In almost all Treaties we signed with the United States government, we ceded certain rights and property to the United States and we reserved certain other rights. Most often in Article 13 of these many Treaties, we reserved the right to continue to lead our lives as we had traditionally done. We ceded virtually all the lands that are now known as the State of Michigan for what we were promised was our reserved rights to a quality of life that was ours.

Clarifying and reestablishing our status in the eyes of the United States government as independent Indian nations is, for us, part of our ongoing efforts to rebuild that way of life that was taken from us. With federal recognition, the historic Tribes of Michigan will have the legal status necessary to rebuild a social and economic way of life that, as Indian societies, they can control. Self-government and self determination will lead to a rebuilding of pride within our people and hope for the future. It is only through political and economic self-sufficiency that Michigan's tribes will be able to sustain their culture and way of life for generations to come. Federal recognition will make that possible.

THE ADMINISTRATIVE PROCESS

Each of the Confederation's member Tribes is at a different stage in the petition process. The Pokagon Band of Potawatomi has completed the documentation of their petition and have responded to obvious deficiencies identified by the Bureau of Acknowledgment and Research. As the representative from the B.I.A. has testified today, the Pokagons petition has just been put under active consideration by the B.A.R. This has been a ten year process for the Pokagon Band.

The other historic Tribes are actively working to complete the required ethno-histories, compile documentation of their membership and to respond to the seven criteria for recognition. As this work is completed, each member Tribe will be submitting this documentation to the Bureau of Acknowledgement and Research and requesting the B.A.R. to re-affirm their Trust status as Indian Tribes.

As the Confederation and its member Tribes have previously testified before Congress, the petition process places enormous financial and human resource burdens on the petitioning Tribes. Further, the process is extremely time consuming and serves to continue a denial of rights that should not have occurred in the first place.

Each of the Confederation's member Tribes are treaty tribes. All were previously receiving services from the federal government. The history and circumstances of these Michigan tribes are substantially similar to other tribes in Michigan which have had their federal status reaffirmed. Since 1934, the Grand Traverse Band of Chippewa and Ottawa and the Sault Ste. Marie Tribe of Chippewa, which have almost identical circumstances as the Confederation's member Tribes, have subsequently been permitted to reorganize under the IRA.

Both the Sault Ste. Marie Tribe and the Grand Traverse Band reorganized in the mid 1970's. It is significant to note that both these tribes re-established their status just prior to the implementation of the cumbersome federal-acknowledgement process.

THE LEGISLATION BEFORE US

As Treaty Tribes, the Pokagons, Little River and Little Traverse should not be required to submit to the petition process. Their Treaty status as Indian tribes has never been terminated by the federal government, by an act of Congress or by the courts.

As is apparent by their presence at this hearing, this legislation enjoys both bi-partisan and bi-cameral support. I wish to thank sincerely the honorable Representatives from Michigan, Messrs. Kildee and Upton and the honorable Senators from Michigan, Messrs. Levin and Riegle for taking time from their busy schedules to appear today to support our request to this committee.

The bills currently before this committee - S.1066 and S.1357 - ask the Congress of the United States to re-affirm the legal status of the Pokagon Band of Potawatomi Indians, the Little River Band of Ottawa Indians and the Little Traverse Bay Band of Odawa Indians as independent Indian nations. The Confederated Historic Tribes of Michigan strongly support the passage of these bills to correct an erroneous and improper administrative decision which continues to deny these Tribes their rights and privileges as Indian nations.

THE BURT LAKE BAND OF CHIPPEWA AND OTTAWA INDIANS

The Confederation further voices its strong support for The Gun Lake Band's and the Burt Lake Band's petitions for federal acknowledgement. However, given the laboriously slow pace of the federal-acknowledgement process and unless that process is revised to expedite petitions, these Tribes are also prepared to submit their own legislation asking Congress to clarify their status. The Confederation will support and assist this initiative.

Specifically, I would like to take this opportunity to inform this committee that the Burt Lake Band will also be submitting legislation into both houses of Congress in the very near future. As a signatory to the Treaties of 1836 and 1855, among others, the Burt Lake Band (a.k.a. the Cheboiganing Band) has had lands reserved by Treaty in its name. As late as 1914, the United States brought a civil action on behalf of the Burt Lake Band in an attempt to recover those lands. In the court pleadings, the United States recognized the Burt Lake Band as an Indian tribe, and stated the federal government brought the action as guardian of said tribe.

The Burt Lake Band continues to meet and exist as a tribal entity. The federal recognition accorded the Band through the 19th century treaties and twentieth century legal representation has never been abandoned by Congress. There is no legal or moral justification for the Bureau of Indian Affairs' current neglect of the Band.

I urge this committee and Congress to honor this treaty relationship and to promptly pass the Burt Lake Band's bill when it comes before you.

CONCLUSION

These historic Tribes of Michigan should never have had their status as recognized Tribes discontinued by an administrative decision and in no other way has their status as federally-recognized Tribes been broken or denied. It is unfortunate that we have to come before you today to correct something that should not have occurred in the first place. To protect our existence and assert our rights as Indian nations, Each of the historic Tribes of Michigan is requesting the United States government to correct a wrongful act and reaffirm our status as independent Indian tribes.

Thank you, Mr. Chairman, for the concern which you and the committee have shown for the historic Tribes of Michigan and their efforts to normalize their legal status. I, as its Executive Director, and the Confederated Historic Tribes of Michigan stand ready to work with this Committee to bring this process to a speedy and successful conclusion.

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

53237 Town Hall Road, Dowagiac, MI 49047

Telephone 616-782-6323/616-782-7838

March 4, 1994

Mr. Frank Ettawageshik, Chairman
Little Traverse Bay Band of Odawa Indians
7442 Karlin Road, Box 111
Karlin, MI 49647

Dear Frank:

On behalf of the Pokagon Band of Potawatomi-Indians, I want to extend our total support to the Little Traverse Bay Band of Odawa Indians for their efforts to re-establish a government to government relationship with the United States Government.

The Pokagon Band is supportive of H.R. 2376 and S. 1357 Bills introduced to The House Committee and The Senate Committee.

It is appropriate to seek reaffirmation for the Little Traverse Bay Band of Odawa Indians and to appropriate necessary funding when achieved.

Sincerely,



Joseph R. Winchester,
Chairman, Pokagon Band

JRW/jma



3264 Powell Road
Harbor Springs, MI 49740
616 347-0991

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Douglas J. Robinson
Wild Protection Secretary

February 7, 1994

Hon. Daniel Inouye, Chairman
Committee on Indian Affairs
722 Hart Senate Office Building
Washington DC 20510

RE: Senate Bill 1357

Dear Senator Inouye and Committee Members:

I am pleased to submit this letter on behalf of the Little Traverse Bay Bands of Odawa Indians in connection with their effort to achieve federal recognition as an Indian tribe through Senate Bill 1375, which is before you for hearings.

There is no doubt in my mind, nor in the minds of most other Little Traverse Bay area residents and elected officials, that the Little Traverse Bay Bands represent a local Indian tribe deserving of federal recognition. Support for recognition of the tribe has come from numerous private citizens, organized groups and local units of government which have passed resolutions supporting such recognition.

Being acquainted with a number of local senior citizens, I have heard much first-hand knowledge about the history of the Indian community in this area. I have also seen the documentation provided by local historical societies, books by local authors, and information from the Bands themselves that all documents the long and rich history of the Little Traverse Bay Bands as a community.

I have worked with the Bands on a number of projects ranging from establishing public parks to creating private conservation easements. I have attended some of their local ceremonies as a guest and have worked with members of the Bands on housing and other issues. Through all of this work it has been clear to me that the Little Traverse Bay Bands are a distinct and viable Indian community.

Along with the local governments and citizens of our community, I would like to register my support for expanding federal recognition to the Little Traverse Bay Bands of Odawa Indians.

Sincerely,

Thomas C. Bailey,
Executive Director



Working for Northern Michigan's
Future Since 1920

February 17, 1992

Congressman Robert Davis
2417 Rayburn Building
Washington, DC 20510

Dear Congressman Davis:

This letter is in regards to House of Representatives Bill
HR3958.

Our Chamber supports this Bill and we urge you to take those
steps necessary in order to get this Bill enacted. Emmet and
Charlevoix counties have a large Native American population and
we feel it important for them to receive federal reaffirmation
they so deserve.

With this recognition, our local representatives of the Little
Traverse Band of Odawa Indians can receive support and address
health care and housing challenges that face Native Americans in
our area.

Sincerely,


Robert Kinney
President

RK/klr

cc: Senator Carl Levin
Senator Donald Riegler
Senator George McManus
Representative Pat Gagliardi
Mr. Ron Nemigwase



The Grand Traverse Band of Ottawa and Chippewa Indians

Route 1, Box 135 Suttons Bay, Michigan 49682 616-271-3538

April 17, 1992

Mr. Frank Ettawageshik, Tribal President
Little Traverse Bay Bands of Odawa Indians
P.O. Box 4009
1345 U.S. 31 N.
Petoskey, MI 49770

Dear Mr. Ettawageshik:

The Little Traverse Bay Bands of Odawa Indians (LTBB) signed the same treaties as did our tribe, the Grand Traverse Band of Ottawa and Chippewa Indians. The LTBB has existed as an Indian tribe from historic times through the present in what is now Charlevoix and Emmet counties, Michigan. Most LTBB members still live within the area reserved for them in the 1855 treaty.

The LTBB is a treaty tribe that was never terminated by act of Congress. We do not understand why this fellow treaty signatory tribe is not federally acknowledged. The situation represents a grave historic injustice.

This injustice can only be rectified by restoring federal acknowledgment to the LTBB. The Grand Traverse Band of Ottawa and Chippewa Indians strongly supports federal acknowledgment of the LTBB.

Sincerely,

Joseph C. Raphael
Joseph C. Raphael
GTB Tribal Chairman

JCR/rd

GRAND TRAVERSE

CHARLEVOIX

LEELANAU

BENZIE

MANISTEE

ANTRIM



Pride Of the Ojibwa
Route 2 • Box 2700
Hayward, Wisconsin 54843
(715) 634-8834 • FAX (715) 634-4797

May 8, 1992

Mr. Frank Ettawagechik, President
Board of Directors
Little Traverse Bay Bands of Odawa Indians
Route 1 Box 135
Suttons Bay, Michigan 49682

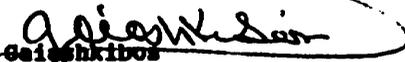
Dear President Ettawagechik:

The Odawa People are very close relatives to the Ojibwa People. Five hundred years or so ago, we were members of the Three Fires Society. Included in the Society was also the Anishinabe People. We all speak a very similar language. The Odawa People had lived in this area before our Ojibwa People settled here permanently. In fact, the traditional name of our Reservation means "where the Odawa People resided". Hence, the Ojibwa name of our Reservation is "O-dah-wah-si-ya-gunning".

Now it has been brought to my attention that the Little Traverse Bay Bands of Odawa Indians is seeking Federal recognition. This has been brought to my attention by our Legislative Consultant, Dr. Eugene Begay. He has presented me with a copy of H.R. 3958, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Odawa Indians Federal Recognition Act of 1991, 102nd Congress, 1st Session. It seems to me that you have progressed quite far in processing this bill through the U.S. Congress. I believe you need to push forward in enacting this bill into law, which I feel can happen much sooner than the administrative petition process within the BIA.

I personally support the Little Traverse Bay Bands of Odawa Indians quest for Federal recognition. Dr. Begay is well-versed, and he understands the status of H.R. 3958. If either Dr. Begay or I can assist your Bands in the future with additional supportive letters or testimony, please do not hesitate to contact me personally.

Sincerely,


G. A. W. S.
Tribal Chairman

G:tki



Lac Vieux Desert Band of Lake Superior Chippewa Indians
 P.O. Box 446, Chocoma Road,
 Wausau, Michigan 49969-0446

Resolution # 91-011

WHEREAS: the Lac Vieux Desert Band of Lake Superior Chippewa Indians are a duly federally recognized Tribe according to PL 100-420 and

WHEREAS: the Little Traverse Bay Bands of Odawa Indians are descendants of and the political successors to the historical Ottawa Band whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855 and

WHEREAS: the Little Traverse Bay Bands of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States and

WHEREAS: the Little Traverse Bay Bands of Odawa Indians have formally petitioned the U.S. government for re-affirmation of their trust status as a federally recognized tribe

NOW THEREFORE BE IT RESOLVED: that the Lac Vieux Desert Band of Lake Superior Chippewa hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally recognized tribe.

CERTIFICATION

We do hereby certify this resolution was duly presented and voted upon with a vote of 18 in favor, and 0 opposed, and 0 abstaining, at a Special Meeting of the Lac Vieux Desert Tribal Council held on this 16th day of April, 1992.

John C. McGeshick
 John C. McGeshick, Tribal Chairman

Elizabeth A. Martin
 Elizabeth A. Martin, Council Secretary

State of Michigan James J. Blanchard
Governor
Department of Shelby P. Solomon
Management and Budget Director



Michigan Commission On Indian Affairs
611 W. Ottawa Street - 3rd Floor, North Tower,
P.O. Box 30026
Lansing, Michigan 48909

MICHIGAN COMMISSION ON INDIAN AFFAIRS
RESOLUTION 1990-00

RECOGNITION OF
THE LITTLE TRAVERSE BAY BAND OF OJAWA INDIANS

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America; and

WHEREAS, The LTBB has been identified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, the LTBB has maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe; and

WHEREAS, The Michigan Commission on Indian Affairs is vested with the authority to recognize Indian tribes on behalf of the State of Michigan;

IT IS RESOLVED THAT:

1. The State of Michigan recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.
2. The State of Michigan fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

CERTIFICATION

This resolution was considered and passed at a regular meeting of the Michigan Commission on Indian Affairs at Escanaba, Michigan on May 25, 1990, by a vote of 6 in favor, 0 opposed, and 0 abstentions.


CHARLES J. MEYERS, CHAIRMAN


BERNARD BOUSSCHOR, SECRETARY

received
FEB 25 1991



CONFEDERATED HISTORIC TRIBES, INC.

2004 E. MICHIGAN, SUITE C, LANSING, MICHIGAN 48912 (517) 485-6000 FAX (517) 485-2772

RESOLUTION 91-06

WHEREAS, the Confederated Historic Tribes, Inc. is a Michigan nonprofit corporation organized by five state-recognized historic tribes to promote the efforts of the respective member tribes to secure federal recognition and attain organizational self-reliance; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are both members of the Confederated Historic Tribes, Inc.; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of and political successors to the signatories of the 1836 Treaty of Washington and the 1856 Treaty of Detroit; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were never terminated by Acts of Congress nor by Executive Order of the President of the United States;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Confederated Historic Tribes, Inc. hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians to secure special legislation introduced on their behalf in the U.S. Congress for the purpose of reaffirming their trust status as federally-recognized tribal governments.

At a meeting duly called on November 13, 1991, the Board of Directors of the Confederated Historic Tribes, Inc. voted to unanimously pass this resolution with zero (0) abstentions.

Carl L. Franier
Carl L. Franier, President

11-26-91
Date

received
DEC 4 1991

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS

206 GREENOUGH STREET
SAULT STE. MARIE, MICHIGAN
49783
(906) 836-6060

TRIBAL
RESOLUTION 3-24-92
SUPPORT FEDERAL RECOGNITION

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Little Traverse Bay Band of Odawa Indians are the successors to the historical Odawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and

WHEREAS, the Little Traverse Bay Band of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

WHEREAS, the Little Traverse Bay Band of Odawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgement and Research, Bureau of Indian Affairs;

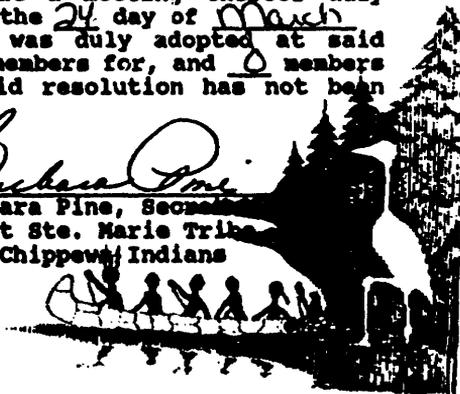
NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby endorse the efforts of the Little Traverse Bay Band of Odawa Indians to secure their rightful status as a federally-recognized tribal government.

C E R T I F I C A T I O N

We the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened and held on the 24 day of March 1992; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, and 0 members against, 1 abstaining; and that said resolution has not been rescinded or amended in any way.


Bernard Bouschor, Chairman
Sault Ste. Marie Tribe
of Chippewa Indians


Barbara Pine, Secretary
Sault Ste. Marie Tribe
of Chippewa Indians





City of Harbor Springs • Michigan

P.O. Box 678 • 349 E. Main St.

49740-0678

CITY OF HARBOR SPRINGS RESOLUTION

WHEREAS, the Little Traverse Bay Bands of Odawa Indians has long been a part of the history of the City of Harbor Springs; and

WHEREAS, members of the Little Traverse Bay Bands of Odawa Indians continue to live in the Harbor Springs community today; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians is seeking federal tribal recognition; and

WHEREAS, the City Council of Harbor Springs feels that such recognition would further the tribe's effort to maintain their invaluable heritage, perpetuate their culture, and foster greater independence among its people.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Harbor Springs, Michigan, to support the efforts of the Little Traverse Bay Bands of Odawa Indians in seeking status as a federally recognized tribe.

Dated this 2nd day of March, 1992.

Paul Richards
Paul Richards, Mayor

Alan Terry
Alan Terry, City Clerk



The Saginaw Chippewa Indian Tribe Of Michigan

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(517) 772-5700

FAX (517) 772-3808

Resolution 92-050

- WHEREAS:** The Saginaw Chippewa Indian Tribe of Michigan is a Federally recognized Indian Tribe organized under a Constitution and By-Laws ratified by the Tribe on November 4, 1986, pursuant to P.L. 99-346; and
- WHEREAS:** The Saginaw Chippewa Indian Tribe was solicited to support the Little Traverse Bay Bands of Odawa Indians in their efforts to secure federal recognition; and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians are the descendants of and the political successors to the historical Ottawa Band who inhabited the Little Traverse Bay area, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally recognized tribe.

AND NOW THEREFORE, BE IT RESOLVED, That the Saginaw Chippewa Indian Tribe hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally recognized tribal government.

BE IT FURTHER RESOLVED, That this Resolution shall remain in effect until rescinded or superceded by further action of the Tribal Council.

Certification

The foregoing Resolution was duly adopted by the Saginaw Chippewa Tribal Council with a quorum being present during a (Regular/Special) meeting on the 5th day of May, 1992, by a vote of 11 for, 0 against, and 0 abstaining.

Ronald Falcon
Ronald Falcon, Tribal Chief

Ronald Jackson
Ronald Jackson, Tribal Secretary

RESOLUTION

Resolution No: 92-4-27

- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians are the descendants of and the political successors to the historical Ottawa Band who inhabited the Little Traverse Bay area, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS:** The Little Traverse Bay Bands of Odawa Indians have formally petitioned the U.S. Government for reaffirmation of their trust status as a federally recognized tribe.
- NOW, THEREFORE BE IT RESOLVED,** that the Bay Mills Indian Community hereby endorses the efforts of the Little Traverse Bay Bands of Odawa Indians to secure their rightful status as a federally-recognized tribe.

APPROVED:

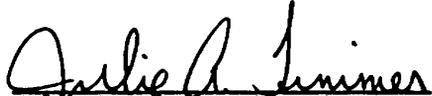
ATTEST:


 Jeffrey W. Parker, Chairman
 Bay Mills Indian Community
 Executive Council


 Julie A. Timmer, Secretary
 Bay Mills Indian Community
 Executive Council

CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the 24th day of April, 1992, with a vote of 4 for 0 opposed 0 absent and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman must abstain except in the event of a tie.


 Julie A. Timmer, Secretary

RESOLUTION OF
THE TOWNSHIP OF READMOND
(a Michigan Statutory Township)

March 4, 1992

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America; and

WHEREAS, the LTBB has been indentified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, The LTBB has maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe.

NOW, THEREFORE IT IS HEREBY RESOLVED:

1. Readmond Township recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.
2. Readmond Township fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

AYES: Kauffman, Swiss, Randels

NAYES: Gallagher

ABSENT: None

Raymond L. Randels
Raymond L. Randels, Supervisor

Gordon Gallagher
Gordon Gallagher, Clerk

FRIENDSHIP TOWNSHIP RESOLUTION ON INDIAN AFFAIRS
RESOLUTION 1992-02

RECOGNITION OF
THE LITTLE TRAVERSE BAY BAND OF ODAWA INDIANS

WHEREAS, the Little Traverse Bay Band of Odawa Indians (LTBB) preexists the formation of the United States of America, and

WHEREAS, the LTBB has been identified as American Indian from historical times until the present; and

WHEREAS, the LTBB inhabits a specific area by the Little Traverse Bay of Michigan's northern lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, the LTBB maintained tribal political influence over its members as an autonomous entity throughout history until the present; and

WHEREAS, the membership of LTBB is composed of persons who are not members of any other North American Indian tribe;

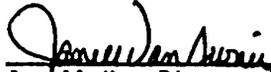
IT IS RESOLVED THAT:

1. The Township of Friendship recognizes the Little Traverse Bay Band of Odawa Indians as a historic Indian tribe that continues to exist as a tribal entity.

2. The Township of Friendship fully supports the efforts of the Little Traverse Bay Band of Odawa Indians to obtain federal reaffirmation.

CERTIFICATION

This resolution was considered and passed at a regular board meeting of the Friendship Township Board on March 10, 1992 by a vote of 5 in favor, 0 opposed, and 0 abstentions.


Janell Van Divner, Clerk

Little Traverse Bay Bands of Odawa Indians, Inc.

Post Office Box 246
1846 U.S. 31 North
Petoskey, Michigan 49770

616-348-3410

94 MAR 11 PM 5:41

Honorable Daniel K. Inouye/Chairman
United States Senate
Committee on Indian Affairs
Washington, D.C. 20510-6450

February 28, 1994

Mr. Chairman and Members of the Committee:

Enclosed are signed letters of support for S-1357, from Parents and Committee members of our Little Traverse Bay Bands Youth Council.

As active members in the Youth Council, we are very much aware of the need for Federal Reaffirmation. Through your congressional intervention, our youth would receive much needed funds for education, health and self determination.

By passing this legislation, you would be fulfilling the promises made under the 1836 and 1855 treaties, and as descendants of these treaties, we look forward to the day that the United States of America acknowledges that we do indeed still exist and maintain our traditions, pride and identity.

Thank you for your consideration.

Sincerely,

Marcia Sutton

Marcia Sutton
Secretary/LTBB Youth Council

Encls: 10

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1994

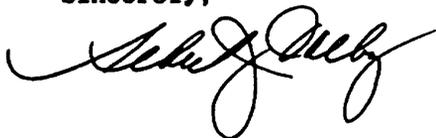
Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,



The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-8450

February 22, 1994

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

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By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-8450

February 22, 1994

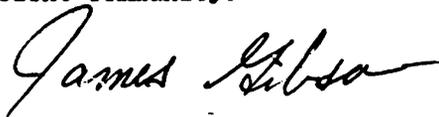
Dear Chairman Inouye,

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We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Gibson".

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1994

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

A handwritten signature in cursive script that reads "Delita Smith". The signature is written in dark ink and is positioned below the typed name "Delita Smith".

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1984

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

Donna Washgic

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1994

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sandra Mae".

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1994

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

Mary Lou Rasch, K.S.W.

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1984

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

Catherine Gibson

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-8450

February 22, 1994

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1836 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

Marcia Sutton

The Honorable Daniel K. Inouye /Chairman
United States Senate
Committee on Indian Affairs
Washington, DC 20510-6450

February 22, 1984

Dear Chairman Inouye,

Thank you for your consideration of this letter of support for Senate Bill 1357, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act. This reaffirmation is long overdue. The Little Traverse Bay Bands of Odawa Indians qualify for federal status due to the fact that we as Native Americans have maintained a continuous government to government relationship with the United States since our ancestors first signed the Treaties of 1838 and 1855.

We still exist and live along the shores of Lake Michigan as we have in the past, long before the first Europeans came to Michigan.

By passing S-1357, we will attain the needed tools in becoming a self sufficient community.

Sincerely,

Julie Skippergash
Activities Director

LITTLE RIVER BAND OF OTTAWA INDIANS

ITEMIZED LIST OF RESOLUTIONS AND LETTERS OF SUPPORT

I. RESOLUTIONS OF SUPPORT:

- a. Michigan State House of Representatives - H.R. 987
- b. Michigan Commission on Indian Affairs
- c. The Saginaw Chippewa Indian Tribe of Michigan
- d. Bay Mills Indian Community
- e. Lac Vieux Desert Band of Lake Superior Chippewa Indians
- f. The Sault Ste. Marie Tribe of Chippewa Indians
- g. Manistee County Board of Commissioners
- h. Confederated Historic Tribes, Inc.

II. LETTERS OF SUPPORT:

- a. R. Ben Bifoss, City Manager, City of Manistee
- b. Thomas D. Kaminski, County Administrator, County of Manistee
- c. Dennis M. Swain, Prosecuting Attorney, County of Manistee
- d. Steven P. Loomis, Assistant Vice President, First of America Bank
- e. Joseph R. Winchester, Chairman, Pokagon Band of Potawatomi
- f. Richard Brazaski, Branch Manager, Lake-Osceola State Bank
- g. John A. Kuenzli, Superintendent, Manistee Area Public Schools
- h. Robert Sell, Supervisor, Stronach Township, Manistee County
- i. William R. Shales, Councilman, Manistee City Council
- j. Mary L. Trucks, Executive Director, FiveCap, Inc.
- k. Gene Lagerquist, President, Kaleva-Norman-Dickson Board of Education
- l. David F. Boertman, Manager, Home Furniture
- m. Larry J. Bielski, Manager/Owner, Days Inn of Manistee
- n. Laura J. Horvat, Owner, Wendy's Old Fashioned Hamburgers of Manistee, Traverse City, Ludington
- o. Donald C. Bielski, Owner, Cobi Pines Golf Club, Manistee
- p. David McCullough, Professor, West Shore Community College
- q. Judith C. Caldwell, Professor, West Shore Community College
- r. Michael Moran, Executive Director, Manistee-Benzie Community Mental Health
- s. Ann B. Knodell, Teacher, Manistee High School
- t. W.C. Knodell, Manager, Cardiopulmonary/Ambulance Service, West Shore Hospital
- u. Mark Stanik, General Manager, K-Mart of Manistee
- v. Connis Slade, Owner, Old Town Restaurant, Manistee
- w. Bonnie Kenny, Vice-Chairperson, Little River Band of Ottawa
- x. Connie Waitner, Enrollment Committee, Little River Band of Ottawa
- y. Jan Bailey, resident of Manistee
- z. Robert Sell, President, Local 7-667, Oil, Chemical and Atomic Workers International Union

STATE OF MICHIGAN



HOUSE RESOLUTION NO. 987

Offered by Representative Bobier, Fitzgerald, Allen, Hickner, Baede, Perry Kullard, Joe Young, Jr., Yokich, Gerbaat, Anthony, Banks, Barns, Bender, Bennett, Boden, Byrum, Clack, Dalmas, DeMars, Dobb, Dolan, Dresch, Gilmer, Gire, Goss, Cubow, Harder, Hoffman, Hood, Jamies, Knight, Kostava, Leland, Lonson, McBryde, Middleton, Munsell, Niederstadt, Nye, Palmsara, Pitoniah, Porrace, Profit, Saunders, Scott, Varga, Wallace and Weeks

A RESOLUTION TO ENDORSE EFFORTS OF THE LITTLE RIVER BAND OF OTTAWA INDIANS TO OBTAIN FEDERAL REAFFIRMATION AS A MICHIGAN HISTORIC INDIAN TRIBE

WHEREAS, The Little River Band of Ottawa Indians living in the vicinity of the Lake Michigan shoreline and the Manistee region is directly descended from Native Americans who have populated this part of the Great Lakes region since before the time of European settlement. The Little River Band, which includes individual families that can directly trace and document continuous habitation for as many as six generations, has a proud history of interaction not only with American governmental authorities, but officials from the British and French eras; and

WHEREAS, The Little River Band has historically occupied a village at the mouth of the Manistee River. This group participated in treaties along with other bands of the Ottawa people. These include two of the most significant treaties in Michigan history, the 1836 Treaty of Washington and the 1855 Treaty of Detroit. Since that time, no action has ever been taken to terminate the status or relationship of the Little River Band by either the United States Congress or the President of the United States; and

WHEREAS, Since 1991, the Little River Band of Ottawa Indians has been working to reaffirm its historical status to regain formally something that has never been lost. The Little River Band of Ottawa Indians is seeking its federal acknowledgment through various avenues. These include the consideration of a measure currently before Congress (H.R. 3950) and petitions through the Bureau of Indian Affairs of the United States Department of the Interior. The criteria in place for the reaffirmation process leaves little doubt as to the Little River Band of Ottawa Indians' qualifications as a federally recognized tribe; now, therefore, be it

RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the members of the Michigan House of Representatives hereby endorse efforts of the Little River Band of Ottawa Indians to obtain federal reaffirmation; and be it further

RESOLVED, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, officials of the Bureau of Indian Affairs of the United States Department of the Interior, and representatives of the Little River Band of Ottawa Indians.

Adopted by the House of Representatives, June 30, 1992

[Signature]
CLERK OF THE HOUSE OF REPRESENTATIVES



Commission on Indian Affairs

State of Michigan John Engler
 Governor

Department John Roy Castillo
of Civil Rights Director

611 W. Ottawa, North Tower, 3rd Floor
Lansing, Michigan 48913
Tel. No. (517) 373-0654
Fax No. (517) 335-1642

1992-001

IN RECOGNITION OF
THE LITTLE RIVER BAND OF OTTAWA INDIANS-
(AKA THE MANISTEE RIVER BAND OF OTTAWA INDIANS)

WHEREAS, the Little River Band of Ottawa Indians (LRB) preexists the formation of the United States of America; and

WHEREAS, the LRB has been identified as American Indian from historical times until the present; and

WHEREAS, the LRB inhabits a specific area in Manistee and Mason Counties of Michigan's lower peninsula and its members are descendants of a tribe that inhabited that same area; and

WHEREAS, the membership of LRB is composed of persons who are not members of any other North American Indian tribe; and

WHEREAS, the Michigan Commission on Indian Affairs is vested with the authority to recognize Indian tribes on behalf of the State of Michigan;

THEREFORE BE IT RESOLVED, that the State of Michigan recognizes the Little River Band of Ottawa Indians (aka Manistee River Band of Ottawa) as a historic Indian tribe that continues to exist as a tribal entity.

THEREFORE BE IT FURTHER RESOLVED, that the State of Michigan fully supports the efforts of the Little River Band of Ottawa Indians to reaffirm their status as a federally recognized tribal government.

This resolution was considered and passed unanimously at a meeting of the Michigan Commission on Indian Affairs in Warren, Michigan on January 24, 1992.

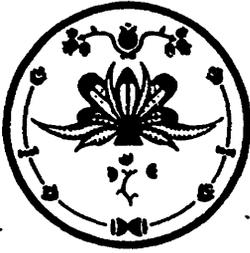
Bernard Bonachera
Commission Chairperson

1-24-1992

Michael Petrukeja
Commission Secretary

1-24-1992





The Saginaw Chippewa Indian Tribe Of Michigan

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(517) 772-5700

FAX (517) 772-3508

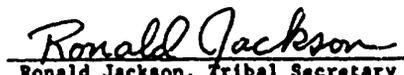
Resolution 92-017

- WHEREAS:** The Saginaw Chippewa Indian Tribe of Michigan is a Federally recognized Indian Tribe organized under a Constitution and By-Laws ratified by the Tribe on November 4, 1986, pursuant to P.L. 99-346; and
- WHEREAS:** The JSaginaw Chippewa Indian Tribe was solicited to support the Little River Band of Ottawa Indians in their efforts to secure federal recognition; and
- WHEREAS:** The Saginaw Chippewa Indian Tribe was provided an historical justification by a representative of the Little River Band of Ottawa Indians at a regular Tribal Council meeting held on January 7, 1992; and
- WHEREAS:** The Little River Band of Ottawa Indians are the descendants of and the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and
- WHEREAS:** The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and
- WHEREAS:** The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the branch of Acknowledgement and Research, Bureau of Indian Affairs;
- AND NOW THEREFORE, BE IT RESOLVED,** That the Saginaw Chippewa Indian Tribe hereby endorses the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.
- BE IT FURTHER RESOLVED,** That this Resolution shall remain in effect until rescinded or superceded by further action of the Tribal Council.

CERTIFICATION

The foregoing Resolution was duly adopted by the Saginaw Chippewa Tribal Council with a quorum being present during a Regular meeting on the 7th day of January, 1992, by a vote of 10 for, 0 against, and 0 abstaining.


Ronald Falcon, Tribal Chief


Ronald Jackson, Tribal Secretary

RESOLUTION

Resolution No: 92-2-28a

- WHEREAS:** The Bay Mills Indian Community is a duly recognized Indian Reservation under the Indian Reorganization Act of June 18, 1934, "48 Stat. 984", as amended by the Act of June 15, 1935, "49 Stat. 378", and
- WHEREAS:** The Little River Band of Ottawa Indians are the successors to the historical Ottawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS:** The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS:** The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgement and Research, Bureau of Indian Affairs.

NOW, THEREFORE BE IT RESOLVED, that the Bay Mills Indian Community hereby endorses the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally recognized tribal government.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above resolution was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the 28th day of February, 1992, with a vote of 4 for 0 opposed 0 absent and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman must abstain except in the event of a tie.


 Jeffrey D. Parker, Chairman
 Bay Mills Indian Community
 Executive Council


 Julie A. Timmer, Secretary
 Bay Mills Indian Community
 Executive Council

Lac Vieux Desert Band of Lake Superior Chippewa Indians
 P.O. Box 446 - Choate Road
 Watersmeet, Michigan 49969



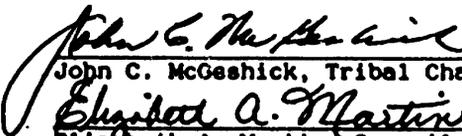
Resolution # 91-043

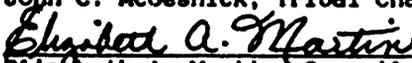
- WHEREAS:** the Lac Vieux Desert Band of Lake Superior Chippewa Indians is a federally recognized Tribe, and
- WHEREAS:** the Little River Band of Ottawa Indians are the descendents of the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855, and
- WHEREAS:** the Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States, and
- WHEREAS:** the Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized Tribe through the Branch of Acknowledgment and Research, Bureau of Indian Affairs, and
- WHEREAS:** the Lac Vieux Desert Band of Lake Superior Chippewa supports the efforts of the Little River Band of Ottawa Indians in obtaining federal recognition as a Tribal government, and

THEREFORE BE IT RESOLVED: that the Lac Vieux Desert Band of Lake Superior Chippewa Indians hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.

CERTIFICATION

We do hereby certify that this resolution was duly presented and voted upon with a vote of 8 in favor, and 0 opposed, and 0 abstaining at a Special Meeting of the Lac Vieux Desert Tribal Council, held on this 12th day of November, 1991.


 John C. McGeshick, Tribal Chairman


 Elizabeth A. Martin, Council Secretary

906-358-4577 Phone
 906-358-4785 Fax

THE SAULT STE. MARIE TRIBE OF
CHIPPEWA INDIANS

206 GREENOUGH STREET
 SAULT STE. MARIE, MICHIGAN
 49783
 (906) 635-6050

TRIBAL
 RESOLUTION 10-01-91C
 SUPPORT FEDERAL RECOGNITION

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized tribe organized under the Indian Reorganization Act of 1934, as amended; and

WHEREAS, the Little River Band of Ottawa Indians are the successors to the historical Ottawa Band who inhabited the Manistee Reservation, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and

WHEREAS, the Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

WHEREAS, the Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe through the Branch of Acknowledgement and Research, Bureau of Indian Affairs;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe Chippewa Indians hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.



TRIBAL RESOLUTION 10-01-91C
 SUPPORT FEDERAL RECOGNITION
 Page 2

C E R T I F I C A T I O N

We the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 13 members constituting a quorum were present at a meeting thereof duly called, noticed, convened and held on the 1 day of October, 1991; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 12 members for, and 0 against, 1 abstaining; and that said resolution has not been rescinded or amended in any way.



Bernard Bouschor, Chairman
 Sault Ste. Marie Tribe
 of Chippewa Indians



Barbara Pine, Secretary
 Sault Ste. Marie Tribe
 of Chippewa Indians

Manistee County Board of Commissioners

Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49661

CLERK

Dorlene Schudlich
(616) 723-3331

ADMINISTRATOR
Thomas Kaminski
(616) 723-4575

**A RESOLUTION IN SUPPORT OF
THE LITTLE RIVER BAND OF OTTAWA INDIANS**

CHAIRMAN
Carl Rutske
VICE CHAIRMAN
Dorr Johnson

Donald Grant
Roy Howes
Carl Mezeske
Henry Slawinski
Ford Waterman
Sharlene Wild
Rick Willoughby

WHEREAS, The Little River Band of Ottawa Indians are the descendants of and the political successors to the historical Manistee Ottawa Band, and whose leaders were signatories to the Treaty of Washington in 1836 and the Treaty of Detroit in 1855; and

WHEREAS, The Little River Band of Ottawa Indians were never terminated by the U.S. Congress or by Executive Order of the President of the United States; and

WHEREAS, The Little River Band of Ottawa Indians have formally petitioned the U.S. Government for re-affirmation of their trust status as a federally-recognized tribe;

NOW, THEREFORE BE IT RESOLVED, that the Manistee County Board of Commissioners hereby endorse the efforts of the Little River Band of Ottawa Indians to secure their rightful status as a federally-recognized tribal government.

THE RESOLUTION WAS ADOPTED.

Date: 3/17/92

Carl Rutske
Carl Rutske, Chairman
Manistee County Board of
Commissioners

STATE OF MICHIGAN)
) ss.
COUNTY OF MANISTEE)

I, Dorlene Schudlich, County Clerk, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Manistee County Board of Commissioners at a regular session held on the 11th day of March, 1992.

Dorlene Schudlich
Dorlene Schudlich, County Clerk



CONFEDERATED HISTORIC TRIBES, INC.

2004 E. MICHIGAN, SUITE C, LANSING, MICHIGAN 48912 (517) 485-6000 FAX (517) 485-2772

RESOLUTION 91-05

WHEREAS, the Confederated Historic Tribes, Inc. is a Michigan nonprofit corporation organized by five state-recognized historic tribes to promote the efforts of the respective member tribes to secure federal recognition and attain organizational self-reliance; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are both members of the Confederated Historic Tribes, Inc.; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians are descendants of and political successors to the signatories of the 1836 Treaty of Washington and the 1855 Treaty of Detroit; and

WHEREAS, the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians were never terminated by Acts of Congress nor by Executive Order of the President of the United States;

NOW, THEREFORE BE IT RESOLVED, that the Board of Directors of the Confederated Historic Tribes, Inc. hereby endorse the efforts of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians to secure special legislation introduced on their behalf in the U.S. Congress for the purpose of reaffirming their trust status as federally-recognized tribal governments.

At a meeting duly called on November 13, 1991, the Board of Directors of the Confederated Historic Tribes, Inc. voted to unanimously pass this resolution with zero (0) abstentions.

Carl L. Frazier
Carl L. Frazier, President

11-26-91
Date



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

March 1, 1994

616-723-2558
FAX 616-723-1546

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, Michigan 49660

SUBJECT: Senate Bill 1357
House Bill 2376

Dear Dan:

It is encouraging to hear that progress is being made on federal legislation that would provide formal recognition for the Little River Band of Ottawa Indians. I know that this has been a very long struggle.

The Little River Band has the opportunity to make substantial contributions to the local economy in the event you are able to obtain federal recognition. The additional resources that can be brought to bear on housing, medical and social issues would be significant not only to the Indian community, but to the larger economic community as well.

If I can provide any assistance in your effort, please feel free to call on me. Good luck.

Sincerely,

City of Manistee

R. Ben Bifoss
City Manager

RBB:cf

cc. Senator Sander Levin
Senator Donald Riegler
Representative Peter Hoekstra



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

OFFICE OF
ADMINISTRATOR
616-723-4575

February 24, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, Michigan 49660

Dear Mr. Bailey:

Please accept my support for your efforts to be reaffirmed as a distinct federally-recognized Indian tribe by the U.S. Congress. It is my understanding that you and other representatives of the tribe recently testified before the Senate Committee on Indian Affairs in Washington, D.C. in an effort to advocate toward the passage of Senate Bill 1357 and House Resolution 2376. It is my hope that the Committee will act quickly to pass this important legislation.

Having lived and worked in Manistee County all of my life, I have had the opportunity to meet, work and socialize with various members of the Little River Band of Ottawa Indians. I have recently had the experience of learning of the tribe's long-standing effort to have its tribal status reaffirmed or recognized by the U.S. Government. I was also amazed to learn that local tribal leaders have been working on this effort for over 100 years.

Federal recognition of the Little River Band will have beneficial economic impact on the overall community. Recent State and local budget reductions have had a negative impact on the services provided by government and with Federal recognition of the Little River Band, it will enable the tribe to access Federal programs, increase job opportunities for all local citizens in our community and promote increased opportunities and partnerships for the tribe and other local units of government. By coordinating the use of each respective resource, it will enable us to serve the entire community in a much more efficient manner.

Again, I want to convey my support for quick passage of Senate Bill 1357 and House Resolution 2376. Please keep me informed of your progress.

Sincerely yours,

Thomas D. Kaminski
County Administrator

TDK/kaf



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

DENNIS M. SWAIN
PROSECUTING ATTORNEY
Ford K. Stone, Chief Assistant
J. Nicholas Bostic, Assistant

616-723-7518

February 25, 1994

Mr. Daniel Bailey, Chairperson
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Mr. Bailey:

I am pleased to write a letter in support of your efforts to obtain the passage of Senate Bill 1357 and House concurrent Resolution 2376.

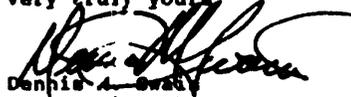
I spoke with Diane Lonn before her trip to Washington to testify before the Senate Committee on Indian Affairs, and I have since spoken with Mark Dougher regarding the hearing before the Senate Committee on Indian Affairs. Both of them seem very up beat and optimistic about the prospects of tribal recognition.

As you know, I have worked with tribal representatives in the past in obtaining a letter of support from the Manistee County Board of Commissioners as you seek tribal recognition. I realize that I am a newcomer to this issue, and that members of the tribe have been working toward recognition for more than 100 years. Members of the Little River Band of Ottawa Indians are important members of this community. The entire Manistee community will benefit from the increased cultural and civic roles of a recognized tribal band. I am fully aware of the needs of the indian youth in our community. At the present time, we must look to the Grand Traverse Band whenever Indian Social Services need to be consulted in matters involving abused and/or neglected children who are indians. If members of our own tribal community obtain federal recognition, they will be able to cooperate with my office and the courts in seeing to the needs of indian children in this community. That is but one of the benefits which could be provided to members of the Manistee community by full tribal recognition.

Mr. Daniel Bailey
February 25, 1994
Page 2.

I wholeheartedly support your efforts to obtain full tribal recognition, and I will remain most willing to provide any public statement of support which you might need from time to time.

Very truly yours,



Dennis A. Swad
Prosecuting Attorney

DMS/bb

First of America Bank -
Northern Michigan
Manistee Office
375 River Street
Manistee, Michigan 49660
Telephone 616-723-6585

February 28, 1994



Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, Michigan 49660

Dear Mr. Bailey:

I have been aware of the Little River Band of Ottawa Indians' efforts to gain federal recognition as a distinct Indian tribe for some time and would like to express my support for S. 1357 and H.R. 2376.

While I have had contact with members of the tribe through their visibility in many of the Manistee community events, on a more personal basis I have had the opportunity to work with the tribe's treasurer, Robert Guenthardt, through his company's (Guenthardt Sawmill) bank relationship with First of America. Robert, and other members of the Guenthardt family, have worked hard through lean times to build a profitable sawmill business from scratch. I am also aware of Robert's involvement in setting up the Rural Michigan Intermediary Relending Program. This non-profit, private finance company works with the Farmers Home Loan Administration to arrange financing for small businesses in economically depressed counties, businesses that might not qualify for conventional bank financing.

I believe that Robert's involvement in the Manistee community is indicative of tribe members in general. As such, access to federal resources that federal recognition of the Little River Band will bring, would benefit not only tribe members but the Manistee community in whole. In addition, from what I know about the history of the Little River Band's federal relationship, tribal recognition is the right thing to do, and finally affords the Little River Band the same recognition granted other Native American tribes in Michigan.

Again, I want to convey my support for quick passage of S. 1357 and H.R. 2376. Please keep me informed of your progress.

Sincerely,


Stevens P. Loomis
Assistant Vice President

SPL/dr

POTAWATOMI INDIAN NATION INC.

AKA Pokagon Band of Potawatomi Indians

83237 Town Hall Road, Dowagiac, MI 49047

Telephone 616-782-6323/616-782-7838

March 4, 1994

Mr. Daniel Bailey, Chairman
Little River Band of Ottawa Indians
238 Parkdale Avenue, Suite 1-B
Manistee, MI 49660

Dear Daniel:

On Behalf of the Pokagon Band of Potawatomi Indians, I want to extend our total support to the Little River Band of Ottawa Indians for their efforts to re-establish a government to government with the United States Government.

The Pokagon Band is supportive of H.R. 2376 and S. 1357 Bills introduced to the House Committee and the Senate Committee respectively.

It is appropriate to seek reaffirmation for the Little River Band of Ottawa Indians and provide funding once this is attained.

Sincerely,



Joseph R. Winchester,
Chairman, Pokagon Band

JRW/jaa

**LUTHER BRANCH
LAKE-OSCEOLA STATE BANK
LUTHER, MICHIGAN 49656**

CONTINUOUS SERVICE FOR OVER 80 YEARS

Phone
(616) 797-5221

March 4, 1994

Daniel Bailey, Chairman
Little River band of Ottawa Indians
409 Water Street
Manistee, Michigan 49660

Dear Mr. Bailey,

I want to convey my support for S. 1357 and H.R. 2376, bills to reaffirm the federal relationship of the Little River Band of Ottawa Indians as a distinct federally-recognized Indian tribe. It has been brought to my attention that you and other representatives of the tribe recently testified before the Senate Committee on Indian Affairs in Washington, DC. It is my hope that the Committee will act quickly to support this important legislation. I have known several members of the Little River Band, in the Luther area, for many years. I feel it is an injustice that the federal government has not lived up to its treaty commitments to our Local Ottawa tribe.

The Little River Band people are an important part of our community. They deserve federal recognition that will provide them the tools necessary to achieve self-sufficiency, a goal which will improve the quality of life for the entire Manistee community.

Again, I want to convey my support for quick passage of S. 1357 and H.R. 2376.

Sincerely,

Richard Brazaski
Richard Brazaski
Assistant Cashier/Branch Manager



Manistee Area Public Schools

the place to be!

John A. Kuenzli
Superintendent

550 Maple Street
Manistee, Michigan 49660
Phone 616-723-3521

Dr. Henry E. Minister
Asst. Superintendent

March 4, 1994

DANIEL BAILEY
LITTLE RIVER BAND OF OTTAWA INDIANS
409 WATER STREET
MANISTEE, MI 49660

Dear Mr. Bailey:

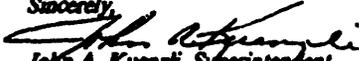
Please be assured that I support S.B. 1357 and H.B. 2376 requesting federal recognition of the Little River Band of Ottawa Indians as a distinct Indian tribe. Having completed your testimony before the appropriate legislative committee and submitted the necessary documentation to authenticate the tribe's distinct existence, I would hope the Congressional Committee would act expeditiously to recommend the formal recognition.

Having known a number of members of the Little River Band and worked closely with them on community activities and projects, I am aware of their involvement and support of our community. It is my hope that federal recognition would make that support even stronger by assisting the tribe and its members to become more financially stable and independent.

I look forward to the continued participation of the Little River Band in the Manistee Victorian Port City Festival. Your participation for the last two years has certainly been a valuable addition to the week-end's celebration. As Superintendent of the Manistee Area Public Schools, I also am appreciative of your efforts to work with the schools in the teaching of our heritage and the role of the Native Americans in our past.

In closing, I extend my best wishes for success in this long and arduous process. Hopefully it is nearing a positive conclusion.

Sincerely,



John A. Kuenzli, Superintendent
Manistee Area Public Schools

ROBERT SELL
STRONACH TOWNSHIP SUPERVISOR
(Manistee County)
322 N. Stooles Road
MANISTEE, MICHIGAN 49660

Don Bailey, Chairman
Little River Band of Ottawa Indians
409 Water St.
Manistee, Mich. 49660

Dear Don,

I am writing this letter to let you know that you have my support for bills S. 1357 and H. R. 236 to reaffirm the federal relationship of the Little River Band of Ottawa Indians as a distinct federally recognized Indian tribe.

The Little River Band people have been an important part of Manistee Co. for generations. I have always felt that the federal government has not lived up to its treaty commitment to our local Ottawa tribe.

ROBERT SELL
STRONACH TOWNSHIP SUPERVISOR
(Manistee County)
322 N. Stocoles Road
MANISTEE, MICHIGAN 49660

Federal recognition will provide the Little River Band people with the tools necessary to achieve self-sufficiency, a goal which will improve the quality of life for the entire Manistee community.

In Solidarity,
Bob. Sell
Stronach Township
Supervisor.

Feb. 23, 1964

The Honorable Mr. Bailey.

Sir

Re. The matter of Senate Bill (S 1357 and House Bill (H.R. 2376 I would like to voice my support

In my 17 years in Macomb County I have had many dealings with members of the Little River Board of the Ottawa Inclusion and find them to be very civic minded and supportive of the welfare of this Committee.

I feel that recognition of these people as a whole would be beneficial to the County of Macomb and the City of Macomb and I request your full support of these Bills

Sincerely
 William R. Shuler
 City Councilman 5th Dist
 364 2nd St
 Macomb, Mi 49660



FiveCAP, Inc.

BOX 37 - 302 N. MAIN STREET - SCOTTVILLE, MICHIGAN 49454 - (616) 757-3785

March 7, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Dan:

FiveCAP, Inc. wishes to convey our support for S. 1357 and H.R. 2376, bills to reaffirm the federal relationship of the Little River Band of Ottawa Indians as a distinct federally-recognized Indian tribe. It is about time that our congressional representatives finally correct this longstanding injustice and acknowledge the existence of the tribe.

We understand that you and other representatives of the tribe recently testified before the Senate Committee on Indian Affairs in Washington, DC. It is our hope that the Committee will act quickly to support this important legislation. Having known and worked with members of the Little River Band for many years and we've always felt that it was an injustice that the federal government has not lived up to its treaty commitments to our local Ottawa tribe.

The Little River Band people have been an important part of the Manistee community for generations. Members of the tribe have worked in local industry, in the schools, for county government, and have served on township boards. Our Ottawa neighbors have worked hard to improve their living conditions, in spite of the federal government's neglect. Federal recognition will provide the Little River Band with the tools necessary to achieve self-sufficiency, a goal which will improve the quality of life for the entire Manistee community.

Again, I want to convey my support for quick passage of S. 1357 and H.R. 2376. Please keep me informed of your progress.

Sincerely,

Mary L. Trucks
Mary L. Trucks
Executive Director

Mary L. Trucks,
Executive Director



PEOPLE
SERVING
PEOPLE

TOTAL P.62

Gene Lagerquist
16686 Coates Hwy.
Brethren, MI 49619
March 2, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Daniel,

I would like to offer my support of S. 1357 and H.R. 2376 regarding the relationship between our federal government and our Little River Band of Ottawa Indians.

I have worked and lived with many of these people for my entire life. I do business with the Guenthardt family and went to school with them, the Sams, Baileys, and several others. These are good community people and they deserve the proceeds of the agreement.

As a school board member I understand the benefits this agreement can afford our young Indian students. It is important that these bills pass Congress! Thank you.

Sincerely,



Gene Lagerquist
President, Kaleva Norman
Dickson Board of Education

David F. Boertman
515 Cypress Street
Manistee, MI 49660
February 23, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

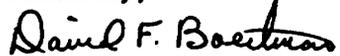
Dear Mr. Bailey,

This letter is to attest to the fact of the support of bill number (S. 1357) in the Senate and bill number (H.R. 2376) in the House.

I have personally known and have had dealings with some of the members of the Little River Band of Ottawa Indians and have found them very sincere and supportive.

I believe that federal recognition would be very beneficial to the community of Manistee. Therefore I hope this bill will be passed as soon as possible.

Sincerely,



David F. Boertman
Home Furniture

**DAYS INN OF MANISTEE**

1462 US-31 South
Manistee, Michigan 49660
(616) 723-8385

March 9, 1994

Mr. Daniel Bailey
409 Water Street
Manistee, MI 49660

Dear Mr. Bailey:

For over 100 years, you and your ancestors have been attempting to secure their rightful place as a federally recognized Indian tribe. The Little River Band of Ottawa Indians have long been an asset to our community, both as individuals, and as a cultural influence. The rights and support you will gain with federal recognition can only increase the positive effects of your presence in the community.

Senate bill S. 1357 and House bill H.R. 2376 have been long in the making. I join you in hoping that this long standing oversight will soon be corrected by the quick passage of this legislation.

Sincerely yours,

Larry J. Bielski
Part Owner: Days Inn of Manistee
Cob Pines Golf Club
Home Furniture

3-01-94

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Mr. Bailey:

This letter is to attest to the fact of the support of bill number S. 1357 in the Senate and bill number H.R. 2376 in the House.

I have personally known and have had dealings with some of the members of the Little River Band of Ottawa Indians and have found them very sincere and supportive.

I believe that federal recognition would be very beneficial to the community of Manistee. Therefore, I hope this bill will be passed as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Laura J. Horvat". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Laura J. Horvat

Owner: Wendy's Old Fashioned Hamburgers
Manistee, Traverse City, Ludington

Donald C. Bielski

P.O. BOX 354
MANISTEE, MI 49660

Real Estate
BROKER

3-01-94

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Dan:

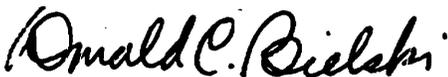
Use this letter as a show of support for bill number S. 1357 in the Senate and bill number H.R. 2376 in the House.

I have personally known the Guenthardts, who are members of the Ottawa Little River Band, and they are a credit to our community. These people are a vital part of our community and have served and contributed to the well being of our area. It is time we recognize and support them. Recognition of the Little River Band of Ottawa Indians is long overdue.

I ask that our Senate and House of Representatives waste no more time and support the recognition of the Little River Ottawa people.

Thank you.

Respectfully yours,



Donald C. Bielski
Owner: Days Inn of Manistee
Home Furniture
Cobi Pines Golf Club

cc: Sen. Donald Riegle
Rep. Peter Hoekstra

West Shore
Community
College



March 9, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

3000 NORTH STILES ROAD
P.O. BOX 277
SCOTTVILLE, MICHIGAN 49454-0277
616/645-0211
616/723-8366

Dear Mr. Bailey,

I am writing this letter to advise you of my enthusiastic support of S.1357 and H.R. 2376. Federal recognition of the Little River Band would make official what has always been true, namely that the Little River Band has persisted through time (over one hundred years!) with a strong sense of group solidarity. The benefits to our college community by having the Little River Band available is incalculable, especially your willingness to share your history and culture with out students.

I also believe that the benefits of federal recognition such as health and social services, housing, and educational opportunities will assure the continuity of your determined Band's considerable contribution to the cultural life of Manistee county and the West Shore Community College district.

If you or Mr. Dougher know of anything I can do to help you in your quest, please let me know.

Sincerely,

David McCullough

West Shore
Community
College



3000 NORTH STILES ROAD
P.O. BOX 277
SCOTTVILLE, MICHIGAN 49454-0277
616/645-6211
616/723-8356

7 March 1994

Little River Band
Ottawa Indians
% Daniel Bailey, Chairman
409 Water Street
Manistee, MI 49660

Chairman Bailey and Band Members,

Through the efforts of Mark Dougher and James McClurken, I am aware of your efforts to be reaffirmed as a recognized tribe. Their presentations here last year and this year were most informative, and very well received by the students and other members of the community. We are most grateful for their efforts and yours in serving as a Cultural Resource to West Shore Community College.

I have been happy to view and participate in the Native American educational projects you have sponsored during the Manistee Port City Festival. You must be very pleased that your friends and neighbors are aware of the many contributions of the Ottawa people to this area's heritage and invite you to to educate others about your role in local history.

My life long involvement in Native American culture has made me particularly aware of the number of Indian students on our campus, and of the interest Native cultures among the general student population. I post pow-wow notices on my door and field many questions about these and other Native American matters.

Because of my work in local schools teaching about Indian dance and culture, many college students remember me from presentations in their grade school classrooms. I am particularly gratified that many Native students, whether they are enrolled in my classes or not, feel free to stop by my office to request help with school work, with "red-tape," or even personal problems. I know that Ottawas, and especially members of your band are regularly enrolled at West Shore Community College.

It is particularly on behalf of these students that I am most hopeful for passage of S.1357, sponsored by Senators Levin and Reigle, and H.R. 2376, introduced by Rep. Kildee and co-sponsored by other Michigan Representatives.

Little River Band students deserve the same benefits as other Native American students who are members of a federally recognized tribe. As an educator I support the effort to enable these people to receive the educational, social service, and health benefits due them.

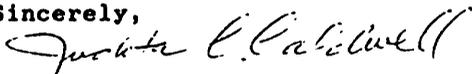
In addition, the pride in their heritage will be increased, and their status among their peers will be enhanced. For people in today's society, this source of identity can be crucial. Little River Band members deserve the recognition many other of my Native American students receive.

I am pleased to support your efforts. Please call on me whenever I can help. I would be especially willing to produce publishable articles on the your members' efforts to preserve traditional culture and to share it with the community at large. Biographical profiles of your elders would make a wonderful resource for your children in the years to come.

I am considering offering a Native American Literature class in the future (pending the approval of my department at a meeting this month and subsequent acceptance by the Curriculum Committee) I hope to call upon your elders, as well as those of my own Lodge, for guidance at that time.

Much success with the Committees on Indian Affairs.

Sincerely,



Judith C. Caldwell
Professor of Humanities

Manistee-Benzie Community Mental Health Services

March 1, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, Michigan 49660

Dear Dan,

I am writing to express my support for S. 1357 and H.R. 2376, bills which would provide that the Little River Band of Ottawa Indians be Federally recognized as a distinct Indian tribe.

While it is widely recognized in our local community that the Little River Band has a long heritage of contributions to the culture of the community, it is past time for those contributions be formally acknowledged by the Federal Government. Members of the tribe contribute to the economic well-being of the community, participate in local government, and are great neighbors. Federal recognition will assist the tribe in achieving self-sufficiency which will not only be of benefit to the tribe, but to the entire community as a whole.

Please use this letter of encouragement and support to further the goals of the tribe.

Sincerely,

Michael Moran

Michael Moran, Executive Director

A Community
Leader
since 1972

Accredited By:

Council on
Accreditation of
Rehabilitation
Facilities

A Member Of:

The National
Council
of Community
Mental
Health Centers

Michigan
Association
of Community
Mental
Health Boards

Michigan
Association
of Rehabilitation
Organizations

Manistee Counseling Center
393 Third St., Manistee, MI 49660
(616) 723-1386

Shoreline Clinical Services
*385 Third St., Manistee, MI 49660, (616) 723-8900
2804 Benzie Hwy., Benzonia, MI 49616, (616) 882-8961
*Fax: (616) 723-1630

Administrative Offices
P.O. Box 335, Manistee, MI 49660
(616) 723-6316
Fax: (616) 723-1304

Benzie Counseling Center
630 Michigan Ave., Benzonia, MI 49616
(616) 882-4468

Lakeshore Enterprises
*2804 Benzie Hwy., Benzonia, MI 49616, (616) 882-8981
385 Third St., Manistee, MI 49660, (616) 723-8900
*Fax: (616) 882-3343

8 March 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water St
Manistee, MI 49660

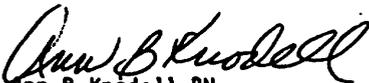
Dear Dan,

Ann and I wanted to write you a note regarding HR 2376 and SP 1357 which we understand are pending in the House and Senate at this time.

We have supported your efforts to re establish federal recognition of the Little River Band for a number of years. We believe it is a situation that the federal government should never have allowed to happen in the first place and has been remiss in its duty to correct this injustice for over one hundred years. We also believe that formal recognition of the Band would have a beneficial effect on Manistee County.

You can count on our continued support and wish you luck in your dealings with Washington. If there is anything we can do to help, do not hesitate to call.

Sincerely,


Ann B. Knodell, RN
Teacher, Health Occupations
Manistee High School


W. C. Knodell, III RRT EMT-S
Mgr Cardiopulmonary/Ambulance Svc
West Shore Hospital

2/24/94

MR. DANIEL BAILEY
LITTLE RIVER BAND
OF OTTAWA INDIANS
409 WATER ST.
MANISTEE, MI. 49660

DEAR DAN,

I WOULD JUST LIKE TO LEND
MY SUPPORT TO S.1357 AND H.R.2376.
THESE BILLS ARE LONG OVER DUE AND
MUCH DESERVING.

ONE OF YOUR TRIBE, DIANE LONN,
HAPPENS TO BE ONE OF THE BEST EMPLOYEES
WE HAVE AT OUR STORE AND IS A VERY
ACTIVE IN LOCAL, CIVIC AND TRIBAL FUNCTIONS.

BASED ON CITIZENS SUCH AS THIS
AND ALSO THE INJUSTICES INFLICTED ON
THE INDIANS FOR YEARS I SINCERELY HOPE
THESE BILLS ARE PASSED QUICKLY.

SINCERELY
Mark Stank
Sen Mgr.

4845 Kmart
1560 US 31 SOUTH
MANISTEE, MI 49660

February 28, 1994

Daniel Bailey, Chairman
 Little River Band of Ottawa Indians
 409 Water Street
 Marquette, Michigan 49660

Dear Dan:

I want to convey my support for S.1357 and H.R.2376, bills to reaffirm the federal relationship of the Little River Band of Ottawa Indians as a distinct federally recognized Indian tribe.

We have three Little River Band members in our employ at Old Town Restaurant. It is a privilege to be working with these people. We are hoping for quick passage of S.1357 and H.R.2376.

With federal recognition of the Little River Band we will be able to see self sufficiency and improved living conditions for our local band. We are anxious to be a part of their continued growth in our community. The entire Marquette community should welcome the passage of this bill.

Sincerely,
 Connie Glade
 Connie Glade
 Old Town Restaurant
 155 E. 8th St.
 Marquette, Mich.



February 27, 1994

Daniel Bailey, Chairman
 Little River Band of Ottawa Indians
 409 Water Street
 Manistee, MI 49660

Dear Daniel,

You are aware of my name and status to the Little River Band of Ottawa Indians, however, I will note it again for those that read this letter.

My name is Bonnie (Lempke-Sams) Kenny, and I currently hold the position of Vice-Chair to the Little River Band of Ottawa Indians. I would like you to know, Daniel, that I had originally planned and prepared a very descriptive testimony to support our efforts of the two bills S-1357 and H-2376, but I find myself with this letter instead. The reason...I'm tired of the paperwork. We, Native Americans, always have to submit pages after pages to prove who we are, and what our efforts are for; but no more pages.

Today, Sunday, February 27, 1994, I lost a special part of who I am and why I am here, my grandfather. Alexander (Paquodush) Sams was a very well loved man by all. He told stories and showed all 71 of us (That is how many in his family from three daughters.) how to work and support what we wanted and believed for in life. Therefore, Daniel, I am the fifth generation to endure the struggle of his journey, and that of many of our tribes elders, to reaffirm our government to government relationship. With the passing of my grandfather, I will offer a continuous strength in his being for that effort.

I miss my grandfather very much already, Daniel, as I know you must miss your own; but I leave you and the reader of this letter the following: "Please enforce the passing of bills S-1357 and H-2376. We are not a page to a report that can be lost or recycled. We are Native Americans, human beings, that want to be heard and accomplish what our ancestors set out to do over 100 years ago...to reaffirm and clarify our relationship as a distinct federally-recognized tribe."

Megwetch and In Spirit,

Bonnie

Bonnie



Saturday, February 26, 1994

Daniel Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, MI 49660

Dear Daniel,

I'm writing in support of S-1357 and H-2376, bills to reaffirm the federal relationship of the Little River Band of Ottawa Indians as a distinct federally-recognized Indian tribe, which is imperative that they get passed.

I need to reflect a moment on why it's so important to me.

My grandfather, who now lays in the hospital, is slowly dying. He is 83 years of age and is the elder of a family that hosts two living daughters and one deceased, 15 grandchildren 29 great-grandchildren, six great-great grandchildren, and this doesn't even include spouses. Over the years he has told stories of how his great grandfather lived and survived in this land, and what it was like to be Indian. His own grandfather lived to be 114 years of age, and had seen many changes, some good and some bad. It's hard for me to understand why it would be necessary to prove our Indian heritage and who we are to anyone. Because just speaking to my grandfather would convince anyone.

Federal Recognition isn't something he ever worried about, because he always know who he was. Proof? who needed proof? he is who he is: a true Native American who fought and loved his country. Yet over the years, he saw things given to his people and things taken away. Through this process, he changed his mind. He says, "let is all be settled." He told his family to stand up for your rights and don't let the government keep something that truly belongs to The People.

In closing, Mother Earth heals herself in many different ways and so do her children, so we see a healing process taking place with our People. Please help to close another wound and to keep the healing process going. Mother Earth will soon wrap her arms around my grandfather, but his spirit is strong so he has many lives yet to live through all the people who love him.

In Spirit,

Connie Waitner



3-4-94

Little River Band of Ottawa Indians Board of Directors:

I am writing to you this day, with both pride and sadness.

Pride when I think of the way Dan has taken up the continued fight, that his grandfather, great-grandfather and great-great grandfather have fought, and that is for your tribe to have its rightful relationship with the U.S. government to be restored.

Pride that my children and grandchildren have such a rich heritage of a people who for 100 years have patiently attempted to have its tribal status reaffirmed, which is so long overdue.

Sadness when I think that since the last hearing, just 3 weeks ago on February 10, 1994, your tribe has lost one of the elders with the passing of Alex Sam. Sadness at the many who have gone on waiting for justice to be done. Bills S.1357 and H.R. 2376 to reaffirm you, the Little River Band of Ottawa Indians as a federally recognized tribe is crucial. No other member must die in waiting.

I lend you my support in anyway and I send my prayers for the quick passage of S.1357 & H.R. 2376.

Sincerely,

Jan Bailey

78-311 452

452



Oil, Chemical and Atomic Workers International Union

LOCAL 7-667

516% KOSCIUSKO STREET
MANISTEE, MICHIGAN 49660

PHONE: 616/723-71

Robert Bell
President, Local 7-667
322 North Skocelan Road
Manistee, Michigan 49660
616/723-4827

Warren Bookhol, Sr.
Financial Secretary, Local 7-667
3053 Orchard Way
Manistee, MI 49660
616/723-4478

Don Bailey, Chairman
Little River Band of Ottawa Indians
409 Water Street
Manistee, Mich. 49660

Dear Don,

I am writing this letter to let you know that you have my support for bills S. 1357 and H.R. 2316 to reaffirm the federal relationship of Little River Band of Ottawa Indians as a distinct federally recognized Indian tribe.

The Little River Band people have been an important part of Manistee Co. for generations. I have always felt that it was an injustice that the federal government has not lived up to its treaty commitment to our local Ottawa tribe.



Oil, Chemical and Atomic Workers International Union

516½ KOSCIUSKO STREET
MANISTEE, MICHIGAN 49860

LOCAL 7-667

PHONE: 616/723-71

Robert Sell
President, Local 7-667
322 North Skocwis Road
Manistee, Michigan 49860
616/723-4827

Warren Beekhof, Sr.
Financial Secretary, Local 7-667
3083 Orcewa Way
Manistee, MI 49860
616/723-4478

Federal recognition will provide the Little River Band people with the tools necessary to achieve self-sufficiency, a goal which will improve the quality of life for the entire Manistee community.

*In Solidarity,
Bob. Sell
President O.C.A.W.I.U.
Local 7-667*