

ELEAZER WILLIAMS.

[To accompany Bill S. 166.]

MAY 29, 1858.

Mr. COLFAX, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred Senate bill No. 166, for the relief of Eleazer Williams, report:

That at the treaty made at Buffalo Creek, New York, January 15, 1838, with the New York Indians, there is a special provision for the St. Regis tribe, that \$5,000 shall be paid to said tribe on their removal west, as a remuneration for moneys laid out by said tribe, and for services rendered by their chiefs and agents in securing the title to the Green Bay lands.

At this council Mr. Williams, who was reputed to be a half-breed of this tribe, appeared and signed the treaty as their sole chief and agent. And in a supplemental article to said treaty, signed at the St. Regis council house, on the 13th of February, 1838, it was provided that \$1,000 of this sum of \$5,000 should be paid over to the American party of said tribe, which was done in 1846.

The memorialist contends that the remaining \$4,000 was well understood to be intended to pay him for services rendered in this treaty, (under the latter branch of the appropriation above,) for procuring and settling the title to these lands, &c. Unfortunately the original papers connected with the treaty, and which the memorialist claims would have sustained his claim, were all burnt in 1839, in the office of R. H. Gillett, commissioner. And this is substantiated by the statement of Mr. Schermerhorn, the commissioner who negotiated the preliminaries of the treaty of 1838.

In 1850 Mr. Williams submitted a paper signed by eighteen chiefs and warriors of the tribe, fully recognizing and conceding his claim.

In 1852 Congress made an appropriation of this amount of \$4,000 to fulfil the treaty, repeating the language used therein; and Mr. S. Osborne was appointed commissioner to carry it out. Holding a council with the chiefs, they failed to agree. They claimed it as an annuity for the tribe, to be paid *per capita*, while the commissioner, after a thorough examination, came to the conclusion that most, if not all, of the money rightfully belonged to Mr. Williams. No other person claimed

any portion of it for any services or expenditures in regard to the Green Bay lands; that being the specific object for which it was stipulated to be paid. The commissioner, therefore, declined to make the payment as claimed by the tribe, and so reported to the department; whereupon he was directed to return the money, which being done he was discharged.

Marcus F. Johnson was then appointed commissioner, with instructions that the department had decided against the claim of Mr. Williams, and that he should regard its decision, in that respect, as final and conclusive. Mr. Johnson accordingly paid, in 1853, \$450 each to the chiefs, and \$7 to each of the individuals of the tribe, *per capita*.

By the treaty of 1838 the money in question was to be paid according to the decision of "the chiefs of said party and a United States commissioner," but not in accordance with the decision of any department whatever.

The committee, therefore, agree with the report of the Senate's Committee of Claims, that the department erred in their instructions, and thereby deprived Mr. Williams of the further opportunity to vindicate and establish his claim before the commissioner as contemplated by the treaty, and that therefore the money intended for this purpose was misapplied. Mr. Williams, having signed the treaty as the chief and agent of these Indians, being the only person who claimed any portion of it for any services or expenditures in regard to the lands in question; having had the decision of the impartial United States commissioner in his behalf, and the certificate of eighteen chiefs and warriors of the tribe fully recognizing his rights, thus complying with the conditions of the treaty, from which the chiefs only receded when they saw the opportunity of obtaining the money themselves; and the papers which more fully substantiate his claim having been destroyed by fire, for no negligence of his own, we recommend the passage of the Senate's bill.