

STOCKBRIDGE AND MUNSEE INDIANS.

MARCH 27, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5043.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5043) for the relief of the Stockbridge and Munsee tribe of Indians, beg leave to report:

Bills of a similar import have been favorably reported from the Committee on Indian Affairs of the Forty-eighth and Forty-ninth Congresses, and presumably failed to become laws for lack of time to secure a hearing before the House.

Representative Nelson, in the Forty-eighth Congress, then as now a member of the Committee on Indian Affairs, submitted a favorable report on a like-entitled measure (see House Report No. 1054, Forty-eighth Congress, first session), which said report so fully and carefully covers the entire grounds of the case that same is now adopted and made part of this report.

At and prior to 1843 this tribe of Indians was located at what was known as the Stockbridge Indian Reservation, on the east side of Winnebago Lake, in the State of Wisconsin. The tribe had a tribal council of chiefs and head-men, and held and occupied this reservation in common, under the supervision and control of the tribal council.

By the act of March 3, 1843 (5 U. S. Stat., 645), provision was made for partition and allotment in severalty to the Indians of said tribe of their lands on this reservation. This allotment was to be made under the direction of commissioners, to be selected by the Indians, as in the act provided. It seems, however, that owing to dissensions and unwillingness among the Indians the provisions of this act were not complied with to but a limited and partial extent, and that the majority of the tribe refused to avail themselves of the provisions of the act.

In view of these facts, the act of August 6, 1846 (9 U. S. Stat., 55), was passed, repealing the former act, and restoring to the Indians their "ancient form of government," and providing for an enrollment of the tribe and that their lands were to be held in common.

But dissensions and bad feeling still continued to subsist among the tribe, and their reservation, which was not very large, being gradually encroached upon by surrounding white settlements, it became evident that some other and further provision would have to be made for the tribe.

In 1856, for the purpose of acquiring their lands at Stockbridge and furnishing them with a more extensive and suitable home elsewhere, and for the purpose of settling all past differences in the tribe and again uniting the members thereof in a common brotherhood, a treaty was concluded and signed by the individual members of the tribe, by which treaty the Indians surrendered their lands at Stockbridge, and received in exchange the lands at Shawano, where they have ever since resided. By the terms of the treaty the lands at Shawano were to be allotted to the individual members of the tribe heads of families, which was done immediately after their re-

moval to their new home ; and such allotments have ever since been occupied by the families to whom they were so assigned.

The treaty was satisfactory to the tribe, and all the members accepted it as a settlement of former difficulties, removed to the new reservation, and resided there in peace until 1871, at which time a minority of the tribe obtained the passage of a law through Congress which, among other things, provided for an enrollment of the tribe and the distribution of the tribal funds according to such enrollment. This law and the enrollment under it were not opposed by any members of the tribe, none apprehending that any persons would be excluded who were parties to the treaty of 1856. When the enrollment under the act of 1871 was made, under the direction of the officers of the tribe, and who were principally instrumental in obtaining the law of 1871, a majority of the tribe were arbitrarily and, as the committee believe, wrongfully denied enrollment, for reasons existing *before* the treaty of 1856, and which apply with equal force to those who *were* enrolled under the law of 1871. After the completion of this enrollment, the minority, which had been enrolled, and constituting the *de facto* government, declared that those denied enrollment were not members of the tribe and had no interest in tribal funds or in the reservation, and have re-allotted the lands of those excluded, assigning their homes, on which they have resided for twenty-five years, to members who were permitted to be enrolled under the act of 1871. The Government of the United States, in recognizing the *de facto* government as the *proper* government, has affirmed the said enrollment, and denied the excluded portion of the tribe any relief, referring the whole matter to Congress.

Following up their design to drive the majority of the tribe off the reservation and absorb to their own use the tribal property, the minority have notified the excluded portion of said tribe to leave the reservation.

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

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

Your committee, fully satisfied of the equity and justice of this bill, recommend its passage.

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