

L'ANSE AND VIEUX DE SERT BANDS OF CHIPPEWA INDIANS.

APRIL 11, 1874.—Recommitted to the Committee on Indian Affairs and ordered to be printed.

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

R E P O R T :

[To accompany bill H. R. 1698.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1698) "for the relief of the L'Anse and Vieux de Sert bands of the Chippewa Indians, in the State of Michigan," having had the same under consideration, and come to conclusions thereon, make the following report :

In 1854, September 30, a treaty was made and concluded between the United States on the one part, and the Chippewa Indians of Lake Superior and of the Mississippi on the other, and proclaimed January 29, 1855, in which the Chippewas of the Lake ceded to the United States a large body of land, defined by metes and bounds, which before was the common property of the whole tribe. The Chippewas of the Mississippi assented to this session, and also agreed that all the money or property to be given or paid therefor by the United States should be given and paid to the Chippewas of the Lake; in consideration of which the Chippewas of the Lake relinquished to the Mississippi Chippewas all their interest in all the lands west of those ceded to the United States.

The treaty, in the second article, provides as follows, viz :

The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following described tracts of lands, viz :

1st. For the L'Anse and Vieux de Sert bands, all the unsold lands in the following townships of the State of Michigan : Township fifty-one north, range thirty-three west; township fifty-one north, range thirty-two west; the east half of township fifty north, range thirty-three west; the west half of township fifty north, range thirty-two west; and all of township fifty-one north, range thirty-one west, lying west of Huron Bay.

Now, what is claimed is this : It is alleged by the claimants that the phrase, "lying west of Huron Bay," is an interpolation; that it was added to the treaty as printed, either by design or mistake; that they were, by express agreement, at the time of making the treaty, to have the whole of the last-described township, and not simply a part of it.

To sustain this averment the following evidence is produced :

First. The conduct and acts of the Government itself, in this : as early as March 7, 1855, within six weeks after the treaty was proclaimed, the whole of said township was, by special order of the President, withdrawn from sale or entry, and was for many years thereafter, or

until 1869 and after, treated as lands belonging to said reservation. The Indians always claimed them as such, and the Government, through a series of years, has recognized and acknowledged the validity of their claim; as evidence of which, there is submitted herewith the letter of the Secretary of Interior, of March 7, 1855, with the order of the President, withdrawing said township from entry and sale, to which is attached a diagram of the four reserved townships; also a letter of the Commissioner of Indian Affairs, under date of February 11, 1874.

Second. Again, we have the evidence of Mr. P. Marksman, in a letter to the Hon. A. T. Mitchell, under date of April 2, 1872, in which he states, in substance, that he acted as agent, or "spokesman," as he terms it, of the Indians at the time the treaty was made, and drew the lines on the map for the reservation of the four townships; that the map or draught attached to the copy of the President's order of March 7, 1855, showing said townships, he recognizes; that he drew the lines on the map so as "to embrace the fishing-grounds on Keewenaw Bay and Huron Bay, and maple-lands for farming and sugar;" that the chief so understood it at the time. He further says that about a year after the promulgation of the treaty he discovered the mistake, and called the attention of the Indian agent (Mr. Gilbert) to it, who promised to have it rectified.

We have, also, a letter of the Hon. George I. Betts, United States Indian agent, Michigan, addressed to the chairman of the House Committee on Indian Affairs, confirmatory of all these facts, in which he says that for some sixteen years the entire of the four townships remained undisturbed as their (the Indians') reservation, and was so recognized by the Government and the people of Lake Superior. In 1869, some speculators in public lands discovered valuable minerals in this township, fifty-one. They immediately went to work, while the secret remained theirs, to have it restored to market. They finally succeeded so far as to induce the Government to restore to market so much of the township, by far the larger and more valuable portion, as lies east of Huron Bay.

It is proper to remark here that the character of these two men, Marksman and Betts, for strict integrity and intelligence, is vouched for in the warmest terms by the honorable member and Representative from the ninth district of Michigan, in this House, who has known them both long and well. Marksman is an educated, civilized, and Christian Indian, known intimately to the Representative from the ninth district since the year 1855.

The number of acres restored to market in said township amounts to 18,907.09 acres.

Under the facts as above set forth, and as they clearly appear in the case, the committee are of the opinion that these two bands of Indians have been unjustly dealt by and wronged, by an appropriation of valuable lands intended and supposed to have been secured to them by the terms of a formal treaty; and that they are clearly entitled to the indemnity they seek. They therefore recommend that the bill for their relief be passed, adding at the end of section 2 the following amendment:

Provided, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

APPENDIX.

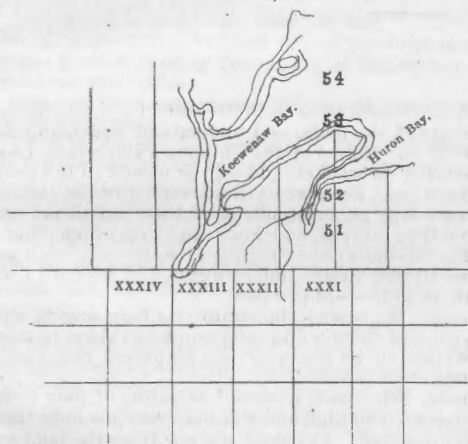
1. Letter of R. McClelland, Secretary of the Interior.
2. Order of F. Pierce, President of the United States.
3. Letter of P. Marksman, agent of Indians.—Indorsement of Hon. Jay A. Hubbell.
4. George I. Betts, Indian agent, Michigan.
5. Letter of E. P. Smith, Commissioner of Indian Affairs.
6. Letter of Willis Drummond, Commissioner of the Land-Office.

1.

DEPARTMENT OF THE INTERIOR, *March 7, 1855.*

SIR: I have the honor to inclose a communication from the Commissioner of the General Land-Office, dated the 23d ultimo, with its accompanying papers, in relation to the reservation of certain lands for the Chippewa tribe of Indians, as stipulated in the treaty with those Indians which was ratified on the 10th of January last.

UPPER PENINSULA, MICHIGAN.



The Commissioner is of the opinion that the treaty of itself is sufficient authority for him to direct the reservation of all the lands mentioned therein which have not yet been surveyed; but that, as the tracts mentioned as being situated on Keewenaw and Huron Bays, in the State of Michigan, have been surveyed and made subject to entry at private sale for some time past, it will be necessary to obtain your special directions for the reservation of these lands.

As I concur in this view of the subject, I have caused the proper order to be drawn on the back of the inclosed diagram, for signature, in case you should approve of the same.

I am, sir, with great respect, your obedient servant,

R. MCCLELLAND, *Secretary.*

The PRESIDENT.

2.

EXECUTIVE OFFICE, *March 7, 1855.*

Let the tracts on Keewenaw and Huron Bays, in the State of Michigan, and shaded red with a blue margin on the within diagram, be reserved from sale or entry for any purposes not [in]consistent with the stipulations of the first clause of the second article of the treaty with the Chippewa Indians, ratified on the 10th day of January, 1855.

FRANKLIN PIERCE.

3.

WASHINGTON, D. C., *April 2, 1872.*

Hon. A. T. MITCHELL:

SIR: I desire to state a few facts in regard to my knowledge of what was the understanding at the time the treaty was made with the Chippewa Indians at La Pointe, September 30, 1854. I was chief spokesman for the Indians, and drew the lines on the map for the reservation of the four townships at L'Anse.

I recognize the map pasted on to the copy of the President's order, dated March 7, 1855, from the Secretary of the Interior to the President for the withdrawal of the four townships. When the treaty was first seen by me after it was sent on from Washington, about a year after the treaty was made, I saw the mistake in it and called the attention of the

Indian agent, Mr. Gilbert, to it, who promised to have it rectified as stated in our letter of March 12, 1872, to our father, the President. I drew the lines so as to embrace fishing-grounds on Keewenaw Bay and on Huron Bay and maple-lands for farming and sugar. This was the understanding of all the chiefs at the time. I have respectfully to request (as nearly all the lands in one of the townships which had been reserved to us have been restored to market and sold) that the proceeds of the sales made and to be made be given by the Government to the Indians, and thus doing what now lies in its power to rectify this error.

Very respectfully,

P. MARKSMAN.

[Indorsement.]

I have known Peter Marksman intimately since the fall of 1855, and during that time have resided near him. He is a thoroughly truthful man and so reliable and careful of what he says that I would not for a moment hesitate to take his written statement on any subject and give it the same effect as though made on oath. He is a minister of the Gospel, and has by a long and faithful life endeared himself to all who know him.

JAY A. HUBBELL,
Member of Congress, Ninth District, Michigan.

4.

Hon. Chairman of Committee on Indian Affairs, House of Representatives :

SIR: I desire to make a few statements of the facts, as I understand them, and believe to be a candid and truthful view of the claims of the Chippewa Indians of Lake Superior to compensation for lands restored to market, and sold or unsold in township 51 north, of range 31 west, State of Michigan. For seven years I resided in the vicinity of this tribe of Indians. For four years was superintendent of their missions; was there at the time this town. was restored to market, and have had every opportunity to become familiar with the case. The Indians have frequently conversed with me, also, upon this subject since I became United States Indian agent, and from all I can learn I believe their claim, as set forth in bill —, to be just.

At the time the treaty of 1855 was made, the commissioners, after a long council with the chiefs and head-men of the tribe, showed them a map, and requested them to mark out on that map such lands as they wished to be reserved as a perpetual reservation for the L'Anse and Vieux De Sert bands.

Peter Marksman was their spokesman. He made a careful selection of four townships, marking them on the map as presented to him, and this map was the only thing they had at the time showing the land reserved. For some sixteen years the land embraced in town. 51, together with the other three town., remained undisturbed as their reservation, and recognized by the Government and people of Lake Superior as such. In 1869 some mineral-land speculators made the discovery of valuable minerals in this town. 51, and set themselves to work to have it restored to market, and for several days and nights stood at the land-office doors awaiting the telegram announcing its restoration to market, and when it came they entered a very large portion of the land. All this was accomplished before the Indians had any knowledge of what was being done, and in their helplessness and deep regrets at the loss of this town., which afforded them splendid fishing, hunting, and sugar-making grounds, they now ask, as in the bill aforesaid, simply to be compensated, or to have the proceeds of the sale of said land passed over to them. I believe their claims to be just and reasonable, and trust that your honorable committee will so consider it, and recommend the passage of the bill.

Very respectfully,

GEO. I. BETTS,
United States Indian Agent, Michigan.

[Indorsement.]

The within statement is from a perfectly reliable man, and is substantially a true account of the matters therein referred to.

The parties who became purchasers of the land in question, for a long time knew of their value and tried to lease the same of the Indian Department, supposing they belonged to the Indians. The discovery that they were not embraced within the letter of the treaty of 1855, was made, or rather grew out of a discussion with Colton, the

map-maker. On his map of this country the reservation was shown as set forth in treaty, and a dispute as to the fact caused an examination of the treaty, from which action resulted which brought the lands into market.

I ask, as an act of justice to these Indians, a favorable consideration of bill 1698.

JAY A. HUBBELL,
Member of Congress, Ninth District, Michigan.

5.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 11, 1874.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 6th instant, inclosing House bill No. 1698; copy of a letter dated March 7, 1855, addressed to the President by the Secretary of the Interior, and copy of the President's order of the same date, withdrawing certain lands from market for Indian purposes, and letter dated April 2, 1872, addressed to Hon. A. T. Mitchell, by P. Marksman, relative to the rights or equitable claims of the L'Anse and Vieux De Sert bands of the Chippewa Indians of Lake Superior.

You desire to be advised whether said bands are equitably entitled to the lands described in the bill submitted by you, from any understanding had with the said Indians at the time of making the treaty of September 30, 1854, or from any correspondence on file in this Office.

You also invite suggestions for any alterations in the bill that may be deemed advisable by this Office.

In reply, you are advised that it does not appear from any official records, nor is it within the knowledge of this Office, that there was any understanding, at the time the treaty was concluded, that the whole of township 51 north, of range 31 west, in the State of Michigan, was intended to have been embraced in the treaty above referred to for the use of said L'Anse and Vieux De Sert bands of Chippewa Indians.

In view of the fact, however, that the whole of said township was withdrawn from sale, for the use of the bands above mentioned, as early as March 7, 1855, and for the reason that the said Indians have always claimed the whole of said township, and been encouraged by the Government to do so by treating said lands as a part of their reservation, this Office recommends the passage of the bill referred by you, with the following proviso at the end of section two, to wit: *Provided*, That the money received for the lands in said township shall be expended for educational and beneficial purposes, under the direction of the Secretary of the Interior, and at such times and in such manner as he may deem proper for the interests of said bands of Indians.

The bill and accompanying papers are herewith returned.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

Hon. JAY A. HUBBELL,
House of Representatives.

6.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND-OFFICE,
Washington, D. C., April 2, 1874.

SIR: I have had the honor to receive your letter of the 31st ultimo, and in reply have to state that the number of acres restored to market in township 51 north, range 31 west, in Michigan, east of Huron Bay, pursuant to a letter from this office to the register and receiver at Marquette, Michigan, dated December 6, 1870, amounts to 18,907.09 acres.

Very respectfully,

WILLIS DRUMMOND,
Commissioner.

Hon. JAY A. HUBBELL, *House of Representatives.*