



Ratified treaty no. 333, Documents relating to the negotiation of the treaty of October 18, 1864, with the Saginaw, Swan Creek, and Black River bands of Chippewa Indians. October 18, 1864

Washington, D.C.: National Archives, October 18, 1864

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RATIFIED TREATY NO. 333
DOCUMENTS RELATING TO THE NEGOTIATION OF THE TREATY
OF OCTOBER 18, 1864, WITH THE SAGINAW, SWAN CREEK,
AND BLACK RIVER BANDS OF CHIPPEWA INDIANS

Oct 17, 1864

~~Michigan~~

~~Rich'd M. Smith~~

~~Detroit Mich.~~

~~July 7, 1864~~

~~[S-306]~~

~~Enclosed Treaty with Chippewa~~

~~of Saginaw & c. of Oct. 15, 1864,~~

~~with the agent of the Indians~~

~~to certain Senate Amendments.~~

~~Acknowledged~~

~~Rec'd Report to Secy~~

~~of State Aug 4, 1866.~~



~~Franklin Smith~~
~~1864~~

Office Mackinac Indian Agency
Detroit July 1st 1866.

Sir -

I herewith return to you, the copy of the treaty negotiated with the Chippewas of Saginaw, Swan Creek and Black River, in this State on the 18th day of October 1864, with certain amendments proposed by the Senate appended thereto - endorsed in your letter of the 30th of May last giving instructions to submit them to the Indians for their action -

In obedience to the instructions contained in your letter, I have respectfully to say and report - that I have submitted the said amendments to the said Indians, who after the same had been fully explained and interpreted to and considered by them did cordially agree to and ratify the same, as will appear by referring to the instrument itself, signed by their chiefs and headmen -

Upon the completion of the business, the Indians, who had of late become anxious in regard to the ratification of the treaty and their homes, voluntarily gave three cheers for their Great Father the President, the Secretary of the Interior, the Commissioner of Indian Affairs and the other friends at Washington, at this additional evidence of their will to them, and requested me to communicate the fact to you. They also requested me to ask of you permission to make the selection of land provided for in the treaty, at once or at the earliest day practicable so that a competent person be employed to assist them in the premises.

John D. A. Cooley
Comr. of Ind. Affairs
Washington City
Dist. Col.

Very Respectfully
Your Obedt Servt
Rich^r M^r Smith
Ind. Agent

64
Treaty file
10/18/64

Spokane 11,834.
H. J. Alvarado
Bush Oct 31, 64

(C) _____
Permit his report
in connection with
the negotiations of the
last treaty with the
Chippewa of Saginaw
from Creek & Bear
River of Mich., also
providing for a
treaty with the Ottawa
& Chippewas

~~Article~~
~~Treaty sent to Secy
of State Dec 23, 164~~

Office Indian Affairs.
Washington DC

October 31, 1864

Sir.

In accordance with your instructions of the 3^d of September last, detailing me to act in connection with Agent Secord in negotiating treaties with the Chippewas of Saginaw, Grand Creek and Black River, and the Ottawas and Chippewas of Mich-
igan, I left this city on the 5th
of October and arrived in Detroit on the 9th of the same
month. Owing to a misunderstanding
existing between Agent Secord and myself as to the time I should be
in Detroit, I found on my arrival
in that city that he had a few
days before left to pay the Ottawas
and Chippewas at various points
in the northern part of the state

I at once wrote to him advising
him of the objects of my mission
and requesting him to return
to Detroit as early as practicable.
Mr. Deader returned to Detroit
about the 1st of the present month.
Previous, however, to his return
havingcertained that he
would be back about the 1st of the
month, ~~had~~ sent word by Father
W. Bradley, Missionary to the
Indians at Isabella, to have
the Indians of Saginaw, Green
Isle and Black River, assembled
at Isabella on the 10th instant.
About the time of Mr. Deader's return
a letter was received from Father
Bradley, stating that in, fearing
we would not be able to reach
the reservation at the time
stated, had thought it imprudent
to notify the Indians to assemble
until further directed by us.
This failure on the part of Mr.

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Brading would introduce a delay
of some days, and as I had
already waited a considerable
time for the return of Mr. Leach
& thought it advisable to telegraph
to this office for instructions,
which I did, and in reply to
which I was instructed to
proceed to negotiate the treaty.

On the 8th instant I went to
Saginaw in company with Mr. R.
M. Smith, clerk of Mr. Leach, from
whence word was sent to the
bands of Nauk-chen-gon-me,
Ottoway and Kay-bay, living upon
the Saginaw Bay, river and its
tributaries. We were here joined
by Mr. Leach and proceeded to
the Isabella reservation where we
arrived on the 10th instant. On
the 15th instant we held our first
council with the Indians, every
band being there represented.
I made known to them the

object of the council and stated to them that it was the wish of the government that they should all live together upon one reservation, and if they would consent to do so that the government would treat with them upon very liberal terms. Our negotiations continued until the 19th when they were concluded by the signing of the treaty which is herewith.

By the terms of this treaty it will be perceived that the Indians relinquish their right to the several tracts upon Agassiz Bay and agree to make settlements indiscriminately upon the Sabella reservation. They also relinquish all claim to lands outside of the reservation or Sabella, in lieu of lands disposed of by the government prior to the establishment of that reservation. This claim the Indians informed me would cover some 36,000 acres. Not being fully informed as to the validity of this claim, but finding that the Indians considered it good

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C/R

and value, for the purpose of effecting a settlement there, and as a consideration for the relinquishment of the territories upon Saginaw Bay, it was stipulated that the said Government should pay the sum of \$25,000 for the support of a Freedmen Labor School established. This is the only payment of money intended in the Treaty an amount insignificant in itself in view of the relinquishments made by the Indians and the importance of having them all concentrated upon one reservation. There are other important provisions in the Treaty which I will not have referred to, but to which I expect you will call your attention.

The Indians living upon the reservation are in a most deplorable condition. Most of them have great improvements and live in houses such as their white neighbors will covet, and there is a general

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desire among them to improve their condition and habits of living. They are all loyal to the Government, and take a deep interest in the present struggle for its existence. The Indians and many of their young men are in the army - in a larger proportion than the whites have furnished. I might, however, state that I found abundant evidence that the Indians supported the Confederates with the intention to have been busy at work to create discontent and dissatisfaction against the Government, and as far back as my arrival at the side of the river had been in considerable headway in inciting these Indians. The treaty negotiations however, have restored confidence and good feeling and the whole tribe may be considered at this time as a unit in its support of the Government.

John C. Frémont
10-6

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Owing to the lateness of the season, it
was not thought practicable to attempt
negotiations with the Ottawas and
Chippewas this fall. It would nevertheless,
however, that there is an urgent
necessity for early negotiations
with those Indians, with a view
to their co-operation upon all
existing and likely future
migrations.

For the Government

John A. Macdonald

H. H. Johnson

Special Commissioner

From W. F. Dole }
Com. from Ottawa }

copy

Articles of agreement and convention
made and concluded at the Isabella Indian
Reservation in the state of Michigan on the
Eighteenth day of October, in the year one
thousand eight hundred and sixty four, between
H. J. Alورد special Commissioner for the United
States and D. C. Leach, United States Indian
Agent, acting as Commissioner for and on the
part of the United States, and the Chippewas
of Saginaw, Swan Creek and Black River
in the state of Michigan aforesaid parties to
the treaty of August 2nd 1855. as follows.

Viz:

Article 1.

The said Chippewas of Saginaw, Swan Creek and Black River for and in consideration of the conditions hereinafter specified do hereby release to the United States, the several townships of land reserved to said tribe by said treaty aforesaid, situate and being upon Saginaw Bay in said State.—

The said Indians also agree to relinquish, to the United States, all claim to any right they may possess to locate lands in lieu of lands sold or disposed of by the United States upon their reservation at Isabella and also the right to purchase the unselected lands in said reservation as provided for in the 1st Article of said treaty.

Article 2.

In consideration of the foregoing relinquish-
ments, the United States, hereby agree to set
apart, for the exclusive use, ownership and oc-
cupancy, of the said of the said Chippewas of Sag-
inaw, Swan Creek and Black River, all of the
unsold lands within the six townships, in
Isabella County, reserved to said Indians by the
treaty of August 2nd, 1855, aforesaid and desig-
nated as follows. Viz

The North half of township fourteen
and township fifteen and sixteen, North of Range three
West. The North half of township fourteen and
township fifteen North of Range four West and town-
ships fourteen and fifteen North of Range five West.

Article 3.

So soon as practicable after the ratification of this treaty, the persons who have hitherto made selections of lands, within the townships upon Saginaw Bay, hereby relinquished may proceed to make selections of lands upon the Isabella reservation in lieu of their selections aforesaid and in like quantities.

After a reasonable time shall have been given for the parties aforesaid to make their selections in lieu of those relinquished, the other persons entitled thereto, may then proceed to make their selections in quantities as follows. Viz:

For each chief of said Indians, who sign this treaty Eighty acres in addition to their selection already made, and to patients in fee simple—

For one head man in each band into which said Indians are now divided. Forty acres and to patients in fee simple— 38-4

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For each person being the head of a family
Eighty acres—

For each single person over the age of
twenty one years Forty acres—

For each orphan child under the age of
twenty one years Forty acres—

For each married female who has not
heretofore made a selection of land Forty acres

And for each other person now living or who
may be born hereafter. when he or she shall have
arrived at the age of twenty one years, Forty acres,
so long as any of the lands in said reserve shall
remain unselected and no longer—

In consideration of important services
rendered to said Indians during many years
past by William Smith - John Collins 1st.

Andrew I Campbeau and Thomas Chatfield, it
is hereby agreed that they shall each be allowed
to select Eighty acres in addition to their previous
selections and receive patents therefor in fee
simple; And to Charles H Rodd Eighty
acres and a patent therefor in fee simple
to be received by said Rodd as a full con-
sideration and payment of all claims he may
have against said Indians. Except claims
against individuals, for services rendered or
money expended heretofore by said Rodd
for the benefit of said Indians.—

It is understood and agreed that those
Ottawas and Chippewas and Pottawatomies now
belonging to the bands of which Metay omig-
May-me She gaw day. Keeche kebeme mosay and Kaw

be mawing gun are Chiefs who have heretofore made selections upon said reservation by permission of said Chippewas of Saginaw, Swan Creek and Black River, who now reside upon said reservation in Isabella County, or who may remove to said reservation within one year after the ratification of this treaty shall be entitled to the same rights and privileges to select and hold land as are contained in the third article of this agreement.

So soon as practicable after the ratification of this treaty, the Agent for the said Indians, shall make out a list of all those persons, who have hitherto made selections of lands, under the treaty of August 2^d 1855, aforesaid and of those who may be entitled to selections, under the provisions of this treaty and he shall divide the persons enumerated in said list into two classes, Viz: "Competents" and "those not so Competent."

Those who are intelligent and have sufficient education and are qualified by business habits to prudently manage their affairs, shall be set down as "Competents," and those who are uneducated or unqualified in other respects to prudently manage their affairs, or who are of idle wandering or dissolute habits, and/or orphans shall be set down as "those not so Competent".

The United States agrees to issue patents to all persons entitled to selections under this treaty as follows Viz: To those belonging to the class denominated "Competents" patents shall be issued in full simple, but to those belonging to the class of "those not so competent": the patent shall contain a provision that the land shall never be sold or alienated to any person or persons whomsoever without the consent of the Secretary of the Interior for the time being.

Article 14.

The United States agrees to expend the sum of twenty thousand dollars for the support and maintenance of a manual labor school upon said reservation.

Provided that the Missionary Society of the Methodist Episcopal Church, shall within three years after the ratification of this treaty, at its own expense erect suitable buildings for school and boarding house purposes, of a value of not less than three thousand dollars, upon the South East quarter of Section Nine, Township Fourteen, North of Range Four West, which is hereby set apart for that purpose.

The Superintendent of public Instruction, the Lieutenant Governor of the State of Michigan and one person to be designated by said Missionary Society shall constitute a board of visitors, whose duty it

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Shall be to visit said school once during each year and examine the same and investigate the character and qualifications of its teachers and all other persons connected therewith and report thereon to the Commissioner of Indian Affairs.

The said Missionary Society of the Methodist Episcopal Church shall have full and undisputed control of the management of said School and its funds attached thereto. Upon the approval and acceptance of the school and boarding house buildings by the board of visitors, the United States will pay to the authorized agent of said Missionary Society, for the support and maintenance of the school the sum of two thousand dollars and the like sum annually thereafter until the whole sum of twenty thousand dollars shall have been expended.

Drewed
"in the Lent, buildings"

The United States reserves the right to suspend the annual appropriation of two thousand dollars for said school, in part or in whole, whenever it shall appear, that said Missionary Society neglects or fails to manage the affairs of said school and farm in a manner acceptable to the board of visitors aforesaid, and if at any time within a period of ten years after the establishment of said school said Missionary Society shall abandon said school or farm for the purposes intended in this treaty, then, and in such case, said Society shall forfeit all of its rights and franchises under this treaty, and it shall then be competent for the Secretary of the Interior, to sell or dispose of the land herein before designated, together with the buildings and improvements thereon and expend the proceeds of the same for the educational interests of the Indians, in such manner as he may deem advisable.

Known - State out in General
and written for the benefit of said Indians

At the expiration of ten years after the establishment of said School, if said Missionary Society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years: the United States will Convey to said Society the land before mentioned by patent (in fee simple).

In case said Missionary Society shall fail to accept the trust herein named within one year after the ratification of this treaty then and in that case the said twenty thousand dollars shall be placed to the credit of the educational fund of said Indians, to be expended for their benefit in such manner as the Secretary of the Interior may deem advisable.

It is understood and agreed, that said Missionary Society may use the School house now standing upon land adjacent to the land hereinbefore set apart for a school farm, where it now stands or move it upon the land so set apart.

Article 5.

The said Indians agree that of the last two payments of Eighteen thousand Eight hundred dollars each, provided for by the said treaty of August 2^d 1855, the sum of Seventeen thousand Six hundred dollars may be withheld and the same shall be placed to the credit of their agricultural fund to be expended for their benefit in sustaining their Black Smith Shop, in stock, animals, agricultural implements, or in such other manner as the Secretary of the Interior may deem advisable.—

Article 6.

The Commissioner of Indian Affairs may at the request of the Chiefs and headmen, sell the Kill and land belonging thereto at Isabella City on said Reservation and apply the proceeds thereof, for such beneficiary objects as may be

deemed advisable by the Secretary of the Interior.

Article 7.

In as much as the Neill belonging to said Indians is partly located upon land heretofore selected by James Nicholson, it is hereby agreed that upon a relinquishment of ten acres of said land by said Nicholson, in such form as may be determined by the Agent for said Indians, he the said Nicholson shall be entitled to select Eighty acres and to receive a patent therefor in fee simple.

Second - west "of land, subject to the approval of the Secy of the Interior"

Article 8.

It is hereby expressly understood
that the Eighth article of the treaty of August
2nd 1855, shall in no wise be affected by
the terms of this treaty.—

In Testimony whereof the said H.
J. Alvoord and the said D. C. Beach Commis-
sioners as aforesaid and the undersigned
Chiefs and Headmen of the Chippewas of
Saginaw, Swan Creek and Black River
have hitherto set their hands and seals at
Isabella in the State of Michigan the
day and year first above written.

H. J. Alvoord S.S.

D. C. Beach S.S.
Special Commissioners.

In the presence of:-

Rich^t. M. Smith

Charles H. Rodd U.S. Interpreter.

George Bradley-

- ✓ S. D. Simonds Chief His x mark C.S.
- ✓ Leyman, Bennett Headman. His x mark C.S.
- ✓ Ino, Pay. me quo ung Chief His x mark C.S.
- ✓ William, Smith Headman. His x mark C.S.
- ✓ Nauck, che. gaw mi. Chief His x mark C.S.
- ✓ Mr. Squaw raw raw quot Headman His x mark C.S.
- ✓ Thomas, Dutton Chief His x mark C.S.
- ✓ Paim way we dung Headman His x mark C.S.
- ✓ Elliott, Kay bay Chief His x mark C.S.
- ✓ Solomon, Ottawa Headman His x mark C.S.
- ✓ And. w., O saw raw bun Chief His x mark C.S.
- ✓ Thot. Wain raw raw quot Headman His x mark C.S.
- ✓ Kaw raw way Chief His x mark C.S.
- ✓ I Kay che no ting Headman His x mark C.S.

⁴ Jod Raw ge gay o dom

- ✓ William Smith Chief - His + mark L.S.
- ✓ Kaw gaw way we dung Headman His + mark L.S.
- Kaw Neke zhick Chief - His + mark L.S.
- I Yalk - Headman - His + mark L.S.
- ✓ Tay aw be ting Chief - His + mark L.S.
- ✓ [#] Tots Kaw be ke zhick Headman - His + mark L.S.
- ✓ Saml MezKawquaw nawsim Chief - His + mark L.S.
- ✓ John P Williams Headman - His + mark L.S.
- ✓ S Pay bau maw she Chief - His + mark L.S.
- Ke gaw ne quo um Headman - His + mark L.S.
- David Fisher Chief - His + mark L.S.
- Kaw, be. man, ido Headman - His + mark L.S.
- Nebenayaw nau quo maybe Chief - His + mark L.S.
- Key o qwaio. may be Headman - His + mark L.S.

Mr. Hart

Kaw goqay bw

In the presence of

Rich? M. Smith

Charles H. Rodd W.S. Interpreter

Amos F. Albright Supt Mills

Marcus Grinnell W.S. Blacksmith.

M. D. Bourassa

F. C. Babbitt

George Bradley

Isabella City Michigan
Oct. 21.st 1864.

To W. A. Alward Esq
Special Comr. &c.

Interpreter Charles H. Rodd
having fully Explained and Interpreted
to me the Treaty made by you and
Indian Agent Leach Special Comr. &c.
with the Chippewas of Saginaw Swan
Creek and Black River Michigan and
concluded the 18th. Instant you are
hereby authorized to put my name to the
same along with the other Chiefs.

In the presence of

Chat. H. Rodd U.S. Interpreter

Kay, aw, be, tung his x mark
Chief Chippewas of
Saginaw, Swan Creek
& Black River

Mich.