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Chippewa Indians in Minnesota.

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Recommended Citation

H.R. Rep. No. 459, 53rd Cong., 2nd Sess. (1894)

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CHIPPEWA INDIANS IN MINNESOTA.

FEBRUARY 17, 1894.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HALL, of Minnesota, from the Committee on the Public Lands, submitted the following

REPORT:

[To accompany H. R. 5103.]

The Committee on the Public Lands, to which was referred the bill (H. R. 5103) entitled "A bill to amend an act entitled 'An act for the relief of the Chippewa Indians in the State of Minnesota,'" hereby report the same back to the House of Representatives with the recommendation that the said bill be amended as follows, to wit:

First. Insert, after the word "amended" and before the word "so," in line 6 of the printed bill, the words, viz, "so far as the same relates to the White Earth and Red Lake reservations, and as to the other reservations mentioned in said act whenever all the allotments of land in severalty shall have been made to the Indians of each reservation, respectively, as therein provided."

Second. After the word "Duluth," in line 16 of the printed bill, insert the words, viz, "Stillwater, Taylor's Falls, Saint Cloud, and Brainerd."

And that as thus amended the bill do pass.

The act of January 14, 1889 (chapter 24, p. 642, vol. 25, U. S. Stat. L.), entitled "An act for the civilization and relief of the Chippewa Indians of Minnesota," provides, among other things, for the cession of the Indian title to lands occupied by the different bands of Chippewa Indians in Minnesota, the survey thereof, the separation of the same into "pine lands" and "agricultural lands," and the appraisal and sale of such "pine lands."

Under said act such sale can not be made until the entire area of such lands, some 4,000,000 acres, shall have been thus surveyed, designated, and appraised.

The pending bill amends the original act to the extent of allowing such sales to be made as fast as tracts of not less than 100,000 acres have been surveyed and appraised.

The amendments proposed to the bill limit its application to the Red Lake and White Earth reservations only, for the reasons set forth in the letter of the Commissioner of Indian Affairs, hereto attached, and also provide for the publication of notices of sale at four additional lumber centers tributary to the said reservations, as recommended in the letter of the Commissioner of the General Land Office, hereto attached.

The propriety of selling these pine lands as rapidly as they are in condition to be sold, instead of keeping them unsold for many years

until all are ready for the market, can not be reasonably questioned. The growing timber is subject to deterioration and destruction by fire and trespassers, and it is believed also that better prices can be obtained from these sales if they are made at different times and in smaller quantities than the entire area.

The letters of the Commissioner of Public Lands, the Commissioner of Indian Affairs, and the Secretary of the Interior, all approving of the passage of this bill with the amendments proposed, are hereto attached as part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1894.

SIR: I have the honor to acknowledge the receipt of your communication of 12th instant, and accompanying H. R. 5103, "To amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota.'"

In response thereto I transmit herewith copy of a communication of 16th instant from the Commissioner of the General Land Office, and of 22d instant from the Commissioner of Indian Affairs, to whom your letter was referred.

The Commissioner of Indian Affairs expresses the opinion that the provisions of the amendment should be limited to the Red Lake and White Earth reservations, or that the appraisals, with a view to sale, on the other reservations should not be commenced until all the allotments on that particular reservation shall have been made, and the Commissioner of the General Land Office recommends that for greater publicity there should be inserted among the cities in which public notice is to be published the names of Stillwater, Taylor Falls, St. Cloud, and Brainerd.

Very respectfully,

HOKE SMITH,
Secretary.

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 22, 1894.

SIR: I am in receipt, by your reference of the 18th instant for report, of a report of the Commissioner of the General Land Office upon a communication from Hon. Thomas C. McRea, chairman of the Committee on the Public Lands, House of Representatives, dated the 12th instant, inclosing a copy of House bill 5103, Fifty-third Congress, second session, entitled "A bill to amend an act entitled 'An act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'"

with the request that the committee be furnished with the opinion of the Department as to the necessity and propriety of passing the same.

In reporting on this matter I have the honor to say that, so far as I can see, the bill in question amends the original act (the act of January 14, 1889, 25 Stats., 642) only so far as to permit the sale of the pine lands embraced in said act in 100,000-acre lots, as fast as the surveys, examinations, and appraisals of areas of this size shall have been completed, while the original act provided for such sale only after all the lands embraced within the act shall have been surveyed, examined, and appraised.

The Commissioner of the General Land Office reports in favor of the passage of the bill, for reasons stated by him. In this recommendation this office fully concurs.

I desire to invite your attention to the fact, however, that, as the bill now reads, the pine lands on any of the reservations embraced in the original act may be sold as fast as areas of 100,000 acres are surveyed, examined, and appraised, while under the provisions of the original act it can not be ascertained or determined to what portions and how much of the lands within the boundaries of the several reservations, except the Red Lake and White Earth reservations, the Indian title will be extinguished, by and under the agreements entered into with the Indians, until the allotments provided for shall have been made. This results from the proviso to section 3 of the original act which provides—"That any of the Indians residing on any of said reservations may, in his discretion, take his allotment in severalty under this

act on the reservation where he lives at the time of the removal herein provided for is effected, instead of being removed to and taking such allotment on White Earth Reservation."

This would seem to make it necessary that the provisions of the amendment should be limited to the Red Lake and White Earth reservations, or that the appraisals, with a view to sale, on the other reservations should not be commenced until *all* the allotments on that particular reservation shall have been made.

It is known to this office, through correspondence with the Chippewa Commission, that the Indians, generally, have indicated their desire and purpose to take their allotments under the original act on the reservations where they resided at the time the agreements were negotiated and entered into. In the full and free enjoyment of this right, it seems to me, they should be fully protected. It is true that the proposed amendment provides that the sales shall be made by the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, and it would be within his province to prevent the sale of any of the lands on any given reservation until all the allotments in severalty shall have been made on that particular reservation.

If this does not afford the Indians the protection to which they are rightly entitled under the original act by virtue of the proviso to section 3 thereof, to which your attention has been invited, it is respectfully suggested that this omission could be cured by inserting in the bill after the word "amended" and before the word "so," in line 6 thereof, the words "so far as the same relates to the White Earth and Red Lake reservations, and as to the other reservations mentioned in said act whenever all the allotments of land in severalty shall have been made to the Indians of each reservation, respectively, as therein provided."

Unless you think your authority in the matter is sufficient to prevent the examinations, appraisals, and sale of any of the lands on the other reservations than the Red Lake and White Earth reservations until all the allotments in severalty shall have been made on each reservation, respectively, this office would respectfully recommend that the above suggested amendment or some other amendment that would cure the difficulty be inserted in the bill.

The report of the Commissioner of the General Land Office and all its inclosures are returned herewith.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 16, 1894.

SIR: I have had the honor to receive from the Hon. Thomas C. McRae, chairman of the Committee on the Public Lands, House of Representatives, a letter of the 12th instant, addressed to the honorable Secretary of the Interior, inclosing a copy of H. R. bill 5103, entitled "A bill to amend an act entitled an act for the relief and civilization of the Chippewa Indians in the State of Minnesota," with the request that you give the committee your opinion as to the necessity and propriety of passing the same.

In connection with the subject, I find that said bill proposes to enact as follows, viz:

"That the fifth section of the act of Congress passed January fourteenth, eighteen hundred and eighty-nine, providing for the relief and civilization of the Chippewa Indians in the State of Minnesota, be, and the same is, amended so as to read:

"SEC. 5. That after the survey, examination, and appraisals of at least one hundred thousand acres of said pine lands have been made, the portion so surveyed, examined, and appraised shall be proclaimed as in market and offered for sale in the following manner: The Commissioner of the General Land Office, under the direction of the Secretary of the Interior, shall cause notices to be inserted once in each week for four consecutive weeks in one newspaper of general circulation published in Minneapolis, Saint Paul, Duluth, and Crookston, Minnesota; Chicago, Illinois; Milwaukee, Wisconsin; Detroit, Michigan; Philadelphia and Williamsport, Pennsylvania; and Boston, Massachusetts, of the sale of said lands at public auction to the highest bidder for cash at the local land office of the district within which said lands are located, said notice to state the time and place and terms of such sale. At such sale said lands shall be offered in forty-acre parcels, except in case of fractions containing either more or less than forty acres, which shall be sold entire. In no event shall any parcel be sold for a less sum than its appraised value. The residue of such lands remaining unsold after such public offering shall thereafter be subject to private sale for cash at the appraised value of the same, upon application at the local

land office. And from time to time, as fast as a quantity of one hundred thousand acres of the remaining pine lands, the disposal of which is provided for in this act, or a final residuum of a less quantity, shall have been surveyed, examined, and appraised, the same course shall be pursued for the disposal thereof until all shall have been disposed of as provided for herein."

The fifth section of the act of Congress passed January 14, 1889 (25 Stats., 642), as it now stands, provides for such a sale, but not until all the lands shall have been surveyed, examined, and appraised, and seems to contemplate the offering of the entire body of lands at one time and place.

The lands in question comprise a large area, some 4,000,000 acres, of which a large portion, the exact proportion not yet ascertained, are pine lands. Before this great body of lands can be properly surveyed and examined, and the pine lands segregated from the agricultural lands, as contemplated by the statute, a considerable time must elapse, at the present rate of progress from five to eight years from the present time, and the existing statute makes no provision for disposing of any portion thereof until the whole work shall have been accomplished.

The pine lands in question are not fit for agriculture, and are chiefly valuable for the timber thereon. The offering of so large a body of lands at once would be inconvenient in many regards, and there appear no compensating advantages likely to be attendant thereupon. There exists a present demand for the timber. While it continues in the possession of the Government, it is liable to injury at any time from the depredations of trespassers, from accidental or intentional fires, from storms, and perhaps other occurrences. As soon as sold the interests of the individual owners will be effectual to provide adequate protection therefor, the timber become available for business purposes, and the proceeds of the sale for the purposes of the law in the civilization of the Indians. A large portion of the pine lands, comprehending considerably more than 100,000 acres, have already been surveyed, examined, and segregated from the agricultural lands embraced in the cession, and might be offered for sale without delay, if there were legal authority for so doing. Such authority the present bill proposes to furnish, while providing for successive offerings in convenient quantities of the remaining lands as fast as they shall be brought into condition therefor.

The bill provides for giving proper publicity to the intended offering by publishing the notices thereof in newspapers of general circulation in the cities mentioned therein. I am of opinion that for greater publicity there should be inserted among them, after the name of "Duluth," where it occurs in the seventeenth line thereof, the names of "Stillwater, Taylors Falls, St. Cloud, and Brainard."

Thus amended, I am of the opinion that said bill should be passed.

Mr. McRae's said letter, with the copy of the bill inclosed therein, is transmitted herewith.

Very respectfully,

S. W. LAMOREUX,
Commissioner.

The SECRETARY OF THE INTERIOR.

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