

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 12, 1879.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1124.]

The Committee on Indian Affairs, having had under consideration Senate bill No. 224, Senate joint resolution No. 4, and Senate bill No. 1124, all for the relief of the Winnebago Indians of Wisconsin, report:

The committee recommend the indefinite postponement of Senate bill No. 224 and joint resolution No. 4, and recommend the passage of Senate bill 1124 with an amendment.

The Winnebago tribe of Indians formerly resided within the limits of the State of Wisconsin, and by various treaties on and prior to June 16, 1838 (Revised Indian Treaties, 1001), conveyed to the United States all of their lands in that State. By the treaty of June 16, 1838, the United States ceded to them a tract of land in the Territory of Minnesota known as the neutral lands, and to which a claim in their behalf attached under one of the former treaties.

By the treaty of 1846 (*Ibid.*, 1004), the title of the Winnebagoes to the neutral lands was extinguished, and, in part consideration therefor, they were given a tract of land on the Saint Peter's River, in Minnesota, estimated to contain about 879,600 acres. Their title in this tract was entirely extinguished by the treaty of 1855 (*Ibid.*, 1006), and in full compensation for the same the United States agreed to give them \$70,000, and to grant them, as a permanent home, a tract of land equal to eighteen miles square on the Blue Earth River, in one of the most fertile regions in Minnesota, to which they removed, and where they were immediately surrounded and pressed upon all sides by the whites.

Again, by treaty of 1859 (page 1011), in order to aid in their civilization, and at the request of the tribe, townships 106 and 107, ranges 24 and 25, and the two strips of land immediately adjoining on the east and north, within their reservation, were authorized to be allotted in severalty to the members of the tribe, and it was provided that the remainder of their lands should be sold and the proceeds applied to their benefit.

Under these provisions allotments in severalty were made in 1861, and certificates issued to them. At the outbreak of the rebellion in 1861 numbers of the Winnebagoes enlisted in the Army, and during the Sioux outbreak of 1862 the tribe maintained the most friendly relations with the whites. Their lands, however, were very desirably located for settlement, and the settlers commenced a series of encroachments against the Winnebagoes, which finally rendered their condition unsafe, so that it became necessary to remove the tribe from the State.

An act was accordingly passed by Congress on the 21st of February, 1863 (12 Statutes, p. 658), providing for their removal and the sale of their lands for their benefit, and they were removed to the Missouri River in Dakota. On account of the proximity of this location to the Sioux, who were hostile to them, and their remoteness from the whites, among whom they preferred to live, the tribe became dissatisfied, and large numbers of them returned to the States, about one-half of whom settled in Wisconsin, as stated by the Commissioner of Indian Affairs, in a communication addressed to the committee.

Another treaty was made with the tribe in 1866 (see page 1014 Revised Indian Treaties), whereby the tribe was gathered together and settled upon a reservation in Nebraska, where they now reside.

Arising from these treaties, the Winnebagoes, as a tribe, have a fund of \$883,249.58 in the Treasury, the income of which, at 5 per cent., is, by treaty provision, to be distributed to them in cash or supplies, as the President may direct.

By act of June 25, 1864 (13 Statutes, p. 172), it was provided—

That the proportion of annuities to which the stray bands of Winnebago Indians would be entitled, if on their reservation, should be retained in the Treasury to their credit, from year to year, to be paid to them when they should reunite with their tribe, or to be used by the Secretary of the Interior in settling and subsisting them on any other reservation which might thereafter be provided for them.

The fund herein provided for was not reserved until 1876, when, by direction of Secretary Chandler, their estimated proportion ($\frac{10000}{25331}$) of the tribal annuities was retained, and has since been retained for them, amounting at the present time, in this proportion, to \$48,249.17. This sum remains in the Treasury awaiting the direction of Congress.

The annuities so far to the tribe, from 1864 to 1875, inclusive, amount to \$641,312.78, all of which, with a single exception, has been paid to the Winnebago Indians of Nebraska. Assuming that the tribe in Wisconsin would be entitled to their *pro rata* share, they ought to have received of this amount \$253,383.12.

In 1873 and 1874 an appropriation was made (18 Statutes, p. 170) for the removal of the Winnebagoes of Wisconsin to a reservation to be purchased for them in Nebraska, adjacent to the reservation now occupied by the remainder of the tribe. There was expended in this removal, and subsistence and purchase of lands, \$154,624.49, and retained to be expended in settling them on their new lands, \$26,131.13, and about 860 of them were removed to Nebraska. The Wisconsin Winnebagoes, however, were dissatisfied with their new location, and all but two hundred and four of them returned to Wisconsin prior to January, 1876.

The Commissioner of Indian Affairs reports that there is now in the Treasury to the credit of the tribe, accruing under treaty appropriations for the fiscal year 1873 and prior years, the sum of \$40,406.42, from which a sufficient amount should be withdrawn and paid to the Wisconsin band to equalize the payments heretofore made in excess to the tribes in Nebraska.

During the last fiscal year there was appropriated to the tribe in Nebraska the sum of \$29,260.68, and to the Wisconsin Winnebagoes \$14,901.79.

The committee, therefore, recommend the payment to the Wisconsin Winnebago Indians of \$48,249.17, now in the Treasury belonging to them, together with a sufficient sum to equalize the payments hereinbefore alluded to.

The committee also recommend that the proportion of annuity funds

accruing from year to year hereafter should be applied to the Winnebagoes in Wisconsin, until they shall have been refunded the amount due them under the act of 1864.

The bill provides for a careful census of the Indians in Wisconsin, as well as the Winnebagoes in Nebraska, in order that a just division may be made.

By an act passed March 3, 1875 (18 Stats. at Large, 420), it is provided that any Indian now in the United States, who is the head of a family, or arrived at the age of twenty-one years, and who afterwards abandons his tribal relations, shall be authorized to take a homestead under the homestead laws, and shall still be entitled to receive his proportion of the tribal annuities. These Winnebagoes of Wisconsin, to the number of about two hundred, have taken, and others are desirous of taking homesteads under this provision of the act of 1875, and therefore the provisions of the bill apply only to such as have taken or shall taken homesteads, having been carefully constructed for such Indians only.

A section is added against the alienation of these lands for a period of twenty years. This provision is considered necessary to protect the Indians having homesteads. The bill has been submitted to the Interior Department, and receives the sanction of the Commissioner of Indian Affairs and the Secretary of the Interior.

The committee, therefore, recommend its passage, with a single amendment to the last section, which is herewith reported.

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