

Proposed Finding

Against Acknowledgment of

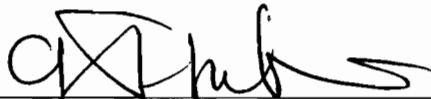
The Brothertown Indian Nation  
(Petitioner #67)

Prepared in Response to the Petition Submitted to the Assistant Secretary - Indian Affairs for  
Federal Acknowledgment as an Indian Tribe

**AUG 17 2009**

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(Date)



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George T. Skibine

Acting Principal Deputy Assistant Secretary - Indian Affairs

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**The Brothertown Indian Nation  
(Petitioner #67)**

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## ACRONYMS AND ABBREVIATIONS

ADS	Associate Deputy Secretary
AODO	Addendum to the Obvious Deficiencies and Omissions
AS-IA	Assistant Secretary - Indian Affairs
BAR	Branch of Acknowledgment and Research, Bureau of Indian Affairs
BIA	Bureau of Indian Affairs
BIN	Brothertown Indian Nation (petitioner 67)
BIW	Brothertown Indian of Wisconsin (petitioner 67)
CFR	<i>Code of Federal Regulations</i>
DOI	Department of the Interior
FAP	Federal Acknowledgment Project
FD	Final Determination
FAIR	Federal Acknowledgment Information Resource
FR	<i>Federal Register</i>
FTM	Family Tree Maker™
GLO	General Land Office
IBIA	Interior Board of Indian Appeals
MN	Minnesota
NY	New York
OD	Obvious deficiency letter
OFA	Office of Federal Acknowledgment
PF	Proposed Finding
TA	Technical assistance review letter
U. S.	United States
WI	Wisconsin



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Figure 1: State Map of Wisconsin

Source: Office of Federal Acknowledgment.

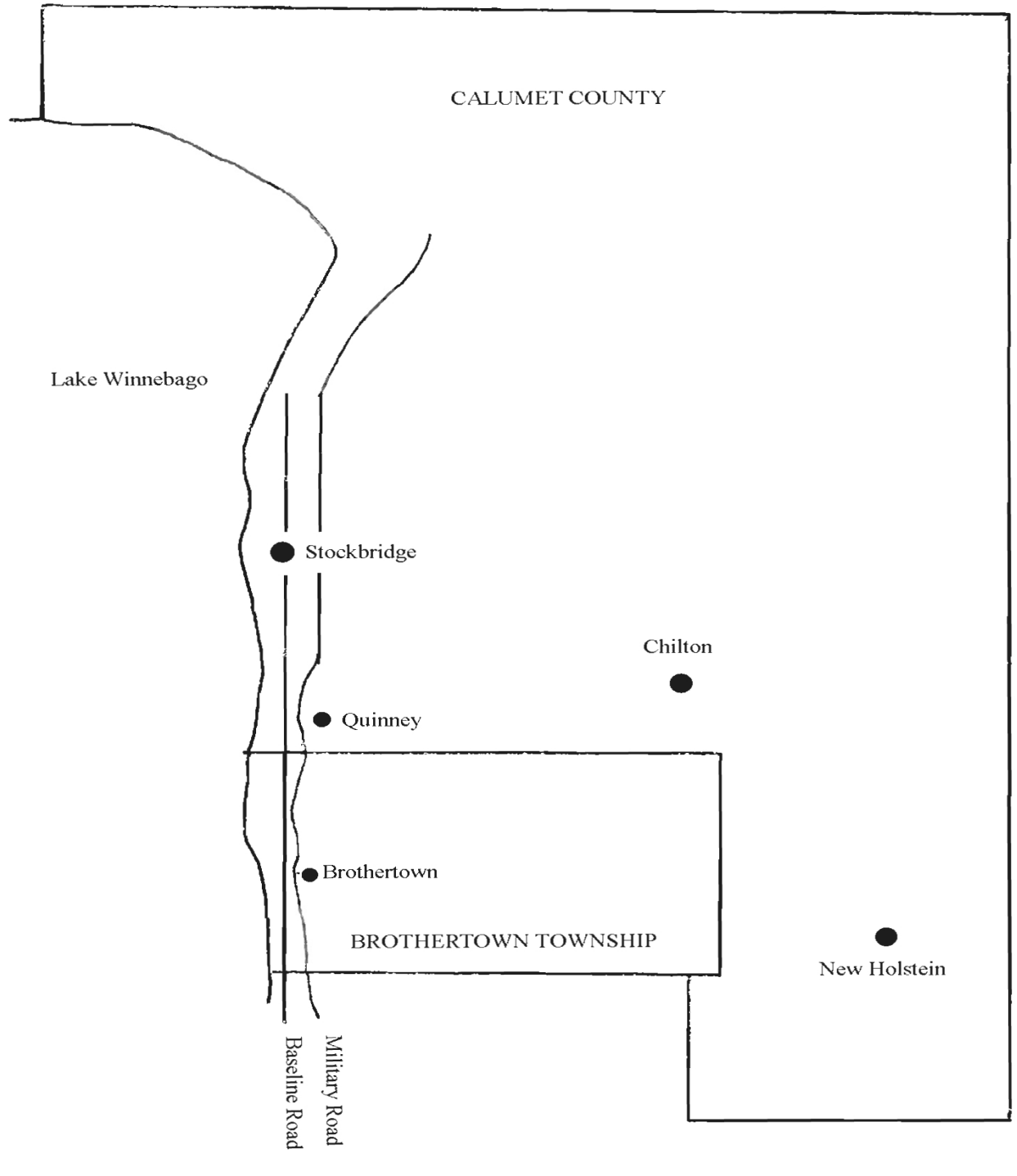


Figure 2: Calumet County, Wisconsin

Source: Wisconsin, Department of Transportation.

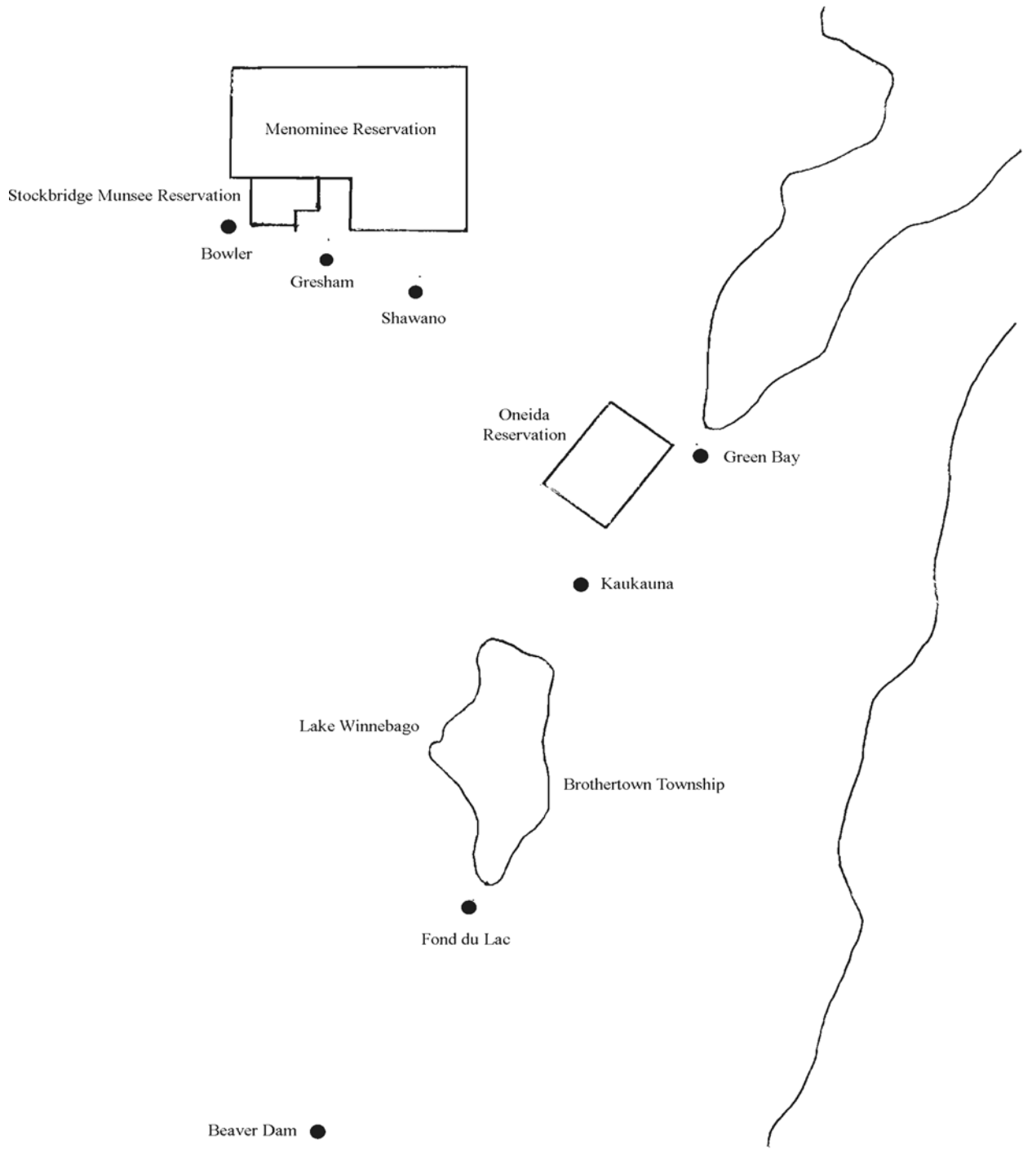
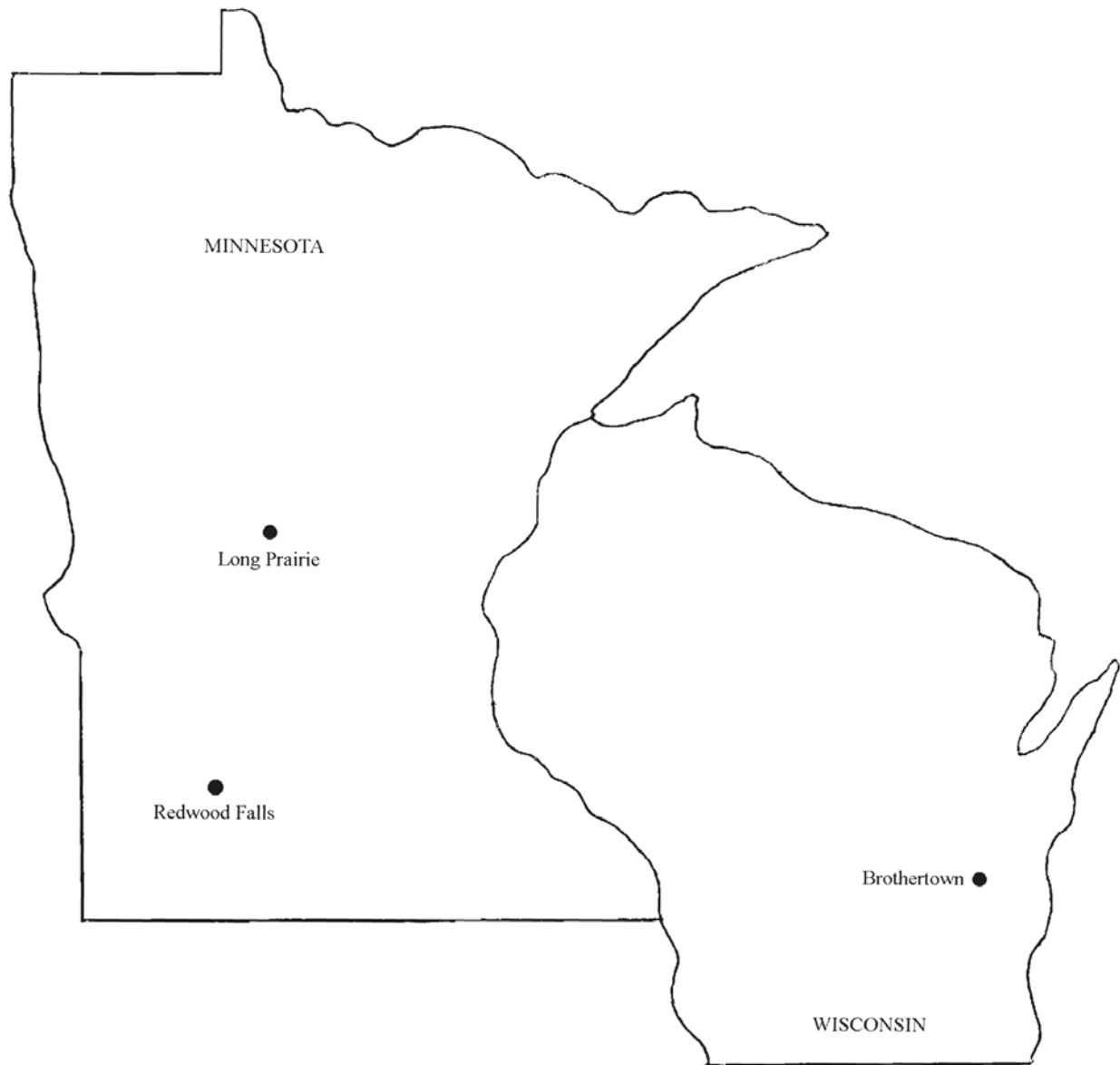


Figure 3: Area Map of Brothertown, Wisconsin

Source: Office of Federal Acknowledgment.



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Figure 4: Minnesota and Wisconsin Showing Locations Mentioned in PF

Source: Office of Federal Acknowledgment.



Table 1  
1901 Addresses

Miller Roll			Address on Miller Roll	Committee Roll		
N	Pct.	Cum. %		N	Pct.	Cum. %
121	21.3	21.3	Brothertown, Wis.	68	32.9	32.9
41	7.2	28.5	Calumet County, Wis.	16	7.7	40.6
75	13.2	41.7	Neighboring counties (6), Wis.	27	13.0	53.6
153	26.9	68.5	Wisconsin	28	13.5	67.1
114	20.0	88.6	Minnesota	58	28.0	95.2
29	5.1	93.7	States west of Wisconsin or Minnesota	10	4.8	100.0
36	6.3	100.0	States east of Wisconsin	0	0.0	-----
569	100.0		TOTAL with address	207	100.0	

Notes: The Miller Roll included 570 individuals; an address was missing for 1 individual (#553). The Brothertown Committee Roll included 209 individuals; for 2 individuals (#122, #160) an address entry was replaced with a notation that the individual had died in 1901. Two individuals on the Committee's Roll (#61, #98), one in South Dakota and one in Minnesota, are not found on Miller's Roll.

Sources: Brothertown Roll, made by Guion Miller, 12/31/1901, in unlabeled folder, box 7, Entry 904, RG 75, National Archives, Washington, D.C. Roll, taken by the Business Committee, n.d. [11/30/1901], in folder 28, box 7, Entry 904, RG 75, National Archives, Washington, D.C.

## INTRODUCTION

The Office of the Assistant Secretary-Indian Affairs (AS-IA) within the Department of the Interior (Department) issues this proposed finding (PF) in response to the petition the Department received from the group known as the Brothertown Indian Nation (BIN), petitioner #67, located in Fond du Lac, Wisconsin. The petitioner seeks Federal acknowledgment as an Indian tribe under Part 83 of Title 25 of the *Code of Federal Regulations* (25 CFR Part 83), “Procedures for Establishing that an American Indian Group Exists as an Indian Tribe.”

The Assistant Secretary delegated authority to sign some Federal acknowledgment findings, including this PF, to the Acting Principal Deputy-Assistant Secretary-Indian Affairs, effective June 4, 2009

The evidence submitted by the BIN petitioner and evidence Department staff obtained through its verification research, demonstrates that the BIN petitioner does not meet five of the seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), 83.7(e), and 83.7(g). The petitioner meets criteria 83.7(d) and 83.7(f). An explanation of the Department’s evaluation of each criterion is presented in full in sections that follow this introduction. In accordance with the regulations set forth in 25 CFR 83.7, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the BIN petitioner.

### Regulatory Procedures

The acknowledgment regulations under 25 CFR Part 83 establish the procedures by which a non-federally recognized group may seek Federal acknowledgment as an Indian tribe, establishing a government-to-government relationship with the United States. To be entitled to such a political relationship with the United States, the petitioner must submit evidence documenting that the group meets the seven mandatory criteria set forth in section 83.7 of the regulations. Failure to meet any one of the mandatory criteria will result in a determination that the group does not exist as an Indian tribe within the meaning of Federal law. The Office of Federal Acknowledgment (OFA) within the Office of the AS-IA has responsibility for Federal acknowledgment, administering the regulations and analyzing petitions based on the evidence in the administrative record.

The time periods for the evaluation of documented petitions are set forth in the acknowledgment regulations in section 83.10. Publication of the notice of the PF in the *Federal Register* (FR) initiates a 180-day comment period during which the petitioner, and interested and informed parties may submit arguments and evidence to support or rebut the evidence used in the PF. Such comments should be submitted in writing to the Office of the Assistant Secretary-Indian Affairs, 1951 Constitution Avenue, N.W., Mail Stop 34B-SIB, Washington, D.C. 20240,

Attention: Office of Federal Acknowledgment. Interested and informed parties must provide copies of their submissions to the petitioner.

The regulations at 25 CFR 83.10(k), provide petitioners a minimum of 60 days to respond to any comments on the PF submitted during the comment period. At the end of the response period for the PF, OFA shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence that are submitted during the comment and response periods. OFA shall notify the petitioner and interested parties of the date such consideration begins.

After consideration, the AS-IA shall issue a final determination (FD) regarding the petitioner's status. The Department shall publish a notice of this FD in the *Federal Register* (FR).

After publication of the notice of the FD, the petitioner or any interested party may file a request for reconsideration with the Interior Board of Indian Appeals (IBIA) under the procedures in section 83.11 of the regulations. A request for reconsideration must be made within 90 days of publication of the notice of the FD. Unless the petitioner or interested party files a request for reconsideration pursuant to section 83.11, the FD will become effective 90 days from its date of publication.

### **Administrative History**

The BIN petitioner submitted a letter of intent to the AS-IA under the name of the Brotherton Indians of Wisconsin (BIW) on April 15, 1980. Notice of the receipt of the letter of intent appeared in the FR on June 5, 1980 (45 F.R. 37893). Notice of the submission of the letter of intent also appeared on July 9, 1980, in *The Shawano Evening Leader*, a newspaper located in Shawano, Wisconsin, where the petitioner's office was then located (the office subsequently moved to Fond du Lac, a town approximately 90 miles away). The Department designated BIW as Petitioner #67. BIW submitted its first documentation that included a narrative as well as some documents outlined in the BIW petitioner's narrative. The Department received this material on February 7, 1996.

The Department conducted an initial review of the petition and determined the petition was ready for consideration and placed the BIW petitioner on the "ready, waiting for active consideration list" (ready list) on February 28, 1996.

In 1995 and 1998, the BIW petitioner submitted additional petition documents on three different occasions. The BIW notified the Department on January 4, 2005, that the group changed its name officially to Brothertown Indian Nation (BIN)<sup>1</sup> on November 20, 2004.

The Department placed the BIN petitioner on active consideration for the PF on June 23, 2008, and received two submissions of additional petition documents from the group during the 60 days following, as allowed by the "directive" of March 31, 2005, and a letter to the petitioner of

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<sup>1</sup> All submissions by the petitioner, whether under the name of Brotherton Indians of Wisconsin (BIW) or Brothertown Indian Nation (BIN), will be cited as "BIN" in this PF.

June 20, 2008 (70 FR 16513). The Department will consider any additional material that it received after the submission deadline of August 22, 2008, for the FD, pursuant to that directive the Department published on March 31, 2005 (70 FR 16515).

### **Overview of the Petitioner**

The Brothertown Indian Nation, petitioner #67, has its headquarters in Fond du Lac, Wisconsin (see Figures 1 through 3). The petitioner was previously known as the Brotherton Indians of Wisconsin. The names Brothertown Indians and Brotherton Indians have been used interchangeably both for the current petitioning group and for a historical Indian population. The petitioner formed its current organization in 1980. It has a governing document and membership criteria. The petitioning group currently has 3,137 members.

For the purposes of this proposed finding, the historical tribe is considered to be the Brothertown Indian tribe of Wisconsin. Federal acknowledgment of the historical Brothertown Indian tribe ended when the tribe complied with the Act of March 3, 1839, that allowed the tribe to divide its lands among its members and its members then to become citizens. Prior to that Act, a Senate proviso to the Treaty of February 8, 1831, created a reservation for the Brothertown Indian tribe and the Senate confirmed that reservation by the Treaty of October 27, 1832. This historical tribe in Wisconsin evolved from the Brothertown Indian tribe of New York State as a large portion of the tribe that moved from New York to Wisconsin.

The best evidence of the membership of the historical Brothertown Indian tribe of Wisconsin is the allotment list created by the tribe in 1839 in compliance with the Act of 1839. That allotment list identified 387 individual tribal members. In dividing the lands of its reservation, the historical Brothertown tribe did not include as tribal members those women who had grown up in the tribe but married outside the tribe, and did not provide allotments of land to such women or their children. In 1901, when Brothertown Indians were eligible to participate in a Court of Claims judgment award to the New York Indians, a Brothertown Business Committee employed the former rules of tribal membership to produce a list of 209 Brothertown claimants. The Federal Government, however, adopted a claims list of 570 Brothertown descendants prepared by Special Agent Guion Miller in 1901 and certified in 1904.

### Historical Background of the Brothertown Indians

The Brothertown Indian tribe developed as the result of the amalgamation of a number of Christian Indian converts from several Indian tribes that existed at the time of first contact with non-Indians. These Christian Indians (specifically, Mohegans, Narragansetts, Montauks, Pequots, Nehantic, and Farmington Indians) left their tribes of origin to establish an Indian community based on American-style towns. Having secured land from the Oneida Indian tribe in New York, these Christian Indians from Connecticut, Rhode Island, and Long Island in New York eventually moved to what is now the town of Deansboro, approximately 15 miles from Utica in upstate New York. There the group established the new community of Brothertown (also called “Eoyamquitoowaucomuck”) in 1786. Officials in the State of New York

acknowledged the Brothertown Indian tribe and a State Act of 1789 set out the boundaries of “Brother Town” (BIN 2005, 43).

Samsom Occom (1723-1792), the most famous Brothertown Indian of the colonial era, grew up in Connecticut as a member of the Mohegan tribe. As a young man, he converted to Christianity and became a pupil of the Rev. Eleazer Wheelock, future founder of Dartmouth College. Occom was an ordained Presbyterian minister who preached to Indians and Whites. He famously parted from Wheelock when he learned that Wheelock had abandoned the idea of educating Indians to serve as missionaries to other Indians and was instead using the proceeds of Occom’s successful British fundraising trip to educate Whites instead. Shortly before the Revolutionary War, Occom and some other Christian Indians proposed leaving the tribes of their birth to establish their own Christian Indian community. After the Revolution, Occom played a central role in founding Brothertown in New York State.

The Brothertown community in New York lasted for approximately 40 years. The members of the tribe endeavored to farm the land in the same manner as their non-Indian counterparts. During this time, the group had an elected body of leaders called “Peacemakers” who acted as overseers for the community. The Brothertown Indian tribe was under the supervision of the State of New York, but the tribe’s leaders dealt with such matters as purchasing land on which to establish a grist mill and dealing with problems involved with the assignment of land within the settlement. However, the Brothertown faced steadily increasing pressure from outsiders encroaching on their land. As early as 1808 some Brothertown left for Indiana, along with members of the Delaware and Munsee, and by 1825 the group as a whole decided to leave New York. They petitioned the Federal Government to help them secure lands controlled by the Menominee on the Fox River near Green Bay. In 1827, the State of New York passed a law allowing the group to sell its New York land and move west to what was then Michigan Territory and is now the State of Wisconsin.

By 1831, the Federal Government secured land from the Menominee for the “New York Indians,” and the Brothertown Indians, Stockbridge Indians, and a portion of the Oneida Indian tribe decided to leave New York. Six Brothertown families consisting of about 40 individuals left New York for Green Bay in 1831, and more followed until only a few Brothertown individuals remained in New York. Members of the Brothertown Indian tribe originally settled close to Green Bay, but the Federal Government provided the Brothertown and the Stockbridge with separate reservations further southwest on the shores of Lake Winnebago, in what became Calumet County. The Brothertown group began petitioning the Federal Government in 1838 to allow them to apportion their reservation lands to individual members and obtain citizenship. Their petition was granted by the Act of 1839, and they divided their reservation lands among their members and became citizens.

### **Unambiguous Previous Federal Acknowledgment (Section 83.8)**

If “substantial evidence” demonstrates the petitioner had “unambiguous” previous Federal acknowledgment as an Indian tribe, then the requirements of the acknowledgment criteria in section 83.7 are modified by the provisions of section 83.8(d). When a petitioner may have been previously acknowledged, the evidence in the record is reviewed to determine whether or not it is sufficient to meet the requirements of “previous Federal acknowledgment” as defined in the regulations (§83.1). This inquiry is made solely for the purposes of this regulatory process. The intent of this evaluation is to determine only the petitioner’s eligibility to be evaluated under the reduced evidentiary burden of section 83.8(d) of the regulations. Three of the seven acknowledgment criteria—criteria 83.7(a), (b), and (c)—are modified by section 83.8(d) for petitioners with unambiguous previous Federal acknowledgment.

The first aspect of the test of unambiguous previous Federal acknowledgment is to determine whether or not the petitioner meets both parts of the regulatory definition of “previous Federal acknowledgment”: that the Federal Government took action regarding the group that was “clearly premised on identification of a tribal political entity,” and that the Federal action indicated “clearly the recognition of a relationship between that entity and the United States” (§83.1). Both the text of section 83.8 and the explanatory comments in the preamble to the regulations state that previous acknowledgment must be “unambiguous” (§83.8 and 59 FR 9283). The second aspect of the test of unambiguous previous Federal acknowledgment is to determine whether or not the petitioner has a claim to have evolved from the previously acknowledged Indian tribe. This part of the test requires an initial threshold determination of whether or not most of the petitioner’s members are the descendants of the Indian tribe previously acknowledged by the Government. If the petitioner meets this threshold requirement, then the evidence must also show that these descendants participated in some activities together after the last date of Federal acknowledgment so that the petitioner is able to advance a claim that it has evolved as a group from the previously acknowledged Indian tribe.

The Brothertown Indian tribe of Wisconsin was previously acknowledged by the United States in a Senate proviso to its approval of the Treaty of February 8, 1831, with the Menominee; in the Treaty of October 27, 1832, with the Menominee; and in the Act of March 3, 1839, which brought that Federal acknowledgment to an end. This previous Federal acknowledgment was clearly premised on identification of a tribal political entity and recognized a relationship between that entity and the United States. Most of the petitioner’s members descend from the previously acknowledged tribe and the petitioner is able to advance a claim that it may have evolved as a group from that previously acknowledged tribe. The petitioner thus meets the two aspects of a test of unambiguous previous Federal acknowledgment. This evidence of a treaty relationship and congressional action meets both the “unambiguous” and “substantial evidence” requirements of this section. The last date of Federal acknowledgment of the Brothertown Indian tribe of Wisconsin is considered to be November 26, 1839, the date on which the President of the United States received a report from the Brothertown board of commissioners indicating the tribe’s compliance with the provisions of the Act of 1839.

The Brothertown Indians of Wisconsin were signatories to the Treaty of October 27, 1832, between the Menominee and the United States. Three men representing the Brothertown—William Dick, Daniel Dick, and Elcanah [Elkanah] Dick—signed an appendix to that treaty (United States 10/27/1832, Appendix). They gave their consent to modifications insisted upon by the Menominee to a proviso the United States Senate made a part of its consent to an earlier treaty with the Menominee, the Treaty of February 8, 1831. The Senate in its resolution consenting to the Treaty of 1831 provided that one township of land would be “granted for the use of the Brothertown Indians” (United States 2/8/1831, Proviso). Such a provision was not part of the text of the treaty presented to the Senate for its approval. In view of several such new provisions in the Senate resolution, a new treaty was made with the Menominee in 1832 on the grounds that the Treaty of 1831 had been “conditionally ratified” by the Senate and assent to those conditions had to be obtained from the Menominee (United States 10/27/1832). The Menominee objected to one of the Senate provisions, but gave their assent to the grant of land for the Brothertown. The consent given by the Brothertown representatives to the Treaty of 1832 thus did not involve any modification of the Indian reservation created for them by the Senate.<sup>2</sup>

The Brothertown Indian tribe was also acknowledged by Congress in the Act of March 3, 1839. That Act expressly referred to the “tribe of Brothertown Indians” (U.S. Congress 3/3/1839, sec. 1, sec. 2). It acknowledged that a tract of land had been “reserved for the use of the Brotherton or Brothertown Indians” by treaties with the Menominee, and thus that a Federal relationship existed (sec. 1). The Act identified a tribal political entity by noting the “existing laws, customs, [and] usages” of the tribe (sec. 2, sec. 4), by referring to the “town clerk of said tribe” as an existing political office (sec. 5), and by requiring the tribe to hold an election for a board of commissioners (sec. 3) in order to utilize the provisions of the Act. The Act of 1839 acknowledged an existing Indian tribe with existing tribal rights recognized by the Federal Government by declaring that the Brothertown Indian tribe’s “rights as a tribe or nation” would “cease” (sec. 7).<sup>3</sup>

The petitioner is able to present a claim to have evolved from the previously acknowledged Indian tribe. The petitioner’s current members claim descent from members of the historical Brothertown Indian tribe. Some of the petitioner’s members have not yet demonstrated that descent, but the evidence in the record indicates that most of the petitioner’s members descend from the previously acknowledged Indian tribe (see criterion 83.7(e)). After the last date of previous Federal acknowledgment in 1839, Brothertown descendants participated in several activities together such as submitting a petition to the President in 1847 and a memorial to Congress that resulted in an Act of 1878, entering into agreements with attorneys at various times during the 19th century to seek claims from the Federal Government including an agreement signed by 147 people in 1886, preparing a roll of individuals considered eligible to

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<sup>2</sup> Brothertown Indians were also mentioned in the Treaty of January 15, 1838, made at Buffalo Creek in New York State. That treaty provided a tract of land west of the State of Missouri as a “future home” for the New York Indians, including the “Brothertowns residing in the State of New York” (United States 1/15/1838). That treaty was not signed by any Brothertown representatives. A “Census of the New York Indians as Taken in 1837,” which was attached to the treaty as “Schedule A,” listed the “Brothertowns” with a population of 360.

<sup>3</sup> See the evaluation of criterion 83.7(g) for a discussion of the absence of Federal acknowledgment after 1839.

receive a share of a claims award in 1901, and observing the 100th anniversary of Brothertown settlement in Wisconsin as part of a church celebration in 1934.

These activities involved some ancestors of the petitioning group acting together in a way that asserted their claim as descendants of the historical Brothertown Indian tribe or celebrated their historical continuity from the original Brothertown Indian settlement. The links of some members of the current petitioner to their ancestors who claimed a link to the historical Indian tribe by engaging in these activities provides the Brothertown petitioner with an ability to advance a claim to have evolved as a group from the previously acknowledged Brothertown Indian tribe. The petitioner's eligibility to be evaluated under the criteria as modified by section 83.8 depends on its ability to advance a claim to have evolved as a group from the previously acknowledged tribe, not on its ability to demonstrate the validity of that claim by meeting the criteria for acknowledgment. The merits of the petitioner's claim to have continued the existence of the historical tribe is evaluated under the acknowledgment criteria.

The Senate proviso to the Treaty of 1831, the Treaty of 1832, and the Act of 1839 constitute unambiguous previous Federal acknowledgment of a Brothertown Indian tribe. These Federal actions identified a Brothertown tribal political entity and acknowledged a relationship between that Indian tribe and the United States, and thus satisfy both parts of the definition of previous Federal acknowledgment in section 83.1. Evidence that a predominant portion of the petitioner's members descend from the previously acknowledged Indian tribe and some evidence in the record of group activities by Brothertown descendants since 1839 allow the petitioner to advance a claim to have evolved from the previously acknowledged Indian tribe. For these reasons, the petitioner is eligible to be evaluated under section 83.8 of the acknowledgment regulations. Therefore, the Brothertown petitioner will be evaluated on the basis of whether or not it meets the seven mandatory criteria in section 83.7 as modified by section 83.8(d), from last Federal acknowledgment in 1839 until the present.

### **CONCLUSIONS UNDER THE CRITERIA (25 CFR 83.7)**

The Brothertown Indian Nation (BIN), petitioner #67, submitted evidence for this proposed finding (PF), and OFA staff conducted limited research to verify and evaluate the evidence, arguments, and interpretation that the petitioner and interested parties submitted. OFA staff conducted interviews and collected documentation during field trips to Wisconsin in October 2008 and December 2008. Additionally, OFA conducted verification research using Federal census records through the Ancestry.com website to verify genealogical claims. However, the burden of providing sufficient evidence under the criteria in the regulations rests with the petitioner. The BIN petitioner did not submit a few of the documents it cited in its narratives, and the petitioner is encouraged to submit a copy of all documents cited. It is not the responsibility of OFA to obtain copies of documents cited that the petitioner did not provide.

This PF evaluates the evidence in the record. The petitioner may submit other evidence during the 180-day comment period following the publication of the notice of the PF. Such new evidence may result in a modification or reversal of the PF's conclusions. The Department will make a final determination (FD) and publish notice of it after the receipt of any comments and responses. The Department will base the FD on both the evidence used in formulating the PF and any new evidence the petitioner and interested parties submit during the 180-day comment and 60-day response periods.

The evidence submitted by the BIN petitioner, and evidence the OFA staff obtained through its verification research, demonstrates that the BIN petitioner does not meet five of the seven mandatory criteria for Federal acknowledgment: criteria 83.7(a), 83.7(b), 83.7(c), 83.7(e), and 83.7(g). The petitioner meets criteria 83.7(d) and 83.7(f). In accordance with the regulations set forth in 25 CFR Part 83.7, the failure to meet all seven criteria requires a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. Therefore, the Department proposes to decline to acknowledge the BIN petitioner.

The proposed finding reaches the following conclusions for each of the mandatory criteria in 25 CFR Part 83.7:

This PF treats the Brothertown Indian tribe of Wisconsin that was acknowledged by the United States Government until 1839 as the "historical Indian tribe." This historical tribe evolved from the Brothertown Indian tribe of New York State when a large portion of the tribe that moved from New York to Wisconsin. At an earlier time, portions of several historical Indian tribes of Rhode Island, Connecticut, and Long Island had combined to form the Brothertown Indian tribe of New York. The petitioner may meet the acknowledgment criteria by demonstrating that it is a continuation of the Brothertown Indian tribe of Wisconsin that occupied a reservation created for it in Wisconsin by the United States Senate in 1831 and that divided its reservation lands among its members in 1839.

The BIN petitioner does not meet the requirements of criterion 83.7(a). As modified by section 83.8(d)(1), the petitioner must be identified since last Federal acknowledgment in 1839. The evidence in the record demonstrates that external observers identified a historical Brothertown group from 1839 until 1855. Between 1855 and 1981, outside observers periodically identified a Brothertown Indian entity. Most of the periodic identifications and most of those made since 1981 linked the contemporary group being identified to the previously acknowledged historical tribe, thus meeting an additional requirement for this criterion added by section 83.8(d)(1). However, because the periodic identifications between 1855 and 1981 are separated by long periods of time in which the petitioner or its members' ancestors were not identified as an Indian entity, the petitioner does not satisfy the standard of "substantially continuous" identification stated in this criterion. The petitioning group has been identified as an American Indian entity since 1981. However, the petitioner has not been identified on a substantially continuous basis since 1839. Therefore, for the period since 1839 the BIN petitioner does not meet the requirements either of criterion 83.7(a) as modified by section 83.8(d)(1) or, alternatively under section 83.8(d)(5), of unmodified criterion 83.7(a).

The BIN petitioner does not meet the requirements of criterion 83.7(b). As modified by section 83.8(d)(2), the petitioner must demonstrate only that a predominant portion of the petitioning group comprises a distinct community "at present." For this case, "at present" is considered to be the period since the petitioner formally organized in 1980. The character of the current group appears to be that of a highly dispersed descent group with some active members. There is no available evidence in the record that an informal community existed in 1980 composed of the same people currently enrolled with the petitioner. Most members who have strong social ties to other members formed these relationships through the activities of the group's formal organization. Outside of these active participants, few members of the group have strong social ties to each other. For the period from 1980 to 2009, there is insufficient evidence that a predominant portion of the petitioning group's members regularly associate with each other or that the petitioner's members comprise a distinct community. Therefore, the BIN petitioner does not meet the requirements of criterion 83.7(b) as modified by section 83.8(d)(2).

The BIN petitioner does not meet the requirements of criterion 83.7(c). The evidence in the record does not demonstrate that authoritative, knowledgeable external observers identified leaders or a governing body of the petitioning group on a substantially continuous basis since the date of last Federal acknowledgment. Therefore, the petitioner does not meet the requirements of criterion 83.7(c) as modified by section 83.8(d)(3) for the historical period prior to "at present." Alternatively under the provisions of section 83.8(d)(5), the petitioner does not meet the requirements of criterion 83.7(c), because the evidence in the record is insufficient to demonstrate that the BIN petitioner or any group antecedent to it maintained political influence or authority over its members from 1839 until the present. The evidence in the record prior to the inception of the petitioner's organization in 1980 indicates that the Brothertown descendants organized almost exclusively to pursue various claims against the Federal Government. There is little evidence in the record of informal leadership or political influence for other purposes among the Brothertown descendants who remained in and around Calumet County. After 1980, when the current petitioner organized, its governing body has provided some services for its members, but this activity is of recent origin and appears to be the result of the group's establishment as a formal organization. The initial organization was not the formalization of a

previously existing entity, but was formed by the gradual accumulation of descendants, many of whom did not know each other. The petitioner has not demonstrated it maintained political influence or authority over most of its members at any time since 1839. Therefore, the BIN petitioner does not meet the requirements of criterion 83.7(c).

The BIN petitioner meets the requirements of criterion 83.7(d). The petitioner submitted a copy of its governing document which includes its membership criteria.

The BIN petitioner does not meet the requirements of criterion 83.7(e). The petitioner submitted a membership list on June 24, 2008, that includes 3,137 living members, both adults and minors. The evidence in the record shows that almost all of the petitioner's members claim descent from individuals who were members of the historical Brothertown Indian tribe of Wisconsin in 1839. However, this PF finds that only 51 percent (1,593 of 3,137) of BIN members have demonstrated descent from an individual known to be a member of the historical Brothertown Indian tribe of Wisconsin. This evaluation also indicates that an additional 42 percent (1,309 of 3,137) of BIN members have illustrated their claims of descent from the historical Wisconsin Brothertown Indian tribe, but have not documented that descent. This may be demonstrated for the FD. The petitioner has not demonstrated for this PF that its members descend from an historical Indian tribe. Therefore, the BIN petitioner does not meet the requirements of criterion 83.7(e).

The BIN petitioner meets the requirements of criterion 83.7(f). A review of the membership rolls of those Indian tribes in Wisconsin and Minnesota that would most likely include the BIN petitioner's members revealed that the petitioner's membership is composed principally of persons who are not members of any federally acknowledged North American Indian tribe.

The BIN petitioner does not meet the requirements of criterion 83.7(g). Congress stated in the Act of 1839 that the Brothertown Indian tribe's "rights as a tribe" recognized by the Federal Government, and specifically its power to act as a political and governmental entity, would "cease and determine," that is, end and be limited permanently. The acknowledgment regulations provide in this criterion that a petitioner whose Federal relationship has been terminated or forbidden cannot be acknowledged. Congress in the Act of 1839 brought Federal recognition of the relationship with the Brothertown Indian tribe of Wisconsin to an end. By expressly denying the Brothertown of Wisconsin any Federal recognition of a right to act as a tribal political entity, Congress has forbidden the Federal Government from acknowledging the Brothertown as a government and from having a government-to-government relationship with the Brothertown as an Indian tribe. The Act of 1839, by its "cease and determine" language, has both expressly ended and forbidden the Federal relationship for this petitioner. Therefore, the BIN petitioner does not meet the requirements of criterion 83.7(g).

Failure to meet any one of the mandatory criteria results in a determination that the petitioning group is not an Indian tribe within the meaning of Federal law. The BIN petitioner meets criteria 83.7(d) and (f), but does not meet criteria 83.7(a), (b), (c), (e), and (g). Therefore, this PF concludes that the BIN petitioner does not meet all the mandatory criteria to be acknowledged as an Indian tribe.

### **Criterion 83.7(a)**

**83.7(a) The petitioner has been identified as an American Indian entity on a substantially continuous basis since 1900. . . . by other than the petitioner itself or its members.**

**83.8(d)(1) The group meets the requirements of the criterion in §83.7(a), except that such identification shall be demonstrated since the point of last Federal acknowledgment. The group must further have been identified by such sources as the same tribal entity that was previously acknowledged or as a portion that has evolved from the entity.**

### **Introduction**

The evaluation under this criterion is modified for petitioners with previous Federal acknowledgment as an Indian tribe. Section 83.8(d)(1) balances the reduced evidentiary burden for criterion 83.7(b) with an increased evidentiary burden for criterion 83.7(a). Previously acknowledged petitioners are not required to demonstrate their existence as a historical community from the date of last Federal acknowledgment to the present, but are required to demonstrate they have been identified as an Indian entity for that entire period, not just from 1900 to the present. For the Brothertown petitioner, this requires an additional demonstration that the petitioning group has been identified from 1839 to 1900. The petitioner presented evidence for this period in its submission in 1996 in a narrative labeled “83.7(a)” and repeated the main points of its argument in its submission in 2005 (BIN 1996, 1-71; 2005, 4 n.17). Section 83.8(d)(1) modifies the evaluation for this criterion in one other way, by adding the requirement that identifications of the petitioning group also identify it as either the same tribal entity that was previously acknowledged or a group evolved from that historical tribe.

The evidence in the record demonstrates that the petitioner has been identified on a substantially continuous basis since 1981. A historical Wisconsin Brothertown group was identified from 1839 to 1855. A Brothertown group has been identified on occasion between 1855 and 1981, but these examples do not demonstrate the petitioning group was identified on a substantially continuous basis between 1855 and 1981. Most of the examples of identification in the record meet an additional burden for this criterion as modified by section 83.8(d)(1) in that they link the contemporary group to the previously acknowledged tribe. The petitioner does not meet the additional burden under section 83.8(d)(1) of being identified since the last date of Federal acknowledgment in 1839 rather than since 1900, but the petitioner does not fail to satisfy the criterion because of the longer chronological period. Therefore, the petitioner does not meet the requirements of the criterion as modified by section 83.8(d)(1).

The acknowledgment regulations provide in section 83.8(d)(5) that the petitioner may be evaluated alternatively under the provisions of criterion 83.7(a) since the last date of Federal acknowledgment. However, this alternative does not produce a different evaluation for this petitioner. Whether evaluated under section 83.8(d)(1) or 83.8(d)(5), the petitioner must have been identified since the last date of Federal acknowledgment. Under either section the petitioner has not been identified on a substantially continuous basis since 1839. Because most examples of the identification of the petitioning group also link the contemporary group to the previously acknowledged tribe, this additional requirement in section 83.8(d)(1) does not result in an evaluation under section 83.8(d)(1) different from that under section 83.8(d)(5) on the basis of the evidence available for this proposed finding. Thus, alternatively under section 83.8(d)(5), the petitioner does not meet the requirements of criterion 83.7(a) since 1839.

The petitioner's presentation for this criterion is found in three narratives submitted in 1996, 2005, and 2008 (BIN 1996, summary at 96-98; 2005, 4-29; 2008, 1-24).<sup>4</sup> These submissions tend to narrate or list historical events or activities rather than to explain how this evidence or these interpretations demonstrate that an observer outside the petitioning group identified the group as an Indian entity—whether as “Brothertown,” “Brotherton,” or in some other way. The petitioner's presentation for criterion 83.7(a) is based in part on its claim that “we have identified ourselves as an American Indian entity on a substantially continuous basis both prior and subsequent to 1900” (BIN 2008, 1). This argument is based on a misunderstanding of the requirements of this criterion. The language of the regulations states an acceptable identification must be made by an individual or organization “other than the petitioner itself or its members” (§83.7(a)). The petitioner's presentation of its case also tends to refer to categories of evidence—such as newspaper articles, for example—without citing specific examples submitted for the record. The following evaluation attempts to locate such claimed evidence and considers other relevant evidence as well.

### **Evaluation**

The scholarly literature of the past two decades cited by the petitioner in one of its narratives on this criterion provides descriptions of the historical Brothertown Indian tribe prior to 1839, but does not provide evidence of the identification of a Brothertown entity after that date (BIN 2008, 18-23). Several of these books or papers deal with Samson Occum and the Brothertown in New York (Ottery 1989; Brooks 2006; Dzilenski 2008). A collection of writings from 1751-1776, writing from “early America,” a discussion of Brothertown relations with the Stockbridge prior to 1839, a study of the Brothertown during the 50 years after the American Revolution, and a proposal for a book about the Brothertown during the colonial and early national periods also provide no identification of a post-1839 Wisconsin Brothertown group (Murray 1998; Wyss 2000; Oberly 2005; Rice 2008; Silverman n.d.). Scholarly archaeological excavations, even of sites in Wisconsin, do not provide evidence that any historical observer made a contemporaneous identification of an existing Indian entity (Cipolla 2007). A paper dealing with the Brothertown

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<sup>4</sup> Two narratives marked 83.7(a) were submitted in 2005. One narrative (“Footnote 1”) is the same text as the 1996 submission, but paginated differently. This document has not been considered as a separate submission of the petitioner's presentation for this criterion.

between 1824 and 1839 and a published work that cites an 1830 map, an 1832 map, and a map of the location of the Brothertown reservation do not identify an Indian group after 1839 (Jarvis 2006; Bieder 1995 citing Tanner 1987).

After the Act of 1839, some external observers identified a continuing Brothertown group or Indian settlement, even if they, and others, may have described Brothertown Indians as citizens and no longer as a recognized tribe. In an Act of the State of New York directing that the principal of an annuity the State held for the Brothertown Indian tribe be paid to those Indians, the State legislature in 1841 identified the Brothertown in Wisconsin as an Indian entity when it referred to them as “that portion of said tribe . . . who have removed to Brown county, in the territory of Wisconsin” (New York 5/25/1841). In 1842 the Commissioner of Indian Affairs did not include the Brothertown in his survey of the Indians remaining east of the Mississippi River, saying they “have been placed upon a footing with our own citizens by act of Congress” (Crawford 11/16/1842). Although the Commissioner in 1845 authorized the payment of educational funds to schools with Brothertown students, he said he had no authority to pay the funds to a Brothertown representative or group (Crawford 6/10/1845). In both these examples, the Commissioner declined to identify a Brothertown Indian entity.

An officer in the Army Corps of Engineers identified a Brothertown Indian entity in 1845, while describing the condition of a military road, by saying the road near Lake Winnebago “passes thro’ the Stockbridge and Brotherton Indian Settlements” (McClellan 9/13/1845). Some observers who pointed out that the Brothertown were now citizens also referred to them as a distinct population or group. An Indian sub-agent said in 1846 that the “Brothertown Indians . . . have two excellent schools, under the territorial township system, (for they are citizens of the United States)” (Ellis 9/24/1846). The Governor of Wisconsin said in 1847 stated that one township in the State “is occupied by what was termed the Brothertown Indians—but they have been citizenized by act of Congress” (Dodge 3/26/1847). In 1854 a superintendent of Indian affairs, who stated that the Brothertown had become citizens, reported that he had traveled through “their township” while visiting the Stockbridge Indians, but also observed that “many white men . . . [had] settled among them” (Huebschman 9/28/1854). The next year the superintendent referred to the township of Manchester as “the home of the Brothertons” (Huebschman 10/1/1855). Thus, at least until 1855 some external observers identified an Indian entity by describing Brothertown citizens as still constituting a distinct Indian settlement.

The petitioner contends that an 1854 Act of Congress identified a Brothertown Indian tribe (BIN 1996, 74; 2005, 5 n.17, #11). That Act required the Secretary of the Interior to submit a report on a possible claim of the Brothertown tribe against the United States based on allegations of an uncompensated historical taking of tribal property by the Federal Government (U.S. Congress 7/31/1854). The issue Congress referred to the Secretary involved a claim on behalf of a historical Indian tribe. In cases in which Congress instead passed a jurisdictional act to authorize such a historical claim being presented in Federal claims court, the Secretary of the Interior usually had the responsibility to identify a contemporary group of the descendants of the historical tribe for purposes of bringing the lawsuit. That condition did not apply to the Act of 1854. That Act referred to a historical tribe without expressly identifying a contemporary group. The Secretary of the Interior’s required reply to Congress forwarded a report by the Commissioner of Indian Affairs who concluded the historical claim was unfounded and stated

that Brothertown Indians had “lost . . . their relations to the government as an Indian tribe,” thus failing to identify a contemporary Indian entity (Manypenny 1/25/1855, 28).

For the period between 1855 and 1875, the petitioner presents no examples of the identification of a Brothertown Indian entity. The petitioner asserts that the “tribe” continued to hold meetings, but does not show that any outsider identified a group doing so, with the exception of an 1875 newspaper article (BIN 1996, 97). The petitioner says that Brothertown descendant E.M. Dick wrote a “Brothertown Column” for the newspaper in Chilton for many years, without providing examples or citations to specific articles (BIN 2008, 16). Such columns reported local news. If Dick referred to a Brothertown group or organization in any of these newspaper reports, such self-identification by a group member would not meet the requirements of this criterion. In 1875, the *Chilton Times* reprinted a report by a Green Bay newspaper of an election held in the town of Brothertown of “chiefs” to serve on an “Indian council” (*Chilton Times* 2/13/1875). This reference to an “Indian council” representing a group of Brothertown Indians is a contemporaneous identification of a Brothertown Indian entity in 1875.

Congress identified a group of Brothertown Indians in 1878 when it passed an Act which appointed four trustees for the group to sell at a public auction some lands of the former Brothertown Reservation left unpatented by the allotment list of 1839 (U.S. Congress 4/20/1878; BIN 1996, 77, 97; 2005, 5 n.17, #12). In the Act of 1878, Congress authorized the sale of these lands when a group of Brothertown Indians petitioned the trustees to do so. By providing for this action by a Brothertown group, Congress identified a contemporary Indian entity. The petitioner claims that the Wisconsin Supreme Court also identified the petitioning group in its 1885 opinion on the title to a tract of land the trustees appointed by the Act of 1878 attempted to sell (BIN 1996, 77-79). However, the Court in 1885 did not itself make a contemporaneous identification of an Indian group, but rather suggested that an identification of a group capable of receiving the benefits of the sale of the land was implicitly made by Congress in the Act of 1878 (*Fowler v. Scott* 1885). A public notice published by a trustee in the local newspaper of a public auction of the unpatented lands is a statement by a member of the group rather than an identification of a group by an external observer (*Chilton Times* 11/19/1887; BIN 2005, 5 n.17, #12).

In a history of Wisconsin Territory published in 1885, Moses Strong described the Act of 1839 relating to Brothertown Indians and added, “[s]ince then they have been recognized as citizens . . . and have become homogeneous with the other inhabitants of the State” (Strong 1885, 115). This description did not identify a contemporary Indian entity. The petitioner mentions a report on the Indian population of the United States in 1890 published in 1894 by the Census Office (BIN 1996, 74). No tables of the Wisconsin Indian population in this report included an entry for Brothertown Indians. The text included a statement that the “Brothertown Indians are now consolidated with the Stockbridge Indians at Green Bay agency” (U.S. Census Office 1894, 618). This statement referred to a Stockbridge Indian tribe as one which included some individuals with some Brothertown ancestry, but did not identify a contemporary Brothertown Indian entity. The petitioner mentions the 1893 Act of Congress that authorized the Court of Claims to hear the claims of “the New York Indians,” but does not expressly contend this Act was an identification of the petitioning group (BIN 2005, 6-7; 2008, 1). The Act did not mention

Brothertown Indians. It referred to the historical tribes who were parties to an 1838 treaty and did not identify a contemporary Indian entity (U.S. Congress 1/28/1893).<sup>5</sup>

The Federal Government in 1901 included individual descendants of the historical Brothertown tribe of 1839, and ancestors of the current petitioning group, on a list of people eligible to receive a portion of the Brothertown share of a claims award made to the New York Indians. It later made payments to those individuals. Contrary to the petitioner's assertion, the receipt of claims award payments by Brothertown individuals does not constitute "proof" of the identification by the Federal Government of a Brothertown Indian entity at that time (BIN 2005, 6-7, 28; see also BIN 1996, 97). In creating payment rolls, the Government identified individual descendants of historical tribes. It identified historical tribes for this purpose, but not contemporary ones. The Office of Indian Affairs stated the claims roll would consist of "persons" who could show "they are actually of Brothertown blood and parentage" (U.S. Commissioner of Indian Affairs 9/11/1901). The individual, rather than tribal, character of this process was affirmed by an auditor of the Treasury Department who referred to "the individual beneficiaries" of the award and by the Court of Claims ruling that the enrollment of the beneficiaries of the award was of "individuals and not of tribes or nations" (Timme 4/18/1904; U.S. Court of Claims 6/13/1906).

The Acting Commissioner of Indian Affairs identified a Brothertown Indian entity, however, while accepting its help in preparing the claims roll. In a letter to E.M. Dick in September 1901, he stated his office was willing to work with "the Business Committee of the Brothertowns" to provide it with application forms and to obtain information from it about eligible beneficiaries of the claims award (U.S. Commissioner of Indian Affairs 9/11/1901). He told Dick there were several specific things "your committee" could do to identify claimants. Although the Acting Commissioner welcomed the help of this Brothertown group in finding individual Brothertown descendants, he made it clear to the group that his task was to identify all such descendants. The list of descendants prepared by the Office of Indian Affairs included more than twice as many people as the Business Committee's roll, which indicates the Department of the Interior did not accept the position the award should be limited to the committee's own members. The petitioner incorrectly contends that the Department required a Brothertown tribe to submit a membership list and dealt with this Brothertown group as a tribe (BIN 1996, 82; BIN 2005, 6), but the Acting Commissioner did identify the Brothertown Business Committee as an Indian entity in the process of preparing a claims roll in 1901.

Several newspaper articles in the record refer to Brothertown Indians in the decade of the 1900s, but not all of them identify an Indian entity associated with the petitioning group. A 1901 article in the *New York Times* noted a dispute between two lawyers about which descendants of the Brothertown were legitimate beneficiaries of the award to the New York Indians. An attorney from Massachusetts claimed to represent Brothertown claimants living in Kansas, while the claims attorney from New York disparaged the other lawyer's clients as the "so-called Brothertowns of New England" (*New York Times* 1/5/1901; BIN 2008, 1). Neither attorney

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<sup>5</sup> The U.S. Court of Claims in its 1895 decision and the Supreme Court of the United States in its 1898 opinion on appeal of the Court of Claims decision both found that Brothertown Indians were among the parties to the treaty of 1838 (U.S. Court of Claims 11/18/1895, 414; U.S. Supreme Court 4/11/1898, 26). As with the Act of 1893, these judicial decisions referred to a historical Brothertown group but not to a contemporary Indian entity.

identified a contemporary Indian entity in Wisconsin. A credulous article in the local *Chilton Times* in 1902 about “decadent Indians” electing a “white chief” identified a contemporary “Brothertown Indian Nation” and stated “members of the tribe live mainly in this [Calumet] county” (*Chilton Times* 4/27/1902; BIN 2005, 7). In 1903, that newspaper reprinted an article that reported the local congressman had appeared before the Department of the Interior on behalf of the “descendants” of the original 360 members of the tribe in 1838 (*Chilton Times* 4/11/1903). This statement did not identify a contemporary Indian entity, but the article’s claim there were about 500 “members of the Brothertown Indians” referred to an existing Indian group.<sup>6</sup>

Scholarly works and government publications from the first quarter of the 20th century in the record for this case do not identify a contemporary Brothertown Indian entity. The Smithsonian Institution’s *Handbook of American Indians North of Mexico*, edited by Frederick Webb Hodge and published in 1907, described the historical “Brotherton” band but stated that soon after its arrival in Wisconsin the band “abandoned their tribal relations and became citizens” (F. Hodge 1907, 166). This reference work thus failed to identify a Brothertown Indian entity as existing at the time of its publication. The petitioner notes that a published report of the results of the 1910 Federal census stated there were 162 “Brotherton” Indians in Wisconsin (BIN 1996, 74). This observation referred to Indian individuals but did not identify them as constituting an Indian entity. In 1923 the *Wisconsin Blue Book* published by the State of Wisconsin included an article by Charles E. Brown entitled “Wisconsin Indians.” This article included a very brief paragraph on the history of the “Brotherton” that was very similar to the text in Hodge’s *Handbook* and did not go beyond their settlement on the shore of Lake Winnebago in the 1830s (Brown 1923, 68). This article thus failed to identify a contemporary Brothertown Indian entity in 1923.

For the period from the 1910s through the 1950s, the petitioner’s presentation for this criterion consists mostly of asserted examples of a group or families engaging in social or political activities rather than examples of an outside observer identifying a group as an Indian entity. The petitioner contends this criterion is met because of the family reunions and homecomings, wedding anniversaries, and local social activities of some historical members of its group during the 1910s and 1920s (BIN 2005, 7-8, 19-20, 24). It claims these activities are demonstrated by oral history interviews, which it does not specifically cite; the diary of a Brothertown descendant for the years 1917 to 1923; and a newspaper article from 1918. A diary and oral histories of group members would provide only self-identification even if specific examples of identification of a group were to be provided by the petitioner. The 1918 column of local news from Brothertown village or township, consisting of reports of who was visiting, traveling, or ill, included the statement that “Sid Welsch Sr. [*sic*] and family of Gillett spent Sunday at the home coming at Quinney” (*Fond du Lac Commonwealth* 7/6/1918; BIN 2005, 19). This statement does not identify any Indian entity.

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<sup>6</sup> The petitioner cites a 1931 newspaper article about a 1908 football game as an identification of the petitioning group in 1908 (BIN 2008, 11). A football team—the “Red Springs of the Brothertown reservation”—is not the type of entity that satisfies the requirements of this criterion (*Green Bay Press-Gazette* 11/28/1931). References to individual players as Indians or to a non-existent reservation do not identify an Indian entity, and an account not based on personal experience would not be accepted as a recollection of a contemporaneous identification.

Another type of evidence the petitioner presents for the period from the 1910s to 1930s is correspondence received by Brothertown individuals from Indians in New York. The petitioner refers to correspondence with Montauk Indians of Long Island in the years 1919 to 1921, without citing specific documents (BIN 2008, 14). This claim appears to refer to a series of letters from Chief Wild Pigeon, the Sachem of the Montauk, to M.F. [Marcia F.] Johnson of Malone, Wisconsin, in 1919 and 1920 (Wild Pigeon 4/20/1919, 4/29/1919, 8/6/1919, 4/6/1920, 4/15/1920). These letters were addressed to Johnson as an individual and concerned her claims to Montauk membership. Wild Pigeon's interest was only with those Brothertown Indians of "Montauk blood" who could provide genealogical evidence "through your Montauk side" (Wild Pigeon 4/29/1919, 8/6/1919). He recruited Brothertowns with Montauk ancestry to be Montauk members, and a list attached to one of his letters suggested some had contributed to litigation by the Montauk as early as 1906. Wild Pigeon referred to "our Brothertown Montauks" (Wild Pigeon 4/29/1919) and revealed his interest in finding the "Brothertown Branch of the Montauks" (Wild Pigeon 4/6/1920). This body of correspondence indicated an awareness of the existence of Brothertown Indians in Wisconsin but did not identify a Brothertown Indian entity.

The petitioner presents a narrative of the activities during the 1920s and 1930s of various local Six Nations clubs, the Oneida Indian Minnie Kellogg and her husband in promoting such clubs and various claims to New York lands, a case in Federal court about New York lands, a New York legislator who conducted an investigation of the status of Indians in New York, and a Senate hearing about the Kelloggs' activities in which it claims some Brothertown Indians were involved, without attempting to demonstrate that any outside observer of such activities identified a Brothertown Indian entity involved in them (BIN 1996, 83-94, 97-98; 2005, 8-18, 29; 2008, 2-3). The petitioner notes that these Six Nations clubs did not consist exclusively of Brothertown descendants and does not contend that any one club represented the Brothertown (BIN 2005, 16 n.67). Therefore, even if the petitioner were to provide documentation of external identifications of these Six Nations clubs, it appears such statements would not demonstrate identification of the petitioning group. A local newspaper notice in 1930 that a local man who was "a descendant" of the Brothertown tribe traveled to New York to participate in the Senate hearing did not identify a contemporary Indian entity; it provided information only about an Indian individual (*Chilton Times* 1/3/1930; BIN 2008, 3-4).

In 1934, the Baptists of Wisconsin held a centennial celebration in which they used the arrival of a Brothertown minister, Rev. Thomas Dick, at the Brothertown reservation in 1834 as their denomination's beginnings in the State (BIN 2005, 21; 2008, 16-17). This ceremony was held on the east shore of Lake Winnebago in August 1934 and, according to a participant, consisted of "a score of Indians" and more than 1,000 non-Indians (Hayne 1935, 147).<sup>7</sup> As part of the preparation for this celebration, it appears, a group of Narragansett Indians, gathered at the "old Indian Meeting House" in Rhode Island, sent their "greetings" and "tribute" to "the Brothertown Indians in Wisconsin" (Williams et al. 7/22/1934; BIN 2005, 21-22; 2008, 11 and n.15). The record does not include materials that demonstrate the Narragansett had knowledge of any Brothertown group, or contact with it, immediately prior to this greeting. This message was addressed to the individual Brothertown Indians in Wisconsin and did not specifically mention

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<sup>7</sup> Newspaper accounts of this celebration portrayed it as a Baptist event and mentioned no contemporary Indian group or Indian participation (*Fond du Lac Commonwealth* 7/23/1934; *Oshkosh Northwestern* 8/7/1934).

any Brothertown entity. The Narragansett greeting is insufficient to demonstrate the identification of an Indian entity in 1934. The Brothertown reply to this greeting, mentioned in the petitioner's presentation, constitutes self-identification rather than identification by an outside observer (Hayne 1935, 147, prints the reply).

The writings of scholars and amateur historians during the second quarter of the 20th century in the record for this case consist of only two manuscripts about Brothertown history. Brothertown Indians were not mentioned in a third manuscript, an article on the "Indians of Wisconsin" in the *Wisconsin Blue Book* of 1931 (Kirsch 1931). Coe Hayne prepared the first manuscript on Brothertown history in 1934 at the time of the Baptist centennial and published it the next year in a condensed version in a religious journal (Hayne 1934, 1935; BIN 2005, 21; 2008, 17). Hayne mentioned that an old Brothertown record book was kept by Lura Fowler Kindness in the attic of her home in Wisconsin. He referred to "her people, the Brothertown Indians of Wisconsin," but added that she was "one of the last of her tribe" and that "very few representatives of the group are to be found in Calumet County today" (Hayne 1934, 1, 5, 6). Hayne did not mention these few individuals as a remnant group of the Brothertown, for he noted the passage of the Act of 1839 and concluded that "[d]uring the subsequent one hundred years they gradually lost their identity as a people" (Hayne 1934, 6; 1935, 146). This statement declined to identify a contemporary Indian entity. The journal that published Hayne's article introduced it with the note that this was the story "of a vanished tribe of Indians" (Hayne 1935, 144).

The other manuscript written by an amateur historian during the 1930s was a historical synopsis prepared by local resident Otto Heller. The petitioner's presentation for this criterion says that Heller gave a speech at the Baptist centennial of 1934, but does not describe the speech or expressly claim it as an identification of a Brothertown group (BIN 2005, 21). No copy of the speech has been submitted for the record. Heller in 1936 produced a map of the first homes on the Brothertown reservation in Wisconsin, which was acquired for the record by OFA researchers (Heller 1936). A manuscript by Heller in the record is a sketch, dated 1937, of the history of Brothertown Indians from 1743 to 1852 (Heller 1937). A Heller manuscript transcribed by the petitioner, which it dates as 1951, is a historical account of the Brothertown that ends in 1856 (Heller 1951). Heller's historical research and writing did not describe a contemporary Brothertown group. However, Heller ended his 1937 manuscript with the comment that "today all that remains of this tribe in Brothertown are eighteen souls and . . . in a few more years the Brothertown Indians will be but a memory" (Heller 1937, 7). Heller's remark in 1937 is an identification of an Indian entity that was a contemporary remnant of a historical Indian tribe.

The petitioner's presentation for this criterion for the period from the late 1930s to the late 1960s consists of a general narrative that alludes to some social events or social changes without expressly offering a specific identification of the petitioning group. The petitioner mentions funerals from 1839 to 1968, World War II service or work, and relocations to the Stockbridge Indian reservation, and asserts that its members maintained contact with each other, but activities by group members do not demonstrate identification of a group by outsiders (BIN 1996, 98; 2005, 22-24, 29). A 1942 obituary for a "former Brothertown woman" referred to Brothertown as a geographical place, stating she "was born in Brothertown" and making no reference to her Indian ancestry (*Chilton Times* 12/24/1942; BIN 2005, 24 and n.99). A Brothertown column in

the local newspaper until 1950 reported news from a geographical place and the petitioner provides no example of its identification of a contemporary Indian group (BIN 2008, 16). A petition to the Indian Claims Commission in 1950 constitutes self-identification and was filed for a group calling itself the “Emigrant New York Indians” that was larger than Brothertown descendants (BIN 2005, 24). An account in 1955 of a former Indian baseball team is not an identification of an entity that satisfies the requirements of this criterion (BIN 2008, 11).

The publications of scholars and the State of Wisconsin during the period from 1950 to 1975 do not identify a contemporary Brothertown Indian entity. The petitioner’s presentation for this criterion does not cite any such scholarly works during this period. A *Handbook on Wisconsin Indians* published by the Wisconsin State government in 1952 and 1966 does not list the Brothertown Indians in its table of contents of Wisconsin tribes and does not appear to mention the Brothertown in its text (Wisconsin 1952, 1966). A *Bibliography of the Indians of Wisconsin* published by a scholar in 1965 contains no section on the Brothertown Indians (Fay 1965). A brief scholarly survey of *Wisconsin Indians* published in 1969, and revised in 1980, does not list the Brothertown Indians in its table of contents or its map of “Wisconsin Indians” and does not discuss them in its text (Lurie 1969, 1980). Its only reference to the Brothertown is to include the Brothertown reservation of 1831 in its map of “Indian Land Cession.” An article on the “Indians of Wisconsin” in the *Wisconsin Blue Book* in 1975 mentions the Brothertown only as having received land in 1831 and does not include the Brothertown in its discussion of current Indians of the State or in its bibliography (W. Hodge 1975). None of these publications provides any identification of a Brothertown Indian entity contemporaneous with the date of publication.

The petitioner notes that Brothertown Indians received a share of the claims award to Emigrant New York Indians made by the Indian Claims Commission and distributed as provided by Congress in an Act of September 27, 1967 (BIN 1996, 95, 97; 2005, 25, 28). That Act defined the beneficiaries of the award as the Oneida Indian tribe, the Stockbridge-Munsee Indian tribe, and individuals of Brothertown descent who had “at least one-fourth degree Emigrant New York Indian blood” and were not members of either of the two federally recognized tribes named in the Act (U.S. Congress 9/27/1967). The petitioner claims that tribes made membership lists for the purpose of receiving judgment funds (BIN 1996, 95; 2005, 25). This was true of the two federally recognized tribes, but Brothertown descendants were required to submit individual applications. The Bureau of Indian Affairs prepared an enrollment of those applicants who met the eligibility requirements of the Act and had applied by the regulatory deadline (Interior 11/16/1967; BIN 2005, 26). The Government made payments to these Brothertown individuals. The Indian Claims Commission awarded a judgment to historical Indian tribes that existed in the 1820s and 1830s. Congress in 1967 did not identify a contemporary Brothertown Indian entity for the purpose of receiving a share of this award to historical tribes.

The petitioner’s presentation for this criterion mentions five newspaper articles between 1967 and 1972 about the claims award process without expressly explaining how they identified the petitioning group (BIN 2005, 26-27; 2008, 11). The local Fond du Lac newspaper reported most accurately on the claims payment issue, while the two articles submitted from newspapers in Sheboygan and Milwaukee were very brief and poorly informed. The local newspaper talked to BIA officials in the State and local attorney Robert Fowler, a Brothertown descendant. The *Fond du Lac Commonwealth* consistently referred to “descendants of Brothertown Indians” or

“descendents” of the Brothertown tribe as the recipients of claims award payments (*Fond du Lac Commonwealth* 11/21/1967, 4/30/1968, 3/3/1972; BIN 2005, 26-27). It also reported that “descendents of the Brothertown community now reside in Fond du Lac” (*Fond du Lac Commonwealth* 11/21/1967). This newspaper referred to Indian individuals as current residents of the area, but did not identify a contemporary Indian entity.

The *Sheboygan Press* in 1967 quoted Senator Gaylord Nelson of Wisconsin as referring to the Brothertown, without actually naming the Brothertown in the quoted passage and while inaccurately describing their ancestry, as one of the “tribes, whose members are descendants of the New York Iroquois Indians,” that would receive the claims award. This language implied a Brothertown tribe existed in the present even though Nelson’s bill to distribute the judgment funds treated the Brothertown differently from federally recognized tribes (*Sheboygan Press* 9/15/1967; BIN 2008, 11). The Act of 1967 did not require the members of two federally recognized tribes to submit application forms, but the *Milwaukee Journal* in 1967 stated that “members of three Wisconsin Indian tribes” had to apply for an award payment, and named the “Brotherton” as one of those tribes (*Milwaukee Journal* 11/16/1967; BIN 2005, 26). Both newspapers confused an award to historical tribes with payments to their modern successors or heirs. By referring to Brothertown in the present tense as a contemporary tribe with current members, these two brief newspaper articles identified a contemporary Brothertown Indian entity in 1967.

For the decade of the 1970s, the petitioner’s presentation for this criterion refers to family reunions and visits by Brothertown Indians to Narragansett Indians at an unstated date and to Montauk Indians in 1978 (BIN 2005, 24; 2008, 11, 15). Activities of individual members of the petitioning group do not demonstrate identification of the group by outside observers. The petitioner’s presentation does not cite documents or provide an explanation to show that external observers identified any entity. The petitioner also mentions a visit to Wisconsin by John Hamilton of New London, Connecticut, to seek support for a land claim against the State of Connecticut. A newspaper article reported that Hamilton called for “Brothertown, Stockbridge, [and] Munsee Indians” to attend a meeting, but did not identify a contemporary Brothertown organization or entity (*Appleton Post* 9/-/1977). The petitioner also notes a statement, made in a letter in 2006, that two individuals received American Indian tuition waivers to attend the University of Minnesota at Morris during the 1970s (M. Miller 5/24/2006; BIN 2008, 4). That letter did not describe those students as Brothertown Indians or relate their tuition waivers in any way to the existence of a Brothertown Indian entity in the 1970s.

The petitioning group has been identified since 1981 as an Indian entity on a substantially continuous basis by a variety of external observers. Soon after the petitioner formed its current organization, an Indian organization and the State government identified the petitioning group. In 1981 the Great Lakes Inter-Tribal Council’s education committee published a new policy manual that offered membership in that organization to a Brothertown group, listing the “Brotherton Area” as one of the “communities or groups” that “shall have the option of declaring membership” with the committee to represent the “Brotherton” tribe (GLITC 1/-/1981; BIN 2008, 12). Whether or not the petitioning group accepted this offer of membership, this Indian organization identified a contemporary Brothertown Indian entity. In 1982 the Wisconsin State legislature issued a “citation” to “congratulate the Brotherton Indians on their 150th Anniversary

Celebration” and stated that “in 1982 the Brotherton Nation” included various professional and business people “in the tribe” (Wisconsin 4/7/1982; BIN 2008, 5). This citation identified a contemporary Indian entity and linked it to a historical Indian tribe. Governor Lee Sherman Dreyfus also issued an executive proclamation in 1982 that referred to “the Brotherton Nation” as existing “today” and to its 150th anniversary in Wisconsin (Dreyfus 11/8/1982; BIN 2008, 5).

Area newspapers identified the petitioner’s organization by reporting on its activities.<sup>8</sup> In 1981, a newspaper identified the “Brothertown Indian Nation” as “a Wisconsin Indian tribe” and said the “tribe” was in the process of applying for federally recognized status (*Fond du Lac Commonwealth* 6/21/1981). A number of newspapers reported on the petitioning group’s 150th anniversary celebration activities during 1982 and identified the petitioner as the “Brotherton Indian Nation” or “Brotherton Nation” and as a “tribe” or “nation” or “community” (*Milwaukee Journal* 6/9/1982 and 11/9/1982; *Appleton Post-Crescent* 7/17/1982; *Fond du Lac Commonwealth* 7/18/1982). Newspapers identified the petitioner in 1984 as the “Brotherton Indian Tribe” or “Brotherton Indian Nation Inc.” and as a “tribe” that received a grant or deposited its historical materials in a local college library (*Appleton Post-Crescent* 10/21/1984; *Oshkosh Northwestern* 11/11/1984). They identified the petitioner in 1985 by reporting the “Brotherton Indian Tribe” had given a reward to a researcher for “the tribe” (*Racine Journal Times* 11/2/1985), in 1986 by reporting on “the Brotherton tribe’s quest” for tribal recognition (*Appleton Post-Crescent* 5/31/1986), and in 1987 by saying that members of the “Brothertown Indian tribe” had attended a “tribal reunion and picnic” (*Sheboygan Press* 7/22/1987).

The Oneida Tribe of Indians stated in 1983 that “the Brotherton Tribe . . . has in recent years been working toward regaining their federal recognition” and adopted a resolution to support those efforts (Oneida Tribe 5/6/1983; BIN 2008, 13). The Oneida resolution identified a contemporary Indian entity. It linked the contemporary group to a previously acknowledged tribe and to a historical tribe that had a relationship with the Oneida “dating back to 1788.” The Stockbridge-Munsee Community approved an almost identical resolution in 1985 (Stockbridge-Munsee Community 8/20/1985; BIN 2008, 13). The Oneida Tribe adopted another resolution in 1992 that asserted “the Brothertown Indian Nation is a tribe of American Indians” that “has existed . . . since time immemorial to the present day” and “is governed by a Tribal Council” (Oneida Tribe 5/7/1992). This resolution identified the petitioner by name as a contemporary Indian entity. It expressly linked the petitioner to a historical tribe previously recognized by treaties. An undated statement of the American Indian Chamber of Commerce of Wisconsin said it awarded its first scholarships to Indian students in 1996 and named the petitioner’s organization as existing at that time (AICCW n.d.; BIN 2008, 4).

The petitioner contends the State of Wisconsin invited it to participate in the State’s sesquicentennial celebration in 1998, but without citing supporting evidence (BIN 2008, 12). A newspaper article in the record suggests it was the sesquicentennial committee of the town of Brandon, west of Fond du Lac, that “contacted the Brotherton Indian nation . . . to participate in the local event” (*Waupun News Daily* 1/19/1998). This article identified the petitioning group as a contemporary Indian entity. A Minnesota newspaper reporting on a meeting the petitioner held

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<sup>8</sup> The petitioner asserts it has been identified by various newspapers, but does not give any specific examples, specific citations, or specific dates (BIN 2008, 16).

in that state at Little Falls in 1998 identified the petitioning group by name as a contemporary Indian entity (*Morrison County Record* 5/3/1998). By telling the petitioner's version of its history, it linked the contemporary group to the previously acknowledged historical tribe. In 1999 the State Historical Society of Wisconsin approved a "historical marker" applied for by the petitioning group. This highway marker includes historical text about the Brothertown Indians and concludes with the sentence, written by the petitioner but accepted by the State, that: "Today, the Brothertown remain a culturally distinct Indian community of about 2,400" (Wisconsin 1999; McBride 2/16/1999; Ezold 4/18/1998; BIN 2008, 6). The State's historical marker erected in 1999 identified a contemporary Indian entity.

In addition to evidence that demonstrates the identification of the petitioning group, the petitioner's presentation for this criterion mentions various activities of individuals without citing supporting evidence to show how they demonstrate identification of the petitioning group by an external observer. The available evidence does not demonstrate that individuals received scholarships because of their membership in the petitioner's organization, although this may be the case (BIN 2008, 4). The petitioner refers to an invitation to participate in an inter-tribal powwow in 1998, but the only document that appears to refer to such an event does not name a Brothertown group as a participant (*Milwaukee Journal* 3/15/1998; BIN 2008, 12). The activities of individual members of the petitioning group in visiting members of New England tribes, making presentations on Brothertown history, or demonstrating traditional crafts are not external identifications of the petitioning group (BIN 2008, 11, 15, 24). Two newspaper articles the petitioner cites as reporting on such activities in 2006 may identify the petitioning group, but they do not appear to have been submitted for the record (BIN 2008, 24 n.28). The petitioner asserts it has been recognized by the seven ancestral tribes from which the Brothertown Indians evolved, but does not cite evidence to support this contention (BIN 2004, 14).

Almost all of the recent scholarly literature cited by the petitioner relates to the history of the Brothertown prior to 1839 and has already been discussed (BIN 2008, 18-23). Other scholarly work of the period since 1975 that is not cited explicitly by the petitioner also deals only with the historical tribe (Mason 1988; Jarvis 2003). One manuscript submitted by the petitioner, however, suggests that the Brothertown are only an "imagined" tribe (Hutchins 2005). The petitioner often refers to a study of the Indians of New York, primarily in the 20th century, but does not expressly claim it as an identification of the petitioning group. That study's index does not include the "Brothertown" (Upton 1980, 241). The petitioner suggests that a recently published anthology includes the Brothertown as one of Wisconsin's "current" bands or tribes, which would constitute an identification of the contemporary group (Tigerman 2003; BIN 2008, 18). The submitted excerpt of this publication does not use such language, but the anthology's inclusion of the petitioner's description of itself implies the editor adopts that position. In a historical survey of the *Indian Nations of Wisconsin*, published in 2001, author Patty Loew says that a "Brothertown Tribal Council" holds monthly meetings and refers to it as a "tribe" with "tribal members," thus identifying a contemporary Indian entity (Loew 2001, 124).

The contemporary petitioning group has been identified as an Indian entity by letters of support it has gathered in recent years (BIN 2008, 6-9, 14). These letters of support were provided the petitioner by the Governor, Secretary of State, and Attorney General of Wisconsin; members of the United States Congress from Wisconsin; members of the Wisconsin State legislature; the city

manager of Fond du Lac, Wisconsin; and federally recognized Indian tribes of Wisconsin (LaFollette 8/1/2005; Petri 9/12/2005; Doyle 10/10/2005; Breske 11/2/2005; Menominee Tribe 11/17/2005; Hansen 11/18/2005; Lautenschlager 12/22/2005; Herre 1/16/2006; Kind 2/16/2006; Danforth 2/22/2006). For example, Governor Jim Doyle wrote in 2005 to provide “support for the Brothertown Indian Nation’s petition for acknowledgment by the federal government.” The governor identified the petitioner as a “vibrant nation today” and implied the petitioner is the same group as the historical tribe by referring to its “important role in the history of the State of Wisconsin” (Doyle 10/10/2005). The chairman of the Oneida Tribe reaffirmed the tribe’s support for Federal acknowledgment of the Brothertown petitioner and linked it to the historical treaties of the Brothertown tribe (Danforth 2/22/2006). These letters and tribal resolutions dated 2005 and 2006 demonstrate the identification of the petitioner as an Indian entity at that time.

### **Conclusion**

The petitioning group has been identified as an American Indian entity on a substantially continuous basis since 1981. In addition, external observers identified a historical Brothertown group on a substantially continuous basis from 1839 until 1855. Between 1855 and 1981, outside observers periodically identified a Brothertown Indian entity. Most of these periodic identifications and most of those made since 1981 linked the contemporary group being identified to the previously acknowledged historical tribe, thus meeting an additional requirement for this criterion added by section 83.8(d)(1). Because the periodic identifications between 1855 and 1981—in 1875, 1878, 1901, 1902, 1903, 1937, and 1967—are separated by long periods of time in which the petitioner or its members’ ancestors were not identified as an Indian entity, the petitioner does not satisfy the standard of “substantially continuous” identification stated in this criterion. Therefore, the petitioner does not meet the requirements of criterion 83.7(a) as modified by section 83.8(d)(1) since 1839, the last date of Federal acknowledgment. Alternatively under section 83.8(d)(5), the petitioner does not meet the requirements of criterion 83.7(a) since 1839.

### **Criterion 83.7(b)**

**83.7(b) A predominant portion of the petitioning group comprises a distinct community and has existed as a community from historical times until the present.**

**83.8(d)(2) The group meets the requirements of the criterion in §83.7 to demonstrate that it comprises a distinct community at present. However, it need not provide evidence to demonstrate existence as a community historically.**

### **Introduction**

The evaluation under this criterion is modified for petitioners with previous Federal acknowledgment as an Indian tribe. Previously acknowledged petitioners are not required to demonstrate their existence as a historical community. Section 83.8(d)(2) provides that they must demonstrate only that a predominant portion of the petitioning group comprises a distinct community “at present.” Section 83.1 defines “community” as “...any group of people which can demonstrate that consistent interactions and significant social relationships exist within its membership and that its members are differentiated from and identified as distinct from nonmembers. *Community* must be understood in the context of the history, geography, culture and social organization of the group.” The definition of “at present” varies for groups evaluated under section 83.8(d)(2), as each case requires researchers to define a period tailored to each petitioner’s unique history. The Brothertown Indian Nation (BIN) petitioner formally organized in 1980, and this event establishes a meaningful starting date for a contemporary period for evaluation. For this case, “at present” is considered to be the period from 1980 to 2009. Therefore, the petitioner needs to meet the requirements of criterion 83.7(b), as modified by section 83.8(d)(2), from 1980 to 2009.

Evidence relating to earlier historical periods is described here for several reasons, including the awareness that any proposed finding of previous Federal acknowledgment is preliminary. First, an evaluation of a possible community at present depends upon some knowledge of how such a community may have been formed or have continued from what went before. Second, a discussion of historical settlement and historical social relationships helps provide context for a required discussion of historical political influence under criterion 83.7(c). Third, the acknowledgment regulations provide that a petitioner will be considered to have provided evidence sufficient to meet criterion 83.7(c) for a given time period if it meets the requirements of section 83.7(b)(2) for that period. Thus, the discussion of this criterion describes historical evidence and asks whether historical evidence demonstrates the petitioning group meets the requirements of section 83.7(b)(2) historically.

At the time of the Act of 1839 the Brothertown Indians of Wisconsin had a reservation for their exclusive use. After the land of the reservation was allotted to tribal members, the exclusiveness of the former reserve was quickly lost. Non-Indian settlers arrived in the area and bought lands that had been allotted to Brothertown Indians. In less than 20 years Brothertown descendants became a minority of the population of the former reservation that became first Manchester Township and then Brothertown Township of Calumet County. The 1900 Federal census showed that Brothertown descendants composed only about one-tenth of the population of Brothertown Township, and after 1900 fewer and fewer Brothertown descendants remained in the township. From the 1930s to the mid 1960s, there is little evidence that the members who moved outside of Brothertown Township associated with each other as Brothertown descendants, and only sporadic examples of the few descendants still living in Brothertown associating with each other. After a 1967 claims award to the New York Emigrant Indians, there is little evidence in the record that individual Brothertown descendants associated with each other for any purpose other than the filing of claims applications.

In 1980, a small number of descendants formed the “Brothertown Indians of Wisconsin” and began the process of petitioning for Federal acknowledgment as an Indian tribe. The evidence in the record describes some activities of its organization since 1981, and indicates that the group is highly dispersed. The evidence in the record indicates that most interaction among members is related to the expansion of the formal organization. Few members have strong social ties to other members, and those who do have them often formed these relationships through the formal activities of the group. These relationships have not been consistent throughout the 29-year period that defines “at present” under the criterion. The petitioner’s narrative does not indicate that a predominant portion of its members constitute a distinct community “at present.” All of the combined evidence presented by the petitioner does not indicate that that a predominant portion of the members constitute a distinct community. Because the petitioner does not satisfy the requirements of this criterion for the period “at present,” it does not meet criterion 83.7(b) as modified by section 83.8(d)(2).

The petitioner’s presentation for this criterion since 1839 is found in three narratives submitted in 1996, 2005, and 2008 (BIN 1996, 101-115; 2005, 60-99; 2008, 25-46). The petition record also includes additional information submitted by the petitioner and collected by OFA. This information includes, but is not limited to, Federal and State documents, sign-in sheets, newsletters, and interviews. The petitioner describes the movement of the Brothertown population away from the former Brothertown Indian reservation, mentions certain political activities involving claims cases, says that annual homecomings occurred between the late 1890s and mid-1930s, quotes a personal diary for the years 1917-1923 and a 1934 letter, cites family reunions over the last several decades and some activities of its organization since 1981, and notes statements of support from public officials and federally recognized tribes. It provides almost no discussion of group social activities between the 1920s and 1970s. The petitioner’s narrative tends to assert that social contact and interaction occurred historically among members of the petitioning group rather than providing examples or citing sources that demonstrate that such social interaction took place. The petitioner’s narrative offers little explanation of evidence to demonstrate that a predominant portion of its members constitute a distinct community. The evidence in the record relating to the events mentioned by the petitioner is discussed in the following sections.

### Historical Settlement of Brothertown Indians in Wisconsin

The Brothertown migration to Wisconsin began in 1831 according to William DeLoss Love in his 1899 book *Samson Occum and the Christian Indians of New England*. In 1831, Love said, a group of six families consisting of “nearly forty persons” migrated from Brothertown, New York, to Green Bay, where they settled temporarily along the Fox River (Love 1899, 324-325). He noted that the group was composed predominantly of the large families of William Dick, Elkanah Dick, and Randal Abner. The United States Senate added a proviso to the Treaty of February 8, 1831, with the Menominee that granted the Brothertown a reservation south of Green Bay on the east shore of Lake Winnebago and, according to Love, after the treaty was ratified they moved to that location in 1832. Love’s genealogical notes on Brothertown families included in the petitioner’s genealogical database identify another five families who arrived in 1832 and were allotted in 1839 (Love 1899, appendix). The petitioner’s narrative names an additional five families and four individuals who arrived in 1832 (BIN 1996, 68-69; 2005, 55-56). An obituary in the local newspaper claimed that another individual settled in 1832 at Brothertown (*Chilton Times* 6/15/1887). This combined evidence identifies perhaps 21 founding families on the Brothertown reserve.<sup>9</sup>

Migration to the new reservation continued after 1832 and the available evidence reveals that a Brothertown settlement in Wisconsin was still in the process of being established at the time the 1839 Allotment List was made. The petitioner identifies 34 families or individuals who arrived in Wisconsin in the years from 1834 to 1839 (BIN 1996, 68-69; 2005, 55-56). However, the genealogical notes in Love’s 1899 book indicate that one of these families arrived in 1843.<sup>10</sup> The petitioner’s genealogical database contains notes that identify another five families or individuals who arrived in Wisconsin before 1839 (Love 1899, appendix; *Chilton Times* 6/30/1885). A number of the household heads identified by the petitioner died before 1839, but some had widows who were allotted. Another five of these family heads not known to have died before 1839 were not included on the 1839 Allotment List. A date of migration cannot be determined for many of the adults on the 1839 Allotment List, so more families may have participated in the original settlement of the reserve and more families than those identified in these sources arrived in the years between 1832 and 1839. This pattern of continuing Brothertown migration from New York to Wisconsin posed a problem for the commissioners making the allotment list in 1839, as they expected more Brothertown families and individuals to arrive after 1839.

A local resident and amateur historian, Otto Heller, gathered evidence about the location of the earliest homes established by Indians on the Brothertown reservation. In 1936, Heller drew a

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<sup>9</sup> Randal Abner, Thomas Commuck, Elkanah Dick, William Dick, David Johnson, and Isaac Scippio in 1831; Alexander Dick, Daniel Dick, John C. Hammer, William Johnson Sr., John Seketer Sr., and Abraham Skeesuck in 1832. The petitioner adds the John Adams, Simeon Adams, Thomas Dick, Nathan Paul, and Ezekiel Wiggins families and the individuals Jeremiah Johnson, Charles Seketer, George Skeesuck, and James Wauby.

<sup>10</sup> The petitioner does not cite its sources for the dates it gives for migration to Wisconsin, but citations to Love’s book and an obituary in the petitioner’s genealogical database provide supporting evidence for 12 of the other 33 families it names (Love 1899, appendix; *Chilton Times* 8/1/1891).

map of the historical information he had collected (Heller 1936). In many cases he also supplied a date of settlement by these individuals in these locations. These settlement dates have been extracted from his map by OFA researchers and arranged chronologically (see Appendix A). The first Brothertown families settled the Brothertown reservation in 1832, according to Heller's data. In that year, three Dick families established homes near where Mill Creek flows into the lake. The village now known as Brothertown developed in this area. Heller's evidence indicates that at least seven Brothertown families settled the reserve in 1832 and ten more families arrived in 1834. His map identifies the location of at least 30 homes established on the reserve through 1839. Most of these homes were located along either Baseline Road, surveyed in 1834, or Military Road, established just to the east of Baseline Road in 1836 (see Figure 2). Almost all this settlement before 1840 occurred in roughly the western sixth of the reserve, in what would become the three ranges of allotments closest to the lake.

The 1839 Allotment List of 1839 made 390 assignments of land, including more than one assignment to a few individuals (see Appendix B).<sup>11</sup> In making the 1839 Allotment List, the commissioners relied upon an earlier partial allotment of the land of the reserve and claimed they preserved all existing buildings and cultivated lands for their owners in the new list of allotments (Anthony et al. 10/-/1839). A comparison of the map of the allotments and Heller's map of first homes shows many individuals in comparable locations, while some discrepancies indicate Heller did not assemble his map by simply matching settlers to their allotments (Featherstonhaugh 1840; Heller 1936). A result consistent with a practice of allotting lands to existing settlers was that the commissioners assigned no lots of land along Military Road or Baseline Road, the location of earliest settlement, to minors. There was a discernable pattern related to the age of the allottees in the distribution of lots in 1839. The age of allottees is not known for more than one-quarter of these individuals and the age of others is based only on approximate estimates. Despite these problems, the available data suggest that less than 10 percent of allottees in the western quarter of the reserve were minors, about 50 percent of allottees in the middle half of the reserve were minors, and more than 75 percent of allottees in the eastern quarter of the reserve were minors.

The Brothertown commissioners in 1839 made allotments to people who were "not resident and actual settlers" in Wisconsin (Anthony et al. 10/-/1839).<sup>12</sup> They recognized that more Brothertown families in New York intended to migrate to Wisconsin, and they made an effort to include them on the 1839 list. As the commissioners explained in a supplemental report to the General Land Office in 1845, before "we could make a just and equitable division" of Brothertown lands in Wisconsin in 1839, "it was necessary that we should have a list of those [Brothertown Indians] who resided in the State of New York" (Anthony et al. 7/10/1845). The "list at length came," they said, and they assigned land on the basis of that list. However, it is

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<sup>11</sup> The report of 1839, amendatory reports of 1845, and map of 1840 identify 387 member allottees at the time of the allotment. The commissioners made 390 allotments in their 1839 report, but 5 appear to represent a second assignment made to one individual and 1 was made to unnamed children, which reduces the total to 384 identified allottees, while the map identified 2 wives not listed in the 1839 report and an 1845 report identified 1 additional wife, which increases the total to 387 allottees identified by the commissioners. The petitioner says that 378 members were allotted (BIN 1996, 73; 2005, 62).

<sup>12</sup> Just prior to the allotment to 387 individuals, a territorial newspaper estimated the Brothertown population to be 216 (*Wisconsin Enquirer* 6/15/1839).

not clear they made allotments to everyone on the list. The commissioners offered this explanation to the General Land Office in an attempt to return a patent issued to John Kiness and have it reissued to John Coyhis Sr. Kiness was on the list of the Brothertown in New York, but the commissioners said they later learned he lived in Connecticut and did not belong to the tribe. On the other hand, individuals who had arrived but then left the Brothertown reserve in Wisconsin were not allotted. The commissioners acknowledged Coyhis had not been allotted in 1839 because he had “abandoned the nation” and moved away from the reserve, only to return later.

At least some individuals on the 1839 Allotment List were identified in Love’s genealogical notes as New York residents at that time. Asa Dick (b.1795) was described by Love as “the most prominent man” in the town of Dickville, New York, the last Brothertown “peacemaker,” and a man who “bought the lots of many Indians who wished to emigrate to Wisconsin” before he died in New York in 1843 (Love 1899, 343). Both he (#178) and his wife (#332) were on the 1839 Allotment List. His brother Isaac Dick (b.1804), Love said, held several town offices in New York and moved to Wisconsin in 1843 (Love 1899, 343). Both he (#317) and his wife (#161) were on the 1839 list. Cynthia Dick, the widowed mother of Asa and Isaac Dick, was on the 1839 list (#167), as well as three of her daughters (#72, #202, #277), but Love’s notes do not give a date of their migration to Wisconsin or indicate that they actually relocated. Love did not give a migration date for John Dick (b.1808), son of Paul Dick aka Paul Richards, but said that he sold his New York lot in 1841 and served as a peacemaker “until the tribe had nearly all emigrated, when he followed them” (Love 1899, 344). This implies that John Dick also was on the 1839 list (#146) while still a resident of New York. The petitioner says about 50 Brothertown arrived in Wisconsin after 1841 (BIN 1996, 69).

The commissioners’ report in 1839 stated that women who had married outside the tribe were not allotted land. A social community of allottees and their close kin in Wisconsin would therefore have been larger than the 1839 Allotment List. The petitioner’s genealogical database identifies clearly only one daughter of an 1839 member who married an outsider, came to Wisconsin, and was not included on the allotment list.<sup>13</sup> Two other adult daughters possibly left off the 1839 list might fall into this category, but neither has a known pre-1839 marriage.<sup>14</sup> Another three daughters of 1839 members were on the 1839 list even though they had children by non-members. These women were either married to a member or not married to a non-member at the time of the allotment.<sup>15</sup> They were included on the allotment list, but their children by non-members were not. Perhaps a number of married daughters still residing in New

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<sup>13</sup> Nancy (Johnson) Schooner (b.1814), daughter of allottees #40 and #70 (William Johnson and Charlotte (Skeesuck) Johnson), was omitted from the 1839 list, as were her three children born before 1839.

<sup>14</sup> Lucy Paul (b.1810), daughter of allottee #32, and Serepta Crosley (b.1815), daughter of allottee #1. However, Serepta Crosley is likely on the 1839 list as Serepta Wauby.

<sup>15</sup> Elizabeth (Mathews) O’Brien/Shelley (b.1797), allottee #122, had married a non-member prior to 1825, but was married to a member at the time of the 1839 allotment. Lucy (Skeesuck) Hart/Welch (b.1816), allottee #182, apparently had children by a non-member prior to 1839 but did not marry him until after the allotment list was made. Lucinda (Brushel) Welch (b.1816), allottee #214, had children by a non-member prior to 1839 but may not have married him until having moved to Wisconsin after 1839.

York were excluded from the 1839 list. The emphasis given to this issue in the commissioners' report implies that more women were affected by this membership policy.

Some of these women may have been identified by Special Agent Guion Miller in making a claims roll in 1901. Miller "added" to the 1839 Allotment List the names of individuals he found on an older allotment roll in the tribe's "Town Book" of records (Miller 9/3/1903). This roll might have been an 1834 allotment list or a preliminary 1839 Allotment List filed with the Town Clerk for inspection and appeal as required by the Act of 1839. These names added by Miller were individuals on an earlier roll left off or deleted from the final 1839 Allotment List submitted to the President. Even though they were not allotted as members of the tribe in 1839, it appears Miller added these names as ancestors from whom Brothertown descent could be claimed in 1901. Miller added 36 names. At least 10 of these people appear on the 1839 list, 2 are likely on the 1840 map, and 2 others may be on the 1839 list, so Miller identified at least 22 additional Brothertown ancestors. Nineteen of these people, and possibly all 22 of them, do not appear in the petitioner's genealogical database. At least 12, and perhaps 16, of these additional ancestors are women, and they may be women who married outside the tribe and therefore were excluded from the 1839 Allotment List.<sup>16</sup>

Two alternate views of membership in the Brothertown group after 1839 derive from the group's historical reliance on patrilineal descent to limit its membership and distribution of reservation land, thus excluding those women who had grown up as Brothertown members but later married non-Brothertown men. This proposed finding tracks both lineal Brothertown descendants who were acknowledged as members according to the rules regarding patrilineal descent and those people who descend from Brothertown women who married non-Brothertown men. These latter descendants are described by the contemporary petitioner as members, but do not appear to have been considered members by the group during the 19th century. It is important to discuss these ancestors of the contemporary petitioner and consider how these ancestors may have interacted with each other. This proposed finding considers both historical Brothertown rules of membership and the contemporary petitioner's view of its membership.

### **The Brothertown Indians, 1839-1904**

#### Residential Analysis under Section 83.8(b)(2)(i)

Section 83.7(b)(2)(i) asks whether "[m]ore than 50 percent" of the petitioner's members lived in an area composed "exclusively or almost exclusively" of members of the petitioning group.<sup>17</sup> The petitioner did not include a historical residency analysis as part of its petition submission. OFA researchers examined several Federal, State, and territorial censuses for the period after 1839 to evaluate whether the petitioning group met the requirements of this section and, if so, for

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<sup>16</sup> Mary Ann [Marietta?] Abner, Susan Anthony, Nancy Broder, Olive Brushel, Jane Brushel, Caroline Fowler, Elizabeth Johnson, Mary Johnson, Laura Mathers, Mary Mathers, Emily Samson, and Nancy [Walkieth].

<sup>17</sup> If these two conditions are met, section 83.7(b)(2)(i) additionally requires a demonstration that the "balance of the group" outside the almost exclusive area maintained "consistent interaction" with some members of the majority residing in the almost exclusive area.

how long. At the time of the Act of 1839 the Brothertown Indian Reservation was an area consisting almost exclusively of Brothertown Indians, and the 1840 Federal census confirms that such a residential pattern existed immediately after the allotment to individuals of reservation lands. The 1840 Federal census and territorial censuses of the 1840s named only the heads of families, which makes it impossible to account accurately for the residential locations of all 1839 Brothertown members. The Federal census in 1850 and following years, however, listed all household residents. Federal census schedules reveal the persistence through the 19th century of an area of Brothertown settlement, but an area that gradually declined in size and concentration of Brothertown descendants.

Randal Abner Sr., one of the 1839 Brothertown commissioners, served as enumerator of the 1840 Federal census of Calumet County. The census did not designate any specific townships or districts within the county (U.S. Census 1840, Calumet County). In 1840 Calumet County consisted of more than the former Brothertown Indian Reservation. It included areas of non-Indian settlement but did not include the Stockbridge Indian Reservation,<sup>18</sup> as the 1840 census excluded “Indians not taxed.” The census offered the enumerator only three descriptive racial categories to identify the “color and condition” of the residents: “free white persons,” “free colored persons,” or “slaves.” Given this choice, Abner identified all the Brothertown allottees as “free white persons.” Two non-Indian family heads residing in the settlement married Brothertown women who were disqualified from receiving an allotment by their marriage to a non-Indian. One non-Indian family head residing in the settlement eventually married a Brothertown allottee. A few such families or individuals resided among the Brothertown allottees, but otherwise the Brothertown members were enumerated in sequential households, indicating that they were in close physical proximity to each other.

The 1840 Federal census of Calumet County enumerated 68 families, 50 of which were headed by a Brothertown Indian allotted in 1839 (U.S. Census 1840, Calumet County). OFA researchers compiled a list of all the households on the 1840 census (see Appendix C). The families of Brothertown allottees constituted 77 percent (213 of 275) of the 1840 population of Calumet County. This census did not identify spouses or children by name. The presence of a spouse can be deduced from comparable ages on the census and the identity of a spouse can be presumed from information in other sources. It is not possible to identify all resident allottees in 1840 given this absence of specific names, but a portion of adult Brothertown allottees in 1839 are not enumerated on the 1840 census. The 11 consecutive non-Brothertown families on this census may represent non-Indian settlers outside the former Brothertown Indian Reservation. If this is the case, then Brothertown allottees headed 50 of 57 families in the township consisting of the former reserve, or more than seven-eighths of all families, indicating this area of the county consisted almost exclusively of Brothertown Indians in 1840.

In the years after 1840, the exclusiveness of the former Brothertown Indian Reservation rapidly disappeared. Thomas Commuck, a former Brothertown commissioner, noted in 1851 that “a

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<sup>18</sup> The name of the contemporary group is the “Stockbridge-Munsee Community Band of Mohican Indians.” Historically, the group has been referred to by a number of names, including “Stockbridge” and “Stockbridge-Munsee.” Many contemporary members refer to themselves as “Mohicans.” In this text, the contemporary group will be referred to as “Stockbridge Mohicans.”

constant tide of emigration setting [*sic*] into our county” had recently begun (Commuck 1851, 106). He contrasted the situation in 1840, when only a few non-Indians resided in the county, with that in 1850, when he estimated Brothertown Indians made up 400 of the county’s 1,746 residents. A superintendent of the Office of Indian Affairs, who traveled through the area on visits to the Stockbridge Indians, said in 1854 that “many white men have bought lots and settled among” the Brothertown (Huebschman 9/28/1854). The new settlers after 1840 soon outnumbered the original Indian residents in the county and the township, but a residential area consisting predominantly of Brothertown Indians persisted for a time in the western portion of the township where they had first settled. The issues under section 83.7(b)(2)(i) are whether or not such an area of Brothertown settlement was so extensive as to include more than 50 percent of Brothertown members and was also composed “almost exclusively” of Brothertown Indians.

Some outside observers in the late 1840s and early 1850s referred to the Brothertown residential area as an Indian settlement. For example, an army officer in 1845 mentioned “the Stockbridge and Brotherton Indian Settlements” (McClellan 9/13/1845). The Governor of Wisconsin in 1847 said a township was “occupied” by Brothertown Indians who had become citizens (Dodge 3/26/1847). An Indian Office superintendent in 1854 similarly referred to this Brothertown area as “their township” and to the township as “the home of the Brothertons,” while also noting the presence of “many” non-Indian settlers among them (Huebschman 9/28/1854, 10/1/1855). The Federal census provides information about the residents of the area being identified as a Brothertown area at that time. On the 1850 census schedule a residential area of 117 consecutive dwellings existed in which between two-thirds and three-fourths of the households (81 of 117) included a Brothertown allottee or descendant (U.S. Census 1850, District 36). On the 1860 census schedule, however, no geographical area within Brothertown Township extensive enough to include half of Brothertown allottees or descendants can be identified in which the Brothertown constituted even the majority of households (U.S. Census 1860, Brothertown Township).

A Brothertown Indian settlement ceased being composed “almost exclusively” of Brothertown allottees and their children soon after 1840. An almost exclusive Brothertown area did not continue to exist until 1860, as the evidence of the Federal census that year reveals no residential area extensive enough to include half of Brothertown descendants that consisted even mostly of Brothertown Indians. In addition, the evidence in the record suggests outsiders stopped describing a geographical area as an Indian settlement or Brothertown settlement by then. However, a geographical area consisting mostly of Brothertown Indians existed in 1850. The Indian superintendent who identified a Brothertown area in the 1850s also noted the presence of outsiders among the Brothertown, as did the 1850 census. This combination of evidence—showing that an Indian superintendent who visited the area of Brothertown settlement referred to it as containing “many” non-Indian settlers by 1854, and that an area shown on the 1850 Federal census that included most Brothertown allottees was an area in which less than three-fourths of households included a Brothertown allottee or descendant—is considered for this proposed finding to be insufficient to demonstrate that a geographical area composed “almost exclusively” of Brothertown allottees and their children persisted until 1850.<sup>19</sup>

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<sup>19</sup> For the final determination the petitioner may be able to show that a geographical area “almost exclusively” composed of historical members of the petitioning group existed until 1846 or 1847 using the territorial census of Wisconsin in combination with identification of a settlement of the Brothertown or other evidence. The petitioner

An analysis of the 1850 Federal census shows there was a geographical area in Calumet County consisting mostly, but not almost exclusively, of Brothertown households (U.S. Census 1850, District 36). OFA researchers compiled a list of residences of Brothertown descendants in 1850 by consulting the Federal census of 1850 and information in the petitioner's genealogical database (see Appendix D). In 1850, individuals on the 1839 list of allottees or their children resided in 81 of the first 117 households (81 of 117) enumerated in District 36 by Brothertown allottee Alonzo Dick. About 65 percent (237 of 365) of still-living Brothertown allottees resided within this geographical area. For the purposes of this residential evaluation, a historical population in 1850 may be defined as individuals on the 1839 Allotment List plus their children, parents, and siblings for whom there is evidence they came to Wisconsin.<sup>20</sup> By this definition there were 390 Brothertown allottees or their children born before 1839 who were living in 1850, and 65 percent of them (253 of 390) resided within this geographical area.<sup>21</sup> This evidence that more than 50 percent of historical Brothertown members resided within an area not composed "almost exclusively" of Brothertown Indians does not meet the requirements of section 83.7(b)(2)(i) in 1850.

A geographical area composed mostly of households of Brothertown allottees and their children existed in 1850, but no such area continued to exist in 1860 or 1870 according to Federal census schedules. Based on the identification of the residences of Brothertown allottees or their

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would also need to show that more than 50 percent of the historical members of the petitioning group resided within such an area. In addition, section 83.7(b)(2)(i) requires a demonstration that the "balance of the group" outside the almost exclusive area maintained "consistent interaction" with some members of the majority residing in the almost exclusive area. Territorial censuses gave the number of people residing in each household, but identified only the head of the household. The territorial census of 1846, like the Federal census of 1850, shows that what was then Manchester Township was composed mostly, but not exclusively, of households headed by Brothertown allottees (Wisconsin 1846). The petitioner says it can identify 391 Brothertowns in a township population of 576 (68 percent) on the territorial census of 1847 (BIN 1996, 73). It is possible a portion of the township was an almost exclusive area in these years. However, even if it were to be demonstrated that the petitioner meets all the requirements of section 83.7(b)(2)(i) until sometime in the mid-1840s, the evidence transferred to criterion 83.7(c), under the provisions of section 83.7(c)(3), would cover such a brief period of time that it would provide little practical help in meeting the requirements of criterion 83.7(c) since 1839.

<sup>20</sup> Past acknowledgment decisions have assumed that individuals maintain social interaction with their parents, children, and siblings, and that such kin are part of any social community. These individuals have been referred to as "first-degree relatives." Some parents and adult children of the Brothertown members who migrated to Wisconsin remained in New York and were not included on the 1839 list. Those individuals are not included in this analysis, despite being close kin of the Brothertown in Wisconsin. Women who came to Wisconsin and were married outside the tribe in 1839 are likely included in this analysis as children of allottees.

<sup>21</sup> This analysis of the Brothertown population includes children born before 1839. This analysis does not include 1839 allottees or their children who are known to have died by 1850. Other individuals not found on the census who have no known death date may have died before 1850. No individuals 90 or older are included in this analysis unless found on the census. Better information on death dates may indicate that some people included in this 1850 population were actually deceased in 1850 and that the total of number of people used for this analysis should be somewhat smaller. It is probable that additional children of allottees should be included in this analysis. Since the children of allottees residing at Brothertown and found on the census are more likely known than the children of allottees residing elsewhere and not found on the census, the inclusion of children of allottees in this analysis creates a slight bias in favor of finding residential concentration. This evaluation uses the best information available at the time of this proposed finding.

descendants on the Federal censuses of 1860 and 1870 by the petitioner's researchers and OFA researchers, there does not appear to be any extensive geographical area within Brothertown Township of Calumet County in those years in which even the majority of households contained a Brothertown allottee or descendant. In both those years, however, the census schedules can be used to identify residential areas of more than 100 consecutive households in which the majority of households contained either a Brothertown descendant or an individual identified as an "Indian" by the census enumerator. These residential areas do not meet the regulatory standard of consisting "almost exclusively" of the petitioner's members. This census evidence, however, shows some persistence of residential clustering as well as a decline in the geographical concentration of the Brothertown population.

The 1860 Federal census reveals that Brothertown descendants had become a minority of the population of the former reserve, residing in about 63 of the 244 families listed in Brothertown Township (U.S. Census 1860, Brothertown Township). This census was enumerated by non-Brothertown descendant John Marygold. The census form asked that individuals be designated by the descriptive racial categories of "white," "black," or "mulatto," but the enumerator used the notation "ind" to designate "Indian" residents of the county. Marygold identified most of the Brothertown allottees as "Indian," but he identified some of them as "mulatto" or "white." His enumeration also identified at least four "Indian" heads of a household with the surname Fowler—two men both named Amos Fowler, an Edward Fowler, and an Eloy Fowler—who lived near known Brothertown descendants also named Fowler, but who were not Brothertown allottees in 1839 and do not appear in the petitioner's genealogical database. The families of these men may have been late arrivals from New York or non-Brothertown Indians who happened to share the Fowler surname. The census enumerator designated as "Indian" individuals who are not known to be Brothertown descendants. These "Indian" individuals may have been Indians of the Stockbridge or other local tribes rather than unknown Brothertown Indians.

OFA researchers compiled a list of 1860 residences of Brothertown allottees and their children by consulting the Federal census of 1860 and information in the petitioner's genealogical database (U.S. Census 1860, Brothertown Township) (see Appendix E). By 1860, all of the children on the 1839 Allotment List had reached the age of 21. Therefore, this analysis of the 1860 census considers the individuals on the 1839 Allotment List who were still living and the adult children of allottees who came to Wisconsin or were born there. By this definition there were 392 Brothertown allottees or their adult children living in 1860.<sup>22</sup> This evidence does not reveal the existence in Brothertown Township of an area consisting almost exclusively of Brothertown households or mostly of Brothertown households, but there was an area in which just half of the households contained Brothertown descendants or other individuals designated as an "Indian" (75 of the 147 households between #5 and #151).<sup>23</sup> This majority "Indian" area

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<sup>22</sup> For the purposes of this analysis, adult is defined as age 18 or older, or an individual born in 1842 or earlier. Additional research may provide more data on death dates that will reduce the number of people included in this analysis, and more information about the children of allottees that will increase the number of people included in this analysis. This evaluation uses the best information available at the time of this proposed finding.

<sup>23</sup> Brothertown allottees or an adult child of an allottee resided in 61 of these 147 households, and another 14 households included an "Indian" individual not identifiable as a Brothertown descendant.

included 40 percent (156 of 392) of the 1839 allottees and their adult children in 1860, and 38 percent (124 of 328) of the still-living Brothertown allottees. The existing data do not demonstrate that the petitioner meets either the 50 percent standard or the “almost exclusive” standard of section 83.7(b)(2)(i) in 1860.

For 1870, OFA researchers also compiled a list of residences of Brothertown allottees and their children by consulting the Federal census of 1870 and information in the petitioner’s genealogical database (U.S. Census 1870, Brothertown Township) (see Appendix F). The evidence now available identifies 458 Brothertown allottees or their adult children living in 1870.<sup>24</sup> As in 1860, the available evidence does not reveal the existence of an area consisting almost exclusively of Brothertown households or even mostly of Brothertown households. However, in Brothertown Township there was an area in which just half of the households contained Brothertown descendants or other individuals designated as an “Indian” (53 of the 105 households between #194 and #298).<sup>25</sup> This majority “Indian” area included 24 percent (111 of 458) of the 1839 allottees and their adult children in 1870 and 22 percent (65 of 291) of the still-living Brothertown allottees. The existing data do not demonstrate that the petitioner meets either the 50 percent standard or the “almost exclusive” standard of section 83.7(b)(2)(i) in 1870.

In 1875, households of Brothertown descendants constituted about one-fifth of the households in Brothertown Township, the former Brothertown reserve. The 1875 State census of Brothertown Township listed 315 heads of families; 60 of them are possible Brothertown descendants or men married to Brothertown descendants and another 5 are possible non-Indian ancestors of the petitioner (Wisconsin 1875, Calumet County, Brothertown Township). Because this census did not give the age of the household head and did not name any spouse or children in the household or give their ages, it is not possible to be confident about the identification of individual Brothertown descendants or ancestors of the petitioner on this census. In addition, the census enumerator identified people by their initials rather than their given names. The census also did not provide geographical information about where these people lived within the township. Bearing these difficulties and sources of error in mind, a tentative list has been made of Brothertown families in Brothertown Township in 1875, adding information about spouses and allotment or roll numbers from other sources (see Appendix G).

Brothertown families had become a minority of the population of Brothertown Township by 1875, but, assuming the census was compiled in geographical order, most of those families resided in a number of geographical clusters of various sizes that consisted mostly of Brothertown families. One cluster, perhaps including the village of Brothertown, contained 11 to 14 households of Brothertown descendants within a range of 19 consecutive households (Wisconsin 1875, Brothertown Township, [p.6], lines 6-24) (see Appendix G). Three of these individuals appear to have owned land in 1893 in the village of Brothertown and in 1893 the

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<sup>24</sup> For the purposes of this analysis, adult is defined as age 18 or older, or an individual born in 1852 or earlier. Additional research may provide more data on death dates that will reduce the number of people included in this analysis, and more information about the children of allottees that will increase the number of people included in this analysis. This evaluation uses the best information available at the time of this proposed finding.

<sup>25</sup> Brothertown allottees or an adult child or grandchild of an allottee resided in 46 of these 105 households, and another 7 households included an “Indian” individual not identifiable as a Brothertown descendant.

heirs of two others owned land north of the village (Foote 1893, 58, 48). Another cluster, perhaps along Military Road, contained 10 or 12 possible descendants and non-Indian ancestors within a range of 22 households ([p.9], lines 12-33). Some of these individuals owned land in 1893 along Military Road at the southern end of the township (Foote 1893, 48). Another range of 32 consecutive households contained 14 to 17 households of Brothertown descendants ([p.2], lines 2-33) in an unknown location.<sup>26</sup> These various geographical clusters were separated from each other, however, by long lists of non-Indian settlers. Thus, there was no geographical area “almost exclusively” composed of Brothertown descendants in 1875.

An 1893 plat map of Calumet County reveals that land ownership by Brothertown descendants within Brothertown Township, the former Brothertown reserve, had declined significantly during the fifty years since patents for the entire township were issued to Brothertown members in 1842 (Foote 1893, 48-49, 58; Manitowoc Genealogical Society 1989). Nineteen individuals listed on either the Brothertown allotment list of 1839 or the Brothertown claims roll prepared by Guion Miller in 1901 owned land in 15 of the 240 lots in the township, or no more than 6 percent of the former reserve (see Appendix H) (see Figure 5).<sup>27</sup> Most of these landowners did not own the entire lot, and in some cases owned a very small tract. Possible Brothertown descendants owned land in three other lots. In addition, tracts of land in Brothertown Township were owned by one or two non-Indian spouses of descendants on the 1901 Miller Roll, including land in six lots owned by George Baker [Sr.]. Most of the land owned by Brothertown descendants was along the old Military Road or just east of the road in the westernmost portion of the township and in the area of actual settlement at the time the reserve was allotted in 1839 and patented in 1842.

The number of Brothertown descendants who lived in Brothertown Township, or Calumet County, declined throughout the 19th century. The 1900 Federal census included a “Special Indian Schedule” which identified 112 residents of Brothertown Township as “Brothertown” Indians (U.S. Census 1900).<sup>28</sup> An additional 13 identifiable Brothertown descendants were enumerated on the general population schedule of the census as “white.” These individuals were working or boarding in non-Indian homes, or their fathers or husbands were non-Indians. Some of the people identified as Brothertown on the Indian schedule—such as Jonathan Schooner and Almirion DeGroat—were not recognized by the Brothertown group as members. As the Indian schedule placed all Indians on a separate schedule without indicating where they lived, it is not possible to determine where these Brothertown Indian families lived in relation to each other and the extent to which they may have been concentrated in a residential area. These Brothertown descendants on the 1900 census accounted for 8 percent (125 of 1,539) of the total population of the township. In 1910, the 110 identifiable Brothertown descendants in Brothertown Township constituted 7 percent of the township population of 1,468.

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<sup>26</sup> In addition, two smaller clusters including five households of Brothertown descendants can be identified in the township. These small clusters were one in which possible Brothertown descendants resided in 5 of 6 consecutive households ([p.4], lines 28-33) and one in which they resided in 5 of 10 consecutive households ([p.7], lines 23-32).

<sup>27</sup> Land descriptions in the former Brothertown reserve depart from the standard use of township, range, and section designations for lands surveyed by the General Land Office. In order to allot the lands of the reserve under the Act of 1839, the reserve was surveyed into 240 lots, and those lands are described by 240 lot numbers rather than by 36 section numbers.

<sup>28</sup> The Indian schedule also identified 12 people as “Stockbridge.”

### The Methodist Church

Information in the record indicates that the Methodist Church became an important institution after 1839 and into the 20th century. The group had been Baptists when they first arrived in Wisconsin, and established the first Baptist congregation in the territory in 1834. Brothertown member Benjamin G. Fowler (1774-1848) served as an itinerant Freewill Baptist minister among his people until his death, but the Baptists appear to have lost most of their influence over the group soon after they accepted citizenship. However, in 1840s, the Brothertown descendants formed a Methodist congregation and built a Methodist church. Thomas Commuck, who had also served as a Brothertown commissioner, donated or sold (different documents report differently) the land on which the Methodist church stood. The Society for Propagation of Christian Knowledge, a Scottish missionary organization, noted in 1841 that “. . . an interesting revival of religion amongst the Brotherton [*sic*] Indians . . . under the labors of the Methodists . . .” had taken place that past winter (Rabito-Wyppensenwah in Stone n.d., 545). In 1846, the same organization also noted “The Brothertown Indians . . . have a Methodist Missionary residing amongst them and a (Methodist ) Church has been gathered as the fruit of Missionary labor amongst them, numbering 100 members” (Rabito-Wyppensenwah in Stone n.d., 545).

The record includes a copy a number of “class records”, which appear to be lists of adult church members. Many non-Indians and Stockbridge Indians attended the church, but most of the attendees were Brothertown descendants. In 1843, Randal Abner, Lewis Fowler, Orrin Fowler, Daniel Wyatt, and David Wiggins were all identified as leaders in the church, although non-Indians served as local preacher and exhorters (Abner et al. 1843, 1-2). The record book identifies 72 members and 32 individuals still “on trial.” The petitioner identified 45 of the 72 members as Brothertown descendants, but did not indicate which 45 they believed to be Brothertown descendants. OFA’s analysis of the same list identified 44 Brothertown descendants: 42 Brothertown patent recipients, one Brothertown woman who married a non-member and therefore was not allowed to participate in the allotment, and one man whose mother was probably a Brothertown, but who was not considered a member because of his non-Indian father (his Brothertown wife, whose parents and three brothers all received patents, was not allotted because of her marriage to a non-Brothertown). In addition, OFA also identified eight patent recipients among the people “on trial.” As both lists only included adults, the children of members are not included in the number of descendants who attended the church. However, the number of patent recipients named as members and potential members indicates that the church’s membership was a predominantly Brothertown Indian institution (with a notable portion of Stockbridge Indians).

### Non-member Brothertown Descendants

Another group of people who might best be described as “non-member Brothertown descendants” lived among the other Brothertown Indian descendants for many years. These include Brothertown women (referred to in several petition documents as “Brothertown by blood”) who had been recognized as members, but who had lost their affiliation by marrying non-Brothertown men (their brothers, regardless of whom they married, remained members, as did their sisters who had married Brothertown members or who remained single). They also

include the children of these women who continued to associate with their Brothertown first cousins, but were not considered members because of their non-Brothertown fathers. In some cases, half-siblings of different fathers also fared differently; children of a Brothertown woman's non-Indian husband were not acknowledged as members, but the children of a marriage to a Brothertown descendant were acknowledged as members. It does not seem to be the case that these women were shunned or encouraged to leave the area with their non-Brothertown husbands, but these people were not considered members of the group at the time for the purposes of receiving money or land. Some members of the current petitioner trace their descent through these individuals to get to an ancestor on the 1839 land distribution list, even though these ancestors might not have been identified as members of the group in the 62 years between the 1839 allotment and the 1901 Miller Roll.

Some non-member Brothertown descendants, such as Nancy Johnson Schooner (1814-1880) and her children, remained in Brothertown even though they did not receive land. Nancy and her husband, Jonathan Schooner (1810-1903), were both born in New York, and moved with the group to Wisconsin. Jonathan is listed as the head of household 19 on the 1840 Federal census, in the midst of a group of several Brothertown households. The couple also joined the Brothertown Methodist church, and remained members all their lives.

The family of Elizabeth Mathers O'Brien Shelley (1797-1863) is another example of non-member Brothertown descendants who remained in and around Brothertown. Her oldest children, Charles and William O'Brien, were not considered members because their father was a non-Brothertown. However, sometime before 1839, she appears to have ended her relationship with O'Brien and married a Brothertown man surnamed Shelley.<sup>29</sup> This act returned her to tribal membership, and she received land under the name "Elizabeth Shelley." Her children surnamed Shelley also received land. Likewise, Harriet Mykel Denny Welsh (1836-1907) lived her life in Brothertown, but was also not considered a member of the group because her father was a non-Brothertown. Her half-siblings by her mother's second marriage to John C. Hammer in 1839 were considered members of the group, although they did not all receive land because they were born after the land had been distributed.

#### Brothertown Social Interactions, 1850-1862

The petition record for the period of 1850-1862 contains few documents other than the Federal censuses and Methodist church records which would indicate the group's social interactions during this time. The information regarding claims issues the group pursued during the 1850s and discussed under criterion 83.7(c) indicates a certain degree of social cohesion, but does not give an indication of any regular, day-to-day interactions among members of the group.

The population of Brothertown included a number of non-member Brothertown descendants and their families during this period. In 1850, Jonathan and Nancy Schooner and their children are enumerated on the Federal census in dwelling 19, in between Nancy's cousins in dwelling 18

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<sup>29</sup> The petitioner's database does not include a marriage date for Elizabeth O'Brien and Bradley (or Simeon) Shelley; Elizabeth Shelley, their daughter, was born in 1832, and Hannah Shelley was born in 1833. There is no birthdate given for their son Simeon Shelley.

(the children of Emanuel Johnson) and her brother Orrin G. Johnson in dwelling 20 (U.S. Census 1850). Jonathan Schooner is also listed as owning \$200 worth of real estate, indicating that he purchased land in Brothertown near his wife's relatives. The Schooner's 11-year old granddaughter, Charlotte, was also enumerated in the household of her uncle William, along with William's widowed mother Charlotte Johnson, and his 21-year old brother Elisha, who is identified as "blind" (U.S. Census 1850). It is likely that the 11-year old Charlotte assisted the family in caring for the blind Elisha.

The population also included the large family of William and Nancy Welch. This particular family originated in New York, and had followed the Stockbridge and Brothertown Indians when they left New York.<sup>30</sup> They were not identified as Brothertown Indians themselves, but they routinely married Brothertown descendants and were firmly established among the Brothertown descendants by 1850. The petition database includes information on nine Welch children (six brothers, three sisters), six of whom married or were in relationships with Brothertown descendants in 1850.<sup>31</sup> By 1850, William Welch, Jr., was married to 1839 land recipient Rachel Scipio, Henry Welch was married to 1839 land recipient Lucy Skeesucks, their brother Erastus Welch was the widower of 1839 land recipient Lucinda Brushel and currently married to an unallotted daughter of 1839 land recipient Aurilla Peters, and their other brother John Welch was in a relationship with Mary Ann Hart (herself the child of John's sister-in-law Lucy Skeesucks from a previous relationship). The Welch sisters also married Brothertown men; in 1850, Sabrina Welch was married to 1839 recipient Simon Shelley Sr; Nancy Welch was married to 1839 land recipient Henry Brushel (Henry was the brother of Lucinda, who had been married to Nancy's brother Erastus at the time of her death), and Mary Elizabeth Welch married Thomas Hammer, who was not allotted land (possibly because he had arrived in Wisconsin at a late date), but was still considered a Brothertown (Guion Miller Testimony 1903, 43, 56). Some of William and Nancy's grandchildren were of age in 1850 to have spouses of their own, and some these children also choose Brothertown descendants as spouses: for example, Thomas Welch, the son of Henry Welch by another women named Lucy (not Lucy Skeesuck) eventually married two Brothertown women (the first, Hannah Potter, in or around 1850; the second, 1839 allottee Juliette Peters, in 1892). Another Welch grandchild, Calista Welch, the daughter of David Welch and claimed Stockbridge Myriah Johnson, married George Baldwin in 1850; George Baldwin was the son of a Brothertown woman (Aurilla Peters) who married a non-Indian and lost her right to participate in the land allotment in Wisconsin. Welch ancestry, as well as the Welch surname, was well on its way to becoming common among the larger group of Brothertown descendants.<sup>32</sup>

The Methodist church "class record" of 1850 lists 69 individuals, 41 of whom were Brothertown patent recipients, and another nine who appear to be connected to the Brothertowns by marriage or blood, but who had not received allotments. Orrin G. Johnson and David Wiggins, both

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<sup>30</sup> It is unclear whether William and Nancy Welch were part-Indian. William III, son of William Jr. and Rachel Scipio, testified that his father was a "Mohawk Dutchman."

<sup>31</sup> Brothers William, Benjamin and David Welch all married Stockbridge (or claimed Stockbridge) women.

<sup>32</sup> There was also a 20th century marriage between a non-Indian "Welsh" and a Brothertown non-member descendant "Welch," which introduced the "Welsh" spelling into the current petitioner.

Brothertown allottees, are identified as “leaders” of the congregation. Interestingly, only one member of the Welch family (Sabrina/Sabine Welch Shelley, wife of Simeon Shelley) is listed among the members of the church.

#### Brothertown Descendants and the Civil War, 1861-1864

The outbreak of the Civil War in 1861 resulted in the enlistment of a number of Brothertown descendants in the Union Army. There is no information in the record indicating whether or not the Brothertown descendants enlisted in the army as a group. One document submitted by the petitioner states that “practically the entire adult male population of the [Brothertown] township enlisted in the 21st Wisconsin Regiment of volunteers” (Sheets et al. 6/6/1935, 9), but it is not clear whether the author meant to indicate that all of the male Indian descendants enlisted, or that all male residents in the township enlisted, regardless of ethnicity. A document included in the petition lists 40 Brothertown descendants who served in the Civil War, but of those 40, only 4 are listed as having served with the 21st Wisconsin (7 served with the 4th Wisconsin cavalry, 5 with the 5th Wisconsin, 5 with the 2nd Wisconsin Cavalry, 4 served with the 36th Wisconsin, and the remaining served with a number of other companies during the war, including 2 in New York and 2 in Kansas (Rabito-Wypenswah in Stone 1991, 553). The information in the petitioner’s database indicates that there were more Brothertown descendants who served in the Civil War, but the record does not contain a compiled list of all veterans.<sup>33</sup> The petition record also includes a reference to a collection of 119 letters written by Brothertown soldiers during the Civil War (Heller Collection n.d., n.p.); unfortunately, the letters themselves are in the possession of a private individual who has only allowed limited access to them, so the letters themselves are not available for analysis (Metoxin 10/16/2008, 27-9).

The Civil War undoubtedly affected life amongst the Brothertown descendants in Calumet County, especially considering that so many men served. The record, however, contains little information about the community during that time. There are no newspaper articles, diaries, or other records indicating how the community fared during wartime.

Upon their return, veterans of the Civil War may have renamed an existing cemetery “Union Cemetery” in honor of those who served the Grand Army of the Republic.<sup>34</sup> One document in the record stated that the cemetery was originally a Baptist cemetery, which indicates that it predated the Civil War (Anonymous 7/1977, 1), and some of the dates on the headstones do predate the war. The petition documentation does not include information on the establishment of the cemetery, but both Indians and non-Indians and their families were buried there. The cemetery was segregated, with the Indians and their families buried on one side, and Whites buried on the other. The petition documentation did not include a map of the cemetery,<sup>35</sup> but the

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<sup>33</sup> In a 2008 interview, one of the members of the group indicated that the group had identified 95 or 99 men who had served in the Civil War (Stephenson 10/21/2008, 21). The petition documentation did not include a copy of this list.

<sup>34</sup> The cemetery is also referred to in a number of obituaries as simply the “Brothertown cemetery.”

<sup>35</sup> The petition documentation includes several references to maintaining Union cemetery and some other family burial plots. As of this writing, a University of Pennsylvania student named Craig Cipolla was working on a project mapping various Brothertown cemeteries.

segregation was obvious to OFA staff visiting the area in 2008. When standing facing the cemetery entrance gate, the older non-Indian burials were located on the left side of the cemetery and the older Indian burials on the right side. This appears to be the “burying ground” that the group voted to fence off in 1875, although it is not clear if they were planning on fencing the entire cemetery or the portion containing Brothertown descendants.

#### After the Civil War, 1865-1879

The Methodist church continued to be an important institution for the Brothertown descendants still living in Brothertown. The “class records” are not available for the first half of the 1860s (probably due to the war), but from 1865-1869, three of the five church trustees were Brothertown descendants David Wiggins, Lucius S. Fowler, and Orrin G. Johnson.<sup>36</sup>

The immediate post-Civil War period also introduced a new family name among member and non-member Brothertown descendants. According to testimony taken by Guion Miller in 1903, two large families surnamed DeGroat came from New York State after the Civil War and settled in the vicinity of Brothertown (Guion Miller Testimony 1903, 46, 55). This appears to be a reference to the families of Richard and Elizabeth DeGroat, and John M. and Harriet DeGroat (Harriet came to Brothertown widowed, having lost her husband in the war in 1865). Richard and John were brothers who had married sisters Elizabeth and Harriet (the couples were also second cousins to each other). It is unclear why the DeGroats moved to the area, as it is not evident that they had relatives there at the time. Philina Fowler DeGroat (1792-bef.1860) the mother of Harriet and Elizabeth DeGroat DeGroat, appears to have visited Brothertown even before her daughter and grandchildren moved there; 84-year old Elias Dick testified that he had seen her in Brothertown, and Philinda died before 1860 (Guion Miller Testimony 1903, 55). There is an indication in the Dick testimony that Philinda Fowler DeGroat had made a claim to being a Brothertown descendant during her lifetime, but there are no documents in the record confirming this. Over time, the DeGroats would also marry member and non-member Brothertown descendants, and their surname would enter the group.

Despite the presence of more and more non-Indian families in the town, the Brothertown descendants continued to play an important role in maintaining the Brothertown Methodist Episcopal Church. Descendants Orrin G. Johnson, David Wiggins, John Wiggins, and John C. Hammer all served as church trustees at various points during the 1870s (Johnson served as trustee each year from 1871-1878; David Wiggins served from 1871-1874; John Wiggins served in 1872; Hammer served in 1877 and 1878). Non-Indians also served as trustees, but there was at least one Brothertown descendant on the board of trustees throughout the 1870s (Carlton and Porter 1832-1889, 11). The available 1874 “class record” lists 17 people, eight of them identifiable as Brothertown patent recipients, and five others related to allottees by blood or marriage; the record for 1876 lists 23 people, including seven of the same patent recipients, as well as two not listed in 1874 (Carlton and Porter 1832-1889, 4). In addition to serving as a trustee, Orrin G. Johnson is also identified in the “class records” as the congregation’s “local preacher” and “leader” in 1874 and 1876.

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<sup>36</sup> In 1868, Alonzo D. Dick was also named as one of the trustees of the Methodist church at Gravesville, a town approximately 11 miles east of Brothertown (Carlton and Porter 1832-1889, 6).

The record included an advertisement for an 1873 New Year's Eve celebration and oyster supper at a place called Phillip's Hall (Advertisement 12/31/ 1873, 1). The advertisement does not say in which town the hall was located, but it does identify four "managers" from Brothertown, two from Stockbridge, and two from Chilton. Three of the four managers (J.C. Hammer, Willie Fowler, and J.J. Sampson) from Brothertown are identified in the petitioner's database as Brothertown descendants, and one of the managers from Chilton, Cato Stanton, had been married to Brothertown descendant Almira Dick until about 1870. "Floor managers" E.M. Dick and Melville Johnson were also Brothertown descendants, as was proprietor L.P. (Lyman Palmer) Fowler.<sup>37</sup> There is no other information in the record describing whether this New Year's celebration was a regular event, or any other indication that these men regularly hosted events. There is also no information regarding who attended the event. There is no indication that these men worked together to host other events, or if these these events were attended exclusively or predominantly by Brothertown descendants.

### Migration to Minnesota

In the years after the war, some of the returning Brothertown soldiers and their families eventually left the Brothertown area for land in Minnesota. The petition documentation gives several different reasons why certain people left Wisconsin, but the availability of land in Minnesota for homesteading was probably the most compelling reason. The Great Sioux Uprising of 1862 resulted in the expulsion of Lakota from Minnesota and opened up the area for non-Indian settlement. The 1995 and 2005 petition narratives also state that after 1870 there are "strong indications that the Brothertown sold off a large portion of their land" (BIN 1996 74: BIN 2005, 63-4), but the petition documentation did not include an analysis of land sales or land transfers during the 1860s. It is unclear whether or not the 50-acre parcels lands allotted to the members had become inadequate to support large families, or if any of the recipients lost the land due to non-payment of taxes. The petitioner's 1995 petition narrative made the claim that some of the land in the township was lost due to non-payment of taxes (BIN 1995, 109), but did not submit any documents recording these losses.

George White, a non-Indian married to Brothertown descendant Lettie Shelley, moved to Minnesota in 1865 with his wife, children and extended family (White's three sisters and their husbands and children). The group settled in Long Prairie, Minnesota, approximately 400 miles from Brothertown in the vicinity of a former Indian agency and established a neighborhood called Whitesville (Sheets et al. 6/6/1935, n.p.). Years later, David and John Shelley, both uncles of Lettie Shelley White, chose to leave Wisconsin and settled in the same area of Minnesota as their niece. Several additional families of Brothertown descendants eventually settled near Long Prairie, Minnesota, in the late 1870s and 1880s (Sheets et al. 6/6/1935, n.p.). These families included eight Brothertown patent recipients<sup>38</sup> and a number of their children. It is unclear from

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<sup>37</sup> Later, Cato Stanton's son Moses would marry Lyman Fowler's daughter Ella.

<sup>38</sup> Orrin G. Johnson, William Johnson Jr., Amanda Dick Johnson, David Shelley, John Shelley, Edwin Adams, Avis Sampson, Johnson Adams, and Rufus Skeesuck.

the information provided whether or not the families who moved remained in contact with the families who went to Minnesota.<sup>39</sup>

Some non-member Brothertown descendants also left Calumet County. Erastus Welch Jr., the son of Erastus Welch and 1839 allottee Lucinda Brushell, left Wisconsin and received a patent for 56 acres of land in Redwood Falls, Minnesota, in 1879 (United States 3/13/1879, 1). This town, located approximately 400 miles from Brothertown and 100 miles south of Long Prairie (see fig.4 for locations of Long Prairie and Redwood Falls), also attracted a number of other people from Brothertown and Stockbridge. By 1880, several Welch family members, including Erastus' sister Esther Welch O'Brien, his brother-in-law Hiram Rhodes (the son of 1839 allottee Rachel Scipio), and his first cousin William Welch (who was also the son of 1839 allottee Rachel Scipio, and therefore the half-brother of Hiram Rhodes) were also living in Redwood Falls. Erastus Welch's second cousin, Lillian ("Lillie") Skeesuck (daughter of 1839 allottee Arnold Skeesuck) and her husband Charles DeGroat (spelled "Degrote" on the census) had also moved to Redwood Falls. Lillian Skeesuck's sister Hannah had also married John Franklin (or "Frank") Welch and was also living in Redwood Falls, two households away from Erastus Welch and one household away from Esther O'Brien and Hiram Rhodes.<sup>40</sup> In years to come, a number of other member and non-member Brothertown descendants would also move to Redwood Falls, some temporarily, some permanently.

#### Social Interaction among Brothertown Descendants, 1880-1906

During the 1880s, several Brothertown descendants participated in the Good Templar fraternal organization. This organization was a popular organization after the Civil War. The co-ed institution supported temperance and also sold life insurance. Among the Brothertown descendants still living in and around Brothertown, Wisconsin, Edgar M. Dick served as an officer in the state-wide organization (*Milwaukee Daily Journal* 9/5/1888, col. B). The leadership of the Brothertown Good Templar (or "G.T.") Lodge included several Brothertown descendants- E.M. Dick, Francis M. Hammer, Theodore Dick, Elizabeth A. Fowler, Francis Niles, Lathrop Fowler, and Harriet A. Niles (*Chilton Times* in BIN Newsletter 8/1986, 9). There are other individuals who are also probably Brothertown descendants, but their identity cannot be confirmed, as they are identified by first initials and last names. The evidence in the record does not indicate whether or not the Brothertown "G.T." Lodge also had non-Indian members

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<sup>39</sup> In 1887, a newspaper reported that a girl named "Alice Johnson" had applied to the local police superintendent of Milwaukee, stating that she was from Long Prairie, MN, and had been there for four years, but that her family lived in Fond du Lac; according to the article, the police provided her with a train ticket to Fond du Lac, but then soon after, a woman from Waukesha wrote to say that the girl's mother lived in Brothertown, and that the girl had been missing for a long time (*Milwaukee Daily Journal* 11/18/1887, Col. D). The petitioner's genealogical database did not include any female under the age of 21 named "Alice Johnson," but it is possible that this girl was one of the Brothertown descendants.

<sup>40</sup> Unlike the other descendants, Lillian and Hannah Skeesuck were the daughters of a Brothertown man and his non-Indian wife, and, thus, acknowledged as members of the group by virtue of their patrilineal descent. However, their marriages to non-Brothertown members resulted in the loss of their membership; their brother Sylvester (who legally changed his surname to "Sykes") was identified as a member on the 1901 Miller Roll.

The 1885 Methodist church “class record” lists 39 members, including 14 of the 1839 allottees, 4 people related by blood or marriage to Brothertown descendants who did not receive an allotment, and 1 adult child of an allottee.<sup>41</sup> This is the last of the class records included in the petition documentation. The list of church trustees also indicates that the Brothertown descendants all resigned their positions in 1885, but there is no indication as to why this happened (Carlton and Porter 1832-1889, 12). Additional material included in the record indicates that the church still remained an important institution for the Brothertown descendants well into the 1920s, even as more non-Indians attended.

Most of the information in the petition record during the 1880s relates to the group’s political claims, particularly those related to the *Fowler vs. Scott* case before the Wisconsin Supreme Court, the resolution of the “fractionated lands” issue, and the settlement of the so-called “Kansas claims.” Some of the documents give insight into the social interaction among Brothertown descendants, such as a meeting held December 2, 1886. At this meeting, brothers John and Solomon Niles were elected to solicit names for a contract between the group and attorney J.C. Adams (Niles 12/2/1886, 1-10). The list attached to this document included 147 legible signatures, including those of 4 women who had signed a 1876 power of attorney to have their names placed on the Brothertown rolls (see discussion under 83.7(c), “Brothertown Political Activity and the Issue of An Internal Political Process After 1839”). The list also included the signatures of three members of the Pemberton family and four members of the Reed family; all descended from Brothertown women who married non-Brothertown men. There were also other women who married non-Brothertown men, such as Marie (Maria) Wiggins DeGroat, Lovinda Fowler Dayton and Grace Dick Jacques (all of these women were the daughters of two 1839 allottees, but were born after the lands had been patented). These non-member Brothertown descendants accounted for approximately 10 percent of the names on the list (the list also includes a number of other names who are not included in the petitioner’s database). The presence of these names may indicate that, at this time, the group of member and non-member Brothertown descendants worked together in pursuit of their legal claim. The petition did not include additional documentation examining the relationship among members and non-member descendants during this time.

In 1893, the New York Indians (which included the Oneida, Stockbridge-Munsee and Brothertown) collectively won the right to pursue their claims regarding the Treaty of Buffalo Creek through the U.S. Court of Claims (see discussion under criterion 83.7(c)). The documentation in the record provides little insight into what the members of the group were doing during this time, but one source does indicate that at least some of the members and non-member Brothertown descendants were discussing whether or not they would be included in the claims case. One letter written by John Niles to attorney J.C. Adams in 1892 makes reference to the “old customs” that the group was under before its members accepted citizenship, which may have been a reference to the rules involving patrilineal descent (Niles 3/6/1892, 1-2). However, this letter and another, dated June 11, 1893, also makes reference to Niles’ displeasure with meetings of unspecified people at the home of Charles Welch, people Niles did not consider

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<sup>41</sup> The 1885 “class record” also includes one spouse of a man who claimed to be a Brothertown descendant, but who was not acknowledged by the larger group, as well as four names of people who have common Brothertown surnames, but who are not included in the petitioner’s genealogical database.

Indians (Niles 3/6/1892, 2). Niles appears to have been particularly disturbed by James Simons (the elected Brothertown “chief”) attending one of these meetings in 1893 (Niles 6/11/1893, 2). Niles was part of the committee that collected the names for the 1886 power of attorney with J.C. Adams, a list which included some people who were excluded from the group based on those “old customs,” yet seemed very adamant that the people meeting at the home of Charles Welch were not Indians.<sup>42</sup> There are no other documents in the petition which describe what these meetings may have been about, or that name those who attended. There is also no other information describing the reaction of any other members of the group to these meetings.

The 1900 census provides examples of Brothertown descendants boarding other descendants (U.S. Census 1900). Widower Edgar M. Dick boarded other widowed Indians. His second cousin Hannah (Abner) Commuck and Lucious (also spelled “Lucius”) Dick, his second cousin once removed, were both enumerated in his home. Lucious Dick’s occupation was listed as “carpenter,” which indicates he was still working, but Hannah was an 85-year-old widow whose 10 children had all predeceased her. Rebecca (Abner) Johnson, Hannah (Abner) Commuck’s 84-year-old sister, was enumerated in her own home with a boarder, 80-year-old Elias Dick, the widower of her second cousin Serepta Crosley. These examples of boarding elderly or disadvantaged members of the group are good examples of community among the Brothertown descendants residing in Brothertown, but are too limited in number to know if this behavior was typical of the whole group of Brothertown descendants. Many Brothertown descendants continued to farm in 1900, sometimes working for themselves and sometimes working for others. Edgar M. Dick ran a grocery store. All of the Brothertown descendants appear to have received some formal education, as all were recorded as “literate” in 1900, and Rizpah Crowell and Ella Fowler were both identified as school teachers. In 1910, Nettie Dayton was also identified as a teacher in a public school (U.S. Census 1910).

### The 1901 Claims Rolls

The 1901 claims roll of Brothertown descendants prepared by Guion Miller (1901 Miller Roll) contained more than twice as many people as the list prepared by the Brothertown Business Committee (see Appendix I). The 1901 Brothertown Business Committee’s list, which was completed at the end of November 1901, consisted of 209 individuals (Brothertown Business Committee 11/30/1901).<sup>43</sup> Two individuals on the list had died during the three-month period when the list was being prepared, so the final list included 207 living individuals. The 1901 Miller Roll identified 570 individuals eligible to share in the claims award (BIA 12/31/1901). Miller included on his claims roll 205 of the 207 living individuals on the Committee’s list. He may have placed on his roll five individuals on the Committee’s list even though they did not file a claims application. Miller thus accepted the Business Committee’s identification of

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<sup>42</sup> Charles H. Welch (1834-1902) was the husband of Abbie Hart Welch (1845-1908), the daughter of two 1839 allottees who had signed the 1876 power of attorney along with other women who had married non-Brothertown men (see discussion under criterion 83.7(c)). If the meetings were held at this house, it is possible that the people attending may have been women who lost their affiliation by marrying non-Brothertown men.

<sup>43</sup> The Business Committee said, in the cover letter transmitting its list, that there were “6 or 7 families” it would have included on the list but did not because their address was unknown to the Committee and it was therefore unable to “get their names to place on the Roll” (T. Dick et al. 12/2/1901). The Committee named seven individuals, although two were a father and son joined as one possible family.

Brothertown descendants, but he added to his claims roll another 365 Brothertown descendants not listed by the Business Committee.

The list prepared by the Brothertown Business Committee not only was smaller than the 1901 Miller Roll, but also was more concentrated in the local area around the former Brothertown reserve. About 33 percent of the individuals on the Committee's list had a Brothertown Post Office address, compared to 21 percent of the individuals on Miller's roll (see Table 1). The majority of the Committee's list (54 percent), but not Miller's roll (42 percent), resided either in Calumet County or one of its six adjacent counties. Another difference between the two lists was that Miller placed on his roll 27 residents of New York or Connecticut, while the Committee did not include any of those Easterners.<sup>44</sup> Residents of the two States of Wisconsin and Minnesota constituted 95 percent of the Committee's list. There were only four towns with more than 10 people on the Committee's list (see Appendix J), and 71 percent of the individuals on that list resided in those 4 areas. The Brothertown Committee list consisted mostly of individuals with Post Office addresses at Brothertown, Wisconsin (N=68), or Long Prairie, Minnesota (N=51). These two locations provided 57 percent of the individuals on the Committee's list.

The Brothertown Business Committee did not include on its list many of the Brothertown descendants living in the Brothertown area or nearby in Calumet County. The 1901 Miller Roll included 121 Brothertown descendants who had a Brothertown Post Office address, but the Brothertown Committee placed only 56 percent (68 of 121) of those descendants on its list. The Committee also included on its list only 39 percent (16 of 41) of other Calumet County descendants on the 1901 Miller Roll and 36 percent (27 of 75) of descendants in neighboring counties. For Brothertown descendants residing in Minnesota in 1901, the Committee's decisions varied greatly by location, although these differences reflected its attitudes toward families rather than places. The Committee included as part of their group in Wisconsin 86 percent (50 of 58)<sup>45</sup> of Brothertown descendants in Long Prairie, Minnesota, 33 percent (5 of 15) of those in nearby Motley, Minnesota, and 5 percent (2 of 41) of descendants elsewhere in Minnesota. Guion Miller's task was to identify all descendants of the Brothertown Indians, while the Brothertown Business Committee appeared to define its task as identifying people who would be considered tribal members by the tribe's "former laws and customs" (E.M. Dick 9/16/1901).

The Business Committee used patrilineal descent as the basis for membership in the group. The Committee excluded from membership women who had married non-Brothertown men and the children of such marriages. On behalf of the Committee, E.M. Dick argued in 1901 that "there must be a line drawn somewhere" to limit claimants. By the "former laws and customs of the Brothertown Tribe" that had "governed the allotment of our lands here," Dick said, "when a woman married out of our tribe, her rights . . . went with her husband," but "when a man married

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<sup>44</sup> The Business Committee's cover letter indicated that two or three of the families it was unable to place on its roll were located "in the East" (T. Dick et al. 12/2/1901). It is unclear whether the additional parenthetical comment "(Norwich, Conn.," referred to them all or only to the family or families of Lester and Jerome Skeesuck.

<sup>45</sup> The Business Committee included one more resident of Long Prairie on its list who was not found on the 1901 Miller Roll.

out, he and his children held their rights . . . with the tribe” (E.M. Dick 9/16/1901). In testimony Elias Dick and Oscar Johnson gave Guion Miller in 1903 they both stated explicitly that the Committee had excluded women married to non-Brothertown men as well as their children (Miller 1903, 43, 51). In 1901, the Business Committee defined Brothertown “members” by applying “former” customs rather than by considering its members to be those descendants of the tribe who continued to live near to and interact socially with each other.

In contrast to the Business Committee, Miller included on his roll a number of children of 1839 allottees who had married non-Indians, as well as the children of women born after the allotment who married non-Brothertown men.<sup>46</sup> For example, Miller included Julia Coyhis and her children, although they were not included on the Business Committee’s list. Julia Coyhis had married a non-Indian named George Baker in 1864 and resided not far from Brothertown in Chilton, Wisconsin. The Business Committee included five sons of John Shelley (John, Franklin, Job, Ruben, and Benjamin) on their list, but omitted his two daughters (Mary and Sadie) and their children.<sup>47</sup> Miller included the two women and their children, even though the children’s fathers were non-Brothertown men. There is no information in the petitioner’s submission that reveals how the Brothertown Business Committee or the recognized members of the group on the Committee’s list reacted to the inclusion by Miller of these individuals they had formerly rejected. The petitioner’s documentation also does not indicate what reaction there may have been from those individuals who had pressed their claims as Brothertown descendants and had them acknowledged by Miller.

On the 1905 State census the households of identifiable Brothertown descendants constituted only about one-tenth of the households in the former Brothertown reserve. It is possible to identify 27 households in Brothertown Township and another 15 households elsewhere in Calumet County on this census that included an individual on the 1901 Miller Roll (Wisconsin 1905, Calumet County) (see Appendix K). The majority of those Brothertown households were clustered within a limited area of Brothertown Township. Just under one-third of the households, 24 of 77 of them, in the range of households from family #175 to family #251 contained an individual included on the 1901 Miller’s Roll. The concentration of Brothertown descendants was most apparent in the range of households from family #223 to family #244, where they constituted 11 of 22 households. Brothertown descendants of the Fowler, Johnson, Kindness, and Dick families made up 7 of 9 households from #223 to #231, probably in or near the town of Brothertown.

Half of the households (21 of 42) in Calumet County in 1905 that contained Brothertown descendants identified by the 1901 Miller Roll also included individuals who appeared on the 1901 Business Committee list. Families who remained in the town of Brothertown or within the former Brothertown reserve were more likely than those who moved outside the reserve to be included on the Business Committee’s list, but not all Brothertown descendants who remained in the local area were considered to be Brothertown members by the Business Committee.

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<sup>46</sup> Miller appears to have followed the rules regarding patrilineal descent in that he included those people who could trace their descent from a lineal male ancestor alive on the 1839 list..

<sup>47</sup> John Shelley was the son of 1839 allottee Simeon Shelley.

Brothertown descendants on the 1901 Business Committee List were most concentrated in 1905 in the range of households from family #223 to family #244, where they constituted 10 of 22 households. In Brothertown Township in 1905, 17 of the 27 households of Brothertown descendants on the 1901 Miller's Roll contained individuals also found on the Committee's 1901 list. In Calumet County outside of Brothertown Township, only four of the 15 households that included Brothertown descendants on the 1901 Miller Roll also included individuals on the Committee's list (see Appendix K).

The 1905 State census reveals that Brothertown descendants living in adjacent households or nearby households were treated differently by the Business Committee. For example, in the area of Brothertown Township where Brothertown descendants constituted seven of nine consecutive households, the family of descendant Lovinia "Lorena" (Fowler) Dayton (family #226) was not included on the Committee's list, while members of three adjacent Fowler households on one side and the adjacent household of E.M. Dick on the other side were included on the Committee's list. Pairs of adjacent households of descendants listed as families #197-198 and #213-214 included a descendant placed on the Committee's list and a descendant left off the list. Descendants Orvil Welch (#175) and Abbie "Abley" (Hart) Welch (#176) were not included on the Committee's list, while Charlotte (Fowler) Potter (#178) and Frederick Niles (#180) in nearby households were included on that list (see Appendix K). This evidence reveals that the Brothertown Business Committee's list of 1901 was not an attempt to describe a geographical or social community, but to apply historical rules of membership.

### **Social Interaction among the Brothertown Descendants, 1907-1929**

The record regarding the Brothertown descendants thins considerably after the settlement of the Kansas Claims. After the New York Indian claims were determined, there is little evidence in the record of group activity. The Brothertown Business Committee, which was primarily composed of older men, does not appear to have functioned after the claims settlement concluded, and there is little information in the record regarding any other type of activity among the group. A number of Brothertown descendants had already left the area for other parts of the State, including some who married into Oneida or Stockbridge families and settled on or near those reservations.

The petition record includes a 1931 article about a 1908 football game between the "Menominee Indians of the Menominee Reservation and the Red Springs of the Brothertown reservation"<sup>48</sup> (*Green Bay Press-Gazette* 11/28/1931). This is somewhat confusing, because there had not been a "Brothertown reservation" since 1839. As the article states that this match-up occurred at the Shawano fairgrounds, it is likely that the reporter was actually referring to the Stockbridge reservation. There is no indication that the "Red Springs" were an all-Brothertown team; in fact, the article states that several non-Indian players played on both the Menominee team and the "Red Springs." The article names "the two Malones and the Tausey [*sic*] brothers" as "Brothertown" players. A document included in the petition submission about the Gresham-area football team circa 1910 identified Harry and Jim Malone and MacMillian, John, Mason, and

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<sup>48</sup> "Red Springs" is the name of one of two towns (the other being Bartleme) where the Stockbridge-Munsee reservation is located.

Dan Tousey (Schmidt 1910, 1-2). Information in the petitioner's database indicates that Harry and James Malone's mother identified herself as a Stockbridge Indian, and the family lived on the Stockbridge reservation, but they also had a distant Brothertown ancestor (Lucy Skeesuck). The four Tousey brothers named here were also identified as Stockbridge Indians in the petitioner's database, and the family lived on the Stockbridge Reservation, although they also had a distant Brothertown ancestor (Lucinda Brushell). The petitioner has not demonstrated that these sports teams were important Brothertown social organizations, or provided information regarding any participation by Brothertowns outside of the Shawano-Gresham area who may have either played with this team or traveled to watch them play.

The petition narrative describes the institution of "Brothertown Homecomings" becoming very strong during the early 20th century. There is no information in the record indicating when these celebrations began. According to the petitioner, these celebrations would occur during the summer, generally hosted at a local tavern in the nearby town of Quinney. Homecoming generally took place around the Fourth of July and lasted two or three days (BIN 1996, 95-96). Many Brothertown descendants attended these events and one surviving photograph from the Homecoming of 1917 shows over 100 people in attendance (Homecoming 7/1/1917, 1). Unfortunately, the photograph does not provide the names of the people who attended the event that year. There are also no other photographs, sign-in books, registers, or newspaper articles which might provide information about how many people attended in other years.

#### Brothertown Descendants in Brothertown Township

The petitioner submitted a diary kept by Brothertown descendant Belva Mosher (1890-1946). OFA also located a diary kept by Brothertown descendant Isabelle Keeville Pemberton (1871-aft. 1922). While Mosher's diary was more detailed, she only kept it reliably from January 1917 until August 1917, with infrequent entries from 1918-1923; Pemberton's diary was usually limited to a single line entry for each day, but she kept it from August 1912 until December 1922. These diaries provide the best examples of informal interaction among Brothertown descendants in Brothertown Township during the early 20th century.

Both women described visiting and being visited almost daily. The majority of Belva Mosher's contacts were with other Brothertown descendants, although she also had a number of non-Brothertown visitors and acquaintances. Her aunt and uncle (Rosella and William Fowler) and her friend Ella (Fowler) Hammer were among her most frequent Brothertown visitors. She spent the night at Ella Hammer's house on several occasions, particularly when Ella's husband Carl was away working, and Ella also spent many night at Mosher's home. She described attending several funerals of other Brothertown descendants (including Alexander Johnson, Ernest Quinney and Almira Dick) and seeing other Brothertown descendants there. She attended at least one dance with several other Brothertown descendants, as well as a number of birthday suppers. She also attended the 1917 Brothertown Homecoming, and did state that it was the largest the group had ever had (Mosher 7/2/1917, 84).

Isabelle K. Pemberton's entries are briefer than Mosher's, but they often name the same people, including each other (Pemberton, 1912-1922). Like Mosher, Pemberton had a number of non-Indian visitors and acquaintances, but she also had several Brothertown friends and relatives who

visited her. Ira and Lura (also spelled “Leura”) Kindness were frequent visitors to the Pemberton’s home, as were James Fowler and his second wife Ruby (his first wife had been Pemberton’s sister Letihta, who died in 1906). She also mentioned Brothertown descendant Hugh Fowler on several occasions, and recorded the birth of his son Roland.

Both women also recorded events such as births, fires, people visiting each other, and when men returned home from the service. An undated Social Notes column (circa 1920) also identified several Brothertown descendants visiting other descendants in Fond du Lac or being visited by relatives, just as Mosher and Pemberton described (Obituary, Frank F. Kindness 7/1960, 3). Both women also attended the Methodist church.

A number of Brothertown descendants participated in the Red Cross Auxiliary in 1918, which was also formed at the Brothertown M.E. Church. A local newspaper identified Lathrop Fowler as president, Ella Fowler<sup>49</sup> as secretary, and E.M. Dick as treasurer (*Fond Du Lac Commonwealth* 1/2/1918, n.p.). These three Brothertown descendants were involved in the organization, but it is not clear if other Brothertown descendants also belonged to the Red Cross Auxiliary. If they were, it is not clear if these Brothertown descendants remained involved in the organization after the deaths of E.M. Dick and Lathrop Fowler. These men died within months of founding the auxiliary and within hours of each other (Fowler died on May 14, 1918, and Dick died later the same day).

#### Brothertown Descendants in Minnesota

The petitioner submitted information about the Brothertown descendants living in the town of Redwood Falls, Minnesota. One family in particular, the children of Frank DeGroat and Lydia Welch DeGroat, married a number of Brothertown descendants. This couple had moved their family of ten children from Calumet County to Redwood Falls around 1886, and a number of their children appear to have sought out Brothertown descendants as spouses.<sup>50</sup> Cora Ann DeGroat married Bertram Hammer (a descendant of Brothertown member Thomas Hammer) in Redwood Falls in 1888. Cora’s brother, John Morris DeGroat, married Lucinda Brushell descendant Ida Luella Welch in 1899. LeRoy Welch (1872-1961), a Lucy Skeesuck descendant, was born in Wisconsin but moved to Minnesota at some point before 1902. In 1902, he married Mathilda “Millie” DeGroat (1880-1955). Willis Brinton DeGroat, the brother of Mathilda, John, and Cora, married two Brothertown descendants. In 1893, he married his first wife, Alice B. Welch, the sister of Ida Luella Welch and a descendant of Lucinda Brushell.<sup>51</sup> After her death, he married Lucy Skeesuck descendant Minna Almira DeGroat in Redwood Falls in 1902. Minna’s parents Orrin and Catherine (Johnson) DeGroat had left Wisconsin sometime after their 1883 marriage in Calumet County and before the 1884 birth of their first child in Redwood Falls. The final DeGroat sibling to marry a Brothertown descendant was Lydia “Lizzie” DeGroat, who

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<sup>49</sup> The petitioner’s genealogical database includes two women whose maiden name was “Ella Fowler” but one died in 1865, and the other was married and should have been identified as “Mrs. Ella Hammer.”

<sup>50</sup> This particular DeGroat family claimed Oneida ancestry through Mary Denny, wife of Benjamin Welsh.

<sup>51</sup> Ida, Alice, and Archie Welch were the children of Erastus Welch, and had grown up in Redwood Falls after their father left Wisconsin in the late 1870s.

married Archie Welch, the brother of Ida and Alice Welch, in 1901. There is no information in the petition which indicates that the Brothertown descendants in Wisconsin continued to communicate with the descendants who had moved earlier, although some of the documents indicate that there was some visiting behavior among some of the Wisconsin descendants and the families in Redwood Falls, Minnesota, in future decades.

Meanwhile, of the Brothertown descendants in Long Prairie, Minnesota, the petitioner submitted the most information about the Skeesuck descendants (who now spell their surname “Skeesick”) This family descended from George Skeesick, who was born in Wisconsin, but moved with his family to Minnesota in the late 19th century. He would eventually father 15 children between 1903 and 1925. Unlike the Brothertown descendants in Redwood Falls, there is no evidence that the Long Prairie descendants married into particular families or sought marriage partners from any particular group. There is also no evidence in the record indicating that the Skeesucks wrote or communicated with the descendants remaining in Wisconsin.

#### Change Among the Brothertown Descendants in Brothertown Township

Like Edgar Dick and Lathrop Fowler, many other older Brothertown descendants passed away during the 1910s and 1920s. Theirs was the generation that served in the Civil War, petitioned to resolve the issue of the fractionated reservation lands, and addressed the issue of the Kansas claims. Many of these people had played vital roles within the population of Brothertown descendants, and when they passed, few people stepped in to take their place.

The two enumeration districts of Brothertown Township on the 1920 Federal census (which included all residents on the regular census schedule) enumerated 84 people identifiable as Brothertown descendants. Few Brothertown families with young children appear on the schedule (the family of Brothertown descendant William Baker, which included 10 children between the ages of 14 and 1, appears to be the exception). Interviews submitted by the petitioner indicate that some Brothertown families moved to the nearby city of Fond du Lac and continued to return to visit their relatives in Brothertown, but others moved further away and visits were less frequent. The information from the diary of Belva Mosher does indicate that some people wrote to each other to keep them apprised of events in each other’s lives, but as time went on, Brothertown continued to lose its younger Indian descendants. There is one example of an older widow living with a distantly related family (76-year old Charlotte Potter lived in the home of Charles Mathers, her second cousin twice removed), but it is the only example of such an arrangement among the Brothertown descendants in Brothertown Township.

The petitioner did not include a decade-by-decade marriage analysis that takes into account descendants living outside of Brothertown proper, but OFA was able to use the Federal census schedules (both the General Schedules and the Special Indian Schedules in 1900 and 1910) to identify marriages between Brothertown descendants in Brothertown Township in 1900, 1910, and 1920. The 1900 census of Brothertown Township reflects 21 marriages involving Brothertown descendants, 20 of which had two Brothertown-descended spouses (five of these couples had not been included on the 1901 Miller Roll for reasons that are unclear),<sup>52</sup> and one

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<sup>52</sup> OFA performed an analysis of the 1901 Miller Roll and identified 26 married couples in which both the spouses appeared on this roll. Of those 26 couples, 15 lived in Brothertown township, while the other 10 lived in Wisconsin,

marriage between a Brothertown descendant and a non-Indian. In 1910, the census enumerated 22 families in which the husband and/or wife were Brothertown descendants (it also identified one couple who later married). Thirteen of the couples were Brothertown/Brothertown marriages (including a couple who had Brothertown ancestry, but claimed membership in other tribes). Eleven of these couples had been married before the 1900 census. The 1910 census provided evidence of one new marriage between 1900 and 1910 involving Brothertown descendants. One couple on the 1900 census died before 1910. The remaining nine marriages recorded in 1910 were between Brothertown descendants and non-Indians, and of those, five were new (or post 1900) marriages. The 1920 census reflected 16 marriages involving Brothertown descendants, 11 of which were between 2 Brothertown descendants, and 5 between Brothertown descendants and non-Indians. The remaining Brothertown-Brothertown marriages reflected on the censuses were extant marriages, and these numbers declined as spouses died.

### The Six Nations Clubs

Many Brothertown descendants joined the Six Nations Clubs during the late 1920s. These clubs, originated by Oneida Laura Cornelius Kellogg and her non-Indian husband, Orrin, were sites of fundraising activity in Wisconsin, New York, and even Canada, to pay the costs of pursuing a claim against the U.S. Federal Government (see discussion under criterion 83.7(c)). Although the petitioner's 1995 petition narrative stated that the Six Nations Clubs served as important social institutions during this time (BIN Summary 83.7(b) 10/21/1995, 108), the documentation in the record does not support this argument. The meetings described in the record did not have a social element; rather, they only discussed the progress of the claims and fundraising in order to pay for those claims. The fundraising efforts also appear to have been limited to requesting members to pay a certain amount, with the promise that they would be repaid when the government eventually settled the claims. While several older members remembered Orrin Kellogg soliciting money in person, no articles or interviews described any dances, dinners, picnics, or other social functions sponsored by the organization or held in order to raise funds for the claims effort.<sup>53</sup> Much of the evidence in the record indicates that a considerable portion of the fundraising happened through the mail. There is no available evidence in the record to support the Six Nations Clubs as sites of social activity.

### **Social Relationships among the Brothertown Descendants, 1930-1960**

The 1930 Federal census identified 37 Brothertown descendants still living in Brothertown Township. By 1930, the descendants born in New York had all died, and many of the first generation born in Wisconsin had also died, or had moved from the area. There is no evidence that any event like Homecoming still occurred, although some individual families may have had

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Minnesota, New York, and Michigan. OFA also identified six couples in which both partners had appeared on the 1901 Miller Roll, but who had married after 1901. Of these six couples, five were married in Calumet County (in either Brothertown or Stockbridge) and the other was married in Fond du Lac.

<sup>53</sup> One interview subject born in 1929 did say that, as a child, he went to a picnic that might have been a function of the Six Nations Club. However, he later stated that he was not sure if it was actually a function sponsored by that organization or some other (Baldwin 10/21/2008, n.t.).

gatherings. The remaining descendants in Brothertown may have interacted regularly because they lived in the same limited geographic area, but there is little evidence to support interaction among the people remaining in Brothertown and the dispersed descendants living throughout the rest of Wisconsin and in Minnesota from 1930 to 1960.

### The 1934 Baptist Centennial

On August 7, 1934, the American Baptist Home Mission Society organized several events commemorating the centennial of the Baptist Church in Wisconsin. As the first Baptist church in Wisconsin had been founded by Brothertown Indians, the celebrations included several events detailing the history of the group. The celebration included a picnic, a historical play, and a lecture by local amateur historian Otto Heller (*Oshkosh Daily Northwestern* 8/7/1934; 2). Interestingly enough, there is no evidence that any of the Brothertown descendants were invited to speak or comment on the program. A minister named Coe Hayne appears to have contacted Brothertown descendant or descendants in Wisconsin, as well as representatives from the Algonquin Indian Federation, a pan-Indian group in New England whose members included members of several of the Brothertown tribes of origin (specifically the Narragansett, Niantic, and Pequot). The Brothertown descendants in Wisconsin and the New England Indians exchanged greetings with each other in 1934. The letter from New England was signed by six representatives (three Narragansetts, one Niantic, one Pequot, and one “Powhatan”), and on behalf of “. . . the Narragansett Indians of New England, gathered in Old Indian Meeting House, Charlestown Township, Rhode Island” (Williams 7/22/1934, 1). In response, the Brothertown descendants replied with greetings of their own. The letter was signed by 17 adult Brothertown descendants. One of the married couples who signed the letter, Alexander and Isabel Pemberton, had not been included on the list prepared by the 1901 Brothertown Business Committee because both were descendants of a Brothertown woman who had married a non-Brothertown man. However, both members of the couple signed the letter along with the other descendants. All of the people who signed the letter resided in Brothertown; there are no signatories from Wisconsin outside of Brothertown residents, or from Minnesota. There is no indication that people traveled back to Brothertown to take part in the event, or that this event was important to the Brothertown descendants. There is also no indication that any further correspondence occurred between the Brothertown descendants in Wisconsin and the Indians in New England.

The Brothertown descendants were photographed on or near the day of the Baptist centennial in 1934. Otto Heller, the owner of the local cheese factory and amateur historian of the Brothertowns, identified “17 of the 28 Indians living in Brothertown in August 19, 1934” in the photograph (Hammer Family Photographs 1935, 1-5). However, his list did not name the other 11 people he would have identified as Brothertown Indians living in the town who were not present for the photograph. The 1930 Federal census included all but three of the 17 residents Heller identified (Lura Kindness Fowler and Belva Mosher were not located, and Ervin Potter was not born until 1931), but also included an additional 23 Brothertown descendants, including the 10 children of Coyhis descendant William Baker. The other people and families may have moved after 1930, or were not thought of as Brothertown Indians by Heller.

Heller noted five “old timers” on his list (John Hammer, Louise Fowler, Hiram Johnson, Lura Kindness, and Francis Hammer), but several of the other people on the list and on the 1930

census were also past middle age. Eight of the 17 people in the photograph also died childless. Few Brothertown children lived in Brothertown, as most young parents moved to more economically prosperous places. The one child who was included in this photograph (Ervin Potter) left Brothertown a few years later when his mother remarried and moved the family to Fond du Lac (he and his sister eventually took their stepfather's surname, Miller). The number of Brothertown descendants in Brothertown itself continued a steady decline as people died and no young families replaced them.

#### Brothertown Descendants in Fond du Lac

The petitioner submitted some information regarding the presence of Brothertown descendants in Fond du Lac from the 1890s through the 1940s (BIN Summary 83.7(b) 10/21/1995, 103). The city of Fond du Lac had attracted a number of Brothertown descendants over the years. The information submitted by the petitioner was not a residential analysis, but was a list of descendants and their street addresses over time. However, some of the names included on the list are not included in the petitioner's database, and it is not clear if all of these people were actually Brothertown descendants. For example, the document included information on James, George, Rose, Mary, and John Stanton. None of these individuals appears to be related to the Brothertown descendants in the petitioner's database surnamed "Stanton." Likewise, there is no information on Thomas, George, and Rose Hoey in the petitioner's database. There is also no information regarding several descendants who were recorded on the 1900 Federal census in Fond du Lac and on the 1901 Miller Roll (e.g., several members of the Hammer family living on Hickory Street or the Sampson family living on Merrill Street). Further, the information given spans more than 50 years, and does not indicate that there was any neighborhood or enclave composed exclusively or almost exclusively of Brothertown descendants.

The petition record included the 1939 funeral sign-in book of former Brothertown resident Ruby (Kindness) Fowler Poole (Ruby Poole 2/28/1939). The petitioner identified 12 Brothertown descendants in attendance, mostly Welch descendants. There are no attendees from any of the Minnesota Brothertown descendant families, and little representation from any of the other Brothertown descendants living in Fond du Lac.

#### Brothertown Descendants in Minnesota

By the 1930s, the Welch/DeGroat descendants in Redwood Falls had established a family enclave near the property belonging to LeRoy and Mathilda "Millie" (DeGroat) Welch. Interviews in the petition documentation and collected by OFA in 2008 refer to this area as "The Hill." A map drawn by a descendant and dated approximately 1930-1945 included the homes of Leroy and Millie, six of their children and the home of Millie's father and uncle (D. Gramentz Map 2008, 1). The enclave also included two other families of Brothertown descendants (descendants of Amelia Paul) who were also related to Millie DeGroat Welch through the marriage of her second cousin Zenah DeGroat to Almira Paul descendant Harry Thompson. On the other side of the town lived the Alexander Rhodes family (descendants of Rachel Scippio), a family of 11 children.<sup>54</sup> Rhodes' wife, Lodusca DeGroat Rhodes, was also a cousin of Millie

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<sup>54</sup> This family has no known descendants in the contemporary petitioner. Of the 11 children, only one is believed to have married and had children. These descendants are not members of the BIN.

DeGroat Welch. The Welches also associated with a number of Lakota Indians from the Lower Sioux Reservation in the nearby town of Morton.<sup>55</sup>

The Welches and their relatives attended the local evangelical Christian church, and also attended revivals hosted by a Lakota missionary named Goodwin (Church Gatherings 1925-1948, 3-4). One Welch son and one Welch grandson also married women from the Lower Sioux reservation. Minna (DeGroat) DeGroat (a Lucy Skeesuck descendant) left Redwood Falls with her husband and children and moved to the area near the White Earth Reservation at some point in the late 1910s or early 1920s. Other in-laws and relatives also established households across an area (approximately 10-15 miles across) in Becker County, Minnesota.<sup>56</sup> The petition record contains less information about some of the other dispersed Brothertown descendants in Minnesota, including the Skeesicks. There is little evidence to indicate that these descendants communicated with other Brothertown descendants either in Minnesota or Wisconsin.

The petitioner submitted 11 interviews with members born before 1935.<sup>57</sup> In 2008, OFA conducted 25 interviews, 6 with people born in or before 1935. These interviews indicate that most of the Brothertown descendants maintained relationships with their family members, but had infrequent (or no) contact with unrelated Brothertown descendants. Several people stated that their family members seldom mentioned the history of Brothertown. Some people admitted being ashamed of their Indian ancestry and hiding it from other people, but others remember being proud of it and standing up to anyone who teased them about it.

Robert Fowler (1924-aft. 2004), who would play an important part in the compilation of the Brothertown roll in the 1960s, lived in Brothertown as a small child, until his mother died and his father moved him and his brother to Fond du Lac in 1927. A number of relatives, including his uncles, aunts, and his grandmother, also lived with them in Fond du Lac. He described some gatherings of Brothertown descendants, particularly at funerals, and at some small potluck dinners people held in Fond du Lac. He also stated that he and his brother sometimes spent the summers in Brothertown, but did not name with whom they stayed when they were there (Fowler 9/21/2004, 8). He also described occasional visits from Homer Kindness, who operated his own “Indian Medicine Show” and traveled selling patent medicine (Fowler 7/22/2001, 3).

According to Fowler’s recollection, Brothertown descendants spoke of their Indian heritage when they were with other Indians. He maintained that there was discrimination against Indians

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<sup>55</sup> The petition documentation included one statement by a former resident of “The Hill” who remembered two other Brothertown descendants (John and Frank Welch, descendants of Mary Ann Skeesuck/Hart Welch) who did not associate with the people on “The Hill.”

<sup>56</sup> The descendants of Francis DeGroat Jr. also formed a family enclave near the border of the White Earth reservation, near the family of his brother Willis DeGroat. Willis and Frank were not confirmed Brothertown descendants, but Willis’ wife Minna was.

<sup>57</sup> The petition record includes only one interview conducted with Brothertown members before 2000 (Schreiber et al. 8/17/1985). It is unclear whether this is a result of a lack of interviews from that time period, or if documents exist, but have not been submitted to OFA. If these interviews exist, the petitioner is encouraged to submit them for consideration for the FD.

in the city, but did not include any specific examples other than describing how he and his brother Roland had to fight other children in school when someone called his brother names because Roland had darker skin than the other children (Fowler 7/22/2001, 4).

Robert Fowler's cousin Coral Fowler Hankwitz (1922-aft. 2004) also spent her early years in Brothertown. Her father James L. Fowler worked as a truck driver, and also operated a store he inherited from his sister Abba, the first wife of Edgar M. Dick. However, after her father's death in 1929, her mother Ruby (Kindness) Fowler decided to move the family to Fond du Lac. Coral remembered Belva Mosher, the Niles brothers, her aunt and uncle Leura and Ira Kindness, and several members of the Hammer family all living in Brothertown and visiting her parent's store (Hankwitz Interview 8/6/2004,5). Harlem ("Harley") Johnson also used the store as a barber shop. Her mother also played the organ in the Brothertown Methodist Church. Later, after James Fowler's death, his wife Ruby moved her children to Fond du Lac near her sister Eldora (Kindness) Welch. They also lived near her Ruby's brother John C. Kindness' family in Fond du Lac. However, although Hankwitz knew she was a Brothertown descendant, she did not tell other people out of fear they would make fun of her. Her not telling other people extended even to her children, who did not know of their own Indian ancestry until they were almost adults (*Milwaukee Journal* 7/28/1982, n.p.). She also did not remember people talking much about Indian issues either in Fond du Lac or Brothertown when she was growing up (Hankwitz 8/6/2004,13).

Ilene Sampson Loppnow (1923-2002) grew up in Fond du Lac. According to her interview, her father told her and her siblings that they were Indians. He sometimes drove the family out to the town of Quinney and took them to visit Union Cemetery. She remembered him tending the graves of relatives there, even though his own parents were buried elsewhere (Loppnow Interview 6/16/2002, 5). Loppnow stated that she had always been proud of being an Indian, and told other people and teachers in school, and did not recall having any problems because of it. She remembered visiting her father's half-brother Reginald and his family. She did not remember any meetings or activities that involved a larger group of descendants.

An interview with three Bruette/Robinson siblings<sup>58</sup> who grew up closer to the Stockbridge reservation described how they attended the Red Springs Mission School. According to the two sisters (born 1910 and 1912) who attended for the longest amount of time, the school had a number of Indian students from different tribes, primarily Stockbridge and Oneida. The women did not remember any other Brothertown students attending (Crowe et al. 10/6/2001, 12). In an interview conducted with some of the same siblings in 1985, one sister also remembered visiting Ida Shelley Baldwin and her family in Fond du Lac while her mother lived (Schreiber et al. 8/17/1985, 4).

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<sup>58</sup> Zebulon and Dora Welch, the grandparents of the Bruette/Robinson siblings, were both born in Calumet County in the 1860s. The couple married in 1884 in Calumet County, but divorced by 1896. Both are recorded as dying in Shawano County, but it is unclear when they moved to the area of the Stockbridge reservation. Information in the petitioner's database indicates that both spouses had Brothertown and Stockbridge ancestry. Flora Welch Bruette Robinson, the mother of the Bruette/Robinson siblings, was born in Calumet County in 1884, but was living in Shawano County by the time of her 1909 marriage.

Ted Stephenson (1931-2009) described visiting his mother's relatives in the Brothertown area prior to World War II. He remembered visiting Union Cemetery on Memorial Day, spending the night above Ed Welch's blacksmith shop, and how other Indians would stay at their home in Eau Claire when they traveled through the area. Still, according to his recollections, his mother (Vera Quinney Stephenson) did not admit that she was Indian when he was a small child, preferring instead to tell people she was "a little bit Irish, a little bit Italian, and a little bit Turkish"(Stephenson 9/24/2004, 3). The children figured out that they had Indian, rather than Turkish, ancestry when they were older. He also believed that his mother would not have been hired in 1920 at a particular hotel in Madison, Wisconsin, if her employers had known she was an Indian (Stephenson 9/24/2004, 22).

A 2008 interview with Dennis Gramentz (b. 1934) described a trip he and his grandmother (Mathilda DeGroat Welch) took from Redwood Falls, Minnesota, to DePere, Wisconsin, to visit relatives. He did not give the exact year of this trip, but he did remember that he was in the second grade, which indicates that it was sometime around 1942. He specifically remembered visiting his grandmother's namesake niece, Mathilda Hammer Johnson (daughter of Cora DeGroat Hammer), and that Mathilda's son Cyrus Welch drove his mother to visit her relatives. He also remembered some of his grandmother's Hammer relatives coming to visit Redwood Falls occasionally (Gramentz 2008, 27-30).<sup>59</sup> Gramentz also remembered that he did not hear his grandparents use the term "Brothertown" when describing their Indian ancestry. His grandmother identified herself as an Oneida, and he did not learn of his Brothertown ancestry until he was an adult.<sup>60</sup>

### Brothertown Descendants During and After World War II

The petition record contains limited information regarding the effect of World War II on the Brothertown descendants. Some members served in the U.S. military, while others worked for military contractors. The petition record includes a number of newspaper clippings and photographs referring to various Brothertown descendants. Individual families appear to have maintained relationships, but the information in the petition documentation does not indicate that the group as a whole interacted at this time. While gas rationing may have accounted for declines in long-distance travel, there is little evidence in the petition that the Brothertown descendants who lived near each other in various towns or cities interacted across family lines. There is no evidence of group activity related to the war effort as there had been as there had been towards the end of World War I.

The petition record also includes little information regarding the Brothertown descendants after the war. Some extended families appear to have kept in touch with each other, but there is little evidence during this period to indicate that people resumed or began visiting across family lines. The 1952 funeral book of John Coyhis exhibited the broadest spectrum of Brothertown

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<sup>59</sup> The Gramentz interview also mentions the Boyer family, but says little about them. The petitioner's genealogical database includes information about some Boyers descended from Lucy Skeesuck who were also related to Mathilde DeGroat Welch.

<sup>60</sup> Gramentz's cousin remembered that her grandfather identified himself as a Narragansett (J. Schadewald 10/16/2008, n.t.).

descendants, and included his nephew Harold Coyhis, several Tousey nephews, and a number of Welch descendants (all distant cousins of the deceased and each other). There are no representatives from other local Brothertown families such as the Fowlers, Niles, Johnsons, or Sampsons, and none from the families living in Minnesota (John Coyhis Funeral Book 1952, 1-8). Among the Minnesota DeGroat descendants, an obituary and a wedding book submitted by the petitioner both name immediate and extended family members in attendance at these events, but do not indicate that a larger cross-section of Brothertown descendants (either other Minnesota residents or Wisconsin descendants) attended these events, (DeGroat Wedding Attendance 8/6/1960; Obituary, Harry Harrison DeGroat 1961).

OFA interviewed members Phyllis and Phillip Tousey (children of Charles Tousey) in 2008. These siblings, born in 1947 and 1949, remembered their parents taking trips and visiting many people to collect information about the Brothertown Indians (Tousey and Tousey 10/19/2008, 25-29). Some of the information the Touseys gathered is in the record, but there are no interviews or interview notes attributed to their work. Many of the Tousey documents were donated to the Wisconsin Historical Society. The petitioner may wish to research the Tousey papers to see if there are additional interviews or other useful documents in them.

During the 2008 site visit OFA acquired a list of phone numbers and addresses compiled by Theresa Kindness Fowler. This document (which also includes some genealogical information on the Fowler family) is undated, but was compiled after the 1953 death of her son Hugh (T. Fowler 1953, 3). The list includes some other identifiable Brothertown descendants, which indicates that she was in contact with these people. However, they were mostly her relatives.<sup>61</sup> The list does not indicate that she was in communication with a larger cross-section of Brothertown descendants. However, one note on the list mentions attending a “group circle” at the home of Mrs. George Baldwin [Myrtle (Mathers) Baldwin], the one Brothertown descendant on the list who was not a close relative of Theresa Fowler. The petition included no other information about these “group circles” were, or if they included other Brothertown descendants.

By the 1950s, very few Brothertown descendants remained in Brothertown itself. A 1955 newspaper article about Herman Niles describes him as the last full-blooded Brothertown Indian in the village, and noted that his visitors, aside from an occasional niece or nephew, consisted mostly of other non-Indian Brothertown residents (Sebora 7/1955, 3).

The Brothertown Methodist Episcopal Church, which has been a very important institution through the 1920s, appears to have lost both Indian and non-Indian members over the years. The petition record includes no information about the church after the 1920s and before its eventual demolition in 1967. In a 2008 interview, one member of the group stated that the bell, which had hung in the church’s belfry, had been taken from Brothertown to the Oneida Methodist Church on the Oneida reservation, where it is still in use today (OFA, 10/16/2008, 1). There is no information in the record indicating that the two congregations had ever traveled to visit each

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<sup>61</sup> Identifiable Brothertown descendants on the list include Mrs. Daisy Fowler Hicken (Fowler’s daughter), Coral (Fowler’s niece), Robert and Roland (Fowler’s grandsons), Lloyd Kindness (Fowler’s nephew), and Mrs. George Baldwin (Myrtle Mathers Baldwin) (Fowler’s distant cousin). The list also includes “Minnie and Rose Kindness,” but they are not included in the petitioner’s database.

other. There is no information in the record indicating that Brothertown descendants from the Brothertown area took part in any type of dedication or installation ceremony.

#### Brothertown Descendants, 1964-1979

In 1964, the Indian Claims Commission (ICC) settled the claims of the New York Emigrant Indians. There is no evidence that the Brothertown descendants took part in the series of court cases which led up to the resolution of the case (see “The Indian Claims Commission” under criterion 83.7(c)), but the Brothertown descendants were deemed eligible to take part in the distribution of the \$1.3 million award. Brothertown descendant Robert Fowler, an attorney in Fond du Lac, organized a series of meetings in Fond du Lac in order to inform those eligible descendants of the deadlines for filing claims forms. Fowler submitted a series of lists of other descendants to the Green Bay Agency, which were mostly composed of Fowler’s relatives (Fowler 9/19/1967, 1; Fowler 12/4/1967; Fowler 3/1/1968, 1-2). Eventually, he agreed to help with the preparation of a roll of Brothertown descendants who met the one-quarter New York Emigrant Indian blood degree established by the ICC.

There had not been a roll of Brothertown descendants since the 1901 Miller Roll, and there is limited information in the petition regarding how the 1967 Claims Roll was compiled. There is nothing to indicate that the Brothertown descendants established a governing body of any sort to handle the applications or to notify people out of state about the claims. The attention from a number of newspaper articles may have made other people aware of the claims action, as well as word of mouth. According to interviews with Fowler, a number of people whom he had known for years, but had never known to be Brothertown descendants, came forward to file for their portion of the claims settlement:

We did not know how many Indians were living in Fond du Lac County. I put out an ad, because there was some publicity about this grant [*sic*], going to the Brothertown Indians, you had to be at least 25 percent. I never saw so many Brothertown Indians come out of the wall in my life. Because they all ran through my office because I filled out their applications. People that I knew for years, I didn’t know they were Indian. People would not tell other people that they were Indian. When they found out there was money available, they came out of the closet, literally. I thought that was really quite interesting. (Fowler 7/22/2001, 4)

Fowler’s statement indicates that not only did many people not tell outsiders that they were Brothertown descendants, but that many descendants did not associate with each other as Indians.

The Brothertown descendants completed their roll in 1968, but did not receive their claims payments for until 1974 because of internal disputes among the Stockbridge (see discussion under 83.7(c)). There is no evidence in the petition to indicate that members of the group began associating more with other descendants. The documentation in the record indicates that the group held its first meeting to organize the descendants as a “tribe” on January 3, 1980 (BIN Minutes 1/3/1980, 1), and the record provides little information regarding what the group as a

whole was doing during the six years between the end of the claims case and the beginning of the effort to apply for Federal acknowledgment.

### **The Brothertown Petitioner, 1980-Present**

#### Definition of “at present” under Section 83.8 (d)(2)

Under 83.8(d)(2), a petitioner only has to demonstrate that it meets the definition of community “at present”. The definition of “at present” varies for groups evaluated under section 83.8(d)(2), as each case requires researchers to define a period tailored to the petitioner’s unique history that shows important social processes. Since the Brothertown Indian Nation (BIN) petitioner formally organized in 1980,<sup>62</sup> this PF will describe social interaction and processes from that year forward to determine whether or not the evidence in the record is sufficient to demonstrate the petitioner meets the requirements of this criterion. Some discussion concerning the 141 years between the 1839 Act which disbanded the historical Brothertown tribe and the 1980 organization of the group is necessary to describe recent social processes and evaluate the petitioner’s arguments about the present, but the “present” in this case pertains only to the period since 1980.

#### Petitioner’s Composition and Residential Analysis

The first membership list submitted by the petitioner was dated 1996, 16 years after the group organized. Although a newspaper article indicated the group first used the 1967 Claims Act Roll to contact potential members (*Register* 12/1/1980), there is no evidence whether or not the group had its own membership list prior to 1996. The petitioner’s 1995 petition submission also included a membership figure of 858 members (BIN 1996, 109), but did not include a 1995 membership list or explain how it obtained this figure.

The size of the petitioner’s membership has more than tripled since its first stated membership numbers in 1995. The initial petition narrative was dated 1995 but not submitted to the Department until 1996. It stated that the group had 858 members (BIN 1996, 109). In 1997, the membership list submitted by the BIN identified 2,276 members, an increase of 1,418 members. The 2005 narrative stated that the organization had 2,891 members (BIN 2005, 84), while the membership list submitted during the same year identified 2,852 members. The membership figures listed in the petitioner’s narratives do not coincide with the number of members named

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<sup>62</sup> The group originally organized under the name “Brotherton Indians of Wisconsin” (BIN Minutes 1/3/1980, 1). However, it also used the name “Brotherton Indian Nation” (*Fond du Lac Commonwealth* 6/21/1981, 1) and “Brotherton Tribe of Wisconsin” (Wassaja 1981, 5). The group formed a non-profit corporation called the “Brotherton Nation, Inc.” in 1982. The Oneida Tribe of Wisconsin and the Stockbridge-Munsee both referred to the “Brotherton Tribe” in support resolutions in 1983 and 1985 respectively (Oneida Tribe of WI Resolution 5/6/1983, 1; Stockbridge-Munsee Resolution 8/20/1985, 1). By 1987, the group had changed the spelling of the group’s name from “Brotherton” to “Brothertown” in its governing document, and stated that the official name of the group was “Brothertown Indian Nation.” However, the same document that declared that the group’s official name was “Brothertown Indian Nation” was titled “Amended Articles of Constitution and By-Laws of the Brothertown Indians of Wisconsin” (BIN Constitution 11/23/1987, 1).

on the petitioner's membership lists. While the 39-member difference between the 2005 membership list and petition narrative may be explained by errors in record-keeping, the available evidence does not explain the apparent increase of more than 1,400 people in the two years between 1995 and 1997.

The petitioner did not include a residential analysis of its members on its most recent membership list. OFA performed an analysis of the June 21, 2008, membership list submitted by the petitioner. According to this list, the group has 3,137 living members. Of those 3,137 members, approximately 21 percent (669 members) had no current address listed. Approximately 41 percent (1,276 members) gave addresses in Wisconsin. Ten percent of the membership (305 members) gave addresses in Minnesota. The remaining 28 percent (887 members) gave addresses across the United States and Canada, with four members currently living in China.

These numbers reflect that a substantial proportion of the membership has lived outside of Wisconsin since the petitioner submitted its first membership list to the Department. According to the petitioner's 1995 narrative, 42 percent of the group (361 members of a total of 858) lived out of state at that time (BIN 1996, 109); by the time of the group's 2005 narrative, the membership had increased to 2,891, with approximately 60 percent of members living outside of Wisconsin (BIN 2005, 84). The total out-of-state portion of the petitioner's 2008 membership list totals 38 percent of the membership (1,192 members out of a total of 3,137), or 48 percent of the members with known addresses. Therefore, it appears that having a large percentage of members living outside the State has been a characteristic of the group since it began compiling membership lists.

The 1,276 members on the 2008 list who live in Wisconsin gave addresses in a total of 208 cities and towns. The State itself spans 310 miles by 260 miles and members appear to live in towns and communities all across the State. The largest concentration of members is in Fond du Lac and the adjoining city of North Fond Du Lac (149 in Fond du Lac proper, 18 in North Fond du Lac, 167 members total). Fond du Lac and North Fond du Lac account for 5 percent of the membership. According to the U.S. Census Bureau, the city of Fond du Lac had a 2006 population of approximately 42,000, and the addresses on the petitioner's membership list do not indicate that the members reside in a particular neighborhood or area of the city, or that they form a settlement of any kind.

The residential pattern of the group's membership can only be described as approximate because addresses were missing for about a fifth of the membership. However, analysis of the 2008 membership list does indicate that the majority of the group's members do not live within a geographic area where they can easily maintain social contact. Nearly half of the members with known addresses do not live within the state at all, and those who do live in Wisconsin are located across a very large area. The widely distributed membership found for this petitioner does not allow a presumption that the members are in close contact with one another and interacting intensively, as would be the case if they lived in a village or neighborhood. As it does not appear that social contact is residentially based, the petitioner needs to demonstrate how other methods of maintaining social contact are used. The petitioner must also provide the

missing addresses for the FD (see discussion under 83.7(e)), which may result in a new residential analysis.

### Social Interaction

According to documents in the record reviewed for this petition, there is little evidence to determine how much interaction the membership at large had (however it was defined prior to the 1996 membership list) during the BIN's initial years. Other than the mention of the activities of a limited number of people in newsletters and meeting minutes, the record contains little indication of how or if the group (or a representative cross-section of the group) interacted during the period from 1980 to 1996. For example, OFA located 21 sign-in sheets from monthly meetings held between March 1982 and May 1984. The largest attendance at any of these meetings was 38 people (including minors, non-Indian spouses, and visitors) and the average attendance was 26 people. At this time, many of the attendees were members of the Sampson, Tousey, and Bruette/Robinson families. Individual members of other families, such as the DeGroat and Skeesick families, also attended. The petitioner may wish to do additional analyses of other meeting minutes, newsletters, and other documents which name participants in the group's activities to demonstrate which families and which individuals were interacting during the early years of the organization, whether in meetings or in other ways..

The group sponsors two major social events each year, the Annual Picnic and the Annual Homecoming. The group instituted the Annual Picnic in July 1981, soon after the group formally organized in 1980. The petitioner submitted sign-in sheets for 15 picnics between 1981 and 2007, and included attendance totals for seven others in newsletters. There are also four years (1991, 2003, 2005, and 2006) for which there is no picnic attendance information. Attendance figures are approximate because some people signed in as family units rather than as individuals, and because the sheets did not differentiate between members and non-member spouses; some attendees may not have signed in at all. The largest attendance shown on any of these records was 169 in July 1985, and the average attendance at these events was 82. The petitioner may wish to provide analysis of the composition of the Annual Picnic for the FD to determine whether the attendees were representative of the entire group (i.e., members from a number of family lines, including a number of those out-of-state residents) and if a predominant portion of the group was represented by attendees from a number of families.

The group reinstated the Brothertown Homecoming in 1983, three years after the group formally organized. This was not a continuation of the "Homecomings" that the Brothertown descendants had attended during the early 20th century, but was a reintroduction of the reunions after more than 50 years. There is no evidence in the record to indicate that the Brothertown descendants held any such gatherings during the interim. The petitioner submitted 19 sign-in sheets for this event, for most of the years between 1983 and 2007 (1983, 1984, 2003, 2005, and 2006 were not included). As with the attendance records for the picnic, attendance on some dates is approximate, as people signed in with the notation "John Doe and family," without listing the names of the family members. Also, the sign-in sheets do not differentiate between members and non-Indian spouses or guests. The BIN's initial petition stated: "The tribe holds an annual reunion at a state park near the old reservation, not far from Fond du Lac, that attracts several hundred tribal members ..." (BIN 1996, 115), but none of the sign-in sheets included in

the petition submission for the years before 1995 indicated more than 130 people (members and non-members) in attendance. The group's January 2006 newsletter stated, "We had a good turnout (around 250 people)..." for the group's 2005 homecoming (BIN Newsletter 1/2006, 4), but the sign-in sheet for that event was not located in the petition documentation. The highest attendance recorded at any Homecoming on the 19 sheets submitted by the petitioner was 181 attendees in 1999, and attendance averaged 84 people over the years.

According to the members interviewed in 2008, Homecoming has incorporated elements of a family reunion with a large potluck luncheon since its reintroduction in 1983. The group has also included educational and photographic exhibits about the history of the group. In recent years, however, some members who have been involved in pan-Indian activities in the region have introduced more "pow-wow" type elements to the gathering by including drum groups, vendors, and dancers. The 2008 Homecoming, which was attended by OFA staff, included the veterans' organization from the Mohican (Stockbridge-Munsee) reservation, three drum groups from other tribes and organizations, and several vendors of Indian clothing and jewelry.<sup>63</sup> The group also had a photographic and genealogical exhibit featuring information about the history of the Brothertowns in Wisconsin, as well as a number of goods for sale bearing the group's logo. A number of members volunteered ahead of time to set up the hall, staff the registration and crafts tables, organize and run the kitchen, and clean up the facility when the event was over. The petitioner may wish to submit an analysis of the attendance of the Annual Homecoming over the years to demonstrate which members of the group have interacted during Homecoming, and to demonstrate what portion of the group was represented at these events by a wide cross-section of attendees from a number of Brothertown descendant families.

In addition to describing the reintroduction of the Annual Homecoming, the petitioner included some discussion of family reunions held by individual families. The petitioner maintained in its 2005 petition narrative that the family reunions held by some of the extended families in the membership had their roots in the Homecomings that the Brothertowns had held during the early 1900s (BIN 2005, 79). However, the petition documentation did not include any information to support this assertion. The various family reunions are organized by the individual families. Non-related Brothertown descendants do not attend reunions hosted by various individual families on the basis that they are all Brothertown descendants, though there is some indication that a few family reunions have recently extended invitations to other Brothertown descendants. The evidence indicates that the reunions involve only members of particular extended families, rather than being broadly based among several families.

The materials included in the petition record indicates that some members maintain social contact through annual meetings and picnics, regular council meetings, speaking with family

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<sup>63</sup> Not all members of the group were happy about the new "Indian" elements of Homecoming:

WSB: Has homecoming changed from what you remember attending your first one?

Mr. Stephenson: Well, we all came here, and we talked, and basically danced, and somebody introduced his family, and somebody introduced his family. But you know, the other day now, they invited down the drums, and the whole thing was about this drumming. . . That's not the homecoming (Stephenson 10/21/2008, 37).

members, and reading the group's newsletter (BIN 2005, 88). The group maintains a website which is not directly referenced in the 2005 or 2008 narratives, but was referred to in interviews. The site includes information that group members can access. The group has addressed the difficulty of having such a far-flung membership by holding meetings in different locations across the State, such as in Gresham and Milwaukee, and in Minnesota. The group's many committees have introduced members with common interests to each other, and some people who first met in the early 1980s are now very well-acquainted with each other.<sup>64</sup> An example of this is the Brothertown Crafts Committee, which began in 1994 as an outgrowth of the Brothertown Powwow Committee, and has continued producing craft items to sell at powwows, gatherings, and in the storefront portion of the group's office in Fond du Lac. Members and their families produce items such as beaded jewelry for sale, and the proceeds benefit the group. Some of the work is done when members gather together and work on projects, while other work is done by individual members who then submit the items by mail, through an intermediary or in person the next time the contributors are in the area. Members also volunteer to staff the table and sell the merchandise at various events. This economic enterprise does benefit the group as a whole, but the information included in the record is insufficient to determine whether or not a significant portion of the membership expresses support for the crafts enterprise and feels it is important to the group.

The data in the record indicate that the group has taken a number of steps to involve as many members as possible, considering that members are spread out over Wisconsin, Minnesota, and the rest of the United States. Hosting events such as the group's various fundraising activities and bus trips to the East Coast also gives members a chance to interact with each other. However, the information in the record is insufficient to demonstrate that a predominant portion of the members actually use these opportunities to associate with other members. The information in the petition indicates that a small percentage of the membership is very involved with the events of the group, but that a much larger percentage has little involvement with the group or with the involved members. There is little evidence in the record of broad interaction among non-related or distantly-related individuals. The group's ability to organize a small portion of its members for events such as the Annual Picnic, the Annual Homecoming, or fundraising events is insufficient to demonstrate that a predominant portion of the group interacts through these activities. The information available in the record is not sufficient to determine whether the group's crafts business is supported by a significant portion of the membership. The information in the petition regarding family reunions is insufficient to indicate that family reunions held by Brothertown descendants are distinct from family reunions held by non-Brothertown descendants, or that a significant number of nonrelated Brothertown descendants attend the reunions held by other Brothertown families. All of evidence taken together indicates that the petitioner does not satisfy the requirements for criteria 83.7(b).

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<sup>64</sup> Over the years, the group's committees have included a fund-raising committee, history committee, membership committee, enrollment committee, grant-writing committee, crafts committee, legislative action committee, "Sunshine Committee" (which sends get-well cards and flowers to ailing members), and many others. Members also formed the Brothertown Circle in 2001 to study various aspects of the culture of the tribes which combined to form the Brothertown tribe (Brothertown Circle 2002, 2-4).

### Interview Data

The BIN petitioner submitted 11 complete interview transcripts and 3 incomplete interview transcripts.<sup>65</sup> The petitioner also included several oral histories written by members. OFA staff conducted 24 formal interviews (some individual, some in small groups) with 30 individuals during the 2008 site visit. In addition to interviewing 23 members, OFA also interviewed 2 non-Indian spouses, 3 members of the Mohican (Stockbridge-Munsee) tribe (1 of whom had formerly been enrolled with the BIN), 1 member of the Oneida Tribe of Wisconsin, and 1 former member of the BIN. OFA staff also took notes during several informal conversations, including some at Homecoming.

The 23 members interviewed by OFA ranged in age from 13 to 84, and included 14 females and 9 males. When determining who to interview and what topics to discuss, OFA staff endeavored to take in a geographic cross-section of the group, including lifelong residents of Fond du Lac and representatives from the major settlement areas in Minnesota (Redwood Falls and the Long Prairie vicinity). OFA also attempted to interview a variety of people with differing levels of participation and involvement in the group as demonstrated in the group's petition documents. OFA staff were unable to interview any members who grew up in the Gresham area, but did interview two Stockbridge Mohican members who had considerable knowledge of the Brothertown descendants who lived in that area. OFA staff also took notes during a long car trip with a resident who had grown up near the Oneida reservation.

The information in the interviews indicates some of the current relationships among members are based on the relationships established years before the creation of the formal organization. The best example was that between the descendants of Vera (Quinney) Stephenson and George and Myrtle (Mathers) Baldwin. Vera Stephenson "stood up" for George and Myrtle when they married in 1925, and afterwards Vera and her family remained close to the Baldwins. Their children were close in age and also remained close as they grew up; (Baldwin 10/21/2008, n.t.). Frederick ("Fred") Baldwin (b.1929) and Richard ("Dickie") Welch (b.1930) also grew up in Fond du Lac during the 1930s and 1940s, and went through grade school and high school together. Fred Baldwin also bowled in the same league with Herbert Shady, Jr. (a Potter descendant)<sup>66</sup> and also knew Robert Fowler, Sr., and Ray Burgess (b.1937) (a Fowler/Skeesuck descendant) from bowling, although he did not indicate that the Brothertown descendants ever organized their own bowling team.

Although such relationships do exist, they appear to be the exception rather than the rule. Most of the relationships that exist now appear to have developed recently as the result of membership

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<sup>65</sup> The incomplete interviews in the petition are Wilson 8/12/2002, Mattern 9/23/2004, and Ezold and Ottery 5/19/2003. Additionally, the petition materials include citations to fieldnotes by Dr. Jack Campisi, one of the petitioner's researchers. The field notes themselves, which reference interviews conducted in 1986 (BIN 1996, 113), were not included in the petition documentation. The petitioner is encouraged to submit these materials for consideration for the FD.

<sup>66</sup> Baldwin, Fowler, and Burgess were born within 13 years of each other. Herbert Shady, Jr., is approximately 25 years younger than Baldwin. This indicates that Baldwin identified the men he knew from the bowling league over the course of many years, not simultaneously.

in the formal organization and the group's sponsoring of many social events. People who met through the group and discovered that they live near each other in cities or towns distant from Brothertown now remark that they do see each other informally, as do some people who have become involved in pan-Indian activities and who participate in the regional pow-wow circuit. Others who participated in the group-sponsored 1999 or 2003 bus trips to the East Coast to visit the founding communities in New York and New England also formed relationships with members they had not known before. Some people refer to other members as their "relatives," which is technically true, as many of the members of the group are distantly related to each other. However, many of these relationships are not based on informal familial knowledge, but developed when people formally studying their genealogy learned that other members of the organization shared a common ancestor with them. The information in the record does not indicate whether members of the group who currently interact have done so throughout the time period defined as "at present." That is, there is insufficient evidence to show if the members who currently know and associate with other members have done so since the early 1980s, or if these relationships are of a more recent origin.

Some members have very strong kin and social ties to members of federally-recognized tribes, especially the Mohicans of the Stockbridge-Munsee Band and the Oneida Tribe of Wisconsin, which long predate their involvement with any group of Brothertown descendants. A former enrolled member of the BIN (b. 1942) interviewed by OFA is now an enrolled member of the Stockbridge-Munsee. She became involved with the Brothertown in the early 1980s when the group was organizing (Brower 10/23/2008,59). However, she and her siblings enrolled with the Mohicans sometime after 2005 when the rolls of that tribe reopened. Some of her relatives who had always been enrolled with the Stockbridge Mohicans also encouraged her to enroll with the tribe. However, her children and grandchildren are still enrolled with the Brothertown petitioner.

Another Brothertown member (b.1960) grew up near the Oneida reservation, where a number of his family members lived. His grandmother was an involved member of the Oneida Methodist church, and many of his family members are buried in the Oneida cemetery. His family regularly associated with other Brothertown descendants who lived on or near a particular portion of the Oneida reservation, as well as with Oneida families.<sup>67</sup> He described taking his grandmother for occasional visits to other Brothertown descendants in the Quinney/Stockbridge area (where his grandmother's mother had grown up), but he had regular contact with the Brothertown descendants and the Oneida tribal members who lived closer to the Green Bay and DePere area (OFA 10/16/2008, 1-3).

One member (b.1960) whose mother's family are enrolled members of the Stockbridge Mohican tribe stated that she grew up visiting her mother's relatives near the Stockbridge reservation, and that these relatives also visited them in Milwaukee (Gralewicz 10/15/2008, 8-9). However, she also stated that she had grown up thinking of herself as a "generic Indian" or "Pohican"

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<sup>67</sup>An interview with a member of the petitioner who grew up near the Oneida reservation indicated that most of the Brothertown descendants who settled there made their homes on the southern end of the reservation (OFA 10/16/2008, 1). For the FD, the petitioner may wish to describe how the Brothertown descendants established themselves in that particular area, and also discuss whether the Brothertown descendants were regarded as a distinct group by the Oneida. Likewise, the petitioner may also wish to explore whether or not the Brothertown descendants living in the vicinity of the Stockbridge reservation were regarded as a distinct group by the Stockbridge Mohicans.

(meaning Polish-Mohican), and that she did not become involved with the Brothertown group until approximately 15 years ago. The family had attempted to enroll the children with the Stockbridge Mohicans a number of times, but were prohibited by the tribe's blood quantum restrictions. However, in the mid-1990s, her great-aunt told her that she and her siblings could get on the Brothertown rolls (Gralewicz 10/15/2008, 6, 12-13). She has remained connected to the Stockbridge Mohican members of her family and continues to visit her friends and relatives on the Stockbridge reservation.

A number of people interviewed stated not only had they not known other Brothertown descendants before the formal organization of the group, but they had little idea they were Brothertown descendants themselves. Five of the 23 members interviewed by OFA stated they had known they were Indian, but not Brothertown. One woman (b.1933) stated she had never heard of "Brothertown" until she was an adult, and that her grandmother always claimed Oneida ancestry. Her grandfather, a Skeesuck descendant, claimed Narragansett as his ancestry, rather than Brothertown (J. Schadewald 10/15/2008, n.t.). Her cousin, who was also interviewed, grew up with the same grandparents and remembered his grandmother claiming Oneida ancestry, but did not learn about Brothertown until he was an adult (Gramentz 10/15/2008, 16-17). Another member (b. 1939) stated that her maternal Brothertown grandfather died when she was very young, but she remembered her mother describing visits from his half-sisters from Stockbridge, so she thought that he was also Stockbridge (these sisters had a Stockbridge mother, while his mother was a non-Indian) (Waldvogel 10/17/2008, n.t.).

Another member (b. 1947) grew up in Minnesota knowing she was Indian, but did not learn what tribe until she began to do research in 1976. Her uncle had learned about the Brothertown in college, so she began to do research after that. She also stated that she had not made the acquaintance of many of the other Brothertown descendants from Minnesota until the group began to hold meetings in Long Prairie in 1992 (Kramer and Ryan 10/22/2008, 15-23). Another member (b. 1935), who was interviewed by a fellow member of the petitioner on a previous occasion, also stated she had been unfamiliar with Brothertown for many years. In a 2002 interview, she stated that her grandmother identified herself as an Oneida, but when her father tried to enroll with the tribe, he was informed he did not qualify as a member because his Oneida ancestry was not through the maternal line. However, an Oneida man encouraged him to research his Brothertown ancestry, and this research eventually resulted in the family becoming involved with the formal Brothertown organization (Anderl 8/16/2002, 3-5). All of the above examples demonstrate that social relationships between members developed after participation in the group, rather than group activities having developed from existing relationships.

The interview data suggest the relationships between group members at present has developed from the expansion of the formal organization. Members, while able to demonstrate genealogical descent from the historical tribe, had little knowledge of each other before the establishment of the organization, and a significant number also had little knowledge of their Brothertown ancestry. Some had (and have) much deeper social and kin ties to other federally recognized tribes than to any group of Brothertown descendants. Information obtained from the interviews does not demonstrate that the relationships among members of the group have been consistent across the period defined as "at present" (1980-2009). The organization did not formalize existing activities but has fostered some interaction and brought some relationships

into existence. Several of the interview subjects are now very active in and/or have held elected office in the organization, but the evidence indicates that much of their knowledge and involvement with other members has come through their involvement with the formal organization.

### **Conclusion**

The overall evidence of the group's social interaction is insufficient to satisfy the requirements of criterion 83.7(b) from 1980 to the present. There is no available evidence in the record that a community existed in 1980 composed of the same people currently enrolled with the petitioner. The social contact among members appears to have resulted from membership in the formal organization, rather than the formal organization being the result of informal interaction between members during the early 1980s.

The character of the current group appears to be that of a descent group with some active participants, but with a much larger portion of members appearing to have little to no interaction with each other. The group has the ability to organize some members to help with an annual function such as Homecoming, and to participate in some local fund-raising events, but there is insufficient evidence of informal interaction or social relationships among a predominant portion of members throughout the rest of the year. The social and cultural elements described in the documentation are of recent introduction, and there is not enough information to indicate that these events are of more than symbolic value to the group as a whole, rather than to a few involved members. Although the group has arranged events that allow members of the group to congregate, the petitioner has not demonstrated that a predominant portion of its membership takes advantage of these opportunities to associate with each other.

Fond du Lac, the city with the highest number of Brothertown descendants, has not been demonstrated to have served as a "core" for this highly dispersed group. Most interaction among descendants who live there appears to be among family members, or is the result of non-related Brothertown descendants do not attend reunions hosted by various individual families on the basis that they are all Brothertown descendants. Only a few members who live in or near the city attend the same church, live in the same neighborhoods, or associate with each other outside of the group's formal activities. Further, there is no evidence that the members in Fond du Lac interact with members of the group outside the city any more than members in other towns or cities across the State. Therefore, the evidence in the petition record does not indicate that members who live in Fond du Lac engage in significantly more informal social interactions with other Brothertown members than do the dispersed members who live throughout Wisconsin or the rest of the United States.

The petitioner has not demonstrated that it meets the requirements of criterion 83.7(b) as modified by section 83.8(d)(2) which requires the petitioner to demonstrate that a predominant portion of the members comprise a distinct community "at present," but does not require the group to demonstrate its existence as a community historically. The petitioner does not meet criterion 83.7(b) "at present" and therefore does not meet criterion 83.7(b) as modified by 83.8(d)(2).

### **Criterion 83.7(c)**

**83.7(c) The petitioner has maintained political influence or authority over its members as an autonomous entity from historical times until the present.**

**83.8(d)(3) The group meets the requirements of the criterion in § 83.7(c) to demonstrate that political influence or authority is exercised within the group at present. Sufficient evidence to meet the criterion in § 83.7(c) from the point of last Federal acknowledgment to the present may be provided by demonstration of substantially continuous historical identification, by authoritative, knowledgeable external sources, of leaders and/or a governing body who exercise political influence or authority, together with one form of evidence listed in § 83.7(c).**

### **Introduction**

The evaluation under this criterion for petitioners with previous Federal acknowledgment as an Indian tribe may be modified for the historical period between the last date of Federal acknowledgment and “at present.” The petitioner must still demonstrate that it exercises political influence within the petitioning group for the time period “at present.” Section 83.8(d)(3) provides previously acknowledged petitioners the opportunity to meet this criterion for the historical period prior to the present with a reduced evidentiary burden. The evidence in the record for this petition, however, does not include the type of evidence that is sufficient to meet the modified requirements of section 83.8(d)(3) for this historical period. When a petitioner is not able to utilize this reduced evidentiary burden, the regulations (§83.8(d)(5)) provide that it may demonstrate alternatively that it meets the unmodified requirements of criterion 83.7(c) from the date of last Federal acknowledgment until the present.

This criterion requires the petitioner to demonstrate it has maintained political influence or authority over its members. In this case, such political influence must be demonstrated for the period since last Federal acknowledgment in 1839. In general, the evaluation of the materials in the record looks for evidence the petitioning group has had an internal group political process that involves a bilateral political relationship between leaders and members of the group. The evaluation of this petitioner considers whether the petitioning group was able after its loss of Federal status to maintain political influence over its members through control of local civil government, especially whether it was able to use public office to govern a population mostly of Brothertown Indians in the township created from the former Brothertown Indian Reservation. In addition, the evaluation considers whether this petitioner is able to benefit from transfer provisions in the regulations, in section 83.7(c)(3), with evidence that satisfies section 83.7(b)(2). Based on the evaluation of that evidence in the discussion of criterion 83.7(b), the petitioner does

not have such evidence for any time period and therefore must present direct evidence of the group's political influence over its members since 1839.

The evidence in the record indicates that after 1839 the Brothertown descendants organized almost exclusively to pursue various claims against the Federal Government. There is little evidence in the record of informal leadership or political influence for other purposes among the Brothertown descendants who remained in and around Calumet County. The Methodist Church, although attended by many local Brothertown descendants until the beginning of the 20th century, does not appear to have served as a site of political mobilization. Brothertown descendants participated in the pan-Indian "Six Nations" claims organization in the 1920s and 1930s and in the New York Emigrant Indians claims only after an award in 1967. Little evidence in the record demonstrates any group political leadership during that time, either formal or informal. It was not until the 1980s when the current petitioner organized that the Brothertown descendants formed a governing body that addressed issues such as providing financial aid for members wishing to attend college. Although the record indicates that the group currently has a governing body that provides some services for its members, this activity is of recent origin and appears to be the result of the group's establishment as a formal organization. Therefore, the petitioner does not meet criterion 83.7(c) from 1839 to the present

The petitioner's presentation for this criterion since 1839 is found in three narratives submitted in 1996, 2005, and 2008 (BIN 1996, 119-127; 2005, 102-114; 2008, 53-70). The petitioner cites examples of contracts with lawyers to prosecute Brothertown and New York Indian claims cases during the 19th century, a claims case of the Montauk Indian tribe in the late 1910s, the efforts of "Six Nations" clubs from the 1920s to early 1930s to pursue various claims, and activity between 1967 and 1974 to create a judgment list as a result of an Indian Claims Commission award. The petitioner notes there was "little overt activity" in the 1930s and 1940s (BIN 1996, 124) and mentions no specific activities in the 1950s. The petitioner's narrative of these historical events offers no explanation of how any group decision-making process worked in these various claims activities, and little discussion of any group activities involving political issues other than claims. Its narrative provides a very brief description of the petitioner's current organization since 1980. The evidence in the record relating to the events mentioned by the petitioner is evaluated in the following sections.

### **Evaluation under Section 83.8(d)(3)**

A petitioner with previous Federal acknowledgment may meet the requirements of this criterion with a reduced evidentiary burden for the historical period prior to "at present" if it can demonstrate that authoritative, knowledgeable external observers identified leaders or a governing body of the petitioning group on a substantially continuous basis since the date of last Federal acknowledgment. No evidence was submitted by the petitioner or found by OFA researchers to demonstrate that any outside observers knowledgeable about Brothertown Indians or the petitioning group have identified a series of recognized leaders or a governing body of a Brothertown group from 1839 to the present. Therefore, the petitioner does not meet the requirements of criterion 83.7(c) as modified by section 83.8(d)(3) for the historical period prior to "at present." In this circumstance, when the petitioner is unable to benefit from this reduced

evidentiary burden, the acknowledgment regulations provide in section 83.8(d)(5) that the petitioner may be evaluated alternatively under the provisions of criterion 83.7(c) without modification by section 83.8(d)(3). The evaluation of the petitioner for this proposed finding will ask whether it meets the requirements of criterion 83.7(c) since the date of last Federal acknowledgment in 1839.

### **Evidence Relevant to Political Activity and Influence, 1839-1904**

#### The Brothertown Political Process at the Time of the Act of 1839

Evidence in the record indicates that the Brothertown Indian tribe in Wisconsin had an existing process of governance prior to 1839 that included tribal “town meetings” and an official known as a “town clerk” who kept a record book known as the “town book.” The Wisconsin Supreme Court in 1885 cited evidence that a tribal “town meeting” had been held in September 1835 to approve a tribal allotment of land on the Brothertown Indian Reservation (*Fowler v. Scott* 1885, 718-719). The Act of 1839 required the Brothertown board of commissioners authorized by the Act to deposit a copy of its preliminary report and map of land allotments with “the town clerk of said tribe” for public inspection (U.S. Congress 3/3/1839, sec.5). Guion Miller, who prepared the Brothertown claims roll in 1901, noted in 1903 that he had found a list of Brothertown allottees that had been copied from the original “Town Book” of the tribe (G. Miller 9/3/1903). This evidence does not reveal that the tribe had a governing body other than the town meeting or political leaders other than a town clerk, although other leadership positions—such as “peacemaker” and “marshal”—had existed within the tribe in New York.

The Act of 1839 authorized the adult, male members of the Brothertown Indian tribe to elect a board of commissioners to allot the lands of their reservation (U.S. Congress 3/3/1839, sec.3). The Federal official who supervised that election reported that the tribe had conducted a tribal election and elected five of its members to serve as commissioners on that board, identifying them as Randal Abner Sr., Charles Anthony, Thomas Commuck, Alonzo Dick, and David Johnson (Horner 7/2/1839). The commissioners stated in their report to the President of the United States that they were chosen in a tribal election held on July 1, 1839, at which a Federal official presided (Anthony et al. 10/-/1839).<sup>68</sup> The board’s work was aided by the previous allotment of land, but the commissioners indicated in their report that they had to resolve two difficult issues. The board decided to make equal assignments of land to all members without including inherited shares that would lead to unequal tracts, and it decided against providing land to women who had married outside the tribe. This elected tribal board of commissioners carried out the duties required by the Act of 1839 by assigning lots of land to members, preparing a report with an accompanying list and map of the allotments, and submitting the report to the President and other officials.

The available evidence in the record indicates that at least 12 men on the 1839 Allotment List had previously held tribal political office among the Brothertown Indians in New York (Love

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<sup>68</sup> A church history says this meeting was held in “a log chapel” that had seating for 150 persons and standing room for 100 more (Wilson 1938, chp. 1).

1899, appendix).<sup>69</sup> It appears that five of these men arrived in Wisconsin by 1832, another five between 1836 and 1839, and two after 1840. The initial party of six families who moved to Wisconsin in 1831 included two former “peacemakers” and a man who had held several tribal offices. At the time of the 1839 election of Brothertown commissioners to implement the Act of 1839, the Brothertown appear to have had available to serve in these positions six former peacemakers and four other former officials. Despite the presence of these experienced men, the five men elected commissioners in 1839 included three men who are not known to have held office previously, plus Charles Anthony who had served as a marshal and Randal Abner Sr. who had served as a peacemaker. Commissioners may have been chosen less for their political experience than for their ability or willingness to devote time to the allotment project. It appears that experience in Wisconsin was more important than prior political experience in New York, as three of the five commissioners (Randal Abner Sr., Thomas Commuck, and David Johnson) were members of the original party that arrived in 1831.<sup>70</sup>

The Brothertown commissioners continued their activities for several years after they made their report to the President in 1839. They attempted until 1845 to resolve for the General Land Office (GLO) certain issues arising from their report and it appears they received the patents issued by the GLO in 1842 and 1845 in compliance with the Act of 1839 and distributed them to individuals. In response to a request from the GLO in 1842 to clarify six of the allotments made in the 1839 report, the commissioners submitted an “amendatory report” to the GLO in April 1845 and then responded to questions about that report with a letter to the GLO in July 1845 (Commuck et al. 4/2/1845; Anthony et al. 7/10/1845). The commissioners in 1845 remained the five men elected to their positions in 1839. The evidence available in the record does not show that the commissioners sought additional group political activity or relied upon such activity in performing these amendatory functions.

The most difficult issue of the allotment process stemmed from the attempt of the commissioners in their 1839 report to assign what had been the tribe’s saw and grist mill (or mills) to a member in “trust” for all the Brothertown. Before patents were issued in 1842, the Brothertown instead sought in 1841 to sell the mill property to two non-Indians (W. Dick et al. 3/9/1841). The GLO refused to issue a patent in trust or a patent to the non-member purchasers as assignees of the trustee, so a committee of Brothertown Indians in 1847 petitioned the President to order a patent be issued to the purchasers so the Brothertown could receive payment from them (W. Dick et al. 1/23/1847; Piper 2/25/1847). This mill issue was not handled by the five commissioners under the Act of 1839 but by a new committee of seven men that was created in 1841.<sup>71</sup> The

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<sup>69</sup> John Johnson Sr. (b.1774), Benjamin G. Fowler (b.1774?), William Dick Sr. (b.1784), Randal Abner Sr. (b.1789), Elkanah Dick (b.1790c), Daniel Dick (b.1796), Laton Dick (b.1797), Isaac Dick (b.1804), John Dick Sr. (b.1808), Simon Hart (b.1810?), Charles Anthony (b. n.d.), and John Seketer Sr. (b. n.d.).

<sup>70</sup> Abner, Dick, and Johnson were all from established families within the New York Brothertown community, while Commuck and Anthony were relative newcomers. Commuck (1804-1855) was a Narragansett from Rhode Island who had only moved to Brothertown in 1825, but his education and his marriage to Randal Abner’s daughter appear to have facilitated his advancement amongst the Brothertown members. Charles Anthony, probably a Narragansett from Charlestown, Rhode Island, had also joined the group in New York at a relatively late date, but had served as the Town Marshall in Brothertown from 1828-1832 before immigrating to Wisconsin in 1837.

<sup>71</sup> The mill committee members were William Dick Sr., Randal Abner Sr., Thomas Commuck, Orsamus D. Fowler, William Fowler, David Fowler, and David Touce. Two of these seven men (Abner and Commuck) were

committee claimed that it acted on behalf of “the Brothertown Nation (late a tribe of Indians)” having been “duly appointed by vote at [a] town meeting” (W. Dick et al. 3/9/1841; see also W. Dick et al. 1/23/1847). Group voting at this “town” meeting provides some evidence that a Brothertown political process continued to function until 1841.

Political activity directed at the State of New York was handled somewhat differently. In October 1840, some Brothertown individuals “residing in the town of Manchester” appointed Elkanah Dick as their “attorney” to receive from the State of New York, or sue it for, money due the Brothertown Indians (W. Dick et al. 10/3/1840). This document did not claim this action and this appointment had been approved by a vote of a town meeting, but rather stated that the appointment was made by the 34 individuals signing the document.<sup>72</sup> In 1841, the State of New York passed an act to pay to the Brothertown Indians who had moved from New York to Wisconsin Territory their portion of the principal of the annuity belonging to the Brothertown Indian tribe held by the State (New York 5/25/1841). The Brothertown tribe in New York then appointed Asa Dick to be its attorney and expressly authorized him to adjust this matter with Elkanah Dick (A. Dick et al. 6/4/1841).<sup>73</sup> These two agents signed a stipulation of the number of Brothertown in Wisconsin and New York, and it was accepted for the purpose of determining the portion of the principal of the tribe’s annuity that was to be paid by New York to the Wisconsin Brothertown (E. Dick and A. Dick 6/8/1841). In these negotiations, Elkanah Dick was recognized as the representative of “the part of the Brothertown Indians” residing in Wisconsin.

The record contains no documentation describing any further corporate action by the commissioners. There is no indication that the commissioners developed into a governing body or “council” after the land had been patented. One of the men who served as commissioner did go on to hold other positions of influence in the community. Randal Abner was a leader in the newly-formed Methodist church in Brothertown. Lewis Fowler, Orrin Johnson, Daniel Wyatt, and David Wiggins were also identified as church leaders (Abner et al. 1843). The Brothertowns had established the first Baptist church in Wisconsin in 1834, but had converted to Methodism soon after. Thomas Commuck, who had also served as a commissioner, donated or sold the land on which the Methodist Church stood.<sup>74</sup> Local Brothertown Indians were members of the Methodist Church for many years, but the evidence in the record does not indicate that the church served as a site of political action, or that the group exercised informal leadership over its members through the Methodist Church or any other informal organization.

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commissioners under the Act of 1839. The mill committee did not include the “trustee” for the mill named in the 1839 report, William Johnson Sr. (c.1772-1847).

<sup>72</sup> Text added at the end of this document named five members of the Brothertown tribe in New York who also agreed to this appointment of an attorney.

<sup>73</sup> Asa Dick, who signed this document as a “Peace Maker” of the Brothertown tribe in New York, was also on the 1839 Allotment List (#178) made by the Brothertown in Wisconsin. Elkanah Dick and Asa Dick may have been first cousins. Love speculated that William Dick (father of Elkanah) and Isaac Dick (father of Asa) were the sons of the “widow Mary Dick” (Love 1899, appendix).

<sup>74</sup> Commuck also wrote an article entitled “Sketch of the Brothertown Indians” just a few months before his drowning death in 1855. The State Historical Society later published the article (Commuck 1859).

After the Act of 1839, some Brothertown political activity was devoted to the purposes of completing the Federal Government's process of issuing patents to individuals who were allotted land under the Act of 1839 and ending the trust relationship with the State of New York. There is no evidence in the record of any continued relationship between the Brothertown Indians and the Office of Indian Affairs after the Act of 1839 (see the discussion of criterion 83.7(g)). The Brothertowns' dealings with the State of New York ended in 1841, when the State stopped its annual annuity payments and distributed its trust fund. In order to complete the process of issuing patents to allotted individuals, the Brothertown commissioners dealt with the GLO of the Federal Government until 1845. An effort to continue that patenting process, made by a "mill committee" rather than by the commissioners elected under the Act of 1839, ended with an unsuccessful petition to the President in 1847. Some political activity continued into the 1840s, but it is not clear whether it was supported by group activity such as traditional town meetings after 1841.

#### Civil Political Officeholding at the Township, County, and State Level after 1839

Brothertown Indians voted in the territorial elections of 1840. Their participation as voters is demonstrated by evidence produced during a challenge to the seating of a representative in the territorial legislature. The election of the representative was contested successfully, and the certified winner William Bruce was replaced by Albert Ellis (Strong 1885, 325, 330). One of the questions at issue in the dispute was whether or not Brothertown Indians, as a result of the Act of 1839, were entitled as citizens to vote in the election of 1840 (Strong 1885, 327). The evidence produced by a legislative committee was that Brothertown Indians had given Ellis 34 votes, which Bruce claimed should be rejected (Strong 1885, 328). Thomas Commuck, who had been a Brothertown commissioner in 1839, testified that at the election held in September 1840 he was an election judge in the town of Manchester and that all the names on that poll list were Brothertown Indians, with the exception of twelve men he named (Commuck 1/28/1841). After a lengthy debate, the House of Representatives approved a resolution in January 1841 that "the votes of the Brothertown Indians given at Manchester precinct ought to be received and allowed" (Strong 1885, 329; see also *Wisconsin Enquirer* 2/6/1841). The Brothertowns' right as citizens to vote was established.

During the fifteen years following the Act of 1839, Brothertown Indians held a number of political offices at the local and county level and served as representatives of the area or the county in the territorial or State legislature. The first known Brothertown Indians to hold governmental office at the local level were members of the first group of Brothertown who arrived in 1831: David Johnson was elected in 1840 to a position that was described by a source after his death as "town office," likely referring to an office in the government of the township,<sup>75</sup> and Thomas Commuck served as the first postmaster and as a justice of the peace, a township office (*Brothertown Messenger* n.d.; Love 1899, appendix; Johnson and Niles 3/27/1956; BIN 2008, 54). A county record book of the officers elected in the various townships of the county exists for the years after 1876, but not for earlier years, so it is not known whether or when the

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<sup>75</sup> In Wisconsin records, references to a "town" refer to a township. Thus "Brothertown Town" refers to the township named Brothertown, not the village. Brothertown Township was known originally as Manchester Township. The area's Post Office address was known as Manchester until 1859 (Meyer 1964, 6, 20).

Brothertown maintained majority control of township government. The available evidence suggests that Brothertown Indians exercised some political influence within the local township government in the first decade after 1839, but does not show that they held most township offices or how long they were able to use local civil government to continue group political influence or governance.

The petitioner contends that all Calumet County offices were held by Brothertown Indians from 1840 to 1850 (BIN 2008, 53). However, the petitioner does not fully support this claim. The petitioner's narrative identifies seven men elected to office in 1840, but not the office each held, and names three other men appointed to office.<sup>76</sup> For the remainder of the decade of the 1840s, the petitioner identifies only one Brothertown officeholder at the county level. The petitioner says William H. Dick, whose father was a leader of the first party of Brothertown Indians to arrive in Wisconsin, was elected treasurer of the county in 1847 (BIN 2008, 54; see also Love 1899, 342, which does not give a date). Orsamus Fowler was elected county treasurer in 1854, and perhaps in 1852 as well (Calumet County 11/2/1854; BIN 2008, 54). In addition, Fowler's obituary stated he served as chairman of the county board on several occasions, but did not give the dates of that service (*Chilton Times* 8/7/1874). The petitioner also identifies two Brothertown Indians who held the office of register of deeds, Lyman Fowler who was elected in 1854 and W.H. Dick in 1863, although that date of Dick's election does not appear to be confirmed by State records (BIN 2008, 54; Wisconsin, *Record of County Officers* 1861-1976). This evidence does not demonstrate Brothertown control of county government after 1840.

Three Brothertown Indians were elected to the territorial or State legislature during the 1840s and 1850s. William Fowler was a member of the territorial legislature in 1845, Alonzo Dick served in the State legislature in 1849, and William H. Dick did so in 1851 (*Wisconsin Blue Book* 1885, 119-120, 144; BIN 2008, 54, 55). All of these men who held county or State office had been on the 1839 Allotment List.<sup>77</sup> The offices these men held were only a fraction of the available Calumet County offices and State offices representing the county. Brothertown Indians had become a minority of the population of the county by 1850, so these Brothertown officeholders were elected by and served a constituency that was much larger than the descendants of the Brothertown Indian tribe. These county and State offices did not provide Brothertown descendants a means of governing a Brothertown entity. It has not been shown that Brothertown Indians holding public office in these years—whether at the township, county, or State level—used their office to act on behalf of a Brothertown group or to advocate for any group issues.

This evidence of Brothertown participation in the politics and governance of Calumet County and the State of Wisconsin supports the conclusion stated in 1851 by Thomas Commuck, one of the Brothertown commissioners in 1839, that “the Brothertown Indians petitioned Congress for citizenship” in 1839 and in 1851 were “now enjoying all the rights, privileges, and immunities of

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<sup>76</sup> The petitioner appears to rely on Love's book for its 1840 information. That book does not cite its sources (Love 1899, 328; see also Johnson and Niles 3/27/1956; *Sheboygan Press* 7/22/1974).

<sup>77</sup> Alonzo D. Dick (b.1813) #56, William H. Dick (b.1817) #164 as William Dick Jr., Orsamus Fowler (b.1816) #33, and William Fowler (b.1815) #45.

other citizens of the United States, and the State of Wisconsin” (Commuck 1851, 105). As the immigration into the county noted by Commuck in 1851 continued, however, the portion of county residents who were Brothertown descendants declined. No ancestors of the Brothertown petitioner appear to have held county office between 1860 and 1910 (Wisconsin, *Record of County Officers* 1861-1976, vols. 1-2).<sup>78</sup> At the State level, William H. Dick, who had served in the 1851 State legislature, was a member of the State legislature again in 1871 (*Wisconsin Blue Book* 1885, 144). After 1871, it appears that political officeholding by Brothertown descendants continued only at the local township level.

By the 1870s the government of Brothertown Township did not function as a de facto governing body for a Brothertown group. A county record book that identifies elected township officials between 1876 and 1919 shows that Brothertown Indians held some township offices as late as 1879 (Calumet County, *Record of Officers* 1876-1919). John Shelly was elected constable in 1876, 1877, and 1878. James D. Fowler was elected constable in 1876, 1878, and 1879. John Niles was elected justice of the peace in 1877.<sup>79</sup> Each of these men had been on the 1839 Allotment List.<sup>80</sup> Thus two Brothertown individuals were elected to township office in 1876, 1877, and 1878, and one in 1879, but the number of township officials chosen in the annual elections during these years varied between 11 and 13. The Brothertown therefore held less than one-fifth of township offices. George H. Baker, a non-Indian married to a Brothertown descendant, was elected justice of the peace in 1885 and 1903.<sup>81</sup> His son Will Baker was elected constable in 1905. William Baker was on the 1901 Miller Roll as a Brothertown descendant, but was not on the Brothertown Committee’s 1901 list. Because his mother had married outside of the group, she and her sons were not considered Brothertown members by the Committee.

Township government may have functioned as a de facto government for Brothertown Indians in the decade after the Act of 1839, but that possibility has not been demonstrated with evidence in the record. The available evidence shows that Brothertown Indians did not by the 1870s hold a majority of township offices and were not able to use this civil government to maintain the informal political influence of a Brothertown group over its members. The few county or State offices held by Brothertown Indians during the period from the 1840s to 1871 were not capable of providing governance or a political process for a Brothertown group or continuous representation of its interests. Brothertown descendants during the 19th century participated in Wisconsin State and local governance and politics as citizens of the State and nation. The available evidence does not demonstrate that in doing so they were able to maintain a distinct political process for Brothertown members that maintained the group’s political influence over those members.

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<sup>78</sup> The surnames Lynch, Newell, and Vincent are included in the petitioner’s genealogical database, but not J.W. Newell, sheriff, 1872-1875; Thomas Lynch, district attorney, 1878-1882; or Sam Vincent, clerk of court, 1882-1902.

<sup>79</sup> Another source reveals that Niles served as justice of the peace in February 1876, meaning that he would have been elected to that position in April 1875 (J.W. Dick et al. 2/5/1876).

<sup>80</sup> James D. Fowler (b.1837) #187, John Niles (b.1830) #226, and John Shelley (b.1831) #310.

<sup>81</sup> It is possible the George H. Baker elected in 1903 was George Baker Jr. (b.1869).

### Brothertown Political Activity and the Issue of an Internal Political Process after 1839

After 1847, the evidence in the record of Brothertown political activity deals with periodic efforts at obtaining compensation for alleged claims against the Federal Government. The record is lacking in evidence of the existence of an informal political process used by Brothertown descendants to maintain a group's political influence over its members. With the exception of a report of a meeting held in 1875 and an effort between 1875 and 1879 to resolve some lingering questions about the allotment of some small tracts of land under the Act of 1839, there is an absence in the record of evidence of any group of Brothertown descendants dealing with any issue of concern to the group other than monetary claims. Each episode of political activity appears to have been conducted on an ad hoc basis with new organizations and new positions created, and new leadership groups chosen—a five-member “national standing committee” in 1854, five “chiefs” in 1875, four “trustees” in 1878, individual “members” in 1881, a “chairman” of a meeting in 1886, six “chiefs” in 1893, and a five-member “business committee” with a “chairman” in 1901. The use of new position titles and new organizational names within a relatively short period of time implied a lack of political continuity, as did the periodic selection of new leaders rather than reliance upon existing ones.

Between 1847 when a Brothertown committee petitioned the President and 1875 when a local meeting was held, documentation in the record provides almost no evidence of Brothertown political activity. There is evidence of the existence in 1854 and 1869 of contracts to pursue claims on behalf of the Brothertown, but a lack of evidence about how these contracts were adopted and no available evidence that claims activity or other actions continued for more than a year in either case. In March 1854, a contract between the “Brothertown Nation of Indians (now citizens)” of Wisconsin and persons who would pursue a claim against the United States for \$30,000 on a contingency basis for a percentage of any judgment was signed by five members of a “National Standing Committee” (W. Dick et al. 3/31/1854). Both parties to this contract consisted of Brothertown descendants, as all five signers for the National Committee and all three signers for the party of the second part were included on the 1839 Allotment List.<sup>82</sup> No “National Standing Committee” is known to have existed previously and no available evidence indicates when or how it came into existence. The committee claimed a public town meeting provided it with its authority to make a contract, but how the meeting was called and how the meeting chose the Committee members and authorized its action is unknown.

Two months later, William Fowler submitted “a memorial of the Brotherton tribe of Indians” to Congress advancing a historical claim for \$30,000 as compensation for lands allegedly ceded by several treaties. He signed the memorial as the “delegate from the Brotherton Indians” and claimed to be “their legally authorized agent” (W. Fowler 5/3/1854 in Senate 2/10/1855). William Fowler had not signed the contract of March 1854 as either a member of the “National Standing Committee” or as one of the persons contracted to advance its claim. It is not known how Fowler received his authority to act as the delegate and agent of the Brothertown, and whether he did so pursuant to the contract or separately from it. This claims activity died when

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<sup>82</sup> William Dick, J.C. Hammer, Rowland Johnson, Hezekiah Fowler, and James Simons were the members of the National Standing Committee. The second party consisted of Laton Dick, Orsamus D. Fowler, and L[ucius] S. Fowler.

the claim was rejected by the Commissioner of Indian Affairs in a report forwarded to Congress in February 1855 (Manypenny 1/25/1855 in Senate 2/10/1855). The only available evidence of a claims contract in 1869, made with attorneys James B. Jenkins and George R. Herrick, is that it was mentioned in a report to the Secretary of the Interior in 1876 (Smith 5/31/1876). The Secretary declined to endorse it at that time (Chandler 6/26/1876). The individuals who entered into the contract on behalf of the Brothertown are unknown, the nature of the claim is unknown, and any efforts made by Brothertown descendants to advance the claim are unknown.

Some Brothertown non-member descendants<sup>83</sup> who had not been included as claimants on the 1869 contract with Jenkins and Herrick gave a power of attorney in 1876 to Stockbridge Indian attorney J.C. Adams “to have our names placed on the rolls containing a list of Brothertowns (now in James B. Jenkins’s possession) as [we] claim our rights by virtue of being members and descendants of the said Brothertowns” (Welch et al. 1/18/1876). That 1869 list is not in the record. Fourteen people (10 women and 4 men) entered into this 1876 contract with Adams.<sup>84</sup> Evidence in the record does not reveal whether other Brothertown descendants deliberately excluded these people from the earlier list of claimants. It appears that these people, all living in close contact with other Brothertown descendants, were advocating for their own rights as fellow descendants, particularly those women who had lost their membership in the group by virtue of their marriages to non-Brothertown men. There is no information in the petition to discern what, if any, action Adams pursued to obtain the inclusion of the signatories onto Jenkins’ list or what reaction other Brothertown descendants had to this legal action.

In January 1875 an election was held, according to a local newspaper, to choose two “chiefs” of the Brothertown Indians to replace two men who had died (*Chilton Times* 2/13/1875). Alonzo D. (A.D.) Dick had died in 1866 and Orsamus D. (O.D.) Fowler had died in 1874. Although the article described these two men as “chiefs,” no material included in the petition, including their obituaries, identifies them as “chiefs.” Further, the materials included in the record do not describe any actions taken by these men in any role of “chief.” The record indicates that O.D. Fowler had served as an elected official at the county level. His obituary credited one of his electoral victories over his brother Lyman to “the number of personal friends that he had among the Irish” (*Chilton Times* 8/7/1874). The documentation in the record does not include any information produced during his lifetime that referred to Fowler as a “chief” or that described him taking any specific action on behalf of the Brothertown descendants. The record also contains no references to A.D. Dick as a “chief.”

The result of the election of two new men in 1875, the article revealed, was a group of five “chiefs”: W.H. Dick, L.P. Fowler, E.M. Dick, James Simons, and O.G. Johnson (*Chilton Times*

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<sup>83</sup> See criterion 83.7(b) for a discussion of “Non-member Brothertown Descendants.”

<sup>84</sup> The 14 individuals on this list include the unallotted Nancy (Johnson) Schooner and five of her children; allottee Lucy (Skeesuck) Welch and her unallotted daughter Mary Ann (Hart) Welch; Francis (Fowler) Welch, the daughter of two allottees who married non-member Henry Welch, and her daughter Tressa; Abba (Hart) Welch, the daughter of two allottees who married non-member Charles Welch; George Baldwin, the son of allottee Sophia Sampson; Abbie (Wiggins) Schooner, the daughter of two allottees who married non-member descendant Elisha Schooner; and one person (David Smith) not in the petitioner’s database. Almost all of these people who were still living in 1901 appeared on the 1901 Miller Roll.

2/13/1875).<sup>85</sup> The evidence in the record does not reveal when or how the other three men had been chosen. This meeting at first adopted, but then rescinded, a motion that the “council” elect a “head chief by an informal vote.” The “council” instead held separate elections, by ballot, for the two replacement positions. This article did not reveal the number of votes received by individual candidates. The total number of votes cast was 15 votes for the first position and 21 votes for the second position. The “chiefs” then elected John W. Dick as “sachem.” There is no information in the record explaining the difference between a “chief” and a “sachem,” or why the Brothertown descendants felt they needed to identify leaders with these particular terms.<sup>86</sup> This meeting was called by notice and adjourned *sine die*—that is, without a specified date for the next meeting—which indicate the absence of a pattern of regular meetings of a “council” or the “chiefs.” The evidence in the record contains no references to historical Brothertown “chiefs” or any mention of any previous group of Brothertown “chiefs” in Wisconsin.

The meeting in 1875 also was called, the newspaper reported, to take action regarding lands that had not been patented in compliance with the Act of 1839. The meeting approved motions instructing the “chiefs” to “inquire into the title to lands not patented” in Brothertown Township and to prevent trespassing on the unpatented lands or prosecute the trespassers (*Chilton Times* 2/13/1875). The meeting also appointed a committee to fence in the “burying ground,” but the record contains no other evidence demonstrating group care of a cemetery. About two weeks after this meeting, L.P. Fowler and W.H. Dick wrote to the GLO. They signed their letter as “chiefs,” but did not expressly mention the group they represented (L.P. Fowler and W. Dick 2/8/1875). Two additional letters to the GLO were signed by Dick as an individual (W.H. Dick 3/25/1875 and 8/31/1875). These letters initially inquired whether patents had been issued for certain small tracts of land and finally asked the GLO to certify that some tracts had not been patented. Dick revealed that this issue involved some people cutting timber on some of the unpatented lands of the former reservation, and he asked the GLO for a “certificate” for use “in court” (W.H. Dick 8/31/1875; see also L.P. Fowler and W.H. Dick 2/8/1875). The record does not contain documentation about how, or whether, such a court case was pursued.

The next year these men adopted a different approach by seeking to obtain patents to the unpatented lands by an act of Congress. In February 1876, the “Chiefs and Headmen of the Brothertown Indians residing at Brothertown” appointed Lyman P. Fowler as “attorney for us and all the Brothertown Indians in the United States” to prosecute and demand payment for “all and any claims” which they have against the United States (J.W. Dick et al. 2/5/1876). The power of attorney given to Fowler, who was identified as one of the “chiefs” in the account of the 1875 meeting, was signed by three of the other four “chiefs” and also by David Fowler and John W. Dick, the chairman and secretary of the meeting in 1875. Lyman Fowler and John Starkweather, an attorney in Washington, D.C., prepared a memorial to Congress in which the “Brothertown Indians” claimed the allotment they made of their former reservation lands under the Act of 1839 failed to include certain small tracts of land (L.P. Fowler and Starkweather

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<sup>85</sup> None of the five implied “chiefs” prior to this 1875 election—W.H. Dick, L.P. Fowler, E.M. Dick, O.D. Fowler, and A.D. Dick—were among the five members of the 1854 “National Standing Committee.”

<sup>86</sup> It should be noted that the Brothertown Indians did not use the terms “chief” or “sachem” to identify leaders when they were in New York.

2/7/1876). Fowler then signed a power of attorney to Starkweather to “prosecute before Congress” the matter of the “title to lands” of the Brothertown Reservation “which have not been as yet patented” (L.P. Fowler 3/15/1876). Fowler invoked the authority of his own power of attorney and signed this document as “representative of the Brothertown Indians – Wisconsin.”

In 1878, Congress passed legislation that closely followed the 1876 memorial. The Act of April 20, 1878, authorized the GLO to issue a patent, for the “unpatented” lands in the township of land previously reserved by treaty for the Brothertown Indians, to four named individuals “in trust for the Brothertown Indians” (U.S. Congress 4/20/1878). The Act authorized the individuals designated as trustees to sell those unallotted and unpatented lands to any purchaser when “a majority of said Brothertown tribe” petitioned them to do so. The Act directed the trustees to distribute the proceeds of the sales to Brothertown Indians according to the “former usages, customs, and regulations” of the tribe. The legislative history of the Act of 1878 indicates that Congress sought to correct a perceived inadvertent error relating to about 100 acres in total. The managers of the bill in both the House and Senate, and the Senate committee in its report, emphasized that the bill sought to benefit individuals who were now “citizens” (Morgan 2/8/1878, U.S. Senate 4/2/1878, Oglesby 4/9/1878). The Senate committee argued that “the parties in interest are citizens and competent to decide for themselves as to the best disposition to be made of the lands” (U.S. Senate 4/2/1878).

The Act of 1878 created a new set of Brothertown leaders, the “trustees.” The Act expressly named four individuals as trustees to receive a patent to any unpatented lands of the former Brothertown reservation. It did not provide for patents being issued to the Brothertown “chiefs” or a Brothertown collective entity. The record does not include evidence that shows how these men were chosen to be trustees. The four men identified as trustees were Laton Dick Sr., Lucius S. Fowler, David Fowler, and Orrin G. Johnson (U.S. Congress 4/20/1878, sec. 2). Only one of the four “trustees” named in the Act of 1878 was also one of the five “chiefs” identified in the account of the meeting in 1875.<sup>87</sup> The trustees had a narrow grant of authority to deal with a single issue. Evidence in the record does not reveal how the trustees exercised that authority. The evidence does not show the trustees acted as part of an existing Brothertown political process or that they maintained political influence over Brothertown descendants and were also influenced by them. It is possible the trustees were expected to act in compliance with the wishes of some other Brothertown political group, but no evidence in the record demonstrates they did so. The record does not show that the trustees participated in any process of group decision making.

The evidence in the record shows the trustees acted to implement the Act of 1878 only by attempting in 1879 to obtain the patent issued to their attorney in compliance with the Act, engaging in a lawsuit over one tract of land that was decided in 1885, and advertising land for sale in 1887. A problem arose after Congress passed the Act of 1878 because the power of attorney given to Starkweather in 1876 provided that he would receive any patents granted in

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<sup>87</sup> The “chiefs” in 1875 were W[illiam] H. Dick, L[yman] P. Fowler, E[dgar] M. Dick, James Simon, and O[rrin] G. Johnson; the “trustees” in 1878 were Laton Dick Sr., Lucius S. Fowler, David Fowler, and Orrin G. Johnson.

compliance with any legislation (L.P. Fowler 3/15/1876).<sup>88</sup> Starkweather refused to send to the Brothertown trustees the patent he received from the GLO until he was paid for his services, and the trustees then wrote to the GLO complaining of extortion by the attorney and requesting to receive the patents or a copy of them directly from the GLO. In making their claim, the trustees stated that Starkweather “has no power of att[orne]y from us or the Brothertown Indians” (D. Fowler et al. 3/22/1879). The Commissioner of Indian Affairs declined to act, noting that the Act of 1878 “devolves no duty” on his office and that “the Brothertown Indians are understood to be citizens of the United States” (Hayt 4/3/1879). He thought it was not improper, however, to suggest to the GLO that it provide the trustees with a copy of the patent and leave the issue between them and the attorney to be settled by the courts.

The trustees engaged in a lawsuit over a tract of the allegedly unpatented lands with a man named Scott who had purchased land from a Brothertown allottee, land which the trustees maintained had not been properly allotted and was part of the lands patented to them (*Fowler v. Scott* 1885). The trustees lost the case on appeal to the State Supreme Court in 1885 and the land in question remained the property of Scott. When unpatented lands were offered for sale in 1887, three of the four trustees had died. David Fowler, the remaining trustee, advertised a public auction of the lands. The record contains no evidence of any group petition to the trustees to sell those lands at public auction, as required by the Act of 1878. The record does not contain any documents that show the trustees made the distribution of funds that was supposed to take place after the lands were sold, or how they distributed the proceeds of the sales. Later, the record contains only a brief reference to the issue of these unpatented lands, in a letter written in 1892 regarding another topic, when John Niles complained: “We had a taste of the chiefship in the squandering of the fractionated lands and awards” (J. Niles 3/6/1892). This complaint implied a perceived lack of group involvement in implementing the Act of 1878.

Brothertown descendants made two contracts with J.C. Adams, a Wisconsin attorney with Stockbridge Indian ancestry, in 1881 and 1886. It is unclear what Adams actually did on behalf of Brothertown descendants. In 1881, 75 or 76 individuals who identified themselves as “formerly members of the Brothertown tribe of Indians” and as “members of the late Brothertown tribe of Indians” made an agreement with Adams and gave him power of attorney to “take exclusive charge and control” of a claim or claims against “the Government of the United States” for money due them under unspecified treaty stipulations or acts of Congress (J. Niles et al. 10/29/1881; Marthers et al. 10/29/1881). The form of the power of attorney suggests this document was signed initially by three men—John Niles, Solomon Niles, and David Wiggins—and then circulated to collect the other signatures. The agreement and power of attorney contain the same 75 names in the same order, but the power of attorney contains an additional name as #76. These two documents did not mention any governing body or leaders of a Brothertown group. They did not recite any decision made or approval given by any meeting of an organization or informal group. This agreement and the corresponding power of attorney were made with Brothertown descendants acting as individuals.

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<sup>88</sup> The Brothertown trustees expected to receive “patents,” but the Commissioner of Indian Affairs referred to “the patent” because he had been informed by the Commissioner of the General Land Office that a patent was issued on June 10, 1878 (D.Fowler et al. 3/22/1879; Hayt 4/3/1879). The Act of 1878 referred to “a patent” (U.S. Congress 4/20/1878, sec. 2).

A new agreement with J.C. Adams was made in 1886 to replace the agreement of 1881. Circumstantial evidence suggests the Department of the Interior declined to approve the initial contract and objected to the compensation it provided the attorney. The main change between the agreement of 1881 and the agreement of 1886 was a reduction of Adams' fee from 20 percent to 10 percent of an award (S. Niles et al. 12/2/1886). The new contract also specified it would have a 10-year term and stated more explicitly the claim based on a specific treaty that would be pursued. Adams called a meeting to approve a new agreement (J. Niles 12/2/1886).<sup>89</sup> The meeting elected a chairman and a secretary, with John Niles chosen as chairman. It also elected brothers John Niles and Solomon Niles as a committee of two "to solicit names" to the contract. The text of the agreement of 1886 contains 35 signatures, suggesting this may have been the attendance at the meeting. Additional pages, perhaps containing the solicited signatures, brought the total of the "undersigned members of the Brothertown Indians" to 147 (S. Niles et al. 12/2/1886). The minutes of this meeting clearly state the meeting was called by the attorney, and reveal that the meeting to approve this contract was neither called by nor conducted by any existing governing body of a Brothertown group (J. Niles 12/2/1886).<sup>90</sup>

This contract with Adams to pursue the "Kansas claims" of the New York Indians, including the Brothertown band, was made in the context of competition among several law firms to be the counsel authorized by the Office of Indian Affairs to represent the Indian parties in the lawsuit. In 1892 and 1893 representatives of the competing firms of James B. Jenkins and Albert Miller came to Wisconsin and to Brothertown (Cooper 1/11/1892; Bowman 1/23/1893; Quinney 1/30/1893). In 1892 a Stockbridge-Munsee member wrote to Adams that he had heard Jenkins had enlisted the aid of two Brothertown descendants, Mr. Fowler and John Cuish, to go among the Indians and obtain signatures to protest an earlier power of attorney given to Miller (Cooper 1/11/1892). The letter did not give a first name for the Fowler in question, but at that time there were several politically active Brothertown men with the Fowler surname. John Cuish (unknown-1892) was a Brothertown descendant who is not identified in any other petition documentation as being active in a Brothertown group's affairs at that time. This letter in 1892 indicates that the Stockbridge, Oneida, and Brothertown Indian populations had some interaction while pursuing their claims activities, and that the claims effort involved Brothertown descendants other than those identified as elected leaders.

John Niles corresponded with attorney Adams in 1892 and 1893 about a Brothertown claim. Niles (1830-1900) had called to order the 1886 meeting at which Brothertown descendants signed a contract with Adams and had been one of the three men elected in 1875 to help fence the Brothertown cemetery. Niles acknowledged that the Brothertown people were "divided about the claim" (J. Niles 2/25/1892) and that some denied they were bound by the contract with

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<sup>89</sup> Adams submitted this contract to the Office of Indian Affairs in 1887 but requested its return in 1893. The Commissioner of Indian Affairs returned the contract to him in April 1893 (Browning 4/20/1893). This request indicates either that Adams in 1893 withdrew his claim to represent the Brothertown in the claims case or reached an agreement with another claims attorney. There is no evidence in the record that any Brothertown group asked Adams to withdraw his contract.

<sup>90</sup> The petitioner contended that this meeting was "called by John Niles" (BIN 2005, 106). The document said, "A special meeting was call[ed] . . . by Mr. John Adams. . . ." (J. Niles 12/2/1886).

Adams (J. Niles 3/6/1892). Some Brothertown descendants supported Jenkins' bid to be the claims attorney, while Niles and Adams opposed Jenkins and appear to have cooperated with Miller. Borrowing imagery from the neighboring Stockbridge Indians that was familiar to Adams, Niles referred to his opponents as the "Indian party of Brothertown" and the "tribal party of Brothertown," implying that Niles saw the people who supported himself and Adams as Indian descendants who embraced their role as citizens (J. Niles 7/9/1893 and 9/17/1893). The evidence in the record provides only Niles' side of this disagreement over claims attorneys and only his account of his opponents' activities.

A general council of the parties to the claims case of the New York Indians was held in New York in July 1893, and prior to that a council was held, or local councils were held, in Wisconsin (see Jenkins 11/6/1893). Niles described a council held in June 1893 at which the participants proceeded "to elect six chiefs" (J. Niles 7/9/1893). Niles referred ironically to James Simons of Kaukauna as the "venerable head chief" and identified five other men elected as "chiefs and head men."<sup>91</sup> At this meeting, Niles said, Simons presented a power of attorney for Jenkins to be signed by the participants.<sup>92</sup> Niles also reported that this "Indian party of Brothertown . . . sent a delegate to the general council" in New York (J. Niles 7/9/1893).<sup>93</sup> He complained later that the "delegate from the tribal party of Brothertown" who had attended the general council "as usual made no public report" (J. Niles 9/17/1893). In informing Adams of the results of the local meeting, Niles admitted that several individuals who had signed the contract with Adams "gave their sanction to the new movement" (J. Niles 7/9/1893). This characterization of an "Indian party" with elected "chiefs" as something new indicates that Niles, at least, did not see his opponents as a continuing governing body or as established leaders holding acknowledged positions of political influence.

Niles also referred to meetings of the "Quinney Mongrels" that were held in Brothertown at the home of Charles Welch (J. Niles 3/6/1892 and 6/11/1893). He did not clearly state these people were claiming to be Brothertowns, but indicated he did not consider them to be Indians (J. Niles 3/6/1892). Niles reported that James Simons, who was elected a "chief" at the meeting in June 1893 and had been elected a "chief" in 1875, was expected to meet with the unidentified members of this group at Welch's house in relation to the claim (Niles 6/11/1893). This reference to Simons indicates that he was willing to meet with a group of people whom Niles scorned, but not that the other "chiefs and headmen" elected in 1893 met with this group or believed its members eligible to participate as Brothertowns in the claim. The one person named Charles Welch in the petitioner's genealogical database who was alive in Brothertown at the time was Charles H. Welch, then the husband of Abbie Jane (Hart) Welch who had signed the 1876 power of attorney with other women who had married non-Brothertown men. The petitioner may wish to investigate the role of Abbie (Hart) Welch in organizing any group meetings.

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<sup>91</sup> Theodore Dick, Orrin Fowler, Oscar Johnson, John Hammer, and Hamilton Hammer.

<sup>92</sup> No documents in the record indicates that the elected "chiefs and headmen" communicated with Adams to revoke the contract that had been signed in 1886.

<sup>93</sup> This letter may have identified the delegate as "Professor Fowler," but this characterization does not clarify which of many Fowlers he may have been.

The disagreement over claims attorneys may have reflected another difference among Brothertown descendants. Niles appeared to disparage the use by others of the title of “chief” and declined to identify himself with the title of “head men” (J. Niles 2/25/1892; see also 7/9/1893). Niles had served as an elected justice of the peace and stated he believed the Brothertown people were citizens who need “not pay any attention to former customs and usages” of a historical tribe (J. Niles 3/6/1892). After Niles’ death in 1900, however, Edgar M. Dick, a local merchant whom Niles identified as a supporter of attorney Jenkins in 1893, would seek to limit Brothertown enrollment on the judgment roll of 1901 by applying the membership rules of those former customs. No documentation in the record indicates that Brothertown descendants divided into two factions in the manner that the Stockbridge-Munsee had. Niles disparaged an “Indian party,” but he did not characterize himself or any people who may have agreed with him as being a “faction” or “party.” The evidence in the record does not show that these different approaches to the claims case continued factional disputes of long standing among the Brothertown rather than being a specific and limited disagreement.

A document in the record indicates some Brothertown action in 1898 on behalf of a non-member (Ball et al. 1/10/1898). This document is a petition in support of Frank Stage, a local man who was nominated for the position of postmaster in Brothertown. The petition contains 52 names of residents of Brothertown Township: 15 of them are Brothertown descendants, 3 are Brothertown non-member descendants, and 1 was the spouse of a Brothertown woman. This document does not consist of individual signatures; rather, one person appears to have signed all of the names. The petition refers to Stage as “a staunch Republican.” Other evidence indicates some Brothertown descendants participated in politics in the Democratic or Prohibition parties. The petitioner may wish to explore the role of Brothertown descendants in local politics during this time for evidence of group activity. However, this petition appears to show Brothertown descendants acting together with non-Indian residents rather than acting as a Brothertown group.

In September 1901, a “Business Committee of the Brothertown Indians in Wisconsin” sought information from the Commissioner of Indian Affairs. The evidence in the record does not reveal when or how this committee was formed, and whether it was elected, appointed, or self-appointed. Only the committee’s final letter in December 1901 transmitting a roll to the Office of Indian Affairs revealed the identity of its five members—Theo[dore] Dick, E.M. Dick, Lathrop Fowler, Oscar Johnson, and John E. Hammer (T. Dick et al. 12/2/1901). Three of these men (Theodore Dick, Johnson, and Hammer) had been elected “chiefs and headmen” at the June 1893 meeting to approve a power of attorney for Jenkins.<sup>94</sup> After the Court of Claims issued a decision on the “Kansas claims” of the New York Indians and Congress appropriated funds to pay that judgment, the Office of Indian Affairs sought to identify the individuals who should share that award. Brothertown descendants in Wisconsin were contacted by an Indian agent in

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<sup>94</sup> Oscar Johnson, one of the members of the Business Committee, said in testimony given to Special Agent Guion Miller in 1903 that he had been appointed to “the committee to enroll the Brothertown Indians” by the Indian Office (Johnson 1903, 43). The record does not contain documentary evidence of any such appointment. It is possible that the local Indian agent or the special agent preparing the claims roll appointed an advisory committee by relying mainly on the men elected in 1893 to approve a contract with a claims attorney. The Office of Indian Affairs in Washington dealt with the Business Committee as an advisory committee rather than as a federally acknowledged tribe with recognized leaders. If the Business Committee was appointed by outsiders rather than elected by Brothertown descendants, then its existence does not provide evidence of an internal group political process.

Wisconsin for information to determine those people entitled to be the Brothertown beneficiaries of the award. E.M. Dick then wrote to the Office of Indian Affairs on behalf of the Business Committee.<sup>95</sup>

According to the reply of the Acting Commissioner, Dick asked how his committee should prepare a roll of Brothertown members and, specifically, whether it would be “legal” to prepare a roll in accordance with the “former laws and customs” of the Brothertown Indian tribe (U.S. Commissioner of Indian Affairs 9/11/1901). The Acting Commissioner informed Dick that the Office of Indian Affairs wished to receive “the names of every recognized member of your tribe,” arranged by family groups. He made it clear, however, that the judgment roll to be prepared by the Office of Indian Affairs would consist of people of demonstrated Brothertown ancestry and would not be limited to the committee’s roll. He also emphasized that all claimants needed to submit a claims application “regardless of the fact that they may be upon the roll prepared by you.” The Acting Commissioner noted that “there are many persons who are the legal descendants of Brothertown Indians . . . and their claims will have to be considered on the evidence submitted . . . showing that they are actually of Brothertown blood and parentage.” Therefore, the Acting Commissioner asked Dick’s committee for information “that may assist in the identification of claimants who are not on the roll furnished by your committee.” He specifically requested “copies of any old rolls after 1838.”

Dick responded to this letter by stating that the Brothertown had “no Roll later than 1838” [1839] (E.M. Dick 9/16/1901). Without explicitly objecting to the Acting Commissioner’s advice, he argued that “[i]n making the Roll there must be a line drawn somewhere” or “a large number of claimants” would “get on our Roll” who “under our former laws and customs would not be entitled.” Although the Office of Indian Affairs had not responded directly to Dick’s question about “former laws and customs,” its answer implied those customs did not matter because claims would be paid not to “members” only but to all descendants. When the Business Committee transmitted its roll of the people it recognized as entitled to be placed on the claims award roll, it did not state the basis on which it had included these “209 members” (T. Dick et al. 12/2/1901).<sup>96</sup> The Business Committee said it understood the Commissioner’s “instructions” to say that after he had considered the applications “of all others” and determined those who had proved their claim, he would return the expanded roll “for the approval of the Committee.” This assertion misstated the Acting Commissioner’s letter; he had requested information from the committee in order to prepare a claims judgment roll but had not offered it any right of final approval of a tribal membership roll.

The only evidence in the record of the activity of this Business Committee, in addition to these two letters and the roll sent to the Office of Indian Affairs, is the one-page minutes of a meeting of the committee in October 1901. At this meeting the only item of substantive business was to

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<sup>95</sup> Neither the Indian agent’s letter nor Dick’s letter to the Office of Indian Affairs is in the record.

<sup>96</sup> The petitioner erroneously gives credit for the compilation of the 1901 judgment list of 570 names to the Brothertown Business Committee and incorrectly states the Business Committee submitted a roll of 570 members which the Federal Government adopted (BIN 1995, 82; 2005, 6; see also BIN 2008, 1). The petitioner’s researchers appear not to have seen the Business Committee’s roll of 209 names and thus not to have realized the difference between the Business Committee’s list of 209 “members” and the Government’s list of 570 descendants.

read a letter about the claims enrollment process from the area's member in the U.S. House of Representatives and to approve a motion to invite him to meet with the committee (T. Dick 10/2/1901). Even though this Business Committee had been in existence for at least a month, judging by Dick's earlier letter to the Indian Office, the minutes of this meeting indicate the committee began by electing a temporary chairman and then proceeded to elect a permanent "chairman," Theodore Dick, and a permanent "secretary," E.M. Dick. Although the minutes referred to a meeting of the "head men" who constituted the committee, there was no reference in these minutes, or in the committee's correspondence, to any existing group of Brothertown "chiefs" or "trustees." There is no evidence in the record to suggest the committee, with its slightly revised name of the "Business Committee for the Brothertown Tribe," submitted its roll to any Brothertown group or governing body for approval before it was submitted to the Office of Indian Affairs (T. Dick et al. 12/2/1901).

The claims roll Guion Miller prepared in 1901 and certified in 1904 more than doubled the size of the Brothertown Business Committee's list, from 209 members to 570 descendants. There are no documents in the record describing the reaction of the Business Committee to the inclusion of these additional descendants on the Miller Roll.<sup>97</sup> The petition submission does not contain, and OFA did not locate, any final report detailing the number of claimants on a final roll or when the funds were actually paid out. The record contains two schedules which indicate that the Treasury issued each of the 570 claimants on Miller's 1901 list at least \$179 by 1915, distributed in two payments of \$100 and \$79 (BIA 1915). There is no discussion in the petition submission of any response by individuals receiving the payout. Information in the record is unclear as to what happened in the years immediately after the claim was paid. There is no evidence in the record that the men who made up the Brothertown Business Committee exercised any other political function, either individually or jointly, on behalf of the Brothertown descendants.

#### Summary of Evidence of Political Influence, 1839-1904

The regulations provide in section 83.7(c)(3) that if a petitioner meets the requirements of one of the subparts of section 83.7(b)(2) with evidence that is sufficient by itself to satisfy criterion 83.7(b), then the petitioner is considered also to have evidence sufficient to meet the requirements of criterion 83.7(c) for the same time period. The evaluation of criterion 83.7(b) found the evidence in the record insufficient to demonstrate the petitioner meets the requirements of section 83.7(b)(2)(i) after 1839. That available evidence does not demonstrate that more than 50 percent of the members of a historical Brothertown group resided in an area consisting "exclusively or almost exclusively" of group members. The petitioner does not satisfy criterion

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<sup>97</sup> OFA obtained a copy of an additional decree during the 2008 field visit to Wisconsin. This "Final Decree," dated May 7, 1906 ("1906 Final Claims Roll"), lists an additional 255 people (mostly adult children and grandchildren of 1839 allottees) who were deemed eligible to receive Brothertown judgment funds. However, the document OFA received is not accompanied by any material explaining how this document was prepared after Guion Miller's certification of the 1901 Miller Roll in 1904. Further, another document (BIA c.1915) which references the decree of the Court of Claims dated May 7, 1906, duplicates the 1901 Miller Roll exactly and includes only 2 of the 255 people presumably added by the 1906 document (these two girls, whose divorced parents were both Brothertown descendants, were already on the 1901 Miller Roll). There is no other documentation either submitted by the petitioner or located by OFA that explains whether or not the 255 people listed on the 1906 Final Claims Roll were added to the judgment roll and received a share of the award.

83.7(c) after 1839 by virtue of the crossover provisions of 83.7(c)(3). Direct evidence of the group's political influence over its members since 1839 must be presented by the petitioner.

The evidence in the record indicates that the Brothertown descendants engaged in limited political activities after they became citizens. Most of their activity was limited to pursuing a variety of claims against the United States Government. The evidence in the record demonstrates that Brothertown descendants organized in order to pursue their claims cases. The Department has maintained that claims, while they can be important evidence of political influence, cannot be the sole political activity in which the petitioning group engages. The only evidence in the record of the group addressing any issue other than claims was in 1875 when the group elected a committee to attend to the otherwise-unidentified "burying ground." With the exception of this mention of fencing in a cemetery, the record does not indicate that any individual leader or group of leaders pursued any political activities other than claims.

The record contains no references to any descendants practicing informal leadership for the petitioning group. There is no evidence in the record that group leaders settled disputes among members or exerted strong influence on the behavior of individual members. There are no examples of the group petitioning local officials regarding any needs members of the group may have had from local government, or of Brothertown leaders mediating with outside officials any concerns they may have had about members of a Brothertown group. The local Brothertowns were members of the Methodist Church for many years, and although some members served as trustees, the evidence in the record does not indicate that the church served as a site of political action for Brothertown descendants. There is little evidence that the group exercised informal leadership through the Methodist Church or any other informal organization.

The evidence in the record indicates that some Brothertown descendants held elected office in Calumet County, and that certain descendants were held in high esteem by Indians and non-Indians alike. However, the record does not provide specific examples of these Brothertown elected officials advocating specifically on behalf of any Brothertown descendants, individually or collectively. The petition documentation provides no evidence that the Brothertown descendants holding public office governed a population composed mostly of Brothertown members. The Brothertown elected officials appear to have served as individuals, and do not appear to have organized to address any needs or concerns of the larger body of Brothertown descendants.

### **Evidence Relevant to Political Activity and Influence, 1905-1949**

The evidence in the record for the period of 1905-1949 includes, but is not limited to, Federal and State census records, records of Federal acts, newspaper articles, and personal correspondence.

#### **The Montauk Claim**

The petition record contains five letters written by "Chief Wild Pigeon" (nee James Waters), a leader of the Montauk Indians in New York to Mrs. M.F. Johnson (probably Marcia Fowler

Johnson). The letters were written in 1919 and 1920, but they reference an event which occurred in 1906. According to these letters, a number of Brothertown descendants of Montauk ancestry had communicated with the Montauks still remaining in New York, and had actually enrolled in the group. It is not clear whether these people actually traveled to Brothertown or communicated by mail, but he included a statement from the wife of previous Montauk chief Nathan Cuffee regarding the Brothertown descendants and their actions in 1906:

After your letter, I placed the matter before Nathan's wife. I quote from her letter of May 15, 1919. "As to the Brothertown matter, there are or were about 16 who claimed Montauk blood. They did pay \$15 a head as I remember the time very well. Nathan stood firmly against admitting them for so little while others were paying so much, but the council voted to admit them. Whether they have paid any since to help the litigation I do not know. But they did prove their Montauk blood." (Wild Pigeon 4/6/1920, 1)

"Wild Pigeon" also included a list of 78 Brothertown descendants,<sup>98</sup> entitled "Enrolled in 1906"; however the statement by the wife of Nathan Cuffee indicates that a much smaller number of Brothertown descendants actually enrolled at that time. The list is divided into two parts (18 names in the first section, 60 in the second), and the initial 18 names (three of which were identified as "deceased") appear to be the people who enrolled in 1906.<sup>99</sup> The second 60 (including one duplicated name and 10 noted as "deceased") enrolled later, possibly through the correspondence sent by MF Johnson. This is indicated by the fact that several of the people named on the second part of the list were not born until after 1906. There is no indication that the Brothertown descendants and the Montauks ever met in person, and both enrollments may have been conducted strictly by mail. One of the letters indicates that there was a suggestion to send a Brothertown delegate to New York to meet with the Montauks, but "Wild Pigeon" appears to have discouraged the Wisconsin group from undertaking this expense (Wild Pigeon 8/6/1919, 1). There is no information in the record describing the reaction of any of the other Brothertown descendants to the actions of those Brothertowns who enrolled with the Montauks.

The correspondence between "Wild Pigeon" and M.F. Johnson indicated that a man named Rev. Eugene A. Johnson visited or otherwise communicated with the Brothertown descendants in Wisconsin and made them aware of their Montauk connections (Wild Pigeon 4/29/1919, 1-2). Eugene Johnson was a member of the Montauks, a Presbyterian minister credited with starting "... the movement to restore their rights to the Montauks" (*New York Times* 9/23/1900, 15). In 1900, Johnson was one of four Montauks who testified before the Senate subcommittee on Indian Affairs regarding the Montauk's claims to land on Long Island. However, according to "Wild Pigeon," Johnson had not been involved legitimately in Montauk affairs for many years,

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<sup>98</sup> Thirty-nine of the 78 people on the 1919 "Wild Pigeon" list had also been named on the 1901 Guion Miller list.

<sup>99</sup> On the 1910 Brothertown township Indian schedule, nine people otherwise identified as Brothertowns were enumerated as Montauks; one woman identified herself as a Narragansett with a Montauk father, and another identified herself as a "Montauk/Brothertown" (three others also identified themselves as Montauk or some combination of Montauk and Brothertown, but the enumerator's crossouts are very difficult to read). At least six of the people identified as Montauk on the census were not included on the list submitted by "Wild Pigeon." One of the people included on "Wild Pigeon's" list was identified as a Brothertown.

and had left the east coast for unknown parts somewhere “out west.” There is no information in the petition documents describing how Rev. Johnson may have contacted the Brothertown descendants.

Outside of these letters, there is no other information in the record regarding any further communication between the Montauks in New York and the Brothertowns in Wisconsin. There is no information in the record describing why communication between the Montauks and the Brothertowns ended, or if those who enrolled in 1906 or in 1919-20 remained involved in the affairs of the Montauk.

### The Six Nations Clubs

While some of the Brothertown descendants became involved in the affairs of the Montauks, a large number of Brothertown descendants became part of the “Six Nations Clubs.” The history of the Six Nations Clubs began with Laura “Minnie” Cornelius Kellogg (1880-1949), an educated Wisconsin Oneida from an influential Oneida family. Mrs. Kellogg advocated for Indian independence from governmental oversight. She and her non-Indian husband Orrin Kellogg (?-1935) formed an organization based somewhat on the original League of the Iroquois, and included not only the Iroquois in the United States, but also those in Canada. Further, the Kelloggs also involved the Brothertown and Stockbridge in their organization, as they acknowledged the historical relationship between the Oneida and the New England Indians who had immigrated to New York during the 18th century. The Kelloggs spent many years pursuing a number of claims against the Federal Government, New York State, various oilmen, and several other entities. They solicited funds from Indians on both sides of the border, and were arrested in both the United States and Canada for their fundraising activities. The Canadian government tried the couple (and Cornelius’ brother) on charges of fraud, but they were ultimately acquitted and returned to their campaign of fundraising.

The petition contained many documents related to the Kelloggs and their fundraising. Through the “Six Nations Clubs” the Kelloggs collected dues or “loans” from members, promising that the loans would be repaid when they settled the claims (particularly a claim involving the St. Lawrence waterway).<sup>100</sup> Members who did not contribute financially were pressured to contribute, and threatened with exclusion from the claims unless they continued to send money to prosecute the case (Keifer 5/20/1930, 1; Welch 4/12/1932, 1-2; Keifer 8/16/1932, 1). The Kelloggs traveled to various Indian communities in both countries from 1924 through the 1930s, updating the groups on the progress of the cases. Sometimes they collected funds in person, but the officers of the organization also collected money and forwarded it to the Kelloggs. Orrin Kellogg died suddenly in 1935, and his wife carried on with the fundraising and claims activities. However, the claim itself (and the promises of upwards of \$40,000 per claimant) never materialized, and the “club” members never recovered any of the money they contributed. Laura Kellogg died, impoverished, in 1954.

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<sup>100</sup> One report indicated that the local club kept about 20 percent of the total collected, forwarding the remaining 80 percent to the Kelloggs (Reilly 4/24/1934, 1-4)

The record contains a copy of the correspondence among several Brothertown descendants and people identified as officers of one of the “clubs.” Brothertown descendants were members of the “Six Nations Clubs” at Quinney, Stockbridge, and Kaukauna. . Descendants who did not live near a place where meetings took place were also solicited by mail, and encouraged to contribute money to support the Kellogg’s efforts (Baldwin 4/30/1928, 1; Welch 4/23/1928, 1). One letter promised that people would be repaid with 8 percent interest (Welch 5/6/1929), while another stated that one of the clubs was offering a “3 for 1” offer: anyone willing to “loan” the Kelloggs \$25 would receive \$75 when the claim was paid (Baldwin 2/15/1935). However, there is no information in the record indicating that the “Six Nations Clubs” were sites of any political activity other than claims, and the members themselves do not appear to have enjoyed a bilateral relationship with either the club’s leaders or the Kelloggs. The people who served as officers and collected the money to pursue the claims do not appear to have been people of particular influence among the Brothertown descendants, nor did the officers gain prestige by participating in the clubs. Interviews in the record and those conducted by OFA in October 2008, do not indicate that the clubs discussed any business other than the claims or that the clubs had a social element (for example, no informant reported that the clubs held fundraising dances or suppers to support the Kellogg’s efforts). The clubs were also not limited to only members of one group of Indian descendants. Any of the “New York Indians” could attend these meetings, and the record does not indicate that the Brothertown descendants at these meetings discussed any business specific to their members’ concerns.

#### Political Activity After 1930

The record contains few documents or interviews regarding political activity between 1930 and 1980, when the current petitioning group organized. There is no available evidence of the presence of any formal or informal leaders, a council or governing body, or minutes from any group meetings conducted between 1930 and 1950.

The petitioner’s 1995 narrative directly attributes the lack of political organization after the “Kellogg era” to the actions of the Kelloggs and the disillusionment people felt when they realized that they would never recover the money they invested in the Kellogg’s efforts. For example, the 1995 narrative stated:

The Kellogg movement had a devastating impact on the leadership of many tribes. The Brotherton [*sic*] were no exception. For all practical purposes the tribal membership disavowed the leaders, and while not openly blaming them, they vested no trust in them. Brothertons [*sic*] became reluctant to follow anyone . . . This distrust of leadership was the most lasting legacy of the Kelloggs. (BIN Narrative 10/21/1995, 94)

This interpretation of the post-Kellogg period is not supported by the evidence in the record. The Six Nations Clubs were pan-Indian/pan-tribal organizations that existed only to pursue claims efforts. The petitioner identified several people (Ida and Ray Baldwin, Herman Niles, Henry Fowler, Forrest and Madge Bohlman, and Perry and Rachel Welch) as “leaders” of the clubs (BIN Narrative 10/21/1995, 89), but only Herman Niles is mentioned in any type of leadership position outside of the Six Nations Clubs (his actions will be discussed later in the

text). There is no evidence that even when the “clubs” functioned, that the “leaders” did anything other than collect money to pass along to the Kelloggs, and no evidence that these people tried to keep the organization functioning. There is one reference in the petition narrative which refers to William Baker, a Brothertown descendant, traveling to New York in 1930 in order to attend a U.S. Senate Sub-Committee meeting to discuss the claims (BIN 2005, 21) but the petition contains no more information about any further activity on Baker’s part. It is also unclear whether this reference meant that Baker tried to continue the pursuit of the claims, or that he tried to investigate what had happened to the money Kellogg had already collected. There are no letters or documents indicating that the members of the “clubs” ever tried to maintain the organization after Orrin Kellogg died and Laura Kellogg withdrew her efforts. There are also no documents which indicate that the group as a whole organized to complain or protest against the actions of the Kelloggs. Rather, the “clubs” faded away with little more than complaints from a few individuals. Although many people may have been hurt by the Kellogg affair, there is insufficient evidence to demonstrate that it alone was the reason the group ceased nearly all political activity. Even at its height, the limited claims activities of the Six Nations organizations do not provide evidence of political influence under 83.7(c).

### The 1934 Baptist Centennial

In 1934, the American Baptist Home Mission Society organized several events commemorating the centennial of the Church in Wisconsin. As the first Baptist church in Wisconsin had been founded by Brothertown Indians, the celebrations included several events detailing the history of the group. A minister named Coe Hayne appears to have contacted members of the Brothertown group in Wisconsin, as well as representatives from several of the Brothertown tribes of origin (specifically the Narragansett, Niantic, and Pequot) still living in New England.<sup>101</sup> The Brothertown group and the New England Indians exchanged greetings with each other in 1934. The letter from New England was signed by six representatives (three Narragansetts, one Niantic, one Pequot, and one “Powhatan”), and on behalf of “. . . the Narragansett Indians of New England, gathered in Old Indian Meeting House, Charlestown Township, Rhode Island” (Williams et al. 7/22/1934, 1). In response, the Brothertown descendants replied with greetings of their own. The letter was not signed by a single representative on behalf of the group, but by 17 adult Brothertown descendants. Although Herman Niles (who was described by the petitioner as a “leader” of the Six Nations clubs) wrote the actual letter, there is no indication that he was the group’s leader, or one of a number of leaders recognized by the Brothertown descendants.<sup>102</sup> The petitioner may wish to submit additional information to demonstrate that Niles or any of the other Brothertown descendants served as formal or informal leaders during the 1930s.

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<sup>101</sup> The New England signatories all appear to have been members of the Algonquin Indian Federation, a pan-Indian group consisting primarily of members from a number of New England Indian groups.

<sup>102</sup> Herman Niles attended Carlisle Indian School in Pennsylvania, served in the Army during World War I, and earned the nickname “Chief” during his baseball-playing days (Sebora 7/1955, 13). Many Indian athletes during this era were also nicknamed “Chief.” Other than having the nickname, there is little evidence that Niles served in any leadership capacity within the group.

### Summary of Evidence of Political Influence, 1905-1949

The petitioner has not demonstrated that any single leader or body of leaders exercised political authority or maintained a bilateral political relationship with the Brothertown descendants between 1905 and 1949. The examples included in the record also do not identify any informal leaders, such as clergy, who advocated on behalf of group members. The evidence in the record does not identify any individuals or groups of individuals recognized as authorities by the larger group of Brothertown descendants.

The evidence presented for this time period shows two different non-Brothertown Indian leaders (Wild Pigeon of the Montauks and Laura Kellogg of the Oneida) motivating individual descendants to contribute information or money to their causes, but does not include any evidence of these individuals or any local Brothertown members advocating for the welfare of a group of specifically Brothertown descendants. The petition includes little to no information indicating that any Wisconsin Brothertowns had any influence over those descendants in Minnesota, or vice-versa.

### **Evidence Relevant to Political Influence 1950-1979**

The evidence in the record for the period of 1950-1979 includes, but is not limited to, records of Federal acts, newspaper articles, interviews and personal correspondence.

### The Indian Claims Commission

In 1950, some of the tribes collectively referred to as the “Emigrant New York Indians,” filed suit against the United States for lands purchased from the Menominee for the New York Indians (land known as the “Green Bay tract”), but then sold instead to white settlers. The suit was accepted by the Indian Claims Commission and was designated “Docket 75.” Four of the named plaintiffs represented the Oneida Tribe of Indians of Wisconsin, while two represented the Stockbridge-Munsee community. The Brothertowns, while identified in the filing as one of the historical parties who left New York to settle in Wisconsin, were not named in the suit. The suit specifically identified 3,612 Wisconsin Oneida and 510 Stockbridge-Munsee as constituting the Emigrant New York Indians, while stating that “no tribal organization now exists recognized by the Secretary of the Interior as having authority to represent the said identifiable group.” (NY Indians v. U.S. 8/4/1950, 2). There is no documentation in the petition indicating that the Oneida or the Stockbridge-Munsee approached the Brothertown descendants to take part in the suit, or that the Brothertown descendants attempted to mount their own suit apart from the other two groups. Nevertheless, when the claim was actually settled in 1964, the claim included the descendants of the New York Emigrant Indians “. . . as such group was constituted on June 25, 1832” (Indian Claims Commission Final Award 8/11/1964, 1). This group included the descendants of the Brothertown, even though there is no evidence that the Brothertown took part in this claims suit.

In order to proceed with the distribution of the claims award, the Secretary of the Interior required that rolls of the claimants be prepared. As the Oneida and Stockbridge-Munsee were

both federally recognized tribes, the suit required only the updating of the groups' current membership rolls. However, the situation of the Brothertown was different. Instead, the Act of September 27, 1967 ("1967 Act"), stated that Brothertown descendants ". . . of at least one-quarter New York Emigrant Indian blood, and not members of either of the recognized groups mentioned. . ." would be eligible for payment (U.S. Congress 9/27/1967). As no current Brothertown roll existed, one would have to be compiled according to the stipulations of the 1967 Act.

The evidence in the record indicates that the Brothertown descendants did not have any organization or leaders at that time. An interview with Robert Fowler, the Brothertown man who would eventually help the descendants prepare the claims roll, described how he became involved with the claims process:

Well, there was a firm of attorneys from Chicago. That sued the United States government on behalf of the Brothertown Indians, and the Oneidas, and the Stockbridge Munsee for money to be reimbursed for land that the government took. And ah, somehow this firm got hold of me because I was an attorney. And so they wrote to me about this and so I wrote back to them and said I would be glad to help out. . . . On behalf of the Wisconsin Brothertown Indians. . . . I said I would take on the job of validating Brothertown Indians as to their 25 percent Indian blood and also documenting who they are and where they are . . . I worked primarily through the Bureau of Indian Affairs. I had them down in Fond du Lac on a couple of occasions so that they could give us some information as what was being done . . . and there were public hearings in Fond du Lac. And we notified everybody in the paper and we had at least two or three that I recall. Informational meetings. (Fowler 9/21/2004, 14)

There is no documentation in the record from the "attorneys from Chicago" (almost certainly the firm of Aaron, Aaron, Schinberg, and Ness, the firm that represented the Oneidas and the Stockbridge-Munsee). However, Fowler's description of the chain of events is not that the group sought out the lawyers, but that the lawyers sought out the Brothertown in order to process the claim for their own clients. The evidence in the record also does not indicate that any group of Brothertown descendants identified Fowler or anyone else as a leader who the attorneys should talk to. Rather, the attorneys in Chicago identified him because he was a Brothertown descendant who was also an attorney. Further, Fowler seemed to be unclear as to the origin of the claim. He stated that it could have been the result of the claims initially put forth by the Kelloggs and the "Six Nations," or that it might be the conclusion of the Kansas claims, never mentioning the "Green Bay tract" (*Fond Du Lac Commonwealth* 11/21/1967).<sup>103</sup>

Despite not having participated in the claims case, Fowler accepted the task of helping compile a list of eligible Brothertown descendants. Letters he wrote approximately eight days prior to the signing of the 1967 Act and then several months after the signing of the 1967 Act indicate that some Brothertown descendants were in touch with him, and asked his help in determining whether or not they would be eligible to take part in the claim (Fowler 9/19/1967, 1; Fowler

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<sup>103</sup> The same newspaper also referred to the award as a "grant," rather than as a claims payment.

12/4/1967, 1).<sup>104</sup> E.J. Riley, the superintendent of the Great Lakes Agency, responded with a summation of the regulations involved in compiling the roll, and also advising him that the appropriate applications would soon be available to him and other Brothertown descendants (Riley 12/5/1967, 1). Fowler gave a speech at the Fond du Lac County Historical Society on November 21, 1967, about the history of the Brothertown Indians, and the claims payment, and a report of his lecture was printed in the newspaper. The publicity surrounding his lecture caused a number of Brothertown descendants to seek him out for information regarding the claims, and it was in a letter to the Great Lakes Agency that he stated his intent to hold a public meeting to assist people in filing their applications, a meeting which “. . . would be done on my own behalf without compensation as many of these people are known personally to me” (Fowler 3/1/1968, 1-2). The Great Lakes Agency responded positively, and sent a representative to meeting (Riley 3/5/1968; Riley 4/18/1968). Approximately 75 people attended the meeting, as did Fowler and a representative of the Green Bay Agency (*Fond du Lac Commonwealth* 4/30/1968), but no document in the record identifies who these 75 people were.

The deadline for the submission of applications to participate in the claims was July 1, 1968, only two months after the Fond du Lac meeting. Information in the petition indicates that the Brothertown descendants filled out their forms quickly, and that the Green Bay Agency processed the applications with only minor difficulties. One 2008 interview specifically named Phillip and Eugene Tousey as two of the men who assisted Fowler in filing the applications (Tousey and Tousey 10/15/2008, 40). One newspaper article in the record does include a photograph of Fowler with Eugene Tousey, Myron Hammer, and James Sampson, but it does not indicate that the individuals were helping Fowler with the applications (*Fond Du Lac Commonwealth* 4/30/1968, 1). The petitioner may wish to include more descriptive material about the preparation of the 1967 claims, including who may have assisted Fowler, and describe just how this assistance was carried out.

The BIA received a total of 1,118 Brothertown applications, and determined that 646 individuals were of one-quarter or more New York Emigrant Indian blood (Carey 2/6/1970(a), 1; BIA 12/23/1969). The Bureau certified the initial Brothertown roll (“1967 Claims Roll”) on December 23, 1969, and later amended it to include an additional 57 people who had filed successful appeals or who had otherwise been determined to have met the requirements to be included on the roll. The final amended roll was certified on February 11, 1972 (BIA Roll Amendments 12/10/1970; Lightfoot 2/11/1972). However, the money from the claim was not distributed immediately because of a conflict among the Stockbridge-Munsee kept their roll from being completed. The BIA could not distribute the funds to any of the three groups without a proper accounting of how many claimants each group had, and determining which portion of the total amount would be shared by each group (Carey 2/6/1970(a), 1). Some of the Brothertown descendants, including Fowler, became impatient with the delay in distribution, particularly as

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<sup>104</sup> The two letters included the names of heirs of several of the people named on the 1901 Miller Roll. The first letter included the names of seven Brothertown descendants: two of Robert Fowler’s grandparents, his father, his father’s sister, and three of his father’s cousins. The second letter includes the names of several enrollees as well as some of their heirs, all of whom are relatives of Robert Fowler. A third letter, written after Fowler’s presentation at the historical society, included another list of 13 living Brothertown descendants, all of whom were relatives (Fowler’s brother and several first and second cousins) (Fowler 3/1/1968, 1-2).

the years went by (Carey 2/6/1970(b); Bulard 2/3/1972; Miller 10/19/1973, 1; Fowler 7/26/1974, 1-2). The claims checks were finally mailed in August 1974, and the Brothertown descendants received approximately \$190 each.

Throughout the duration of the ICC case, there is no evidence that the Brothertown descendants organized any formal leadership structure. There is no indication that the group formed a council or committee to address their concerns with the distribution taking as long as it did. There is no evidence that any members of the group (elected or self-appointed) ever approached the leadership of the Oneida or the Stockbridge-Munsee with concerns regarding how long the distribution was taking.<sup>105</sup> Outside of the claims distribution issue itself, there is no evidence to indicate what other issues may have been of concern to the members.

Robert Fowler, who had demonstrated some informal leadership during the length of the claims application process, restricted his activities to those related to the claims case. There is no evidence to indicate that he addressed any other concerns other descendants may have had during this time:

I went through that situation where we got our grant [*sic*]<sup>106</sup> and that took so much of my time and it was all voluntary, you know, and I have no regrets about that, but I had met a lot of nice people, a lot of people that I didn't know before, you know. . . I just didn't feel like I wanted to get back into something again that I, you know, would have to spend so much time on." (Fowler 7/22/2001, 10)

There is no evidence that Fowler participated in subsequent legal actions pursued by the Brothertown descendants. Fowler stated in interview 2004 that he rarely attended group functions after the resolution of the ICC case (Fowler 9/21/2004, 21).

Once the government distributed the claims proceeds to the Brothertown descendants, there is little indication of any attempt to create a more formal organization. One 2008 interview maintains that the Wisconsin descendants discussed the matter informally at family get-togethers, but does not provide any specifics regarding the larger body of descendants meeting or organizing during this time (Tousey and Tousey 10/15/2008, 42). Another 2008 interview with a former Minnesota resident stated that he remembered talking about the family's genealogy at their family reunion, but did not indicate that the group formed any organization during this time (Gramentz 10/15/2008, 36). No leaders or governing body developed between 1974 and 1980. The petition record includes some information one family encountered problems with the Great Lakes Agency, who had offered some education funds to Brothertown descendants, and then withdrew them on the basis that the Brothertowns were not a federally recognized tribe (Fosdick, 8/18/1978, 1). There is no indication that the parents or student united with any other Brothertown descendants or contacted anyone in a leadership position among the Brothertown

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<sup>105</sup> Loretta Metoxin, who was the Oneida tribal secretary during the time of the claims settlement, remembered the Oneida meeting with the Stockbridge governing body during this time. She did not remember the Oneida meeting with any group of Brothertown descendants (Metoxin 10/16/2008, 21).

<sup>106</sup> Both Fowler and the local newspaper erroneously referred to the claims payment as a "grant."

descendants to appeal the State's decision. The information in the record indicates that the student dealt with the matter by writing to elected officials (Baldwin 10/10/1978, 1; Proxmire 10/19/1978, 1). The Great Lakes Agency temporarily resumed providing educational funds to Brothertown descendants,<sup>107</sup> but there is no indication that this resumption was the result of any combined effort from the Brothertown descendants.

#### Summary of Evidence of Political Influence, 1950-1979

The evidence in the record does not demonstrate that Robert Fowler or any other individuals exercised political influence among the Brothertown descendants. Participation in claims activities can be good evidence of political influence and authority, but only as part of a larger body of political activity. The evidence in the record indicates that the claims activity was the only thing occurring at this time. Further, there is no indication that the descendants took the opportunity of the claims case to organize into a group to further any common interests during the time they waited for the settlement, or after the distribution of the payments. Those individuals who encountered difficulty in securing educational funding because of Brothertown's non-federally recognized status addressed the problem on their own.

#### **Evidence Relevant to Political Influence 1980-Present**

The evidence in the record for the period of 1980-present includes, but is not limited to, various Federal and State records, records of Federal acts, newspaper articles, meeting minutes, newsletters, interviews and personal correspondence.

In 1978, the Department of the Interior instituted the Federal Acknowledgement Project (FAP) in order to provide an administrative process for Indian groups who were not already acknowledged as federally recognized Indian tribes. In 1979, the agency instituted a project to locate groups who might wish to petition under the FAP process.

Two letters in the petition documentation appears to be a response to this project. The first, dated September 18, 1979, included a list of names of four Brothertown descendants in Calumet and Winnebago Counties given to Gregory Miller by Harland Welsh of Gresham, Wisconsin (Miller 9/18/1979, 1). Two of these individuals had addresses in Chilton (Rose Welch Moon and Della Welch), while the other two (brothers Emmett and Floyd Pendleton) were living in New Holstein and Kaukauna respectively. All four of these people were distant cousins of Harland Welsh, a resident of Gresham. The letter also identified three other individuals said to be interested in organizing the group; Mrs. Elmer Welch, Mrs. Melvin Kazik (both of Bowler), and Mrs. Marie Welch (of Gresham). A second letter dated September 21, 1979, also addresses the

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<sup>107</sup> In 1980, another family encountered the same difficulty. The members who had received educational assistance as Brothertown Indians received notification that, because the group was not federally recognized, they would no longer be eligible to receive educational funds (Mooney 5/12/1980, 1). Although the body formed by Jacobs had been in existence for five months, there is no indication that the members turned to the leadership of the group for assistance. They, like the earlier family, wrote letters to a number of elected representatives trying to have the funding reinstated (Anton 6/20/1980(a), Anton 6/21/1980(b), Anton 6/21/1980(c), Brown 6/24/1980(a), Brown 6/24/1980(b)).

subject of “Brotherton” Indians in Calumet and Winnebago Counties. A letter from Superintendent of the Great Lakes Agency named the “Brotherton” as one of three groups (along with the Tripoli/McCord Chippewas, and Kansas Potawattomis) who might wish to petition, and included a list of “Brotherton” Indians residing in Calumet and Winnebago Counties (this list was not included in the petition documentation) (Manydeeds 9/21/1979, 1). Neither of these letters mentions any of the residents in Fond du Lac (including Robert Fowler), although the list attached to the September 21 letter may have included some names from the Fond du Lac area. The letters indicate that the BIA employees and agents who received these letters were familiar with the Stockbridge reservation and with some of the descendants who had ancestry that also traced to Brothertown.

The group held its first meeting regarding organizing the Brothertown descendants on January 3, 1980, at the Stockbridge-Munsee Community Building. The minutes from the meeting named eight Brothertown descendants specifically, but did not indicate how many people in total attended the meeting. Those in attendance elected Anna Jacobs as the group’s first chairperson. Anna Welch Jacobs (1922-1992), a Jason Potter descendant, was a descendant of one of the Brothertown families that moved to Shawano County and the area of the contemporary Stockbridge reservation sometime in the late 19th or early 20th century. She and three of her nine siblings married Stockbridge descendants. There is no indication in the record of the family being politically prominent among the Brothertown descendants or among the Stockbridge. Those who are named in the minutes of the January 3, 1980, meeting were either siblings of Anna Jacobs (Marie Welch Robinson) or children of Flora Welch Bruette Robinson (Arnold Bruette, Earl Robinson, Goldie Bruette Schreiber, Marcella Bruette Besaw, Madeline Bruette Crows, and Adele Bruette Heinz). The Bruette/Robinson siblings were descendants of Lucinda Brushell, and their family had lived in Shawano County since approximately 1910. There is no indication that letters or phone calls were made to descendants living across the rest of the State, or if any newspaper advertisements had been placed to notify people of this meeting. The petition documentation contains an undated (circa 1980) one page “Brotherton [*sic*] Mailing List” of 13 people, 11 of whom lived in or near Gresham (the other two were close kin to the others in attendance). The list included 7 Bruette/Robinson siblings, 4 Welch siblings (Anna Welch Jacobs and 3 of her sisters), a distant Welch cousin, and one man surnamed Jacobs not included in the petitioner’s database. This list indicates that the initial stages of organization were concentrated among two families living close to the Stockbridge reservation, rather than among the broader group of Brothertown descendants or among the larger population in and around Fond du Lac.

On January 4, 1980, Anna Jacobs wrote, “A few weeks ago Gordon Burr asked me if I would attempt to organize the Brotherton [*sic*] tribe, since they are one of the unacknowledged Indian groups it would be desirable to organize” (Jacobs 1/4/1980, 1). She requested that a copy of the present rolls be sent to her as a representative of the group. The Great Lakes Agency then provided her with a copy of the 1967 Claims Roll, as well as a copy of the 1901 Miller Roll and the 1839 Allotment List (Manydeeds 4/14/1980). The group submitted its initial Letter of Intent to petition for Federal acknowledgment on April 15, 1980 (Reeser 5/16/1980, 1).

A newspaper article included in the petition submission stated that “a committee. . . has been trying since January to track down 702 people believed to be descendants of the Brothertons

[sic]" (*Register* 12/1/1980, 1). This indicates that the group was using the 1967 Claims Roll as its basis for locating other descendants, as the 1967 Claims Roll contained the names of 702 people. No information in the petition record indicates whether additional newspaper ads had been placed, or if people had been contacted by letter regarding membership in the new organization between January and December 1980.

A 1981 notice in a nationwide Indian newsletter announced that the group was trying to locate its members in order to update its membership roll (*Wassaja* 1/1981, 5). The notice identified Phyllis (Tousey) Frederick as the group's contact person, a name that had not appeared in any of the previous documents. Tousey (who no longer uses the Frederick surname), a Coyhis descendant, also had a number of relatives in the Stockbridge tribe. It is unclear how Tousey became involved, but her family's ties to the Shawano County residents who had already organized the group and the involvement of her father and uncle in the work already done by Robert Fowler may have led to her own involvement. The Tousey family soon became involved in many of the group's activities. In June of 1981, the Touseys organized the group's first annual picnic, and a newspaper article recording the event repeats that the group continued to look for "lost" members (*Fond Du Lac Commonwealth-Reporter* 6/21/1981, 1). The article also said the group currently had 300 members, but there is no discussion of who these 300 were (the petition documentation does not contain a membership list from 1981). The same article identified "Phyllis Frederick" as the group's "publicity coordinator," but also referred people with information to either Anna Jacobs or Harry Tousey, Phyllis Tousey's uncle.

Anna Jacobs resigned as the chair of the group in October 1981 (Jacobs 10/14/1981, 1). According to her letter of resignation, "I feel that I do not want to put in any more of my time or money", which may indicate that she underestimated just how much work the position required. Earl Robinson, the group's secretary, also resigned his position (Brothertown Nation Minutes 10/17/81, 2), but offered no explanation. At the time of their resignations, four of the seven remaining members of the "Brothertown Nation Executive Committee" were originally from or currently living in Shawano County (Ray Hashbarger, Marie Robinson, Madeline Crowe, Arnold Bruette) (Hashbarger et al. 10/27/1981, 1-2). The three Touseys descendants (Harry Tousey Sr., his son Leo Tousey, and his niece Phyllis Tousey) did not live in Shawano County, but had close and active kin ties to several people and families who lived in the area.

The evidence in the record indicates that more group members from outside the Gresham/Bowler area were beginning to become involved at this time, particularly those in the Fond du Lac area. Soon after Jacob's resignation, the group instituted a newsletter, the *Brotherton Messenger*, to disseminate information to group members (*Brotherton Messenger* 11/1981, 1). The group held its first Fond du Lac meeting at a local church in November 1981, and approximately 40 people attended (*Brotherton Messenger* 12/1982; 1/1983, 1). The group also elected a number of new members from across the state to various positions on its governing body, which it now referred to as a "council" rather than a committee. Marie Robinson, Anna Jacob's sister succeeded her as Council chair, and Barbara Baldwin of Sheboygan, Wisconsin, a Wiggins descendant, was elected to the office of Secretary.<sup>108</sup> However, by February 1982, treasurer Madeline Crowe and

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<sup>108</sup> The group appears to have divided its governing body into two groups consisting of four "Officers" and five "council members" (Baldwin 1/5/1982, 1-2).

council member Ray Hashbarger, both Gresham area council members, also resigned (*Brothertown Messenger* 4/1982, 3). There is no reason given for these resignations in the documentation. They were replaced by members from other areas. By the time the group held its next election, in May of 1982, only one council member (Earl Robinson, the former secretary) was from Gresham.<sup>109</sup> The group soon proposed to move the “tribal headquarters” from Gresham to Fond du Lac, and eventually voted 29-1 to do so (*Brotherton Messenger* 8/1982, 15), but still held occasional meetings in Gresham.<sup>110</sup> The petitioner may wish to include more research on the institution of the group, the role of the early members of the group’s council, and an explanation of how the leadership of the group shifted away from members in the Gresham area.

June Ottery Ezold (1922-2007), a Clark Sampson descendant, replaced Marie Robinson as the group’s leader in 1982, and would remain the chair for the next 21 years. Ezold, a retiree, devoted her full time and energy to the Brothertown cause, and she quickly set about running the organization. In the initial years of her leadership the group addressed a number of issues primarily relating to Federal acknowledgment. These included issues such as researching possible sources for funds in order to complete the petition. The group formed a non-profit corporation, Brothertown Nation, Inc. in June 1982 (*Brothertown Indian Tribe-Discover Our Heritage* 1983, 1) and, in addition to applying for grants, held bake sales, rummage sales, and collected aluminum cans to raise funds for the acknowledgment effort. Members on a number of committees researched the group’s history and member’s genealogy. As 1982 would mark the 150 year anniversary of the Brothertown’s arrival in Wisconsin, the group also began to make preparations for activities to commemorate the event, including having the governor of Wisconsin issue a proclamation about the Brothertown’s contributions to Wisconsin history (*Brotherton Messenger* 12/1981-1/1982, 1) and creating a traveling exhibit to educate other Wisconsin residents about the history of the group (*Brotherton Messenger* 6/1982, 4). The Brothertown group continued the summer picnic and reinstated Homecoming in October of 1983. The leadership also offered to support the efforts of college students who applied to receive an Indian Educational Grant (*Brotherton Messenger* 1/15/1983, 3). In 1983, the Oneida Tribe of Wisconsin passed a resolution supporting the group’s effort to become federally acknowledged; two years later, the Stockbridge-Munsee Tribal Council passed a similar resolution of support (Oneida Tribe of WI Resolution 5/6/1983, 1; Stockbridge-Munsee Resolution 8/20/1985, 1).<sup>111</sup> In 1984, the Brothertowns entered into an agreement with Marian College which allowed them to store their research materials in the campus library (*Fond Du Lac Reporter* 11/4/1984, 1).

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<sup>109</sup> Over the years, the group has held “regional meetings” in a number of locations across the state of Wisconsin in order to encourage the participation of members who lived outside of the Fond du Lac area. These areas include Milwaukee, Madison, Racine and Fox Valley (BIN Newsletter 9/1992, 3-4)

<sup>110</sup> The group continues to hold one meeting each year in Gresham, and also instituted a meeting in Minnesota in 1993 (Attendance List Annual Minnesota Meeting 4/3/1993, 1).

<sup>111</sup> The Oneida tribe has been especially supportive of the Brothertown’s efforts. In 2003, the tribe allocated \$75,000 to purchase some historical documents from a private collection in order to hold them in trust for the Brothertown (Metoxin 10/18/2008, 26-28). Unfortunately, the tribe was not able to complete the purchase due to a disagreement with the owner, although the tribe maintains that the funds are still set aside for their purchase if the owner chooses to sell.

The group continued to work on its petition for acknowledgment, but in September 1987, the council announced that it was going to pursue a lawsuit for Federal acknowledgment (BIN Newsletter 6/20/1987, 1). The council met several times with representatives of the Native American Rights Fund (NARF) to discuss the possibility of suing on the grounds that the 1839 Act that had made the Brothertowns citizens had been reversed by a 1878 Congressional act (BIN Newsletter 9/1987, 5). NARF also encouraged the group to collect information from its members via questionnaires (later designated a “needs assessment survey”), which it sent out in December 1988 (Roessel 12/2/1988, 1; BIN Newsletter 12/1988, 1-3; Brothertown Indians Organizational Master Plan 1/1993, 8). In 1991, NARF wrote a letter requesting that the BIA begin providing services to the Brothertowns based on an August 28, 1990, solicitor’s memo which offered the opinion that the 1839 Act which granted citizenship to the Brothertown Indians did not “terminate” Federal recognition of the group (Rogers 11/12/1991, 1-2). NARF continued to write letters on behalf of the Brothertowns and continued to insist that the group be treated as a federally recognized tribe without having to go through either administrative acknowledgment or legislative recognition (Rogers 1/16/1992, 1-2; 6/23/1992, 1-8). At one point, the group issued a resolution stating that it was a “Federally recognized Indian Community” and entered into an economic development contract with an organization called VanBarCot Incorporated (BIN Resolution 9/18/1992, 1), a company whose secretary/treasurer was a Brothertown member. June Ezold and Brothertown member/VarBarCot Inc. representative Craig Cottrell traveled to Washington DC in February 1993 to meet with representatives from the Department of the Interior, including a member of the Bureau of Acknowledgment and Research (BAR). Later, Ezold wrote to then Assistant Secretary, Indian Affairs Ada Deer that “we got wind of the reason BAR wanted our petition. They will use the information we spent countless hours and money on, against our acknowledgment as an Indian tribe” (Ezold 7/31/1993, 1). Michael Lawson, Acting Director of Tribal Services, wrote back to assure her that the reason for the request had nothing to do with any desire to use the group’s materials against them, but that it was the goal of BAR to work with the group to see that it submitted the best and most complete petition possible. However Lawson emphasized it was still BIA policy for all groups, even those with an ambiguous history regarding Federal acknowledgement, to go through the administrative process (Lawson 8/19/1993, 1).

A 1993 solicitor’s opinion further emphasized that the group would need to continue in the petition process in order to receive Federal acknowledgement. The opinion found that, while the Brothertown tribe may not have been officially terminated by Congress, the contemporary group had not demonstrated that it consisted of the lineal descendants of the historical tribe or that the groups’ members had maintained tribal relations. The group was eligible to petition for acknowledgement, but it would not be automatically granted Federal acknowledgement (Ethridge, 8/19/1993).

With this letter, the group resumed work on the necessary petition documentation.<sup>112</sup> Some of the work, particularly issues regarding genealogy and membership, had never stopped. The group had closed its membership rolls in September 1986, as the group had initially planned to

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<sup>112</sup> The group appears to have ended its relationship with both NARF and VarBarCot Inc. sometime in 1993, but the documentation in the petition is not entirely clear.

submit its petition soon after (BIN Newsletter 10/1986, 4; 3/1987, 1). The record contains several examples of the group's leadership rejecting members who did not descend from either an ancestor on the 1901 Miller Roll or the 1839 Allotment List. The group voted to reopen the rolls in March of 1992 for reasons that are not entirely clear, and there are no meeting minutes in the petition documentation to explain why the group took this action (BIN Newsletter 3/1992, 4-5). The leadership had stated that rejected files would still be kept on hand and reviewed if the rolls were reopened, and the reopening of the rolls gave rejected members another chance to submit necessary documentation to secure their place in the group; however, it is not clear if the applicants admitted after the 1992 opening had been among those who had previously applied and been rejected. The group continued processing membership applications through 1995. The group stopped processing applications while it finalized its membership roll as part of its 1996 documented petition submission.<sup>113</sup>

In 1992, the group also held its first Minnesota regional meeting in Little Falls, a town approximately 400 miles from Fond Du Lac but somewhat central for the Minnesota residents. The petition documentation in the record did not include any minutes from this meeting, but the event was referenced in the minutes for the 1993 Minnesota meeting (Attendance List Annual Minnesota Meeting 4/3/1993, 2). Several members of the council traveled to Little Falls for the 1993 meeting in order to meet with members, inform them of the group's progress, and answer any questions they had. At the time, the bylaws of the group stated that only Wisconsin residents could hold elected office in the group, so the Minnesota residents had no representation on the council.<sup>114</sup> This issue appears to have caused some concern that the Minnesota residents might form their own group, and Ezold urged the Minnesota residents not to take such action. The Minnesota members choose to remain part of the group and held additional regional meetings.

The group made its first documented petition submission to BAR on February 7, 1996 (Stearns 2/27/1996, 1). Much of the work appears to have been performed by a core group of extremely enthusiastic members, while few of the other members participated. Many newsletters among the petition materials tried to encourage more members to participate in the group's activities. In 1996, the group reported that, out of 2100 members, only 44 cast votes (either in-person or by absentee ballot) in that year's election (BIN Quarterly Report 6/1996). While the group waited for its petition to be reviewed, the leadership continued reviewing membership files, applying for grants to fund the organization, and undertaking educational training to enable the group to function as a government.

The group continued to solicit donations from its members to try and purchase land in Brothertown specifically to have a "tribal" office (and eventually a museum and other facilities). The group had maintained a "building fund" for years, but had been unable to afford any of the property available in the area of the original Brothertown reservation. The need for office space had become more urgent as the group had had to vacate the Marion College library, where they

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<sup>113</sup> The group also opened and closed its rolls on two other occasions, primarily to handle backlogs of applications (BIN Newsletter 1/1998, 2; BIN Newsletter 3/2003, 6).

<sup>114</sup> This exclusion appears to have resulted from the council also serving as the Board of Directors of the group's non-profit corporation. According to the rules of the non-profit, all board members had to be Wisconsin residents (Attendance List Annual Minnesota Meeting 4/3/1993, 4).

had stored their materials since the 1984. The group was able to obtain some storage space at another location in Fond du Lac, but the request to vacate Marion College brought the need for dedicated office and archival space to the fore. In April 1998, the group instituted a campaign to raise \$250,000 to purchase 100 acres of land to establish a “tribal headquarters” in Calumet County (BIN Newsletter 5/1998, 4).<sup>115</sup> In another bid to strengthen their ties to the area of the old reservation, the group met with, and joined the Union Cemetery Association of Brothertown to help the members maintain the cemetery where many Brothertown descendants were buried (BIN Newsletter 8/1998, 1; BIN Newsletter 11/1998, 1).<sup>116</sup>

In 1998, the BIA wrote to the group asking for comment on its proposal to consider waiving the priority provisions of 25 C.F.R 83.10(d) to place the Paucatuck Eastern Pequot (PEP) group on active consideration at the same time as the related Eastern Pequot group (EP). The PEP group was sixth on the list of groups on the “Ready, Waiting for Active Consideration” list, and the Brothertown was fifth; therefore, reviewing the PEP petition would place it ahead of the Brothertown petition (Maddox 2/24/1998, 1). Ezold replied that, while the group understood the rationale behind reviewing the two petitions together, it was concerned that “skipping” the PEP petition would delay review of the Brothertown petition.

In September 1999, the group received an Administration for Native Americans (ANA) grant and was able to secure office space in Fond du Lac (BIN Newsletter 11/1999, 4). Between January 1 and February 29, 2001, the group mailed a “Housing Needs Survey” to 780 enrolled heads-of household and received 270 responses. The questionnaire addressed the subject of whether or not members would consider relocating to Calumet County if the group were to develop housing opportunities there, but the responses indicated that very few would consider such an option (BIN Newsletter 3/2000, 1). The group later entered into a partnership with the Wisconsin Housing and Economic Development authority to secure tax-credits towards the construction of a senior citizen affordable housing building to be owned by the Brothertown Nation, Inc., but did not receive the requisite funding (BIN Newsletter 9/2003,7; 12/2003, 13).

The group continued to hold regular meetings, elections and social events over the next few years. In January of 2002, a group calling itself the “New York Brothertown Tribal Nation” gained some brief attention protesting the Wisconsin Brothertown’s bid for federal recognition (*Norwich Bulletin* 1/1/2002, 1), but the group appears to have disappeared as rapidly as it had appeared, even before the Wisconsin group could prepare any response. The group also worked on amending its constitution, and proposed a major change to its membership criteria by adding the 1967 Claims Roll as one of the documents applicants could trace to in order to prove descent (BIN Constitution 9/14/2002). No documentation included in the petition explains why the group made this change, as the group had noted as far back as 1986 that the 1967 Claims Roll was a descendency roll of New York Emigrant Indians, and not a membership roll.

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<sup>115</sup> The group did eventually purchase some land in Brothertown in 2002 (BIN Newsletter 9/2002, 1), but the parcel (a three-quarter acre plot with a garage purchased for \$23,200) was far more modest than the group’s initial plans.

<sup>116</sup> In 1998, the group began a project to have a state highway marker placed in Brothertown. The project, championed by member and future Brothertown chairman Theodore Stephenson, was approved and the marker, erected July 25, 1999, and dedicated September 25, 1999 (Historical Marker 1999, 1-14; BIN Newsletter 9/1999, 6).

At the 2002 annual Homecoming, June Ezold announced that, after 20 years of near constant activity, she would not run again for the office of Chairperson after holding the office (BIN Newsletter 12/2002, 3). Throughout her time as tribal chair, she and those who supported her had tirelessly promote the Brothertown cause. Some members found her leadership style controlling and felt she was unwilling to listen to other people's ideas or suggestions, but she was undeniably devoted to the goal of attaining Federal acknowledgment. When she finally left office, the group gave her the title of "Chairperson Emeritus" and contributed a plaque in her name the Smithsonian Institution's Museum of the American Indian (BIN Newsletter 6/2003, 2).

In the spring of 2003, Sophia Sampson/John Coyhis descendant<sup>117</sup> Theodore Stephenson (1931-2009) took the office of Chairman of the group. Stephenson, a retired engineer and former professional musician, had a very different management style than June, and, while just as dedicated to the goal of Federal acknowledgment as June, placed an emphasis on organizing the documents and items in the group's possession. Further, he was more emphatic about the need for members to contribute to the group both financially and through participation, and wanted the group to take a more systematic approach to meet the criteria for achieving Federal acknowledgment (Stephenson 9/24/2004, 16-18). For example, he instructed the group's genealogist to identify several "family leaders" in the group, and then contacted them with instructions to organize their own family picnics (BIN Newsletter 3/2004, 3). Stephenson eventually resigned sometime between September and December 2004 for unspecified reasons.

Stephenson's vice-chair, David Lambert (b. 1954), a Hannah Potter descendant, replaced him as the group's leader in December 2004. Lambert's family had become active in the group approximately five years earlier, and his mother was also the group's treasurer. Lambert continued the pursuit of acknowledgment, garnering letters of support from Federal and State officials (LaFollette 8/1/2005, 1; Petri 9/12/2005, 1; Doyle 10/10/2005, 1; Breske 11/2/2005, 1), and from one additional federally recognized Wisconsin tribe, the Menominee (Menominee Indian Tribe of Wisconsin Resolution 11/17/2005, 1). Under his administration, the group also began to operate a bimonthly bingo game at a local civic arena as a fundraiser (BIN Newsletter 9/2005, 2).<sup>118</sup> In December 2005, the group submitted supplemental petition documentation to the Office of Federal Acknowledgment (formerly known as BAR), including an updated membership list and a supplemental petition narrative (BIN 2005), and in January 2006, announced that the group had held a groundbreaking ceremony on a 24-unit affordable senior housing project in Fond du Lac (BIN Newsletter 1/2006, 2). However, in June 2006, Lambert and his mother were both removed from their positions on the council because a check of genealogical records called into question their descent from the historical Brothertown tribe (Schreiner 7/15/2006, 1).<sup>119</sup> The issue of the Lambert's removal was one of the few issues

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<sup>117</sup> Theodore Stephenson's mother, Vera Quinney Stephenson, had a number of Brothertown and Stockbridge ancestors. In his 2003 campaign biography, Stephenson identified "Sarah Wiott" as his ancestor; however, there is no information in the petitioner's genealogical database connecting him to Sarah Wiott.

<sup>118</sup> The bingo games became a source of controversy in 2008, when allegations related to the improper handling of funds lead to the group relinquishing its bingo nights (Kraintz 10/20/2008, n.t., Stephenson 10/21/2008, 4-9).

<sup>119</sup> Richard Schadewald, the group's current chair, also described a disputed 2006 election, in which the election committee shredded the ballots (R. Schadewald 10/15/2008, n.t.) However, none of the 2006 documents submitted

identified by members as a cause of controversy and discord in the group (Gramentz 10/15/2008, 98-104; Shady and Shady 10/23/2008, n.t.; Andler, 10/17/2008, n.t.; Kroenke 10/19/2008, n.t.) and remains a source of controversy as of this writing (see discussion “Conflict Among Group Members” under this criterion). It is also unclear if the senior housing project went any further than the groundbreaking (R. Schadewald, 10/15/2008, n.t.).

Lambert’s vice-chair Mark Schreiner, a Kindness/Fowler descendant, assumed the position of chairman after the removal of David Lambert. The petition submission does not contain any additional newsletters, but does include minutes from several council meetings. During his tenure, the group continued many of the same tasks as before, including amending the constitution, recruiting volunteers to help with the group’s numerous fundraisers and other committees, and processing enrollment applications. Forty-six percent of the group’s 1,880 eligible voters (886 members) participated in the election, and voted overwhelmingly (827 to 39) to accept the changes to the constitution on January 20, 2007 (BIN Constitution 1/20/2007, 1).

One substantial change between the constitution submitted to OFA in December 2005 and the constitution ratified in 2007 was the introduction the office of “Peacemaker”, a position that no member had held since the 1840s. The original Peacemakers served as leaders and as a judicial body among the original Brothertowns in New York, and the contemporary group intended for the new body to serve as a type of appellate court (BIN Constitution 1/20/2007, 11). Information in the petitioner’s 2008 supporting documentation indicates that the Peacemakers were instituted as an appellate body in response to the Lambert enrollment issue (BIN 2008, 65). The group swore in its first four Peacemakers at the 2007 summer picnic (BIN Minutes 7/21/2007, 4).

Richard Schadewald (b.1957), a George Skeesuck descendant, replaced Mark Schreiner as the group’s chairman in June 2007 (BIN Minutes 6/16/2007, 1). Schadewald appears to be the first chairman descended from the Minnesota Brothertown descendants, although he has lived in Wisconsin for most of his adult life. As a high-school history teacher and as a 16-year member of the Brown County board, he came to the position with considerable academic and administrative experience. Under his leadership, the group submitted additional petition documentation, including an updated 2008 membership list and an additional petition narrative (BIN 2008, 65).

At some unspecified point in 2007 or 2008, the group’s enrollment committee received a large number of applications from people who were definitely Brothertown descendants, but who had had no previous contact with the group. The group’s leadership eventually learned that the Stockbridge and Oneida enrollment officials referred a number of these people to the Brothertown group (Kroenke 10/19/2008, n.t.). As both tribes had (and have) one-quarter blood degree requirements, many people with a non-Indian parent could not qualify for membership in the tribe of their parent. However, many of these people could trace to a Brothertown ancestor, and Brothertown did not have blood degree requirement. Although this had actually been going on for a number of years (Gralewitz 10/15/2008, 24-26), the sudden upsurge in the number of applicants so close to the petitioner’s going on “active” status alarmed members who feared that large numbers of unknown people could enroll in the group and destroy the integrity that it had

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by the petition describe how this situation occurred, and the petitioner’s 2008 petition narrative supplement is silent on the subject. The petitioner is encouraged to submit more information and analysis of the disputed 2006 election

established over the years. It led the group to propose closing the group's roles permanently and instituting a "cradle roll" for newborns (BIN Council Resolution 5/17/2008(a); BIN Council Resolution 5/17/2008(b)). There are no minutes indicating whether this resolution passed, but OFA's 2008 interviews indicate that the group approved this measure (Anderl 10/17/2008, n.t.; Kroenke 10/19/2008, n.t.).<sup>120</sup>

### Conflict Among Group Members

Conflict, and the resolution of conflict, has been used by a number of petitioners to demonstrate political processes within the group. Conflicts can provide valuable information regarding the priorities of the group, as they make explicit what members feel strongest about. Conflict can also demonstrate how the intervention of leaders, both formal and informal, can resolve or help to resolve issues.

The BIN petitioner submitted few examples of any conflicts within the group. Regarding the initial formation of the group in 1980, the 1995 petition narrative stated, "Soon after the organization was formed and operating a number of disputes occurred over policies and directions, resulting in the resignation of Anna Jacobs in 1981 as tribal chairperson" (BIN 1996, 127). However, the narrative did not state what these disputes were or name the individuals involved and what issues they supported. None of the documentation from that period indicates any factions or interest groups within the petitioner expressing any firmly held positions.

Information included in the petition submission indicates that there have been relatively few conflicts within the group's membership. One subject that has occasionally caused some disagreement among members has been the role of Christianity and "traditional Indian spirituality" within the group. Some members have occasionally written to the newsletter or otherwise commented that they believe that, because the Brothertowns were Christian Indians, members should practice Christianity and disavow things such as "smudging" (burning tobacco, sage, or other herbs). Others believe in incorporating more "traditional" practices into events such as the Homecoming while acknowledging that the historical Brothertowns were Christians.<sup>121</sup> These issues have not escalated to the level of a conflict.

The subject of tribal enrollment has been one area where some members have recently voiced disagreement with the tribal leadership. In years past, a number of people have been determined ineligible for enrollment because of their inability to trace their descent to either the 1839 Tribal

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<sup>120</sup> The "cradle roll" ordinance also included a stipulation that all children entered onto the roll have to be presented to the group at a council meeting or community function in person before their fifth birthday. OFA staff attended the group's Homecoming celebration, but did not see or hear anyone presenting their child to the group.

<sup>121</sup> The "traditional" spirituality and religious practice of the Brothertowns is Presbyterianism (Samson Occom was an ordained Presbyterian minister who specifically founded a community of Christian Indians). Some members of the contemporary group are members of various Christian denominations and eschew any "Indian" spirituality. A few members have studied the history of the group and have studied the New England Christianity practiced in the tribes of origin before the Indians relocated to New York and formed the Brothertown tribe. Others have become interested in what might be best described as "pan-Indian spirituality," particularly that of the Great Plains (specifically the Lakota and Chippewa).

Roll or the 1901 Miller Roll. None of the interviews indicated that this enrollment issue was of major importance to the group, although people did express concern or sympathy for their relatives and friends who could not meet the enrollment standard. However, in 2007, the family of former BIN Chairman David Lambert was removed from the group's rolls because the enrollment committee determined that the family did not meet the enrollment criteria. Specifically, the enrollment committee found insufficient data to acknowledge the Brothertown ancestry of Lambert ancestors Hannah (Potter) Welch or her husband, Thomas Welch (Gramentz 3/16/2007, 1). Lambert's mother Nancy (Welch) Lambert had served as the group's treasurer, and submitted an appeal. She also had a number of friends within the group who supported her appeal, and who were particularly vocal in their support of the Lambert's reinstatement. All of the members interviewed by OFA were aware of the issue, and expressed their own opinions on it. OFA also interviewed Nancy Lambert, who expressed her particular view of the enrollment committee and the events that led up to her family's removal.<sup>122</sup> Lambert's appeal has continued under the "Peacemakers," a body established in 2007 to serve as the group's judicial branch.

Another issue that has concerned the group has been the management of the group's non-profit bingo operation. In July 2005, the group began hosting bingo at the Fond du Lac Spectrum (a local civic auditorium) twice a month, staffed by Brothertown volunteers and spouses (BIW Newsletter 9/2005, 10). On occasion, the people managing the bingo allowed another non-profit organization to help, and compensated them for their assistance. This turned out to be a violation of the rules, and eventually led to the group turning over their bingo night to another organization in 2008. Bingo had been a very lucrative endeavor, and accusations regarding mismanagement of the bingo led to hurt feelings among various members. Although the members interviewed in 2008 knew that the group was no longer hosting the bimonthly bingo games, the issue was not of major concern to many people. While it was important to some of the local Fond du Lac area residents who had attended as players or volunteers, most members had never participated in the bingo enterprise.

### Summary, Political Influence 1980-Present

Since the inception of the organization in 1980, the Brothertown organization has dedicated most of its energy to pursuing Federal acknowledgment. The leadership under June Ezold implemented a number of programs to serve its members, as well as creating a number of committees and boards which encouraged member's participation. The group also attempted to keep members informed and involved by holding council meetings in a number of different communities so that members who lived outside the Fond du Lac area would not always have to travel. The group also established a newsletter and a website. The information included in the documentation does appear to indicate that the council is responsive to the concerns of the members, and that the members consult the council with problems they feel should be addressed.

At the same time, the activities described in the petition submission are of relatively recent origin. The initial organization was not the formalization of a previously-existing entity, but was formed by the gradual accumulation of descendants, many of whom did not know each other.

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<sup>122</sup> Lambert also attended the 2008 Homecoming, which OFA staff also attended. No one confronted Lambert or prohibited her from taking part in the event.

There is no indication that there are any interest groups within it (divided along residential or ideological lines), and little evidence of conflict within the group that might help to understand what issues (other than Federal acknowledgment) are important to the group.

### **Conclusion**

The evidence in the record does not demonstrate that authoritative, knowledgeable external observers identified leaders or a governing body of the petitioning group on a substantially continuous basis since the date of last Federal acknowledgment. Therefore, the petitioner does not meet the requirements of criterion 83.7(c) as modified by section 83.8(d)(3) for the historical period prior to “at present.” Alternatively under the provisions of section 83.8(d)(5), the petitioner does not meet the requirements of criterion 83.7(c) since 1839 without using the reduced evidentiary burden provided by section 83.8(d)(3). The evidence in the record indicates that the petitioner does not satisfy the requirements of criterion 83.7(c) at any time from 1839 to the present. Therefore, the group does not meet criterion 83.7(c).

### **Criterion 83.7(d)**

- 83.7(d) A copy of the group’s present governing document including its membership criteria. In the absence of a written document, the petitioner must provide a statement describing in full its membership criteria and current governing procedures.**

### **Introduction**

The BIN petitioner has submitted a governing document that describes the group’s governing procedures and membership criteria, thus meeting the requirements of criterion 83.7(d).

### **Governing Document**

#### Current Governing Document

OFA received a governing document entitled “Constitution of the Brothertown Indian Nation amended Jan. 20, 2007” with the BIN submission on March 10, 2008 (BIN 1/20/2007). According to the BIN website, on the “Constitution Ratification Letter” page, the general membership approved the governing document on January 20, 2007 (BIN 2008, 46). The petitioner submitted no meeting minutes for that date or meeting minutes for a later date that reported the membership vote. The document contains a preamble and 14 articles addressing territory and jurisdiction, membership, civil rights, the “tribal council,” powers of the “tribal council,” judiciary, council of elders, conflict of interest, oath of office, sovereign immunity, “savings” (previous enactments), severability, amendment, and initiatives. OFA also received, on March 20, 2008, a seven-page Enrollment Ordinance that the BIN group had adopted on May 12, 2007 (BIN 5/12/2007).

#### Previous Governing Documents

The BIN submitted two previous governing documents: “Articles of Constitution and By-Laws of the Brothertown Indian Tribe of Wisconsin (1986/1988)” submitted in 1988 and “Amended Articles of Constitution and By-Laws of the Brothertown Indians of Wisconsin” submitted in 1996 (BIN 1988, BIN 11/23/1987).

## **Governance and Membership as Presented in Governing Documents**

### Governance

Article IV of the BIN 2007 constitution defines qualifications, offices, election procedures, terms of office, duties, removal, vacancy appointments, and meetings for the group's nine-person governing body, termed the "tribal council." Article V outlines the governing powers of the "tribal council." Article VI addresses the establishment of a five-member judiciary, called "Peacemakers," their election, terms of office, and duties. Article VII establishes a "council of elders" for non-constitutional matters such as culture, tradition, and history. Article XIII provides for amending the group's constitution. Thus, the governing document does describe governance procedures for the group.

### Membership

Article II, Sections 1 through 4 of the BIN 2007 constitution defines the descent requirements for membership in the group, forbids membership in any other "tribe, band, or group of Indians" and permits enrollment ordinances passed by the group's governing body to administrate membership and the enrollment process (BIN 1/20/2007). See criterion 83.7(e) for a detailed discussion of enrollment requirements, membership administration, and descent, and criterion 83.7(f) for concurrent membership in recognized tribes.

The BIN 2007 enrollment ordinance, dated May 12, 2007 and received by OFA on March 20, 2008, provides detailed definitions and procedures covering enrollment and membership as addressed in Article II of the group's constitution (BIN 5/12/2007)

## **Conclusion**

The BIN petitioner submitted a governing document that describes its governing procedures and its membership criteria. Therefore, the BIN petitioner meets the requirements of criterion 83.7(d).

### Criterion 83.7(e)

**83.7(e) The petitioner’s membership consists of individuals who descend from a historical Indian tribe or from historical Indian tribes which combined and functioned as a single autonomous political entity**

**83.7(e)(2) The petitioner must provide an official membership list, separately certified by the group’s governing body, of all known current members of the group.**

### Introduction

The Brothertown Indian Nation (BIN) petitioner claims descent from the historical Brothertown Indian tribe of Wisconsin. For purposes of this evaluation under the criteria, this finding considers the Indian population enumerated on the list of “Brothertown Allottees of Wisconsin Lands in 1839” (1839 Allotment List) as the membership of the historical Brothertown Indian tribe of Wisconsin (Anthony et al. 10/-/1839, List). As discussed previously in the Overview of the Petitioner section of this PF, this historical tribe evolved from the Brothertown Indian tribe of New York State as a large portion of the tribe that moved from New York to Wisconsin. The BIN petitioner did not submit a narrative or analysis for criterion 83.7(e) describing or explaining its members’ ancestry claims, or their connection to the historical Brothertown Indian tribe of Wisconsin or New York. This connection was implied from the claim of descent from the individuals on historical lists shown on the petitioner’s 2008 membership list, and from information in the petitioner’s enrollment files and genealogical database.

Based on the criteria for membership contained in the BIN petitioner’s governing document, the 3,137 current members of the BIN petitioner claim direct descent from the historical individuals on at least one of three historical lists: (a) the 1839 Allotment List , (b) the “Roll of Brothertown Indians” (1901 Miller Roll), or (c) the “Roll of Brotherton Indians of Wisconsin as of September 27, 1967” (1967 Claims Roll) issued by the U.S. Department of the Interior (BIN 1/20/2007; Anthony et al. 10/-/1839, List; BIA 12/31/1901; BIA 12/23/1969). The petitioner’s members are also required to descend from one of the families mentioned in the appendix of *Samson Occom and the Christian Indians of New England* by W. DeLoss Love, but this document deals only with the Brothertown Indian tribe of New York, not Wisconsin (Love 1899). Although the Brothertown Indian tribe of Wisconsin evolved out of the Brothertown Indian tribe of New York and some of the individuals mentioned in the book are identified as those who moved to Wisconsin, this document does not identify the membership of the Wisconsin Brothertown Indian tribe.

The 1839 Allotment List is considered by the Department to be a membership list of the historical Brothertown Indian tribe of Wisconsin because it identifies individuals who received land allotments as members of the Wisconsin Brothertown Indian tribe. However, although the 1901 Miller Roll was based initially on a list of 209 individuals on the “Roll of the recognized members of the Brothertown tribe” (1901 Business Committee Roll) submitted to the Department by the Wisconsin Brothertown Business Committee in 1901, the final version of the 1901 Miller Roll listed a total of 570 individuals,<sup>123</sup> 361 of whom were not recognized as members by the Brothertown Business Committee (BIA 12/31/1901, Brothertown Business Committee 11/30/1901).<sup>124</sup> This list is a descendency roll and not a listing of members of an Indian entity. The 1967 Claims Roll identifies individuals whom the Federal Government considered to be descendants of the Brothertown Indian tribe of New York through individuals listed on the 1839 Allotment List. The 1967 Claims Roll lists 702 individuals, all except 14 of whom claim descent from a named 1839 or 1901 ancestor, but this list is a descendency roll and not a listing of members of an Indian entity (BIA 12/23/1969).

The BIN petitioner submitted a Family Tree Maker<sup>TM</sup> (FTM) genealogical database, lineage charts, copies of 1901 claims applications, and copies of enrollment files for current members, in addition to other historical documents to demonstrate descent for its current members (BIN 2008, FTM).

OFA analysis of the BIN petitioner’s genealogical evidence, including 3,230 enrollment files (for current members as well as non-members) and evidence that OFA developed, demonstrates that 1,593 of the petitioner’s current 3,137 members (51 percent) have documented their descent, generation by generation, from a member of the historical Brothertown Indian tribe of Wisconsin as identified on the 1839 Allotment List.

The current record also illustrates that an additional 1,309 BIN members (42 percent) descend from individuals who were part of the historical Brothertown Indian tribe of Wisconsin but their descent is not documented. Seven percent (235 of 3,137) of the current BIN members have neither illustrated nor documented descent from an ancestor who was identified as a member or descendants of the 1839 Brothertown Indian tribe in Wisconsin. Appendix M in this PF lists the 1839 Brothertown Indian ancestors claimed by BIN members and the number of descendants from each in the current BIN membership.

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<sup>123</sup> A supplemental list submitted by Guion Miller to the Secretary of the Interior, entitled “Roll of Brothertown claimants found to be entitled under the decree, whose names are to be added to the roll heretofore made by the Secretary of the Interior,” (1906 Final Claims Roll) under the “Final Decree” dated May 7, 1906, included the names of an additional 255 “Brothertown descendants,” although the list does not specify whether these individuals are descendants of the Wisconsin Brothertown Indian tribe or the New York Brothertown Indian tribe (G. Miller 1/8/1906).

<sup>124</sup> The additional 361 individuals accepted by Miller includes descendants of at least two claimed ancestors of the petitioner who were identified in testimony by Brothertown descendants as members of the historical Brothertown Indian tribe of New York but who were not allotted in 1839 and whose descendants were not identified as members of the tribe on the 1901 Brothertown Committee Roll submitted to Guion Miller. See discussion of petitioner’s claimed ancestors under this criterion.

The petitioner should submit documentation for the FD demonstrating descent for its members who have not demonstrated their descent from the historical Brothertown Indians of Wisconsin as identified on the 1839 Allotment List. These members would include the 7 percent (235 members) who have not illustrated an 1839 Wisconsin Brothertown ancestor and the 42 percent (1,309 members) who have illustrated an 1839 Wisconsin Brothertown ancestor but have not demonstrated generation-by-generation descent.

## **Membership Lists**

### Current Membership List for BIN

The current membership list for the BIN petitioner, entitled “Brothertown Indian Nation, Roster of all members with addresses & descendants sorted by Roll #,” was separately certified by the petitioner’s governing body on June 21, 2008, and received by the Department on June 24, 2008 (BIN 6/21/2008). After OFA corrected the list for duplicate entries, deceased members, and adopted members, the list contained 3,137 entries, including both adults and minor children. All entries have a unique membership identification number. The list contains columns for member names, maiden names, birthdates, and residential addresses as required by criterion 83.7(e) as well as other information, such as 1839 and 1901 ancestors. However, 794 individuals (25 percent) are missing residential addresses (669 with no addresses and 125 with post office or rural route addresses) and 238 female members (about 8 percent of the total membership) are missing their maiden name or have the wrong maiden name on the membership list. A few members have missing or erroneous birthdates.

The current membership list provided sufficient evidence to evaluate the petitioner under criterion 83.7(e). However, the deficiencies noted above should be addressed. The comment period provides the BIN petitioner an opportunity to provide an updated membership list containing the names of all living members (including minors) and all information required in criterion 83.7(e), such as any missing residential addresses, missing or erroneous maiden names, or missing or erroneous birthdates.

### Previous Membership Lists for BIN

In the BIN petitioner’s 1995 petitioner narrative, the group stated that its membership totaled 858 individuals. However, the petitioner submitted no membership list in 1995 and no explanation of how the petitioner knew how many members it had without a membership list (BIN 1996, 109).

The BIN petitioner submitted three previous membership lists. The earliest membership list submitted by the petitioner is dated January 19, 1996, and contains 2,269 members (BIN 1/19/1996). A second membership list submitted by the petitioner, dated December 19, 2005, lists 2,845 members, an increase of 25 percent over the previous list (BIN

12/19/2005). In 2008, the petitioner submitted a membership list dated December 31, 2007, listing 3,111 members, an increase of 9 percent (BIN 12/31/2007). The current (2008) membership list, containing 3,137 members, shows an increase of about 1 percent from December to June 2008 (BIN 6/21/2008). See Appendix L in this PF for details on individual membership lists and this criterion for an analysis of membership changes.

In its response to the Department's January 8, 2009, request for additional membership information, the BIN petitioner submitted a brief narrative describing the initiation of the group's membership database and subsequent updates (see analysis below), but the petitioner did not specifically describe the circumstances surrounding the preparation of the four membership lists submitted for the PF as directed by criterion 83.7(e)(2)).

## Membership

### Membership Eligibility Criteria

As defined in the BIN petitioner's current governing document, dated January 20, 2007, membership is available to any person

- (a) Descended from one of the historic Brothertown families as defined in the appendix of W. DeLoss Love's book *Samson Occom and the Christian Indians of New England*<sup>125</sup> [a]nd,
- (b) An ancestor listed on one of the following rolls:
  - Certified Rolls of 1839 and addenda;<sup>126</sup> or
  - Certified Rolls of 1901 and addenda;<sup>127</sup> or
  - Certified Rolls of 1967.<sup>128</sup> (BIN 1/20/2007)

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<sup>125</sup> Although this book was written and published after the death of Samson Occom and long after the establishment of the Indian community at Brothertown, New York, it is based on, and reliably cites, primary sources such as manuscripts, records, diaries, and letters (Love 1899). See *Genealogical Evidence: Records Reviewed* under this criterion for more a detailed discussion of this publication.

<sup>126</sup> The Department interpreted this title to refer to the 1839 Allotment List and the associated 1845 Amendatory Reports (Anthony et al. 10/-/1839, List). See *Genealogical Evidence: Records Reviewed* under this criterion for more a detailed discussion of these documents.

<sup>127</sup> The Department interpreted this title to refer to the 1901 Miller Roll and the 1906 Final Claims Roll (BIA 12/31/1901, G. Miller 1/8/1906). See *Genealogical Evidence: Records Reviewed* under this criterion for more a detailed discussion of these documents.

<sup>128</sup> The Department interpreted this title to refer to the claims roll entitled "Roll of Brothertown Indians of Wisconsin as of September 27, 1967" (1967 Claims Roll) containing 702 names (BIA 12/23/1969). See *Genealogical Evidence: Records Reviewed* under this criterion for more a detailed discussion of this document.

### Membership Application Process

Article II, Sections 3 and 4 of the group's 2007 governing document provides that enrollment ordinances passed by the governing body and enforced by the enrollment committee will govern the acquisition and forfeiture of membership.

The BIN petitioner's 2007 enrollment ordinance provides detailed definitions and procedures covering Article II of the group's constitution (BIN 5/12/2007). This enrollment ordinance expands the enrollment eligibility criteria to specifically include all persons who have at least one natural parent who is a member of the group and addresses membership eligibility for children of members who are adopted by non-members. There is no criterion excluding members who marry outside the group. The enrollment ordinance also describes detailed procedures for enrollment application, documentation, review, and certification. It addresses the qualifications, terms, and responsibilities of the group's enrollment committee, provides for the certification of the group's membership roll, and provides criteria and procedures for withdrawal and restoration of membership. It also itemizes the restrictions and penalties incurred by dual enrollment. Procedures for appealing decisions of the enrollment committee and the governing body are also included in the BIN 2007 enrollment ordinance.

The BIN petitioner submitted blank sample application forms, including

- A one-page questionnaire for applicants requesting personal information on the applicant and the applicant's spouse (BIN 1982), and
- A three-page "application for enrollment," which requires the applicant's signature, address, and telephone number, and the names of the applicant's parents, grandparents, and great-grandparents (BIN 1981).

OFA examined the documentation provided in 3,230 BIN enrollment files provided by the petitioner and entered into the Department's annotated genealogical database information from the files that verified generation-by-generation descent for members in the petitioner's genealogical database (BIN 2005, Enrollment Files). The petitioner did not submit enrollment files for all current members, but did submit enrollment files for some individuals who are not members, often parents or children of current members. As a result, there are more enrollment files (3,230 total) than current members (3,137). The ancestry of some of the current members without enrollment files in the record are documented in the enrollment files of their children. The enrollment files provided highly useful information for verification of current members' names, birthdates, and claimed ancestry as shown on the petitioner's current membership list.

Almost all enrollment files contained copies of the following seven items, which provide some information on the membership application process:

- A cover sheet giving the member's name, membership number, birth date, 1901 Roll ancestor and 1839 Roll ancestor;
- An enrollment application with full name and address, names of spouse, children, and parents, additional personal information, an assertion of membership in the group, and the signature of the applicant (3 pages);
- A lineage form naming the member's parents, grandparents, and great-grandparents, and identifying the member's 1901 and 1839 ancestors (3 pages);
- A computer-generated ancestry chart, showing at least 3 generations ancestral to the applicant (ancestors who were members of a historical Indian tribe were not specified) (1-4 pages);
- A certified copy of the member's original birth certificate (a few files contained only certified abstract of the birth or baptismal record) (1 page);
- Copies of birth certificates, marriage certificates, and death certificates of parents and ancestors;
- A copy of the 1901 claims application of the member's claimed ancestor.

#### Documentation of Descent

The BIN petitioner specifies in its enrollment ordinance that the documents required of group members to substantiate descent from the historical Indian tribe are birth certificates, death certificates, marriage licenses, baptismal records, copies of probate findings, or affidavits. The BIN petitioner submitted documents adequate to demonstrate how its membership meets the group's own membership criteria in most of the 3,230 member enrollment files provided. Most of these files contained primary records as well as lineage and ancestry charts describing generation-by-generation descent for every generation between the member and the 1901 Claims Roll ancestor. However, some of the primary records do not adequately verify parentage (see discussion under Summary below).

#### Termination, Severance, or Restoration of Membership

The BIN petitioner's 2007 enrollment ordinance specifies procedures for terminating or severing membership and for restoration of membership (BIN 5/12/2007).

### **Analysis of Current Membership List**

Of the 3,137 individuals named on the BIN petitioner's current (June 2008) membership list and in its electronic database, 54 members (about 2 percent) were not connected to ancestors earlier than parents or grandparents (BIN 6/21/2008, BIN 2008, FTM). In response to a request by Department for additional information for these individuals, the BIN petitioner provided enrollment files containing information on the claimed ancestry of these individuals. The petitioner also provided requested information for 9 members believed to be deceased, 12 members with surname or parentage discrepancies, and 57 members with member number discrepancies.

In the letter accompanying this information requested by the Department, the petitioner claims that “[t]he current BIN Roll was a continuation of the 1967 roll created by the Bureau of Indian Affairs . . . to distribute funds awarded them” (BIN 3/2/2009). The petitioner states that, using the 1967 Claims Roll as a base, “BIN’s genealogist in the 1980’s continued the roll, correcting numerous inaccuracies concerning . . . ancestry, removing many non-Brothertown Indians” (BIN 3/02/2009). The petitioner did not submit information about which individuals were “removed” from the 1967 Claims Roll or why they were considered to be “non-Brothertown.” The 1967 Claims Roll includes individuals who descend from ancestors listed on the 1839 Allotment List, but it does not identify members of a contemporary Indian entity. Thus, the petitioner’s current membership list is derived from a Federal document identifying descendants of individuals who were members of the Brothertown Indian Tribe of Wisconsin in 1839, but it does not derive from members of an Indian entity existing in 1967.

The number of members in the BIN petitioner has reflected steady growth since the petitioner’s 1996 membership list (see Appendix L in this PF). The later increases in membership may reflect the natural growth of families, but analysis of the current membership list indicates that a significant number of members’ minor children may not be currently enrolled (see discussion on potential growth below). The current membership list reveals only 41 members born during the 5 years preceding the creation of the 2008 membership list. For a membership of 3,137 members, this is an unusually small birth rate statistically (about 1 percent). Additionally, the membership includes descendants of new family lines which did not appear on previous lists. The BIN petitioner is encouraged to submit a statement for the FD addressing the variation in the composition of the group through time; that is, the notation of births, deaths, new enrollments, and disenrollments, or changes in enrollment policy accounting for the increase or decrease in members through time.

The analysis for this PF finds potential for significant increase in membership. The BIN petitioner’s genealogical database includes many descendants who are siblings, children, or grandchildren of current members but who are not found on the petitioner’s current membership list. It is not clear whether these are individuals who are in the “process of enrolling,” have declined membership, or are members of another group. The BIN petitioner’s current governing document specifies that all members must descend from a family identified in the appendix of Love’s book about Samuel Occom and from the 1839 Allotment List or the 1901 Miller Roll or the 1967 Claims Roll (Love 1899; Anthony et al. 10/-/1839, List; BIA 12/31/1901; BIA 12/23/1969). Because many of the families in the appendix of Love’s 1899 book and many of the individuals on the required lists do not have descendants in the BIN petitioner, there is a possibility of a very large number of persons eligible to join the petitioner who are unrelated to current members and who have never been identified as members of the petitioner or the historical Brothertown Indian tribe of Wisconsin. There are 570 individuals listed on the 1901 Miller Roll and 255 individuals on the 1906 Final Claims Roll, a total of 825 individuals claiming Wisconsin Brothertown descent, at least 600 of whom do not have any descendants enrolled in the BIN petitioner (BIA 12/31/1901, G. Miller 1/8/1906). Also, 173 individuals (25 percent) of the 702 New York Brothertown Indian descendants listed on

the 1967 “Roll of Brotherton Indians of Wisconsin as of September 27, 1967”<sup>129</sup> are not listed in the petitioner’s genealogical database and may be eligible for membership in the petitioner (BIA 12/23/1969). The BIN petitioner has not made any statement regarding the admission of new members, nor expressed an intent to expand its membership to include the descendants of these individuals. However, the petitioner’s membership criteria would allow the group to include any individuals who can demonstrate descent from an ancestor on the 1839 or 1901 or 1967 lists.

### **Petitioner’s Claims of Descent**

The BIN petitioner claims the “historic Brothertown [New York] families” as their primary ancestors (see membership requirements under criterion 83.7(d)) based on the petitioner’s 2007 governing document (BIN 1/20/2007). The petitioner identifies these families as those named in the appendix of W. DeLoss Love’s book *Samson Occom and the Christian Indians of New England* (Love 1899). There are 55 surname-specific families of the historical Brothertown tribe of New York profiled in the genealogical appendix of Love’s 1899 book, many of whom intermarried (Love 1899).

The BIN petitioner did not provide a specific list of the families profiled in Love’s 1899 book, from whom BIN members are required to demonstrate descent, or any lists of current members descending from each family. The petitioner submitted genealogical reports (FTM descendant reports) for 16 ancestors or ancestral couples representing 15 different surnames. All but one of the individuals representing these 15 surnames are identified in the appendix of Love’s 1899 book and the petitioner’s genealogical database links current members to 14 of the 15 surname-specific ancestors or ancestral couples (BIN 2005, Genealogical Reports). The petitioner did not include any explanation of why the progenitors shown on these reports should be regarded as Brothertown Indian ancestors or how the progenitors related to individuals demonstrated as members of the historical Brothertown Indian tribe of Wisconsin on the 1839 Allotment List.

The petitioner did not require its members to document descent from these claimed New York Brothertown Indian ancestors profiled in Love’s 1899 book prior to the group’s 2007 governing document (BIN 1/20/2007; BIN 1988; BIN 1996; BIN 9/14/2002). Nor were members specifically allowed the option of claiming descent from a person on the 1967 Claims Roll before the 2007 governing document (BIA 12/23/1969). Previous governing documents only required members to demonstrate descent from the 1839 Allotment List and addenda, or from the 1901 Miller Roll and associated addenda (Anthony et al. 10/-/1839, List; BIA 12/31/1901; BIN 1988; BIN 1996; BIN 9/14/2002). However, these previous governing documents did allow members to use “any other substantiating evidence as needed to establish their descendancy from a Brothertown Indian ancestor on the above [1839 or 1901] certified rolls” (BIN 1/20/2007).

The petitioner’s current governing document treats the 1839 Allotment List, the 1901 Miller Roll, and the 1967 Claims Roll as lists of ancestors belonging to a Brothertown

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<sup>129</sup> The 1967 Claims Roll was dated September 29, 1967, but was not published until December 23, 1969.

Indian entity (BIN 1/20/2007; Anthony et al. 10/-/1839, List; BIA 12/31/1901; BIA 12/23/1969). The 1839 Allotment List does present a list of members of the historical Brothertown Indian tribe of Wisconsin compiled by the tribe in compliance with the Congressional Act of March 3, 1839. However, the 1901 Miller Roll and the 1967 Claims Roll identify only Indian descendants and do not identify members of the historical Wisconsin Brothertown Indian tribe or any Wisconsin Brothertown Indian entity that may have existed in 1901 or 1967. The 1901 Miller Roll did rely upon a “roll” compiled by the Brothertown Business Committee (1901 Business Committee Roll) that identified members of the Brothertown Indian descendants in Wisconsin and Minnesota in 1901 (BIA 12/31/1901, Brothertown Business Committee 11/30/1901). The Committee did not state the criteria used for including the individuals listed on the 1901 Business Committee Roll. The petitioner provided no annotation for any of these lists to indicate which individuals were claimed as Wisconsin Brothertown Indian ancestors of the petitioner’s members.

The petitioner’s 2008 membership list identifies a claimed Indian ancestor on the 1839 Allotment List and on the 1901 Miller Roll for almost all members. A few members have no ancestors listed, some have only an 1839 ancestor, and some have only a 1901 ancestor. Enrollment files submitted for the petitioner’s current members include an ancestry chart showing the member’s claimed lineage and a 1901 claims application for the member’s claimed 1901 Miller Roll ancestor.

The BIN petitioner submitted genealogical information in a FTM genealogical database which included numerous ancestors without specifically identifying them as Indians, or descended from or affiliated with the historical Brothertown Indian tribe of Wisconsin. The BIN petitioner did not submit any analysis, separate from the appearance of those historical individuals in the petitioner’s genealogical database or on the petitioner’s current membership list, describing or explaining these ancestors’ connection to the historical Brothertown Indians of Wisconsin or New York. The BIN petitioner’s 2008 membership list, genealogical database, and charts generated with the database provide some indication of whom the petitioner’s members claim as Brothertown Indian ancestors (BIN 6/21/2008; BIN 2008, FTM; BIN 2005, Genealogical Reports). The BIN genealogical database contains references to primary records and secondary sources which provide historical information on members’ ancestors but the BIN petitioner submitted copies of only a few of the original documents. The comment period provides the BIN petitioner the opportunity to document its members’ ancestors and clearly explain their connection to the historical Brothertown Indian tribe of Wisconsin, and to submit copies of records cited in the groups’ petition materials.

### **Genealogical Evidence: Records Reviewed**

The regulations describe types of evidence that are acceptable to the Secretary under §83.7(e)(1)(i-v). However, the acceptable evidence is not limited to the categories listed in the regulations. The OFA researchers reviewed numerous historical documents relating to the Indians residing at Brothertown, Calumet County, Wisconsin, some of

which the BIN petitioner did not submit but which OFA located. These records included rolls, testimony, and reports for the Court of Claims in 1901, 1903, and 1906 (BIA 12/31/1901, G. Miller 1903, G. Miller 1/8/1906); Federal and State documents such as the 1839 Brothertown Allotment List and 1845 amendatory report (see Appendix B in this PF; Anthony et al. 10/-/1839, List); the 1901 Miller Roll and Brothertown Committee Roll (BIA 12/31/1901; Brothertown Business Committee 11/30/1901); the 1840 to 1870 Federal censuses of Calumet County, Wisconsin (see Appendices C through F; U.S. Census 1840, 1850, 1860, 1870); and the Wisconsin State censuses of 1875 and 1905 (Wisconsin 1875, 1905). OFA researchers also utilized online electronic databases, such as Ancestry.com (U.S. census indices and images), to verify information or locate additional records.

Individuals found in these records and documented as members of the Brothertown Indian tribe of Wisconsin or descendants of the Brothertown Indian tribe of Wisconsin, who are claimed or demonstrated ancestors of the petitioner's members, are listed in Appendices M and N, along with their birth and death dates, spouses' names, and roll or list or application numbers. The following section outlines the types of records used to verify and evaluate the BIN petitioner's claims.

(1) Rolls prepared by the Secretary on a descendancy basis

The 1839 Allotment List for the Brothertown Indians of Wisconsin was prepared under the provisions of the Act of 1839 (Anthony et al. 10/-/1839, List). That Act required tribal leaders to submit a list of all tribal members eligible to be allotted reservation land. Therefore, in contrast to later descendancy rolls for the purpose of claims that the Department later prepared for Brothertown descendants, the 1839 Allotment List is considered to be not only a descendancy roll but also a tribal membership list prepared for the purpose of land allotment. Documents associated with the 1839 Allotment List include an allotment report, a list of individuals, and a map of allotted lands. The 387 individuals named on the 1839 Allotment List and on an accompanying 1840 map and 1845 amendatory reports, identify the members of the historical Brothertown Indian tribe of Wisconsin who were allotted land based on their membership in the tribe (Anthony et al. 10/-/1839, List).<sup>130</sup> These documents give only the names of individuals, their number on the list, and the lots that they were assigned. Birth dates, ages, and family relationships are not included. Considered together, these documents provide a membership list of the historical Brothertown Indian tribe of Wisconsin in 1839.

In 1901, Guion Miller, Special Agent of the Office of Indian Affairs, was charged with compiling a "[r]oll of the individual beneficiaries of the Brothertown Tribe of New York Indians living December 31, 1901 and entitled to participate in the fund arising from the judgment of the Court of Claims in favor of the New York Indians, rendered November 14, 1898, for which appropriation was made by Act of Congress of February 9, 1900" (BIA 12/31/1901). The 1901 Miller Roll is a roll of individuals descending from members of the Brothertown Indian tribe of Wisconsin, and thus from

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<sup>130</sup> See additional discussion of 1839 allottees and the 1839 Allotment List under criterion 83.7(b) and this criterion as well as information in Appendices B and M in this PF.

the Brothertown Indian tribe of New York from which it evolved, who were eligible to receive claims distributions from the Federal Government. Guion Miller, as Special Agent of the Office of Indian Affairs, prepared this roll for use by the Court of Claims. He requested and received the “Roll of the recognized Members of the Brothertown Tribe” provided by the Brothertown Business Committee (1901 Business Committee Roll) which Miller incorporated into his 1901 list of Brothertown descendants (1901 Miller Roll) (Brothertown Business Committee 11/30/1901, BIA 12/31/1901). Miller collected and evaluated applications, collected testimony about applicants’ ancestry and membership in the tribe, and prepared the roll which was approved in 1901. The 1901 Miller Roll lists 570 descendants of the Brothertown Indian tribe of NY, including 209 individuals who were named as members of the Brothertown Indian tribe of Wisconsin by the Brothertown Business Committee on the 1901 Business Committee Roll (BIA 12/31/1901, Brothertown Business Committee 11/30/1901). Miller listed an additional 255 descendants of the Brothertown Indian tribe of NY in a final decree in 1906 (1906 Final Claims Roll), bringing the Brothertown descendants entitled to payments awarded under *The New York Indians v. The United States* to a total of 825 (G. Miller 1/8/1906, U.S. Court of Claims 6/13/1906). The 1901 Miller Roll and supplemental lists included 616 individuals (825 minus 209) who were not identified as members of the Wisconsin Brothertown Indian tribe by the Brothertown Business Committee. Miller included these additional 616 individuals because, according to U. S. law, they were descendants of the New York Brothertown Indians living in Wisconsin and nearby areas. These 616 individuals were not recognized by the Brothertown Business Committee as members of the Wisconsin Brothertown “tribe” because their mothers or grandmothers married outside of the tribe or because their ancestors were not allotted with the Brothertown Indian tribe in 1839. Therefore, the 1901 Miller list is not a membership roll for the Brothertown Indian tribe of Wisconsin.<sup>131</sup>

Overall, the 1901 Miller Roll, the 1906 Final Claims Roll and the 1901 claims applications are useful, contemporary sources for identifying living applicants, for directing the acquisition of primary documentation, and for baseline information on an applicant’s offspring (BIA 12/31/1901, G. Miller 1/8/1906, Claims Applications 1901). While the documents associated with the 1901 Miller Roll are “acceptable” forms of evidence, other forms of contemporary evidence, such as birth records and censuses, provide conflicting or supporting information. OFA used these sources to corroborate or refute ancestry claims made in the 1901 applications and the petitioner’s genealogical database.

The BIN petitioner submitted copies of 629 of the claims applications prepared for the 1901 Miller Roll, but some of these claims applications submitted by the petitioner were for descendants of tribes other than Brothertown, such as Oneida, Stockbridge, Montauk, and Munsee (Claims Applications 1901, BIA 12/31/1901). Additional 1901 claims applications were included in the 3,230 enrollment files submitted by the petitioner (BIN 2005, Enrollment Files), although many of these were the same applications as those submitted separately. The petitioner’s submission of these applications was extensive

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<sup>131</sup> See also Appendices I and N in this PF.

and the Department did not need to obtain additional applications in order to evaluate the claimed ancestry of the petitioner's members.

The Department obtained additional Federal documents containing testimony collected by Guion Miller to substantiate or augment information on the 1901 claims applications for the 1906 Final Claims Roll, including portions of two reports on admitted Brothertown claims and a portion of miscellaneous testimony (G. Miller 1/8/1906, G. Miller 1903). The BIN petitioner also submitted excerpts from a report on admitted claims dated approximately 1904 as well as a 65-page index to names of New York Indian claimants showing accepted and rejected claims, family relationships, and tribal affiliations (G. Miller 1904, BIA n.d.). The latter document listed individuals who descended from a large number of tribes, not just Brothertown Indians of New York.

The petitioner submitted a copy of the 1967 Claims Roll, prepared as a result of the Act of September 27, 1967 (81 Stat. 229) which directed the U.S. Indian Claims Commission (Docket Number 75) to prepare three "rolls of all persons born on or prior to and living on the date of this Act" identifying (a) the members of the Oneida Tribe of Indians of Wisconsin, (b) the members of the Stockbridge-Munsee Indian Community of Wisconsin, and (c) "Brotherton Indians of Wisconsin of at least one-fourth degree Emigrant New York Indian blood and not members of either of the organized groups mentioned in (a) or (b)." The individuals on the "Roll of Brotherton Indians of Wisconsin as of September 27, 1967" (1967 Claims Roll) were identified as individual descendants of the Brothertown Indians of Wisconsin, but were not identified as members of an existing Indian entity (BIA 12/23/1969). Therefore, this list is not a membership roll for Brothertown Indians of Wisconsin.

The 1967 Claims Roll includes the name, address, sex, and date of birth, degree of "ENY"<sup>132</sup> blood, roll of ancestor (1839 or 1901), "No." and name of ancestor,<sup>133</sup> and the relationship of enrollee to ancestor for each claimant (BIA 12/23/1969). The roll lists 702 individuals and provides the claimed 1839 or 1901 ancestor of all but 14 of these claimants. Ancestry discrepancies on the 1967 Claims Roll identified by OFA researchers include (a) 97 individuals claiming descent from a collateral relative and not a direct ancestor, (b) 72 individuals claiming descent from an uncertain or inaccurate ancestor, and (c) 14 individuals with no listed ancestor.

## (2) State, Federal or other official records

Eight decennial U.S. censuses taken in 1850, 1860, 1870, 1880, 1900, 1910, 1920, and 1930 (U.S. Census 1800-1880, 1900-1930) provided information on persons residing in Wisconsin and Minnesota, and other areas where some of the petitioner's ancestors lived. The BIN petitioner submitted abstracts and copies of portions of some census records for

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<sup>132</sup> Emigrant New York Indian

<sup>133</sup> The numbers provided for 1839 ancestors on the 1967 Claims Roll do not correspond to the Case numbers for 1839 Brothertown allottees but the numbers provided for the 1901 ancestors do correspond to those on the 1901 Miller Roll (BIA 12/23/1969; Anthony et al. 10/-/1839, List; BIA 12/31/1901).

selected towns and counties as well as copies of census indexes compiled from Family Quest (Heritage Quest™) and Ancestry.com websites. The BIN petitioner provided only limited annotations identifying selected members of the BIN or ancestors of the petitioner's members and then only in the genealogical database, not on the census copies. The OFA researchers examined the submitted documents, as well as full copies of these censuses available at the National Archives and Records Administration (NARA) and on websites such as Ancestry.com. However, due to the large number of members in the BIN petitioner, the OFA researchers were unable to reach a reliable determination of the number of individuals claimed by the petitioner as members or ancestors of members who were enumerated in each of these records (see also discussion of censuses under criterion 83.7(b)).

The 1840 and later censuses enumerated some of the petitioner's claimed ancestors, in Calumet County and elsewhere in Wisconsin and in Minnesota, some of whom were recorded as "Indian." Census records in 1850 and later provided genealogical information, such as age, year of birth, place of birth, relationships, and parents' birthplaces. This information was useful in verifying the descent information for the petitioner's members and their ancestors, both Indian and non-Indian.

The BIN petitioner submitted photocopies of several State and County marriage and death records for individuals the BIN petitioner claims are members or ancestors of members. These included 6 marriage records for unions recorded between 1788 and 1968, and 9 death records for individuals who died between 1909 and 2001.

The petitioner submitted and OFA researchers obtained some historical Wisconsin records such as the State censuses of 1875 and 1905, State birth and death extracts (using Ancestry.com), and Calumet County land records dealing with the lands allotted to members of the historical Brothertown Indian tribe living at Brothertown, Wisconsin (Wisconsin 1875, 1905; Anthony et al. 10/-/1839, List). These documents assisted OFA in the verification of other records and provided information helpful in building a database of historical Brothertown Indian individuals (see Appendix M in this PF) and in identifying the BIN petitioner's claimed ancestors living at Brothertown, Wisconsin, from 1839 to the present.

### (3) Church, school, and other similar enrollment records

A few baptismal certificates were included in the petitioner's enrollment files in lieu of birth records (BIN 2005, Enrollment Files). No other church record or school records were submitted by the petitioner or located by OFA researchers that provided descent documentation.

(4) Other records or evidence

(a) County, City and Family Histories and Commentaries, and Personal Records

The BIN petitioner derived much of the information used in its historical narrative from academic publications on the history of the historical Brothertown Indians of New York (see also discussion under criteria 83.7(a) and 83.7(b)). Only one of these publications, the book by W. DeLoss Love, *Samson Occom and the Christian Indians of New England*, provided names of and relationships between individuals living in New York or Wisconsin, who were identified as Indians of the historical Brothertown Indian tribe of Wisconsin (Love 1899). Although the genealogical information supplied by the appendix in this book does not cite specific sources for the marriage, birth, and death information contained therein, the author's original preface refers to manuscripts, diaries, and official records as original sources. However, the families and descendants named in the book do not fully account for the individuals listed on the 1839 Allotment List and the genealogy includes many individuals who did not move to Wisconsin and thus are not part of the historical Brothertown Indian tribe of Wisconsin.

The BIN petitioner submitted a number of articles and extracts from local histories, professional journals, and personal records, but these documents contained very little genealogical information regarding family relationships or information useful for verifying descent from the historical Brothertown Indians living in Wisconsin. Several academic studies in the current record describe the individuals and groups in the vicinity of or associated with Brothertown, Wisconsin.

(b) Oral Histories

The BIN petitioner submitted 11 interviews with members born before 1935. In 2008, OFA conducted 24 interviews with 30 people, 3 of whom were born in Calumet County, Wisconsin, before 1935. All informants claimed descent from the historical Brothertown Indian tribe of Wisconsin. These interview transcripts included a discussion of individual ancestors, relatives and kinship relationships, and memories of neighbors and schoolmates. These records provided some limited insight into the petitioner's claimed relationships and activities (see discussion under criterion 83.7(b)), and contained some genealogical information on parents, grandparents, siblings, and cousins. However, what little information was obtained about ancestors was primarily anecdotal "family tradition." If information on the relatives discussed in the oral histories is not provided elsewhere in the record, the petitioner needs to provide photocopies of birth, marriage, and death records, or other reliable evidence to substantiate claims made in the oral histories.

(c) Personal Information

The BIN petitioner submitted 15 descendant charts (BIN 2005, Genealogical Reports), created with the petitioner's FTM genealogical database, for historical individuals or couples who are identified as Brothertown Indians of New York (ancestors to

Brothertown Indians of Wisconsin) by Love in 1899. The BIN did not label current members of the petitioner, nor individuals who were members of the historical Brothertown Indian tribe of Wisconsin on these charts.

The BIN petitioner submitted copies of 3,230 enrollment files for members and non-members containing birth, baptismal, marriage, and death records as well as individual ancestry charts (BIN 2005, Enrollment Files). Enrollment files for some members were missing but often information for those missing files was included in the files for the member's offspring. Member information, personal data, and kinship relationships are compiled in the petitioner's FTM genealogical database (BIN 2008, FTM). OFA researchers confirmed some of the dates and relationships for some individuals included on the ancestry charts and in the genealogical database through examination of census records and other sources.

(d) Other Sources

Numerous newspaper articles dating from 1839 to 2006 are found in the record, including 22 obituaries, which provided some confirmation of genealogical information. However, the reliability of newspaper accounts varies according to the type of event, the source of information, and the perspective of the writer. For example, contemporary notices of marriages, births, or deaths are generally more reliable than reminiscences of genealogical connections to historical figures. The obituaries provided some verification of genealogical information on the individuals discussed, such as birth or death dates, and names of spouses, children, siblings, and parents.

### **Analysis of Descent from a Historical Indian Tribe**

Based on information in the current record, 1,593 of the petitioner's current 3,137 members (51 percent) have documented their descent, generation by generation, from a member of the historical Brothertown Indian tribe of Wisconsin as identified on the 1839 Allotment List (Anthony et al. 10/-/1839, List).

The current record also illustrates that an additional 1,309 BIN members (42 percent) descend from individuals who were part of the historical Brothertown Indian tribe of Wisconsin but their descent is not documented. Seven percent of the petitioner's members (235 of 3,137) do not link to an ancestor who is identified as a member of the historical Brothertown Indian tribe of Wisconsin, based on lineage information provided by the petitioner or information obtained by the Department.

### Analysis of Claimed Ancestors

The BIN petitioner, claiming the historical Brothertown Indian tribe of Wisconsin as its historical tribe, defined four documents in its 2008 constitution as those naming its historical Indian ancestors:

- the appendix of W. DeLoss Love's book, *Samson Occom and the Christian Indians of New England* (Love 1899),
- the 1839 Allotment List (Anthony et al. 10/-/1839, List) and addenda,
- the 1901 Miller Roll (BIA 12/31/1901) and addenda, and
- the 1967 Claims Roll (BIA 12/23/1969).<sup>134</sup>

OFA reviewed these documents and determined that only the 1839 Allotment List is a list naming members of the historical Brothertown Indian tribe of Wisconsin (Anthony et al. 10/-/1839, List). This document names members of the Brothertown Indians of Wisconsin who were eligible and received allotments of land in 1839 from the former Brothertown reservation in Calumet County, Wisconsin. It is the best evidence of the membership of the historical Brothertown Indian tribe of Wisconsin since it was created by the tribe in compliance with the Act of 1839. This list, along with an 1840 map and the 1845 Amendatory Reports, identifies 387 individual Wisconsin Brothertown tribal members. Appendix B in this PF contains the name of the 1839 allottees listed on the 1839 Allotment List and in the associated 1845 amendatory report. Appendix M in this PF lists the names of the petitioner's claimed ancestors appearing on the 1839 Allotment List and the number of current BIN members descending from them.

Some 1839 allottees never moved to Wisconsin, nor did their descendants leave New York. Two of these allottees, Asa Dick and Rhodolphus/Rodolphus Paul, who both were born and died in New York, have descendants (Dick 128, Paul 23) in the BIN petitioner. None of the known descendants of Rhodolphus/Rodolphus Paul ever resided in Wisconsin or outside of New York as far as the current record shows. Some allottees moved to Wisconsin to receive their land and then sold the land and moved back to New York.

Some individuals moved to Wisconsin too late to receive an allotment and were not listed on the 1839 documents, but were included on the 1901 Miller Roll as descendants of the Brothertown Indian tribe of New York based on testimony for 1901 applicants. One of these individuals, Thomas DeWayne Hammer (1814-1889), is an ancestor of 124 current BIN members. He moved from New York to Calumet County, Wisconsin, in about 1841. He did not receive an allotment and was not included on the 1839 Allotment List or named in the 1845 Amendatory Reports. However, 21 of his descendants are listed on the 1901 Miller Roll, although they were not included on the 1901 Business Committee Roll of recognized Wisconsin Brothertown tribal members.

Mary Elizabeth (Hammer) Modlin (1816-1872), the sister of Thomas DeWayne Hammer and ancestor of 137 current members of the BIN petitioner, arrived in Calumet County, Wisconsin, between late 1839 and the end of 1840. She brought with her an infant son, George Hammer (1839-1913), and gave birth to at least four of her next seven children in Calumet County between 1840 and 1859. Although Mary Elizabeth (Hammer) Modlin arrived almost immediately after the 1839 allotments, she herself was not included in the allotments because she had married "outside" the tribe and was no longer considered by

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<sup>134</sup> See description and discussion of these documents in sections on Membership and Genealogical Evidence under this criterion.

the tribe to be a tribal member. Other New York Brothertown women who, like Mary Elizabeth Hammer, had married “outside” the tribe, were likewise omitted from participation in the 1839 land allotments, even though they lived alongside the members of the Wisconsin Brothertown Indians and some of their children intermarried with Wisconsin Brothertown tribal members. Guion Miller later included descendants of these women and their children in the 1901 Miller Roll as Brothertown descendants, including one daughter and four grandchildren of Mary Elizabeth (Hammer) Modlin, but these women and their children were not included on the 1901 Business Committee Roll of recognized Wisconsin Brothertown tribal members.<sup>135</sup>

Although the 1839 Allotment List names allottees together in family groups, it is not a simple document to interpret. There are numerous individuals on the 1839 Allotment List with the same name, or similar names, making it difficult to determine whether particular ancestors of the BIN petitioner were the same persons as those named on the 1839 Allotment List. Allottees ages are not provided on the 1839 Allotment List<sup>136</sup> (see Appendix B in this PF for an interpretation of the list). For example, on the 1839 Allotment List there are three women named Elizabeth Dick, four named Hannah Dick, three named Harriet Dick, three named Mary Fowler, three men named John Dick, and three men named Laton Dick. To sort out the correct identities, OFA utilized Federal documents issued as addenda to the 1839 Allotment List, plat maps, and State and Federal censuses.

The appendix in W. DeLoss Love’s 1899 book identifies Indians from several New England tribes who were considered members of the Brothertown Indian tribe of New York. Descendants of some of the named progenitors moved to Wisconsin and became part of what evolved into the Brothertown Indian tribe of Wisconsin. Some received allotments of land in Wisconsin even though they did not move to Wisconsin until after the allotments were assigned or in some cases never moved to Wisconsin. Thus, the appendix in Love’s book cannot be considered a list of members of the Brothertown Indian tribe of Wisconsin, but presents information for some of the members of the Wisconsin Brothertown Indian tribe as well as for their ancestors who were members of the Brothertown Indian tribe of New York, a precursor tribe from which the Wisconsin Brothertown Indian tribe evolved. This document did not provide information useful for identifying the members of the Brothertown Indian tribe of Wisconsin in 1839. However, it does provide ancestry information helpful in distinguishing individuals who have the same or similar names on the 1839 Allotment List.

There are 55 surname-specific families profiled in Love’s 1899 work (Love 1899). However, the petitioner submitted genealogical reports (FTM outline descendant reports) for only 15 of these, even though the petitioner’s members also descend from several other families. Descendants of several of the remaining 40 families later married into the families outlined by the petitioner and are thus also ancestors of the petitioner’s members.

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<sup>135</sup> See additional discussion of the 1901 Miller Roll under criterion 83.7(b) and under this criterion.

<sup>136</sup> Ages shown on Appendix B in this PF are derived from census records.

Descendants from most of the 55 families moved to Wisconsin between 1831 and 1845, although many family members stayed behind in New York.

The 1901 Miller Roll (BIA 12/31/1901) lists descendants of the Brothertown Indians of Wisconsin who were eligible to receive judgment awards as descendants of the New York Indians in the U.S. Court of Claims (Case No. 17,861) and is just one of several lists compiled for the New York Indians claims case. This claims case included descendants of “Six Nations of New York,” portions of which combined to form the Brothertown Indian tribe of New York. The 1901 Miller Roll is not a list of tribal members and does not identify an Indian entity, but it is a list of Indian descendants with a specified tribal origin particularly for the Brothertown Indians tribe of Wisconsin. Guion Miller, the Special Agent assigned to enumerate the New York Indians, including the Brothertown Indians of Wisconsin, considered a list submitted by the Brothertown [Wisconsin] Business Committee as a list of its members. The criteria used by the committee to compile the list of names submitted to Miller is not known, but the list did not include the names of women who had married “outside” of the tribe or their children. The committee’s list contained the names of “209 members.” The Government’s 1901 Roll listed 570 descendants of the Brothertown Indians of Wisconsin, including descendants of women who had “married out” of the tribe and were excluded from the 1839 allotment distribution. An additional list of 255 descendants was approved by the Court of Claims in 1906 (G. Miller 1/8/1906), bringing the total to 825 descendants.

Identifying the Wisconsin Brothertown descendants named on the 1901 Miller Roll was facilitated by the information contained on the individual applications submitted to the Government. These applications included names of children, parents, and grandparents, as well as residence and spousal information, and thus providing information which assisted OFA researchers in linking them to an individual living in 1839 who was a member of the historical Brothertown Indian tribe of Wisconsin. The Federal censuses of 1850 through 1900, which were not available to Miller in the early 1900s, also assisted OFA in the identification of parents, spouses, and children of the 1901 claimants. Appendix N in this PF lists the names of the petitioner’s claimed ancestors appearing on the 1901 Miller Roll and the 1906 Final Claims Roll (BIA 12/31/1901, G. Miller 1/8/1906).

The petitioner submitted a 72-page document entitled “Roll of Brotherton Indians of Wisconsin as of September 27, 1967” (BIA 12/23/1969), which included a cover page certifying that it is the “roll of Brotherton Indians of Wisconsin” and “contains only the names of those persons determined to meet the requirements of the Act of September 27, 1967.” This cover page displays a certification by Harold L. Laroche, Tribal Operations Officer. This is a descendency list of individuals who are eligible for payment distribution based on their ancestry. It is not a list of tribal members and does not identify an Indian entity. However, it is a list of Indian descendants of a specified ancestry, identified by the title as the Brothertown Indian tribe of Wisconsin.

The 1967 Claims Roll for the Emigrants of New York Indians (ENY) lists 702 descendants of the Brothertown Indian tribe of Wisconsin, both adults and minors, and,

for all except 14 of the claimants, identifies their claimed 1839 or 1901 ancestor, including that ancestor's relationship to the person listed. Of these 702 claimants, 581 (83 percent) are listed in the petitioner's FTM genealogical database, including 235 (33 percent of those listed on the 1967 Claims Roll and included in the 581 mentioned above) current members of the BIN petitioner.<sup>137</sup> A total of 290 individuals listed on the 1967 Claims Roll have descendants in the current BIN membership. This document is helpful in identifying the claimed 1839 ancestors of current BIN members but does not provide documentation of descent from the historical Brothertown Indian tribe of Wisconsin.

#### The BIN Petitioner's Genealogical Database

OFA reviewed the BIN petitioner's genealogical database, using documents in the 3,230 enrollment files, genealogical reports (ancestor descendant charts), membership lists, and other documents in the record (BIN 2008, FTM). OFA staff entered into the petitioner's genealogical database the membership numbers of all current members of BIN, 1839 Allotment List numbers for individuals receiving Wisconsin Brothertown allotments, and 1901 Miller Roll numbers and 1967 Claims Roll numbers for individuals appearing on those lists, while clarifying discrepancies in spelling and dates. Later in the analysis process, OFA staff entered additional information such as whether an individual appeared on current or past membership lists, whether an individual's parentage had been verified, whether an individual's generation-by-generation links were verified back to the 1901 Miller Roll, and whether an individual's ancestry was verified back to a member of the historical Brothertown Indian tribe of Wisconsin in 1839. The descent conclusions presented in this PF were calculated from the Department's augmented FTM genealogical database.

The BIN petitioner's genealogical database included additional historical individuals whom the petitioner's members claimed as ancestors and who were not specifically claimed as Indian, or who were not affiliated with the historical Brothertown Indian tribe of Wisconsin (BIN 2008, FTM). The BIN petitioner did not submit a narrative or analysis for criterion 83.7(e) describing or explaining its members' ancestry claims, their connection to the historical Brothertown Indian tribe of Wisconsin, or their connection to the individuals on the 15 "genealogy reports." Current BIN members were not annotated as such in the petitioner's genealogical database and this information was entered by OFA researchers.

The comment period provides the BIN petitioner the opportunity to submit documentation that verifies dates and relationships, identifies claimed historical Brothertown ancestors, and demonstrates descent from the historical Brothertown Indian tribe for each member, and to ensure that the petitioner includes copies of all source documents cited in the group's petition materials. The BIN petitioner's 2008 genealogical database (BIN 2008, FTM) cites birth certificates or secondary sources such as "personal

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<sup>137</sup> This list was not annotated by the petitioner to indicate current members or if any of the persons on the 1967 Claims Roll are their ancestors, or are other relatives of the petitioner's members. The petitioner is encouraged to make such annotation for the FD.

history” or ancestry charts for its members. However, these documents and sources for the data cited in ancestry charts, or appearing on family group sheets and descendant charts often were not submitted. Thus, OFA researchers were unable to verify birth dates, birthplaces, parents’ names, marriage dates and spouses’ names, or children’s names except for those members and their ancestors documented in the 3,230 enrollment files. However, OFA corrected and clarified information for modern and historical individuals in the FTM genealogical database, citing the evidence wherever warranted, based upon review of Federal census records or other documentary evidence in the record.

### Summary of the Petitioner’s Descent from the Historical Tribe

OFA’s analysis of the documents in the record concluded that the evidence demonstrated complete generation-to-generation descent from an individual known to be a member of the Wisconsin Brothertown Indian tribe for 51 percent (1,593 of 3,137) of current BIN members. OFA’s evaluation also indicates that an additional 42 percent (1,309) of current BIN members have illustrated descent from at least one member of the historical Wisconsin Brothertown Indian tribe but the current available record does not contain the documentation to demonstrate that descent. The petitioner’s comments on the PF should include additional evidence to demonstrate the ancestry of these 1,309 members whose descent is not documented and any new members in the group.

The Department’s ability to verify all of the petitioner’s members, generation-by-generation back to their 1839 ancestors was hampered by the absence of primary, or even reliable secondary, information on generations between 1839 and 1901, and sometimes between 1901 and 1930. OFA attempted to locate records to document these missing generations but was not always successful. The petitioner should provide documentation for all generations linking the member to the historical tribe. The BIN petitioner has the opportunity during the comment period to provide the evidence that links the current members to the preceding generations back in time to the historical Brothertown Indian tribe of Wisconsin.

The petitioner’s genealogical database includes 235 BIN members (7 percent of the group) who are not linked to ancestors on the Brothertown 1839 Allotment List. Nor did evidence in the record identify their earlier generations, i.e., those ancestors associated with the Brothertown Indian tribe of New York. These members, therefore, are not known to have forebears who participated in the 1839 allotment of lands at Brothertown, Wisconsin, or who were unallotted members of the historical Brothertown Indian tribe of Wisconsin. Included in these 235 BIN members are 37 members descending exclusively from Thomas DeWayne Hammer (1814-1889) and 135 members descending exclusively from Mary Elizabeth (Hammer) Fowler (1816-1872).<sup>138</sup> Also included are four members claiming descent from Milo Seketer (1830-?), Case #19 on the 1839 Allotment List, although genealogical information submitted by the petitioner’s indicates that these

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<sup>138</sup> An additional 89 BIN members claim descent from these two individuals but the available record ties them to other ancestors who were allotted in 1839. Therefore, these 89 BIN members were not included in the number of Hammer descendants without ancestors allotted in 1839.

members descend from a Milo Collins (Abt.1830-1898); the available record contains no evidence that these two individuals are the same person. The available record contains no birth parent information for nine current members of the BIN petitioner who are adopted, and thus their ancestry is unknown.

Appendix M in this PF lists the individuals on the 1839 Allotment List who have been identified as claimed, and in some instances verified, ancestors of the petitioner's members. The last column in Appendix M contains the number of members claiming descent from each ancestor. The total number of these member descendants is considerably more than the petitioner's current membership because many members descend from more than one Brothertown Indian ancestor. Intermarriage between ancestors and the enumeration of more than one generation within the same ancestral line on the 1839 Allotment list resulted in the total number of descendants from all ancestors being more than the actual number of descendants in the BIN membership.

Appendix N in this PF lists the individuals on the 1901 Miller Roll who have been identified as claimed, and in some instances verified, ancestors of the petitioner's members. There are fewer ancestral lines of descent from these ancestors than there are ancestors listed because the 1901 Miller Roll included not only adults, but offspring and sometimes elderly parents as well, meaning that a family line may have two or more direct ancestors on the roll.

Although demonstration of descent from an ancestor on the 1901 Miller Roll does not demonstrate descent from the historical Wisconsin Brothertown Indian tribe, verifying ancestry to individuals on the 1901 Miller Roll may help to provide a link back to the historical 1839 Brothertown Tribe of Wisconsin.

### Other Issues

Several members have verified descent to a collateral relative (e.g., an uncle or a great aunt) named on the 1901 Miller Roll<sup>139</sup> and, although this does not demonstrate direct descent, the verification of a member's ancestor as a sibling of an individual on the 1901 roll will link the member to the common parent, and then most likely to an ancestor on the 1839 Allotment List. The petitioner should consider the problem of "lateral descent" (from a collateral relative) when evaluating applicants' ancestry for membership.

Several members of the petitioner claim descent from individuals on the 1839 Allotment List or the 1901 Miller through collateral descent.<sup>140</sup> This descent relationship is demonstrated by Amelia "Millie" (Paul) Wamsley Smith (?-1850), from whom 57 current members of the BIN petitioner claim descent. Millie Wamsley was the sister of Nelson

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<sup>139</sup> Lateral ancestors on the 1901 Miller Roll claimed by current BIN members are Jane (Modlin) Lyons, who has no direct descendants in the petitioner and who had no known ancestor on the 1839 Allotment List, and Rosetta (Welch) McGill, who has no direct descendants in the petitioner but whose ancestor, Lucinda Brushel, was Case #214 on the 1839 Allotment List.

<sup>140</sup> Collateral descent is not direct parent-to-child descent. It traces descent through an ancestor who was a sibling to an individual listed on a historical roll or membership list.

Paul (Abt.1805-1899) and Elizabeth (Paul) Wiggins (1812-1861). Both Nelson Paul and Elizabeth Wiggins were included on the 1839 Allotment List but Millie Wamsley was not because she had married “outside” of the tribe and was no longer considered a member. Their father, Samson Paul (1778-?), was not included on the 1839 Allotment List. Their mother, Hannah (Brushel) Paul, identified in the appendix of Love’s 1899 book as the daughter of Samuel Paul, may be the Hannah Paul (Abt.1791-?) shown on the 1839 Allotment List as Case #135 (see Appendix B in this PF). If so, then Millie Wamsley’s descendants would be able to document their descent to an individual named on the 1839 Allotment List. However, the BIN petitioner’s genealogical database gives the maiden name of Samson Paul’s first wife as “Hannah Uncas.” The available record contains no information clarifying whether Hannah Brushel and Hannah Uncas are the same person. Without this clarification, the descendants of Millie Wamsley cannot claim descent from an ancestor on the 1839 Allotment List.

The comment period provides the BIN petitioner and interested parties the opportunity to better document their descent. The BIN petitioner may wish to provide an analysis of documents which it claims contain the names of members or ancestors of members, including highlighting or flagging the names of current members or ancestors of members shown in each document, or creating a separate list of the specific names in the document. If the identity of a person on the list is uncertain or incomplete, such as having only initials, or the wrong initials, or naming a person identified on another document in a different place at the same time, the BIN petitioner should include in its comments supporting documents or information to substantiate the identity of the claimed member or ancestor in question.

The BIN petitioner’s genealogical database and documents submitted by the petitioner indicate that many of the petitioner’s claimed ancestors married each other, thus merging surname lines. If the petitioner is unable to locate information to verify an “undocumented” generation in the ancestral line of one surname, documents may be available to verify every generation in a line of a different surname that married into the line lacking documentation.

### **Conclusion**

The June 24, 2008, BIN membership list names 3,137 living members, both adults and minors. However, it is incomplete, that is, it does not contain all maiden names, birth dates, and residential addresses. These technicalities may be corrected for the FD.

This PF finds that 51 percent (1,593 of 3,137) of current BIN members have demonstrated descent from an individual identified as a member of the historical Brothertown Indian tribe of Wisconsin. Such a low percentage of documented descent from the historical tribe does not meet the requirement of criterion 83.7(e).<sup>141</sup> However, this evaluation also finds that an additional 42 percent (1,309 of 3,137) have illustrated

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<sup>141</sup> No other petitioner for Federal acknowledgment has met criterion 83.7(e) with less than 80 percent of the membership documenting descent from the historical tribe.

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Criterion 83.7(e)

descent from the historical tribe. The Department expects that the petitioner can submit the necessary documentation for the FD to verify this claimed descent.

For these reasons, the BIN petitioner does not meet the requirements of criterion 83.7(e).

### **Criterion 83.7(f)**

**83.7(f) The membership of the petitioning group is composed principally of persons who are not members of any acknowledged North American Indian tribe.**

With the assistance of the Bureau of Indian Affairs' Great Lakes Agency and Midwest Regional Office in Minneapolis, Minnesota, the Department compared the BIN 2008 membership list to the current membership rolls of the following recognized tribes:

- Oneida Tribe of Indians of Wisconsin
- Stockbridge Munsee Community of Wisconsin
- Lower Sioux Indian Community in the State of Minnesota.

The Department identified 15 BIN members (less than 1 percent of 3,137) who are also enrolled with the Oneida Tribe of Indians of Wisconsin and an additional 26 BIN members who may be enrolled with the Oneida tribe, but whose identity could not be confirmed. A total of 41 members of the petitioner (about 1 percent of 3,137) may be enrolled with the Oneida tribe.

The Department identified 58 BIN members (about 2 percent of 3,137) who are also enrolled with the Stockbridge-Munsee Community of Wisconsin and an additional 41 BIN members who may be enrolled with the Stockbridge-Munsee tribe, but whose identity could not be confirmed. A total of 99 members of the petitioner (about 3 percent of 3,137) may be enrolled with the Stockbridge-Munsee tribe.

The Department found none of the BIN petitioner's members enrolled with the Lower Sioux Indian Community in the State of Minnesota.

### **Conclusion**

A review of the membership rolls of those federally recognized tribes that would most likely include the petitioner's members revealed that 73 members of the petitioner (about 2 percent of 3,137) are enrolled with an acknowledged North American Indian tribe. An additional 67 BIN members (about 2 percent of 3,137) may be enrolled with a federally recognized tribe. It is possible a total of 140 members of the BIN petitioner (about 4 percent of 3,137) may be enrolled with federally recognized tribes.

The evidence in the record shows the BIN membership is composed principally of persons who are not members of any acknowledged North American Indian tribe. Therefore, the BIN meets the requirements of criterion 83.7(f).

### **Criterion 83.7(g)**

**83.7(g) Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship.**

#### **Introduction**

Congress in March 1839 passed an Act “for the relief of the Brothertown Indians” in response to a memorial from those Indians. This Act allowed the Brothertown Indian tribe to distribute the lands of its reservation to its individual members and provided that if the tribe did so its members would become citizens. When the Brothertown Indian tribe complied with the provisions of the Act and submitted a report to the President of the United States, the Act provided that the tribe’s “rights as a tribe” and its “power of making or executing their own laws . . . shall cease” (U.S. Congress 3/3/1839). The Brothertown chose to utilize the Act passed at their request. They complied with its provisions by electing five members to serve as a board of commissioners who allotted the tribe’s reservation among its members and submitted the required report of their activities. The President received this report in November 1839.

The Act of 1839 stated that the Brothertown Indian tribe’s “rights as a tribe” recognized by the Federal Government, and specifically its power to act as a political and governmental entity, would “cease and determine,” that is, end and be limited permanently (U.S. Congress 3/3/1839). When the Brothertown Indian tribe complied with the requirements of the Act, this ban became effective. Because most of this petitioner’s members descend from members of the historical Brothertown Indian tribe at the time of the Act of 1839 (see criterion 83.7(e)), the limitation stated in that Act applies to this petitioning group. The acknowledgment regulations provide in this criterion that a petitioner whose Federal relationship has been terminated or forbidden cannot be acknowledged. Congress in the Act of 1839 brought Federal recognition of the relationship with the Brothertown Indian tribe of Wisconsin to an end. By expressly denying the Brothertown of Wisconsin any Federal recognition of a right to act as a tribal political entity, Congress has forbidden the Federal Government from acknowledging the Brothertown as a government and from having a government-to-government relationship with the Brothertown as an Indian tribe. The Act of 1839, by its “cease and determine” language, has both expressly ended and forbidden the Federal relationship for this petitioner.

The petitioner’s presentation for this criterion consists of a single paragraph in its submission in 2005 (BIN 2005, 118). The petitioner cites two documents as evidence for this criterion. The first is an affidavit by its tribal chairperson attesting that the quoted language of this criterion applies to the petitioning group (Lambert [12/19/2005]). The second is a copy of a memorandum written by the Acting Associate Solicitor, Division of Indian Affairs, of the Department of the Interior (Etheridge 8/19/1993). The petitioner offers a brief interpretation of the Act of 1839 in its submission in 1996 in a narrative entitled “83.7(a)” (BIN 1996, 70-71; see also, BIN 2005,

60-62). An affidavit stating that the petitioner meets the criterion is not evidence that is sufficient to meet the criterion. The Associate Solicitor's memorandum is discussed below in a section entitled "Prior Opinions of the Office of the Solicitor." This proposed finding evaluates evidence relating to the Act of 1839 in the following sections.

## Evaluation

### Intent of the Act of 1839

Congressional consideration of potential legislation that resulted in passage of the Act of March 3, 1839, began on March 26, 1838, when a memorial from Brothertown Indians was presented to the United States Senate. The *Journal of the Senate* described the memorial as one from "Daniel Dick and others," who were Brothertown Indians residing in Wisconsin Territory, that requested they "be allowed to become citizens of the United States" (Senate Journal 3/26/1838, 317). First the Senate Committee on Indian Affairs and later the Senate Committee on Public Lands considered the memorial, but neither committee reported a bill on behalf of the Brothertown (Senate Journal 4/5/1838, 338, and 7/7/1838, 551-552). The available evidence does not reveal that the House of Representatives received the memorial or considered the Brothertown request in 1838.

At the next session of Congress, a memorial from Brothertown Indians was presented to the House of Representatives on January 7, 1839. The petition requested "an act of Congress authorizing the Brothertown tribe to become citizens" and to have "the privilege of making the division . . . of their lands" into tracts with "individual" title (D. Dick et al. 10/18/1838). The *Journal of the House* described the memorial as one from a "tribe" that requested its members "be acknowledged citizens of the United States" and receive "an equal division of their lands" (House Journal 1/7/1839, 209). In response to the memorial, the House Committee on the Territories reported a bill, H.R. 1112 "for the relief of the Brothertown Indians," on February 6, 1839, and the House passed the bill without amendment on February 12 (House Journal 2/6/1839, 489, and 2/12/1839, 526; U.S. House 2/6/1839). The Senate Committee on Indian Affairs reported the House bill without amendment and the Senate passed it on March 3, 1839 (Senate Journal 2/28/1839, 292, and 3/3/1839, 351). No debate on the bill is noted in the records of the proceedings of either the House or the Senate. The President signed the bill the same day it passed the Senate. Thus, the public record of Congressional consideration of the bill reveals it passed quickly with no apparent controversy over its provisions.

Congress provided a statement of the purposes of this legislation only in the report on the bill by the House Committee on the Territories (U.S. House 2/6/1839). The Committee said it prepared the bill in response to the petition of the Brothertown Indians (p.1). It characterized that petition as a request "to be admitted to the rights of citizenship, and to have their lands partitioned and conveyed to them in fee simple" (p.3). It described the bill as "authorizing the Brothertown Indians to divide and partition their lands" to their individual members "in fee simple," and conferring "upon them the rights of citizenship" (p.4). The Committee thus described the bill as giving the Brothertown Indians what they had requested. It also emphasized, however, that the "first point" it considered "was the wishes and feelings of the people of Wisconsin Territory"

(p.3) because “the first duty of our Government is to our own citizens” (p.4). The Committee indicated that it relied upon information from Wisconsin’s territorial delegate and reported the bill favorably on an understanding that there was support in the territorial legislature for the Brothertown request and no objection in the Territory to the Brothertown petition (p.2, 3).

The Act “for the relief of the Brothertown Indians” of March 3, 1839, provided that the township of land reserved by treaty “for the use of the Brotherton or Brothertown Indians . . . may be partitioned and divided among the different individuals composing said tribe,” who would then own that land individually “in fee simple” and receive a Federal land patent (U.S. Congress 3/3/1839). The Act described the procedures the Brothertown Indian tribe would need to follow to achieve this goal. The tribe was required to hold an election, supervised by a Federal official, to choose five of its members to serve as a “board of commissioners.” The official who supervised the tribal meeting was required to file a certification of the results of the election with the Federal land office and to transmit a certification to the President of the United States. The board of commissioners was required to divide the tribe’s lands among its members, attempting to allot existing farms to their present occupants. After doing so, the board of commissioners was required to prepare a report of its proceedings, including a list and map of the allotted lands, and to transmit a copy of the report to the office of the clerk of the county, the office of the secretary of Wisconsin Territory, and the President of the United States.

If the Brothertown Indians complied with these provisions, the Act of 1839 stated they then would “be deemed to be . . . citizens of the United States” and “their rights as a tribe or nation” recognized by the Federal Government would “cease” (U.S. Congress 3/3/1839, sec.7). Congress did not direct that the lands of the Brothertown Indian tribe be divided among its members, but authorized the tribe to do so. Congress did not compel the Brothertown Indians to become citizens rather than tribal members, but allowed them a way to achieve citizenship. According to the Act, the new status of the Brothertown Indians as citizens would become effective when the final report and map prepared by their board of commissioners was “filed and transmitted to the President” as described in the Act (sec.7). The Act did not make the grant of citizenship to Brothertown Indians and the loss of their “rights as a tribe” contingent upon any action subsequent to the filing and transmittal of the final report. Congress stated its intent in the Act of 1839 that, if the Brothertown Indian tribe filed a report of the division of its lands, the tribe’s “power of making or executing their own laws . . . as such tribe, shall cease and determine” (sec.7).

Dictionaries define “cease,” used as an intransitive verb as in the Act of 1839, as “to come to an end” (*Webster’s II*). The verb “determine” may also be used to mean “to come to an end” (Black 1910, 362). The Act of 1839 did not use either word alone to bring to an end a federally recognized right of the Brothertown Indian tribe to exercise tribal political powers but joined both words in the phrase “cease and determine,” implying that “determine” added meaning beyond a mere cessation of activity. The *Oxford English Dictionary*, which tracks the historical use of English words, notes that the verb “determine,” used as meaning “to put an end or limit to” or “to come to an end,” is used chiefly in law (OED 1991, 4:549-550). That dictionary defines the intransitive verb “determine” as “to come to an end; to cease to exist or be in force; to expire, to die.” As a transitive verb, it defines “determine” as “to put an end to (in time)” and further as “to end, conclude, terminate.” The phrase “cease and determine” thus stated that

Federal recognition of tribal rights and powers not only would be discontinued, but also would be brought to a permanent end. By denying the Brothertown Indians of Wisconsin a federally recognized right to act in the future as a tribal political entity with powers of self-government, Congress has forbidden a Federal relationship with a Brothertown tribal political entity.<sup>142</sup>

The petitioner contends that the only effect of the Act of 1839 was to extend the jurisdiction of the United States and the Territory of Wisconsin over the former Brothertown Indian reservation. The Act did that, but it did more than that. The petitioner contends that: “In other respects, the power of the tribe to act was not diminished by the statute” (BIN 1996, 71). However, the Act explicitly said the Brothertown Indians’ rights “as a tribe” and their power of making their own laws “as such tribe” would cease (U.S. Congress 3/3/1839, sec.7). This language affected the jurisdiction of the tribe as a tribe, not merely the jurisdiction over a specific geographical area. Federal policy at that time considered civil and tribal jurisdiction to be mutually exclusive. For example, an 1870 report of the United States Senate concluded that Indian tribes had retained “their right to govern themselves” as “a separate political community” and that Congress did not regard them or their members “as subject to the municipal jurisdiction of the United States” (U.S. Senate 12/14/1870, 2, 9). In the Federal relationship between the United States and an Indian tribe, the United States deferred to the tribe’s jurisdiction over its members. Without that Federal recognition of the right of an Indian tribe to enact its own laws for its members, there was no government-to-government relationship between the United States and an Indian tribe.

#### Compliance with the Terms of the Act of 1839

The Brothertown Indian tribe utilized the authority granted it by the Act of 1839 to elect a board of commissioners, divide its lands among its members, prepare a report with a list and map of the assignment of lands, and transmit that report to the county and the President of the United States. It thus voluntarily complied with all the requirements of the Act. No additional actions by the Brothertown Indian tribe or the Federal Government were necessary for the Act to become effective. Both Congress and Federal agencies subsequently acted on an understanding that the tribe had complied with the requirements of the Act. Congress appropriated funds to reimburse the tribe’s commissioners for the expenses of partitioning the tribe’s lands and the General Land Office prepared land patents for the tribal members who were designated to receive land. The Commissioner of Indian Affairs and the State Supreme Court both later described the Act as having been complied with completely.

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<sup>142</sup> The petitioner’s researcher and attorney in the 1980s recognized the language of the Act of 1839 as a serious problem for a successful petition. In 1985, anthropologist Jack Campisi informed the Brotherton Tribal Council that, in view of the requirements of criterion 83.7(g), the “cease and determine” sentence in section 7 of the Act “seems to preclude a successful petition” (Campisi 2/17/1985). He also informed the council that the previous anthropological researcher, Robert Gough, believed this language in the Act of 1839 constituted termination of the Brothertown tribe. Campisi recommended the council seek a legal opinion on the issue. Two years later, an attorney for the Native American Rights Fund recommended to the Council that it pursue litigation or legislative recognition rather than a petition for acknowledgment. Arlinda Locklear informed a group member in 1987 that she had concluded “the prospects are poor for the tribe to obtain federal recognition administratively” (Locklear 3/2/1987). Locklear specifically stated that if the Brothertown were to file a petition for acknowledgment, “Interior would likely interpret the 1839 act as termination legislation.”

The Brothertown Indians held a tribal election at which they elected five of their members as a board of commissioners. This election was supervised by a Federal official, John S. Horner, the Register of the Federal land office in Green Bay, Wisconsin. The commissioners stated that they were chosen in a tribal election held on July 1, 1839, at which a “U.S. officer” presided. They described the election as being held pursuant to the Act of 1839 (Anthony et al. 10/-/1839, 1, 4). Horner, the Federal officer, prepared a record of the proceedings of the election he supervised, identified the five men elected as commissioners, and reported that the board of commissioners had organized, apparently on the day following their election. The Brothertown Indian tribe fulfilled a requirement of the Act of 1839 by holding a tribal election and creating a board of commissioners. Horner complied with a requirement of the Act of 1839 by transmitting a certification of the election to the President of the United States (Horner 7/2/1839).<sup>143</sup>

The Brothertown Indian tribe, acting through its elected board of commissioners, divided its tribal lands among its individual members. The commissioners stated that, after their election, they immediately started to discharge their duties under the Act of 1839 (Anthony et al. 10/-/1839, 1).<sup>144</sup> They appear to have begun their apportionment of the lands of the reservation by calculating that the acreage available divided by the number of eligible individuals allowed “sixty acres a piece” (p.2).<sup>145</sup> The commissioners allowed resident adult members to select 50 acres of land in one tract, allowing married members to select contiguous tracts (p.3).<sup>146</sup> Other members were assigned 50 acres by a random drawing (p.3). Each member received an additional 10 acres, with these fractional shares of members of a family grouped together in a single body of land (p.4). The commissioners claimed that all “improvements,” whether buildings or cultivation, were retained by their original owners (p.4). The board of commissioners complied with a requirement of the Act of 1839 by dividing the tribe’s lands among its members. Congress appropriated funds to pay the expenses of that task and justified that payment as a result of these “duties having been performed” (U.S. Congress 7/21/1840).

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<sup>143</sup> The petitioner submitted a transcription of Horner’s letter and certification. OFA researchers obtained copies of the original documents at the National Archives. The cover letter and certification identify the five men elected commissioners, although the two documents differ on one of these names. The cover letter named Charles Abner Sr. but the certification named Charles Anthony; the commissioners’ report to the president was signed by Anthony. The five tribal members elected as commissioners were: Randal Abner Sr., Charles Anthony, Thomas Cummuck [Commuck], Alonzo Dick, and David Johnson.

<sup>144</sup> Citations to page numbers in this document are to the petitioner’s transcription. The original document is not paginated.

<sup>145</sup> The commissioners provided an extensive discussion of how they resolved their most difficult questions of membership and eligibility: how to treat women who had married out of the tribe, women who had married into the tribe, and individuals who asserted claims to inherit a share of lands that would have resulted in members receiving tracts of land of unequal size (Anthony et al. 10/-/1839, 1-3).

<sup>146</sup> The tribe had previously allotted its reservation lands to members in individual tracts. The State Supreme Court said in 1885 that a tribal allotment had been approved by a “town meeting” of the tribe in September 1835 (*Fowler v. Scott* 1885, 718). The Court suggested that the allotment under the Act of 1839 was done in conformity with the existing tribal allotment of 1835. Several sources indicated that the tribe had allotted its lands in 100-acre parcels. This prevailing practice would appear to explain why the allotment under the Act of 1839 provided contiguous 50-acre tracts for husbands and wives.

The board of commissioners satisfied a requirement of the Act of 1839 by preparing a report of its proceedings with a list and map of the allotted lands. The board submitted this report on its activities to President Martin Van Buren (Anthony et al. 10/-/1839). In that report, the commissioners referred to “the list of claimants annexed to this report” (p.2).<sup>147</sup> The original handwritten report in the National Archives indicates it was received by the President on November 26, 1839. The report then was forwarded by the Office of Indian Affairs to the General Land Office in June 1840 (Crawford 6/12/1840). The General Land Office, in a letter in 1842 to the board of commissioners inquiring about six cases included in its report, acknowledged the existence of the board’s report and accompanying list of individual land recipients (see Commuck et al. 4/2/1845). It treated the report as having carried out the provisions of the Act of 1839 and issued patents to individuals listed in the report.<sup>148</sup>

There was some question at the time whether or not a copy of the report, list, and map had been filed with the clerk of the county, which at that time was Brown County of Wisconsin Territory. Depositions given by Brothertown commissioners and the new county clerk during legislative hearings in 1841 on a contested election produced confusing testimony on this issue (Wisconsin 1841). The territorial legislature accepted voting by the Brothertown in that election, which implied that the legislature accepted that the commissioners’ report had been filed with the county in compliance with the Act of 1839. An 1885 opinion of the Wisconsin Supreme Court found that the board of commissioners filed a copy of its report and accompanying map with the register of deeds of Calumet County (*Fowler v. Scott* 1885, 718-719). In the 1950s, the staff of the Wisconsin Historical Society found copies of the report and map in the records of Calumet County, and more recently researchers for the petitioner said they transcribed the handwritten document in the courthouse (Wisconsin Historical Society c.1955, n.d.; see folder I.C.3.f6 in the Tousey Collection).<sup>149</sup> The board of commissioners complied with the final requirement of the Act by filing a copy of that report with the county and transmitting the report to the President of the United States.

The Act of 1839 set forth the requirements the Brothertown Indian tribe would need to satisfy if it chose to utilize the provisions of the Act. The tribe was required to hold an election. A Federal official was required to certify the results of that election. The elected board of commissioners was required to divide the tribe’s lands among its members, to prepare a report

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<sup>147</sup> The petitioner submitted a transcription of the report and a 9-page list. OFA researchers obtained at the National Archives a copy of the original handwritten report and its attached list of allottees.

<sup>148</sup> The Act of 1839 did not make the tribe’s loss of its “rights as a tribe” contingent upon its members’ receipt of land patents, but there is evidence in the record that these patents were issued (United States 6/9/1842 to Samson and Wiggins; Commuck et al. 4/2/1845; Fowler and Starkweather 2/7/1876; Senate 4/2/1878; *Fowler v. Scott* 1885; and “Brothertown Allottees” n.d. [dated by note of Guion Miller 9/3/1903], a document that referred to patents issued in 1842 and 1845).

<sup>149</sup> The Wisconsin Historical Society introduces its microfilm collection of Brothertown documents that includes the 1839 report with the note: “These records have been microfilmed from original manuscripts in the files of Calumet County. The originals were loaned by Calumet County to the State Historical Society for copying in November, 1955” (Wisconsin Historical Society c.1955). The Wisconsin Historical Society’s note on the provenance of its copy of the 1840 allotment map by George Featherstonhaugh states it was “copied from the original map in Calumet County Register of Deeds Office” (Wisconsin Historical Society n.d.).

with a list and map of the allotments, and to submit copies of its report to county, territorial, and Federal officials. Evidence in the record indicates the Brothertown Indian tribe and its board of commissioners complied with all of these requirements of the Act. The General Land Office issued patents in 1842 and 1845 on an understanding that the tribe had complied with the Act. The Commissioner of Indian Affairs in 1855 referred to the Act of 1839 as having been “fully executed” (Manypenny 1/25/1855, 28). The State Supreme Court in an 1885 opinion concluded that “the provisions of the act . . . are complied with in every particular” (*Fowler v. Scott* 1885, 719).

The Brothertown Indian tribe’s loss of a Federal relationship contrasts with the history of the neighboring Stockbridge and Munsee Indian tribe. Congress in 1843 passed an act relating to the Stockbridge tribe that copied the language of the Act of 1839 for the Brothertown (U.S. Congress 3/3/1843). A local historian in the 1850s said the Stockbridge were “terminated” by this Act (Hyer c.1850s). In 1846, Congress passed an act that repealed the Act of 1843 and stated that the “Stockbridge tribe . . . is restored to their ancient form of government” (U.S. Congress 8/6/1846). This legislation was a response to conflict among the Stockbridge between an “Indian party” and a “citizen party.” The Act of 1846 required the Indian agent at Green Bay to identify those Stockbridge Indians who desired to be citizens. It directed the Indian agent then to divide the township of land held by the Stockbridge tribe into two districts, in proportion to the number in the respective parties, to be “designated as the Indian District and the Citizen District.” Those Indians who chose to be citizens were to receive a tract of land and title in fee simple. The lands in the Indian District were to be held in common.<sup>150</sup> By passing this 1846 statute, Congress acted to restore a government-to-government relationship with the United States to a portion of the Stockbridge tribe in a way it did not act for the Brothertown.<sup>151</sup>

#### Annuity Payments and Provisions of the Act of 1839

The Act of 1839 specifically provided that Brothertown Indians could receive annuity payments due them in the future. After declaring that the Brothertowns’ “rights as a tribe . . . shall cease,” the Act stated that “nothing in this act shall be so construed as to deprive them [Brothertown Indians] of the right to any annuity now due to them from the State of New York or the United States” and they may “receive any such annuity . . . as though this act had not been passed” (U.S. Congress 3/3/1839, sec. 7). Congress provided that if Brothertown members were due future compensation based on past obligations they would not be deprived of such payments as a result of their loss of a federally recognized right to govern themselves as an Indian tribe. Congress would not alter the existing obligations of the State of New York. Congress thus expressly provided in this instance that individuals did not need to be members of an Indian tribe with a Federal relationship to receive annuity payments previously promised to them. The Act of 1839

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<sup>150</sup> The Stockbridge and Munsee Indian tribe relocated from their reserved lands neighboring the Brothertown by the provisions of a Treaty of 1856 (see Royce 1900, map Wisconsin 2, Areas 272 and 403, and pp.780-1, 814-7).

<sup>151</sup> Congress also revealed how it restored a government-to-government relationship with the United States by using language that explicitly stated that purpose in an 1867 treaty that reestablished a Wyandot Indian tribe, which had been terminated by an earlier 1855 treaty. The treaty of 1867 stated an intent to enable a portion of the Wyandot Indians “to begin anew a tribal existence” and limited the restored tribe’s membership to those people “who declare their desire to be and remain Indians, and in a tribal condition” (United States 2/23/1867, preamble and art. 13).

made the future receipt of Brothertown annuities compatible with citizenship and an absence of tribal membership.

The record contains evidence Brothertown Indians received annuity payments from the State of New York until 1841, but no evidence they ever received Federal annuities. The Wisconsin Supreme Court in an 1885 decision suggested that a Brothertown Indian tribe may have continued to exist after 1839 at least to be able to receive annuities, interpreting the Act of 1839 as allowing a tribe to do so (*Fowler v. Scott* 1885, 721). The Court cited no evidence of the receipt of annuities. It assumed that any annuity payments would be made to a tribal entity. The record does not contain evidence that any annuity was paid to a tribal governing body by either the State of New York or the Federal Government. A New York State list in 1833 of Brothertown Indians entitled to an annuity contained the names of individual recipients and the various amounts due them (New York 7/6/1833). In general, Federal annuity rolls during the 19th century listed amounts due individual recipients. However, no Federal annuity roll for Brothertown Indians was submitted by the petitioner or found in Federal records. Neither the treaty to which the Brothertown Indians were a party nor other treaties which may have referenced them provided the tribe or its members with annuities from the United States (United States 10/27/1832; see also United States 2/8/1831 and 1/15/1838).

The evidence in the record relating to annuity payments after the Act of 1839 relates to actions of the State of New York. The State held funds on behalf of the Brothertown Indians in the State treasury and paid interest to beneficiaries of the fund. In 1841, the State decided to stop making interest payments and to pay out the principal to Brothertown Indians (New York 5/25/1841; Davidson 1895, 71). The New York State Act of 1841 did not specify payment to a tribal governing body or a tribal leader of the Brothertown Indians in Wisconsin, but rather authorized payment to “be made to the person or persons authorized to receive the same” (New York 5/25/1841, 214). The State accepted two individuals to represent the Brothertowns in Wisconsin and New York. The State and these representatives agreed upon lists of the individuals constituting three contemporary Brothertown groups: those individuals (N=259) who had migrated to Wisconsin, those individuals (N=50) in New York who intended to migrate to Wisconsin, and those individuals (N=98) in New York who would remain there (New York Land Office 6/8/1841, E. Dick 6/8/1841a, E. Dick 6/8/1841b). The evidence in the record does not show whether the State distributed the funds in its treasury to the two representatives or to the individuals on these lists.

When an Indian tribe due treaty annuities continued to be acknowledged by the Federal Government, annuities were paid to tribal members. A Federal relationship existed because of the treaty, and annuity payments followed from treaty provisions. Absent other action to end an Indian tribe’s relationship with the United States, the Department of the Interior interpreted the Federal relationship with such an Indian tribe as continuing until the payment of all treaty annuities had been made, thus fulfilling the Government’s treaty obligations, or at least one of its obligations under a treaty. When treaty annuities were paid to members of a previously acknowledged Indian tribe, acknowledgment precedent has considered the date of the final annuity payments to be the date of last Federal acknowledgment of the historical Indian tribe. For the Brothertown Indian tribe of Wisconsin, the lack of evidence in the record of its members’ receipt of treaty annuities provides no basis to interpret its last date of Federal acknowledgment

as later than the date of the tribe's compliance with the Act of 1839. However, even if there were evidence of treaty annuity payments, there is evidence of congressional action to end a Federal relationship with the Brothertown Indian tribe of Wisconsin prior to the final payment of any annuities.

The Act of 1839 provided that annuities, whether due by Federal treaty or State land acquisition, could continue to be paid to Brothertown descendants when the Brothertown Indian tribe was no longer acknowledged by the Federal Government. This express statutory provision for one historical Indian tribe is similar to the general principle later adopted in the award of compensation for Federal taking of tribal lands in cases before the U.S. Court of Claims and the Indian Claims Commission. In such cases, it was not necessary for a historical Indian tribe to be currently acknowledged by the Federal Government for a judgment to be awarded it as compensation for the historical taking of its territory. In addition to judgment awards paid to currently acknowledged Indian tribes as successors of a historical tribe, such monetary awards were often distributed to the lineal descendants of a historical Indian tribe who were not required to be members of a tribe with a tribal relationship with the United States to receive a share of the compensation due the historical tribe. Any annuity payments to Brothertown Indians after 1839 would be consistent with such practice as well as based upon express statutory authorization.

#### Interpretations of the Act of 1839

In the decades following passage of the Act of 1839, evidence in the record shows that Federal and State officials interpreted the Act as having ended the Federal relationship with the Brothertown Indians as an Indian tribe. Former tribal members referred to themselves as now being citizens. A number of modern scholars have described the Brothertowns as having lost their Federal acknowledgment as an Indian tribe as a result of the Act. After 1839, the Office of Indian Affairs did not maintain a relationship with a Brothertown Indian tribe. The Territory and State of Wisconsin treated Brothertown Indians as citizens with the right to vote and hold office, rather than as tribal members subject to the jurisdiction of their tribe. Congress did not act to restore the relationship of Brothertown Indians with the Federal Government as an Indian tribe. The Department of the Interior construed the Act of 1839 as having ended a Federal relationship with the Brothertown Indian tribe and later legislation and judicial decisions did not result in the Department changing this interpretation or its policy. During the 19th century, Federal and State Governments and Brothertown Indians themselves considered the Brothertowns' relationship with the United States as an Indian tribe as having ended.

After 1839 Brothertown descendants referred to themselves as having become "citizens."<sup>152</sup> A contract they made in 1854, to pursue a claim for compensation for lands the Brothertown Indian tribe allegedly ceded prior to the Act of 1839, referred to the claimants as the "Brothertown Nation of Indians (now citizens)" (W. Dick et al. 3/31/1854). In an 1855 letter published in 1859, Thomas Commuck wrote, as a member of the group, that the Brothertown Indians "are

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<sup>152</sup> The Federal census of 1840 for Calumet County was prepared by a Brothertown descendant, Randal Abner Sr. That census enumeration excluded "Indians not taxed," that is, Indians in tribal relations. By listing Brothertown descendants on the 1840 census, this Brothertown descendant indicated he did not consider himself and other Brothertown descendants to be "Indians not taxed."

now enjoying all the rights, privileges, and immunities of citizenship.” He said the Brothertown Indians, at their request, had been granted citizenship by the Act of 1839 and that “[f]rom that time they have lived under the laws of the State” (Commuck 1859). An 1876 statement on behalf of the “Brothertown Indians” said they were “declared citizens of the United States” by the Act of 1839 (Fowler and Starkweather 2/7/1876). In 1881, a “power of attorney” was signed by individuals who described themselves as “formerly members of the Brothertown tribe of Indians” and said they claimed money due “the late Brothertown tribe of Indians” (Niles et al. 10/29/1881).<sup>153</sup> Such references to new citizenship implied a contrast to former tribal membership, while the 1881 document expressly noted a loss of tribal acknowledgment.<sup>154</sup>

The Territory of Wisconsin in 1841 recognized that Brothertown Indians had become citizens and therefore had the right as citizens to vote in elections in the territory. The territorial legislature allowed the votes of Brothertown Indians to be counted after considering a contested election case in which one of the questions in dispute was whether or not Brothertown Indians, as a result of the Act of 1839, were entitled as citizens to vote in the election of 1840 (Strong 1885, 327-330; Wisconsin 1841). Brothertown descendants went on to hold office in township, county, territorial, and State government in Wisconsin (see the discussion in criterion 83.7(c)). During the 19th century Americans understood United States citizenship to be incompatible with tribal membership (see U.S. Attorney General 7/5/1856; U.S. Senate 12/14/1870; Cohen 1945, 154-155, 157-158; Prucha 1984, 682-686).<sup>155</sup> Tribal members were not taxed and did not vote in state or national elections. The 1848 constitution of the State of Wisconsin denied the right to vote to members of Indian tribes but granted it to Indians who had been made citizens by an act of Congress (Wisconsin 1848, art. III). By recognizing the right of Brothertown descendants to vote and to hold office after 1839, the Territory and State of Wisconsin demonstrated that they considered Brothertown Indians to be citizens rather than tribal members.

The Act of 1839 did not require the board of commissioners to submit its final report to the Office of Indian Affairs. This omission indicated Congress did not expect the Brothertown Indians to have a continuing relationship with the Indian Office.<sup>156</sup> The report transmitted to the President as required by the Act was forwarded to the General Land Office for the purpose of issuing land patents to the individuals listed. After 1839, the annual reports of the Commissioner of Indian Affairs did not discuss the Brothertown as an Indian tribe (ARCIA 1839-1844). Commissioner Crawford in 1842 expressly excluded the Brothertown from a survey of Indians because they had “been placed upon a footing with our own citizens” by Congress (Crawford

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<sup>153</sup> John Niles, who signed this “power of attorney,” later expressed his opinion to the same attorney that, “In regard to the old customs which we were under before we were citizens of the United States it has always been plain to me that we are now at liberty to transact our own individual matters and not pay any attention to former customs” (Niles 3/6/1892).

<sup>154</sup> A Brothertown descendant testified in 1903 during the claims application process that the “Brothertown tribe as an organization was broken up” by the Act of 1839 (O. Johnson 1903, 43).

<sup>155</sup> Citizenship has not been incompatible with tribal membership since the Act of June 2, 1924 (43 Stat. 253), declared all Indians born within the territorial limits of the United States to be citizens of the United States.

<sup>156</sup> In 1878, a U.S. senator commenting on Brothertown Indians observed that there were no records in the Indian Office “affecting the title to their lands” (Ingalls 3/20/1878).

11/16/1842, 1). Commissioner Manypenny in 1854 anticipated that another Indian tribe might “like the Brothertown . . . dissolve their tribal organization and become citizens” (Manypenny 11/25/1854, 4). In an 1855 report to Congress, the commissioner said that the Brothertown Indians “became citizens” by the Act of 1839 and that “the department has not exercised any supervision over them” since the allotment of their lands. Commissioner Manypenny concluded that by the terms of the Act of 1839 the Brothertown Indians “lost . . . their relations to the government as an Indian tribe” (Manypenny 1/25/1855, 28).

The Department of the Interior’s “only connexion [*sic*] with” the Brothertown Indians, according to Commissioner Manypenny, was that for “a few years” the local Indian agency had applied a portion of the discretionary funds provided for education by a treaty “to the education of their children” (Manypenny 1/25/1855, 28).<sup>157</sup> He cited reports of the Green Bay Sub-Agency from 1846 to 1849, although only the 1847 and 1848 reports referred to providing funds for education to local government. The agent reported in 1846 that the Brothertown Indians had two schools “under the territorial township system, (for they are citizens of the United States),” indicating these schools were not operated by the Indian Office (Ellis 9/24/1846). In 1847, the agent said that the “Brothertowns have laid aside entirely their character as an Indian tribe—having become citizens of the United States. The only cognizance this agency has of them is a supervision of the expenditure of the fund for educational purposes” (Ellis 9/30/1847; see also Ellis 9/28/1848, Huebschman 9/28/1854). A new agent in 1849 reported that the “Brothertowns . . . are made, by act of Congress, citizens of the United States” and that some of them held public office “under our State organization” (Bruce 10/27/1849). This evidence indicates some Federal funding of public education as a brief exception, but not a Federal relationship with a tribal entity.

Records of the Office of Indian Affairs reveal the absence of a Brothertown relationship with the United States as an Indian tribe in the decades following the Act of 1839. In the annual report of the Commissioner of Indian Affairs in 1855, Commissioner Manypenny stated that the Brothertown “are in the enjoyment of all the privileges accorded to the citizens of the State of Wisconsin” (Manypenny 11/26/1855, 2). The next year a superintendent attached to his annual report a statement of the Indians of Wisconsin and the Northern Superintendency that did not include the Brothertown (Huebschman 10/15/1856). The lack of Federal acknowledgment of a Brothertown Indian tribe in the 1870s is apparent in a draft bill proposed by the Secretary of the Interior in 1876 to transfer jurisdiction of Wisconsin tribes from the Federal Government to the State, and in the annual reports in 1877 of the two Indian agencies in Wisconsin. The Secretary’s draft bill named the “Chippewas, the Menomonees, the Oneidas, and the Stockbridges” as the Indian tribes of Wisconsin (Chandler 1/27/1876). The Green Bay Agency and the La Pointe Agency identified the tribes of their agencies as the Oneida, Stockbridge, Menomonee, and Chippewas of Lake Superior (ARCIA 1877, iv, 202-207). Brothertown Indians were not included among the tribes of the State.

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<sup>157</sup> Commissioner Manypenny and Superintendent Huebschman cited the treaty of August 11, 1827, as the authority for these educational expenditures (Manypenny 1/25/1855; Huebschman 9/28/1854). Article 5 of that treaty—with the Chippewa, Menominee, and Winnebago—included children of the “New York Indians,” not specifically the Brothertown, as beneficiaries of such appropriations (United States 8/11/1827). This article was amended by a later treaty (United States 2/8/1831, art. 5). The Treaty of 1827 did not provide educational expenses as an annuity, but as a discretionary appropriation (United States 8/11/1827, art. 5).

A congressional Act of 1878 sought to correct a problem that had arisen in the implementation of the Act of 1839, but it did not restore a Federal relationship with the Brothertown as an Indian tribe. Congress in 1878 passed legislation in response to a memorial from “Brothertown Indians” that claimed the allotment they made of their former reservation lands under the Act of 1839 failed to include certain small tracts of land (Fowler and Starkweather 2/7/1876). The Act of April 20, 1878, designated certain individuals as trustees to sell those unallotted and unpatented lands and to distribute the proceeds among Brothertown Indians (U.S. Congress 4/20/1878). The legislative history of the Act of 1878 indicates that Congress sought to correct a perceived inadvertent error relating to what it said was about 100 acres in total. The managers of the bill in both the House and Senate, and the Senate committee in its report, emphasized that the bill sought to benefit individuals who were now “citizens” (Morgan 2/8/1878; U.S. Senate 4/2/1878; Oglesby 4/9/1878). Senator Ingalls, a floor manager of the bill, stated that the Brothertown Indians “have dissolved their tribal relations” (Ingalls 3/20/1878). The Senate committee argued that “the parties in interest are citizens and competent to decide for themselves as to the best disposition to be made of the lands” (U.S. Senate 4/2/1878).

The congressional committees and the floor managers of the bill stated no intent to reestablish or recognize a tribal entity to act as trustee, or to restore a Federal relationship with an Indian tribe. They referred to individual trustees as citizens acting on behalf of other citizens. However, the language of the Act, which incorporated text from the Brothertown memorial, was not necessarily consistent with this stated intent. Section 1 of the Act of 1878 authorized the General Land Office to give “full title to the Brothertown Indians” of the township of land previously reserved for them by treaty (U.S. Congress 4/20/1878). Title to almost all of that land had already been patented to individuals under the provisions of the Act of 1839. In practice, then, this language pertained only to those tracts of land not assigned by the report of the board of commissioners in 1839. However, this language in the first section was superseded by the next section that assigned title to those same tracts. Section 2 authorized the General Land Office to issue a patent for the “unpatented” lands in that township to four named individuals “in trust for the Brothertown Indians.”<sup>158</sup>

The Act of 1878 authorized the issuance of a patent to individual trustees, not to a tribal entity or governing body. The Act provided these trustees could sell these lands “to the highest bidder” (U.S. Congress 4/20/1878). It did not provide the lands be sold or allotted to Brothertown Indians, but allowed them to be sold to anyone. The Act provided that these land sales could take place when “a majority of said Brothertown tribe” petitioned to do so. The trustees were to distribute the proceeds of the sales to Brothertown Indians according to the “former usages, customs, and regulations” of the tribe. The Act of 1878 thus referred to action by a tribe in the future, while describing its customs and regulations as things of the past. If the Act granted political functions to tribal descendants, it did so for the specific, limited purpose of correcting what should have been done in 1839. After the sale of these few tracts of land and the distribution of the proceeds, no authority granted by the Act would continue to exist. The Act of 1878 did not expressly repeal or amend the Act of 1839—as Congress did for the Stockbridge Indian tribe’s comparable act—and it did not revoke the ban on Federal acknowledgment of a Brothertown tribe’s right of “making or executing their own laws” that was stated in the Act of

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<sup>158</sup> The four named trustees were: Laton Dick Sr., Lucius S. Fowler, David Fowler, and Orrin G. Johnson.

1839. Congress in 1878 did not restore recognition of a Federal relationship with a Brothertown Indian tribe.

Litigation as a result of the Act of 1878 occurred, in State rather than Federal courts,<sup>159</sup> when the designated trustees sought to sell one of the tracts of unpatented land only to have an individual claim ownership on the grounds that the land had in fact been allotted by the board of commissioners under the Act of 1839. The tract in question was designated on the map, but not on the list, accompanying the board's report. On appeal to the State Supreme Court, the Court ruled against the trustees by finding that the map was an integral part of the report and constituted an allotment of that land (*Fowler v. Scott* 1885). Because the land in dispute had been assigned by the board of commissioners in 1839, it was not unallotted land in 1878 the designated trustees could sell. It was therefore not necessary for its decision, the State Court said, to decide the question of whether the Act of 1839 eliminated a tribal entity necessary for its members to be beneficiaries of a trust created for them by the Act of 1878. However, the Court offered as *dicta* the opinion that the Act of 1878 created a trust and, at least, restored "tribal functions" sufficient to fulfill the limited purposes of allowing trustees to dispose of the remaining unpatented former tribal lands and members to receive the proceeds as beneficiaries of the trust (*Fowler v. Scott* 1885, 721).

The petitioner argues that the State Court held that a Brothertown Indian tribe continued to exist because the Court suggested its "tribal character" was "sufficiently preserved" to receive monetary benefits (*Fowler v. Scott* 1885, 721; BIN1996, 77-79). The issue under this criterion, however, is not whether an Indian tribe existed but whether a relationship between it and the Federal Government had been terminated or forbidden by congressional act. The State Court did not say that a Federal trust relationship existed in 1885, but rather suggested a tribe was able to receive the benefits of a trust even though Federal recognition of its rights as a tribe to make its own laws had ended. The State Court's interpretation of the Act of 1878 differed from the explanation of the Act offered by congressional committees and the floor managers of the bill who stated no intent to restore "tribal functions." The State Court in 1885 did not opine that the congressional Act of 1878 revoked the "cease and determine" language of the Act of 1839 or that the Act of 1878 restored a Federal relationship with a Brothertown Indian tribe that had been ended by the earlier Act.

After the Act of 1878 and the State Court decision of 1885, the Office of Indian Affairs did not change its policy of not dealing with a Brothertown Indian tribe. The annual reports of the Commissioner of Indian Affairs in the years after 1878 did not discuss the Brothertown as an Indian tribe (ARCIA 1878-1883). The sub-agency at Green Bay reported only on the Oneida, Stockbridge, and Menominee as the Indian tribes of eastern Wisconsin. The annual report of 1878 noted the passage of the Act of 1878 (ARCIA 1878, 190), but no evidence in the record shows that the Indian Office sought to administer that Act by supervising the sale of Brothertown lands or the distribution to Brothertown Indians of the proceeds of those sales. Tables in the annual reports summarizing the sale of Indian lands did not include any sales of Brothertown lands (ARCIA 1878-1888). The Commissioner of Indian Affairs in 1879 stated that the Act of 1878 "devolves no duty . . . upon this office" and added that "the Brothertown Indians are

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<sup>159</sup> No evidence in the record indicates the trustees sought to be represented by the Federal Government.

understood to be citizens of the United States” (Hayt 4/3/1879). Neither the annual reports of the Commissioner nor the agent at Green Bay took any notice of the 1885 court case (ARCIA 1885-1888). The available evidence indicates the Indian Office did not interpret the Act of 1878 as having restored a relationship of the Brothertown Indians with the agency.

Congress did not acknowledge or restore a Federal relationship with a Brothertown Indian tribe for the purpose of receiving a portion of a monetary award made in 1898 by the U.S. Court of Claims in favor of the “New York Indians.” In 1900, Congress appropriated funds to pay “judgments rendered by the Court of Claims” and the Office of Indian Affairs cited that act as its authority for preparing lists of claimants entitled to share in the award (U.S. Congress 2/9/1900; BIA 12/31/1901). In 1901, Congress authorized the Secretary of the Interior to use a portion of the appropriation to pay the expenses necessary to ascertain the beneficiaries of the claims judgment (U.S. Congress 3/3/1901). Neither of these acts provided instructions for determining the recipients of the award or designated payment of the award to tribes. Congress stated no requirement that tribes submit lists of their members or beneficiaries. After the Department of the Interior prepared a roll of the eligible recipients of this claims award, an auditor of the Treasury Department referred to “the individual beneficiaries” of the award (Timme 4/18/1904). In 1906, the Court of Claims ruled that “the causes of action” in the case of the New York Indians were “individual” and that the enrollment of the beneficiaries of the award was of “individuals and not of tribes or nations” (U.S. Court of Claims 6/13/1906).

The petitioner contends that the Government required Indian tribes to submit lists of beneficiaries, and treated the Brothertown in this manner (see BIN 1995, 82; 2005, 6; see also BIN 2008, 1). The evidence in the record does not support this statement. The Commissioner of Indian Affairs replied to an inquiry from E.M. Dick on behalf of a “Business Committee of the Brothertown Indians” by requesting any information Dick and that committee could supply the Department, but did not write to it as an Indian tribe to require it to submit a roll of its members (U.S. Commissioner of Indian Affairs 9/11/1901). Special Agent Guion Miller, who prepared the list of claimants, including a list of Brothertown claimants, stated that he relied upon individual applications and also consulted a list of individuals submitted to the Department by the Brothertown committee (Miller 4/11/1904, as a certification of the list of 12/31/1901).<sup>160</sup> The claims roll prepared by Miller for the Department included more than twice as many individuals as the roll submitted by the Business Committee. The “direction” that Miller said the Commissioner provided the committee consisted of advice on how to prepare a roll the committee volunteered to present to the Department; it did not take the form of an order to a federally recognized Indian tribe requiring it to submit its membership list.

During the 20th century, some scholarly publications expressed an opinion that the Brothertown Indians had lost their Federal relationship with the United States as an Indian tribe. Other publications indicated their understanding the Brothertown were not acknowledged as an Indian tribe by failing to include them in a discussion of the contemporary Indian tribes of Wisconsin (e.g., Kirsch 1931; Wisconsin 1952, 1966; Lurie 1969, 1980; W. Hodge 1975). In 1907, the

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<sup>160</sup> A pair of circa 1915 payment rolls listed the per capita share of the award due each of the 570 claimants on Miller’s 1901 roll (BIA 1915). The roll submitted by the Business Committee contained 209 names (Brothertown Business Committee c. 11/30/1901; T. Dick et al. 12/2/1901).

Smithsonian Institution's *Handbook of American Indians North of Mexico* concluded that the historical "Brotherton" band had "abandoned their tribal relations and became citizens" (F. Hodge 1907, 166). In his two-volume history of American Indian policy published in 1984, historian Francis Paul Prucha referred to the Act of 1839, although incorrectly conflating it with the Stockbridge Act of 1843, and stated that the "Brotherton" Indians "accepted the legislation and ended their federal status" (Prucha 1984, 266). In 2001, a sympathetic portrait of the Brothertown which treated them as a contemporary Indian tribe also listed their "tribal status" as "terminated" in 1839 (Loew 2001, 113). A recent scholarly history of the Stockbridge Indians referred to the Act of 1839 as having "dissolved" the Brothertown Indian tribe (Oberly 2005, 63-64).

#### Prior Opinions of the Office of the Solicitor on Whether the Brothertown Were "Terminated"

The Office of the Solicitor of the Department of the Interior prepared letters, in 1990 and 1993, that considered the question of whether or not a group of Brothertown Indians could petition for Federal acknowledgment as an Indian tribe. These letters concluded that a Brothertown group could petition, but implied that a group's right to petition depended upon a preliminary determination that the group had not been "terminated." The acknowledgment regulations do not so limit the right to petition (§83.4(a)). The regulations do not prevent groups that were terminated or forbidden a Federal relationship from petitioning for Federal acknowledgment, but from being acknowledged through the administrative process (§83.3(e)). The requirements of criterion 83.7(g) serve this purpose. Nevertheless, attorneys in the Solicitor's Office made a preliminary determination that the Brothertown Indian tribe had not been terminated and thus concluded that a Brothertown group was able to petition for Federal acknowledgment. A finding of whether or not a petitioning group meets the requirements of this criterion is properly made by the Assistant Secretary of Indian Affairs under the acknowledgment regulations.

In 1990, the Office of the Field Solicitor in Minnesota provided advice to the Area Director of the Bureau of Indian Affairs in Minneapolis in response to an inquiry about the appropriate course for Brothertown Indians to follow in seeking Federal acknowledgment. An attorney in the Field Solicitor's office identified the "real issue" as whether a Brothertown group was "precluded from seeking federal recognition through the federal acknowledgment process" (Kimball 8/28/1990). She identified the potential problem as the language in the Act of 1839 stating that the Brothertown Indian tribe's "power of making or executing their own laws . . . shall cease," and asked whether that Act should be viewed as "termination" legislation. She argued that the Act of 1839 "can hardly be viewed in the same light as the termination acts of the 1950's" and concluded that, although the "political status of the Brothertowns changed" after the Act of 1839, "that change should not be termed termination." The Field Solicitor's office thus advised the Bureau that a Brothertown group was not precluded from using the Federal acknowledgment process and submitting an acknowledgment petition.

In 1993, the Acting Associate Solicitor for the Division of Indian Affairs advised the Assistant Secretary of Indian Affairs about the legal status of the Brothertown Indians of Wisconsin in response to an inquiry about that question. The Associate Solicitor identified the issue as the validity of a request by a Brothertown group that they were "entitled to immediate recognition" as an Indian tribe (Etheridge 8/19/1993). He concluded that the fact that a historical Brothertown

Indian tribe was recognized as an Indian tribe by the United States in a number of treaties did not “entitle those claiming to be the tribe’s successor to tribal status.” The Associate Solicitor went on to answer other questions about whether the Brothertown Indian tribe was “terminated” or could be acknowledged by the Department of the Interior. He said he found “no reason to disagree” with the Field Solicitor’s earlier conclusion that the Act of 1839 “did not constitute termination” of the Brothertown Indian tribe, but he did not provide any new analysis to support this conclusion. Because of this belief that the Brothertown Indian tribe “was not terminated,” the Associate Solicitor concluded that “the group calling themselves the Brothertown Indians is eligible to petition” the Department for Federal acknowledgment as an Indian tribe.

To ask whether or not a Federal statute represents “termination” of an Indian tribe is to interpret criterion 83.7(g) of the acknowledgment regulations too narrowly, for the criterion refers to congressional legislation that has expressly “terminated or forbidden” the Federal relationship. The attorney in the Field Solicitor’s office noted that the Act of 1839 did not use the same language as the “termination” legislation of the 1950s, but also suggested that was not a proper comparison. This criterion should not be interpreted as requiring the use of modern terminology in historical acts. The attorney in the Field Solicitor’s office did not offer an explicit comparison of the Act of 1839 and legislation of the 1950s to demonstrate differences between them. The Act of 1839 shared two key features with “termination” acts: both ended a tribe’s relationship with the United States and distributed tribal assets. The attorney in the Field Solicitor’s office applied a standard—an “express” statutory language or “clear expression” standard—that differs from the “reasonable likelihood of the validity of the facts” standard of the acknowledgment regulations. The review here of the Act of 1839 shows that it did contain “clear” and “express” language. Applying the regulatory standard, the 19th century language of the Act of 1839 stated the intent of Congress to end Federal recognition of a government-to-government relationship with the Brothertown Indian tribe.

The issue under criterion 83.7(g) is not whether Congress applied 20th century termination policy to a 19th century Indian tribe, but whether it ever acted to end or forbid a Federal relationship with an Indian tribe. Congress both ended an existing Federal relationship with the Brothertown Indian tribe of Wisconsin and forbade a Federal relationship with it in the future by stating in the Act of 1839 that the Brothertown Indian tribe’s “rights as a tribe . . . shall cease and determine.” The Federal relationship is a government-to-government relationship between two governmental entities, the Federal Government and a tribal political entity. An Act of Congress that states an Indian tribe will not be recognized as having a right or “power of making or executing their own laws . . . as such tribe” prevents the Federal Government from recognizing a right of that Indian tribe to act as a tribal political entity and thus precludes a government-to-government relationship with that Indian tribe. For these reasons, the Act of 1839 forbids a Federal relationship with the Brothertown Indian tribe of Wisconsin or a petitioning group claiming to be its successor. When the acknowledgment regulations were published in 1978, the preamble stated the principle that “the Department cannot administratively reverse legislation enacted by Congress” (43 F.R. 39361).

### **Conclusion**

The BIN petitioner does not meet the requirements of criterion 83.7(g). Congress stated in the Act of 1839 that the Brothertown Indian tribe's "rights as a tribe" recognized by the Federal Government, and specifically its power to act as a political and governmental entity, would "cease and determine," that is, end and be limited permanently. The acknowledgment regulations provide in this criterion that a petitioner whose Federal relationship has been terminated or forbidden cannot be acknowledged. Congress in the Act of 1839 brought Federal recognition of the relationship with the Brothertown Indian tribe of Wisconsin to an end. By expressly denying the Brothertown of Wisconsin any Federal recognition of a right to act as a tribal political entity, Congress has forbidden the Federal Government from acknowledging the Brothertown as a government and from having a government-to-government relationship with the Brothertown as an Indian tribe. The Act of 1839, by its "cease and determine" language, has both expressly ended and forbidden the Federal relationship for this petitioner. Therefore, the petitioner does not meet the requirements of criterion 83.7(g).

Appendix A  
“First Homes of New England Indians at Brothertown, Wisconsin,” by Heller, 1936

Year	Name	Location <sup>1</sup>		Lot	Road
		[N]	[E]		
1832	Abner, Randal	2	1	15	Baseline
1832	Johnson, William	5	3	40	
1832	Dick, Daniel	7	1	10	Baseline
1832	Dick, Nathan C.	8	1	8	Baseline
1832	Dick, William and Catherine	8	1	9	Baseline
1832	Dick, Elkanah	9	2	25	
1834	Johnson, Martha (widow)	5	2	21	Military
1834	Johnson, Jeremiah W.	6	2	22	Military
1834	Fowler, Phoebe	8	2	24	
1834	Dick, Alex.	11	2	27	Military
1834	Fowler, David	11	2	27	Military
1834	Fowler or Seketer, Patience	12	1	4	Baseline
1834	Palmer, Jos[eph]	12	2	28	Military
1834	Niles, Nabby	13	3	32	Mill
1834	Dick, Laton	14	1	1	Baseline
1834?	Dick, Hannah Dick (widow) and Thankful Dick	13	1	2	Baseline
1835	[mill?]	7	1	9	Baseline
1836	Skeesuck, George	3	1	14	Baseline
1836	Hammer, Ira	3	2	19	
1836	Dick, Alonzo D.	6	2	22	Military
1836	Fowler, Lyman P.	12	2	28	Military
1836	[dam]	12	4	56	
1836	Pest house	13	1	2	lakeshore
1836	Niles, James	13	2	29	Baseline
1836	Fowler, Orasmus	13	2	29	Military
1836	Marthers, John	14	2	30	Military
1836	Crosley, William	15	1	Sto.	
1836?	Marthers, Ransom	12	4	56	Mill
1839	Fowler, Hezkiah	4	2	20	Military
1839	James, Samuel	6	1	11	Baseline
1839	Hammer, J.C.	6	4	50	Turkey
1839	Paul, Solomon	9	1	7	Baseline
1839	Marthers, Eliphalet	15	1	Sto.	
1840	Adams, Edwin C.	1	1	16	Baseline
1840	Wadsworth, Ariel	7	1	10	trail
1841	Fowler, Lucius Syrenus	2	2	18	Military
1841	Featherstonhaugh, Victoria	6	1	10	
1841	Griffin, Rev.	16	1	Sto.	Baseline

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix A: Heller, First Homes at Brothertown

Year	Name	Location <sup>1</sup>		Lot	Road
		[N]	[E]		
1843	Johnson, John, Jr.	2	4	46	Turkey
1843	Johnson, Rowland	5	2	21	Military
1843	Stanton, Moses	7	2	23	
1843	Fowler, L.D.	8	2	24	
1843?	Fowler, Alexander	3	2	19	Baseline
1844	O'Brien, Charles	10	1	6	Baseline
1845	Johnson, John, Sr.	2	3	18	Military
1846	Fowler, Ben G.	11	2	27	Military
1847	Abner, Randall, Sr.	1	2	17	Military
1850	Di[sn...?], Patrick	3	3	42	Irish
1850	Fowler, John Collins	13	1	2	
1852	Mann, Moody	6	2	22	
1856?	Shell, Abram	2	4	46	Turkey
1859	Hammer, Elizabeth	3	3	19	Military
1859	Fowler, Alfred	4	2	20	Military
1862?	Keevil, Thomas	5	2	21	Military
1864	Moyer, Peter	1	4	45	Turkey
1866	Heller, Sebastian	1	4	45	Turkey
n.d.	[burial ground]	1	2	17	
n.d.	Dick, Isaac	1	3	17	Military
n.d.	Fowler, Amy	3	2	19	Military
n.d.	[?]	3	3	47	
n.d.	Pangburn, Abel	3	3	19	Irish
n.d.	Reed, Joe	3	3	42	Irish
n.d.	Shelly	3	4	47	Turkey
n.d.	Johnson, Hy	4	1	13	Baseline
n.d.	Hammer, John C.	4	2	20	Military
n.d.	Crosley, John	4	3	41	
n.d.	Shelly, Simon	4	3	41	
n.d.	Skeesuck	4	3	41	
n.d.	[?]	4	4	48	
n.d.	Pemberton, Alexander	4	4	48	
n.d.	Murdock, Wheeler	5	1	12	Baseline
n.d.	Schooner, Jonathan	5	2	21	
n.d.	Johnson, Elisha	5	2	21	Military
n.d.	[?]	5	4	49	
n.d.	Cosgrove, Joe	5	4	49	
n.d.	Shapley, William	5	4	49	Turkey
n.d.	Shelly	5	4	49	Turkey
n.d.	Brushel, Ben	6	1	10	Baseline
n.d.	Davis, [P.]B.	6	1	10	lakeshore
n.d.	[cemetery]	6	2	22	
n.d.	[?]	6	4	50	
n.d.	Sampson, Clark	6	4	50	Turkey
n.d.	Waffle, Gib	7	1	9	Baseline
n.d.	Welch, Dave	7	1	9	Baseline
n.d.	[?]	7	2	23	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix A: Heller, First Homes at Brothertown

Year	Name	Location <sup>1</sup>		Lot	Road
		[N]	[E]		
n.d.	[?]	7	2	23	
n.d.	Crowell, Howell	7	2	23	
n.d.	Cramond, J.	7	2	23	Baseline
n.d.	Anthony, Charles	7	2	23	Military
n.d.	Cummuck, Thomas	7	2	23	Military
n.d.	Hart, Lura	7	2	23	Military
n.d.	Kellog, J.	7	2	23	Military
n.d.	Kiesner, Isaac	7	3	38	
n.d.	Richmond, Need	7	3	38	
n.d.	L[aprarie], Joe	7	4	51	Turkey
n.d.	Boyer, B.H.	7	5	66	
n.d.	Parkinson, J.W.	7	5	66	
n.d.	[?]	8	2	24	
n.d.	[dam and mill race]	8	2	24	
n.d.	Murdock, Allen	8	2	24	Military
n.d.	Owen	8	2	24	Military
n.d.	Dick, William H.	8	3	37	
n.d.	[cemetery]	8	4	52	
n.d.	Simons, James	8	4	52	
n.d.	Morrill, William	8	4	52	Turkey
n.d.	[?]	8	5	65	
n.d.	Rogers	9	1	7	trail
n.d.	[cemetery (lots 24/25)]	9	2	25	
n.d.	Dick, Elias	9	2	25	Military
n.d.	Fowler, Laton	9	2	25	Military
n.d.	Dick, David	9	3	36	
n.d.	Wiggins, David	9	4	53	Turkey
n.d.	Shelly, Eliz. (widow)	10	1	6	Baseline
n.d.	Stearns	10	2	26	Military
n.d.	Fowler, William	10	3	35	
n.d.	Simons, James	10	3	35	
n.d.	Leach, Sarah	11	1	5	Baseline
n.d.	Prosser, Josiah	11	1	5	lakeshore
n.d.	Johnson, Collin	11	3	34	
n.d.	Wauby, Amon	11	3	34	
n.d.	Welch, Billy	11	4	55	Turkey
n.d.	Brushel, David	11	5	62	
n.d.	Cottrell, A[lb]	11	5	62	
n.d.	Potter, Hy	11	5	62	
n.d.	Raymond, Billy	11	5	62	
n.d.	Wing, James	12	1	3	
n.d.	Dick, Cynthia	12	1	3	Baseline
n.d.	Boss, Aaron	12	3	33	
n.d.	Buhlman, Henry	12	3	33	
n.d.	Bassett, Ira N.	12	5	61	
n.d.	Reiss, Jacob	12	5	61	
n.d.	Dick, Eliza	13	1	3	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
 Appendix A: Heller, First Homes at Brothertown

Year	Name	Location <sup>1</sup>		Lot	Road
		[N]	[E]		
n.d.	Dick, W.H.	13	1	3	trail
n.d.	[?]	13	4	57	
n.d.	[cemetery (lots 1-2)]	14	1	1	
n.d.	Sprague	14	2	30	
n.d.	[?]	14	5	59	
n.d.	Skeesuck, Arnold	14	5	59	
n.d.	Hammer, Tom	15	1	Sto.	
unk.	[Holy Trinity Church]	8	6	80	

Notes:

- 1 This numbering system does not appear on Heller's map; these artificial map coordinates are provided here for ease in locating lots.
- [N] Number of lots north of Fond du Lac County
- [E] Number of lots east of Lake Winnebago
- Sto. Stockbridge Reservation

Source: O[tt]o E. Heller, comp., Map of "First Homes of New England Indians at Brothertown, Wisconsin," drawn 1936, traced by F.F. Oritz, 1947. Donation by Robert Fowler, Jr., OFA exhibit.

Appendix B  
1839 Allotment List and 1845 Amendatory Reports

Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Abner, Gracy	1834	145	129	
Abner, Joseph	n.d.	105	79	
Abner, Josephine	1836	188	194	
Abner, Lucy	1819	325	177	
Abner, Mary Attala	1833	211	220	
Abner, Randal Jr.	n.d.	21	17	
Abner, Randal Sr.	1789	227	45	+
Abner, Roxy	n.d.	329	181	
Abner, Sarah [(Tocus) m. Randal Sr.]	1795	61	44	
Abner, Sylvia	1823	153	145	
Adams, Edwin	1818	85	56	+
Adams, Rebecca [(Abner) m. Simeon]	1816	380	44	
Adams, Simeon	n.d.	14&15	15&16	
Anthony, Charles	n.d.	6	6	+
Anthony, Lorenda [(Brushel) m. Charles]	1808	7	6	
Anthony, Luana [Lowana]	1830c	284	110	
Brushel/Brushell, Abigail [(Brushel?) wid.]	1750c	318	168	
Brushel/Brushell, Benjamin	1808c	301	144	+
Brushel/Brushell, Hannah [(Cujep) m. Thomas]	1785c	287	113	
Brushel/Brushell, Henrietta	1821	306	153	
Brushel/Brushell, Henry	1814	272	95	
Brushel/Brushell, Lucinda	1816	214	223 <sup>a</sup>	+
Brushel/Brushell, Mary J[ane]	1835	322	174	
Brushel/Brushell, Nancy J. [(Welch) m. Henry]	1809	363	223	
Brushel/Brushell, Samuel/Daniel <sup>v</sup>	1834	173	172	+
Brushel/Brushell, Thomas	1805	88	59	
Brushel/Brushell, Timothy	1829	206	215	
Cesar/Caesar/Cohegan, Hannah	1817c	147	132	
Cesar/Caesar/Cohegan, Lucy	1817c	259	79	+
Cocheats, Charles	n.d.	289	115	+
Cocheats, G. W.	‡	371	232	
Cocheats, Hannah	1834	308	155	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix B: 1839 Allotment List

Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Cocheats, Sophona [Sophronia] [(Crosley) m. Charles]	1804	273	96	
Cocheats, Susanna	‡	276	99	
Coyhes/Coyhis, Benjamin	1818	190	199	
Coyhes/Coyhis, Isaac	n.d.	198	207	
Coyhes/Coyhis, John Jr.	1824c	210	219	
Coyhes/Coyhis, John Sr. / Kiness, John * †2	1792/1788c	169/†2	167	
Coyhes/Coyhis, Martha [(Dick) m. John Sr.]	1797c	202	211	+
Coyhes/Coyhis, Mary	1822	106	80	
Coyhes/Coyhis, William	1803	95	69	
Crosly/Crosley, Caroline	1828	372	233	
Crosly/Crosley, Elizabeth	‡	237	55	
Crosly/Crosley, Grace Ann	1832	338	192	
Crosly/Crosley, Hannah [(Dick) m. William]	n.d.	16	1	
Crosly/Crosley, Hannah Jr.	n.d.	334	188	
Crosly/Crosley, Jason L.	1834c	126	105	
Crosly/Crosley, John	1830c	111	85	
Crosly/Crosley, William	1805	1	1	+
Cummuck/Commuck, Alzuma	1832	129	109	
Cummuck/Commuck, Hannah [(Abner) m. Thomas]	1817	55	38	
Cummuck/Commuck, Sarah	1838	376	238	
Cummuck/Commuck, Thomas	1804	27	23	+
Cummuck/Commuck, Thomas M.	1835	97	71	
Dick, Alexander [G.]	1811	46	27	+
Dick, Almira ([ch.] Alonzo D.)	1839c	119	95	
Dick, Alonzo D.	1813	56	39	+
Dick, Amanda	1826	346	202	
Dick, Amanda J[ane]	1832	76	47	
Dick, Amarilla [Aurilla]	n.d.	342	197	
Dick, Asa	1795	178	178	+
Dick, Barbara	1819	179	179	
Dick, Benjamin	1826	241	59	
Dick, Catherine [Katherine] [(Crosley) m. William]	1787	390	9	+
Dick, Charles Walston	1838	278	102	
Dick, Cornelia	‡	350	206	
Dick, Cornelia ([ch.] Alonzo D.)	1838	116	92	
Dick, Cynthia [(Brown)] [wid.] Isaac [Sr.]	1772c	167	165	
Dick, Cynthia [(Waubey)] (wid.)	1798	3	3	+

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Dick, Daniel	1796	384	10	+
Dick, David	1827	378	240	
Dick, Delila	‡	341	196	
Dick, Desdemona	1827	110	84	
Dick, Dorcas	1824c	144	124	
Dick, Elias	1818	339	193	
Dick, Elizabeth	1822	246	66	
Dick, Elkanah	1790c	66	36	+
Dick, Ellen	‡	286	112	
Dick, Emeline [Emma?]	n.d.	128	107	
Dick, [Eunice (Johnson)] m. Nathan †4	1818	†4	8	
Dick, Francis [Frances]	1835	281	106	
Dick, Hannah [(Fowler)] m. Isaac [Jr.]	1811	161	158	
Dick, Hannah [(Hammer)] m. J[ohn] Elkany	1808c	337	191	
Dick, Hannah [(Potter)] (wid.)	1767	2	2	+
Dick, Hannah J.	n.d.	130	110	
Dick, Harriet *	1822/1830	270	93	
Dick, Harriet ([ch.] A[lonzo] D.)	1836	358	218	
Dick, Harriet Ann *	1830/1822	91	62	
Dick, Hubbard	1831c	362	222	
Dick, Isaac Jr. [Isaac, ch. Asa]	1828	361	221	
Dick, Isaac Sr. [Isaac Jr.]	1804	317	165	+
Dick, Jacob *	1836/n.d.	109	83	
Dick, Jerusha [(Waubby) m. Daniel]	1799	10	10	
Dick, John Jr. *	1827/1839	114	89	
Dick, John Sr.	1808	146	130	+
Dick, John W. *	1838/1839	333	187	
Dick, Laton Isaac	1830c	366	227	
Dick, Laton Jr.	n.d.	344	200	
Dick, Laton Sr.	1797	220	230	+
Dick, Laura	1817	75	46	
Dick, Lureanet [Lucenette] [(Crosley) m. Alonzo]	1808	26	22	
Dick, Margaret	1834	131	111	
Dick, Margaret Ann	‡	186	192	
Dick, Nancy [(Skeesuck) m. Asa]	1799	332	184	
Dick, Nathan	1813	9	8	+
Dick, Nathan [Nathaniel?]	n.d.	299	131	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Dick, Orrey [Aurilla]	1829	215	224	
Dick, Orrin	1831	100	74	
Dick, Orville	‡	205	214	
Dick, Samantha [(Seketer) m. Alexander]	1811c	64	34	
Dick, Sarah [(Toucee) m. Elkanah]	1795c	44	25	
Dick, Susan	1817c	36	31	+
Dick, Thomas D.	1839	20	5	
Dick, Thomas Jr.	‡	18	3	
Dick, William Jr.	1817	164	161	
Dick, William Sr. <sup>m</sup>	1784	381-383	9&163	
Dick, Zephania	1838c	364	224	
Fowler, Ab. J. [Abby Jane]	1834	311	158	
Fowler, Abigail	1806c	356	216	
Fowler, Adeline	1833	224	238	
Fowler, Alexander	1815	118	94	
Fowler, Alfred	1834	199	208	
Fowler, Almira	1819	63	33	
Fowler, Alzina	1830	256	76	
Fowler, Amy [(Potter)] (wid.)	1792	23	19	+
Fowler, Benjamin	1827?	222	232	
Fowler, Benjamin G[arrett]	1774?	296	122	+
Fowler, Collins [John Collins]	1817	87	58	+
Fowler, David	1813	30	26	+
Fowler, David Jr.	‡	352	212	
Fowler, Elizabeth	1795	314	161	
Fowler, Elizabeth [(Dick)] (wid.)	1782	47	28	+
Fowler, Elizabeth [(Simons)] m. David	1818	52	35	
Fowler, Fanny [(Skeesuck) m.Hezekiah]	1812	58	41	
Fowler, Frances	‡	175	175	
Fowler, Hezekiah	1813	24	20	+
Fowler, James	1831?	354	214	
Fowler, James Delos	1837	187	193	
Fowler, Laton	1824	189	197	
Fowler, Lewis	1818	283	109	
Fowler, Lorenzo [D.]	1817	57	40	
Fowler, Lucius L. [Lucius S.]	1819	59	42	
Fowler, Lyman [P.]	1823	181	181	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Fowler, Mary [(Brushel) m. William]	1822	65	35	
Fowler, Mary J[ane]	1836	134	114	
Fowler, Mary L. [Mary Victory?] [(Johnson?) m. Lorenzo?]	1816?	25	21	
Fowler, Orrin	1829	133	113	
Fowler, Orsamus	1816	33	29	
Fowler, Pamela [Permelia] Ann	1838	260	80	
Fowler, Patience [(Dick)] (wid.)	1793	4	4	+
Fowler, Phebe [(Nedson [Kiness])] (wid)	1774	28	24	+
Fowler, Phebe J[ane]	1818	74	45	
Fowler, Rodolphus [Rhodolphus]	1834	165	162	
Fowler, Roxana	1825	370	231	
Fowler, Russels/Russel	1814	280	105	
Fowler, Simeon	1819	340	194	
Fowler, Smith	1821	115	91	
Fowler, Theophilus	1835	142	122	
Fowler, Triphosa [Tryphena?]	n.d.	194	203	
Fowler, Wealthy J.	1827	212	221	
Fowler, William	1815	45	26	+
Hammer, Elizabeth [(Johnson)] m. Ira	1817	72	42	
Hammer, Elizabeth Sr. [(Crosley) wid.]	1790	170	168	
Hammer, Esther [(Johnson) m. John C.]	1812	71	41	
Hammer, Ira	1806	39	19	+
Hammer, John C. <sup>a</sup>	1809	387&388	13&20	
Hammer, Lorokama [Lorry]	n.d.	257	77	
Hammer, Louisa	1836	367	228	
Hammer, Olive	1837	297	123	
Hammer, Polly [(Johnson) m. Samuel]	1815c	140	120	
Hammer, Samuel	n.d.	275	98	+
Hammer, Selina [Selona]	1838	108	82	
Hart, Lurena [Luranette?] [(Fowler) m. Simeon]	1814c	68	38	
Hart, Orville	1834	103	77	
Hart, Rolette	1838	197	206	
Hart, Simon [Simeon?]	1810?	42	23	+
Hutton, Philena [(Adams) m. [name?]]	1776	305	152	
James, Samuel	‡	11	11	+
Jonson/Johnson, Abigail [(Dick)] m. David †1	1802	†1	11	+
Jonson/Johnson, Charlotte [(Skeesuck) m. William Sr.]	1790	70	40	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Jonson/Johnson, Colon [Colen]	1824	353	213	
Jonson/Johnson, David	1810	385&386	13&20	
Jonson/Johnson, Edwin	1835	359	219	
Jonson/Johnson, Elisha	1827	274	97	
Jonson/Johnson, Finne/Firme	‡	157	154	
Jonson/Johnson, Grace	1839	172	170	
Jonson/Johnson, Henry	1819	293	119	
Jonson/Johnson, James	‡	268	89	
Jonson/Johnson, Jemima [(Dick) m. Jeremiah]	1812	69	39	
Jonson/Johnson, Jeremiah [W.]	1813	41	22	+
Jonson/Johnson, John Jr.	1818	228	46	
Jonson/Johnson, John Sr.	1774	22&389	18&mill	+
Jonson/Johnson, Martha	1828?	124	100	
Jonson/Johnson, Martha [(Fowler?)] (wid.)	1793?	12	12	+
Jonson/Johnson, Mercy <sup>a</sup> [(Thomas) m. John Sr.]	1782	60	43	
Jonson/Johnson, Orrin *	1822/1834	203	212	
Jonson/Johnson, Phebe	1821	307	154	
Jonson/Johnson, Phimbre/Phimber [Fimbra]	1839c	155	152	
Jonson/Johnson, Rowland	1816	229	47	+
Jonson/Johnson, William Jr.	1818	252	72	
Jonson/Johnson, William Sr.	1772	40	21	+
Kiness/Kindness, Cynthia Ann	‡	251	71	
Kiness/Kindness, George	n.d.	326	178	
Kiness/Kindness, Hannah [(Dick) m. James J.]	1807	277	100	
Kiness/Kindness, Ira L.	1832	313	160	
Kiness/Kindness, Isaac J.	1836	254	74	
Kiness/Kindness, James [J.]	1804	348	204	+
Kiness/Kindness, James Jr.	1836	373	235	
Kiness/Kindness, Lewis	1838	154	151	
Kiness/Kindness, Phebe	‡	343	199	
Kiness/Kindness, Thomas [Jr.]	1815	290	116	+
Kiness/Kindness, Thos. L[ayton]	1833	377	239	
Kiness/Kindness, William	1822	303	146	
Kiness/Kindness, Zilpha	‡	279	104	
Kuish/Cuish, John Jr.	1832c	207	216	
Kuish/Cuish, John Sr.	1802c	171	169	+
Kuish/Cuish, Melissa	1835c	204	213	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Mathers, Delia [Adelia Ann] [(Sampson) m. John]	1818	34	30	
Mathers, Eliphlet [Eliphalet]	1782	263	83	+
Mathers, Joel	1825	309	156	
Mathers, John	1813c	35	30	
Mathers, Lovina	n.d.	117	93	
Mathers, Ransom [A.]	1817	238	56	
Mathers, Rosetta	1819	357	217	
Mathers, Rosetta Jr.	‡	176	176	
Mathers, Sarah	‡	200	209	
Mossuck, Daniel	n.d.	330	182	+
Mossuck, Pualla [Pually] [(Adams) m. [name?]]	n.d.	336	190	
Niles, Andrew	1828	302	145	
Niles, James	1781	48	29	+
Niles, John	1830	226	240	+
Niles, Nabby [Abigail] [(Johnson) m. James]	1805	62	32	
Niles, Phebe	1822	375	237	
Niles, Samuel	1836	148	139	
Onion, John	‡	225	239	
Onion, Olive	‡	321	172	
Palmer [Paul], Benjamin	1827c	295	121	
Palmer [Paul], David	‡	50	33	
Palmer [Paul], George	1828c	355	215	
Palmer, Martha [(Waukeet) wid.]	1800	32	28	+
Paul, Almira	‡	216	225	
Paul, Charles [A.]	1820	132	112	
Paul, Christina	n.d.	77	48	+
Paul, George	1828	315	162	
Paul, Hannah	1791c	135	115	+
Paul, Hannah [(Adams)] m. Solomon †3	1808	†3	7	
Paul, Nelson	1805c	345	201	+
Paul, Phebe Jr.	1828	369	230	
Paul, Rachael	‡	240	58	
Paul, Rodolphus	1836	193	202	
Paul, Sarah	1780?	37	17	+
Paul, Sarah [(maiden?)] m. Nelson	1815	291	117	
Paul, Solomon	1796	8	7	
Paul, William	n.d.	208	217	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Peters, Amos	1794	162	159	+
Peters, Juliette	1825	185	191	
Peters, Martin	1834	262	82	
Peters, Melanethon [Melanthon]	1829	323	175	
Peters, William	1831	163	160	
Potter, Henry	1837	141	121	
Potter, Jason	n.d.	248	68	+
Potter, Mary Ann	1838?	94	68	
Potter, Polly	1838c	223	233	
Ramsdall, Jeffrey	‡	102	76	
Roberts, Abigail	‡	327	179	+
Samson/Sampson, Almira	1835	349	205	
Samson/Sampson, Alonzo [J.]	1828	209	218	
Samson/Sampson, Avery [L.]	1827c	125	104	
Samson/Sampson, Avis [Theresa]	1829	150	141	
Samson/Sampson, Clark [D.]	1819c	232	50	+
Samson/Sampson, Eliza	1826	151	143	
Samson/Sampson, Elizabeth	‡	127	106	
Samson/Sampson, Esther [(Simons) wid.]	1798	120	96	+
Samson/Sampson, Eveline	1788c	351	207	+
Samson/Sampson, George	1785c	195	204	
Samson/Sampson, George	1816	159	156	
Samson/Sampson, James [III]	1815c	324	176	
Samson/Sampson, Jane/James <sup>v</sup>	1824c	156	153	
Samson/Sampson, Louisa	1817c	168	166	
Samson/Sampson, Maria [Mariah]	1822	98	72	
Samson/Sampson, Melina [Melinda]	1817	264	84	
Samson/Sampson, Ralph	1827c	335	189	
Samson/Sampson, Rosina [Rozina] [(Mathers) m. Clark]	1819	79	50	
Samson/Sampson, Rufus	1816c	180	180	
Samson/Sampson, Sarah	1831	374	236	
Samson/Sampson, Sarah [(maiden?) wid.]	1770	138	118	+
Samson/Sampson, Seth [F.]	1837	136	116	
Samson/Sampson, Sophia [Elizabeth]	1825	271	94	
Samson/Sampson, Thomas	‡	245	64	
Samson/Sampson, Wealthy [Wealthee Ann]	1823	113	88	
Scipio/Scippio, Charlotte [(maiden?) wid.]	1767	160	157	+

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Scipio/Scippio, Dennis	1788	244	62	+
Scipio/Scippio, Electy [Electa]	1827c	49	32	
Scipio/Scippio, Isaac	n.d.	38	18	+
Seput, Daniel	‡	320	170	
Seput, Daniel Sr. <sup>m</sup>	‡	139	119	+
Seput, Lurena	‡	304	151	
Seput, Simon	‡	319	169	
Shelly/Shelley, Betsy [Elizabeth] [(Mathews) m. Simon Sr.]	1797	122	98	+
Shelly/Shelley, David	1829	121	97	
Shelly/Shelley, Elias	1839	152	144	
Shelly/Shelley, Elizabeth	1832	191	200	
Shelly/Shelley, Hannah	1833	123	99	
Shelly/Shelley, Henry	1834	192	201	
Shelly/Shelley, John	1831	310	157	
Shelly/Shelley, Louisa J.	1833	292	118	
Shelly/Shelley, Simeon	1832c	294	120	
Shelly/Shelley, Simon Jr.	1839?	101	75	
Shelly/Shelley, Simon/Simeon Sr.	1800c	184	190	+
Sikerter/Seketer, Abigail [(Wyatt) m. Charles]	1800	93	67	
Sikerter/Seketer, Charles	n.d.	266	87	+
Sikerter/Seketer, John Jr.	1835?	219	229	
Sikerter/Seketer, John Sr.	n.d.	247	67	+
Sikerter/Seketer, Milo	1830	19	4	
Sikerter/Seketer, Sarah [Sarah/Sarah E.] *	n.d./n.d.	258	78	
Simons, Emily	‡	96	70	+
Simons, James	1821	81	52	
Simons, Margaret	‡	261	81	
Simons, Mason	‡	221	231	
Simons, Selinda	‡	234	52	+
Skesuck/Skeesuck, Ab.	‡	312	159	
Skesuck/Skeesuck, Abigail [(Johnson) m. George]	n.d.	13	14	+
Skesuck/Skeesuck, Abraham	1803	43	24	+
Skesuck/Skeesuck, Arnold	1820	89	60	+
Skesuck/Skeesuck, Daniel *	1810/n.d.	243	61	
Skesuck/Skeesuck, David *	1812/n.d.	174	174	
Skesuck/Skeesuck, Eliza *	1809/n.d.	316	164	
Skesuck/Skeesuck, George	n.d.	73	43	+

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Skesuck/Skeesuck, Grace [(Seketer) m. Samuel Jr.]	1806	80	51	
Skesuck/Skeesuck, Henry	1827	217	227	
Skesuck/Skeesuck, Jerome [Samuel Jerome]	1834	67	37	
Skesuck/Skeesuck, Lester	1827	285	111	
Skesuck/Skeesuck, Lucy	1816	182	182	+
Skesuck/Skeesuck, Lyman	1834c	218	228	
Skesuck/Skeesuck, Maria	n.d.	107	81	
Skesuck/Skeesuck, Martha	1826	213	222	
Skesuck/Skeesuck, Mary Ann	n.d.	282	107	
Skesuck/Skeesuck, Melissa Ann	1829	5	5	
Skesuck/Skeesuck, Rufus	1835	143	123	
Skesuck/Skeesuck, Ruth	1831	328	180	
Skesuck/Skeesuck, Samuel Jr.	1808	233	51	+
Skesuck/Skeesuck, Samuel Sr.	1772	230	48	+
Skesuck/Skeesuck, Sarah	1780	90	61	
Skesuck/Skeesuck, Thankful [(Dick?) wid.?)	1805c	17	2	
Smith, Mary [E.?)	n.d.	201	210	+
Tocus, Grace [(Crosley) m. Joseph]	1776	54	37	
Tocus, Joseph	1769	242	60	+
Tocus, Thos. J.	‡	365	225	
Touce/Toucee, David	1800	177	177	+
Touce/Toucee, Eunice [(Charles) m. David]	1807	250	70	
Walker, Jane	‡	137	117	
Wampy [Wamssoy?], Esther	1760c	104	78	
Warby/Wauby, Amos [Ammon?]	1828?	51	34	
Warby/Wauby, Eunice [(Dick) m. James]	1810	86	57	
Warby/Wauby, Frances	1839c	196	205	
Warby/Wauby, Isaac	1800c	31	27	+
Warby/Wauby, James	1810	239	57	+
Warby/Wauby, John	1800c	288	114	+
Warby/Wauby, Lureanet <sup>m</sup>	‡	331	183	
Warby/Wauby, Sarah	1838	166	164	
Warby/Wauby, Serepta	‡	298	124	
Warby/Wauby, Silas	1800c	99	73	+
Warkieth, Lucy	‡	84	55	
Whitney, Joseph	‡	249	69	+
Wiggins, Anna	‡	269	92	

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Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	Case # <sup>3</sup>	Lot <sup>4</sup>	
Wiggins, Betsy [(Handable)] (wid.)	1782	236	54	
Wiggins, Charles	1828c	83	54	+
Wiggins, Charlotte	n.d.	368	229	
Wiggins, David	1812	235	53	+
Wiggins, Eli	1816c	379	198	+
Wiggins, Elizabeth [(Paul) m. Ezekiel]	1812	53	36	
Wiggins, Ezekiel	1805	29	25	+
Wiggins, Hiram	n.d.	267	88	
Wiggins, Ira L. [Ira S.]	1832	149	140	
Wiggins, James	n.d.	253	73	
Wiggins, Leander	1832c	265	85	
Wiggins, Louisa/Louis <sup>v</sup> [(Hammer) m. David]	1807	82	53	
Wiggins, Martin [II]	1830	183	183	
Wiggins, Polly	1836	347	203	
Wiggins, Ramona	1834	92	66	
Wiggins, Samuel	1823	255	75	
Wiggins, Seth	n.d.	158	155	
Wiott/Wyatt, Daniel	‡	78	49	+
Wiott/Wyatt, Daniel Sr. <sup>m</sup>	1800c	231	49	+
Wiott/Wyatt, Romantha [Romance?]	1826	360	220	
Wiott/Wyatt, Sarah	1794c	112	87	
Wiott/Wyatt, Zephania	‡	300	143	

Notes:

- 1 These individuals are listed as named on the 1839 allotment list, except that variant spellings of surnames are listed for everyone with that surname; information in brackets represents annotations by OFA researchers to help identify individuals on the list.
- 2 The 1839 allotment list does not include an individual's date of birth; the date of birth given here is found in the petitioner's genealogical database or estimated from an age given on a Federal census or censuses.
- 3 The original 1839 allotment list did not number individual allotments; penciled numbers were added to the list and referred to by the General Land Office as case numbers.
- 4 Some individuals were allotted land in more than one lot; individuals with an additional fraction(s) of another lot(s) are marked with the "+" symbol.
  - a This name or other information was clarified in the amendatory report of 4/2/1845.
  - m This name or other information was clarified on the allotment map of 7/13/1840.
  - v The name on the allotment list of 1839 and the map of 1840 do not agree; in each case, the list appears to be correct.
  - \* There are alternative choices for this allottee; the birth date of the more likely allottee is given first.
- †1 This individual was identified in the amendatory report of 4/2/1845 (but not patented; see report of 7/10/1845); the fractional lots claimed for her were shown on the map as assigned to David Johnson.
- †2 This allottee was changed (John Kiness to John Coyhis Sr.) in the amendatory report of 4/2/1845 and the change was further explained in the amendatory report of 7/10/1845.

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix B: 1839 Allotment List

- †3 This individual was identified in the amendatory report of 7/10/1845, and on the map of 1840 as the “wife of” Solomon Paul (see *Fowler v. Scott*).
- †4 This individual was identified on the map of 1840 only as the “wife of” Nathan Dick.
- ‡ This individual is not found in the petitioner’s genealogical database and was not found on a Federal census.

Note: The report of 1839, amendatory reports of 1845, and map of 1840 identify 387 member allottees at the time of the allotment. The commissioners made 390 allotments in their 1839 report, but 5 appear to represent a second assignment made to one individual and 1 was made to unnamed children (#382), which reduces the total to 384 identified allottees, while the map identified 2 wives not listed in the 1839 report and an 1845 report identified 1 additional wife, which increases the total to 387 allottees identified by the commissioners.

Sources: Charles Anthony et al. to President Van Buren, n.d. [10/-/1839], box 2, Indian Reserve Series, Entry 29, Div. K, and a copy (with a few annotations) in Entry A1 2012, RG 49 (General Land Office), National Archives, Washington, D.C. Thomas Commuck et al. to Commissioner of the General Land Office, 4/2/1845, and Charles Anthony et al. to Commissioner of the General Land Office, 7/10/1845, box 2, Indian Reserve Series, Entry 29, Div. K, RG 49 (General Land Office), National Archives, Washington, D.C. George Featherstonhaugh, Map of Brothertown Township (with allottees), 7/13/1840, Archives, Wisconsin State Historical Society, Madison, Wis.

Appendix C  
1840 Census: Calumet County

1840 [Dwelling#]	1840 Population	1840 Head of Family	1840 Age	[1839 ] [Case #] <sup>1</sup>	[1840 / 1839] [Spouse? / #] <sup>2</sup>
1	3	Tocus, Joseph	60s	242	yes / 54
2	6	Dick, Alonzo D.	20s	56	yes / 26
3	6	Johnson, Jeremiah	20s	41	yes / 69
4	9 [8]	Fowler, Elizabeth	40s	47	no
5	5 [4]	Palmer, Martha	40s	32	no
6	6	Marthers, Eliphalet	50s	263	no
7	1	Skesuck, Samuel Sr.	60s	230	no
8	4	Mathers, John	20s	35	yes / 34
9	8	Crosley, William	30s	1	yes/250
10	6	Dick, Hannah	70s	2	no
11	7	Niles, James	50s	48	yes / 62
12	5	Dick, Cynthia	40s	3	?
13	6	Fowler, Patience	40s	4	no
14	4	Paul, Solomon	30s	8	yes / †3
15	4	Fowler, Lorenzo	20s	57	yes / 25
16	4	Fowler, Amy	50s	23	no
17	3	Skesuck, Arnold	20s	89	yes / ---
18	5	Johnson, William Sr.	40s	40	yes / 70
19	5	Schooner, Jonathan	20s	---	yes/40.a
20	4	Hammer, John	30s	387	yes / 71
21	3	Johnson, David	30s	385	yes / †1
22	3	Hammer, Ira	30s	39	yes / 72
23	6	Johnson, John Sr.	60s	22	yes / 60
24	2	Paul, Christiana	20s	77	no
25	5	Hart, Simon	30s	42	yes / 68
26	5	Welch, William	30s?	---	?
27	4	Wiggins, David	20s	235	yes / 82
28	1	Wadsworth, A[rnie] S.	20s	---	no
29	1	Scipio, Dennis	50s	244	no
30	11	Dick, Elkanah	40s	66	yes / 44
31	5	Atkins, Jacob	20s	---	yes / ---
32	2	Westfall, Simon	30s	---	yes / ---

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix C: 1840 Census

<b>1840 [Dwelling#]</b>	<b>1840 Population</b>	<b>1840 Head of Family</b>	<b>1840 Age</b>	<b>[1839 ] [Case #] <sup>1</sup></b>	<b>[1840 / 1839] [Spouse? / #] <sup>2</sup></b>
33	1	Bull, George C.	20s	---	no
34	4	Scott, William	30s	---	yes / ---
35	8	Brooks, Stephen	50s	---	yes / ---
36	1	Mann, Moody	50s	---	no
37	2	Stanton, Catoe	40s?	---	yes / ---
38	2	Dean, John	20s	---	yes / ---
39	3	Marsh, Cutting	30s	---	yes / ---
40	1	Whitney, Clark	30s	---	no
41	2	Mills, J[?]	30s	---	yes / ---
42	5	Skesuck, Samuel Jr.	30s	233	yes / 80
43	3	Anthony, Charles	30s	6	yes / 7
44	2	Adams, Simon	20s	14	yes/380
45	5	Brushel, Jonathan	40s?	---	yes / ---
46	1	Paul, Sally	50s	37	no
47	4	Francis, Morris	30s?	---	yes / ---
48	3	Skesuck, Abraham	30s	43	no
49	3	Skesuck, George	30s	73	yes / 13
50	3	Fowler, David	20s	30	yes / 52
51	8	Dick, William	50s	381	yes/390
52	5	Johnson, Martha	40s	12	no
53	1	Fowler, Phoebe (wid.)	60s	28	no
54	3	Waubby, James	30s	239	yes / 86
55	2	Wiggins, Betsy	50s	236	no
56	4	Sampson, Clark	20s	232	yes / 79
57	5	Commuck, Thomas	30s	27	yes / 55
58	6	Wiggins, Ezekiel	30s	29	yes / 53
59	6	Dick, Alexander	30s	46	yes / 64
60	4	Waubby, Isaac	30s	31	yes / ---
61	2	Crosley, Betsy	70s	237?	no
62	5	Dick, Nathan	20s	9	yes / †4
63	5	Baldwin, John	40s?	---	yes / ---
64	1	James, Samuel	30s	11	no
65	6	Crowel, Peter	50s	---	yes / ---
66	8	Abner, Randal Sr.	50s	227	yes / 61
67	1	Seketer, Charles	30s	266	no
68	1	Fowler, Phoebe (2nd)	20s	74	no

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
 Appendix C: 1840 Census

<b>1840</b> <b>[Dwelling#]</b>	<b>1840</b> <b>Population</b>	<b>1840</b> <b>Head of Family</b>	<b>1840</b> <b>Age</b>	<b>[1839 ]</b> <b>[Case #] <sup>1</sup></b>	<b>[1840 / 1839]</b> <b>[Spouse? / #] <sup>2</sup></b>
—	—			—	
68	275 [273]	TOTAL		50	

Notes:

- 1 The 1840 Federal census does not include information about the 1839 allotment list; that information is provided from other sources to identify the Brothertown allottees on the census.
- 2 The 1840 Federal census does not identify any members of the household except the household head; the likely presence of a spouse is deduced from information on the census about the gender and age of other members of the household.
- †1 This individual was identified in the amendatory report of 4/2/1845 (but not patented; see report of 7/10/1845); the fractional lots claimed for her were shown on the map as assigned to David Johnson.
- †3 This individual was identified in the amendatory report of 7/10/1845, and on the map of 1840 as the “wife of” Solomon Paul (see *Fowler v. Scott*).
- †4 This individual was identified on the map of 1840 only as the “wife of” Nathan Dick.
- 40.a This spouse was the child of allottee #40.

Sources: U.S. Census 1840, Wisconsin, Calumet County. The additional information about allotment case numbers and the likely presence of a spouse in the household is derived from: Anthony et al. 10-/1839 and 7/10/1845; Commuck et al. 4/2/1845; Featherstonhaugh 7/13/1840; and the petitioner’s genealogical database.

Appendix D  
1850 Census: 1839 Allottees and their Children born before 1839

1850 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Dist.36, 001	Dick, Daniel	1796	384
Dist.36, 001	Dick, Jerusha [(Wauby) m. Daniel]	1799	10
Dist.36, 001	Dick, John W.	1838	333?
Dist.36, 004	Tocus, Joseph	1769	242
Dist.36, 004	Abner, Randal Sr.	1789	227
Dist.36, 004	Abner, Sarah [(Tocus) m. Randal Sr.]	1795	61
Dist.36, 004	Abner, Lucy [m. Wadsworth/Stow]	1819	325
Dist.36, 004?	Abner, Mary Attala [m. David Gebeau]	1833	211
Dist.36, 004	Abner, Gracy [m.Paschal/Blakeslee]	1834	145
Dist.36, 004	Abner, Josephine	1836	188
Dist.36, 006	Brushel, Hannah [(Cujep) m. Thomas]	1785c	287
Dist.36, 007	Fowler, David	1813	30
Dist.36, 007	Fowler, Elizabeth [(Simons)] m. David	1818	52
Dist.36, 007	Fowler, Harriet Adelaide [m. John Niles]	1840/44	30.a
Dist.36, 008	Hammer, John C. <sup>a</sup>	1809	387/388
Dist.36, 008	Hammer, Esther [(Johnson) m. John C.]	1812	71
Dist.36, 008	Hammer, Alexander Hamilton	1830	387.a
Dist.36, 010	Dick, William Sr. <sup>m</sup>	1784	381/383
Dist.36, 010	Dick, Catherine [Katherine] [(Crosley) m. William]	1787	390
Dist.36, 010	Dick, Dorcas	1824c	144
Dist.36, 010	Dick, Orlando	1839c	9.b
Dist.36, 010 / 087	Dick, Barbara [m. Fowler/Johnson/Fowler]	1819	179
Dist.36, 011	Dick, Nathan [C.]	1813	9
Dist.36, 011	Dick, [Eunice (Johnson)] m. Nathan	1818	†4
Dist.36, 011	Dick, Franklin M. [#281?]	1832	9.a
Dist.36, 012	Paul, Solomon	1796	8
Dist.36, 012	Palmer, Martha [(Waukeet) wid.] [m. Solomon Paul]	1800	32
Dist.36, 012	Palmer [Paul?], Benjamin	1827c	295
Dist.36, 012	Palmer [Paul?], George	1828c	355
Dist.36, 013	Anthony, Lorenda [(Brushel) m. Charles]	1808	7
Dist.36, 013	Wiggins, Eli	1816/20	379
Dist.36, 013	Skeesuck, Henry	1827	217
Dist.36, 013	Anthony, Luana [Lowana] [m. Henry Skeesuck]	1830c	284
Dist.36, 014	Brushel, Henrietta [m. Wiggins/Sampson]	1821	306
Dist.36, 014	Sampson, Avery [L.]	1827c	125
Dist.36, 014	Sampson, Avis [Theresa] [m. Johnson/Adams]	1829	150

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix D: 1850 Census

<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Dist.36, 015	Kiness/Kindness, James [J.]	1804	348
Dist.36, 015	Kiness/Kindness, Hannah [(Dick) m. James J.]	1807	277
Dist.36, 015	Kiness/Kindness, Ira L.	1832	313
Dist.36, 015	Kiness/Kindness, Thos. L[ayton]	1833	377
Dist.36, 015	Kiness/Kindness, Isaac J.	1836	254
Dist.36, 016	Cummuck/Commuck, Thomas	1804	27
Dist.36, 016	Cummuck/Commuck, Hannah [(Abner) m. Thomas]	1817	55
Dist.36, 016	Cummuck/Commuck, Alzuma	1832	129
Dist.36, 016	Cummuck/Commuck, Thomas M.	1835	97
Dist.36, 016	Cummuck/Commuck, Sarah	1838	376
Dist.36, 017	Johnson, Jemima [(Dick) m. Jeremiah]	1812	69
Dist.36, 017	Johnson, Jeremiah [W.]	1813	41
Dist.36, 017	Johnson, Edwin	1835	359
Dist.36, 017	Johnson, Ovando F.	1837	41.a
Dist.36, 017	Johnson, William H.	1838/40	41.b
Dist.36, 017?	Johnson, Phimbre/Phimber [Fimbra]	1839c	155
Dist.36, 018	Johnson, Martha [(Fowler?) (wid.)	1793?	12
Dist.36, 018	Johnson, Martha	1828?	124
Dist.36, 018 / 057	Johnson, Phebe [m. William Shapely]	1821	307
Dist.36, 019	Johnson, Nancy [m. Jonathan Schooner]	1814	40.a
Dist.36, 020	Johnson, Orrin [G.]	1822	203?
Dist.36, 022	Fowler, Fanny [(Skeesuck) m.Hezekiah]	1812	58
Dist.36, 022	Fowler, Hezekiah	1813	24
Dist.36, 022	Fowler, Alfred	1834	199
Dist.36, 022	Fowler, Mary J[ane] [m. Joseph Reed]	1836	134
Dist.36, 022	Fowler, Pamela [Permelia] Ann [m. John Crosley]	1838	260
Dist.36, 023	Johnson, Abigail [(Dick)] m. David	1802	†1
Dist.36, 023	Johnson, David	1810	385/386
Dist.36, 023	Brushel, Mary J[ane]	1835	322
Dist.36, 024	Johnson, Rowland	1816	229
Dist.36, 024	Fowler, Almira [m. Rowland Johnson]	1819	63
Dist.36, 025	Dick, Lureanet [Lucenette] [(Crosley) m. Alonzo]	1808	26
Dist.36, 025	Dick, Alonzo D.	1813	56
Dist.36, 025	Kiness/Kindness, William	1822	303
Dist.36, 025	Dick, Amanda J[ane] [m. Orsamus Fowler]	1832	76
Dist.36, 025?	Kuish/Cuish, John Jr.	1832c	207
Dist.36, 025	Kuish/Cuish, Melissa	1835c	204
Dist.36, 025	Dick, Cornelia ([ch.] Alonzo D.) [m. Charles H. Welch]	1837c	116
Dist.36, 025	Dick, Almira ([ch.] Alonzo D.) [m. Stanton/Bostwick]	1839c	119
Dist.36, 026	Fowler, Lyman [P.]	1823	181
Dist.36, 026	Dick, Orrey [Aurilla] [m. Lyman Fowler]	1829	215

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix D: 1850 Census

<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Dist.36, 027	Hart, Lurena [Luranette?] [(Fowler) m. Simeon]	1814c	68
Dist.36, 027	Sampson, Melina [Melinda] [m. George Reader]	1817	264
Dist.36, 027	Wiggins, Samuel	1823	255
Dist.36, 027	Hart, Orville	1834	103
Dist.36, 027	Hart, Rolette	1838	197
Dist.36, 028	Hammer, Ira	1806	39
Dist.36, 028	Hammer, Elizabeth [(Johnson)] m. Ira	1817	72
Dist.36, 028	Johnson, Henry [C.]	1819	293
Dist.36, 028	Hammer, Olive	1837	297
Dist.36, 033	Johnson, Charlotte [(Skeesuck) m. William Sr.]	1790	70
Dist.36, 033	Johnson, William Jr.	1818	252
Dist.36, 033	Johnson, Elisha	1827	274
Dist.36, 035	Brushel, Benjamin	1808c	301
Dist.36, 036	Seketer, Abigail [(Wyatt) m. Charles]	1800	93
Dist.36, 036	Seketer, Milo	1830	19
Dist.36, 036	Seketer, John Jr.	1835?	219
Dist.36, 039	Fowler, Amy [(Potter)] (wid.)	1792	23
Dist.36, 039	Fowler, Phebe J[ane] [m. Lucius Fowler]	1818	74
Dist.36, 039	Fowler, Lucius L. [Lucius S.]	1819	59
Dist.36, 039	Fowler, Alzina	1830	256
Dist.36, 039	Fowler, Ab. J. [Abby Jane]/Mary Jane	1834	311
Dist.36, 043	Dick, Isaac Sr. [Isaac Jr.]	1804	317
Dist.36, 043	Dick, Hannah [(Fowler)] m. Isaac [Jr.]	1811	161
Dist.36, 043?	Dick, Laton Isaac	1830c	366
Dist.36, 045	Dick, Alexander [G.]	1811	46
Dist.36, 045	Dick, Samantha [(Seketer) m. Alexander]	1811c	64
Dist.36, 045	Dick, John P. [John Jr.?)	1827	114?
Dist.36, 045	Dick, Harriet [m. Joseph Skenandore]	1830	91/270
Dist.36, 045	Dick, Jacob	1836	109?
Dist.36, 045	Dick, Charles Walston	1838	278
Dist.36, 046	Dick, Nancy [(Skeesuck) m. Asa]	1799	332
Dist.36, 046	Dick, Amanda [m. William Johnson Jr.]	1826	346
Dist.36, 046	Dick, Isaac Jr. [Isaac, ch. Asa]	1828	361
Dist.36, 046	Dick, Orrin	1831	100
Dist.36, 046	Dick, Margaret	1834	131
Dist.36, 047	Paul, Hannah	1791c	135
Dist.36, 049	Johnson, John Sr.	1774	22/389
Dist.36, 049	Johnson, Mercy <sup>a</sup> [(Thomas) m. John Sr.]	1782	60
Dist.36, 049	Johnson, Colon [Colen]	1824	353
Dist.36, 050	Adams, Rebecca [(Abner) m. Simeon] [m. John Johnson Jr.]	1816	380
Dist.36, 050	Johnson, John Jr.	1818	228

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix D: 1850 Census

<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Dist.36, 052	Skeesuck, Samuel Sr.	1772	230
Dist.36, 052	Skeesuck, Daniel	1810	243?
Dist.36, 054	Wiggins, Ezekiel	1805	29
Dist.36, 054	Wiggins, Elizabeth [(Paul) m. Ezekiel]	1812	53
Dist.36, 054	Wiggins, Martin [II]	1830	183
Dist.36, 054	Wiggins, Ramona	1834	92
Dist.36, 054	Wiggins, Polly	1836	347
Dist.36, 055	Shelley, Simon/Simeon Sr.	1800c	184
Dist.36, 055	Shelley, David	1829	121
Dist.36, 055	Shelley, John	1831	310
Dist.36, 055	Shelley, Louisa J. [m. Alonzo Simons]	1833	292
Dist.36, 055	Shelley, Henry	1834	192
Dist.36, 055	Shelley, Lyman	1834?	184.a
Dist.36, 055	Shelley, Simon Jr. [Simon H.?)	1841?	101
Dist.36, 057	Sampson, Rosina [Rozina] [(Mathers) m. Clark]	1819	79
Dist.36, 057	Sampson, Clark [D.]	1819c	232
Dist.36, 057	Sampson, Almira/Elmira [m. Kindness/Dick]	1835	349
Dist.36, 057	Sampson, Seth [F.]	1837	136
Dist.36, 059	Skeesuck, Grace [(Seketer) m. Samuel Jr.]	1806	80
Dist.36, 059	Skeesuck, Samuel Jr.	1808	233
Dist.36, 059	Skeesuck, Dorcas	1833	233.a
Dist.36, 059	Skeesuck, Solomon/Sykes	1836	233.b
Dist.36, 061	Simons, James	1821	81
Dist.36, 061	Skeesuck, Martha [m. James Simons]	1826	213
Dist.36, 062	Skeesuck, Abraham	1803	43
Dist.36, 062	Skeesuck, Elisha L	1830	43.a
Dist.36, 062	Skeesuck, Jerome [Samuel Jerome]	1834	67
Dist.36, 062	Skeesuck, Lyman	1834c	218
Dist.36, 063	Wiggins, Louisa [(Hammer) m. David]	1807	82
Dist.36, 063	Wiggins, David	1812	235
Dist.36, 063	Wiggins, Ira L. [Ira S.]	1832	149
Dist.36, 063	Wiggins, Leander	1832c	265
Dist.36, 064	Wiggins, Betsy [(Handable)] (wid.)	1782	236
Dist.36, 065	Paul, Lucy [m. Charles Wiggins]	1810c	32.a
Dist.36, 065	Wiggins, Charles	1828c	83
Dist.36, 067	Dick, Cynthia [(Brown)] [wid.] Isaac [Sr.]	1772c	167
Dist.36, 068	Hammer, Polly [(Johnson) m. Samuel]	1815c	140
Dist.36, 068	Hammer, Louisa	1836	367
Dist.36, 068	Hammer, Selina [Selona] [m. George Smith]	1838	108
Dist.36, 069	Mathers, Ransom [A.]	1817	238
Dist.36, 069	Sampson, Maria [Mariah] [m. Mathers/Wauby]	1822	98

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix D: 1850 Census

<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Dist.36, 071	Adams, Edwin	1818	85
Dist.36, 075	Scippio, Dennis	1788	244
Dist.36, 076	Brushel, Nancy J. [(Welch) m. Henry]	1809	363
Dist.36, 076	Brushel, Henry	1814	272
Dist.36, 076	Brushel, Timothy	1829	206
Dist.36, 076	Brushel, Samuel	1834	173
Dist.36, 076	Brushel, Almira	1837	272.a
Dist.36, 077	Coyhis, Martha [(Dick) m. John Sr.]	1797c	202
Dist.36, 077	Coyhis, John Jr. [John R.]	1824c	210
Dist.36, 077	Sampson, Sophia [Elizabeth] [m. Baldwin/Coyhis]	1825	271
Dist.36, 078?	Kuish/Cuish, John Sr.	1802c	171
Dist.36, 078	Potter, Hannah/Annie? [m.Thomas Welch]	1829	248.a
Dist.36, 078	Potter, Henry	1837	141
Dist.36, 078	Potter, Polly	1838c	223
Dist.36, 081	Sampson, Sarah [m. Mathers/Baker]	1831	374
Dist.36, 083	Fowler, Mary L. [Mary Victory?] [(Johnson?) m. Lorenzo?]	1816?	25
Dist.36, 083	Fowler, Lorenzo [D.]	1817	57
Dist.36, 083	Fowler, Theophilus	1835	142
Dist.36, 084	Peters, Amos	1794	162
Dist.36, 084	Paul, Charles [A.]	1820	132
Dist.36, 084	Peters, Melanethon [Melanthon]	1829	323
Dist.36, 084	Peters, William	1831	163
Dist.36, 084	Peters, Martin	1834	262
Dist.36, 085	Fowler, Phebe [(Nedson [Kiness])] (wid)	1774	28
Dist.36, 085	Kiness/Kindness, Lewis	1838	154
Dist.36, 088	Dick, Elkanah	1790c	66
Dist.36, 088	Skeesuck, Eliza [m. Elkanah Dick]	1809	316?
Dist.36, 088	Dick, Susan	1817c	36
Dist.36, 088	Dick, Benjamin [G.]	1826	241
Dist.36, 088	Dick, David	1827	378
Dist.36, 088	Dick, Hubbard	1831c	362
Dist.36, 089	Dick, Elizabeth [m. Laton Fowler]	1822	246
Dist.36, 089	Fowler, Laton	1824	189
Dist.36, 090	Fowler, William	1815	45
Dist.36, 090	Fowler, Mary [(Brushel) m. William]	1822	65
Dist.36, 090	Fowler, James Delos	1837	187
Dist.36, 090	Fowler, Ella/Ellen	1844/47	45.b
Dist.36, 092	Fowler, Benjamin	1827?	222
Dist.36, 092	Shelley, Hannah/Ellen? [m. Benjamin Fowler]	1833	123
Dist.36, 093	Fowler, Elizabeth [(Dick)] (wid.)	1782	47
Dist.36, 094	Fowler, Elizabeth [m. David Skeesuck]	1795	314

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Appendix D: 1850 Census

<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Dist.36, 094	Skeesuck, David	1812	174?
Dist.36, 094	Fowler, James	1831?	354
Dist.36, 095	Fowler, Orrin [G.]	1829	133
Dist.36, 095	Skeesuck, Ruth [m. Orrin Fowler]	1831	328
Dist.36, 096	Fowler, Orsamus	1816	33
Dist.36, 096	Mathers, Rosetta [m. Orsamus Fowler]	1819	357
Dist.36, 096	Scippio, Electy [Electa] [m. Colen Johnson]	1827c	49
Dist.36, 097	Waubby, Eunice [(Dick) m. James]	1810	86
Dist.36, 097	Waubby, James	1810	239
Dist.36, 097	Waubby, Frances	1839c	196
Dist.36, 099	Niles, James	1781	48
Dist.36, 099	Niles, Nabby [Abigail] [(Johnson) m. James]	1805	62
Dist.36, 099	Niles, Phebe [m. Wauby/Fowler]	1822	375
Dist.36, 099	Niles, Andrew	1828	302
Dist.36, 099	Niles, John	1830	226
Dist.36, 099	Niles, Samuel	1836	148
Dist.36, 100	Waubby, Serepta [(Crosley?)] [m. Elias Dick]	1815	298
Dist.36, 100	Dick, Elias [J.]	1818	339
Dist.36, 101	Sampson, Ralph	1827c	335
Dist.36, 102	Mathers, Eliphlet [Eliphalet]	1782	263
Dist.36, 102	Mathers, John	1813/14	35
Dist.36, 102	Mathers, Delia [Adelia Ann] [(Sampson) m. John]	1818	34
Dist.36, 103	Dick, Laton Sr.	1797	220
Dist.36, 103	Fowler, Abigail [m. Laton Dick]	1806c	356
Dist.36, 103	Dick, Francis [Frances] [m. Moses Fielding]	1835	281
Dist.36, 103	Dick, Thomas D.	1839	20
Dist.36, 104	Dick, Hannah [(Potter)] (wid.)	1767	2
Dist.36, 104	Fowler, Patience [(Dick)] (wid.) [m. John Seketer]	1793	4
Dist.36, 104	Skeesuck, Thankful [(Dick?) wid.?)	1805c	17
Dist.36, 104	Fowler, Collins [John Collins]	1817	87
Dist.36, 105	Dick, Cynthia [(Waubby)] (wid.)	1798	3
Dist.36, 106	Fowler, Russels/Russel	1814	280
Dist.36, 106	Fowler, Smith	1821	115
Dist.36, 106	Fowler, Roxana	1825	370
Dist.36, 107	Coyhis, Mary [m. John Simons]	1822	106
Dist.36, 108	Shelley, Betsy [Elizabeth] [(Mathews) m. Simon Sr.]	1797	122
Dist.36, 108	O'Brien, William	1825	122.a
Dist.36, 108	Shelley, Elizabeth [m. Edwin Adams]	1832	191
Dist.36, 111	Sampson, Esther [(Simons) wid.]	1798	120
Dist.36, 111	Sampson, Wealthy [Wealthee Ann] [m. Henry Bulman]	1823	113
Dist.36, 112	Crosley, Caroline [m. Daniel Jacques]	1828	372

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1850 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Dist.36, 113	Skeesuck, Arnold	1820	89
Dist.36, 114	Crosley, William	1805c	1
Dist.36, 114	Toucee, Eunice [(Charles) m. David] [m. William Crosley]	1807	250
Dist.36, 114	Crosley, John	1830c	111
Dist.36, 114	Crosley, Grace Ann [m. Albert Cottrell]	1832	338
Dist.36, 114	Crosley, Jason L.	1834c	126
Dist.36, 115	Dick, Laura [m. Benjamin Coyhis]	1817	75
Dist.36, 115	Coyhis, Benjamin	1818	190
Dist.36, 116	Fowler, Alexander	1815	118
Dist.36, 116	Dick, Desdemona [m. Alexander Fowler]	1827	110
Dist.36, 117	Dick, William Jr. [William H.]	1817	164
Dist.36, 117?	Peters, Juliette/Maryette? [m. William H. Dick]	1825	185
Dist.36, 124	Skeesuck, Lucy [m. Henry Welch]	1816	182
Dist.36, 124	Welch, Sabrina [m. Baptiste Smith]	1837	182.a
Dist.36, 239	Coyhis, John Sr.	1792	169/†2
? #022?	Fowler, Triphosa [Tryphena?]	n.d.	194
? #035?	Dick, Delila	‡	341
? #042?	Paul, Sarah	1780?	37
? #105?	Dick, Margaret Ann	‡	186
? #105?	Dick, Thomas Jr.	‡	18
? #115?	Fowler, David Jr.	‡	352
Not in Dist.36	Abner, Joseph	n.d.	105
Not in Dist.36	Abner, Marietta/Mary Ann? [m. John Welch]	1831	227.a
Not in Dist.36	Abner, Randal Jr.	n.d.	21
Not in Dist.36	Abner, Roxy	n.d.	329
Not in Dist.36	Abner, Sylvia [m. Daniel Skeesuck]	1823	153
Not in Dist.36	Adams, Simeon	n.d.	14/15
Not in Dist.36	Cesar/Caesar/Cohegan, Lucy	1817c	259
Not in Dist.36	Cocheats, G. W.	‡	371
Not in Dist.36	Cocheats, Hannah [m. Eli Williams]	1834	308
Not in Dist.36	Cocheats, Sophona [Sophronia] [(Crosley) m. Charles]	1804	273
Not in Dist.36	Cocheats, Susanna	‡	276
Not in Dist.36	Coyhis, Isaac	n.d.	198
Not in Dist.36	Coyhis, William	1803	95
Not in Dist.36	Crosley, Elizabeth	‡	237
Not in Dist.36	Crosley, Hannah [(Dick) m. William]	n.d.	16
Not in Dist.36	Crosley, Hannah Jr.	n.d.	334
Not in Dist.36	Dick, Cornelia	‡	350
Not in Dist.36	Dick, Ellen	‡	286
Not in Dist.36	Dick, Emeline [Emma?]	n.d.	128
Not in Dist.36	Dick, Hannah [(Hammer)] m. J[ohn] Elkany	n.d.	337

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<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Dist.36	Dick, Hannah J.	n.d.	130
Not in Dist.36	Dick, John Sr.	1808	146
Not in Dist.36	Dick, John W. [John Jr.]	1839	114/333
Not in Dist.36	Dick, Laton Jr.	n.d.	344
Not in Dist.36	Dick, Nathan [Nathaniel?]	n.d.	299
Not in Dist.36	Dick, Orville	‡	205
Not in Dist.36	Dick, Zephania	1838c	364
Not in Dist.36	Fowler, Adeline	1833	224
Not in Dist.36	Fowler, Anna Permelia	1836	23.a
Not in Dist.36	Fowler, Frances	‡	175
Not in Dist.36	Fowler, Lewis	1818	283
Not in Dist.36	Fowler, Simeon	1819	340
Not in Dist.36	Hammer, Elizabeth Sr. [(Crosley) wid.]	1790	170
Not in Dist.36	Hammer, Lorokama [Lorry]	n.d.	257
Not in Dist.36	Hammer, Samuel	n.d.	275
Not in Dist.36	James, Samuel	‡	11
Not in Dist.36	Johnson, Finne/Firme	‡	157
Not in Dist.36	Johnson, James	‡	268
Not in Dist.36	Johnson, Orrin *	1834	41.x
Not in Dist.36	Kiness/Kindness, Cynthia Ann	‡	251
Not in Dist.36	Kiness/Kindness, George	n.d.	326
Not in Dist.36	Kiness/Kindness, James Jr.	1836	373
Not in Dist.36	Kiness/Kindness, Phebe [maiden?]	n.d.	343
Not in Dist.36	Kiness/Kindness, Thomas [Jr.]	1815	290
Not in Dist.36	Kiness/Kindness, Zilpha	‡	279
Not in Dist.36	Mathers, Lovina [m. Edwin Adams]	n.d.	117
Not in Dist.36	Mathers, Rosetta Jr.	‡	176
Not in Dist.36	Mathers, Sarah	‡	200
Not in Dist.36	Mossuck, Daniel	n.d.	330
Not in Dist.36	Mossuck, Pualla [Pually] [(Adams) m. [name?]]	n.d.	336
Not in Dist.36	Niles, Jane	1838	48.a
Not in Dist.36	Onion, John	‡	225
Not in Dist.36	Onion, Olive	‡	321
Not in Dist.36	Palmer [Paul?], David	‡	50
Not in Dist.36	Paul, Almira	‡	216
Not in Dist.36	Paul, Christina	n.d.	77
Not in Dist.36	Paul, George	1828	315
Not in Dist.36	Paul, Nelson	1805c	345
Not in Dist.36	Paul, Phebe Jr. [m. Frederick Menner]	1828	369
Not in Dist.36	Paul, Rachael	‡	240
Not in Dist.36	Paul, Rodolphus	1836	193

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<b>1850 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Dist.36	Paul, Sarah [(maiden?) m. Nelson	1815	291
Not in Dist.36	Paul, William	n.d.	208
Not in Dist.36	Potter, Mary Ann	‡	94
Not in Dist.36	Ramsdall, Jeffrey	‡	102
Not in Dist.36	Roberts, Abigail	‡	327
Not in Dist.36	Sampson, Eliza [m. Benjamin Dick]	1826	151
Not in Dist.36	Sampson, Elizabeth	‡	127
Not in Dist.36	Sampson, Eveline	1788c	351
Not in Dist.36	Sampson, George	1785c	195
Not in Dist.36	Sampson, George [W.]	1816	159
Not in Dist.36	Sampson, James [III]	1815c	324
Not in Dist.36	Sampson, Jane [m. John Foss]	1824c	156
Not in Dist.36	Sampson, Louisa [m. Gideon Mosher]	1817c	168
Not in Dist.36	Sampson, Rufus	1816c	180
Not in Dist.36	Sampson, Sarah [(maiden?) wid.]	1770	138
Not in Dist.36	Sampson, Thomas	‡	245
Not in Dist.36	Scippio, Charlotte [(maiden?) wid.]	1767	160
Not in Dist.36	Scippio, Isaac	n.d.	38
Not in Dist.36	Seketer, Charles	n.d.	266
Not in Dist.36	Seketer, John Sr.	n.d.	247
Not in Dist.36	Seketer, Sarah [Sarah/Sarah E.]	n.d./n.d.	258
Not in Dist.36	Seput, Daniel	‡	320
Not in Dist.36	Seput, Daniel Sr. <sup>m</sup>	‡	139
Not in Dist.36	Seput, Lurena	‡	304
Not in Dist.36	Seput, Simon	‡	319
Not in Dist.36	Shelley, Elias	1839	152
Not in Dist.36	Shelley, Simeon	n.d.	294
Not in Dist.36	Simons, Emily	‡	96
Not in Dist.36	Simons, Margaret	‡	261
Not in Dist.36	Simons, Mason	‡	221
Not in Dist.36	Simons, Selinda	‡	234
Not in Dist.36	Skeesuck, Ab.	‡	312
Not in Dist.36	Skeesuck, Abigail [(Johnson) m. George]	n.d.	13
Not in Dist.36	Skeesuck, George	n.d.	73
Not in Dist.36	Skeesuck, Lester	1827	285
Not in Dist.36	Skeesuck, Maria	n.d.	107
Not in Dist.36	Skeesuck, Mary Ann	n.d.	282
Not in Dist.36	Skeesuck, Melissa Ann [m. Ralph Sampson]	1829	5
Not in Dist.36	Skeesuck, Rufus	1835	143
Not in Dist.36	Skeesuck, Sarah	1780	90
Not in Dist.36	Smith, Mary [E.?)	n.d.	201

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1850 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Not in Dist.36	Tocus, Grace [(Crosley) m. Joseph]	1776	54
Not in Dist.36	Tocus, Thos. J.	‡	365
Not in Dist.36	Walker, Jane	‡	137
Not in Dist.36	Wampy, Esther	1760s?	104
Not in Dist.36	Warkieth, Lucy	‡	84
Not in Dist.36	Waubby, Amos [Ammon?]/Emon?	1828?	51
Not in Dist.36	Waubby, Isaac	1800c	31
Not in Dist.36	Waubby, John	1800c	288
Not in Dist.36	Waubby, Lureanet <sup>m</sup>	‡	331
Not in Dist.36	Waubby, Sarah [m. Dick/McGee]	1838	166
Not in Dist.36	Waubby, Silas	1800c	99
Not in Dist.36	Welch, Jeremiah	1835	214.c
Not in Dist.36	Welch, Lewis	1835c	214.b
Not in Dist.36	Welch, Rosetta	1837	214.d
Not in Dist.36	Welch, Stephen V.	1834	214.a
Not in Dist.36	Whitney, Joseph	‡	249
Not in Dist.36	Wiggins, Anna	‡	269
Not in Dist.36	Wiggins, Charlotte	n.d.	368
Not in Dist.36	Wiggins, Hiram	n.d.	267
Not in Dist.36	Wiggins, James	n.d.	253
Not in Dist.36	Wiggins, Seth	n.d.	158
Not in Dist.36	Wyatt, Daniel	‡	78
Not in Dist.36	Wyatt, Daniel Sr. <sup>m</sup>	1800c	231
Not in Dist.36	Wyatt, Romantha [Romance?]	1826	360
Not in Dist.36	Wyatt, Sarah [m. John Quinney]	1794?	112
Not in Dist.36	Wyatt, Zephania	‡	300

Notes:

- 1 The information in brackets represents annotations by OFA researchers to help identify individuals on the census.
- 2 The date of birth given here is not given on the Federal census; it is found in the petitioner's genealogical database or estimated from an age given on a Federal census or censuses.
- 3 The 1850 Federal census does not include information about the 1839 allotment list; that information is provided from other sources to identify the Brothertown allottees on the census.
  - a This name or other information was clarified in the amendatory report of 4/2/1845.
  - m This name or other information was clarified on the allotment map of 7/13/1840.
  - \* This individual is possibly allottee #203, rather than Orrin Johnson b.1822.
- †1 This individual was identified in the amendatory report of 4/2/1845 (but not patented; see report of 7/10/1845); the fractional lots claimed for her were shown on the map as assigned to David Johnson.
- †2 This allottee was changed (John Kiness to John Coyhis Sr.) in the amendatory report of 4/2/1845 and the change was further explained in the amendatory report of 7/10/1845.
- †4 This individual was identified on the map of 1840 only as the "wife of" Nathan Dick.
- ‡ This individual is not found in the petitioner's genealogical database or a Federal census ("b." column).
- 30.a This individual is a child of allottee #30.

(continued)

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
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Sources: U.S. Census 1850, Wisconsin, Calumet County, District 36. The additional information about 1839 allottees and allotment case numbers is derived from: Charles Anthony et al. to President Van Buren, n.d. [10/-/1839], box 2, Indian Reserve Series, Entry 29, Div. K, and a copy (with a few annotations) in Entry A1 2012, RG 49 (General Land Office), National Archives, Washington, D.C.; Thomas Commuck et al. to Commissioner of the General Land Office, 4/2/1845, and Charles Anthony et al. to Commissioner of the General Land Office, 7/10/1845, box 2, Indian Reserve Series, Entry 29, Div. K, RG 49 (General Land Office), National Archives, Washington, D.C.; George Featherstonhaugh, Map of Brothertown Township (with allottees), 7/13/1840, Archives, Wisconsin State Historical Society, Madison, Wis.; and the petitioner's genealogical database.

Appendix E  
1860 Census: 1839 Allottees and their Adult Children

1860 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Brothertown 005	Sampson, Wealthy [Wealthee Ann] [m. Henry Bulman]	1823	113
Brothertown 005	Bulman, Grisel/Griswold	1842	113.a
Brothertown 006	Waubby, Isaac	1800c	31
Brothertown 006	Waubby, Amos [Ammon?]/Emon?	1828?	51
Brothertown 006	Waubby, Sarah [m. Dick/McGee]	1838	166
Brothertown 007?	Fowler, Orrin [G.], as "Orsamus"	1829	133
Brothertown 007	Skeesuck, Ruth [m. Orrin Fowler]	1831	328
Brothertown 011	Dick, Hannah [(Fowler)] m. Isaac [Jr.]	1811	161
<i>Brothertown 013</i>	<i>Dwelling with an "Indian" resident</i>		
<i>Brothertown 014</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 015?	Fowler, Alexander, as "Amos"	1815	118
Brothertown 015	Dick, Desdemona [m. Alexander Fowler]	1827	110
Brothertown 015	Fowler, Permelia Jane [m. Loren Johnson]	1841	118.b
Brothertown 016	Fowler, Phebe J[ane] [m. Lucius Fowler]	1818	74
Brothertown 016?	Fowler, Lucius L. [Lucius S.], as "Lyman"	1819	59
Brothertown 016	Fowler, Almanza E. [m. Jarous Hammer]	1842	59.a
Brothertown 017	Johnson, Mercy <sup>a</sup> [(Thomas) m. John Sr.]	1782	60
<i>Brothertown 018</i>	<i>Dwelling with an "Indian" resident</i>		
<i>Brothertown 019</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 020	Hammer, Ira	1806	39
Brothertown 020	Hammer, Elizabeth [(Johnson)] m. Ira	1817	72
Brothertown 020	Hammer, Olive	1837	297
Brothertown 020	Hammer, Jarous/Jeremiah	1841	39.a
Brothertown 023	Fowler, Alfred	1834	199
<i>Brothertown 024</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 025	Johnson, Orrin [G.]	1822	203?
Brothertown 025	Johnson, Elisha	1827	274
<i>Brothertown 026</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 027	Johnson, David	1810	385/386
Brothertown 027	Johnson, Lewis	1841	385.a
Brothertown 028	Johnson, Nancy [m. Jonathan Schooner]	1814	40.a
Brothertown 030	Johnson, Martha [(Fowler?)] (wid.)	1793?	12
Brothertown 030	Johnson, Martha	1828?	124
Brothertown 031?	Johnson, Jemima [(Dick) m. Jeremiah], as "Jane"	1812	69
Brothertown 031	Johnson, Jeremiah [W.]	1813	41

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Brothertown 031	Johnson, Orrin *	1834	41.x
Brothertown 031	Johnson, William H.	1838/40	41.b
Brothertown 031?	Johnson, Orpha Rosella/Ortha [m. John Randall], as "Olive"	1841	41.c
<i>Brothertown 034</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 037	Commuck, Hannah [(Abner) m. Thomas]	1817	55
Brothertown 037	Commuck, Alzuma	1832	129
Brothertown 037	Commuck, Thomas M.	1835	97
Brothertown 037	Commuck, Sarah	1838	376
Brothertown 037	Commuck, Worthington/Wellington	1840	27.a
Brothertown 037	Commuck, Victoria	1842	27.b
Brothertown 040	Fowler, Elizabeth [(Dick)] (wid.)	1782	47
Brothertown 040	Dick, Nancy [(Skeesuck) m. Asa]	1799	332
Brothertown 040?	Fowler, Lyman [P.], as "Layton"	1823	181
Brothertown 040	Dick, Orrey [Aurilla] [m. Lyman Fowler]	1829	215
Brothertown 040	Dick, Laton Isaac	1830c	366
Brothertown 043	Fowler, Mary L. [Mary Victory?] [(Johnson?) m. Lorenzo?]	1816?	25
Brothertown 043	Fowler, Lorenzo [D.]	1817	57
Brothertown 043	Fowler, Fanny A./Elvira [m. Andrew Niles]	1842	57.a
Brothertown 045	Fowler, Phebe [(Nedson [Kiness])] (wid)	1774	28
Brothertown 045	Peters, William	1831	163
Brothertown 046	Dick, Elkanah	1790c	66
Brothertown 046	Dick, Elias [J.]	1818	339
Brothertown 046	Dick, Susan	1817c	36
Brothertown 047	Fowler, William	1815	45
Brothertown 047	Fowler, Mary [(Brushel) m. William]	1822	65
Brothertown 047	Dick, David	1827	378
Brothertown 047	Fowler, James Delos	1837	187
Brothertown 047	Fowler, Emeline [m. William Welch]	1842	45.a
Brothertown 050	Fowler, David	1813	30
Brothertown 050	Fowler, Elizabeth [(Simons)] m. David	1818	52
Brothertown 050	Fowler, Harriet Adelaide [m. John Niles]	1840/44	30.a
Brothertown 050	Fowler, Victorine	1842c	30.b
Brothertown 052	Fowler, Benjamin	1827?	222
Brothertown 052?	Shelley, Hannah/Ellen? [m. Benjamin Fowler]	1833	123
Brothertown 053	Dick, Benjamin [G.]	1826	241
Brothertown 053	Sampson, Eliza [m. Benjamin Dick]	1826	151
<i>Brothertown 054</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 056	Niles, James	1781	48
Brothertown 056	Niles, Nabby [Abigail] [(Johnson) m. James]	1805	62
Brothertown 056	Niles, Andrew	1828	302
Brothertown 056	Niles, John	1830	226

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Brothertown 056	Niles, Jane	1838	48.a
Brothertown 056	Niles, Solomon	1840	48.b
Brothertown 056	Niles, Sarah	1842	48.c
Brothertown 057	Fowler, Orsamus	1816	33
Brothertown 057	Dick, Amanda J[ane] [m. Orsamus Fowler]	1832	76
Brothertown 058	Mathers, Delia [Adelia Ann] [(Sampson) m. John]	1818	34
Brothertown 058	Mathers, John, as "John Mathews"	1813/14	35
Brothertown 060	Dick, Laton Sr.	1797	220
Brothertown 060	Fowler, Abigail [m. Laton Dick]	1806c	356
Brothertown 060	Dick, Thomas D.	1839	20
Brothertown 061	Adams, Edwin	1818	85
Brothertown 061	Shelley, Elizabeth [m. Edwin Adams]	1832	191
Brothertown 065?	Brushel, Benjamin	1808c	301
<i>Brothertown 066</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 068	Johnson, Henry [C.]	1819	293
Brothertown 068	Sampson, Avis [Theresa] [m. Johnson/Adams]	1829	150
<i>Brothertown 070</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 073	Dick, William Sr. <sup>m</sup>	1784	381/383
Brothertown 073	Dick, Catherine [Katherine] [(Crosley) m. William]	1787	390
Brothertown 073?	Kiness/Kindness, Hannah [(Dick) m. James J.]	1807	277
Brothertown 073	Dick, Dorcas	1824c	144
Brothertown 073?	Dick, Orlando, as "Ortland"	1839c	9.b
Brothertown 074	Dick, Nathan [C.]	1813	9
Brothertown 074	Dick, [Eunice (Johnson)] m. Nathan	1818	†4
Brothertown 074 / 086?	Dick, Franklin M. [#281?]	1832	9.a
Brothertown 074	Dick, Minerva N.	1841	9.c
Brothertown 075	Dick, Jerusha [(Wauby) m. Daniel]	1799	10
Brothertown 075	Wauby, Silas	1800c	99
Brothertown 075	Dick, John W.	1838	333?
Brothertown 076	Paul, Solomon	1796	8
Brothertown 076	Palmer, Martha [(Waukeet) wid.] [m. Solomon Paul]	1800	32
Brothertown 077	O'Brien, William	1825	122.a
Brothertown 079	Wauby, James	1810	239
Brothertown 079	Wauby, Frances	1839c	196
<i>Brothertown 080</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 082?	Johnson, Rowland	1816	229
Brothertown 082	Dick, Barbara [m. Fowler/Johnson/Fowler]	1819	179
Brothertown 082?	Johnson, Loren, as "Lewis"	1840	229.a
<i>Brothertown 083</i>	<i>Dwelling with an "Indian" resident</i>		
<i>Brothertown 084</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 085	Dick, Cynthia [(Wauby)] (wid.)	1798	3

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Brothertown 086	Fowler, Patience [(Dick)] (wid.) [m. John Seketer]	1793	4
Brothertown 086?	Fowler, Collins [John Collins]	1817	87
Brothertown 086 / 056	Niles, Phebe [m. Wauby/Fowler]	1822	375
Brothertown 090?	Dick, John W. [John Jr.?)	1839	114/333
Brothertown 098	Adams, Rebecca [(Abner) m. Simeon] [m. John Johnson Jr.]	1816	380
Brothertown 098	Johnson, John Jr.	1818	228
Brothertown 099 / 019?	Fowler, Mary J[ane] [m. Joseph Reed]	1836	134
Brothertown 104	Skeesuck, Grace [(Seketer) m. Samuel Jr.]	1806	80
Brothertown 104?	Skeesuck, Samuel Jr.	1808	233
Brothertown 104	Skeesuck, Dorcas	1833	233.a
Brothertown 104	Skeesuck, Solomon/Sykes	1836	233.b
Brothertown 104	Skeesuck, John	1842	233.c
Brothertown 105	Wiggins, Elizabeth [(Paul) m. Ezekiel]	1812	53
Brothertown 105	Wiggins, Martin [II]	1830	183
Brothertown 106?	Crosley, John	1830c	111
Brothertown 108	Potter, Henry	1837	141
Brothertown 108?	Potter, Mary Ann	1838c?	94
Brothertown 109	Shelley, Simon/Simeon Sr.	1800c	184
Brothertown 109	Shelley, Henry	1834	192
Brothertown 109	Shelley, Lyman	1834?	184.a
Brothertown 109	Shelley, Sabrina [m. Benjamin Fuller]	1841	184.c
Brothertown 109	Shelley, Simon Jr. [Simon H.?)	1841?	101
Brothertown 110	Shelley, Elias	1839	152
Brothertown 112	Sampson, Clark [D.]	1819c	232
Brothertown 112	Sampson, Seth [F.]	1837	136
Brothertown 112	Sampson, Sarah E. [m. James D. Fowler]	1841	232.b
Brothertown 113	Coyhis, John Sr.	1792	169/†2
Brothertown 113	Coyhis, Martha [(Dick) m. John Sr.]	1797c	202
Brothertown 113	Coyhis, John Jr. [John R.]	1824c	210
Brothertown 117	Simons, James, as "James Symond"	1821	81
Brothertown 117	Skeesuck, Martha [m. James Simons]	1826	213
Brothertown 119	Skeesuck, Abraham	1803	43
Brothertown 120	Crosley, Caroline [m. Daniel Jacques]	1828	372
Brothertown 121	Wiggins, David	1812	235
Brothertown 121?	Wiggins, Louisa [(Hammer) m. David], as "Eliza"	1807	82
Brothertown 121	Wiggins, Eli	1816/20	379
Brothertown 122	Wiggins, Ira L. [Ira S.]	1832	149
Brothertown 123	Paul, Lucy [m. Charles Wiggins]	1810c	32.a
Brothertown 123	Wiggins, Charles	1828c	83
<i>Brothertown 124</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 127	Johnson, William Jr.	1818	252

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse]<sup>1</sup></b>	<b>[b.]<sup>2</sup></b>	<b>1839 Case #<sup>3</sup></b>
Brothertown 127?	Dick, Amanda [m. William Johnson Jr.]	1826	346
Brothertown 128	Sampson, Sarah [m. Mathers/Baker]	1831	374
Brothertown 140	Brushel, Nancy J. [(Welch) m. Henry]	1809	363
Brothertown 140	Brushel, Henry	1814	272
Brothertown 140	Brushel, Timothy	1829	206
Brothertown 140	Brushel, Samuel	1834	173
Brothertown 140	Brushel, Mary J[ane]	1835	322
Brothertown 140	Brushel, Almira	1837	272.a
Brothertown 140	Brushel, Nancy Jr.	1839	272.b
Brothertown 145	Skeesuck, Arnold	1820	89
Brothertown 151	Mathers, Ransom [Asa], as "Asa Mathews"	1817	238
Brothertown 151	Sampson, Maria [Mariah] [m. Mathers/Wauby]	1822	98
Brothertown 159	Shelley, David	1829	121
Brothertown 239	Dick, Laura [m. Benjamin Coyhis]	1817	75
Brothertown 239	Coyhis, Benjamin	1818	190
Brothertown 239?	Dick, Orrin	1831	100
Stockbridge 249	Crosley, William	1805c	1
Stockbridge 249	Toucee, Eunice [(Charles) m. David] [m. William Crosley]	1807	250
Stockbridge 251	Welch, Jeremiah	1835	214.c
Stockbridge 251	Welch, Lewis	1835c	214.b
Stockbridge 251	Welch, Rosetta	1837	214.d
Stockbridge 251	Welch, Erastus Jr.	1839	214.e
Stockbridge 251	Welch, Esther A.	1841	214.f
Stockbridge 252	Potter, Hannah/Annie? [m.Thomas Welch]	1829	248.a
Stockbridge 254	Skeesuck, Lucy [m. Henry Welch]	1816	182
Stockbridge 261	Welch, Stephen V.	1834	214.a
Not in Brothertown Twsp.	Abner, Denison W.	1841	227.b
Not in Brothertown Twsp.	Abner, Gracy [m.Paschal/Blakeslee]	1834	145
Not in Brothertown Twsp.	Abner, Joseph	n.d.	105
Not in Brothertown Twsp.	Abner, Lucy [m. Wadsworth/Stow]	1819	325
Not in Brothertown Twsp.	Abner, Mary Attala [m. David Gebeau]	1833	211
Not in Brothertown Twsp.	Abner, Randal Jr.	n.d.	21
Not in Brothertown Twsp.	Abner, Roxy	n.d.	329
Not in Brothertown Twsp.	Abner, Sarah [(Tocus) m. Randal Sr.]	1795	61
Not in Brothertown Twsp.	Adams, Simeon	n.d.	14/15
Not in Brothertown Twsp.	Anthony, Lorenda [(Brushel) m. Charles]	1808	7
Not in Brothertown Twsp.	Brushel, Hannah [(Cujep) m. Thomas]	n.d.	287
Not in Brothertown Twsp.	Brushel, Henrietta [m. Wiggins/Sampson]	1821	306
Not in Brothertown Twsp.	Cesar/Caesar/Cohegan, Lucy	1817c	259
Not in Brothertown Twsp.	Cheets, Josiah	1840	289.a
Not in Brothertown Twsp.	Cocheats, G. W.	‡	371

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Cocheats, Hannah [m. Eli Williams]	1834	308
Not in Brothertown Twsp.	Cocheats, Sophona [Sophronia] [(Crosley) m. Charles]	1804	273
Not in Brothertown Twsp.	Cocheats, Susanna	‡	276
Not in Brothertown Twsp.	Coyhis, Isaac	n.d.	198
Not in Brothertown Twsp.	Coyhis, Mary [m. John Simons]	1822	106
Not in Brothertown Twsp.	Coyhis, William	1803	95
Not in Brothertown Twsp.	Crosley, Elizabeth	‡	237
Not in Brothertown Twsp.	Crosley, Grace Ann [m. Albert Cottrell]	1832	338
Not in Brothertown Twsp.	Crosley, Hannah [(Dick) m. William]	n.d.	16
Not in Brothertown Twsp.	Crosley, Hannah Jr.	n.d.	334
Not in Brothertown Twsp.	Crosley, Jason L.	n.d.	126
Not in Brothertown Twsp.	Crosley, Phebe	1841	1.a
Not in Brothertown Twsp.	Dick, Alexander [G.]	1811	46
Not in Brothertown Twsp.	Dick, Almira [(ch.) Alonzo D.] [m. Stanton/Bostwick]	?	119
Not in Brothertown Twsp.	Dick, Alonzo D.	1813	56
Not in Brothertown Twsp.	Dick, Charles Walston	1838	278
Not in Brothertown Twsp.	Dick, Cornelia	‡	350
Not in Brothertown Twsp.	Dick, Cornelia [(ch.) Alonzo D.] [m. Charles H. Welch]	?	116
Not in Brothertown Twsp.	Dick, Cynthia [(Brown)] [wid.] Isaac [Sr.]	1772c	167
Not in Brothertown Twsp.	Dick, Delila	‡	341
Not in Brothertown Twsp.	Dick, Elizabeth [m. Laton Fowler]	1822	246
Not in Brothertown Twsp.	Dick, Ellen	‡	286
Not in Brothertown Twsp.	Dick, Emeline [Emma?]	n.d.	128
Not in Brothertown Twsp.	Dick, Hannah [(Hammer)] m. J[ohn] Elkany	n.d.	337
Not in Brothertown Twsp.	Dick, Hannah J.	n.d.	130
Not in Brothertown Twsp.	Dick, Harriet [m. Joseph Skenandore]	1830	91/270
Not in Brothertown Twsp.	Dick, Hubbard	n.d.	362
Not in Brothertown Twsp.	Dick, Isaac Jr. [Isaac, ch. Asa]	1828	361
Not in Brothertown Twsp.	Dick, Jacob	n.d.	109?
Not in Brothertown Twsp.	Dick, John P. [John Jr.?)	1827	114?
Not in Brothertown Twsp.	Dick, John Sr.	1808	146
Not in Brothertown Twsp.	Dick, Laton Jr.	n.d.	344
Not in Brothertown Twsp.	Dick, Margaret	1834	131
Not in Brothertown Twsp.	Dick, Margaret Ann	‡	186
Not in Brothertown Twsp.	Dick, Nathan [Nathaniel?]	n.d.	299
Not in Brothertown Twsp.	Dick, Orville	‡	205
Not in Brothertown Twsp.	Dick, Samantha [(Seketer) m. Alexander]	n.d.	64
Not in Brothertown Twsp.	Dick, Thomas Jr.	‡	18
Not in Brothertown Twsp.	Dick, William Jr. [William H.]	1817	164
Not in Brothertown Twsp.	Dick, Zephania	1838c	364
Not in Brothertown Twsp.	Fowler, Ab. J. [Abby Jane]/Mary Jane	1834	311

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Fowler, Adeline	1833	224
Not in Brothertown Twsp.	Fowler, Alzina	1830	256
Not in Brothertown Twsp.	Fowler, Amy [(Potter)] (wid.)	1792	23
Not in Brothertown Twsp.	Fowler, Angeline [m. Alexander Hammer]	1840	24.b
Not in Brothertown Twsp.	Fowler, Anna Permelia	1836	23.a
Not in Brothertown Twsp.	Fowler, David Jr.	‡	352
Not in Brothertown Twsp.	Fowler, Elizabeth [m. David Skeesuck]	1795	314
Not in Brothertown Twsp.	Fowler, Frances	‡	175
Not in Brothertown Twsp.	Fowler, James	1831?	354
Not in Brothertown Twsp.	Fowler, Laton	1824	189
Not in Brothertown Twsp.	Fowler, Lewis	1818	283
Not in Brothertown Twsp.	Fowler, Pamela [Permelia] Ann [m. John Crosley]	1838	260
Not in Brothertown Twsp.	Fowler, Roxana	1825	370
Not in Brothertown Twsp.	Fowler, Russels/Russel	1814	280
Not in Brothertown Twsp.	Fowler, Simeon	1819	340
Not in Brothertown Twsp.	Fowler, Smith	1821	115
Not in Brothertown Twsp.	Fowler, Triphosa [Tryphena?]	n.d.	194
Not in Brothertown Twsp.	Hammer, Alexander Hamilton	1830	387.a
Not in Brothertown Twsp.	Hammer, Elizabeth Sr. [(Crosley) wid.]	1790	170
Not in Brothertown Twsp.	Hammer, Esther [(Johnson) m. John C.]	1812	71
Not in Brothertown Twsp.	Hammer, Henry	1840	275.a
Not in Brothertown Twsp.	Hammer, Irene [m. Groff/Bulman]	1842	387.b
Not in Brothertown Twsp.	Hammer, John C. <sup>a</sup>	1809	387/388
Not in Brothertown Twsp.	Hammer, Lorokama [Lorry]	n.d.	257
Not in Brothertown Twsp.	Hammer, Louisa	1836	367
Not in Brothertown Twsp.	Hammer, Polly [(Johnson) m. Samuel]	1815c	140
Not in Brothertown Twsp.	Hammer, Samuel	n.d.	275
Not in Brothertown Twsp.	Hammer, Selina [Selona] [m. George Smith]	1838	108
Not in Brothertown Twsp.	Hart, Elizabeth	1840	42.a
Not in Brothertown Twsp.	Hart, Emma	1842	42.b
Not in Brothertown Twsp.	Hart, Lurena [Luranette?] [(Fowler) m. Simeon]	1814c	68
Not in Brothertown Twsp.	Hart, Orville	1834	103
Not in Brothertown Twsp.	James, Samuel	‡	11
Not in Brothertown Twsp.	Johnson, Colon [Colen]	1824	353
Not in Brothertown Twsp.	Johnson, Finne/Firme	‡	157
Not in Brothertown Twsp.	Johnson, James	‡	268
Not in Brothertown Twsp.	Johnson, Oscar	1842	229.b
Not in Brothertown Twsp.	Johnson, Ovando F.	1837	41.a
Not in Brothertown Twsp.	Johnson, Phebe [m. William Shapely]	1821	307
Not in Brothertown Twsp.	Johnson, Phimbre/Phimber	‡	155
Not in Brothertown Twsp.	Kiness/Kindness, Cynthia Ann	‡	251

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix E: 1860 Census

<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Kiness/Kindness, George	n.d.	326
Not in Brothertown Twsp.	Kiness/Kindness, Ira L.	1832	313
Not in Brothertown Twsp.	Kiness/Kindness, Isaac J.	1836	254
Not in Brothertown Twsp.	Kiness/Kindness, James [J.]	1804	348
Not in Brothertown Twsp.	Kiness/Kindness, James Jr.	1836	373
Not in Brothertown Twsp.	Kiness/Kindness, Lewis	1838	154
Not in Brothertown Twsp.	Kiness/Kindness, Phebe [maiden?]	n.d.	343
Not in Brothertown Twsp.	Kiness/Kindness, Thomas [Jr.]	1815	290
Not in Brothertown Twsp.	Kiness/Kindness, Thos. L[ayton]	1833	377
Not in Brothertown Twsp.	Kiness/Kindness, William	1822	303
Not in Brothertown Twsp.	Kiness/Kindness, Zilpha	‡	279
Not in Brothertown Twsp.	Kuish/Cuish, John Jr.	n.d.	207
Not in Brothertown Twsp.	Kuish/Cuish, Melissa	n.d.	204
Not in Brothertown Twsp.	Mathers, Lovina [m. Edwin Adams]	n.d.	117
Not in Brothertown Twsp.	Mathers, Rosetta Jr.	‡	176
Not in Brothertown Twsp.	Mathers, Sarah	‡	200
Not in Brothertown Twsp.	Mossuck, Daniel	n.d.	330
Not in Brothertown Twsp.	Mossuck, Pualla [Pually] [(Adams) m. [name?]]	n.d.	336
Not in Brothertown Twsp.	Onion, John	‡	225
Not in Brothertown Twsp.	Onion, Olive	‡	321
Not in Brothertown Twsp.	Palmer [Paul?], Benjamin	n.d.	295
Not in Brothertown Twsp.	Palmer [Paul?], David	‡	50
Not in Brothertown Twsp.	Palmer [Paul?], George	n.d.	355
Not in Brothertown Twsp.	Paul, Almira	‡	216
Not in Brothertown Twsp.	Paul, Charles [A.]	1820	132
Not in Brothertown Twsp.	Paul, Christina	n.d.	77
Not in Brothertown Twsp.	Paul, George	1828	315
Not in Brothertown Twsp.	Paul, Hannah	n.d.	135
Not in Brothertown Twsp.	Paul, Nelson	1805c	345
Not in Brothertown Twsp.	Paul, Phebe Jr. [m. Frederick Menner]	1828	369
Not in Brothertown Twsp.	Paul, Rachael	‡	240
Not in Brothertown Twsp.	Paul, Rodolphus	1836	193
Not in Brothertown Twsp.	Paul, Sarah	1780?	37
Not in Brothertown Twsp.	Paul, Sarah [(maiden?) m. Nelson]	1815	291
Not in Brothertown Twsp.	Paul, William	n.d.	208
Not in Brothertown Twsp.	Peters, Juliette [m. William H. Dick]	1825	185
Not in Brothertown Twsp.	Peters, Martin	1834	262
Not in Brothertown Twsp.	Peters, Melanethon [Melanthon]	1829	323
Not in Brothertown Twsp.	Potter, Polly	n.d.	223
Not in Brothertown Twsp.	Ramsdall, Jeffrey	‡	102
Not in Brothertown Twsp.	Roberts, Abigail	‡	327

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse]<sup>1</sup></b>	<b>[b.]<sup>2</sup></b>	<b>1839 Case #<sup>3</sup></b>
Not in Brothertown Twsp.	Sampson, Almira/Elmira [m. Kindness/Dick]	1835	349
Not in Brothertown Twsp.	Sampson, Avery [L.]	1827c	125
Not in Brothertown Twsp.	Sampson, Elizabeth	‡	127
Not in Brothertown Twsp.	Sampson, Esther [(Simons) wid.]	1798	120
Not in Brothertown Twsp.	Sampson, Eveline	1788c	351
Not in Brothertown Twsp.	Sampson, George	1785c	195
Not in Brothertown Twsp.	Sampson, George [W.]	1816	159
Not in Brothertown Twsp.	Sampson, James [III]	1815c	324
Not in Brothertown Twsp.	Sampson, James J.	1841c	232.a
Not in Brothertown Twsp.	Sampson, Jane [m. John Foss]	1824c	156
Not in Brothertown Twsp.	Sampson, Louisa [m. Gideon Mosher]	1817c	168
Not in Brothertown Twsp.	Sampson, Melina [Melinda] [m. George Reader]	1817	264
Not in Brothertown Twsp.	Sampson, Ralph	1827c	335
Not in Brothertown Twsp.	Sampson, Rufus	1816c	180
Not in Brothertown Twsp.	Sampson, Thomas	‡	245
Not in Brothertown Twsp.	Scippio, Electy [Electa] [m. Colen Johnson]	n.d.	49
Not in Brothertown Twsp.	Scippio, Isaac	n.d.	38
Not in Brothertown Twsp.	Seketer, Abigail [(Wyatt) m. Charles]	1800	93
Not in Brothertown Twsp.	Seketer, Charles	n.d.	266
Not in Brothertown Twsp.	Seketer, John Jr.	1835?	219
Not in Brothertown Twsp.	Seketer, Milo	1830	19
Not in Brothertown Twsp.	Seketer, Sarah [Sarah/Sarah E.]	n.d./n.d.	258
Not in Brothertown Twsp.	Seput, Daniel	‡	320
Not in Brothertown Twsp.	Seput, Daniel Sr. <sup>m</sup>	‡	139
Not in Brothertown Twsp.	Seput, Lurena	‡	304
Not in Brothertown Twsp.	Seput, Simon	‡	319
Not in Brothertown Twsp.	Shelley, Betsy [Elizabeth] [(Mathews) m. Simon Sr.]	1797	122
Not in Brothertown Twsp.	Shelley, John	1831	310
Not in Brothertown Twsp.	Shelley, Louisa J. [m. Alonzo Simons]	1833	292
Not in Brothertown Twsp.	Shelley, Simeon	n.d.	294
Not in Brothertown Twsp.	Shelley, Thomas	1840	184.b
Not in Brothertown Twsp.	Simons, Emily	‡	96
Not in Brothertown Twsp.	Simons, John B.	1841	106.a
Not in Brothertown Twsp.	Simons, Margaret	‡	261
Not in Brothertown Twsp.	Simons, Mason	‡	221
Not in Brothertown Twsp.	Simons, Mathers	1842	106.b
Not in Brothertown Twsp.	Simons, Selinda	‡	234
Not in Brothertown Twsp.	Skeesuck, Ab.	‡	312
Not in Brothertown Twsp.	Skeesuck, Abigail [(Johnson) m. George]	n.d.	13
Not in Brothertown Twsp.	Skeesuck, Elisha L	1830	43.a
Not in Brothertown Twsp.	Skeesuck, Eliza [m. Elkanah Dick]	1809	316?

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Skeesuck, George	n.d.	73
Not in Brothertown Twsp.	Skeesuck, Harriet [m. Charles H. Welch]	1841	89.a
Not in Brothertown Twsp.	Skeesuck, Henry	1827	217
Not in Brothertown Twsp.	Skeesuck, Jerome [Samuel Jerome]	1834	67
Not in Brothertown Twsp.	Skeesuck, Lester	1827	285
Not in Brothertown Twsp.	Skeesuck, Lyman	n.d.	218
Not in Brothertown Twsp.	Skeesuck, Maria	n.d.	107
Not in Brothertown Twsp.	Skeesuck, Mary Ann	n.d.	282
Not in Brothertown Twsp.	Skeesuck, Rufus	1835	143
Not in Brothertown Twsp.	Skeesuck, Samuel Sr.	1772	230
Not in Brothertown Twsp.	Skeesuck, Sarah	1780	90
Not in Brothertown Twsp.	Skeesuck, Thankful [(Dick?) wid.?)	1802c	17
Not in Brothertown Twsp.	Smith, Mary [E.?)	n.d.	201
Not in Brothertown Twsp.	Tocus, Grace [(Crosley) m. Joseph]	1776	54
Not in Brothertown Twsp.	Tocus, Thos. J.	‡	365
Not in Brothertown Twsp.	Wadsworth, James	1841	325.a
Not in Brothertown Twsp.	Wadsworth, John D.	1842	325.b
Not in Brothertown Twsp.	Walker, Jane	‡	137
Not in Brothertown Twsp.	Warkieth, Lucy	‡	84
Not in Brothertown Twsp.	Waubby, John	1800c	288
Not in Brothertown Twsp.	Waubby, Lureanet <sup>m</sup>	‡	331
Not in Brothertown Twsp.	Waubby, Serepta [(Crosley?) [m. Elias Dick]	1815	298
Not in Brothertown Twsp.	Welch, Catherine [m. Joseph M. Johnson]	1839	182.b
Not in Brothertown Twsp.	Welch, Harriet [m. Denny/Pemberton]	1841	182.c
Not in Brothertown Twsp.	Welch, Sabrina [m. Baptiste Smith]	1837	182.a
Not in Brothertown Twsp.	Whitney, Joseph	‡	249
Not in Brothertown Twsp.	Wiggins, Anna	‡	269
Not in Brothertown Twsp.	Wiggins, Betsy [(Handable)] (wid.)	1782	236
Not in Brothertown Twsp.	Wiggins, Charlotte	n.d.	368
Not in Brothertown Twsp.	Wiggins, Ezekiel	1805	29
Not in Brothertown Twsp.	Wiggins, Hiram	n.d.	267
Not in Brothertown Twsp.	Wiggins, James	n.d.	253
Not in Brothertown Twsp.	Wiggins, Jesse	1839	29.a
Not in Brothertown Twsp.	Wiggins, Leander	n.d.	265
Not in Brothertown Twsp.	Wiggins, Maria [m. Almarion DeGroat]	1841	29.b
Not in Brothertown Twsp.	Wiggins, Polly	1836	347
Not in Brothertown Twsp.	Wiggins, Ramona	1834	92
Not in Brothertown Twsp.	Wiggins, Seth	n.d.	158
Not in Brothertown Twsp.	Wyatt, Daniel	‡	78
Not in Brothertown Twsp.	Wyatt, Daniel Sr. <sup>m</sup>	1800c	231
Not in Brothertown Twsp.	Wyatt, Romantha [Romance?]	1826	360

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<b>1860 Census Dwelling #</b>	<b>Name [(maiden) m. spouse]<sup>1</sup></b>	<b>[b.]<sup>2</sup></b>	<b>1839 Case #<sup>3</sup></b>
Not in Brothertown Twsp.	Wyatt, Sarah [m. John Quinney]	1794?	112
Not in Brothertown Twsp.	Wyatt, Zephania	‡	300

Notes:

- 1 The information in brackets represents annotations by OFA researchers to help identify individuals on the census.
- 2 The date of birth given here is not given on the Federal census; it is found in the petitioner's genealogical database or estimated from an age given on a Federal census or censuses.
- 3 The 1860 Federal census does not include information about the 1839 allotment list; that information is provided from other sources to identify the Brothertown allottees on the census.
  - a This name or other information was clarified in the amendatory report of 4/2/1845.
  - m This name or other information was clarified on the allotment map of 7/13/1840.
  - \* This individual is possibly allottee #203, rather than Orrin Johnson b.1822.
- †2 This allottee was changed (John Kiness to John Coyhis Sr.) in the amendatory report of 4/2/1845 and the change was further explained in the amendatory report of 7/10/1845.
- †4 This individual was identified on the map of 1840 only as the "wife of" Nathan Dick.
- ‡ This individual is not found in the petitioner's genealogical database ("b." column).
- 30.a This individual is a child of allottee #30.

Sources: U.S. Census 1860, Wisconsin, Calumet County, Brothertown Township. The additional information about 1839 allottees and allotment case numbers is derived from: Charles Anthony et al. to President Van Buren, n.d. [10/-/1839], box 2, Indian Reserve Series, Entry 29, Div. K, and a copy (with a few annotations) in Entry A1 2012, RG 49 (General Land Office), National Archives, Washington, D.C.; Thomas Commuck et al. to Commissioner of the General Land Office, 4/2/1845, and Charles Anthony et al. to Commissioner of the General Land Office, 7/10/1845, box 2, Indian Reserve Series, Entry 29, Div. K, RG 49 (General Land Office), National Archives, Washington, D.C.; George Featherstonhaugh, Map of Brothertown Township (with allottees), 7/13/1840, Archives, Wisconsin State Historical Society, Madison, Wis.; and the petitioner's genealogical database.

Appendix F  
1870 Census: 1839 Allottees and their Adult Children

1870 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Brothertown 061	Coyhis, Julia Ann [m. George Baker]	1845	190.b
Brothertown 062	Dick, Laura [m. Benjamin Coyhis]	1817	75
Brothertown 062	Coyhis, Benjamin	1818	190
Brothertown 062	Kiness/Kindness, Lewis	1838	154
Brothertown 097	Shelley, Henry	1834	192
Brothertown 117	Adams, Rebecca [(Abner) m. Simeon] [m. John Johnson Jr.]	1816	380
Brothertown 117	Johnson, John Jr.	1818	228
Brothertown 117	Johnson, Samuel	1847	228.a
<i>Brothertown 129</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 133	Shelley, Simeon	1832c	294
Brothertown 133	Shelley, Elias	1839	152
<i>Brothertown 136</i>	<i>Dwelling with an "Indian" resident</i>		
<i>Brothertown 137</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 138	Hammer, Alexander Hamilton	1830	387.a
Brothertown 138	Fowler, Angeline [m. Alexander Hammer]	1840	24.b
Brothertown 139	Hammer, John C. <sup>a</sup>	1809	387/388
Brothertown 139	Hammer, Esther [(Johnson) m. John C.]	1812	71
Brothertown 139	Hammer, Irene [m. Groff/Bulman]	1842	387.b
Brothertown 139	Hammer, John E.	1851	387.f
Brothertown 140	Sampson, Clark [D.]	1819c	232
<i>Brothertown 143</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 147	Shelley, John	1831	310
Brothertown 178	Coyhis, Mary [m. John Simons]	1822	106
Brothertown 178	Simons, John B.	1841	106.a
Brothertown 178	Simons, Betsy L./Elizabeth	1846	106.c
Brothertown 178	Simons, Isaac	1850	106.d
<i>Brothertown 179</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 180	Kuish/Cuish, Alexander	1850	171.a
Brothertown 186	Brushel, Samuel	1834	173
<i>Brothertown 188</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 190	Wiggins, Louisa [(Hammer) m. David]	1807	82
Brothertown 190	Wiggins, David	1812	235
Brothertown 190?	Wiggins, Eli	1816/20	379
Brothertown 190	Wiggins, John W.	1849c	235.c
Brothertown 194	Simons, James	1821	81
Brothertown 194	Skeesuck, Martha [m. James Simons]	1826	213

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Brothertown 194	Simons, Maria [m. Sydney Brown]	1850	81.a
Brothertown 197	Fowler, James Delos	1837	187
Brothertown 197	Sampson, Sarah E. [m. James D. Fowler]	1841	232.b
Brothertown 202	Dick, Hannah [(Fowler)] m. Isaac [Jr.]	1811	161
Brothertown 202	Johnson, Oscar	1842	229.b
Brothertown 202	Dick, Ellen Jane [m. Oscar Johnson]	1844	317.a
Brothertown 203	Kiness/Kindness, James Jr.	1836	373
Brothertown 203	Hammer, Phoebe Lucretia [m. James Kindness Jr.]	1846	387.c
Brothertown 204	Fowler, Phebe J[ane] [m. Lucius Fowler]	1818	74
Brothertown 204	Fowler, Lucius L. [Lucius S.]	1819	59
Brothertown 204	Fowler, Henry E./W.	1847	59.c
Brothertown 204	Fowler, James D	1850	59.d
Brothertown 206	Hammer, Ira	1806	39
Brothertown 206	Hammer, Elizabeth [(Johnson)] m. Ira	1817	72
Brothertown 206	Hammer, John W.	1846	39.b
Brothertown 209	Johnson, Mercy <sup>a</sup> [(Thomas) m. John Sr.]	1782	60
Brothertown 210	Fowler, Mary J[ane] [m. Joseph Reed]	1836	134
Brothertown 211	Skeesuck, Rufus	1835	143
Brothertown 211	Fowler, Amanda M./Malvina [m. Rufus Skeesuck]	1851	45.c
Brothertown 214	Johnson, Phebe [m. William Shapely]	1821	307
Brothertown 215	Shelley, Simon Jr. [Simon H.?)	1841?	101
Brothertown 215	Shapely, Ruth [m. Simon H. Shelley]	1844	307.a
Brothertown 218	Crosley, John	1830c	111
Brothertown 218	Fowler, Pamela [Permelia] Ann [m. John Crosley]	1838	260
Brothertown 221	Johnson, Orrin [G.]	1822	203?
Brothertown 222	Johnson, Nancy [m. Jonathan Schooner]	1814	40.a
Brothertown 223	Johnson, Rowland	1816	229
Brothertown 223	Dick, Barbara [m. Fowler/Johnson/Fowler]	1819	179
Brothertown 223	Johnson, Melville	1843	229.c
Brothertown 223	Fowler, Henry A.	1846	283.a
<i>Brothertown 224</i>	<i>Dwelling with a Brothertown descendant</i>		40.a.c
Brothertown 226	Johnson, Jeremiah [W.]	1813	41
Brothertown 226	Johnson, William H.	1838/40	41.b
Brothertown 226	Johnson, Orpha Rosella/Ortha [m. John Randall]	1841	41.c
Brothertown 226	Johnson, Catherine	1847	41.e
<i>Brothertown 228</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 236	Skeesuck, Arnold	1820	89
Brothertown 236	Skeesuck, Hannah [m. John Welch]	1851	89.e
<i>Brothertown 241</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 245	Mathers, John	1813c	35
Brothertown 245	Mathers, Delia [Adelia Ann] [(Sampson) m. John]	1818	34

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Brothertown 245	Mathers, Elizabeth/Eliza	1843c	35.a
Brothertown 245	Mathers, Amanda/Miranda	1845c	35.b
Brothertown 246	Fowler, Orsamus	1816	33
Brothertown 246	Dick, Edgar M.	1843	9.d
Brothertown 246	Fowler, Abba L. [m. Edgar Dick]	1843	33.a
Brothertown 247	Niles, Nabby [Abigail] [(Johnson) m. James]	1805	62
Brothertown 247	Niles, Phebe [m. Wauby/Fowler]	1822	375
Brothertown 247	Niles, Andrew	1828	302
Brothertown 247	Niles, Solomon	1840	48.b
Brothertown 248/258	Niles, John	1830	226
Brothertown 248/258	Fowler, Harriet Adelaide [m. John Niles]	1840/44	30.a
Brothertown 249	Hart, Abbie Jane [m. Charles H. Welch]	1845	42.c
Brothertown 250	Dick, Florence [m. William Reed]	1851	241.a
<i>Brothertown 251</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 252	Fowler, Lyman [P.]	1823	181
Brothertown 252	Dick, Orrey [Aurilla] [m. Lyman Fowler]	1829	215
Brothertown 252	Fowler, Rudolphus M.	1846	181.a
Brothertown 252	Fowler, Almira	1848	181.b
Brothertown 252	Commuck, Alice E. [m. Rudolphus Fowler]	1851	27.f
Brothertown 252	Fowler, Lovina/Lavinia [m. James Dayton]	1851	181.d
Brothertown 253	Skeesuck, Ruth [m. Orrin Fowler]	1831	328
Brothertown 253	Fowler, Harriet Permelia [m. Joel Sampson]	1849	133.a
Brothertown 254	Wauby, Sarah [m. Dick/McGee]	1838	166
Brothertown 254/215	Wauby, Amos [Ammon?]/Emon?	1828?	51
Brothertown 255	Bulman, Grisel/Griswold	1842	113.a
Brothertown 255	Bulman, Amelia E./Emilie	1845	113.b
Brothertown 255	Dick, Mary Jane/Mary R. [m. Grisel Bulman]	1847	164.c
Brothertown 255?	Bulman, Clinton	1847	113.c
Brothertown 255	Bulman, Susan	1852	113.e
Brothertown 256	Sampson, Maria [Mariah] [m. Mathers/Wauby]	1822	98
Brothertown 256?	Mathers, Arsula E./Ursula [m. Henry C. Fowler]	1844	238.b
Brothertown 256	Mathers, Rebecca [m. John Simons]	1848	238.c
Brothertown 259	Fowler, David	1813	30
Brothertown 259	Fowler, Elizabeth [(Simons)] m. David	1818	52
Brothertown 259	Fowler, Lathrop	1848	30.d
Brothertown 262	Kiness/Kindness, James [J.]	1804	348
Brothertown 262	Hammer, Louisa	1836	367
Brothertown 266	Fowler, Mary L. [Mary Victory?] [(Johnson?) m. Lorenzo?]	1816?	25
Brothertown 266	Fowler, Lorenzo [D.]	1817	57
Brothertown 266	Fowler, Cordelia [m. Solomon Niles]	1847	57.b
Brothertown 266	Fowler, Jacob	1851	57.d

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1870 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Brothertown 270	Dick, John Sr.	1808	146
Brothertown 270?	Dick, Hannah [(Hammer)] m. J[ohn] Elkany	1808c	337
Brothertown 270	Anthony, Lorenda [(Brushel) m. Charles]	1808	7
Brothertown 273?	Dick, Dorcas	1824c	144
Brothertown 274	Dick, Nathan [C.]	1813	9
Brothertown 274?	Dick, [Eunice (Johnson)] m. Nathan	1818	†4
Brothertown 275	Paul, Solomon	1796	8
Brothertown 275	Palmer, Martha [(Waukeet) wid.] [m. Solomon Paul]	1800	32
<i>Brothertown 278</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 280?	Fowler, Patience [(Dick)] (wid.) [m. John Seketer]	1793	4
Brothertown 280	Dick, Elizabeth [m. Laton Fowler]	1822	246
Brothertown 280	Fowler, Laton	1824	189
Brothertown 282	Dick, John W. [John Jr.?)	1839	114/333
Brothertown 283	Fowler, Collins [John Collins]	1817	87
Brothertown 283	Fowler, Roxana	1825	370
Brothertown 284	Johnson, Loren	1840	229.a
Brothertown 284	Fowler, Permelia Jane [m. Loren Johnson]	1841	118.b
Brothertown 285	Dick, Laton Sr.	1797	220
Brothertown 285	Fowler, Abigail [m. Laton Dick]	1806c	356
Brothertown 285	Sampson, Almira/Elmira [m. Kindness/Dick]	1835	349
<i>Brothertown 286</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 287	Dick, William Jr. [William H.]	1817	164
Brothertown 287	Peters, Juliette/Maryette? [m. William H. Dick]	1825	185
Brothertown 288	Shelley, David	1829	121
Brothertown 288	Shelley, Frances Ann	1849	121.a
Brothertown 289	Adams, Edwin	1818	85
Brothertown 289	Sampson, Avis [Theresa] [m. Johnson/Adams]	1829	150
Brothertown 289	Johnson, Ancel A.	1852	293.a
<i>Brothertown 291</i>	<i>Dwelling with an "Indian" resident</i>		
<i>Brothertown 295</i>	<i>Dwelling with an "Indian" resident</i>		
Brothertown 296	Waubby, Frances [m. Hoel Crowell]	1839c	196
Brothertown 298	Fowler, Alexander	1815	118
Brothertown 298	Dick, Desdemona [m. Alexander Fowler]	1827	110
Brothertown 298?	Fowler, Amy L./Annie	1850	118.c
Brothertown 298	Fowler, William Lewis	1851	118.d
? #209?	Wiggins, Charlotte	n.d.	368
? #280?	Dick, Elkanah [Jr.]	1849	339.b
Charlestown xxx	Shelley, Lewis A.	1843	184.d
Stockbridge 087	Johnson, Orra M. [m. Jacob Moore]	1843	41.d
Stockbridge 218	Welch, Jeremiah	1835	214.c
Stockbridge 219	Welch, Erastus Jr.	1839	214.e

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Stockbridge 227	Welch, Lewis	1835c	214.b
Stockbridge 228	Welch, Harriet [m. Denny/Pemberton]	1841	182.c
Stockbridge 229	Skeesuck, Lucy [m. Henry Welch]	1816	182
Stockbridge 229	Welch, Delilah/Delia [m. Patrick Foster]	1849	182.f
Stockbridge 231	Welch, Cyrus A./Silas	1844	182.d
Not in Brothertown Twsp.	Abner, Denison W.	1841	227.b
Not in Brothertown Twsp.	Abner, Gracy [m.Paschal/Blakeslee]	1834	145
Not in Brothertown Twsp.	Abner, Joseph	n.d.	105
Not in Brothertown Twsp.	Abner, Lucy [m. Wadsworth/Stow]	1819	325
Not in Brothertown Twsp.	Abner, Mary Attala [m. David Gebeau]	1833	211
Not in Brothertown Twsp.	Abner, Randal Jr.	n.d.	21
Not in Brothertown Twsp.	Abner, Roxy	n.d.	329
Not in Brothertown Twsp.	Adams, Arthur	1847	85.a
Not in Brothertown Twsp.	Adams, Simeon	n.d.	14/15
Not in Brothertown Twsp.	Baker, Frederick	1852	374.c
Not in Brothertown Twsp.	Baker, Jane [m. John Hallam]	1850	374.b
Not in Brothertown Twsp.	Baker, John H.	1850	374.a
Not in Brothertown Twsp.	Baldwin, Hannah E. [m. John Quinney]	1848	271.a
Not in Brothertown Twsp.	Brushel, Almira	1837	272.a
Not in Brothertown Twsp.	Brushel, Benjamin	1808c	301
Not in Brothertown Twsp.	Brushel, George W./George C.	1845	272.c
Not in Brothertown Twsp.	Brushel, Hannah [(Cujep) m. Thomas]	1785c	287
Not in Brothertown Twsp.	Brushel, Henrietta [m. Wiggins/Sampson]	1821	306
Not in Brothertown Twsp.	Brushel, Henry	1814	272
Not in Brothertown Twsp.	Brushel, Mary J[ane]	1835	322
Not in Brothertown Twsp.	Brushel, Nancy J. [(Welch) m. Henry]	1809	363
Not in Brothertown Twsp.	Brushel, Nancy Jr.	1839	272.b
Not in Brothertown Twsp.	Brushel, Timothy	1829	206
Not in Brothertown Twsp.	Cesar/Caesar/Cohegan, Lucy	1817c	259
Not in Brothertown Twsp.	Cheets, Josiah	1840	289.a
Not in Brothertown Twsp.	Cocheats, G. W.	‡	371
Not in Brothertown Twsp.	Cocheats, Hannah [m. Eli Williams]	1834	308
Not in Brothertown Twsp.	Cocheats, Sophona [Sophronia] [(Crosley) m. Charles]	1804	273
Not in Brothertown Twsp.	Cocheats, Susanna	‡	276
Not in Brothertown Twsp.	Commuck, Alzuma	1832	129
Not in Brothertown Twsp.	Commuck, Bertha	1848	27.e
Not in Brothertown Twsp.	Commuck, Hannah [(Abner) m. Thomas]	1817	55
Not in Brothertown Twsp.	Commuck, Helen/Ellen	1844	27.c
Not in Brothertown Twsp.	Commuck, Sarah	1838	376
Not in Brothertown Twsp.	Commuck, Theresa	1846	27.d
Not in Brothertown Twsp.	Commuck, Thomas M.	1835	97

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Commuck, Victoria	1842	27.b
Not in Brothertown Twsp.	Commuck, Worthington/Wellington	1840	27.a
Not in Brothertown Twsp.	Coyhis, Hannah	1847	190.c
Not in Brothertown Twsp.	Coyhis, Isaac	n.d.	198
Not in Brothertown Twsp.	Coyhis, John Sr.	1792	169/†2
Not in Brothertown Twsp.	Coyhis, Martha M. [m. Absolum Quinney]	1851	210.b
Not in Brothertown Twsp.	Coyhis, Ruth Mariah [m. Kindness/Baker]	1844	190.a
Not in Brothertown Twsp.	Coyhis, William	1803	95
Not in Brothertown Twsp.	Coyhis, Zachariah	1849	210.a
Not in Brothertown Twsp.	Crosley, Alfred	1851	111.a
Not in Brothertown Twsp.	Crosley, Ambersine	1847	1.b
Not in Brothertown Twsp.	Crosley, Caroline [m. Daniel Jacques]	1828	372
Not in Brothertown Twsp.	Crosley, Elizabeth	‡	237
Not in Brothertown Twsp.	Crosley, Grace Ann [m. Albert Cottrell]	1832	338
Not in Brothertown Twsp.	Crosley, Hannah [(Dick) m. William]	n.d.	16
Not in Brothertown Twsp.	Crosley, Hannah Jr.	n.d.	334
Not in Brothertown Twsp.	Crosley, Jason L.	1834c	126
Not in Brothertown Twsp.	Crosley, Phebe	1841	1.a
Not in Brothertown Twsp.	Crosley, William	1805c	1
Not in Brothertown Twsp.	Dick, Almira [(ch.) Alonzo D.] [m. Stanton/Bostwick]	1839c	119
Not in Brothertown Twsp.	Dick, Amanda [m. William Johnson Jr.]	1826	346
Not in Brothertown Twsp.	Dick, Barbary A.	1842c	164.b
Not in Brothertown Twsp.	Dick, Charles Walston	1838	278
Not in Brothertown Twsp.	Dick, Cornelia	‡	350
Not in Brothertown Twsp.	Dick, Cynthia [(Waubu)] (wid.)	1798	3
Not in Brothertown Twsp.	Dick, David	1827	378
Not in Brothertown Twsp.	Dick, Delila	‡	341
Not in Brothertown Twsp.	Dick, Duane	1851	378.a
Not in Brothertown Twsp.	Dick, Elias [J.]	1818	339
Not in Brothertown Twsp.	Dick, Eliza	1850	66.a
Not in Brothertown Twsp.	Dick, Ellen	‡	286
Not in Brothertown Twsp.	Dick, Emeline [Emma?]	n.d.	128
Not in Brothertown Twsp.	Dick, Grace	1844	46.b
Not in Brothertown Twsp.	Dick, Hannah A.	1840c	164.a
Not in Brothertown Twsp.	Dick, Hannah J.	n.d.	130
Not in Brothertown Twsp.	Dick, Harriet [m. Joseph Skenandore]	1830	91/270
Not in Brothertown Twsp.	Dick, Helen/Ellen	1847	339.a
Not in Brothertown Twsp.	Dick, Isaac Jr. [Isaac, ch. Asa]	1828	361
Not in Brothertown Twsp.	Dick, Jerusha [(Waubu) m. Daniel]	1799	10
Not in Brothertown Twsp.	Dick, John P. [John Jr.?]	1827	114?
Not in Brothertown Twsp.	Dick, John W.	1838	333?

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Dick, Kyse/Keyes	1851	378.b
Not in Brothertown Twsp.	Dick, Laton Isaac	1830c	366
Not in Brothertown Twsp.	Dick, Laton Jr.	n.d.	344
Not in Brothertown Twsp.	Dick, Laurence	1850	46.d
Not in Brothertown Twsp.	Dick, Lucinda	1847	46.c
Not in Brothertown Twsp.	Dick, Lucius C.	1843	46.a
Not in Brothertown Twsp.	Dick, Margaret	1834	131
Not in Brothertown Twsp.	Dick, Margaret Ann	‡	186
Not in Brothertown Twsp.	Dick, Minerva N.	1841	9.c
Not in Brothertown Twsp.	Dick, Nathan [Nathaniel?]	n.d.	299
Not in Brothertown Twsp.	Dick, Orlando	1839c	9.b
Not in Brothertown Twsp.	Dick, Orrin	1831	100
Not in Brothertown Twsp.	Dick, Orsella	1849	9.f
Not in Brothertown Twsp.	Dick, Orville	‡	205
Not in Brothertown Twsp.	Dick, Raymond	1851	339.c
Not in Brothertown Twsp.	Dick, Rosella	1851	339.d
Not in Brothertown Twsp.	Dick, Samantha [(Seketer) m. Alexander]	1811c	64
Not in Brothertown Twsp.	Dick, Susan	1817c	36
Not in Brothertown Twsp.	Dick, Thomas D.	1839	20
Not in Brothertown Twsp.	Dick, Thomas Jr.	‡	18
Not in Brothertown Twsp.	Dick, Zachary T.	1849c	164.d
Not in Brothertown Twsp.	Dick, Zephania	1838c	364
Not in Brothertown Twsp.	Fowler, Ab. J. [Abby Jane]/Mary Jane	1834	311
Not in Brothertown Twsp.	Fowler, Adeline	1833	224
Not in Brothertown Twsp.	Fowler, Alfred	1834	199
Not in Brothertown Twsp.	Fowler, Alzina	1830	256
Not in Brothertown Twsp.	Fowler, Anna Permelia	1836	23.a
Not in Brothertown Twsp.	Fowler, Aurelia/Authelia [m. Ancel Johnson]	1847	57.c
Not in Brothertown Twsp.	Fowler, Benjamin	1827?	222
Not in Brothertown Twsp.	Fowler, Charlotte A. [m. Franklin Dick]	1840	24.a
Not in Brothertown Twsp.	Fowler, David Jr.	‡	352
Not in Brothertown Twsp.	Fowler, Elizabeth [(Dick)] (wid.)	1782	47
Not in Brothertown Twsp.	Fowler, Elizabeth [m. David Skeesuck]	1795	314
Not in Brothertown Twsp.	Fowler, Frances	‡	175
Not in Brothertown Twsp.	Fowler, Henry C.	1851	222.a
Not in Brothertown Twsp.	Fowler, Hezekiah	1813	24
Not in Brothertown Twsp.	Fowler, James	1831?	354
Not in Brothertown Twsp.	Fowler, Lewis	1818	283
Not in Brothertown Twsp.	Fowler, Mary [(Brushel) m. William]	1822	65
Not in Brothertown Twsp.	Fowler, Patience L. [m. John W. Dick]	1846	30.c
Not in Brothertown Twsp.	Fowler, Russels/Russel	1814	280

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Fowler, Simeon	1819	340
Not in Brothertown Twsp.	Fowler, Smith	1821	115
Not in Brothertown Twsp.	Fowler, Triphosa [Tryphena?]	n.d.	194
Not in Brothertown Twsp.	Hammer, Amelia [m. Melanthon Peters]	1848	39.c
Not in Brothertown Twsp.	Hammer, Elizabeth Sr. [(Crosley) wid.]	1790	170
Not in Brothertown Twsp.	Hammer, Jarous/Jeremiah	1841	39.a
Not in Brothertown Twsp.	Hammer, Lorokama [Lorry]	n.d.	257
Not in Brothertown Twsp.	Hammer, Olive	1837	297
Not in Brothertown Twsp.	Hammer, Polly [(Johnson) m. Samuel]	1815c	140
Not in Brothertown Twsp.	Hammer, Samuel	n.d.	275
Not in Brothertown Twsp.	Hammer, William H.	1850	39.d
Not in Brothertown Twsp.	Hart, Elizabeth	1840	42.a
Not in Brothertown Twsp.	Hart, Emma	1842	42.b
Not in Brothertown Twsp.	Hart, Lurena [Luranette?] [(Fowler) m. Simeon]	1814c	68
Not in Brothertown Twsp.	Hart, Orville	1834	103
Not in Brothertown Twsp.	Hart, Percy E.	1847	42.d
Not in Brothertown Twsp.	Jacques, Daniel L.	1845	372.b
Not in Brothertown Twsp.	James, Samuel	‡	11
Not in Brothertown Twsp.	Johnson, Charles H.	1851	252.a
Not in Brothertown Twsp.	Johnson, Colon [Colen]	1824	353
Not in Brothertown Twsp.	Johnson, David	1810	385/386
Not in Brothertown Twsp.	Johnson, Dexter	1848	41.f
Not in Brothertown Twsp.	Johnson, Elisha	1827	274
Not in Brothertown Twsp.	Johnson, Finne/Firme	‡	157
Not in Brothertown Twsp.	Johnson, Henry [C.]	1819	293
Not in Brothertown Twsp.	Johnson, James	‡	268
Not in Brothertown Twsp.	Johnson, Lewis	1841	385.a
Not in Brothertown Twsp.	Johnson, Martha	1828?	124
Not in Brothertown Twsp.	Johnson, Mary	1844	385.b
Not in Brothertown Twsp.	Johnson, Orrin *	1834	41.x
Not in Brothertown Twsp.	Johnson, Phimbre/Phimber [Fimbra]	1839c	155
Not in Brothertown Twsp.	Johnson, Theodore	1850	124.a
Not in Brothertown Twsp.	Johnson, William Jr.	1818	252
Not in Brothertown Twsp.	Kiness/Kindness, Cynthia Ann	‡	251
Not in Brothertown Twsp.	Kiness/Kindness, George	n.d.	326
Not in Brothertown Twsp.	Kiness/Kindness, Ira L.	1832	313
Not in Brothertown Twsp.	Kiness/Kindness, Isaac J.	1836	254
Not in Brothertown Twsp.	Kiness/Kindness, Phebe [maiden?]	n.d.	343
Not in Brothertown Twsp.	Kiness/Kindness, Thomas	1844c	348.a
Not in Brothertown Twsp.	Kiness/Kindness, Thomas [Jr.]	1815	290
Not in Brothertown Twsp.	Kiness/Kindness, Thos. L[ayton]	1833	377

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<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Kiness/Kindness, William	1822	303
Not in Brothertown Twsp.	Kiness/Kindness, Zilpha	‡	279
Not in Brothertown Twsp.	Kuish/Cuish, John Jr.	1832c	207
Not in Brothertown Twsp.	Kuish/Cuish, Melissa	1835c	204
Not in Brothertown Twsp.	Mathers, Esther	1847c	35.c
Not in Brothertown Twsp.	Mathers, Lovina [m. Edwin Adams]	n.d.	117
Not in Brothertown Twsp.	Mathers, Rosetta Jr.	‡	176
Not in Brothertown Twsp.	Mathers, Sarah	‡	200
Not in Brothertown Twsp.	Menner, John H.	1845	369.a
Not in Brothertown Twsp.	Mossuck, Daniel	n.d.	330
Not in Brothertown Twsp.	Mossuck, Pualla [Pually] [(Adams) m. [name?]]	n.d.	336
Not in Brothertown Twsp.	Niles, Jane	1838	48.a
Not in Brothertown Twsp.	Niles, Sarah	1842	48.c
Not in Brothertown Twsp.	O'Brien, William	1825	122.a
Not in Brothertown Twsp.	Onion, John	‡	225
Not in Brothertown Twsp.	Onion, Olive	‡	321
Not in Brothertown Twsp.	Palmer [Paul?], Benjamin	1827c	295
Not in Brothertown Twsp.	Palmer [Paul?], David	‡	50
Not in Brothertown Twsp.	Palmer [Paul?], George	1828c	355
Not in Brothertown Twsp.	Paul, Almira	‡	216
Not in Brothertown Twsp.	Paul, Charles [A.]	1820	132
Not in Brothertown Twsp.	Paul, Christina	n.d.	77
Not in Brothertown Twsp.	Paul, George	1828	315
Not in Brothertown Twsp.	Paul, Hannah	1791c	135
Not in Brothertown Twsp.	Paul, Lucy [m. Charles Wiggins]	1810c	32.a
Not in Brothertown Twsp.	Paul, Nelson	1805c	345
Not in Brothertown Twsp.	Paul, Phebe Jr. [m. Frederick Menner]	1828	369
Not in Brothertown Twsp.	Paul, Rachael	‡	240
Not in Brothertown Twsp.	Paul, Rodolphus	1836	193
Not in Brothertown Twsp.	Paul, Sarah	1780?	37
Not in Brothertown Twsp.	Paul, Sarah [(maiden?)] m. Nelson	1815	291
Not in Brothertown Twsp.	Paul, William	n.d.	208
Not in Brothertown Twsp.	Peters, Martin	1834	262
Not in Brothertown Twsp.	Peters, Melanethon [Melanthon]	1829	323
Not in Brothertown Twsp.	Peters, William	1831	163
Not in Brothertown Twsp.	Potter, Hannah/Annie? [m. Thomas Welch]	1829	248.a
Not in Brothertown Twsp.	Potter, Henry	1837	141
Not in Brothertown Twsp.	Potter, Mary Ann	1838?	94
Not in Brothertown Twsp.	Potter, Polly	1838c	223
Not in Brothertown Twsp.	Quinney, Absolum	1852	112.a?
Not in Brothertown Twsp.	Ramsdall, Jeffrey	‡	102

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix F: 1870 Census

<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Roberts, Abigail	‡	327
Not in Brothertown Twsp.	Sampson, Avery [L.]	1827c	125
Not in Brothertown Twsp.	Sampson, Eliza [m. Benjamin Dick]	1826	151
Not in Brothertown Twsp.	Sampson, Elizabeth	‡	127
Not in Brothertown Twsp.	Sampson, Esther [(Simons) wid.]	1798	120
Not in Brothertown Twsp.	Sampson, Eveline	1788c	351
Not in Brothertown Twsp.	Sampson, George	1785c	195
Not in Brothertown Twsp.	Sampson, George [W.]	1816	159
Not in Brothertown Twsp.	Sampson, James [III]	1815c	324
Not in Brothertown Twsp.	Sampson, James J.	1841c	232.a
Not in Brothertown Twsp.	Sampson, Jane [m. John Foss]	1824c	156
Not in Brothertown Twsp.	Sampson, Joel J.	1844	232.d
Not in Brothertown Twsp.	Sampson, John R.	1850	232.g
Not in Brothertown Twsp.	Sampson, Louisa [m. Gideon Mosher]	1817c	168
Not in Brothertown Twsp.	Sampson, Melina [Melinda] [m. George Reader]	1817	264
Not in Brothertown Twsp.	Sampson, Ralph	1827c	335
Not in Brothertown Twsp.	Sampson, Rufus	1816c	180
Not in Brothertown Twsp.	Sampson, Sarah [m. Mathers/Baker]	1831	374
Not in Brothertown Twsp.	Sampson, Seth [F.]	1837	136
Not in Brothertown Twsp.	Sampson, Thomas	‡	245
Not in Brothertown Twsp.	Scippio, Electy [Electa] [m. Colen Johnson]	1827c	49
Not in Brothertown Twsp.	Scippio, Isaac	n.d.	38
Not in Brothertown Twsp.	Seketer, Abigail [(Wyatt) m. Charles]	1800	93
Not in Brothertown Twsp.	Seketer, Charles	n.d.	266
Not in Brothertown Twsp.	Seketer, John Jr.	1835?	219
Not in Brothertown Twsp.	Seketer, Milo	1830	19
Not in Brothertown Twsp.	Seketer, Sarah [Sarah/Sarah E.]	n.d./n.d.	258
Not in Brothertown Twsp.	Seput, Daniel	‡	320
Not in Brothertown Twsp.	Seput, Daniel Sr. <sup>m</sup>	‡	139
Not in Brothertown Twsp.	Seput, Lurena	‡	304
Not in Brothertown Twsp.	Seput, Simon	‡	319
Not in Brothertown Twsp.	Shelley, Alvira/Nancy A.? [m. Joel Sampson]	1847	184.e
Not in Brothertown Twsp.	Shelley, Hannah/Ellen? [m. Benjamin Fowler]	1833	123
Not in Brothertown Twsp.	Shelley, Louisa J. [m. Alonzo Simons]	1833	292
Not in Brothertown Twsp.	Shelley, Lyman	1834?	184.a
Not in Brothertown Twsp.	Shelley, Sabrina [m. Benjamin Fuller]	1841	184.c
Not in Brothertown Twsp.	Shelley, Thomas	1840	184.b
Not in Brothertown Twsp.	Simons, Emily	‡	96
Not in Brothertown Twsp.	Simons, Margaret	‡	261
Not in Brothertown Twsp.	Simons, Mason	‡	221
Not in Brothertown Twsp.	Simons, Mathers	1842	106.b

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix F: 1870 Census

<b>1870 Census Dwelling #</b>	<b>Name [(maiden) m. spouse] <sup>1</sup></b>	<b>[b.] <sup>2</sup></b>	<b>1839 Case # <sup>3</sup></b>
Not in Brothertown Twsp.	Simons, Selinda	‡	234
Not in Brothertown Twsp.	Simons, William	1850	292.a
Not in Brothertown Twsp.	Skeesuck, Ab.	‡	312
Not in Brothertown Twsp.	Skeesuck, Abigail [(Johnson) m. George]	n.d.	13
Not in Brothertown Twsp.	Skeesuck, Abraham	1803	43
Not in Brothertown Twsp.	Skeesuck, Asa	1848	233.d
Not in Brothertown Twsp.	Skeesuck, Dorcas	1833	233.a
Not in Brothertown Twsp.	Skeesuck, Elisha L	1830	43.a
Not in Brothertown Twsp.	Skeesuck, Eliza [m. Elkanah Dick]	1809	316?
Not in Brothertown Twsp.	Skeesuck, George	n.d.	73
Not in Brothertown Twsp.	Skeesuck, Grace [(Seketer) m. Samuel Jr.]	1806	80
Not in Brothertown Twsp.	Skeesuck, Jerome [Samuel Jerome]	1834	67
Not in Brothertown Twsp.	Skeesuck, John	1842	233.c
Not in Brothertown Twsp.	Skeesuck, Julius	1847	89.d
Not in Brothertown Twsp.	Skeesuck, Lester	1827	285
Not in Brothertown Twsp.	Skeesuck, Lyman	1834c	218
Not in Brothertown Twsp.	Skeesuck, Maria	n.d.	107
Not in Brothertown Twsp.	Skeesuck, Mary [m. John Delaware]	1849	153.a
Not in Brothertown Twsp.	Skeesuck, Mary Ann	n.d.	282
Not in Brothertown Twsp.	Skeesuck, Philena/Philinda [m. John Gibson]	1846	73.a
Not in Brothertown Twsp.	Skeesuck, Samuel Jr.	1808	233
Not in Brothertown Twsp.	Skeesuck, Sarah	1780	90
Not in Brothertown Twsp.	Skeesuck, Sylvester	1843	89.b
Not in Brothertown Twsp.	Skeesuck, Thankful [(Dick?) wid.?)	1805c	17
Not in Brothertown Twsp.	Smith, Mary [E.?)	n.d.	201
Not in Brothertown Twsp.	Stow, Alexander W. Jr	1851	325.e
Not in Brothertown Twsp.	Tocus, Thos. J.	‡	365
Not in Brothertown Twsp.	Toucee, Eunice [(Charles) m. David] [m. William Crosley]	1807	250
Not in Brothertown Twsp.	Wadsworth, Hiram	1849	325.d
Not in Brothertown Twsp.	Wadsworth, James	1841	325.a
Not in Brothertown Twsp.	Wadsworth, John D.	1842	325.b
Not in Brothertown Twsp.	Wadsworth, Ramona	1846	325.c
Not in Brothertown Twsp.	Walker, Jane	‡	137
Not in Brothertown Twsp.	Warkieth, Lucy	‡	84
Not in Brothertown Twsp.	Waubby, Adeline	1845	239.b
Not in Brothertown Twsp.	Waubby, James	1810	239
Not in Brothertown Twsp.	Waubby, John	1800c	288
Not in Brothertown Twsp.	Waubby, Lureanet <sup>m</sup>	‡	331
Not in Brothertown Twsp.	Waubby, Serepta [(Crosley?) [m. Elias Dick]	1815	298
Not in Brothertown Twsp.	Waubby, Silas	1800c	99
Not in Brothertown Twsp.	Welch, Catherine [m. Joseph M. Johnson]	1839	182.b

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix F: 1870 Census

1870 Census Dwelling #	Name [(maiden) m. spouse] <sup>1</sup>	[b.] <sup>2</sup>	1839 Case # <sup>3</sup>
Not in Brothertown Twsp.	Welch, Esther A.	1841	214.f
Not in Brothertown Twsp.	Welch, Orpha Jane [m. Louis Pendleton]	1848	182.e
Not in Brothertown Twsp.	Welch, Rosella/Rose [m. William Davis]	1849	182.g
Not in Brothertown Twsp.	Welch, Rosetta	1837	214.d
Not in Brothertown Twsp.	Welch, Sabrina [m. Baptiste Smith]	1837	182.a
Not in Brothertown Twsp.	Whitney, Joseph	‡	249
Not in Brothertown Twsp.	Wiggins, Abbie L. [m. Elisha Schooner]	1843	235.a
Not in Brothertown Twsp.	Wiggins, Anna	‡	269
Not in Brothertown Twsp.	Wiggins, Betsy [(Handable)] (wid.)	1782	236
Not in Brothertown Twsp.	Wiggins, Charles	1828c	83
Not in Brothertown Twsp.	Wiggins, Emily C. [m. Job Bowman]	1845	235.b
Not in Brothertown Twsp.	Wiggins, Ethan	1852	183.b
Not in Brothertown Twsp.	Wiggins, Hiram	n.d.	267
Not in Brothertown Twsp.	Wiggins, Ira L. [Ira S.]	1832	149
Not in Brothertown Twsp.	Wiggins, James	1848	29.c
Not in Brothertown Twsp.	Wiggins, James	n.d.	253
Not in Brothertown Twsp.	Wiggins, Jesse	1839	29.a
Not in Brothertown Twsp.	Wiggins, Maria [m. Almarion DeGroat]	1841	29.b
Not in Brothertown Twsp.	Wiggins, Polly	1836	347
Not in Brothertown Twsp.	Wiggins, Ramona	1834	92
Not in Brothertown Twsp.	Wiggins, Sampson	1851	183.a
Not in Brothertown Twsp.	Wiggins, Seth	n.d.	158
Not in Brothertown Twsp.	Wyatt, Daniel	‡	78
Not in Brothertown Twsp.	Wyatt, Daniel Sr. <sup>m</sup>	1800c	231
Not in Brothertown Twsp.	Wyatt, Romantha [Romance?]	1826	360
Not in Brothertown Twsp.	Wyatt, Zephania	‡	300

Notes:

- 1 The information in brackets represents annotations by OFA researchers to help identify individuals on the census.
- 2 The date of birth given here is not given on the Federal census; it is found in the petitioner's genealogical database or estimated from an age given on a Federal census or censuses.
- 3 The 1870 Federal census does not include information about the 1839 allotment list; that information is provided from other sources to identify the Brothertown allottees on the census.
  - a This name or other information was clarified in the amendatory report of 4/2/1845.
  - m This name or other information was clarified on the allotment map of 7/13/1840.
  - \* This individual is possibly allottee #203, rather than Orrin Johnson b.1822.
- ‡2 This allottee was changed (John Kiness to John Coyhis Sr.) in the amendatory report of 4/2/1845 and the change was further explained in the amendatory report of 7/10/1845.
- ‡4 This individual was identified on the map of 1840 only as the "wife of" Nathan Dick.
- ‡ This individual is not found in the petitioner's genealogical database.
- 30.a This individual is a child of allottee #30.

Sources: U.S. Census 1870, Wisconsin, Calumet County, Brothertown Township. The additional information about 1839 allottees and allotment case numbers is derived from: Charles Anthony et al. to President Van Buren, n.d.

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix F: 1870 Census

[10/-/1839], box 2, Indian Reserve Series, Entry 29, Div. K, and a copy (with a few annotations) in Entry A1 2012, RG 49 (General Land Office), National Archives, Washington, D.C.; Thomas Commuck et al. to Commissioner of the General Land Office, 4/2/1845, and Charles Anthony et al. to Commissioner of the General Land Office, 7/10/1845, box 2, Indian Reserve Series, Entry 29, Div. K, RG 49 (General Land Office), National Archives, Washington, D.C.; George Featherstonhaugh, Map of Brothertown Township (with allottees), 7/13/1840, Archives, Wisconsin State Historical Society, Madison, Wis.; and the petitioner's genealogical database.

Appendix G  
1875 State Census: Brothertown Township

1875 [p.]	line	?	Head of Family [(rolls)] [m. spouse (rolls)] <sup>1</sup>
1	24	?	B[enjamin] [J.] Coys [Coyhis?] [(1839#) m. Laura Ann Dick (1839#)]
2	2		O[rlando] D. Dick [m. Almira J. Sampson (1901#)]
2	3		J[ohn] C. Fowler [m. Phoebe Niles (1839#)]
2	4		Peter E. Rhodes [non-Indian ancestor?]
2	5		Eliza Dick
2	6	?	Benjamin Welch [b.1816/1851?]
2	8		W[illiam] H. Dick [(1839#?) m. Juliette Peters (1839#)]
2	13		Grisel Bullman [(1901#) m. Mary Jane Dick]
2	14		John Niles [(1839#) m. Harriet A. Fowler (1901#)]
2	15		O[rin] O. Johnson [(1839#?)]
2	16	?	G[race?] C. Dick [(b.1834)]
2	17		Daniel [L.] Jacques [(1901#) m. Grace Dick (b.1853) (1901#)]
2	19		John [W.] Dick [(1839#) m. Patience L. Fowler]
2	24	?	E[lisha] M.[N.?] Schooner [m. Abbie L. Wiggins (1901#)]
2	28		E[dwin] C. Adams [(1839#) m. Elizabeth Shelley [d.] (1839#)]
2	29		David S[c]helly [(1839#/1901#)]
2	32		Oskar [Oscar] Johnson [(1901#) m. Ellen J. Dick]
2	33		Melvill[e] Johnson [(1901#)]
3	11		Rufus [J.] Coyhis [(1901#)]
3	12		Geo[rge] [H.] Baker [m. Julia A. Coyhis (1901#)]
4	13		S[amuel] Brushel [(1839#)]
4	28		C[lark] D. Sampson [(1839#) m. Rozina Mathers [d.] (1839#?)]
4	29		J[ohn] C. Hammer [(1839#)]
4	31		John Shelly [(1839#/1901#)]
4	32		Henry Shelly [(1839#/1901#)]
4	33		Simon [H.]Shelly
5	5		H[enry] Potter [(1839#)]
5	9		J[ames] D. Fowler
5	11		D[avid] J. Boyer [non-Indian ancestor?]
5	12		Henry Davids [m. Alvira Shelley (1901#)]
5	30		John Simonds [Simons] [m. Mary A. Coyhis (1839#)]
6	6		H[oel] R. Crowell [(1901#) m. Frances A. Wauby (1901#)]
6	7		L[orenzo] D. Fowler [(1839#) m. Mary V. Johnson (1839#?)]
6	9		Elias [J.] Dick [(1839#/1901#) m. Serepta Crosley]

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix G: 1875 State Census, Brothertown Township

1875 [p.]	line	?	Head of Family [(rolls)] [m. spouse (rolls)] <sup>1</sup>
6	11		Horace Welch
6	13		David Fowler [(1839#) m. Elizabeth Simons]
6	14		L[yman] P. Fowler [(1839#) m. Aurilla “Orrey” Dick (1839#)]
6	15	?	Charles Welch [6 ancestors] / [Charles [H.] Welch (b.1834) m. Abbie J. Hart (1901#)]
6	16	?	B[enjamin] F.[G.?] Fowler [(1839#?) m. Hannah Shelley (1839#)]
6	17		Arnold Skeesuck [(1839#)]
6	18		Sidney Welch [m. Frances E. Fowler (1901#)]
6	19		Andrew Niles [(1839#/1901#) m. Fanny A. Fowler [d.] (1839#)]
6	20		E[dgar] M. Dick [(1901#) m. Abba L. Fowler]
6	21	?	John Mathe[r]s[?] [(1839#)]
6	24		William Welch, Jr. [b.1836?] [(1901#) m. Emeline Fowler [d.]]
7	23		John [W.] Johnson [Jr.] [(1839#)]
7	29		Lewis Johnson [b.1841?]
7	30		[J][oel] J. Sampson [(1901#) m. Harriet P. Fowler (1901#)]
7	31		J[ohn] W. Wiggins [(1901#)]
7	32		David Wiggins [(1839#) m. Louisa Hammer]
9	1		Rufus Skeesuck [(1839#/1901#) m. Amanda M. Fowler]
9	2		L[ucius] [S.] Fowler [(1839#) m. Phoebe Fowler (1839#)]
9	12		William [H.] Shapely [m. Phebe J. Johnson (1839#/1901#)]
9	13		Fred[erick] Baker [non-Indian ancestor?]
9	14		Samuel Skeesuck [Jr.] [(1839#) m. Grace Seketer]
9	15		Alexander Pemberton [non-Indian ancestor]
9	17		Peter Amel [Sr.?] [non-Indian ancestor?]
9	18		O[rrin] G. Johnson [(1839#?) m. Wealthy J. Fowler [d.] (1839#)]
9	19	?	William Johnson [6 ancestors] [(1839# or 1901#)] [m. Charlotte Wiggins (1839#?)]
9	20		John [Jonathan] Schooner
9	27		Orvill[e] [A.] Hart [(1839#) m. Minerva N. Dick]
9	28		Alex[ander] Fowler [(1839#) m. Harriet Dick]
9	31	?	Mary [Ann?] Jones
9	33		H[enry] E. Fowler [(1901#) m. Emily A. Sampson (1901#)]
10	15		William Welch, Sen. [b.1810?] [m. Rachel Scippio [d.]]

Notes:

- 1 The 1875 census does not identify any members of the household except the household head; information in brackets represents annotations by OFA researchers to help identify individuals on the census.

Note: The census of Brothertown Township included 315 households on ten unnumbered pages.

Source: Wisconsin, Secretary of State, State Census of 1875, vol. 1. Bound volumes (Archives, Series 1974) and microfilm copy (Microfilm P79-1626), State Historical Society of Wisconsin, Madison, Wis. Information added from: Charles Anthony et al. to President Van Buren, n.d. [10/-/1839]; U.S. Bureau of Indian Affairs, “New York Indians / Brothertown Roll,” made by Guion Miller, 12/31/1901; and the petitioner’s genealogical database.

Appendix H  
1893 Plat Map of Calumet County

<b>Township</b>	<b>Lot #</b>	<b>?</b>	<b>Name</b>	<b>1839 List</b>	<b>1901 Roll</b>
Brothertown	17		Hannah Dick [m. Fowler?]	161[130/337]	
Brothertown	18		H[enry] E. Fowler		188
Brothertown	18		Marcia [(Fowler)] Johnson		283
Brothertown	19		Emily A. [(Sampson)] Fowler		189
Brothertown	21	?	J.C. Hammer		
Brothertown	Village/23		A[lmira] J. [(Sampson)] Dick *	119	148
Brothertown	Village/23	?	E.M.D. [E.M. Dick?]		153
Brothertown	Village/23		L[yman] P. Fowler	181	
Brothertown	Village/23		Est[h]er Hamer [m. Johnson?]	71	
Brothertown	Village/23		Abbie [(Hart)] Welch		530
Brothertown	24		A[lmira] J. [(Sampson)] Dick *	119	148
Brothertown	27		B[enjamin] G. Fowler	296	
Brothertown	28	?	J[ohn] C. Fowler		
Brothertown	28	?	Charles Welch [6 ancestors]		
Brothertown	30		J[ohn] Mathers (heirs)	35/309	
Brothertown	34		A[mbrose] McGee		352
Brothertown	35		David Fowler (heirs)	30/[352]	
Brothertown	41		R[ebecca] Johnson		294
Brothertown	41		A[lexander] Pemberton		spouse of 380?
Brothertown	43	?	C.B. Kindness		
Brothertown	62		Grace (Crosley) Cottrell		87
Brothertown	82		J[ames/James M. [Jr.]] Simon[s]	81	476
Brothertown	134		P[ercival] Kindness		313
Brothertown	140		G.H. Baker [Sr.] *		spouse of 6
Brothertown	141		G.H. Baker [Sr.] *		spouse of 6
Brothertown	144		G.H. Baker [Sr.] *		spouse of 6
Brothertown	146		G.H. Baker [Sr.] *		spouse of 6
Brothertown	148		John/John [E.] Hamer [Hammer]	387/388	217
Brothertown	167		G.H. Baker [Sr.] *		spouse of 6
Brothertown	174		G.H. Baker [Sr.] *		spouse of 6
Brothertown	199		B[enjamin] J. Coyhis	190	
Stockbridge	180	?	John Johnson [Jr.] *	228?	
Stockbridge	187	?	John Johnson [Jr.] *	228?	
Stockbridge	226	?	John Johnson [Jr.] *	228?	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
 Appendix H: 1893 Plat Map of Calumet County

<b>Township</b>	<b>Lot #</b>	<b>?</b>	<b>Name</b>	<b>1839 List</b>	<b>1901 Roll</b>
Stockbridge	272	?	John Johnson [Jr.] *	228?	
Stockbridge	225	?	Mrs. [Marselia] Fidler [Fiddler]		158?
Stockbridge	229		August Babbetz		spouse of 5

Notes:

\* Individuals owning tracts in more than one lot.

Sources: Charles M. Foote, *Plat Book of Manitowoc and Calumet Counties, Wisconsin* (1893), 48-49, 58; and Manitowoc County Genealogical Society, *Index, Calumet Co. Plat Map 1893* (1989), for landownership. Charles Anthony et al. to President Van Buren, n.d. [10/-/1839]; and U.S. Bureau of Indian Affairs, "New York Indians / Brothertown Roll," made by Guion Miller, 12/31/1901, for the 1839 list and 1901 roll numbers.

Appendix I  
 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
1	3	Adams [Johnson], Avis T. (Sampson)	73	MN, Long Prairie
2	2	Adams, Simeon Shelly	48	MN, Long Prairie
3	1	Adams, Almira L.	46	CO, Denver
4		Appley, Edna (Randall)	26	WI, Omro
5		Babbetz, Jane (Reader)	44	WI, Stockbridge
6		Baker, Julia A. (Coyhis)	56	WI, Chilton
7		Baker, Adella	17	WI, Chilton
8		Baker, Clara	15	WI, Chilton
9		Baker, William	24	WI, Chilton
10		Baker, Benjamin F.	23	WI, Chilton
11		Baker, James A.	20	WI, Chilton
12		Baker, George Jr.	32	WI, Chilton
13		Baker, Ruth M. (Coyhis)	57	WI, Gravesville
14		Baker, Archie W.	17	WI, Gravesville
15		Baker, Edward E.	21	WI, Gravesville
16		Baker, Sarah L. (Sampson)	71	WI, Chilton
17		Baker, Gustave	33	WI, Chilton
18		Baker, Defoist [DeForest]	35	OR, Boyd
19		Baldwin, Ramona L. (Wiggins)	48	WI, Chilton
20		Baldwin, Rosa	14	WI, Chilton
21		Baldwin, Viola	19	WI, Brothertown
22		Baldwin, Clarabel A.	21	WI, Brothertown
23		Baldwin, Ernest	25	WI, Brothertown
24		Baldwin, Mary Fidelia (Dick)	28	WI, Appleton
25		Baldwin, Irma I.	7	WI, Appleton
26		Baldwin, Ruby	6	WI, Appleton
27		Baldwin, John	3	WI, Appleton
28		Baldwin, Thomas E.	52	WI, Stockbridge
29		Bostwick, Henry W.	60	WI, Gravesville
30		Bostwick, Arsula (Mathers)	57	WI, Gravesville
31		Mosher, Belva	10	WI, Gravesville
32		Bostwick, Elmer W.	25	WI, Merrill
33		Bostwick, Cyrenus	56	WI, Oshkosh
34		Bowman, Emily C. (Wiggins)	56	WI, Harrison

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
35		Boyer, Almira S. (Shapely)	46	WI, Unity
36		Boyer, Zitella S.	59	MN, Long Prairie
37		Brown, Almira F. (Brushell)	64	WI, Oshkosh
38		Brown, May P. S.	25	WI, Oshkosh
39		Brown, Charles S.	27	WI, Gresham
40		Brown, Alfred L.	31	WI, Oshkosh
41		Brown, George E.	33	WI, Oshkosh
42		Brown, Maria (Simons)	50	WI, Christie
43	4	Brushell, Delila (Dick?) [d.1902]	80	WI, Hayton
44	7	Brushell, Jeremiah E.	47	WI, Gresham
45		Brushell, Frederick W.	14	WI, Gresham
46	5	Brushell, Thomas H.	51	WI, Hayton
47	6	Brushell, Inez E.	15	WI, Hayton
48		Brushell, Timothy	72	NY, Georgetown
49		Brushell, Aaron S.	40	NY, Georgetown
50		Brushell, Nellie (Paul)	28	NY, Georgetown
51		Brushell, Bertha A.	11	NY, Georgetown
52		Brushell, Lula M.	9	NY, Georgetown
53		Bull, Baxter Leroy	56	WI, Racine
54		Bullman, Grisel	59	WI, Hayton
55		Bullman, Forest M.	16	WI, Hayton
56		Bullman, Irene (Hammer)	59	WI, Fond du Lac
57		Bullman, Marcia	37	WI, Brothertown
58		Bullman, Ada A.	20	WI, Brothertown
59		Bullman [Welch?], Leonard	<1	WI, Brothertown
60		Bullman, Archie D.	28	WI, Hayton
61		Bullman, Fred E.	25	WI, Hayton
62		Bullman, Almira J.	18	WI, Hayton
63		Bush, Mary F. (Paul)	19	NY, Brookfield
64	11	Cheets, Josiah C.	61	WI, W. Depere
65		Church, Mary (McGee)	34	WI, Oshkosh
66		Clark, Mary I. (Potter)	34	WI, Carter
67		Clark, Claude W.	11	WI, Carter
68		Clark, Charles E.	9	WI, Carter
69		Clark, John H.	4	WI, Carter
70		Coffeen, Melissa (Baker)	34	WI, Chilton
71		Colby, Mary I. (Sampson)	38	WI, Unity
72		Colby, Guy	13	WI, Unity
73		Colby, Myrtle	11	WI, Unity

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
74		Colby, James	10	WI, Unity
75		Colby, Verna	8	WI, Unity
76		Colby, Norma	6	WI, Unity
77		Colby, Paul	4	WI, Unity
78		Colby, Daly	2	WI, Unity
79		Compton, Sadie S. (Shelly)	25	MN, Motley
80		Compton, Vida	7	MN, Motley
81		Compton, Sylvia	4	MN, Motley
82		Compton, Clifton	<1	MN, Motley
83		Cook, Dever S.	21	NY, Georgetown
84		Cook, Irving A.	23	NY, Georgetown
85		Cook, Clara A. (Dick)	47	WI, Fond du Lac
86		Cooper, Lydia Ann (Johnson)	58	WI, Gresham
87		Cottrell, Grace A. C. (Crosley)	69	WI, Brothertown
88	14	Coyhis, Melissa M.	10	WI, Brothertown
89		Coyhis, Rufus	48	WI, Gresham
90	13	Coyhis, Charles F.	18	WI, Brothertown
91	9	Coyhis, Clarence	25	WI, Fond du Lac
92	10	Coyhis, Harvey [Harry L.]	1	WI, Fond du Lac
93	16	Coyhis, Melvin	32	WI, Fond du Lac
94	17	Coyhis, Hannah J[ane] C. (Crosley)	32	WI, Fond du Lac
95	18	Coyhis, Francis [Frances]	10	WI, Fond du Lac
96	19	Coyhis, Bella [Della] M.	2	WI, Fond du Lac
97	20	Coyhis, Lula [Lola] E.	<1	WI, Fond du Lac
98	12	Coyhis, John	20	WI, Brothertown
99	8	Crossley, John E.	29	WI, Brothertown
100		Crowell, Hoel R.	63	WI, Spencer
101		Crowell, Frances A. (Waubay)	61	WI, Spencer
102		Crowell, Rizpah E.	39	WI, Spencer
103	15	Cuish, Truman H.	39	WI, Kaukauna
104		Cuish, Frank L.	18	WI, Kaukauna
105		Cuish, Truman Jr.	16	WI, Kaukauna
106		Cuish, Andrew B.	9	WI, Kaukauna
107		Cuish, Ellen F.	<1	WI, Kaukauna
108		Cuish, Alexander	50	WI, Merrill
109		Cuish, Gertrude	15	WI, Merrill
110		Cuish, Jessie	5	WI, Merrill
111		Cuish, Agatha	2	WI, Merrill
112		Cumming, Amelia E. (Bullman)	56	WI, Marshfield

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Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
113		Curdy, Phoebe Ann (Paul)	73	WI, Neenah
114		Dain, Ethel (Shelly)	20	WA, Mt. Vernon
115		Dain, Paul	2	WA, Mt. Vernon
116		Dain, Perry	<1	WA, Mt. Vernon
117		Davids, Lucinda G. (Hammer)	58	ID, Blackfoot
118		Davids, Alvira (Shelly)	58	WI, Unity
119		Davis, Rosella (Welch)	52	MI, Baraga
120		Dayton, Lovinia F. (Fowler)	50	WI, Brothertown
121		Dayton, Nellie	14	WI, Brothertown
122		Dayton, Iva	11	WI, Brothertown
123		Dayton, Myrtle	5	WI, Brothertown
124		Dayton, Mabel	27	WI, Brothertown
125		Dayton, Alice	24	WI, Calumetville
126		DeGroat, Byron E.	16	MN, Tracy
127		DeGroat, Vivian I.	13	MN, Tracy
128		DeGroat, Ida L[uella]. (Welch)	23	MN, Redwood Falls
129		DeGroat, Maria A. (Wiggins)	60	WI, Brothertown
130		Dibble, Pearl L. (Shelly)	22	MI, Ironwood
131		Dibble, James L.	2	MI, Ironwood
132		Dibble, Leona C.	1	MI, Ironwood
133	29	Dick, John Paul	73	WI, Milwaukee
134	30	Dick, Edwin A.	36	CO, Central City
135		Dick, Milton E.	13	CO, Central City
136		Dick, Palmer L.	11	CO, Central City
137	31	Dick, John F.	34	CA, Stockton
138	32	Dick, Harry Lynn	31	MN, Minneapolis
139	33	Dick, Oscar P.	28	WI, Milwaukee
140		Dick, Ruth E.	<1	WI, Milwaukee
141	21	Dick, David	74	WI, Brothertown
142	22	Dick, Theodore	43	WI, Brothertown
143	25	Dick, Elias	82	WI, Brothertown
144	34	Dick, Horace C.	22	MN, Long Prairie
145		Dick, Roy A .	16	WI, Appleton
146		Dick, Lester U.	24	WI, Appleton
147		Dick, Viola J.	13	WI, Brothertown
148	23	Dick, Almira J. (Sampson)	66	WI, Brothertown
149	26	Dick, Warren C.	52	WI, Brothertown
150		Dick, Betsey L. (Simons)	55	WI, Appleton
151	28	Dick, Etta	15	WI, Appleton

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Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
152	27	Dick, Lucius C.	58	WI, Gresham
153	24	Dick, Edgar M.	58	WI, Brothertown
154		Downs, Cora A. (Shelly)	26	WI, Unity
155		Doxtator, Ellen (Fuller)	34	WI, Mission
156		Doxtator, Hannah (Baldwin)	53	WI, Gresham
157		DuChene, Ella (Shelly)	32	WI, Unity
158		Fiddler, Marselia	47	WI, Merrill
159		Fiddler, Merrill H.	15	WI, Merrill
160		Fiddler, Luda A .	9	WI, Merrill
161		Fiddler, John R.	23	WI, Merrill
162	55	Fowler, Louis [Lewis] Franklin	48	MN, Long Prairie
163	56	Fowler, Mercy L. (Johnson)	44	MN, Long Prairie
164	59	Fowler, Harold C.	13	MN, Long Prairie
165	60	Fowler, Marion C.	9	MN, Long Prairie
166	58	Fowler, Arthur Winfield	19	MN, Long Prairie
167	57	Fowler, Ralph Rutherford	21	MN, Long Prairie
168	63	Fowler, Daisy E.	26	SD, Deadwood
169	64	Fowler, Eve M. [Eva May]	23	SD, Deadwood
170	62	Fowler, Theda M.	31	SD, Deadwood
171		Fowler, Avery LaGrange	29	SD, Keystone
172	35	Fowler, William L.	50	WI, Brothertown
173	36	Fowler, Rosetta [Rozetta] M.	47	WI, Brothertown
174	50	Fowler, Agnes L.	46	WI, Brothertown
175	49	Fowler, Willis P[arker]	48	WI, Brothertown
176	54	Fowler, Bessie A.	15	WI, Brothertown
177		Fowler, Herbert D.	25	WI, Brothertown
178	53	Fowler, Orrey/Orry [Aurilla] Dick	72	WI, Brothertown
179	43	Fowler, Orin	37	WI, Brothertown
180	44	Fowler, Thressa [Teresa] C. (Kindness)	30	WI, Brothertown
181	45	Fowler, Hugh W.	7	WI, Brothertown
182	46	Fowler, Marie M.	5	WI, Brothertown
183	47	Fowler, Vernon D.	<1	WI, Brothertown
184	40	Fowler, James D.	64	WI, Brothertown
185	41	Fowler, Sarah E. (Sampson)	60	WI, Brothertown
186	66	Fowler, Henry C.	50	WI, Brothertown
187		Fowler, Flora M. (Cottrell)	39	WI, Brothertown
188	37	Fowler, Henry E.	54	WI, Brothertown
189	38	Fowler, Emily A. (Sampson)	47	WI, Brothertown
190	39	Fowler, Elma [L.]	28	WI, Calumetville

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Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
191	82	Fowler, Millard F.	29	WI, Brothertown
192	42	Fowler, Lathrop	53	WI, Brothertown
193	52	Fowler, James L.	43	WI, Brothertown
194	48	Fowler, Laton	73	WI, Brothertown
195	51	Fowler, Lucius A.	46	WI, Brothertown
196	65	Fowler, Henry A.	55	WI, Beloit
197		Fuller, Warren J.	35	WI, Merrill
198		Fuller, Lyman E.	31	WI, Merrill
199		Gardner, Louisea (?)	56	WI, Gresham
200		Gerarden, Elsie (Smith)	27	WI, Hayton
201		Gerarden, Alpheus	6	WI, Hayton
202		Gibson, Philena (Skeesuck)	57	MO, Louisiana
203		Gocha, Theresa (Weimer)	20	WI, Medford
204		Gratteau, Evelyn (Baker)	41	WI, Kaukauna
205		Griswold, Charity	35	WI, Merrill
206		Hallam, Jane (Baker)	51	WI, Roselawn
207		Hammer, Carrie	41	WI, Brothertown
208		Hammer, Alma	7	WI, Brothertown
209		Hammer, Myron	4	WI, Brothertown
210		Hammer, Byron	4	WI, Brothertown
211		Hammer, Thos. Duane	53	WI, Gresham
212		Hammer, Rufus A.	51	WI, Gresham
213		Hammer, Delbert	30	WI, Gresham
214	67	Hammer, Alexander H.	62	WI, Brothertown
215	68	Hammer, Angeline (Fowler) [d.1902]	61	WI, Brothertown
216	69	Hammer, Eleanor L. [d.1902]	22	WI, Brothertown
217	70	Hammer, John E.	50	WI, Brothertown
218	71	Hammer, Frances M.	48	WI, Kaukauna
219		Hammer, Carlton	30	WI, Brothertown
220		Hammer, Willie	20	WI, Fond du Lac
221		Hammer, John H.	24	WI, Fond du Lac
222		Hammer, Franklin E.	16	WI, Fond du Lac
223		Hammer, Hugh J.	13	WI, Fond du Lac
224		Hammer, Hattie A.	11	WI, Fond du Lac
225		Hammer, Ella M.	22	WI, Fond du Lac
226		Hammer, Charles M.	27	WI, Waupun
227		Hammer, Maggie E.	19	WI, Fond du Lac
228		Hammer, Bertram V.	34	MN, Redwood Falls
229		Hammer, Irvin D.	12	MN, Redwood Falls

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Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
230		Hammer, Gottlieb F.	9	MN, Redwood Falls
231		Hammer, Flora L.	5	MN, Redwood Falls
232		Hammer, Winnifred	3	MN, Redwood Falls
233		Hammer, Millie L.	1	MN, Redwood Falls
234		Hammer, Catherine (Baker)	37	WI, Brothertown
235		Jacques, Daniel L.	56	WI, Brothertown
236		Jacques, Grace (Dick)	48	WI, Brothertown
237		Jacques, Cleo Lola	15	WI, Brothertown
238		Jacques, Lester F.	23	WI, Brothertown
239		Jacques, William A.	20	WI, Brothertown
240		Jacques, Charles E.	31	WI, Brothertown
241	118	Johnson, Marshall	28	MN, Long Prairie
242	108	Johnson, Hoel E.	38	MN, Long Prairie
243	109	Johnson, Clarabel [Clara B.]	10	MN, Long Prairie
244	110	Johnson, Cora E.	8	MN, Long Prairie
245	111	Johnson, Hattie M.	6	MN, Long Prairie
246	112	Johnson, Mabel A.	4	MN, Long Prairie
247	113	Johnson, William F.	<1	MN, Long Prairie
248	119	Johnson, Amasa Rolette	40	MN, Long Prairie
249	100	Johnson, Elmore D.	33	MN, Long Prairie
250	101	Johnson, Agnes P.	5	MN, Long Prairie
251	102	Johnson, John [Johnnie] O.	3	MN, Long Prairie
252	103	Johnson, Arthur L.	1	MN, Long Prairie
253	104	Johnson, Avery	25	MN, Long Prairie
254	105	Johnson, Nora M.	2	MN, Long Prairie
255	106	Johnson, Orin	1	MN, Long Prairie
256	107	Johnson, Almanza	<1	MN, Long Prairie
257	123	Johnson, Parmelia [Permelia] J. (Fowler)	60	WI, Colby
258	126	Johnson, Clayton S.	35	WI, Colby
259	129	Johnson, Oscar E.	5	WI, Colby
260	130	Johnson, Celia J.	4	WI, Colby
261	125	Johnson, Albert L.	23	WI, Colby
262	124	Johnson, Harriet M.	25	WI, Colby
263	128	Johnson, James P.	29	WI, Colby
264	127	Johnson, Roland [Rowland] D.	5	WI, Colby
265	131	Johnson, Raymond S.	1	WI, Colby
266	80	Johnson, George M.	33	WI, Oshkosh
267	99	Johnson, Ansel [Ansil] A.	49	MN, Long Prairie
268	86	Johnson, Henry C.	40	MN, Long Prairie

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<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
269	87	Johnson, Leora [Leona] L.	17	MN, Long Prairie
270	88	Johnson, Cora M.	14	MN, Long Prairie
271	89	Johnson, Dora E.	12	MN, Long Prairie
272	90	Johnson, Mamie	10	MN, Long Prairie
273	91	Johnson, Carrie T.	7	MN, Long Prairie
274	92	Johnson, Henry C. Jr.	5	MN, Long Prairie
275	93	Johnson, Donnie	3	MN, Long Prairie
276	94	Johnson, Miles M.	46	MN, Long Prairie
277	95	Johnson, Claude	13	MN, Long Prairie
278	96	Johnson, Lloyd	11	MN, Long Prairie
279	97	Johnson, Mabel	9	MN, Long Prairie
280		Johnson, Norbert	4	MN, Long Prairie
281	120	Johnson, Barbara (Dick)	82	WI, Brothertown
282	74	Johnson, Hiram	47	WI, Brothertown
283	75	Johnson, Marcia E. F. (Fowler)	48	WI, Brothertown
284	76	Johnson, Ada A.	12	WI, Brothertown
285	77	Johnson, Ellis C.	9	WI, Brothertown
286	121	Johnson, Oscar	49	WI, Brothertown
287	85	Johnson, Melville	57	MN, Long Prairie
288	72	Johnson, Harlam [Harlem] A.	32	WI, Brothertown
289	73	Johnson, Lillian M. (Hammer)	30	WI, Brothertown
290		Johnson, Bessie B.	19	WI, Green Bay
291		Johnson, George W.	23	WI, Green Bay
292	84	Johnson, Ellen R.	48	WI, Oshkosh
293	83	Johnson, William H. [d.1904]	63	WI, Brothertown
294	78	Johnson, Rebecca Abner	85	WI, Brothertown
295	79	Johnson, Samuel	54	WI, Brothertown
296		Johnson, Catherine (Welch)	62	MN, Clarissa
297	81	Johnson, Anthelia	54	WI, Brothertown
298	114	Johnson, Laton Dick	41	MN, Long Prairie
299	115	Johnson, Archie A.	10	MN, Long Prairie
300	116	Johnson, Jessie J.	7	MN, Long Prairie
301	117	Johnson, Harry W.	<1	MN, Long Prairie
302		Johnson, Sarah S. (Simons?)	64	WI, Mission
303		Johnson, Emma (Welch)	43	WI, Fond du Lac
304		Kellogg, Cora (Paul)	26	NY, Georgetown
305		Fairbanks, Frankie	7	NY, Georgetown
306		Kempf, LaMay (Welch)	26	MN, Winthrop
307		Keniston, Albert	24	WI, Brothertown

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<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
308		Keniston, John Henry	17	WI, Tomah
309	148	Kindness [Kiness], Homer E.	32	WI, Oshkosh
310	149	Kindness [Kiness], Frances (Niles)	34	WI, Oshkosh
311	150	Kindness [Kiness], Lloyd	3	WI, Oshkosh
312		Kindness, Louis [Lewis]	63	NY, Stockton
313	132	Kindness, Percival [Purcell] A.	43	WI, Calumetville
314	133	Kindness, Clarabel L. (Fowler)	38	WI, Calumetville
315	134	Kindness, Lela O.	15	WI, Calumetville
316	135	Kindness, Almira J.	13	WI, Calumetville
317	136	Kindness, Orlando J.	11	WI, Calumetville
318	137	Kindness, Percy E.	10	WI, Calumetville
319	138	Kindness, Frank P.	9	WI, Calumetville
320	139	Kindness, Hettie B.	4	WI, Calumetville
321	140	Kindness, Maria [Marcia] L.	3	WI, Calumetville
322	141	Kindness, Clara L.	<1	WI, Calumetville
323	144	Kindness [Kiness], James [H.]	65	WI, Brothertown
324	145	Kindness [Kiness], James Jr.	17	WI, Brothertown
325	146	Kindness [Kiness], John C.	15	WI, Brothertown
326	147	Kindness [Kiness], Ruby	12	WI, Brothertown
327	142	Kindness [Kiness], Ira A.	34	WI, Brothertown
328	143	Kindness [Kiness], Lura [Laura] D.F. (Fowler)	41	WI, Brothertown
329		Kindness, James Jr.	19	WI, Brothertown
330		Kindness, Thomas L.	68	NY, Stockton
331		King, Luane (Hammer)	46	WI, Erdman
332		King, Ruby M.	17	WI, Erdman
333		King, Almond [Edmund] M.	14	WI, Erdman
334		King, Harry E.	11	WI, Erdman
335		King, Allen G.	9	WI, Erdman
336		King, Frank V.	5	WI, Erdman
337		King, Fred M.	19	WI, Erdman
338		Kohl, Magdalene S. (Shelly)	40	MN, Red Wing
339		Kohl, Edith C.	19	MN, Red Wing
340		Kohl, Fay	16	MN, Red Wing
341		Kohl, Ardo	14	MN, Red Wing
342		Kohl, Chapin A.	9	MN, Red Wing
343		Kohl, Aubrey T.	5	MN, Red Wing
344		Kohl, Plummie	1	MN, Red Wing
345		Lyon[s], Jane (Modlin)	47	KS, Lincoln
346		Madison, Archie P.	20	MN, Long Prairie

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Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
347		Madison, [Orrin] James B.	7	MN, Long Prairie
348	153	Mathers [Marthers], Maria (Sampson) [d.1902]	79	WI, Brothertown
349	151	Mathers [Marthers], Charles A.	30	WI, Chilton
350	152	Mathers [Marthers], William A.	2	WI, Chilton
351		McGee, Sarah (Wauby [Wamby])	63	WI, Oshkosh
352		McGee, Ambrose	39	WI, Oshkosh
353		McGill, Rosetta (Welch)	74	WI, Brothertown
354		McKensie, Ida (Baker)	30	WI, Milwaukee
355		Melstrom, Mary (Welch)	16	MN, Redwood Falls
356		Menner, John	56	WI, Fond du Lac
357		Moore, Austin	33	WI, Stockbridge
358		Nelson, Caroline (Pangburn)	52	MN, Grand Rapids
359	154	Niles, Harriet A. (Fowler)	61	WI, Brothertown
360	156	Niles, Herman A.	22	WI, Brothertown
361	155	Niles, Herbert E.	31	WI, Brothertown
362	157	Niles, Walter E.	29	WI, Brothertown
363	158	Niles, Frederick [Fredric] T.	37	WI, Gillett
364		Niles, Almeda L. (Hammer)	32	WI, Gillett
365		McGee, Loreana	12	WI, Gillett
366		McGee, Beatrice	9	WI, Gillett
367	159	Niles, Andrew	63	WI, Brothertown
368		Nubie, Frances (Schooner)	23	WI, Fence
369		O'Brien, Charles	75	MN, Park Rapids
370		O'Brien, William	76	WI, Gravesville
371		O'Brien, Esther (Welch)	60	MN, Long Prairie
372		Paul, Christine L. (Paul)	31	NY, Utica
373		Paul, Sarah M. (Brushell)	42	NY, Georgetown
374		Paul, Anna May	13	NY, Georgetown
375		Paul, John H. P.	5	NY, Georgetown
376		Paul, Eva	16	NY, Georgetown
377		Paul, Walter	22	NY, Georgetown
378		Paul, George DeL[ane]	30	NY, Georgetown
379		Paul, Iva D.	<1	NY, Georgetown
380		Pemberton, Harriet (Welch)	60	WI, Brothertown
381		Pemberton, Catherine	35	WI, Brothertown
382		Pendleton, Carrie (Sampson)	29	WI, Brothertown
383		Pendleton, Urcy [Earl Urke]	10	WI, Brothertown
384		Pendleton, Emma	7	WI, Brothertown
385		Pendleton, Orpha J[ane] (Welch)	53	WI, Lily

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<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
386		Peters, Mary E. (?)	80	WI, Gravesville
387		Polzin, Alice (Baker)	32	WI, Milwaukee
388	161	Potter, Charlotte A. (Fowler)	61	WI, Brothertown
389	163	Potter, Henry L.	19	WI, Brothertown
390	162	Potter, Arthur A[very]	25	WI, Brothertown
391		Randall, Orphie R. (Johnson)	60	WI, Omro
392		Reed, William Henry	56	WI, Greenleaf
393		Reed, Elizabeth L.	34	WI, Fond du Lac
394		Reed, Harriet E.	22	WI, Brothertown
395		Reed, Henry N.	33	WI, W. Superior
396		Reed, Linda (Jacques)	25	WI, Brothertown
397		Rhodes, Hiram J.	69	MN, Redwood Falls
398		Richards, Jason	40	MN, Minneapolis
399		Roberts, Rachel	46	WI, Oshkosh
400		Roulette, Elmonia (Simons)	33	WI, Mission
401	185	Sampson, Joel J.	57	WI, Gillett
402	186	Sampson, Harriet P.	52	WI, Gillett
403	191	Sampson, Albert J.	13	WI, Gillett
404	188	Sampson, George F.	23	WI, Gillett
405	187	Sampson, Joel E.	27	WI, Gillett
406	189	Sampson, Louis [Lewis] F.	21	WI, Gillett
407	190	Sampson, Eugene [Eugean] C.	19	WI, Gillett
408	192	Sampson, James D.	44	WI, Fond du Lac
409	194	Sampson, Cora E.	17	WI, Fond du Lac
410	195	Sampson, Rose P.	16	WI, Fond du Lac
411	196	Sampson, Charles D.	14	WI, Fond du Lac
412	197	Sampson, Bessie B.	12	WI, Fond du Lac
413	198	Sampson, Maud	9	WI, Fond du Lac
414	199	Sampson, Reginald H.	5	WI, Fond du Lac
415	200	Sampson, George D.	4	WI, Fond du Lac
416	201	Sampson, Fred	1	WI, Fond du Lac
417	193	Sampson, Arch Leon	20	WI, Brothertown
418		Sampson, Charles	47	WI, Stockbridge
419		Sampson, John W.	49	WI, Green Bay
420		Sampson, Mary Theresa	17	WI, Green Bay
421		Sampson, William	51	WI, Oshkosh
422	202	Sampson, Albert C.	[38]	WI, Fond du Lac
423		Sanders, Arthur	33	NY, Georgetown
424		Sanders, Henry R.	29	NY, W. Winfield

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
425		Sanders, Nelson Z.	37	NY, Deruyter
426		Scanlin, Caroline A. (Fiddler)	27	WI, Merrill
427		Schneider, Clarissa Jane (Johnson)	40	WI, Colby
428		Schneider, Annie	17	WI, Colby
429		Schneider, Laura	14	WI, Colby
430		Schneider, Lizzie	12	WI, Colby
431		Schneider, Anton	8	WI, Colby
432		Schneider, John M	19	WI, Cherokee
433		Schneider, Mary M[artina]	22	IA, Iowa City
434		Schooner, Abbie L. (Wiggins)	58	WI, Fence
435		Schooner, Violetta [Urolette?] (Schooner)	20	WI, Fence
436		Schooner, Mamie	18	WI, Fence
437		Schooner, David	16	WI, Fence
438		Schooner, Sarah E.	65	WI, Brothertown
439		Sears, Mary I. S. (Shelly)	23	MN, Motley
440		Sears, Una [Ana]	6	MN, Motley
441		Sears, Raleigh	4	MN, Motley
442		Sears, Rodney	3	MN, Motley
443		Sears, Robert	2	MN, Motley
444		Sears, Ula [Illa]	1	MN, Motley
445		Shapely, Phoebe J.J. (Johnson)	80	WI, Unity
446		Sharon, Emily (Wilber)	50	WI, Gravesville
447	166	Shelly, John	70	MN, Motley
448	167	Shelly, Reuben [R.]	16	MN, Motley
449	168	Shelly, Benjamin [E.]	14	MN, Motley
450	172	Shelly, Job [Jobe] P.	30	MN, Motley
451	173	Shelly, Elva C.	<1	MN, Motley
452		Shelly, Henry F.	67	WI, Unity
453		Shelly, Mary E.	22	WI, Unity
454		Shelly, Verl Henry	4	WI, Unity
455		Shelly, Lorson [Larson] E.	24	WI, Unity
456		Shelly, Abel Simon	35	WI, Unity
457	164	Shelly, Pamela A. [Permelia Ann] (Fowler)	63	WI, Brothertown
458		Shelly, Ida B.	21	WI, Gravesville
459		Shelly, David J.	35	WI, Wausau
460		Shelly, Raymond D.	12	WI, Wausau
461		Shelly, Clifford W.	10	WI, Wausau
462		Shelly, Elmer L.	8	WI, Wausau
463		Shelly, Cecil R.	7	WI, Wausau

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
464		Shelly, Ida V.	4	WI, Wausau
465	165	Shelly, David [d.(n.d.)]	73	MN, Long Prairie
466		Shelly, James B.	46	MI, Ironwood
467		Shelly, Ellen C[elia] (Cuish)	49	MI, Ironwood
468		Shelly, Howard C.	5	MI, Ironwood
469	169	Shelly, John M.	32	MT, Great Falls
470	170	Shelly, Cecil I.	8	MT, Great Falls
471	171	Shelly, Delores [Deloros]	6	MT, Great Falls
472	174	Shelly, Franklin P.	28	MN, Akely
473		Shelly, Cynthia B. (Bostwick)	59	WI, Oshkosh
474		Shepard, Rosa Belle (Fiddler)	28	WI, Ironbelt
475	204	Simons [Simonds], Martha (Skeesuck)	78	WI, Christie
476	203	Simons [Simonds], James M.	44	WI, Kaukauna
477		Simons, William	48	WI, Brothertown
478		Simons, Lovina (Welch)	45	WI, Brothertown
479	175	Skeesucks, Rufus	66	MN, Long Prairie
480	179	Skeesucks, Ernest [Earnest] A.	30	MN, Long Prairie
481	180	Skeesucks, Florence L. (Skeesuck)	2	MN, Long Prairie
482	177	Skeesucks, George [A.]	33	MN, Long Prairie
483	178	Skeesucks, Lloyd [adopted]	8	MN, Long Prairie
484	176	Skeesucks, Milo	26	MN, Long Prairie
485		Skeesucks, Lester	74	CT, Norwich
486		Skeesucks, Elisha C.	33	CT, Norwich
487		Skeesucks, Jerome R.	16	CT, Norwich
488	205	Skeesucks, Warren M.	44	WI, Prentice
489		Skeesucks, Minnah (Shapely)	43	WI, Prentice
490		Skeesucks, Henry C.	42	WI, Brothertown
491		Smith, Pauline (Pangburn)	54	MN, Grand Rapids
492		Smith, George F.	20	WI, Gravesville
493		Smith, Edna	18	WI, Mission
494		Smith, Ida	42	WI, Pembine
495		Stanton, Moses E.	37	WI, Merrill
496		Stanton, Ella N. (Fowler)	35	WI, Merrill
497		Stanton, Myron R.	42	WI, Appleton
498	181	Sykes, Sylvester	58	WI, Milwaukee
499	182	Sykes, Frank B.	9	WI, Milwaukee
500	184	Sykes, Lottie	20	WI, Milwaukee
501	183	Sykes, George Richard	22	WI, Milwaukee
502		Tousey, Nancy (Coyhis)	23	WI, Brothertown

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
503		Trunk, Ethel M[ary/May] (Johnson)	23	MN, Ellis
504		Trunk, Veronica A.	<1	MN, Ellis
505		Tryon, Lettie B. S. W. (Shelly)	45	SD, Rockerville
506		Craig, Ruby (White)	20	SD, Rockerville
507		Butterfield, Mary (White)	18	SD, Rockerville
508		White, Vivian J[ohn].	16	SD, Rockerville
509		White, George L.	14	SD, Rockerville
510		White, Lettie F.	11	SD, Rockerville
511		Tryon, Ida R. [Iva Ruth]	8	SD, Rockerville
512		Tryon, [Eu]Gene W.	6	SD, Rockerville
513		Tryon, W[illiam]. J.	4	SD, Rockerville
514		Vader, Lois (Cuish)	45	MN, Minneapolis
515		Vader, Jerry	10	MN, Minneapolis
516		Vader, Pearl	8	MN, Minneapolis
517		Vader, Hazel	6	MN, Minneapolis
518		Vader, Theodore	3	MN, Minneapolis
519		Weimer, Emma (Shelly)	41	WI, Medford
520		Weimer, Dexter L.	22	WI, Medford
521		Welch, Frances C[E]. (Fowler)	44	WI, Gillett
522		Welch, Agnes L.	17	WI, Gillett
523		Welch, Winfield S.	14	WI, Gillett
524		Welch, Tressa R.	9	WI, Gillett
525		Welch, Guy A.	7	WI, Gillett
526		Welch, Walter E.	27	WI, Gillett
527		Welch, Bernice E. (Hammer)	26	WI, Gillett
528		Welch, Claude G.	7	WI, Gillett
529		Welch, Bertha	2	WI, Gillett
530		Welch, Abbie J. (Hart)	55	WI, Brothertown
531		Welch, Sidney A.	17	WI, Brothertown
532		Welch, Ralph	14	WI, Brothertown
533		Welch, Inez C.	19	WI, Brothertown
534		Welch, Orvil	22	WI, Brothertown
535		Welch, Curtis T.	24	WI, Brothertown
536		Welch, Archie	25	MN, Redwood Falls
537		Welch, Melvin	14	MN, Redwood Falls
538		Welch, Morris [Maurice] D.	28	WI, Kaukauna
539		Welch, Lillian D.	34	WI, Brothertown
540		Welch, Edward C.	31	WI, Brothertown
541		Welch, Frederick Ervin	31	MI, Ironwood

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
 Appendix I: 1901 Miller Roll and Brothertown Committee Roll

<b>1901 Roll #</b>	<b>1901 Comm</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Address</b>
542		Welch, John F[ranklin]	50	MN, Redwood Falls
543		Welch, Ernest	20	MN, Redwood Falls
544		Welch, Ezra	23	MN, Redwood Falls
545		Welch, William	65	MN, Redwood Falls
546		Welch, James A.	40	MN, Redwood Falls
547		Welch, Marcellus C.	42	MN, Redwood Falls
548		Welch, Augusta (Dick)	33	WI, Gillett
549		Welch, Rachel	17	WI, Gillett
550		Welch, Emerald	12	WI, Gillett
551		Welch, Noah	47	WI, Stockbridge
552		Welch, Cyrus A.	57	WI, Depere
553		Welch, Jeremiah [d.(n.d.)]	66	
554		Welch, Harriet E. (Mykel)	64	WI, Fond du Lac
555		Welch, Mary (Crowell)	65	MN, Long Prairie
556		Welch, Eldora M. (Kindness)	21	WI, Brothertown
557		Welch, Clifford	27	WI, Fond du Lac
558		Whittaker, Effie J. (Welch)	22	WI, Brothertown
559	209	Wiggins, John W. [John Alesson]	50	WI, Brothertown
560	208	Wiggins, Clarence L.	29	WI, Brothertown
561	206	Wiggins, Helen Luella	20	WI, Brothertown
562	207	Wiggins, Della E.	18	WI, Brothertown
563		Wilber, Charlotte (Seketer) [d.1903]	81	WI, Greenwood
564		Wilber, Charles	45	WI, Greenwood
565		Wilber, Eugene	58	WI, Mellon
566		Wilber, Algerina (Welch?)	40	WI, Gresham
567		Wyatt, Romance	75	NY, Oriskany Falls
568		Wynne, Susan M. (Adams)	33	MN, Long Prairie
569		McGuire, Gladys	16	MN, Long Prairie
570		Young, Clara E. (Lowry)	30	MI, Ironwood
	61	Fowler, LaGrange	29	SD, Keystone
	122	Johnson, Ellen J. [d.1901]	57	
	98	Johnson, Herbert	4	MN, Long Prairie
	160	Niles, Solomon [d.1901]		

Sources: Brothertown Roll, made by Guion Miller, 12/31/1901, in unlabeled folder, box 7, Entry 904, RG 75, National Archives, Washington, D.C. Roll, taken by the Business Committee, n.d. [11/30/1901], in folder 28, box 7, Entry 904, RG 75, National Archives, Washington, D.C.

Appendix J  
1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
CA, Stockton	Dick, John F.	34	137	31
CO, Central City	Dick, Edwin A.	36	134	30
CO, Central City	Dick, Milton E.	13	135	
CO, Central City	Dick, Palmer L.	11	136	
CO, Denver	Adams, Almira L.	46	3	1
CT, Norwich	Skeesucks, Elisha C.	33	486	
CT, Norwich	Skeesucks, Jerome R.	16	487	
CT, Norwich	Skeesucks, Lester	74	485	
IA, Iowa City	Schneider, Mary M[artina]	22	433	
ID, Blackfoot	Davids, Lucinda G. (Hammer)	58	117	
KS, Lincoln	Lyon[s], Jane (Modlin)	47	345	
MI, Baraga	Davis, Rosella (Welch)	52	119	
MI, Ironwood	Dibble, James L.	2	131	
MI, Ironwood	Dibble, Leona C.	1	132	
MI, Ironwood	Dibble, Pearl L. (Shelly)	22	130	
MI, Ironwood	Shelly, Ellen C[elia] (Cuish)	49	467	
MI, Ironwood	Shelly, Howard C.	5	468	
MI, Ironwood	Shelly, James B.	46	466	
MI, Ironwood	Welch, Frederick Ervin	31	541	
MI, Ironwood	Young, Clara E. (Lowry)	30	570	
MN, Akely	Shelly, Franklin P.	28	472	174
MN, Clarissa	Johnson, Catherine (Welch)	62	296	
MN, Ellis	Trunk, Ethel M[ary/May] (Johnson)	23	503	
MN, Ellis	Trunk, Veronica A.	<1	504	
MN, Grand Rapids	Nelson, Caroline (Pangburn)	52	358	
MN, Grand Rapids	Smith, Pauline (Pangburn)	54	491	
MN, Long Prairie	Adams [Johnson], Avis T. (Sampson)	73	1	3
MN, Long Prairie	Adams, Simeon Shelly	48	2	2
MN, Long Prairie	Boyer, Zitella S.	59	36	
MN, Long Prairie	Dick, Horace C.	22	144	34
MN, Long Prairie	Fowler, Arthur Winfield	19	166	58
MN, Long Prairie	Fowler, Harold C.	13	164	59
MN, Long Prairie	Fowler, Louis [Lewis] Franklin	48	162	55
MN, Long Prairie	Fowler, Marion C.	9	165	60

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
MN, Long Prairie	Fowler, Mercy L. (Johnson)	44	163	56
MN, Long Prairie	Fowler, Ralph Rutherford	21	167	57
MN, Long Prairie	Johnson, Agnes P.	5	250	101
MN, Long Prairie	Johnson, Almanza	<1	256	107
MN, Long Prairie	Johnson, Amasa Rolette	40	248	119
MN, Long Prairie	Johnson, Ansel [Ansil] A.	49	267	99
MN, Long Prairie	Johnson, Archie A.	10	299	115
MN, Long Prairie	Johnson, Arthur L.	1	252	103
MN, Long Prairie	Johnson, Avery	25	253	104
MN, Long Prairie	Johnson, Carrie T.	7	273	91
MN, Long Prairie	Johnson, Clarabel [Clara B.]	10	243	109
MN, Long Prairie	Johnson, Claude	13	277	95
MN, Long Prairie	Johnson, Cora E.	8	244	110
MN, Long Prairie	Johnson, Cora M.	14	270	88
MN, Long Prairie	Johnson, Donnie	3	275	93
MN, Long Prairie	Johnson, Dora E.	12	271	89
MN, Long Prairie	Johnson, Elmore D.	33	249	100
MN, Long Prairie	Johnson, Harry W.	<1	301	117
MN, Long Prairie	Johnson, Hattie M.	6	245	111
MN, Long Prairie	Johnson, Henry C.	40	268	86
MN, Long Prairie	Johnson, Henry C. Jr.	5	274	92
MN, Long Prairie	Johnson, Herbert	4		98
MN, Long Prairie	Johnson, Hoel E.	38	242	108
MN, Long Prairie	Johnson, Jessie J.	7	300	116
MN, Long Prairie	Johnson, John [Johnnie] O.	3	251	102
MN, Long Prairie	Johnson, Laton Dick	41	298	114
MN, Long Prairie	Johnson, Leora [Leona] L.	17	269	87
MN, Long Prairie	Johnson, Lloyd	11	278	96
MN, Long Prairie	Johnson, Mabel	9	279	97
MN, Long Prairie	Johnson, Mabel A.	4	246	112
MN, Long Prairie	Johnson, Mamie	10	272	90
MN, Long Prairie	Johnson, Marshall	28	241	118
MN, Long Prairie	Johnson, Melville	57	287	85
MN, Long Prairie	Johnson, Miles M.	46	276	94
MN, Long Prairie	Johnson, Nora M.	2	254	105
MN, Long Prairie	Johnson, Norbert	4	280	
MN, Long Prairie	Johnson, Orin	1	255	106
MN, Long Prairie	Johnson, William F.	<1	247	113
MN, Long Prairie	Madison, [Orrin] James B.	7	347	

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Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
MN, Long Prairie	Madison, Archie P.	20	346	
MN, Long Prairie	McGuire, Gladys	16	569	
MN, Long Prairie	O'Brien, Esther (Welch)	60	371	
MN, Long Prairie	Shelly, David [d.(n.d.)]	73	465	165
MN, Long Prairie	Skeesucks, Ernest [Earnest] A.	30	480	179
MN, Long Prairie	Skeesucks, Florence L. (Skeesuck)	2	481	180
MN, Long Prairie	Skeesucks, George [A.]	33	482	177
MN, Long Prairie	Skeesucks, Lloyd [adopted]	8	483	178
MN, Long Prairie	Skeesucks, Milo	26	484	176
MN, Long Prairie	Skeesucks, Rufus	66	479	175
MN, Long Prairie	Welch, Mary (Crowell)	65	555	
MN, Long Prairie	Wynne, Susan M. (Adams)	33	568	
MN, Minneapolis	Dick, Harry Lynn	31	138	32
MN, Minneapolis	Richards, Jason	40	398	
MN, Minneapolis	Vader, Hazel	6	517	
MN, Minneapolis	Vader, Jerry	10	515	
MN, Minneapolis	Vader, Lois (Cuish)	45	514	
MN, Minneapolis	Vader, Pearl	8	516	
MN, Minneapolis	Vader, Theodore	3	518	
MN, Motley	Compton, Clifton	<1	82	
MN, Motley	Compton, Sadie S. (Shelly)	25	79	
MN, Motley	Compton, Sylvia	4	81	
MN, Motley	Compton, Vida	7	80	
MN, Motley	Sears, Mary I. S. (Shelly)	23	439	
MN, Motley	Sears, Raleigh	4	441	
MN, Motley	Sears, Robert	2	443	
MN, Motley	Sears, Rodney	3	442	
MN, Motley	Sears, Ula [Illa]	1	444	
MN, Motley	Sears, Una [Ana]	6	440	
MN, Motley	Shelly, Benjamin [E.]	14	449	168
MN, Motley	Shelly, Elva C.	<1	451	173
MN, Motley	Shelly, Job [Jobe] P.	30	450	172
MN, Motley	Shelly, John	70	447	166
MN, Motley	Shelly, Reuben [R.]	16	448	167
MN, Park Rapids	O'Brien, Charles	75	369	
MN, Red Wing	Kohl, Ardo	14	341	
MN, Red Wing	Kohl, Aubrey T.	5	343	
MN, Red Wing	Kohl, Chapin A.	9	342	
MN, Red Wing	Kohl, Edith C.	19	339	

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Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
MN, Red Wing	Kohl, Fay	16	340	
MN, Red Wing	Kohl, Magdalene S. (Shelly)	40	338	
MN, Red Wing	Kohl, Plummie	1	344	
MN, Redwood Falls	DeGroat, Ida L[uella]. (Welch)	23	128	
MN, Redwood Falls	Hammer, Bertram V.	34	228	
MN, Redwood Falls	Hammer, Flora L.	5	231	
MN, Redwood Falls	Hammer, Gottlieb F.	9	230	
MN, Redwood Falls	Hammer, Irvin D.	12	229	
MN, Redwood Falls	Hammer, Millie L.	1	233	
MN, Redwood Falls	Hammer, Winnifred	3	232	
MN, Redwood Falls	Melstrom, Mary (Welch)	16	355	
MN, Redwood Falls	Rhodes, Hiram J.	69	397	
MN, Redwood Falls	Welch, Archie	25	536	
MN, Redwood Falls	Welch, Ernest	20	543	
MN, Redwood Falls	Welch, Ezra	23	544	
MN, Redwood Falls	Welch, James A.	40	546	
MN, Redwood Falls	Welch, John F[ranklin]	50	542	
MN, Redwood Falls	Welch, Marcellus C.	42	547	
MN, Redwood Falls	Welch, Melvin	14	537	
MN, Redwood Falls	Welch, William	65	545	
MN, Tracy	DeGroat, Byron E.	16	126	
MN, Tracy	DeGroat, Vivian I.	13	127	
MN, Winthrop	Kempf, LaMay (Welch)	26	306	
MO, Louisiana	Gibson, Philena (Skeesuck)	57	202	
MT, Great Falls	Shelly, Cecil I.	8	470	170
MT, Great Falls	Shelly, Delores [Deloros]	6	471	171
MT, Great Falls	Shelly, John M.	32	469	169
NY, Brookfield	Bush, Mary F. (Paul)	19	63	
NY, Deruyter	Sanders, Nelson Z.	37	425	
NY, Georgetown	Brushell, Aaron S.	40	49	
NY, Georgetown	Brushell, Bertha A.	11	51	
NY, Georgetown	Brushell, Lula M.	9	52	
NY, Georgetown	Brushell, Nellie (Paul)	28	50	
NY, Georgetown	Brushell, Timothy	72	48	
NY, Georgetown	Cook, Dever S.	21	83	
NY, Georgetown	Cook, Irving A.	23	84	
NY, Georgetown	Fairbanks, Frankie	7	305	
NY, Georgetown	Kellogg, Cora (Paul)	26	304	
NY, Georgetown	Paul, Anna May	13	374	

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
NY, Georgetown	Paul, Eva	16	376	
NY, Georgetown	Paul, George DeL[ane]	30	378	
NY, Georgetown	Paul, Iva D.	<1	379	
NY, Georgetown	Paul, John H. P.	5	375	
NY, Georgetown	Paul, Sarah M. (Brushell)	42	373	
NY, Georgetown	Paul, Walter	22	377	
NY, Georgetown	Sanders, Arthur	33	423	
NY, Oriskany Falls	Wyatt, Romance	75	567	
NY, Stockton	Kindness, Louis [Lewis]	63	312	
NY, Stockton	Kindness, Thomas L.	68	330	
NY, Utica	Paul, Christine L. (Paul)	31	372	
NY, W. Winfield	Sanders, Henry R.	29	424	
OR, Boyd	Baker, Defoist [DeForest]	35	18	
SD, Deadwood	Fowler, Daisy E.	26	168	63
SD, Deadwood	Fowler, Eve M. [Eva May]	23	169	64
SD, Deadwood	Fowler, Theda M.	31	170	62
SD, Keystone	Fowler, Avery LaGrange	29	171	
SD, Keystone	Fowler, LaGrange	29		61
SD, Rockerville	Butterfield, Mary (White)	18	507	
SD, Rockerville	Craig, Ruby (White)	20	506	
SD, Rockerville	Tryon, [Eu]Gene W.	6	512	
SD, Rockerville	Tryon, Ida R. [Iva Ruth]	8	511	
SD, Rockerville	Tryon, Lettie B. S. W. (Shelly)	45	505	
SD, Rockerville	Tryon, W[illiam]. J.	4	513	
SD, Rockerville	White, George L.	14	509	
SD, Rockerville	White, Lettie F.	11	510	
SD, Rockerville	White, Vivian J[ohn].	16	508	
WA, Mt. Vernon	Dain, Ethel (Shelly)	20	114	
WA, Mt. Vernon	Dain, Paul	2	115	
WA, Mt. Vernon	Dain, Perry	<1	116	
WI, Appleton	Baldwin, Irma I.	7	25	
WI, Appleton	Baldwin, John	3	27	
WI, Appleton	Baldwin, Mary Fidelia (Dick)	28	24	
WI, Appleton	Baldwin, Ruby	6	26	
WI, Appleton	Dick, Betsey L. (Simons)	55	150	
WI, Appleton	Dick, Etta	15	151	28
WI, Appleton	Dick, Lester U.	24	146	
WI, Appleton	Dick, Roy A .	16	145	
WI, Appleton	Stanton, Myron R.	42	497	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Beloit	Fowler, Henry A.	55	196	65
WI, Brothertown	Baldwin, Clarabel A.	21	22	
WI, Brothertown	Baldwin, Ernest	25	23	
WI, Brothertown	Baldwin, Viola	19	21	
WI, Brothertown	Bullman [Welch?], Leonard	<1	59	
WI, Brothertown	Bullman, Ada A.	20	58	
WI, Brothertown	Bullman, Marcia	37	57	
WI, Brothertown	Cottrell, Grace A. C. (Crosley)	69	87	
WI, Brothertown	Coyhis, Charles F.	18	90	13
WI, Brothertown	Coyhis, John	20	98	12
WI, Brothertown	Coyhis, Melissa M.	10	88	14
WI, Brothertown	Crossley, John E.	29	99	8
WI, Brothertown	Dayton, Iva	11	122	
WI, Brothertown	Dayton, Lovinia F. (Fowler)	50	120	
WI, Brothertown	Dayton, Mabel	27	124	
WI, Brothertown	Dayton, Myrtle	5	123	
WI, Brothertown	Dayton, Nellie	14	121	
WI, Brothertown	DeGroat, Maria A. (Wiggins)	60	129	
WI, Brothertown	Dick, Almira J. (Sampson)	66	148	23
WI, Brothertown	Dick, David	74	141	21
WI, Brothertown	Dick, Edgar M.	58	153	24
WI, Brothertown	Dick, Elias	82	143	25
WI, Brothertown	Dick, Theodore	43	142	22
WI, Brothertown	Dick, Viola J.	13	147	
WI, Brothertown	Dick, Warren C.	52	149	26
WI, Brothertown	Fowler, Agnes L.	46	174	50
WI, Brothertown	Fowler, Bessie A.	15	176	54
WI, Brothertown	Fowler, Emily A. (Sampson)	47	189	38
WI, Brothertown	Fowler, Flora M. (Cottrell)	39	187	
WI, Brothertown	Fowler, Henry C.	50	186	66
WI, Brothertown	Fowler, Henry E.	54	188	37
WI, Brothertown	Fowler, Herbert D.	25	177	
WI, Brothertown	Fowler, Hugh W.	7	181	45
WI, Brothertown	Fowler, James D.	64	184	40
WI, Brothertown	Fowler, James L.	43	193	52
WI, Brothertown	Fowler, Lathrop	53	192	42
WI, Brothertown	Fowler, Laton	73	194	48
WI, Brothertown	Fowler, Lucius A.	46	195	51
WI, Brothertown	Fowler, Marie M.	5	182	46

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Brothertown	Fowler, Millard F.	29	191	82
WI, Brothertown	Fowler, Orin	37	179	43
WI, Brothertown	Fowler, Orrey/Orry [Aurilla] Dick	72	178	53
WI, Brothertown	Fowler, Rosetta [Rozetta] M.	47	173	36
WI, Brothertown	Fowler, Sarah E. (Sampson)	60	185	41
WI, Brothertown	Fowler, Thressa [Teresa] C. (Kindness)	30	180	44
WI, Brothertown	Fowler, Vernon D.	<1	183	47
WI, Brothertown	Fowler, William L.	50	172	35
WI, Brothertown	Fowler, Willis P[arker]	48	175	49
WI, Brothertown	Hammer, Alexander H.	62	214	67
WI, Brothertown	Hammer, Alma	7	208	
WI, Brothertown	Hammer, Angeline (Fowler) [d.1902]	61	215	68
WI, Brothertown	Hammer, Byron	4	210	
WI, Brothertown	Hammer, Carlton	30	219	
WI, Brothertown	Hammer, Carrie	41	207	
WI, Brothertown	Hammer, Catherine (Baker)	37	234	
WI, Brothertown	Hammer, Eleanor L. [d.1902]	22	216	69
WI, Brothertown	Hammer, John E.	50	217	70
WI, Brothertown	Hammer, Myron	4	209	
WI, Brothertown	Jacques, Charles E.	31	240	
WI, Brothertown	Jacques, Cleo Lola	15	237	
WI, Brothertown	Jacques, Daniel L.	56	235	
WI, Brothertown	Jacques, Grace (Dick)	48	236	
WI, Brothertown	Jacques, Lester F.	23	238	
WI, Brothertown	Jacques, William A.	20	239	
WI, Brothertown	Johnson, Ada A.	12	284	76
WI, Brothertown	Johnson, Anthelia	54	297	81
WI, Brothertown	Johnson, Barbara (Dick)	82	281	120
WI, Brothertown	Johnson, Ellis C.	9	285	77
WI, Brothertown	Johnson, Harlam [Harlem] A.	32	288	72
WI, Brothertown	Johnson, Hiram	47	282	74
WI, Brothertown	Johnson, Lillian M. (Hammer)	30	289	73
WI, Brothertown	Johnson, Marcia E. F. (Fowler)	48	283	75
WI, Brothertown	Johnson, Oscar	49	286	121
WI, Brothertown	Johnson, Rebecca Abner	85	294	78
WI, Brothertown	Johnson, Samuel	54	295	79
WI, Brothertown	Johnson, William H. [d.1904]	63	293	83
WI, Brothertown	Keniston, Albert	24	307	
WI, Brothertown	Kindness [Kiness], Ira A.	34	327	142

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Brothertown	Kindness [Kiness], James [H.]	65	323	144
WI, Brothertown	Kindness [Kiness], James Jr.	17	324	145
WI, Brothertown	Kindness [Kiness], John C.	15	325	146
WI, Brothertown	Kindness [Kiness], Lura [Laura] D.F. (Fowler)	41	328	143
WI, Brothertown	Kindness [Kiness], Ruby	12	326	147
WI, Brothertown	Kindness, James Jr.	19	329	
WI, Brothertown	Mathers [Marthers], Maria (Sampson) [d.1902]	79	348	153
WI, Brothertown	McGill, Rosetta (Welch)	74	353	
WI, Brothertown	Niles, Andrew	63	367	159
WI, Brothertown	Niles, Harriet A. (Fowler)	61	359	154
WI, Brothertown	Niles, Herbert E.	31	361	155
WI, Brothertown	Niles, Herman A.	22	360	156
WI, Brothertown	Niles, Walter E.	29	362	157
WI, Brothertown	Pemberton, Catherine	35	381	
WI, Brothertown	Pemberton, Harriet (Welch)	60	380	
WI, Brothertown	Pendleton, Carrie (Sampson)	29	382	
WI, Brothertown	Pendleton, Emma	7	384	
WI, Brothertown	Pendleton, Urcy [Earl Urke]	10	383	
WI, Brothertown	Potter, Arthur A[very]	25	390	162
WI, Brothertown	Potter, Charlotte A. (Fowler)	61	388	161
WI, Brothertown	Potter, Henry L.	19	389	163
WI, Brothertown	Reed, Harriet E.	22	394	
WI, Brothertown	Reed, Linda (Jacques)	25	396	
WI, Brothertown	Sampson, Arch Leon	20	417	193
WI, Brothertown	Schooner, Sarah E.	65	438	
WI, Brothertown	Shelly, Pamela A. [Permelia Ann] (Fowler)	63	457	164
WI, Brothertown	Simons, Lovina (Welch)	45	478	
WI, Brothertown	Simons, William	48	477	
WI, Brothertown	Skeesucks, Henry C.	42	490	
WI, Brothertown	Tousey, Nancy (Coyhis)	23	502	
WI, Brothertown	Welch, Abbie J. (Hart)	55	530	
WI, Brothertown	Welch, Curtis T.	24	535	
WI, Brothertown	Welch, Edward C.	31	540	
WI, Brothertown	Welch, Eldora M. (Kindness)	21	556	
WI, Brothertown	Welch, Inez C.	19	533	
WI, Brothertown	Welch, Lillian D.	34	539	
WI, Brothertown	Welch, Orvil	22	534	
WI, Brothertown	Welch, Ralph	14	532	
WI, Brothertown	Welch, Sidney A.	17	531	

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Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Brothertown	Whittaker, Effie J. (Welch)	22	558	
WI, Brothertown	Wiggins, Clarence L.	29	560	208
WI, Brothertown	Wiggins, Della E.	18	562	207
WI, Brothertown	Wiggins, Helen Luella	20	561	206
WI, Brothertown	Wiggins, John W. [John Alesson]	50	559	209
WI, Calumetville	Dayton, Alice	24	125	
WI, Calumetville	Fowler, Elma [L.]	28	190	39
WI, Calumetville	Kindness, Almira J.	13	316	135
WI, Calumetville	Kindness, Clara L.	<1	322	141
WI, Calumetville	Kindness, Clarabel L. (Fowler)	38	314	133
WI, Calumetville	Kindness, Frank P.	9	319	138
WI, Calumetville	Kindness, Hettie B.	4	320	139
WI, Calumetville	Kindness, Lela O.	15	315	134
WI, Calumetville	Kindness, Maria [Marcia] L.	3	321	140
WI, Calumetville	Kindness, Orlando J.	11	317	136
WI, Calumetville	Kindness, Percival [Purcell] A.	43	313	132
WI, Calumetville	Kindness, Percy E.	10	318	137
WI, Carter	Clark, Charles E.	9	68	
WI, Carter	Clark, Claude W.	11	67	
WI, Carter	Clark, John H.	4	69	
WI, Carter	Clark, Mary I. (Potter)	34	66	
WI, Cherokee	Schneider, John M	19	432	
WI, Chilton	Baker, Adella	17	7	
WI, Chilton	Baker, Benjamin F.	23	10	
WI, Chilton	Baker, Clara	15	8	
WI, Chilton	Baker, George Jr.	32	12	
WI, Chilton	Baker, Gustave	33	17	
WI, Chilton	Baker, James A.	20	11	
WI, Chilton	Baker, Julia A. (Coyhis)	56	6	
WI, Chilton	Baker, Sarah L. (Sampson)	71	16	
WI, Chilton	Baker, William	24	9	
WI, Chilton	Baldwin, Ramona L. (Wiggins)	48	19	
WI, Chilton	Baldwin, Rosa	14	20	
WI, Chilton	Coffeen, Melissa (Baker)	34	70	
WI, Chilton	Mathers [Marthers], Charles A.	30	349	151
WI, Chilton	Mathers [Marthers], William A.	2	350	152
WI, Christie	Brown, Maria (Simons)	50	42	
WI, Christie	Simons [Simonds], Martha (Skeesuck)	78	475	204
WI, Colby	Johnson, Albert L.	23	261	125

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Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Colby	Johnson, Celia J.	4	260	130
WI, Colby	Johnson, Clayton S.	35	258	126
WI, Colby	Johnson, Harriet M.	25	262	124
WI, Colby	Johnson, James P.	29	263	128
WI, Colby	Johnson, Oscar E.	5	259	129
WI, Colby	Johnson, Parmelia [Permelia] J. (Fowler)	60	257	123
WI, Colby	Johnson, Raymond S.	1	265	131
WI, Colby	Johnson, Roland [Rowland] D.	5	264	127
WI, Colby	Schneider, Annie	17	428	
WI, Colby	Schneider, Anton	8	431	
WI, Colby	Schneider, Clarissa Jane (Johnson)	40	427	
WI, Colby	Schneider, Laura	14	429	
WI, Colby	Schneider, Lizzie	12	430	
WI, Depere	Welch, Cyrus A.	57	552	
WI, Erdman	King, Allen G.	9	335	
WI, Erdman	King, Almond [Edmund] M.	14	333	
WI, Erdman	King, Frank V.	5	336	
WI, Erdman	King, Fred M.	19	337	
WI, Erdman	King, Harry E.	11	334	
WI, Erdman	King, Luane (Hammer)	46	331	
WI, Erdman	King, Ruby M.	17	332	
WI, Fence	Nubie, Frances (Schooner)	23	368	
WI, Fence	Schooner, Abbie L. (Wiggins)	58	434	
WI, Fence	Schooner, David	16	437	
WI, Fence	Schooner, Mamie	18	436	
WI, Fence	Schooner, Violetta [Urolette?] (Schooner)	20	435	
WI, Fond du Lac	Bullman, Irene (Hammer)	59	56	
WI, Fond du Lac	Cook, Clara A. (Dick)	47	85	
WI, Fond du Lac	Coyhis, Bella [Della] M.	2	96	19
WI, Fond du Lac	Coyhis, Clarence	25	91	9
WI, Fond du Lac	Coyhis, Francis [Frances]	10	95	18
WI, Fond du Lac	Coyhis, Hannah J[ane] C. (Crosley)	32	94	17
WI, Fond du Lac	Coyhis, Harvey [Harry L.]	1	92	10
WI, Fond du Lac	Coyhis, Lula [Lola] E.	<1	97	20
WI, Fond du Lac	Coyhis, Melvin	32	93	16
WI, Fond du Lac	Hammer, Ella M.	22	225	
WI, Fond du Lac	Hammer, Franklin E.	16	222	
WI, Fond du Lac	Hammer, Hattie A.	11	224	
WI, Fond du Lac	Hammer, Hugh J.	13	223	

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Appendix J: 1901 Residence on Miller Roll

<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Fond du Lac	Hammer, John H.	24	221	
WI, Fond du Lac	Hammer, Maggie E.	19	227	
WI, Fond du Lac	Hammer, Willie	20	220	
WI, Fond du Lac	Johnson, Emma (Welch)	43	303	
WI, Fond du Lac	Menner, John	56	356	
WI, Fond du Lac	Reed, Elizabeth L.	34	393	
WI, Fond du Lac	Sampson, Albert C.	[38]	422	202
WI, Fond du Lac	Sampson, Bessie B.	12	412	197
WI, Fond du Lac	Sampson, Charles D.	14	411	196
WI, Fond du Lac	Sampson, Cora E.	17	409	194
WI, Fond du Lac	Sampson, Fred	1	416	201
WI, Fond du Lac	Sampson, George D.	4	415	200
WI, Fond du Lac	Sampson, James D.	44	408	192
WI, Fond du Lac	Sampson, Maud	9	413	198
WI, Fond du Lac	Sampson, Reginald H.	5	414	199
WI, Fond du Lac	Sampson, Rose P.	16	410	195
WI, Fond du Lac	Welch, Clifford	27	557	
WI, Fond du Lac	Welch, Harriet E. (Mykel)	64	554	
WI, Gillett	McGee, Beatrice	9	366	
WI, Gillett	McGee, Loreana	12	365	
WI, Gillett	Niles, Almeda L. (Hammer)	32	364	
WI, Gillett	Niles, Frederick [Fredric] T.	37	363	158
WI, Gillett	Sampson, Albert J.	13	403	191
WI, Gillett	Sampson, Eugene [Eugene] C.	19	407	190
WI, Gillett	Sampson, George F.	23	404	188
WI, Gillett	Sampson, Harriet P.	52	402	186
WI, Gillett	Sampson, Joel E.	27	405	187
WI, Gillett	Sampson, Joel J.	57	401	185
WI, Gillett	Sampson, Louis [Lewis] F.	21	406	189
WI, Gillett	Welch, Agnes L.	17	522	
WI, Gillett	Welch, Augusta (Dick)	33	548	
WI, Gillett	Welch, Bernice E. (Hammer)	26	527	
WI, Gillett	Welch, Bertha	2	529	
WI, Gillett	Welch, Claude G.	7	528	
WI, Gillett	Welch, Emerald	12	550	
WI, Gillett	Welch, Frances C[E]. (Fowler)	44	521	
WI, Gillett	Welch, Guy A.	7	525	
WI, Gillett	Welch, Rachel	17	549	
WI, Gillett	Welch, Tressa R.	9	524	

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Gillett	Welch, Walter E.	27	526	
WI, Gillett	Welch, Winfield S.	14	523	
WI, Gravesville	Baker, Archie W.	17	14	
WI, Gravesville	Baker, Edward E.	21	15	
WI, Gravesville	Baker, Ruth M. (Coyhis)	57	13	
WI, Gravesville	Bostwick, Arsula (Mathers)	57	30	
WI, Gravesville	Bostwick, Henry W.	60	29	
WI, Gravesville	Mosher, Belva	10	31	
WI, Gravesville	O'Brien, William	76	370	
WI, Gravesville	Peters, Mary E. (?)	80	386	
WI, Gravesville	Sharon, Emily (Wilber)	50	446	
WI, Gravesville	Shelly, Ida B.	21	458	
WI, Gravesville	Smith, George F.	20	492	
WI, Green Bay	Johnson, Bessie B.	19	290	
WI, Green Bay	Johnson, George W.	23	291	
WI, Green Bay	Sampson, John W.	49	419	
WI, Green Bay	Sampson, Mary Theresa	17	420	
WI, Greenleaf	Reed, William Henry	56	392	
WI, Greenwood	Wilber, Charles	45	564	
WI, Greenwood	Wilber, Charlotte (Seketer) [d.1903]	81	563	
WI, Gresham	Brown, Charles S.	27	39	
WI, Gresham	Brushell, Frederick W.	14	45	
WI, Gresham	Brushell, Jeremiah E.	47	44	7
WI, Gresham	Cooper, Lydia Ann (Johnson)	58	86	
WI, Gresham	Coyhis, Rufus	48	89	
WI, Gresham	Dick, Lucius C.	58	152	27
WI, Gresham	Doxtator, Hannah (Baldwin)	53	156	
WI, Gresham	Gardner, Louisea (?)	56	199	
WI, Gresham	Hammer, Delbert	30	213	
WI, Gresham	Hammer, Rufus A.	51	212	
WI, Gresham	Hammer, Thos. Duane	53	211	
WI, Gresham	Wilber, Algerina (Welch?)	40	566	
WI, Harrison	Bowman, Emily C. (Wiggins)	56	34	
WI, Hayton	Brushell, Delila (Dick?) [d.1902]	80	43	4
WI, Hayton	Brushell, Inez E.	15	47	6
WI, Hayton	Brushell, Thomas H.	51	46	5
WI, Hayton	Bullman, Forest M.	16	55	
WI, Hayton	Bullman, Almira J.	18	62	
WI, Hayton	Bullman, Archie D.	28	60	

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Hayton	Bullman, Fred E.	25	61	
WI, Hayton	Bullman, Grisel	59	54	
WI, Hayton	Gerarden, Alpheus	6	201	
WI, Hayton	Gerarden, Elsie (Smith)	27	200	
WI, Ironbelt	Shepard, Rosa Belle (Fiddler)	28	474	
WI, Kaukauna	Cuish, Andrew B.	9	106	
WI, Kaukauna	Cuish, Ellen F.	<1	107	
WI, Kaukauna	Cuish, Frank L.	18	104	
WI, Kaukauna	Cuish, Truman H.	39	103	15
WI, Kaukauna	Cuish, Truman Jr.	16	105	
WI, Kaukauna	Gratteau, Evelyn (Baker)	41	204	
WI, Kaukauna	Hammer, Frances M.	48	218	71
WI, Kaukauna	Simons [Simonds], James M.	44	476	203
WI, Kaukauna	Welch, Morris [Maurice] D.	28	538	
WI, Lily	Pendleton, Orpha J[ane] (Welch)	53	385	
WI, Marshfield	Cumming, Amelia E. (Bullman)	56	112	
WI, Medford	Gocha, Theresa (Weimer)	20	203	
WI, Medford	Weimer, Dexter L.	22	520	
WI, Medford	Weimer, Emma (Shelly)	41	519	
WI, Mellon	Wilber, Eugene	58	565	
WI, Merrill	Bostwick, Elmer W.	25	32	
WI, Merrill	Cuish, Agatha	2	111	
WI, Merrill	Cuish, Alexander	50	108	
WI, Merrill	Cuish, Gertrude	15	109	
WI, Merrill	Cuish, Jessie	5	110	
WI, Merrill	Fiddler, John R.	23	161	
WI, Merrill	Fiddler, Luda A .	9	160	
WI, Merrill	Fiddler, Marselia	47	158	
WI, Merrill	Fiddler, Merrill H.	15	159	
WI, Merrill	Fuller, Lyman E.	31	198	
WI, Merrill	Fuller, Warren J.	35	197	
WI, Merrill	Griswold, Charity	35	205	
WI, Merrill	Scanlin, Caroline A. (Fiddler)	27	426	
WI, Merrill	Stanton, Ella N. (Fowler)	35	496	
WI, Merrill	Stanton, Moses E.	37	495	
WI, Milwaukee	Dick, John Paul	73	133	29
WI, Milwaukee	Dick, Oscar P.	28	139	33
WI, Milwaukee	Dick, Ruth E.	<1	140	
WI, Milwaukee	McKensie, Ida (Baker)	30	354	

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Milwaukee	Polzin, Alice (Baker)	32	387	
WI, Milwaukee	Sykes, Frank B.	9	499	182
WI, Milwaukee	Sykes, George Richard	22	501	183
WI, Milwaukee	Sykes, Lottie	20	500	184
WI, Milwaukee	Sykes, Sylvester	58	498	181
WI, Mission	Doxtator, Ellen (Fuller)	34	155	
WI, Mission	Johnson, Sarah S. (Simons?)	64	302	
WI, Mission	Roulette, Elmonia (Simons)	33	400	
WI, Mission	Smith, Edna	18	493	
WI, Neenah	Curdy, Phoebe Ann (Paul)	73	113	
WI, Omro	Appley, Edna (Randall)	26	4	
WI, Omro	Randall, Orphie R. (Johnson)	60	391	
WI, Oshkosh	Bostwick, Cyrenus	56	33	
WI, Oshkosh	Brown, Alfred L.	31	40	
WI, Oshkosh	Brown, Almira F. (Brushell)	64	37	
WI, Oshkosh	Brown, George E.	33	41	
WI, Oshkosh	Brown, May P. S.	25	38	
WI, Oshkosh	Church, Mary (McGee)	34	65	
WI, Oshkosh	Johnson, Ellen R.	48	292	84
WI, Oshkosh	Johnson, George M.	33	266	80
WI, Oshkosh	Kindness [Kiness], Frances (Niles)	34	310	149
WI, Oshkosh	Kindness [Kiness], Homer E.	32	309	148
WI, Oshkosh	Kindness [Kiness], Lloyd	3	311	150
WI, Oshkosh	McGee, Ambrose	39	352	
WI, Oshkosh	McGee, Sarah (Wauby [Wamby])	63	351	
WI, Oshkosh	Roberts, Rachel	46	399	
WI, Oshkosh	Sampson, William	51	421	
WI, Oshkosh	Shelly, Cynthia B. (Bostwick)	59	473	
WI, Pembine	Smith, Ida	42	494	
WI, Prentice	Skeesucks, Minnah (Shapely)	43	489	
WI, Prentice	Skeesucks, Warren M.	44	488	205
WI, Racine	Bull, Baxter Leroy	56	53	
WI, Roselawn	Hallam, Jane (Baker)	51	206	
WI, Spencer	Crowell, Frances A. (Wauby)	61	101	
WI, Spencer	Crowell, Hoel R.	63	100	
WI, Spencer	Crowell, Rizpah E.	39	102	
WI, Stockbridge	Babbetz, Jane (Reader)	44	5	
WI, Stockbridge	Baldwin, Thomas E.	52	28	
WI, Stockbridge	Moore, Austin	33	357	

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<b>1901 Address</b>	<b>Name [(Maiden)]</b>	<b>Age</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
WI, Stockbridge	Sampson, Charles	47	418	
WI, Stockbridge	Welch, Noah	47	551	
WI, Tomah	Keniston, John Henry	17	308	
WI, Unity	Boyer, Almira S. (Shapely)	46	35	
WI, Unity	Colby, Daly	2	78	
WI, Unity	Colby, Guy	13	72	
WI, Unity	Colby, James	10	74	
WI, Unity	Colby, Mary I. (Sampson)	38	71	
WI, Unity	Colby, Myrtle	11	73	
WI, Unity	Colby, Norma	6	76	
WI, Unity	Colby, Paul	4	77	
WI, Unity	Colby, Verna	8	75	
WI, Unity	Davids, Alvira (Shelly)	58	118	
WI, Unity	Downs, Cora A. (Shelly)	26	154	
WI, Unity	DuChene, Ella (Shelly)	32	157	
WI, Unity	Shapely, Phoebe J.J. (Johnson)	80	445	
WI, Unity	Shelly, Abel Simon	35	456	
WI, Unity	Shelly, Henry F.	67	452	
WI, Unity	Shelly, Lorson [Larson] E.	24	455	
WI, Unity	Shelly, Mary E.	22	453	
WI, Unity	Shelly, Verl Henry	4	454	
WI, W. Depere	Cheets, Josiah C.	61	64	11
WI, W. Superior	Reed, Henry N.	33	395	
WI, Waupun	Hammer, Charles M.	27	226	
WI, Wausau	Shelly, Cecil R.	7	463	
WI, Wausau	Shelly, Clifford W.	10	461	
WI, Wausau	Shelly, David J.	35	459	
WI, Wausau	Shelly, Elmer L.	8	462	
WI, Wausau	Shelly, Ida V.	4	464	
WI, Wausau	Shelly, Raymond D.	12	460	
	Johnson, Ellen J. [d.1901]	57		122
	Niles, Solomon [d.1901]			160
	Welch, Jeremiah [d.(n.d.)]	66	553	

Sources: Brothertown Roll, made by Guion Miller, 12/31/1901, in unlabeled folder, box 7, Entry 904, RG 75, National Archives, Washington, D.C. Roll, taken by the Business Committee, n.d. [11/30/1901], in folder 28, box 7, Entry 904, RG 75, National Archives, Washington, D.C.

Appendix K  
1905 State Census: Calumet County

<b>1905 Census p., Family #, Township</b>	<b>Name</b>	<b>b.</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
61, #69, Brothertown	Baker, George Jr.	1869	12	
62, #78, Brothertown	Baker, William	1877	9	
68, #129, Brothertown	Reed, Linda [(Jacques)]	1876	396	
73, #175, Brothertown	Welch, Orvil	1879	534	
73, #176, Brothertown	Welch, Abbley [Abbie J. (Hart)]	1845	530	
73, #176, Brothertown	Welch, Sidney A.	1884	531	
73, #176, Brothertown	Welch, Ralph	1887	532	
73, #178, Brothertown	Potter, Charlotte A. [(Fowler)]	1840	388	161
73, #178, Brothertown	Potter, Arthur A[very]	1876	390	162
73, #180, Brothertown	Niles, Frederick [Fredric] T.	1864	363	158
73, #180, Brothertown	Niles, Amanda [Almeda L. (Hammer)]	1869	364	
73, #180, Brothertown	Niles, Hubert [Herbert E.]	1870	361	155
73, #180, Brothertown	Niles, Walter E.	1872	362	157
73, #180, Brothertown	Niles, Herman A.	1879	360	156
74, #180, Brothertown	Welch, Curt [Curtis T.]	1877	535	
74, #184, Brothertown	DeGroat, Maria A. [(Wiggins)]	1841	129	
75, #193, Brothertown	Fowler, Herbert D.	1876	177	
75, #197, Brothertown	Pemberton, Catherine	1866c	381	
76, #198, Brothertown	Johnson, Rebecca Abner	1816	294	78
76, #198, Brothertown	Johnson, Samuel	1847	295	79
76, #200, Brothertown	Fowler, Henry E.	1847	188	37
76, #200, Brothertown	Fowler, Emily A. [(Sampson)]	1854	189	38
76, #200, Brothertown	Fowler, Ella [Elma L.]	1873	190	39
76, #203, Brothertown	Hammer, John E.	1851	217	70
76, #203, Brothertown	Hammer, Frances M.	1854	218	71
77, #213, Brothertown	Fowler, H.C. [Henry C.]	1851	186	66
77, #213, Brothertown	Fowler, Flora M. [(Cottrell)]	1862	187	
77, #214, Brothertown	Cottrell, Gracy [Grace A. C. (Crosley)]	1832	87	
78, #223, Brothertown	Fowler, Thressa [Teresa] C. [(Kindness)]	1871	180	44
78, #223, Brothertown	Fowler, Hue [Hugh W.]	1894	181	45
78, #223, Brothertown	Fowler, Marie M.	1896	182	46
78, #224, Brothertown	Fowler, Louis [Lewis] Franklin	1853	162	55
78, #224, Brothertown	Fowler, Rosetta [Rozetta] M.	1854	173	36
78, #225, Brothertown	Fowler, Willis P[arker]	1853	175	49

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix K: 1905 State Census, Calumet County

<b>1905 Census p., Family #, Township</b>	<b>Name</b>	<b>b.</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
78, #225, Brothertown	Fowler, A. Louis [Lucius A.] [?]	1855	195	51
78, #226, Brothertown	Dayton, Lorena [Lovinia F. (Fowler)]	1851	120	
78, #226, Brothertown	Dayton, Nellie	1887	121	
78, #226, Brothertown	Dayton, Ivey [Iva]	1890	122	
78, #226, Brothertown	Dayton, Myrtle	1896	123	
78, #227, Brothertown	Dick, E.M. [Edgar M.]	1843	153	24
78, #229, Brothertown	Johnson, H.A. [Harlem A.]	1869	288	72
78, #229, Brothertown	Johnson, L.M. [Lillian M. (Hammer)] [?]	1871	289	73
78, #231, Brothertown	Kindness, Lura [Laura (Fowler)] [m./f.?][?]	1860	328	143
79, #237, Brothertown	Wiggins, Wigans [John W.]	1851	559	209
79, #238, Brothertown	Kindness, Orlando J.	1890	317	136
79, #238, Brothertown	Kindness, Maria [Marcia] L.	1898	321	140
79, #240, Brothertown	Johnson, Barbara [(Dick)]	1819	281	120
79, #240, Brothertown	Johnson, Marcia E. F. [(Fowler)]	1853	283	75
79, #240, Brothertown	Johnson, Herm [Hiram] [?]	1854	282	74
79, #240, Brothertown	Johnson, Ellis C.	1892	285	77
79, #244, Brothertown	Johnson, Oscar	1842	286	121
80, #251, Brothertown	Hammer, A.H. [Alexander H.]	1839	214	67
95, #108, Charlestown	Brushell, Thomas H.	1850c	46	5
95, #108, Charlestown	Brushell, Inaz [Inez E.]	1886c	47	6
114, #47, City of Chilton	Baker, Sarah L. [(Sampson)]	1830c	16	
116, #73, City of Chilton	Baker, Julia A. [(Coyhis)]	1845	6	
116, #73, City of Chilton	Baker, Clara	1886	8	
137, #48, City of Chilton	Bostwick, Ansula [Arsula (Mathers)]	1844	30	
282, #158, Rantoul	King, Frank V.	1896	336	
295, #47, Stockbridge	Coyhis, Clarence	1876	91	9
295, #50, Stockbridge	Welch, Lillian D.	1867	539	
295, #50, Stockbridge	Welch, Edward C.	1870	540	
295, #53, Stockbridge	Baldwin, Ramona L. [(Wiggins)]	1853	19	
295, #53, Stockbridge	Baldwin, Viola	1882	21	
296, #59, Stockbridge	McGill, Rosetta [(Welch)]	1837	353	
296, #61, Stockbridge	Coyhis, John	1881	98	12
296, #61, Stockbridge	Coyhis, Charles F., as "Coylus"	1883	90	13
296, #61, Stockbridge	Coyhis, Melissa M.	1891	88	14
311, #207, Stockbridge	Simons, William, as "Simmons"	1850	477	
311, #207, Stockbridge	Simons, Levina [Lovina (Welch)]	1856	478	
314, #234, Stockbridge	Kindness, James [H.]	1836	323	144
318, #274, Stockbridge	Moore, Austin	1868	357	
323, #329, Stockbridge	Babbetz, Jane [(Reader)]	1857	5	

Brothertown Indian Nation (Petitioner #67) Proposed Finding  
Appendix K: 1905 State Census, Calumet County

<b>1905 Census p., Family #, Township</b>	<b>Name</b>	<b>b.</b>	<b>1901 Roll</b>	<b>1901 Comm</b>
328, #390, Stockbridge	Welch, Noah	1853	551	

Note:

[?] The identification of the individual on the census and a Brothertown descendant is questionable.

Sources: Wisconsin, Secretary of State, State Census of 1905, Calumet County: Index cards (Microfilm P80-4081 to 4084) and census schedules (Microfilm P75-2883), State Historical Society of Wisconsin, Madison, Wis. Information added from: Brothertown Business Committee, Roll, n.d. [11/30/1901], and U.S. Bureau of Indian Affairs, "New York Indians / Brothertown Roll," made by Guion Miller, 12/31/1901.

Appendix L  
 Analysis of BIN Petitioner's Membership Lists

Dated	Rec'd by OFA	# Mbrs Listed (N=)	Corrected #Mbrs (n=)	No Address	POBox or RRt	Comments
6/21/2008	6/24/2008	3,144	3,137	669	125	Most maiden names; includes minors; names 1839 & 1901 ancestors
12/31/2007	1/15/2008	3,111	3,111	668	124	Some maiden names; includes minors
12/19/2005	12/21/2005	2,852	2,845	All	n/a	Some maiden names; includes minors
1/19/1996	2/7/1996	2,276	2,269	All	n/a	No maiden names but parents' names given; includes minors; names 1901 ancestor

Appendix M  
 Ancestors Claimed by BIN Members on 1839 Allotment List\*

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Brushel, Lucinda	1816-1843	Welch, Erastus Sr.	214	589
Brushell, Samuel	1834?-1890	Chicks, Rosannah W.	173	43
Brushell, Timothy	1829-1901aft	Brushel, Mary Ann	206 (48)	1
Caesar-Cochegan, Lucy	1817c-1886	Bostwick, Henry	259	169
Coyhis, Benjamin J.	1818-1898	Dick, Laura Ann Dick, Rosella	190	32
Coyhis, John R. Jr.	1824c-1865	Welch, Nancy Sampson, Sophia Elizabeth	210	176
Coyhis, John Sr.	1792-1898	Dick, Martha Coyhis, Anna	169	276
Coyhis, Martha (Dick)	1797c-1860	Coyhis, John Sr.	202	276
Coyhis, Mary Angeline	1822-1899	Simons, John	106	68
Crosley, Hannah (Dick)	n.d.(bef.1815)- 1840	Crosley, William	16	6
Crosley, William	1805-1865	Dick, Hannah	1	6
Cuish/Kuish, John Jr.	1832c-1892c	Ward Francis	207	5
Cuish/Kuish, John Sr.	1802c-1860	Cook, Caroline	171	1
Dick, Alexander G.	1811-1865	Seketer, Samantha	46	5
Dick, Almira	1839c(1841)- 1897	Stanton, Cato Bostwick, Henry F	119	36
Dick, Alonzo David	1813-1866	Corsley, Lucenette	56	46
Dick, Amanda	1826-1873	Johnson, William Jr.	346	18
Dick, Amanda Jane	1832-1861	Fowler, Orsamus D.	76	9
Dick, Asa	1795NY-1843NY	Skeesuck, Nancy	178	128
Dick, Aurilla "Orrey"	1829-1902	Fowler, Lyman P.	215	88

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix M: Ancestors Claimed by BIN Members on 1839 Allotment List

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Dick, Cynthia (Brown)	1772c-1850aft	Dick, Isaac Sr.	167	519
Dick, Desdemona/Desdemonia	1827-1890	Fowler, Alexander	110	34
Dick, Eunice (Johnson)	1818-1885	Dick, Nathan	No #, 1840 map "wife of Nathan Dick"	6
Dick, Hannah (Potter)	1767-1855	Dick, William	2	738
Dick, Harriett <sup>@</sup>	1822NY-1845NY	Fowler, Alexander	270?	22
Dick, Harriett <sup>@</sup>	1830-1906	Skenandore, Joseph F.	91?	5
Dick, Katherine (Crosley)	1787-1866	Dick, William	390	115
Dick, Laura Ann	1817-1874	Coyhis, Benjamin J.	75	32
Dick, Lucenette (Crosley)	1808-1854	Dick, Alonzo David	26-Lureanet	46
Dick, Nancy (Skeesuck)	1799-1864	Dick, Asa	332	128
Dick, Nathan Crosley	1813-1884	Johnson, Eunice	9	6
Dick, Samantha (Seketer)	1811c-1852aft	Dick, Alexander G.	64	5
Dick, William [Sr.]	1784-1866	Crosley, Katherine	381 & 383	115
Fowler, Alexander	1815-1879	Dick, Desdemona Dick, Harriett	118	56
Fowler, Almira	1819-1850	Johnson, Rowland	63	22
Fowler, Amy (Potter)	1792-1862	Fowler, Jacob	23	251
Fowler, Benjamin Garrett	1774?-1848?	?, Elizabeth Pharoah, Temperance	296	23
Fowler, David	1813-1890	Simons, Elizabeth	30	4
Fowler, Elizabeth (Dick)	1782-1873	Fowler, Rodolphus	47	162
Fowler, Elizabeth (Simons)	1818-1885	Fowler, David	52	4
Fowler, Fanny Frances (Skeesuck)	1812-1857	Fowler, Hezekiah	58	108
Fowler, Hezekiah	1813-1884	Skeesuck, Fanny Frances Pangburn, Pauline	24	122
Fowler, Lucius S.	1819-1886	Fowler, Phebe Jane	59	73
Fowler, Lyman Palmer	1823-1892	Dick, Aurilla	181	88
Fowler, Mary (Brushel)	1822-1901	Fowler, William	65	123

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix M: Ancestors Claimed by BIN Members on 1839 Allotment List

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Fowler, Orrin Gridley	1829-1862	Skeesuck, Ruth	133 (178)	8
Fowler, Orsamus David	1816-1874	Dick, Amanda Jane Hammer, Lucinda G. Matthews, Rosetta	33	9
Fowler, Patience (Dick)	1793-1875	Fowler, James Seketer, John	4	127
Fowler, Permelia Ann "Pamela"	1838-1910	Crosley, John Shelley, Elias	260 (457)	6
Fowler, Phoebe (Nedson)	1774-1863	Fowler, David	28	331
Fowler, William	1815-?	Brushel, Mary	45	123
Hammer, Elizabeth (Crosley)	1790-1843c	Hammer, John Mathers, Eliphalet	170	258
Hammer, Esther (Johnson)[Mykel]	1812-1898	Hammer, John Crosley Mykel, Gilbert	71	118
Hammer, John Crosley	1809-1887	Johnson, Esther	387 & 388	68
Hart, Luranette (Fowler)	1814c-1879	Hart, Simeon	68-Lurena	69
Hart, Simon/Simeon	1810?-1847	Skeesuck, Lucy Fowler, Luranette	42	185
Johnson, Charlotte (Skeesuck)	1790-1846	Johnson, William Sr.	70	276
Johnson, Henry Clinton	1819-1862	Sampson, Avis Theresa	293	19
Johnson, Jemima (Dick)	1812-1864	Johnson, Jeremiah W.	69	43
Johnson, Jeremiah W.	1813-1880	Dick, Jemima	41	43
Johnson, John Sr.	1774-1860	Thomas, Mercy Poquaintup, Abigail	22 & 389	453
Johnson, John W. Jr.	1818-1881	Baldwin, Jane Abner, Rebecca	228	409
Johnson, Martha (Fowler)	1793?-1862	Johnson, Emanuel P.?	12	256
Johnson, Orrin Gridley <sup>@</sup>	1822-1884	Crowell, Mary Fowler, Wealthy	203?	27?
Johnson, Phebe Jane	1821-1903	Sampson, Clark David Shapely, William Harris	307 (445)	142

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix M: Ancestors Claimed by BIN Members on 1839 Allotment List

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Johnson, Rowland	1816-1897	Fowler, Almira Dick, Barbara	229	22
Johnson, William Sr.	1772-1847	Skeesuck, Charlotte	40	276
Kindess, James Jr.	1836-1909	Hammer, Phoebe Lucretia	373 (323)	68
Kindness, Hannah (Dick)	1807-?	Kindness, James Jay	277	141
Kindness, James Jay	1804-1862	Dick, Hannah	348	141
Kindness, Thomas Layton	1833-1910	Sampson, Almira Jane Moulton, Mary	377 (330)	73
Mathers, Eliphalet	1782-1851	Crosley, Elizabeth	263	186
Mathers, Ransom A.	1817-1866	Sampson, Mariah	238	113
Mathers, Sarah L. (Sampson)	1831-1913	Baker, George Mathers, Joel	200 (16)	42
Niles, Abigail (Johnson)	1805-1884	Niles, James	62	4
Niles, James	1781-1863	Johnson, Abigail ?, Mary	48	4
Niles, John	1830-1900	Fowler, Harriett Adelaide	226	4
Paul, Hannah (Brushel)[Uncas?] <sup>®</sup>	1791c(1781)- 1861	Paul, Samson Simons, Henry F.	135?	515?
Paul, Phoebe Ann	1828-1901aft	Menner, John Curdy, Jacob ?, Frederick	369 (113)	122
Paul, Rhodolphus/Rodolphus	1836NY-1886NY	Smith, Mary Ophelia ?, Hanna	193	23-no desc known in WI
Potter, Henry	1837-1884	Fowler, Charlotte Almira O'Brien, Ellen	141	113
Potter, Jason	n.d.(bef.1839)- 1850bef	Cook, Caroline	248	126
Sampson [Adams], Avis Theresa	1829-1906	Johnson, Henry C. Adams, Edwin C.	150 (1)	19
Sampson, Almira Jeanette	1835-1917	Dick, Orlando D. Kindness, Thomas Layton	349 (148)	73

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
 Appendix M: Ancestors Claimed by BIN Members on 1839 Allotment List

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Sampson, Clark David	1819c-1884	Mathers, Rozina Johnson, Phebe Jane Keeville, Elizabeth	232	170
Sampson, George	1785c-1839	Dick, Lucena	195	335
Sampson, Mariah [wid.]	1822-1902	Mathers, Ransom A. Waubby, James	98 (348)	113
Sampson, Rozina (Mathers)	1819-1850	Sampson, Clark David	79	73
Sampson, Sophia Elizabeth	1825-1856	Baldwin, George Amazi Coyhis, John R. Jr.	271	180
Sampson, Wealthy/Wealthea Ann	1823-1868	Bulman/Bullman, Henry	113	4
Seketer, John	n.d.-1860c	Niles, Lucy ?, Eunice Dick, Patience	247	5
Shelley, Henry	1834-1902	Pangburn, Almira	192 (452)	10
Shelley, John	1831-1905	Simons, Charlotte Boyer, Margaret ?, Sylvia	310 (447)	76
Shelley, Louisa Jane	1833-1890	Simons, Alonzo Lee Jourdan, Like Henry	292	12
Shelley, Simon Jr./Simon H.	1839?(1841?)- 1901	Shapely, Ruth Bostwick, Cynthia	101	142
Shelly, Simon/Simeon Sr.	1800c-1860	Welch, Sabrina Mathews, Elizabeth	184	261
Skeesuck, Abigail (Johnson)	n.d.-1884	Skeesuck, George	13	109
Skeesuck, Arnold	1820-1877	Walker, Hannah	89	20
Skeesuck, Eliza <sup>@</sup>	1809-?	Dick, Elkanah	316?	8?
Skeesuck, George	n.d.	Johnson, Abigail	73	109
Skeesuck, Lucy	1816-1882	Welch, Henry B . Hart, Simeon	182	640
Skeesuck, Rufus	1835-1903	Fowler, Amanda Malvina	143 (479)	109
Skeesuck, Ruth	1831-1870	Fowler, Orrin Gridley	328	8

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
 Appendix M: Ancestors Claimed by BIN Members on 1839 Allotment List

Surname/Name on List ( )=Maiden [ ]=Married	Dates	Spouse(s)	1839 Case # (1901 Roll #)	# Descendants In BIN
Skeesuck, Samuel Sr.	1772-1850aft	Seketer, Mary	230	748
Waubby, Isaac	1800c-1870c	Jacques, Mary	31	32
Waubby, Sarah	1838-1901aft	Dick, Isaac McGee, Charles	166 (351)	32
Wiggins, Betsy (Handable)	1782-?	Wiggins, Martin	236	34
Wiggins, David	1812-1891	Hammer, Louisa	235	4
Wiggins, Elizabeth (Paul)	1812-1861	Wiggins, Ezekiel	53	30
Wiggins, Ezekiel	1805-1864	Paul, Elizabeth	29	30
Wiggins, Louisa (Hammer)	1807-1891	Wiggins, David	82	4
Wiggins, Martin (II)	1830-1863	Darry, Elizabeth Reed, Sarah Ann	183	30

\* Individuals included in this table are named on the 1839 Allotment List, the associated 1840 map, and the 1845 amendatory report (Brothertown Allottees 1839). (see Appendix B in this PF)

@ There are alternative choices for this allottee; identity and Case # uncertain (see Appendix B in this PF).

Appendix N  
 Ancestors Claimed by BIN Members on 1901 Claims List\*

Surname on Roll ( )=Maiden [ ]=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Adams, Avis T. (Sampson) [Johnson]	1829-1906	Johnson, Henry Clinton Adams, Edwin C.	1v, (3)	Self
Appley, Edna (Randall)	1875-1934	Appley, Frank	4v	Johnson, Jeremiah W. 41
Baker, James Arthur	1882-1932	Skeesuck, Florence L.	11v	Coyhis, Benjamin 190
Baldwin, Ramona L. (Wiggins)	1853-1909	Baldwin, Franklin Theodore	19v	Wiggins, Martin 183 Paul, Elizabeth 53
Bostwick, Elmer Warren	1876-1950	Berrens, Mary Ann	32v	Caesar-Cochegan, Lucy 259 Dick, Alonzo David 56
Bostwick, Henry Franklin	1841-1933	Dick, Almira Hannah	29v	Caesar-Cochegan, Lucy 259
Brushell, Timothy	1829-?	Brushel, Mary Ann	48v	Self 206 Brushel, Samuel 173
Bullman [Welch], Leonard	1901-1985	Lueder, Clara Emma	59v	Sampson, Wealthy 113
Cooper, Lydia Ann (Johnson)	1843-1922	Mohawk, John Cooper, Daniel H.	86 not verif. to 1839	Johnson, John W. Jr. 228
Coyhis, Hannah J[ane C. (Crosley)	1869-1948	Coyhis, Melvin	94, (17)	Fowler, Permelia Jane; Dowler, Hezekiah
Coyhis, Melissa Mary	1891-1953	Tousey, Charles Malcolm	88, (14)	Coyhis, John R. Jr. 210
Coyhis, Melvin	1868-1953	Crosley, Hanna Jane	93, (16)	Coyhis, John R. Jr. 210
Cuish, Truman Henry	1862-1942	Nelson, Annie	103, (15) not verif. to 1839	Cuish/Kuish, John [Sr.] 171, Cuish/Kuish, John [Jr.] 207
Davis, Rosella (Welch)	1849-1932	Davis, William Edward II Munsen, ?	119v	Skeesuck, Lucy 182

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix N: Ancestors Claimed by BIN Members on 1901 Claims List

Surname on Roll ( )=Maiden []=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Dayton, Alice	1877-?	Kiesner, John	125v	Fowler, Lyman Palmer 181 Dick, Orrey 215
DeGroat, Ida (Welch)	1878-1946	DeGroat, John Morris	128v	Brushel, Lucinda 214
DeGroat, Vivian Edna	1888-1970	Ray, Robert	127v	Skeesuck, Arnold 89
Dick, Almira J. (Sampson)	1835c-1917	Kindness, Thomas Layton Dick, Orlando Deloise	148, (23)	Sampson, Clark D. Mathers, Rozina
Eckert, Frederick Ray	1897-1961	Kolb, Ruby H.	II-53 not verif to 1839	Coyhis, Mary Angeline 106
Eckert, Meather (Boulier)	1877-1957	Eckert, Fredrick	II-50 not verif to 1839	Coyhis, Mary Angeline 106
Elyard, Mariette (Charles)	1866-1939	Elyard, James Wilson	II-388 not verif to 1839	Paul, Hannah 135?
Fowler, Bessie Aurilla	1886-1953	Welch, Sidney [A.] Rolet	176v, 54c	Fowler, Lyman Palmer 181
Fowler, Hugh Webster	1894-1953		181, 45c	
Fowler, James Lawrence	1858-1929	Kindness, Ruby Keeville, Letihta Josephine	193v, 52c	Fowler, Orsamus D. 33 Dick, Amanda J. 76
Fowler, Orin Gridley (Jr.)	1864-1926	Kindness, Theresa Clara	179v, 43c	Fowler, Lyman 181
Fowler, Orrey/Aurilla (Dick)		Fowler,	178, 53c	
Fowler, Teresa C. (Kindness)		Fowler,	180, 44c	
Fowler, Willis Parker	1853-1926	Fowler, Mary D. Fowler, Sarah Elisabeth	175, 49c	Crosley, Katherine' Dick, William; Fowler, Alexander' Potter, Amy' Dick, Desdemona
Hammer, Bertram Victor	1867-1947	DeGroat, Cora Ann	228 not verif. to 1839	<b>Hammer, Thomas Dewayne</b>
Hammer, Carrie	1860-1942	Bowe, Albert	207 not verif. to 1839	<b>Hammer, Thomas Dewayne</b>
Hammer, Gottlieb Frank	1892-1971	DeGroat, Zelma E.	230v	Skeesuck, Lucy 182

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix N: Ancestors Claimed by BIN Members on 1901 Claims List

Surname on Roll ( )=Maiden []=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Hammer, Rufus A.	1850-1927	Chicks, Elinor	212 not verif. to 1839	<b>Hammer, Thomas Dewayne</b>
Johnson, Catherine (Welch)	1839-1920	Johnson, Joseph Manuel	296v	Skeesuck, Lucy 182
Johnson, Celia J.			260, 130c	
Johnson, Clayton S.			258, 126c	
Johnson, Cora Etta	1893-1995	Juhlke, Frank	244v	Johnson, Orrin G. 203
Johnson, Harry W.	1901-		301, 117c	
Johnson, Herbert	1897-1929	Eggers, Beatrice	280v	Johnson, Avis T. (Sampson) 150
Johnson, Hoel Emerson			242, 108c	
Johnson, James Preston	1872-1935	Stacy, Lydia Effie	263v, 128c	Fowler, Alex 118 ?Dick, Harriett 270?
Johnson, Laton Dick			298,114c	
Johnson, Miles Marcellus	1854-1945	Fowler, Lisette Baker, Celia Ann	276v, 94c	Johnson, Avis T. (Sampson) 150
Johnson, Oscar Elwin	1896-1950	Spencer, Illma	259v, 129c	Johnson, Rowland 229
Johnson, Permelia Jane (Fowler)			257, 123c	
Johnson, Raymond S.	1901-		265, 131c	
Kindness, Almira J.			316, 135c	
Kindness, Clarabel L. (Fowler)			314, 133c	
Kindness, Frank P. [F.]			319, 138c	
Kindness, James (Sr./Jr.) (H.)	1836-1909	Hammer, Phoebe Lucretia	323v, 144c	Self 373
Kindness, John C.			325, 146c	
Kindness, Lloyd Francis Jr.	1898-1971	Antone, Cynthia Eva	311v, 140c	Kiness, James Sr./Jr. 323
Kindness, Marcia/Maria L.			321, 140c	
Kindness, Percival/Purcell A.			313, 132c	

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix N: Ancestors Claimed by BIN Members on 1901 Claims List

Surname on Roll ( )=Maiden [ ]=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Kindness, Ruby			326, 147c	
Kindness/Kiness, Frances (Niles)			310, 149c	
Kiness/Kindness, Homer E.			309, 148c	
Lyons, Jane (Modlin) (Lateral ancestor only, no direct descendants)	1854-?	Lyons, Frank	345 not verif. to 1839	<b>Hammer, Mary Elizabeth</b>
Madison, [Orrin] James Bird	1894-1950	Ash, Mabel Flora	347 not verif. to 1839	Johnson, Orrin G. 203 Skeesuck, Charlotte 70
Mathers, Charles A.	1871-1953	Welch, Ellen	349v	Mathers, Ransom A. 238
Mathers, Maria[h] (Sampson)	1822-1902		348, 153c	
Mathers, William A.			350, 152c	
McGee, Ambrose	1862-?	Hammer, Almedia	352v	Wauby, Sarah 166
McGee, Lorena	1889-?	Pleshek, Joseph Anton	365v	Wauby, Sarah 166
McGill, Rosetta (Welch)	1837-1906	Gardner, Jeremiah McGill, Michael M.	353v,lateral	Brushel, Lucinda 214
Menner, John Henry	1845-1932	Doxtator, Caroline Doxtator, Lucretia Jane	356v	Menner, Phoebe Ann (Paul) 369
Niles, Harriet Adelaide (Fowler)			359, 154c	
Paul, George Delano Never in WI, all desc. b.NY	1871NY- 1942NY	Sawyer, Eva Violet Weeks, Fannie	378 not verif. to 1839	Paul, Rodolphus 193 Died in NY, never in WI
Pemberton, Harriet (Welch)	1841-aft1905	Denny, Syrenius S. Pemberton, John	380v	Skeesuck, Lucy 182
Pendleton, Orpha Jane (Welch)	1848-1940	Pendleton, Louis	385v	Skeesuck, Lucy 182

Brothertown Indian Nation (Petitioner #67): Proposed Finding  
Appendix N: Ancestors Claimed by BIN Members on 1901 Claims List

Surname on Roll ( )=Maiden []=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Polzin, Alice (Baker)	1869-1941	Polzin, Ferdinand	307v	Sampson, Sarah L. Sampson, George Potter, Hannah
Potter, Arthur Avery	1876-1946	Quinney, Sadie Martha	390v, 162c	Potter, Henry 141 Fowler, Hezekiah 24 Skeesuck, Fanny 58
Potter, Charlotte A. (Fowler)			388, 161c	
Roulette, Elmonia (Simons)	1868-1935	Roulette, Smith	400v	Coyhis, Mary A. 106 Mathers, Ransom A. 238 Sampson, Mariah 98
Sampson, Fred	1899-		416. 201c	
Sampson, James D.	1857-1916	Fowler, Amy Selina Krumbein, Carolina Lena Marie	408v	Sampson, Clark David 232
Schneider, Clarissa Jane (Johnson)	18859-1927	Schneider, Theodore Martin	429v	Johnson, John W. Jr Fowler, Martha Nedson, Phoebe
Schneider, Laura/Loretta	1886c-1944	Gierl, Robert	427v	Johnson, John W. Jr Fowler, Martha Nedson, Phoebe
Schneider, Mary Martina	1879-1970	Helmer, Herman Joseph	433v	Johnson, Martha (Fowler) 124
Shapely, Phebe J. (Johnson)	1821-1903	Sampson, Clark David Shapely, William Harris	445v	Self 307
Shelley, Jobe P.			450, 172c	
Shelley, John	1831-1905	Simons, Charlotte ?, Sylvia Boyer, Margaret	447v, 166a	Self 310
Shelley, Permelia A. (Fowler)			457, 164c	
Skeesuck, Ernest Alonzo	1870-1923	Bundy, Lillian Viola	480v, 179c	Skeesuck, George 73

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Appendix N: Ancestors Claimed by BIN Members on 1901 Claims List

Surname on Roll ( )=Maiden []=Married	Dates	Spouse(s)	1901 Roll #, (Brothertown Committee Roll #)	Principal 1839 Ancestor
Skeesuck, George			482, 177c	
Skeesuck, Rufus	1835-1903	Fowler, Amanda Malvina	479v, 175c	Self 143
Sykes, Frank B.			499, 182c	
Sykes, Sylvester	1843-1908	Bermingham, Elizabeth Anne	498v, 181c	Skeesuck, Arnold 89
Welch, Abby Jane (Hart)	1845-1908	Welch, Charles H.	530v	Hart, Luranette (Fowler) 68 Hart Simeon 42
Welch, Cyrus A.	1844-1913	Tower, Henrietta S.	552v	Skeesuck, Lucy 182
Welch, James A.	1861-1929	Schrum, Louise	546 not verif. to 1839	Fowler, William 45 Brushel, Mary 25/65?
Welch, John Franklin	1850-1925	Daley, Julie A. Skeesuck, Hannah L. Blodgett, Ida May	542v, direct & lateral ancestor	Skeesuck, Lucy 182
Welch, Rosebud Blanch	1899-1988	Moon Alfred	II-227v	Brushel, Lucinda 214
Welch, Sidney [A.] Rolet	1884-1965	Fowler, Bessie Aurilla	531v	Hart, Simeon 42 Hart, Luranette (Fowler) 68
Welch, Stephen Fennimore	1859-1940	Kramer, Caroline K.	II-226v	Brushel, Lucinda 214
Welch, Zebulon	1864-1945	Dashnier, Margareth Welch, Dora Lillian Metoxen, Charlotte	II-232v	Brushel, Lucinda 214
Young, Clara Ellen (Lowry)	1871-1950	Young, George Clayton	570 not verif. to 1839	Cuish/Kuish, John (Sr.) 171

\* Individuals included in this table are named on the 1901 Miller Roll and the 1906 Final Decree List (the latter indicated by the numeral "II" preceding the Roll Number and the 1845 amendatory report (Anthony et al. 10/-/1839). (see Appendix B in this PF)  
v=Verified descendant from 1839 Allottees List ancestor

**Bold**=Not on 1839 Allottees List, not allotted, identified in 1901-1906 testimony, no ancestor on 1839 Allottees List

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