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# In the Senate of the United States : Letter from the Secretary of the Interior Relative to Agreement with Turtle Mountain Indians

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IN THE SENATE OF THE UNITED STATES.

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DECEMBER 12, 1895.—Referred to the Committee on Indian Affairs and ordered to be printed.

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The VICE-PRESIDENT presented the following

**LETTER FROM THE SECRETARY OF THE INTERIOR RELATIVE TO AGREEMENT BETWEEN THE TURTLE MOUNTAIN INDIANS IN NORTH DAKOTA AND THE COMMISSION APPOINTED UNDER THE ACT OF JULY 13, 1892.**

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DEPARTMENT OF THE INTERIOR,  
*Washington, December 11, 1895.*

SIR: On February 6, 1893, the President transmitted to Congress a communication from the Secretary of the Interior, accompanied by an agreement between the Turtle Mountain Indians in North Dakota and the commission appointed under the act of July 13, 1892, to negotiate for the cession and relinquishment to the United States of whatever right or interest these Indians have in, and to all land in, said State to which they claim title, and for their removal to and settlement upon lands to be hereafter selected and determined upon by the Secretary of the Interior, upon the recommendation of proposed commissioners, subject to the approval of Congress. (See House Ex. Doc. No. 229, Fifty-second Congress, second session.)

In a communication, dated the 9th instant (copy herewith), the Commissioner of Indian Affairs calls attention to the fact that these Indians are in a state of disquiet and unrest; that they strongly favor the ratification of their agreement, and that he knows of no reason for not so doing, except that it is opposed by a certain Canadian half-breed faction that has always been more or less a disturbing element on this reservation.

The Commissioner further states that, in his belief, the interests of the Indians will be best subserved by the ratification of said agreement as soon as practicable, and he incloses a draft of a bill for that purpose, identical in terms with the one transmitted with the agreement.

This matter is presented for such action as Congress in its judgment shall deem proper.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, December 9, 1895.

**SIR:** A clause in the Indian appropriation act for the year 1891 (27 Stat. L., 139) provided for the appointment of a commission to negotiate with the Turtle Mountain band of Chippewa Indians for certain purposes. A commission having been duly appointed, it submitted under date of December 3, 1892, an agreement concluded with the said band of Indians October 22, 1892. The said agreement, with draft of bill to ratify, was transmitted to the Department by office letter of January 6, 1893, and was transmitted to Congress by the President for ratification February 6, 1893. The agreement and accompanying papers may be found printed in House Ex. Doc. No. 229, Fifty-second Congress, second session, a copy of which is herewith inclosed for your information.

As noted in the annual reports of this office for the years 1893 and 1894, the agreement with these Indians has not yet been ratified by Congress, and they are consequently in a continued state of disquiet and unrest. It has been shown to this office, and to the Department, that the Indians strongly favor the ratification of their agreement, and I do not know of any reason for not doing so, except that it is opposed by a certain Canadian half-breed faction that has always been more or less of a disturbing element on this reservation.

Believing that the interests of these Indians will be best subserved by the ratification of the said agreement as soon as practicable, I have the honor to inclose herewith, for your consideration, another draft of bill for that purpose with the recommendation that it be transmitted to Congress for its action, said draft of bill being identical in terms with the one formerly transmitted with the agreement as aforesaid.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

**A BILL** to ratify and confirm an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, and to make appropriation for carrying the same into effect.

Whereas Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, duly appointed commissioners on the part of the United States, did, on the twenty-second day of October, eighteen hundred and ninety-two, conclude an agreement with the Turtle Mountain band of Chippewa Indians in the State of North Dakota, which said agreement is as follows:

Articles of agreement and stipulations made and concluded at Belcourt, in the county of Rolette and the State of North Dakota, by and between Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, commissioners on the part of the United States, on the twenty-second day of October, eighteen hundred and ninety-two, and Ka ki ni wash, Kanik, Ka ish pah, Conie, Caws ta we nim, Oza ah we kisik, John Baptist Wilkie, Augustins Wilkie, senior, John Baptist Vandall, Joseph Rolette, Jerome M. Rolette, Saint Matthew Jerome, and Martin Jerome, and others whose names are hereto subscribed, being a majority of the whole number of male adults belonging to and comprising the Turtle Mountain band of Chippewa Indians in North Dakota, on the part and behalf of the Turtle Mountain band of Chippewa Indians.

ARTICLE I.

The friendly relations heretofore existing between the Turtle Mountain band of Chippewa Indians and the United States shall be forever maintained.

ARTICLE II.

The Turtle Mountain band of Chippewa Indians, in consideration of the covenants and stipulations hereinafter contained, do hereby cede, alienate, and convey to the United States all the claims, estate, right, title, and interest of the Turtle Mountain band of Chippewa Indians or any of them as members of said band of Indians, in

and to all lands, tenements, and hereditaments, situate, lying, and being in the State of North Dakota, excepting and reserving from this conveyance that tract of land particularly mentioned and set apart by an Executive order of the President of the United States bearing date the third day of June, Anno Domini eighteen hundred and eighty-four, to which reference is hereby had for more particular description, the said reserve being twelve miles in length and six miles in breadth, and now occupied as a reservation by the Turtle Mountain band of Chippewa Indians.

It being expressly stipulated that the land now occupied and used for school, church, and Government purposes shall be so held at the pleasure of the United States, and may, with the approval of the Secretary of the Interior of the United States, be patented, when the interest of the United States, the Indians thereon, or the efficient school conduct requires. The Secretary of the Interior may, as occasion requires, set apart other land, in said reserve, for school and other public uses.

#### ARTICLE III.

The land, woods, and waters above reserved for the Turtle Mountain band of Chippewa Indians, subject to the stipulations contained in Article II of this treaty and agreement, shall be held as the common property of the Turtle Mountain band of Chippewa Indians, and it is agreed that the United States shall, as soon as it can conveniently be done, cause the land hereby reserved and held for the use of the Turtle Mountain band of Chippewa Indians to be surveyed, as public lands are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case, as far as possible, the residence and improvements of the Indians making selection, giving to each an equitable proportion of natural advantages, and when it is not practicable to so apportion the entire homestead of land in one body it may be set apart in separate tracts—not less than forty acres in any one tract—unless the same shall abut upon a lake; but all assignments of land in severalty shall conform to the Government survey. The survey of this land shall be made as Government surveys, and at no expense to the Indians.

#### ARTICLE IV.

In consideration of the premises and the foregoing cession, the United States agrees to pay to the said Turtle Mountain band of Chippewa Indians the sum of one million dollars, of which sum there shall be paid annually the sum of fifty thousand dollars for the period of twenty years, which sums shall be invested annually in food, clothing, bedclothing, houses, cattle, harness, all kinds of agricultural implements and farm machinery, and products for seed for husbandry, and such things as may be approved by the Secretary of the Interior, who shall have authority to direct such expenditures and at such times in the building, improving, and repairing of houses as the needs of the Indians on the above reserve may require, except as hereinafter agreed.

#### ARTICLE V.

The schools now located upon the above-named reserve are to be maintained in efficiency as at present and increased as necessity may require.

#### ARTICLE VI.

All members of the Turtle Mountain band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to such share in all tribal funds, annuities, or other property, the same as if located on the reservation.

#### ARTICLE VII.

So long as the United States retains and holds the title to any land in the use or occupation of any member of the Turtle Mountain band of Chippewa Indians, or the title to other property in the possession of any Indian of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property, the title to which is held or retained by the United States.

#### ARTICLE VIII.

And in further consideration of the foregoing cession and stipulations it is further stipulated that the six hundred and forty acres of land heretofore reserved to Red Bear, a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians concluded in Minnesota, October second, eighteen hundred and sixty-three, amended March first, eighteen hundred and sixty-four, proclaimed May fifth, eighteen hundred and sixty-four, be patented

to Red Bear, a member of the Turtle Mountain band of Chippewas, who is the only son and heir of the Red Bear named in the eighth article of the treaty above referred to and mentioned.

## ARTICLE IX.

It is further covenanted and agreed that under no circumstances the Turtle Mountain band of Chippewa Indians, nor any members of said band of Indians, shall take up arms against or resist the established authorities of the United States. Every person so violating this stipulation shall, in the discretion of the United States, be forever barred from the benefits of this agreement and all rights of such person or persons hereunder shall be forfeited to the United States.

## ARTICLE X.

This agreement to be of no binding force or effect until ratified by the Congress of the United States.

## ARTICLE XI.

It is mutually agreed that the sum of five thousand dollars of the fifty thousand dollars above stipulated be annually paid to the Turtle Mountain band of Indians in cash, and that said sum be distributed per capita.

In testimony whereof the said Porter J. McCumber, John W. Wilson, and W. Woodville Flemming, commissioners as aforesaid, and the members of the Turtle Mountain band of Chippewa Indians have hereunto set their hands and affixed their marks on the day and at the place above written.

Executed at Belcourt Agency, North Dakota, this twenty-second day of October, anno Domini eighteen hundred and ninety-two.

P. J. MCCUMBER, [SEAL.]  
JOHN W. WILSON, [SEAL.]  
W. WOODVILLE FLEMMING, [SEAL.]  
*Commissioners.*

We, the undersigned, separately and severally certify on honor that we have fully explained to the Indians whose names are hereto signed the above instrument, and that they acknowledged the same to be well understood by them.

JOHN BAPTISTE LEDEAULT. [SEAL.]  
JOSEPH ROLETTE.

(The agreement is signed by Kakiniwash, Kanik, and two hundred and fifty-nine others.)

We certify on honor that we were present and witnessed the signatures to this instrument by the Indians as above.

EARNEST WILLIAM BREMER.  
WELLINGTON SALT.

Therefore, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That said agreement be, and the same hereby is, accepted, ratified, and confirmed, except as to articles five and eight thereof, which are modified and changed so as to read as follows:

ARTICLE V. "The schools now located upon the above-named reserve are to be maintained in efficiency as at present, not exceeding twenty years, and increased as necessity may require during said period."

ARTICLE VIII. "And in further consideration of the foregoing cession and stipulations, it is further stipulated that the six hundred and forty acres of land heretofore reserved to Red Bear, a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians, concluded October second, eighteen hundred and sixty-three, amended March first, eighteen hundred and sixty-four, and proclaimed May fifth, eighteen hundred and sixty-four, be patented to the heirs of Red Bear referred to in said treaty," and as so modified said agreement is ratified and confirmed.

SEC. 2. That for the purpose of making the surveys and allotments contemplated by Article III of said agreement, the sum of three thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated.

SEC. 3. That for the purpose of carrying the provisions of this Act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, which sum shall be expended in the manner provided for in Articles IV and XI of said agreement: *Provided*, That none of the money or interest thereon, which is by the terms of said agreement to be paid to said Indians, shall be applied to the payment of any judgment that has been, or may hereafter be, rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations."