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Calendar No., 1083.

55TH CONGRESS, }
2d Session. }

SENATE.

{ REPORT
{ No. 998.

CHIPPEWA INDIANS, MINNESOTA.

MAY 5, 1898.—Ordered to be printed.

Mr. MANTLE, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 412.]

The Committee on Indian Affairs, to whom was referred the bill (S. 412) to amend "An act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889," have had the same under consideration and report as follows follows:

This bill was referred by the Committee on Indian Affairs to the Secretary of the Interior for his opinion and advice in respect to the same. His response thereto is hereto attached and made a part of this report, including a letter from the Commissioner of Indian Affairs. The substance of the Secretary's recommendation is that he recommends the adoption of the following substitute for the foregoing bill, to wit: .

A BILL to provide for allotments to Indians on White Earth Reservation in Minnesota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian now legally residing upon the White Earth Reservation under treaty with or laws of the United States, in accordance with the express promises made to them by the Commissioners appointed under the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and to those Indians who may remove to the said reservation who are entitled to take an allotment under article seven of the treaty of April eighteenth, eighteen hundred and sixty-seven, between the United States and the Chippewa Indians of the Mississippi, one hundred and sixty acres of land; and said allotments shall be made, and patents issued therefor, in the same manner, and having the same effect, as is provided in the general allotment act entitled "An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and sixty-seven, entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the Commissioners of the United States over the Indians, and for other purposes,'" approved February twenty-eighth, eighteen hundred and ninety-one: *Provided,* That any allotments of less than one hundred and sixty acres heretofore made and not accepted by the Indians may be canceled by the Secretary of the Interior and new allotments of one hundred and sixty acres to each Indian entitled thereto may be issued in lieu of those canceled.

Your committee concur in this recommendation of the Secretary, and accordingly recommend that all after the enacting clause be stricken out and that the foregoing bill proposed by the Secretary of the Interior be substituted therefor, and that the title of said bill be amended by striking out all of the same and inserting in place thereof the following: "A bill to provide for allotments to Indians on the White Earth Reservation in Minnesota;" and that the bill when so amended do pass.

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1898.

SIR: I have the honor to transmit herewith a copy of a communication of the 30th ultimo from the Commissioner of Indian Affairs, in reply to your letter of the 11th ultimo addressed to him, relative to S. 412, "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January 14, 1889."

This bill is identical with H. R. 1885, upon which report has this day been made to the chairman Committee on Indian Affairs, House of Representatives.

In reporting on H. R. 1885, I have concurred in the views of the Commissioner.

Very respectfully,

C. N. BLISS, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
United States Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 30, 1898.

SIR: I have the honor to acknowledge the receipt, by Department reference of the 15th instant, for report, of a communication from Hon. James S. Sherman, chairman of the Committee on Indian Affairs, House of Representatives, dated March 12, 1898, with which he incloses H. R. 1885, "a bill to amend an act entitled 'an act for the relief and civilization of the Chippewa Indians in the State of Minnesota,' approved January fourteenth, eighteen hundred and eighty-nine." Mr. Sherman requested a report thereon by this Department.

I am also in receipt of a communication from Hon. R. F. Pettigrew, chairman of the Senate Committee on Indian Affairs, dated the 11th instant, with which he incloses Senate bill 412, bearing the same title as said H. R. 1885. Mr. Pettigrew also requested a report upon the bill submitted.

Comparison shows that the two bills are identical; a single report will therefore suffice for both cases.

Section 1 of the bill provides that section 3 of the said act of January 14, 1889, shall be so amended as to give allotments of 160 acres each to all the Chippewa Indians of Minnesota, beneficiaries of said act; and in case there is an insufficient amount of land to fill said allotments on the White Earth Reservation, the deficiency shall be made up from the unceded lands on the Red Lake Reservation.

And section 2 of the bill provides that section 7 of the act of January 14, 1889, shall be amended as regards the distribution of the annual interest for fifty years. The act of January 14, 1889, provides that one-half the annual interest for fifty years shall, except in the cases otherwise provided, be paid in equal parts to heads of families and guardians of minor orphans; one-fourth of said interest, in equal shares per capita, to all other classes of Indians, and the remaining one-fourth shall be devoted to the establishment and support of public schools. The bill provides that three-fourths of the interest during said period shall be paid annually per capita to all the Chippewa Indians, and the remaining one-fourth shall be devoted to the establishment and maintenance of free schools.

In reporting upon the matter I have the honor to state that the views of this office concerning the allotment of 160 acres of land to certain of the Chippewa Indians, beneficiaries of said act of January 14, 1889, are fully stated in office letter of April 20, 1892, to the Department. In said letter the office recommended the allotment of 160 acres to all the Chippewa Indians legally residing upon the White Earth Reservation, and to such other Indians as might remove to the White Earth Reservation who were entitled to allotments under the provisions of Article VII of the treaty of March 19, 1867 (16 Stats., 721). Said office letter, an opinion of the Assistant Attorney-General for the Interior Department concerning the matter, letters of the

original Chippewa commissioners, and a draft of a bill to carry said recommendation into effect, are printed as Senate Ex. Doc. No. 99, Fifty-second Congress, first session, to which your attention is respectfully invited.

After giving all the facts in the case as they were then known, the number of Indians it was estimated would be entitled to allotments of 160 acres each, and the area of the White Earth Reservation, it was stated that after making a reasonable allowance for swampy and unavailable land, it was thought there would still remain sufficient good land on the White Earth Reservation to make the increased allotments, and leave a small surplus of good agricultural land.

The conditions have not materially changed since the writing of said letter, except that there has probably been a small increase in numbers in each of the bands; still, it is thought that this increase is not sufficient to exhaust all the available land on the White Earth Reservation if the allotments of 160 acres are confined to the classes named—those who are legally residing on the White Earth Reservation, and those who were entitled to take advantage of the provisions of Article VII of the treaty of March 19, 1867.

I see no reason why the recommendation of the office of April 20, 1892, should be changed, and respectfully suggest that the bill be amended to conform thereto. I am not inclined to favorably consider the proposition to make up the deficiency in the allotments from the diminished Red Lake Reservation, in case there should be an insufficient amount of land at White Earth Reservation. It was certainly never intended in the original act that the Indians of any of the other reservations should have allotments on the diminished Red Lake Reservation. In addition, the Red Lake Indians have contributed more than any other band of Chippewas to the general fund. I am also inclined to think that such a change could not be made without at least the consent of the Red Lake Indians, and probably not without the consent of all the Chippewas of Minnesota.

Neither am I inclined to favorably regard the proposed change in the method of distributing the annual interest for the first fifty years. While the change is not a radical one, I doubt its expediency. I am also inclined to think that it would require the consent of the Indians. I do not believe that the consent of the Indians to the change could be obtained, and I think it would be impracticable to try. It is accordingly recommended that this feature of the bill be stricken out.

The bills and the letters of Senator Pettigrew and Representative Sherman are returned herewith; also duplicate copies of this report. It is respectfully recommended that one copy of the report be sent to Senator Pettigrew with his letter, and that the other copy be sent to Representative Sherman.

Very respectfully, your obedient servant,

W. A. JONES, *Commissioner*.

The SECRETARY OF THE INTERIOR.

