

LAND PATENTS FOR TURTLE MOUNTAIN INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

THE DRAFT OF A BILL TO AUTHORIZE THE ISSUANCE OF PATENTS TO INDIANS OF THE TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS FOR ALLOTMENTS AND SELECTIONS MADE UNDER THE ACT OF APRIL 21, 1904.

December 10, 1907.

Referred to the Committee on Indian Affairs and ordered to be printed.

Department Of The Interior,

Washington, December 9, 1907. Sir: The act of April 21, 1904 (32 Stat. L., 189-194), ratifying and amending an agreement made with the Turtle Mountain band of Chippewa Indians October 2, 1892, and providing for the cession by the Turtle Mountain band of Chippewa Indians to the United States of "all the claims, estate, right, title, and interest" of said band or any of them as members thereof "in and to all lands, tenements, and hereditaments" in the State of North Dakota, excepting the tract set apart by Executive order of July 3, 1884, and occupied by said Indians as a reservation. Article 3 thereof provides that the reservation shall be held as the common property of the tribe, and that-

It is agreed that the United States shall, as soon as it can conveniently be done, cause the lands hereby reserved and held for the use of the Turtle Mountain band of Chippewa Indians to be surveyed as public landB are surveyed, for the purpose of enabling such Indians as desire to take homesteads, and the selections shall be so made as to include in each case as far as possible the residence and improvements of the Indians making the selections, giving to each an equitable proportion of natural advantages. • * *

Articles 6 and 7 read as follows:

Article 6. All members of the Turtle Mountain band of Chippewa Indians who may be unable to secure land upon the reservation above ceded may take homesteads upon any vacant land belonging to the United States without charge, and shall continue to hold and be entitled to share in all tribal funds, annuities, and other property the same as if located on the reservation: Provided, That the right of alternate homestead selections shall not be alienated or represented by power of attorney.

Article 7. So long as the United States retains and holds title to any lands in the use or occupation of any member of the Turtle Mountain band of Chippewa Indians or the title to other properties in the possession of any of the Indians of said band, which it may do for twenty years, there shall be no tax or other duty levied or assessed upon the property the title to which is held or retained by the United States.

Under authority of this act 275 quarter-sections comprising the reservation have been allotted to 326 Indians, heads of families, and some 650 selections have been made on the public domain, either in North Dakota or Montana. No provision is made in the act for the issuance of a trust or fee patent or other conveyance of title by which these Indians might, if so inclined, avail themselves of the provisions of the act of May 27, 1902 (32 Stat. L., 245-275), or the act of May 8, 1906 (34 Stat. L., 182), or the act of March 1, 1907 (34 Stat. L., 1015-1018), and without some instrument from the United States they will be without any evidence of title and compelled to suffer the inconveniences liable to arise from this condition of affairs.

As there is no law under which patents can be issued to these Indians I have caused to be prepared a draft of a bill to authorize the issuance of patents to

the Indians of the Turtle Mountain band of Chippewas for allotment selections made by them under the act of April 21, 1904, supra, which draft is herewith transmitted, with the recommendation that it be enacted into law. Very respectfully,

James Rudolph Garfield,
Secretary.

The President Of The Senate.

A BILL To authorize the Issuance of patents to Indians of the Turtle Mountain band of Chippewa Indians for allotments and selections made under the Act of April twenty-first, nineteen hundred and four.

Be it enacted by the Senate and Home of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he hereby is, authorized on the approval of any allotment or homestead made to an Indian of the Turtle Mountain band of Chippewas under the Act of April twenty-first, nineteen hundred and four (Thirty-third Statutes at Large, pages one hundred and eighty-nine and one hundred and ninety-four), to cause patent to issue therefor in the name of the allottee, in accordance with section five of the Act of February eight, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."