

LANDS TO CHIPPEWA INDIANS, LAKE SUPERIOR.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior relative to allotment of lands in severalty to Chippewa Indians of Lake Superior.

DECEMBER 11, 1883.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, submitting a draft of a bill "providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior, residing in the State of Wisconsin, and granting patents therefor."

The subject is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 10, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 3, 1883.

SIR: I have the honor to submit herewith for your consideration a draft of a bill prepared by the Commissioner of Indian Affairs, entitled "A bill providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior, residing in the State of Wisconsin, and granting patents therefor."

I also submit copy of the report of the Commissioner of Indian Affairs, containing detailed information on the subject, together with the inclosures mentioned therein.

The measure has my approval, and I respectfully request that it may be transmitted for the consideration of the Congress.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, October 17, 1883.

SIR: I have the honor to acknowledge the receipt, by Department reference of January 26, 1883, "for views and suggestions," of a supplemental report by the Commissioner of the General Land Office, dated January 24, 1883, on a letter of Hon T. C. Pound, dated January 5, 1883, relative to lands withdrawn for the Red Cliff Indians in Wisconsin, together with the original report of the Commissioner, dated January 15, 1883.

The Commissioner, in his report of January 24, 1883, sets out in full the history of the withdrawal of these lands.

On the 2d day of February, 1883, Agent Durfee was called upon to report how many Indians of the Red Cliff band who had never received allotments were entitled to the same, how much land should be retained to meet the future requirements of the Indians, and whether any portion of the reservation might properly be restored to the public domain.

On the 8th of May, 1883, he replied, recommending that the lands withdrawn from sale in 1863 be restored to market.

The information contained in this report not being deemed sufficiently definite, he was asked for further information, under date of May 18, 1883, to which he replied, on the 22d of May, 1883, to the effect that there were 250 Indians upon the Red Cliff Reservation to whom annuities were distributed, while the last census of the Red Cliff band showed some 750 members, which included, as he presumed, all those descendants of Buffalo's band who are residing upon Madeline Island, at Bayfield, Ashland, Superior, and vicinity, they for many years not having sustained tribal relations with any band. He also stated that many of them had recently made application for allotments on the Bad River Reservation, and that he was in receipt of a list made by the Government farmer at Red Cliff, with the assistance of Chief John Buffalo, comprising 43 names of members of the Buffalo band, as the full number entitled to allotments.

On the 26th of June, 1883, he was asked whether these persons would take allotments on Bad River, and whether there were sufficient farming lands there to permit of their doing so.

Under date of October 8, 1883, he replied, inclosing a list, comprising 88 names of parties who desire to take allotments, and stated that the parties were mostly mixed bloods, descendants of the Buffalo and Bad River bands; that many of them had not for a number of years and some of them had never lived upon the reservation or affiliated with the Indians; that in making the payments before the expiration of the treaty of 1854 (payments were to be made annually for twenty years), they had all been acknowledged as entitled to their share of the annuities, but of late years they had lived in, and in the vicinity of, the village of Bayfield, supporting themselves as laborers; that most of the allotments upon the Red Cliff Reservation have been made to the same class of mixed bloods, and some thirty patents issued to the same class upon the Bad River Reservation; that there are doubtless others scattered about the country equally entitled to allotments; that many of these parties have made application for allotments on the Bad River Reservation, but that the Indians of that reservation are unanimous in refusing to consent to their receiving patents; and that he had not endeavored to overcome this opposition, as most of the applicants were only desirous of selling the pine from the land, and had no intention of residing upon it.

He says that to the best of his knowledge the land withdrawn from market as an addition to Red Cliff is not generally heavily timbered; that if the Department decides that the above class, who seem at present to have no standing upon the reservation as Indians, and are not acknowledged as citizens by the whites, are entitled to allotments, it will require all the land withdrawn and reserved as an addition to Red Cliff. He recommends, if such an arrangement can be made, that allotments be made on these lands to males only, and with the understanding that they should be occupied and a certain amount of improvements made before patents be issued.

The sixth clause of the second article of the treaty of September 30, 1854 (10 Stat., 1110) provides for a reservation of four sections only for this band.

The allotments to these Indians have all been made on the 2,592.61 acres selected as the treaty reservation, as indicated in office letter dated September 3, 1858, and all these lands have been allotted except 267.37 acres. It is believed that there is no authority to make allotments of land upon the additions made to these four sections.

While it is difficult to determine generally, and in the absence of proper evidence, whether these parties, or any of them, would be entitled to allotments, if there were lands sufficient remaining on the treaty reservation, there are doubtless some of them equally entitled with those who have received patents under the treaty, and many more who are entitled to consideration, and to whom the allotment of land would be an act of justice.

After careful consideration of the subject, I have concluded to recommend that the lands be not restored to market, and have prepared the draft of a bill authorizing the

allotments of lands in severalty to the members of Buffalo's band upon the addition to the reservation, in the manner and quantity provided in the treaty. I have, however, made the issuance of a patent conditional upon three years' residence and the making of improvements to the value of \$200, in accordance with Agent Durfee's suggestion. I do not deem it advisable to make any distinction on account of sex, as the conditions imposed will be a sufficient guarantee of the intention of the patentees to reside upon the land.

I have the honor to recommend that the proposed bill be transmitted to Congress, with a request for favorable action.

I return the papers received for report, and inclose two copies of the bill and of this report; also of Agent Durfee's letters.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

To the Hon. SECRETARY OF THE INTERIOR.

A BILL providing for the allotment of lands in severalty to certain Chippewa Indians of Lake Superior, residing in the State of Wisconsin, and granting patents therefor.

Whereas the reservation provided for Buffalo's band of Chippewa Indians by the sixth clause of the second article of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four, is not sufficient to admit of an allotment of eighty acres to each head of a family or single person over twenty-one years of age belonging to said band, as contemplated by the third article of said treaty; and whereas certain other lands in Wisconsin have been withdrawn from market for the purpose of an addition to the reservation provided in said treaty: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may assign to each head of a family or single person over twenty-one years of age, belonging to that subdivision of the La Pointe band of Chippewa Indians of which Buffalo was chief, eighty acres of land for his or their separate use, out of the lands reserved as additional to the Red Cliff Indian Reservation in the State of Wisconsin: *Provided,* That such person has not heretofore received land under the provisions of any article of said treaty.

SEC. 2. That whenever any allottee under the provisions of this act shall have resided continuously on the land assigned him for the period of three years, and have made improvements thereon to the value of two hundred dollars or more, the President may issue a patent therefor, as provided in article three of the treaty between the United States and the Chippewas of Lake Superior and the Mississippi, concluded September thirtieth, eighteen hundred and fifty-four.

SEC. 3. That the lands within the addition to said Red Cliff Indian Reservation which shall be unallotted at the expiration of one year from the passage of this act be, and the same are hereby, restored to the public domain.

GENERAL LAND OFFICE,
September 6, 1855.

SIR: Inclosed I have the honor to submit an abstract from the Acting Commissioner of Indian Affairs' letter of the 5th instant, requesting the withdrawal of certain lands for the Chippewa Indians in Wisconsin, under the treaty of September 30, 1854, referred by the Department to this office on the 5th instant, with orders to take immediate steps for the withdrawal of the lands from sale.

In obedience to the above order I herewith inclose a map, marked A, showing by the blue shades thereon the townships and parts of townships desiring to be reserved, no portion of which are yet in market, to wit: Township 51 North, of Range 3 West, fourth Principal Meridian, Wisconsin; Northeast quarter of Township 51 North, of Range 4 West, fourth Principal Meridian, Wisconsin; Township 52 North, of Ranges 3 and 4 West, fourth Principal Meridian, Wisconsin. For the preservation of which, until the contemplated selections under the sixth clause of the Chippewa treaty of 30th September, 1854, can be made, I respectfully recommend that the order of the President may be obtained.

The requisite reports on the subject of the new surveys, and respecting pre-emption claims, referred to in the same order, will be prepared and communicated at an early day.

I am, respectfully, your obedient servant,

THOMAS A. HENDRICKS,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
February 20, 1856.

This plat represents by the blue shade certain land to be withdrawn with a view to a reservation under Chippewa treaty of 30th September, 1854, and as more particularly described in Commissioner of the General Land Office's letter of 6th September, 1855. The subject was referred to the President for his sanction of the recommendation made in Secretary's letter of 8th September, 1855, and the original papers cannot now be found. This plat is a duplicate of the original received in letter of Commissioner of the General Land Office of this date, and is recommended to the President for his sanction of the withdrawal desired.

R. McCLELLAND,
Secretary.

FEBRUARY 21, 1856.

Let the withdrawal be made as recommended.

FRANKLIN PIERCE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
September 3, 1858.

SIR: My attention has just been called to the subject of your communication of the 31st of May last, together with the papers inclosed therewith, pertaining to the selection of the four sections of land reserved for that subdivision of the La Pointe band of which Buffalo was chief, under the sixth clause of the second article of the Chippewa treaty of September 30, 1854.

This matter formed the subject of a communication from this office to the Secretary of the Interior on the 5th of September, 1855, a copy of which is herewith inclosed, in which it was recommended that the necessary means should be taken to cause T. 51 N., R. 3 W., the NE. $\frac{1}{4}$ of T. 51 N., R. 4 W., and T. 52 N., R. 3 and 4 W., to be reserved from sale until the selections were made, under the provisions of the aforesaid treaty, for the bands of Indians of which Buffalo was then chief.

Agreeably to the suggestions of this Bureau, your office was directed by the Secretary of the Interior, sometime in the month of September, 1855, to adopt appropriate steps to have said tracts reserved from pre-emption and sale until the selections for the Indians had been made.

I find by an examination of a letter from Col. G. W. Manypenny, dated at La Pointe, Wis., August 24, 1855, that he (by mistake) designated the northeast quarter of T. 51 N. of R. 4 W. to be withheld from sale; whereas it should have been the southeast quarter of the same township and range; and I have now to request that you will direct the register and receiver of the proper local land office to withhold from pre-emption or sale sections 25 and 36 in the southeast quarter of the aforesaid township, the same being a portion of the lands selected by the Chief Ge-gi-qui-on, and that said sections should be respected upon the records of their office.

In view of these facts, I am of the opinion that no pre-emption claims presented subsequent to the selection of the land for Indian purposes in 1855 should be admitted to the prejudice of the rights of the Indians under the treaty.

The treaty evidently contemplated the selection of the land on or near the lake shore, and therefore it is not deemed requisite that the location should embrace four full sections, as such a construction, in view of the meanders of the lake, would prevent the location at that point; and as the legal subdivisions selected by Ge-gi-qui-on are in as compact a form as practicable, although the aggregate exceeds by 32.61 acres the area of four full sections of one square mile each, yet as the selections conform to the requirements of the treaty as nearly as possibly I hereby approve the location of the following tracts, and have to request that the same may be respected upon the books of your office, and that the proper local land office be notified of the same, to wit:

In T. 51, R. 3 west of the fourth meridian :

	Acres.
Lot No. 3 in the NW. fractional $\frac{1}{4}$ of sec. 20, containing	55.35
Lot No. 4 in the SW. fractional $\frac{1}{4}$ of sec. 20, containing	56.70
Lot No. 5 in the SW. fractional $\frac{1}{4}$ of sec. 20, containing	60.72
Lot No. 1 in the NW. fractional $\frac{1}{4}$ of sec. 29, containing	54.38
Lot No. 2 in the NW. fractional $\frac{1}{4}$ of s. e. 29, containing	39.43
Lot No. 3 in the SW. fractional $\frac{1}{4}$ of sec. 29, containing	22.88
Lot No. 1 in the SE. fractional $\frac{1}{4}$ of sec. 30, containing	37.62
The NE. $\frac{1}{4}$ of the SE. fractional $\frac{1}{4}$ of sec. 30, containing	40.00

The W. $\frac{1}{2}$ of the SE. fractional $\frac{1}{4}$ of sec. 30, containing.....	80.00
The NE. $\frac{1}{4}$ of sec. 30, containing.....	160.00
The W. $\frac{1}{2}$ of sec. 30, containing.....	320.00
Lot No. 1 in the NE fractional $\frac{1}{4}$ of sec. 31, containing.....	37.70
Lot No. 2 in the NE. fractional $\frac{1}{4}$ NW. fractional $\frac{1}{4}$ of sec. 31, containing...	61.58
The NE. $\frac{1}{4}$ of the NW. $\frac{1}{4}$ of sec. 31, containing.....	40.00
The W. $\frac{1}{2}$ of the NW. $\frac{1}{4}$ of sec. 31, containing.....	80.00
Lot No 3 in the SW. fractional $\frac{1}{2}$ of sec. 31, containing.....	42.15
Lot No. 4 in the SW. fractional $\frac{1}{4}$ of sec. 31, containing.....	44.10
The W. $\frac{1}{2}$ of the SW. fractional $\frac{1}{4}$ of sec. 31, containing.....	80.00
In T. 51, R. 4 west of the fourth meridian :	
The whole of sec. 25, containing.....	640.00
The whole of sec. 36, containing.....	640.00
Total	2,592.61

Very respectfully, your obedient servant,

CHARLES E. MIX,
Commissioner.

JOSEPH S. WILSON, Esq.,
Acting Commissioner of the General Land Office.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
May 25, 1863.

SIR: I herewith transmit a plat showing a proposed enlargement of the Red Cliff Indian Reservation, in Wisconsin, it being that portion bounded by Lake Superior and the yellow lines upon the plat, and would respectfully ask that you cause the lands embraced therein to be withheld from sale until definite action can be had upon the proposed enlargement.

Very respectfully, your obedient servant,

W. P. DOLE,
Commissioner.

Hon. JOSEPH S. WILSON,
Acting Commissioner General Land Office.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 15, 1883.

SIR: I have the honor to acknowledge the receipt by reference from the honorable Assistant Secretary, of date 9th instant, of a letter from Hon. T. C. Pound of same date, asking in regard to certain lands in Wisconsin which were withdrawn from sale or location in 1863, for the purpose of enlarging the Red Cliff Indian Reservation. By endorsement on said letter this office is called upon for a report on said subject.

I have to report that the records of this office show as follows touching said withdrawal:

By letter of this office, dated May 27, 1863, to the local land officers at Bayfield, Wis., said officers were instructed to "withhold from sale or location until further orders all the lands in T. 51 and 52, 3 W., Secs. 2 and 6, in T. 51, 4 W., and T. 52, 4 W., Secs. 1, 2, 3, and 4, T. 51, 5 W., and T. 52, 5 W."

Subsequently, by letter of September 11, 1863, this office advised said local officers at Bayfield, Wis., that the islands in the above-named sections and townships were excluded from the operation of said order of withdrawal.

The plats in this office show the following lots and parcels of land to have been withheld from sale in consequence of said order:

Secs. 6, 7, 8, 16, 17, 18, 19, 20, 21, 29, 30, and 31, T. 51, R. 3 W.

Lot 1, Sec. 31, T. 52, R. 3 W.

Secs. 1, 2, and 6, T. 51, R. 4 W.

Lot 1, Sec. 21, lot 1, Sec. 22, and Secs. 26, 27, 28, 31, 32, 33, 34, 35, and 36, T. 52, R. 4 W.

Secs. 1, 2, 3, and 4, T. 51, R. 5 W.

Secs. 34, 35, and 36, T. 52, R. 5 W.

As stated in Mr. Pound's letter, allotments to Indians have been made within the limits of said withdrawal, and duly posted upon the tract books of this office from lists furnished by the Indian Bureau, in accordance with the orders of the honorable Secretary of the Interior, of date March 12, 1877, and March 3, 1881.

I have no reason to urge why the lands within the limits of said withdrawal, or reservation, should not be restored to market when the purpose for which they were withdrawn shall have been served.

The letter of Mr. Pound is herewith returned.

Very respectfully,

N. C. McFARLAND,
Commissioner.

The Hon. the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 24, 1883.

SIR: Respectfully referring to my letter C, dated the 15th instant, reporting to the Department upon letter of Hon. T. C. Pound, who asked for information concerning certain lands in Wisconsin formerly withdrawn for the Red Cliff Indians, which report of mine was returned to this office on the 17th of January, 1883, with indorsement of the Assistant Secretary of the Interior "for further report showing the Departmental or Executive orders for withdrawal and the *status* of the reservation; also for specific answer to the question asked by Mr. Pound respecting the competency and effect of Executive restoration," I have now the honor to report in full, as follows:

The original order for withdrawal in this case is dated February 21, 1856 (copy of original herewith inclosed with diagram, showing that at that date the President ordered to be withdrawn, with a view to a reservation, under Chippewa treaty of 30th September, 1854, T. 51 N., R. 3 W., NE. $\frac{1}{4}$ of T. 51 N., R. 4 W., T. 52 N., R. 3 and 4 W. of the fourth Principal Meridian, Wisconsin. Copy of this order was duly communicated to the United States surveyor-general and register and receiver at Superior, Wis., on February 25, 1856.

These lands at that date were unsurveyed, and it appears from the official correspondence that when the surveys were subsequently made the surveyor-general failed to note the reservation upon the township plats filed in the United States local land office. On September 3, 1858, the Commissioner of Indian Affairs, in letter to this office, stated that the designation of the NE. $\frac{1}{4}$ of T. 51 N., R. 4 W., by Colonel Manyenny for withdrawal by said Executive order of February 21, 1856, was an error, and that it should have been the SE. $\frac{1}{4}$ of the township; and he therefore requested that the United States land officers be instructed to withhold Secs. 25 and 36 of said township for the chief Ge-ge-qui-on. In the same letter he indicated the particular tracts which had been selected in T. 51 N., R. 3 and 4 W., for said Indians, amounting in all to 2,592.61 acres, and approved the locations, the same being, in the aggregate, an excess of only 32.61 acres over the four sections provided to be selected under the sixth clause of the second article of the Chippewa treaty of September 30, 1854. (Stats. 10, p. 1109.) See copy of said letter herewith.

On September 8, 1858, this office issued the instructions requested to the United States local land officers relative to Secs. 25 and 36 of T. 51 N., R. 4 W., and the other selections named in letter of Indian Office, and made reference to the original instructions to those officers, dated February 25, 1856, under said Executive order. On January 16, 1861, the Commissioner of Indian Affairs addressed a letter to this office as follows: "Referring to a letter from this office to you of the 3d of September, 1855, in which you were notified of the selection of certain lands for the La Pointe band of which Buffalo was chief, under the sixth clause of the second article of the Chippewa treaty of September 30, 1854, I would now state that, having understood that said letter was not sufficiently specific, the lands withdrawn from sale for the benefit of this band not described in the aforesaid letter are no longer needed for Indian purposes."

It does not appear that this office took any steps to restore the lands formerly withdrawn by Executive order, but mentioned by the Commissioner of Indian Affairs as no longer needed for Indian purposes."

The next withdrawal for said Indians was made by this office at the request of the Commissioner of Indian Affairs, in letter dated May 25, 1863, copy inclosed, with which he transmitted a plat showing a proposed enlargement of the Red Cliff Indian Reservation, and requested that the lands indicated by his letter and plat should be withheld from sale until definite action could be taken upon the proposed enlargement.

Accordingly instructions for this withdrawal were issued by this office on May 27 and June 3, 1863, the instructions of the latter date being merely as to Sec. 1, T. 51 N., R. 4 W., overlooked in letter of May 27, 1863, to the United States local land officers. Copy of the diagram received with letter from the Indian Office, dated May 25, 1863, is herewith furnished, which being compared with the Executive order of February 21, 1856, shows that all the lands designated by the Commissioner of Indian Affairs for withdrawal, had been previously ordered to be withdrawn by said Execu-

tive order, with the following exceptions, viz : Sec. 6 of T. 51 N., R. 4 W., Secs. 1, 2, 3, and 4 of T. 51 N., R. 5 W., and Secs. 34, 35, and 36 of T. 52 N., R. 5 W.

From the foregoing it will be seen that the larger part of the lands referred to by Hon. T. C. Pound were withdrawn by order of the President, the remainder having been withdrawn at the instance of the Commissioner of Indian Affairs.

This office is not advised as to the extent of allotments made or to be made from said lands under the direction of the Indian Office, and, therefore, cannot state definitely the present status of the same, but whenever the Indians shall have been satisfied in regard to allotments I see no objection to the restoration of the balance, if any, of the lands to the public domain by the same authority by which they were withdrawn, no act of Congress being required in such cases to restore the lands.

In regard to the effect of such restoration, I have to state that an Executive order canceling the order of withdrawal would place the lands in the same condition in which they were before withdrawal, and they would then have to be offered in accordance to law before they would be subject to private entry, they never having been offered at public sale.

The letter of Hon. Mr. Pound, together with my letter of the 15th instant, is herewith returned. The following described tracts, viz : Lot 1, of Sec. 21, and lot 1, of Sec. 22, T. 52 N., R. 4 W., should have been included in my letter of the 15th instant as a part of the lands requested to be withdrawn in May, 1863, by the Indian Office.

List of papers herewith.

1. Copy of Executive order, dated February 21, 1856, with accompanying papers.
2. Copy of letter of Commissioner of Indian Affairs, dated, September 3, 1858.
3. Copy of letter of Commissioner of Indian Affairs, dated May 25, 1863, with diagram inclosed.
4. Letter of Hon. T. C. Pound.
5. My letter, dated January 15, 1883.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

UNITED STATES INDIAN SERVICE,
LA POINTE AGENCY,
Ashland, May 8, 1883.

SIR: Referring to Department letter of February 2, L. 1,820, 1883.

The occupants of the Red Cliff Reservation, comprising the band of which Buffalo was chief, and who have received patents for their lands, are nearly all mixed bloods, there being only two families, I think, of full blood upon that reservation.

There are in the vicinity, at Bayfield and La Pointe, a large number of the same class who have never made their homes upon the reservation, but who are now endeavoring to secure allotments upon the Bad River Reservation. I do not think the intention is to locate permanently there, but to secure 80 acres of pine, and then, after disposing of the timber, to abandon the land.

The Bad River Indians (whom I have not yet had the opportunity to meet in council) will, I am satisfied, object to their receiving allotments upon that reservation. These men are recognized as voters in the towns where they reside; have never affiliated with the Indians; have the rights of homestead, and I do not think any injustice would be done them by restoring these lands to market. In their present condition the lands are not occupied or utilized by the Indians, the county authorities do not feel like building roads through them, and the reservation has the effect of retarding settlement. I would respectfully recommend that the lands withdrawn from sale in 1863 be restored to market.

Very respectfully,

W. R. DURFEE,
United States Indian Agent.

Hon. H. PRICE,
Commissioner Indian Affairs, Washington.

UNITED STATES INDIAN SERVICE,
LA POINTE AGENCY,
Ashland, Wis., May 22, 1883.

SIR: Referring to Department letter of May 18, L. 8656, 1883.

My annuity rolls for 1881 and 1882 show about 250 persons upon the Red Cliff Reservation to whom annuities were distributed during those years. These comprise, I

think, all the Indians actually sustaining tribal relations and making their homes upon the reservation, and none of them live upon any portion of the land reserved outside the four sections comprised in the original reservation, it having been the impression of myself and my predecessor that the remaining portion of the reservation was not subject to allotment, but was withdrawn from market to meet future contingencies.

The number of Indians belonging to this band, as stated in my last annual report, was taken from the last regular census of the Red Cliff band, and, I presume, included all those descendants of the band, of whom Buffalo was chief, who are now living upon Madeline Island, at Bayfield, Ashland, Superior, and vicinity. They have now for many years sustained tribal relations with any band.

Many of them have recently made applications to me for allotments upon Bad River Reservation, but I have never received an application for an allotment on Red Cliff Reservation outside the limits of the original reservation above mentioned, nor are there any Indians to my knowledge resident thereon.

In relation to the right of the class of Indians and half-breeds living outside the reservation, I had the honor to ask for instructions under date December 29, 1882, receiving in reply Department letter of January 26, 1883, L. 88, 1883, 1470, 1883, stating in effect that no definite ruling could be given, but that the circumstances attendant upon each application must be stated, and each must rest upon its own merits.

I am in receipt from Mr. Milligan, Government farmer upon Red Cliff Reservation, of a list made by him with the assistance of Chief John Buffalo, comprising 43 names of members of the Buffalo band, as the full number entitled to allotments.

I would respectfully ask if allotments should be made upon the remaining lands reserved, if application is made by these parties.

Very respectfully,

W. R. DURFEE,
United States Indian Agent.

Hon. H. PRICE,
Commissioner of Indian Affairs, Washington, D. C.

UNITED STATES INDIAN SERVICE,
LA POINTE AGENCY,
Ashland, Wis., Oct. 8th, 1883.

SIR: Referring to Department letter of June 26, L. 9554, 1883.

I inclose herewith list comprising 88 names of parties who desire to take allotments.

These parties are mostly mixed bloods, descendants of the Buffalo and Bad River bands, and many of them have not for a number of years, and some of them have never lived upon the reservations or affiliated with the Indians.

In making the payments before the expiration of the treaty of 1854, they have all been acknowledged as entitled to their share of the annuities, but of late years they have lived on and in the vicinity of the village of Bayfield, supporting themselves as laborers. Most of the allotments upon the Red Cliff Reservation have been made to the same class of mixed-bloods, and some 30 patents have been issued to the same class upon the Bad River Reservation. Scattered about the country are doubtless still others equally entitled to allotments. Many of these parties have made application for allotments on the Bad River Reservation, but the Indians of that band are unanimous in refusing to consent to their receiving patents. I have not made any effort to remove their objections (except in a few instances where mixed-bloods have been born and always lived with the Indians upon the reservation) for the reason that all of these selections have been made from pine lands, and many of them I knew were only desirous to sell the pine and had no intention of residing upon or improving the land. To the best of my knowledge the land withdrawn from market as an addition to the Red Cliff Reservation is not generally heavily timbered. If the Department decides that the above class who seem to at present have no standing upon the reservations as Indians, and are not acknowledged as citizens by the whites, are entitled to allotments it will require all the land "withdrawn and reserved" as an addition to the Red Cliff Reservation. If such an arrangement could be made I would recommend that allotments be made on these lands to males only, and with the understanding that they should be occupied, and a certain amount of improvements be made before a patent issued.

Very respectfully,

W. R. DURFEE,
United States Indian Agent.

Hon. H. PRICE,
Commissioner Indian Affairs, Washington, D. C.