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STOCKBRIDGE AND MUNSEE INDIANS.

TESTIMONY TAKEN BEFORE THE SUBCOMMITTEE (COMPOSED OF SENATORS JONES OF ARKANSAS, STOCKBRIDGE, AND PETTIGREW) HAVING UNDER CONSIDERATION THE BILLS (S. 2873) FOR THE RELIEF OF THE STOCKBRIDGE AND MUNSEE TRIBE OF INDIANS IN THE STATE OF WISCONSIN AND (S. 2977) FOR THE RELIEF OF THE STOCKBRIDGE TRIBE OF INDIANS IN THE STATE OF WISCONSIN.

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C., Tuesday, May 31, 1892.

STATEMENT OF MR. C. C. PAINTER.

Mr. PAINTER. Mr. Chairman and gentlemen, this is a case of very great importance to these Indians. A large part of the tribe since about 1871 have been virtually cut off from any secure feeling that they had any interest in their tribal land, as also from any share in their tribal funds. They have been trying, all these years, to have themselves restored to what they think is their rightful position under the treaty and to a rightful share in the tribal property. The questions involved have been investigated a great many times, and I believe every report that has been made by those who, as special agents, have investigated it on the part of the Government has been in favor of the side which we advocate. It has been reported upon a great many times by the Department, and I believe every time, except one, in favor of the side which we advocate, and in that case an adverse report was owing to a misunderstanding on the part of the Commissioner, who thought it was a contest between the new citizen party and those who had been enrolled as Indians under the act of 1871; this was a mistake, these citizens having no part in this controversy whatever. It has been also reported upon favorably by the committees of the two Houses quite an number of times, and I believe every time except once, that was last year when Senator Stockbridge reported against the claims of those who seek to be restored to the rolls of the nation.

The treaty of 1856, in its preambles, recites the various difficulties under which the several bands of these tribes have labored, and the various expedients that had been resorted to for the purpose of settling those difficulties—numerous treaties and various acts of Congress—all which attempts had failed. The treaty then negotiated and largely signed by representatives of all the several bands and factions attempted

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once more what had so often failed, and I do not think for the present contention it is necessary to go back of that treaty. I call your attention to its scope and purpose. It was, as I have said, to settle all these old difficulties of these Indians, wherever they may be located, and to gather them on a new reservation as a once more united people.

I would call your attention to the fact that the reservation in regard to which the rights of the Indians are denied was secured under this treaty of 1856. If that treaty falls to the ground under the criticisms of those who justify the act of 1871 as just, then there is no land about which to have any controversy, because the whole of this land was purchased under the provisions of this treaty of 1856, and if that treaty should be set aside, as it was really set aside in some of its provisions by the act of 1871, there is no land in possession of these Indians about which they can have any controversy. They who invalidate this treaty in order to cut off the "old citizens' party" from a share in the reservation cut themselves off also; they saw off the limb on which they sit and fall with it to the ground. It became a treaty in virtue largely of the signatures of those who were cut off by the act of 1871, and by it the land now in dispute was secured to the tribe. It was made in settlement of all old difficulties, and for the purpose of bringing together these Indians onto this reservation, which was bought from the Menomonees in Wisconsin (11 Stats., p. 669), and a denial of the rights of these people to their share of land under the treaty signed by them is to invalidate the treaty itself.

By this treaty these difficulties were happily composed, and the people settled in comparative peace, until in 1871 legislation was secured without the knowledge of the Indians which revived with many aggravations all their old troubles. Two Indians were brought on here to Washington, as I understand, not sent here by the Indians themselves, and the legislation which has wrought these difficulties was secured. Briefly, this legislation of 1871 provided for a new enrollment of the Indians. It provided for a sale of a very large part of their land and for a new enrollment of the Indians; and section 6, I think it is, provided that no one who had received allotment, under the act of 1843 or under the treaty of 1856 should be enrolled. There were two rolls to be opened, and those who wished to become citizens might sign the citizens' roll, have their share of the property, and leave the tribe, no longer to be considered as Indians. Quite a number signed this roll, took their share of the property, left the reservation, are known as the "new citizens'" party, and are not concerned in this contention. Those who wished to remain as Indians signed the other roll, and are the ones who antagonize the effort of the old citizens' party to be put on the roll. No one was to be enrolled, I say, who had received an allotment under the act of 1843 or under the treaty of 1856.

Now, as I think it desirable that we should have a mutual understanding on these points, as it may save time and useless debate, I desire to ask Mr. McGowan if it is not true that by the act of 1843 all these Indians were made citizens and had an allotment of land made to them?

Mr. J. H. MCGOWAN. Do you mean to discuss that question here?

Mr. PAINTER. No; but my assertion is, and I ask if it is not true, that all these Indians, both the Indian and old citizens' party were by that act of 1843 made citizens, and had allotments.

Mr. MCGOWAN. The act of 1843 undertook to make them all citizens.

Mr. PAINTER. It did this, as I understand.

Mr. MCGOWAN. But I do not say that under the act of 1843 they all

became citizens. Some of them refused to accept the benefits of the act. You can not back a man up and chuck him into citizenship without his will.

MR. PAINTER. That is what the act did.

MR. MCGOWAN. No, it did not.

MR. PAINTER. Then I must take issue with you right there. I do not understand that it required any volition on their part. The act of 1843 made them all citizens, and the act of 1846 put them back into the position in which they were before the act of 1843 had been passed. Then is it not true that under the treaty of 1856 the party whom you represent took allotments of land under that treaty?

MR. MCGOWAN. I do not choose to discuss this matter by answering questions categorically here. You are skipping historically over a matter that we consider of some importance in 1848, by the treaty of that year, between 1846 and 1856.

MR. PAINTER. My contention is that we need not go back of the treaty of 1856. But the treaty of 1848 was made by the old Indian party, and by their action a majority of the Indians were constructively made citizens of the United States without any action on their part. They had no part in the treaty of 1848. The act of 1846 repealing the act of 1843 made provision that all the Indians who wished might enroll themselves as citizens. None were enrolled under that act because, as a result of their so enrolling themselves, they would have lost all interest in their tribal property, and as a matter of fact there were none who enrolled themselves as citizens under that act of 1846.

The treaty of 1848 was made by a minority of the tribe without the consent of the others, by which they were pushed off into citizenship, and these difficulties were not settled. But for the purposes of the present contention I say we need not go back of the treaty of 1856, the purpose of which was to settle all the old difficulties and to put the Indians together in harmony.

If literally construed it was utterly impossible that anybody should be enrolled under the act of 1871. Neither the Indians who had taken allotments under the act of 1843 nor those who had allotments under the treaty of 1856 were allowed to enroll. These included all the Indians; those who are making this contention were included, for they were made citizens and had allotments under the act of 1843, and also had made selections for allotment under the treaty of 1856. So the enrollment did not seem to follow either the act of 1843 or the treaty of 1856, but it seemed to follow the sweet will of the man who did the enrolling. I believe it impossible to discover what did control the commissioner in the execution of this enrollment.

This legislation was covertly secured, and resulted in this great injustice of ousting the people who had signed the treaty, who had taken their allotments under it, and who were entitled to a patent for their lands. Those who were allowed to be enrolled became the Indian party. The citizen party, who had signed the roll and were citizens, took their property and went off. There is no contention whatever in regard to them, as they are making no claims; but the contention is simply between the ousted party and the ousters, and the ousted are the large majority of the tribe. I find it impossible myself to give any reason under the law or under the treaties why these should have been enrolled and the others not.

Senator JONES (in the chair). Did the taking of the allotments under the treaty of 1856 operate to sever the connection of the allottees from the tribe?

Mr. PAINTER. No, sir; I think it did not.

Mr. MCGOWAN. I think not.

Mr. PAINTER. Not under the operation of the treaty of 1856.

Senator JONES. What is your position about the law of 1871? There was, as you claim, a minority of Indians claiming what?

Mr. PAINTER. The act of 1871 provided that no Indian who had received an allotment under the act of 1843, nor any who had received an allotment under the treaty of 1856, nor anyone who was not of Stockbridge or Munsee descent, was entitled to enrollment.

Senator JONES. It was the contention that all such had separated themselves from the tribe.

Mr. PAINTER. Yes, sir. It is now claimed that the old citizens' party had separated from the tribe in 1843; but the treaty of 1856 brought them back. The act of 1871 made provision for a new separation, but those who went off then are not here now.

Senator PETTIGREW. Did these Indians who took allotments afterwards dispose of them and receive a benefit or advantage which was not accorded to the rest of the tribe?

Mr. PAINTER. Under the act of 1871 a great many of them did receive their portion and become citizens, and they are what we call the "new citizens' party." The old citizens' party was away back under the act of 1843 and the treaty of 1848. Under the enrollment of 1871 there were two rolls provided, one of which any Indian who wished to be an Indian could sign, and those who wished to become citizens could sign the other; and those who became citizens took their share of the tribal property and money which was divided up between them, and then they went out, and they are not a party to this contest in any shape.

Senator JONES. And that was done on the understanding that those who had taken allotments under the treaty of 1856 had already become citizens and severed their connection with the tribe; is that the theory of the operation of the act of 1871?

Mr. PAINTER. No, sir; I can not get at the theory.

Mr. MCGOWAN. I understand Senator Pettigrew's question to relate to those who had taken their allotments under the act of 1856.

Senator PETTIGREW. What I want to know is whether these people who are seeking relief under this bill had already previously received their share of the tribal property and disposed of it.

Mr. PAINTER. Not of the property secured under the treaty of '56, the property now in dispute. They were citizens under the act of 1843, had land allotted, and many of them did dispose of that. There was another act, that of 1846, which repealed the act of 1843, and put them all back in their former status, and after that the treaty of '56, which made them all one tribe or nation, and gave them their present reservation.

Senator PETTIGREW. Now they want to come in and share the tribal property; is that the idea?

Senator JONES. Did it take from them the property that they had already received?

Mr. PAINTER. I say many of them had sold out previous to the treaty of '56. Some went West, and all of them were in contentions and difficulties which it was the object of the treaty of 1856 to settle; and therefore I say we do not go back of the treaty of 1856 at all, for we need not go back, because the object of that treaty was for this one purpose of settling these difficulties, as its preamble rehearses, and

then says that the object of this treaty is to settle all these Indians wherever located. I will read the language:

For the purpose of relieving those Indians from the complicated difficulties by which they are surrounded and to establish comfortably together all such Stockbridges and Munsees, wherever they may be located in Wisconsin, in the State of New York, or west of the Mississippi.

The treaty of 1856 made provision that part of those Indians—part of the Munsees and part of the Stockbridges—should remain at Stockbridge, and we have a list of them as distinguished from those who were settled at Shawano, their present home, where they staid. There was that separation that took place, and a number of them remained. But for all the Indians who were gathered at Shawano, and were parties to this treaty, the old difficulties were settled and adjusted by that treaty of 1856, and so remained until this covert legislation was secured in 1871, which forbade the enrollment, either as citizens or Indians, of those who had taken allotment under the provisions of this very treaty, and under which alone they had any title to their land.

Senator STOCKBRIDGE. On the ground that they had had their allotment and sold it.

Mr. PAINTER. At what time?

Senator STOCKBRIDGE. Prior to that time.

Senator PETTIGREW. Were these allotments which they had their proportionate share of the whole tribal property?

Mr. PAINTER. Yes; of the land which they had when the act of 1843 was passed. Under the treaty of 1856 they had made selections which, by the treaty, should have been patented to them. Of these the act of 1871 deprives them, as also of their share in the tribal funds, if the relief sought in this bill is not granted.

Senator PETTIGREW. They want their proportionate share of the whole tribal lands?

Mr. PAINTER. Yes, sir; and those who signed the citizens' roll under the enrollment of 1871 received their full share of the property, and more than their full share, because the amount of property to be divided was much larger than it ought to have been or would have been if these had not been excluded from the roll.

Mr. MCGOWAN. In characterizing the legislation of 1871, did I understand you to call it covert legislation?

Mr. PAINTER. I said it was done without the knowledge of the tribe. I said it was covert; it was done without the knowledge of the Indians. They did not send on the two Indians who came on here.

Mr. A. MILLER. Yes, they did.

Mr. PAINTER. Does the record of the tribe show that?

Mr. MILLER. The chief himself came; he and one member of the council were appointed delegates.

Mr. PAINTER. Mr. Chairman, I simply desire to make this preliminary statement, and now I will yield to the other side.

STATEMENT OF MR. J. C. ADAMS.

Mr. Chairman and the honorable committee, I have the honor to present and submit our case as follows:

(1) The basis of our claim as set forth in the Senate bill 2873 is for beneficiaries under the treaty of February 5, 1856 (Vol 11, U. S. Stats. at Large, p. 663).

(2) That we claim our vested rights secured by said treaty have been ignored by the act and the construction placed by Government officials upon said act of February 6, 1871 (Vol. 16, U. S. Stats. at Large, p. 404).

(3) That an attempt is now being made by a faction of the tribe to coerce and compel us to submit to this unjust discrimination.

(4) That Senate bill 2977 also makes such discrimination and does not provide for us who are beneficiaries under the said treaty of 1856, but debars us of our rights secured by said treaty.

(5) That Senate bill 2873 restores to us all our pro rata shares and rights in the tribe secured by the treaty of 1856, which has been favorably reported upon by the honorable Commissioner of Indian Affairs.

We would ask in your report upon this bill that we may not be debarred of any rights guarantied and secured by said treaty.

Senator STOCKBRIDGE. What party do you represent specially?

Mr. ADAMS. I represent specially the "Old Citizens' party."

Senator STOCKBRIDGE. The parties who went out in 1871?

Mr. ADAMS. No, sir. At this point it may be proper to make an explanation in order that you may fully understand the matter.

It has been urged that those parties who went out in 1871 are parties to this controversy, and that they are seeking to come in for a certain share. I want this committee to understand that that is not the case. We represent the Old Citizens' party, whose rights were preserved under the act of 1843, and confirmed by treaty of 1856, and not that portion of the Old Citizens' party who separated from the tribe under the act of 1871, and thereby became known and designated as the New Citizens' party, as they do not claim here, and have nothing to do with this controversy whatever.

In appearing before you we base our rights upon the treaty of 1856, which provided that in consideration of certain claims which they, the Stockbridges and Munsees, jointly relinquish, the United States is to give them or agree to select a tract of land in the State of Wisconsin near the southern boundary of the Menominee Reservation, of sufficient extent to provide for each head of family, and other lots of land of 80 and 40 acres; also, to pay, to be expended for improvements, etc., \$41,100, and the further sum of \$20,550 to enable them to remove, and by the amendments the further sum of \$18,000; \$6,000 is especially provided for the Munsees. The treaty also orders a survey of the location of such land, providing that the Government shall survey the same into sections, half, and quarter sections, and that the council of the Stockbridge and Munsee tribe shall, with the consent of the superintendent, make a fair and just allotment to each individual member and families of the tribe.

See Articles I, II, and III of said treaty of 1856.

Now we claim that this allotment was made, and we have a certified copy of the record here showing that fact that that allotment was made under the said treaty of 1856, and upon that we base our claims. See list of allotments marked Exhibit A, herewith.

STOCKBRIDGE AND MUNSEE INDIANS.

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EXHIBIT A.—Copy of record of lots entered by individuals of the Stockbridge and Munsee tribes of Indians in conformity to Article 3rd, Treaty of February 5th, 1856.

Date.	No.	Names.	Description.	Sec.	T.	R.	No of acres.	Remarks.
1856.								
Oct.	17	1 John P. Hendricks.....	E. 1/2 SE. 1/4	24	28	14	80	Head of family.
	17	2 Jesse Jourdan.....	W. 1/2 SE. 1/4	24	28	14	80	Do.
	17	3 Lucinda Quinney.....	E. 1/2 SW. 1/4	24	28	14	80	Do.
	17	4 Aaron Konkapot.....	E. 1/2 NE. 1/4	25	28	14	80	Do.
	18	5 Samuel Miller.....	W. 1/2 SW. 1/4	24	28	14	80	Do.
	18	6 John P. Quinney.....	E. 1/2 NE. 1/4	23	28	14	80	Do.
	18	7 Harvey Johnston.....	W. 1/2 NW. 1/4	24	28	14	80	Do.
	20	8 Samuel Miller.....	E. 1/2 SE. 1/4	23	28	14	80	Do.
	20	9 Barth Bowman.....	W. 1/2 NW. 1/4	25	28	14	80	Do.
	20	10 Cornelius Aaron.....	E. 1/2 SE. 1/4	26	28	14	80	Do.
	20	11 Dennis T. Turkey.....	W. 1/2 SW. 1/4	25	28	14	80	Do.
	20	12 Timothy Jourdan.....	E. 1/2 NW. 1/4	25	28	14	80	Do.
	20	13 Jacob Jacobs.....	E. 1/2 NE. 1/4	26	28	14	80	Do.
	20	14 James Joshua.....	W. 1/2 NW. 1/4	26	28	14	80	Do.
	20	15 Hannah Turkey.....	E. 1/2 NE. 1/4	35	28	14	80	Do.
	21	16 Moses Charles.....	W. 1/2 NE. 1/4	23	28	14	80	Do.
	21	17 Austin E. Quinney.....	W. 1/2 SE. 1/4	26	28	14	80	Do.
	21	18 Jeremiah Shisgerland.....	E. 1/2 SW. 1/4	26	28	14	80	Do.
	21	19 Jacob Konkapot.....	E. 1/2 NW. 1/4	26	28	14	80	Do.
	21	20 Adam Davids.....	E. 1/2 SW. 1/4	23	28	14	80	Do.
	24	21 Mary J. Bowman.....	E. 1/2 NE. 1/4	36	28	14	80	Do.
	28	22 Stephen Gardner.....	W. 1/2 NE. 1/4	26	28	14	80	Do.
	28	23 Elizabeth Bowman.....	W. 1/2 SE. 1/4	25	28	14	80	Do.
	30	24 Jacob Davids.....	E. 1/2 SW. 1/4	25	28	14	80	Do.
Nov.	1	25 Wm. Gardner.....	E. 1/2 SE. 1/4	25	28	14	80	Do.
	1	26 Moses Smith.....	E. 1/2 W. 1/2 SW. 1/4	26	28	14	80	Do.
	15	27 John Voccum.....	W. 1/2 NW. 1/4	30	28	15	80	Do.
	22	28 Ziba T. Peters.....	E. 1/2 SE. 1/4	27	28	14	80	Do.
Dec.	3	29 Sterling Peters.....	W. 1/2 NW. 1/4	26	28	14	80	Do.
	10	30 Edward Bowman.....	W. 1/2 NE. 1/4	29	28	15	80	Do.
	10	31 Thomas S. Branch.....	E. 1/2 NE. 1/4	30	28	15	80	Do.
	16	32 John Lewis.....	W. 1/2 NE. 1/4	25	28	15	80	Single man.
	16	33 Charlotte Palmer.....	W. 1/2 SW. 1/4	28	28	14	80	Head of family.
	16	34 Jeremiah Gardner.....	E. 1/2 NW. 1/4	31	28	15	80	Single man.
	19	35 John Voccum.....	E. 1/2 NW. 1/4	35	28	14	80	Head of family.
	19	36 Eli Williams.....	W. 1/2 SE. 1/4	28	28	15	80	Do.
1857.								
Jan.	19	37 Thomas Tousey.....	W. 1/2 NE. 1/4	28	28	15	80	Single man.
Feb.	1	38 Cornelius Anthony.....	E. 1/2 SE. 1/4	35	28	14	80	Head of family.
	3	39 Benj. Pyc, 2nd.....	E. 1/2 SW. 1/4	29	28	15	80	Do.
Mar.	12	40 Elizabeth Aaron.....	W. 1/2 SE. 1/4	23	28	14	80	Do.
Apr.	11	41 Peter D. Littleman.....	E. 1/2 NE. 1/4	22	28	14	80	Do.
	11	42 Phebe Pyc.....	W. 1/2 NW. 1/4	23	28	14	80	Do.
	11	43 Alexander Wilber.....	E. 1/2 NW. 1/4	24	28	14	80	Single man.
	27	44 Benj. Pyc, 3rd.....	W. 1/2 SW. 1/4	36	28	14	80	Head of family.
	27	45 Jedediah Wilber.....	E. 1/2 NW. 1/4	12	28	14	80	Single man.
	27	46 Benjamin Pyc, 2nd.....	W. 1/2 SW. 1/4	28	28	15	80	Head of family.
	27	47 Cornelius Littleman.....	E. 1/2 NW. 1/4	28	28	14	80	Do.
May	6	48 Thomas Tousey.....	E. 1/2 SW. 1/4	28	28	15	80	Do.
	6	49 C. Voccum.....	W. 1/2 NW. 1/4	32	28	15	80	Do.
	8	50 Susannah Hendricks.....	S. 1/2 E. 1/2 NW. 1/4	29	28	15	40	Single woman.
	8	51 Sarah Tousey.....	E. 1/2 NW. 1/4	28	28	15	80	Head of family.
	11	52 Obadiah Gardner.....	W. 1/2 SE. 1/4	30	28	15	80	Do.
	11	53 Chester Tousey.....	W. 1/2 NW. 1/4	28	28	15	80	Do.
	15	54 Daniel Metoxen.....	E. 1/2 SE. 1/4	29	28	15	80	Do.
June	3	55 Daniel Gardner.....	W. 1/2 NW. 1/4	31	28	15	80	Do.
	3	56 Geo. T. Bennett.....	E. 1/2 NE. 1/4	28	28	15	80	Do.
	4	57 Peter D. Littleman.....	E. 1/2 SE. 1/4	15	28	14	80	Do.
	4	58 Elias Konkapot.....	W. 1/2 SE. 1/4	14	28	14	80	Do.
	4	59 Benj. Pyc, 4th.....	W. 1/2 SW. 1/4	13	28	14	80	Do.
	5	60 Eliza Franks.....	E. 1/2 NE. 1/4	29	28	15	80	Do.
	6	61 Joseph L. Chicks.....	E. 1/2 SW. 1/4	14	28	14	80	Do.
	8	62 Levina Pyc.....	N. 1/2 E. 1/2 NE. 1/4	32	28	15	40	Single woman.
	11	63 — Jourdan.....	SW. 1/2 NE. 1/4	24	28	14	40	Do.
July	14	64 Sophronia Thompson.....	E. 1/2 NW. 1/4	32	28	15	80	Wife of Jonas T.
	17	65 Abram Pyc, sr.....	W. 1/2 SW. 1/4	14	28	14	80	Head of family.
	27	66 Benjamin Pyc, 3rd.....	E. 1/2 SE. 1/4	14	28	14	80	Do.
Aug.	25	67 Alonzo Quinney.....	W. 1/2 NE. 1/4	34	28	14	80	Single man.
	27	68 John Candy.....	E. 1/2 NE. 1/4	14	28	14	80	Head of family.
	27	69 John W. Quinney, jr.....	W. 1/2 NW. 1/4	13	28	14	80	Do.
	27	70 William Gardner.....	W. 1/2 SW. 1/4	30	28	15	80	Do.
Sept.	8	71 Jeremiah Bennett.....	W. 1/2 NE. 1/4	31	28	15	80	Do.
	14	72 James Chicks.....	E. 1/2 SE. 1/4	30	28	15	80	Single man.
	21	73 Catherine Butterfield.....	W. 1/2 NE. 1/4	35	28	14	80	Head of family.
	23	74 Debby Baldwin.....	E. 1/2 NE. 1/4	31	28	15	80	Do.
1858								
Mar.	18	75 Simeon S. Metoxen.....	E. 1/2 NW. 1/4	13	28	14	80	Do.
	18	76 Simeon S. Metoxen.....	N. 1/2 W. 1/2 NE. 1/4	33	28	15	40	Do.
	18	77 Simeon S. Metoxen.....	N. 1/2 E. 1/2 NW. 1/4	33	28	15	40	Do.

EXHIBIT A.—Copy of record of lots entered by individuals of the Stockbridge and Munsee tribes of Indians, etc.—Continued.

Date.	No.	Names.	Description.	Sec.	T.	R.	No of acres.	Remarks.
1858								
Mar.	18	William Higbly	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	34	28	14	80	Head of family.
	18	William Fishcauy	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	33	28	14	80	Do.
	31	John N. Chicks	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	34	28	14	80	Do.
	31	Benjamin Dextater	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	13	28	14	80	Do.
	31	Jedediah Wilber	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	13	28	14	80	Do.
Apr.	27	Levi Konkapot 2d	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	22	28	14	80	Do.
	27	Joseph L. Chicks	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	34	28	14	80	Do.
	27	John N. Chicks 1	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	34	28	14	80	Do.
	30	Lucinda Voccum	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	22	28	14	80	Do.
May	4	Jacob Konkapot	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	14	28	14	80	Do.
	7	Phileas Pye (daughter of A. P.)	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	23	28	14	80	Do.
	8	John N. Chicks	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	35	28	14	80	Do.
	10	Lewis Hendricks	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	1	28	14	80	Single man.
	10	Peter Bennett, sr	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	1	28	14	80	Head of family.
	10	John Slingerland	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	25	28	14	80	Single man.
	13	Clarissa Miller	N. $\frac{1}{4}$ E. $\frac{1}{4}$ NW. $\frac{1}{4}$	29	28	15	40	Head of family.
	17	Josephus Adams	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	12	28	14	80	Single man.
	18	Eleazer Adams	S. $\frac{1}{4}$ E. $\frac{1}{4}$ SE. $\frac{1}{4}$	2	28	14	40	Do.
	18	Eleazer Adams	S. $\frac{1}{4}$ W. $\frac{1}{4}$ SE. $\frac{1}{4}$	2	28	14	40	Do.
1856								
Oct.	30	Jonathan Titus	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	31	28	14	80	Head of family.
	30	Clarissa Spragg	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	28	14	80	Do.
	30	J. Lewis Spragg	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	28	14	80	Do.
	30	Levi Halftown, jr.	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	32	28	14	80	Do.
	30	Moses Red Eye	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	33	28	14	80	Son of Eunice Red Eye.
Nov.	6	Titus Mohawk	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	20	28	14	80	Single man.
	6	Joshua Wilson	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	32	28	14	80	Head of family.
	26	Charles Red Eye	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	29	28	14	80	Son of Eunice Red Eye.
	26	James Red Eye	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	20	28	14	80	Do.
	26	William Mohawk	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	20	28	14	80	Head of family.
1857								
Aug.	1	Isaac Durkee	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	36	28	14	80	Do.
	1	Jefferson Halftown	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	36	28	14	80	Do.
	1	Eunice Red Eye	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	31	28	15	80	Do.
	1	Thos. Snakes' widow	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	36	28	14	80	Do.
	1	Levy Halftown	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	36	28	14	80	Do.
	1	Jonathan Waterman	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	31	28	15	80	Do.
Oct.	14	Elozer Charles	S. $\frac{1}{4}$ NE. $\frac{1}{4}$	24	28	14	40	Single man.
Dec.	21	Mary Hendricks	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	28	28	15	80	Married man.
	21	Basheba Wright	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	28	28	15	80	Do.
1858								
Jan.	24	George Gardner	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	30	28	15	80	Single man.
	24	Elizabeth Palmer	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	17	28	14	80	Head of family.
Mar.	5	Daniel Tousey	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	33	28	15	80	Do.
	5	Mary McAllister	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	33	28	15	80	Do.
	5	Alexander Wilber	N. $\frac{1}{4}$ E. $\frac{1}{4}$ NE. $\frac{1}{4}$	13	28	14	80	Do.
	5	Prudence W. Konkapot	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	13	28	14	80	Married woman.
	6	Electa W. Candy	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	14	28	14	80	Head of family.
	7	Joseph Dextater	N. $\frac{1}{4}$ W. $\frac{1}{4}$ SE. $\frac{1}{4}$	33	28	15	40	Do.
	7	Joseph Dextater	N. $\frac{1}{4}$ W. $\frac{1}{4}$ NE. $\frac{1}{4}$	32	28	15	40	Do.
	7	George T. Bennett	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	35	28	14	80	Do.
	7	Abigail Moon	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	28	28	14	80	Do.
1861								
Jan.	30	Hannah Autone	N. $\frac{1}{4}$ NE. $\frac{1}{4}$	27	28	14	80	Single female.
1858								
May	18	Marietta Abrams	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	27	28	14	80	Head of family.
	18	Marietta Abrams	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	29	28	14	80	Do.
	18	Livingston Peters	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	34	28	14	80	Single man.
July	14	Mary Bennett	S. $\frac{1}{4}$ E. $\frac{1}{4}$ SE. $\frac{1}{4}$	28	28	14	40	Single woman.
	14	Basheba Putman	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	28	28	14	80	Head of family.
	24	Margaret Miller	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	27	28	14	80	Do.
Aug.	3	Abigail Moon	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	27	28	14	80	Do.
Sept.	11	Harvey Johnston	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	1	28	15	80	Do.
	20	Jerusha Davids	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	29	28	14	80	Single woman.
	20	Soloman Davids	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	27	28	14	80	Married man.
	21	Levi Konkapot, 1st	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	12	28	14	80	Do.
	25	Benjamin Dextater	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	28	14	80	Do.
	27	John Baman	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	28	14	80	Single man.
Nov.	11	Lucinda Gardner	E. $\frac{1}{4}$ SW. $\frac{1}{4}$	33	28	14	80	Single woman.
	18	Jonas Thompson	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	27	28	14	80	Married man.
	18	Josiah Cheets	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	33	28	14	80	Single man.
1859								
Oct.	1	Elijah Pye	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	36	28	14	80	Do.
	18	James Moon	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	15	28	14	80	Do.
Nov.	11	Abram Pye, jr.	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	20	28	14	80	Head of family.
	11	Mary E. Butler	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	21	28	14	80	Do.

EXHIBIT A.—Copy of record of lots entered by individuals of the Stockbridge and Munsee tribes of Indians, etc.—Continued.

Date.	No.	Names.	Description.	Sec.	T.	R.	No of acres.	Remarks.
1859								
Nov.	11	Ben Pye, 4th.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	22	28	14	80	Head of family.
	12	Catharine Bennett.	W. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	23	28	14	40	Single woman.
	12	Janett Bennett.	E. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	33	28	14	40	Do.
	12	Caroline Doress.	S. $\frac{1}{2}$ E. $\frac{1}{2}$ SW. $\frac{1}{4}$	33	28	14	40	Do.
	15	Luke Jourden.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	33	28	14	80	Married man.
	29	Philina Pye, 1st.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	20	28	14	80	Head of family.
	30	T. F. Quinney.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	30	28	14	80	Single man.
	30	J. M. Quinney, sr.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	30	28	15	80	Head of family.
	30	M. J. Robinson.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	19	28	14	80	Single man.
Dec.	1	Polly Bennett.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	29	28	14	80	Head of family.
	1	Darius Charles.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	11	28	14	80	Do.
	1	Simeon Quinney.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	20	28	14	80	Do.
	1	Joseph M. Quinney, jr.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	19	28	14	80	Single man.
	2	Austin E. Quinney.	S. $\frac{1}{2}$ NW. $\frac{1}{4}$	30	28	14	80	Head of family.*
	2	Nicholas Palmer.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	19	28	14	80	Head of family.
	2	Sisefia Samuel.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	19	28	14	80	Do.
	3	Abraham Israel.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	18	28	14	80	Single man.
	3	Sally Pye.	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	30	28	14	80	Head of family.
	5	Simeon Gardner.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	18	28	14	80	Single man.
	9	Elizabeth Wilber.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	12	28	14	80	Head of family.
	9	Louisa Quinney.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	13	28	14	80	Do.
	10	John C. Adams.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	21	28	14	80	Single man.
	28	Sally Quinney.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	32	28	14	80	Head of family.
1860.								
Jan.	10	Ramona Miller.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	33	28	14	80	Do.
	10	Humble Jourden.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	33	28	14	80	Single man.
	26	Dolly Dextater.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	27	28	14	80	Single woman.
Feb.	20	Peter Metoxen.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	21	28	14	80	Single man.
Mar.	9	Phoebe Skicket.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	14	28	14	80	Head of family.
	30	Chester Tonsey.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	22	28	14	80	Do.
	30	Sarah E. Tonsey.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	22	28	14	80	Single woman.
	30	Moses Dextater.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	20	28	14	80	Head of family.
	30	Moses Dextater.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	11	28	14	80	Do.
Apr.	2	Samuel Stephens.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	32	28	14	80	Do.
June	16	George Red Eye.	W. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	28	28	14	40	Do.
	16	George Moses.	E. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	28	28	14	40	Do.
	16	George Red Eye.	W. $\frac{1}{2}$ W. $\frac{1}{2}$ NE. $\frac{1}{4}$	28	28	14	40	Do.
	16	George Moses.	E. $\frac{1}{2}$ W. $\frac{1}{2}$ NE. $\frac{1}{4}$	28	28	14	40	Do.
	18	Peter Bennett, jr.	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	34	28	14	80	Do.
	18	Peter Bennett, sr.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	32	28	14	80	Do.
1862.								
June	10	Juliett Yocum.	S. $\frac{1}{2}$ E. $\frac{1}{2}$ SW. $\frac{1}{4}$	33	28	15	40	Single female.
1863.								
Oct.	8	Margaret Jourden.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	1	28	14	80	Do.
	8	Timothy Jourden.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	12	28	14	80	Head of family.
Dec.	12	Lucy Jacobs.	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	10	28	14	80	Do.
	12	Louisa Konkapot.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	30	28	15	80	Do.
	12	Jasper Bennett.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	32	28	14	80	Do.
	12	James Palmer.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	29	28	15	80	Do.
	12	Eli Williams.	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	12	28	14	80	Do.
1866.								
Jan.	1	M. A. Tonsey†.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	33	28	14	40	Single female.
	1	Thomas Tonsey.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	16	28	15	80	Head of family.
	1	Thomas H. Tonsey.	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	16	28	15	80	Do.
	1	Hira H. Tonsey.	W. $\frac{1}{2}$ NW. $\frac{1}{4}$	16	28	15	80	Single man.
Apr.	10	Job Bowman.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	10	28	14	80	Head of family.
Oct.	11	Jackson Lewis.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	3	28	14	80	Single man.
	11	Nancy Spragg.	E. $\frac{1}{2}$ NE. $\frac{1}{4}$	9	28	14	80	Head of family.
	11	Elizabeth Gardner.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	28	14	40	Do.
	11	Harriet Jourden.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ NE. $\frac{1}{4}$	10	28	14	40	Single woman.
	11	Mary Chicka.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	4	28	14	80	Do.
	25	Hymenius Dextater.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	5	28	14	80	Single man.
	25	Elizabeth Wilber.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	9	28	14	80	Head of family.
	25	Jeremiah Slingerland.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	9	28	14	80	Do.
	25	David Pye.	S. $\frac{1}{2}$ E. $\frac{1}{2}$ NE. $\frac{1}{4}$	5	28	14	40	Do.
	25	David Pye.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ NW. $\frac{1}{4}$	4	28	14	40	Do.
	25	Cornelia Pye.	W. $\frac{1}{2}$ SW. $\frac{1}{4}$	4	28	14	80	Do.
	25	Reuben Johnston.	E. $\frac{1}{2}$ SE. $\frac{1}{4}$	9	28	14	80	Single man.
	25	Jesse Wybro.	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	15	28	14	80	Married man.
	25	Bethenia Charles.	N. $\frac{1}{2}$ E. $\frac{1}{2}$ SW. $\frac{1}{4}$	10	28	14	40	
Nov.	22	Alfina Jourden.	N. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	4	28	14	40	
	22	Clarissa Yocum.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ SE. $\frac{1}{4}$	4	28	14	40	
	23	M. A. Peters.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	4	28	14	80	
	26	Elisha Konkapot.	E. $\frac{1}{2}$ SW. $\frac{1}{4}$	3	28	14	80	
	26	Rebecca Thompson.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	28	14	40	
	26	Polly Konkapot.	S. $\frac{1}{2}$ E. $\frac{1}{2}$ NW. $\frac{1}{4}$	24	28	14	40	
	26	Polly Konkapot.	S. $\frac{1}{2}$ W. $\frac{1}{2}$ NE. $\frac{1}{4}$	24	28	14	40	

* See No. 78.

† See No. 149-50.

‡ See No. 43 and No. 63.

EXHIBIT A.—Copy of record of lots entered by individuals of the Stockbridge and Munsee tribes of Indians, etc.—Continued.

Date.	No.	Names.	Description.	Sec.	T.	R.	No. of acres.	Remarks.
1866.								
Nov. 26	221	Alexander Wilber	N. $\frac{1}{2}$ E. $\frac{1}{2}$ NE. $\frac{1}{4}$	13	28	14	40	
26	222	Alex. Wilber	S. $\frac{1}{2}$ E. $\frac{1}{2}$ SE. $\frac{1}{4}$	4	28	14	40	
26	223	Harriet Jourden	W. $\frac{1}{2}$ SE. $\frac{1}{4}$	9	28	14	80	
Dec. 13	224	Naomi Johnston	S. $\frac{1}{2}$ E. $\frac{1}{2}$ NW. $\frac{1}{4}$	4	28	14	40	
13	225	H. C. Moon	W. $\frac{1}{2}$ NE. $\frac{1}{4}$	3	28	14	80	
13	226	John C. Adams	N. $\frac{1}{2}$ E. $\frac{1}{2}$ NW. $\frac{1}{4}$	9	28	14	80	
13	226	John C. Adams	N. $\frac{1}{2}$ W. $\frac{1}{2}$ NW. $\frac{1}{4}$					
1867.								
Dec. 5	227	R. Gardner	S. $\frac{1}{2}$ E. $\frac{1}{2}$ SW. $\frac{1}{4}$	10	28	14	40	Head of family
9	228	Don Carlos Butler	E. $\frac{1}{2}$ NW. $\frac{1}{4}$	10	28	14	80	
1869.								
Nov. 26	229	Edwin Miller	N. $\frac{1}{2}$ E. $\frac{1}{2}$ and N. $\frac{1}{2}$ W. $\frac{1}{2}$ NW. $\frac{1}{4}$	15	28	14	80	Single man.

* See No. 204.

I certify that I have examined the above record and find it a correct copy of the "Records of the Stockbridge and Munsee tribe of Indians under the treaty of 1856," kept in my office.

KESHENA, Feb'y 25, 1878.

JOS. C. BRIDGMAN,
U. S. I. A.

MR. ADAMS. We claim that no man can debar us from that, for the simple reason that this act of 1871 was made by only a faction of the tribe, and without the consent or knowledge of the tribe. Therefore they were not parties to that act, and when they presented themselves to be enrolled they were forbidden to be enrolled, for the simple reason that they had already received allotments of land under the act of March 3, 1843, and under the treaty of February 5, 1856.

Now, let us clear up that point. If you construe that those parties who received allotments under the act of 1843 can not be enrolled, you can not enroll any of the Stockbridge tribe because the whole tribe have received allotments under the act of March 3, 1843.

In proof of my assertion that the Stockbridges all accepted allotments under the act of 1843, here is an abstract from the General Land Office, duly certified, stating that fact, that the whole of the Stockbridges received allotments of land under the act of 1843.

(See book of abstract of Stockbridge, Wis., marked Exhibit B hereof.)

EXHIBIT B.—Abstract of Stockbridge, Wisconsin.

GENERAL LAND OFFICE,
July 8, 1869.

I, Joseph S. Wilson, Commissioner of the General Land Office, do hereby certify that the annexed on pages 1 to 29 inclusive is a true and literal exemplification of the original now on file in this office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[SEAL.]

JOS. S. WILSON,
Commissioner of the General Land Office.

To His Excellency the President of the United States:

SIR: The undersigned would respectfully report to your excellency that they have carried into effect the act of Congress approved March 3rd, 1843, entitled "An act for the relief of the Stockbridge Indians in the Territory of Wisconsin," and will detail in compliance with the directions of the said act their proceedings in fulfilling the duties for which their nation elected them.

In all their acts they firmly trust that it has been their fortunate lot to adhere to the strictest letter of the law as well as to meet the whole of its spirit and intent, and that the benevolent provisions of the last Congress have under their humble ministrations fixed the happiness and social advancement of their brethren upon a firm and enduring basis.

1st. The undersigned were elected commissioners to carry into effect the objects of the act of Congress upon the first Monday in April, 1843, being the 3rd day of the month. The election was superintended by John Scott Horner, esq., the register of the Green Bay land office. The report and certificate of this gentleman having been already transmitted to your excellency, it appears only necessary at this time to refer to the paper on file at Washington as a portion of the narrative of the public duties of the undersigned.

2nd. The undersigned having been declared duly elected as commissioners by the superintendent of the election, on the next day being April 4th they proceeded to settle the principles upon which their decisions were to be made, and in public session with the assistance of all such members of the nation as could be conveniently present to determine the persons who really belonged to the Stockbridge Nation in Wisconsin.

3rd. These facts being ascertained, the undersigned caused the survey of the Stockbridge Reservation to be commenced on the 20th April, and completed on the 25th day of June.

4th. The assignment of the lots or proportions were then made, and the list thereof, together with a full and complete map or plot of the Stockbridge Reservation as surveyed and subdivided under the direction of the undersigned, was filed with the town clerk on the 1st day of July, 1843.

5th. The filing or making public these papers was advertised by putting up numerous notices to that effect and they remained in the office of the town clerk open to public inspection and criticism at all hours for the space of 20 days.

6th. On the 1st day of August the undersigned met in public session to receive all such grievances or complaints as had been filed with the town clerk during the ten days previous, and proceeded at once to consider and determine them.

7th. The undersigned were highly gratified to find that but in a very few instances any of their decisions or allotments of land failed to give satisfaction, and the few complaints that were filed proceeded from either misapprehension or clerical mistakes in preparing the papers. All these have been explained and corrected, and the undersigned have every reason to presume that a general acquiescence in their official acts now exists.

8th. The consideration and determination of the complaints just referred to occupied the undersigned from the first to the nineteenth day of August, inclusive, and in transmitting these papers to your excellency by mail the undersigned surrender the authority delegated to them by the General Government and the Stockbridge Nation.

9th. In accordance with a fundamental law of the Stockbridge Nation and with the unanimous consent and desire of all interested—

All purchases, devises, grants, and gifts of land from one member of the Stockbridge Nation to another which had occurred previous to the passage of the law for the relief of the Stockbridge Nation have been considered inviolable and their validity confirmed by the undersigned; and none other than Stockbridge Indians have had lands allotted to them, with the exception of 15 acres only to the American Board of Commissioners for Foreign Missions.

The lots of land into which the Stockbridge Reservation is divided may be described as follows: The tier on the lake shore, being fifty-three in number, from 1 to 53, both numbers inclusive, are, owing to the curvatures of the lake shore, of irregular size, and on the west ends of irregular shapes. They are all exactly fifty rods in width, and their lateral dimensions are marked upon the map, as well as their contents in acres stated in the assignment of each lot.

The next two tiers of lots west, being from 54 to 159, both numbers inclusive, are exactly rectangular, being two hundred rods long and fifty rods wide, and contain sixty-two and a half acres.

The east halves of lots 83, 84, 85, and 86 and the west half of lot 128 are divided each half into four smaller lots, each 25 rods wide from east to west and fifty rods long from north to south. These small lots are designated as the school lots 1, 2, 3, and 4, of the lot to which they belong, and as such are distinctly noted on the map. They each contain 7 acres and $\frac{1}{2}$ of an acre.

The lots in number one hundred and fifty-nine, and constituting three tiers of lots on the west shore of the reservation were partly located and improved when the duties of the undersigned commenced, and convenience to the residents as well as obedience to the law precluded any interference with their buildings and improvements.

The remainder of the reservation is subdivided into sections of one mile square, and these again into quarters and half-quarters in the same manner as the public lands. The east half of the west halves of sections 3, 4, 9, 10, 15, 16, 21 and 22, are fractional, and so is all that exists of sections 25, 26, 27.

All the lots have been carefully blazed and their corners established, and upon each lot, at every corner, its number is legibly written upon a convenient and durable tree, in such manner that the least informed person can have no difficulty in ascertaining at once the dimensions and metes and bounds of his land.

As is well known the Stockbridge Reservation lies upon the east shore of Lake Winnebago, is bounded on the north and east by public lands, on the south by the former Brothertown reserve, and contains 23,137 acres of land.

The surveys have actually been made with the chain and compass, and the papers, it is believed, are perfectly accurate. The undersigned are ready at all times to give the reasons and facts which may have guided them in any contested decision or award.

Respectfully, your excellency's obedient servants,

DANIEL DAVID.
JOSEPH L. CHICKS.
TIMOTHY JOURDAN.
JOHN N. CHICKS.
JOHN W. ABRAMS.

STOCKBRIDGE, August 24th, 1843.

The following lots or parcels of land are assigned to the persons whose names stand opposite to them:

Lot.	Contains.	
	<i>Acres.</i>	
1	45.75	Josiah Chicks.
2	47.5	Nancy Chicks.
3	53.12	Cornelius M. Aaron.
4	58.25	John N. Chicks.
5	65.75	Jacob Davids.
6	68	John Vocem.
7	76.7	Jeremiah Jonson.
8	74.7	Harvey Johnson.
9	77.1	John Moore.
10	78	Hannah P. Chicks.
11	78	Lewis Bowman.
12	76.1	Moses Charles.
13	73.25	Moses Charles.
14	68	See page 17. ¹
15	67.8	
16	67.3	Puella Jourdan.
17	68	Jacob Chicks.
18	74.27	John N. Chicks.
19	70.1	James Joshua.
20	85.5	Josiah Chicks.
21	87	Jacob Chicks.
22	87.5	Joseph L. Chicks.
23	87	Jacob Chicks.
24	85	John N. Chicks.
25	76.1	Sally Quinney.
26	75.9	Sally Quinney.
27	75	Sally Quinney.
28	72.5	John N. Chicks.
29	60	John N. Chicks.
30	68	Jane Dean.
31	66.67	Marietta Abrams.
32	61.25	See page 17. ¹
33	56.87	
34	58	See page 17. ¹
35	53.75	
36	51.88	John W. Quinney.
37	51.4	Benjamin Pye, 2nd.
38	50	Jonas Thompson.
39	50	John Moore.
40	50.5	Abraham Pye.
		Isaac Jacobs.

Lot.	Contains.	
	<i>Acres.</i>	
41	51	Aron Turkey.
42	51.4	Aron Turkey.
43	51.8	Jonas Thompson.
44	51.5	Lacy Jacobs.
45	51	John Wilbur.
46	50	Elizabeth Wilbur.
47	51.25	Daniel Davids.
48	53.12	See page 17. ¹
49	54.25	Austin E. Quinney.
50	56	Louisa Davids.
51	58	John W. Quinney.
52	62	Earnie Abrams.
53	63.4	Daniel Davids.
54	62.5	John N. Chicks.
55	62.5	John W. Quinney.
56	62.1	See page 18. ¹
57	62.5	Darius Davids.
58	62.5	Margaret Davis.
59	62.5	Austin E. Quinney.
60	62.5	Daniel Davids.
61	62.5	Levi Koukapot.
62	62.5	John Wilbur.
63	62.5	Henry Jacobs.
64	62.5	Benjamin Pye, senr.
65	62.5	John Turkey.
66	62.5	See page 18. ¹
67	62.5	Benjamin Pye, 3rd.
68	62.5	See page 18. ²
69	62.5	See page 18. ²
70	62.5	Job Moore.
71	62.5	Jonas Thompson.
72	62.5	Benjamin Pye, 2nd.
73	62.5	John W. Quinney.
74	62.5	John Metoxen.
75	62.5	John Metoxen.
76	62.5	Simon S. Metoxen.
77	62.5	See page 18. ²
78	62.5	Thomas Skenandoah.
79	62.1	See page 19. ²
80	62.8	Hannah Marquis.
81	62.5	John N. Chicks.
82	62.5	See page 19. ²
83	62.5	Do. ⁵
84	62.5	Do. ²
85	62.5	Do. ²
86	62.5	Do. ²
87	62.5	William Gardner.
88	62.5	Austin E. Quinney, jr.
89	62.5	Austin E. Quinney.
90	62.5	Timothy Jourdan.
91	62.5	See page 20. ⁸
92	62.5	See page 20. ²
93	62.5	Charles Stephens.
94	62.5	Charles Stephens.
95	62.5	Samuel Stephens.
96	62.5	Austin E. Quinney.
97	62.5	Demy Big-deer.
98	62.5	David Palmer.
99	62.5	Elizabeth Johnson.
100	62.5	Jeremiah Johnson.
101	62.5	Jeremiah G. Slingerland.
102	62.5	Joseph L. Chicks.
103	62.5	John N. Chicks.
104	62.5	Moses Dextater.
105	62.5	John Moore.
106	62.5	Josiah Chicks.
107	62.5	See page 21. ³
108	62.5	Joseph L. Chicks.
109	62.5	John Yocum.
110	62.5	John N. Chicks.
111	62.5	Timothy Jourdan.
112	62.5	Timothy Jourdan.
113	62.5	John Littleman.
114	62.5	James Joshua.
115	62.5	James Joshua.
116	62.5	Austin E. Quinney.
117	62.5	Austin E. Quinney.
118	62.5	Austin E. Quinney.
119	62.5	Charles Stephens.
120	62.5	Joseph M. Quinney.
121	62.5	See page 21. ⁴
122	62.5	Samuel Miller.

Lot.	Contains.	
	<i>Acres.</i>	
123	62.5	Samuel Miller.
124	62.5	See page 21.
125	62.5	Austin E. Quinney.
126	62.5	Hannah Marquis.
127	62.5	John W. Quinney.
128	62.5	See page 22.
129	62.5	John P. Quinney.
130	62.5	John W. Abrams.
131	62.5	Jacob Davids.
132	62.5	See page 22.
133	62.5	Jacob Davids.
134	62.5	Joseph L. Chicks.
135	62.5	Thomas Skenandoah.
136	62.5	Catherine Mills.
137	62.5	Garret Thompson.
138	62.5	Peter D. Littleman.
139	62.5	John Metoxen.
140	62.5	John Metoxen.
141	62.5	John W. Quinney.
142	62.5	John W. Quinney.
143	62.5	Betsey T. Aaron.
144	62.5	Joseph Dextater.
145	62.5	Joseph Dextater.
146	62.5	Benjamin Pye, 3rd.
147	62.5	Aaron Turkey.
148	62.5	John Turkey.
149	62.5	Benjamin Pye, senr.
150	62.5	Levi Koukapot.
151	62.5	John Wilbur.
152	62.5	Levi Koukapot.
153	62.5	Dinah Davids.
154	62.5	Alexander T. Abrams.
155	62.5	Isaac Jacobs.
156	62.5	Darius Davids.
157	62.5	John Littleman.
158	62.5	Isaac Jacobs.
159	62.5	Hannah W. Chicks.
The school lot 1.	Of lot 83.	John P. Quinney.
" " " 2.	" " " "	William Gardner.
" " " 3.	" " " "	William Gardner.
" " " 4.	" " " "	John N. Chicks.
The school lot 1.	Of lot 84.	John P. Quinney.
" " " 2.	" " " "	William Gardner.
" " " 3.	" " " "	William Gardner.
" " " 4.	" " " "	John N. Chicks.
The school lot 1.	Of lot 85.	Jacob Chicks.
" " " 2.	" " " "	American Board of Commissioners for Foreign Missions.
" " " 3.	" " " "	Jeremiah Johnson.
" " " 4.	" " " "	Timothy Jourdan.
The school lot 1.	Of lot 86.	Jacob Chicks.
" " " 2.	" " " "	American Board of Commissioners for Foreign Missions.
" " " 3.	" " " "	Jeremiah Johnson.
" " " 4.	" " " "	Timothy Jourdan.
The school lot 1.	Of lot 128.	Catherine Littleman.
" " " 2.	" " " "	Catherine Littleman.
" " " 3.	" " " "	Catherine Littleman.
" " " 4.	" " " "	Timothy Jourdan, John N. Chicks, and Daniel Davids as trustees of the church for the Stockbridge Nation with power to sell under authority of the nation.

Lot 14 is assigned as follows: The one-third undivided to Demy Bigdeer, being 22 acres and $\frac{2}{3}$, and to Saphire Yocum, Delila Likertter Charlotte Miller, and Ramona Miller is assigned to each and severally one-sixth part, undivided, being 11 acres and $\frac{1}{3}$ each and apiece. The above are heirs of Andrew Miller.

Lot 15 is assigned as follows: The north half to Austin E. Quinney, and the south half to Samuel Miller.

Lot 32 is assigned as follows: The north half to Catherine Mills, and the south half to Betsey T. Aaron.

Lot 34 is assigned as follows: The north half to John Metoxen, and the south half to John W. Quinney.

Lot 48 is assigned as follows: The north half to Daniel Davids, and the south half to John W. Abrams.

Lot 56 is assigned as follows: The north half to Daniel Davids, and the south half to John Littleman.

Lot 66 is assigned as follows: All that portion or part bounded by and lying east of the U. S. military road, to Aaron Turkey, containing 12 acres. All that part included between the U. S. military road and the Stockbridge old road, to Lucy Jacobs, containing 50 acres and $\frac{1}{2}$ acre.

Lot 68 is assigned as follows: The east half to John W. Abrams, and the west half to Abram Pye.

Lot 76 is assigned as follows: The north half to Eunice Abrams, and the south half to John W. Quinney.

Lot 78 is assigned as follows: To Mary Hendrick, to Lewis Hendrick, to Susanna Hendrick, is assigned to each and apiece one-third, being 20 acres and $\frac{2}{3}$ each, the above being heirs of Hendrick Anpaumet.

Lot 79 is assigned as follows: To Isaac Jacobs the portion or part beginning at the southeast corner of lot 79; thence running north on the military road 25 rods; thence west through centre of lot 79 one hundred and twenty-eight rods; thence south twenty-five rods, intersecting the line between lots 78 and 79; thence east back to place of beginning, being twenty acres. To George Bennet is assigned the remainder of lot 79, being forty-two acres and $\frac{2}{3}$ of an acre.

Lot 82 is assigned as follows: To Jacob Davids the south half, and to John N. Chick the north half.

Lot 83: The west half to Nancy Hunt.

Lot 84: The west half to Sallie Quinney.

Lot 85: The west half to Betsey Wyatt.

Lot 86: The west half to Betsey Wyatt.

Lot 91 is assigned as follows: The north half to Moses Charles, and the south half to Timothy Jourdan.

Lot 93 is assigned as follows: To Joseph M. Quinney that part or portion of lot 93 beginning in the centre of the U. S. military road on the production of the line dividing lot 119 from lot 120; thence west on the line dividing lot 93 from lot 94 for the distance of thirty-three rods; thence south across lot 93 fifty rods, intersecting the line between lot 93 and 92; thence east thirty-three rods into the military road; thence north fifty rods back to the place of beginning, 10 acres and $\frac{1}{2}$ of an acre. The remainder of lot 93, being fifty-two acres and $\frac{1}{2}$ of a[n] acre is assigned, the one-third undivided to Rebecca Thompson, being 14 acres and $\frac{1}{2}$ of an acre, and the remainder, being 28 acres and $\frac{1}{2}$ of an acre, is assigned equally to John Yocum, Lawrence Yocum, Cornelius Yocum, and to David Yocum, being six acres and $\frac{1}{2}$ of an acre to each, undivided. The above are heirs of John Yocum.

Lot 107 is assigned as follows: To Rebecca Thompson, Sylvia Yocum, and to Hannah Yocum, one-third each and apiece, being 20 acres and $\frac{1}{2}$ of an acre. The above are the heirs of Benjamin Yocum.

Lot 121 is assigned as follows: To Betsey Palmer (widow), to Elizabeth Palmer, to Nicholas Palmer, one-third each of lot 121, being 20 acres and $\frac{1}{2}$ of an acre each, undivided. The above are the heirs of Benjamin Palmer.

Lot 124 is assigned as follows: To John W. Abrams is assigned that part or portion of lot 124 beginning at the southwest corner of lot 124; thence north on military road for the distance of eighteen rods; thence east forty-four rods and thirteen links; thence south eighteen rods, intersecting the line dividing lot 124 from lot 125; thence west forty-four rods and thirteen links, being five acres of land.

Lot 132 is assigned as follows: To Betsey Scipio, the one-third undivided, being 20 acres and $\frac{1}{2}$ of an acre, and the remainder, being 41 $\frac{1}{2}$ acres, to Betheny Scipio. The above are the heirs of Calvin Scipio.

N. $\frac{1}{2}$ or 60 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 1.	Lawrence Yocum.
" "	of E. $\frac{1}{2}$ " "	" Abram Chicks.
" "	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ " "	" Jonathan Chicks.
" "	of E. $\frac{1}{2}$ " "	" Catherine Butterfield.
" "	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ " "	2 Andrew Yocum.
" "	of E. $\frac{1}{2}$ " "	" Simson Gardner.
" "	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ " "	" Ezekiel Robinson.
" "	of E. $\frac{1}{2}$ " "	" Nancy Johnson.
" "	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ " "	3 Jediah Wilber.
" 52 ac.	of E. $\frac{1}{2}$ " "	" William Gardner.
S. $\frac{1}{2}$ or 20 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ " "	1 Abigail Jourdan.
" "	of E. $\frac{1}{2}$ " "	" Elizabeth Wilber.
" "	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ " "	" Catherine Franks.
" "	of E. $\frac{1}{2}$ " "	" Jonas Davids.
" "	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ " "	2 Sarah Ann Wilber.
" "	of E. $\frac{1}{2}$ " "	" Lucy Abrams.
" "	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ " "	" Mary Jane Bowman.
" "	of E. $\frac{1}{2}$ " "	" Jason Simmonds.
" "	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ " "	3 Thankful Stephens.
" 17.5	of E. $\frac{1}{2}$ " "	" Josiah Chicks.

N. $\frac{1}{2}$ or 40 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	1	Abigail Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Elizabeth Wilber.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Catherine Franks.
"	of E. $\frac{1}{2}$	"	"	" Jonas Davids.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 2	"	"	" Sarah Ann Wilber.
"	of E. $\frac{1}{2}$	"	"	" Lucy Abrams.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Mary Jane Bowman.
"	of E. $\frac{1}{2}$	"	"	" Jason Simmonds.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	3	Thankful Stephens.
"	35 ac. of E. $\frac{1}{2}$	"	"	" John N. Chicks.
S. $\frac{1}{2}$ or 40 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 1.	"	"	" Nancy Gardner.
"	of E. $\frac{1}{2}$	"	"	" Bartholomew Bowman.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Jesse Bowman.
"	of E. $\frac{1}{2}$	"	"	" Adam David.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	2,	Jesse Minor Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Hannah Moore.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Jeremiah Gardner.
"	of E. $\frac{1}{2}$	"	"	" Betsey Menage.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	3,	Serepta Johnson.
"	35 ac. of E. $\frac{1}{2}$	"	"	" John N. Chicks.
N. $\frac{1}{2}$ or 20 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	6,	Nancy Gardner.
"	of E. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	"	" Bartholomew Bowman.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Jesse Bowman.
"	of E. $\frac{1}{2}$	"	"	" Adam David.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	5,	Jesse Minor Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Hannah Moore.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Jeremiah Gardner.
"	of E. $\frac{1}{2}$	"	"	" Betsey Menage.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	4,	Serepta Johnson.
"	17.5 ac. of E. $\frac{1}{2}$	"	"	" Charles Stephens.
S. $\frac{1}{2}$ or 60 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	6,	Harvey Johnson.
"	of E. $\frac{1}{2}$	"	"	" Harriet Jourdan.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Sophia M. Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Luke Jourdan.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	5,	Sylva Yocum.
"	of E. $\frac{1}{2}$	"	"	" Solomon Davids.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Elizabeth Bowman.
"	of E. $\frac{1}{2}$	"	"	" Mary Eliza Wilbur.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	4,	Catherine Bowman.
"	52.5 ac. of E. $\frac{1}{2}$	"	"	" Charles Stephens.
N. $\frac{1}{2}$ or 60 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	6,	Thomas J. Chicks.
"	of E. $\frac{1}{2}$	"	"	" Andrew J. Chicks.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Isabella Chicks.
"	of E. $\frac{1}{2}$	"	"	" Elizabeth Moore.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	5,	Lucretia Davids.
"	of E. $\frac{1}{2}$	"	"	" Josiah Abrams.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Julius Davids.
"	of E. $\frac{1}{2}$	"	"	" Darius Davids.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	4,	George Gardner.
"	52 ac. of E. $\frac{1}{2}$	"	"	" Charles Stephens.
S. $\frac{1}{2}$ or 20 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	6,	Jemima Duxtater.
"	of E. $\frac{1}{2}$	"	"	" Sarah Davids.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Isaac Simmonds.
"	of E. $\frac{1}{2}$	"	"	" Joseph Duxtater.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	5,	Silas Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Margaret Duxtater.
"	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	"	" Rachael Davids.
"	of E. $\frac{1}{2}$	"	"	" Harvey Johnson.
"	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	4,	Nathaniel Abrams.
"	17.5 ac. of E. $\frac{1}{2}$	"	"	" Charles Stephens.
N. $\frac{1}{2}$ or 40 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	7,	Jemima Duxtater.
"	of E. $\frac{1}{2}$	"	"	" Sarah Davids.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Isaac Simmonds.
"	of E. $\frac{1}{2}$	"	"	" Joseph Duxtater.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	8,	Silas Jourdan.
"	of E. $\frac{1}{2}$	"	"	" Margaret Duxtater.
"	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	"	" Rachael Davids.
"	of E. $\frac{1}{2}$	"	"	" Harvey Johnson.
"	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	9,	Nathaniel Abrams.
"	35 ac. of E. $\frac{1}{2}$	"	"	"

S. $\frac{1}{2}$ or 40 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	7, Sophia Moore.
" " of E. $\frac{1}{2}$ " "	"	" Saphire Yoccum.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Caleb Moore.
" " of E. $\frac{1}{2}$ " "	"	" Jonathan C. Johnson.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	8, Reuben Johnson.
" " of E. $\frac{1}{2}$ " "	"	" Harriet Johnson.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" John S. Wilber.
" " of E. $\frac{1}{2}$ " "	"	" Humble M. Jourdan.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	9, Daniel Gardner.
35 ac. of E. $\frac{1}{2}$ " "	"	" Timothy Jourdan.
N. $\frac{1}{2}$ or 20 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	7, Sophia Moore.
" " of E. $\frac{1}{2}$ " "	"	" Saphire Yoccum.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Caleb Moore.
" " of E. $\frac{1}{2}$ " "	"	" Jonathan C. Johnson.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	8, Reuben Johnson.
" " of E. $\frac{1}{2}$ " "	"	" Harriet Johnson.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" John S. Wilber.
" " of E. $\frac{1}{2}$ " "	"	" Humble M. Jourdan.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	9, Daniel Gardner.
17.5 ac. of E. $\frac{1}{2}$ " "	"	" Timothy Jourdan.
S. $\frac{1}{2}$ or 60 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	7, Job Moore.
" " of E. $\frac{1}{2}$ " "	"	" Job Moore.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Triphene E. Jourdan.
" " of E. $\frac{1}{2}$ " "	"	" George Bennett.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	8, See page 42.
" " of E. $\frac{1}{2}$ " "	"	" Moses Doxtater.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Samuel Wilber.
" " of E. $\frac{1}{2}$ " "	"	" Stephen Gardner.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	9, Alexander Wilber.
35.5 ac. of E. $\frac{1}{2}$ " "	"	" Timothy Jourdan.
N. $\frac{1}{2}$ or 60 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	12, Jacob Davids.
" " of E. $\frac{1}{2}$ " "	"	" Jerutia Davids.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Hannah Yoccum.
" " of E. $\frac{1}{2}$ " "	"	" Prudence Quinney.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	11, Theresa Doxtater.
" " of E. $\frac{1}{2}$ " "	"	" Lucinda Gardner.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" David Palmer.
" " of E. $\frac{1}{2}$ " "	"	" Francis J. Davids.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	10, Jacob Moore.
52.5 ac. of E. $\frac{1}{2}$ " "	"	" Jacob Chicks.
S. $\frac{1}{2}$ or 20 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	12, John P. Quinney.
" " of E. $\frac{1}{2}$ " "	"	" John P. Quinney.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" William Gardner.
" " of E. $\frac{1}{2}$ " "	"	" Delilah Siketer.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	11, Henry Moore.
" " of E. $\frac{1}{2}$ " "	"	" Andrew Wilber.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Obediah Gardner.
" " of E. $\frac{1}{2}$ " "	"	" Mary McAllister.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	10, David Palmer.
17.5 ac. of E. $\frac{1}{2}$ " "	"	" Jacob Chicks.
N. $\frac{1}{2}$ or 40 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	12, John P. Quinney.
" " of E. $\frac{1}{2}$ " "	"	" John P. Quinney.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" William Gardner.
" " of E. $\frac{1}{2}$ " "	"	" Delilah Siketer.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	11, Henry Moore.
" " of E. $\frac{1}{2}$ " "	"	" Andrew Wilber.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Obediah Gardner.
" " of E. $\frac{1}{2}$ " "	"	" Mary McAllister.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	10, David Palmer.
35.5 ac. of E. $\frac{1}{2}$ " "	"	" Jacob Chicks.
S. $\frac{1}{2}$ or 40 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	12, John N. Chicks.
" " of E. $\frac{1}{2}$ " "	"	" Mary M. Chicks.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" John W. Quinney, jun'r.
" " of E. $\frac{1}{2}$ " "	"	" Isaac Simmonds.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	11, Abigail Moore.
" " of E. $\frac{1}{2}$ " "	"	" Hope Moore.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Jemison C. Chicks.
" " of E. $\frac{1}{2}$ " "	"	" John W. Quinney, jun'r.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	10, John W. Quinney, jun'r.
35.5 ac. of E. $\frac{1}{2}$ " "	"	" Jacob Chicks.

N. $\frac{1}{2}$ or 20 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	13, John N. Chicks.
" " of E. $\frac{1}{2}$ "	"	" Mary M. Chicks.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" John W. Quinney, jun'r.
" " of E. $\frac{1}{2}$ "	"	" Isaac Simmonds.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	14, Abigail Moore.
" " of E. $\frac{1}{2}$ "	"	" Hope Moore.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Jenison C. Chicks.
" " of E. $\frac{1}{2}$ "	"	" John W. Quinney, jun'r.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	15, John W. Quinney, jun'r.
" 16.5 ac. of E. $\frac{1}{2}$ "	"	" Garret Thompson.
S. $\frac{1}{2}$ or 60 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	13, Philena Pye.
" " of E. $\frac{1}{2}$ "	"	" Abram Pye, jun'r.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Sally Skenandoah.
" " of E. $\frac{1}{2}$ "	"	" Joseph Pye.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	14, Darius Charles.
" " of E. $\frac{1}{2}$ "	"	" Elizabeth Turkey.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Catherine Metoxen.
" " of E. $\frac{1}{2}$ "	"	" Miriam Metoxen.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	15, Cornelius Anthony.
" 49.5 ac. of E. $\frac{1}{2}$ "	"	" Garret Thomson.
N. $\frac{1}{2}$ or 60 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	13, David Yocum.
" " of E. $\frac{1}{2}$ "	"	" Betsey Palmer (widow).
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Louisa Jemison.
" " of E. $\frac{1}{2}$ "	"	" Isabel Thompson.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	14, Mary Ann T. Dextater.
" " of E. $\frac{1}{2}$ "	"	" Lewis Hendrick.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Betheny Scipio.
" " of E. $\frac{1}{2}$ "	"	" Nicholas Palmer.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	15, Elizabeth Palmer.
" 49.5 ac. of E. $\frac{1}{2}$ "	"	" Simon S. Metoxen.
S. $\frac{1}{2}$ or 20 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	13, Benjamin Pye, 4th.
" " of E. $\frac{1}{2}$ "	"	" Cordelia Quinney.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Sarah Littleman.
" " of E. $\frac{1}{2}$ "	"	" Sarah Miller.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	14, Cynthia Quinney.
" " of E. $\frac{1}{2}$ "	"	" Mary Jane Quinney.
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	"	" Lucy Pye.
" " of E. $\frac{1}{2}$ "	"	" Peter Metoxen.
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	"	15, David Palmer.
" 16.5 ac. of E. $\frac{1}{2}$ "	"	" Simon S. Metoxen.
N. $\frac{1}{2}$ or 40 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	18, Benjamin Pye, 4th.
" " of E. $\frac{1}{2}$ "	"	" Cordelia Quinney.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Sarah Littleman.
" " of E. $\frac{1}{2}$ "	"	" Sarah Miller.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	17, Cynthia Quinney.
" " of E. $\frac{1}{2}$ "	"	" Mary Jane Quinney.
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	"	" Lucy Pye.
" " of E. $\frac{1}{2}$ "	"	" Peter Metoxen.
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	"	16, David Palmer.
" 30 ac. of E. $\frac{1}{2}$ "	"	" Simon S. Metoxen.
S. $\frac{1}{2}$ or 40 ac. of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec.	18, Lavinia Pye.	
" " of E. $\frac{1}{2}$ "	" Hannah Pye.	
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	" John Metoxen, jun'r.	
" " of E. $\frac{1}{2}$ "	" Irene Pye.	
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	17, Algerina Pye.	
" " of E. $\frac{1}{2}$ "	" Sally Pye.	
" " of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$	" Margaret Miller.	
" " of E. $\frac{1}{2}$ "	" Elizabeth Metoxen.	
" " of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$	16, Susanna Hendrick.	
" 30 ac. of E. $\frac{1}{2}$ "	" Simon S. Metoxen.	
N. $\frac{1}{2}$ or 20 ac. of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	18, Lavinia Pye.	
" " of E. $\frac{1}{2}$ "	" Hannah Pye.	
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	" John Metoxen, jun.	
" " of E. $\frac{1}{2}$ "	" Irene Pye.	
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	17, Algerina Pye.	
" " of E. $\frac{1}{2}$ "	" Sally Pye.	
" " of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$	" Margaret Miller.	
" " of E. $\frac{1}{2}$ "	" Elizabeth Metoxen.	
" " of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$	16, Susanna Hendrick.	
" 15 ac. of E. $\frac{1}{2}$ "	" Garret Thomson.	

S. $\frac{1}{2}$ or 60 ac.	of W. $\frac{1}{4}$ of SW. $\frac{1}{4}$	18, John Kill-snake.
	of E. " "	" Margaret Littleman.
	of W. of SE. $\frac{1}{4}$	" Jonas Turkey.
	of E. " "	" Hannah Turkey.
	of W. of SW. $\frac{1}{4}$	17, Cornelius Aaron.
	of E. " "	" Elijah Pye.
	of W. of SE. $\frac{1}{4}$	" John Kill-snake.
	of E. " "	" Rachael Littleman.
	of W. of SW. $\frac{1}{4}$	16, Luey Koukapot.
45 ac.	of E. " "	" Garret Thomson.
N. $\frac{1}{2}$ or 60 ac.	of W. of NW. $\frac{1}{4}$ of sec.	19, Benjamin Doxtater.
	of E. " "	" Harriet Miller.
	of W. of NE. $\frac{1}{4}$	" Lucinda Aaron.
	of E. " "	" Elizabeth. Mary Thomson.
	of W. of NW. $\frac{1}{4}$	20, Martin Littleman.
	of E. " "	" William Alonzo Quinney.
	of W. of NE. $\frac{1}{4}$	" Prichla Quinney.
	of E. " "	" Mary Hendrick.
	of W. of NW. $\frac{1}{4}$	21, Jesse Wybrow.
37.5 ac.	of E. " "	" John Killsnake.
S. $\frac{1}{2}$ or 20 ac.	of W. of NW. $\frac{1}{4}$	19, Theodore F. Quinney.
	of E. " "	" John P. Quinney.
	of W. of NE. $\frac{1}{4}$	" William Miller.
	of E. " "	" Demy Big-deer.
	of W. of NW. $\frac{1}{4}$	20, Betsey Pye.
	of E. " "	" Louisa Koukapot.
	of W. of NE. $\frac{1}{4}$	" Olive Quinney.
	of E. " "	" Betsey Scipio.
	of W. of NW. $\frac{1}{4}$	21, Daniel Metoxen.
12.5 ac.	of E. " "	" John Kill-snake.
N. $\frac{1}{2}$ or 40 ac.	of W. of SW. $\frac{1}{4}$ of sec.	19, Theodore F. Quinney.
	of E. " "	" John P. Quinney.
	of W. of SE. $\frac{1}{4}$	" William Miller.
	of E. " "	" Demy Big-deer.
	of W. of SW. $\frac{1}{4}$	20, Betsey Pye.
	of E. " "	" Louisa Koukapot.
	of W. of SE. $\frac{1}{4}$	" Olive Quinney.
	of E. " "	" Betsey Scipio.
	of W. of SW. $\frac{1}{4}$	21, Daniel Metoxen.
25 ac.	of E. " "	" Samuel Stephens.
S. $\frac{1}{2}$ or 40 ac.	of W. of SW. $\frac{1}{4}$ of sec.	19, Jeremiah Slingerland.
	of E. " "	" Lucinda Quinney.
	of W. of SE. $\frac{1}{4}$	" George R. Robinson.
	of E. " "	" Hannah Quinney.
	of W. of SW. $\frac{1}{4}$	20, Amelia Quinney.
	of E. " "	" Cornelius Yocum.
	of W. of SE. $\frac{1}{4}$	" Mary Pye.
	of E. " "	" Zacharias Miller.
	of W. of SW. $\frac{1}{4}$	21, William Thompson.
25 ac.	of E. " "	" Samuel Stephens.
N. $\frac{1}{2}$ or 20 ac.	of W. of NW. $\frac{1}{4}$	24, Jeremiah Slingerland.
	of E. " "	" Lucinda Quinney.
	of W. of NE. $\frac{1}{4}$	" George R. Robinson.
	of E. " "	" Hannah Quinney.
	of W. of NW. $\frac{1}{4}$	23, Amelia Quinney.
	of E. " "	" Cornelius Yocum.
	of W. of NE. $\frac{1}{4}$	" Mary Pye.
	of E. " "	" Zacharias Miller.
	of W. of NW. $\frac{1}{4}$	22, William Thompson.
12.5 ac.	of E. " "	" Abram Pye.
S. $\frac{1}{2}$ or 60 ac.	of W. of NW. $\frac{1}{4}$	24, John Lewis.
	of E. " "	" Paul Quinney.
	of W. of NE. $\frac{1}{4}$	" Ruth Metoxen.
	of E. " "	" Washington Quinney.
	of W. of NW. $\frac{1}{4}$	23, Polly Quinney.
	of E. " "	" Simeon Quinney.
	of W. of NE. $\frac{1}{4}$	" Rebecca Aaron.
	of E. " "	" Joseph Quinney, jun'r.
	of W. of NW. $\frac{1}{4}$	22, Ramona Miller.
37.5 ac.	of E. " "	" Abram Pye.

N. $\frac{1}{2}$ or 60 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 24,	Rebecca Thompson.
	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 24,	Hanuah Charles.
	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 24,	Oceola Quinney.
	of E. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 24,	Jane Quinney.
	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 23,	Martha Quinney.
	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 23,	Charlotte Miller.
	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 23,	Elenor Pye.
	of E. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 23,	David Pye.
	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 22,	Dennis Turkey.
37.5 ac.	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 22,	Samuel Stephens.
S. $\frac{1}{2}$ or 20 ac.	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 24,	John Turkey.
	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 24,	see page 43.
	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 24,	Adeline Metoxen.
	of E. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 24,	Adeline Metoxen.
	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 23,	Adeline Metoxen.
	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 23,	Thomas Skenandoah.
	of W. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 23,	Thomas Skenandoah.
	of E. $\frac{1}{2}$ of SE. $\frac{1}{4}$ of sec. 23,	Thomas Skenandoah.
	of W. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 22,	John Metoxen.
12.5 ac.	of E. $\frac{1}{2}$ of SW. $\frac{1}{4}$ of sec. 22,	John Metoxen.
N. fraction or 62.5 ac.	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 25,	see page 43.
	of E. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 25,	Peter D. Littleman.
	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of sec. 25,	Benjamin Pye, 3rd.
	of E. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of sec. 25,	Jeremiah Slingerland.
	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 26,	Benjamin Pye, 2nd.
	of E. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 26,	Thomas Skenandoah.
	of W. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of sec. 26,	Moses Charles.
	of E. $\frac{1}{2}$ of NE. $\frac{1}{4}$ of sec. 26,	Benjamin Pye, sen'r.
	of W. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 27,	John Metoxen.
36 ac.	of E. $\frac{1}{2}$ of NW. $\frac{1}{4}$ of sec. 27,	John Metoxen.

To George Bennet is assigned the north half of the south $\frac{1}{2}$ or 60 acres of the west half of the southwest quarter of section 8, being 30 acres.

To Moses Doxtater is assigned the south half of the south $\frac{1}{2}$ or 60 acres of the west half of the southwest quarter of section 8, being 30 acres.

To John Turkey is assigned the west half of the south $\frac{1}{2}$ or 20 acres of the east half of the southwest quarter of section 24, being 10 acres.

To Abram Pye is assigned the east half of the south $\frac{1}{2}$ or 20 acres of the east half of the southwest quarter of section 24, being 10 acres.

To Catherine Mills is assigned the south half of the north fraction or 62.5 acres of the west half of the northwest quarter of section 25, containing 31 acres and $\frac{1}{4}$ of an acre.

To John Turkey is assigned the north half of the north fraction or 62.5 acres of the west half of the northwest quarter of section 25, containing 31 acres and $\frac{1}{4}$ of an acre.

DANIEL DAVID.
JOSEPH L. CHICKS.
TIMOTHY JOURDAN.
JOHN N. CHICKS.
JOHN W. ABRAMS.

STOCKBRIDGE, W. T., Aug. 24, 1843.

REGISTER'S OFFICE, Calumet County:

Recorded May 23d, 1870, at 9 a. m., in Vol. "Z" of deeds, pages 445 to 457, both pages inclusive.

Filed in the town clerk's office July 20, 1870.

ARTHUR CONNELLY, Regr.

T. C. STEARNS,
Town Clerk.

Mr. ADAMS. Therefore, according to the act of 1871, they could not be enrolled. There could not be any discrimination made in favor of a portion of the tribe for the simple reason that they had already received equally allotments of land under said act of March 3, 1843.

But the act of 1846 repealed the act of 1843 and restored them back to their ancient customs and usages as though the act of 1843 had not been passed. It then provided that an enrollment should be made

under that act; thereupon the agent assembled the tribe on the 6th of December, I think, 1846, and told them that if there were any who wished to become citizens the enrollment book was open to them for that purpose. No one came forward to have his name enrolled. He then went home, but soon afterwards came back again, on or about December 16, 1846, and told them that the time would soon expire—I believe the time was three months—and that if there were any who wanted to become citizens, now was their time to present themselves and become citizens. But no one came forward, and the report of the agent in 1847 states that no one came forward. Therefore nobody became citizens under that act, and so forfeited no rights.

Under the treaty of 1848, which we now come to, a portion of the tribe made that treaty. The Citizen party nor the Munsees was not recognized in that treaty at all. I will read from the memorial of the Stockbridge and Munsee tribe of Indians, page 3, of March 6, 1856. (See printed memorial, marked Exhibit C, herewith.) I quote from second paragraph on page 3 of said memorial, which reads as follows:

After the act of 1846 sales were continually made, of course at reduced prices, until, in 1848, a treaty was concluded with the United States disposing of the remainder. This treaty was made by what was termed the "Indian party," the band called the "Citizens' party" not being permitted to sign, and the Munsees not being recognized at all.

This is the memorial of the sachem and councilors to the United States Senate, March 6, 1856, praying for the ratification of the treaty of 1856:

EXHIBIT C.

MEMORIAL TO THE SENATE OF THE UNITED STATES.

Memorial and statement of Ziba T. Peters, John N. Chicks, John W. Abrams, and Jeremiah Slingerland, to the Senate of the United States, in regard to the treaty of February 5, 1856, praying it may be confirmed with amendments; but if the Senate please, in any event, with or without amendments, that it may be confirmed.

BROTHERS: The treaty referred to was publicly made at Stockbridge, in Wisconsin. All parties of the Indians were there. The white claimants were present with the commissioner of the United States.

All the Munsees, by their authorized delegates, and three-fourths of the whole number of Stockbridges (including more than two-thirds of the whole number of the Indian party, who were parties to the treaty of 1848) signed.

The Stockbridge and Munsee tribes agreed at the time to become, and be hereafter, one nation; and in presence and with the approval of the commissioner and superintendent of the northern agency elected their sachem and five councilmen, in accordance with ancient custom.

Ziba T. Peters was chosen sachem; and five persons, including those named above, were elected councilors.

After the treaty was made we were informed that those refusing to sign, numbering (men, women, and children) sixty-seven souls, had sent one of their men, Samuel Miller, to resist its ratification by the Senate.

Our people, therefore, gave us instructions and powers of attorney, signed by every person whose name is appended to the treaty, to come here and ask you, as we do now earnestly pray, to put an end to our present miserable state and ratify this treaty.

Brothers, we will now in a few words give the reasons for this petition, and also why we desire amendments. In doing so let it not be understood that we intend to reflect disrespectfully upon our superintendent, or upon our father, Colonel Many-penny, under whose instruction the treaty was negotiated. Our troubles and difficulties, existing for many years, which their predecessors did not take care of, have been arranged by them. We owe them a debt of gratitude; and although we did not receive all we desired, their wise parental policy and kindness to us and to all Indians will never be forgotten by our tribe.

Brothers, in the years 1821 and 1822 lands were bought by the Stockbridges,

Munsees, Oneidas, and others of the Menomonee and Winnebago tribes by permission of Mr. Calhoun, the Secretary of War, and our father and the friend of all Indian tribes, Governor Lewis Cass. In the year 1832 the Menomonees and Winnebagoes sold to the United States a large portion of the same land, and the contracting parties gave to the Stockbridge and Munsee tribes two townships of land on Lake Winnebago, in Wisconsin, which these tribes, finding it was impossible to get more, agreed to accept. This is the same beautiful tract we have just sold.

In 1839 the Stockbridges and Munsees sold to the United States the east township. In 1843 a law passed Congress making the Stockbridges (not the Munsees) citizens, with a provision for subdividing the remaining township, and allotting to each Stockbridge his equal share; and, further, that to each individual a patent in *fee simple* should be given.

These patents were never issued. A portion of the Stockbridge tribe, being dissatisfied with this law, petitioned Congress to repeal it. Accordingly an act passed in 1846 making all the Stockbridges Indians again. Between these two periods the tribe was in the most unhappy state; bitter disagreements arose among themselves; they were unable to get their patents. Began to sell their lands at a great sacrifice; in many instances in the tortures of starvation; while every advantage was taken by the white purchasers, who either doubted their power to convey or were willing to avail themselves of our extreme necessities. After the act of 1846 sales were continually made, of course at reduced prices, until, in 1848, a treaty was concluded with the United States disposing of the remainder. This treaty was made by what was termed the "Indian party," the band called the "Citizens' party" not being permitted to sign, and the Munsees not being recognized at all. By that treaty the Stockbridges ceded to the United States all their lands remaining in the township, relinquished old claims upon White River, in Indiana, and under their treaties with the Menomonees and Winnebagoes in 1821 and 1822, and all other claims whatsoever, receiving \$34,004 in cash, \$16,500 in stock bearing an interest of 5 per cent, and the United States agreed to pay the expenses of their removal and to subsist them for one year in their new homes. The Senate, in an amendment, granted them additionally 72 sections of land west of the Mississippi, and \$20,000, to be paid in ten annual installments. This land was subsequently located near the mouth of Crow River, in that Territory.

It will be observed that in the body of this treaty, as well as in the amendment, no provision is made for the Munsees, who owned the half. Their interest and rights were overlooked, although the 72 sections and the \$20,000 are given in consideration of claims relinquished owned by the Stockbridge and Munsee tribes. No one Munsee was consulted, nor did any agents or person accept or sign for them.

Here originated the cause of our present wretched condition, the Munsees and the "Citizen party" annually sending delegates to the Indian Office and Congress to obtain redress, and the "Indian party" resisting; while the whites who had purchased, and had become interspersed with us, by every annoyance were endeavoring to clear us out.

Application upon application was made by the Indians to treat anew, until, in the month of June, the Commissioner at that time of the General Land Office, Hon. John Wilson, together with our superintendent, Dr. Huebschmann, were instructed to visit Stockbridge, and if possible to settle everything by a new treaty, being especially instructed to regard the claim of the Munsees. A treaty was accordingly made, which, however, did not receive the sanction of the President, and was really distasteful to all parties.

Mr. Wilson on his return, in his report of July 14, 1855, to the Secretary of the Interior, expresses the condition of the Indians in the following language: "Since the act of 1846 was passed, and the failure of the Government to carry out a treaty in 1848, the whites have become disheartened, and have not carried on their improvements with the energy or vigor that would otherwise have been manifested. The Indians, in most cases, having really no home, are broken-spirited, and have fallen into habits of idleness, having no lands to cultivate and really nothing to do. All the money heretofore received by them, they allege, has been spent by them, mostly in the purchase of farming utensils, cattle, etc., to enable them to work the lands west of the Mississippi secured to them by the treaty of 1848. But, as no homes were provided, they had been compelled to sell their cattle and utensils, generally at a sacrifice, and buy food with the proceeds; and now many of them often get an uncertain and scanty subsistence by occasional labor, as they can obtain it."

Brothers, you will thus see that we are literally perishing. Our necessities brought us together to sell for any price or to make any treaty offered.

The Munsees said they were willing to forget that the rest had wrongfully sold them out; the Citizen Band also said so, while a large majority of the Indian party professed a willingness to abrogate the treaty of 1848, in which injustice had been done their brethren. Thus were we brought together again, always expecting those of the Indian party above named were here by Samuel Miller, endeavoring to de-

stroy this treaty and our people with it. We then told Col. Manypenny, our father, we are united, and implored him to send some person to put an end to our trouble. Dr. Huebschmann was sent, and the result was the treaty before you, for which we pray the Great and Good Spirit to bless them forever.

Brothers, may we not ask you if our present miserable condition is not in some measure attributable to a want of proper care on the part of our guardians, the representatives of this Republic? By the treaty before you we get land enough, provided it is good land; and we received \$61,000 to pay expenses of removal and subsistence for one year, purchase of cattle, horses, farming utensils, building school-houses, clearing lands, etc., making roads, etc., etc.

Our school fund, which will amount to \$600 or \$700 a year, being the product of all the small annuities, we already have devoted to that purpose.

Brothers, will you make an account of this against the value received of us? We relinquish to you \$36,000 in cash and stocks of the United States. We give up our lands on Crow River (doing so because nearly every forty-acre lot is, and has been for some time, settled and improved by squatters, and our father, the superintendent, informs us we can not have that land) in exchange for land far less valuable, which you have just purchased of the Menomonees for a small sum. The land on Crow River, we state on the authority and information of many gentlemen, amongst others the Hon. Mr. Rice, Delegate from the Territory, is now worth for cash in the market at least \$20 per acre; but at \$1.00 per acre let it be put. The sum necessary to remove and subsist us at Crow River, which would have necessarily been twice as large as that now paid, you get clear of; in addition, the large amount you will receive from sales of our Lake Winnebago lands, in the heart of the fairest country in Wisconsin. In all this, brothers, the good bargain the United States are making in this treaty you will see.

Now, brothers, we say this, that at least one-half of our removal and subsistence money under the treaty will be used in preparing to go, arranging our affairs, and paying our honest debts. There is not a yoke of cattle nor a span of horses to every ten families in the nation; we have few farming utensils of every kind; we are nearly destitute of clothing and provision.

Mr. Wilson tells you in his report what our condition is; that statement is true. Whenever, for years, we could obtain provisions and clothing for our families we got them on the most solemn promises of ultimate payment.

Brothers: Is not the United States answerable by the law of 1846; by their neglect or refusal to issue patents, thereby reducing us to the necessity to sell our beautiful lands for little or nothing; by their delay to carry out the treaty of 1848 until it was no longer possible to comply with it; by their delay in treating with us? We humbly and respectfully ask again, is not the United States in a great degree answerable for the low state in which we are? In selling out and going to a new country we desire to be honest, and we believe, brothers, you do not wish us to be otherwise.

The sum we now ask (\$12,000 for the Stockbridges and \$6,000 for the Munsees) is small, but a very large one now to us. We have calculated closely, and that amount we want in buying necessities and stock, and in paying just debts, so that we may have the \$50 a head given for removal and subsistence for a year devoted to that purpose exclusively; and for the purpose of insuring the proper application of the \$18,000, let it be expressed in the amendment that it shall be expended by the sachem and councillors, under the direction of the superintendent of the Northern Agency; and if any surplus remains, or in his opinion is not needed for the purpose indicated, then to return the same to the Treasury.

Brothers: In making this application we do not think we approach you as beggars, and we trust you will not so regard us. But whatever is your decision, we pray you to ratify the treaty as soon as possible, that we may go home; for, indeed, we are ill able to pay the expenses of remaining.

Brothers: In shaking hands for the last time probably with the Senate of the United States, we pray the Good Spirit to bless you and this Government.

Washington, D. C., March 6, 1856.

ZIBA T. PETERS, *Sachem*.
JOHN N. CHICKS,
JOHN W. ABRAMS,
JEREMIAH SLINGERLAND,
Councillors.

Mr. ADAMS. Four-fifths of that tribe signed the treaty, and there was a very small portion who did not sign that treaty. There was a provision in the treaty that those parties who agreed to separate by the treaty in 1839, the Stockbridge and Munsee tribes should receive them back as brothers, provided they moved into the reservation within

a specified time, which was two years from the ratification of the treaty, and that those who did not come to the reservation within that specified time should not receive any of the benefits of the tribe.

Orders have from time to time been issued from the Department to eject this Old Citizens' party, which we successfully resisted; but through the interposition of Senator Sawyer the Department was asked that these parties be removed from the lands, which were lands allotted to them under treaty of 1856, "and allowed to settle on the reservation not allotted." If they were trespassers upon the lands which were allotted to them under treaty of 1856, why did he ask them to be entitled to settle upon the other portion of the same reservation? We presented ourselves before the agent and asked thirty days' time within which to present our case. The agent would not give us the time. We telegraphed here to the Department, and the Department gave us sixty days within which to present our case. We presented our case to the Department [Stephen Gardner, whose case was made a test case] with our brief and a statement of the case. The Department has taken the matter into consideration, and decided that the party whom we had chosen and made a test case was rightful owner of that land which he now occupies, under said treaty of 1856. (See tenth paragraph of page 5 and first paragraph of page 6, H. R. Report No. 558, first session Fifty-second Congress, which is marked Exhibit D, herewith.)

EXHIBIT D.

As it appeared by communications to this office from Hon. Thomas Lynch and others, that certain parties affected by these instructions to Agent Kelsey had been parties to the treaty of 1856 (11 Stats., 663), between the Stockbridge and Munsee tribe of Indians, and had received allotments of land in accordance with the provisions of that treaty on the reservations set apart for the use of the Stockbridge and Munsee tribe, and that the land upon which they are now located is the same land that was allotted to these parties under the provisions of the said treaty, but which had been reallocated to other parties under the provisions of the act of 1871, this office directed Agent Kelsey, by letter of December 14, 1891, to suspend further action under the letter of August 31, 1891, directing the removal of certain alleged intruders for sixty days, and until further notice, in order that evidence of the rights of these parties might be submitted in proper form for the consideration of this Department and determination as to the proper action to be taken by the Government in the premises. At the same time Mr. Lynch was advised of this action, and requested to advise the interested parties to submit their evidence as early as practicable.

I am now in receipt of a report of January 29, 1892, from Agent Kelsey, transmitting a brief on behalf of Stephen Gardner, whose case has been agreed upon as a test case, and certain affidavits, from which it appears that the said Stephen Gardner was a signer of the treaty of 1856, and had the lands upon which he is now located allotted to him under the third article of said treaty; that he has continuously resided on the lands ever since and made improvements on the same; that he has no other homestead; that he was excluded from enrollment under the act of 1871, and that his allotment under the treaty was reallocated under that act to Sterling Peters.

Objection to Senate bill 2977, purporting to be "for the relief of the Stockbridge and Munsee tribe of Indians, in Wisconsin."

First. The bill provides for the appraisal and sale of the Stockbridge reservation, or a portion of it, while there is not more than sufficient land to furnish homes for all the Stockbridge and Munsee Indians.

Second. The bill, if passed, will work great injustice to a large number of Indians who have settled upon the reservation and had lands allotted to them under the treaty of February 5, 1856, who, by an unfair construction of the act of February 6, 1871, were excluded from enrollment as members of the tribe. These Indians built homes and improved their farms, and many of them are still in possession of their homes and farms. This bill, 2977 (if passed), will rob them of their homes without compensation.

Third. The bill provides for the allotment of lands to one party or faction now

claiming to be the tribe, to the exclusion of the other portion thereof who have vested rights under the treaty of 1856.

Fourth. Section 7 of the bill is misleading in that its acceptance by "a majority of said tribe" must indeed be construed as meaning a majority of that faction recognized in section 7 of the act of 1871, and does not mean the whole tribe, the Stockbridge and Munsees, who are not enrolled under said act of 1871.

The Indians since I have been here have also sent the following protest against the same bill, which I herewith submit, marked Exhibit E, and reads as follows:

EXHIBIT E.

To the honorable Senate Indian Committee, Washington, D. C.:

GENTLEMEN: In behalf of the aggrieved party of the Stockbridge and Munsee tribe of Indians, residing on the reservation in the State of Wisconsin, do hereby solemnly protest against any action being taken on the Senate bill 2977, as totally not worthy *ad referendum*, for the following reasons:

1st. Mr. A. Miller and the small faction whom he claims to represent are the ones who never did sign the treaty of February 5, 1856; also the ones continuously opposing final adjustment of our pro rata rights by Congress.

2d. If he and the rest of this faction had any interest heretofore, they lost their interest by nonremoval within the time of two years from the ratification of the above-mentioned treaty.

3d. The faction to which he belongs utterly refused a compromise when it was offered to them by the late Inspector William Parsons about the year 1887.

4th. The bill recently introduced, it is presumed by his [Miller's] request, is one of the most infamous robbery bills, intended scheme, so he be paid the sum of \$13,500.

5th. The most infamous part being to rob us of our pro rata shares of our treaty rights when four-fifths of the whole tribe signed aforesaid treaty of February 5, 1856. (Vol. 11, Stats., p. 663.)

This brief is intended for the information of the honorable Indian Committee of the Senate.

All of which is most respectfully submitted.

Respectfully, your obedient servant,

JOHN P. HENDRICKS,

Secretary and ex-sachem of the Stockbridge and Munsee Indians,

*For and in behalf of the aggrieved party of the
Stockbridge and Munsee tribe of Indians.*

STOCKBRIDGE AND MUNSEE INDIAN RESERVE,

SHAWANO COUNTY, WIS., May 2, 1892.

Mr. PAINTER. How many signed the treaty of 1856?

Mr. ADAMS. Four-fifths of the whole tribe, 409; that is to say, it was signed by 122 of the head and representative men of the tribe, including the sachem and councilors thereof, as against 67 souls. Page 2, Exhibit C.

Mr. PAINTER. How many were refused enrollment under the act of 1871?

Mr. ADAMS. I think the number was about 150. They may number more than that now. There has been some increase since that time.

Mr. PAINTER. How many of those who were refused enrollment were parties to the treaty of 1856?

Mr. ADAMS. The number would be about 142.

We have here a list which we wish to submit to the committee, although we would like to have it preserved, because it is a copy from the Department, and it is very difficult for us to get copies. This list gives every name signed to the treaty, and you can see for yourself. Those parties are not enrolled at all. You can take the other roll if you are not certain, and compare it with the roll of 1871, and see if their names are on both rolls. These are the names of the parties who signed the treaty of 1856 that have not been provided for. See list of the Stockbridge and Munsee tribe who were deprived, etc., marked Exhibit F, herewith.

EXHIBIT F.

A list of members of the Stockbridge and Munsee tribe of Indians, who were deprived of their rights and were refused enrollment under the 6th section of the act of February 6th, 1871, entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians." (See Rev. Ind. Treat., page 958, lines —.)

MUNSEES.

	Names.	No.	Remarks.
42573	Isaac Durkee's heirs.....	4	Munsees who came from New York and took up land and were admitted in the tribe by art 6, of the treaty of Feb'y 5, 1856.
42680	William Mohawk.....	6	
42681	Titus Mohawk.....	4	
42682	Thomas Snake's widow.....	2	
42683	Austin Halfwhite.....	1	
42685	George Moses.....	6	
	Polly Moses.....	3	
	Henry Moses.....	1	
	Lucy Moses.....	1	
	John Moses.....	1	
	Julia Moses.....	4	
	Joseph Turkey.....	1	
42686	Johnathan Waterman.....	7	
42687	Johnathan Titus.....	1	
42688	Levi Halftown.....	9	
42689			
42690	Eunice Red Eye.....	6	
42691	John Wilson.....	5	
Came in- to the tribe by art 6 of the treaty of 1856.	James Red Eye.....	1	
	Charles Red Eye.....	1	
	Lucy Halftown.....	1	
	William Highby.....	1	
	William Fishcony.....	1	
	Moses Red Eye.....	1	
	Henry Red Eye.....	1	

STOCKBRIDGES.

42704	George T. Bennett.....	2	Son of Geo. T. Bennett.
	George J. Bennett.....	5	
42720	Stephen Gardner.....	2	Sons of Stephen Gardner.
	William Gardner.....	1	
	Zera Gardner.....	4	
	Thomas Gardner.....	2	
42719	Nancy Gardner, widow of William Gardner.....	1	
	Obed Gardner.....	2	Sons of Wm. Gardner.
	George Gardner.....	1	
42735	Jeremiah Gardner.....	5	Son of Daniel Gardner.
42743	Daniel Gardner.....	5	
	Joseph Gardner.....	1	Daughter of Adam Davids.
42716	Adam Davids.....	2	
	Louisa Davids.....	1	Sons of Hovey Johnson.
42729	Solomon Davids.....	3	
42773	Reuben Johnson.....	1	Née Joardan, married Dennis Turkey.
	Jeremiah Johnson.....	2	
42766	Harriet Turkey.....	1	Sons of Joseph Dextater.
42725	Joseph Dextater.....	2	
	Thomas Dextater.....	1	
	Charles Dextater.....	1	Son of John P. Hendricks.
42711	John P. Hendricks.....	2	
	Samuel Hendricks.....	2	Sons and daughters of Edward Boman.
42826	Bortholomew Boman.....	1	
	John Boman.....	3	
	Edward Boman.....	2	
42785	John Boman.....	1	
	Samuel Boman.....	2	Daughter of Elizabeth Chicks.
	Emaline Boman.....	1	
42730	Susan La Roy.....	4	Son of Emily Wanby, enrolled under the act 1871, but he was not.
	Elizabeth Boman, née Chicks.....	1	
	Hannah Dextater.....	6	Sons of the sister of John W. Abrams.
	Singleton Fiddler.....	2	
	James Moon.....	3	Son of M. Eliza Butler.
	Henry Moon.....	3	
See 42774	Jeremiah Moon.....	2	Sons of the sister of John W. Abrams.
	William Butler.....	4	
	Don C. Butler.....	3	
	John Butler.....	5	

A list of members of the Stockbridge and Munsee tribe of Indians, etc.—Continued.

STOCKBRIDGES.—Continued.

	Names.	No.	Remarks.
See 42700	Jones Davids	1	Son of Jacob Davids.
	John Davids	4	
	Daniel Davids	4	
42751	Henry Davids	5	Son of Margaret Davids.
	Jacob Chicks	4	See 42761, 42762, and 42763.
See 42727	Jonah Chicks	1	Sons of Joseph L. Chicks.
	Jonah Chicks	5	
42775	Thomas Toucey	4	Sons of Thomas Toucey.
	Charles Toucey	3	
	Wallace Toucey	6	
	Henry Toucey	2	
	Laton Toucey	1	
	Chester Toucey, Jr.	4	Sister of Thomas Toucey.
	Sarah Toucey	1	
42766	Jesse M. Jourdan	9	Son of Jesse M. Jourdan.
	Walter Jourdan	2	
See 42798	Elizabeth Stephens	1	Wife of Samuel Stephens.
See 42815	Mary O. Beaman	3	Wife of John Beaman.
See 42727	Rose A. Brussell	4	Daughter of James L. Chicks.
See 42694	Martha Hammer	2	Daughter of John N. Chicks.
42783	Ezekiel Welch	2	Son of Mary Jane Beaman.
42780	Lucinda Gardner	1	
	Eleanor Hammer	3	Daughter of Simeon Gardner.
42721	Simeon Gardner	2	
	Sylvia Ross	1	
	Samantha Anderson	1	
	Clark Caisk	4	
See 42701	Hannah Quinney	3	Wife of J. W. Quinney.
	Truman Roberson	1	
42708	Heirs of Mary A. King	2	Son Isaac Jacobs and brother of Jacob Jacobs.
See 42733	Elsie J. Anger	5	
See 42773	Hannah Smith	2	Daughter of Hovey Johnson.
	Gerome Smith	2	Wife of John Mohawk who was enrolled under the act of 1871, but she was not enrolled.
	Francis Pendleton	2	Daughters of George T. Bennett.
	Henry Jourdan	4	
	Aaron Smith, heirs	2	Wife of Moses Smith.
	Maria Morgan	5	Son of Hannah Smith.
	Heirs of Peter Motoxen	1	Daughter of Hannah Smith.
	Nancy Coyhis	4	Son of Francis.
See 42734	Mary Jane Casey	1	Daughter of Thomas Toucey.
See 42696	Augustus Abrams	5	
	William Welch, heir of Con- dace Abrams	1	His father enrolled, but he left off.
See 42781	John Banshie, heir of Eliza Franks	4	Daughter of Daniel Gardener.
See 42768	Catharine Peters	1	Sister of Aaron Koukapot.
See 42726	Caroline Dextater	1	Son of John W. Abrams.
42792	John Lewis, "in Canada"	1	Daughters of John W. Abrams.

Mr. PAINTER. One more question: Had any of those who were allowed to enroll taken allotments under the treaty of 1856?

Mr. ADAMS. Yes; they had all received allotments under the treaty of 1856.

Senator JONES. Let me understand the condition of the party you now represent; are they on this reservation?

Mr. ADAMS. Yes, sir.

Senator JONES. They occupy lands?

Mr. ADAMS. Yes, sir; they have been on there ever since the treaty of 1856, and were some of the first parties to locate on their own lands, according to that book, I mean Exhibit A hereof, as you will see.

Senator JONES. As I understand the contention in this case is, that you are not entitled to the lands you are occupying?

Mr. ADAMS. Yes, sir.

Senator JONES. They propose to put you out and occupy it for the balance of the Indians?

Mr. ADAMS. Yes, sir.

In regard to the treaty of 1848: Article XVII of the treaty of 1856 provides that so much of the treaties of 1839 and 1848 as is in contravention or in conflict with the stipulations of said treaty is thereby abrogated and annulled.

Article XVIII provides that this instrument [said treaty of 1856] shall be binding upon the contracting parties after the Senate and the President shall ratify it.

Now, this treaty was presented to the tribe; they signed it and approved it. It was sent to the Department; the Department approved it. They sent it to the Senate; the Senate ratified it with amendments. They sent the amendments back to the tribe; the tribe accepted the amendments. It was ratified by the Senate on the 18th of April, 1856, and approved by the President on the 8th of September, 1856. Therefore it became the supreme law of the land. They took up lands under said treaty, and, as I have said before, lived upon them, built houses upon them, and have resided thereon ever since, until the act of 1871.

Senator JONES. When was this present reservation given to you by the Government?

Mr. ADAMS. In 1856, by the treaty of February 5, 1856.

Mr. JONES. Did the Indians immediately remove to it?

Mr. ADAMS. A greater portion of them did, and a small portion of them did not.

Senator JONES. How many Indians do you represent of the class denied the right of participation?

Mr. ADAMS. About 150 and some odd; there has been an increase since the enrollment of 1871.

Senator JONES. About how many are in the tribe exclusive of those?

Mr. ADAMS. In 1871 there were 138 enrolled to become citizens, and there were 112 wanted to remain Indians. That was the way the rolls were made. That would make about 250 altogether.

Senator JONES. These were exclusive of the Indians you represent?

Mr. ADAMS. Yes, exclusive. Now, these parties whom I represent have not had their rights. They have, however, by the law of 1871, been recognized as members of the tribe, are so far as to secure pay for their improvements in the same manner as the individual members of the Indian party did. See list of appraisal and awards, House of Representatives, Mis. Doc. No. 14, third session, Forty-sixth Congress, p. 27, therein. They have held offices in the tribe up to the time of the passage of the act of 1871. They were refused enrollment for the simple reason, as I stated, that they had received allotments under the act of 1843.

Senator STOCKBRIDGE. Do they hold those allotments?

Mr. ADAMS. No, sir; they hold the allotments which they received under the treaty of 1856.

Mr. MCGOWAN. What became of the allotments which they received under the act of 1843?

Mr. ADAMS. The allotments which they received in 1843 were thrown into those made under the treaty of 1856.

Mr. MCGOWAN. Did they not sell them?

Mr. ADAMS. They sold what is called the usufructuary rights. Immediately when the white people found a treaty was going to be made—you know how it is when a new settlement is going to be made—the whites all rushed in and wanted to get possession of the land. I have

known one to pay \$5 for the possession of such a place, and \$10 was paid for a right of possession in the town of Stockbridge.

Mr. MCGOWAN. Was it not all patented subsequently to the parties to whom these old Citizen parties sold?

Mr. ADAMS. It was patented to a portion of them.

Mr. MCGOWAN. Were they not all patented?

Mr. ADAMS. These parties had sold their usufructuary rights only; they had nothing more to sell.

Mr. MCGOWAN. What do you mean by usufructuary rights?

Mr. ADAMS. The rights of possession.

Mr. MCGOWAN. Is that all the right they had under the allotment?

Mr. ADAMS. No; they had just the same tenure as other Indians had, but they could not sell the title in fee in these cases because it belonged to the Government; it was held in common by the United States for said Indians; therefore they could not sell.

Mr. MCGOWAN. I think you misunderstand me.

Mr. ADAMS. No; I do not misunderstand you. You mean to say that the parties who received allotments under the act of 1843 the land was patented to them or their grantees?

Mr. MCGOWAN. Either to them or to their grantees, was it not?

Mr. ADAMS. No; it was not patented to them, and could not, as I have stated.

Mr. MCGOWAN. If that is true it was patented in fee simple.

Mr. ADAMS. Not until after the treaty of 1856; and as I stated, these patents were given to them for the purpose of securing those parties who bought. The Indians (I mean the Miller party) also sold their lands at the same time. So where is your criterion to say what party sold out their land and therefore received right?

Mr. MCGOWAN. We shall take issue with you there that the Indian party did not sell.

Senator JONES. Will you please state the size of the lands you abandoned when you took these lands in 1856? State the size of your whole reservation at that time.

Mr. ADAMS. There was one township of land. In 1839 a faction of the tribe sold out; they had two townships granted to them in Stockbridge, in Wisconsin, on Lake Winnebago. In 1839 a portion of the tribe agreed to remove west of the Mississippi, and one township of land was sold out then; then they only reserved one township of land.

Senator JONES. So they gave up in 1856 one township of land?

Mr. ADAMS. Yes, sir; by Article I, treaty of 1856.

Senator JONES. And they have in their present reservation how much land?

Mr. ADAMS. They have only eighteen sections of land, the balance of their reservation having been sold under act February 6, 1871.

Senator JONES. They gave up, as I understand you, a reservation which embraced a single township in the place where they lived?

Mr. ADAMS. Yes, sir; which was at Stockbridge.

Senator JONES. What else did they give up to the Government in consideration.

Mr. ADAMS. All their old claims which they were entitled to.

Senator JONES. Were they entitled at that time to seventy-two sections of land?

Mr. ADAMS. Yes, sir; as stated in Article I, of said treaty of 1856.

Senator JONES. And they gave up their township of land and their claim to the seventy-two sections for this present reservation?

Mr. ADAMS. Yes, sir; for the present reservation, and the money stipulated in Article II of the same said treaty.

Senator JONES. What is their present reservation?

Mr. ADAMS. Their present reservation contains eighteen sections, or about 11,803 acres; and there is about 7,520 acres allotted; the balance being allotted to the so-called Indian party, also to the Miller faction under the act of 1871.

Senator JONES. Was it only 11,803 acres at the time?

Mr. ADAMS. No, sir; it was one township of land. Originally two townships of land were given to them by article 1 of the treaty with the Menomonees of February 11, 1856, page 679, Vol. 11, U. S. Stats. at Large of 1871.

Senator JONES. I want to know how much land the Government agreed, under the treaty of 1856, to give you in your present reservation.

Mr. ADAMS. The Government agreed to give us sufficient land for use.

Senator JONES. Did it not say how much?

Mr. ADAMS. No; it did not say how much, but it gave two townships of land for the express purpose of locating thereon the Stockbridges and Munsees by said treaty with the Menomonee tribe of February 11, 1856.

Senator JONES. Sufficient for what purpose?

Mr. ADAMS. Sufficient to give each individual 80 and 40 acres of land.

Senator JONES. How much to each head of a family?

Mr. ADAMS. Eighty acres if he was married, and if there were more than four in the family, then there were 80 acres more. Each male person over the age of 18 years had 80 acres, and each female not belonging to any family 40 acres, and each orphan child had 40 acres.

Senator JONES. Did the enrollment under this act of 1871 receive the approval of the President and become a law?

Mr. ADAMS. No, sir; it did not. The enrollment under the act of 1871 was made by Henry R. Wells, who was appointed commissioner for that purpose, which the Commissioner approved under our protest. The agent before that had tried to make the enrollment, and objection was made on account of the points there that nobody could be enrolled, and he reported to the Department what he had done in the matter, and the Department wrote him that the law was very explicit upon that point and that he needed no instructions in regard thereto. So he refused to put on the names of certain parties because they were not Stockbridge and Munsee descent. The sachem and councillors were, you might say, a set of unscrupulous men, and they procured the passage of the act of 1871 for their own aggrandizement, which the sequel will prove, for by the enrollment which was made by Mr. Wells (the commissioner sent for that purpose) certain parties, individual members of our tribe, were rejected. Then after he had left them they, said members of the tribe, were approached by a certain party who endeavored to secure contracts, but the proposition was refused, and the contracts are now on file in the Indian Office.

Senator JONES. Was the man who approached them a white man?

Mr. ADAMS. Yes, sir.

Senator JONES. And an agent of the Government?

Mr. ADAMS. Yes, sir; an agent of the Government. He was Henry R. Wells, acting as enroller for the Government, and this was done by his clerk, a man who has since been a Representative in Congress, Mr.

Myron H. McCord, and it is all fully stated in the pamphlet—a report of the Secretary and Commissioner of Indian Affairs, which I will leave with you for your perusal. That states the whole thing. The Department has made several investigations in regard to this matter, and reported invariably in our favor.

Now, to show you how the enrollment was conducted (and this is not my word, but the report of the inspector, William Parsons, who reported upon the matter January 16, 1888, and his report is on file in the Indian Office) let me read from paragraph 12 of said report, Exhibit G, the whole of which is as follows:

EXHIBIT G.

POTTAWATOMIE, GREAT NEMAH Agency,
Hoyt, Kansas, Jan. 16th, 1888.

Hon. JNO. D. C. ATKINS,

Commissioner of Indian Affairs, Washington, D. C.:

Paragraph 1: SIR: In accordance with your instructions of July 25th, 1887, L. 17486-1887, directing me to proceed to the Stockbridge Reservation, Wisconsin, to investigate the claims of the "Old Citizen party" of Stockbridges with regard to its members sharing in the land and property of the tribe, and to suggest some method of effecting a final adjustment of the troubles which have afflicted these people for so many years, I have the honor to report as follows:

Par. 2: I proceeded to the Green Bay (Wisconsin) Agency in August last; held several councils with the Stockbridges; took a large amount of testimony in the case, which is herewith submitted; heard the arguments of the leaders on each side; visited the Stockbridge Reservation, spending some days there, and became personally acquainted with nearly every male adult belonging to either party. The evidence was written down by me, each witness having been first sworn, and every opportunity was given for examination and cross-examination by the representatives of the opposing parties. All were invited to be present at the taking of the testimony, and nearly all availed themselves of the invitation.

Par. 3: The first thing that struck my attention was the fact that the Stockbridges, both "Old Citizens" and Indians, belong to the white rather than the red race, nearly all of them having three-fourths white blood in their veins. They speak the English language fluently, and many of them read and write. They can not be fairly classed as Indians; they are only "playing Indian" for selfish or unworthy motives.

Par. 4: In the next place the men are all either politicians or "statesmen," and the almost sole occupation of the entire male portion of the tribe is politics. This is largely due to the many preceding years of political wire-pulling and litigation which has cursed this people.

Par. 5: Thirdly, I discovered that there had been so much double-dealing, trickery, corruption, unfairness, and injustice done by one faction of this tribe to another that everybody had lost confidence in everybody else, and that it was impossible to harmonize or effect a compromise between the factions. I made a strenuous effort to bring about a reconciliation, and at one time came very near effecting it, but one of the "Miller" faction left the reservation, consulted with some of the political authorities of Wisconsin, received assurances of a strong outside support for their side, returned to the reservation, and prevented the compromise.

Par. 6: I have had in my possession for several months an immense mass of documents and books comprising the tribal records, also a variety of conflicting treaties, acts of Congress, and reports of commissioners, inspectors, special agents, agents, and committees of Congress, which I have perused carefully as occasion offered, and have digested as well as I could.

Par. 7: After a thorough study of these documents and records, I find that it is impossible to reconcile them with each other or with the existing facts in the case in such a way as to do justice and equity to all. I will not cumber your files with a recapitulation of the history and misfortunes of this people during the past sixty years.

Par. 8: The report of Inspector Edw. C. Kemble, dated November 12th, 1877, is a very able, accurate, and comprehensive statement of the facts, and I agree with his recommendations in the main.

Whoever may have been responsible for the troubles of this people prior to 1871, the evidence taken during my investigation and my personal observation convinces me that the act of Congress of February 6, 1871, and the enrollment made by Special

Commissioner H. R. Wells in 1874, under its provisions, are the chief causes of the present troubles.

Par. 9. It is claimed, and I think the evidence sustains the claim, that two forces combined together to secure the passage of this partisan act and the unfair and corrupt enrollment made under its provisions. One of these forces, and by far the most powerful, was a syndicate of lumber speculators who wanted to secure the pine lumber on the Stockbridge Reservation. At the head of this, it is claimed, was Hon. Philetus Sawyer, then a member of the lower house of Congress, now a distinguished Senator of the United States. That he took an uncommon interest in the passage of the act of 1871 appears from a letter of his marked Exhibit 1, dated Feby. 16th, 1871, to Jeremiah Slingerland, a speculative and dishonest Stockbridge Indian, herewith transmitted. Also see affidavit of Orlin Andrew, formerly licensed trader at the Green Bay Agency, to the effect that Myron H. McCord, who was the evil genius manipulating the corrupt enrollment made by Special Commissioner Wells in 1874, was financially backed, and was the political protege of Mr. Sawyer. Exhibit 2; see also Exhibits 3 and 4.

Par. 10. It is a matter of common knowledge in Wisconsin that the Stockbridge pine went to the mills in which Mr. Sawyer was interested. The records of the tribe also show that he was reimbursed from tribal funds for moneys advanced by him to secure the services of a timber expert in examining the Stockbridge pine.

Par. 11. The other force which assisted to procure the passage of the act of 1871 was the Miller faction, who desired to secure the handling of the money to be derived from the sale of the pine. See exhibit 5, where Samuel Miller admits that he, with others, urged the passage of the act, and that Senators Sawyer and Howe assisted them.

Par. 12. That the enrollment made by Special Commissioner Wells in 1874, under this act, was corrupt and unfair the testimony shows clearly. As soon as Commissioner Wells arrived on the reservation to make the enrollment he was taken possession of by Myron H. McCord, a prominent political wire-puller of Shawano, Wis., and the friend of Hon. Philetus Sawyer. See affidavit of Orlin Andrew, the partner of McCord, Exhibit 2. McCord kept Commissioner Wells under the influence of whiskey a large part of the time, and controlled the enrollment just as he pleased.

Par. 13. Names were put on the "citizens" roll or the "Indian" roll, just as McCord decreed, for a moneyed consideration. Those who were entitled to enrollment were refused unless they signed a paper agreeing to pay McCord a fourth or half of the amount to be received, while others who had no right to be placed on either roll were arbitrarily enrolled, provided they paid McCord what he demanded. That Commissioner Wells and Myron H. McCord were in collusion in this disgraceful business is undoubted. See affidavit of Dennis T. Turkey, one of the "Indian party." Exhibit 6, where Commissioner Wells refused to enroll Edward Bowman, because Bowman neglected to put up a "stake." See also Exhibit 7, affidavit of George T. Bennett; Exhibit 8, affidavit of John O. Hendricks; Exhibit 9, affidavit of Jacob Jacobs; Exhibit 10, affidavit of Stephen Gardner; Exhibit 11, affidavit of John Davids; Exhibit 12, affidavit of Jesse M. Jourdan, and Exhibit 13, affidavit of Jesse M. Jourdan; also affidavit of John Davids, Exhibit 14; affidavit of John O. Hendricks, Exhibit 15; affidavit of J. C. Adams, Exhibit 16; affidavit of John P. Hendricks, Exhibit 17; affidavit of John C. Adams, Exhibit 18; affidavit of C. S. Aaron, Exhibit 19.

Par. 14. List of Stockbridge and Munsee Indians as claimed by the "Old Citizens" party, Exhibit 20; list of those who claim a right upon the Stockbridge Reservation, but are prohibited by the treaty of 1856 and act of 1871 from enjoying any of the privileges of the "Stockbridge and Munsee tribe," Exhibit 21.

Par. 15. As a consequence of the arbitrary and corrupt enrollment made by Commissioner Wells in 1874, the Stockbridges have been in a constant state of turmoil ever since.

The "New Citizen" party, viz, those enrolled on the "citizen" list in 1874, have nothing to do with the controversy. The contest is between the "Old Citizen" party, viz, those claiming the right of enrollment under the act of 1871, but who were rejected, and the "Indian" party, or those who were placed on the "Indian" roll in 1874.

Par. 16. Failure to clearly distinguish the "Old Citizen" from the "New Citizen" party seems to have caused at one time confusion in the minds of those managing the Indian Office.

Par. 17. That the enrollment made in 1874, whereby many members of the "Old Citizen" party were excluded, was corrupt, is established by the evidence herewith submitted, and that many persons entitled to enrollment were unfairly excluded is equally clear. There is strong evidence to show that the Miller faction had no right to enrollment under the act of 1871. Samuel Miller, the head of this faction, whose descendants compose most of it, is not of "Stockbridge or Munsee descent," and according to his own testimony did not remove as required by law to the Stock-

bridge Reservation within the two years specified. He admitted to me that he was of Mohican descent, but claimed that he was adopted by the Stockbridges when a child. He offered no other proof but his own statement in regard to his adoption.

Par. 18. But though the Miller faction secured control of tribal affairs through the corrupt enrollment of 1874, they seemed to have been unable to retain it. The management of the tribal funds was a tempting prize, and a new faction arose in the "Indian" party itself—the Aaron faction.

Par. 20. This faction secured control of tribal affairs a short time ago; then the Miller faction impeached C. S. Aaron, the sachem, and attempted to depose him from his office. A state of hopeless anarchy ensued. An examination made by myself showed that there were several conflicting tribal constitutions, none of which were legally adopted, and that neither the officers of the "Miller" nor of the Aaron faction had been legally elected; in short, the Stockbridge and Munsee tribe of Indians, as the "Indian" party style themselves, have neither constitution, law, nor legal officers, and in my deliberate opinion they are utterly and hopelessly incapable of managing their tribal affairs. In another report, subsequent to this, I will transmit the evidence and my findings in regard to this phase of the case in full.

Par. 21. In view of the foregoing facts, I am constrained to agree substantially with the recommendations made by Inspector Edw. C. Kemble, Nov. 12, 1877, and I therefore respectfully recommend—

Par. 23. (1st) That a new enrollment be made of the Stockbridge and Munsee tribe of Indians.

Par. 24. (2nd) That three (3) commissioners, one of whom at least shall be a competent lawyer, be appointed to make such enrollment and adjust the equities in the case, which enrollment and adjustment shall be final.

Par. 25. (3rd) That the tribal government be abolished, and the affairs and business of these Indians be placed entirely under the control of the Green Bay Agency, until the provisions of the general allotment act, or some special act framed to adjust the troubles of these people can be put into operation.

Par. 26. (4th) That the expenses actually incurred by the "Old Citizen" party in prosecuting their claims since 1874 be reimbursed them out of the tribal funds.

Par. 27. (5th) That a bill similar to that introduced by Representative Rankin, at the 1st session of the 49th Congress, H. R. 3749, providing for the recommendations above-made be brought before Congress for action.

Par. 28. I return herewith the records and documents forwarded me from your office, and in a separate package, the papers and books belonging to Mr. John C. Adams, which you will oblige me by turning over to him.

All of which is respectfully submitted.

WILLIAM PARSONS,
U. S. Special Indian Agent.

The whole story is embodied in this report.

(See report of Special Agent William Parsons, of January 16, 1888, to the Hon. John D. C. Atkins, Commissioner of Indian Affairs, marked Exhibit G hereof.)

Senator STOCKBRIDGE. Is that the McCord who was in the House of Representatives last session?

Mr. MCGOWAN. Yes, sir. This is a part of the old political fight.

Mr. ADAMS. You may call it a political fight if you want to, but the whole thing has been conducted through politics. There was a party wanted to get possession of the pine lands which they coveted, and knew no other means of getting it than to use this pretext. The sequel shows that they had an act passed [the act of February 6, 1891] without the knowledge or consent of the tribe. The Commissioner of Indian Affairs in 1872 reports the same, and in 1872 and 1874 reports the same again. "Agent Chase said he was unable to shut his eyes to the illegal practices against the interests of the tribe, but he was powerless." The ring was mighty at that time, and after they got the pine and sold the reservation, these parties, the Citizen portion of the tribe, who were clamoring for their rights were rejected, saying that they would put them out of the way so they could not hinder, and the Commissioner, H. R. Wells, refused to let us have a copy of the rolls after they were made. We sent here to Messrs. Paine & Grafton, attorneys here in the city of Washington, for a copy of those rolls, and we paid

\$25 for a copy and received it by which we knew positively how the enrollment was conducted. We then made a protest against it. The Commissioner was sent back. He assembled all the headmen of that faction and made rolls again to suit themselves and it was sent back to the Department and approved. We have been ever since contending and showing to the Department that we are entitled to our pro rata share of the lands and moneys.

Senator JONES. Has the pine land been sold?

Mr. ADAMS. Yes, sir.

Senator JONES. Off the entire reservation?

Mr. ADAMS. No, sir; there are 18 sections reserved by the act of 1871. All the rest has been sold.

Senator JONES. The pine has been sold off of the land that was occupied by the party you represent?

Mr. ADAMS. Yes, sir.

Senator JONES. Has it been sold off the remainder?

Mr. ADAMS. No, sir. There were allotments made in 1871 to these Indian parties, including the Miller faction, and there are 7,520 acres left that were not allotted under the act of 1871.

Senator JONES. Have they sold the pine which was left on the lands not occupied by the Indians now?

Mr. ADAMS. No, sir; they (the Indians and the Miller faction) have cut and sold it themselves.

Senator JONES. How was the pine disposed of on the land occupied by your party?

Mr. ADAMS. It was cut off by the Indian party and Miller faction and sold by them for their individual benefit.

Senator PETTIGREW. Under that act, have they sold the land or the pine off of it?

Mr. ADAMS. The pine and the land both, and only reserved 18 sections.

Senator PETTIGREW. Then you are living on part of these 18 sections?

Mr. ADAMS. Yes, sir; we are living now on these allotments which were made for us under the treaty of 1856.

Senator PETTIGREW. Your party is all living on some part of these 18 sections?

Mr. ADAMS. Yes, sir.

Senator JONES. I want to get the matter straight in my head. You say there are 18 sections with the timber all sold off?

Mr. ADAMS. No; there were 18 sections reserved for the use of the Stockbridge and Munsee tribes.

Senator JONES. You had 36 sections?

Mr. ADAMS. Yes; of the 72 sections all but 18 sections were sold.

Senator JONES. Were there any Indians living on the part of the land that was sold?

Mr. ADAMS. No, sir; except a few of the new citizens, Indian claimants herein.

Senator JONES. What Indians were living on the 18 sections reserved?

Mr. ADAMS. They are there now. They were both the old citizen portion and the Indian party of the tribe.

Senator PETTIGREW. What are these men after now? Do they want the balance of the pine?

Mr. ADAMS. They want to deprive our party, who were signers of that treaty, of their pro rata portion of the land and of the tribal funds.

Senator PETTIGREW. That is of these 18 sections?

Mr. ADAMS. Yes, sir. They have always been recognized as members of the tribe, but by the act of 1871 they were cut off from those rights and were refused the privilege to be enrolled. Now this enrollment, as I stated, was made through fraud, and certain parties were enrolled through favor and moneyed considerations and others were rejected, and after they were rejected the clerk of the commissioner, Mr. Myron H. McCord, went and made contracts with certain parties to enroll them provided they gave him 25 per cent of the amounts which they would receive; and one party was sued on one of those contracts, and the proceedings are given in a book here. (See note and contract by Moses Duxtater to M. H. McCord and the settlement of the same, on pp. 12 and 13, in Exhibit H hereof.)

It was settled according to the contract virtually; so it shows that the enrollment under the act of 1871 was carried through fraud.

Now, all we ask for you to consider is the treaty of February 5, 1856. We base our rights upon that treaty. As has been said, all the difficulties heretofore existing in the tribe up to the date of the treaty of 1856 were considered as settled, and the treaty provided that all complicated difficulties which theretofore had been surrounding the tribe should be settled for the purpose of establishing "peace, wherever they may be located, whether in the State of Wisconsin or whether in the State of New York, or such as were included in the treaty of September 3, 1839;" but all were to share and share alike, and the Stockbridges were the parties who agreed to receive those who had withdrawn again as brothers provided they would move up to the reservation within the two years specified. Now, these parties moved up, and they, the citizen portion, were the first to come on the land and open up the reservation, and they have resided upon those lands ever since.

This matter has been favorably reported upon by several Congresses. The matter was favorably reported upon by the Forty-fourth Congress, by the Forty-seventh, Forty-eighth, and Fiftieth Congresses. The Fiftieth Congress passed a bill in the House, but it did not go any further.

Now, let us see what the conclusion of the committee was in the Forty-fourth Congress. I read from the last two paragraphs, on page 2 of Mr. Morgan, from the Committee on Indian Affairs, House of Representatives, Report No. 813, first session, Forty-fourth Congress:

The committee have had this matter under consideration for several months, and have given it careful attention, and the committee believe that great injustice is intended to the portion of the tribe sought to be excluded from the reservation. They gave up their homes at Stockbridge and moved to this reservation under treaty stipulations, to which each one was a party. They have resided on the lots assigned to them for a quarter of a century, supposing them to be their own. They have no other homes, and, if driven away, they and their families will be beggars and vagrants.

The committee are of the opinion that whatever may have been the equities between the members of the tribe in regard to the lands occupied by it prior to the treaty of 1856, that treaty must be regarded as a settlement of all differences prior thereto, and that in virtue thereof every member of the tribe signing that treaty obtained an equal interest with every other member in the lands acquired by it, and the Government is bound to carry out in good faith the object sought to be accomplished by it.

The committee of the Forty-seventh Congress adopted that report (H. R. Report No. 1950, second session, Forty-seventh Congress); the committee of the Forty-eighth Congress, first session (Report No. 1054), changed the report a little, but adopted the same conclusion; the committee of the Fiftieth Congress, first session (Report No. 1339), adopted the same report. The Commissioner of Indian Affairs has taken the matter under consideration and reported favorably, and

the Committee on Indian Affairs of the House has also reported a bill (H. R. bill No. 3594) in regard to the settlement of these difficulties. They have also reported, as I understand, favorably upon Senate bill 2873, which is but justice. The State of Wisconsin also, by a memorial to Congress, stated that they desired to have some provision made for the relief of this (citizens' portion of the) tribe. (See memorial to Congress, No. 7, on page 15, report of honorable Secretary Vilas, May 1, 1888, to Committee on Indian Affairs, H. R., and marked, Exhibit H thereof.)

The county board of Shawano County also passed resolutions, embodied in a paper I have here, that there ought to be relief. The principal men of the city of Shawano have also presented a memorial. Here is the memorial of the citizens of Shawano, asking relief for the Old Citizens' party:

To the honorable U. S. Senators and Representatives in Congress of the State of Wisconsin:

We, the undersigned citizens, do most earnestly pray that you will use your influence to procure the passage of a bill in Congress to appropriate a reasonable sum of money to aid the citizen party of the Stockbridge tribe of Indians, and we believe them to be in need and justly entitled to the same.

Dated Shawano, November 3, 1890.

(Fourteen signatures of the principal men of that city. See Exhibit I hereof.)

EXHIBIT I.

To the honorable U. S. Senators and Representatives in Congress of the State of Wisconsin:

We, the undersigned citizens, do most earnestly pray that you will use your influence to procure the passage of a bill in Congress to appropriate a reasonable sum of money to aid the Citizen party of the Stockbridge tribe of Indians, and we believe them to be in need and justly entitled to the same.

Dated, Shawano, Nov. 3, 1890.

CHAS. M. UPHAM.
H. B. SCHOOLEY.
G. W. GIBBS.
CHRIS. HILL.
H. C. HOYT.
W. H. MURDOCK.
J. M. ROBINSON.
D. H. PULCIPHER.
R. W. JACKSON.
O. ANDREWS.
H. H. ANDREWS.
CHAS. BROOKS.
O. J. HORN.
A. KUCKUK.

The legislation [which was act of February 6, 1871] was presented to Congress without the knowledge or consent of the tribe, and we wrote to Congress, when Representative Rusk was in the House, and here is his reply:

42 CONGRESS, U. S. HOUSE OF REPRESENTATIVES,
Washington, D. C., April 5th, 1871.

GENTLEMEN: Yours of March 29th in regard to lands situated in Shawano County is received. I stated the case to Mr. Sawyer. He said he had the law passed and it was right, and it being wholly within his district I could not interfere in the matter.

Yours, truly,

J. M. RUSK.

JOHN P. HENDRICKS, ADAM DAVIDS, and others.

That is the way the matter has been heretofore conducted. We have presented the matter here to the members of Congress, but, as it were, they were parties who had passed the act of 1871, and therefore we could not get any redress from them.

We would earnestly ask you to take the matter under consideration,

and to base our rights upon the treaty of 1856, and in making your report that you debar us from no rights guaranteed us under said treaty of February 5, 1856, and that all subsequent acts or parts of acts in effect as is in contravention or in conflict with the provision or stipulation of said treaty be so modified and amended so as to secure to us said rights and benefits in accordance therewith.

Mr. MCGOWAN. We take but little exception to anything that has been said here to-day in the way of historical statement. But there are a few serious errors that have been made, and what I shall desire to do to-morrow will be to fill up the gaps and bring in the facts.

When the committee reassembled on the morning of June 1, 1892, Mr. Adams said:

In support of our claim I offer in evidence the treaty of Feb. 5, 1856, on page 663, in vol. 11, U. S. Statutes at Large.

Also letter of approval of honorable Commissioner of Indian Affairs of March 3, 1856, on page 672, same volume and statutes.

Also letter of Hon. Francis Heuschmann, superintendent, &c., of Feb. 23, 1856, together with amendment and accompanying documents on pages 673 to 681, inclusive, same statutes.

Also the roll or census taken and made in pursuance of Article V of said treaty of Feb. 5, 1856.

I also offer in evidence the list of allotments made in compliance with, and under the provisions of, said treaty of Feb. 5, 1856; the list of allotments made under act of March 3rd, 1843; and also list of allotments last named are offered for the purpose of showing that we, the Citizen portion (so called) as well as the contending portion of our tribe, have all received the benefits and shared alike under said treaties, and that we are all equally entitled, without discrimination, as provided for in Senate bill 2873 now under consideration.

WEDNESDAY, *June 1, 1892.*

STATEMENT OF MR. J. H. MCGOWAN.

Mr. MCGOWAN. I have taken it for granted, gentlemen of the committee, that the committee would take cognizance of any documents that were official without my having formally put them in evidence.

Senator JONES. Certainly; though you might refer to us any you desire, and call our attention to them.

Mr. MCGOWAN. Then I will hereafter submit a list; I think possibly the most of them have been put in, but I may submit some that you may not have.

The committee has before it two bills containing practically antagonistic propositions. One is the bill introduced by Senator Sawyer in the Senate, which proposes to follow up the legislative action taken by Congress in 1871 in breaking up this little Indian reservation in Shawano County, and putting the Indians there in severalty, so far as they choose to take lands in severalty, and selling the land and absorbing the members of the tribe into the body of citizens. That bill of Senator Sawyer's follows almost exactly the provisions of the law of 1871, which disposed of three-fourths of the reservation in Shawano County, and left these eighteen sections for a reservation for those who determined to remain as a tribe in connection with some common lands.

The other bill introduced into the Senate by Senator Vilas, and into the House by Representative Lynch, proposes simply in general terms—the details of the bill will suggest themselves to you when you come to read it—to take the members of the Old Citizen party and reincorpo-

rate them into the Stockbridge tribe of Indians, and declare them beneficiaries of all that the tribe are now owning. All that the members of the tribe now claim is to be shared, share and share alike, with those "Old Citizen" Indians. It makes no provision for any final disposition of the little reservation.

The Commissioner of Indian Affairs has recommended that the Vilas bill shall be enacted, and that the Sawyer bill had better be omitted.

One bill is to be enacted in lieu of the other, under that recommendation. The latter bill, which I shall designate here as the Vilas bill, would be practically a repeal of the act of 1871, so far as that act can now be repealed, for it has been largely executed, and it would result in a reversal of the policy that has obtained with that Stockbridge tribe of Indians for twenty-one years. It would take away from those who are there rights which they acquired under that act, and which would ordinarily be treated by a court, I think, as vested rights.

Those are the two propositions before you in these two measures.

The history of this Stockbridge tribe of Indians is an exceedingly interesting one. As was suggested here yesterday they are "the last of the Mohicans," curiously enough. They came from Massachusetts where they lost the name of Mohicans. They were the friends of the whites, and invariably, through all history, I think, they have been the friends of the white man. They fought with us during the Revolutionary war, but in some transactions with the State of Massachusetts they lost their name of Mohicans and came to be known as Stockbridges. They went from Massachusetts to New York, from New York to Wisconsin. In shifting about, eventually, in 1831—and that is where I am going to begin—there was a treaty between the United States and the Menomonees by which there was set apart for the Stockbridges and Munsees two townships of land on Lake Winnebago, in the State of Wisconsin.

In 1839, a portion of the tribe becoming restless and wanting to get away from there, there was another treaty made with the United States by which these two townships of land were split in two, north and south, and the east half was receded back to the United States, the west half of each of the two townships remaining as a reservation and making what was equivalent to one township of land. A portion of the tribe went west of the Mississippi River and were stationed over there as a result of that treaty.

Senator JONES. Part of the tribe remaining on that reservation?

Mr. McGOWAN. The tribe remained on these two half townships of land as a tribe with tribal organization until 1843.

Now I reach the act of 1843, which was not a treaty, let me impress upon you, but an act of Congress. The tribe proper desired to remain as Indians and maintain their former ancient customs and tribal relations. But in consequence of the action of some of the restive younger men of the tribe—and it is said that some of them were dissolute, and it is also said they were urged on by white men who wanted their lands—Congress was petitioned to break up their reservation and divide it in severalty, and make citizens of the members of the tribe.

Senator JONES. That was these two half townships you speak of?

Mr. McGOWAN. These two half townships. In reference to that petition the sachem and councilors and old men—and the documents are here to be referred to if necessary—the old men said that these young fellows were urging it on, and that the white men would soon get the land. But Congress was petitioned to take up these other two half townships of land, divide them into severalty, and break up the Indian

tribe. Thereupon Congress did pass the act of 1843, which undertook to do exactly that thing, commissioners being appointed to divide this land into lots and allot it among all the Indians.

Senator JONES. Those who had gone west of the Mississippi?

Mr. GOWAN. No, sir; those who were on the reservation, those who desired to maintain their Indian relations, who did not want citizenship. I think the act of 1843 declared them all citizens, that hereafter they should be citizens by reason of this act. Congress legislated them all into citizenship, and by and by commissioners divided up the reservation into lots, and allotted them to the Indians, and thereafter there was to be no reservation owned by the Stockbridge tribe.

Senator JONES. Citizenship was not contingent upon the division?

Mr. McGOWAN. No; citizenship was not to be contingent upon the division; it was made directly by the act. Those who opposed this act, and who insisted that they wanted to be Indians, constantly protested against it. They protested at the time when the matter was being legislated upon, while it was going through Congress, and they protested persistently after that until 1846, when Congress listened to them to the extent that it passed another act in 1846 repealing the act of 1843.

But in the meantime, under the provisions of the act of 1843, the land had all been divided; the commissioners had assigned lots of land to heads of families and certain persons according to the terms of the act. It is not very important right here how much each person received, but it was all divided. That is the important consideration.

Senator JONES. Was it patented?

Mr. McGOWAN. Not then; subsequently large portions were, as you will see in following me.

As I say, in 1846 Congress passed an act repealing the act of 1843; but in the meantime these people who desired citizenship under the act of 1843 had been exercising the rights of citizens which they supposed they had, and which I dare say they had, if they saw fit to exercise them, under the act of 1843, for they had been holding office, voting, and exercising all the rights of citizenship.

But finally they came to be taxed, and then some of them began to kick tremendously, as the officers began to sell their cows and other personal property in order to get money with which to meet the taxes. But the Indian party were all the time insisting, after the passage of the act of 1843 up to the time of the new act of 1846, that they were not white people and could not be deprived of their Indian status and forced into citizenship, or, to use their own language, that they could not be made white men simply by legislation. So by agitating the subject constantly before Congress they secured the repeal of that act of 1843 by the act of 1846.

The act of 1846 not only repealed the act of 1843 but provided that the north half of this reservation should be set aside—that would be one-half township—for the Indian party, and they might hold these lands as a tribe and resume their tribal relations, go into tribal usages, elect a sachem and councilors; and that those who saw fit to insist upon citizenship might have their allotments down in the south half of this little reservation.

They found, however, when they came to attempt to execute the act of 1846, that they could not do it because the Citizen party had already taken their allotments and sold portions of them, and some of the lots were in the north half of the reservation and some in the south half, and white people were claiming them. The allotments had been chosen,

and the right of ownership had attached, and the allottees had sold some of the lots, and the deeds had gone on the record in the register's office of the county. So they found they could not execute the act of 1846.

Another provision of the act of 1846 was that a list should be made of all those who chose to be citizens and stay out of the tribal relation. But the Citizens' party—that is, those who are now designated as the "Old Citizens' party," it being the Citizens' party away back in 1843—under the act of 1846 refused to enroll. They sent in protests, which we have in print, saying that they had their rights, and that they proposed to maintain themselves as American citizens; that they were under no obligations any longer to the Government of the United States under the act of 1846; that they had taken their allotments and their citizenship; that they proposed to maintain their status; and they absolutely refused to enroll themselves as citizens. There was no provision in that act for enrolling the Indian party. So these were the difficulties in the way of executing the act of 1846, arising from the fact that the land was to be divided into two sections or parcels, and that it could not be divided, because they found individual white ownership both in the north and south sections. Those were the principal reasons why the act of 1846 could not be executed.

What was to be done? There were great difficulties out there, great dissatisfaction in various ways. They came to Congress with petitions; they harassed the President and the Secretary of War, who, I think, at that time had charge of Indian affairs, and the Commissioner of Indian Affairs. The Indian party were the agitators at that time, desiring to maintain their position as Indians fully in their tribal capacity and relations.

Finally a treaty was entered into, the treaty of 1848, which undertook to settle all the difficulties between the Citizen party and the Indian party. The treaty of 1848, to be found in Vol. 9, of the Statutes at Large, page 955, I have printed, beginning on page 47 of what I call my red book, which I have in my hand. It embraces the legislation which had gone before. It is a short treaty, and is so pertinent and so valuable in this discussion that if you will permit me I shall read considerably from it:

Whereas by an act of Congress entitled "An act for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin," approved on the third day of March, A. D. 1843, it was provided that the township of land on the east side of Winnebago Lake, secured to said tribe by the treaty with the Menomonic Indians, of February 8, 1831, as amended by the Senate of the United States, and not heretofore ceded by said tribe to the United States, should be divided and allotted among the individual members of said tribe, by commissioners to be elected for that purpose, who were to make reports of such division and allotment, and thereupon the persons composing said tribe were to become citizens of the United States.

This is the first whereas, and deals fully with the treaty of 1843.

And whereas a portion of said tribe refused to recognize the validity of said act of Congress, or the proceedings which were had under it, or to be governed by its provisions; and upon their petition a subsequent act was passed by the Congress of the United States on the 6th day of August, 1846, repealing the said act of March 3rd, 1843, and providing, among other things, that such of said tribe as should enroll themselves with the subagent of Indian affairs at Green Bay should be and remain citizens of the United States, and the residue of said tribe were restored to their ancient form of government as an Indian tribe.

It was also provided that the said township of land should be divided into two districts, one of which was to be known as the "Indian district," the other as the "Citizen district;" the former to be held in common by the party who did not desire citizenship, and the latter to be divided and allotted among such as were citizens and desired to remain so.

That deals wholly with the act of 1846.

And whereas it has been found impracticable to carry into full effect provisions of the act of August 6, 1846, by dividing the said township of land in the manner specified in said act without infringing upon private rights, acquired in good faith under the act of 1843, hereinbefore referred to. With a view of relieving both the Indian and Citizen parties of said Stockbridge tribe of Indians from their present embarrassments, and to secure to each their just rights, articles of agreement and compromise have been entered into as follows:

ART. 1. The said Stockbridge tribe of Indians renounce all participation in any of the benefits or privileges granted or conferred by the act of Congress entitled "An act for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin," approved March 3, 1843, and relinquish all rights secured by said act; and they do hereby acknowledge and declare themselves to be under the protection and guardianship of the United States as other Indian tribes.

That is the tribe, those who desired to be Indians, do that.

ART. 2. That no misunderstanding may exist now or hereafter in determining who compose said tribe and are parties hereto, it is agreed that a roll or census shall be taken and appended to this agreement, and in like manner taken annually hereafter, and returned to the Secretary of the War Department of the United States, containing the names of all such as are parties hereto and to be known and recognized as the Stockbridge tribe of Indians, who shall be entitled to their due proportion of the benefits to be derived from the provisions made for their tribe by this and former agreements; and whenever any of them shall separate themselves from said tribe, or abandon the country which may be selected for their future home, the share or portion of such shall cease, and they shall forfeit all claims to be recognized as members of said tribe.

ART. 3. That said Stockbridge tribe of Indians hereby sell and relinquish to the United States—

This is important.

The said Stockbridge tribe of Indians hereby sell and relinquish to the United States the township of land on the east side of Lake Winnebago—

Those two halves that they call a township I find were halves of separate townships, but they are a township in quantity—

(granted and secured to said tribe by the treaty with the Menominee tribe of Indians of Feb. 8th, 1831, as amended by the resolution of the Senate of the United States), and situated in the State of Wisconsin.

ART. 4. The said township of land shall be surveyed into lots, in conformity with the plan adopted by the commissioners elected under the act of March 3, 1843, and such of said lands as were allotted by said commissioners to members of said tribe who had become citizens of the United States (a schedule of which is herewith annexed) are hereby confirmed to such individuals respectively, and patents therefor shall be issued by the United States. The residue of said lands belonging to the United States shall be brought into market, but shall not be sold at less than the appraised value, unless the Senate of the United States shall otherwise determine.

ART. 5. In consideration of the cession and relinquishment hereinbefore made by said Stockbridge tribe of Indians, it is agreed that the United States shall pay to said tribe, within six months after the ratification of this agreement, the sum of \$500, to enable them to settle their affairs, obtain necessities, and make provision for establishing themselves in a new home.

The \$16,500 was not paid to the Old Citizen party but to the tribe as here recognized.

ART. 6. The United States shall also pay to said tribe, within six months after the ratification of this agreement, the sum of \$14,504.85, being the appraised value of their improvements upon the lands herein ceded and relinquished to the United States, and to be paid to the individuals claiming said improvements according to the schedule and assessment herewith transmitted.

That is, the Indians who insisted upon remaining Indians had not sold their allotments as a general thing; there were some few exceptions; one or two had sold, although none had sold all their allotments. After the allotment under the acts of 1843 and 1846 a head of a family would sometimes have two or three lots. The lots were 62½

acres each; they were all one size and were numbered. It sometimes happened, as I say, that a head of a family would have three or four lots. Some members of the Indian tribe had sold one or two of their lots, but still retained some of their lands. The great mass of them, however, retained all their allotments, and these are the lands that are ceded back to the United States. Of course there was not ceded back to the United States the land which had been taken by the Old Citizens' party and had been sold to the whites and other individuals, and which are provided to be patented; it was for the improvements on these lands that the Indian party had, that the United States are now paying the sum of \$14,504.85.

ART. 7. It is further stipulated and agreed that the said Stockbridge tribe may remain upon the lands they now occupy for one year after the ratification of this agreement, and that they will remove to the country set apart for them, or such other west of the Mississippi River as they may be able to secure, where all their treaty stipulations with the Government shall be carried into effect.

ART. 8. Whenever the said Stockbridge tribe shall signify their wish to emigrate, the United States will defray the expenses of their removal west of the Mississippi, and furnish them with subsistence for one year after arrival at their new homes.

ART. 9. It is further stipulated and agreed, that for the purpose of making provisions for the rising generation of said tribe, the sum of \$16,500 shall be invested by the United States in stock bearing an interest of not less than five per cent per annum, the interest of which shall be paid annually to said tribe as other annuities are paid by the United States.

That was for an educational fund. I emphasize these provisions because they are carried into the treaty of 1856, which my friends on the other side are urging shall be a finality in this matter, as part of the consideration for the land in Shawano County, and which is now before this committee as the bone of contention. Here is an educational fund of \$16,500 provided for to be put into stocks at 5 per cent, the money to be paid over for the purpose of educating the children of the tribe as it was then organized.

ART. 10. It is agreed that nothing herein shall prevent a survey of said lands at any time after the ratification of this agreement, and that said tribe shall permit no waste or do unnecessary damage upon the premises occupied by them.

ART. 11. The United States will pay the expenses incurred by the sachem and head men, amounting to \$3,000, in attending to the business of said tribe since the year 1843.

This treaty thus recognizes their tribal organization.

ART. 12. This agreement to be binding and obligatory upon the contracting parties, from and after its ratification by the Government of the United States.

This treaty is signed by the councilors and principal men, and was entered into and formally proclaimed.

Senator JONES. Was that treaty agreed to by the tribe and by the Old Citizen party as well, or simply by the tribe?

Mr. MCGOWAN. Simply by the tribe.

Senator JONES. The old citizens had nothing to do with this treaty.

Mr. MCGOWAN. The old citizens had nothing to do with it, so far as I know.

Senator JONES. It rehearses that it was to settle the difficulties between the two.

Mr. MCGOWAN. Yes, sir.

Senator PETTIGREW. The Old Citizen party retained their possession of the land, and were compensated for it?

Mr. MCGOWAN. Yes, sir; as I will show.

Senator JONES. But they did not assent to the treaty between the Indians and the Government of the United States to settle the difficulty between the two branches?

Mr. MCGOWAN. They were not a branch of the tribe; they did not belong to the tribe; they contended that they were citizens. Here is what they say about it—

Senator JONES. What who says?

Mr. MCGOWAN. Here is what the Commissioner of Indian Affairs, Mr. Medill, says to the governor of Wisconsin with relation to the citizen wing or citizen Indians with reference to this treaty of 1846. Here is a petition, for instance, from a committee of the Citizen party, or of the citizen Indians who had become citizens. This was in November, 1846.

Senator JONES. Protesting against what?

Mr. MCGOWAN. Against any proceeding that will undertake to restore them to their Indian relations.

Senator JONES. I want the time. About what time was that?

Mr. MCGOWAN. Eighteen hundred and forty-six. Let me read it; it is not long. My friend on my left (Mr. Painter) says that under the act of 1846 that old Citizen party was restored to Indian status, as I understand him. But they protest that they were citizens and that you could not decitizenize them and make them Indians again. Let us see whether they could have been related to the United States in another capacity if they did not want to come in.

STOCKBRIDGE, W. T., November 20, 1846.

The undersigned committee, by request of a great portion of the male inhabitants of the town, formerly of the Stockbridge tribe of Indians, would respectfully state to you—

This is addressed to A. G. Ellis, United States sub-Indian agent, at a time when the whole country was divided into subagencies—

that they are citizens of the United States, and that their lands have been divided according to law and in accordance with the fundamental law of the Stockbridge Nation, and that they see no necessity or propriety of troubling the Government of the United States or its agency of making a second application for citizenship, which have already been granted to them and are recognized as such in courts of records; and, furthermore, are recognized as such by the opinions of three of the ablest and most learned councils of the Territory. Now, sir, considering all these circumstances, we see no necessity of making further movement about the matter—that we are well satisfied to rest under the operation of the act of 1843.

Mr. PAINTER. As you controvert my statement, let me say that I made no statement as to the refusal of the Citizen party to be restored to their Indian status, but I spoke of the legislation itself, asserting that section 1 provides that they are restored to their Indian form of government, with all the power, rights, and privileges exercised by them under their customs and usages as fully and completely as though the act of 1843 had not been passed.

Senator JONES. What section do you refer to?

Mr. PAINTER. The first section of the act of 1846.

Mr. MCGOWAN. I said the act of 1846 undertook to repeal the act of 1843, but the act of 1843 made them citizens. I think that was the logic of my first remark.

Senator PETTIGREW. They simply refused to accept the provisions of the act of 1846?

Mr. MCGOWAN. Yes, sir.

Senator PETTIGREW. Proceed.

Mr. MCGOWAN. Here is another protest absolutely refusing to accept the privileges of the act of 1846 and go back to tribal relations. There was nobody left with whom to make the treaty that I am now referring to, except the Indian party.

Mr. ADAMS. Did not the Indian party sell out some of their lands?

Senator JONES. Mr. McGowan, proceed with your statement, making it as short as possible in order to be distinct and clear.

Mr. MCGOWAN. I will spend a little more time on this treaty of 1848 than on other points. The treaty of 1848 is vital to our view of the case.

This treaty of 1848, as you see, was with the Indians of the Stockbridge tribe, according to its terms, and provided for a roll or census of the Stockbridge tribe to be taken under the provisions of article 2. Here is a roll of those who chose to be Indians, comprising 177 men, women, and children; 43 were mature men; 45 were women, and the remainder were children. That roll was taken in 1848. Then follows a schedule of the lands to be patented under article 4 of that treaty. Those are lands to be patented to the individuals to whom the lands had been sold by the Old Citizen party as individuals.

Allow me to premise, because this is important, that the Commissioner of Indian Affairs has reported on this bill, embodying a brief made by our friend Adams here, and a statement made by him, showing that the "Old Citizen party" of the Stockbridge tribe, who sold their lands away back in 1843 and 1846, were again incorporated into the tribe by the treaty of 1856, and that a test case or a sample brick of the building was one Stephen Gardiner, and affidavits are transmitted to you in a report of the Commissioner upon this very bill that we are now discussing, in which Stephen Gardiner is made to represent the Old Citizen Indians. Stephen Gardiner's name appears on this list, attached to the treaty of 1848, as having taken lot 326 and sold it, and a patent was subsequently issued for the same.

Another man—he only names two—is named Bennett, who had three lots assigned to him under that old treaty; he sold every one, and they were all patented; and there is a schedule specifying the lots.

Those are the two men who have complained most loudly.

Senator JONES. How many of those were there?

Mr. MCGOWAN. Of these sales?

Senator JONES. Yes.

Mr. MCGOWAN. There are two columns of names here.

Senator JONES. You do not know how many Indians accepted land under that allotment?

Senator PETTIGREW. These are the names of those who had made selections and sold, and to whom the lots were to be patented under that act?

Mr. MCGOWAN. Yes, sir.

Senator JONES. As I understand, this treaty was made between the tribe of Indians and the Government of the United States—the citizens taking no part in the treaty—by which it was agreed between the tribe of Indians and the United States that patents should be issued to such white men as were purchasers from those Indians who were not parties to the contract?

Mr. MCGOWAN. Yes, and patents to Indians also if they had not sold.

Senator PETTIGREW. How many were there who had not sold?

Mr. MCGOWAN. Forty-three adults, 177 altogether, who did not sell their allotments. They ceded to the United States what they held. My associate, Mr. Miller, who is the duly authorized delegate of the Stockbridge tribe of Indians, tells me that there were but few, if any, lots patented directly to white men. I remember of seeing one document showing that the land was patented to the allottees. The allottees having previously deeded to the whites, the latter, I suppose, took by relation. But some were patented directly to white men.

I have a report made by the Commissioner of Indian Affairs in 1881, in which he says that these lands were all patented about 1860, and whether they were patented directly to the allottee or to his grantee would make no difference. Here is the language of the Commissioner of Indian Affairs:

It is true that these patents were not issued until after the treaty of 1856, but, as has already been shown, the Citizen party had long since before disposed of their title to the lands acquired under the act of 1843, for adequate considerations, and is idle for them to assert otherwise, or that they acted in ignorance of their rights. The Stockbridge Indians have always been reported as a people of exceptional intelligence, and their history for years back abundantly evidences their ability to look after their own interests.

There is also a statement from a Presbyterian minister who was a missionary among them, saying that they had had full consideration for their lands; that he knew a large portion of their sales, and that they did not get cheated; that many of them got fully what they were entitled to and something more, because they crowded their creditors to take their lands—people to whom they were in debt.

But allow me to proceed. I have just finished with the treaty of 1848, which has attached to it, as you will see, a list of the Indians who make up the tribe. It also has attached to it a schedule of the lands patented to the Indians; also has attached to it the names of certain persons of the Indian party who have made improvements, and the amount of their improvements which was to go to them individually.

Senator JONES. How was that treaty of 1848 ratified? Was it signed by a number of Indians?

Mr. MCGOWAN. It was signed by the sachem and councilors, and I think by all who partook with the Indian party. I think the names are all here.

Senator JONES. No Citizen Indian signing?

Mr. MCGOWAN. Not one, so far as I know.

Senator JONES. Then how does the tribe determine who were Citizen Indians and who were members of the tribe?

Mr. MCGOWAN. I can not say that the tribe did determine.

Senator JONES. Then who made those rolls?

Mr. MCGOWAN. This schedule was made from the lists that were secured from the register of deeds, from the missionary, and from the United States Indian agent who was then acting as one of the commissioners on the part of the Government.

Senator JONES. And it was made up by the parties to this treaty, as I understand?

Mr. MCGOWAN. I do not know that it was.

Senator JONES. I thought it was a part of the treaty.

Mr. MCGOWAN. It was furnished by somebody and was made part of the treaty.

Senator JONES. That is what I understand. These people, then, who were assuming to act as members of the tribe were determining who belonged to that tribe and who did not, without any hearing from the other parties, as I understand.

Mr. MCGOWAN. The other parties refused, as I read to you from the documents, to enroll themselves.

Senator JONES. That was two years before.

Mr. MCGOWAN. No; it was in 1847, in June, that they made the following protest:

The undersigned, formerly of the Stockbridge tribe of Indians, respectfully represent that they became entitled to all the privileges of citizenship in the United

States by an act of Congress approved March 3, 1843, entitled "An act for the relief of the Stockbridge Indians in Wisconsin."

They further represent that the said tribe did throw aside their own form of government and avail themselves of all the privileges conferred upon them by the said act of 1843; that they have given and received titles of lands by warrantee deeds and mortgages, and the bonds are on record in the county register's office, attended as petit and grand jurors in district courts, and participated in the elective franchise in the election of officers, as members of the legislature of the Territory, and delegate to Congress; that some of the individuals calling themselves members of the Indian party have been elected to local offices under the laws of the Territory, availed themselves of the law in the collection of debts, and, wherever it was necessary, for the redress of grievances; and it is not known where they ever have attempted to clear themselves of the law by claiming to be Indians, excepting in one instance, a Sam—

I do not know what that is; part of the word is torn off—

claimed to be a Stockbridge Indian, when in fact he had not a drop of Stockbridge blood in him, but in all cases have stood by the issue in law.

They further represent, that Congress did pass an act approved August 6, 1846, to repeal the aforesaid act of 1843, and to restore the Stockbridge tribe of Indians to their ancient privileges; but they do not recognize in Congress any power to disfranchise them of their rights as citizens of the United States.

They therefore, will not make application, and pray now to have granted anew what they already possess to the fullest extent, or enroll themselves so as to make a rule by which a chance for a new division can be given; for all those lands which they have sold and disposed of in good faith, for valuable considerations to innocent purchasers, they will forever hold good, and the titles, as they themselves will forever remain citizens of the United States; and do hereby, as they have heretofore, earnestly and solemnly protest against any infraction of their rights as such, or reversal of the decisions and assignments of lands of their commissioners, which were executed in good faith, under the direction of legal counsel, and with the law of Congress open to them.

(52 signatures.)

Senator JONES. What are you reading from?

Mr. MCGOWAN. I am reading from a protest incorporated in the report of the Commissioner of Indian Affairs for 1847.

Senator JONES. A protest made when?

Mr. MCGOWAN. June 7, 1847.

Senator JONES. It seems from that statement that they were earnestly desiring to have a roll made showing their own position. As I understand you to say, when this treaty was made in 1848, they were not present and had nothing to do with the making of this roll.

Mr. MCGOWAN. No; they protested against being enrolled.

They, therefore, will not make application.

The treaty of 1846 provided that they should make application for enrollment as citizens. It provided that the Citizen party should be enrolled, but not that the Indian party should be enrolled. The grammatical construction of that protest is not very clear, but I think the meaning is. The fact was that there was nobody to make the treaty of 1848 except the Indians. The citizens could not. They insisted that they were citizens and could not be put back into the Indian tribe.

Senator JONES. The first paragraph reads as if they were protesting against being enrolled, but the second does not.

Mr. MCGOWAN. They say:

And pray now to have granted anew what they already possess to the fullest extent, or enroll themselves so as to make a rule by which a chance for a new division can be given.

Before that they say:

They, therefore, will not make application—

There is the negation.

Senator JONES. It may bear your construction.

Mr. MCGOWAN. I do not think it can mean anything else as it comes from those men. They certainly refused to give up their allotments (which they already had) and their citizenship. As I said, that is in the report of the Commissioner of Indian Affairs for 1847, among the documents.

The treaty of 1848 was made with the tribe of Indians. For a certain consideration the Government agreed in that treaty that it would set aside a new home for those Indians, and give them certain specified sums of money—\$16,500 in one place, \$16,504.85 in another, and \$14,500 in another.

Let me add that there was an amendment made to that treaty, by which it was provided that they should have some \$20,000 more by reason of a claim which they set up and urged after the formal treaty had been drawn, to lands in Indiana and elsewhere. So, thus, there was \$20,000 due to them in settlement, as you will find if you care to look it up in the revision of the Indian treaties. It is not in my document, and I have no occasion to read it.

What did the Indian tribe turn over to the United States under the treaty of 1848?

Senator JONES. These Indians had a right to hold all that land, had they?

Mr. MCGOWAN. They had a right to hold what had been allotted to them.

Senator JONES. Did that embrace all the land that had been sold by the Government of the United States? Did their right of allotment embrace all the land that the Government got from them?

Mr. MCGOWAN. Yes; I think it did. The Government did not get anything else from them. It got the whole of that little reservation except what had been sold by the Old Citizen party.

Senator JONES. I understand. All the reservation had been allotted so that it might be divided among the different Indians?

Mr. MCGOWAN. Yes.

Senator JONES. If A, B, and C had a right to certain allotments, that secured them the lands. As I understand, the Government got from those people all the allotments that might have been taken by those Indians, but which, in fact, were not taken, and that such allotments as were taken, as they claim, went to the Old Citizen party and never went to the Government of the United States, but were sold by the Old Citizens to private purchasers?

Mr. MCGOWAN. Yes, sir.

Senator JONES. And the Government got no lands except these that these people might have taken under the operation of the law of 1843?

Mr. MCGOWAN. I think that is correct. The Government also got relinquishments from them of other claims, and put in this money consideration, and agreed to give them a home beyond the Mississippi. That was in 1848.

Senator PETTIGREW. Of course this \$20,000 for land in Indiana was for common property belonging to the Indians as well as to citizens, and that is not a part of their annuities.

Mr. MCGOWAN. That is somewhat questionable. We have discussed that among ourselves. The fact is that \$20,000 would not have been a proportionate part of the claim due the Indian party.

Senator PETTIGREW. That was settled.

Mr. ADAMS. Where did the 72 sections of land come from?

Mr. MILLER. The treaty of 1848 specifies among other things that

whereas the tribe considers that they have a right or claim against the Government, therefore it appropriates these seventy-two sections of land.

Mr. MCGOWAN. I have the floor now. We will not discuss that at this time. That one item of \$20,000 may be eliminated, if you please; I do not care. All we claim is that whether it simply belonged equitably to the Citizens' party as well as to the Indian party it was then turned over to the Indian party and not to the Citizens' party. They turned over their books to the treaty-making power and law-making power of the Government under some supposed rights obtained under the acts of 1843 and 1846. These men were saying, we are citizens and do not take anything; and the Government would say to the Indians who proposed to stand together, we will give you \$20,000.

Mr. ADAMS. What about the 72 sections?

Mr. MCGOWAN. You will find out what there is about the 72 sections if you will listen.

This brings me up to the treaty of 1856, where my friend wants to rest. From 1848 until 1856 we were an acknowledged tribe of Indians. We had our formal tribal organization. These other men did not interfere with us at all. But there was trouble in selecting the location beyond the Mississippi. There was trouble in carrying out the promise of the Government to settle us in a new home—to find it for us and take us there.

Senator JONES. In that connection let me ask whether that part of the Stockbridges who went west of the Mississippi has not dropped clear out of this controversy?

Mr. MCGOWAN. Yes, sir; they have no relation to it, and make no claim. They got their half and dropped out.

Owing to that trouble we were only allowed to stay on our allotments one year after 1848. We owned no improvements and were uncomfortable and unhappy, and were pushing the Government to make some arrangement for us.

Finally a man named Heuschmann was sent there to make a treaty with the Stockbridge tribe of Indians. Heuschmann negotiated a treaty and sent it to Washington, but the Commissioner would not approve of it and sent it back. Then Heuschmann negotiated another treaty.

Senator JONES. When was that, in 1855?

Mr. MCGOWAN. I am coming to a discussion of the treaty of 1856.

Senator PETTIGREW. But in the meantime these Indians had remained in Wisconsin.

Mr. MCGOWAN. The Indian party had remained there and the Citizen party were scattered about.

Now Heuschmann was determined to make a treaty. The Indian party would not treat with him. The Indian party did not propose to do what he wanted them to do. Heuschmann quarreled with the sachem and councilors, and finally he deposed the whole of them and set up a new government. He deposed the existing Indian government and set up another Indian government in order to negotiate that treaty. He found it necessary to resort to those extreme measures. He put the sachem and councilors out of office, ordered another election by this Citizen party and others, who were neither citizens nor Indians, but negroes and white men that never had any relation whatever to the Stockbridge tribe. In this way Heuschmann finally secured an election of his own men, and negotiated a treaty with the Citizen party and with these outsiders, negroes and members of other tribes, and white men that had never had any relations whatever with the Stockbridge tribe.

To-day we can count more than fifty of those who never had any relation to the tribe, but whose ancestors made the Heubschmann-treaty of 1856. The records show that he deposed not only the governing officers there and ordered a new election, but that he got those who were willing to work with him to accept official places and establish an entirely new government and suppress the Indian party. He negotiated that treaty, and it was signed by the Old Citizen party and a few of the Indian party. Four hundred and nine all told were present, but they did not all sign the treaty. And yet for several years there had been a tribe of Stockbridge Indians that numbered 177 men, women, and children, and there were only 43 women. And yet these 43 women had now borne so many children that the rolls swelled to 409. Where did he get his 409 to enlist as Stockbridge Indians to make the treaty of 1856? Can anyone tell me? There was the treaty of 1848 which had been executed. Nobody had found fault with it. The whole disturbance there with reference to it was because the Government did not conform to its part of the agreement, and there was no place for this little tribe of Indians to go to, and they had no home. So they were now negotiating a new treaty, so as to be furnished a new home in Wisconsin instead of beyond the Mississippi.

Senator JONES. How many of those 177 Indians whose names were enrolled in 1848 appeared in that roll of Heubschmann's?

Mr. MCGOWAN. He put them all in when he came to make his roll; Indians, citizens, and all.

Senator JONES. Did he make that roll?

Mr. MCGOWAN. He made that roll himself.

Senator JONES. Who signed that treaty of 1856?

Mr. MCGOWAN. Mr. Heubschmann and the sachem and councilors which he had elected after having deposed the ones he found in office. He signed first as the commissioner of the United States; then the sachem, then these new councilors, then the delegates of the Munsees from New York. He sent to New York and got some of the Munsees from there, and they came on, representing 58 New York Munsees that had never been West at all. There were some 5 or 6 of those representatives of the New York Munsees. Then the men who have largely signed this are the men who were of the Old Citizen party. We have checked off the names of those who in the treaty list had had allotments and had them patented.

Senator JONES. How many persons, all told, signed the treaty?

Mr. MCGOWAN. I do not know.

Senator JONES. Of that number, how many of those you recognize as the old tribe were signers?

Mr. MCGOWAN. I do not know; not quite half of them. A portion of them did, but they were bulldozed into it; there is no doubt about that. But be that as it may, if he had bulldozed the whole of them, the councilors did not; the sachem did not, and the elder men did not; but a few of the younger men, who wanted to run things there and have things their own way, did. The history of Heubschmann is not very savory. He was prosecuted afterwards by the Government for taking Government funds and things of that kind.

Senator JONES. Let us get at the equities of this case. We do not care to go into this matter of the details of bickering with individuals.

Mr. MCGOWAN. Let me tell you in general terms what the treaty of 1856 did. It took the same lands of the little reservation in Winnebago County that had belonged to the Indian party, as part of the consideration; it took the \$14,500 that had been granted to those Indians for

their individual improvements as another part of the consideration; it took the \$16,500 that had been given them for an educational fund; and it took their removal fund, and lumped them all together, those lands and those funds that were provided by the treaty of 1848, and said: In consideration of these things we will give you two sections of land over in Shawano County.

Senator JONES. And that was all the consideration?

Mr. McGOWAN. All of it, so far as I know.

Senator PETTIGREW. Two townships of land?

Mr. McGOWAN. Two townships of land over in Shawano County.

Let me tell you something about that land on Lake Winnebago. Mr. Martin says in one of his reports here that it is the finest land in the State of Wisconsin, that which was ceded to the United States, that which the old Indian party gave up. That was the consideration of that treaty of 1856, and to-day I am told that that land is worth from \$100 to \$150 an acre. It is the finest land in the State of Wisconsin, lying on that beautiful lake, and at that time was worth from \$5 to \$10 an acre.

What did they get for these beautiful lands and all this money? Two townships in Shawano County, and the soil was so sandy that they could scarcely raise anything, even on the tillable part; the other part was timbered, but they were not lumbermen, and so that was of no value to them. These two townships had been purchased by the United States of the Menomonees for 50 cents an acre. That was the consideration for the treaty of 1856.

The Old Citizen party came in and claimed that the result was this way: That having divided up with us in 1843 and 1846, and taken their portion and gone out from the tribe, they came back and through Mr. Neuschmann joined in this treaty of 1856, and were thus put in a position to divide up again. In the treaty of 1856 there was no consideration passing to the United States except what had already passed to the Indian party under the treaty of 1848, not a dollar, and of this consideration the Old Citizen party did not legally or equitably own any part.

Those are the exact facts in regard to the treaty of 1856. These people say they have been terribly wronged by the act of 1871, which says that the men who received their allotments under the treaties of 1843 and 1846 shall not share in the three-fourths of those two townships that were sold in Shawano County under the former act. Were they not equitably estopped, at least, from saying anything about the legality of the act of 1871? Had they any equitable right? I appeal to this gentleman here (Mr. Painter), who I believe desires to get at exactly the truth in the matter and to subserve the best interests of these Indians, to say whether, carrying the equities back to the treaty of 1856, he does not recognize now that the act of 1871 was a just act in excluding from enrollment and from participation in this little reservation over there in Shawano County those people who had had their share of the tribal property away back in 1843 and 1846? Whether they did come in under the treaty of 1856, and whether they were recognized as being there with rights to make treaties? It is true that Heuschmann recognized them. We protested all the time.

Senator JONES. Was that treaty ratified by the Government?

Mr. McGOWAN. It was.

Senator JONES. Here is a point that presents itself to my mind and which I should like to have explained. In giving this new settlement for the entire tribe, admitting the correctness of your position that the

citizen band was entitled to nothing whatever by the old settlement, if the Government chose to give them a larger holding in the West and put a larger amount there for the homes of these people, as well as compensating the Indians for what land they had, how could anybody say there had been any wrong done? I might agree with you that they had swindled your Indian tribe; that they got land that was very much more valuable in return for land less valuable; but if this treaty of 1856 gave a larger tract of land, and it appears on the face of the treaty that it was the intention to provide homes for these people, could the United States afterwards refuse to carry out the intention at the time when it was a matter of treaty between them and the Indians?

Mr. MCGOWAN. Yes, they could, because they reserved in the treaty the right to do so; and besides, it has been held that the Government may by legislation set aside a treaty.

Senator JONES. We may override and disregard it and all that, but I am talking about the equity of the case.

Mr. MCGOWAN. But in the treaty itself the right is reserved for Congress to act.

Senator JONES. Was the right reserved to deprive the Citizen Band of their rights?

Mr. MCGOWAN. No; it is the general reservation of the right of legislation to take charge. So that even if the question was raised whether the treaty was not the supreme law of the land and had not certain constitutional protections that could not be legislated away—which was the old theory—even if that were true it would not have affected this treaty, because Congress reserved the right specifically to legislate on the subject. Article XI of the treaty of 1856 says:

The Congress may hereafter make such provision, etc.

But what I object to is that the treaty of 1856 took our property to compensate Heubschmann's citizen Indians with. The Government was strong enough to pay those Indians if it owed them anything, but there was not enough of those two little townships of land in Shawano County to pay us for our land and the money that they had agreed to pay us under the treaty of 1848. But they took it and divided it, not with the 177 Indians, but with the 177 Indians and enough more added to make 409, and those additional ones were citizens of the United States.

Senator JONES. But if the Government intended, in giving you two townships, to give you really one township in consideration of the property you had and to make a gratuity of the balance to the other Indians, I do not see that you would have any right to complain, except that it may have made a hard bargain with you.

Mr. MCGOWAN. I should say we have a right to take the benefit of any legislation that the Government intended us to have.

Senator JONES. It seems to me it would not be a good plan to recoup on the other Indians.

Mr. MCGOWAN. It seems to me we have a right to complain.

Senator JONES. I was presenting the other view for your consideration, so that I could hear you on the point. I wish you to understand that my mind is not made up at all about the matter, but these views have occurred to my mind.

Mr. MCGOWAN. Let us, for the sake of the argument, admit that the treaty of 1856 was the law; that we were bound to stick to it; and that as long as it existed as the law we would have no right to complain that this Citizen party had been injected into our tribe again, put upon our

rolls, and that our property was likely to be divided up between us and them again. Let us admit that, I say. Now, that treaty had no more sanctity as a binding obligation or contract than the act of 1871 had.

And that brings me down to the act of 1871. Then, I want to call your attention to what was the actual treaty with the Old Citizen party, after going in and lending their aid to Mr. Heubschmann for that purpose. They did not go upon those lands in any great numbers; very nearly half of them did not go over there at all.

Senator PETTIGREW. That is, the citizens?

Mr. MCGOWAN. The citizens.

Senator JONES. Did the others go at once?

Mr. MCGOWAN. No; they straggled over there; they were disgruntled about it. But the organization was taken up over there, and nobody heard of the Indians until 1871. Now, the sachem, councilors, and Indians there in 1870, preceding the act of 1871, petitioned Congress to enact the law of 1871. The act of 1871 was drawn up by Mr. Martin, who was a Democratic lawyer of Wisconsin, and a prominent one. Senator Pettigrew may know him. He was the associate of Senator Howe; lived in the same town with him, and they were associated in many cases. He was a representative of the Government in negotiating some of these treaties, and was a commissioner sent out to examine into the condition of the Stockbridge Indians. He knew their whole history all the way through. He drew up that bill and came here with it. He was afterwards United States Indian agent and a judge of one of the courts out there. The bill was introduced, and a memorial accompanied it from the Indians requesting this legislation. Howe and Doolittle were the Senators at that time. Mr. Sawyer, now a Senator, was then in the House. The bill went through all the stages of a bill, and was passed and became a law. What did it do? It provided for the division of those two townships of land in Shawano County.

There was a certain portion of the Indians there who wanted to get their patrimony and go off again into citizenship—another swarming from the hive, as it were. They swarmed in 1843 and 1846, and again in 1871 there were some of them who wanted to go out into the wide, wide world and have the money in their pockets, the result of the sale of their property. This legislation provided that three fourths of that reservation of two townships of land should be surveyed and sold by public auction to the highest bidder, and that the fund resulting therefrom should be divided.

Provision was also made that the improvements should be appraised; that the money should be eventually paid back to the parties who had made the improvements; and that 18 sections of land should be left to the Indian party—to those who wished to remain as the Indian party. The ones who went out were the new Citizen party, and they wanted to be citizens. That act prohibited the enrollment, either on the citizen roll or the Indian roll, of these fellows who had taken their allotments under the acts of 1843 and 1846, and also prohibited the enrollment of those who were not Stockbridges or Munsees by blood.

Senator JONES. Thereby getting around the treaty of 1856, regarding that as not binding?

Mr. MCGOWAN. Not binding to that extent.

Senator PETTIGREW. At that time where were those Indians living who are now the Citizen party and who now complain?

Mr. MCGOWAN. Some of them were the Old Citizen party.

Senator JONES. No; he means the present Citizen party.

Mr. MCGOWAN. That is the Old Citizen party that is now complaining.

Senator PETTIGREW. Where were they living at that time?

Mr. MCGOWAN. They were scattered all over the State.

Mr. ADAMS. They were living on their reservation on their allotted lands.

Mr. MCGOWAN. There has been considerable talk about lands having been allotted to the Old Citizen party on the old Shawano Reservation or the present reservation under the treaty of 1856. Mr. Adams talked long and determinedly on that point, contending that allotments were made of these lands. For instance, Stephen Gardiner and George T. Bennett had allotments set aside to them. The Commissioner of Indian Affairs said that they had allotments. But there never were any allotments made under the treaty of 1856 to these men. Selections were made. But there is a vast distinction between a selection and an allotment. An allotment the Government has something to do with, whereas a selection is an individual act in which the Government does not share, as you gentlemen well know. They had no allotments, but they had made their selections, and a list of the selections was put in evidence.

There is no record in the Department of any allotments. On the contrary, Stephen Gardiner, in his affidavit which is before you, and which is part of this report that you will have to consider in connection with these two bills, swears that he settled on the land at the time of the treaty of 1856, which provided he should have his patent for it if it was allotted; that he applied for his patent and could not get it. Why? Because he was not entitled to it, and the Government would not give it to him. That was the only reason. A few went on and made selections, but the great mass of the Old Citizen party were distributed about; a few were on the reservation; many of them went down on a strip of land that they claimed belonged to the reservation, but did not, and which was about 2 miles wide and 6 miles long, and which really belonged to the Menomonees.

Senator JONES. Where are the bulk of the Old Citizen party now?

Mr. MCGOWAN. Mr. Miller says they have moved over on the present reservation of the tribe.

Senator JONES. When?

Mr. MILLER. Since the act of 1871 was passed, as I can prove, if required.

Mr. ADAMS. Oh! you lie.

Mr. MCGOWAN. I recognize the character of the gentleman, and the conclusiveness of his argument. It does not make any vital difference, I suppose, where these old citizens are. Mr. Miller calls my attention to this paragraph in the Report of the Commissioner of Indian Affairs for 1870, p. 12:

The lands have been surveyed and selections made, but as this has never been approved, as provided for in the treaty, the allotments are not considered binding.

Mr. PAINTER. Was that neglect on the part of the Government?

Senator JONES. That was really immaterial. I thought perhaps you could give us information about it. I do not care much about it.

Senator PETTIGREW. The three half townships, or township and a half, of this land near the reservation was sold in 1871, or after that. What was done with the proceeds? Did the Old Citizen party get any of that money?

Mr. MCGOWAN. No, sir.

Senator PETTIGREW. None at all?

Mr. MCGOWAN. No, sir. They only got this, that where they had improvements their improvements were appraised and they got their money for the improvements.

Senator PETTIGREW. Was that money paid in cash and distributed, or was it put into the annuity fund?

Mr. MCGOWAN. It was distributed.

Senator PETTIGREW. Where does this fund, the \$80,000 that you were to have, come from?

Mr. MCGOWAN. The New Citizen party who went out got their money. There was a certain amount of the money put into the Treasury of the United States as a fund for the tribe.

Senator PETTIGREW. In 1871 there was a new going out of citizens, and they got cash.

Mr. MCGOWAN. They got cash.

Senator PETTIGREW. Was there not a lot of the money distributed among those who remained?

Mr. MCGOWAN. I think not. That was the fund of \$75,000 and something.

Senator PETTIGREW. But none of this money has ever been given to the Old Citizens' party?

Mr. MCGOWAN. No, sir.

Senator PETTIGREW. And they have never shared in the annuities; they have not been on the rolls?

Mr. MCGOWAN. I am not sure that they did not share in some of the annuities immediately after the treaty of 1856.

Mr. ADAMS. They would not have been recognized up to 1871.

Senator PETTIGREW. I mean since 1871.

Mr. ADAMS. No, sir. We have not had any annuity money since that time, and did not get any of the money which came from the sale of this township land.

Senator JONES. That was because you were held to be excluded by the act of 1871?

Mr. ADAMS. Yes, sir.

Senator PETTIGREW. What is in controversy is the title to these 18 sections of land, the interest on this tribal fund?

Mr. MCGOWAN. Yes, sir; but they claim, further than that, in this bill that you should make good to them what they have not received of the other part.

Senator PETTIGREW. How many Indians are there that claim homes upon these 18 sections?

Mr. MCGOWAN. All the Old Citizen party.

Senator PETTIGREW. How many of them?

Mr. MCGOWAN. I do not know. I do not know how many of this Old Citizen party have got back; probably about 75.

Senator PETTIGREW. I mean how many are there in all?

Mr. MCGOWAN. About 135 of the tribe.

Senator PETTIGREW. Making about 210 altogether?

Mr. MCGOWAN. Yes, sir.

Senator PETTIGREW. That is, men, women, and children?

Mr. MILLER. Yes, but there are about 80 more off the reservation that are claimed to belong to the Citizen party.

Senator PETTIGREW. What is the value of this land?

Mr. MILLER. It is worth about \$4 to \$5 an acre.

Senator PETTIGREW. Poor, sandy land without timber?

Mr. MILLER. The 18 sections are heavily timbered.

Mr. MCGOWAN. What I said about the tillable land was that it was sandy, but it was a pretty hard bargain to send them over there. There was no way of lumbering at that time; they were not lumbermen, and there were no railroads.

Senator PETTIGREW. It is pine timber, is it not?

Mr. MILLER. Not now; it is mixed, hardwood, bass wood, and elm; some scattering pine.

Senator PETTIGREW. Not pine enough to make it valuable to cut it for lumber?

Mr. MILLER. No, sir.

Mr. MCGOWAN. The act of 1871 was executed according to its terms. There has been much complaint that Mr. Wells, who made up the rolls, was corrupt; but the present Commissioner, in this same report before you, says in substance that the act of 1871 was executed according to its terms, that is, that Mr. Wells made the rolls exactly as he had to make them in pursuance of the requirements of the act. Mr. Wells was sent back, on the complaints regarding his enrollment—sent back two or three times, and instructed to make the enrollment with very great care. The Commissioner of Indian Affairs in 1881 said that Mr. Wells evidently executed that act honestly and accurately, and gave him commendation for doing it. (See House Mis. Doc. 14, Forty-sixth Congress, third session, p. 15.) In any event, he followed the requirements of the act, and made the roll of the new Citizens' party and the roll of the old Indian party, and refused to enroll the Old Citizen party who had theretofore had their lands as designated in the act. As the act said if they had had the lands he was not to put them on the roll; I do not see how he could. He was acting under the law.

Mr. PAINTER. When you said the Commissioner reported, which Commissioner did you refer to?

Mr. MCGOWAN. I referred to the present Commissioner, for instance.

Mr. PAINTER. Commissioner Atkins said that since his last report proofs of corrupt influences to secure enrollment had been filed in his office.

Mr. MCGOWAN. We will put the antidote in with Mr. Painter's poison.

Mr. PAINTER. It is Mr. Atkins's poison, not mine.

Mr. MCGOWAN. The Commissioner July 8, 1878, says:

If injustice has been done these citizens by Inspector Kemble—

Kemble had reported against Mr. Wells's conduct in making out the rolls—

there is no evidence on record in this office to show that he failed to do his full duty in the matter. The rolls were made up as directed by law. They were signed voluntarily by the sachem, and the good faith of all parties is fully proved by the fact that they accepted their pro rata share of the funds belonging to them.

Senator JONES. Is it not admitted by both sides that the Old Settler Indians were excluded by the act of 1871?

Mr. MCGOWAN. Yes, but they say Wells was corrupt and swindled the people; that he was bought up, and contracts were made with him.

Senator JONES. I understand that; but do not both sides admit that the act excluded the Old Citizen Band?

Mr. PAINTER. We admit that the enrollment excluded them.

Mr. MCGOWAN. The act provided specifically that they should not be enrolled. This is Mr. Nichol's statement, which is before the committee; that the rolls provided for by this act of 1871 were prepared in accordance therewith by H. R. Wells, who was appointed special commissioner for the purpose. If they were prepared in accordance with the

law, their preparation wrongfully should not be charged against Mr. Wells.

Again, the Indian Commissioner, Mr. Nichol, in 1881, speaking of these rolls that they complain of as having excluded people, said:

This act was purely mandatory in its provisions as regarded enrollment, and this Department had no power but to execute the law as it found it. The Commissioner appointed in 1874 for that purpose—

That was Mr. Wells, the man who was charged with being guilty—

appears to have executed the duties assigned to him under adverse circumstances, but with an honest desire to do so faithfully and well. Charges have been made against him by the Citizen party of refusing to enroll certain of their members; but under the terms of the act he could not do otherwise than exclude them. The rolls were evidently prepared with great care, conformably to the act, and signed by the sachem and councilors of the tribe; and in all cases where there was any doubt existing as to the rights of certain persons to be placed thereon testimony was taken and full explanations submitted. Errors may have crept into the rolls, but a careful comparison of them with schedules of the excepted parties, as disclosed by the records of the office, fails to disclose more than two or three names about whom there is any question, and it is quite possible that these are susceptible of explanation.

It is also proper to add that some of the so-called "Old Citizen party" who are interested in the passage of this bill received pay for their improvements under the third section of the act of 1871.

Further along the Commissioner says:

But assuming such a course to be desirable—

That is, that there should be some further dealing with this Old Citizen party and that they should be paid—

This Department has no power to disregard subsequent legislation in order to fulfill a previous treaty. Whether such legislation be ill advised or not, I submit that it must be taken to be a repeal of the treaty on the part of the United States so far as it conflicts with the same.

Then in another place—

Senator JONES. Is that Commissioner Morgan?

Mr. MCGOWAN. That is Mr. Nichol, in 1881. In another place, referring to the treaty of 1856, he says:

It is equally clear that many of these Indians who had sold their allotments of land were parties, rightfully or otherwise, to the treaty of 1856, and thus appeared in the attitude of surrenderers of property which they no longer possessed, and that subsequently to the conclusion of that treaty, viz, in the year 1860, patents to the lands covered by such allotments, where sale in good faith and for consideration was found, were issued by the Department under authority conferred by the thirteenth article of the treaty of 1856.

The Department all along since 1871 has recognized by their reports the validity of that act and the status of the Indian party and Citizen party as determined by the execution of that act. For more than twenty years now this situation has existed there under a solemn act of the United States.

The Indian party have kept up their tribal organization. They have existed there under a written constitution. Their present constitution I hold in my hand, certified to by the Indian agent. The constitution that this was substituted for lasted from the time of their organization, after the execution of the law of 1871, down to the time this constitution was adopted. They have their sachem and their councilors. They meet regularly in council. They have accepted the act of 1871 in good faith and the Government has acted upon that acceptance. Half a dozen Secretaries of the Interior, including Schurz, Kirkwood, Lamar, and Teller, have ordered these men off the reservation because they were trespassers upon it. Those orders have always been suspended,

sometimes at the request of the citizens of Shawano County, asserting that they would be burdened with a lot of these people if they were pushed off the reservation at that time; sometimes at their own instigation, asserting that they had bills pending in Congress for the settlement of the difficulties, which bills are copied here in the Vilas bill. But from examination that has been made into this question by the Department it is found that this "Old Citizen party" are trespassers upon that reservation.

Now, what do we propose to do with the Sawyer bill? Simply to take up those eighteen sections, to survey them and make an estimate of the improvements that have been made thereon by individuals, just as we did in 1871, and allow the members of the tribe to take the lands in severalty; that is, divide up the reservation as provided in the measure, and absorb the little tribe into the body of citizens.

The other proposition is to bring back the Old Citizen party that was wrung into this little tribe under the manipulations of this man Huebschmann in 1856, and who had had their pay before, and make us divide with them, and leave the matter *in statu quo* without any division and without any wiping out of the tribe.

The policy of the Government, I understand, is to take up these Indian reservations and put these Indians into citizenship. That policy is directly contravened by the recommendation of the Commissioner of Indian Affairs that the Vilas bill be passed and the other not.

Senator PETTIGREW. It resolves itself down, then, to about this: That the question is whether the members of this old tribe are to have 80 acres or 40 each, or whether they will get each \$240 or \$520. As I understand, that is all that is involved.

Mr. MCGOWAN. Let me press upon the committee the proposition made by the Commissioner of Indian Affairs in 1881, when this matter was finally investigated, and nearly all these subsequent reports are based on Nichol's report and carry the same documents with them. He says, as I have read to you, that under the treaty of 1856, they (the Citizen party) came in and were in the attitude of surrendering property which they did not have. He also suggests that the Old Citizen party may have parted with their allotments up there without understanding what they were doing; that they may have possibly sold them without sufficient consideration, although he evidently does not believe they did; that in any event the lands were not patented until they went out of their hands; that possibly the Government ought to do something. But the Government should not take this little reservation and divide it up between the actual owners and those who never had a particle of equitable right to it. Let us go along about our business and divide our little reservation as we see fit, and become citizens. It seems to me that is a fair proposition. Let our bill be enacted.

If you want to reform the Vilas bill and redraft it so as to provide for paying the Old Citizen party something, do that. I grant they may have been wronged. If they were it was because they were seduced into making the treaty of 1856 and coming in and attempting to act as if they were Stockbridge Indians when they were citizens of the United States. If you want to do anything for them, do it, but do not put your hands in our pockets and say, "We will take care of the Old Citizen party out of your property." That is not fair. If you want to recognize the validity of the treaty of 1856 you must equally recognize the validity of the act of 1871.

The policy of the Government in enacting all laws, I suppose, is a policy of repose. All statutes of limitation are statutes of repose.

Here is a statute that has been executed and has been the law for twenty years. Why should you disturb it? There is a way around it if you want to pursue that way.

It is not a very great thing to give these men who are claiming that reservation what they ask, as the Senator has figured it. It does not give them a vast sum of money. The Supreme Court has held that an act of Congress may do away with a treaty. This treaty reserved the right for Congress to act, and it did act, did do away with the treaty. The law of 1871 has been executed and carried out. Are you going to disturb this repose that has existed for twenty-one years, turn the wheels back, tear up this arrangement with the Indian party for the purpose of letting in the Old Citizen party and giving them another "divvy"?

Here sits Albert Miller, the legal representative of that tribe. They had kept up their organization, as I said, since the execution of the law of 1871. They have sat in their regular annual councils. They have a sachem and councilors. They have a *de facto* organization, with a written constitution. They have appointed a delegate to attend to their matters in Washington, and his appointment is very solemnly set forth in a paper which is before you, certified to by the Indian agent out there. He certifies that the council was properly called; that it was conducted in an orderly manner, and that the appointment of Mr. Miller was properly made. And I am their attorney. They have made me their attorney by a contract duly executed, though I have never had any money from them.

MR. ADAMS. Is that contract approved by the Department?

MR. MCGOWAN. No. I have heard that question asked before. It is not necessary that a contract of an Indian tribe with an attorney should be approved by the Department to make it an equitable and proper agreement. The approval or disapproval only affects the matter of payment by the Government.

Senator JONES. That question is not before us.

MR. MCGOWAN. It makes no difference whether it has to be approved or not. I would only have to look for my attorney fee in some other direction; that is all.

But what I am getting at is this: I want to show that Mr. Miller and I are at least *de facto* the legal representatives of the Indian party and the Indian tribe as such. I think there can be no question about that.

It is true that you have before you now—and I will just spend one moment on that—a report of the present Commissioner recommending the Adams theory of the case. That investigation was made without giving any notice to the delegate or to the attorney of the tribe. It was made after the presentation of a very erroneous and misleading brief by Mr. Adams, an outsider, and the report is the only one, so far as I know, that has looked in the direction of maintaining the wrongs of the treaty of 1856 for several years. The action and policy of the administration all along, since the execution of the act of 1871, has been to maintain the existing statute.

I leave the matter in the hands of the subcommittee.

STATEMENT OF MR. C. C. PAINTER IN REPLY.

MR. PAINTER. As Mr. McGowan has said, I have no interest in this matter at all except to ascertain exactly what the truth is and to deal justly with all parties.

As I understand, when this commissioner went out to negotiate the treaty of 1856 his instructions were not simply to deal with the difficulties of the Indian band, but to settle all the troubles of the Stockbridge Indians, both citizens and Indians, those in Wisconsin and Minnesota and New York, and also those who had gone West, for whom the Government had not been able to carry out its promises, all of whom were in a disturbed condition. It was his mission to settle all their old difficulties, the Government realizing that by its contradictory legislation it had created the troubles very largely under which all these bands were laboring. So that treaty, after rehearsing in its preamble all these attempts to settle these difficulties and these repeated failures to do so, proceeds to make a new treaty with all the Stockbridge and Munsee Indians, whether in New York State, or in Minnesota, or in Wisconsin, or west of the Mississippi, and I think the commissioner was justified in calling in these parties complained of as taking part in this council and signing the treaty of 1856 under his instructions to negotiate the treaty.

Senator JONES. Do you understand that this treaty of 1856 was substantially agreed to by the Indian party?

Mr. PAINTER. Very largely, I understand. That has been my information in regard to it. If I am wrong in that understanding, then I am wrong, but I understood that quite a large minority did not sign it, but came under it afterwards and settled on the reservation secured by it.

Senator JONES. I think Mr. Miller said about half.

Mr. MILLER. The minority of the tribe signed it. The sachem and councilors never signed it. They who signed were the same fraudulent councilors that were elected when the former sachem and councilors were deposed.

Mr. PAINTER. I supposed the Government was dealing with individuals, not with sachems or head men; dealing with these Indians of Stockbridge and Munsee descent, whether they had ever been made citizens or not, and wherever located.

Senator JONES. The reason I ask is because I wanted to know whether those people had all substantially agreed to it.

Mr. PAINTER. I think, as he says, it was signed by a good large majority of the tribe, but then some who did not sign it, as I understand, afterwards came up to Shawano and selected allotments; some of them after the two years provided for that purpose had elapsed, came upon the reservation and accepted of the provisions of the treaty.

Senator JONES. Another point. When this treaty of 1856 was agreed to and the removal took place, please tell me how promptly that was complied with on the part of each party, and what percentage of the Indian band went to new reservations?

Mr. PAINTER. Perhaps Mr. Miller can inform you more definitely. I could only give you my understanding.

Mr. MILLER. As soon as the treaty was ratified the citizens' party moved up there, and some portion of the Indian party. After that, all the way up to 1859, the Indian party finally were transferred up there.

Senator JONES. They went up as early as 1856?

Mr. PAINTER. The citizens' party went very early. So I was surprised when Mr. McGowan and Mr. Miller said awhile ago that they were now coming on to the reservation. I supposed, and have always understood, they went promptly after the treaty was negotiated, and that they had made their selections, which the Government was under obligation to have confirmed as allotments. At any rate this Old Citizens'

party promptly settled their lands, which ought to have been patented, but were not because of the dilatory haphazard way in which the Government sometimes carries out its promises, and they had lived on these lands peacefully from the time the treaty was made until this act was passed in 1871, which was intended by those who procured its passage to rip up the settlement which had been made and throw the people back into their old difficulties. It has been now some sixteen years of peace after the treaty, and these people had settled down under it, and were, under its provisions, building up homes and acquiring vested rights, of which the act of 1871, as carried out, deprived them; and now, in this bill, we simply ask that the provisions of that treaty of 1856 be enforced, and a new enrollment be made on the basis of that treaty, restoring those who were deprived of their rights to that position. That is all we ask.

STATEMENT OF MR. J. C. ADAMS IN REPLY.

MR. ADAMS. I will be brief.

Mr. McGowan said that the parties who went out under the act of 1843 were only the citizen party. I beg to differ with him in regard to that. By that act they were all made citizens. (See act March 3, 1843, page 645, Vol. 5, U. S. Statutes at Large.)

Mr. McGowan said that all those who were declared citizens in 1843 were parties who went out of the tribe, and were not recognized as members of the tribe under the treaty of 1848. (See Commissioner Morgan's letter of February 19, 1892, to Hon. Secretary of the Interior, printed on page 5, House Report No. 558, present session of Congress.) Now, I propose to show that the treaty of 1848 was made with only a portion of the tribe. We are borne out in this by the Report of the Commissioner of Indian Affairs, and also by the inspector, Kimble, who was sent out there (see Exhibit H hereof); also by the last Report of the Commissioner of Indian Affairs, printed in House Report No. 558, present session of Congress; and by the memorial which was sent to Congress at the time of the ratification of the treaty. (See Exhibit C hereof.)

Senator JONES. Is not every treaty made with only a portion of the tribe?

MR. ADAMS. Yes; but with the consent of the tribe. The citizen portion was not allowed to sign at all in this treaty.

MR. MILLER. They refused to sign.

MR. ADAMS. And the treaty of 1856 abrogated the treaty of 1848. Therefore, we had nothing to consider in connection with the treaty of 1848, because it was abrogated by the treaty of February 5, 1856.

Then, Mr. McGowan said that these parties never had lands allotted to them under the treaty of 1856. In opposition to that we submit this list showing that they did have allotments.

(See list of allotments marked Exhibit A hereof.)

MR. MILLER. Selections.

MR. ADAMS. I say they were allotments. Here is a certified copy taken from the Indian agent's office at Keshena, Wis., the certificate of which I will now read:

I certify that I have examined the above record and find in a correct copy of the "records of the Stockbridge and Munsee tribe of Indians under the treaty of 1856" kept in my office.

JOS. C. BRIDGMAN,
United States Indian Agent.

KESHENA, February 25, 1878.

Mr. MCGOWAN. An allotment carries a right to patent, does it not?

Mr. ADAMS. It should do so. They should have had their lands patented to them in accordance with the said treaty of 1856. They have lived upon these lands in peaceable possession; now, in almost any court of record peaceable possession for twenty years would be ground for granting title in fee.

Senator JONES. How many of them are there?

Mr. ADAMS. I think there are about 150 of them, including their descendants who are members of what are called the Old Citizen party?

Mr. MILLER. The United States district court in Wisconsin decided against that allotment in 1870, and that decision was referred to in the annual report of the Commissioner.

Senator JONES. Are there in the New Citizen party that was made under the act of 1871 any of the Old Citizen party that went out of the tribe?

Mr. ADAMS. Yes, sir; but none of those now in controversy or claimants herein.

Senator JONES. Do you know how many?

Mr. ADAMS. I do not know how many of those who went out, but I could pick out their names if I had time.

Mr. PAINTER. They got their share of the property as it then stood?

Mr. ADAMS. Yes, sir.

Mr. MILLER. It was one of the councilors who signed those rolls. I remember only one case, that of Jacob Jacobs. It was found in the treaty of 1848 that a schedule of lands to be patented was attached in which his name did not appear. Some claimed that his father received his allotment, but that did not satisfy the Commissioner. So the sachem and councilors agreed, when Mr. Wells was going to Washington, that if he found, upon examination of the records here, that Jacobs had not received anything under the act of 1843, his name might be put on the roll and his money be given to him. I think the Commissioner's report will sustain my assertion.

Mr. ADAMS. In regard to the treaty of 1848 and the acts of 1843 and 1846, I will read an extract from a letter from the Commissioner of the General Land Office of April 18, 1855, to Hon. R. McClelland, Secretary of the Interior, which fully and clearly explains and defines the provisions contained in said treaty of 1848 and acts of 1843 and 1846, respectively (see pages 16 to 19 inclusive), being one of the accompanying papers mentioned and transmitted by William F. Vilas, Secretary of the Interior, with his letter of May 1, 1888, to the chairman Committee on Indian Affairs, House of Representatives, which letter and accompanying communications and documents thereto is hereby referred to and marked Exhibit H hereof.

Mr. MILLER. Go on further, will you?

Mr. ADAMS. That is all there is of it. They have laid some considerable stress upon this treaty of 1848. This, we consider, was ignored by the Congress of the United States and by the tribe. The tribe accepted the treaty of 1856, and agreed that all that was in conflict with the treaty of 1856 should be abrogated. This was done by the consent of the Commissioner of Indian Affairs, and was laid before the Senate of the United States which considered it and ratified it. It was then sent to the President and the President approved it. Then it became the supreme law of the land.

The act of 1871 in itself is bad because it takes away vested rights of one portion of the tribe which had been secured to them by the treaty of 1856.

In this, section 7 of the act of 1871 provides for one class or portion

of said tribe only, viz, the Stockbridge Indians; and the Munsee Indians are left out. By said section 7 the interests of the Munsee portion of the tribe are totally ignored and are deprived of their lawful rights under the treaties in which they have participated and made a party to it, being the said treaty of February 5, 1856. The Stockbridge and Munsee Indians are of two different and distinct council fires, each separate and independent of itself. They became united with the Stockbridge Indians by agreement and joint treaties made by them with the United States, whereby they became incorporated with them under the name and term of "The Stockbridge and Munsee tribe of Indians," and it was specifically agreed by and between said Stockbridges and Munsees that no treaty or treaties should be made without the consent of the other and both made a party to it.

The first agreement made between said Indians was at Washington City, D. C., in 1808. It was made in conjunction with the Delaware tribe for the purchase or grant of land on White River in (now) State of Indiana, which agreement is reported on page 111, Appendix to report of Secretary of War for the year 1820, and the said treaty was attested at the time by Henry Dearborn, Secretary of War, and approved by the President, Thomas Jefferson.

I hereby refer to that agreement. (See report.)

The Munsees as well as the so-called Old Citizens' portion of the Stockbridges, have always, and now does recognize and respect such treaties only in which they were properly represented and made parties to it, and such treaties are as follows: Treaties of October 27, 1832, Vol. 7, U. S. Stats. at Large, p. 409; January 15, 1838, p. 550, same volume; September 3, 1839, p. 577, volume 11, same statutes, and the said treaty of February 5, 1856 in all of said treaties the interests of the Munsees appears clear and distinct and preserved; but the acts of 1843 was certainly an unwise legislation and an outrage upon those Indians.

The history of the passage and operations of that act is fully presented by the report of the House Committee on Indian Affairs, No. 447, first session, Twenty-ninth Congress (to accompany H. R. No. 321, Stockbridge Indians, March 27, 1846), which is the act of 1846 repealing the act of March 3, 1843, and the general census of the Stockbridge tribe, and of the Munsee, etc., on pp. 17, 18, and 19 of said report and document. In same said report, in Commissioner Crawford's letter of April 24, 1844, on pp. 14 and 15 of said report, shows that no patents were issued under said act of March 3, 1843. I refer to this letter especially in rebuttal to the statements made by Mr. McGowan charging that we, the Old Citizens' party, had received patents for our allotments, and that we had separated from the tribe, and sold our lands, etc.

The treaty of 1848 was made without the consent or participation of the Munsees nor with the consent of the majority of the tribe, and was also repealed and abrogated by said treaty of 1856. The act of February 6, 1871, is as defective, unwise, and outrageous as that of the act of March 3, 1843, and can not be made operative for the benefit of the Munsees and other beneficiaries of the Old Citizens' party. Therefore we have nothing left to secure and protect our interests other than said treaty of February 5, 1856, which we have always recognized and respected.

In regard to the treaty of 1856, I will read from this memorial (see Exhibit C hereof):

The treaty referred to was publicly made at Stockbridge, in Wisconsin. All parties of the Indians were there. The white claimants were present with the commissioner of the U. S.

All the Munsees, by their authorized delegates, and three-fourths of the whole number of Stockbridges (including more than two-thirds of the whole number of the Indian party, who were parties to the treaty of 1848), signed.

The Stockbridge and Munsee tribes agreed at the time to become, and be hereafter, one nation; and in presence of and with the approval of the commissioner and superintendent of the northern agency, elected their sachem and five councillors, in accordance with ancient custom.

Ziba T. Peters was chosen sachem; and five persons, including those named above, were elected councillors.

After the treaty was made we were informed that those refusing to sign, numbering (men, women, and children) 67 souls, had sent one of their men, Samuel Miller, to resist its ratification by the Senate.

Brothers: May we not ask you if our present miserable condition is not in some measure attributable to a want of proper care on the part of our guardians, the representatives of this Republic? By the treaty before you we get land enough, provided it is good land; and we received \$61,000 to pay expenses of removal and subsistence for one year, purchase of cattle, horses, farming utensils, building school-houses, clearing lands, etc., making roads, etc. * * *

Brothers: In making this application we do not think we approach you as beggars, and we trust you will not so regard us. But whatever is your decision we pray you to ratify the treaty as soon as possible, that we may go home, for indeed we are ill able to pay the expenses of remaining.

Brothers: In shaking hands for the last time probably with the Senate of the U. S., we pray the Good Spirit to bless you and this Govt.

Washington, D. C., March 6, 1856.

ZIBA T. PETERS, *Sachem* [Indian party],
JOHN N. CHICKS [citizen party],
JOHN W. ABRAMS [citizen party],
JEREMIAH SLINGERLAND [Indian party],
Councillors.

The signers hereof are the counselors of the Stockbridge and Munsee tribe, composed of the representative men of both council fires, as I have indicated opposite their signatures.

We will base our rights upon that treaty of 1856. It was submitted to the tribe; they approved it. It was submitted to the Commissioner of Indian Affairs; he approved it. It was sent to the Senate of the United States; the Senate ratified it. It was then sent to the President; he approved it. It then became the supreme law of the land.

Mr. PAINTER. Did those who signed that belong to the Indian party or to the citizen party?

Mr. ADAMS. They belonged to both.

Mr. MILLER. Who was John N. Chicks?

Mr. ADAMS. He was a citizens' party, now dead.

Senator JONES. Who is Jeremiah Slingerland?

Mr. ADAMS. He belonged to the Indian party and was one of the counselors of the tribe in 1856.

The question as to those of the tribe who may have availed themselves of the privileges of citizenship, franchise, etc., whether they be of the old citizens' portion or of the Indian party, should not be so construed against them as having lost all their vested rights and benefits under the treaties, because that privilege of citizenship was extended to said Indians by legislation, and did operate only for a short period, and were subsequently restored to their former condition by said treaty of February 5, 1856.

If the Indians, by having exercised the privileges of citizenship during that short period, then all the Indians, both the old citizens' party as well as the Indian party, so called, have lost their rights under the treaties, because both parties have exercised such privileges and were so notoriously recognized by the civil authorities.

In support of these assertions I submit here the affidavit of Thomas McLean, who is a white citizen, Joseph Quinney, a member of the Indian

party, so called, and was at that time the duly elected and recognized sachem of and by the whole tribe of said Stockbridge and Munsees, which reads as follows:

STATE OF WISCONSIN, Calumet County, ss:

Thomas McLean, being duly sworn, says that at the last general election he was chairman of the board of supervisors of the town of Stockbridge, and that on that day he administered to Joseph M. Quinney, then the sachem of the Stockbridge tribe of Indians, the oath required by our statute whenever a voter is challenged:

"You do solemnly swear that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this State one year next preceding this election, that you are now a resident of this town, that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election."

THOMAS McLEAN,

Subscribed and sworn before me this 31st day of May, A. D. 1855.

R. P. EATON,

Notary Public.

Senator JONES. Here are four signers to this memorial presented to the Senate in 1856, asking for the ratification of this treaty. One of them is named Peters. Who was he?

Mr. ADAMS. He was a party who entered under the treaty of 1839, and separated from the tribe in 1839.

Senator JONES. And went West?

Mr. ADAMS. Yes, sir; and was admitted back by the treaty of 1856.

Senator JONES. Who was Chicks?

Mr. ADAMS. Chicks belonged to the old citizens' party.

Senator JONES. Who was Abrams?

Mr. ADAMS. John W. Abrams belonged to the old citizens' party, who signed the treaty of 1856—was one of the counselors.

Mr. MILLER. We claim that the minority of the Indian tribe joined in the signing of that.

Mr. ADAMS. What do you call a minority?

Mr. MILLER. A minority is less than half.

Senator JONES. What proportion of the Indians agreed to the treaty of 1856?

Mr. MILLER. Less than one-half—that is, the old tribe proper.

Senator JONES. How much less than one-half?

Mr. MILLER. Very small; I couldn't say the exact number.

Mr. MCGOWAN. I suggest that part were people who did not belong either to the citizen party or old Indians.

Senator JONES. How many Indians agreed to this treaty of 1856, is what I want?

Mr. ADAMS. About four-fifths of the tribe, or 327.

Senator JONES. Those are all matters of record, and we will see everything of that sort.

EXHIBIT K.

PRINTERS' NOTE.—Exhibit K too illegible to print.

EXHIBIT L.

Schedule of lands still belonging to the Stockbridge Indians.

Names.	No. of lot.	No. of acres.	Value of land in dollars and cents.	Appraised value of improve- ments.	Total value of lands and improve- ments.
Sophia Moore	177	60.00	\$150.00	\$420.00	\$570.00
Mary McAllister	"	"	"	230.00	230.00
Abigail Moon, S.W. corner	124	5.00	25.00	25.00	120.00
John Littleman	113	48.50	242.50	360.00	602.50
Jacob David, $\frac{1}{4}$ W. end	107	20.66	103.30	180.00	263.30
Sylvia Yocum	270	60.00	150.00	"	150.00
Sarah David	189	60.00	150.00	"	150.00
Julius David	314	60.00	150.00	"	150.00
Francis T. David	327	60.00	150.00	"	150.00
Catharine Roman	360	60.00	150.00	"	150.00
Jeane Bowman	227	60.00	150.00	"	150.00
Joseph Dextator	144	62.50	312.50	345.00	657.50
Daniel David	60	62.50	312.50	"	"
" " N. $\frac{1}{4}$	47	51.25	256.25	1,175.46	1,926.71
Margaret David, E. end	48	14.00	70.00		
Charles Stevens, part	58	22.50	112.50	"	"
" " "	119	62.50	312.50	"	"
" " "	92	62.50	312.50	1,790.00	3,077.50
" " "	94	62.50	312.50		
" " "	367	70.00	175.00	"	"
" " "	368	70.00	175.00	"	"
William Gardner, S. part	192	25.00	62.50	540.00	640.00
" " S. part	221	15.00	37.50		
Stephen Gardner, W. end	221	10.00	25.00	127.50	377.50
" " "	323	60.00	150.00		
" " "	282	30.00	75.00	"	"
Daniel Gardner, $\frac{1}{4}$	282	30.00	75.00	"	"
" " "	357	60.00	150.00	"	225.00
		1,264.41	4,347.05	5,242.96	9,590.01
Reuben Johnson	267	60.00	150.00	"	150.00
Harriet Johnson	280	60.00	150.00	"	150.00
Isaac Jacobs	63	62.50	312.50	"	"
" " "	152	62.50	312.50	788.00	1,413.00
Deborah Baldwin, in part	56	11.25	56.25	332.50	388.75
Jacob Jacobs	40	50.50	252.50	300.65	552.15
Marietta Abrams, SE. corner	58	1.00	5.00	115.00	120.00
Alexander Abrams	154	62.50	312.50	"	312.50
John Wilber	45	51.00	255.00	"	"
" " "	62	62.50	312.50	730.00	1,297.50
Lewis Roman	115	78.00	390.00	90.00	480.00
Susan Hendrick	249	60.00	150.00	"	150.00
Mary Hendrick	235	60.00	150.00	305.00	657.50
" " "	78	62.50	312.50		
John Dean, sr., guardian	"	"	"	"	"
Mary Jane Dean	"	"	"	"	"
David P. Dean	"	"	"	"	"
John Dean, jr., heirs of	30	78.00	450.00	410.00	750.00
Jane Dean	"	"	"	"	"
Harriet Jourdan	187	60.00	150.00	30.00	180.00
Sophia M. Jourdan	225	60.00	150.00	150.00	300.00
Luke Jourdan	233	60.00	150.00	"	150.00
Luke Jourdan	384	60.20	1.00	519.00	520.00
Catharine Mills, $\frac{1}{4}$ of an acre	182	53.12	265.60	80.00	345.60
Cornelius M. Aaron	108	62.50	312.50	"	312.50
Joseph L. Chicks	84	15.50	77.50	292.50	370.00
Betsey Manange, E. end of W. $\frac{1}{4}$	21	85.00	410.00	"	"
Heirs of Jacob Chicks	372	70.00	175.00	"	"
" " "	373	70.00	175.00	1,025.00	1,785.00
		1,345.57	5,327.85	5,206.65	10,534.50
Abram Chicks, a part of	85	3.40	17.00	15.00	32.00
" " "	86				
Betsey Wyatt, a part of	85	23.05	115.25	180.00	295.25
" " "	86				
Timothy Jourdan	269	146.00	352.50	" "	352.50
" " "	370				
John N. Chicks, a part of	371	10.62	53.10	" "	" "
" " "	85				
" " N. east part	221	10.00	"	650.00	1,235.60
" " S. west corner	131	1.00	5.00		
" " "	323	60.00	150.00	"	"
" " "	105	62.50	312.50	"	"
" " "	190	60.00	150.00	"	"

Schedule of lands still belonging to the Stockbridge Indians—Continued.

Names.	No. of lot.	No. of acres.	Value of land in dollars and cents.	Appraised value of improvements.	Total value of lands and improvements.
Levi Konkapot.....	61	62.50	\$312.50	\$ 879.00	\$1,295.00
" " ".....	190	62.50	312.50		
Mary M. Chicks.....	194	60.00	150.00		150.00
Thomas Jefferson Chicks, N. part.....	192	60.00	175.00	120.00	295.00
" " ".....	221				
Church building.....	383	7.81	39.05	500.00	629.05
South school house.....	64	50	2.50	77.50	80.00
Dedima Big Deer.....	14	68.00	340.00	710.00	1,050.00
	page 2	892.88	2,511.90	3,012.50	5,524.40
	page 2	1,345.57	5,327.85	5,206.65	10,534.40
	page 1	1,204.41	4,347.05	5,242.96	9,590.01
		3,302.86	12,186.80	13,462.11	25,648.91
Andrew J. Chicks.....	188	60.00	150.00		150.00
		3,362.86	12,336.80		25,798.91

This mark # annexed to certain lots denotes that such lots, in whole or in part, were sold to the United States by the "Indian" or "Quinney 1848 party" either without the knowledge or consent of the owners at the treaty concluded by the commissioners, Morgan L. Martin and Albert G. Ellison, on the 24th day of November, A. D. 1848, with a portion of the Stockbridge Indians, as by the said treaty, reference thereto being had, will more fully appear.

J. C. ADAMS.

EXHIBIT M.

General Land Office, List No. 195.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, greeting:

Whereas, by the treaties 24th November, 1848, with the Stockbridge tribe of Indians, and of the 5th February, 1856, with the Stockbridges and Munsees, it is provided that there shall be granted to certain members of the Stockbridge tribe, and to such other persons as shall be found entitled, certain lots in the township of land on the east side of Lake Winnebago, in the State of Wisconsin, which township was granted and secured to the Stockbridges by the treaty of 8th February, 1831, with the Menomonee tribe of Indians;

And whereas, the Office of Indian Affairs, under date the 12th April, 1860, has made to the General Land Office the following returns under the treaties aforesaid:

(1st) List B, "containing the names of certain parties in whose favor patents should be issued for the lots or parts of lots in the town of Stockbridge, Wisconsin, under the provisions of the 4th article of the Stockbridge treaty of November 24th, 1848, as described in the schedule appended to said treaty."

(2d) List C, containing "description of lots or parts of lots to be patented to the following parties under the 16th article of the treaty with the Stockbridges and Munsees of February 5th, 1856."

(3d) List E, containing "description of lots or parts of lots which are claimed by certain parties by purchase from the Indians to whom they were allotted, and in regard to which it is deemed proper to cause patents to be issued in favor of the original allottees, leaving the question of title to be determined by the proper courts." And under date of 15th September, 1860, the said Office of Indian Affairs has made to the General Land Office the further return of—

(4th) Map of the "Stockbridge Reservation, Wisconsin Territory," returned as the "Original map," said original map being accompanied by an "Explanation" map, previously reported to the General Land Office by said Office of Indian Affairs, to wit, under date of 25th May, 1860, containing, in addition to the data on said original, the numbers of all the allotments within the sectional designations thereon;

And whereas it appears from the aforesaid List E, that Aaron Turkey is entitled to a certain tract or parcel of land described in said list as lot number forty-two, containing fifty-one acres and forty-hundredths of an acre, and so numerically designated on said "Explanation" map accompanying said "Original" map:

Now know ye, That the United States of America, in consideration of the prem-

ises, and in accordance with treaty stipulations, *have given and granted*, and by these presents do give and grant, unto the said Aaron Turkey, and to his heirs, the tract or parcel of land above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said Aaron Turkey, and to his heirs and assigns forever.

In testimony whereof, I, James Buchanan, President of the United States, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the city of Washington, this eighth day of October, in the year of our Lord one thousand eight hundred and sixty, and of the independence of the United States the eighty-fifth.

By the President:

[SEAL.]

JAMES BUCHANAN.

By J. B. LEONARD,

Secretary.

N. GRANGER,

Recorder of the General Land Office.

Recorded, Vol. A, page 195.

EXHIBIT N.

Parties who were enrolled under the act of Feb'y 6th, 1871, who have sold land at Stockbridge, since the act of March 3rd, 1843—all "Indian Party" under treat. 1848.

Lot.	Allottee.	Sold to—	Date.	Instrument.	Recorded.
8	John Yocum.....	Daniel Whitney....	Feb'y 21, 1844	Warrantee deed	Vol. B, page 37-8
109	" " " " " "	" " " " " "	Aug. 12, 1845	" " " "	" C. " 361-2
184	Betsy Aaron.....	John Welch.....	" 21, 1844	" " " "	" F. " 256-98
37	Jonas Thompson....	T. W. Call.....	July 12, 1848	" " " "	" F. " 96-7
70	" " " " " "	Rufus Thompson....	May 6, 1848	" " " "	" F. " 44
68 W	Abram Pye.....	John Welch.....	Nov. 2, 1846	" " " "	" D. " 160-1
205	" " " " " "	Daniel McKaig.....	Dec. 26, 1850	" " " "	" " " "
75	Simon S. Moxen.....	Daniel Metoxen....	May 29, 1845	" " " "	" C. " 305-6-7
376	" " " " " "	Paul D. Hayward....	Aug. 5, 1845	" " " "	" " " 375-6
377	" " " " " "	" " " " " "	" " " " " "	" " " "	" " " "
124	Samuel Miller.....	Henry Moon.....	Sept. 16, 1844	" " " "	" C. " 52-3-4
129	John P. Quinney....	John Moore.....	Feb'y. 5, 1844	" " " "	" B. " 26-7-8
184	" " " " " "	James M. Lane.....	Nov. 4, 1845	" " " "	" D. " 28-9-30
201	" " " " " "	Daniel Whitney....	Aug. 19, " "	" " " "	" C. " 371-2
1	" " " " " "	Leuel Goodel.....	Apr. 7, 1847	" " " "	" E. " 13-14
138	Peter D. Littleman..	Jacob C. Horn.....	Feb'y 13, 1845	" " " "	" C. " 138-9-40
206	" " " " " "	Daniel Whitney....	Dec. 12, 1844	" " " "	" " " 80-4-5
167	Benj. Dextator.....	" " " " " "	Aug. 19, 1845	" " " "	" " " 265-6
170	Benj. Pye, 4th.....	Nathan Goodel....	Sept. 19, " "	" " " "	" " " 384-5
196	Hannah Pye, wife of Benj. Pye.	Daniel Whitney....	Mar. 13, " "	" " " "	" " " 202-3-4
245	Hannah Turkey, wife of Aaron Turkey.	" " " " " "	Dec. 23, 1844	" " " "	" " " 160-1
266 84	Moses Dextator.....	William Stott.....	Mar. 24, " "	" " " "	" D. " 134-5
272	Sarah A. Wilber, daugh. of Elizabeth Wilber.	Daniel Whitney....	" 13, 1845	" " " "	" C. " 207-8
322	Mary E. Wilber, daugh. of Elizabeth Wilber.	Francis P. Butler...	Apr. 12, 1848	" " " "	" F. " 60-1-2
331	Nicholas Palmer, son of Elizabeth Palmer.	White, Ball and Co.	June 19, 1848	" " " "	" F. " 97-8
333	Elizabeth Metoxen, wife of Simon Metoxen.	Daniel Whitney....	June 6, 1845	" " " "	" C. " 353-4

The above list is taken from the records of the register of deeds for Calumet County, Wisconsin, and I do hereby solemnly swear that I have carefully compared the foregoing list with the records thereof, and found it to be a true and correct exemplification and copy as appears of said records.

J. C. ADAMS.

Subscribed and sworn to before me, at the city of Washington, D. C., this 14th of June, A. D. 1892.

A. JOHNS,

United States Commissioner, District of Columbia.

EXHIBIT O.

Statement "A" to Kemble's report on page 6, Exhibit H, to Inspector Kemble's report Nov. 12, 1877.

You asked the Stockbridge tribe, in general council convened on the 20th inst., "Why ought the old citizen party be removed by the U. S. Government from off our reserve?" The undersigned would respectfully reply in brief—

1st. Because they received their full share and proportion of the tribal lands under the law of 1843, which they disposed of in private sales, and consumed the avails thereof to their own private benefit, leaving consequently nothing to stipulate away to the General Government, by which the present property of the tribe was subsequently secured. To enter a little more into detail, a minority band of the tribe petitioned Congress, all eager to become citizens, and the result was the law of 1843, a law covering the whole tribe instead of being limited to the petitioners. As that law provided for commissioners to survey and allot the reserve of the tribe, these citizens succeeded in getting the whole number needed to divide and apportion the tribal lands from among their number. The reserved had been partly surveyed previous to this by the tribe, and a record was kept, so as to give chance to members of the tribe to select homes as fast as they became of age, consequently these citizen commissioners had no hard task in the resurvey of the reserve. This formality past, for which they received payment, they proceeded to apportion the land and of course securing to themselves and their party all the best farms and localities; while the Indian party, who had been looking on, were assigned minor portions, which they were obliged to accept or have none at all. After this partition, the citizen part began to dispose of their lands under warrantee deeds to white citizens who began to flock in upon the reserve; and to impose taxes upon the Indian party, which the Indians resisted to the last, showing every way that they did not consider themselves citizens, nor did they wish to participate in the privileges granted by the law of 1843.

From this time the tribe was resolved into two distinct bands or parties. The citizen part began not only to dispose of their lands as citizens but also to pay taxes, vote at elections, and hold offices. After being weary of the troubles caused by the white and Indian citizens, the Indian part by delegation and petition finally succeeded in gaining a repeal by Congress in 1846 the law of 1843, restoring the tribe back to its former usages and customs. In this repealing act it was provided that those who wished to continue citizens should enroll in a book kept open by the Indian agent. But at this the citizen portion scouted, declaring that they had once been declared citizens and meant to remain such, and no after act of Congress could take from them that right. The act of 1846 failing to settle all difficulties, and the citizen part continuing to harass the Indians, the latter finally asked the Government to treat with them, and purchase from them their portion of lands allotted to them under the law of 1843.

Accordingly two commissioners were appointed in 1848, viz, the Hon. M. L. Martin and Hon. A. G. Ellis, then Indian agent. The provisions there provided for the benefit of this tribe and which they accepted, may be seen by a reference to that treaty, and the lands and property stipulated away to the Government were the lands and lots which fell to them in the division made under the law of 1843, which we can show by a list now in our possession. During the pending of this treaty, an opportunity was given to the citizen part to come in and become parties, but they sternly refused, saying that all they wanted was the speedy issue of their patents by the Government. That treaty was ratified, but for some cause its execution on the part of the Government failed year after year for six long years, tho' the tribe begged and petitioned every way to have its provisions carried out.

By this time the citizen part had disposed of all their lots, and were looking around to find some way by which they could crawl back to become Indians and receive further benefits from the Government. Francis Heintschman, being then superintendent over the Northwest Indians, was authorized in 1856 to treat with the Stockbridge tribe, and offer them a home in Wisconsin in lieu of the two townships west of the Mississippi stipulated in the treaty of 1848. Finding the authorities of the tribe refused to accede to his wishes and act with him, he deposed the sachem and counselors, and incited the council of citizens and Indians to vote for and elect such men as he knew would favor his plans. The terms of the treaty were drawn up and were signed truly by Indians first, these supposing that no names would be received and admitted but such as were entitled to sign, and who had property to stipulate away. After gaining a few signatures he announced that the treaty was open to all, both citizens and Indians. To this the first Indian signers remonstrated, and even asked to erase their names from the treaty, but all this was refused them. The citizens, having nothing to lose but everything to gain, readily came forward and gave their names, many being allowed to sign who had not a drop of Stockbridge blood, and never before considered members of the tribe. This was a forced and a gaged action on the part of the superintendent, in which the tribe could not help themselves.

To gain names enough to the treaty so as to seem that he had the majority of the tribe, was the determined purpose of the superintendent. Having obtained this the treaty was sent to Washington and ratified in the face of a remonstrance made by about 40 of the Indian party. There being no other way in which redress could be obtained the Indian party finally removed with reluctance, to live with the citizen party on the two townships provided them under the treaty of 1856. But they were not without hope, for they believed that some day the Government would make their wrongs all right, and would restore to them what had been wrested from them by injustice. Under the treaty of 1856 the citizens took up and occupied lands, received equal sums of money and supplies with the Indians, until about the year 1869 or 1870, when the citizens began to assume power and desired to control tribal affairs.

The old sores not being yet healed in the minds of the Indians, and having always considered the citizens mere intruders, they naturally raised the question of right to the lands and money in which the citizens had been sharing for fourteen or fifteen years. A delegation of two was dispatched to Washington to explain and lay their grievances before the Great Father. The delegates interviewed Comr. E. Parker, then Comr. Ind. Affairs, the chairman of the Indian Committee in the Senate, and members of Congress from this district. All these favoring the Indian cause and assuring the delegates that the citizens had no right to the lands and money of the Indians, a bill was drawn up by our special attorney, which became a law in 1871, restoring back to the Indian party their rightful property. Now, in making out the rolls under this law both the commissioner of enrollment and the sachem and counselors of the tribe were confined as much as possible to the parties who signed the treaty of 1848 and who sold land under that treaty.

By the above statement you will perceive that the citizens who are now upon our reserve obtained their full share of tribal lands under the treaty of 1843, with every member of the tribe, but having disposed of these by private sales and receiving patents, they had none to part with when they crawled into the treaty of 1856, consequently have never had any further right to land and money. It is true they signed the treaty, but the mere signing can never establish a claim to others' property. The property provided in the treaty of 1848 was claimed exclusively by the Indian party whose names are appended to it. This property was obtained by the sale of their lots and lands which they reserved from private sale, until they disposed of these to their Great Father in that treaty. And when the citizens signed the treaty of 1856 they assumed to stipulate away property, a cent's worth of which they could not rightfully claim.

They may try to show that certain of their lots and lands were sold in the treaty of 1848 by the Indian party. But as we utterly deny the charge, we have a correct list that was made at the time, and now in our possession, of all lands that were then disposed of by each individual. If any lots were taken from them it must have been done by the Government or its agents.

A further reason why these citizens ought to be removed is, quite a large part of them were never considered members of the Stockbridge tribe, even previous to the law of 1843. When the lands came to be divided under that law, they were strongly objected to by the Indian party. But after a lengthy discussion the two parties finally agreed to give them a share, that being a *final favor* they would ever expect to receive from the tribe. They received their lands, sold them, came in again by the treaty of 1856, and are to-day the principal intruders on the reserve.

The citizens may claim a right here on this reserve because the lands under the treaty of 1848 were given to the Indians in consideration of a claim had by the whole tribe on the White River in Indiana. But we reply that, whatever was stipulated to that part who made a treaty in 1848, was given to them specially and exclusively by the Government, while that power fully understood that they had so many Indians under their charge and had to furnish them a home. When the Indians asked, "Shall we receive citizen names to our petition?" they were told, "We don't want any but Indian names. If the citizens have any claims let them prosecute them themselves."

Another consideration comes from the fact that the law of 1871 does not recognize these citizens in any way. That law provides alone for the Indian party, and when the lands and money were divided, that party alone shared in them, the new citizens going out, while the Indian part funded their portion of money in the hands of the general Government, and purchased a half township which now composes this reserve.

These are our reasons, and trust they are cause enough to induce the Government to remove these citizens at as early a day as possible.

Fraternally and respectfully,

Yours, etc.,

JEREMIAH SLINGERLAND,
ELI T. WILLIAMS,
SAMUEL A. MILLER,
his
JOHN x YOCERCKM,
mark.
C. S. AARON,
ZACHARIAH MILLER.

For further details in connection with that part of the history of our case by me related here, which has been adjusted and settled by the treaty of February 5, 1856, I invite the attention of the honorable committee to peruse the series of letters, list of names of the different classes of claimants, and documents appertaining thereto, fully given from and including letter of July 16, 1847, of Albert G. Ellis, sub Indian agent, on page 780, and other documents to 810 inclusive; Senate document No. 1, first session, Thirtieth Congress. Among these documents will be found the form of deeds given by John W. Quinney in disposing of his selection for allotment in the Stockbridge Indian reservation, which form has been used in all other cases of the Indians in their sales of their allotments, etc. And while these deeds purport to convey the title to the lands, we contend that they did not and could not pass or convey title, and the grantees of the Indians did accept such deeds with constructive notice that the title to these lands was in the United States, and that the Indians could not convey it. The material contained in Senate miscellaneous document No. 119, first session, Forty-eighth Congress, referred to by Mr. Miller, is nothing more nor less than a repetition of the facts contained in my last above reference.

The selections and allotments made to the Stockbridge and Munsee tribes of Indians (comprising both the old citizens' and Indian parties alike) under the act of March 3, 1843, are given and exhibited upon the map of said Indians' reservation made and drawn by Jacob B. Deuel, the surveyor, which I herewith submit and mark Exhibit K hereof.

I also refer to the list of the individuals of the old citizens' party who were allottees and occupants of their respective selections and allotments upon said reservation (Exhibit K hereof) which were ceded against their consent by said treaty of 1848 and the proceeds thereof thrown into or pooled into the common funds of said Indians, they being claimants herein. This list is herewith, marked Exhibit L.

I also refer to the United States patent issued to all the Indians, both the old citizens' party as well as the Indians' party, under and in pursuance of articles XIII, XIV, XV, and XVI of said treaty of 1856, which patent upon its face and form classifies and designates the individuals to whom patents were issued, and separated from the tribe and are not now claiming, and to whom patents were issued and remained with the tribe and who are now claimants. Said patent is herewith, marked Exhibit M.

I also refer to the list of those individuals of the Indian party now contending here who sold their allotments granted to them under said acts of March 3, 1843, which is marked Exhibit N hereof; their case was also passed upon and adjusted by said treaty of February 5, 1856, which restored them as well (but no more so) as the old citizen's portion or party, so called, of said tribe, though the said old citizen portion are deprived of their shares of the benefits under said treaty of 1856 by the operation of that infamous act of 1871.

In conclusion, I refer to the Statement A referred to in Kemble's report, on page 6 of Exhibit H hereof, which statement is the prayer of the Indian party to the Indian inspector, Kemble, for the removal of us, the old citizen's party, from the Indian reservation, and which I have marked Exhibit O hereof.

The allegation therein made and given as ground for the removal of said old citizen Indians clearly admits of all the facts which I have presented showing the merits of our claim for our equal shares of the benefits under the treaties.

Therefore from the facts aforesaid we ask the committee to so amend our said bill 2873 so as to cover and protect our rights under the treaties, and that the Federal courts may be vested with jurisdiction to settle all further difficulties which may arise. All of which is respectfully submitted.