

**BRIEF IN OPPOSITION APPENDIX
TABLE OF CONTENTS**

18 U.S.C. § 1151..... 1a

Act of May 23, 1876,
19 Stat. 55 2a–3a

Treaty of Detroit,
July 31, 1855, 11 Stat. 621 4a–26a

1855 Treaty Council
Journal Transcript
[Prepared by Petitioner] 27a–99a

Treaty of Washington,
March 28, 1836, 7 Stat. 491..... 100a–117a

1836 Treaty Council
Journal Transcript..... 118a–131a

[18 U.S.C. § 1151]

§ 1151. Indian country defined

Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country”, as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

(June 25, 1948, ch. 645, 62 Stat. 757; May 24, 1949, ch. 139, §25, 63 Stat. 94.)

[Act of May 23, 1876, 19 Stat. 55]

[Page 55]

CHAP. 105.—An act extending the time within which homestead entries upon certain lands in Michigan may be made.^A

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of an act entitled “An act to amend an act entitled ‘An act for the restoration to market of certain lands in Michigan,’ approved June tenth, eighteen hundred and and seventy-two,”^B approved March third, eighteen hundred and seventy-five,^C be, and hereby is, amended so as to read as follows:

That the act approved June tenth, eighteen hundred and seventy-two, entitled “An act for the restoration to market of certain lands in Michigan,”^D be, and is hereby, amended so as to authorize the Secretary of the Interior to cause patents to be issued to three hundred and twenty members of the Ottawas and Chippewas of Michigan for the selections found to have been made by them, but which were not, prior to the passage of said act, regularly reported and recognized by the Secretary of the Interior and Commissioner of

^A May 23, 1876.

^B 1872, ch. 424, 17 Stat. 381.

^C 1875, ch. 188, 18 Stat, 516.

^D Amended.

Indian Affairs^E; and the remainder said lands not disposed of, and not valuable mainly for pine timber, shall be subject to entry under the homestead laws.^F

Approved, May 23, 1876.

^E Patents for lands in Michigan to issue to certain Ottawa and Chippewa Indians.

^F Remainder subject to homestead-entry.

[Treaty of Detroit, July 31, 1855, 11 Stat. 621]

[Page 621]

FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF
AMERICA:^A

TO ALL PERSONS TO WHOM THESE PRESENTS
SHALL COME, GREETING:

WHEREAS^B a treaty was made and concluded at the city of Detroit, in the State of Michigan, on the thirty-first day of July, eighteen hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March twenty-eighth, eighteen hundred and thirty-six, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Detroit, in the State of Michigan, this thirty-first day of July, one thousand eight hundred and fifty-five, between George W. Manypenny and Henry C. Gilbert, commissioners on the part of the United States, and the Ottawa and Chippewa Indians of Michigan, parties to the treaty of March 28, 1836.^C

^A July 31, 1855.

^B Preamble.

^C Title.

In view of the existing condition of the Ottowas and Chippewas, and of their legal and equitable claims against the United States, it is agreed between the contracting parties as following:—

ARTICLE I.^D The United States will withdraw from sale for the benefit of said Indians as hereinafter provided, all the unsold public lands within the State of Michigan embraced in the following descriptions to wit:

First.^E For the use of the six bands residing at and near Sault Ste. Marie, sections 13, 14, 23, 24, 25, 26, 27, and 28, in township 47 north, range 5 west; sections 18, 19, and 30 in township 47 north, range 4 west; sections 11, 12, 13, 14, 15, 22, 23, 25, and 26, in township 47 north, range 3 west, and section 29 in township 47 north, range 2 west; sections 2, 3, 4, 11, 14, and 15 in township 47 north, range 2 east, and section 34 in township 48 north, range 2 east; sections 6, 7, 18, 19, 20, 28, 29, and 33, in township 45 north, range 2 east; sections 1, 12, and 13, in township 45 north, range 1 east, and section 4 in township 44 north, range 2 east.

Second.^F For the use of the bands who wish to reside north of the Straits of Mackinac, townships 42 north, ranges 1 and 2 west; township 43 north, range 1 west, and township 44 north, range 12 west.

^D Certain lands in Michigan to be withdrawn from sale.

^E For the use of the six bands at and near Sault Ste. Marie.

^F For the use of the bands north of the Straits of Mackinac.

Third.^G For the Beaver Island band,—High Island, and Garden Island in Lake Michigan, being fractional townships 38 and 39 north, range 11 west—40 north, range 10 west, and in part 39 north, range 9 and 10 west.

Fourth.^H For the Cross Village, Middle Village, L'Arbrechroche and Bear Creek bands, and of such Bay du Noc and Beaver Island Indians as may prefer to live with them, townships 34 to 39, inclusive north, range 5 west—townships 34 to 38, inclusive north, range 6 west,—townships 34, 36, and 37, north, range 7 west, and township 34 north, range 8 west.*

Fifth.^I For the bands who usually assemble for payment at Grand Traverse, township 32 north, range 10 west—townships 29 to 32, north inclusive, range 11, west—townships 29 to 31, north inclusive, range 12 west—township 29 north, range 13 west, and the east half of township 29 north, range 9 west.

[Page 622]

Sixth.^J For the Grand River bands, including the band of which Me-tay-o-meg is chief—four adjoining townships of land in the county of Mecosta, and four adjoining townships north of Muskegon River, and west of range 12 west, which two locations, of four townships each, are to be selected by said Grand River

* See amendments, *post*, p. 56.

^G For the Beaver Island band.

^H For certain other bands.

^I For bands who are usually paid at Grand Traverse township.

^J For the Grand River bands, including that of Me-tay-o-meg.

Indians within three months from this date and notice thereof given to their agent.

Seventh.^{*K} For the Cheboygan band, one township of land in Cheboygan county, to be selected and notice given as above provided.

Eighth.^L For the Thunder Bay band, section 25 and 36 in township 30 north, range 7 east, and section 22 in township 30 north, range 8 east.

Should either of the bands residing near Sault Ste. Marie determine to locate near the lands owned by the missionary society of the Methodist Episcopal church at Iroquois Point, in addition to those who now reside there, it is agreed that the United States will purchase as much of said lands for the use of the Indians as the society may be willing to sell at the usual government price.^M

The United States will give to each Ottawa and Chippewa Indian being the head of a family, ^N 80 acres of land, and to each single person over 21 years of age, 40 acres of land, and to each family of orphan children under 21 years of age containing two or more persons, 80 acres of land, and to each single orphan child under 21 years of age, 40 acres of land to be selected and

*See amendments, *post*, p. 56.

^K For the Cheboygan band.

^L For the Thunder Bay band.

^M Purchase for bands who wish to locate near the Missionary lands at Iroquois Point.

^N Grant of land to each Indian.

located within the several tracts of land hereinbefore described under the following rules and regulations:—

Each Indian entitled to land under this article may make his own selection of any land within the tract reserved herein for the band to which he may belong—*Provided*, That in case of two or more Indians claiming the same lot or tract of land, the matter shall be referred to the Indian agent, who shall examine the case and decide between the parties.^O

For the purpose of determining who may be entitled to land under the provisions of this article, lists shall be prepared by the Indian agent, which lists shall contain the names of all persons entitled, designating them in four classes.^P Class 1st, shall contain the names of heads of families; class 2d, the names of single persons over 21 years of age; class 3d, the names of orphan children under 21 years of age, comprising families of two or more persons, and class 4th, the names of single orphan children under 21 years of age, and no person shall be entered in more than one class. Such lists shall be made and closed by the first day of July, 1856, and thereafter no applications for the benefits of this article will be allowed.

At any time within five years after the completion of the lists,^Q selections of lands may be made by the persons entitled thereto, and a notice thereof, with a description of the land selected, filed in the office of

^O Selection how made.

^P List of those entitled to be prepared.

^Q Selections may be made within five years.

the Indian agent in Detroit, to be by him transmitted to the office of Indian Affairs at Washington City.

All selections of land under this article must be made according to the usual legal subdivisions; and fractional lots, if containing less than 60 acres, may be regarded as forty-acre lots, if over sixty and less than one hundred and twenty acres, as eighty-acre lots. Selections for orphan children may be made by themselves or their friends, subject to the approval of the agent.^R

After selections are made, as herein provided, the persons entitled to the land may take immediate possession thereof, and the United States will thenceforth and until the issuing of patents as hereinafter provided, hold the same in trust for such persons, and certificates shall be issued in a suitable form guaranteeing and securing to the holders their possession and an ultimate title to the land.^S But such certificates shall not be assignable and shall contain a clause expressly prohibiting the sale or transfer by the holder of the land described therein.^T

[Page 623]

After the expiration of ten years,^U such restriction on the power of sale shall be withdrawn, and a patent shall be issued in the usual form, to each original

^R To be according to usual subdivisions.

^S Possession may be taken at once.

^T Sale within ten years forbidden.

^U After ten years a patent shall issue and restriction on sales cease.

holder of a certificate for the land described therein, provided that such restriction shall cease only upon the actual issuing of the patent; and provided further that the President may in his discretion at any time in individual cases on the recommendation of the Indian agent when it shall appear prudent and for the welfare of any holder of a certificate, direct a patent to be issued. And provided also, that after the expiration of ten years, if individual cases shall be reported to the President by the Indian agent, of persons who may then be incapable of managing their own affairs from any reason whatever, he may direct the patents in such cases to be withheld, and the restrictions provided by the certificate, continued so long as he may deem necessary and proper.

Should any of the heads of families die before the issuing of the certificates or patents herein provided for, the same shall issue to the heirs of such deceased persons.^V

The benefits of this article will be extended only to those Indians who are at this time actual residents of the State of Michigan, and entitled to participate in the annuities provided by the treaty of March 28, 1836; but this provision shall not be construed to exclude any Indian now belonging to the Garden River Band of Sault Ste. Marie.^W

All the land embraced within the tracts hereinbefore described, that shall not have been appropriated or selected within five years, shall remain the

^V Provision for case of death.

^W To whom this treaty shall extend.

property of the United States, and the same shall thereafter, for the further term of five years, be subject to entry in the usual manner and at the same rate per acre as other adjacent public lands are then held, by Indians only; and all lands, so purchased by Indians, shall be sold without restriction, and certificates and patents shall be issued for the same in the usual form as in ordinary cases; and all lands remaining unappropriated by or unsold to the Indians after the expiration of the last-mentioned term, may be sold or disposed of by the United States as in the case of all other public lands.^X

Nothing contained herein shall be so construed as to prevent the appropriation, by sale, gift, or otherwise, by the United States, of any tract or tracts of land within the aforesaid reservations for the location of churches, school-houses, or for other educational purposes,^Y and for such purposes purchases of land may likewise be made from the Indians, the consent of the President of the United States, having, in every instance, first been obtained therefor.*^Z

ARTICLE 2.^{AA} The United States will also pay to the said Indians the sum of five hundred and thirty-eight thousand and four hundred dollars, in manner following, to wit:

* See amendments by adding clauses, *post.* pp. 56, 57.

^X After five years the remaining lands may be entered in the usual manner by Indians for five years, and then by any one.

^Y Grants for churches, schools, etc., may be made.

^Z Indians may sell with President's consent.

^{AA} Payments to said Indians.

First.^{BB} Eighty thousand dollars for educational purposes to be paid in ten equal annual instalments of eight thousand dollars each, which sum shall be expended under the direction of the President of the United States; and in the expenditure of the same, and the appointment of teachers and management of schools, the Indians shall be consulted, and their views and wishes adopted so far as they may be just and reasonable.

Second.^{CC} Seventy-five thousand dollars to be paid in five equal annual instalments of fifteen thousand dollars each in agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, and all such articles as may be necessary and useful for them in removing to the homes herein provided and getting permanently settled thereon.

Third.^{DD} Forty-two thousand and four hundred dollars for the support of four blacksmith shops for ten years.

Fourth.^{EE} The sum of three hundred and six thousand dollars in coin, as follows:—ten thousand dollars of the principal, and the interest on the whole of said last-mentioned sum remaining unpaid at the rate of five per cent.

BB \$80,000 in ten equal annual instalments.

CC \$75,000 in five equal annual instalments.

DD \$42,400 for blacksmith's shops.

EE \$306,000 "to be paid per capita."

[Page 624]

annually for ten years, to be distributed *per capita* in the usual manner for paying annuities. And the sum of two hundred and six thousand dollars remaining unpaid at the expiration of ten years, shall be then due and payable, and if the Indians then require the payment of said sum in coin, the same shall be distributed *per capita* in the same manner as annuities are paid, and in not less than four equal annual instalments.

Fifth.^{FF} The sum of thirty-five thousand dollars in ten annual instalments of three thousand and five hundred dollars each to be paid only to the Grand River Ottawas, which is in lieu of all permanent annuities to which they may be entitled by former treaty stipulations, and which sum shall be distributed in the usual manner *per capita*.

ARTICLE 3.^{GG} The Ottawa and Chippewa Indians hereby release and discharge the United States from all liability on account of former treaty stipulations, it being distinctly understood and agreed that the grants and payments hereinbefore provided for are in lieu and satisfaction of all claims, legal and equitable on the part of said Indians jointly and severally against the United States, for land, money or other thing guaranteed to said tribes or either of them by the stipulations of any former treaty or treaties; excepting, however, the right of fishing and

^{FF} \$35,000 in ten annual instalments.

^{GG} Liabilities under former treaties released.

encampment secured to the Chippewas of Sault Ste. Marie by the treaty of June 16, 1820.

ARTICLE 4.^{HH} The interpreters at Sault Ste. Marie, Mackinac, and for the Grand River Indians, shall be continued, and another provided at Grand Traverse, for the term of five years, and as much longer as the President may deem necessary.

ARTICLE 5.^{II} The tribal organization of said Ottawa and Chippewa Indians, except so far as may be necessary for the purpose of carrying into effect the provisions of this agreement, is hereby dissolved; and if at any time hereafter, further negotiations with the United States, in reference to any matters contained herein, should become necessary, no general convention of the Indians shall be called; but such as reside in the vicinity of any usual place of payment, or those only who are immediately interested in the questions involved, may arrange all matters between themselves and the United States, without the concurrence of other portions of their people, and as fully and conclusively, and with the same effect in every respect, as if all were represented.^{JJ}

ARTICLE 6.^{KK} This agreement shall be obligatory and binding on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

^{HH} Interpreters.

^{II} Tribal organization dissolved in most respects.

^{JJ} Future treaties; how made.

^{KK} Treaty; when to be binding.

In testimony whereof the said George W. Many-penny and the said Henry C. Gilbert, commissioners as aforesaid, and the undersigned chiefs and headmen of the Ottawas and Chippewas, have hereto set their hands and seals, at the city of Detroit the day and year first above written.

GEO. W. MANYPENNY, [L. S.]
HENRY C. GILBERT, [L. S.]

Commissioners on the part of the United States.

J. Logan Chipman,	}	<i>Secretaries.</i>
Rich'd M. Smith,		

Sault Ste. Marie Bands.

O-SHAW-WAW-NO-KE-WAIN-ZE, chief,	his x mark.	[L.S.]
WAW-BO-JIEG, chief,	his x mark.	[L.S.]
KAY-BAY-NO-DIN, chief,	his x mark.	[L.S.]
O-MAW-NO-MAW-NE, chief,	his x mark.	[L.S.]
SHAW-WAN, chief,	his x mark.	[L.S.]
PI-AW-BE-DAW-SUNG, chief,	his x mark.	[L.S.]
WAW-WE-GUN, headman,	his x mark.	[L.S.]
PA-NE-GWON, headman,	his x mark.	[L.S.]
BWAN, headman,	his x mark.	[L.S.]

[Page 625]

TAW-MEECE, headman,	his x mark.	[L.S.]
NAW-O-GE-ZHICK, headman,	his x mark.	[L.S.]
SAW-GAW-GIEW, headman,	his x mark.	[L.S.]

Little Traverse Bands.

WAW-SO, chief, his x mark. [L.S.]
 MWAW-KE-WE-NAW, chief, his x mark. [L.S.]
 PE-TAW-SE-GAY, headman, his x mark. [L.S.]
 KE-NE-ME-CHAW-GUN, chief, his x mark. [L.S.]
 MAY-TWAY-ON-DAW-GAW-SHE, headman,
 his x mark. [L.S.]
 ME-GE-SE-MONG, headman, his x mark. [L.S.]
 PI-A-ZHICK-WAY-WE-DONG, headman,
 his x mark. [L.S.]
 KEY-WAY-KEN-DO, headman, his x mark. [L.S.]

Mackinac Bands.

O-SAW-WAW-NE-ME-KE, chief, his x mark. [L.S.]
 KE-NO-ZHAY, headman, his x mark. [L.S.]
 PETER HANSE, headman, his x mark. [L.S.]
 SHAW-BE-CO-SHING, chief, his x mark. [L.S.]
 SHAW-BWAY-WAY, chief, his x mark. [L.S.]
 PE-ANE, headman, his x mark. [L.S.]
 SAW-GAW-NAW-QUAW-DO, headman,
 his x mark. [L.S.]
 NAY-O-GE-MAW, chief, (Little Traverse,)
 his x mark. [L.S.]

VOL. XI TREAT.—82

[Page 626]

Executed in the presence of

JNO. M. D. JOHNSTON,	}	<i>Interpreters.</i>
JOHN F. GODFROY,		
GBT. JOHNSTON,		
AUG. HAMLIN,		
L. CAMPAU,		

JOSEPH F. MURSUL,
 G. D. WILLIAMS,
 P. B. BARBEAU,
 A. M. FITCH,
 W. H. GODFROY.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, eighteen hundred and fifty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 15, 1856.

“*Resolved*, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded with the Ottowas and Chippewas, on the thirty-first day of July, eighteen hundred and fifty-five; with the following

AMENDMENTS.^{LL}

ARTICLE I.^{MM} At the end of the “*Fourth*” clause, strike out the words “township 34 north, range 8 west,” and insert the words: “all that part of township 34, north range, 8 west, lying north of Pine River.”

^{LL} Amendments

^{MM} Article 1.

SAME ARTICLE. Strike out the "*Fifth*" clause, in the following words: "for the bands, who usually assemble for payment at Grand Traverse, township 32 north, range 10 west; townships 29 to 32 north, inclusive, range 11 west; townships 29 to 31 north, inclusive, range 12 west; township 29 north, range 13 west, and the east half of township 29 north, range 9 west," and insert, in lieu thereof, the following: "for the bands, who usually assemble for payment at Grand Traverse, townships 29, 30, and 31, north range 11 west, and townships 29, 30, and 31 north range 12 west, and the east half of township 29, north range, 9 west."

SAME ARTICLE. Strike out the "*Sixth*" clause, in the following words: "for the Grand River bands, including the band, of which Me-tay-o-meg is chief, four adjoining townships of land in the county of Mecosta, and four adjoining townships north of Muskegon Ricer, and west of range 12 west, which two locations of four townships each, are to be selected by said Grand River Indians within three months from this date, and notice thereof given to their agent," and insert, in lieu thereof, the following: "for the Grand River bands, township 12, north range 15 west, and townships 15, 16, 17, and 18, north range, 16, west."

SAME ARTICLE. Strike out the "*Seventh*" clause, in the following words: "for the Cheboygan band, one township of land in Cheboygan county, to be selected, and notice given, as above provided;" and insert, in lieu thereof, the following: "for the Cheboygan band township 35, and 36, north range, 3 west."

SAME ARTICLE.^{NN} Add the following at the end thereof:

“It is also agreed that any lands within the aforesaid tracts now occupied by actual settlers, or by persons entitled to preemption thereon, shall be exempt from the provisions of this Article; provided, that such pre-

[Page 627]

emption claims shall be proved, as prescribed by law, before the first day of October next.”

“Any Indian, who may have heretofore purchased land for actual settlement under the act of Congress, known as the Graduation Act, ^{OO} may sell and dispose of the same; and in such case, no actual occupancy or residence by such Indians on land so purchased shall be necessary to enable him to secure a title thereto.”

“In consideration of the benefits derived to the Indians on Grand Traverse Bay by the school and mission established in 1838, and still continued by the Board of Foreign Missions of the Presbyterian Church, it is agreed that the title to three separate pieces of land, being parts of tracts Nos. 3 and 4, of the west fractional half of section 35, township 30 north, range 10 west, on which are the mission and school buildings and improvements, not exceeding in all sixty-three acres, one hundred and twenty-four perches, shall be vested in the said Board on payment of \$1.25 per acre; and the President of the United

^{NN} Rights of settlers by preemption, saved.

^{OO} Indian purchasers under Graduation Act may sell.

States shall issue a patent for the name to such person as the said Board shall appoint.”^{PP}

“The United States will also pay the further sum of forty thousand dollars, or so much thereof as may be necessary, to be applied in liquidation of the present just indebtedness of the said Ottawa and Chippewa Indians;^{QQ} provided, that all claims presented shall be investigated under the direction of the Secretary of the Interior, who shall prescribe such rules and regulations for conducting such investigation, and for testing the validity and justice of the claims, as he shall deem suitable and proper; and no claim shall be paid except upon the certificate of the said Secretary that, in his opinion, the same is justly and equitably due; and all claimants, who shall not present their claims within such time as may be limited by said Secretary within six months from the ratification of the treaty, or whose claims, having been presented, shall be disallowed by him, shall be forever precluded from collecting the same, or maintaining an action thereon in any court whatever; and provided, also, that no portion of the money due said Indians for annuities, as herein provided, shall ever be appropriated to pay their debts under any pretence whatever; provided, that the balance of the amount herein allowed,^{RR} as a just increase of the amount due for the cessions and relinquishments aforesaid, after satisfaction of the awards of the Secretary of the Interior, shall be paid to the said Chippewas or expended for their benefit, in such manner as the Secretary shall prescribe, in aid

^{PP} Grant to mission of Presbyterian Church at \$1.25 per acre.

^{QQ} Further payment of \$40,000 to pay debts.

^{RR} Balance to be paid to the Chippewas.

of any of the objects specified in the second article of this treaty.”

Attest: ASBURY DICKINS, *Secretary*.

And whereas the said amendments having been submitted to the chiefs and headmen of the Ottawa and Chippewa tribes of Indians, the said chiefs and headmen having heard the same read and explained to them, did assent to and ratify the same, by an instrument, in the words and figures following, to wit:

We, the undersigned chiefs and headmen of the Chippewa Indians living near Sault Ste. Marie, Mich.,^{SS} having had the amendments adopted by the Senate of the United States to the treaty concluded at Detroit on the 31st day of July, 1855, fully explained to us and being satisfied therewith, do hereby assent to and ratify the same.

In witness whereof we have hereto set our hands this 27th day of June, A. D. 1856.

PI-AW-BE-DAW-SUNG,	his x mark.
TE-GOSE,	his x mark.
SAW-GAW-JEW,	his x mark.
SHAW-ANO,	his x mark.

[Page 628]

WAW-BO-JICK,	his x mark.
RAY-BAY-NO-DIN,	his x mark.
SHAW-WAN,	his x mark.
O-ME-NO-MEE-NE,	his x mark.

^{SS} Assent of Indians to Senate amendments.

PAY-NE-GOWN,	his x mark.
WAW-WE-GOWN,	his x mark.
MA-NE-DO-SCUNG,	his x mark.
NAW-WE-GE-ZHICK,	his x mark.
YAW-MENCE,	his x mark.
BAWN,	his x mark.

Signed in presence of

EBENZR WARNER,
 JNO. M. JOHNSTON, *U.S. Ind. Interpreter.*
 PLACIDUS ORD.

We, the undersigned chiefs and headmen of the Ottawa and Chippewa nation, having heard the foregoing amendments read and explained to us by our agent, do hereby assent to and ratify the same.

In witness whereof we have hereto affixed our signatures this 2d day of July, A. D. 1856, at Little Traverse, Mich.

WAW-SO,	his x mark.
MWAW-KE-WE-NAW,	his x mark.
NE-SAW-WAW-QUOT,	his x mark.
AW-SE-GO,	his x mark.
KE-ZHE-GO-NE,	his x mark.
KAIN-WAW-BE-KISS-SE,	his x mark.
PE-AINE,	his x mark.
PE-TAW-SE-GAY,	his x mark.
KE-NE-ME-CHAW-GUN,	his x mark.
MAY-TWAY-ON-DAY-GAW-SHE,	his x mark.
ME-GE-SE-MONG,	his x mark.
KEY-WAY-KEN-DO,	his x mark.
NAY-O-GE-MAW,	his x mark.

In the presence of

HENRY C. GILBERT, *Indian Agent*,
 AUG. HAMLIN, *Interpreter*,
 JOHN F. GODFROY, "
 G. T. WENDELL,
 A. J. BLACKBIRD.

We, the chiefs and headmen of the Ottawa and Chippewa Indians residing near Grand Traverse Bay, having heard the foregoing amendments adopted by the Senate of the United States to the treaty of July 31, 1855, read, and the same having been fully explained to us by our agent, do hereby assent to and ratify the same.

Done at Northport on Grand Traverse Bay, Mich., this 5th day of July, A. D. 1856.

AISH-QUAY-GO-NAY-BE,	his x mark.
AH-KO-SAY,	his x mark.
O-NAW-MO-NEECE,	his x mark.
KAY-QUA-TO-SAY,	his x mark.
PETER-WAW-KA-ZOO,	his x mark.
SHAW-BWAW-SUNG,	his x mark.
LOUIS-MICK-SAW-BAY,	his x mark.

[Page 629]

In presence of

H. C. GILBERT, *Indian agent*,
 J. F. GODFROY, *Interpr.*,
 GEO. N. SMITH,
 PETER DOUGHERTY,
 NORMON BARNES.

We, the undersigned, chiefs and headmen of the Grand River bands of the Ottawa and Chippewa Indians of Michigan having heard the amendments of the Senate to the treaty of the 31st of July, 1855, read, and the same having been fully explained to us, do hereby assent to and ratify the same.

Done at Grand Rapids in the State of Michigan this 31st day of July, A. D. 1856.

CAW-BA-MO-SAY,	his x mark.
SHAW-GWAW-BAW-NO,	his x mark.
AISH-KE-BAW-GOSH,	his x mark.
WAW-BE-GAY-KAKE,	his x mark.
NE-BA-NE-SEH,	his x mark.
CHING-GWOSH,	his x mark.
MASH-CAW,	his x mark.
GAW-GA-GAW-BWA,	his x mark.
NOTE-ENO-KAY,	his x mark.
NE-BAW-NAY-GE-ZHICK,	his x mark.
PAY-BAW-ME,	his x mark.
SHAW-BE-QUO-UNG,	his x mark.
MEN-DAW-WAW-BE,	his x mark.

In presence of

JOHN F. GODFROY, *U.S. Interpreter.*
 WM. COBMOSY,
 F. N. GONFRY.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, eighteen hundred and fifty-six, accept,

ratify, and confirm the said treaty, with the amendments.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this tenth day of September, [L. S.] A. D. one thousand eight hundred and fifty-six, and of the Independence of the United States, the eighty-first.

FRANKLIN PIERCE.

By the President:

W. L. Marcy, *Secretary of State*.

Agent Gilbert, opened the Council by explaining the object of it, & introduced to the Indians Hon Geo W. Manypeny [sic] Commissioner of Indian Affairs.

Aug Hamlin Interpreter.

As.sa.gon, Speaker from Cheboygan; responds for the Indians & expresses their satisfaction at meeting the agents of their Father & asks time until other delegates shall arrive before proceeding to business.

Hamlin Interpreter.

Com Manypeny [sic] replies, that the present interview is for the details of business, but to talk of general matters & especially of locations for homes.

Elliot Interpreter.

Agt Gilbert, asks for an explanation of

[p.2]

their wishes.

Elliot Interpreter.

As.sa.gon, asks time to consult, whereupon the Council adjourned until 9 o'clock next morning.

Elliot Interpret.

JULY 26th

9. A.M. Council met. Officers all present.

Com Manypeny [sic]. When the Council parted yesterday I hoped to get you together again in the afternoon; but for reasons, best known to yourselves, I was unable to do so. It is now my desire to impress upon you the necessity of the diligence & the importance of time in doing your business, & hope that they will be assiduous this morning in doing their business—business of so great importance to them & their children. Without further remark I await the result of your consultations & hope that you will express yourselves fully promptly.

Louis Cadotte Intpt.

Pay,bah,me,say, Grand River Cheif. Our Father will hear what his children have to say on the subject of our meeting here. We are glad & grateful to see our great Father here today. He will remember why we went to see him at Washington last winter. We went to remind him of the promises made to us when we sold our

[p.3]

land & we reminded him there, when we presented him our memorial to him, that we did not go on our own account, but because our brethren sent us. All the chiefs [sic] are here today—not one is absent. These are they who sent us to Washington with the memorial to our father. Now we wish you this morning to answer to us the enquiries of that memorial, concerning the different stipulations of the treaties. We desire our father to open his ears to our humble petitions—to listen to us & pity us. God has kindly permitted us to live to see the settlement of the treaty made years

ago with our fathers. This is all I have to say at present.

Louis Cadotte Intpt.

Com Manypeny. [sic] There were two delegations of Ottawas and Chippeways at Washington last winter, each making nearly the same inquiries concerning the affairs their people. They each had the impression that there was unsettled business under the older treaties running back as far as 1795. In addition to the written memorial filed at the Indian Office, those, who were there, had talks with me, all of which were noted at the time. I gave the various questions, some of which were vague impressions, rather than definite ideas, some consideration. The examination I made led me to the conclusion that there was little foundation for many of the claims the delegates made, while they were at Washington. I directed the acting Commissioner, when I left Washington from which place I have been absent four or

[p. 4]

five weeks, to examine & if he found any default in the fulfillment of the old treaties by Government; to advise me of it. The fact in relation to your business, accords with the fair presumption, because it is a fair presumption, that when the treaty of 1836 was made all questions, growing out of previous treaties, of an unsettled character, were adjusted. With this general remark I now say, that notwithstanding this fair presumption, if it shall appear that there is still anything actually due to you under the old treaties, you may rely upon my efforts to obtain it for you. While speaking upon this subject I offer to you a suggestion, which

I think of importance to you & to all Indians, I therefore wish you to retain it in your minds. One great impediment to the civilization of the Indians is that persons, often with good motives no doubt, put into their minds the idea that there are great amounts of money due to them & held back by Government, when, in fact, there are none due. & thus a dependence is created which the future will never gratify. The influence of this is baneful & withering. I have no doubt, that in the administration of the affairs of the Indians, the means appropriated by Government for their benefit, have not reached them, sometimes, through mistake, or other conduct of the chiefs [sic], sometimes through the mistake or misconduct of their agents, & thus the good intention of Government have been thwarted; but is hardly possible to ascertain & correct such

[p.5]

errors now. & I have no doubt that in many instances the Indians themselves will be found to have been instrumental in them. The great thing for you now is to look to the future. While I am willing, so far as possible, to correct the errors of the past. Yet it is of great, very great importance to you, that you so plan for the future that you may maintain & increase your present standard of civilization—Having said this much, I am willing to receive any of your enquiries concerning the old treaties, some of which may be solved in the Indian office here.

To you, who are delegates here I remark, that your position is one of great responsibility—You should endeavor to realize how great it is. In your councils, it seems to me that you should endeavor to look more to the interests of your children, to the permanent

advance of your people than to any present temporary, personal advantage. Remember that you are here in a representative capacity. Selfish motives should not control your minds. I hope that they will not. While there is no objection to the delegates consulting with friends, who are with them, still I advise them to rely upon their own judgement of the right, when it conflicts with the judgments of their advisers. It is the desire of your Agent & myself to listen patiently to all you have to say, & that you will express yourselves freely & fully. We feel that we may say with truth that we are in a position of impartiality. We are seeking no lands – nothing from you.

[p.6]

We are here simply to settle your business already subsisting & I for one, while anxious to consult your wishes, will still interpose strenuously against any course, which I think detrimental to your best permanent interests.

Louis Cadotte Intpt.

As-sa-gon. Father, we are like children rejoiced to see their parent. I have not much to say for the cheifs [sic], who are here. I want to speak of the past. Twenty years ago it is, since we treated with you sold you our lands. It is because twenty years are nearly past to settle the business of those years that we are here. We expect justice from you. In regard to what you admonish us that we look to the interest of your children, we reply that that is our design. We have enjoyed the benefits of the sale of our lands for these twenty years, but our children will not have that benefit & now, as we have been so benefitted we come to you with our

children in our hands & present them to your generosity. Father, your arm is strong & you are a great Cheif. We know that, & we wish you to be interested for us. For ourselves, we do not wish, or hope, what is not our due, & we rely upon you, our father, for what is ours. We want no more. It is our only desire that you will act for us & tell us what to do. We are like parents placing money in the hands of their children. We are now acting for our children. They

[p.7]

do not know how to spend it but their parents may advise them. We ask you to advise them & to help us to advise them.

Louis Cadotte Intpt.

Was-son. of Manistee. Father, I went to Washington last winter & told you that the twenty years were nearly past since we sold you our land. One of our principal cheifs [sic], who sold you the land is dead. His name A,pah,co,se,gan. When he died, the cheifs [sic] appointed me a cheif in his place. When I saw our great father at Washington last winter, I told him I came to talk about the treaty made near twenty years ago. We think that some of the stipulations of that treaty have not been fulfilled. I said to you then if there any unfulfilled if there any arrears coming to us, we wish to know of it. We dont this money; but wish to lock it up in your bread box. I told you then that I did not wish to do with our money, as I heard a man once did with a little swan. The little swan when he went out used to pick up shillings in his bill & bring them to his master. At last his master got to think that the swan was all money & cut him open & found no money. So he lost his little swan. Now, we dont

want to cut our little swan open. We wish to let him live, that our father may feed him & he may grow & continue to bring us shillings in his bill. I also told you at Washington, that we had

[p.8]

abandoned the wild habits of our fathers & have adopted those of the whites & that we would no more look to Indians as chiefs [sic], but only to yourself. I told you that we were poor, ignorant, like the blind - & the dumb. I further told you that before we started from home we appointed an interpreter to accompany us, whom we thought a good man to take us on the road to your house. I still think him a good man, whose advise [sic] I will take.

Louis Cadotte Intpt.

Agent Gilbert. My friends. This talk is well as introductory to our business. In order however to accomplish anything we must take up matters one by one. I propose then that if any of the chiefs [sic], or headmen, have anything more of a general nature to say, they say it now— if not, that we come directly at our business. If you have any questions concerning old treaties, which were made when your oldest men were young, ask them now— perhaps we can answer them at once. If you have no questions of this kind, let us come to your present relations with Government, & take them up one at a time. That is the way we wish to do this business & will hear you now. I understand that you counselled [sic] yesterday to determine what you wish to propose to us— We are here to learn the result.

Louis Cadotte Intpt.

Pay.bah-me-say– I wish to say a few words more to my father. I wish to tell

[p.9]

him, what our older chiefs detirmined, [sic] before I went to see him at Washington last winter. Before we went we had counsels & consulted about the treaties & about what we should ask of you. And we all said we were ignorant like children, lost in the woods that we knew not where to go nor how far it is to the water or the prairie. And the chiefs [sic] in those meetings said we are not anything, but the white man is like a tall tree; he can see the prairie & the water over everything afar off. He can look and behold all the nations of the world. And we further said that we had an agent now, whom we like, because he has treated us well since he has been with us. When we were holding these Councils our agent was not present. He told us he could not come but that he would assist us, if he could. The men whom we chose to accompany us to Washington, did accompany us. And we chose an old man to go with us; the old man (Campeau) who sits there. I speak the mind of all the Indians and not mine own alone.

Louis Cadotte Intpt.

As.sa-gon. Father, I have a few words to say. Where you came from there are many people, but you have your white Brothers behind you & do not work for them, but for us poor Indians. You have come to us & our children – to us, who are before you. It is our wish that we may not be advised by any white man in settling our af-

[p.10]

fairs. It is our wish to do our business with you ourselves. Many years ago, your fathers & ours came together. We bargained together & sold you land lying near Macinac & a thousand dollars was agreed to be paid to the Ottawas & Chippeways each year forever. It has never been paid.

We refer to the treaty of Grenville.

Louis Cadotte Intpt.

Agt Gilbert. Art. 4 of that treaty provides \$1000 each annually for those tribes. The \$1000 to be paid to the Ottawas has been paid ever since & constitutes now a part of the annuities of the Grand River Indians. A large part of the amount, however, is paid to the Ottawas of the Mississippi. I will explain how the sum is divided. There are 4 different treaties under which the Ottawas are to have permanent annuities.

1st the treaty we have been speaking of gives them	\$1000 per yr
Then the treaty of Detroit 1807 gives them	800 “ ”
The treaty of St. Marys Ohio gives them	1500 “ ”
The treaty of Chicago made by Gen. Cass 34 years ago	1,000 “ ”

Each of these four treaties gives them a permanent annuity. These altogether amount to \$4,300. Of this

\$2,600 is sent West of the Mississippi to the Ottawas there, leaving \$17.00 which is paid yearly at Grand River. They receive there at present as annuities about \$10000 under the treaty of 36 - & \$1700 under the treaties we have just

[p.11]

referred to, which together make the amount of the payment at Grand River, Grand Haven, Ottawa &c. Do you now understand the explanation?

Louis Cadotte Intpt.

Indians generally "Ugh."

As.sa.gon. It is now past 19 years since our fathers sold their land. When they sold them they made reservations & they understood that they left the price of their reservations in the hands of Government - \$200 boxes. We want to know how principal & interest of that sum is due to us.

Louis Cadotte Intpt.

Agt Gilbert. By the Treaty of 1836 – they were to receive \$30000 annuity that was to be divided among all the tribes. One thousand out of this \$30000 was retained by Government. ~~which with interest now amounts to about \$29000.~~ There is a stipulation in the treaty that the interest on the \$200,000 for the reservations shall be paid with the annuities. It has been so paid every year since. The annuity payments are composed of three items viz:

\$29,000 annuity money
 12000 int. on \$200,000
1,700 permanent annuity to the Ottawas
 \$42,700

These make up the amounts paid throughout the agency & these are the amounts you will get this year. A few years ago they received another item

[p.12]

which has not been paid of late years. I refer to the interest on the debt fund. That fund was used up in 1851. 4 years ago. & since then of course the interest has not been paid. The only sums under the treaty of 36 - now left in the hands of Government is the \$1000 per annum out of the annuities which amounts with interest to about \$26,000 & the sum of \$200,000 for the reservations, & the permanent annuities will still be due the Ottawas unless they are arranged differently.

Cadotte Intpt.

As.sa.gon. What has become of the money stipulated to be paid for improvements Article 8th of the treaty of 36.

Cadotte Intpt.

Agt Gilbert. We are not prepared to answer that question at present; but will investigate it.

Cadotte Intpt.

As-sa-gon. Was there a stipulation in the treaty for agricultural implements & what has become of the money?

Cadotte Intpt.

Agt Gilbert. \$10000 was appropriated for that purpose. A portion has been paid from year to year in agricultural implements & cattle. When at Washington last winter I examined & found that there was about \$2,300 due on that amount. I had it sent on to me & invested it in cattle &c, which you will receive when you return home & so close that item.

Cadotte Intpt.

[p.13]

As.sa.gon. There was another stipulation of money for school houses, books &c - what has become of that?

Louis Cadotte Intpt.

Agt Gilbert. This amount has been appropriated to the use of schools among you. A part of it has been applied to the support of Bingham's school at the Saut - a part to the Catholic school at Little Traverse, or that vicinity, & I think that some of it is paid to the Grand Traverse schools, a portion of it to the Ottawa Colony school; a portion to the school at Griswold; none of it, however, comes through the agency. It is paid directly from the treasury to those, who have charge of the schools & this is the reason the agency here has not the figures to show how, when & how much of it has been expended. I presume the fund has been paid out from year to year regularly.

Cadotte Intpt.

As.sa.gon. There was a sum of \$5,000 stipulated for half breeds - where is it?

Cadotte Intpt.

Agt Gilbert. This should have been paid annually ten years ago. I do not know whether it has been paid; but believe it has been. We will investigate the subject & if anything is due on that or any other item: it shall be paid.

Cadotte Intpt.

As.sa.gon. There was a small sum of \$300, per

[p. 14]

year, for medicine, vaccine matter, &c. How has that been paid?

Cadotte Intpt.

Gilbert. Every year, to three persons, employed as physicians - to Dr. Reubrich at Grand Rapids—one at Saut de Ste Marie, one at Macinac, each of whom gets \$100, per year, which consumes the amount.

Cadotte Intpt.

As.sa.gon. It is further stipulated that there shall be a dormitory at Macinac. Is that building ours, or the Governments?

Cadotte Intpt.

Agent Gilbert. The provision of the Treaty was that the dormitory should be built & used by the Indians

ten years. The ten years have expired & the dormitory has been given up to the military.

Cadotte Intpt.

As.sa-gon. We never got any benefit out of the dormitory. The keeper got a large salary for keeping it, but it was no good to the Indians.

Cadotte Intpt.

Gilbert. This Dormitory, like the blacksmith shops, farmers, & some other of the Treaty benefits, comes, not out of yours, but the government's money, & you have no control over it.

Cadotte Intpt.

[p.15]

As-sa-gon. Not long after our first payment, many of our Indians went over to Canada. Mr Schoolcraft told us that this would increase our annuities. What has become of the difference— we have not got it?

Cadotte Intpt.

Agt Gilbert. We know that Government has appropriated money for their annuities from year to year, & the supposition is that they were paid honestly. We cannot ascertain now if any of it has not been paid.

Cadotte Intpt.

Agt Gilbert. You can understand that if the Canada Indians come back & are paid, it will reduce your annuity. One reason why you get less pay is that you do

not receive the interest on the debt fund any longer. Another reason is that you are increasing in numbers—the rolls showing that you increase at the rate of 160 per year. That is a matter the Government can't help. It is your own.

Cadotte Intpt.

12 o'clock. Adjourned
Afternoon Session
 2. p.m. Officers all present

As-sa-gon. At the treaty of 36—in ceding

[p.16]

lands there was a provision made for lands to Indians, who wished to remove West of the Mississippi. A year or two after a delegation of the tribes went West of that River & were told the land on which they stood was theirs. What is to be done with that land?

Hamlin Intpt.

Com Manypeny. [sic] The Indians never having removed they hold not land West of the Mississippi. The question however, is of an equitable character & will be considered.

Hamlin Intpt.

Agt Gilbert – explains that the treaty simply provides for a suitable home west of the Mississippi, if they desire to go there.

Hamlin Intpt.

As.sa.gon. We next wish to call your attention to where the government in the treaty of 1836, provides that it will remove the Indians. We wish to claim the amount of the expense of removal, out-fit & one years subsistence.

Hamlin Intpt.

Com. Manypeny. [sic] Those provisions relate to events that have not taken place & are consequently dependent upon contingencies, that have never transpired. We may regard them equitably; but legally & strictly the Indians have no rights under them.

Hamlin Intpt.

[p.17]

As.sa.gon. We wish to know something in regard to the half breed money set aside in 1836. Some of them received money & some did not--perhaps it was age that made the difference. We understand that a portion of that money still remains in the hands of the government.

Hamlin Intpt.

Com Manypeny [sic]. I suppose that is all paid; but if it is not there are papers at Washington, which will show it. It will be investigated by Agent Gilbert.

Hamlin Intpt.

Waw.be.geeg. of Saut de Ste Marie. We that have come from the Falls at the foot of Lake Superior wish to say something to our Father, about the points the Ottawas have spoken of. We too counselled [sic]with

each other before we left our homes We wish to know in reference to the half payment in 1837—We were told to take part pay in goods, which we refused & were promised to have the amount in money, which we have never got. There is another point we wish to ask about. That is the payment of the Garden River cheif. One year, he & his band received but half what the other Indians received. This was Sprague's last payment. What has become of that money?

John Johnson Intpt.

Agent Gilbert. In regard to the first point, the payment of 37, we know nothing. We do not know but what you received your pay as usual. Although we cant say that

[p.18]

that amount has been paid we think that it has been, because the annuity money is seldom suffered to run behind. In regard to the other matter--that has all been explained to them. Mr Sprague received orders from Washington not to pay Canada Indians, when he went to the Saut. Yet the Indians were so urgent in there request that he would pay them as usual, that he paid them \$4, per head, whereas they ought not to have received anything. It is just such a case as occurred at Macinac last fall, when I was applied to & did pay Canada Indians small sums of money.

Hamlin Intpt.

Waw.be.geeg. I wish to state that the Saut Ste Marie Indians do not join the Ottawas in asking about the old treaty matters. We came here to ask about matters

relating to the Treaty of 36. In regard to the points under that treaty I wish the great father would settle them to our benefit.

Hamlin Intpt.

A.pah.co.se.gan. Since you desire to listen to your children I will say something more. There is a man who lives at Grand River, who pretended to take charge of a halfbreed child. He has, we are told, received \$10,000 for that child. We think it a fraud, because there was no such child. Now we want to know if the Government has paid that man.

Hamlin Intpt.

[p.19]

Gilbert. The money if paid came out of Government. If a fraud it is on Government. It does not affect the Indians.

Hamlin Intpt.

A.pah.se.co.gan. Although the fraud was on the Government, yet the money was ours, & we think we ought to have it.

Hamlin Intpt.

Agt Gilbert. This was a reservation of land made for the pretended child personally & not for the Indians— It was personal benefit - a section reserved out of millions of acres by the Indians & given to Mr Slater for this child. If there was any fraud they should have been careful & not requested Government to assign land to Slater for this pretended child. If in this case

there is anything equitably due it is to not from the U.S.

Hamlin Intpt.

Commissioner Manypeny [sic]. I wish to make a remark in regard to this question. I understand that several persons parties to this treaty are in the Council now. And among the witnesses to the treaty, is the gentleman, who is now interpreting this talk.

(Reads Article 9th of the Treaty of 1836—)

I would be loath to believe that there is any fraud in this matter; but if there is, it is not against you; but the U.S.

Hamlin Intpt.

[p.20]

As.sa.gon. We have taken up nearly every point we wish to present to your consideration. It is our wish that you will explain the whole matter, so that our minds can comprehend it. We place all that is ours in your hand & trust that you will do us justice.

Hamlin Intpt.

Waw.be.geeg. Before we left the Saut we were told that we should receive lands in this state in the place of lands West of the Mississippi. If so, in what manner will the matter be arranged? We wish if it is your design thus to give us lands to accept them & to locate them where we please. That is all.

Hamlin Intpt.

Com Manypeny [sic]. The Government is desirous to aid you in settling upon permanent homes. As it is not desired to remove you, it will be a matter of conference between us as to how this shall be done & how much land shall be given to you.

Hamlin Intpt.

Agt Gilbert.

Listen to me until I reply to your questions. We have talked a great deal today. What we could, we have answered & explained to you. But after all the interests you are here to take care of are in a small compass. I have examined the old treaties carefully & can find nothing in them that you are entitled to except, the amount of \$1700, permanent annuity, referred to this morning. With that

[p.21]

exception all your claims against the U. S. are based upon the treaty of 1836. And now I will state what we think is due to you under that treaty.

1st The sum of \$200,000 for your reservations.

This is an immense sum & we are here to make some disposition of it & if we understand you, you do not wish it all paid at once; but in a manner that will benefit you & your children.

Then comes the sum of \$20,000 reserved annuity, with the Interest.

Then there is the value of their improvements as appraised. There may be something due on that fund.

On examination since this forenoon we find that there has been about \$25,000 paid on those improvements, if any more has been paid, we don't know it. The total value of those improvements as appraised was \$74,000. These are all the funds, on which anything remains unpaid in which you will have any interest & the manner in which the gross amount shall be paid is one of the most important things we have come here to consider. Then there is the question in regard to lands. The Government is willing to provide you with homes & is willing that those homes shall be in the State of Michigan. It is possible, though I do not know the Commissioners views, that he may pay you something on commutation of the expense of removal out fit & subsistence west of the Mississippi. He will talk to you about that. These

[p. 22]

are the matters respecting, which you have claims upon the U. S. & about which you had better come to some conclusion.

The Commissioner & the Government are willing that these matters shall be justly settled. They are willing you shall receive all & more perhaps, than is legally your due.

We will give you the least due under the treaty as we can agree, & lands on which you can locate homes. & it will be our endeavor to set aside an amount for schools, agricultural & other useful purposes.

The first thing I want you to determine is the location of these lands. The Government don't expect that all the Indians in Michigan will locate in one place, & is willing to set aside tracts sufficient for small settlements in different places, but it will not permit you as individuals to locate promiscuously here & there a tract as your personal wishes may direct. It desires & will insist on your collecting into communities. It desires that these communities shall be as large as possible; because it will be cheaper in support of schools township & County organizations. Now I wish you to give me a description of the locations you wish to settle upon.

Hamlin Intpt.

As.sa.gon. In speaking of giving us lands you have said nothing of the titles we shall have. Nothing has been said of how much or in what matter we shall hold these lands.

[p.23]

Perhaps, if they are given by word of mouth only they will in time be taken from us. If, then, you wish us to have lands we want strong titles to them.

Hamlin Intpt.

Com Manypeny. [sic] It will be our desire to give each individual & head of a family such a title as that he can distinguish what is his own. There will be some restriction on the right of selling. Except that your title will be like the White man's. This restriction will, when it seems wise & proper be withdrawn.

Hamlin Intpt.

Adjourned

Friday, 27th July. 9. A.M.

Council met– All present

O,shaw,wa,nah. My friends I greet you all, I wish to say a few words to you, concerning some things that took place when we sold our lands. At the time of our first payment, it was the wish of all the Indians that the half breeds should receive pay with the rest of us. But there were many of them forgotten. I wish to remind our father of this circumstance. Perhaps this matter, which I allude to may not be down in the treaty. At that time, we had a meeting, in which our father the Agent that was then, was present, & we drew a writing, which was signed by all the chiefs [sic] & witnessed by him. It was well understood by him that the memorial

[p. 24]

should be sent to Washington. This paper applies for \$5000 to be paid to our half breeds, who were forgotten. It was sent to Washington. That money was designed for some of the half breeds of the first class, who were forgotten.

Cadotte Intpt.

Com Manypeny [sic]. I hardly suppose that the Government complied with that request; for if you neglected to put your half breeds on the list, until the fund was exhausted it was your own fault & your Great Father is not bound to give you more than the treaty calls for.

Cadotte Intpt.

O.shaw.wa.nah. I wish to make our father understand the circumstances more clearly. We did not forget the half breeds, for whom the money was designed. Their names were upon the list. We did not neglect them. If was not so we would not come before our great Father now.

Cadotte Intpt.

Com Manypeny [sic]. Mr Chipman has papers from Washington stating the whole matter.

Cadotte Intpt.

Agt Gilbert Who are these half breeds who were neglected?

Cadotte Intp.

O.shaw.wa.nah. It so happens that when I was young, a half breed woman fell in

[p. 25]

love with me & I married her. By her I have some mixed blood children. It is for them I speak.

Cadotte Intpt.

As.sa-gon. It got to be so late in the afternoon yesterday, when we adjourned to talk about the lands, that we had not time in or [sic] council to get through our talk. We were obliged to meet again last evening & this morning. When a white man wants to buy land, he does not go blind fold, & buy a piece he does not know, & so it is with us. The lands where we come from are not so good as the lands here. Much of them

are heavy & swampy & we must select only such as are good for agriculture. And this is the decision we have come to, that we cannot select any lands until we see them, & know whether they are good.

Cadotte Intpt.

Com Manypeny. [sic] Has not this land question been a matter of discussion among you?

Cadotte Intpt.

As.sa.gon. I heard of it some time ago but it was in such a way as not to impress my mind. Since I came here I took it into consideration for the first time. Ever since the Indians have heard of this matter here they have determined not to exchange lands; but to take the value of those West of the Mississippi in money.

Cadotte Intpt.

Com Manypeny. [sic] As I remarked to you yesterday you have no legal right to the lands West of the Mississippi unless you remove.

[p.26]

Your rights, while you remain here are entirely equitable in their nature. Having determined that you will not remove it is now a question how you will settle your affairs here. It is vain to request money for those lands. We will not give it. I cannot listen to it. In settling this question we must look to the interests of the whole Tribe & not of special men among them. In our talks yesterday we seemed to turn our attention more to the rising generation, than to the elders. It requires

but little reflection to determine which will be the best for them, the assignment of lands, or the payment of money to you, who are already elders. The money will not last long. It is a great secret to know how to keep money. Very few men understand it; but the land will last a great while. The difficulty in selecting land can be easily remedied. It is not the desire of your great father to give you bad lands. I think you should have as good as the whites. & it is not asked of you to select your individual farms here. We merely wish you to determine generally the sections of the state in which communities of you wish to locate.

Hamlin Intpt.

Wa.be.geeg. My Father, I have heard of this promise to give us lands in this state. We counselled [sic] upon it & made up our minds before we came here. At the treaty of 36, our fathers were in partnership with the Ottawas; but now the partnership is finished & we who come from the

[p.27]

foot of Lake Superior wish to do our our business for ourselves.

John Johnson Intpt.

Gen Cass. here appeared in the Council & was addressed, in behalf of the Indians by,

As.sa.gon. Your Brethren who are present address you & are glad to see you here today. Some of our old men, who have been acquainted with you for years past are now here. They have taught us from our childhood

how kind you have always been to the Indian, when he came to you for advice & assistance. We thank you for coming among us today. We hope that you will continue to be our friend & to aid us now as you always have in times past.

Cadotte Intpt.

Gen Cass. With your permission Mr Commissioner I will say a few words. I am happy that the Great spirit has brought you all here in good health. I have taken a great interest in your affairs for many years: but I knew your fathers & grandfathers better than I do you. I am no longer an officer over you. I am now only an Individual citizen & your friend. I can only give you advise. For twenty years I was a superintendent over your affairs. The great trouble used to be whiskey, whiskey, whiskey. Do not touch it. Teach your children not to touch it. It will destroy them & you. Tell them, as I told your fathers, that

[p. 28]

they are free agents. No one can touch their Land without their consent. It cant be taken from them any more than a white man's can. There is no wish to take it from them. What they want is in their hands. The whites are all around them. The best advice I can give them is to secure settlements for themselves, while they can, & to become a portion of our people. This is better than to go West of the Mississippi. When they sacrifice their land for money— the money does them no good. The land is gone— Directly the money is gone. Now let them make an arrangement; by which they can secure permanent homes— farms, schools, churches & the implements of husbandry. The great

Father has sent them two able honest men to manage their affairs. I know them both. Let them consult with them & they will do what is for the best interest of themselves & their families.

Cadotte Intpt.

Waw-be-geeg. resumes. My father I have spoken to our friends the Ottawas, saying that we have been brought up together & are merely friends. I can make no laws for them. I can only make laws for myself & my people. I heard that you intended to give us land before we came here. It was just what I desired, so I called my people together & held a little smoking council. We therefore went to work & examined our lands at home & picked out three portions of land, where we

[p.29]

wish to reside & divide into three parties. We have the maps with us & are ready to receive your gift. We wish that you would give us titles— good titles to these lands. That these papers will be so good as to prevent any white man, or anybody else from touching these lands. For our part, for the Chippeways of Ste Marie River, we think that we are old enough to take care of our papers. We have bought lands already & we take care of our papers, that our great father gives us. We think that we can take as good care of your papers as we do of his.

John Johnson Intpt.

Pay,bah,me,say. We ask you to listen to what your children have to say about these lands. We have

considered what you say. We are grateful that you do not wish us to go beyond the Mississippi. We feel that is kindness to leave us where we were born & brought up. It is our wish to accept these proposals & we wish to know how much land is to be given to us. As one of your Ojibeway children has already said it is a mere kindness to give us these lands. They are an older nation than we are & we cannot differ from them in appreciating the kindness of our great Father.

Cadotte Intpt.

Com. Manypeny. [sic] The question as to the quantity of land is one on which our minds are not quite made up. It is a question of conference & we must hear your view upon it.

Cadotte Intpt.

[p.30]

Was.son. Your children from Grand Traverse wish to speak to you. It is our desire that our great Father shall treat us in the same way as he does our brothers who have already spoken their minds. But we desire one thing of our father and that is that patents be issued to us with our lands. What our father does for our brother Chippeways, we hope he will do for us.

Cadotte Intpt.

Nah.me.wash.ko.tay. Father I too wish to speak about these lands. It is the mind of the Indians, who sent me, that these lands may be exempt from taxes & that patents be issued to us for them. We accept your proposal to give us lands; but we do not know where to

locate them. We must go to work & select them. We did not expect any such proposal here. We understood at Washington last winter that money would be paid us & not lands.

Cadotte Intpt.

Com Manypeny. [sic] You misunderstood me then. We conversed at Washington it is true only in regard to the money due you under the treaty & no allusion was made to the lands, or to money for them.

Cadotte Intpt.

Shaw,wa,sing. I have come forward to speak my mind upon the subject. I accept your proposals. I will not differ from my brethren. I speak for those who live on the north side of the Straits of

[p.31]

Macinac. Knowing that you wish us to be of one mind I say for the three bands North of the Straits, that we wish to make one location, together. The land where we come from is good. We want to locate there. We wish you to know that some of us have bought lands. We have now a missionary with us. to teach us the good way. We wish you to give us patents wherever we locate. We consider this land a gift.

Cadotte Intpt.

Ke,no,shance, Manistee. The rest of your children have accepted your proposal. I see no reason why I should not do the same. It is the desire of my chiefs [sic] that we have a patent to hand down to our

children from generation to generation. We know that all these lands we have bought from the U.S. are subject to taxes. As they are a present we hope that we will not have to pay taxes on them. We want to select our own lands as we are to cultivate them. There are some bands of Indians, who have not come. We speak for them too.

Cadotte Intpt.

Was.son. We have all come to the question in regard to the lands. We know our great father will give us these lands for a homestead. I have abandoned the woods for a maintenance & am now a farmer. I no longer go into the woods & look for wild animals when I want to eat; but I kill of the

[p.32]

cattle I raise for myself. Whenever the fire water is brought into my band, I find it and destroy it.

Cadotte Intpt.

Waw,be,geeg. I wish to say a few words. You have already listened patiently. You have heard your children from each band accepting this land from you. I now speak in behalf of all the Chippeways, from our part of country. I have already taken your path & become a citizen, only I shall never be able to change the color of my skin. My father, we have accepted the land & wish to live on it. We are able to live— not perhaps in as good style as you do, but still we are able. We are willing to pay our way upon this land - to pay our taxes as you do. You have opened your heart to give us land;

we do not think you ought to feed us & our children forever, besides. We will pay our own taxes.

John Johnston Intpt.

Pay,bah,me,say. I have listened to all that has been said. In regard to this proposal I have lost the light. As you have listened to what the Chippeways say in regard to this tax matter, we have the same views upon that point. You are wise. You know what is right. We therefore present ourselves to you to take what you regard best.

Cadotte Intpt.

Com Manypeny.[sic] It is near time to adjourn; but before we separate I wish to say

[p.33]

a few words to you. I am glad my red brothers begin to view this question with one mind & one tongue. I think the difficulty with regard to the selection of lands may be remedied. We do not expect that each head of a family can select his own particular piece of land here today, but that each band has its mind fixed, or can have it fixed, on some particular part of the country, within which they can select the tracts they desire. Now it is necessary that the body of land you so select shall be withdrawn from sale, so that you may select your particular homes in it hereafter. In relation to the patents I think there will be no difficulty. It shall be an absolute title, save a temporary restriction upon your power of alienation. The question of the taxes I am not prepared to answer. I am not sure though but that the views of Waw-be-geeg are

correct. We want you to be citizens & to be such, you must assume the burthens of citizenship. Your Agent here just observes to me that State taxes are merely nominal – that the burden of tax is the local tax, which you assess for yourselves; but I want to look at the question a little. I wish you, if you can, before we meet again this afternoon to determine what sections you wish to locate in.

Cadotte Intpt.

[p.34]

Afternoon Session July 27th

2. P.M. All present.

Agent Gilbert requests the cheifs [sic] to designate the points where they wish to locate.

Cadotte Intpt.

This business consumed the afternoon and the Counsel adjourned to the next day.

July 28th 1855

Morning Session

9 A.M. All present

Com Manypeny. [sic] I am glad to see you all well, my friends, this morning. We have been examining the points, connected with the lands designated by you yesterday & are not yet quite through with them. Your agent is still investigating them & when he concludes we will talk deffinitely [sic]. I have understood that some of the Indians who have purchased lands have an idea that they will forfeit them, if they take lands

under the contemplated treaty. This is a mistake. Your lands are your own, as mine are mine, & they cannot be taken from you. If you are disturbed on that point, you may dismiss your apprehensions. I remark again that in selecting your lands, you must be careful, very careful, to make such selections as will be best for yourselves & those who come after you. You should be entirely clear that these selec=

[p. 35]

tions are not made for the benefit of any one principal man among you, or from any temporary motive, but for the interest of all of you – for your children in the future. I am now prepared to hear a talk from you on any subject. I suggest here, without any attempt to interfere with your organizations, that as delegates you are all equal. It is the duty of you all to be satisfied, without doubt, that you act for the good of the Indians alone. Their good is the responsibility, which rests upon you as delegates & you must endeavor to meet it, so that in all time, it may be said you acted for the best.

Cadotte Intpt.

Agt Gilbert We have been busy looking over these land matters. You have made a greater number of locations, than we hoped you would: but it is the object of the Government & our object, to induce you to settle upon the soil, & procure a livelihood by agriculture; The Commissioner has, therefore, determined not to insist upon your going to places you have an aversion for; but if hereafter you come together in larger numbers, where we think you will have greater advantages, we will be highly gratified. You may

continue to reflect upon these matters, & if you can decide to settle in larger bands, we will be pleased. We have looked over the maps since yesterday & have been compelled to change your locations in some respects; but this only changes the boundaries, because the U.S.

[p.36]

do not own all the land where some of you have selected. Some of it is sold to individuals & some belongs to this state; so that, for instance, the land selected by Me,no,me,nie, will have to be further down the lake, nearer that of Kay,be,no,din. The U.S. cannot give away the land of the state. To Waw-be-geeg's land we have added two sections, so that the amount withdrawn from sale will be greater than he will finally need.

To the Garden Island Band I have to say, that I wish they would come to the main land. The Islands are not big enough to give them farms as the other Indians will have. I am told they have already taken up the lands upon Garden Island. What the Government wants is for all the Indians to share alike & will give them besides what they have bought a farm apiece. Now there aint land enough on the Islands to give them that. For that reason the Commissioner thinks they ought to come upon the main land.

When we come to fix the details of these locations, we will put down enough to enable each family to select the farm we have talked about. We want you to go home, get maps of the townships find out how much has been sold & what belongs to the state, so that we can determine these matters. You can send me word

within three months— for we should be sorry to have you select lands

[p.37]

which belong to the state. It is the intention of government to allow each head of a family 80 acres of land & each single person over 21 years of age 40 acres of land.

Cadotte Intpt.

As-sa-gon. Before I started from Cheboygan we counselled [sic] in our band & decided that we would have no lands from Government. We have lands already, & these other chiefs [sic] here, agreed not to take lands, but money. I wonder why they change their minds. I am but a delegate & must do as I was instructed. I will go home & tell my people, of your proposals.

Cadotte Intpt.

Com Manypeny. [sic] I suppose the same reasons that have changed their views will change yours. I gave you a good reason the other day. The money is an idle request. If you get it, it will melt as the snow before the sun. The other chiefs [sic] have decided wisely, & I do not think you will violate your instruction to do as they have done. It is all they or you can do. I am glad you have land already. Yet you will want more, if you improve & increase in numbers; but we cant wait until you return home & consult with your people. We hope you will reconsider your opinion & come to the same mind as the others.

Cadotte Intpt.

As,sa,gon I must obey my instructions. I was told to ask for money I cannot make a different request. At next payment I will tell Mr Gilbert.

Cadotte Intpt.

[p.38]

Com Manypeny. [sic] You have done your duty in making the request of your people. Now, as a wise man, your next enquiry is, what shall you do in the circumstances you find around you? The only conclusion, to my mind, that you can come at is that it is not a violation but a performance of your duty to take land.

Cadotte Intpt.

Jackson alias Muc,a,du,pe,nase My Father— When my people requested me to come here, I did so, & see you. I am not therefore here for myself alone. I now speak in the presence of all, white & red, & if what I say is not truth, let all arise & tell me so. It seems to me that you do not understand our wishes. I shall therefore say to you, what was said & done, when we sold you our land. At the Treaty of 36 our great Father said I buy this land from you & will you money for it. He said that he would sell the land back to us & give us patents. We have gathered together & purchased land from you & you have kept your bargain. When we came here we did not understand that you were going to give us land. We understood before that you offered us land towards the setting sun, West of the Mississippi. He gave us land there. We took it for granted that it was ours. We did not expect to go there; but we

thought he would give us money in the place of that land, or we

[p.39]

thought he would give us warrants as he does his soldiers, so that we could get land where we please. I understand our Father that he wants us to collect in communities, where we may educate our children, have churches & schools & become prosperous. We understand your wish & feel thankful for it, but we feel sorry because we own lands in different parts of the state where we already have schools & churches & improvements, to which we are attached. Now, my father, it is the wish of many of us that you grant us papers, so that each may locate for himself, where he pleases. Not that we wish to scatter; but we want to choose like the whites & have their titles. When you told us in the Treaty of 36, that we could buy lands from you, you put us on the same footing as yourself. We are citizens, your Laws, govern us. For the land you give to us, we understand that it is to live on. We know that you white men, when, you buy lands, are not prepared to leave home & houses, & go into a wild country. So it is with us. Our white brethren tell us, that if we do not settle upon these lands at once, you will take them back, & we understand that we can keep the land we buy, do what we please with it, give it to our children or relations when we die. We are displeased that we cannot hold this land in the same way. It seems as if you hold the land by a big string ready to pull

[p.40]

it from us.

When you purchased our lands in 1836 you granted us lands West of the Mississippi, you said you would give us money, provisions, outfits. That land will be always good—& what an expense is it that you save by keeping us here.

John Johnson Intpt.

Com Manypeny. [sic] I am glad to hear the young man talk & to see how enquiring a course his mind has taken. He is in error though on some points.

1st there is nothing said in the treaty about the Indians having land in Michigan. Some of them have entered lands. I am glad of it, but their right to do so does not depend upon treaty stipulations. It was provided by the Treaty that a “suitable home” West of the Mississippi should be provided for you, when you desired to remove. & it was further provided that when you did remove, the U.S. should give you one years subsistence in your new home, pay for the expense of your removal & give you an outfit similar to the Potawatimies [sic] under the Treaty of Chicago. Reference to that treaty shows that there is nothing of the kind in it. We therefore suppose this to be a mistaken reference in the Treaty of 36. When your treaty was made it was of course, contemplated that you should remove in pursuance of the then prevailing policy; but you are still here & the question is to fix your residence here. Our object is to

[p.41]

give you land here, instead of West of the Mississippi. Under the liberal policy of the State & her citizens there seems no necessity for you to remove. Now this

idea that the land will be pulled from under you originates either in error, or in something I cannot comprehend. I advise you all to shut your ears to it. I told you at first that while all should have permanent homes, there would be a restriction upon the individuals power of alienation. And all these difficulties the young man made in his speech, about the land descending to your heirs &c, are wrong. You shall have good, strong papers, so that your children may inherit your lands. In relation to the lands the Indians have already bought & improved we have already endeavored to accommodate them by permitting them to locate so near them as possible. There are a few cases in which this cannot be done; but plenty of time will be given to make the change.

John Johnston Intpt.

Com Manypeny, [sic] resuming, I forgot to say that in giving patents it will be easier for government to give you absolute titles at once. Any restraints put upon your titles is for yours, not the government's benefit. In connection with this subject arises the question of taxes & I am disposed to manage it for your benefit. I do not understand that the Indians have any right under the treaty to commutation

[p.42]

for the expense of removal, subsistence & outfit. That was in consideration of your removal. It was no part of the price of your land. I feel inclined, however, to be liberal with you in the adjustment of these equitable matters.

John Johnston Intpt.

AdjournedAfternoon Session

All present

2. P.M.

Waw.be.geeg My Father I hope you will listen with an attentive ear - to all I have to say. You have commenced already to make out the papers concerning our business here, & I am glad to see we are drawing to a close. I have accepted the land & want a good paper for it, so that I can hold the land just as I can hold the paper. Before I, or you, sign any paper in regard to the land, I wish you to explain about these papers. I am an Indian, my father, & a weaker man than you are, still I am trying to become civilized. There are some among us, who cannot hold what you give us. They are like a dish that is upset- there is nothing in them. We hope that day by day they will grow wiser until they can take care of property. Now I have accepted the land you offer, as you offer it, & on that point I am done. But I wish to speak of another matter. You promised if you took me West of the Mississippi to give me lands, outfit & subsistence for a year. The land West of

[p.43]

the Mississippi is better than the land here. You have kept a large amount of money in your pocket by not removing us. We wish you to give us, what is equitable.

John Johnston Intpt.

Com Manypeny [sic] I admire the ingenuity of Waw-be-geeg— & I doubt not that his speech will impress our minds. I wish it understood though, that the government is not indebted to the Ottawas & Chippeways for that removal and subsistence matter. It is true we saved some money by not removing you, but it was not yours, but the government's money that was saved. We have been ready to remove you, you thought it best to stay & you were right. We think we may say in view of the equities of the subject, that we will allow some sum in commutation— how much I cannot now say; but it will be pretty fair. There was a question asked yesterday about the amount due under the improvement fund. I am of opinion, that there is considerable due under that fund. Mr Schoolcraft estimated that \$20,000 would pay everything under that fund. That amount was appropriated & I suppose paid. The appraisers however, appraised the improvements at something like \$74000. Then I understand that afterwards, there was still another appraisal made. Now we can act upon that matter just as though we knew the condition of it. We will insert a provision in the treaty that the accounting office of the treasury shall state an account upon this point & it shall be

[p.44]

paid. It is the opinion of some of your former agents & of some of the Indians that is a balance due on your educational fund. We can ascertain about that in the same way. Now if there is anything due under these two heads, the question is, how will you appropriate it. We will now commence with the \$200,000 the \$26,000 that are in the hands of the Government.

Cadotte Intpt.

As-sa-gon Father, our friends the Chippeways are willing to accept your proposals about the lands. Now we wish to express our minds. I wish to say what I am going to say, so that I shall accord with my Brother Waw-be-gee, who has just spoken, but not exactly— for we shall vary in some things. If we understand you aright [sic] it is your design to give every single person, over 21 years 40 acre of land. Now these Indians here wish you to grant this request— that is to give to each of us men, women & children 160 acres. Although father, you say that we can't have the land West of the Mississippi unless we move there— yet we went there & blazed a tree in mark of approval & ownership.

Cadotte Intpt.

ComManypeny. [sic] I know that there was a delegation that went out there; but you & your families did not go there. You are all here. It was the intention of your great Father that you should go there. If you had gone that would be your country. As you did not go: It is our design now to give you in the language of the Treaty a “suitable home.”

[p.45]

Assagon thinks that there ~~will be~~ ought to be 160 acres to each person - that would be too much, especially for his band, who before dinner, he told us, had enough land & didn't want any more. I am glad though that they have come round & will give them what I give the rest. My friends this is the 4th day we have been here. We want your views on these money

matters, so that we can begin to put something on paper.

Cadotte Intpt.

Waw.be.geeg. My father with regard to the money we would like to know how much is coming to us. It is our design not to spend it all but leave it in your hands.

John Johnston Intpt.

Assagon. When we came here we thought you would be ready for us & would tell us how much is due to us. Now we cant say what we will do with the money until we know how much there is.

Cadotte Intpt.

Com Manypeny. [sic] There is your \$200,000 for the reservation \$26,000 for back annuity. & your improvement & educational fund. I stated to you that I did not know how much of your educational fund is in arrear. yet that persons conversant with your affairs seem to think that there are arrears. I also stated that we could so frame the treaty that the Treasury will account for both these funds. It may seem strange to you that I cannot tell you the amount of

[p.46]

these funds. but the account of them is kept in the Treasury & not in my office. Hence unless an apc [sic] is stated by the Treasury officers we cannot know precisely how it does stand. Now though I cannot tell you about this matter, yet we can frame the treaty, so that it will come to you, as if we now knew the exact

amount. Now I do not see the necessity, or propriety of your demanding the exact amount as, that would be to break up the Council, for we cant answer you.

Cadotte Intpt.

As-sa-gon. Father when you first sent word to your children to come & meet you here, we held a counsel at Macinac & talked about our affairs. And we thought that when you came here you would come prepared to answer us. Our great father, sent you here to make final settlement of the affairs under that treaty of 36. We thought you would be ready to tell us all about that treaty. And now it is too late for us to answer you about the money today, & tomorrow is the Sabbath.

Cadotte Intpt.

Agent Gilbert. My Brothers I want to say a word to you. The Commissioner thinks that we can put this money matter into a shape that will enable you between now & Monday to arrive at a conclusion. I give you then the following amounts.

Reservations	\$200,000
Annuity Retained	26,000
Imprt Fund	50,000

[p.47]

In conceding the last amount as a basis for your deliberations, if the Commissioner on his return to Washington finds the amount more or less, you will be paid accordingly. Our impression is that, that is what is due. You may further estimate the sum of \$30,000 for equitable claims on the removal, outfit, & subsistence

matter. You may further estimate the annuity of \$1700 at \$30,000 which seems to us its value. This makes in all \$336,000. That is the amount the Commissioner is willing you should take as the basis of your calculations. In addition to this we will insert a clause in the treaty that if anything more shall be found due to you, you shall have it. We now adjourn in the hope that you will meet with determined minds on Monday. Let me say one word more.

Tomorrow is the Sabbath. I have always represented to your father that you reverence that day, that in this respect you differ from the red men of the West. I hope that you will so demean yourselves as will exemplify to him the truth of my representations.

Cadotte Intpt.

Adjourned.

[p.48]

July 30th 1855.

9. A.M. All Present—

Agent Gilbert. announced readiness to proceed to business.

Cadotte Intpt.

Waw.be.geeg. My father. I feel thankful that the Supreme being, has allowed us to pass the Sabbath in quiet & to meet again in health. The last talk we had on Saturday was about commutation for the expense of removing us West of the Mississippi. We, the Chipeways, consulted our neighbors the Ottawas & led

the way as it were. It seems now that they are dissatisfied Though we are the oldest nation, yet in this Council they are the strongest. We are only few in numbers, as you see. There are more on their side—more hearts, & heads, & eyes & minds to look at one object. Perhaps they see clearer than we do. We therefore leave the matter for the present in their hands.

John Johnston Intpt.

As.sa.gon. Day before yesterday we talked about matters relating to the treaty of 36. Yesterday being the Sabbath, we were obliged to lay aside business to worship God. In regard to the lands, I will say a little more to my father. There are many orphan children among us, what is to become of them? You have said nothing of them.

Cadotte Intpt.

[p.49]

Agent Gilbert. We have talked about that matter & have determined to give them the same their fathers would have had.

Cadotte Intpt.

As.sa.gon. Father you said to me the other day I was rather extravagant in my demands. You seemed to think me a glutton, never satisfied. Now I live only on corn soup at home & you have every luxury of life. It is strange that I should try to get as good as you!

Cadotte Intpt.

Com Manypeny. [sic] The 80 acres I give to you will be extended also to orphan families. It will not be like corn soup; but it will be hearty substantial food for you always.

Cadotte Intpt.

Agent Gilbert. You now understand that the orphans will be provided for. Now let us talk of our other business.

Cadotte Intpt.

As-sa-gon. Father, the chiefs [sic] here present are delegates appointed by those they have left behind them. They were sent to get as far as possible the views of Government relative to this treaty. They got as it were a power of Attorney to come here & transact business. And so it is with you— You are the agent of our Great father. We are anxious to go home, you & we. The delay here has not been ours. Your children seem to think it yours. We have here our demands in writing, which we present to you. (hands paper)

Cadotte Intpt.

[p.50]

Com. Manypeny. [sic] I concur entirely in the view of As-sa-gon of the necessity of despatch [sic] in our business. Your time & mine is precious. I have examined your proposals carefully, & while I cannot altogether agree to them, I propose to tell you finally, what we think of them. In the proposal made by us on Saturday, it seemed to me, that we covered your legal rights, except as regards the improvement fund— that

might be increased, or diminished. But at the same time, we held in reserve some matters of importance to you, on which we wish to reflect. Those matters will be in addition to what we proposed Saturday—

1st	\$50,000	to assist you to locate in your new homes.
2nd	\$12,240	per yr, for ten year for educational & religious purposes. & to supply you with blacksmiths. That will make the sum of
	\$122,400	in all for those purposes.

Now this leaves in fact but little difference between us. The difference is in your estimate of the improvement fund It may be increased somewhat yet. I think these offers are liberal & as such you ought to accept them. I have no interest here, except to do what is liberal.

Cadotte Intpt.

Com Manypeny, [sic] resumes. I forgot to speak about your proposition for land. You propose for 120 000 acres in this paper. According to our estimate we really give you a larger

[p.51]

quantity & think our plan of dividing it better than yours.

Cadotte Intpt.

Com Manypeny. [sic] At the suggestion of some of your friends, in consideration of your numbers we have determined to add \$25,000 to your location fund. Now we will give you the total amount upon paper & you must regard it as the final proposition, from which we will not vary.

Cadotte Intpt.

Agent Gilbert. Now my friends, I have a word to say to you. I will give you these propositions in writing so that you can have them to look at. I have always told you that your great father would be liberal with you, but I must say, & I say it in candor, that he proposes more than I expected. His proposition amounts to within a small sum of what you put upon your paper. Now there is no reason why we shall not go on upon this basis & close our business. Now, do you want more time to counsel, or do you wish to proceed at once with the business? There is a difference of \$30,000 between your proposition & ours. You claim \$100,000 for the improvement fund, that is too much. It is neither legal or equitable for no such amount is due, & the Commissioner is actually giving you more than is legally due. In coming to a conclusions on the details of the expenditure of these sums, all the Commissioner desires is to act for your good.

[p.52]

The Government must pay the money at all events, & only desires you to dispose of it for the best. In all your deliberations I want you to take good care of that little swan, Was-son told us about. He has grown so big

since Saturday that he brings you dollars instead of cents.

Cadotte Intpt.

Com Manypeny [sic] Since this Council commenced Indians have been to see me on a matter we may as well talk about now. It seems that there are persons, who have given you credits. I have heard but little talk about it. A few enquiries only have been made of me. Now it is clearly the duty of all persons to pay their debts. & you should endeavor to get into the way of paying them as white men do— each paying his own debts. I do not know what claims exist against you, but I say at once that I will not make any provision in the Treaty for them. The Senate of the U.S. has by resolution expressed its disapprobation of the policy allowing claims in Indian treaties. While that is far from saying to you that you need not pay your debts, it says to me that I shall not insert such provisions in treaties. You must be left as citizens of Michigan to arrange these matters in your own way— & I advise you, if you wish to be civilized & to prosper to pay each one of you all that you owe.

John Johnson Intpt.

[p.53]

Afternoon Session

2. A.M. [sic] All present.

As.sa.gon. Father, we have considered your proposals of this morning. We have considered that the present generation have been reaping the benefits of this treaty this twenty years, we must not therefore forget

the generations that are to succeed us. Now that we have heard from you all that is due to us, all that we ask is the interest on the principal, without disposing of any part of the principal. We wish to draw the interest only I speak for all the chiefs [sic] present.

Cadotte Intpt.

Agt Gilbert. We understand that it your desire so to arrange your affairs here that you may attain to the civilization & citizenship of the whites. Now while I deem it desirable that you shall not waste this money, I want you to reflect that just so long as you leave a fund in the hands of the U.S. you are & will be considered a distinct people. The sooner you break down the barriers between you & the whites, the sooner you will become one people. This both you & the whites desire. Besides it as object for government (for it costs a great deal to manage your affairs) to have you civilized citizens of the State— taking care of yourselves. And that is one object of calling you here. Your Great father is a good father, willing to aid you to the extent of his power but it will be a strange thing if the time can

[p.54]

never come, when you may run alone. Among the whites, when a man has children the time comes, or is supposed to come, when they know enough to take care of themselves. So it is with you. We think you should be restricted in the full care of this land & money for a few years, yet we think that the time will shortly come, when you can take care of them for yourself. Now though we advise you to take care of the little swan, we want you to remember that by & by he will get so old that he will not pay for keeping. The

government is willing to take care of your property; but if you improve for the next twenty years as fast as you have during the last five, I tell your great father that you can take care of it as well for yourselves, as he can for you. So that I think we must fix a time, when your connection with the U.S. shall cease. Now I make this proposition to you, that the U.S. pay you the interest of your money for ten years, besides \$10,000 per yr of the principal. Then in addition to that \$200,000 will be due to you at the end of ten years, & that at that time the whole amount be paid to you— unless the Indians & the President think it better to extend the time further. That will be a subject for agreement at that time. That will give you an annuity for ten years, which will average about \$23,000 per yr.

Cadotte Intpt.

Hon David Stuart on behalf of debt claimants asks until tomorrow to pre=

[p.55]

sent an argument in support of claims. Mr Stuart explained that he appeared on behalf of persons parties to the arbitrations bonds, under which the debt fund was extended in 1851. who had received but 73 or 74 cents on the dollar - also on the part of Messrs Wendell of Macinac, who were not parties to those bonds—

He remarked that he knew there was feeling in the minds of most persons, perhaps in the mind of the Commissioner against claims & claimants of this kind, but he thought he could present a legal

argument which would convince the Commissioner of the justice of these claims.

Com Manypeny [sic]. I wish to reply to something Mr Stuart has said. & I wish it interpreted. A suggestion has been made by him that an argument be heard by us in favor or providing by treaty for paying your debts. & among them the balance due on the amounts allowed under the arbitration bonds of 1851. & also the claim of Messrs Wendell. We are asked to wait until tomorrow & see what is the legal position of these debts. I remark generally that none of the Indians have made applications of this kind to me. I have already expressed my objection to inserting any such provision in the treaty. & I do not propose to change my mind in anything I am going to say to you. We will continue our business & if in the morning counsel for these gentlemen still desire to be heard, we will hear them. Perhaps it will be better for all that they shall be

[p.56]

heard. We will now be pleased to hear your views on the proposition Mr Gilbert made you. I do not wish your minds to be disturbed, or distracted from your business by these debt matters. It is natural that gentlemen having claims should desire to have them paid. Yet I do not want you to feel that my mind is to be easily changed on this point or that we will sanction anything that will injure your interests. Now let us go on with business.

Cadotte Intpt.

As-sa-gon. Our Father, our minds have been a little troubled. Now since our little swan is to live ten years & not diminish by age, we wish you to feed him, & are willing to take the interest & the \$10,000 for ten years. And we wish you in the meantime to take good care of the swan, so that we shall find him in good order.

John Johnston Intpt.

Agt Gilbert. Do you want to say anything about your educational fund, blacksmith fund, or location fund? Let us commence with your educational fund.

John Johnston Intpt.

As.sa.gon. My father in the treaty of 36, you appropriated a certain amount for a school fund. I suppose you have since used it— given it to our school masters.

[p.57]

But here are your children whom you might expect to be benefitted by it. Here are boys, who have not learnt enough from those school masters to say in English “give me a drink of water.” It is our desire that when you come around to pay our annuities you will bring the school money with you, so that we can pay it ourselves. We want to hire our own school masters & then if they do not suit us, we can send them away.

J. Johnson Intpt.

Agent Gilbert. The suggestion you make has been considered, & there will be a change in the manner of expending the school fund. Hereafter it will be expended

under the direction of the President with your concurrence & only such teachers will be employed as are acceptable to you. While it is not now, proper, prudent, or just that we shall give up the control of this fund, yet we will so frame the treaty that your concurrence shall be necessary, & your wishes consulted. In regard to the amount of \$75,000 for location purposes, the Commissioner is of opinion that it better be paid to you in five equal annual installments of \$15,000 each.

John Johnson Intpt.

Adjourned.

[p.58]

July 31st, 1855
9 A.M. All present.

Hon David Stuart counsel for debt claimants appeared & asked leave to present argument— Granted.

As-sa-gon. Father we think it better to retire from, the room until your white children conclude their business.

J. Johnston Intpt.

Com Manypeny. I see no propriety in your retiring. Indeed I prefer & insist that you shall remain. It is better that you so well as I shall listen to all that is said for it relates to your interest. I wish you now to listen to what I have to say, to get into your ears & keep it there. We have been talking about our business for several days & have at last come to understand each other. Now, if suggestions are made to you,

I dont care who by, whether they are good or bad. I think you will still see that you can trust me in the position I am in. & hope that you will remember that it is you & I who are doing the business & no one else. Therefore do not be disturbed in your minds. For it will be vain & idle to endeavor to change me, in regard to your future interests, by any operations, which shall go on here. We will now hear the argument of Counsel for these gentlemen, who think their rights should be provided for in this treaty, & when their argument is determined we will endeavor to

[p.59]

consider it fairly & justly.

John Johnston Intpt.

Hon David Stuart on behalf of Messrs Wendell of Macinac, & claimants parties to the debt arbitration bond of 1851, submitted the following points.

1st It is best for the morality of the Indians that their debts should be paid by Government

2d That not to pay them will impede their civilization—cause prejudice on the part of the whites against them, & subject them to infinite harassing law suits.

3d That a portion of the surplus debt fund appropriated by the Treaty of 1836, was misapplied by Government—as there is nowhere any evidence of a request on the part of the Indians that it shall be used—& being so misapplied—it is in law, still in the hands of Government & ought to be applied to paying claims against the Indians.

4th The Indians themselves desire their debts provided for.

Com Manypeny. [sic] These claims in the arbitration bond did not exist in 1836— It occurs to me from all that appears in the bonds themselves, that the Indians & claimants parties to them understood that there was not enough left of the fund to pay the whole amount. Hence there would seem to have been an understanding upon both sides that there was a portion of this fund

[p.60]

disposed of. The secretary of War concurred in the opinion of the Commissioner that there was no authority to invest the fund; yet he acknowledges that it was exceedingly proper to invest it. & this has frequently been done. It has been decided by Attorney Generals that it is no violation of treaties to invest in this manner. My view of the case is this, that if the Government has not managed this trust fund properly, your clients must go to the national Treasury with their claims.

John. Johnson Intpt.

Afternoon

2. A.M. [sic] All present.

Agent Gilbert. reads & explains the treaty.

John Johnston Intpt.

Pay.bah.me.say. My father, we did not understand these things so before. I have reference to the \$30,000 for our \$17.00 permanent annuity. We thought that it was like a river dammed. That it must run over forever. We dammed up all time with this \$17.00. My

chiefs [sic] & headmen desire that you will continue that \$17.00 one hundred years.

John Johnston Intpt.

Agt Gilbert. I have a few words to say to you in regard to that matter. The proposition to leave this matter open, when we are settling all other matters is one I cannot listen to. 1st because at the end of Ten years other matters, except the payment of \$200,000 will cease

[p.61]

Now if we accede to his proposition at the end of that time, this \$17.00 permanent annuity will be all that will remain between them & the U.S. There are 12, or 13,00 of the Ottawas & Chippeways, for the U.S. to keep up this agency for the mere purpose of paying \$17.00 per capita, will be of great expense to the Government & little benefit to the Indians.

And this annuity, which will amount to but \$1,60 per head, will grow smaller & smaller, if you increase in numbers. Now we propose to pay you this \$30,000, which we think the fair value of it. You need it now to enable you to get on to your locations; but after ten years, it will be of no earthly use to you or your children.

Again, though your treaty provides that this annuity shall be forever, yet like all annuities for an indefinite time, it will cease, whenever you become citizens of the U.S. There is no other way to get along with this matter. The time must come, when you will be

citizens, & then, without anything being done, you will loose this annuity.

I now say to you that inadvertently we forgot to say that about 5 boxes more should be added to the \$30,000 for interest, which we will now put into the treaty.

John Johnson Intpt.

Pay,bah-me-say. Father, I think I understand your answer very well; but our cheifs [sic] & young men are not yet satisfied. They wish still to hold to what our fathers got for us. We always understood that our great

[p.62]

father is a good kind father. & that whatever took place between him & our fathers should last just as they made it.

John Johnson Intpt.

Com Manypeny. [sic] This proposition, my friends, is made for your good. It was accepted & you handed us a paper in which you agreed to take less than we give you. Now I cant see why you have changed your minds & however good the advice may be under which you now act, still it seems to me best for you to accept our proposition on this point. That \$17.00 was granted to your band & when your band dies, as it must when you become citizens, it will die with it. I cannot understand why you interpose this objection. If you want to advance in civilization, if you want to be like other citizens, why entail this petty annoyance upon

yourselves of going after an annuity, so small that it will not pay you the trouble of getting it. If you keep this annuity for your children, it will be worthless to them. I hope you will not delay longer at this point. All we desire is your good.

John Johnson Intpt.

Jackson. I wish my father would set aside an amount in the treaty to send some of our boys to college. We want to send them to your big schools so that they can learn.

John Johnson Intpt.

Agt Gilbert. The desire for education is a laudable one; but the amount already appropriated is larger by \$40,000 than the In=

[p.63]

dians were willing to take. By this treaty you have for educational purposes more in proportion to your numbers than we, whites have, & it is to be appropriated as you please. Now my friends the treaty is drawn ready for your signatures. It is drawn strong. It does justice to you. If I thought it did not I would not sign my name to it. & I say to you, that now I am proud to sign & regard my participation in it as one of the greatest & best acts of my life. Now let the chiefs [sic] sign. Waw-be-geeg—

John Johnston Intpt.

Waw-be-geeg. My Father, listen to the few words I have to say, not only me, but all the Chippeways. We

have listened to your treaty & understand it. When we sold our lands I was there. When I sold that land you asked me. I sold you what you wanted. You told us that at the end of a certain time we should have a large council again—were we should see as much, probably more money than we saw then. When we heard of this Council, we gathered together & said, now is the time, we shall see that money. I did not come here merely to sign a piece of paper, I came to get money. As I said, we gathered & were prepared before we came. And it was my desire to leave a part of this money in your hands & to take a part home with us. My father, it was not my expectation that I should come here & merely eat your provisions, & this idea that I shall go home without a cent does not please me. My father

[p.64]

I will tell you our customs, where we come from. If we owe a man we pay him, if he owes us he must pay us. That is what we expect you to do. I don't want my father to understand that I want all he owes me. I want to place a few shillings only in my pocket. You laid aside a large amount of money in 36 for education, but it has done us no good. I think you employ so many teachers in different parts, that you do not get the best. I think we had best have a few & better teachers. Many of those you employ wear very fine clothes & don't seem to like the little Indians near them. Our children go to school a little while & come right home again. A child cant learn in that way. Where we come from we live like you do. We have a church & a

schoolhouse. Now we want a bell for our church, something that will sound through the woods & weigh 600 cwt.

John Johnson Intpt.

Com Manypeny. [sic] I am sorry Waw-be-geeg has said what he has. Heretofore he has talked like a sensible man—to day he has spoken like a silly one. During the discussion of all these matters he has approved of the propositions of the treaty. In his talk just now he has assumed positions that are not true in regard to the treaty of 1836. Yesterday he concurred with the Ottawas that all the money should be appropriated as is stipulated in the treaty. The Indians were not invited here to receive a payment

[p.65]

under this treaty. This treaty is for the permanent benefit of you & your children & we have not talked of its provisions with a forked tongue. We have talked one way all the time. It is now ready for your signatures. There is no use of getting up these discussions at this time. They are all vain & idle, & will not influence me from first to last.

John Johnson Intpt.

Waw.be.geeg. I have a word more to say. I understand myself in this way. I thought you understood me. I found my brothers the Ottawas were not satisfied & I told you there were more hearts & tongues & eyes, & minds among them than there are among us, & that I would stand aside until they spoke. I told you when I first came that I wanted to be seperated from the

Ottawas. & you have not answered me. We have sat here & heard you talk to the Ottawas while you paid no attention to us.

John Johnson, Intpt.

Com Manypeny. [sic] Under the provisions of this treaty you will get your share of the money. The very case you suggested is met in the treaty— You are seperated as you desire. This treaty you & the Ottawas must sign together because the old treaty of 36 was made in that way; but here we have followed your suggestion & provide that the money shall be paid to the different bands & that a general coucil [sic] shall be called.

John Johnson Intpt.

[p.66]

O.shaw.wa.nah. You have listened with patience & I know you must be fatigued. We know that we came here to meet you & to settle; & that its your business here to listen to us. & that you are glad to listen to us. I will sign your treaty; but I do not want to go West of the Mississippi. I trust to your justice that this treaty is all that it is explained to be.

John Johnson Intpt.

Treaty signed
Adjourned.
August 1st 1855.
9 A.M. All present.

Com. Manypeny. [sic] Brothers I am glad to see you this morning. You all look as if you was in health & your faces seem full of contentment. Yesterday morning As-sa-gon suggested that the Indians should leave the room, while the whites were transacting their business. I suggested to them that it was better for you to remain. Parties, who claimed to have some rights & demands against you desired to be heard. We listened [sic] to the arguments & suggestions of their counsel & determined the matter as the Indians already understand. We decided, or rather adhered to a decision we had made previously, to make no provision in the treaty for claims. Without attempting to enter into a discussion of these claims, for I do not desire

[p.67]

to disparage them, I felt bound under the expression of the opinion of the Senate, as part of the treaty making power, not to provide for them. I felt that I could not tamper with the subject— that henceforth in treaties, in all treaties this kind of thing must cease. Although there may be cases of hardship, & undoubtedly are, yet ultimately it will be as much for the benefit of the traders, as of the Indians. I do not believe, as the Counsel suggested yesterday, that I am prejudiced against Indian traders. I believe that they are like all men - some honest, some dishonest, as in any other pursuit of life - that there are all kinds of persons among them. The system is what I war at & shall war at so long as I have anything to do with Indian affairs. While it is permitted for men, who hold debts against Indian tribes to come to the treaty table, after they have between treaties, for years moulded individuals

to their wishes, given out large credits, & laid a foundation to control the Indians in their negotiations with government, the influence is, & must even be corrupting, incompatible with the free action of the Indians & fatal to their best interests. And this can only be cut off by throwing the Indian trader upon the same dependence as the whites. that is upon the person, who individually contracts the debt. Then it will be the interest of the trader to make the Indian, prompt & honest in business; now, if we allow the claim it is his interest to make him just the other way. I might go into specifics

[p.68]

tions of these corrupting influences; but it will do no good. It will only cause grief [sic] & pain that such things have been & the more plainly impress the necessity [sic] of cutting off their source. I repeat that you know the decision we came to yesterday - not to put any clause into this treaty concerning any claims, real or imaginary. Now in the argument here yesterday it was stated by counsell [sic] that all the Indians were in favor of a provision for the claims which he represented - those of Messrs Wendell of Mackinac & ~~these of~~ those of the parties to the arbitration bonds of 1851. & I was requested to poll the Indians present as to their wishes, which I declined to do. I stated then, that after this treaty was signed I had no objection to the Indians expressing their views on this point. And I feels it due to all parties that the mind of the Indians should be spoken. Now let the Indians listen attentively, because I want the question fairly understood, & fairly answered. If you desired 50 boxes to be appropriated to pay these claims that I have mentioned, say

so & I will take all the consequences of my stubbornness. If you agree with me, say so. I want this matter fairly understood.

John Johnston Intpt.

As.sa.gon. My Father, I will state to you the opinion & the view of all present. We have listened to you & think we understand you. I now repeat to you this wish of all your children. It is twice within my memory

[p.69]

that the Indians have well treated their traders. We do not wish any such transaction now & all we have left at home are of our opinion. We think you have done right. My father, perhaps you think that what I have said is not the mind of all your children. Now I bid them to stand up, if I speak their minds.

(All the Indians present arise)

John Johnson Intpt.

Com Manypeny. [sic] Then I understand that it is not your desire to pay the 50 boxes for these claims.?

(general assent)

John Johnson Intpt.

Com Manypeny. [sic] Now, my friends I hope that this will be taken as an expression of the opinion of this people. I am often attacked at Washington for my course in regard to Indian debts. You see this expression is without procurement of mine, & that I really have consulted the wishes of the Indians.

Now I say to the Indians that it is sometimes said I teach them to be dishonest—not to pay their debts; I mean no such thing. When an Indian gets his annuity, or sells his crops, I want him to put his money into his pocket & save it like a white man. & when he wants something that is useful, necessary [sic] to his support, to go to the mechanic or trader & pay for it. Indians ought to do in this way. They should buy only what is useful. Never buy fire water or deal with a man, who sells it. Fire water,

[p.70]

why there aint a poney [sic] on your prairies that will drink it yet Indians & white men drink it— I am ashamed that either of them do so; but from articles of necessity (& your wants should increase as you advance in civilization, until by & by you will need houses as large as the whites) for such articles, if you run in debt you must pay each for himself, & be sure to pay, & not expect your friends, & relations, your tribe or the rest of your band to pay for you. With one remark I close. Unfortunately the ways of the Indians have been perverse in clinging to old customs. You do not read & write all of you. I wish you all could. I should not be astonished, if before or after you go home, papers should be presented to you to sign. Now, as you do not all of you read & write, you cannot all understand, what is in these papers. My advice to you is to let your Agent see these papers before you sign them; because papers sometimes give the Indians trouble, when they sign them. Do you understand my suggestion? I may as well remark further that I have understood that a paper has been presented to some of the cheifs [sic], with a suggestion that I desired you

to sign it. My advice is, hands off. I have desired nothing of the kind. If you want to sign papers go to your father here & take his advice about them.

John Johnston Intpt.

Agt Gilbert. Now, my children, we have got about through with our business. As long

[p.71]

as I continue your agent, it will be my aim to carry out the provisions of this treaty faithfully. & it would have greived [sic] me exceedingly if I had been call upon to execute a treaty illiberal to you. but in regard to this I feel very differently. There is not one of you - not one of those you have left at home, who feels more heartily glad than I do at the liberality of its provisions. In carrying out this treaty I wish you to come to me frankly and freely for advice. & I will endeavor always to advice [sic] you for the best. I have only one word more to say & that is, that it is a matter of importance to the Cheboygan band & those who reside on Grand River to select their lands at once, so that proper tracts may be withdrawn from sale. That is a matter for you to attend to. My advice to you, is to get some friend to go with you to the land office & get maps of the Townships for you & you will find out exactly what the land is, how much is sold, & what belongs to the State.

You told us yesterday that you wished to go home & have some money to show to the children. Now your great father send us just enough to pay our expenses. And the time has long since gone by, when your great father sent his agents to the Indians with a great pile

of goods or of money to spread before them as inducements to sign treaties their judgments do not approve. Your great father, justly thinks that your treaties ought to be signed because they are right, & not for money.

[p.72]

It is a thing I am proud of in this treaty, that no such inducement has been held out. Before I came in this morning I estimated your expenses & find that your great father has sent a little more than money enough. As he is not anxious to get it back, I will divide it among you.

John Johnson Intpt.

Shaw-an-nah. I wish to say a few words more. When we came here this council seemed like a cloud. We followed it fearful of what it would bring forth. Now we find that it is not full of storms; but only casts a pleasant shade.

We are satisfied with what is done. We wish you to carry out the treaty as it is made. We believe it to be good. We wish not only a rope to our lands - but a forked rope, which is attached to all our interests so that you can hold on to it. This treaty is of great importance to us & our children, & we trust you to carry it out faithfully.

John Johnson Intpt.

Com Manypeny. [sic] My friends we have concluded our business & nothing remains but to adjourn. I hope we have made a treaty which will redound to your

lasting good. You may rely upon your great father to carry out its provisions; but I advise you to rely upon that greater Father who is above us all, & who will always sustain & care for you.

John Johnston Intpt.

[p.73]

J.L.Chipman, here addressed the Council.

J. Johnston Intpt.

As-sa-gon. The treaty is signed & we are satisfied. Our father has been liberal with us. All we now hope is that the treaty will be honestly executed.

John Johnston Intpt.

Pay.bah.me.say. Our father, is not aware how grateful we are today. We are glad because of his kindness. When we started here, we were like travellers [sic] on a log. We knew not when we might fall off, or where the end of it was; but we find we have not fallen off, or reached the end of it. Instead of darkness, we find the bright light. We find your advice good. That we should be christians, civilized & educated & honest, is good. We will not forget it. We will tell it to those we have left at home. But our traders are dissatisfied. I should not wonder if they put their hands on us before we leave the city. I do not think this is right. My brother chiefs [sic] have settled the matter, & there is no hole left in the bag for a little spill out to the trader. We wish you to say to our great Father at Washington, that we would like him to investigate the debts that hang over us, so that we shall feel easier. You tell us

not to cheat each other, to live in peace,- that is an old rule - it was the rule when Christ was on earth. We are like a family. If any are wrong the father must know it. If any of us are wrong, we will come to you.

John Johnson Intpt.

[p.74]

Pay.bah.me.say. I wish to ask further, if you will give us any of those interests mentioned in the treaty this fall or in the spring?

John Johnson Intpt.

Com Manypeny. [sic] The treaty cannot be ratified until the great Council meets at Washington next winter—consequently no payments will be made under it before spring.

John Johnson Intpt.

Was.son. We would like our great father to investigate & pay the claim of our young friend Mr Wendell. He has been very honest with us.

John Johnson Intpt.

Agent Gilbert, If nothing more is to be said, the Council is now adjourned sine die.

John Johnson Intpt.

Finis

J Logan Chipman
Secretary.

[Treaty of Washington, March 28, 1836, 7 Stat. 491]

[Page 491]

ARTICLES OF A TREATY

Made and concluded at the city of Washington in the District of Columbia,^A between Henry R. Schoolcraft, commissioner on the part of the United States, and the Ottawa and Chippewa nations of Indians, by their chiefs and delegates.

ARTICLE FIRST.^B The Ottawa and Chippewa nations of Indians cede to the United States all the tract of country within the following boundaries: Beginning at the mouth of Grand river of Lake Michigan on the north bank thereof, and following up the same to the line called for, in the first article of the treaty of Chicago of the 29th of August 1821,^C thence, in a direct line, to the head of Thunder-bay river, thence with the line established by the treaty of Saganaw of the 24th of September 1819, to the mouth of said river, thence northeast to the boundary line in Lake Huron between the United States and the British province of Upper Canada, thence northwestwardly, following the said line, as established by the commissioners acting under the treaty of Ghent, through the straits, and river St. Mary's, to a point in Lake Superior north of the mouth of *Gitchy Seebing*, or Chocolate river, thence south to the mouth of said river and up its channel to the source thereof, thence, in a direct line

^A March 28, 1836. Proclamation, May 27, 1836.

^B Cession of land to the U. S.

^C Ante, p. 218.

to the head of the *Skonawba* river of Green bay, thence down the south bank of said river to its mouth, thence, in a direct line, through the ship channel into Green bay, to the outer part thereof, thence south to a point in Lake Michigan west of the north cape, or entrance of Grand river, and thence east to the place of beginning, at the cape aforesaid, comprehending all the lands and islands, within these limits, not hereinafter reserved.

ARTICLE SECOND.^D From the cession aforesaid the tribes reserve for their own use, to be held in common the following tracts, namely: One tract of fifty thousand acres to be located on Little Traverse bay: one tract of twenty thousand acres to be located on the north shore of Grand Traverse bay, one tract of seventy thousand acres to be located on, or, north of the *Pieire Marquette* river, one tract of one thousand acres to be located by Chingassanoo,—or the Big Sail, on the Cheboigan. One tract of one thousand acres, to be located by Mujeekeewis, on Thunderbay river.

ARTICLE THIRD.^E There shall also be reserved for the use of the Chippewas living north of the straits of Michilimackinac, the following tracts, that is to say: Two tracts of three miles square each, on the north shores of the said straits, between *Point-au-Barbe* and *Mille Coquin* river, including the fishing grounds in front of such reservations, to be located by a council of the chiefs. The Beaver islands of Lake Michigan for the use of the Beaver-island Indians. Round island, opposite Michilimackinac, as a place of encampment

^D Reservations in common.

^E Reservations for Chippewas.

for the Indians, to be under the charge of the Indian department. The islands of the *Chenos*, with a part of the adjacent north coast of Lake Huron, corre-

[Page 492]

sponding in length, and one mile in depth. Sugar island, with its islets, in the river of St. Mary's. Six hundred and forty acres, at the mission of the Little Rapids. A tract commencing at the mouth of the *Pissisowining* river, south of Point Iroquois, thence running up said stream to its forks, thence westward, in a direct line to the Red water lakes, thence across the portage to the Tacquimenon river, and down the same to its mouth, including the small islands and fishing grounds, in front of this reservation. Six hundred and forty acres, on Grand island, and two thousand acres, on the main land south of it. Two sections, on the northern extremity of Green bay, to be located by a council of the chiefs. All the locations, left indefinite by this, and the preceding articles, shall be made by the proper chiefs, under the direction of the President. It is understood that the reservation for a place of fishing and encampment, made under the treaty of St. Mary's of the 16th of June 1820, remains unaffected by this treaty.^F

ARTICLE FOURTH.^G In consideration of the foregoing cessions, the United States engage to pay to the Ottawa and Chippewa nations, the following sums, namely. 1st. An annuity of thirty thousand dollars per annum, in specie, for twenty years; eighteen thousand

^F Ante, p. 206.

^G Payments to be made to the Indians.

dollars, to be paid to the Indians between Grand river and the Cheboigun; three thousand six hundred dollars, to the Indians on the Huron shore, between the Cheboigan and Thunder-bay river; and seven thousand four hundred dollars, to the Chippewas north of the straits, as far as the cession extends; the remaining one thousand dollars, to be invested in stock by the Treasury Department and to remain incapable of being sold, without the consent of the President and Senate, which may, however, be given, after the expiration of twenty-one years. 2nd. Five thousand dollars per annum, for the purposes of education, teachers, school-houses, and books in their own language, to be continued twenty years, and as long thereafter as Congress may appropriate for the object. 3rd. Three thousand dollars for missions, subject to the conditions mentioned in the second clause of this article. 4th. Ten thousand dollars for agricultural implements, cattle, mechanics' tools, and such other objects as the President may deem proper. 5th. Three hundred dollars per annum for vaccine matter, medicines, and the services of physicians, to be continued while the Indians remain on their reservations. 6th. Provisions to the amount of two thousand dollars; six thousand five hundred pounds of tobacco; one hundred barrels of salt, and five hundred fish barrels, annually, for twenty years. 7th. One hundred and fifty thousand dollars, in goods and provisions, on the ratification of this treaty, to be delivered at Michilimackinac.

ARTICLE FIFTH.^H The sum of three hundred thousand dollars shall be set apart for the payment of

^H Payment of claims against the Indians.

just debts against the said Indians. All claims for such debts shall be examined by a commissioner to be appointed by the President and Senate, who shall act under such instructions as may be given to him, by the order of the President, for the purpose of preventing the allowance of unjust claims. The investigation shall be made at Michilimackinac, and no claims shall be allowed, except such as were contracted by Indians living within the district of country hereby ceded, and to citizens or residents of the United States. No claim shall be paid out of this fund unless the claimant will receive the sum allowed to him, as full payment of all debts, due to him by the said Indians. If the fund fall short of the full amount of just debts, then a ratable division shall be made. If it exceed such amount, the balance shall be paid over to the Indians, in the same manner, that annuities are required by law to be paid.

[Page 493]

ARTICLE SIXTH.¹ The said Indians being desirous of making provision for their half-breed relatives, and the President having determined, that individual reservations shall not be granted, it is agreed, that in lieu thereof, the sum of one hundred and fifty thousand dollars shall be set apart as a fund for said half-breeds. No person shall be entitled to any part of said fund, unless he is of Indian descent and actually resident within the boundaries described in the first article of this treaty, nor shall any thing be allowed to any such person, who may have received any allowance at any previous Indian treaty. The following principles, shall regulate the distribution. A census shall be

¹ Provision for half-breeds, &c.

taken of all the men, women, and children, coming within this article. As the Indians hold in higher consideration, some of their half-breeds than others, and as there is much difference in their capacity to use and take care of property, and, consequently, in their power to aid their Indian connexions, which furnishes a strong ground for this claim, it is, therefore, agreed, that at the council to be held upon this subject, the commissioner shall call upon the Indian chiefs to designate, if they require it, three classes of these claimants, the first of which, shall receive one-half more than the second, and the second, double the third. Each man woman and child shall be enumerated, and an equal share, in the respective classes, shall be allowed to each. If the father is living with the family, he shall receive the shares of himself, his wife and children. If the father is dead, or separated from the family, and the mother is living with the family, she shall have her own share, and that of the children. If the father and mother are neither living with the family, or if the children are orphans, their share shall be retained till they are twenty-one years of age; provided, that such portions of it as may be necessary may, under the direction of the President, be from time to time applied for their support. All other persons at the age of twenty-one years, shall receive their shares agreeably to the proper class. Out of the said fund of one hundred and fifty thousand dollars, the sum of five thousand dollars shall be reserved to be applied, under the direction of the President, to the support of such of the poor half breeds, as may require assistance, to be expended in annual instalments for the term of ten years, commencing with the second year. Such of the half-breeds, as may be judged incapable of making a proper use of the money, allowed

them by the commissioner, shall receive the same in instalments, as the President may direct.

ARTICLE SEVENTH.^J In consideration of the cessions above made, and as a further earnest of the disposition felt to do full justice to the Indians, and to further their well being, the United States engage to keep two additional blacksmith-shops, one of which, shall be located on the reservation north of Grand river, and the other at the *Sault Ste. Marie*. A permanent interpreter will be provided at each of these locations. It is stipulated to renew the present dilapidated shop at Michilimackinac, and to maintain a gunsmith, in addition to the present smith's establishment, and to build a dormitory for the Indians visiting the post, and appoint a person to keep it, and supply it with fire-wood. It is also agreed, to support two farmers and assistants, and two mechanics, as the President may designate, to teach and aid the Indians, in agriculture, and the mechanic arts. The farmers and mechanics, and the dormitory, will be continued for ten years, and as long thereafter, as the President may deem this arrangement useful and necessary; but the benefits of the other stipulations of this article, shall be continued beyond the expiration of the annuities, and it is understood that the whole of this article shall stand in force, and inure to the benefit of the Indians, as long after the expiration of the twenty years as Congress may appropriate for the objects.

^J Two additional blacksmiths, &c.

[Page 494]

ARTICLE EIGHTH.^K It is agreed, that as soon as the said Indians desire it, a deputation shall be sent to the west of the Mississippi, and to the country between Lake Superior and the Mississippi, and a suitable location shall be provided for them, among the Chippewas, if they desire it, and it can be purchased upon reasonable terms, and if not, then in some portion of the country west of the Mississippi, which is at the disposal of the United States. Such improvements as add value to the land, hereby ceded, shall be appraised, and the amount paid to the proper Indian. But such payment shall, in no case, be assigned to, or paid to, a white man. If the church on the Cheboigan, should fall within this cession, the value shall be paid to the band owning it. The mission establishments upon the Grand river shall be appraised and the value paid to the proper boards. When the Indians wish it, the United States will remove them, at their expence, provide them a year's subsistence in the country to which they go, and furnish the same articles and equipments to each person as are stipulated to be given to the Pottowatomies in the final treaty of cession concluded at Chicago.^L

ARTICLE NINTH.^M Whereas the Ottawas and Chippewas, feeling a strong consideration for aid rendered by certain of their half-breeds on Grand river, and other parts of the country ceded, and wishing to testify their gratitude on the present occasion, have

^K Locations to be sought for; payment for improvements, &c.

^L Ante, p. 431.

^M Payment to half-breeds in lieu of reservations.

assigned such individuals certain locations of land, and united in a strong appeal for the allowance of the same in this treaty; and whereas no such reservations can be permitted in carrying out the special directions of the President on this subject, it is agreed, that, in addition to the general fund set apart for half-breed claims, in the sixth article, the sum of forty-eight thousand one hundred and forty-eight dollars shall be paid for the extinguishment of this class of claims, to be divided in the following manner: To Rix Robinson, in lieu of a section of land, granted to his Indian family, on the Grand river rapids, (estimated by good judges to be worth half a million,) at the rate of thirty-six dollars an acre: To Leonard Slater, in trust for Chiminonoquat, for a section of land above said rapids, at the rate of ten dollars an acre: To John A. Drew, for a tract of one section and three quarters, to his Indian family, at Cheboigan rapids, at the rate of four dollars; to Edward Biddle, for one section to his Indian family at the fishing grounds, at the rate of three dollars: To John Holiday, for five sections of land to five persons of his Indian family, at the rate of one dollar and twenty-five cents; to Eliza Cook, Sophia Biddle, and Mary Holiday, one section of land each, at two dollars and fifty cents: To Augustin Hamelin junr, being of Indian descent, two sections, at one dollar and twenty-five cents; to William Lasley, Joseph Daily, Joseph Trotier, Henry A. Levake, for two sections each, for their Indian families, at one dollar and twenty-five cents: To Luther Rice, Joseph Lafrombois, Charles Butterfield, being of Indian descent, and to George Moran, Louis Moran, G. D. Williams, for half-breed children under their care, and to Daniel Marsac, for his Indian child, one section each, at one dollar and twenty-five cents.

ARTICLE TENTH.^N The sum of thirty thousand dollars shall be paid to the chiefs, on the ratification of this treaty, to be divided agreeably to a schedule hereunto annexed.

ARTICLE ELEVENTH.^O The Ottowas having consideration for one of their aged chiefs, who is reduced to poverty, and it being known that he was a firm friend of the American Government, in that quarter, during the late war, and suffered much in consequence of his sentiments, it is agreed, that an annuity of one hundred dollars per annum shall be paid to Ningweegon or the Wing, during his natural life, in money or goods, as he may choose. Another of the chiefs of said nation, who

[Page 495]

attended the treaty of Greenville in 1793, and is now, at a very advanced age, reduced to extreme want, together with his wife, and the Government being apprized that he has pleaded a promise of Gen. Wayne, in his behalf, it is agreed that Chusco of Michilimackinac shall receive an annuity of fifty dollars per annum during his natural life.

ARTICLE TWELTH.^P All expenses attending the journies of the Indians from, and to their homes, and their visit at the seat of Government, together with the expenses of the treaty, including a proper quantity

^N Payment to chiefs.

^O Annuities to two aged chiefs.

^P Expenses of this treaty to be paid by U.S.

of clothing to be given them, will be paid by the United States.

ARTICLE THIRTEENTH.^Q The Indians stipulate for the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement.

In testimony whereof, the said Henry R. Schoolcraft, commissioner on the part of the United States, and the chiefs and delegates of the Ottawa and Chippewa nations of Indians have hereunto set their hands, at Washington, the seat of Government, this twenty-eighth day of March, in the year one thousand eight hundred and thirty-six.

HENRY R. SCHOOLCRAFT.

Oroun Aishkum, of	Kawgayosh, of Sault Ste.
Maskigo,	Marie, by Maidosagee,
Wassangazo, of do.	Apawkozigun, of L'Arbre
Osawya, of do.	Croche,
Wabi Windego, of Grand	Keminitchagun, of do.
river,	Tawaganee, of do.
Megiss Ininee, of do.	Kinoshamaig, of do.
Nabun Ageezhig, of do.	Naganigobowa, of do.
Winnimissagee, of do.	Oniasino, of do.
Mukutaysee, of do.	Mukuday Benais, of do.
Wasaw Bequm, of do.	Chingassamo, of do.
Ainse, of Michilimackinac,	Aishquagonabee, of Grand
Chabowaywa, of do.	Traverse,
JawbaWadick, of Sault	Akosa, of do.
Ste. Marie,	Oshawun
Waub Ogeeg, of do.	Epenaysee, of do.

^Q Right of hunting on lands ceded.

John Hulbert, Secretary. Lucius Lyon. R. P. Parrott, Capt. U. S. Army. W. P. Zantzinger, Purser U. S. Navy. Josiah F. Polk. John Holiday. John A. Drew. Rix Robinson. Leonard Slater. Louis Moran. Augustin Hamelin, jr. Henry A. Levake. William Lasley. George W. Woodward. C. O. Ermatinger.

To the Indian names are subjoined marks.

Schedule referred to, in the tenth article.

1.^R The following chiefs constitute the first class, and are entitled to receive five hundred dollars each, namely: On Grand river, Mucutay Osha, Namatippy, Nawequa Geezhig or Noon Day, Nabun Egeezhig son of Kewayguabowequa, Wabi Windego or the White Giant, Cawpemossay or the Walker, Mukutay Oquot or Black Cloud, Megis Ininee or Wampum-man, Winnimissagee: on the Maskigo, Osawya, and Owun Aishcum; at L'Arbre Croche, Apawkozigun, or Smoking Weed, Nisowakeout, Keminechawgun; at Grand Traversers, Aishquagonabee, or the Feather of Honor, Chabwossun, Mikenok: on the Cheboigan, Chingassamo, or the Big Sail; at Thunder-bay, Mujeekiwiss; on the Manistic North, Mukons Ewyan; at Oak Point on the straits, Ains: at the Chenos, Chabowaywa: at Sault Ste. Marie, Iawba Wadick and Kewayzi Shawano; at Tacquimenon, Kawgayosh; at Grand Island, Oshawun Epenaysee, or the South Bird.

^R Chiefs entitled to \$500 each.

2.^S The following chiefs constitute the second class, and are entitled to receive two hundred dollars each, namely: On Grand river, Keesha-

[Page 496]

owash, Nugogikaybee, Kewaytowaby, Wapoos or the Rabbit, Wabitouguaysay, Kewatondo, Zhaquinaw, Nawiqua Geezhig of Flat river, Kenaytinunk, Weenonga, Pabawboco, Windecowiss, Muccutay Penay or Black Partridge, Kaynotin Aishcum, Boynashing, Shagwabeno son of White Giant, Tushetowun, Keway Gooshcum the former head chief, Pamossayga; at L'Arbre Croche, Sagitondowa, Ogiman Wininee, Megisawba, Mukuday Benais; at the Cross, Nishcajinee, Nawamushcota, Pabamitabi, Kimmewun, Gitchy Mocoman; at Grand Traverse, Akosa, Nebauquaum, Kabibonocca; at Little Traverse, Miscomamaingwa or Red Butterfly, Keezhigo Benais, Pamanikinong, Paimossega; on the Cheboigan, Chonees, or Little John, Shaweenossegay; on Thunder bay, Suganikwato; on Maskigo, Wassangazo; on Ossigomico or Platte river, Kaigwaidosay; at Manistee, Keway Gooshcum: on river Pierre Markette, Saugima: at Saulte Ste. Marie, Neegaubayun, Mukudaywacquot, Cheegud; at Carp river west of Grand island, Kaug Wyanais: at Mille Cocquin on the straits, Aubunway: at Michilimackinac, Missutigo, Saganosh, Akkukogesh, Chebyawboas.

3.^T The following persons constitute the third class, and are entitled to one hundred dollars each,

^S Chiefs entitled to \$200 each.

^T Chiefs entitled to \$100 each.

namely: Kayshewa, Penasee or Gun lake, Kenisoway, Keenabie of Grand river: Wasso, Mosaniko, Unwatin Oashcum, Nayogirna, Itawachkochi, NanawOgomoo, Gitchy, Peendowan or Scabbard, Mukons, Kinochimaig, Tekamosimo, Pewaywitum, Mudji Keguabi, Kewayaum, Paushkizigun or Big Gun, Onaausino, Ashquabaywiss, Negaunigabowi, Petossegay, of L'Arbre Croche: Poiees or Dwarf and Pamossey of Cheboigan: Gitchy Ganocquot and Pamossegay of Thunder bay: Tabusshy Geeshick and Mikenok, of Carp river south of Grand Traverse; Wapooso, Kaubinau, and Mudjeekee of river Pierre Markuette: Pubokway, Manitowaba, and Mishewatig, of White river: Shawun Epenaysee and Agausgee of Grand Traverse: Micqumisut, Chusco of Mackinac; Keeshkidjiwun, Waub Ojeeg, Aukudo, Winikis, Jaubeens, Maidosagee, Autya, Ishquagunaby, Shanwaygwunabi son of Kakakee, Nittum Egabowi, Magisanikway, Ketekewegauboway, of Sault Ste. Marie: Chegauzehe and Waubudo of Grand island: Ashegons, Kinuwais, Misquaonaby and Mongons of Carp and Chocolate rivers: Gitchy Penaisson of Grosse Tete, and Waubissaig of Bay de Nocquet: Kainwaybekis and Pazhikwaywitum of Beaver islands: Neezhick Epenais of the Ance: Ahdanima of Manistic: Mukwyon, Wahzahkoon, Oshawun, Oneshannocquot of the north shore of Lake Michigan: Nagauniby and Keway Gooshkum of the Chenos.

HENRY R. SCHOOLCRAFT,
Commissioner.

SUPPLEMENTAL ARTICLE.

To guard against misconstruction in some of the foregoing provisions, and to secure, by further limitations, the just rights of the Indians, it is hereby agreed:^U that no claims under the fifth article shall be allowed for any debts contracted previous to the late war with Great Britain, or for goods supplied by foreigners to said Indians, or by citizens, who did not withdraw from the country, during its temporary occupancy by foreign troops, for any trade carried on by such persons during the said period. And it is also agreed: that no person receiving any commutation for a reservation, or any portion of the fund provided by the sixth article of this treaty, shall be entitled to the benefit of any part of the annuities herein stipulated. Nor shall any of the half-breeds, or blood relatives of the said tribes, commuted with, under the provisions

[Page 497]

of the ninth article, have any further claim on the general commutation fund, set apart to satisfy reservation claims, in the said sixth article. It is also understood, that the personal annuities, stipulated in the eleventh article, shall be paid in specie, in the same manner that other annuities are paid. Any excess of the funds set apart in the fifth and sixth articles, shall, in lieu of being paid to the Indians, be retained and vested by the Government in stock under the conditions mentioned in the fourth article of this treaty.

^U How certain provisions in preceding articles are to be construed.

In testimony whereof, the parties above recited, have hereunto set their hands, at Washington, the seat of Government, this thirty-first day of March, in the year one thousand eight hundred and thirty-six.

HENRY R. SCHOOLCRAFT.

Owun Aishkum, of Maskigo,	Apawkozigun, of L'Ar- bre Croche,
Wassangazo, of do.	Keminitchagun, of do.
Osawya, of do.	Tawagnee, of do.
Wabi Widego, of Grand river,	Kinoshemaig, of do.
Megis Ininee, of do.	Naganigabowi, of do.
Nabun Ageezhig, of do.	Oniasino, of do.
Ainse, of Michilimacki- nac,	Mukaday Benais, of do.
Chabowaywa, of do.	Chingassamoo, of Cheboigan,
Jauba Wadick, of Sault St. Marie.	Aishquagonabee, of Grand Traverse,
Waub Ogeeg, of do.	Akosa, of do.
Kawgayosh, of do. by Maidosagee,	Oshawun Epenaysee, of do.

John Hulbert, Secretary. Robert Stewart, Wm. Mitchell, John A. Drew, Augustin Hamelin, jr., Rix Robinson, C. O. Ermatinger.

To the Indian names are subjoined marks.

[NOTE.—The foregoing treaty, and supplementary article, was ratified and confirmed with the following amendments, as expressed in the resolution of the Senate:

ARTICLE TWO, line two, after the word, “tracts,” insert the following words, to wit: “for the term of five years from the date of the ratification of this treaty, and no longer;” unless the United States grant them permission to remain on said lands for a longer period.

ARTICLE THREE, after the word “tracts,” in the second line, insert the following words, to wit:

For the term of five years from the date of the ratification of this treaty, and no longer, unless the United States grant them permission to remain on said lands for a longer period.

ARTICLE FOUR,—at the close thereof insert these words—“and also the sum of two hundred thousand dollars, in consideration of changing the permanent reservations in articles two and three to reservations for five years only, to be paid whenever their reservations shall be surrendered, and until that time the interest on said two hundred thousand dollars shall be annually paid to the said Indians.”

ARTICLE FIVE—Strike out the whole article and insert the following:

“The sum of three hundred thousand dollars shall be paid to the said Indians to enable them with the aid and assistance of their agent, to adjust and pay such debts as they may justly owe, and the overplus if any to apply to such other use as they may think proper.

ARTICLE EIGHT—Strike out after the word “the” where it first occurs in line two, to the word “States,” in the eighth line, and insert in lieu thereof these words— “Southwest of the Missouri river, there

to select a suitable place for the final settlement of said Indians, which country, so selected, and of reasonable extent, the United States will forever guaranty and secure to said Indians.

In the EIGHTH ARTICLE—Strike out all between the word “it” in the eleventh line, and the word “when” in the thirteenth line, and insert these words: “The nett proceeds of the sale of the one hundred and sixty acres of land, upon the Grand river, upon which the Missionary Society have erected their buildings, shall be paid to the said Society in lieu of the value of their said improvements.”]

[1836 Treaty Council Journal Transcript]

[Page 1 of 14]

Records of a Treaty concluded with
the Ottawa & Chippewa Nations, at
Washington D.C. March 28, 1836

[Page 2 of 14]

Assembled at the Masonic Hall in the city of Washington on the 15th of March 1836 for the purpose of holding a treaty with the Ottawa & Chippewa Nations of Indians for the lands in Michigan. Henry R. Schoolcraft Esq. Commissioner, John Hulbert, Secretary, John Holiday, Interpreter, Rix Robinson--R. Stewart, John Drew, H. A. Levoke, Wm. Lasley, Geo. Moran, Lewis Moran and Augustin Hamlin & L. Slater in charge of the Indian Chiefs & Delegates.

Aishquagonabee	—	Chippewa	Chief	Grand	Travers
Acose	—	"	"	"	"
Mukutaysee	—	Ottawa	Delegate	Grand	River
Wasaubeguum	—	"	"	"	"
Wabi Windego	—	"	Chief	"	"
Megis Inine	—	"	"	"	"
Nabuna Geejichig	—	"	"	"	"
Winemissagee	—	"	"	"	"
Osounaischum	—	"	"	Maskego	

Wassangaso	—	"	Delegate	"
Osawcogai	—	"	Chief	"
Kitchy Ingosamoon	—	"	"	Cheboigun
Black Bird Croche	—	"	Delegate	L'arbre-
Apokosigan	—	"	Chief	" "
Kemennelohagun	—	"	"	" "
Tawaganeé	—	"	Delegate	" "
Kinoshamaig	—	"	"	" "
[Page 3 of 14]				
Naganigabowa	—	Ottawa	Delegate	L'arbreCroche
Onaassanon	—	"	"	" "
Chabowawa	—	Chippewa	Chief	Chenos
Ance	—	"	"	Oakpoint
Waishkee rie	—	"	"	Saut Ste. Ma-
Keewasie	—	Delegate	"	" "
	—	Ottawa	"	Grand

The council being opened, the Commissioner laid before the Chief and delegates the object of the present council, in the following speech,

[Page 4 of 14]

My Children,

You have heard the voice of your great father the President, and shaken hands with him. You perceive his kind feelings for you, and your families. You have heard, from his own lips that he is glad to see you face to face, that he wishes your happiness, and is anxious to do you justice.

Your father has directed me to inform you, that he has appointed me as Commissioner to conduct the business which has brought you here. He has, by the Secretary of War, furnished me written instructions by which to act. You will, therefore, consider my words, as his words, and listen attentively, while I proceed to lay before you the object of your being called together.

Last summer the Indians of Ottawa island in Lake Huron, sent a deputation to Mackinac, with a formal message from their band, offering to sell Drummond island. The President, by the Secretary of War, did not wish to slight them, although it was a part of the country he had not thought of. He asked what they wished for it, and he took the occasion, (as he had heard that some of the Indians of the Peninsula had gone and others were going to live, in that part of Lake Huron) to inquire how much of their land the Indians would sell, and what price they demanded for it. These instructions, I communicated to the Indians at Mackinac and sent word to different places.

The President, by the Secretary of War, directed that answers should be given to the Agent at

Mackinac, and that, generally, the Indians of that quarter should transact their business with him and not come to Washington,

[Page 5 of 14]

unless they were sent for. A deputation of the Ottawas, living north of the straits, who had heard this message, came here early in December. They called on the Secretary of War and the President, and after remaining some days, they offered to sell the Manito Islands, and also the lands on the north side of the Straits extending from near the Menomonee River to Point Detour. They made their offer in writing, through a young man who accompanied them, and who is now here. They stated that they claimed the lands on the north of the straits by conquest. They represent in their memo that they wish to make money to pay off their debts to the traders, and to procure assistance in agriculture and education.

The President desires on all occasions to know that the persons who offer to sell lands, are the proper authorized chiefs or delegates, and that whatever is done, should be done with the consent of all. Had he wished to buy your lands from a part of the nation, he would have accepted those offers. But he determined although it was winter, and he knew you were absent on your hunting grounds, to send send for you all that you might act together. This is the reason why you were sent for, and is a proof of what the President told you yesterday, in his own House, that he felt friendship and kindness for you, and wished to do you justice.

You see, in your midst, some men from the north shores of the straits, and a few, even from the foot of Lake Superior. Those men, were also invited here, at the same time that the others were, and came, as I am informed, to check on the subject of their lands. As the President is informed, that you are brother tribes, have always lived in peace together, and are such intermingled, in blood and location, he has authorized me to treat with them, as with you, and I therefore address you together.

[Page 6 of 14]

The Chippewas of Sault Ste. Marie assembled in council at that place, last fall, and forwarded an offer to the President to sell a part of their lands, extending from the mouth of the Minushco to a point south west of Grand Island, on Lake Superior, provided they could obtain suitable annuities for twenty years, with a smith shop, and other advantages stated in a letter from the Commanding Officer of fort Brady, accompanied by a map. The President has been informed that this portion of your people, are very destitute, and that their country yields but little game, which is a reason for his having listened to their offer.

It is understood that the Indians living near Michilimackinac on the west side of the straits, have signed a paper, containing the basis on which they feel disposed to cede a portion of these lands. But this paper was never received. Its purport will be made known to you when it arrives.

You have now before you, the subject of the several communications, the President has received, both from the Ottawas and Chippewas. And it is probably

the most important subject, viewed in its broadest sense, which you, in your day, will be called to deliberate upon. It opens the question of the sale of your possessions in Michigan. It is proposed to extend the cession south to Washtanong on Grand River on Lake Michigan, and north to Chocolate River on Lake Superior. How much you will cede, depends upon your wisdom. Deliberate on the subject with calm minds, and with kind feelings towards each other and do not let one party cast blame on the other. It is only noble minds which can rise above little things.

[Page 7 of 14]

For such cessions as you may agree to make, I am authorized to make you the most liberal offer. There is every wish on the part of government, to do you full justice, and to furnish the means of exalting your situation in scale of society, and making you, and your posterity, happy. Take time to consider the subject, and when you have made up your minds as to the quantity of land you will cede, let us know it, that I may declare to you the full terms which I feel disposed to allow.

With respect to the debts you owe to the traders, the President proposes to appoint a Commissioner to go into your country next summer, to ascertain and pay the amount of every just debt and claims against you, so that every one may receive ample justice.

No objection will be made, if you deem it imperative, to your fixing on proper and limited reservations to be held in common; but the President judges it best, that no reservations should be made to individuals. Your relations, who could be entitled to such

reservations, will be compensated for their value, in money. The usual privilege of residing and hunting on the lands sold till they are wanted will be granted.

The commissioner submitted the foregoing proposition to the Chiefs and Delegates for their consideration, and requested them to specify the time, for their answer.

The chief speaker rose and addressed the commissioner, stating that they had listened to all that had been said to them with pleasure, and appointed the time for said answer, after three nights which would be on Friday March 18th, 1836, after which the council adjourned to that day.

[Page 8 of 14]

Friday, March 18th. The Council assembled this morning agreeably to adjournment on Tuesday last. After the usual ceremony of the peace pipe the Commissioner gave notice to the Chiefs in council, that he was prepared to listen to what they have to say on the subject referred to them for consideration at the first council. The chief speaker, rose and addressed his Commissioner as Father and requested him to listen to the few words he had to say, stating that they had been called by their Great Father to Washington to talk about their lands and that they had a great desire to know also, what the Chief from L'Abre Croche was about to do. (This chief with several others had previously come to Washington without instruction from the Government or wish of the Indian generally) said that your children were pleased to hear your proposition at the first council, to purchase their lands and to hear of the kind feelings of their Great Father towards

them, but when we look on the map of our country it appears very small and we conclude not to part with any of our lands. Our Father said something at the last council, to us about our half breeds and white friends that they were not to be allowed, reservations in land, but were to have all/of the chief thought best to give them in money. This course we do not fully understand and we object to it. One reason why we do not wish to dispose of our lands, is this, we fear that the whites, who will not be our friends, will come into our country and trouble us and that we shall not be able to know where our possessions are. If we do sell our land, it will be our wish that some of our white friends have lands among us and be associated with us.

Megis Ininne, Ottawa Chief rose and said it was the will of the chiefs that he should stand before this Father and say something about the sale of their lands. He was pleased to hear that his great Father had such kind

[Page 9 of 14]

feelings, and wished to do them good, but something was said to them about the Chippewas, the half breeds and whites that they did not like, Said that the Ottaws objected to the Chippewa coming into the treaty. That they also made objections to the course which the chief and party from L'arbre Croche, Apakosigan, had taken, that the Chippewas and Ottaws were Brothers, yet they occupied a different section of country. He was well pleased to hear that his Father had such kind feeling and wishes to benefit them and their children after them. That he was well pleased that his Father had advised them to keep reservations for

themselves, but his was displeased that his Father had objection to the half breeds and their white friends holding reservations of land among them, said their lands were very small on the map he had seen, and they have concluded not to sell any. They had never before refused to listen to this call of their great Father but at this time they must.

Apakosigan, Chief from L'abre Croche addressed the Commissioner, as follows. I am one of the number who first came to this place (without instruction) and on my arrival here, understood what you said to us at Mackinac, respecting our lands. You have heard what has been said to you by the Ottawas who have spoken, I wish to say that some chiefs present have sold lands and have been benefited, but as for myself and my people, we have not received so much as one pipe of Tobacco. That he was satisfied with propositions [sic] respecting Reservations made to them at the first council.

[Page 10 of 14]

Black Bird, Speaker of Delegates mentioned that he had but a few words to say, that he was opposed to the sale of their lands, at another time he would say more on this subject. His voice was now with the Ottawas.

The Commissioner gave them to understand that he had listened to what they have said. He was pleased to notice the interest they manifested for their half breed, and their desire to provide for them, but he was very sorry that the Ottawas should object to the treaty that had been proposed to them, which would result in so great, and lasting benefit to them as a

people. That they were refusing to listen to a subject of the deepest interest to them. That their great Father now had a wish to do them good, but as they had given no for an answer to his call, it was uncertain when he would listen to them again. He would now call the minds of the Chippewa's Chief north of the straits, to what he had today [sic]. Your great Father has thought of you, he knows your situation, that you are poor, and destitute, he is aware also that your lands are poor, that but very little game is to be found, and that you obtain less and less every year, notwithstanding your country is, of little value, yet feeling a desire to benefit you, he thinks your lands may be of some value to him, on these accounts a proposition will be made to the Chippewa on Tuesday next at this place to purchase their lands in the north Peninsula. If in the meantime the Ottawas should change their minds and agree to come into the Treaty and sell their lands, they would have an opportunity of communicating the same on Tuesday next previous to the proposition being made to the Chippewas. Otherwise the Government had nothing more to say to them on the subject of their lands. The Commissioner assured the Ottawas that no lands would be purchased except from the rightful owners of the soil. that this was all that he had to say to them at this time,

[Page 11 of 14]

except a little advice, which was for them as a delegation and chiefs, to think seriously of the proposition that had been tendered to them as a nation. If a Chippewa could give advice to an Ottawa, or an Ottawa could give advice to the Chippewa by all means to do so, they always had been Brothers, and he wished them to still act as Brothers, also like men of sense, --

advised the Ottawas so to act, that when they went home, they would not feel ashamed at seeing their Chippewa Brothers, in possession of many goods, and much money and themselves entirely destitute and very poor.

Augustine Hamlin, half breed, and delegate from L'abre Croche, requested of his Commissioner the privilege of saying a few words before the council should adjourn. He observed that it was painful for him to make any, expose, but the interest he felt for his nation and the consequences that would result from the course that had been taken, compelled him to make known what had been done. He stated without reserve that the words the Commissioner had just heard from the Chiefs, was not their words, not their feelings of their hearts---but the words of white man who wanted reservations, and have dictated to them what to say. These men cared not for the Indian, they wished to benefit themselves. He was confident (knowing the minds of the Indians) that in case they had been left to make up their own minds on the subject of the treaty, their moods would have been entirely different, but they were constantly beset by individuals and distrubed [*sic*] in their private councils, often called out sometimes one, --then two and as many as six had been called at one time, then minds were disturbed--perplexed and they did not know how to act, in answer to the proposition respecting the Treaty, they had been instructed to say No, once, twice and thrice in order

[Page 12 of 14]

that they might obtain more for their lands, closed by saying if the Indians were left alone, they would sell,

with some Reservations for themselves, He was confident it was their wish to dispose of their lands and derive present benefit.

The Commissioner requested the Interpreter to communicate to the Chiefs, the substance of Emler's [Hamlin's] statement, give directions to persons having Indians in charge, to see that they were furnished with a private room for their councils and not allow any person to disturb them. The council then adjourned over to Tuesday, March 22nd, 1836.

Tuesday, March 22nd, the council was postponed until Wednesday, March 23rd.

Wednesday, March 23rd council assembled agreeably to postponement, Commissionen [*sic*] gave notice that he had received the paper from Mackinac, which he spoke of a few days since in council, which contained many names of their people offering to sell their lands, with some Reservations. Then said to them he was prepared to hear what they had to say.

Apokosegan offered to sell all their lands in the lower Peninsula except lands north of the Manistic---Sturgeon and Cheboigun, and south of a line commencing half way between the Maskego and Grand Rivers, on Lake Michigan, and running in a strait course to the eastern boundary of their lands, He invited the Grand River Indians to consent to live in his reservation north.

Megis Ininne, offered to sell provided his great Father would give them such reservations as would benefit them and their children, and it was the

[Page 13 of 14]

wish of the Chief, that some of their friends should examine the Treaty after it was made, and see that all was right, --that they were provided for, requested that their friend might act for them, Mr. R. Robinson was appointed by the Grand River Indians to act for them.

Commissioner proposed a Reservation of 100,000 acres of land north of the waters of Grand River to be located in two places, by the Chiefs after their return home. Asked them to think of his proposition and let him know the result on the morrow -- council then adjourned.

Thursday, March 24th, 1836, council convened agreeably to adjournment.

Apokosigan asked for the same reservation as of yesterday.

Big Sail presented a paper containing the wishes of his band, all fully assented to the proposition of the reserve of 100,000 acres. Asked that Drew and his daughter might have a reservation, also J. Holiday and his family. They appointed Mr. Robert Stewart to examine the stipulations of the treaty for the Cheboigan band.

Megis Ininee approved the 100,000 reservation, asked that Mr. R. Robinson & his family might receive a reservation of one mile square at Grand River Rapids.

Wassangaso gave full consent to the sale, and reservation of 100,000, and requested that William

Laslie and his family, six in number, might have one section each. They appointed William Laslie to act for the Grand Traverse band.

Black Bird gave his assent to all the propositions -- and appointed Hamlin to examine the Treaty for the L'abre Croche band.

Point St. Ignace band appointed Mr. J. Drew to act for them in forming the treaty.

[Page 14 of 14]

Saut Ste. Marie band appointed Mr. H. A Levake to transact business for the band.

Wasawbeguum presented a paper purporting to be a protest but in consequence of his saying that, it was not his own act, it was returned to him. He then requested that whatever allowance was made by the Government for their improvements at the rapids of Grand River might be paid to Mawquageezick, then asked for a reservation for their teacher Mr. Slater.

Commissioner gave them notice that on Monday he would meet them with the Treaty for their signatures. Council then adjourned.

Monday, March 28th, the council convened agreeably to adjournment. The Treaty was presented for the signatures of the Chiefs and Delegates and was signed by the Commissioner, and all the Chiefs and Delegates of the Ottawa and Chippewa nations who attended for the purpose of concluding said treaty.

John Hulbert
Secretary