

We, the undersigned, separately and severally certify on honor that we have fully explained to the Indians whose names are hereto signed the above instrument, and that they acknowledged the same to be well understood by them.

JOHN BAPTISTE LEDEAULT. [SEAL.]
JOSEPH ROLETTE.

(The agreement is signed by Ka Kini wash, Kanik, and 259 others.)

We certify on honor that we were present and witnessed the signatures to this instrument by the Indians as above.

EARNEST WILLIAM BREMER.
WELLINGTON SALT.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said agreement be, and the same hereby is, accepted, ratified, and confirmed, except as to articles five and eight thereof, which are modified and changed so as to read as follows:

ARTICLE V. "The schools now located upon the above-named reserve are to be maintained in efficiency as at present, not exceeding twenty years and increased as necessity may require during said period."

ARTICLE VIII. "And in further consideration of the foregoing cession and stipulations, it is further stipulated that the six hundred and forty acres of land heretofore reserved to 'Red Bear,' a Chippewa Indian, by the treaty between the United States and the Red Lake and Pembina bands of Chippewa Indians, concluded October 2d, 1863, amended March 1st, 1864, and proclaimed May 5, 1864, be patented to the heirs of the Red Bear referred to in the said treaty;" and as so modified said agreement is ratified and confirmed.

SEC. 2. That for the purpose of making the surveys and allotments contemplated by Article III of said agreement, the sum of three thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 3. That for the purpose of carrying the provisions of this act into effect there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of fifty thousand dollars, which sum shall be expended in the manner provided for in Articles IV and XI of said agreement: *Provided*, That none of the money, or interest thereon, which is by the terms of said agreement to be paid to said Indians, shall be applied to the payment of any judgment that has been, or may hereafter be, rendered under the provisions of the act of Congress approved March third, eighteen hundred and ninety-one, entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations."

NO. II AND D.

NO. 2.—PROTEST.

A protest was submitted by the Turtle Mountain Indians, in the State of North Dakota, against the ratification by Congress of the treaty or agreement concluded October 22, 1892 (House Ex. Doc. No. 229, 52d Congress, 2d session), and was referred to the House Committee on Indian Affairs, same said Congress, together with the documents of record in the Indian and other departments of the Interior, and was ordered to be printed as follows, to wit:

DOCUMENT NO. 1.—PROTEST.

Proceedings of Chief Little Shell and the council of the tribe, held October 24, 1892, protesting against the ratification by Congress of the report of the Turtle Mountain Indian commissioners of said alleged agreement. (Filed with the honorable Commissioner of Indian Affairs January, 1893. File No. 1993; special case No. 110.)

I.

Whereas the Pembina Chippewa Indians is one of the subdivisions and council fires of the great Chippewa Nation which was divided into two separate organizations under the leadership of two chiefs, as given in Exhibit A hereof; the Turtle Mountain Band, of which Ays sence, or Little Shell, senior (the father of the pres-

ent Little Shell), was the chief, who was also principal and head chief of the tribe; his successor, the present Little Shell, is so recognized now, and the Pembina Band which is a subband of the Pembinas of said Pembina Chippewas, and of which Mis co muhk quah, or Red Bear (the father of the present Red Bear), was the chief, and was recognized as the second chief of the tribe.

And whereas time out of mind it has been the custom, practice, and tradition among the Indians for the chief of the tribe to select his braves and councilmen from the members of said tribe to form his council; any one of said councilmen served only during the period in which he could act in harmony with the chief and the majority of said council, and when he could not do so he resigned. Such council answered the same end and purpose as does the Cabinet and Congress of the United States. Those customs and traditions have always been respected by the United States Government in all its dealings with the Indians wherever located. And in accordance with said customs and traditions Ays sence, or Little Shell, senior, appointed his council, which, with appointments made to fill vacancies, is the present council of the tribe (and not the committee's council, formed by the U. S. Indian agent, Waugh), whose names in their order, rank, and degree are as follows, to wit:

Ayabewaywetung, or Little Shell, head chief of the tribe, and his premier and chef soldat, Mis co be naice, or Red Thunder, 83 years old, who occupied the same rank and position to the late Chief Ays sence.

2. Oshkenowence, or Young Man, a brave, 50 years old, who also served under the late Chief Ays sence.

3. Ozhar washko be nay shea, or Barnarb, a brave, 72 years old, who also served under the said late Chief Ays sence.

4. Mudje be nace, 45 years old, son of the chef soldat Red Thunder, also a councilman of the late Chief Ays sence.

5. Metwahassink, 42 years old, son of the late Appwakwahanka, also a councilman of the late Chief Ays sence.

6. Bon homme, son of the late Annahkarsay, an old councilman of Chief Ays sence, 40 years old.

7. Way ge nar wah minish tah gos, 70 years old, also one of the old council of the late Chief Ays sence.

8. Sas swaine Poitras, 67 years old, also one of the old council of the late Chief Ays sence.

9. Kug kay dway wash kung (Wm. Davis), 70 years old, also an old councilman of the late Chief Ays sence.

10. Paydway waish kum, Louis Lenoir, son of the late Muhkudaybudtees, an old councilman of the late Chief Ays sence.

11. Boin ence Davis, 73 years old, who also was member of the late chief's council.

12. Kar yence, Delorme, 50 years old, a son of the late Auguhk qway, an old councilman of the late chief.

13. Sharlo, or Charles Bottineau, 68 years old, the old councilman and counsellor of the late Chief Ays sence.

14. Ossa otit (Frs. Demarais), 55 years old, who also was a member of the late chief's council.

15. Tchee kee tarn, Parisien, 68 years old, also was an old member of the late chief's council.

16. Batees shish Valley, 55 years old, a son of late Norbace Valley, a brave and councilman of the late chief.

17. Ahkee win nini, or Alex. Jannott, 58 years old, who also served ten years in the late chief's council.

18. Tcheer kuhk, or Joseph Demarais, 56 years old, who served also ten years in the late chief's council.

19. Bay riss, or Corbett Grant, 55 years old, also one of the late chief's council.

20. Karn nar dah, or Antoine Heneult, 59 years old, who also served ten years in late chief's council.

21. J. Batees Gorin (Champagne), 57 years old, also served ten years as councilman of late chief.

22. A ya beh tung, nephew of Red Thunder.

23. Kar nahar pew, son of Osh ke nowence, a brave.

24. Way ke mar, gar bow, a young brave, and four Oshkar bay wis sug, or attendants, viz: Inne pe narzhahkeet, 35 years old; Nanah tay wargodjin, 21 years old; Mudway aush kah, or Antoine Fournier, 35 years old, and Sharlence Azure, 57 years old, whose functions in council, when assembled, are similar to those of the Sergeant-at-Arms and his aides in the United States Congress.

II.

And whereas the claim of said Indians was duly presented by counsel to the Hon. John W. Noble, Secretary of the Interior, in a printed brief and argument, in support of a motion for a review and a decision, which cause is still pending for review and decision by the Secretary.

And whereas, pending such review and decision, a commission, consisting of P. J. McCumber, of Wahpeton, North Dakota; John W. Wilson, of Petersburg, Indiana, and W. W. Fleming, of North Carolina, now at Washington, D. C., appointed under the act of Congress of July 13, A. D. 1892, chapter 164, page 139, 1st session 52nd Congress, to negotiate with the Turtle Mountain Band of Chippewa Indians in North Dakota, "for the cession and relinquishment to the United States of whatever right or interest they may have in and to any and all lands claimed by them in said State, and for their removal and settlement upon other lands hereafter to be selected and determined upon by the Secretary of the Interior. Also to ascertain the number of said Indians, and the number of mixed bloods, if any, who are entitled to consideration by the United States Government."

Said commission met in session at the Turtle Mountain Indian Agency, North Dakota, Wednesday, September 21, 1892, and called for "Agent Waugh's standing committee," to meet them in open session, said committee consisting of thirty-two members, most of whom were half-bloods, and were not recognized by the tribe for any purpose whatever, and never have been. Said Agent Waugh's committee, in concert with said commission, proceeded to make up the roll from old rolls, whose origin was (to the Indians) (unknown), using Little Joe Rollette, an incompetent and prejudiced interpreter.

At said meeting of the commission and Waugh's committee, Wednesday, September 21st, 1892, John B. Bottineau, as the attorney of Little Shell and his council, appeared for them and stated that all the Indians had assembled to meet the commission, according to the invitation extended to them, and had for that purpose left their work at home undone, and had been there several days, eating in the meantime five beef cattle, that their provisions were now exhausted, and they were, in fact, starving.

At this point the commission stated that they had not asked the Indians to meet them, and refused to feed them, saying that if the Indians had anything to do they had better go do it, and they would be notified when to meet the commission; when Agent Waugh interposed, saying that he was sorry that the Indians had misunderstood his letter and that it was not an invitation to the Indians to meet the commission; but the truth of the matter is, that the letter of Agent Waugh *did* read in substance as follows: That the commission would be at the agency to meet them (the Indians) on a given day. The commission then stated that they were first going to complete the rolls, and that they were proceeding in the matter according to methods of their own; whereupon said John B. Bottineau personally went and reported (to Little Shell and his 2 councilmen, then in council assembled), (these proceedings and the action of the commission, and their refusal to feed the Indians while there); they thereupon disbanded and went to their respective homes, leaving Little Shell and a committee of his councilmen to watch the proceedings of the commission, but before disbanding they made up a collection, such as was available by voluntary subscription, toward the subsistence of those who were to remain to watch the doings of the commission.

Chief Little Shell introduced Rev. Father J. F. Malo, their Catholic priest (who, he said, had saved many of them from starving to death), and requested that he be present with their attorney, Bottineau, and the Hon. John Burke, the judge of the county court of Rollette County, to assist them in these deliberations, and that they be so recognized by the commission.

At this point Mr. Fleming and Mr. Wilson, of the commission, said to him that Mr. Bottineau, the Rev. Father Malo, and Judge Burke would be so regarded.

Then Chief Little Shell introduced his councilmen, pointing to each of them in their order, viz: Miscobenace, or Red Thunder, his premier and chef soldat.

2nd. Oshke enow ince, or young man.

3rd. Ozhar washko be nay shea, or Barnarb, and others, who, in their turn, came forward and shook each commissioner by the hand, as is customary amongst the Indians.

Then Little Shell addressed the commission briefly, saying that he was glad to meet them and hoped that they would be successful in having a settlement acceptable to the Great Father in Washington and beneficial to them, and announced that Red Thunder, his chef soldat and councilman, would address the commission. Then came Red Thunder, who said, after shaking hands, "When you (the white man)

first put your foot upon this land of ours you found no one but the red man and the Indian woman, by whom you have begotten a large family," and pointing to the half-breeds present, he said: "These are the children and descendants of that woman; they must be recognized as members of this tribe." He went on to say that they had been waiting for a settlement for their lands a great many years, and in all that time they had gone hungry and many had died from starvation, and many others had dispersed themselves over the land and across the line into Canada in quest of something to live upon pending the settlement for their lands; and when this settlement is made they would all be back here again. Those of us who are here assembled to meet you are starving. We are all glad that our Great Father sent you here and we hope that you will relieve us from starvation, for we have nothing to eat.

Then the next two braves and councilmen in their turn addressed the commission in much the same strain.

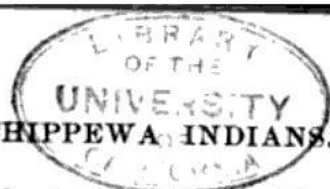
To this the commission replied, in substance, that the Great Father had sent them to see him, Little Shell, to ascertain who were the members of his band of Turtle Mountain Indians, to find out their condition, and secure from them the relinquishment of whatever title they might have to the land they claim; that they had no provisions to give them now, and would not issue food to them until they invited them to meet them for that purpose; that they were sorry that they had left their work and flocked there before without invitation; that they, the Indians, had evidently misunderstood Major Waugh's letter; that they could all go home and attend to their work, and that the commission would give a sufficient notice to all of them to meet the commission when they were ready for them. They stated that they had employed the committee (meaning Waugh's committee) to assist the commission in ascertaining who belonged to the Turtle Mountain Indians, saying, "This committee are the only ones we are feeding now; when we call you to meet us, we will then give you something to eat during the time that we will be here." At the same time they added that they would be glad to have Little Shell and all his council remain there and assist the commission in making up the roll of those entitled to membership in the tribe, but that they could not feed them. Then Little Shell and his councilmen, having nothing to eat, withdrew and went home, leaving said John B. Bottineau, their attorney, to act in their behalf in the matter and protect their rights.

During all the proceedings of the commission thereafter, in their inquiries as to those entitled to membership in the tribe, it was verbally agreed between said John B. Bottineau and the commission, in order to expedite the matter, that in lieu of taking exceptions to the rulings of the commission in each individual case, which would cause a great delay in the proceedings, he, John B. Bottineau, should have the right to file such exceptions after the list of the names of those whom the commission refused to recognize had been given him, in accordance with their agreement, and to file other papers as he might deem necessary.

At the conclusion of their week's work the commission did not furnish said John B. Bottineau the list, as they promised, but caused a list of those names rejected to be posted upon the doors of the church, with a notice dated September 24, 1892, which notice John B. Bottineau saw for the first time when he went to church the next day, Sunday, and took a copy thereof, which is hereto attached and marked Exhibit B.

And whereas, on the following Saturday, October 1, A. D. 1892, the commission informed John B. Bottineau, said attorney, that they were going to adjourn that day for the purpose of going to the Berthold Indian Reservation, on the Missouri River, on business, which was a part of their duties as commissioners, and that on such mission they would be absent about ten days, when they would return to the Turtle Mountain Agency to counsel with the Indians; that it was their intention during their ten days' absence to give the Indians a week's notice to assemble themselves to meet the commission, and that at such meeting those who had been rejected and had not availed themselves of the terms of the notice referred to, which is marked Exhibit B hereof, but could give a good and valid excuse why they had not complied with this notice, would be heard, but none others would be considered. Said John B. Bottineau then and there demanded from them a copy of their rolls and of their deliberations, or at least access to them,¹ and the time necessary to file his exceptions and papers in support of the rights of those whose names were rejected (during their absence). To this demand they agreed, and informed said John B. Bottineau that he could have access to said rolls at the office of the agency, where they were left with Mr. E. W. Brenner, the superintendent, and that the said John B. Bottineau would have at least ten days to prepare such matter as he might wish to present in support of these rejected cases. Then said commission adjourned their session in the afternoon of said day.

The commission then prepared for their journey to the Berthold Indian Reservation and left the agency on Monday, October 3rd, 1892. Just prior thereto said John



B. Bottineau again went to said commissioners and asked them regarding the rolls, as to whether they were accessible, and Mr. McCumber and Mr. Wilson, of the commission, who were then in their carriages about to leave, informed said John B. Bottineau that said rolls were with Mr. Brenner, as previously stated by said commissioners, and said John B. Bottineau was then particularly informed that Mr. Brenner was instructed to allow him, said John B. Bottineau, to have access thereto.

Upon the application of said Bottineau to Mr. Brenner for the purpose of obtaining access to said rolls, said Brenner then and there refused to allow said Bottineau to have the same or to give him any information relating thereto, except that the commission had passed upon and considered the claims of membership of 1,266 half-bloods and 245 full-blood Indians, total, 1,511, out of which 177 individuals were rejected, leaving 1,334 individuals approved as members of the tribe, besides 293 who lived outside the reservation, making a total of 1,627 individuals recognized by the commission.

By reason of the refusal of said Brenner said John B. Bottineau and Little Shell and his counsel were unable to get access to the rolls of said commission, which rolls were necessary in order to see what names had been omitted and what names rejected by said commission, so as to enable him, said John B. Bottineau, to bring those names, with additional evidence, for reconsideration by the commission when they should return from Berthold Reservation to the Turtle Mountain Agency.

For want of access to said rolls, by order of Chief Little Shell and his council, the request was sent to all members of the tribe within reach that each head of a family should send to the council without delay a list of the names of the members of his family, giving names, ages, sex, and relationship, to be presented to the commission on their return for their favorable consideration and enrollment. When the commission returned sooner than expected to meet the Indians, on Saturday, October 10, 1892, at 12 o'clock noon, said lists of the members of the respective families had not yet been completed. To the great surprise and disappointment of the chief and his council, who were assembled preparing the roll from the lists of names received from the heads of families for presentation to the commissioners, about an hour before the time of the convening of the commissioners' council there came into the council of the tribe an Indian policeman, who brought a written notice from the United States Indian agent, which he served upon J. B. Bottineau, the attorney for said Indians, who was then and there present, participating at the instance and request of said Chief Little Shell and the council of the tribe, ordering him to withdraw from the reservation or be arrested. Copies of said notice are hereto annexed and marked "Exhibit C" and "D," respectively. When said notice had been read to the Indians and the full meaning of the same explained to them, the Indians were completely stunned with astonishment, and when they had sufficiently recovered their power of speech they all, with one voice, shouted, "You shall not go," meaning that their said attorney, Bottineau, should not go, some going so far as to utter, "This is death to us; better meet it now than starve to death." But the cooler-headed men of the tribe, with their attorney, said John B. Bottineau, counseled moderation. They were reminded by their attorney that the Turtle Mountain Band of Indians had always been loyal to the Government; that the Government had the rights of conquest, and if they, the Indians, acted with moderation, in view of their previous well-known character for loyalty, would do them ample justice, and that they, the Indians, must not do anything to jeopardize their good character and damage their cause, but must wait patiently for the justice which in due time they were certain to receive from the Great Father, and that he, Bottineau, must for the present bow to the will of the United States agent, Waugh, and withdraw from the reservation. At this point Hon. John Burke, the judge of the county court of Rollette County, N. Dak., who had just come in at the request of Little Shell and the council of the tribe to assist them during their deliberations with the commissioners, addressed the Indians, indorsing the advice of their attorney, Bottineau, and, together with said Bottineau, withdrew from the reservation in compliance with said notice, leaving the Indians to meet the commissioners and secure a settlement as favorable as possible to all parties concerned.

When the council of said commissioners with said Indians had been in session eight or nine days the United States Indian agent, Waugh, of that reservation, and his self-constituted committee of 32, 16 full-blood and 16 mixed-blood Indians of his adherents in said tribe, accepted the terms of an agreement offered by the commission without the authority of the council of the tribe and against the expressed wishes of Little Shell and the majority of other representative men of the tribe, who objected to such action for the following reasons: First, because the self-constituted committee was never selected, appointed, or recognized by the tribe, and has no authority whatever to transact any business for them; second, because the agency

storehouse, in which said council meetings of the commissioners with the Indians were held, was only large enough to admit Waugh's committee and his adherents, constituting less than or about one-fourth of the tribe, in which storehouse, by reason of the partitions and the materials stored therein, it was impossible for all those admitted into the council therein to see and hear the speakers and understand what was going on; third, because they had not been given sufficient time or freedom for their consideration and deliberation on the subject proposed by the commissioners and then pending; fourth, because of the attempted coercion by threats made by the United States Indian agent, Waugh, of said reservation, who, among other things, stated to the chief and his councilmen that unless they signed said proposed treaty or agreement the Government would remove them at once from their lands.

For the reasons above stated, and on account of the discourteous treatment of those who were not in harmony with them by said agent and his said committee and adherents, Little Shell and his council and the representative men of the tribe, who had the welfare of the tribe at heart, withdrew from said commissioners' council and called and convened La Loge de Soldat, the council of the tribe. After they had discussed among themselves in said council assembled the proceedings and deliberations of the commissioners' council and the situation of their claim, they resolved to protest against the ratification by Congress of said proposed agreement, and further resolved that the Chief Little Shell, with the councilmen of the tribe, should proceed at once in a body to Rolla, N. Dak., and report to their said attorney, John B. Bottineau, and to Counsellor Judge Burke the arbitrary proceedings and deliberations of the council of said commissioners, the situation of their business with said commissioners, and the threats of the United States Indian agent as above stated, together with the following facts:

That said agent and his said committee had accepted the proposed agreement offered by said commission in settlement of their claim, and that the same was being signed by them; that the majority of said Indians, with the chief and councilmen and other representative men of the tribe, had withdrawn from the council of said commissioners with said committee without signing said agreement, but that a great many of the younger members of the band were being unduly influenced and intimidated into signing the same by their said agent, Waugh, and his adherents, the alleged committee. Wherefore, by resolution adopted by the chief and councilmen of the tribe, then and there in said council assembled, it was ordered that their said attorney, John B. Bottineau, be fully authorized to proceed without any unnecessary delay to file their protest against the ratification by Congress of said proposed treaty and to further prosecute their claim against the Government to its final adjudication and settlement. In pursuance thereof this council adjourned to Rolla. Chief Little Shell, with the councilmen and other representative men of the tribe, proceeded to Rolla and convened the council there. Vide minutes of said council proceedings of October 24, 1892, hereto annexed.

Wherefore, by virtue of the authority given to me by said Turtle Mountain Band of Chippewa Indians in the State of North Dakota to prosecute their claim against the United States Government for their unceded lands in said State, and to prosecute their protest against the ratification by Congress of a certain agreement alleged to have been concluded October 22, 1892, between the commissioners appointed under the provision of the Indian appropriation act of July 13, 1892, on the part of the United States and the said Turtle Mountain Indians, and to take general charge of and to prosecute their business incident to said claim, I do hereby protest against the ratification by Congress of said alleged agreement upon the following grounds:

First. Because the merit of the claim of said Indians, described in said alleged agreement, was formally prepared by me (said Bottineau) in a printed brief, and was argued and submitted by me to the Hon. John W. Noble, Secretary of the Interior, in support of a motion for a review and a decision to determine the merit of said claim, and was still then pending before the Secretary for a decision.

Second. Because the chief, with his councilmen and the majority of the leading and representative men of the tribe, had not been given sufficient time, freedom, or opportunity for their consideration and deliberation of the negotiations proposed by said commissioners; also for the reason that the agency storehouse, in which the council of the commissioners with said Indians were assembled, was only large enough to admit Waugh's committee and his adherents, constituting less than or about one-fourth of the tribe, and by reason of the partitions and the material stored in said storehouse it was impossible for all those admitted therein to see and hear the speakers and understand what was going on; and also by reason of the discourteous treatment by said agent and his said constituted committees and adherents of all those members of the tribe who were not in harmony with them, Chief Little Shell

and his councilmen and other representative men of the tribe became disgusted with their treatment and withdrew from said council to protest against such proceedings.

Third. The most decided objections are urged against the beggarly consideration proposed to be paid to them in the settlement of their claim, as mentioned in Articles IV and XI of said agreement, viz, \$50,000 annually for twenty years, payable as follows: Forty-five thousand dollars in farming machinery, products, seed, and other trucks or material which the Indians believe, from past experience, invariably proves more profitable to the commission or middle men, transportation and other agents, than to themselves, and only \$5,000 in cash to be divided per capita, during said twenty years, netting each individual only \$1.50 or \$1.60 for his share in cash.

The said allowance made by said commission in said proposed agreement in consideration for the claim of said Turtle Mountain Indians is, in point of fact, entirely inadequate to the value of their interest in the land therein described and should not for a moment be considered, and if, by inadvertence or other cause, this alleged agreement was ratified by Congress it would not only perpetrate the grossest injustice to said Indians, but would also lay the Government open to the charge of being inconsistent with its dignity or not honorable to its humanity and of exercising no little partiality in favor of Indians hitherto hostile, and against a tribe not only friendly, but one whose members have largely assisted the Government in its conflicts with hostile tribes, and who, moreover, have rendered their services to protect the interests of the Government against the array of Canadian smugglers along the national boundary.

The Government of the United States can not consistently discriminate against said Turtle Mountain Indians, because they are just as much entitled to the payment for their lands as are the other Indians who ceded their lands to the Government, notably the Chippewas in the State of Minnesota, under the treaty or agreement (see act of Congress, chapter 24, approved January 14, 1889, U. S. Stats., vol. 25, page 642), by which treaty the Government is paying \$1.25 per acre for agricultural lands, and for pine lands according to the estimates of the standing pine thereon, which estimates vary from \$5 to \$75 per acre; also to the Sioux Nation of Indians in Dakota, under act approved March 2, A. D. 1889 (U. S. Stats., vol. 25, page 896, vide section 21), "For the lands taken by settlers during the first three years, \$1.25 per acre, and 75 cents per acre for lands disposed of within the next two years following thereafter, and 50 cents per acre for the residue of the lands undisposed of," etc.; also to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, \$2.50 per acre. (See article II, on page 1036, vol. 26, U. S. Stats.; also proclamation No. 22, 27 Stats., page 1017.)

Fourth. Because the proposed amendment fails sufficiently to provide for their education, especially for those Indian families comprising one-third of the population of the tribe, who are living within the boundaries of the original reservation and are now cut off from the present reduced reservation without being provided with schools. It also fails to make any provision for the regulation and government and for the protection of the person and property of the said Indians whereby controversies between the Indians personally and between the Indians and white men could be decided by arbitration among themselves, giving to the court of law jurisdiction over such cases, which provision said Indians insist should be made as is proposed in section 16 of said Senate bill No. 1932, Fifty-sixth Congress, first session, outlining the terms and conditions as proposed by said Indians for the settlement of their claim.

Fifth. Because said agreement, or 10-cent treaty, so called, was unlawfully concluded and executed with the younger or unauthorized members without the consent or approval of the chief and the council of the tribe. Said Chief Little Shell and his council, which is composed of his braves—the leading and representative men of the tribe—did not only refuse to sign said proposed agreement, but also did then and there oppose its execution, and ever since have protested against its ratification by Congress, for the good and valid reasons and objections above set forth. Therefore, in accordance with the laws, regulations, customs, and traditions of the Indians, which customs and traditions have always been respected by the Government of the United States in its dealings with the Indians wherever located, it is not binding.

Sixth. As soon as your honorable committee has found and concluded that the claim of the said Turtle Mountain Band of Chippewa Indians in the State of North Dakota to their unceded lands in said State, described in said Senate Report No. 693, Fifty-sixth Congress, first session, is well founded and valid, then we respectfully ask for an order that the Chief Little Shell and his council may be authorized and permitted to select and appoint a delegation from the members of said tribe to visit Washington, D. C., and appear before your honorable committee to adjust all differ-

ences and objections existing between the Government and said Indians and to negotiate with your honorable committee for an equitable settlement of their claim, either by treaty or agreement, upon such terms and conditions as are to the best interest of the tribe and the Government, thereby saving \$4,000 or \$5,000, which would be spent on another commission, which the Indians do not want, and thus finally settle this perplexing and protracted claim.

Seventh. If, however, your honorable committee finds there is not sufficient evidence herewith submitted in support of the claim of said Indians to warrant your favorable decision that the claim of said Indians is well founded and valid, and that they are fully entitled to an equitable compensation for the same, without any discrimination and in proportion to what the Government has paid and is paying to other Indians for a like interest and similar lands, then, in that case, we ask your favorable report upon Senate bill No. 624, Fifty-sixth Congress, first session, with the amendments to be proposed, for the purpose of referring this claim to the Court of Claims for adjudication.

Respectfully submitted.

J. B. BOTTINEAU,
Attorney for the Turtle Mountain Indians,
 315 A street N.E., Washington, D. C.

B.

In the matter of claim of the Turtle Mountain Band of the Pembina Chippewa Indians against the United States for lands in the State of North Dakota.

Council proceedings October 24th, A. D. 1892.

We, the undersigned, Chief Little Shell and his councilmen of the Turtle Mountain Band of the Pembina Chippewa Indians, on this 24th day of October, A. D. 1892, at the court-house at Rolla, in and for the county of Rolcette, State of North Dakota, then and there being in council assembled—the Hon. John Burke, judge of said county, and the Rev. Father J. F. Malo, mission priest of the Turtle Mountain Agency in said State, both presiding at the special instance and request of said Chief Little Shell and his councilmen, respectively and collectively—do resolve and send greeting the following, to wit:

That whereas, after the Commissioner's and Agent Waugh's committees had arrived at the terms of the so-called treaty agreement for the settlement of the claim of said Indians, and during the afternoon and evening of the 23d day of October, A. D. 1892, at which place and time the head and representative men of said tribe, Chief Little Shell and his councilmen, assembled and discussed the said so-called treaty among themselves, and in said discussion, among other things, the following facts were found to exist, viz: That the room in which the commission held their meetings with the Indians was in the agency storehouse and was too small, as it would not hold more than about one-fourth of the tribe; that by reason of the partitions and the materials stored therein it was impossible for all those admitted to said room to see and hear the commissioners and other speakers; for this reason and that of the treatment of the Indians who were not in harmony with Agent Waugh and his committees, said agent and his committees and the Indian police prevented a great number of them from participating in the discussion of the treaty, on account of which the majority of them withdrew and went home disgusted; and a settlement of the treaty was arrived at by said U. S. Ind. Agent Waugh's committees and the commissioners and was then being signed.

Second. That the majority of those who signed the treaty agreement would not have done so if they had had proper opportunity of listening and participating in the proceedings; but by reason of the long delay, and the undue influence exercised by said committees, they were induced to sign, but soon realized that they had wronged themselves and children. It was then resolved by said meeting of Little Shell's council, that said Chief Little Shell, with his councilmen, should proceed at once to Rolla, N. D., and consult with John B. Bottineau, their attorney, to ratify and confirm all the proceedings of the grand council of the tribe held on the 29th day of January, A. D. 1892, in the Mission Church on the Turtle Mountain Indian Reservation, and to ratify and confirm the power and authority given him under January 29th, 1892, duly executed in due form, to said John B. Bottineau, by the special committee appointed by said last-mentioned council, for the purposes therein stated, and

to give to said Bottineau such other and further power and authority as he might deem necessary to continue the prosecution of said claim to its final adjustment.

Now, therefore, be it resolved, by the undersigned, Ayabe way we tung (Little Shell), chief of the tribe, and the undersigned councilmen of said tribe, in council assembled, that the proceedings held at the Mission Church by said Turtle Mountain Indians on said 29th (twenty-ninth) day of January, A. D. 1892, and the said power of attorney and agreement executed to said John B. Bottineau, pursuant to the deliberations of said council, be, and the same are, ratified and confirmed for and on behalf of said Turtle Mountain Band of Pembina Chippewa Indians; and resolved, that said Bottineau be fully vested with all the power and authority necessary to protest against the ratification by Congress of said treaty agreement and to prosecute the claim as such attorney of said Indians; and especially that he be authorized to employ one or more counsel to assist him in the prosecution of their claim. Signed in the presence of Honorable Judge John Burke and the Rev. Father J. F. Malo, presiding at this meeting. We hereby sign and affix our names hereto, each for himself and for and on behalf of the Turtle Mountain Band of the Pembina Chippewa Indians, this 24th day of October, A. D. 1892.

Ayabeway we tung (Little Shell), chief (his x mark).
 Ozharwashko benay shea (Barnarb) warrior (his x mark).
 Ayapitunk, nephew of Miscobenace (Red Thunder), chef soldat (his x mark).
 Kanahapew, son of Oshkenowence (Young Man), brave (his x mark).
 Way ke ma kahbow (his x mark).
 Mudje be nace (son of Red Thunder), a brave (his x mark).
 Metwahwassing (son of Apwahkar hung), a brave (his x mark).
 Bon homme (son of Annahkarday), a brave (his x mark).
 Way ginar wah minishtuggos, an old councilman (his x mark).
 Sas swaine Poitras, a brave (his x mark).
 Kug kaydway washkung (W. Davis), councilman (his x mark).
 Paydway wash kung (Louis Lenoire), councilman (his x mark).
 Boinence Davis (J. Baptiste Davis), councilman (his x mark).
 Karyence Delorme (son of Auguhk qwea), councilman (his x mark).
 Sharlo Bottineau (Charles Bottineau), councilman (his x mark).
 Ossaotit (Frs. Demarias), councilman (his x mark).
 Tcheekee tarn Parisien, councilman (his x mark).
 Batees shish Valey (son of Norbace), councilman (his x mark).
 Ahkeewinini (Alex Jeannot), councilman (his x mark).
 Tcheerkuhk (Jos. Demarais), councilman (his x mark).
 Bay riss (Corbett Grant), councilman (his x mark).
 Kar nar dah (Antoine Heneauld), councilman (his x mark).
 J. Batees Gorin, a councilman (his x mark).
 Ininiker narzhahkeet, a brave (his x mark).
 Narnahtay war godjin, a brave (his x mark).
 Pee wah pehkardozh (son of Barnarb), (his x mark).

This is to certify that I have this day interpreted for Little Shell, chief, braves, and councilmen, in said council assembled, and I do hereby certify upon my honor that the foregoing proceedings and their deliberations, as therein contained, were carefully interpreted and explained by me to them and were fully understood by them before signing.

J. B. LEDEAULT,
Special Interpreter.

STATE OF DAKOTA,
County of Rollette, ss:

We, the undersigned, each for himself, do hereby certify that at the special request of Chief Little Shell and his councilmen above named, we both did preside at their said council, held in the court-house at Rolla, in said county and State, and through their interpreter, J. B. Ledeault, the meaning of said proceedings and resolutions was fully explained and understood by said Indians, before signing in our presence, the day and year first above written.

JOHN BURKE,
Judge of said Co. Court,
 Rev. J. F. MALO, M. P.,
Moderators.