

PUBLIC ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN

PASSED AT THE
REGULAR SESSION OF 1903

CONTAINING JOINT AND CONCURRENT RESOLUTIONS, AMEND-
MENTS TO THE CONSTITUTION, AND THE STATE
TREASURER'S REPORT FOR THE YEAR
ENDING JUNE 30, 1903



BY AUTHORITY

LANSING MICHIGAN
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1903

St. Joseph	\$52 86
Tuscola	1,034 48
Van Buren	163 67
Washtenaw	47 18
Wayne	1,152 43
Wexford	584 69

which said sums are still retained by the State; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he is hereby directed to credit to the several counties of the State, such sums of money as may be due them as such collection fees, as appears above.

Approved June 18, 1903.

[No. 20.]

A JOINT RESOLUTION for the relief of the Cheboygan Band of Indians, who were located upon the shores of Burt lake in Cheboygan county.

WHEREAS, Proceedings in ouster based upon a tax title has deprived the band of Indians located upon the shores of Burt lake in Cheboygan county, of the land which they held and on which they made their homes; and

WHEREAS, During the years eighteen hundred forty-six, eighteen hundred forty-seven and eighteen hundred forty-nine the lands in question were purchased from the United States government and conveyed to, "The Governor of the State of Michigan, in trust for the She-boy-gan band of Indians of whom Kie-she-go-way is chief;" and

WHEREAS, The lands so purchased are described as follows:

	Acres.
N. W. $\frac{1}{2}$ of S. W. $\frac{1}{4}$ of Sec. 28, T. 36 N., R. 3 W.	80
Lot 3, Sec. 28, T. 36 N., R. 3 W.	61
Lot 4, Sec. 28, T. 36 N., R. 3 W.	64 45-100
Lot 5, Sec. 28, T. 36 N., R. 3 W.	43 85-100
N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ and Lot 2, Sec. 29, T. 36 N., R. 3 W.	71
Lot 1, Sec. 29, T. 36 N., R. 3 W.	18 50-100
E. $\frac{1}{2}$ of N. E. $\frac{1}{4}$, Sec. 29, T. 36 N., R. 3 W.	80
	418 80-100

and,

WHEREAS, These lands were not purchased or patented under any special act of congress in relation to this band of Indians, but were purchased at private cash entry at the rate of one dollar and twenty-five cents per acre; and

WHEREAS, It is the opinion of the officials of the Department of the Interior that the individual members of this band of Indians not having sufficient money to purchase for each of them a forty acre tract of land,

made up a purse and purchased these lands, paying the government price therefor; and in order to protect the interests of all concerned, they agreed among themselves to have the land purchased in the name of, and patented to the Governor of Michigan, as the proper person to hold these lands in trust for them as this was not an uncommon method among the Indians; and

WHEREAS, Subsequently under the treaty of July thirty-first, eighteen hundred fifty-five, with the Ottawa and Chippewa Indians townships thirty-five and thirty-six north, range three west, were reserved for the Sheboygan Indians for a definite period and were then patented directly to the Indians according to their several selections after which time the lands were held by the Indians as real estate is held by other citizens of the State and were taxed the same as other lands; and

WHEREAS, While the Governor was not acting in his official capacity for the State when these lands were conveyed to him in trust, and the position of the State in regard thereto is the same as it would be if the patents had run to any other person, it is equally true that these Indians lived together as if in tribal relations and had no idea that their lands were subject to taxation by the State; nor should we be surprised that they did not understand the effect of the non-payment of taxes upon their title to, and possession of the lands; in perfect security they built their little homes and a church upon the lands and regarded their settlement as a regular Indian reservation; and

WHEREAS, The unfortunate situation in which these Indians were placed was called to the attention of the federal government and received in reply the dictum of the Secretary of the Interior that "It is not within the powers of this department to afford any relief," was received; and

WHEREAS, There seems to be at least a moral obligation upon the part of the State to restore the land to this band of Indians, of whom there are about three hundred, since these Indians are living together practically as a tribe and should be treated as such by the State; and

WHEREAS, these Indians, ousted from their lands, are destitute and in need of aid on the part of the State, and no method has been found by which the necessary relief can be obtained through the medium of the courts; and

WHEREAS, Article III of the ordinance of seventeen hundred eighty-seven, for the government of the territories of the United States northwest of the Ohio river declares that "The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent, and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars, authorized by congress; but laws, founded in justice and humanity, shall from time to time be made, for preventing wrong being done to them, and for preserving peace and friendship with them;" and

WHEREAS, It is of record that the circuit judge, (since deceased,) who signed the decree of ouster in the tax proceedings, afterward declared that had the provisions of the ordinance of seventeen hundred eighty-seven been called to his attention, he would have declined to grant the judgment of ouster; and

WHEREAS, It seems equitable and fair to these people, who while having to some degree the rights of citizenship as well as some of its duties, have not ceased to be in a large measure the wards of the State, and that

such action should be taken as will restore them to their homes; now therefore;

Be it resolved by the Senate and House of Representatives of the State of Michigan, That there is hereby set aside and appropriated from any lands, the title to which is in the State, not to exceed four hundred acres, the same to be held in trust by the State, for the benefit and use of said She-boy-gan band of Indians and their descendants, so long as they may require or use the same for homes and farms; with full power and authority on the part of said band of Indians to enter upon, improve, occupy and control the same as if the said lands were owned by them in severalty, except, and provided always, that they shall have no power to encumber or convey the same; and that said right of occupancy and use shall continue until a period of five years shall have elapsed after said lands shall have been deserted and vacated by said band of Indians and any and all of their lineal descendants. Said lands shall be selected by the Commissioner of the State Land Office, after consultation with representatives of said band of Indians, and with their concurrence and approval, and with the approval of the State Swamp Land Board. The lands hereby set aside and reserved for the use and benefit of the said above described band of Indians, and taken and reserved from sale for the purposes of this joint resolution, shall be exempt from taxes of every kind during the full period they are held under and by virtue of the provisions of this joint resolution; at the expiration of such period, said lands shall revert to the State and become its property to the same extent as though it had not at any time been set aside for any purpose.

This joint resolution is ordered to take immediate effect.
Approved June 18, 1903.