

STOCKBRIDGE AND MUNSEE INDIANS OF WISCONSIN.

[To accompany bill H. R. 3678 ]

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L E T T E R

FROM THE

ACTING COMMISSIONER OF INDIAN AFFAIRS,

TO THE CHAIRMAN OF THE COMMITTEE ON INDIAN AFFAIRS OF THE  
HOUSE OF REPRESENTATIVES,

IN RELATION TO

*The bill of the House of Representatives for the relief of the Stockbridge  
and Munsee tribe of Indians, in the State of Wisconsin.*

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FEBRUARY 22, 1881.—Referred to the Committee on Indian Affairs and ordered to be  
printed.

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, February 21, 1881.

SIR: I am in receipt of a letter from A. H. Gallaway, clerk to the House Committee on Indian Affairs, dated the 18th ultimo, transmitting, by your direction, bill H. R. 3678, Forty-sixth Congress, second session, "For the relief of the Stockbridge and Munsee tribe of Indians, in the State of Wisconsin," and requesting an expression of opinion from this office thereon.

The preamble of the bill recites that a treaty was entered into on February 5, 1856, between the government and the Stockbridge and Munsee Indians, in which the said Indians ceded certain lands to the United States, and accepted, in consideration thereof, certain lands as a reservation, to which said Indians removed, and upon which they have ever since resided. It also recites that by the interpretation placed by government officials on the act of February 6, 1871, an act for the relief of said Indians, a large part of said Indians (and their descendants) who signed said treaty of 1856, and have continued with said tribe from the making of said treaty to the present time, are excluded from participating in tribal funds and the right to occupy said reservation.

The bill then proceeds to enact that all persons who joined in the execution of the said treaty of February 5, 1856, and the descendants of such persons, and all persons who, being members of said tribe, did not join in the said treaty, but have since the making of the treaty come in under it and resided with said tribe upon its reservation, who did not in and by said treaty, and have not since its execution, separated

from said tribe, are hereby declared members of said Stockbridge and Munsee tribe of Indians, and entitled to share in tribal funds and the occupancy of tribal lands.

Section 2 of the bill enacts that it shall be the duty of the Secretary of the Interior, without unnecessary delay after the passage of the act, to cause to be taken an enrollment of said tribe on the basis of the provisions of the act, which enrollment shall be filed, a copy in the Department of the Interior and a copy in the records of said tribe.

I have the honor to report thereon as follows:

By Senate amendment to the treaty with the Menomonees of February 8, 1831 (7 Stat., 347), two townships of land on the east side of Winnebago Lake, Territory of Wisconsin, were set aside for the use of the Stockbridge and Munsee tribes of Indians, all formerly of the State of New York, but a part of whom had then already removed to Wisconsin.

The Indians took possession of these lands, but internal dissensions afterwards led to the treaty of September 3, 1839 (7 Stat., p. 580), by which the east half of said two townships, containing 23,040 acres of land, was retroceded to the United States, and in conformity to which a part of the Stockbridges and Munsees emigrated west of the Mississippi.

Dissensions still continuing to exist amongst them, an act of Congress, purporting to be an act for their relief, was passed March 3, 1843 (5 Stat., 645), by which provision was made for a division of the lands in their reservation amongst them in severalty, and for their becoming citizens.

It appears by the records of this office that this law was in fact accepted by all the Indians in the exercise of some of the privileges conferred by it, particularly that of selling and conveying lands, and had been fully carried out except as to the issuing of patents to the allottees.

By an act of August 6, 1846 (9 Stat., 55), the act of 1843 was repealed, and the Stockbridges were restored to their position and customs as Indians, except such as preferred remaining citizens, and who should come forward and register their names with the subagent within three months. The reservation was then to be divided between the parties in proportion to numbers, one part to be called the citizen, and the other the Indian district, and the lands in the former to be allotted in severalty, as under the first law. The citizen party refused to come forward and enroll their names, alleging that they were already invested with citizenship and all its privileges, of which Congress had no power to deprive them, and they were unwilling to do anything that would lead to the assignment which had been made of the lands being disturbed, many of them having been sold to innocent purchasers for a valuable consideration. Thus, there was no basis for a division of the reservation between the parties, and it became impracticable to proceed further in the execution of the law according to its intent.

To remedy these difficulties another treaty was entered into with the Stockbridge Indians November 24, 1848 (9 Stat., 955), whereby nearly half of the lots of land in the township were recommended to be patented to Indians of the citizen party and white men named in a schedule, and the remainder of the township was sold to the government to be brought into market at the appraised value, and the Stockbridges belonging to the tribal organization stipulated to remove west of the Mississippi.

This treaty was amended by the Senate, giving the Indian party sev-

enty-two sections of land west of the Mississippi and \$25,000 for old claims which the Stockbridges and Munsees had for some time past been urging upon the government, and was carried out as to the payments due under said treaty at the time, but the removal of the Indians was delayed by the government not succeeding, until 1852, in purchasing lands from the Sioux.

When the lands in Minnesota were put at their disposal the Stockbridges set up a claim against the government for not removing them sooner, refused to remove, and applied for the township of Stockbridge to be ceded to them, which proposition was rejected, but a location offered to them in Wisconsin, near the Menomonee and Oneida Reservation, if they should prefer it to the location in Minnesota. In the mean time the Stockbridges, parties to the treaty of 1848, had squandered the moneys paid to them under that treaty and by the State of New York, and the others had sold almost all their lots of land and were poor and destitute. A white population of nearly three times the number of Indians was living interspersed with them on lands bought from the Indians or on land sold in 1848 to the government, and many of the latter, after buying out the Indians' right of temporary occupancy, had settled on the improved lots, expecting to buy them when brought into market. The township was governed by supervisors, justices of the peace, and other township officers, while the Indian organization had a sachem and councillors, and the Indians contended, whenever to their interest, that the courts and other authorities of the State had no jurisdiction over them. Tax-titles accrued on many lots, even on those held by the government, for taxes levied under the authority of the Territory, and the confused state of affairs then existing was believed to be without a parallel anywhere.

By the general Indian appropriation bill of March 3, 1855 (10 Stat., p. 699), Congress appropriated the sum of \$1,500 to enable the President to treat with and arrange the difficulties among the Stockbridge and Munsee Indians, arising out of the said acts of Congress of March 3, 1843, and August 6, 1846, and the treaty of November 24, 1848, in such way as to do justice to the Indians, the settlers on the reserve, and the government, and thus relieve the questions from the complications and embarrassments by which they were surrounded.

By direction of the Secretary of the Interior, the then Commissioner of the General Land Office, John Wilson, esq., was instructed to proceed to Lake Winnebago and confer with the Superintendent of Indian Affairs at Lake Winnebago, in order to a settlement of the various and delicate questions involved. Thereupon a supplemental treaty was made with the Indians on the 1st June, 1855, which was transmitted to this office by the superintendent, with a notification that, in his opinion, it ought not to be submitted to the Senate. In the report of Mr. Wilson, afterwards received, the same opinion was expressed, and by the honorable Secretary's direction the subject was referred back to the superintendent and the Indians. Subsequent negotiations between that officer (Mr. F. Huebschmann) and the Stockbridge and Munsee tribe of Indians assembled in general council, and such of the Munsees who were included in the treaty of September 3, 1839, but were yet residing in the State of New York, represented by duly authorized delegates, resulted in the concluding of the treaty of February 5, 1856 (11 Stat., p. 663).

This treaty, after reciting the several treaties and acts of Congress theretofore had and passed, in relation to the Stockbridge and Munsee tribes of Indians, the constant dissensions then and for years past ex-

isting among them, and its avowed object and intention of relieving them from complicated difficulties by which they were surrounded, and establishing comfortably together all such Stockbridges and Munsees, wherever located—in Wisconsin, in the State of New York, or west of the Mississippi—as were included in the treaty of September 3, 1839, and desired to remain, for the present, under the paternal care of the United States Government, and, for the purpose of enabling such individuals of said tribes as were then qualified and desirous of managing their own affairs, to exercise the right and to perform the duties of the citizen, provides as follows:

ARTICLE I. The Stockbridge and Munsee tribes, who were included in the treaty of September third, one thousand eight hundred and thirty-nine, and all the individual members of said tribes, hereby jointly and severally cede and relinquish to the United States all their remaining right and title in the lands at the town of Stockbridge, State of Wisconsin, the seventy-two sections of land in Minnesota set aside for them by the amendment of the treaty of November twenty-fourth, one thousand eight hundred and forty-eight, the twenty thousand dollars stipulated to be paid to them by the said amendment, the sixteen thousand five hundred dollars invested by the United States in stocks for the benefit of the Stockbridge tribe in conformity to Article IX of the said treaty, and all claims set up by and for the Stockbridge and Munsee tribes, or by and for the Munsees separately, or by and for any individuals of the Stockbridge tribe who claim to have been deprived of annuities since the year one thousand eight hundred and forty-three, and all such and other claims set up by or for them or any of them are hereby abrogated, and the United States released and discharged therefrom.

ART. II. In consideration of such cession and relinquishment of said Stockbridges and Munsees, the United States agrees to select, as soon as practicable, and to give them a tract of land in the State of Wisconsin, near the southern boundary of the Menomonee reservation, of sufficient extent to provide for each head of a family, and other lots of land of eighty and forty acres, as hereinafter provided; every such lot to contain at least one-half of arable land, and to pay, to be expended for improvements for the said Stockbridges and Munsees, as provided in Article IV, the sum of forty-one thousand one hundred dollars, and a further sum of twenty thousand five hundred and fifty dollars to enable them to remove, and (amendment) the further sum of eighteen thousand dollars (twelve thousand for the Stockbridges and six thousand for the Munsees), to be expended, at such time and in such manner as may be prescribed by the Secretary of the Interior, in the purchase of stock and necessities, the discharge of national or tribal debts, and to enable them to settle their affairs.

Article III provides for the survey of such tract and allotment thereof in manner therein provided, for immediate possession thereafter by the allottees; for the issue of non-assignable certificates, and for the issue of patents in the usual form to the holder of such certificates after the expiration of ten years, with necessary provisions in case of the death of the persons entitled.

Article IV provides for the manner in which the moneys set aside for improvements by the second article shall be expended, viz, one-fourth to the building of roads, the erection of a school-house, and other public improvements, and the residue for improvements to be made by and for the different members and families comprising said tribes according to a system to be adopted by said council, under the direction of the superintendent, approved by the Commissioner of Indian Affairs.

Article V provides—

The persons to be included in the appointment of the land and money to be divided and expended under the provisions of this agreement shall be such only as are actual members of the said Stockbridge and Munsee tribes (a roll or census of whom shall be taken and appended to this agreement), their heirs and legal representatives, and hereafter the adoption of any individual amongst them shall be null and void except it be first approved by the Commissioner of Indian Affairs.

Article VI provides—

In case the United States desire to locate on the tract of land to be selected as herein provided the Stockbridges and Munsees emigrated to the west of the Mississippi in conformity to the treaty of September third, one thousand eight hundred and thirty-nine, the Stockbridges and Munsees, parties to this treaty, agree to receive them as

brethren; provided that none of the said Stockbridges and Munsees, whether now residing at Stockbridge, in the State of Wisconsin, in the State of New York, or west of the Mississippi, shall be entitled to any of these lands or the money stipulated to be expended by these articles, unless they remove to the new location within two years from the ratification hereof.

Article VII provides for the setting apart by the Stockbridges and Munsees for educational purposes exclusively of their portion of the annuities under the treaties of November 11, 1794, August 11, 1827, and September 3, 1839. \* \* \*

Article XI reads as follows:

The object of this instrument being to advance the welfare and improvement of said Indians, it is agreed, if it prove insufficient, from causes which cannot now be foreseen, to effect these ends, that the President of the United States may, by and with the advice and consent of the Senate, adopt such policy in the management of their affairs as in his judgment may be most beneficial to them; or *Congress may, hereafter, make such provision by law as experience shall prove to be necessary.*

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Article XIII empowered the Secretary of the Interior, at his discretion, to examine into the sales of allotments under the act of March 3, 1843, and for the setting aside or confirmation of such sales. The Secretary of the Interior was also authorized to cause patents to issue to such lots of land to such persons as should be found entitled to the same.

Articles XIV and XV provide for the sale of the lots of land, the equitable title to which had not passed by valid sales from the Stockbridge Indians to purchasers, and such lots as had by the treaty of November 24, 1848, been ceded to the United States; and for payment of the appraised value of improvements on the lands ceded by the treaty under recital.

Article XVI provides for the issue of patents to certain Stockbridge Indians for the lots of land described and set opposite their names in the schedule immediately following, in full of all claims and demands whatsoever to which they then were, or might thereafter be, entitled in the lands, moneys or annuities of the Stockbridge tribe of Indians. Here follows a schedule of twenty-one persons, with description of the lots to be patented to them, respectively; also of lots, the privilege of entering which on the same terms of payment as prescribed for actual settlers in article XIV is granted. (See treaty, p. 667.)

By amendment (page 676) the name of John W. Abrams was added to said schedule.

Mary Hendrick, Levy Konkapot, and (by said amendment) John W. Abrams (severally mentioned in said schedule) were to have the privilege of again joining the Stockbridges and Munsees in their new location.

This treaty was signed by about four fifths of the Stockbridge and Munsee tribe of Indians, and was believed to be generally acceptable to all parties interested. About one-fifth of the Indians, headed by one Austin E. Quinney, and mostly consisting of members of the Quinney family who had always exercised great power over the tribe, refused to sign the treaty, but without giving any sensible reason. The real objection, however, on the part of the Quinneys to the reorganization of the Stockbridges and Munsees appears to have been the threatened termination to their rule over the tribe by the ratification of the treaty. (See Superintendent Huetschmann's letter to Commissioner Manypenny, of February 23, 1856, appended to the treaty.)

The treaty was ratified by the Senate, with certain amendments, the

substance of which has already been stated, April 18, 1856, and approved by the President September 8, 1856.

By treaty of the 11th of February, 1856 (11 Stat., p. 679), the Menomonee Indians ceded to the United States a tract of land, not exceeding two townships in extent, to be selected in the western part of their reservation on its south line, for the purpose of locating thereon the Stockbridge and Munsee Indians, and such other of the New York Indians as the United States might desire to remove to the said location within two years from the date thereof.

At first the Stockbridges and Munsees manifested some dissatisfaction with the lands assigned to them by the treaty of 1856, because, as they alleged, of their unfitness for agricultural purposes, and a portion of the tribe refused to remove, in consequence of which the department did not feel justified in paying over their removal and improvement funds, not considering them entitled thereto, unless they all united in complying with the obligations of the treaty.

Though not satisfied that their objections to their new country were well founded, the department was willing to gratify them in a desire which they expressed, to be located with the Oneidas on their reservation, if the arrangement could be made upon reasonable terms. The Oneidas, however, demanded so exorbitant a price for the lands necessary for the purpose that the project had to be abandoned, after which all of the Stockbridges and Munsees assented to the treaty, expressed their willingness to accept of its provisions, and removed to the location assigned them by said treaty and purchased from the Menomonees.

From the period of their removal to this reservation down to the year 1871, the Stockbridges and Munsees appear to have been afflicted with the same chronic troubles and divisions. Indeed, the entire history of this tribe seems to have been marred by petty squabbles for place and power. The treaty made in 1856, and the census accompanying it, presented an aggregate population of both parties, numbering 409 souls. A removal and improvement fund was provided them, upon receipt of which the greater portion left the tribe, expended their money elsewhere, and in 1866, the number upon the reservation was reduced to 152. At the date of the annual report for 1867, those remaining upon the reservation numbered 147, the remainder having adopted the habits and customs of the whites and expressed a desire to become citizens.

In February of that year a treaty was entered into by which they agreed to cede their reservation, the government undertaking to provide those who wished to retain their tribal character with another, allotting land to them in severalty without power of alienation unless with sanction of the Interior Department, and to do various things for their benefit, whilst, with regard to those who wished to become citizens, it agreed to pay them their proportionate share of the estimated value of the ceded land and of public improvements thereon, and of moneys invested and held in trust for them, they relinquishing all claim to be thereafter considered as members of the tribe, or to share in the benefits of any treaty stipulations. This treaty, however, was not ratified by the Senate.

On the 6th of February, 1871, an act of Congress, entitled "An act for the relief of the Stockbridge and Munsee tribes of Indians in the State of Wisconsin," was passed. (See 16 Stat., p. 404.)

This act (being the act referred to in the preamble of the bill now under consideration) provided for the appraisalment, under the direction of the Secretary of the Interior, in eighty-acre lots, according to the public survey, of the two townships of land situated in the county of



Shawano, and State of Wisconsin, set apart for the use of the Stockbridge and Munsee tribes of Indians—such appraisement to include the value of the timber growing on each lot—estimating the pine timber at not less than one dollar per thousand, and the value of all improvements, if any, made thereon, with the name of the owner of such improvements, as certified by the sachem and councilors of said tribe.

Section 2 of said act provided for the manner in which said lands should be advertised and sold, with a proviso authorizing the Secretary of the Interior to reserve from sale a quantity of said lands not exceeding eighteen contiguous sections, embracing such as were then actually occupied and improved and best adapted to agricultural purposes, subject to allotment to members of the Indian party of said tribe as therein-after provided.

Section 3 provided for payment, out of the first proceeds of the sale of said lands of the expenses of appraisal and sale, the amount due to individuals for improvements, as returned by the appraisers, and the amount of the debts contracted by the sachem and councilors for the benefit of said tribes, amounting to the sum of \$11,000, according to a schedule to be certified by them and returned to the Commissioner of Indian Affairs.

Section 4 provided that immediately after the return to the General Land Office of the last public sale, a statement should be made up, under direction of the Secretary of the Interior, exhibiting the gross amount of moneys realized from the sale of the said two townships of land, after deducting therefrom the sums appropriated by the preceding sections, to which amount should be added the value of the land remaining unsold of said two townships, estimating the same at sixty cents per acre; also the sum of \$6,000 held in trust by the Government of the United States for the use of the Stockbridge and Munsee tribes of Indians, under the treaty of 1839; and that the total amount thereof should constitute the entire sum of money due from the Government of the United States to the said Stockbridge and Munsee tribes of Indians, to be paid and appropriated for their benefit as thereafter directed.

Section 5 of said act provides as follows:

That the sum of money thus found due to the said tribes shall be divided between the citizens and Indian parties of said tribes in proportion to the number of each, respectively, according to rolls thereof made and returned in conformity with the provisions of this act to the Commissioner of Indian Affairs: That portion of said sum belonging to the citizen party shall be equally divided among them per capita, and paid to the heads of families and adult members of said party; that portion of said sum belonging to the Indian party shall be placed to their credit on the books of the Treasurer of the United States, and bear interest at the rate of five per centum per annum payable semi-annually, and said interest shall be applied to the support of schools, the purchase of agricultural implements, or paid in such other manner as the President may direct: Provided, however, that a part of said sum due the Indian party, not exceeding thirty thousand dollars, may, on the request of the sachem and councilors of said tribe, be expended in securing a new location for said tribe; and in removing and aiding them to establish themselves in their new home, and in case of their procuring, and removal to such new location at any time, the said eighteen sections of land reserved for their use by the second section of this act shall be sold in the manner therein provided, and the proceeds thereof be placed to their credit as aforesaid.

Section 6 provides—

That for the purpose of determining the persons who are members of said tribes, and the future relations of each to the Government of the United States, there shall be prepared, under the direction of the Commissioner of Indian Affairs, or such person as may be selected by him to superintend the same, two rolls, one to be denominated the citizen roll, to embrace the names of all such persons of full age and their families as signify their desire to separate their relations with said tribe, and to become citizens of the United States; the other to be denominated the Indian roll, and to embrace the names of all such as desire to retain their tribal character; and continue under the care

and guardianship of the United States; which said rolls shall be signed by the sachem and councilors of said tribe, certified by the person superintending the same, and returned to the Commissioner of Indian Affairs; but no person of full age shall be entered upon said citizen roll without his or her full and free consent, personally given to the person superintending such enrollment; *nor shall any person, or his or her descendants, be entered upon either of said rolls who may have heretofore separated from said tribe and received allotment of lands under the act of Congress for the relief of the Stockbridge tribe of Indians of March third, eighteen hundred and forty-three, and amendment of August six, eighteen hundred and forty-six, or under the treaty of February five, eighteen hundred and fifty-six, or who shall not be of Stockbridge or Munsee descent.* After the said rolls shall be made and returned as herein provided, the same shall be held as a full surrender and relinquishment on the part of the citizen party, each and every one of them, of all claims to be thereafter known or considered as members of said tribe, or in any manner interested in any provision heretofore or hereafter to be made by any treaty or law of the United States for the benefit of said tribes, and they and their descendants shall thenceforth be admitted to all the rights and privileges of citizens of the United States.

Section 7 provides—

That after the said roll shall have been made and returned the said Indian party shall thenceforth be known as the Stockbridge tribe of Indians, and may be located upon lands reserved by the second section of this act, or such other reservation as may be procured for them, with the assent of the council of said tribe, and their adoption among them of any individual, not of Indian descent, shall be null and void.

The remaining sections of the act are devoted to provisions for allotments of the lands reserved in the second section or of such other suitable and permanent reservation as shall be obtained, and accepted by said tribe, among the individuals and families composing said tribe, in quantities specified; the lands so allotted to be held inalienable, and in case of death to be inheritable by decedent's heirs, if members of said tribe; and in default of heirs capable of inheriting to revert to the tribe in common. An appropriation is also made of a lot not exceeding forty acres, to be held as common property, on which to erect a church, parsonage, school house, and other improvements necessary for the accommodation of the tribe, with a proviso that if any female shall marry out of said tribe she shall thereby forfeit all right to hold any of said lands as if deceased. It is further provided that the allotments shall be made and certified to the Commissioner of Indian Affairs within one year after the reservation shall have been made and accepted by the tribe; and thereafter the title of the lands described therein shall be held by the United States in trust for individuals and their heirs to whom the same were allotted. The surplus lands embraced in such reservation after making such allotments to be held in like manner by the United States, subject to allotment to individuals of said tribe who may not have received any portion of said reservation, or to be disposed of for the common benefit of said tribe, provided that no change or addition shall be made in the allotment returned to the Commissioner of Indian Affairs, unless the same shall be approved by the Secretary of the Interior.

In pursuance of this act W. T. Richardson, esq., then agent for the Stockbridge and Munsee Indians, was, on the 30th of August, 1871, designated by this office to make the enrollment contemplated by the sixth section; but owing to the factious opposition manifested by the officers of the tribe, in unreasonable demands for the enrollment of certain persons who were excluded by the terms of the act, and the refusal of such officers to sign the rolls unless prepared in accordance with their views, the efforts of the department to carry out the law were so embarrassed that it became necessary to suspend them from office and order a new election. In the mean time the enrollment was temporarily discontinued.

Afterwards, on the 24th of March, 1874, upon a representation of the



circumstances, and application of this office to the then honorable Secretary of the Interior for the appointment of a special commissioner to complete the enrollment provided for by the act, H. R. Wells, esq., of New Jersey, was appointed by Mr. Secretary Delano as such commissioner. Mr. Wells was duly notified of his appointment, and fully instructed as to his duties.

On the 8th of April, 1874, Commissioner Wells made his report, accompanied by two rolls, duly signed and certified in manner prescribed by the act; one, containing the names of those of the Stockbridge and Munsee Indians who had elected to become citizens of the United States; and the other, of those who had elected to retain their tribal relations. The report and accompanying rolls were duly submitted to the honorable Secretary, and returned by him to this office, approved, on the 3d of June following. (See copies report of commissioner, A, and rolls, B, herewith.)

Complaint having been made that in the appraisal of the lands certain individual improvements had, upon the certificates of the sachem and councillors of the tribe, been reported as belonging to the tribe, whereas the act provided that all such improvements should be reported in the name of the owner thereof, as certified by the sachem and councillors, this office, in order to prevent the commission of any act of injustice, recommended to the honorable Secretary that Mr. Wells be reappointed a special commissioner to present the matter to the sachem and councillors of the tribe in order to afford them an opportunity to amend their certificates, if they had committed any error as to the ownership of such improvements.

Mr. Wells was accordingly reappointed such special commissioner by Mr. Secretary Delano on the 4th June, 1874, and was furnished by this office with the necessary instructions. A copy of a petition of Osceola W. Quinney and others, claiming to be entitled to enrollment under the act, was also forwarded to Mr. Wells, and he was directed to submit the same to the officers of the tribe, and report whether any changes should be made in the enrollment lists already approved by the honorable Secretary.

On the 30th of June, 1874, Commissioner Wells made a full report upon the subject of appraisal of the improvements, with names of individuals entitled to be paid therefor, as certified by the sachem and councillors. (See copy report herewith, marked C.)

On the same date Commissioner Wells also made a supplemental report upon the enrollment question, together with a supplemental roll, entitled "Addition to the citizen roll," duly signed and certified as prescribed by the act, which supplemental report and roll was also submitted to the honorable Secretary, and returned by him to this office, approved on the 29th of the same month. (See copy supplemental report and roll herewith, Inclosure D.)

The rolls prepared and submitted by Commissioner Wells contained the names of 139 Stockbridge and Munsee Indians, who had elected to become citizens, and of 112 who had elected to retain their tribal relations.

The records of this office disclose the following facts and figures in relation to the amount received and disbursed under the provisions of the act, viz:

Proceeds of sale of lands, as provided in section 3 of the act.....	\$179, 272 46
Amount appropriated by act of June 22, 1874, as estimated value of 18 sections of land remaining unsold, 11,803 acres, at 60 cents per acre....	7, 081 80
Making a total of.....	186, 354 26

From which were deducted, as per section 3 of said act, the following items:

Expenses of appraisal and sale of said lands due the United States.....	\$4,592 12	
Amount due, in dividends, for improvements, as returned by the appraisers.....	8,420 00	
Amount of tribal indebtedness paid by the United States...	10,988 00	\$24,000 12
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Leaving a net amount of.....		162,354 14
To which was added, as per section 4 of said act, proceeds of sale of \$6,000 United States bonds (funded loan of 1881)...	6,750 00	
Trust-fund interest due the tribe up to August 1, 1874.....	779 08	
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		7,529 08
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Making a total of.....		169,883 22

Subject to division between the citizen and Indian class, which, ratably proportioned between the two classes (139 of the citizen and 112 of the Indian), gave the former \$94,379.57, less \$200 retained to meet expenses, &c., of a special commissioner to assist in making payment, leaving a net amount of \$94,179.57 divisible among said citizen class.

The name of Edward Bowman was to be added to the citizen roll if, on investigation, he should be found to be entitled, thus making 140 persons on said roll, between whom said last-mentioned amount was to be divided in equal shares.

To this amount was added the sum of \$8,420, to be paid to certain individuals in full for improvements made by them on said reservation, making a grand total of \$102,599.57, for which amount a requisition was issued and transmitted, with full letter of instructions as to payment, accompanied by a copy of citizens' roll as submitted by Commissioner Wells, and tabulated statement giving the names of heads of families, and the children or members of such in full, and names of those to whom the shares should be paid; also a copy of the appraisal of improvements, to United States Indian Agent J. C. Bridgman, then recently appointed to the Green Bay Agency, on the 10th of October, 1874.

That portion of the fund applicable to the Indian party, amounting to the sum of \$75,804.46, was duly transferred to their credit on the books of the Treasury of the United States, in pursuance of the provisions of section 5 of said act, and bears interest at the rate of five per centum per annum, which is annually distributed among them per capita.

The returns of Agent Bridgman, on file in this office, show that, assisted by Hon. T. C. Jones, of Delaware, Ohio, who had been appointed by the honorable Secretary special commissioner to aid in a proper distribution of the funds, he paid to 138 persons, whose names appeared on the citizen roll, their *pro rata* share, amounting in each case to \$675.38, making a total of \$93,202.44, exclusive of the sum of \$8,420 paid for individual improvements. All these payments were duly vouched for on rolls bearing the signature of the several recipients, and which are now on file in this office.

The citizen roll, as prepared by Commissioner Wells, contained the names of 139 Stockbridge and Munsee Indians, all of whom received their proportion, except Sophia Doxtater, erroneously enrolled as a daughter of Moses Doxtater, but who, upon investigation, proved to be a son's wife not legally married to him, and having two other husbands living. Payment to her was therefore withheld, thus reducing the number to 138, as reported by Agent Bridgman.

The claim of Edward Bowman, before referred to, was not substantiated, and he was therefore not admitted to enrollment.

After the provisions of the act of 1871 had thus far been carried out, and the eighteen sections of land reserved by the act had been practically prepared for the sole occupation of the Indian party, a number of persons belonging to the citizen party, as designated on the citizen roll, and also to what was known as the "old citizen party," refused to remove from the reservation, the latter claiming that they occupied land secured to them by treaty; that the provisions of the act of 1871 had not been legally carried out; that fraud and injustice had been practiced by the enrolling officer; and that they could not be rightfully dispossessed.

Thereupon, on the 25th of January, 1875, the Honorable Secretary issued an order declaring all such persons trespassers, and directing the agent to remove them from the reservation.

From this time forward up to the summer of 1877 repeated efforts were made by the department to remove the citizen party (old and new), but for various causes they proved ineffectual. Amongst them may be classed the want of physical force at the disposal of the agent to accomplish the removal; the protest of the authorities of Shawano County against having a lot of paupers foisted upon them; the intervention of the House Committee on Indian Affairs in April, 1876, in their behalf until an investigation could be had, and the aversion of the department to resort to extreme measures against an impoverished people.

In August, 1877, Inspector Kemble, having been directed to proceed to the Green Bay Agency for the purpose of investigating the Indian service there, his attention was specially called to the contest over the expulsion of the citizen Stockbridges, which it was reported was paralyzing the industries of the tribe, and demoralizing the whole community, and he was directed to examine into the matter and report fully thereon.

On the 12th of November, 1877, Inspector Kemble submitted a detailed report to this office, in which, after reviewing the history of the Stockbridge and Munsee Indians from the year 1843, the various treaties and acts of Congress in connection therewith, and the several arguments presented by the contending parties at a council of the said Indians held on the 24th of October, 1877, and at which he presided, he recommended that a new enrollment of the Stockbridge and Munsee Indians should be had, an appraisal had and sale made of the land and improvements within the remaining 18 sections then and now constituting the Stockbridge Reserve; that provision should be made for retention of their homes by any member of the tribe so desiring (the value of the same to be deducted from the amount to be finally paid such person); that the proceeds of sale, together with all moneys then on deposit in the United States Treasury to the credit of the tribe, should be justly divided amongst the members thereof, as finally determined by such new enrollment; that such as desired to remain Indian should be allowed to connect themselves with any of the tribes in the Indian Territory with whom satisfactory arrangements could be made, such removal to be at the expense of the United States; that the remainder of the tribe be declared citizens; and that before the division of the moneys arising from sale of the lands, a sum sufficient to indemnify the citizen party for the expenses incurred in prosecuting their claims during the three previous years, as should appear after a proper audit, should be set aside and paid over to them in such way as to secure an equitable distribution of the money.

With the views of Inspector Kemble this office was unable to agree; and so reported to the honorable Secretary under date of July 8,

1878, renewing previous recommendations for the removal from the reservation of all persons known as the citizen class, and all other persons found thereon without authority of law. Such recommendation was approved by the department, and the necessary order addressed to the agent July 3, 1879.

In the execution of this order, the agent reported that he only found one person whose name appeared on the citizens' roll upon the reservation whom he had removed therefrom. He further reported that he had found other persons living on the reservation whose names did not appear on either roll, who again claimed that they were brought and placed there by the government some twenty-five years back (presumably under the treaty of 1856), and who insisted upon their right to remain.

It is in the interest of these parties (calling themselves the "old citizen party of 1843," and but few in number), as opposed to the Indian party, that the passage of the present bill is sought.

From the voluminous mass of papers on file in this office the relative positions of the respective parties, as claimed by themselves, appear to be about as follows:

The "citizen party" claim—

1. That in 1843 the whole tribe was living upon their reservation, occupying lots which they had selected.

2. That in that year an act was passed making the whole tribe citizens, and leaving untouched their rights to annuities and claims, allotting them each a certain lot or tract of land.

3. That in 1846 the "Quinney" party obtained an act of Congress repealing the act making them citizens, and making it obligatory upon those who became citizens to surrender all their claims and annuities; that the citizen party refused to comply with this act and become citizens, except under the act of 1843; that to become citizens they were required to sign a roll which was deposited and recorded at certain offices, which rolls they never signed, and thus never became citizens, and are now Indians and not citizens.

4. That in 1848 the "Quinney" party, by misrepresenting affairs to the government, procured a treaty giving them the annuities and claims of the whole tribe, they then receding to the United States the lands which they would have received under the allotment had it been carried out, at the same time wrongfully receding 1,600 acres of land which had been allotted to members of the citizen party and receiving pay for those lands, and that they did all this without the consent of the citizen party, who were not parties to the treaty and surrendered no rights.

5. That in 1856 government determined to make a new treaty with the whole tribe, and invited the citizen party, the Indian or "Quinney" party, and all others to join in the same, which they did.

6. That patents had never issued to the citizen party for the lands allotted in 1843, thirteen years before, and that they had refused to sign the roll and become citizens, and supposed that the allotments amounted to nothing or were merely rights to the occupancy of certain parties of their reservation to prevent misunderstanding as to where each Indian should live and what land he should use. That in 1856 they at once left those lots in the old reservation and joined with their brethren and went to the new reservation and drew their lots there, and have lived upon them ever since, and consider them their homes; that when they left their old lots in 1856 and took up the new ones, the country had become settled with white inhabitants who told them that these old lots were now coming into market as government land, and that they, as

friends of the tribe, wanted to get the first chance to buy or pre-empt them, and wished the citizen party to assign to them their rights in the old allotments; that as the citizen party had never received any patents, they supposed that the old allotments of fifteen years before were worthless, and that they were relinquishing them all under the treaty of 1856 for the lots in the new reservation; so they signed any and all papers which the white men wanted them to sign, which were in some instances deeds of the allotted lands and for which they received no consideration or a mere nothing compared with the real value of said lots, and that they so signed in ignorance that they were signing away any rights.

7. That several years afterwards, when the citizen party were living upon the new reservation upon their new lots, the same white settlers managed to have patents issued for the lots under the old allotment made 19 years before, and which was void, as the so-called "citizen party" never became citizens, nor assigned the citizen roll, nor accepted the allotted lands, and that the whites thus made their title good by these patents, the citizen party deriving no benefit therefrom.

8. That the act of 1871 was procured at the instigation of the "Quinney" party, and that under the restricting clauses thereof the old "citizen party" were arbitrarily denied the privilege of enrollment, whereas they claim that members of the Indian party who had participated in the receipt of allotments under the previous acts of Congress and treaty mentioned in said act of 1871, to fully as great an extent as the citizen party, were admitted to enrollment. In short, that discrimination was made against certain members of the so-called "citizen party" in favor of the "Indian party."

On the other hand the "Indian party" claim—

1. That by the act of 1843, the citizen party separated from the tribe and received all the land they were entitled to in Calumet County, Wisconsin, and that they so separated with the full intention of becoming citizens of the United States, and acted in all respects conformably to said act, making private sales and giving warrantee deeds of the lands allotted to them under said act to other citizens, or white men, who have ever since held the same by an unquestioned title.

2. That the Indian party remained true to their intention of preserving their tribal organization, when the repealing act of 1846 was passed.

3. That it being found impracticable to carry out the provisions of the act of 1846, the treaty of 1848 was concluded, by which the Indian party sold and relinquished to the United States the lands then owned and held by them in severalty, under the act of 1843, with the improvements thereon, for the various considerations mentioned in said treaty, to which was added, by amendment, the 72 sections of land in Minnesota, and the farther sum of \$25,000 to liquidate old claims.

4. That the citizen party refused to join in said treaty, but adhered to their purpose of becoming citizens under the act of 1843, and declined to relinquish the lands allotted to them under that act; consequently a schedule of such last-mentioned lands was appended to said treaty, and provision made for the issue of patents to the individual owners thereof composing the citizen party, in conformity to which patents were subsequently issued. A roll or census of the Stockbridge tribe was also annexed to the treaty, in which the citizen party was not included, having made no such relinquishment as did the Indian party.

5. The Indian party then allege the failure of the government to locate the 72 sections of land in Minnesota, from 1848 to 1856, during

which time they continued to occupy many of the allotments of land relinquished by them to the United States by the treaty of 1848.

6. They further allege that by such failure of the government to fulfill the stipulations of the last-mentioned treaty, by means of which the best localities were taken up by white settlers, the tribe was compelled to enter into the treaty of 1856, by which a home was provided for them in the State of Wisconsin; that the commissioner sent to treat with the tribe, on failing to carry certain points with the tribe, resolved to open the way to allow the citizen party to sign the treaty, and thus gain a majority of names, and so entered the entire citizen party, although they had once received their whole portion of the tribal property, and had no more right to be consulted in the matter than so many white people; that the Indian party remonstrated, but to no purpose, for the treaty was ratified, and both parties removed to the reservation; that the Indian party felt that they had been grossly defrauded, and that from year to year they laid their grievances before the government until the winter of 1870, when they sent delegates to Washington, the result of which was the framing and passage of the act of 1871.

7. The Indian party admit that in having this law framed they desired to guard against the enrollment of the citizen party, and for that reason the clauses in the act were introduced prohibiting the enrollment of any persons who might have theretofore separated from the tribe and received allotment of lands under the acts of Congress of March 3, 1843, and August 6, 1846, or under the treaty of February 5, 1856, or who should not be of Stockbridge or Munsee descent.

Such, stated as briefly as possible, are the relative positions claimed by the opposing factions. It will readily be seen that the whole case is hampered with difficulties. So far back as 1847 the War Department, then having control of Indian affairs, recognized serious complications in the matter, and subsequent legislation has not improved the condition of affairs. The same feuds exist now as then, intensified only by time and consequent development of bad feeling.

Precisely what weight is to be given to the various charges and counter-charges made by both parties, it is impossible at this lapse of time to determine; but it is manifest from the records of this office that the citizen party generally, and some few of the Indian party, had, between the years 1843 and 1847, parted with their allotments under the act of 1843, to citizens of the United States and to one another for valuable and at that time deemed adequate considerations, in the shape of money, horses, and goods, and for payment of debts previously contracted, and had given warranty deeds to the purchasers of the lands. (See list of such sales in Report of Commissioner of Indian Affairs for 1847, p. 804.)

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.

It also appears that such patents generally issued to the *original allottees*, although the only authority for the issue of a patent was conditioned upon proof of a proper and sufficient sale. It would seem that the sale could hardly have been approved according to the condition of the thirteenth article referred to, without determining the party



in whom the right to the land had vested, and that title should have been given accordingly.

Moreover, it appears that on the report of the agent for this tribe, and the recommendation of the Commissioner of Indian Affairs at the time, patents were issued in the same year, 1860, to others of the allottees, under the act of 1848, concurrently with the issue of patents under the sixteenth article of the treaty of 1856.

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 it 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.

The citizen party claim that the treaty of 1848 was a fraud upon them. *Per contra*, the Indian party charge that the treaty of 1856 was in violation of their rights. Now, the citizen party allege that the act of 1871 was conceived in fraud and executed in iniquity; and in this manner the strife has been going on, crimination and recrimination, for the past forty years. To use the language of one of the Indian inspectors who had listened to some of their complaints, "They (the Stockbridges and Munsees) were each right when they talked of their own rights, and all wrong when they talked of their fellow Stockbridges."

So far as I have been able to discover, there is no evidence in this office to sustain any of the charges of fraud so boldly and unsparingly made by both sides.

The treaty of 1856 purported to be a settlement of all difficulties, and was satisfactory to the then Commissioner of Indian Affairs, Colonel Manypenny. It unquestionably gave those of the tribe enumerated in the schedule certain rights in the lands and moneys to be apportioned thereunder (whether the relative equities of the persons interested were properly taken into consideration does not appear), but it also invested Congress with the power to make such future provisions by law as experience should prove to be necessary.

Then came the act of 1871, and the enrollment under that act, the present bone of contention. How and by what means that act was passed does not clearly appear: it is sufficient to say that it was passed. It will be remembered that the act discriminates against the enrollment of certain persons, viz, those who had theretofore separated from the tribes and received allotment of lands under the act of March 3, 1843, and amendment of August 6, 1846, or under the treaty of February 5, 1856, or who should not be of Stockbridge or Munsee descent.

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 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 this 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.

With all due deference, I cannot help thinking that this unfortunate tribe of Indians has been overlegislated for, and that the constant discord and dissensions existing amongst them for the past forty years are mainly attributable thereto. It has been urged 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 that the government is bound to carry out in good faith the object sought to be accomplished by it.

But assuming such a course to be desirable, 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.

It is quite possible that the citizen party, mainly interested in the passage of this bill, may have outstanding equities, but I am unwilling to recommend that the peace and welfare of the many, to whom the present reservation is assigned, should be destroyed to subserve the purposes or to gratify the wishes of the few, or that the legislation of 1871 should be in any manner disturbed. I should rather be disposed to favor some special enactment for the relief of the "old-citizen party," who have been excluded from enrollment, upon another basis, such as Congress in its wisdom may decide.

The bill (H. R. 3678) is herewith respectfully returned.

Very respectfully,

THOS. M. NICHOL,  
*Acting Commissioner.*

Hon. A. M. SCALES,  
*Chairman Committee on Indian Affairs,  
House of Representatives.*

A.

*Report of Commissioner Wells, April 8, 1874.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs :*

MY DEAR SIR: In making the enrollment of the Stockbridge and Munsee Indians, pursuant to your instructions, and in conformity with the act of Congress of February 6, 1871, your commissioner desires to present therewith the following history and statement, intending thereby to briefly detail the reasons which controlled the sachem and councilors and your commissioner in placing upon or leaving off from the rolls the names of certain Indians, in regard to the enrollment of whom, or their non-enrollment, there may appear to be some question.

The act of Congress of February 6, 1871, provides: "Nor shall any person, or his or her descendants, be entered upon either of said rolls who may have heretofore separated from said tribe and received allotment of lands under the act of Congress for

the relief of the Stockbridge tribe of Indians of March 3, 1843, and amendment of August 6, 1846, or under the treaty of February 5, 1856, or who shall not be of Stockbridge or Munsee descent."

Peter D. Littleman (enrolled).—Had two lots patented to him, which he had sold previous to the treaty of 1848. Under the allotment of 1843, he had, in addition to these two lots, 19 acres in lot No. 127, and lots No. 237, section 20, and 334, section 17, valued under the appraisal of the treaty of 1848 at \$395, which amount was paid into the tribal fund, and in consideration for which the tribe, in general council assembled, received said Littleman into the nation. In view of the action of the tribe at that time, and of the equitable right which said Peter D. Littleman holds in the tribal property, your commissioner has placed his name upon the rolls on the request of the sachem and councilors.

Diana Littleman (enrolled).—Received patent for lands under the sixteenth section of the treaty of 1856 as one of the heirs of Daniel Davids, thereby voluntarily surrendering any rights she may have had subsequent to said treaty as one of the heirs of Daniel Davids. She, however, still retained her share in the tribal property which she had acquired under the act of 1843, and which was placed by her in the tribal fund under the treaty of 1848.

John P. Quinney (enrolled).—This is a case similar to that of Peter D. Littleman. He contributed 35½ acres of land in lot No. 84 and lots L and P, appraised at \$176.25.

John Goccum (enrolled).—Same as Peter D. Littleman's case. He contributed lot No. 347, section 21, appraised at \$150.

Jonas Thompson (enrolled).—Same as Peter D. Littleman's case. He contributed lots No. 246, section 19, and 345, section 21, appraised at \$300.

Nicholas Palmer (enrolled).—Same as Peter D. Littleman's case. He contributed lot No. 176, section 7, appraised at \$150.

Dennis T. Turkey (enrolled).—He is the descendant of Aaron Turkey, whose case is like that of Peter D. Littleman. He contributed lots No. 66 (east end), 147, 148, 214, 285, and 343, appraised at \$1,137.50.

Benjamin Doxtater (enrolled).—This case is that of a minor under the act of 1843, who had allotted to him one lot, which he pawned to a Mr. Whitney, at that time Indian trader at Stockbridge; he joined the Indian party under the treaty of 1848, and came into the Stockbridge tribe to share their future rights by invitation and agreement with the tribe in council assembled, same as did Peter D. Littleman.

Adelaide Davids, Rebecca Gardner, Jemima Davids, Amelia Wanby, Carolina Chicks, Celinda Delany, Josephine Taylor, Jeanette Howe, Alice R. Moon, Hannah Moon, Mary E. C. Howe, Charlotte Moore, Almira P. Dick, Algerina Jourdan, Elizabeth Gardner (all enrolled).—The above-named women married out of the tribe. By so doing they gave up and relinquished all share or claim they had in or to the property of the Stockbridge Indians. This is now, and has been for many years, the law of this tribe of Indians, and, so far as your commissioner has been able to discover, the same law prevails among the different Indian nations. In consideration, however, of the fact that had they remained with the tribe they would have been enrolled without question, and that they possessed an equitable right to share in the division of the property of this tribe, your commissioner, by and with the advice and consent of the sachem and councilors, has placed their names on the enrollment, but left off therefrom the names of their children.

John P. Hendricks (not enrolled).—Under the treaty of 1839, made with the Stockbridge Indians, a portion of the tribe selected to move to Missouri, and lived on lands of the Delaware Indians there until they could make arrangements to locate upon lands known as the "New York Indian tract," in which tract the Stockbridge Indians had a right in common with the Six Nations. These Indians, under the treaty of 1839, received full pay for their interest in the Stockbridge lands in Wisconsin, and pay for all their improvements. In consideration of said payments they, by the express terms of the treaty, relinquished all claim to the said Stockbridge lands in Wisconsin. John P. Hendricks was one of those who so went to Missouri. He was not known as a member of the tribe under either of the acts of 1843 or 1846, or under the treaty of 1848. His first participation with the tribe as a member after his removal to Missouri was under the treaty of 1856, to which he was a signer. Your commissioner is of the opinion that said John P. Hendricks has no equitable right to a share in the division of the Stockbridge property, and in this view is supported by the sachem and councilors.

In addition to the above it is proper to state that said Hendricks has removed from the tribe, and is now living with the Oneida tribe of Indians upon their reservation in the State of Wisconsin.

Abigail Hendricks (not enrolled).—Wife of John P. Hendricks. Drew a lot under the act of 1843, which was afterwards patented to her.

Hannah Peters, Mary Miller, Sophrona Sophia Thompson, Sophia Pye, Harriet Turkey, Sarah Slingerland, white woman (not enrolled).—In connection with the fore-

going-named persons, your commissioner would say that they are wives of the members of the Indian party. Their laws and customs make them members of the tribe, but the act of 1871 prevented their enrollment, for the reason they "were not of Stockbridge or Munsee descent," or had "received allotment of lands." Your commissioner desires to recommend that their names be placed upon the rolls, and that they hereafter be known as members of the Stockbridge tribe of Indians, to share alike with the other women of the nation in the division of moneys or supplies, and in the allotment of lands under the eighth section of the act of 1871, but not to be counted in the division of property provided to be made by the fifth section of the act of 1871. If this recommendation can be carried into effect it will give great satisfaction to the Indians, and the judgment of your commissioner is that it will put at rest a question which may come up at some future day to annoy the department, and which will be a difficult matter for the Indian agent to deal with in his future relations with the tribe.

Your commissioner recommended that the sachem and councilors formally adopt into the tribe these women after the completion of the enrollment. The appended letter, marked Exhibit A, shows that such action has been taken.

Jacob Jacobs (enrolled).—In regard to the enrollment of Jacob Jacobs and his family of three children, your commissioner desires to refer to the appended agreement, marked Exhibit B. A thorough search of the records in the General Land Office fails to discover that Jacob Jacobs, or any one for him, has received allotment or patent for land.

Moses Doxtater (enrolled).—Moses Doxtater and family were placed upon the Indian roll by your commissioner and the sachem and councilors; after this was done some questions arose as to which roll he desired to go on, and it was mutually agreed between the sachem and councilors and your commissioner that no change should be made, unless Mr. Doxtater, on being notified upon which roll he had been placed, should indicate a wish to have his name on the citizen roll. The letter of his attorney is herewith appended (Exhibit H). In accordance with the wish there expressed, his name and those of his family have been placed on the citizen roll.

Appended hereto, and marked Exhibits K, L, and M, are the affidavits of certain persons whose names were placed upon the citizen roll without their being present. Parties representing them were told it would be necessary for the affidavits of these persons to be forwarded to your commissioner.

Upon the subject of the complaint made, that certain improvements have been erroneously appraised to parties other than those to whom they rightfully belong, your commissioner would report that the appraisers, acting under the first section of the act of 1871, in performing the duties therein imposed, placed the value of the improvements to the credit of such only as were members of the tribe, as provided by the act of 1871. The improvements made by those not recognized as members of the Stockbridge and Munsee Indians under the terms of the act were placed to the credit of the nation. Your commissioner is clearly of the opinion that this is wrong, and that the individuals who made the improvements, and to whom they justly belong, should receive the pay therefor. The sachem and councilors admit this view of the matter to be proper and right, and agreed with your commissioner that the payment of the appraised value of said improvements should be made to the individuals. This matter will have to be arranged with the sachem and councilors when the improvement money is paid.

The appraisal of improvements made to the heirs of John N. Chicks, in regard to which Elizabeth Bowman, formerly Elizabeth Chicks, asks a hearing before final action is taken (see Exhibits C and D), involves the ascertainment of who are the legal heirs of John N. Chicks, and can readily be determined by the officer making the payments. Mrs. Bowman was the wife of John N. Chicks, and has a legal right to her share in the disposition of his property.

As to the claim made by the heirs of Austin E. Quinney for the improvement money said to be wrongfully appraised to Darius Charles (see Exhibit E), the affidavit of Mr. Charles is herewith submitted (Exhibit F). Your commissioner is of opinion that the statements therein made are true, as similar statements were made to him personally by parties who were acquainted with the facts of the case.

The affidavit of Benjamin Doxtater (Exhibit C) is also herewith inclosed. Your commissioner could learn but little about the case. Directions were given to all the interested parties that papers should be prepared and in readiness for the inspection of the officer making the payments, which would more fully explain the case.

In submitting the foregoing and the accompanying papers, I have the honor to be, with respect, your obedient servant,

HENRY R. WELLS,  
*Special Commissioner.*

*Testimony accompanying Commissioner Wells's report.*

EXHIBIT A.

H. R. WELLS, Esq.:

DEAR SIR: The undersigned drop you this to let you know that the women who married into the tribe on the side of the Indian party, and who were rejected from the rolls, have been adopted, and are received as members of the tribe according to the agreement had between us while making the said rolls.

Red Spring, Shawano County, Wisconsin, April 15, 1874.

Respectfully yours, &c.,

DARIUS CHARLES, *Sachem.*  
 ZIBA T. PETERS,  
 SAMUEL A. MILLER,  
 ALBERT W. MILLER,  
 JEREMIAH SLINGERLAND,  
 CORNELIUS AARON,  
*Councilors.*

EXHIBIT B.

RED SPRING, SHAWANO COUNTY, WISCONSIN,  
*April 8, 1874.*

It is hereby mutually agreed by and between the sachem and councilors of the Stockbridge and Munsee tribe of Indians and Henry R. Wells, United States special commissioner, that in the case of Jacob Jacobs and his children, the said Jacobs's name being now upon the enrollment made under the sixth section of the act of February 6, 1871, that the said commissioner is to investigate the maps and records on file in the Department of the Interior at Washington, and if it shall appear therefrom or from any other evidence that said Jacobs, or anybody for him, has received his full share of the division or allotment of lands under the act of 1843 to which he was justly entitled, then and in that case the said Jacobs's name and that of his children shall be erased from said enrollment; and if it shall appear upon such investigation or other evidence that said Jacobs, or any one for him, has not received the said full share to which he was justly entitled, then in that event the name of said Jacobs and his children shall remain as now upon the enrollment.

DARIUS CHARLES, *Sachem.*  
 ZIBA T. PETERS,  
 JEREMIAH SLINGERLAND,  
 ALBERT MILLER,  
 SAMUEL A. MILLER,  
 CORNELIUS S. AARON,  
*Councilors.*

HENRY R. WELLS,  
*United States Special Commissioner.*

APRIL 8, 1874.

EXHIBIT C.

STATE OF WISCONSIN,  
*Calumet County, ss:*

Elizabeth Bowman, being duly sworn, deposes and says that she is a member of the Stockbridge tribe of Indians; that in the year 1856 the west half of the southeast quarter of section 36, township 23, range 14, in Shawano County, in the State of Wisconsin, was allotted to her; that she resided on said land from the year 1856 until 1860, and made all the improvements that are now on said land; that under the law of 1871 the improvements aforesaid were wrongfully set to the heirs of one John N. Chicks; that this affiant petitions the Hon. William T. Richardson, Indian agent, to allow her a hearing in the case before final action is taken.

her  
 ELIZABETH + BOWMAN.  
 mark.

Subscribed and sworn to before me this 19th day of December, A. D. 1873.

CLARK P. SKIDMORE,  
*Justice of the Peace.*

## EXHIBIT D.

STATE OF WISCONSIN,  
Calumet County, ss :

Elizabeth Chicks, being duly sworn, deposes and says that the west half of the southeast quarter of section 36, township 23, range 14, Red Spring Reservation, Keshena, Wis., belongs to her; that she took up the same in the year 1857 and used the money she drew to make the improvements that are now on the place; that the said land and improvements are set to the heirs of John Chicks in the list made in 1871; that the said heirs have no rights in the premises; that it belongs to her and no one else.

The agent, Mr. T. Richardson, is hereby authorized and requested to correct the same on the list.

ELIZABETH <sup>her</sup> + CHICKS.  
mark.

Sworn and subscribed to before me this 13th day of August, 1872.

CLARK P. SKIDMORE,  
Justice of the Peace.

STATE OF WISCONSIN,  
Calumet County, ss :

Bartholomew Bowman and Job Bowman, being duly sworn, depose and say that they are the sons of Elizabeth Chicks, and that they know of their own knowledge that the foregoing statement made by her is just and true.

BARTHOLOMEW <sup>his</sup> + BOWMAN.  
mark.  
JOB BOWMAN.

Sworn and subscribed to before me this 19th day of August, 1872.

CLARK P. SKIDMORE,  
Justice of the Peace.

## EXHIBIT E.

STATE OF WISCONSIN,  
County of Calumet, ss :

Personally appeared before me, the undersigned justice of the peace in and for the said county of Calumet and State of Wisconsin, Jane A. Quinney, Washington Quinney, and Joseph M. Quinney, who, being duly sworn, depose and say :

That the above-named Jane A. Quinney is the widow of the late Austin E. Quinney, who bought the improvements of Paul W. Quinney in the Stockbridge and Munsee Reservation, in Shawano County, in the State of Wisconsin, appraised by the commissioners appointed by the Secretary of the Interior in 1871, improvements on the west half of northeast quarter of section 26, township 23, range 14, valued at \$450; total, \$550.

That the said Jane E. Quinney is the rightful owner of the land and improvements of the above-described tract instead of Darius Charles, who is wrongly certified to be the owner in the list of the said appraisers.

JANE A. <sup>his</sup> + QUINNEY.  
mark.  
WASHINGTON QUINNEY.  
JOSEPH M. QUINNEY.

Sworn and subscribed to before me this 22d day of April, 1872.

CLARK P. SKIDMORE,  
Justice of the Peace.

## EXHIBIT F.

H. R. WELLS, Esq.,  
Special Commissioner :

SIR: In reply to the affidavit made by Jane Quinney, Washington Quinney, and Joseph M. Quinney respecting the improvement upon lot on northeast quarter of section 26, township 23, range 14, in which they affirm that said improvements rightfully belong to Jane A. Quinney instead of the undersigned, please admit the following statement.

Austin E. Quinney, the husband of said Jane A. Quinney, did purchase the improve-



ments of Paul Quinney for about \$60, which improvements were a log-house and about two acres of land clear of logs and brush, while there were about two acres more chopped down, but not logged. After the said Mr. Austin E. Quinney had remained a short time on the reserve with his family, his wife and children left and removed back to Calumet County, and left the old man alone, when he told me to move into his house and occupy the property. I did so at once, and had the said Mr. Quinney living and boarding with me for about six months. After he had remained with me this long, he told me that as his family had removed away and would not in all probability ever return to live on the reserve again, I could continue to occupy the improvements, and make as much more as I chose, and if the tribe should ever make a treaty to sell out I might pay him back the \$60 he paid for the original improvements and the rest whatever I had made, or whatever was over and above, I could claim and have the same paid to me. This was about fourteen years ago, during which time I have not only occupied the said improvements, but have chopped away and logged eleven acres, built two log barns, and an addition to the original house. Now as the appraisers of the improvements found me occupying them, and had been so long upon the place, they deemed me to be the proper person to receive their value, and accordingly assigned the said valuation to me. In having the appraisalment attached to my name it is by no means my design to wrong Mrs. Quinney out the said \$60 that Mr. Quinney originally paid, but will refund that amount and settle the matter with her just as I agreed with the old man before his departure from this reserve, and just as soon as the money comes into my hands.

Respectfully yours, &c.,

DARIUS CHARLES.

APRIL 3, 1874.

STATE OF WISCONSIN, ss :

Sworn to and subscribed before me this 4th day of April, 1874.

M. L. MARTIN,  
Notary Public.

EXHIBIT G.

Hon. S. R. WELLS,  
*United States Commissioner :*

SIR: According to your directions I herewith submit the following statement in relation to the improvements set to me under the law of 1871, which are now claimed by Jesse M. Jourdan as having made all of said improvements.

I have to say that I have purchased from said Jourdan all of the improvements he had made, some time in the year of 1864 or 1865; he had some 4 acres of cleared land and a small log-house on the lot at the time I bought it, and I have paid him the sum of \$24 for the improvements he had made, and all of the additional improvements thereto have been made by myself and at my expense. I have had possession and have lived in the house for the past fourteen years, and have kept what improved land Jourdan had made from going to ruin since that time, but which I claim I have purchased from him.

In consideration of these facts the said improvements have been set to me by the appraisers in 1871, as certified by the sachem and councilors. The said improvements being on the west half of the southeast quarter of section 24, township 28, range 14 east, and not on section 25, as described by Jesse M. Jourdan.

Very respectfully,

BENJAMIN DOXTATOR.

RED SPRINGS, SHAWANO COUNTY, WISCONSIN, April 6, 1874.

STATE OF WISCONSIN,  
*Shawano County, ss :*

I, Benjamin Doxtator, do swear that the foregoing statement of facts made by me are true, according to the best of my knowledge and belief.

BENJAMIN DOXTATOR.

Subscribed and sworn to before me this 7th day of April, A. D. 1874.

H. KLOSTERMAN,  
County Judge.

EXHIBIT H.

WASHINGTON, D. C., April 21, 1874.

SIR: I am informed that my name, and that of Elizabeth, my wife, and those of my children, Cornelius, Samuel L., Peter, Austin, Moses, Anderson, Phebe, Lucretia, Mar-

tha, Hannah, Sophia, Precillia, and Electa, were at the time the enrollment was made by you placed upon the Indian roll. If this is so, you will greatly oblige me by transferring my name and the names of my family, as above given, upon the citizen roll, as I desire to separate from the tribe.

Yours truly,

MOSES DOXTATOR,  
By M. H. MCCORD,  
*His Attorney in Fact.*

H. R. WELLS, Esq.,  
*Special Commissioner, Washington, D. C.*

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EXHIBIT K.

STATE OF WISCONSIN,  
*Rock County, Town of Rock, ss :*

Peter Bennett, sr., Abbagail Bennett, his wife, and Mary Bennett, the daughter of said Peter and Abbagail Bennett, being each for himself and herself and sworn, upon oath depose and say that they and each of them belong to the Stockbridge tribe of Indians, and have an interest in the reservation belonging to said tribe situate in the State of Wisconsin; that as they and each of them are informed they are now enrolled upon the Indian enrollment, and are classed as part of the said tribe of Stockbridge Indians; that is their desire and wish, and the desire and wish of each of said deponents, that their name, and the name of each of them, be taken from said enrollment as Indians of said tribe, and that they and each of them be enrolled as citizens; that they and each of them desire to sever their connection with said tribe of Stockbridge Indians in all tribal relations, and they and each of them desire that all annuities and sums due them, or to become due them, from the United States Government, may be paid at once.

his  
PETER + BENNETT.  
mark.

her  
ABBAGAIL + BENNETT.  
mark.

Miss MARY BENNETT.

Subscribed and sworn to before me this 9th day of April, 1874.

PHILIP PALMER,  
*Justice Peace.*

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EXHIBIT L.

STATE OF WISCONSIN,  
*Fond du Lac County, ss :*

Susan Adams, being duly sworn, says she is the identical Susan Adams, widow of Eleazer Adams, of the Stockbridge Nation, and daughter of Henry Hendricks, of the Stockbridge Nation. Deponent further says that she has been informed that her name has been placed upon the citizen roll of the enrollment, under act of Congress, by John Adams, and that this affidavit is to testify that she approves and ratifies such action, and that she desires her name to remain upon such roll.

SUSAN ADAMS.

Sworn and subscribed to before me this 9th day of April, 1874, after being read to deponent by me.

[SEAL.]

GEO. W. CARTER,  
*Notary Public.*

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EXHIBIT M.

STATE OF WISCONSIN,  
*County of Brown, ss :*

On this 8th day of April, 1874, before me, a notary public in and for said county of Brown, appeared personally Elizabeth Autone and Mary E. C. Howe, depose and say that they belong to the tribe of the Stockbridge Indians, and further say that Tunis Howe has made on the 1st day of April, 1874, on the reservation of the Stockbridge Indian tribe, to the Commissioner of the Indian Affairs, the proposition that the above-named Eliza-

beth Antone and Mary E. C. Howe may be put on the roll (citizen) of the Stockbridge Indian tribe, and on account that they above named, Elizabeth Antone and Mary E. C. Howe, could not be present to give their consent to such proposition, therefore the said Elizabeth Antone and Mary E. C. Howe say further that the said Tanis Howe was authorized by us to do so.

her  
ELIZABETH + ANTONE.  
mark.  
MARY E. C. HOW.

Witness for Elizabeth Antone.  
L. SCHEURING.

Subscribed and sworn to before me this 8th day of April, 1874.

[SEAL.]

LOUIS SCHEURING,  
Notary Public.

B.

*Citizen and Indian roll accompanying Commissioner Wells's report.*

Enrollment of the Stockbridge and Munsee tribe of Indians, made in pursuance of the sixth section of the act of February 6, 1871, entitled "An act for the relief of the Stockbridge and Munsee tribe of Indians in the State of Wisconsin," by Henry B. Wells, United States special commissioner.

CITIZEN ROLL.

(Embracing the names of all such persons of full age and their families who have signified their desire to separate their relations with said tribe and to become citizens of the United States.)

Adams, John C	Doxtater, Samuel L	Mohawk, Isaac
Adams, Susan	Doxtater, Peter	Moon, Alice R
Adams, Augusta W	Doxtater, Austin	Moon, Hannah
Adams, Ida Mary	Doxtater, Moses Anderson	Moore, Charlotte
Antone, Darius	Doxtater, Phebo	Palmer, Nicholas
Antone, Elizabeth	Doxtater, Lucretia	Palmer, Julia
Bennett, Peter C	Doxtater, Martha	Palmer, Sophia
Bennett, Mary	Doxtater, Hanner	Putnam, Barsheba
Bennett, Abigail	Doxtater, Sophia	Pye, David
Bennett, Peter; jr	Doxtater, Prescilla	Pye, Luther
Bennett, Mary	Doxtater, Electa	Pye, Myra
Bennett, William	Gardner, Elizabeth	Pye, Rosalie
Bennett, Earnest	Gardner, Rebecca	Quinney, Jane
Bennett, Delita	Howe, Jeanette	Quinney, Joseph
Bennett, Marion	Howe, Mary E C	Quinney, Harriett
Bennett, Lester	Jacobs, Jacob	Quinney, Henrietta
Bennett, Polly	Jacobs	Quinney, Absalom N
Bennett, Sarah A	Jacobs	Quinney, Flavius Josephus
Bennett, Jeremiah	Jacobs	Quinney, Cynthia
Bennett, Elizabeth	Jourdan, Algerina	Quinney, Olive P
Bennett, Catharine	Konkapot, Elias	Quinney, Simeon
Bennett, Jasper	Konkapot, Hannah	Quinney, Adelaide
Bennett, Henry W	Littleman, Peter D	Quinney, Mary Jane
Bennett, Richard	Littleman, Diana	Quinney, Josephine
Bennett, Robert	Littleman, Henry	Quinney, Emerson
Charles, Eleanor	Littleman, John	Quinney, Esther
Candy, Electa W	Littleman, Andrew	Quinney, Charity
Sheets, Rosella	Littleman, Jonas	Quinney, Rosa
Sheets, Lestina Matilda	Metoxen, Daniel P	Quinney, Henrietta
Sheets, Josiah	Metoxen, Mary Jane	Quinney, Alice
Chicks, Caroline	Metoxen, John	Quinney, Edwin
Davids, Adelaide	Metoxen, Peter	Quinney, John W
Davids, Jemima	Miller, John S	Quinney, Amos L
Delany, Celinda	Mohawk, John	Quinney, Emory N
Dick, Almira P	Mohawk, Aaron	Quinney, Rachel N
Doxtater, Moses	Mohawk, Titus	Quinney, Gilbert M
Doxtater, Elizabeth	Mohawk, John	Quinney, William A
Doxtater, Cornelia	Mohawk, Emily	Quinney, Joseph

Quinney, Mary E  
 Quinney, John P  
 Quinney, Washington  
 Quinney, Olive  
 Quinney, Alvin  
 Slingerland, Mary E  
 Stevens, Samuel  
 Taylor, Josephine  
 Wilber, Jedediah  
 Wilbur, Samuel

Wilbur, Annetta  
 Wilber, Walter Weed  
 Wilber, Alexander  
 Wilber  
 Wilson, Joshua  
 Wilson, Lucy  
 Wilson, Elizabeth  
 Wilson, Orletta  
 Wilson, Romona  
 Wybro, Jesse

Wybro  
 Wybro  
 Darins, Charles, *Sachem.*  
 Liba T. Peters,  
 Jeremiah Slingerland,  
 Albert Miller,  
 Samuel A. Miller,  
 Cornelius S. Aaron,  
*Councilors.*

HENRY R. WELLS,  
*United States Special Commissioner.*

RED SPRING, SHAWANO COUNTY, WISCONSIN, April 8, 1874.

## INDIAN ROLL.

(Embracing the names of such as desire to retain their tribal character, and continue under the care and guardianship of the United States.)

Aaron, Cornelius	Metoxen, Andrew	Pye, Maria
Aaron, Martin D	Miller, Alfred	Pye, Eugene
Aaron, Iroy M	Miller, Lucius	Pye, Virginia
Aaron, Lorin	Miller, Georgia	Pye, Benjamin, 3d
Aaron, Gutting Marsh	Miller, Priscilla	Pye, Hannah
Aaron, Vincent	Miller, Albert	Pye, Benjamin, 4th
Aaron, Elizabeth	Miller, Charles Avery	Pye, Silas
Aaron, Betsey T	Miller, Orpha Jane	Pye, Ella
Anthony, Ruth	Miller, Theresesa Florence	Pye, Sarah A
Anthony, Ebenezer	Miller, Edwin	Pye, Betsey
Branch, Thomas	Miller, Minerva	Quinney, Osceola
Charles, Darius	Miller, Zachariah	Quinney, Lucinda
Charles, Ida	Miller, Hendrick	Quinney, Wallace
Charles, Marion	Miller, William R	Quinney, Jamison
Charles, Bethena	Miller, Webb	Skickett, Phebe
Charles, Levina	Miller, Miriam	Slingerland, Jeremiah
Charles, Timothy	Miller, Samuel	Spragg, Clarissa
Charles, Isabella	Miller, Warren	Spragg, Henry
Doxtater, Dolly	Miller, Harriett	Spragg, Jessie
Doxtater, Hymenius	Nathan, Cecilia	Spragg, Edward
Doxtater, Ambrosine	Nathan, Emma	Thompson, Jonas
Doxtater, Inez	Nathan, William	Turkey, Dennis T
Doxtater, Nancy	Palmer, Sherman	Williams, Eli T
Doxtater, Benjamin	Palmer, Elizabeth	Williams, Andrew
Doxtater, Unice	Palmer, Coruelia	Williams, Austin
Doxtater, Mina	Palmer, James	Yoccum, Johiacum
Doxtater, Elvira	Peters, Ziba T	Yoccum, Emma
Doxtater, Daniel	Peters, Sterling	Yoccum, John
Doxtater, Alvin	Peters, Francis Henry	Yoccum, Lillie
Doxtater, Isabella	Peter, Theodore Freling-	Yoccum, Clarissa
Konkapot, Robert	huznen	Yoccum, Addison
Konkapot, Franklin	Peters, Lucy	Yoccum, Benjamin
Konkapot, Rose Ann	Peters, Livingston	Yoccum, Hannah
Konkapot, Rachel	Pye, Paul	Darius Charles, <i>Sachem.</i>
Konkapot, Aaron	Pye, Abram	Liba T. Peters,
Konkapot, Prudence	Pye, William	Jeremiah Slingerland,
Lewis, Jackson	Pye, Adeline	Albert Miller,
Littleman, Oliver	Pye, Elijah	Samuel A. Miller,
Metoxen, Simon S.	Pye, Lucy	Cornelius S. Aaron,
Metoxen, Elizabeth	Pye, Catharine	<i>Councilors.</i>

HENRY R. WELLS,  
*United States Special Commissioner.*

RED SPRING, SHAWANO COUNTY, WISCONSIN, April 8, 1874.

## C.

*Report of Commissioner Wells on appraisal of improvements on Stockbridge and Munsee Reservation, June 30, 1874.*

SHAWANO, WIS., June 30, 1874.

DEAR SIR: I have the honor to submit herewith my report upon the appraisal of improvements of the Stockbridge and Munsee Indians, made under the first section of the act of February 6, 1871; this report being in the nature of a change from the appraisal made by Messrs. Wing, Martin and McCord, United States special commissioners. There is no change in the amount appraised for improvements, but this indicates the names of the individuals to whom should be paid the several amounts, as certified by the Sachem and councilors.

The improvement appraised as tribal property occupied by the heirs of J. N. Chicks should be paid as follows: To Elizabeth Chicks, wife of J. N. Chicks, one-third of \$269, \$89.66; to Martha Antone, formerly Martha Chicks, daughter of J. N. Chicks, one-third of \$269, \$89.67; to Mary Miller, formerly Mary Chicks, one-third of \$269, \$89.67.

The improvements appraised as tribal property under the head of the National Meeting House, at the sum of \$500, should be paid to Albert Miller.

The improvements appraised as tribal property occupied by John Goccum, to the amount of \$102, should be paid to him.

The improvements appraised as tribal property occupied by John Hendricks, to the amount of \$230, should be paid to him.

The improvements appraised as tribal property occupied by William Gardner, to the amount of \$394, should be paid to him.

The improvements appraised as tribal property occupied by Benjamin Goccum, to the amount of \$160, should be paid to him.

The improvements appraised as tribal property occupied by the heirs of Jacob Davids, to the amount of \$137, should be paid as follows: One-fifth thereof, \$27.40, to Hannah Smith, daughter of Jacob Davids; one-fifth, \$27.40, to Margaret Bolieu, daughter; one-fifth, \$27.40, to Adams Davids, son; one-fifth, \$27.40, to Solomon Davids, son; one-fifth, \$27.40, to Jonas Davids, son.

The improvements appraised as tribal property occupied by Jacob Jacobs, to the amount of \$278, should be paid to him.

The improvements appraised as tribal property occupied by Stephen Gardner, to the amount of \$600, should be paid to him.

The improvements appraised as tribal property occupied by Timothy Jourdan, to the amount of \$252, should be paid as follows: To Joseph Doxtater, son of Margaret Jourdan, deceased wife of Timothy Jourdan, the sum of \$28, being his one-third share of the one-third interest held by his mother in the property of Timothy Jourdan; to Benjamin Doxtater, also son as aforesaid, \$28; the balance, amounting to \$196, should be paid to Timothy Jourdan.

The above and foregoing embrace all the improvements appraised to the nation as tribal property, and which the Sachem and councilors desire to certify should be paid to individuals owning the same.

The following list includes all disputed cases, and also such cases on the original appraisal as indicated that payment should be made "to the heirs" of persons; this report giving the names of the heirs and the amount due to each.

The improvement appraised to Darius Charles, to the amount of \$450, and claimed in part by the heirs of Austin E. Quinney should be paid as follows: To the heirs of Austin E. Quinney, namely, Jane Quinney, wife of Austin E. Quinney, \$20; Washington Quinney, son, \$8; Simeon Quinney, son, \$8; Martha Moore, daughter, \$8; Harriet Quinney, daughter, \$8; Joseph Quinney, son, \$8. The amount assigned to the Quinneys being the division of \$60, found to be the amount of a claim against the improvements appraised to Darius Charles, said sum appearing, upon investigation made by the Sachem and councilors and your special commissioner, to be the entire amount of any claim held against said Charles by the heirs of Austin E. Quinney. The balance, \$390, should be paid to Darius Charles.

The improvement appraised to the heirs of Polly Konkapot, amounting to \$115, should be paid as follows: Eli T. Williams, son, \$38.33; Aaron Konkapot, son, \$38.33; Hymenus Doxtater, grandson, \$6.39; Daniel Doxtater, grandson, \$6.39; Mince Doxtater, granddaughter, \$6.39; Mina Doxtater, granddaughter, \$6.39; Elvira Doxtater, granddaughter, \$6.39; and to Rosella Cheats, granddaughter, \$6.39. The six last named being the children of Elizabeth Doxtater, daughter of Polly Konkapot.

The improvement appraised to Benjamin Doxtater, to the amount of \$213, and to which Jesse Jourdan lays claim, should be paid as follows: Benjamin Doxtater, \$106.50; Jesse Jourdan, \$106.50. The original improvements in this case were made by Jesse Jourdan, but at the time the appraisal was made the premises were occupied by Mr. Doxtater, who had made additional improvements that were taken into considera-

tion by the appraisers. The evidence given by the two claimants contradicted each other, and as the outside evidence indicated that neither could be believed upon oath, the Sachem and councilors deemed the best thing to do was to divide the improvement equally between them; this was also the judgment of your commissioner.

The improvement appraised to Livingston Peters, to the amount of \$223, should be paid as follows: To Hannah Peters, wife of Livingston Peters, \$74.33; Ziba T. Peters, father of Livingston Peters, \$148.67. The said Livingston Peters having died since the appraisal was made, the heirs to his estate are as above given.

The improvements appraised to Elijah Pye, to the amount of \$335, should be paid as follows: To Serepta Johnson, for improvements made prior to Pye's coming in possession of the property, the sum of \$35; to Elijah Pye, present owner of the rest of the improvements, the balance, \$300.

The improvement appraised to Peter Bennett, jr., to the amount of \$233, but which was claimed in part by Darius Charles, should be paid as follows: To Darius Charles, \$33; the balance, \$200, to Peter Bennett, jr. The nature of the claim of Mr. Charles was for improvements made by himself and father upon the land, and in satisfaction of a probable right to the land and improvements. Mr. Bennett is opposed to such settlement, but the matter was investigated by the councilors who recommend such settlement. The judgment of your commissioner is that the above should give full satisfaction to Mr. Bennett, as he was unable to show that he possessed any right to the improvements appraised to him.

In regard to the other improvements appraised to individuals of the Stockbridge and Munsee Indians, the Sachem and councilors desire to certify they should be paid to the names as upon the original appraisal. As a matter of convenience in making the payments your commissioner has prepared and affixed hereto a list containing the names of all entitled to improvement money, and the amount coming to each.

HENRY R. WELLS,  
*United States Special Commissioner.*

Hon. E. P. SMITH,  
*Commissioner of Indian Affairs, Washington, D. C.*

We, the sachem and councilors of the Stockbridge and Munsee Indians, do hereby certify that we have heard read to us this and the foregoing eleven pages, and that the charges herein made from the first appraisal of the Stockbridge and Munsee improvements, as provided by the 1st section of the act of February 6, 1871, are made in compliance with our wishes, and according to what we believe to be just and right.

DARIUS CHARLES, *Sachem.*  
ZIBA T. PETERS,  
ALBERT MILLER,  
JEREMIAH SLINGERLAND,  
SAMUEL A. MILLER,  
CORNELIUS S. AARON,  
*Councilors.*  
HENRY R. WELLS,  
*United States Special Commissioner.*



*Appraisal of improvements on lands of Stockbridge and Munsee Indians in accordance with the first section of the act of February 6, 1871.*

Names.	First appraisal.	As changed.	Total.
Benjamin Pye, 4th .....	\$158 00	\$158 00	\$158 00
Abram Pye .....	274 00	274 00	274 00
Benjamin Pye, 3d .....	317 00	317 00	317 00
Elias Konkapot .....	40 00	40 00	40 00
Eli T. Williams .....	127 00	127 00	127 00
Peter Bennett, jr. ....	233 00	200 00	
Darius Charles .....		33 00	
			233 00
Peter Bennett, sr. ....	62 00	62 00	62 00
Samuel Miller .....	525 00	525 00	525 00
John Yocum .....	102 00	102 00	102 00
Albert Miller, Nat. Meeting-House.	500 00	500 00	500 00
Heirs of Polly Konkapot .....	115 00		
Eli T. Williams .....		38 33	
Aron Konkapot .....		38 33	
Hymencous Doxtater .....		6 39	
Daniel Doxtater .....		6 39	
Unice Doxtater .....		6 39	
Mina Doxtater .....		6 39	
Elvira Doxtater .....		6 39	
Rosella Cheats .....		6 39	
			115 00
Elijah Pye .....	335 00		
Serepta Johnson .....			
Lucinda Quinny .....	104 00	104 00	104 00
Samuel Miller .....	203 00	203 00	203 00
J. P. Hendricks .....	230 00	230 00	230 00
Benjamin Doxtater .....	213 00	106 50	
Jesse Jourdan .....		106 50	
			213 00
Aaron Konkapot .....	134 00	134 00	134 00
Lucinda Quinny .....	224 00	224 00	224 00
Timothy Jourdan .....	252 00	196 00	
Joseph Doxtater .....		28 00	
Benjamin Doxtater .....		28 00	
			252 00
Benjamin Yocum .....	160 00	160 00	160 00
Simon S. Metoxen .....	158 00	158 00	158 00
Heirs of Jacob Davids .....	137 00		
Hannah Smith .....		27 40	
Margaret Bollew .....		27 40	
Alan Davids .....		27 40	
Solomon Davids .....		27 40	
Jonas Davids .....		27 40	
			137 00
Dennis T. Turkey .....	165 00	165 00	165 00
William Gardner .....	394 00	394 00	394 00
J. N. Chicks, heirs of .....	269 00		
Elizabeth Chicks .....		89 66	
Martha Antone .....		89 67	
Mary Miller .....		89 67	
			269 00
Jacob Jacobs .....	278 00	278 00	278 00
Stephen Gardner .....	600 00	600 00	600 00
Sterling Peters .....	270 00	270 00	270 00
Jeremiah Slingerland .....	963 00	963 00	963 00
Darius Charles .....	450 00	390 00	
Jane Quinny .....		20 00	
Washington Quinny .....		8 00	
Simeon Quinny .....		8 00	
Martha Moore .....		8 00	
Harriet Quinny .....		8 00	
Joseph Quinny .....		8 00	
			450 00
Ziba T. Peters .....	165 00	165 00	165 00
Livingston Peters .....	223 00		
Hannah Peters .....		74 33	
Ziba T. Peters .....		148 67	
			223 00
Louisa Peters .....	40 00	40 00	40 00

## D.

*Supplemental enrollment of the Stockbridge and Munsee Indians, made in accordance with instructions of Hon. E. P. Smith, Commissioner of Indian Affairs, and in pursuance of the sixth section of the act of February 6, 1871, by Henry R. Wells, United States special commissioner.*

For full explanation of this supplemental roll see report of Commissioner Wells sent herewith.

## ADDITION TO CITIZEN ROLL.

Israel, Abram.  
Peters, Louise.  
Wauby, Amelia.  
Darius Charles, *Sachem*.  
Ziba T. Peters,

Samuel A. Miller,  
Albert Miller,  
Jeremiah Slingerland,  
Cornelius S. Aaron,

*Councilors.*

HENRY R. WELLS,  
*United States Special Commissioner.*

RED SPRING, SHAWANO COUNTY, WISCONSIN, May, 30, 1874.

HON. E. P. SMITH,

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

DEAR SIR: Referring to instructions given me in your letters of June 5 and 19, the first directing me to submit the petition of Osceola N. Quinney and others to the sachem and councilors of the Stockbridge Indians, with a view to make any needed change which might be proper in the rolls, the second instructing me to make detailed report as to the right of the persons named in the said petition to be enrolled as members of the Stockbridge and Munsee Indians, I have the honor very respectfully to report.

To the first, third, and thirteenth allegations in the affidavit of Osceola N. Quinney *et al.*, I would say that Amelia Wauby, Louise Peters, and Abram Israel are entitled to be enrolled. In the case of the two first, their names were on the original rolls as prepared, but in copying the same they were overlooked, and were not upon the rolls signed by the sachem and councilors and the commissioner. The case of Abram Israel is that of a person who should have been enrolled. There exists no reason why his name should not be placed upon the citizen roll.

Sent herewith you will find a "Supplementary roll of the Stockbridge and Munsee Indians," signed by the sachem and councilors and the commissioner appointed to make the enrollment. This supplemental roll does not change the rolls already approved by the honorable Secretary other than to add three names to the citizen roll.

To the second allegation in said affidavit, the reply is that Agnes Breed and Singleton Fiddler are the children of Amelia Wauby, the last named being one of the women who married out of the tribe. The names of the women who so married out of the tribe were placed upon the rolls, but their children were not enrolled. The reasons which governed the sachem and councilors and the commissioner in not enrolling the children of the women who married out of the tribe are given in the last report made by Commissioner Wells. After giving the names of some fifteen women, he says:

"The above-named women married out of the tribe. By so doing they gave up and relinquished all share or claim they had in or to the property of the Stockbridge Indians. This is now and has been for many years the law of this tribe of Indians, and so far as your commissioner has been able to discover the same law prevails among the different Indian nations. In consideration, however, of the fact that had they remained with the tribe they would have been enrolled without question, and that they possessed an equitable right to share in the division of the property of this tribe, your commissioner, by and with the advice and consent of the sachem and councilors, has placed their names on the enrollment, but left off therefrom the names of their children."

Fourth. To the affidavit claiming that John P. Hendricks should be enrolled, your Commissioner would say that, under the treaty 1839 made with the Stockbridge Indians, a portion of the tribe selected to remove to Missouri, and lived on lands of the Delaware Indians there until they could make arrangements to locate upon lands known as the "New York Indian Tract," to which tract the Stockbridge Indians had a right in common with the six nations. These Indians, under the treaty of 1839, received full pay for their interest in the Stockbridge lands in Wisconsin, and pay for all their improvements. In consideration of said payments, and by the express terms of the treaty, they relinquish all claims to the said Stockbridge lands in Wisconsin.

John P. Hendricks was one of those who so went to Missouri. He has not been known as a member of the Stockbridge Nation under either of the acts of 1843 or 1846, or under the treaty of 1848. His first participation with the tribe as a member after his removal to Missouri was under the treaty of 1856, to which he was a signer. Your commissioner is of opinion that said John P. Hendricks has no equitable right

to share in the division of the Stockbridge property. In this view he is supported by the sachem and councilors.

In addition to the foregoing it is proper to state that said Hendricks has removed from the tribe and is now living with the Oneida Indians upon their reservation in the State of Wisconsin.

Fifth. Samuel Hendricks's right to be enrolled could only come through his father's right.

Sixth. The case of Catharine Moore is similar to that of the case of the children of Amelia Wauby. Charlotte Moore, mother of Catharine Moore, married out of the tribe. She was enrolled, but her children were not. In this connection your commissioner would say that if the children of women who married out of the tribe should be enrolled it would increase the present rolls some thirty names. Nearly all of these women have moved away from the reservation. Some of them are married to white citizens of the United States, whose children would be citizens. Others have married members of the various Indian tribes in Wisconsin, and their children are counted as a portion of the tribe into which the women married.

Seventh. John Lewis, in the month of February, 1856, murdered one William Thompson, a son of James Thompson, a Stockbridge Indian. From such evidence as your commissioner has been able to gather the murder seems to have been a cold-blooded and deliberate act. Said Lewis was arrested, thrown into prison, but by some means escaped therefrom and fled the country. The laws of the Stockbridge and Munsee Nation demand his life as penalty for the crime, and confiscate his property. He has never lived with the tribe since the murder; he fled to Canada, where he now lives. When the murder was committed he had no individual right to any property of the nation, all being owned in common. The sachem and councilors refused to permit his name to be enrolled. Your commissioner did not press his case for the reason that he believed their action was proper under the circumstances.

Eighth. Sophrona Thompson was not enrolled because she was not of Stockbridge or Munsee descent. Your commissioner recommended to the department in his report upon the enrollment the recognition of said Sophrona Thompson as a member of the Indian portion of the Stockbridge Nation. The recommendation was made for her and four other women similarly situated. Said women had married members of the Indian portion of the Stockbridge Nation, but could not be enrolled under the law of 1871.

Ninth. Edwin Miller is upon the Indian roll.

Tenth. Minerva Miller is upon the Indian roll.

Eleventh. Zachariah Miller is upon the Indian roll.

Twelfth. Hendricks Miller is upon the Indian roll.

To the representations made in the affidavit of Osceola N. Quinney *et al.*, that certain person have been erroneously enrolled, your commissioner would report:

First. The case of Moses Duxtater and his family. Attached hereto, and marked Exhibits A and B, are affidavits and copy of family records, showing the names and ages of his children. Your commissioner has been unable to discover any possible reason which should prevent his enrollment and that of his family. He is of Stockbridge descent, never separated from the tribe, and has not received patents for lands under any of the acts or treaties mentioned in the act of 1871.

Second. Diana Littleman's case was reported upon, and the reasons given why she was enrolled in the report made by Commissioner Wells upon the enrollment of the Stockbridge and Munsee Indians. The facts in her case are as follows: Under the act of 1843 Daniel Davids became the owner of certain lots of land at Stockbridge, Calumet County, Wisconsin. By the same act Diana Davids, his daughter, afterwards Diana Moore, afterwards Diana Wilbur, now Diana Littleman, also became entitled to a lot of land at the same place. When the treaty of 1848 was made Daniel Davids chose to have his lots patented to him and to separate from the tribe. His daughter selected to place her lot in the common property of the tribe and to remain with the nation. Daniel Davids died before any lots were patented to him. When the treaty of 1856 was entered into, the heirs of Daniel Davids made application to have the lots due him patented to them. Diana Davids came in for her share as one of the heirs of Daniel Davids. Your commissioner is of the opinion that her right to be enrolled was in no degree affected by the fact that she was the heir of Daniel Davids, and as such heir received her share of his property.

Third. Samuel Stevens is now sixty-four years old. Some seventy years ago a number of Delaware Indians entered into a bargain with the Stockbridge Indians, at that time located at Stockbridge, New York State, to furnish a certain amount of money to be used in the purchase of the land upon which the Stockbridge Indians afterwards lived in the State of Wisconsin. In consideration of the sum paid the said Delaware Indians were adopted into the Stockbridge Nation, and they and their children have ever since been treated and considered as Stockbridge Indians. He was born after his mother had been so adopted. He was recognized as a member of the tribe under the treaty of 1839, by the acts of Congress of 1843 and 1846, by the treaty of 1848 and by

the treaty of 1856. When by the treaty of 1848 the lands of the Stockbridge Indians in Stockbridge, Wisconsin, were sold to the government or assigned to individuals, he owned lots Nos. 9, 95, 127, 21, and 22, appraised by the government appraisers at \$1,078.50. This amount was placed in the tribal fund by him and became a part of the common property of those who at that time chose to remain Indians and be known as the Stockbridge Nation. Your commissioner's judgment is that by every just and fair construction of the act of 1871, and certainly by the equities involved, he is entitled to be enrolled.

Fourth. Samuel Miller's case in its history does not differ essentially from that of Samuel Stevens. He is sixty-three years old; was born in the tribe. Has always lived with them, and is now living on their present reservation. For twenty years he has been one of the councilors of the nation. At the time of the treaty of 1848, he contributed to the tribal fund lots Nos. 122, 123, 124, 200, 212, 243, 304, and 337, valued at \$1,662.50. While late Agent Richardson was endeavoring to make the enrollment, a very full and detailed history of the case of Mr. Miller, Mr. Stevens, and others was prepared, and sent to the Hon. Secretary of the Interior by the sachem and councilors. Afterwards Agent Richardson was directed by the department to place the names of these persons upon the rolls he was preparing. The history referred to should now be on file in Washington.

In submitting the foregoing detailed statement in regard to the various allegations set forth in the affidavits of Osceola N. Quinney, John C. Adams, and Abram Israel, I have the honor to be, very respectfully,

Your obedient servant,

HENRY W. WELLS,  
*Special Commissioner.*

EXHIBIT A.

OUTAGAMIE COUNTY,  
*Town of Seymour, ss :*

Moses Doxtater, being examined by me, a justice of the peace in and for said county, on oath, says that he is the rightful parent of the following-named children, to wit :

Cornelius Doxtater, aged 21, born February 13, 1853.

Samuel Louis Doxtater, born September 14, 1854.

Lucretia Jane Doxtater, born December 15, 1856.

Phebe Ann Doxtater, born December 17, 1858.

Peter Doxtater, born October 9, 1862.

Austin Doxtater, born August 12, 1865.

Martha Doxtater, born August 5, 1867.

Hannah Doxtater, born August 6, 1870.

Moses Anderson Doxtater, born October 12, 1872.

Electa Doxtater, born April 4, 1873.

Priscilla Doxtater, daughter of Lucretia Doxtater (illegitimate), born October 14, 1872.

This deponent further states that Sophia Doxtater is the wife of Samuel Louis Doxtater, his minor child.

his  
MOSES X DOXTATER.  
mark.

Witness:

JOHN P. HENDRICKS.

Subscribed and sworn to before me this 28th day of April, A. D. 1874, and I hereby certify that the above list of Mr. Doxtater's children, together with their ages, is a correct copy of his family record as put in his family Bible, which I have carefully examined and compared with the above list and found to be correct.

CYRUS CORNING,  
*Justice of the Peace.*

EXHIBIT B.

STATE OF WISCONSIN,  
*Shawano County :*

John P. Hendricks, being by me first duly sworn, deposes and says that he is personally acquainted with Moses Doxtater, a Stockbridge Indian; that he has heard read the affidavit of Moses Doxtater, which is hereunto attached, and that he knows that said affidavit is true to his own knowledge, except as to the age and birth of the said Doxtater's children, and as to that, he verily believes the facts to be as stated by Moses Doxtater in his affidavit of April 28, 1873, which is hereunto attached.

JOHN P. HENDRICKS.

Subscribed and sworn to before me this 29th day of June, A. D. 1874.

H. M. LOOMER,  
*Justice of the Peace.*