(ORDER LIST: 592 U.S. ___)

FRIDAY, NOVEMBER 6, 2020

CERTIORARI GRANTED

20-1104 MAUMEE INDIAN NATION v. WENDAT BAND OF HURON INDIANS

No. 20-1104

IN THE

Supreme Court of the United States

MAUMEE INDIAN NATION,
Petitioners,
v.

WENDAT BAND OF HURON INDIANS,
Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRTEENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

TALAMATUN
COUNSEL OF RECORD
ATTORNEY GENERAL
MAUMEE INDIAN NATION
212 AGENCY VILLAGE
HURON, NEW DAKOTA

***

QUESTIONS PRESENTED

This case requires the Court to resolve a dispute between two different federally recognized Indian tribes that each have a well-established treaty relationship with the United States and were then each subsequently subject to allotment.

The District Court in *Maumee Indian Nation v. Wendat Band of Huron Indians*, 305 F. Supp. 3d 44 (D. New Dak. 2018) concluded that the Maumee Reservation was not diminished and that the State of New Dakota was permitted to levy its Transaction Privilege Tax directly on a non-member tribal entity. A divided Thirteenth Circuit reversed. In *Wendat Band of Huron Indians v. Maumee Indian Nation*, 933 F.3d 1088 (13th Cir. 2020) the Thirteenth Circuit held that while the Maumee Reservation has been diminished, the Wendat Reservation remained intact. It further concluded that the State of New Dakota was prohibited from levying its tax on a Wendat tribal entity.

The Maumee Nation maintains that the Thirteenth Circuit erred when it interpreted this Court's most recent opinion in *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020) and the Thirteenth Circuit's opinion on infringement and preemption is contrary to well established Supreme Court precedent.

The Questions Presented Are:

> **(1) Did the Treaty with the Wendat abrogate the Treaty of Wauseon and/or did the Maumee Allotment Act of 1908, P.L. 60-8107 (May 29, 1908) diminish the Maumee Reservation? If so, did the Wendat Allotment Act, P.L. 52-8222 (Jan. 14, 1892) also diminish the Wendat Reservation or is the Topanga Cession outside of Indian country?**
>
> **(2) Assuming the Topanga Cession is still in Indian country, does either the doctrine of Indian preemption or infringement prevent the State of New Dakota from collecting its Transaction Privilege Tax against a Wendat tribal corporation?**

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW DAKOTA

No. 15-0113

Maumee Indian Nation, Petitioner	)	
v.	)	OPINION
Wendat Band of Huron Indians Respondents	)	

Judge LIU, District Judge.

This case makes manifest how changes in federal Indian policy have created challenges to the resolution of legal questions in the twenty-first century. The Maumee Indian Nation and the Wendat Band of Huron Indians are both culturally distinct federally recognized tribes of between 1,500 and 2,000 members with traditional lands in what has now been incorporated as the State of New Dakota. Their traditional land claims overlap, and their present reservations share a border – a situation common with many tribes in the United States.

Specifically at issue here is the taxation by the State of New Dakota of a commercial development by the Wendat Band on land claimed by both tribes. The Maumee Nation defends the state tax and argues that the Wendat development is within the Maumee Reservation and so the Maumee Nation should be remitted 3% of the development's gross proceeds. If the court disagrees, the Maumee Nation argues in the alternative that the Wendat reservation has also been diminished and so the Wendat development is not in Indian country. Such an outcome would entitle the Maumee Nation to 1.5% of the development's gross proceeds under state law. In opposition the Wendat Band argues that the State of New Dakota is prohibited from imposing its tax on the Band's commercial development by both the doctrines of infringement and preemption. If the court disagrees, the Wendat Band argues that the development is located on the Wendat Reservation where any tax paid by the development would be remitted back to the Band under state law.

The history between these tribes is long and complicated, but the resolution of the legal questions at the heart of this dispute are aided by some largely uncontested facts.

I. The Uncontested Treaty Facts

Each tribe has a treaty with the United States that reserves a set of lands in what is now the State of New Dakota. The Maumee Indian Nation dates its rights to the Treaty of Wauseon,

ratified by Congress in 1802. This treaty reserves to the Maumee Indian Nation those lands west of the Wapakoneta River. The Wendat Band of Huron Indians (hereafter 'the Band' or 'Wendat Band') dates its rights to the Treaty with the Wendat in 1859. This treaty reserves to the Band those lands east of the Wapakoneta River.

At some point in the 1830s the Wapakoneta River moved approximately three miles to the west. This created a sizeable tract of land in Door Prairie County which was west of the Wapakoneta River in 1802 but east of the Wapakoneta River in 1859. Both tribes have maintained the exclusive right to these lands since at least 1937 by pointing to the boundary description in their respective treaties. Over the last eighty years both tribes have referred to this tract as the "Topanga Cession" although the origins of this phrase have now been lost to history.

Helpfully the parties stipulate that this dispute does not need to be resolved with reference to water law. It therefore does not matter whether the Wapakoneta River's movement was the result of accretion or avulsion, nor does it matter if the River's movement was caused by nature or some human action/malfeasance. Neither common law nor statute dealing with the River's movement is necessary to resolve this dispute between tribal parties.

II. The Uncontested Statutory Facts

Further complicating matters, both the Maumee Nation and the Wendat Band were subject to allotment by Congress after passage of the General Allotment Act, P.L. 49–105 (Feb. 8, 1887). The full text of the respective allotment acts is reproduced in an appendix following this opinion (Appendix 1) along with the treaties (Appendix 2) and the relevant legislative documents surrounding their enactment (Appendices 3 & 4). While the exact accounting is uncertain, the parties generally agree that the Wendat Band was paid $2,200,000 for more than 650,000 acres of land while the Maumee Tribe was paid about $2,000,000 for about 400,000 acres of land.

Importantly, one state statute is also relevant to this litigation – the State of New Dakota's Transaction Privilege Tax (TPT). A TPT is a tax levied on the gross proceeds of sales or gross income of a business and paid to the state for the 'privilege' of doing business in that state. Both parties recognize the existence and general legality of the TPT in New Dakota, although its application to the facts sits at the center of this dispute.

4 N.D.C. §212 Provides:

> (1). Every person who receives gross proceeds of sales or gross income of more than $5,000 on transactions commenced in this state and who desires to engage or continue in business shall apply to the department for an annual Transaction Privilege Tax license accompanied by a fee of $25. A person shall not engage or continue in business until the person has obtained a Transaction Privilege Tax license.
>
> (2). Every licensee is obligated to remit to the state 3.0% of their gross proceeds of sales or gross income on transactions commenced in this state. Licensees with

more than one physical location must report which tax came from which location so the proceeds can be appropriately parceled out to local partners.

(3). The proceeds of the Transaction Privilege Tax are paid into the state's general revenue fund for the purpose of maintaining a robust and viable commercial market within the state including funding for the Department of Commerce, funding for civil courts which allow for the expedient enforcement of contracts and collection of debts, maintaining roads and other transport infrastructure which facilitate commerce, and other commercial purposes.

(4). In recognition of the unique relationship between New Dakota and its twelve constituent Indian tribes, no Indian tribe or tribal business operating within its own reservation on land held in trust by the United States must obtain a license or collect a tax.

(5). In further recognition of this relationship, the State of New Dakota will remit to each tribe the proceeds of the Transaction Privilege Tax collected from all entities operating on their respective reservations that do not fall within the exemption of §212(4). While the Department of Revenue recognizes that each Tribe could collect this tax itself, the centralization of collection and enforcement by the State of New Dakota is the most efficient means of providing these funds to tribes.

(6). Door Prairie County. In recognition of the valuable mineral interests given up by the Maumee Indian Nation, half of the Transaction Privilege Tax collected from all businesses in Door Prairie County that are not located in Indian country (1.5%) will be remitted to that tribe.

(7). The failure to obtain a license or pay the required tax is a class 1 misdemeanor.

III. The Uncontested Facts About the Topanga Cession

While census records do not distinguish between the opened and unopened lands on the Wendat Reservation effectuated by their allotment act, and the Topanga Cession is not a census designated place, meticulous work by both tribes has resulted in a demographic analysis using individual U.S. Census records taken since 1880 in Door Prairie County. All parties have stipulated to these census numbers for purposes of this litigation:

	Census Data % American Indian / Native Alaskan		
	Maumee Indian Reservation	Topanga Cession	Western Half of the Wendat Reservation
1880	92.4%	98.3%	97.7%
1890	93.1%	97.0%	96.9%
1900	92.9%	92.0%	22.5%
1910	90.6%	80.4%	18.6%
1920	61.3%	20.3%	19.4%
1930	49.7%	21.6%	20.1%
1940	42.5%	21.8%	19.6%
1950	41.8%	20.8%	17.8%
1960	39.9%	19.4%	20.4%
1970	34.6%	17.6%	21.6%
1980	38.2%	15.5%	19.5%
1990	38.6%	16.8%	19.5%
2000	39.6%	17.0%	18.7%
2010	40.4%	17.9%	19.0%

Today the parties agree that the Topanga Cession consists mostly of land that was declared surplus under one of the two allotment acts, although they disagree about which act. The Maumee Tribe has submitted uncontested evidence that while it received about two million dollars for lands which were sold between 1908 and 1934 under its allotment act, the Bureau of Indian Affairs has lost or spoilt the records which show exactly which parcels the Maumee Tribe was compensated for. Both parties agree that virtually no member of either tribe selected an allotment within the Topanga Cession and that the Indians who live there now either live in rented accommodation or purchased their lands in fee from non-Indian homesteaders, the State of New Dakota, and/or the United States.

IV. The Uncontested Facts of the Case

For more than eighty years the Maumee Indian Tribe and the Wendat Band have disputed the ownership of the Topanga Cession but have refrained from asking a federal court of the United States to resolve the dispute. As two reservations sharing a border they have attempted to minimize inter-tribal conflict. While the matter has always been contentious and thus evaded resolution, until recently there was no need for a definitive answer because the Topanga Cession consists almost exclusively of fee lands that have been used for non-commercial purposes. No TPT tax is currently collected on these lands, and no jurisdictional dispute regarding civil or criminal jurisdiction had reached the federal courts.

On December 7, 2013 the Wendat Band purchased a 1,400-acre parcel of land in fee from non-Indian owners located within the Topanga Cession. On June 6, 2015 the Band announced its intention to construct upon the parcel a combination residential – commercial development which would include public housing units for low-income tribal members, a nursing care facility for elders, a tribal cultural center, a tribal museum, and a shopping complex owned by the Wendat Commercial Development Corporation (a Section 17 IRA Corporation wholly owned by

the Wendat Band with 100% of corporate profits remitted quarterly to the tribal government as dividend distributions) (Hereinafter WCDC).

According to the Band, if constructed the WCDC's shopping complex would include a café serving traditional Wendat cuisine, a grocery store offering both fresh and traditional foods to help prevent the area from becoming a food desert, a salon/spa, a bookstore, and a pharmacy. The WCDC prospectus suggests that the complex will eventually support at least 350 jobs and earn more than $80 million in gross sales annually. These proceeds will be used to fund the tribal public housing and nursing care facility whose operating costs would otherwise pose a financial hardship to the Wendat Band and could not be constructed. The café, cultural center, and museum are expected to be particularly helpful in raising revenue by attracting non-Indian consumers who may live outside of the reservation.

On November 4, 2015 representatives from the Maumee Nation approached the WCDC and the Wendat Tribal Council reminding them that the Maumee Nation considered the Topanga Cession to be its land, that any dispute regarding land ownership was resolved when the Wendat Reservation was diminished by the 1892 allotment act, and that the Maumee Nation accordingly expected the shopping complex to pay to the State of New Dakota the 3.0% Transaction Privilege Tax. The tax would then be remitted back to the Maumee Nation pursuant to §212(5) because the WCDC is a non-member business operating on Maumee lands. The Maumee Nation explained that it desperately needed the funds the TPT would bring in because its largest source of revenue – sustainable timber harvesting – was being threatened by climate change with revenues declining by 12% a year. Accordingly it would use the new funds generated by the TPT to help pay for tribal scholarships and invest in renewable energy and other forms of sustainable economic development to diversify the tribal economy so that it could continue to provide basic services and jobs for Maumee tribal members. Finally, the Maumee Nation explained that its average citizen's income is 25% lower than the average income of a Wendat tribal member. It suggested that additional tax revenue would help improve the income of Maumee tribal members who would then be more avid consumers of goods and services at the shopping complex.

The Wendat Tribal Council and the WCDC replied that the Topanga Cession was part of the Wendat Reservation and had been since the Treaty with the Wendat of 1859. They further argued that if the Topanga Cession continued to be part of the Maumee Reservation after 1859 that it was diminished by the Allotment Act in 1908 and so reverted back to Wendat control pursuant to the 1859 treaty. Finally, the Wendat Band recognizes that the land it has purchased in the Topanga Cession has not been taken into trust and is thus accorded the status of Indian fee land; however it argues that the state of New Dakota has no authority to collect the TPT as long as it is in Indian country because the state's power to collect the tax is either preempted by federal law or infringes upon the Band's own sovereign powers.

On November 18, 2015 the Maumee Nation filed this complaint against the Wendat Band asking the federal court for a Declaration that any development by the WCDC in the Topanga Cession would require the procurement of a TPT license and payment of the tax because it is located on the Maumee Reservation. In the alternative, the Maumee Nation asked for a Declaration that the Topanga Cession was not Indian country at all, presumably so one-half of the TPT tax would be remitted to it under §212(6).

V. Discussion

While it was worth establishing the facts in some detail, the resolution of the case does not require much elaboration. The two issues raised by the Maumee Indian Nation are easily resolved on the record before us and both issues are resolved in the Maumee's favor.

A. Abrogation & Diminishment

The Topanga Cession was clearly a part of the lands reserved by the Maumee Indian Nation in the Treaty of Wauseon. The United States Supreme Court has spoken with one uninterrupted voice when it comes to determining the standard of diminishment. Land retains its reservation status until Congress says otherwise. There is no clear evidence of an intent to abrogate the Treaty of Wauseon on either the face of the Treaty with the Wendat or its legislative history. Balancing the factors laid out by the Court in *Solem v. Bartlett*, 465 U.S. 463 (1984) and reading both the Maumee Allotment Act of 1908, P.L. 60-8107 (May 29, 1908), I am unable to find any intent to diminish the Maumee Reservation. These conclusions are buttressed by a fair reading of the Wendat Allotment Act, P.L. 52-8222 (Jan. 14, 1892) which clearly paid a sum certain for the surplus lands and thus diminished any claim the Wendat have to the Topanga Cession. Accordingly, the proposed WCDC complex would be built on the Maumee Indian Nation.

B. Preemption & Infringement

Despite this, the State of New Dakota may levy its TPT in the Topanga Cession. A state may not levy a tax that infringes upon the right of reservation Indians (*Williams v. Lee*, 358 U.S. 217 (1959)) nor may a state impose a tax that is preempted by federal or tribal interests (*White Mountain Apache Tribe v. Bracker*, 448 U.S. 136 (1980)). I can find nothing in *Williams* nor *Bracker* – or their accompanying progeny of cases – that would justify denying the right of New Dakota to impose the TPT to any commercial enterprise WCDC constructs on the 1,400-acre parcel in the Topanga Cession.

VI. Conclusion

Based upon the above discussion this Court issues the Maumee Indian Tribe its requested Declaration – that the Topanga Cession is within the Maumee Reservation and that any development by the WCDC of any commercial enterprise with more than $5,000 in gross sales is required to obtain the TPT license and pay the tax to the State of New Dakota to be remitted to the Maumee Indian Tribe.

UNITED STATES COURT OF APPEALS
FOR THE THIRTEENTH CIRCUIT

No. 15-0113

Wendat Band of Huron Indians, Appellant	)	
v.	)	Appeal from the U.S. District Court for the District of New Dakota
Maumee Indian Nation Appellee	)	

Submitted: September 20, 2018

Filed: September 11, 2020

Before ABBAS, SIXKILLER, and LAHOZ-GONZALES

ABBAS, Circuit Judge.

This case was held almost two years for the U.S. Supreme Court's decision in *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020). After that opinion was issued on July 9, 2020 the parties were invited to submit supplemental briefs. Having thoroughly considered the parties' positions at oral argument, and their revised briefs, we are compelled to reverse the District Court.

I. Abrogation & Diminishment

Unlike the District Court we conclude that even if the specific language of the Maumee Allotment Act of 1908, P.L. 60-8107 (May 29, 1908) is ambiguous, the Treaty with the Wendat of 1859 makes it clear the Maumee Nation's claim to the Topanga Cession has been abrogated. Moreover, looking at the face of the Wendat Allotment Act, P.L. 52-8222 (Jan. 14, 1892), we fail to see any cession language sufficient to diminish the Wendat Reservation. Taken together we conclude the Topanga Cession is located in Indian country on the Wendat Reservation.

II. Preemption & Infringement

The Wendat Band admits that the WCDC has purchased fee land that has not yet been taken into trust and therefore it is not entitled to the automatic exemption from the Transaction Privilege Tax under §212(4). However the Band persuasively argues on appeal that the State of New Dakota is nonetheless prohibited from requiring the Band or the WCDC to procure a TPT license or pay the tax. While we recognize that because the Topanga Cession is within the Wendat Reservation the funds from the tax would be remitted through the State back to the Band, it has shown both that the imposition of the tax infringes on tribal sovereignty (*Williams v. Lee*, 358 U.S. 217 (1959)) and should be subject to Indian preemption under Supreme Court precedent (*White Mountain Apache Tribe v. Bracker*, 448 U.S. 136 (1980)). While either of these arguments alone is sufficient to deny the State the right to tax – both are present here.

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For the foregoing reasons the decision of the District Court is reversed and the case is remanded back to the District Court with instructions to withdraw and reissue its Declaration in a manner consistent with this opinion.

LAHOZ-GONZALES, Circuit Judge, Concurring in Part, Dissenting in Part.

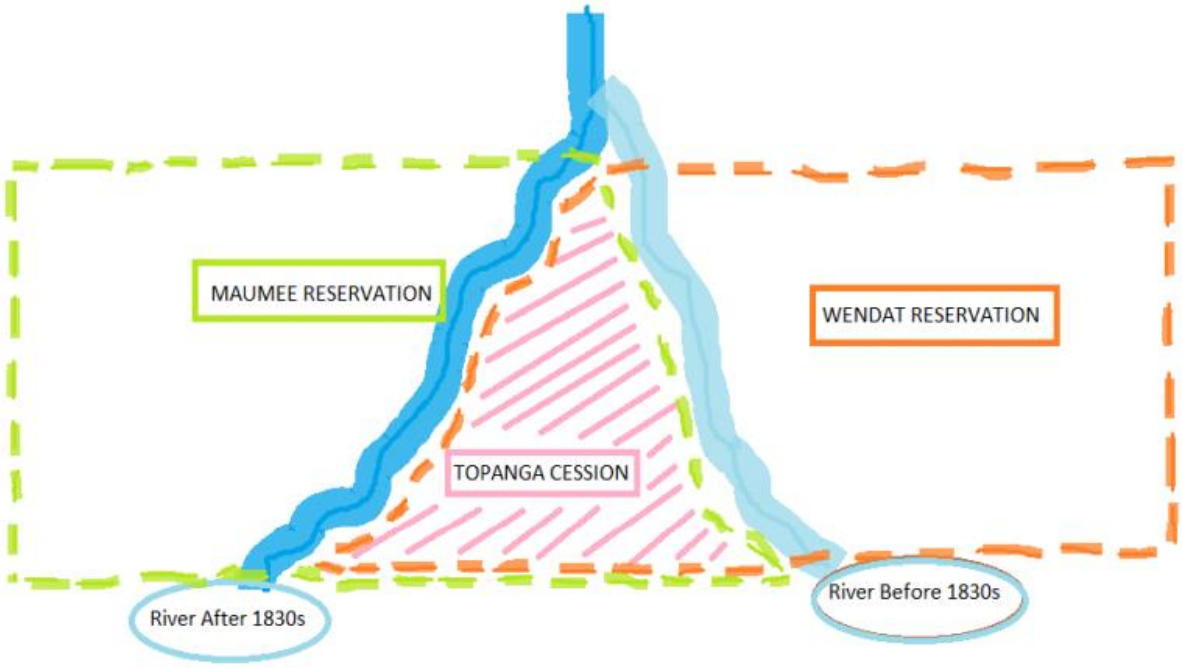
I agree with my learned colleagues that the State of New Dakota is preempted from requiring the Tribe to obtain a TPT license based on the long history of Indian preemption cases developed by the U.S. Supreme Court *if the Wendat Band's development in the Topanga Cession is in Indian country*. Although I disagree that the Wendat Band has shown that the State's action infringes upon tribal sovereignty in the same manner as the Court described in *Williams* – it is enough that the State is preempted even if not barred by infringement.

Where the majority and I part ways is on the issue of Indian country. Unlike my colleagues, I agree with the District Court that there is no clear evidence of an intent to abrogate the Maumee Reservation established in the Treaty of Wauseon; however Congress has clearly diminished both reservations. Having carefully read the Supreme Court's latest opinion in *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020), I find in the language of both allotment acts sufficient congressional intent to conclude that both the Wendat and Maumee reservations have been diminished; the Maumee Act contains clear cession language while the Wendat Act clearly contains an unequivocal commitment to pay a sum certain.

Because I conclude that the Topanga Cession is not in Indian country, I would remand with instructions to dismiss the case and to instruct the District Court to issue a Declaration that all TPT taxes collected from the Topanga Parcel be remitted to the State of New Dakota for the purposes described in §212(3) with one-half of any funds collected from Door Prairie County remitted to the Maumee Indian Tribe under §212(6).

MAP

**Not Drawn to Scale



Appendix 1: The Allotment Acts

CHAP. 818. An Act To authorize the allotment, sale, and disposition of the eastern quarter of the Maumee Indian Reservation in the State of New Dakota, and making appropriation and provision to carry the same into effect.

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed, to first survey the entire Maumee Indian Reservation into townships. After the survey is complete the Secretary shall permit the Indians to select their individual allotments in the western three-quarters of the reservation under the following formula: 160 acres for each head of household, 80 acres for each single adult, and 40 acres for each child under eighteen years of age as of the time of this enactment. Unclaimed lands in the western three-quarters of the reservation shall continue to be reserved to the Maumee. The Indians have agreed to consider the entire eastern quarter surplus and to cede their interest in the surplus lands to the United States where it may be returned the public domain by way of this act.

SEC. 2. That the lands shall be disposed of by proclamation under the general provisions of the homestead and townsite laws of the United States, and shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the manner in which the lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands except as prescribed in such proclamation: Provided, That prior to the said proclamation the Secretary of the Interior, in his discretion, may permit Indians who have an allotment within the area described in section one of this Act to relinquish such allotment and to receive in lieu thereof a sum of eight-hundred dollars. Provided further, That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the lands embraced within said reservation, and to cause an examination to made of the lands by experts of the Geological Survey, and if there be found any lands bearing coal, the said Secretary is hereby authorized to reserve them from allotment or disposition.

SEC. 3. That the price of said lands entered as homesteads under the provisions of this Act shall be fixed by appraisement as herein provided, the full price being due to the local agent at Fort Crosby at time of entry. The President of the United States shall appoint a commission to inspect, appraise, and value all of said lands that shall not have been allotted in severalty to said Indians, or reserved by the Secretary of the Interior or otherwise disposed of, excepting sections sixteen and thirty-six in each of said township. That said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining lands embraced within each reservation as described in section one of this Act. In making such classification and appraisement said lands

shall be divided into the following classes: Division of lands. First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised.

SEC. 4. That nothing in this law provides for the unconditional payment of any sum to the Indians but that the price of said lands actually sold shall be deposited with the United States treasury to the credit of the Indians. The money deposited will earn interest at three per cent per annum and expended for their benefit at the direction of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior is authorized to reserve from said lands such tracts for townsite purposes as in his opinion may be required for the future public interests, and he may cause the same to be surveyed into blocks and lots and disposed of under such regulations as he may prescribe.

SEC. 7. That sections sixteen and thirty-six of the land in each township within the tract described in section one of this Act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at the rate of five dollars and five cents per acre, and the same are hereby granted to the State of New Dakota for such purpose. All other sections are subject to either allotment to Indians or sale in accordance with this Act.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the funds necessary to meet the United States commitment under Section 7 of this Act.

SEC. 9. That nothing in this Act contained shall in any manner bind the United States to purchase any portion of the land herein described, except sections sixteen and thirty-six or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of the said lands and to expend and pay over the proceeds received from the sale thereof as herein provided.

Approved, May 29, 1908.

CHAP. 42. An act for the relief and civilization of the Wendat Band of Huron Indians in the State of New Dakota.

SEC. 1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Indian Agent at Fort Crosby shall, as soon as practicable, formally continue the surveying of the western half of the lands reserved by the Wendat Band in the 1859 Treaty. After the survey is complete the Commissioners shall give every adult reservation Indian one year from which to pick an allotment of 160 acres for themselves; and one parent or guardian may select an allotment of their choosing of 40 acres for each minor not yet an adult. All lands not selected within one year of the survey's completion shall be declared surplus lands and open to settlement. The eastern half of the lands reserved by the Wendat Band in the 1859 Treaty shall continue to be held in trust by the United States for the use and benefit of the Band.

SEC. 2. The United States hereby agrees to pay into the Treasury, in the name of the Wendat Band, the sum of three dollars and forty cents for every acre declared surplus, provided that no matter how much land is ultimately surplus the Wendat Band shall not be entitled to a payment of more than two-million and two-hundred-thousands dollars in total and complete compensation.

SEC. 3. That all money accruing from the disposal of said lands in conformity with the provisions of this act shall be placed in the Treasury of the United States to the credit of all the Wendat Band of Indians as a permanent fund, which shall draw interest at the rate of five per centum per annum, payable annually for the period of fifty years. Provided, That Congress may, in its discretion, from time to time, during the said period of fifty years, appropriate, for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding five per centum thereof.

SEC. 4. The United States hereby apportions an additional $40,000 to the Secretary of Interior to pay for the final costs of the survey and allotment, to move the Indians unto their allotments as quickly as possible, and to open the surplus lands to settlement.

Approved, January 14, 1892.

Appendix 2: The Treaties

TREATY OF WAUSEON

The Commissioners Plenipotentiary of the United States in Congress assembled, receive peace from the Maumee Indians, on the following conditions:

ARTICLE I.
Three chiefs from the Maumee shall be delivered up to the Commissioners of the United States, to be by them retained till all the prisoners taken by the said Nation shall be restored to freedom.

ARTICLE II.
The Maumee do acknowledge themselves and all their people and clans to reside within the New Dakota Territory of the United States.

ARTICLE III.
The boundary line between the United States and Maumee Nation, shall be the western bank of the river Wapakoneta, between Fort Crosby to the North and the Oyate Territory to the South, and run westward from there to the Sylvania river.

ARTICLE IV.
The United States allot all the lands contained within the said lines to the Maumee, to live and to hunt on, and to such of the Maumee Nation as now live thereon; saving and reserving for the establishment of trading posts, six miles square at the Wapakoneta river where it meets Fort Crosby, and the same at the portage on that branch of the river into the Great Lake of the North.

ARTICLE V.
If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands allotted to the Maumee Nation in this treaty, except on the lands reserved to the United States in the preceding article, such person shall forfeit the protection of the United States, and the Indians may punish him as they please.

ARTICLE VI.
The Indians who sign this treaty, as well in behalf of all their tribes as of themselves, do acknowledge the lands east, south and west of the lines described in the third article, so far as the said Indians formerly claimed the same, to belong to the United States; and none of their tribes shall presume to settle upon the same, or any part of it.

ARTICLE VII.
If any Indian or Indians shall commit a robbery or murder on any citizen of the United States, the tribe to which such offenders may belong, shall be bound to deliver them up at the nearest post, to be punished according to the ordinances of the United States.

ARTICLE VIII.
The Commissioners of the United States, in pursuance of the humane and liberal views of Congress, upon this treaty's being signed, will direct goods to be distributed among the Indians for their use and comfort.

Pemedeniek, by his x mark
Quieuenontatironons, by his x mark
Ochastequin, by his x mark
Tionondati, by his x mark
Lamatan, by his x mark
Yendat, by his x mark
Ahouandate, by his x mark

Davis Parker
Emerson Vance

Witness
Brenton Tice
U.S. Indian Agent – at Fort Crosby

Signed this October 4, 1801

**Subsequently ratified by Congress without Amendment Monday February 8, 1802.

**** Cite as Treaty of Wauseon, Oct. 4, 1801, 7 Stat. 1404.**

TREATY WITH THE WENDAT OF 1859

ARTICLE I.
The Chiefs, Headmen and Warriors, aforesaid, agree to cede to the United States their title and interest to lands in the New Dakota Territory, excepting those lands East of the Wapakoneta River; with the Oyate Territory forming the southern border and the Zion tributary forming the northern born. The eastern terminus of these reserved lands is the line bordering the New Dakota Territory and the Oyate Territory.

ARTICLE II.
From the cession aforesaid, the following two reservations are made, (to wit:)

For J. B. Starrednah, one section of land in Door Prairie County, where he now lives.
For Mrs. O. O. Wilder, one section of land where her husband attempted to homestead.

ARTICLE III.
In consideration of the cession aforesaid, the United States agree to pay to the Wendat Huron Indians, an annuity for the term of twenty years, of two-hundred thousand dollars; and will deliver to them goods to the value of one hundred thousand dollars, so soon after the signing of this treaty as they can be procured; and a further sum of ninety thousand dollars, in goods, shall be paid to them in the Year eighteen hundred and sixty, by the Indian agent at Fort Crosby.

ARTICLE IV.
The United States agree to pay the debts due by the Wendat agreeably to a schedule hereunto annexed; amounting to five-million dollars.

ARTICLE V.
The United States agree to provide for the Wendat, if they shall at any time hereafter wish to change their residence, an amount, either in goods, farming utensils, and such other articles as shall be required and necessary, in good faith, and to an extent equal to what has been furnished any other Indian tribe or tribes emigrating, and in just proportion to their numbers.

ARTICLE VI.
The United States agree to erect a hospital on their lands, under the direction of the President of the United States. In testimony whereof, the said Nathan Jennings, Davis Parker, and Jeremiah Chrush, commissioners as aforesaid, and the chiefs, head men, and warriors of the Wendat Indians, have hereunto set their hands at Wapakoneta River, on the twenty-sixth day of March, in the year eighteen hundred and fifty-nine.

**All parties signed with their mark
**Ratified by Congress on Tuesday November 19, 1859.

**** Cite as Treaty with the Wendat, March 26, 1859, 35 Stat. 7749.**

Appendix 3: Legislative History of the Allotment Acts

**Assume the following is from the 23rd Volume of the Congressional Record on Jan. 14, 1892 starting on page 1777.

HOUSE

Thursday January 14, 1892

The House met at twelve o'clock. Prayer by the Chaplain, Rev. O. O. Milburn.

The SPEAKER: The House now turns to the consideration of

An act for the relief and civilization of the Wendat Band of Huron Indians in the State of New Dakota.

The Act having been read twice already without comment, having been approved by unanimous consent in the Senate, and having received a recommendation without report from the Committee on Indian Lands we proceed to consider the merits.

The Clerk read the following message from the Secretary of Interior into the record:

DEPARTMENT OF THE INTERIOR, Washington, December 15, 1891.

In accordance with Congressional demands to open the Wendat lands of New Dakota a corps of allotting agents were sent to the field in the summer, but the Indians refused to act until they received the per capita appropriated by the act, saying "they would travel but one road at a time;" thus much valuable time was lost and the appropriation expended in part without results. Of the 1,372 Indians of this reservation 308 have received allotments, leaving 1,064 yet to be provided for. I have this day addressed a communication to the Speaker of the House of Representatives and the President of the Senate, asking the passage of a bill or Joint resolution appropriating $15,000 to complete this work and to formally appropriate the money and authorize the allotment of the Wendat lands.

By the opening of this reservation more than 2,000,000 acres of valuable land will be added to the public domain, equal to 12,500 homesteads of 160 acres each. This matter is presented with request for favorable consideration, in order if possible to complete the work and open the lands to settlement in the early spring.

There are many families awaiting the opening of these additional lands and the people already settled in New Dakota are greatly interested in this work being accomplished. It would, in my judgment, greatly advance the public interest to have this appropriation made at an early day. You will observe that it is recommended in the President's message.

Most respectfully, JOHN W. NOBLE, Secretary.

Mr. SPEAKER: Having recognized the request from Interior for an appropriation of funds and a full authorization to allot the Wendat lands we open the bill up for debate.

Mr. HENDERSON of Iowa. Let me ask the gentleman if this is unanimously reported from the committee?

Mr. HARVEY. Unanimously.

Mr. DOCKERY. I understand· this report is from the Committee on Indian Affairs?

Mr. HARVEY. Yes, sir; and made unanimously.

I will further say that, anticipating the opening of these lands, a very large number of people congregated along the border in the early fall, believing the surveys would be completed in from four to six weeks. These people have been settled there and have been waiting all winter. They come from all of the States of the Union, from Texas, Kansas, South Dakota, and almost all of the States, and it is important that work should be resumed speedily in order to allow these people to go on the lands in the early spring and it should be remembered that spring comes early in that latitude---,and make their homes, so as to avail themselves of the planting season.

Mr. MILLER. What is the extent of the land?

Mr. HARVEY. About 4,000,000 of acres, at least 2,000,000 of which we expect will be opened to the public domain by way of allotment.

Mr. ULLRICH: The work in the Bureau of Indian Affairs was perhaps never so large as now, by reason of the numerous negotiations which have been proceeding with the tribes for a reduction of the reservations, with the incident labor of making allotments, and was never more carefully conducted. The provision of adequate school facilities for Indian children and the locating of adult Indians upon farms involve the solution of the "Indian question."
Everything else: rations, annuities, and tribal negotiations, with the agents, inspectors, and commissioners who distribute and conduct them-must pass away when the Indian has become a citizen, secure in the individual ownership of a farm from which he derives his subsistence by his own labor, protected by and subordinate to the laws which govern the white man, and provided by the General Government or by the local communities in which he lives with the means of educating his children. When an Indian becomes a citizen in an organized State or Territory his relation to the General Government ceases, in great measure, to be that of a ward; but the General Government ought not at once to put upon the State or Territory the burden of caring for the Indian.

The good work of reducing the larger Indian reservations, by allotments in severalty to the Indians and the cession of the remaining lands to the

United States for disposition under the homestead law, has been prosecuted during the year with energy and success. In September last I was enabled to open to settlement in the Territory of Oklahoma 900,000 acres of land, all of which was taken up by settlers in a single day. The rush for these lands was accompanied by a great deal of excitement, but was, happily, free from incidents of violence. It was a source of great regret that I was not able to open at the same time the surplus lands of the Cheyenne and Arapahoe Reservation, amounting to about 3,000,000 acres, by reason of the insufficiency of the appropriation for making the allotments. Deserving and impatient settlers are waiting to occupy these lands, and I urgently recommend that a special deficiency appropriation be promptly made of the small amount needed, so that the allotments may be completed and the surplus lands opened in time to permit the settlers to get upon their homesteads in the early spring. I urge we act today to concur with the unanimous voice of our Senate colleagues approve the allotment bill before us.

Mr. MANSUR. Mr. Speaker, this is a very important matter to a large number of people in and around New Dakota, more important, perhaps, than many members may realize. The opening of these lands has been looked forward to in that region with the greatest interest for long years, and unless this resolution is passed today and the money given to the Department for the purpose of allotting these Indians, it will put back the settlement for one crop season.

The members of the House will remember that when the Creek country purchase, known as Oklahoma, was thrown open on April 22, 1889, it was then so late that in that climate the opportunity for making necessary improvements by breaking up the ground was almost precluded, and, as a result, little or no crop was raised that year. Hence, as to these lands, if anything, and farther west and in a drier climate, there is a greater necessity for their earlier opening.

It was the Committee on Territories that reported the bill opening Oklahoma, and we reported $15,000 in that bill for the opening of 1,800,000 acres. This tract of land has 4,000,000 acres, and in it are a vastly larger number of Indians to settle with and to allot. The Secretary of the Interior, states that for a full month, when all these allotting agents with their equipments were on hand, the Indians stood silent, stubborn, and obstinate, and would not have anything to do with the matter, would not come in and take their allotments or make any selections, and this reluctance on their part had to be overcome before anything could be done.

Mr. PICKLER. I will suggest that these Indians are distinctly "blanket Indians," and very little civilized.

Mr. MANSUR. By the way, I desire to say to the House that I visited this reservation during this last summer,

and our soldiers at Fort Crosby told me that the Wendat are the most distinctly warrior Indians left on the continent today; that they keep themselves farther away from white people, and have less to do with them than any others; that they are only to be seen when they come to the agencies for the purpose of drawing their annuities, and hence they are wholly wild and savage; and when it comes to allotment, you cannot bring the same influences to bear upon them that you can bring to bear upon other Indians more civilized.

In this reservation of 4,000,000 acres there is twice as much land to be allotted for $15,000 as was allotted for the same amount in the case of the Creek lands in Oklahoma, namely, 1,800,000 acres; and I appeal to the House in behalf of the people of New Dakota who are looking for homes to allow this small appropriation of $40,000 additional dollars to be made, and to allow this work to be done, so that the people there can have a chance to enter upon these lands in time to make a crop for this year. If that is not done by the first of April it will be too late.

Mr. DOCKERY. I desire to say, in addition to what my colleague has said, that this seems to be a very necessary and proper expenditure in view of the existing circumstances, and I hope the House will authorize it.

Mr. PEEL. It is now for the House to say whether this allotment ought to go on, in order to enable the Administration to open the remainder to settlement. That is all I care to say or can say about the matter.

The SPEAKER. The Clerk will report the Bill.

[The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed by unanimous consent.]

**Assume the following is from the 42nd Volume of the Congressional Record on May 29, 1908 starting on page 2345.

HOUSE

Friday May 29, 1908

The House met at one o'clock pm. Prayer by the Chaplain, Rev. J.T. Butler.

Mr. PRAY. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill (S. 2418) An Act To authorize the allotment, sale, and disposition of the eastern quarter of the Maumee Indian Reservation in the State of New Dakota, and making appropriation and provision to carry the same into effect.

The SPEAKER. Is a second demanded?

Mr. STEPHENS of Texas. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rules. The gentleman from New Dakota is entitled to twenty minutes and the gentleman from Nevada to twenty minutes.

Mr. PRAY. Mr. Speaker, the purpose of this bill is to provide for the survey of the lands of the Maumee Indian Reservation, situated in the State of New Dakota, and for the allotment of the lands in severalty to the Indians and for the sale and disposal of the surplus lands after allotment. This reservation consists of 4,776,000 acres of land.
In the summer of 1907, Major Hans, who has been connected with the Indian Service for the past thirty-seven years, met the Indians in a conference or general council as it is termed, and the matters to which this bill relates were thoroughly discussed at that council and the Indians were made to understand just what it was proposed to do. All the details were fully discussed. As a result an agreement was entered into which was ratified by 95 per cent of the Indians of the reservation. Pursuant to that agreement a bill was prepared in the Indian Office which was introduced in the Senate by the Senator from New Dakota [Mr. Brenton] and passed, it having previously been referred to the Secretary of the Interior and having his approval. It came to the House and was referred to the Committee on Indian Affairs of the House, where several amendments were made to the bill, to conform more fully to the agreement entered into with the Indians on the part of Major Hans in the summer of 1907.

I might also say at this point that Major Hans was present during the hearings before the subcommittee and the full committee of the House Committee on Indian Affairs, and made many valuable suggestions, and had there the agreement which was entered into with the Indians, so that this bill could

be made to conform in every respect to the wishes of the Indians, as expressed in the agreement. The bill provides that 160 acres of land shall be allotted to each Indian.

It is not known just what amount of coal land will be found until the surveys are made but the allotment will amount to from 40 to 160 acres, in accordance with the status of the allottee and not including any coal lands to be reserved separately.

The only appropriation the bill carries that is not reimbursable is the one providing for the payment of $5.05 an acre to the Indians on account of sections 16 and 36, granted to the State of New Dakota for school purposes, and certain tracts reserved for agency and school purposes.

Mr. GAINES of Tennessee. Mr. Speaker, are these public lands never, never to get to be worth more than $5.05 an acre?

Mr. PRAY. I will say that I think it is a very fair valuation for this land. It is probable that some portions of sections 16 and 36 are worth more, but many portions are worth less.

Mr. GAINES of Tennessee. If the gentleman will go back and look at the old Indian statutes, passed in the early days of the Republic, he will find that the value of the land was then fixed at $1.25. A century ago the land was fixed at $1.25. Millions of people have gone out into these Indian countries, and millions of people have made those States, and yet these Indian lands and other lands are being sold at $5.00 per acre. I do not understand it. Surely after all this time the land is worth more?

Mr. HACKNEY. Mr. Speaker, I will state to the gentleman that in disposing of these lands they were to be appraised by a commission which is to be appointed. The lands are to be surveyed, and the only lands sold at $5.05 are the school lands, unless after a certain period they can not be disposed of, and then they are to be offered at public auction. But $5.00 an acre is the minimum limit, and the maximum is the appraised value, made by the commission.

Mr. GAINES of Tennessee. Well, I am glad to know that we are to have in this bill a kind of policy that will give some chance to get the real market value of this land for the Indians. I understand that all lands unsold will continue to belong to the Indians is that right? Until there is payment the land belongs to the Maumee?

Mr. PRAY. I hope the gentleman will understand that $5.05 is fixed for sections 16 and 36, the school lands granted to the State of New Dakota. The value of the other lands depends upon the appraisement fixed by the commission. We expect all of the opened lands to be sold for their market price but at least $5.00 per acre.

Mr. HACKNEY. Mr. Speaker, the gentleman from New Dakota has stated the terms of this bill correctly, and it seems to me there is

no question but that the bill should pass as amended.

I was on the subcommittee that gave attention to this bill for a number of weeks, and I reported it to the House with the amendments. We conferred with the Commissioner of Indian Affairs and his assistants, particularly with Major Hans, who had gone into New Dakota among these Maumee Indians last year, and after spending considerable time had a written agreement with them in regard to the disposal of this reservation, and the amendments, which are quite lengthy here, were drawn for the purpose of making this bill conform to the terms of that written agreement in every essential detail. The greater portion of the land is grazing land. We give the Indians more than they asked for in the contract, as we raised the allotment to 160 acres.

Now, with regard to the disposition of the land. A commission shall go there and appraise this land after the allotments are made. Then the land shall not be disposed of at less than the appraised value, and in no event shall any land be disposed of at less than $5.00 an acre.

Mr. FERRIS. Will the gentleman permit a question? What did the facts develop in the committee with reference to the degree of intelligence of these Indians?

Mr. HACKNEY. The reports are that these Indians are capable now of assuming the duties of citizenship. They are a very intelligent class of Indians.

Mr. FERRIS. How many are there?

Mr. HACKNEY. There are a little less than 1,500. The last census showed a little over 1,300. There are now between 1,300 and 1,600 Indians.

Mr. FERRIS. There is a treaty of that kind?

Mr. HACKNEY. A contract signed by over 95 per cent of the Indians on the reservation. In fact, an amendment was made to the bill to conform to that contract with respect to the commissioners.

Senator Brenton, who had gone over the land last summer and made an examination of it, was consulted in regard to all of these amendments. The amendments are satisfactory to the Indian Bureau, to the Secretary of the Interior, to the Reclamation Service, to the Representatives from the State of New Dakota, and to the Indians, and the bill as thus amended should pass.

Mr. MONDELL. Mr. Speaker, I have gone over this bill, and I believe it has been very carefully prepared. Inasmuch as it is necessary to begin at the very foundation in this case and to provide, first, for allotments, then for opening the lands to settlement, and for reservation of coal, the bill is quite a long one. I think the committee has given the bill careful consideration, and it seems to me its provisions are excellent. It does justice

to the Indians, and I believe will promote the interests of the incoming settlers.

Mr. FERRIS. I have listened with a good deal of interest to the different remarks made upon this measure, and living in an Indian country, and living in a homestead country, I should feel recreant to my duty if I did not give the House the benefit of the observations I have made with reference to Indian lands and with reference to homestead lands.

The time has come in the history of the United States when it is not advisable, not desirable, nor right to leave Indians huddled together on a reservation. They are to be our coequals as citizens. They were the first citizens here. We owe them our respect. They are clothed with the power of the ballot and with other powers of citizenship that entitle them to the other enlightened and beneficent conditions that the White people enjoy. They can not have these advantages huddled together on an Indian reservation. They need to go onto an individual tract or onto an allotment to make it a home; they need to have the other vacant lands in that community occupied, and let home owners and home builders come in with their influence and make the Indian citizen what we all hope for him and all expect him to be. I feel an interest in this bill. I believe it will aid the State of New Dakota. I believe it will aid the Indian. I believe that it will even aid this Congress to open up those lands and let them be settled by home builders and home owners. [Applause.]

Mr. STEPHENS of Texas. Mr, Speaker, I gave out all of the time on this side, and consequently have none left. I thank the gentleman for yielding to me. This bill is on all fours with all of the bills of this character opening up Indian reservations.

More than ten years ago Congress entered on the general policy of requiring the Secretary of the Interior, through the Commissioner of Indian Affairs, to send allotting agents on the various reservations and allot to each Indian a certain amount of land in accordance with the treaty made with that Indian tribe. In pursuance of that policy we have opened up a great many reservations in the United States, and I hope we will follow out this policy and that in a few years there will not be a single Indian reservation left in the borders of this whole country. [Applause.]

Mr. PRAY: The United States is constituted a trustee for the Indians and is required to dispose of the lands and to expend and pay over the proceeds received from the sale of surplus lands in the manner and for the purposes provided in the bill. The Secretary is also required to reserve and set aside for education, giving over to the State of New Dakota lands within each survey tract for that purpose.

In my judgment this is a meritorious bill, and should receive universal approval. It makes ample provision for the protection of the rights of the Indians and, so far as I can see, it

will have a tendency to promote the general welfare and advancement of the Indians. It will stimulate the habit of industry, thrift, and economy to an extent hitherto unknown under old conditions. After the surplus lands are disposed of and the cost and expenses provided for in the bill deducted the balance of the moneys shall be paid into the Treasury of the United States and placed to the credit of the Indians.

Aside from the benefits that will manifestly accrue to the Indians by reason of the passage of this bill, opportunity will be given to hundreds of worthy men and women of the East to build up desirable homes in my State, and that, to my mind, is an exceedingly important argument in favor of the bill. Mr. Speaker, every Member who has addressed the House during the consideration of this measure has spoken in its favor, and being confident of the outcome, I therefore call for a vote.

The SPEAKER. The question is on suspending the rules, agreeing to the amendments, and passing the bill. The question was taken.

Mr. STEPHENS of Texas. Mr. Speaker, I demand the yeas and nays.

Mr. PRAY. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The point is sustained. The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absentees. The question will be taken on the motion to suspend the rules, agree to all of the amendments, and pass the bill as amended. The Clerk will call the roll.

The question was taken, and there were: yeas 179, nays 5, answered "present" 19, not-voting 185.

Appendix 4: Legislative History of The Treaty with the Wendat

Assume the legislative history from the Treaty with the Wendat was published in the Congressional Globe (the Congressional Record did not begin until 1873). Cite the Congressional Globe excerpt below as:

Cong. Globe, 35th Cong., 2nd Sess. 5411-5412 (1859).

Consideration of the Treaty with the Wendat

SPEECH OF SEN. JAMES W. GRIMES OF IOWA:

I rise in support of the Treaty set before us negotiated by our faithful and dutiful Indian Agents and forwarded to us by President Buchanan and Indian Commissioner Cato Sells.

The Territory of New Dakota is crying out for statehood. Her population swells with our people setting out to establish and cultivate new lands. The sons and daughters of my constituents are looking for new lands to bring under cultivation and the lands of the Wendat offer promising and fertile grounds upon which to establish new settlements. The price negotiated by our Indian agents is fair and will adequately compensate the Indians for the loss of their lands. We should proceed to acquire the lands forthwith and provide new settlements with which to further grow the Territory of New Dakota. It won't be long until this body is admitting her to statehood as the newest member of our Union.

SPEECH OF SEN. LAZARUS W. POWELL OF KENTUCKY:

I agree with my college from Iowa that the Treaty before us is a necessary step toward the promising future of New Dakota. However I wonder if the Indian agent could have secured even more cessions from the Indians. I am told that few Indians now live along the Zion tributary and even fewer are to be found near the river Wapakoneta. Those lands must by necessity eventually be opened to the cultivation of our people. Would it not be expedient to secure those concessions now when the price may be lower than to allow the Indian to continue to cross upon lands destined for our settlement?

I will support the treaty before us, but I ask Commissioner Sells to consider sending another Agent forthwith to secure further concessions from the Indians. Doubtless our people will settle on some of these lands even now. It would be better to secure to us their legal title.

SPEECH OF SEN. SOLOMON FOOT OF VERMONT:

The Territory of New Dakota is even now emptying of its Indian population. The Wendat are the last Indians to yield their claims to the bulk of the Territory and I am heartened that what is now a Territory

will emerge a state before long.

Beginning with the Maumee, the Indians of New Dakota have slowly yielded their claims to the bulk of the territory and even now the lands around Fort Crosby are becoming a center of commercial activity. It won't be long before the expansion of canals and railroads make the current lands unrecognizable.

In the many years since the first treaty was made at Wauseon, the Maumee have been reduced in number and no longer inhabit parts of their territory. Their descendants have become among the most peaceable of Indians and trade and commerce between the Maumee and the noble residents of Fort Crosby have expanded to the benefit of both parties. I hope that the Wendat may benefit by example and learn from the many new residents of their neighboring lands.

The Indian may be assimilated by the good example of the prosperous farmer and forthright rancher. It is my hope that this treaty will secure peace between the Wendat and the settlers and that the Wendat welcome their new neighbors with open arms – ready to receive from them all of the benefits of Christianity and civilization which our citizens are capable of sharing.

SPEECH OF SEN. JAMES CHESNUT JR. OF SOUTH CAROLINA:

Treaties with the Indians are an expedient end to settle tensions on the frontier between our settlers and the Indians until our communities are numerically numerous enough to defend themselves from any unwanted Indian intrusion. I will support this treaty, consistent with my support for most Indian treaties submitted to us by the President, but nothing in this treaty, like any that have come before it, will prevent American frontiersmen from making use of the lands around them.

** Sen. Toombs of Georgia then called the Question. Sen. Bragg seconded.

The Treaty with the Wendat was ratified by a vote of 50-12 with 3 absences and 1 abstention.

Consideration of a proposal to establish a Third Bank of the United States

SPEECH OF SEN. GEORGE PUGH OF OHIO:

Our frontiersmen cry out for the stable finance provided by the