

Working Out Their Own Salvation: The Allotment of Land in Severalty and the Turtle Mountain Chippewa Band, 1870-1920

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The years between 1870 and 1920 were formative for North Dakota's Turtle Mountain band of Chippewa Indians. During this era of Indian policy reform, this northern Plains tribe experienced a familiar pattern of land loss, poverty, and despair. The manner in which the allotment of land in severalty was implemented, however, was unusual. Instead of taking allotments on the reservation, the Turtle Mountain band was forced to take them on the public domain. Moreover, the public domain allotments were often far from the reservation. This resulted in a de facto removal of a considerable portion of the tribe to areas as distant as Montana and South Dakota. The impact of that policy, including the "Ten Cent Treaty,"¹ on the Turtle Mountain band is the focus of this study. Because so much of the Turtle Mountain Chippewa identity was and is tied to the region, it is appropriate that we begin there.

The Turtle Mountains lie in north-central North Dakota along the Manitoba border. They stand like an island of forest and lakes in the midst of a vast prairie ocean. More properly called hills, they occupy approximately eight townships in what today are Rolette and Bottineau counties, North Dakota, as well as several hundred square miles of southern Manitoba. Many lakes dot

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these wooded hills, giving the area an appearance not unlike the Chippewa's original Minnesota home. Over two hundred lakes are identified on contemporary maps, with many more small sloughs scattered throughout the area. For people and animals alike, these hills were a land of plenty for centuries, containing a varied stock of nuts and berries. Before and after the arrival of whites in the eighteenth century, buffalo and deer could be found in and around the mountains in great numbers; so, too, with a great many different types of fowl. The Indians in the area, at first Sioux, but later Crees, Assiniboines, and Chippewas, visited and hunted in the Turtle Mountain country.² Understandably, this land soon became a place of conflict. To whites, who arrived later as explorers, trappers, and traders, it was a veritable oasis on the prairie.

White contact with the Turtle Mountain band in the first half of the nineteenth century was for the most part limited to the fur trade. Beginning with Northwest Company traders such as Alexander Henry, Jr. and, later, American Fur Company trader Norman Kittson, the Pembina Chippewas actively participated in the fur trade. As was often the case in the fur business, trade in the Red River valley of North Dakota and along the 49th parallel was subject to the vicissitudes of an unpredictable market. For example, Henry's trade in the valley lasted less than a decade, between 1801 and 1808, and then moved north to the Assiniboine-Red River confluence. Likewise, Norman Kittson's trade peaked in the 1840s, only to meet a similar fate. The fur trade, however, did not have the most lasting impact on the band; the United States government held that distinction.³

By 1870, after two decades of contact with the United States government, the Turtle Mountain people's claims were finally given at least partial tribal recognition when they were assigned to the Devils Lake agency. A farmer-in-charge was sent to the region, but had little luck in convincing the Indians and mixed-bloods of the sagacity of agricultural subsistence.

Beginning in 1871, agents making their annual reports wrote of the Chippewas' ten-million-acre claim.⁴ This claim, located in what today is north-central North Dakota, had been in dispute for some time, in part because of the Turtle Mountain band's scant numbers. James McLaughlin, then Devils Lake agency superintendent, bemoaned the fact that the Chippewas and métis did not have their own reservation, especially since these Indians

and mixed-bloods frequently stopped in to visit the Sioux. These visits disrupted McLaughlin's own efforts to encourage the Devils Lake Sioux to forsake the "old ways" and adopt white culture. Gift-giving, storytelling, and tales of the hunt were common at these gatherings, all of which did little to endear the Chippewas and métis to the Devils Lake agent.⁵

Despite McLaughlin's anger over the Chippewa visits to the Devils Lake agency, the Indian agent was not blind to the needs of these Indians, nor ignorant of their ten-million-acre claim. In December 1879, a group of mixed-blood members of the band met with the agent to solicit his help in securing a reservation for the tribe. McLaughlin reacted favorably to the request and indicated his support to the petitioning committee. The request no doubt struck the agent as ironic. The Sioux had resisted the reservation system, and here he was faced with Indians who actually *wanted* a defined reserve.⁶

The Chippewa reservation was soon established, but the band was shocked when their larger claim was opened to settlement prior to any formal agreement. On 4 October 1882, the General Land Office opened the Turtle Mountain Chippewas' ten-million-acre claim to white settlement. "Opened at Last!" read the front page of the *Grand Forks Daily Herald* on news of the action.⁷ The government told the horrified Chippewas that they would not be uprooted provided they could show that "improvements" had been made on their land. It was tantamount to an eviction notice: Most of the Chippewa people were not engaged in farming and were unable to meet the government's qualifications for protection. If not for President Chester Arthur's executive order of 21 December 1882 creating the Turtle Mountain Reservation, the prognosis for the band would have been grim indeed.⁸ In the meantime, land surveys were conducted.

The presidential proclamation was a short-term solution, however, because in March 1883, Congress appropriated funds to remove the band to the White Earth Reservation in Minnesota. Still, the Turtle Mountain Chippewas successfully resisted all removal efforts during the 1880s. In 1883, special agent Cyrus Beede was sent to the reservation to report on conditions there and then to make recommendations. At the time, the reservation was twenty townships in size. Beede reported that tribal population had been grossly overstated, and subsequently a much smaller land base would suffice. Unfortunately, Beede presumed that the

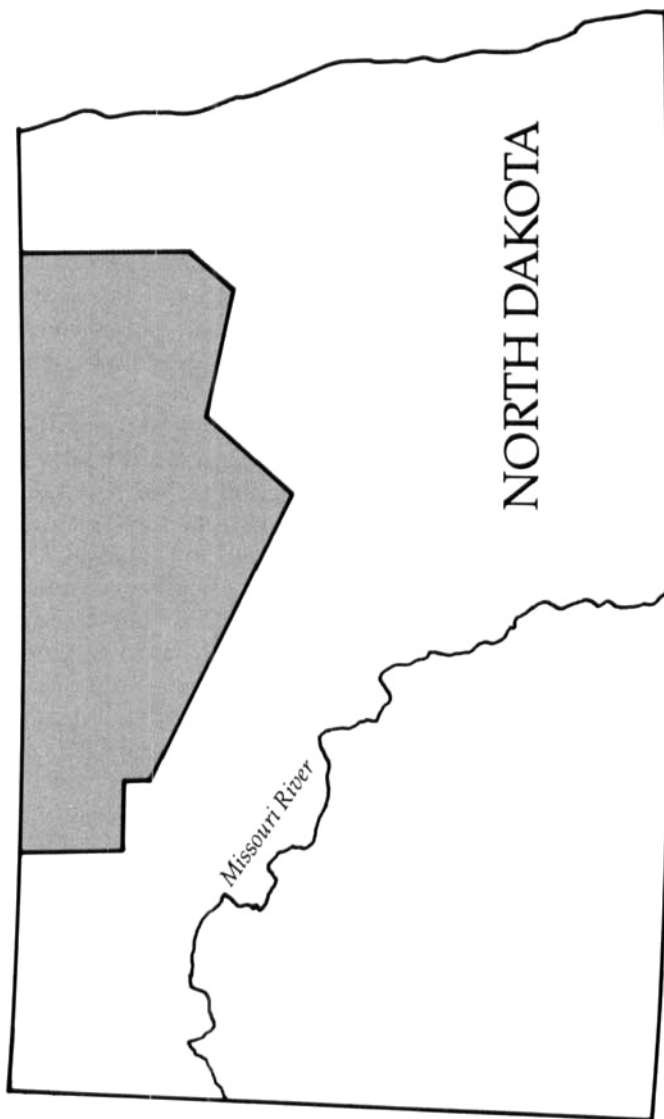


Figure 1. Turtle Mountain Band's Ten-Million-Acre Claim

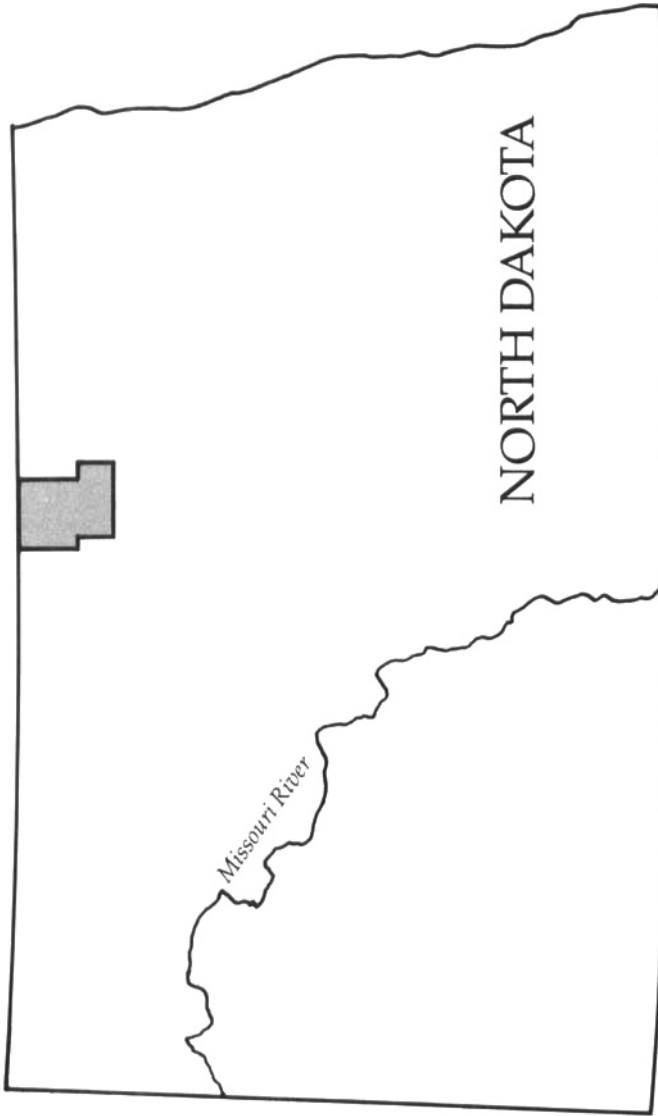


Figure 2. Turtle Mountain Reservation, 1882

mixed-bloods in the area were Canadian in origin, despite their protestations to the contrary. The president responded by reducing the reservation from twenty townships to two. The loss of farm and grazing land caused untold suffering for the band during the rest of the 1880s. Agents blamed the poverty on the Indians' refusal to work as farmers or to remove from the area, rather than on the government's reduction of the reservation.⁹

It was readily apparent then that the Turtle Mountain band's problems did not evaporate with the creation of a reservation. Throughout the remainder of the 1880s and into the 1890s, the Turtle Mountain people faced starvation, confrontations with their increasingly numerous white neighbors, and a ponderous Washington bureaucracy. The band continued to hope that the United States would enlarge the reservation to its 1882 dimensions and pay a fair price for their ten-million-acre claim. It was for that reason that the band continually rebuffed removal as an alternative, or unspecified prior treaties with the Red Lake and Pembina Chippewa bands (1863 and 1864). While the United States government had not forgotten its promises to the Turtle Mountain people, it was faced with the unpleasant reality that the reservation was unmanageable, if for no other reason than distance. Indeed, Devils Lake agent John Cramsie had complained as early as 1886 that the Turtle Mountain subagency needed a resident agent of its own.¹⁰ The administration of the Devils Lake agency was enough for one person; the added burden was more than he could handle. The Commissioner of Indian Affairs, however, had another solution in mind.

In August 1890, the House Committee on Indian Affairs sent a three-man commission to the Northwest with a twofold challenge before it: settle the ten-million-acre claim compensation issue, and obtain the permission of the White Earth Chippewa to bring the Turtle Mountain band to that Minnesota reservation.¹¹ Government officials reasoned that since some members of the White Earth Reservation were Pembina Chippewas, removal to that reservation would be acceptable to their North Dakota relatives. What the Washington bureaucrats failed to recognize was the fact that the Turtle Mountains had long since become home to the band. In place of this proposal, the band made some suggestions of its own.

Little Shell became a leading spokesman for the Turtle Mountain tribal faction bent on resisting government plans to move the band east. The Turtle Mountain chieftain suggested that, instead

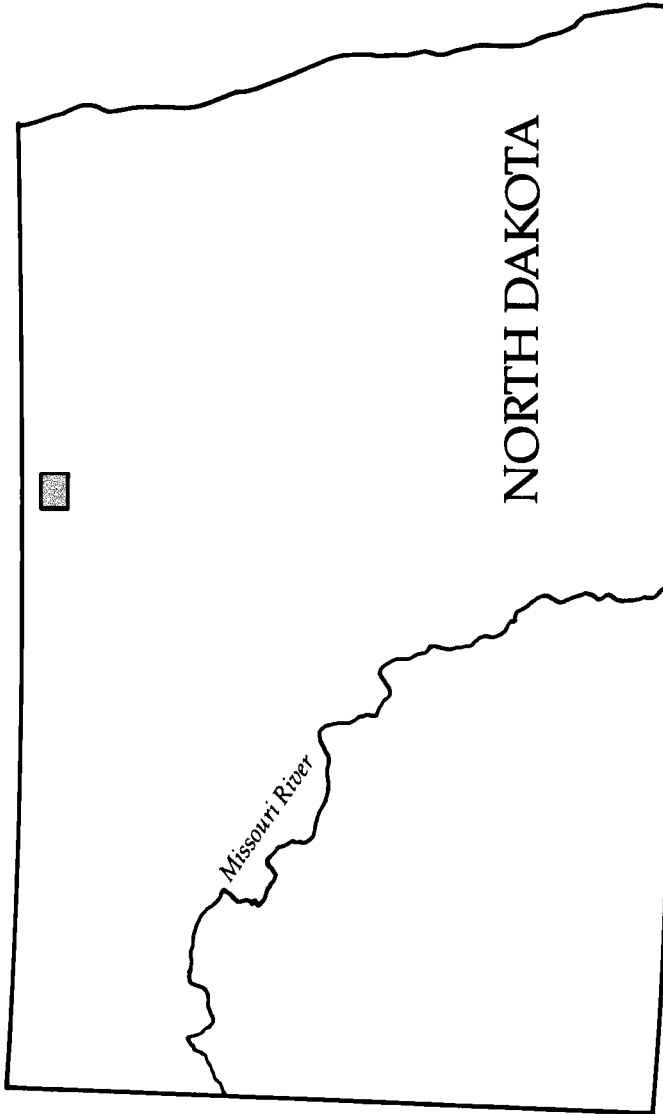


Figure 3. Turtle Mountain Reservation, 1884

of removing the band to Minnesota, the government expand the reservation to 1882 dimensions; or, if that was not possible, that a suitable tract of land be provided along the Milk River in Montana.¹² Little Shell and other band members had relatives in this part of Montana and believed the land was suited to the tribe's needs. Nonetheless, the majority of Turtle Mountain Chippewa were opposed to this option, and Little Shell subsequently withdrew the offer. Both offers were unacceptable to the government, however, forcing the commission to return to Washington without the hoped-for agreement. Because of this failure, Congress decided to take another approach.¹³

Congress created a second commission in the summer of 1892. The purpose of the second commission was much the same as the first, with perhaps less emphasis on removal. Senator Porter J. McCumber of North Dakota was made chairman of the three-man delegation; he and the other members departed for the northern Plains that fall. On the reservation, rumors of removal were again in the air. Government agents at the Devils Lake agency were naturally interested in the outcome of the negotiations, and were to play a pivotal role in the tone and direction the talks were to take.

Major John Waugh, agent of the Devils Lake agency, and Ernest W. Brenner, farmer-in-charge of the Turtle Mountain sub-agency, were important middlemen between the Commissioner of Indian Affairs and the Turtle Mountain band. Under the influence of Brenner, a Turtle Mountain "Council of Thirty-Two" was created. This council was composed of sixteen full-bloods and sixteen mixed-bloods known to have been born in the United States, and was set against the existing tribal council under Little Shell. Brenner and Waugh pressed the Council of Thirty-Two to drop large numbers of mixed-bloods from the tribal rolls for reasons of place of birth. The farmer-in-charge had long believed that the majority of the mixed-bloods in the Turtle Mountain region were Canadian in origin, and therefore ineligible for government aid. While this was no doubt a problem, the listing of suspected "non-native" mixed-bloods resulted in hundreds of tribal members being unfairly dropped from the rolls.

The difficulty of separating the Canadian and American mixed-bloods was not unique to government and tribal officials in the 1890s. In his 1885 report, United States government Indian Division inspector J. C. Clements addressed the problem as follows:

. . . all of these [mixed-blood] Indians claim to belong to the Turtle Mountain and Pembina band of the Chippewa tribe of Indians. . . . They are all more or less related by consanguinity and in intermarriage and in my judgement should be considered American half-breeds. . . . Should it be the pleasure of the Department to draw a line of distinction between those born on the Canadian or Manitoba side, considerable time and trouble would necessarily be given to this matter. . . .¹⁴

Moreover, in the 1880s the Bureau of Indian Affairs had in fact already declared many of the recently dropped mixed-bloods to be members of the tribe.¹⁵

Ernest Brenner and John Waugh met the second government commission, also known as the McCumber Commission, in September 1892. The Council of Thirty-Two was immediately introduced to the visiting Washington officials as the representatives of the Turtle Mountain band. A short time later, Little Shell and the original tribal council arrived in Belcourt with attorney John Bottineau, Father John Malo, and Rolette County judge and future governor of North Dakota John Burke. The Little Shell group was all but ignored, however, as Senator McCumber made it abundantly clear that he intended to deal with the Council of Thirty-Two. After this rebuff, Little Shell and his followers left John Bottineau to watch the proceedings and report back to them.¹⁶

The document that eventually was drawn up, known as the Agreement of 1892, bore the signatures of the Council of Thirty-Two and their supporters. The agreement allowed for \$1 million compensation for the ten-million-acre Turtle Mountain claim. Critics of the agreement quickly dubbed it the "Ten Cent Treaty," because the amount paid out came to approximately one dime per acre. This stood in contrast to payments of up to \$2.50 per acre made to other tribes on the northern Plains. Moreover, the long-standing Chippewa demand for an expanded reservation was ignored. Although Congress was not entirely receptive to the agreement either, the delay in ratification did little to help the Turtle Mountain people.¹⁷

For the next twelve years, elements of the Turtle Mountain band fought against congressional ratification of the McCumber agreement. During this period the tribe suffered under the heavy hand of poverty and uncertainty. In 1899, concerned white

citizens of Rolette County, North Dakota recognized the seriousness of the situation and petitioned Senator H. C. Hansborough to work for the benefit of the tribe. Among the points the Rolette County businessmen raised with the North Dakota senator was the small compensation offered the band in the 1892 agreement. They also asked that John Burke and John Bottineau be allowed to consult Little Shell. Both men had been barred from visiting the reservation since the 1892 McCumber Commission visit. By the turn of the century, however, both men had changed their position with regard to the agreement in question.¹⁸

Both John Bottineau and John Burke continued to push for the reinstatement of the mixed-bloods dropped from the rolls, as well as for fair compensation for the ten-million-acre claim. Sometime after the turn of the century, however, the two men dropped their insistence that the reservation be expanded to 1882 dimensions. A number of events helped to force this change in attitude.

In 1900, Little Shell died. He had been the undeniable leader of tribal opposition to the McCumber agreement. With his passing, the Turtle Mountain people lost their most effective spokesman. Along with the worsening poverty, Little Shell's death weakened organized opposition to the ratification of the Agreement of 1892. Moreover, by 1904, reservation lifestyles had changed considerably from what they had been only twelve years before. The majority of the full-bloods no longer lived on the reservation, but instead congregated around towns like Dunseith. Increased numbers of white settlers also put a great deal of stress on the mixed-bloods. The lack of hope for a blanket mixed-blood reinstatement prompted some *métis* to cross the border into Canada. There, under Canadian government provisions, limited numbers of mixed-bloods could apply for land scrip. Thus, by 1904, conditions were such that the remaining mixed-bloods and full-bloods still on or near the reservation were ready to accept the agreement.¹⁹

In 1904, twelve years after the McCumber Commission negotiated the agreement, Senate Bill 196 and House Bill 12,689 passed their respective legislative bodies. After receiving the signature of the president, the Act of 1904 ratified the 1892 document with only minor modifications. Once again, no expansion of the reservation was allowed, nor were the mixed-bloods who had been dropped from the tribal rolls reinstated. Also, the \$1 million compensation was not increased. With the enactment of the Act of

1904, a new era dawned for the Turtle Mountain band. It meant the implementation of the allotment of land in severalty, and eventually the issuance of patents-in-fee simple.²⁰

Although the allotment of land to members of the Turtle Mountain band was not under the same provisions set forth in the Dawes Act, the result was nevertheless the same.²¹ Under the Dawes Act, individual allotments were to be given from existing reservation land, with leftover tracts to be open to white settlement. The Turtle Mountain Reservation was so small, however, that just over three hundred 160-acre allotments could be made. The rest of the population were forced to take their allotments on the public domain. The result was a scattering of the band—a successful removal, as it were. Ironically, it was tribal opposition to government removal policies in the 1890s that ultimately resulted in the negotiations producing the 1904 agreement.

Unfortunately, the fee patent process turned into a wholesale loss of land for the Turtle Mountain band. Like so many other Indians subject to allotment policy, they were not ready to take on the responsibilities of citizenship and its myriad demands. The loss of land revealed this shortly after the ratification of the 1904 agreement. Taken with other Indian legislation, notably the Burke Act, the Act of 1904 was to have dire consequences for the Turtle Mountain people.

When the Burke Act passed Congress in 1906, it joined other Indian reformist legislation already on the books. Along with the Dawes and Curtis acts, Charles Burke's bill was aimed at "civilizing" American Indians through the allotment of land. Where the Burke Act differed was in its more liberal provision allowing the Commissioner of Indian Affairs the power to shorten the twenty-five year trust patent period. If the commissioner deemed a given Indian competent, the trust patent could be ended and a fee patent issued. Once this had occurred, the Indians left the protection of the United States government, in effect becoming citizens. For the Turtle Mountain band, this process was especially devastating.²²

Using a special allotting agent and the rolls set down in 1892, the Belcourt office set about the task of assigning individual allotments. As noted above, the Turtle Mountain reservation was so small that only a fraction of the needed allotments could be made on the reservation proper. The majority of the allotments thus were made on the public domain, some of them as distant

as Montana and South Dakota. A substantial number of Turtle Mountain people were assigned land in western North Dakota, while others took allotments at Graham Island, near Devils Lake. The Minot Land Office, for instance, recorded that 390 Turtle Mountain Indian allotments had been taken across northwestern North Dakota, including the Trenton-Williston area. In Montana, the Great Falls Land Office noted 142 Turtle Mountain allottees, while the Lewiston Land Office recorded seven. By 1906, these areas were only the first to receive Chippewa emigrants from their home in north-central North Dakota.²³

With the increased Chippewa exodus from north-central North Dakota between 1904 and 1910, white settlement in the Turtle Mountain region continued unabated. The farmland around the Turtle Mountains had been advertised as among the best on the northern Plains, and eager newcomers meant to take advantage of the available land. Tragically, had the reservation been kept at its original 1882 size, or been increased as requested during negotiations, the need for public domain allotments would have been minimal. Thus, while the Turtle Mountain people began to feel the impact of allotment, the Belcourt agency itself underwent considerable change.

Ever since 1882, when the Turtle Mountain band had been placed under the jurisdiction of the Devils Lake agency, there had been calls for the establishment of a full reservation. People as diverse in their perception of the Chippewa problem as John Waugh and John Bottineau found at least one area of agreement in this issue. When an independent reservation was created on 1 July 1910, it was generally hailed as a giant step forward for the band in their "march toward civilization." The first director of the new reservation had to be enthusiastic and willing to carry through government policy. Washington's choice for superintendent certainly fit the bill.

Stephen Janus was the first full-time superintendent of the Turtle Mountain Indian Reservation. He brought with him a sincere desire to see the allotment of land in severalty policy through, and believed it to be the ultimate solution to the poverty evident on the reservation. The 1910 census revealed a population of 229 full-bloods and 2,546 mixed-bloods; of that number only 569 mixed-bloods had received allotments. Janus meant to remedy this situation as soon as possible.²⁴

Despite the accelerating allotment issuance up to 1911, the

majority of the Turtle Mountain Indians had not received trust patents for their land. The delay particularly irked Janus, because he wanted his charges to either occupy the land themselves or lease it to interested white farmers or ranchers. The superintendent was also aware of the difficulties the great distances would present to himself and his Indian wards. Turtle Mountain Indians in Montana or western North Dakota would have trouble securing Janus's aid in the event they ran into claims trouble with local whites. Janus complained to his superiors about this problem in 1911. He also decried the lack of proper record keeping: "There should be a permanent and accurate record which would enable anyone here to look up the status of the lands in any particular case at any time."²⁵ To better his own administration of the allotment of land, the superintendent made trips to Montana to gather information on the lands in question, and to see for himself the progress of the relocated Turtle Mountain Indians.²⁶ Despite the distance difficulties, Janus continued to be a firm believer in the ability of land allotment to lead the band into the white world.

It was perhaps because of his rosy perception of the allotment of land in severalty that Janus did not voice concerns that after the reservation land was divided up, band members were being scattered across the public domain. To government planners, such a breakdown would limit tribalism and force the Indians to depend upon their own initiative to make it in the white world. "For their own sake and the sake of their numerous progeny, these Indians, insofar as it is possible, should settle on their extensive allotments in the west," wrote Janus. "The future of the Turtle Mountain Indians is in their non-reservation allotments on the public domain."²⁷ Indeed, some government officials counted the reservation's size a blessing: Because the allotments were scattered over so wide an area, any remaining tribalism would be hard put to survive.²⁸ The withdrawal of the annuities system, coupled with the promised prosperity of agriculture, would force the assimilation of the Turtle Mountain Indians. Janus himself concluded that within a relatively short period of time, the Turtle Mountain people would develop into "thoroughly prosperous, civilized independent people, and become thoroughly good citizens of the United States."²⁹

During his nearly five years as the superintendent of the Turtle Mountain Reservation, Stephen Janus wrote to his superiors

in Washington and consistently boasted about the abilities of the Chippewa farmers. Between 1912 and 1914, words like *able-bodied* and *expert* dot his descriptions of the band and their agricultural achievements. From Janus's glowing reports, the impression is given that a veritable textbook case of assimilation had occurred. Stories of bountiful crops, expanding herds of cattle, and happy people provide the reader with an idyllic—and mythical—view of life on the reservation. Those who were not enjoying the prosperity, according to Janus, were those unwilling to make a go of it on their allotments. To the superintendent, the answer lay in trust patents, followed by fee patents.³⁰

Janus's last report was submitted in 1914. In it he reiterated his devotion to the allotment of land as the solution to what he described as the "Indian Problem." "There is in a large measure a certain cure, and that is to issue every able-bodied man and woman of the tribe his patent-in-fee and let him work out his own salvation."³¹ Janus was convinced that it would do the Indians irreparable harm if they were not set free to raise their own children, manage their own affairs and be considered citizens and not "Indians."³² In the meantime, the push to obtain fee patents for the Turtle Mountain band went on. Stephen Janus left a formidable legacy for his successor.³³

Roger C. Craige became the new Turtle Mountain agency superintendent in April 1915. Like his predecessor, Craige was in favor of the liberal disbursement of fee patents to aid in the Turtle Mountain people's march forward. Fortunately, the new superintendent also recognized that the majority of full-bloods were not yet able to take on the responsibilities of land ownership. The mixed-bloods, however, were a different story. Craige believed, as did many officials of the day, that racial considerations were quite important when discussing the abilities of some groups to assimilate into white culture.³⁴

Craige was impressed with the mixed-bloods living both on and off the reservation. In his first *Narrative and Statistical Report to the Commissioner of Indian Affairs*, he announced that the mixed-bloods were able to "appreciate the meaning of citizenship," and were therefore capable of managing their fee patents competently. He made further distinctions when he reported that the people were "Indian only on account of blood," and that few, if any, maintained what he deemed "Indian characteristics."³⁵

The fact that a good many of the mixed-bloods receiving their

fee patents quickly lost their land to taxes, mortgages, or outright sale did not dissuade Craige. He cryptically explained that the quick land sales were "due to the fact that these [Indians] are poor."³⁶ Moreover, because of drought conditions in western North Dakota and eastern Montana beginning in 1914, no one was interested in moving west. Poverty did not disappear for the recipients of land sale funds; instead, many of them were forced into increased dependence on relatives still holding their allotments. In fact, a good many Turtle Mountain people whom Craige had declared competent to manage their own affairs were among the first to lose their land. Craige, like other agents of his day, could understand the government's overall allotment plan, but were unable to see the failures in it that were so apparent to those it was meant to help.

Superintendent Craige's convoluted reasoning with regard to the fee patent process can be seen in his handling of a Montana mixed-blood's request for a fee patent. Because Craige had not met the individual, he believed it best not to approve a fee patent without further knowledge of the person in question. On the other hand, the superintendent had hardly been in his Belcourt office a few weeks when he began issuing patents-in-fee to hitherto trust patent Indians. Of course, most of the mixed-bloods had requested a fee patent, but Craige, like Janus before him, was so set on issuing the documents that he failed to investigate the ramifications of his approval.³⁷ As it was, some of those mixed-bloods who had sold their western lands sought to use the proceeds of the sale to purchase land closer to the Turtle Mountains. The superintendents, of course, discouraged this practice. Besides, by 1917, only 20 percent of the mixed-bloods succeeded in finding land near their original homes and families.

Despite the land loss problems already encountered in the transfer of trust patents into fee patents, Craige continued to support the liberal disbursal policy. "I am of the firm conviction that no better avenue of education is open to the adult than the assumption of duties and responsibilities of citizenship," Craige wrote. And while the superintendent did express concern that fee patents might be issued to those not ready, the benefits were thought to outweigh the disadvantages.³⁸ By 1917, it would prove a moot argument, because a change in national Indian policy was about to be announced.

Commissioner of Indian Affairs Cato Sells was only one of

many Washington officials in favor of the wholesale release of "competent" Native Americans from wardship status. In his 1917 report, Sells laid out his "Declaration of Policy," a plan which would release all Indians of one-half white blood or more from wardship status. As expected, the fee patent was at the center of the Declaration of Policy plan: Under its regulations, all qualified mixed-bloods would automatically be given patents-in-fee for their land and thus immediately would become citizens. The policy assumed that a person of one-half white blood or more was naturally suited to take on the responsibilities of citizenship. At Turtle Mountain, this point of view was already evident in the annual reports of both Janus and Craige; the policy was zealously implemented.³⁹

Instead of creating the promised new age of prosperity for the Turtle Mountain band, the Declaration of Policy was the beginning of a time of unprecedented land loss. Since land was the Chippewas' primary economic asset, the resulting carnage was especially bitter. Despite the promise of continued poverty in the wake of Sells's policy, the wholesale distribution of mixed-blood fee patents continued during the tenure of Roger Craige. With the end of Craige's term in 1919, a more perceptive superintendent began work at the Belcourt agency. By then, however, it was too late.

Henry McQuigg relieved Craige as superintendent of the reservation in 1919, and immediately reported that between 90 and 95 percent of the Turtle Mountain mixed-bloods receiving their fee patents had sold them within a year. Worse yet, the mixed-bloods usually settled for a price well below fair market value and shortly thereafter spent the proceeds. Part of the problem was that most of the mixed-bloods receiving fee patents did not understand the responsibilities of ownership. Because they had, for the most part, received ownership of their land without consent and sometimes without knowledge, the patents became known as "force-fee patents." Mortgage foreclosure and tax sales became a tragically common occurrence for the mixed-bloods, and doomed any beliefs in land as a long-term solution. The loss of mixed-blood land was not just limited to the Turtle Mountain area; it was repeated across the public domain.⁴⁰

With the rapid disappearance of the Turtle Mountain Indian land in North Dakota and Montana, many of the now landless mixed-blood Turtle Mountain people returned to the reservation.

Other mixed-bloods simply sold their land and used the proceeds to build a home on the land of a relative within the boundaries of the reservation. Still others refused to leave the reservation at all, in effect becoming absentee owners. White landowners in Montana complained of this to McQuigg, stating their belief that such ownership retarded development of the given area. McQuigg agreed with this assessment and reported that "allottees were unable to establish themselves on their allotments."⁴¹ The full-bloods, too, were included in the issuance of fee patents, although not according to the Declaration of Policy dictates. They fared only slightly better than their mixed-blood relatives.

While full-bloods escaped the broad-brushed approach set forth in Cato Sells's Declaration of Policy, they too were victimized with land loss on a horrendous scale. By 1920, the Turtle Mountain agency rolls showed a full-blood population of 166; of these, 112 already had their land in either restricted fee patent or full fee patent status.⁴² While greater care was taken to protect the full-bloods from some of the ravages that had victimized their mixed-blood relatives, enough of them had lost their land and become poverty-stricken to present a real problem to both reservation and Rolette County officials. It was the Turtle Mountain people, however, who bore the real burden.

The period from 1904 to 1920 was in many ways an unintentional fulfillment of government removal policies of the previous century. Beginning as early as the 1870s and continuing into the 1880s and 1890s, the United States sought to remove the Turtle Mountain people from their northern Plains home. The effort began in earnest after their reservation was reduced to two townships in size, and picked up momentum with the visits of the two commissions in the early 1890s. The band resisted all pressure to remove, fearing that such an uprooting would undermine their efforts to receive compensation for their ten-million-acre claim. Having failed to convince the Turtle Mountain people to leave the northern Plains, the government changed its tactics. The final outcome, however, was remarkably similar to the removal plans already offered.

With the passage of the Act of 1904, the legal machinery needed to begin the allotment of land in severalty was put into motion. While it scattered the Turtle Mountain mixed-bloods across North Dakota and Montana, the most devastating and lasting impact of the policy was the loss of land that followed the issuance of

the patent-in-fees. Based on the notion that ownership necessarily meant competence, trust patents were converted into fee patents as quickly as possible during the Janus and Craige administrations. Cato Sells's announcement of the Declaration of Policy fee patent system in 1917 only accelerated a system that was already destructive for the Turtle Mountain people.

By 1920, when the Declaration of Policy for the most part had been carried out, nearly 90 percent of those Indians receiving such a patent had lost the land. The result was a slow and tragic Chippewa repatriation to the Turtle Mountains. Instead of introducing the Turtle Mountain band to the white world of alleged prosperity and enlightenment, the allotment of land in severalty—more specifically the fee patent—stripped them of their best economic asset.⁴³ The end result was an Indian people highly dependent on the government, only a decade before the worst economic depression in American history. By 1920, the concerns that Little Shell and John Bottineau had voiced nearly three decades earlier had proven prophetic indeed.

NOTES

1. 24 *U.S. Stat. L.*, 388, 30, 497. For an excellent study of Indian law, see Felix S. Cohen, *Handbook of Federal Indian Law* (Washington, D.C.: U.S. Government Printing Office, 1942).

2. Federal Writers Project for North Dakota, Rolette County, Series 550, State Historical Society of North Dakota; Gregory S. Camp, "The Turtle Mountain Plains-Chippewas and Métis, 1797-1935" (Ph.D. dissertation, University of New Mexico, 1987), 2-3.

3. James H. Howard, "The Plains-Ojibwa or Bungi: Hunters and Warriors of the Northern Plains with Special Reference to the Turtle Mountain Band," *Reprints in Anthropology* (Lincoln, Nebraska: J. and L. Reprint Company, 1977), 2nd ed., 13-31; Gregory S. Camp, "The Chippewa Transition from Woodlands to Prairie, 1797-1820," *North Dakota History* 51:3 (Summer 1984), 39-43. See William Warren, "History of the Ojibway Nation," *Collections of the State Historical Society of Minnesota* 5 (1885), for background myths and legends of the Minnesota Chippewas; and Alexander Henry, Sr., *Travels and Adventures in Canada and the Indian Territories between the Years 1760 and 1776*, ed. Milo Quaile (Chicago: R. R. Donnelly and Sons, 1921), 227-42; Paul C. Phillips, *The Fur Trade 2* (Norman, Oklahoma: University of Oklahoma Press, 1961), 549-50; see also Elliot Coues, ed., *New Light on the Early History of the Greater Northwest. The Manuscript Journal of Alexander Henry, fur trader for the Northwest Company, and David Thompson, official geographer for the same Company, 1799-1814* (New York: Francis P. Harper, 1897), 79-81.

4. *Annual Reports to the Commissioner of Indian Affairs* (Washington, D.C.: U.S. Government Printing Office, 1871), 1,008 (hereafter cited as CIA).

5. CIA (1876), 429. The term *métis* means those of mixed-blood background, although in the Red River country of the north, in particular, the word carried definite nationalistic overtones. Ever since the Pemmican Wars between the Hudson's Bay Company and the Northwest Company (1812-17), the *métis* of the region made territorial claims of their own. By the time the Turtle Mountain people were being dealt with in the 1890s, the question of what side of the international border the Turtle Mountain *métis* had originated on was being debated. The United States, understandably, was not interested in providing a reserve to mixed-bloods of foreign origin.

6. James McLaughlin to Charles Ewing, 22 December 1879, *Letters Received by the Office of Indian Affairs, 1824-1881*, Devils Lake agency, North Dakota (M471), microcopy 234, roll 284. Microfilm copy of the original located at the National Archives in Washington, D.C.

7. *Grand Forks Daily Herald*, 5 October 1882, 1; see also *St. Paul Press*, 18 March 1882, 4, for a venomous denunciation of the band and its claim.

8. Charles J. Kappler, compiler, *Indian Affairs: Laws and Treaties* (Washington, D.C.: U.S. Government Printing Office, 1904), 885.

9. John Hesketh, "History of the Turtle Mountain Chippewa," *Collections of the State Historical Society of North Dakota* 5 (Bismarck, North Dakota: Tribune Printers and Binders, 1923), 112-120; see also Linda Slaughter, "Leaves of Northwestern History," *Collections of the State Historical Society* 1 (1906), 288-92.

10. CIA (1886), 278-79.

11. Stanley N. Murray, "The Turtle Mountain Chippewa, 1882-1905," *North Dakota History* 51:1 (Winter 1984), 25.

12. "Turtle Mountain Band of Chippewa Indians: Papers Relative to an Agreement with the Turtle Mountain Band of Chippewa Indians of North Dakota," Senate Doc. 444, 56th Congress, 1st session, serial 3878, 115.

13. *Ibid.*, 115-18, 146-48.

14. J. C. Clements, Inspector for the Indian Division, to the Commissioner of Indian Affairs, 2 September 1885, R.G. 75 and 48, *Reports of Inspection of the Field Jurisdictions of the Office of Indian Affairs, 1873-1900*, Dakota Superintendency, 1874-1900, M1070, roll 10.

15. "Turtle Mountain Band," Senate Doc. 444, 33.

16. John Waugh to the Commissioner of Indian Affairs, 28 January 1892, R.G. 75, National Archives, "Turtle Mountain Subgroup," Box 53977, Kansas City Branch of the National Archives; "Turtle Mountain Chippewa," Senate Doc. 444, 33.

17. Richard N. Ellis, ed., *The Western American Indian: Case Studies in Tribal History* (Lincoln, Nebraska: University of Nebraska Press, 1972), 176.

18. "Turtle Mountain Band," Senate Doc. 444, 150-51; Murray, "Turtle Mountain Chippewa," 29-30.

19. CIA (1901), serial 4290, 295; CIA (1902), serial 4798, 269.

20. CIA (1903), 228; "Report Amending Senate Bill 196 to Ratify the Agreement with the Turtle Mountain Indians of North Dakota, January 25, 1904," Senate Report 471, 58th Congress, 1st session, serial 4571.

21. 24 *Stat. L.* 388; Francis Paul Prucha, *The Great Father* (Lincoln, Nebraska:

University of Nebraska Press, 1984), 666-71; Loring Benton Priest, *Uncle Sam's Stepchildren* (Lincoln, Nebraska: University of Nebraska Press, Bison Book edition, 1969), 217-20; Henry E. Fritz, *The Movement for Indian Assimilation, 1860-1890* (Philadelphia: University of Pennsylvania Press, 1963), 212-13. See also Howard W. Paulson, "The Allotment of Land in Severalty to the Dakota Indians before the Dawes Act," *South Dakota History* 2 (Spring 1971).

22. Lawrence F. Schmeckbier, *The Office of Indian Affairs: Its History, Activities, and Organization* (Baltimore: Johns Hopkins University Press, 1927), 148-51; Prucha, *The Great Father* 2, 773; Wilcomb Washburn, *The Indian in America* (New York: Harper Colophon Books, 1975), 246.

23. General Land Office Records, Minot and Williston offices, State Historical Society of North Dakota; CIA (1906), serial 5118, 293; CIA (1907), serial 5296, 59-60; Murray, *North Dakota History*, 51:1, 32.

24. *Superintendent's Annual Narrative and Statistical Reports from Field Jurisdictions of the Bureau of Indian Affairs, 1907-1935, Turtle Mountain, 1910-1935, M1011, roll 157, "Law and Order,"* 1-3 (hereafter cited as SANSR).

25. *Ibid.* (1911), "Allotments," 1.

26. *Ibid.*, 2.

27. *Ibid.*, "Industries," 2; "Sales," 2.

28. *Ibid.*, 2.

29. *Ibid.*, 2-3.

30. SANSR (1912), "Industries," 1; Camp, "Turtle Mountain Plains-Chippewas and Métis, 1797-1935," 172-73. It was not uncommon for *Annual Reports to the Commissioner of Indian Affairs* or *Superintendent's Annual Narrative and Statistical Reports* to be glowing in their accounts of life on the reservation and the progress being made; after all, they were in a position where success was expected.

31. *Ibid.* (1913), "Law and Order," 4.

32. *Ibid.* (1914), "Law and Order," 4-5.

33. *Ibid.*, 174-75.

34. *Ibid.*

35. SANSR (1915), "Allotments," 23-24; "Sales," 1.

36. *Ibid.*, "Sales," 3.

37. Superintendent Craige to Frederick Jerome, 18 May 1915, Turtle Mountain Allotment and Estate Correspondence, Belcourt agency office, Belcourt, North Dakota.

38. SANSR (1916), "Sales," 39-40.

39. *Ibid.*; CIA (1917), 3-5; "A Report on the Bureau of Indian Affairs Fee Patenting and Cancelling Policies, 1900-1942," prepared for the Aberdeen Area Office Rights Protection Branch in Compliance with the Bureau of Indian Affairs 2415 Land Claims Program, 27-28; SANSR (1917), "Sales," 1.

40. SANSR (1919), "Sales," 1.

41. *Ibid.* (1917), "Industries," 4-5.

42. SANSR (1921), "Industries-Statistical," 1.

43. CIA (1914-1920); SANSR (1910-11, 1915-17, 1920); "A Report on the Bureau of Indian Affairs, 'Turtle Mountain Section.'"