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Letter from the Secretary of the Interior, relative to the restoration to market of certain lands in Michigan

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RESTORATION TO MARKET OF CERTAIN LANDS IN
MICHIGAN.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

RELATIVE TO

The restoration to market of certain lands in Michigan.

FEBRUARY 13, 1873.—Referred to the Committee on Public Lands and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 10, 1873.

SIR: I have the honor to inclose a copy of a communication from the Acting Commissioner of Indian Affairs, dated the 6th instant, inviting my attention to the act of Congress approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," which relates to lands which have been withheld from sale for the Ottawa and Chippewa Indians of Michigan, under the provisions of the treaty of July 31, 1855. (Stats., vol. 11, p. 612.)

The fourth section of this act provides "that all selections by Indians heretofore made, and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are hereby confirmed, and patents shall issue thereon as in other cases according to law."

An examination of the facts shows that a large number of Indians are really entitled to make selections, in virtue of the spirit and intention of the said act, and had made their selections and received their certificates therefor and made valuable improvements upon their lands; but such selections had never been "reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs;" and, therefore, not having been so reported, are not such selections as are provided for in the act referred to.

I have the honor to recommend the passage of an act authorizing the issue of patents to these Indians, and herewith inclose a draught of a bill which, if passed, will secure the object sought.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SPEAKER of the House of Representatives.

AN ACT to amend an act entitled "An act for the restoration to market of certain lands in Michigan," approved June tenth, one thousand eight hundred and seventy-two.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for restoring to market the lands remaining undisposed of in the reservation made for the Ottawa and Chippewa Indians of Michigan by the treaty of July thirty-first, eighteen hundred and fifty-five, be, and the same is hereby, extended until July tenth, eighteen hundred and seventy-three; and the Secretary of the Interior is hereby authorized and directed to cause selections of land to be made and patented prior to that date, to all Indians who were entitled under the provisions of the treaty of July thirty-first, one thousand eight hundred and fifty-five aforesaid, who have not heretofore received the same, in quantity to each according to the provisions of said treaty.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 6, 1873.

SIR: I have the honor to invite your attention to the act of Congress approved June 10, 1872, entitled "An act for the restoration to market of certain lands in Michigan," which relates to lands which have been withheld from sale for the Ottawa and Chippewa Indians of Michigan, under the provisions of the treaty of July 31, 1855, (Stats. at Large, vol. 11, p. 621.)

By the terms of this treaty, lists, embracing the names of all persons entitled to selections of land under its provisions, were to be completed by the 1st day of July, 1856, and, during the next five years thereafter, the persons entitled were to make their selections of land, and, after the expiration of these five years, for a further term of five years, it was provided that the lands within the reservations provided for by the treaty, not previously appropriated or selected, should be subject to entry as other public lands "by Indians only." The selections for Indians have never been completed under this treaty, it having been recently found that quite a number who have occupied and improved lands have been overlooked.

It appears from the records of the Mackinac agency that selections of land for these Indians, who have been overlooked, had been made by the United States agent, and certificates issued to them; these selections had, however, never been approved by the Secretary of the Interior or Commissioner of Indian Affairs.

If, in your opinion, the act of June 10, 1872, does not, at this date, authorize the issue of patents to these Indians, I respectfully recommend that Congress be requested to provide by legislation for an extension of the time for the restoration to market of the lands which have been withheld from sale under the treaty of 1855, and that selections of land and the issue of patents to all Indians entitled under the treaty of 1855 be provided for before the restoration of said land to market.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

The Hon. SECRETARY OF THE INTERIOR.