

means at hand with which to defray my expenses herein attending, I desire that my case may be made special and passed upon with as little delay as possible.

I have the honor to respectfully ask to be furnished with a copy of the reports of the Indian commissioners appointed to negotiate with the Turtle Mountain Chippewa Indians, of which Hon. A. H. Mahone was chairman, and with a copy of such papers as were filed by said Indians or any other person on their behalf with said commissioners, and that I may be allowed to examine all papers and other documents on file and of record relative to and pertaining to the business of said Indians which this office may deem necessary for me to know and for my guidance and assistance in the premises.

Very respectfully submitted.

J. B. BOTTINEAU,
Attorney for Claimants.

AUG. 22, 1891.

EXHIBIT A.

The United States of America, by the Executive, His Excellency the President; the Hon. Secretary of the Interior; the United States Congress, or by its authority; the United States circuit court for the district of North Dakota, as in the case of Black Rob, in Kans., joint resolution, U. S. Statutes, vol. 20, p. 488, be referred to the settlement of this claim.

In re the Turtle Mountain Band of Chippewa Indians, claimants, *v.* The United States of America, the Hon. A. H. Mahone, Prof. William Hoynes, and Hon. Charles Stoker, as Board of the United States Indian Commissioners, defendants.

Preamble and resolutions.

JANUARY 7TH, 1891.

In the absence of the act of Congress authorizing the appointment of said board of United States commissioners, and without the knowledge as to what particular subject-matter and the extent of the power to them given by said act of Congress to negotiate with us, whether for the extinguishment of our title to land or for the removal therefrom. Whichsoever, we propose to remain here at home. Hence this preamble.

We, the undersigned, the head chief, Little Shell, Chief Red Bear, subchiefs, headmen, and all the other representative men of the Turtle Mountain Band of Chippewa Indians residing upon the Turtle Mountain Reservation and its vicinity on the Turtle Mountain, in Rolette and Bottineau counties, in the State of North Dakota, on this 7th day of January, A. D. 1891, at the mission church on said reservation, then and there being in council assembled, respectively and collectively resolved and send greeting the following preamble:

Whereas the files and records abound in evidence in the office of the Hon. Commissioner of Indian Affairs, Interior Department, showing that we, the Turtle Mountain Band of Chippewa Indians, are justly entitled to the recognition of our claim by the Government to the lands in North Dakota bounded as is hereinafter stated, and that said Department of Indian Affairs has long recognized such a claim; having only copies of a few of the documents from that Department at hand showing such evidence, we desire, however, to refer to those, *vide* letter from the Hon. Commissioner of Indian Affairs dated at his office May 23d, 1878, to the Hon. Secretary of the Interior, which letter contains the findings and report of the said Hon. Commissioner to the Hon. Secretary of the Interior, upon his reference for a report, of a printed brief argued and submitted to said Secretary on the 16th day of February, 1878, by John B. Bottineau, a member of said Chippewa tribe, with his [Bottineau's] letter [page 2] of March 3d, 1878, relative to the matters of the claim of said Turtle Mountain Band of Chippewas in North Dakota. We apprehend that the boundaries of our original claim might have been variedly or incorrectly given by our several and different delegations who went to the national capital at various times in our behalf in this matter; we therefore deem it advisable at this time to submit it correctly. The boundaries of our original claim are, to wit: On the north by the national boundary between the United States and the British possessions; on the east by the Red River of the North; on the south by the Cheyenne River to its head waters or source; thence in a west-northwesterly direction to the head waters of the Little Knife River, a tributary of the Missouri River; thence due north to the national boundary between the United States and the British possessions.

Referring to said findings and report, we observe that while in the last paragraph, on page 4, of said findings and report (page 4, from written copy at hand), referring to the disputed boundaries of the territory over which the original title of the Pembinas extended at the time of the treaty of Prairie du Chien in 1825, says:

"That in settling their southern boundaries Goose River was fixed by the commissioners as a compromised line between them and the Sioux;" * * * but said findings, on page 5, further says:

"And that they not only owned the land ceded (meaning the cession of October 2, 1863), but all the country north of the Cheyenne and a line extending west of its headwaters to the Missouri Coteau, and thence north, including Mouse River, to the British line." * * * And on page 6 the report further says:

"The only treaty provision or other data conflicting with the claims of the Pembina bands to any portion of the territory named is to be found in the treaty of February 19, 1867, in which the Sisseton and Wapeton bands of Sioux Indians ceded the right to construct roads, etc., over the lands claimed by them, same being bounded on the north by the Goose River and a line running from the source thereof by the most westerly point of Devils Lake to Chief Bluff, at the head of James River, and within which territory embracing a small portion of that ceded by the treaty of 1863." * * *

As to this conflicting claim, we desire to invite your attention to that same said treaty, and more especially to the agreement made with the said Sisseton and Wapeton Band of Sioux Indians. Vide Revision of Indian Treaties of 1873, on page 1050 thereof, in the first paragraph of said agreement, lines Nos. 46835 to 46837, inclusive, on page 1051, says: "Indians ceded to the United States certain privileges and right supposed to belong to said bands in the territory described in Article II (2) of said treaty." "Supposed to belong to said bands;" * * * you will observe the phraseology used is of sufficient evidence of the uncertainty of their claims to question their title, and this we are prepared to prove in our favor.

For further evidence of the recognition of our right, title, or equity to the land in question, we respectfully refer to the findings and report of the Hon. Commissioner of Indian Affairs, H. Price, by his letter dated Office of Indian Affairs, Washington, Feb. 14th, 1882, to the Hon. Secretary of the Interior. (Vide pages 2, 3, and 4 of Report No. 1144, 1st session, 47th Congress, House of Representatives, entitled "Turtle Mountain Band of Chippewa Indians," and dated April 28th, 1882.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.)

The 10th paragraph of page 3 thereof the Hon. Commissioner says: "The boundaries of the unceded [page 3] country claimed by the Pembina Chippewas, and recognized by this Bureau to the extent indicated in the report to Department quoted from in the beginning of this letter, are marked with approximate accuracy only upon the map herewith enclosed. As has been seen, its area has been estimated at 9,500,000 acres. As a portion of their original claim has been taken for the use of the Fort Berthold Indians, it is not likely that it will now exceed 9,000,000 acres.

"It is not at all probable that this territory will ever be needed by the Government for Indian purposes. The Indians now occupying and claiming it do not need more than one-twentieth part thereof, and I am firmly convinced that the entire tract except, say, 500,000 acres, which should be retained in a compact body for them, should be sold for the benefit of the Turtle Mountain Indians and their brothers now at the White Earth Agency, who should be held and deemed to be as much entitled to share in the benefit arising from such sale as they, the Turtle Mountain Band." * * *

In view of the fact that a large immigration, attracted by the profits of wheat raising and the fine pasture for stock raising, has for the last ten years been pouring into the Northwestern Dakota, extending their settlements to and upon our unceded lands, several delegations were sent from time to time, and repeated appeals and petitions was made to the United States Government for the settlement of our claims, all of which has been to a great deal of trouble and expense to both the Government and to ourselves, but, alas, nothing has as yet resulted towards a settlement of our claims, and the whites are still invading our country; we have suffered greatly for a great number of years from the effects of starvation and nakedness to preserve and maintain our right to the lands and country upon which we have lived for many generations past, and wherein a great number of our people are now resting in their graves. We have endured all this suffering without ever molesting or disturbing any of our white friends, notwithstanding they have continued to infringe and usurp upon us. We are happy to say we are a peaceable people, and have lived and died in hope that the day of betterment was soon coming, but without avail. If we were those of the character which the whites are trying to make the people to believe we are, an

occasional dance, with a few settlers' cattle to feast upon, and a Ghost or a Messiah dance, might have changed the order of things; but we do not believe in it, and we shall always live in peace with the whites, but we have resolved to live and die here at our old home, the Turtle Mountain country, and we demand the recognition and the final settlement for our lands, and that we be provided with a reservation therefrom without further or any unnecessary delay.

We also demand immediate relief by way of subsistence and clothing pending the final settlement and the extinguishment of our title to these lands.

And in view of the fact that the white settlers are constantly taking claims within the boundaries and territory wherein a great number of our people have been and now are occupying homes with the intention to acquire the same under treaty allotment, and that a great number of such homes have been taken from them by white settlers (which we shall at the proper time demand for a restitution of the same to those of our people from whom they have been taken), and for the further reason that such white settlers are constantly taking claims upon our timber lands on the Turtle Mountains, and under the pretext of clearing the land for cultivation or for other pretext these settlers are constantly destroying and [page 4] ruining our timber by chopping it into cord wood and selling it to dealers and shippers to such an extent that the supply of hardwood timber is now nearly exhausted, and that there is now hardly sufficient remaining for our future use, we therefore respectfully demand that an Executive order be issued without delay withdrawing a portion of these lands from market and settlement, suspending all entries therein, and stopping the further destruction of the timber, and that the same be and remain Indian lands to our use, for the purpose aforesaid, bounded as follows, to wit:

Commencing on the national boundary line between the United States and the British possession at the intersection of the north and south line between townships Nos. 69 and 70 west of the 5th prn. mer.; thence due south from said national boundary on said township line to the line of the 15th standard parallel next south of said national boundary; thence due west on the line of said standard parallel to the southwest corner of township No. 161, of range 75 west, of 5th prn. mer.; thence due north on said township line to said national boundary; thence east on said national boundary line to place of beginning.

To that end we do hereby appoint John B. Bottineau, one of our blood relation and a member of our tribe, our counselor and attorney at law, to appear for us before the proper department of the United States Government or any courts thereof and to prosecute our claims in law or in equity to the final adjustment of the same and until said head chief, Little Shell, and his band shall have concluded and signed a treaty for the cession of their lands and the adjustment of their reservation, for which services said bands, by said Chief Little Shell and Sasswaine, promises to recompense said Bottineau liberally, all of which services said Bottineau does hereby agree to do and perform as aforesaid, and to first press for our wants for clothing and subsistence.

Let copy of these resolutions and preamble be served upon His Excellency the President of the United States, the Hon. Secretary of the Interior, the Hon. A. H. Mahone, chairman of the board of said Indian commissioners, and to the Representatives in Congress from this State.

Witness our hand seals hereto subscribed and affixed at the Turtle Mountain Reservation, in Rolette County and State of North Dakota, this 7th day of January, A. D. 1891.

Signed in presence of—

PIERRE LAVERDUR,
CHARLES BOTTINEAU,
HENRI POTRAT.

JOHN B. BOTTINEAU. [SEAL.]

Ayabe way we tung (Little Shell), Head Chief, age 50, his x mark and seal.

Tebish koo ge zhik (Red Bear), 2nd Chief, age 59, his x mark and seal.

Mesko pe naice (Red Thunder), Sub-Chief, age 87, his x mark and seal.

Kah giunee was (Son of Red Thunder), a Brave, age 28, his x mark and seal.

Way windje gah bow (Le grot Affair), a Sub-Chief, age 58, his x mark and seal.

Osh kee na wince, age 38, his x mark and seal.

Pay bah mash, age 30, his x mark and seal.

Ogemah we ga bow, age 20, his x mark and seal.

Sas swain (Henri Potrat), age 50, his x mark and seal.

Boinince (J. Aaptist Davis), age 71, his x mark and seal.

Kag kay dway was kung (William Davis), age 68, his x mark and seal.

[Page 5] Pah pe tchee (Charles Demontinee), age 70, his x mark and seal.

Osh pih kah kahn (Louis Goddon), age 54, his x mark and seal.

Nah pugg ozhoo gan (Jerome Davis), age 41, his x mark and seal.

Kah gan aish (Francois Morin), age 55, his x mark and seal.

- Joseph Desnarios, age 55, his x mark and seal.
 Odjoon (J. Louis Fayon), age 63, his x mark and seal.
 Nob bace (Pierre Jannotte), age 60, his x mark and seal.
 In ne ne wish (Charles Packnod), age 56, his x mark and seal.
 Ahk ew win ne ne (Alex Jannotte), age 53, his x mark and seal.
 Charles Ross, age 57, his x mark and seal.
 J. Baptiste Morin, age 22, his x mark and seal.
 Zachorie Mullataire, age 33, his x mark and seal.
 Jerome Mullataire, age 36, his x mark and seal.
 Nap pugg (Francois Davis), age 18, his x mark and seal.
 Wah poohk (Alexander Baston), age 23, his x mark and seal.
 Alexander Mullataire, age 26, his x mark and seal.
 Tchee gasson (Henri Portrat, jr.), age 33, his x mark and seal.
 Kah ge zheh kadt (Joseph Portrat), age 28, his x mark and seal.
 J. Baptiste Langie, age 35, his x mark and seal.
 Coton nah hais (Jean Bte. Langie), age 49, his x mark and seal.
 Leon Safraniere, age 32, his x mark and seal.
 Charles Potrot, age 23, his x mark and seal.
 J. Baptiste Davis, jr., age 41, his x mark and seal.
 Alexander Davis, age 36, his x mark and seal.
 Laurant Ducharme, age 20, his x mark and seal.
 Bastien Potrot, age 31, his x mark and seal.
 Opoh quay shekan omah kah mino she yit (Pierre Laverdure), age 50, his x mark and seal.
 Louis Lafontaine, age 44, his x mark and seal.
 Elie Falcon, age 44, his x mark and seal.
 Antoine Morin, age 58, his x mark and seal.
 Peter LaFontaine, age 23, his x mark and seal.
 Bernard Delorm, age 35, his x mark and seal.
 Roderick Short, age 31, his x mark and seal.
 Alexandre Zaste, age 50, his x mark and seal.
 Isidore Morin, age 21, his x mark and seal.
 Paul Grandbois, age 28, his x mark and seal.
 Peter Flama, age 27, his x mark and seal.
 Roger Morin, age 27, his x mark and seal.
 Alexander Morin, age 55, his x mark and seal.
 Patrice Grandbois, age 26, his x mark and seal.
 Boyish (Frederik Swan), age 36, his x mark and seal.
 Daniel Short, age 28, his x mark and seal.
 Patrice Demontignez, age 36, his x mark and seal.
 Maggloire Boneau, age 39, his x mark and seal.
 Kah kag Kamihk (Alex La Roque), age 42, his x mark and seal.
 Louis Allarie, age 34, his x mark and seal.
 Louis Richard, age 56, his x mark and seal.
 Wah be dee (Andre St. Germin), age 52, his x mark and seal.
 [Page 6] Sag ge mais (Cuthbert Packnode), age 57, his x mark and seal.
 Osh kee nee gy (Gaspard Jannotte), age 27, his x mark and seal.
 Kay zheka tay poitohk (Antoine Gunville), age 53, his x mark and seal.
 Uncle of Osh kee nee gy (Gaspard Jannotte), age 45, his x mark and seal.
 Leon Jannotte, age 24, his x mark and seal.
 Osh kee na wince (Jerome Ledox), age 24, his x mark and seal.
 Pierre St. Germin, age 23, his x mark and seal.
 Louis Morin, age 49, his x mark and seal.
 Francois Langan, age 47, his x mark and seal.
 Joseph Langan, age 33, his x mark and seal.
 Francois Langan, jr., age 19, his x mark and seal.
 St. Pierre Fayon, age 21, his x mark and seal.
 Michael Langan, age 37, his x mark and seal.
 Charles Ross (fils), age 22, his x mark and seal.
 Francois Soine, age 27, his x mark and seal.
 Francois Packnode, age 24, his x mark and seal.
 Augustine Lefort, age 24, his x mark and seal.
 Poikine (William Richard), age 24, his x mark and seal.
 Patrice Morrisseau, age 25, his x mark and seal.
 In nini wish (Joseph Morrisseau), age 19, his x mark and seal.
 Big gee (Cuthbert Jannotte), age 22, his x mark and seal.
 Sho nanim (Charles Laviolette), age 39, his x mark and seal.

We don (Louis Lavallee), age 32, his x mark and seal.
 Jobe Falcon, age 36, his x mark and seal.
 France St. Jermine, age 24, his x mark and seal.
 James Slater, age 42, his x mark and seal.
 Joseph Jannotte, age 24, his x mark and seal.
 Pe kins see (Olivier Laroque), age 28, his x mark and seal.
 Aleck Jannotte, age 19, his x mark and seal.
 Ka Pisississit (John Jeannotte), age 18, his x mark and seal.
 Albert Laviolette, age 20, his x mark and seal.
 Pah nask (Louis Paquenaud), age 29, his x mark and seal.
 Hyacinth Richard, age 26, his x mark and seal.
 Wah poos (J. Baptist Laviolette), age 64, his x mark and seal.
 Jacob Laviolette, age 20, his x mark and seal.
 Diome Langan, age 34, his x mark and seal.
 J. Baptiste Jeannotte, age 37, his x mark and seal.
 William Hollard, age 24, his x mark and seal.
 Pah pihk (James Loroque), age 25, his x mark and seal.
 Samson Papuenaud, age 22, his x mark and seal.
 Tchee Kanie (Andre Fleurie), age 29, his x mark and seal.
 Francois Dauphinais, age 45, his x mark and seal.
 Too toosh (William Ross), age 19, his x mark and seal.
 Alexis Gunville, age 82, his x mark and seal.
 Joseph Fleuri, age 64, his x mark and seal.
 Patrice Lafonrnaise, age 25, his x mark and seal.
 William Fleurie, age 21, his x mark and seal.
 Joseph Paul, age 23, his x mark and seal.
 [Page 7] Cassmire Bauvier, age 44, his x mark and seal.
 Napoleon Mullataire, age 24, his x mark and seal.
 Kay payshk (Louis Davis), age 33, his x mark and seal.
 Napoleon Potrat, age 20, his x mark and seal.
 Et al. (Et al.).

We do hereby certify that the foregoing preamble and instrument was fully interpreted, explained to, and understood by said Indians before signing, and that we were present and witnessed their names respectively subscribed and affixed hereto. Dated this 10th day of January, A. D. 1891.

PIERRE LAVERDURE.
 CHARLES BOTTINEAU.
 HEURI POTRAT.
 JOSEPH DEMARAIS.

REPORT OF THE HON. COMMISSIONER OF INDIAN AFFAIRS TO THE HON. SECRETARY OF THE INTERIOR.

N. DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
 WASHINGTON, Sept. 21, 1891.

The Honorable the Secretary of the Interior:

SIR: I have the honor to acknowledge the receipt, by your reference, for "consideration in connection with report of commissioners for Turtle Mountain Indians, and report," of a communication of August 22, 1891, from J. B. Bottineau, attorney for the Turtle Mountain Band of Chippewa Indians, submitting a printed copy of a preamble and resolutions adopted by that band January 7, 1891, in which their claims and needs are set forth, and asking your assistance and counsel in deliberating upon the matters to which these resolutions relate, for the best interest of the Indians and the Government; also that he be furnished with a copy of the reports of the "Indian commissioners appointed to negotiate with the Turtle Mountain Chippewa Indians, of which Hon. A. H. Mahone was chairman, and with a copy of such papers as were filed by said Indians or any other person on their behalf, and that I may be allowed to examine all papers and other documents on file and of record relative to and pertaining to the business of said Indians which this office may deem necessary for me to know and for my guidance and assistance in the premises."

The opening paragraph of the paper submitted by Mr. Bottineau sets forth that, "in the absence of the act of Congress authorizing the appointment of said board