

IN SENATE OF THE UNITED STATES.

APRIL 23, 1840.

Submitted, and ordered to be printed.

Mr. SEVIER made the following

REPORT :

The Committee on Indian Affairs, to whom was referred the petition of James L. Schoolcraft, of Michilimackinack, Michigan, report :

That the petitioner states in his petition that on the 30th of September, 1837, the Indian agent at Michilimackinack, with the chiefs of the Ottawas and Chippewas, allowed petitioner the sum of fifteen hundred and eighty-five dollars and thirty-six cents, for losses sustained in trade with the above-named Indian tribes ; and that the report of the agent containing this allowance was forwarded to the office of Indian Affairs ; and that, upon receipt of this report, the Commissioner of Indian Affairs ordered John W. Edmonds to review his former report ; and that, in his review of his former report, said Edmonds disallowed petitioner's claim for the aforesaid sum of fifteen hundred and eighty-five dollars and thirty-six cents, without the "*original or any other evidence*" to support the claim being before him, and that said decision was sanctioned by the department.

The petitioner further states, that this decision of the department is in violation of the fifth article of the treaty, as ratified by the Senate on the 28th of March, 1836, with the Ottawas and Chippewas ; by which article the sum of \$300,000 was set apart to pay the debts of said Indians, which were to be adjudged by the said Indians and their agent, &c.

The committee enclose petitioner's petition to the War Department, and adopt as a part of this report the report of Mr. Crawford, of the Indian Bureau, of the 20th of April, 1840 ; by which it will appear that the petitioner is not entitled to any relief from the United States, he having no just claim upon the United States whatever, of either a legal or equitable character. The committee therefore report the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.

WAR DEPARTMENT, April 22, 1840.

SIR: I have the honor to transmit you a report of the Commissioner of Indian Affairs, which is concurred in by the department, in reply to your letter of the 27th ultimo, enclosing the petition of Mr. J. L. Schoolcraft, pray-

ing the payment of a sum of money guarantied to be paid to him in a treaty with the Ottawa and Chippewa Indians.

The petition of Mr. Schoolcraft is herewith returned.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. A. H. SEVIER,

Chair. Com. on Indian Affairs, Senate.

WAR DEPARTMENT,

Office Indian Affairs, April 20, 1840.

SIR: I have the honor to submit the following report upon the letter of 27th ultimo, from the honorable chairman of the Committee of the Senate on Indian Affairs, and the petition of J. L. Schoolcraft, enclosed therein.

The 5th article of the treaty of 28th March, 1836, with the Ottawas and Chippewas, as ratified, set apart \$300,000 for payment "to the said Indians, to enable them, with the aid and assistance of their agent, to adjust and pay such debts as they may justly owe." The agent, H. R. Schoolcraft, Esq., was accordingly instructed, on the 9th July, 1836, to inform "the Indians that the whole sum of \$300,000 is now at their disposal;" and, in concert with John W. Edmonds, Esq., who had been appointed commissioner to apportion among the half-breeds the allowance for their benefit under the same treaty, and Major Henry Whiting, the disbursing agent, to "examine and decide every question that may arise connected with its disbursement." He was told that "the Indians should investigate the claims themselves; but you and the gentlemen above named will give them all proper aid and advice." The report of these gentlemen was received on the 10th March, 1837, from Mr. Schoolcraft. It appears by it that two claims were presented by James L. Schoolcraft: one for goods sold, amounting to \$1,939 34, was allowed, deducting \$52 92 charged for liquor; the other, of \$800, "for losses in the Indian trade, from 1826 to 1831, inclusive," supported only "by evidence that claimant was then a trader and trusted the Indians, and had subsisting claims against them," was allowed for one-half the amount, \$400. These sums were paid to the agent, H. R. Schoolcraft, a brother of the claimant, upon a power of attorney.

In his letter transmitting this report, the agent stated that "some additional claims for debt, of an apparently just character," had been presented to him, concerning which he awaited further instructions. As a balance of over \$79,000 remained of the fund, after paying the allowances which had been made, he was directed to receive them, with the evidence in support of them, and, after an examination, to transmit to this office a list of them, with an abstract of the evidence and his opinion, in each case, appended. His report under these instructions, which was received on the 20th November, 1837, embraced the claim now under consideration. Mr. Edmonds having assisted in the investigation of the main body of the claims, and thereby become acquainted with their general character, it was thought proper, before deciding upon those subsequently presented, to obtain his opinion in relation to them. The agent's report, with an abstract of the testimony furnished by him, (the original not having been forwarded,) was accordingly sent to him for that purpose, and returned with a statement of his views upon each case. To the additional allowance to J. L. School-

craft he objected, because the claim "is for the same period of time" as those first acted upon, on which allowances were made for losses in Indian trade, viz: \$200 55 of the first claim, and \$400 of the second; and because the amount of the claim is the result of mere estimate. The agent, however, reported that the chiefs had directed the payment; and Mr. Edmonds, therefore, rested his decision "entirely upon the force to be given to the action of the Indians," but recommended suspension, for submission to a general council of the tribes. This course was approved by the department, and notification given to the agent on the 20th June, 1838. The result has not been communicated by the agent, and, therefore, no further action has been had.

The original evidence filed in support of these additional claims was afterward received; from which it appears that the foundation of this claim is a paper, signed by the chiefs of the Chippewas, directing the payment, with others, of \$1,600, to J. L. Schoolcraft. I have discovered nothing else to sustain the charge, but this paper and the speeches of the chiefs, who, in general terms, requested the payment of the claims noted in it.

The balance of the debt fund, after paying those accounts which have been allowed, has been invested in State stocks, as required by the supplemental article of the treaty; and the appropriation, therefore, is exhausted.

In reply to the last inquiry in the honorable chairman's letter, "if the claimant has any legal or equitable claim upon the United States for his claim," I respectfully state that, in the opinion of this office, he has not.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,
Secretary of War.

