# Ratified treaty no. 201, Documents relating to the negotiation of the treaty of March 28, 1836, with the Ottawa and Chippewa Indians. March 28, 1836

Washington, D.C.: National Archives, March 28, 1836

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RATIFIED TREATY NO. 201

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF MARCH 28, 1836, WITH THE

OTTAWA AND CHIPPEWA INDIANS

Wash. March 30 1836

Henry R. Schoolcraft

Has concluded a treaty with the Ottawas & Chippewas & transmits the same.

S315

2 April 1836

Indian Office

File

See letter to President 1 Apl 1836

[Treaty File]

Washington March 30th 1836

Hon. Lewis Cass,
Secretary of War,
Sir

In conformity with your instructions, appointing me a Commissioner to treat with the Chiefs and delegates of the Ottaw & Chippewa tribes, now in this city, I have, after mature deliberation on their part, concluded a treaty of cession with these tribes, which I have the honor, herewith, of communicating. By the terms of this treaty, they cede to the United States about ten million of acres in lower Michigan, besides an extensive tract of their pine lands north of the Straits, A few small reservations have been made, to be held in common by the Indians in the peninsular, and in the cession north of it, but no private reservations whatever have been permitted, to either white or red man. I have fully carried out the President's wishes on this, hitherto, embarrassing subject, being determined that, if the country was purchased at all, it should belong exclusively to the United States. All claims of this kind have

+1

been provided for, by a money commutation. The just debts of the Indians have been stipulated to be paid, and such general principles fixed on, in adjusting the compensation to the value of the country purchased, as, it is believed, must prove equally advantageous to the tribes, & to the United States. Their removal to the west of the Mississippi, or the region north of St Anthony's falls, is contemplated, and under the present impulse of emigration, the incipient steps for this measure, may be anticipated within a few years. The policy of sending these tribes to the sources of the Mississippi, north of the probable extention of our population, is a subject to which your attention is solicited. It is probable, that not only these tribes, but also the Monomonies & Winnebagos, whose position in Wisconsin, is every day becoming more critical, would prefer removal to those latitudes.

Circumstances connected with the wishes of the Indians to return immediately to their homes in the west, & their being destitute of funds, under the action of the President & senate

on this treaty, desirable at an early period

I have the honor to be Sir

Very respectfully

Your Obt Servant

Henry R Schoolcraft

1-3

S316

2 April 1836
Indian Office

file

See letter to President
1 Apl 1836

Wash Apl 1 1836
H R Schoolcraft

Transmits supplemental
Article to the treaty with
the Ottawas & Chippewas

Washington April 1st 1836

Hon: Lewis Cass
Secretary of War

Sir: The President having expressed his wishes respecting the propriety of further limitations upon some of the provisions of the treaty of the 28th of March, I have called the Chiefs together, and concluded a supplemental article, which I have the honor to submit for his approval.

The effect of this article, upon the payment of the Indian debts, will be to outlaw all the oldest class of claims, comprehending a period of 16 years. By excluding all debts beyond this period, it is not intended, by the Indians, to admit any debts subsequent to it, without careful & discriminate examination by the commissioner. It is their wish, as individually & collectively expressed to me, that every just debt should be paid, and the tribes relieved from these claims. But they are desirous, at the same time, that a rigid scrutiny should be applied by the commissioner, in carrying into effect the

provision contained in the fifth article, "for preventing the allowance of unjust claims." On this subject they have fully expressed their sentiments, appreciating the kind feelings of the President (which I have caused to be fully interpreted to them) and asking, as it is expressed in the supplemental article, that, if there be any excess of the fund, it may be vested for the benefit of their children.

I am sir,
With much respect,
Yr Obt Servant

Henry R Schoolcraft

2-2

S-24-

Mackinac July 18. 1836

Henry R Schoolcraft

Original S 33. (86)

Transmits the assent of the Chippewas & Ottawas to the Senate's amendment to the treaty with said tribes of 28th March last. —

Also a Memorial from them, in relation to a location among the Chippewas, West of Lake Superior. —

see letter

Assent returned to him Augst 9. 1836. see letter

Ans. Augst 2. 1836.

S309

August. 1. 1836.

Indian office.

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3:28-36

Agency Office,

Michilimackinac July 18th 1836

Hon. Lewis Cass.

Secretary of War

Washington,

Sir: I have the honor herewith, to enclose to you Articles of assent to the Senate's amendments of the treaty of the 28th of March last, concluded in a general Council of the Chippewa & Ottawa chiefs, convened at this agency, on the 12th 14th 15th & 16th instant. The cession of the reservations, at the expiration of five years, has been strenuously opposed by a part of the chiefs, but was finally yielded, on a consideration of the practical operation of the provision contained in the 13th article of the treaty, which seemed to them to indefinitely, the right of hunting on the lands ceded, with the other usual privileges of occupancy, until the land is required for settlement. No objection was made to the consideration allowed for the reservations, under the condition of the interest's being annually paid.

The withdrawal by the Senate, of the choice of a permanent location for the two tribes, at the period of their leaving the lands, has been made the subject of a memorial to the President, which is herewith forwarded. This memorial embraces the principal men of the two tribes, and may be considered as the expression of their united sentiments on the subject.

I beg leave to suggest, that the lateness of the season renders it desirable that the treaty should be carried into effect as early as practicable. The goods cannot probably be delivered, until the 1st of September, at which time, it will be desirable that the annuities, for the present year, should also be paid. It is found that the Indians of Grand river,

use only log canoes, and cannot perform the necessary journey along the open lake, to this place. Chiefs [illegible] just claim for them being paid the sum, due to their numbers at that given. The necessary census of the whole population is in process of preparation.

I have commenced recording the claims for debts against the Indians, the examination of which, will be conducted according to such instructions as may be given. It is proposed the council of the chiefs be summoned for final action upon them.

It is believed that $200,000 will cover the whole amount of just debts, and it is suggested that this amount of the fund may be deposited in the Bank of Michigan, subject to the orders of the chiefs of the two tribes, affixed, in open council, to a consolidated abstract of all the admitted claims, certified by the Agent.

The claimants under the 6th article are [illegible] and early action should be had upon their claims. I have prepared [illegible] of the claimants which will facilitate the examination of their respective claims.

The sum of $30.000 payable to the chiefs, was promised to them on the ratification of the treaty, and may require special instructions preparatory to its payment.

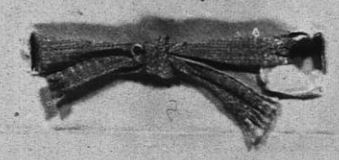
The funds set apart for education, missions, agriculture, and other objects, in which the voice of the tribes should direct, being considerable, it is desirable, so far as my opinion may be [illegible] consulted, that the department should, at an early time, direct the mode in which applications for either of these funds should be made.

I have the honor to be Sir,

Very respectfully,

Yr Obt Servant,

Henry R. Schoolcraft



Copy orig 5.33. 1836
in Land files

Treaty File - Nov 26, 1836

To the President of the United States

The undersigned chiefs of the Chippewa and Ottowa tribes, who entered into treaty with the United States, on the twenty-eighth of March, eighteen hundred and thirty six, for the sale of a large portion of their lands in Michigan, having this day decided to the amendments made by the Senate, to the said treaty, which requires a cession of their reservations, at the expiration of five years, respectfully submit, that such aid may be afforded them, as may, at the expiration of said term, enable them to locate themselves among their relations, the Chippewas, west of Lake Superior, and also to remove them, at the earliest possible time

The Chippewas of that remote northern quarter, are separated from us, by an average distance of about nine hundred miles, all of which is however occupied by Chippewas. They hold separate government over their respective villages, have separate interests, and are excluded wholly, from the benefits of the treaty, as they possessed no part of the land sold. It would be injustice to them, to require or expect, that they should assign for our residence, a part of their large country, on the head waters of the Mississippi without an adequate compensation for it. Besides which, they are in an impoverished situation, having barely the means of procuring their subsistence by hunting, from year to year

The undersigned, believe, that by removing to that quarter, with our present incipient knowledge of the means by which white men live, and by adopting a system of planting, combined, for the present, with hunting, and by carrying with us the school-farming and blacksmithing privileges, which we have provided, in the treaty, our situation would become prosperous. And we think the location would be permanent, and not subject to disturbance from white settlers, because it is not

Probable that white men will ever desire to live higher north on the waters of the Mississippi than the good limestone lands extend — This limit is not quite a day's journey above St Anthony's falls, where the lands are at first plains, and afterwards greatly intermixed with wet lands and forests of small growth, with dry sand ridges and lakes, which, although unfavorable to dense and compact white settlements, would afford the requisite advantages for scattered Indian villages and settlements. The small Indian corn can be raised in those latitudes, although the same latitudes in Lake Superior, are forbidding to its growth.

The undersigned, while they acceded to the governments wishes in regard to a South western location, so far as any of their number might be induced to go thither, had nevertheless, directed their attention, mainly to the sources of the Mississippi and they took into consideration in selling their lands the value of such location and the expense of removal to it. They have no reason to suppose that it was the object of the Senate to deprive them of any advantage the treaty provides for them. They beg leave to present the subject for your consideration, and to suggest, that instructions may be given, by the government, to negociate with the Chippewas west of Lake Superior and north of the mouth of Rum river or the head waters of the Mississippi for the purchase of a location for our future permanent residence —

Signed and witnessed at the agency at Michillimacinac the fourteenth day of July 1836.

(Copy)

Kawgayosh his mark X
Sawba Waddick his mark X
Kewaze Shawane his mark X
Chagos his mark
Ains his mark X

3-2

Shabowaywa his mark x
Seegadoh his mark x
Mipulley o his mark x
Nabunway his mark x
Mulladay Bucquet his mark x
Jarbeant his mark x
McKonty Cowyan his mark x
Keenozha his mark x
Waub Ojeeg his mark x
Shusco his mark x
Nawequon Beezhig, or noon day, his mark x
Oginau Wininni his mark x
Megis aubi his mark x
Cheeg aug oos his Mark x
Ponde Kowau his mark x
Kay tegig wanabee his mark x
McKenday Banaip his mark x
Hayshenway his mark x
Nay anacquot his mark x
Rish Nwayguonabee his mark x
Nanau. Ngomo his mark x
Peeshawba his mark x
Ishque Geezhig his mark x
Ninguweegon his mark x
Kauginwaubloggi his mark x
Ossineway his mark x

William Johnston
N. S. Ketchpaw
Francis Willey Henderson
Alfred Schoolcraft

John Clitz
Capt. Inf.y

Jas. W. Penrose
Lt. 2d Inf.y

Robert Stuart
Wm. M. Fanny
Wm. Mitchell

3-3

John A. Drew

Witnesses to signatures affixed 16th July.

William Johnston
U.S. Interpreter

William Dosley.

Pepeagwa his mark X
Ossiginoc his mark X
Ada Nasheosh his mark X
Saugitchouay Osagqua her mark X
Saganitquem his mark X
Shawuniseu his mark X
Musscetaus Gueeau his mark X
Nauongabo his mark X
Pelendumwau his mark X
Wanawama his mark X
Tekumusemo his mark X
Shawunegwak his mark X
Keway Kiwahum his mark X
Nasanguzo his mark X
Miscomamaingwa his mark X
Shauminoo a his mark X
Tshangauekausea his mark X
Kay Ogimau his mark X
Oskibug osh his mark X
Kegwaymingwenw his mark X
Maingwua his mark X
Aubeluhkumig his mark X

I certify that the above signatures have been affixed in my presence.

(Signed)
Henry R. Schoolcraft

3-4

S- 34 -

Mackinac 22 July 1836.

H. R. Schoolcraft.

Transmits duplicate of the assent of the Chippewas & Ottawas to the amendment made by the Senate in the ratification of treaty with said tribes.- Requests the copy previously transmitted may be returned to him. and that the one now sent may be used as the original

Invest Surplus
Lead to State Dept

See Memorial of Chiefs

Ans Aug 9. 1836

See letter to Secy. of State of 1 Dec. 1836.

Articles of Assent copied in Miscellaneous Record Bk No. 2, page

-12-

Superintendency of Michigan
Agency Office
Michilimackinac July 22nd 1836.

Hon. Lewis Cass
Secretary of War
Washington.

Sir.

I have this day permitted thirteen of the Southern Chiefs & principal men, who did not reach the Island in time for giving their assent to the treaty, to affix their names, to the duplicate in my possession. I therefore, herein, forward this duplicate, and request that it may be taken, for official purposes, in place of the duplicate transmitted by me on the 18th instant. I should be pleased to have the former copy returned.

I have the honor to be Sir,
Very respectfully
Your Obt Servt

Henry R Schoolcraft

4-1

1836 ~~1837~~

Ottawa & Chippewa

Extract from report of J. W. Edwards Commr. etc., dated Mar. 8, 1837 to C. A. Harris

original Commr. Ind Off. in Sp. File 124

~~Original report on file in Ind. Off. not yet located.~~

~~S. S. C.~~

See: Special File 124 / E41

Doubtless refers to Treaty with Ottawas and Chippewas, March 28, 1836

Exemp.ᶜ Extract
Report -
Judge Edmonds to Comr. Harris

Extract from report of J. R. Edmonds Commissioner &c, dated March 8th 1837, addressed to C. A. Harris, Commissioner of Indian Affairs.

Sir.

Your communication of the 28th January enclosing sundry papers, in relation to the distribution of money among the half breeds under the treaty with the Ottawa & Chippewa Indians has been received, and I proceed to notice their contents.

First. The letter of Mr Schoolcraft under date of 28th November 1836, enclosing a communication from Ke-wun-zey Shaw-a-no a chief of the Chippewas at Sault St Marie.

That Chief asks "why his wife and children did not receive a half breed allowance. He says "they were all put in the list and did not receive anything as half breeds, but a small share only as Indians".

I ought to explain, once for all, my mode of proceeding. Such a course will be necessary not only for a proper understanding of this case but of others. In your letter of instructions to me, I was referred to the knowledge possessed by "the Indian Agent and the many traders and others who have long lived in that region". Before my arrival at Mackinac, I was informed by letter from the agent, under date of the 4th of August, that he had "prepared a list of all the claimants, which would facilitate my action on them". On my arrival at Mackinac, that list was delivered

to me and after some examination, I put it into the hands of my Secretary, with instructions to prepare the necessary number of copies, in such form as would comply with your instructions and the provisions of the Treaty. My attention was then di=-rected to the examination of the claims for debt, with which I was in part charged by your instructions of the 9th of July, and which I soon found to be a laborious, difficult, and im=-portant duty. Supposing, as I then did, that the half breed list was perfect, (with the exception of the names of the women and children) my attention was, for several days, devoted exclusively to the other branch of my duties. Frequent applications for admission to and as frequent complaints of exclusion from, the half breed list, recalled my attention to that matter. My call upon the agent for information, as to the basis on which he had made out his list, was promptly met by him and I then learned that he had employed Rix Robinson at the Grand River, Messrs Drew and Abbott at Mackinac and James L. Schoolcraft at the Sault Ste Marie, to prepare rolls of those, in their vicinities, who were actually entitled; and that on the reception of their returns the agent had, on careful examination, collated from them, the list with which he had furnished me. Upon receiving these papers from the agent, I announced, agreeable to your instructions, "that the claims of all persons, either through themselves or others would be received".

I was thenceforth receiving daily applications all of which are entered on the Census Register;

excepting only a few cases, where the applicants were so notoriously and confessedly not entitled, that it did not seem worth while to encumber my returns with them. After completing the list of all that were entitled, it became necessary to classify them, agreeable to the treaty, and put down upon the Census Register, the sum to which each was entitled. All of which required some time and labor, after the list of claimants should be closed.

The payment of the half breeds was the last business that was done. The Indians were finally paid off during the previous week. The following Monday was set apart for the payment of the Creditors and Tuesday for the payment of the half breeds. I therefore announced that on Saturday the Census Register of the half breeds would be closed against any further admissions. Accordingly on Saturday evening, I completed the classification and set down on one list the distributive share of each one; my secretary prepared the other two lists to compare with it; and on Monday, the two copies were delivered to Major Whiting, agreeable to your instructions.

It was not until after all this, that I learned that Ku-wen-zy Shaw-a-no was a claimant for his wife and children under the half breed allowance. I had not found his or their names on any of the lists furnished me. And although I had seen him, almost daily, it had never been intimated to me that his wife was other than a pure squaw. Their application then came too late. Besides, he had himself

received an annuity as a chief of the first class and had drawn for his family their share of the goods and general payments. All this I directed the interpreter to explain to him, and to express to him, the regrets which I had then felt and still feel, that his application had not been made in season, to entitle his wife and children to receive as half breeds rather than as Indians. He was a very respectable and intelligent man and I should have had no hesitation in placing his family in the first class of Half breed claimants. So I directed the Interpreter to say to him and I am surprised that he should now seem ignorant of the reasons of his exclusion.

If his communication had been forwarded directly to me, it would have given me pleasure to have caused this matter to be again explained to him, in such a manner as to be certain that he should understand it. Now, I can only give you the explanation, express my regret at the circumstances which caused his exclusion, and my conviction, that if the fact that "the Indians hold in higher consideration some of their half breeds than others and the difference in their capacity to use and take care of property and consequently in their power to aid their Indian connexions" "furnishes a strong ground for a claim" under the half breed allowance, no persons could be better entitled than the wife and children of Ke-wen-zy Shaw-a-no.

That chief speaks "of many poor persons"

at the Sault Ste Marie "who were entitled to receive" (as half breeds) "and got nothing". This may be so, but if it is, the fault is not mine. I admitted every one who could satisfy me that he was entitled. I did not admit all who claimed, but when I rejected any, you will find the reasons (as derived from the testimony before me) set forth in the Census Register. These remarks may also apply to the statement of Mr Schoolcraft, that "repeated applications had been made to him by persons disappointed in the distribution of the half breed allowance" and that "Some of the persons complain of having been unjustly excluded"

There is however a farther explanation due to his latter remark. I found some names on the list furnished me (which were transferred to the Census Register prepared by me) but the persons made no application to me and afforded no explanation of or evidence to support their claims. When I came to complete the Register, I inquired for these persons. I had nothing further in regard to them. There the name "Chenier" written twice on the Register. Who they were or what claim they had, or indeed anything about them, I could not, from my inquiries ascertain. Of course, I struck the names from the Register. But after the payments had been made, an old gentleman, with that name, presented himself and claimed for his family, but he was then too late. He had neglected his

own interest until the money had all been distributed and there was nothing remaining for me but to explain to him the reasons of his exclusion and express my regrets at the circumstance

I dismiss this subject with one general remark. I felt that any decision of mine adverse to a claim, would, if erroneous, operate more palpable injury to individuals than an erroneous decision favorable to claimants. I therefore in all cases of doubt, leaned rather to the side of admission. I could not expect to escape all errors. The state of society, the strong bias of interest, on the minds of the claimants and their friends, and the necessity of taking testimony through the intervention of interpreters, admonished me of my liability to error, but I can say, with great confidence, that no error has happened when it was in my power to prevent it. ))

I, Geo. W. Manypenny, Commissioner of Indian Affairs do hereby certify that the foregoing from the report of A. W. Edmonds Commissioner &c. is a true and correct extract, taken from the original on file in this Office.

Office Indian Affairs,
November 3. 1854.

Geo W Manypenny
Commissioner

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Robert McClelland Secretary of the Department of the Interior, do hereby [illegible] that Geo. W. Manypenny, whose signature is annexed to the foregoing certificate [illegible]id was at the time of signing the same, Commissioner of Indian Affairs, and that full fa[illegible] [illegible] to his official acts as such.

In testimony whereof, I have hereunto set my hand and [illegible] the seal of the Department to be affixed, this 3d day of November 1854

R. McClelland
Secretary