

Department of the Interior,  
Office Indian Affairs,  
May 21st 1855.

Sir:

In response to your letter of the 9th inst. soliciting my views as to the best course to be pursued, in regard to the subjects presented to you in my reports of the 26th ultimo, and the 8th instant; and referring here to the general opinions expressed in the Annual Reports of this Office for the two years last past, as also to the two reports mentioned in your letter; I now have the honor to state

Firstly, as regards the Ottawas & Chippewas in the State of Michigan, that I am of the opinion that an officer or officers of this Department should be designated by the President to negotiate with the Indians with a view of adjusting all matters now in an unsettled condition, and making proper arrangements for their permanent residence in that state.

By the treaty of 28th, March 1836 (articles 2 & 3) reservations within the State of Michigan, were provided for these Indians; but the Senate amended the treaty by limiting their residence on the reservations to the term of five years; and made provision that on the surrender of the same, the sum of \$200,000 should be paid to the Indians therefore, etc..

It was anticipated that after a few years, these Indians would remove southwest of the Mississippi. Hence the provision of a home for them there, as per article 8 of the treaty and the Senates' amendment thereto; but they were not limited by the treaty to any time within which they should remove to avail of the homes thus promised.

They have never emigrated west, but have continued to hold the reservations described in the 2<sup>d</sup> and 3<sup>d</sup> articles of

EX. P-ESA (P. 1 OF 5)

033732

#404

HRA011419

the treaty - which have accordingly been withheld from sale to accommodate the Indians.

Measures should now be taken, in my judgment, to secure permanent homes to the Ottowas and Chippewas, either on the reservations or on other lands in Michigan belonging to the Government, and at the same time, to substitute as far as practicable, for their claim to lands in common, titles in fee to individuals for separate tracts.

As the sum of \$200.000.s was to have been paid them, on surrender of the reservations, it would be equitable to charge the Indians with the value of the lands which they might receive in lieu of the old reservations, the aggregate value to be deducted from the \$200.000.s and the balance, if any, of that sum guaranteed to them in such manner as would be acceptable and beneficial to them - being invested or paid as might hereafter be agreed on. Individuals who should abandon improvements would be entitled to compensation for them according to the 8th article of the treaty.

It may also be considered of some value to the United States to have the Indians relinquish their right to a home west of the Mississippi, although in my judgment, it would not be unjust to deny them the benefit of that right, as they have not heretofore, nor is it to be supposed they will hereafter, avail themselves of it. The amount that should be allowed them for its relinquishment, ought not, in my opinion, to exceed the value of lands they might receive for homes in Michigan.

Other matters that it may be proper to consider, in connection with the negotiations, may, I think, be left for decision until instructions are prepared for conducting such negotiations.

EX. P-89A (P. 2 OF 5)

033733

HRA011420

The case of the Six Nations and other Tribes connected with them, which was the subject of my report of the 8th instant, I regard in a light somewhat different.

The policy of the Government toward them had, up to 1836, looked to the settlement of those Indians near Green Bay Wisconsin. (See my Report to the Dept. of Janry '25. '55 House Doc. No. 66. 33 Cong. 2<sup>d</sup> Session.)

But it was then deemed advisable to embrace them within the general policy of removal to the west of the Mississippi. It is to be remarked, that the 500,000. acres bought for them of the Monomonees (See treaty of 1831 and 1832 with the Menomonees) was to belong to these Indians, only so far as they removed to it, and absorbed it by the sum of the quantity required for homes for actual settlers.

The various treaties for whom the 500,000. acres was designated, by the Gillett treaty of 1838, (as amended by the Senate, June 11th 1832) relinquished their claims therein, and agreed to receive a home west of the Mississippi being 320 acres to each soul of the tribes, enumerating those then in New York and at Green Bay. The specific variations of particular cases, from this general statement it is not deemed necessary to report.

The Indians, by the 3<sup>d</sup> article, agreed to remove there, "within five years or such other time as the President may appoint."

The policy of the Government prepared them to a removal in persuance of the treaty, and the Executive insisted on it for many years. Notwithstanding this the great body of the Indians refused, and in 1842, the arrangements were consummated by which they have since continued in the State of New York. However, it being reported to this Office in 1842, that about 250 wished to emigrate, an appropriation was asked for, and made by

Act of 3 March, 1843, \$20.477.<sup>50</sup>/<sub>100</sub> to enable the department to carry out the 15th Article of the treaty as respects those who would remove - about half of the appropriation was expended in 1845 - 6 & 7 - and the balance, \$11.113.<sup>42</sup>/<sub>100</sub> carried to the surplus fund, 25th Oct. 1831.

By the Harris treaty of 1838, Feby. 3, the Oneidas at Green Bay, settled all matters of controversy with the United States and provision was made therein, which with such as has been made by law and treaty, for other tribes interested in the transactions in 1821 & 1822, with the Menomonees and Winnebagoes, it is believed has reimbursed or otherwise compensated all the tribes who advanced money to the Menomonees on account of the assent of the latter, to the New York Indians settling near Green Bay. (See Report in the case of the Brother towns)

As the Government perserveres, for many years in demanding the removal of the New York Tribes, and the true meaning of the treaty of 1838, secures to them a right to land, west of the Mississippi only in the event of removal. I am of the opinion that the tribes as part of treaties, and the individuals of them, now in New York, and Wisconsin have no legal or equitable claim on the United States, for the benefits designed as per the 2nd and 15th articles of the Gillett treaty of 1838 to have been secured to them, in case they have emigrated.

The Government having sanctioned the emigration of those individuals of the New York and associate tribes, to the country west of the Mississippi, which was designed for the home of the tribes to which they belong, I am of the opinion that they are entitled to the paternal care of the Government; and that they have equitable claims to the same benefits they would have received, if the tribes, of which they constitute parts, had emigrated with them.

EX. P-89A (P. 4 OF 5)

033735

HRA011422

Although an appropriation exists for extinguishing the title of Indian tribes west of Missouri and Iowa, to lands claimed by them, it is questionable whether the New York Indians across west of Mississippi can properly be negotiated with, for extinguishment of their equitable claims on the Government.

Should you deem it proper to enter upon negotiations, the present may be regarded as a proper time to institute measures to that end; but should you entertain the opposite opinion, I take occasion respectfully to recommend that you sanction the application of limited portions of the existing balances of the appropriations for "Provisions for Indians", and "Presents to Indians", to the relief of the present, destitute condition of the individuals of the New York and associate tribes, now in Kansas; -they, for the time being being placed in care of such of the Agents of the Department as can most conveniently and properly take charge of them.

Very Respectfully,  
Your Ob. Servant  
Geo. W. Manypenny  
Commissioner.

Hon. R. McClelland,  
Secy. of the Interior.

EX. P--89A (P. 5 OF 5)

033736

HRA011423

Department of the Interior,  
Office Indian Affairs,  
May 21<sup>st</sup> 1855.

Sir: I received to your letter of the 9<sup>th</sup> inst. soliciting my views as to the best course to be pursued, in regard to the subjects presented to you in my reports of the 26<sup>th</sup> ultimo, and the 8<sup>th</sup> instant; and referring here to the general opinions expressed in the Annual Reports of this Office for the two years last past, as also to the two reports mentioned in your letter; I now have the honor to state

Firstly, as regards the Ottawas & Chippewas in the State of Michigan, that I am of the opinion that an officer or officers of this Department should be designated by the President to negotiate with the Indians with a view of adjusting all matters now in an unsettled condition, and making proper arrangements for their permanent residence in that state.

By the treaty of 25<sup>th</sup> March 1836 (articles 2 & 3) reservations within the state of Michigan were provided for these Indians; but the Senate amended the treaty by limiting their residence on the reservations to the town of Green Bay, and made provision that on the surrender of the same, the sum of \$200,000.00 should be paid to the Indians therefor, &c.

It was anticipated that after a few years, these Indians would leave the reservation of the Mississippi. Hence the provision of a home for them there, as per article 8 of the treaty and

EX. P-99 (P. 1 OF 7)

033725

Indian Still Land reservation 7/1836  
There are 20,000 acres

The Senators' amendment is correct, but they were not limited by the treaty to any time within which they should proceed to avail of the honors thus promised.

They have never emigrated, but have continued to hold the reservations described in the 2<sup>d</sup> & 3<sup>d</sup> articles of the treaty - which have accordingly been withheld from sale to accommodate the Indians.

Measures should now be taken, in my judgment, to secure permanent honors to the Ottawa and Chippewas, either on the reservations or on other land in Michigan belonging to the Government, and at the same time, to substitute as far as practicable, for their claim to land in common, title in fee to individuals for separate tracts.

As the sum of \$200,000.00 was to have been paid them, on surrender of the reservations, it would be equitable to charge the Indians with the value of the lands which they might receive in lieu of the old reservations, the aggregate value to be deducted from the \$200,000.00, and the balance, if any, of that sum guaranteed to them in such manner as would be acceptable and beneficial to them - being invested or paid as might be agreed on with the Indians.

EX. P-89 (P. 2 OF 7)

033726

HRA011425

Indians who should abandon improve-  
ments, should be entitled to compensa-  
tion for them according to the 8<sup>th</sup> article  
of the treaty.

It may also be considered of  
some value to the United States to have the  
Indians relinquish their right to a home  
west of the Mississippi, although in my  
judgment, it would not be unjust to de-  
ny them the benefit of that right, as  
they have not heretofore, nor is it  
to be supposed they will hereafter,  
avail themselves of it. The amount  
that should be allowed them for its  
relinquishment, ought not, in my opinion,  
to exceed the value of lands they might  
receive for homes in Michigan.

Other matters that it may be prop-  
er to consider, in connection with the ne-  
gotiations, many, I think, be left for deci-  
sion until instructions are prepared for  
conducting such negotiations.

END  
here

The case of the Six Nations and other  
Tribes connected with them, which was the  
subject of my report of the 5<sup>th</sup> inst. I  
regard in a light somewhat differ-  
ent.

NY Indian

The policy of the Government to-  
wards them had, up to 1836 looked  
to the settlement of those Indians near  
Green Bay Wisconsin. (See my Report  
to the Senate of July 25<sup>th</sup> to November, 1866, 33<sup>rd</sup> Cong. 1<sup>st</sup> Session.)

But it was then deemed advisable



to subserve their interest the general policy  
afforded them to the west of the Mississippi.  
It is to be remarked, that the 500,000 acres  
bought for them of the Memorances.  
(See treaty of 1831 and 1832 with the Mem-  
-orances) was to belong to these In-  
-dians, only so far as they removed to  
it, and absorbed it by the sum of the  
quantity required for homes for actual  
settlers.

The various titles for whom the  
500,000 acres was designed, by the  
Gallatin treaty of 1838, (as amended by  
the Senate, June 11<sup>th</sup> 1838) relinquished  
their claims therein, and agreed to  
reside @ home west of the Mississippi,  
being 320 acres to each soul of  
the titled, commencing there then in  
New York and at present Ind. The specific  
variations of particular cases, from  
this general statement it is not deemed  
necessary to report.

The Indians, by the 3<sup>d</sup> article,  
agreed to remove there, "within four  
years or such other time as the  
President may appoint."

The policy of the Government  
prepared them to a removal in  
pursuance of the treaty, and the  
Executive persisted on it for many  
years. Notwithstanding that the  
great body of the Indians, re-  
-moved, since Jan 1838, the arrangements

were consummated by which they  
have since continued in the State  
of New York. However, it being  
reported to this Office in 1842, that about  
250 wished to emigrate, an appropri-  
-ation was asked for, and made by  
act of 3<sup>d</sup> March, 1843, § 20.477.50 to en-  
-able the Department to carry out the  
15<sup>th</sup> article of the treaty as respects those  
who would remove - about half of the  
appropriation was expended in 1845-6 &  
7 - and the balance of \$11,013.45 carried to  
the surplus fund, 25<sup>th</sup> Oct. 1851.

By the Harris treaty of 1838, Art. 3,  
the President at Green Bay, settled all  
matters of controversy with the Indians,  
and provision was made therein, which  
such as has been made by law and treaty,  
for other tribes interested in the trans-  
-actions in 1821 & 1822, with the Menom-  
-ones and Winnebagoes, it is believed  
has reimbursed, or otherwise com-  
-pated all the tribes who advanced mon-  
-ey to the Menomones on account of  
the apportionment of the latter, to the New York  
Indians settling near Green Bay. (See  
Report in the case of the Potawatamies.)

As the Government has not recovered,  
for many years, the personal of  
the New York Indians, and the balance remaining  
of the treaty of 1838, remains to them to  
pay to the Indians of the Winnebagoes  
only, in the event of removal, I am

of the opinion that the titles are parts of  
titles, and the individuals of them  
now in New York, and elsewhere,  
have no legal or equitable claim  
on the United States, for the benefits  
designed, as per the 2<sup>d</sup> and 15<sup>th</sup> articles  
of the Illinois treaty of 1808 to have been  
secured to them, in case they had emi-  
grated.

The Government having im-  
migrated the individuals of those individuals  
of the New York and adjacent titles,  
to the country west of the Mississippi,  
which was designed for the home  
of the titles to which they belong,  
and of the opinion that they are  
entitled to the paternal care of the  
Government; and that they have  
equitable claims to the same benefits  
they would have received, if the same  
titles, of which they constituted parts,  
had emigrated with them.

Although an appropriation  
exists for extinguishing the titles of  
Indian tribes west of Mississippi  
and Iowa, to land claimed  
by them, it is questionable whether  
the New York Indians west of  
Mississippi can properly be rege-  
nerated with, for the extinguishment  
of their equitable claims on the Govern-  
ment.

Should you deem it proper

to enter upon negotiations, the present  
may be regarded as a proper time to in-  
stitute measures to that end; but  
should I entertain the opposite opinion,  
I take occasion respectfully to re-  
commend that you sanction the  
application of limited portions of the  
existing balances of the appropriations  
for "Provisions for Indians," and  
"Presents to Indians," to the relief  
of the present destitute condition  
of the individuals of the New York  
and adjacent tribes, now in Kan-  
sas; - they, for the time being  
being placed in care of some  
of the Agents of the Department  
as can most conveniently  
and properly be in charge  
of them.

Very Respectfully,  
Yours &c.

Wm. M. McKim

Commissioner

Chas. M. Smith,  
Secy. of the Interior.