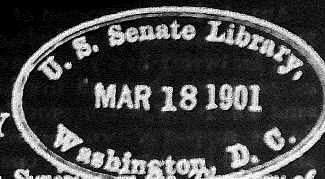


TREATY



*Made and concluded at La Pointe of Lake Superior, in the Territory of Wisconsin, between Robert Stuart, commissioner on the part of the United States, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen.*

DECEMBER 14, 1842.

Read twice, referred to the Committee on Indian Affairs, and ordered to be printed in confidence for the use of the Senate.

Articles of a treaty made and concluded at La Pointe of Lake Superior, in the Territory of Wisconsin, between Robert Stuart, commissioner on the part of the United States, and the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen.

ARTICLE 1. The Chippewa Indians of the Mississippi and Lake Superior cede to the United States all the country within the following boundaries, viz: Beginning at the mouth of Chocolate river of Lake Superior; thence northwardly across said lake to intersect the boundary line between the United States and the province of Canada; thence up said Lake Superior to the mouth of the St. Louis or Fond du Lac river (including all the islands in said lake); thence up said river to the American Fur Company's trading post, at the southwardly bend thereof, about 22 miles from its mouth; thence south to intersect the line of the treaty of 29th July, 1837, with the Chippewas of the Mississippi; thence along said line to its southeastwardly extremity, near the Plover portage on the Wisconsin river; thence northeastwardly, along the boundary line between the Chippewas and Menomonies, to its eastern termination (established by the treaty held with the Chippewas, Menomonies, and Winnebagoes, at Butte des Morts, August 11, 1837) on the Skonawby river of Green bay; thence northwardly to the source of Chocolate river; thence down said river to its mouth, the place of beginning; it being the intention of the parties to this treaty to include in this cession all the Chippewa lands eastwardly of the aforesaid line running from the American Fur Company's trading-post on the Fond du Lac river to the intersection of the line of the treaty made with the Chippewas of the Mississippi July 29, 1837.

ART. 2. The Indians stipulate for the right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President of the United States; and that the laws of the United States shall be continued in force, in respect to their trade and intercourse with the whites, until otherwise ordered by Congress.

ART. 3. It is agreed by the parties to this treaty, that whenever the Indians shall be required to remove from the ceded district, all the unceded lands belonging to the Indians of Fond du Lac, Sandy Lake, and Mississippi bands, shall be the common property and home of all the Indians party to this treaty.

1/A

ART. 4. In consideration of the foregoing cession, the United States engage to pay to the Chippewa Indians of the Mississippi and Lake Superior, annually, for twenty-five years, twelve thousand five hundred dollars (\$12,500), in specie, ten thousand five hundred dollars (\$10,500) in goods, two thousand dollars (\$2,000) in provisions and tobacco, two thousand dollars (\$2,000) for the support of two blacksmith shops (including pay of smiths and assistants, and iron, steel, &c.), one thousand dollars (\$1,000) for pay of two farmers, twelve hundred dollars (\$1,200) for pay of two carpenters, and two thousand dollars (\$2,000) for the support of schools for the Indians party to this treaty; and further, the United States engage to pay the sum of five thousand dollars (\$5,000) as an agricultural fund, to be expended under the direction of the Secretary of War, and also the sum of seventy-five thousand dollars (\$75,000) shall be allowed for the full satisfaction of their debts within the ceded district, which shall be examined by the commissioner to this treaty, and the amount to be allowed decided upon by him, which shall appear in a schedule hereunto annexed. The United States shall pay the amount so allowed within three years.

Whereas the Indians have expressed a strong desire to have some provision made for their half breed relatives, therefore it is agreed that fifteen thousand dollars (\$15,000) shall be paid to said Indians next year, as a present, to be disposed of as they, together with their agent, shall determine in council.

ART. 5. Whereas the whole country between Lake Superior and the Mississippi has always been understood as belonging in common to the Chippewas, party to this treaty; and whereas the bands bordering on Lake Superior have not been allowed to participate in the annuity payments of the treaty made with the Chippewas of the Mississippi, at St. Peter's, July 29, 1837; and whereas all the unceded lands belonging to the aforesaid Indians are hereafter to be held in common; therefore, to remove all occasion for jealousy and discontent, it is agreed that all the annuity due by the said treaty, as also the annuity due by the present treaty, shall henceforth be equally divided among the Chippewas of the Mississippi and Lake Superior, party to this treaty, so that every person shall receive an equal share.

ART. 6. The Indians residing on the mineral district shall be subject to removal therefrom at the pleasure of the President of the United States.

ART. 7. This treaty shall be obligatory upon the contracting parties when ratified by the President and Senate of the United States.

In testimony whereof, the said Robert Stuart, commissioner on the part of the United States, and the chiefs and headmen of the Chippewa Indians of the Mississippi and Lake Superior, have hereunto set their hands, at La Pointe of Lake Superior, Wisconsin Territory, this fourth day of October, in the year of our Lord one thousand eight hundred and forty-two.

ROBERT STUART, *Commissioner.*  
JNO. HULBERT, *Secretary.*

Crowing river	- Po-go-ne-gi-shik	- 1st chief	his x mark.
	- Son-go-com-ick	- 2d	his x mark.
Sandy lake	- Ka-non-dour-uin zo	- 1st	his x mark.
	- Na-tum-e-gaw-bon	- 2d	his x mark.
Gull lake	- Un-bo-jig	- 1st	his x mark.
	- Pay-pe-si-gon-de-bay	- 2d	his x mark.
Red Cedar lake	- Kui-ui-ses-ehis	- 1st	his x mark.
	- Oic-taw-wance	- 2d	his x mark.

Pokegomaw	- Bai-u-jig	- 1st chief	his x mark.
	- Show-ne-aw	- 2d	his x mark.
Wisconsin river	- Ke-uen-zi	- 1st	his x mark.
	- Wi-aw-bis-ke-kut-te-way	- 2d	his x mark.
Lac du Flambeau	- A-pish-ka-go-gi	- 1st	his x mark.
	- May-tock-cus-e-quay	- 2d	his x mark.
	- She-maw-gon-e	- 2d	his x mark.
Lake Bands	- Ki-ji-ua-be-she-shi	- 1st	his x mark.
	- Ke-kon-o-tum	- 2d	his x mark.
Fond du Lac	- Shin-goob	- 1st	his x mark.
	- Na-gan-nab	- 2d	his x mark.
	- Mong-o-zet	- 2d	his x mark.
La Pointe	- Gitchi-wasky	- 1st	his x mark.
	- Mi-zi	- 2d	his x mark.
	- Ta-qua-gon-e	- 2d	his x mark.
Ontonagan	- O-kon-di-kan	- 1st	his x mark.
	- Kis-ke-taw-wac	- 2d	his x mark.
Ance	- Pe-na-shi	- 1st	his x mark.
	- Guck-we-san-sish	- 2d	his x mark.
Vieux Desert	- Ka-she-osh e	- 1st	his x mark.
	- Medge-waw-gwau-wot	- 2d	his x mark.
Mille Lac	- Ne-gau-ne-be	- 1st	his x mark.
	- Ua-shash-ko-kum	- 2d	his x mark.
	- No-din	- 2d	his x mark.
St. Croix	- Be-zhi-ki	- 1st	his x mark.
	- Ka-bi-na-be	- 2d	his x mark.
	- Ai-aw-bens	- 2d	his x mark.
Snake river	- Sha-go-bi	- 1st	his x mark.
Chippewa river	- Ua-be-she-shi	- 1st	his x mark.
	- Que-way-zhan-sis	- 2d	his x mark.
Lac Courtulle	- Ne-na-ang-eb	- 1st	his x mark.
	- Be-bo-kon-uen	- 2d	his x mark.
	- Ki-uen-zi	- 2d	his x mark.

HENRY BLATCHFORD, *Interpreter.*  
SAMUEL ASHMUN, *Interpreter.*

In presence of—

JUSTIN RICE,  
CHS. H. OAKES,  
WILLIAM A. AITKEN,  
WILLIAM BREWSTER,  
CHS. M. BORUP,  
Z. PLATT,  
C. H. BEAULISU,  
L. T. JAMISON,  
JAMES P. SCOTT,  
CYRUS MENDENHALL,  
L. M. WARREN.

Schedule of claims examined and allowed by Robert Stuart, commissioner, under the treaty with the Chippewa Indians of the Mississippi and Lake Superior, concluded at La Pointe, October 4, 1842; setting forth the names of claimants and their proportion of allowance of the seventy-five thousand dollars provided in the 4th article of the aforesaid treaty, for the full satisfaction of their debts, as follows:

No. of claim.	Name of claimant.	Proportion of \$75,000 set apart in 4th article of treaty.
1	Edward F. Ely	\$50 80
2	Z. Platt, Esq., attorney for George Berkett	484 67
3	Cleveland North Lake Company	1,485 67
4	Abraham W. Williams	75 03
5	William Brewster	2,052 67
This claim to be paid as follows, viz:		
	William Brewster or order	\$1,929 77
	Charles W. Borup or order	122 90
		<u>2,052 67</u>
6	George Copway	61 67
7	John Kahbege	57 55
8	Alixes Carpantier	28 58
9	John W. Bell	186 16
10	Antoine Picard	6 46
11	Michael Brisette	182 42
12	François Dejaddon	301 48
13	Pierre C. Duvernay	1,101 00
14	Jean Bts. Bazinet	325 46
15	John Hotley	69 00
16	François Charette	234 92
17	Clement H. Beaulieu, agent for the estate of Brazil Beaulieu, deceased	596 84
18	François St. Jean and George Bonga	366 84
19	Louis Ladebauche	322 52
20	Peter Crebassa	499 27
21	B. T. Kavanaugh	516 82
22	Augustin Goslin	169 05
23	American Fur Company	13,365 30
This claim to be paid as follows, viz:		
	American Fur Company	\$12,565 10
	Charles W. Borup	800 20
		<u>13,365 30</u>
24	William A. Aitken	935 67
25	James P. Scott	73 41
26	Augustin Bellanger	192 35

## SCHEDULE—Continued.

No. of claim.	Name of claimant.	Proportion of \$75,000 set apart in 4th article of treaty.
27	Louis Corbin	\$12 57
28	Alixes Corbin	596 03
29	George Johnston	35 24
30	Z. Platt, Esq., attorney for Samuel Ashman	1,771 63
31	Z. Platt, Esq., attorney for William Johnston	390 27
32	Z. Platt, Esq., attorney for estate of Daniel Dingley	1,991 62
33	Lyman M. Warren	1,566 65
34	Estate of Michael Cadotte	Disallowed.
35	Z. Platt, Esq., attorney for estate of E. Roussain	959 13
36	Joseph Dufault	144 32
37	Z. Platt, Esq., attorney for Antoine Mace	170 35
38	Michael Cadotte	205 60
39	Z. Platt, Esq., attorney for François Gauthier	167 05
40	Do do Joseph Gauthier	614 30
41	Z. Platt, Esq., attorney for J. B. Uouille	64 78
42	Jean Bts. Corbin	531 50
43	John Hulbert	209 18
44	Jean Bts. Couvellion	18 80
45	Nicholas Da Couteau	Withdrawn.
46	Pierre Cotté	732 50
47	W. H. Brockway and Henry Holt, executors to the estate of John Holiday, deceased	3,157 10
48	John Jacob Astor	27,994 98
This claim to be paid as follows, viz:		
	Charles W. Borup	\$1,676 90
	Z. Platt, Esq.	2,621 80
	John Jacob Astor	23,696 28
		<u>27,994 98</u>
49	Z. Platt, Esq., attorney for Thomas Connor	1,118 60
50	Charles H. Oakes	4,309 21
51	Z. Platt, Esq., attorney for Wm. Morrison	1,074 70
52	Z. Platt, Esq., attorney for Isaac Butterfield	1,275 56
53	J. B. Van Rensselaer	62 00
54	William Brewster and James W. Abbou	2,067 10
The parties to this claim request that no payment be made to either without their joint consent, or until a decision of the case be had in a court of justice.		
55	William Bell	17 62
		<u>75,000 00</u>

ROBERT STUART, Commissioner.  
JNO. HULBERT, Secretary.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

*Transmitting a treaty with the Chippewa Indians.*

DECEMBER 14, 1842.

Read, and with treaty and documents referred to Committee on Indian Affairs, and ordered to be printed, in confidence, for the use of the Senate.

*To the Senate of the United States:*

I transmit to the Senate a treaty recently concluded with the Chippewa Indians of the Mississippi and Lake Superior, with communications from the War Department in relation thereto, and ask the advice and consent of the Senate to the ratification of the said treaty.

JOHN TYLER.

WASHINGTON, December 14, 1842.

WAR DEPARTMENT, December 6, 1842.

SIR: I have the honor to lay before you a treaty with the Chippewa Indians of the Mississippi and Lake Superior, concluded on the 4th day of October last, with a communication from the Commissioner of Indian Affairs in relation thereto, and respectfully recommend that the treaty be laid before the Senate, for the advice and consent of that body to its ratification.

Very respectfully, your obedient servant,

J. C. SPENCER.

*To the PRESIDENT of the United States.*

WAR DEPARTMENT,  
Office Indian Affairs, Dec'r 5, 1842.

SIR: The Congress of the United States having, on the 3d March, 1841, appropriated \$5,000 "to defray the expenses of holding treaties with the Indian tribes for the extinguishment of their titles to their lands within the limits of the State of Michigan," instructions were given, under date of 1st August last, to Robert Stuart, Esq., acting superintendent of Indian affairs in Michigan, for executing the intention of the law.

A treaty was concluded on the 4th October last, with "the Chippewa Indians of the Mississippi and Lake Superior, by their chiefs and headmen," by which they ceded to us all their possessions in Michigan, and west of it,

in Wisconsin, to a point some twenty-two miles southwest of the westernmost end of Lake Superior. By this treaty, if ratified, we will acquire some fourteen or fifteen millions acres of land, covering valuable minerals, and giving us the command of the southern shore of the lake, and of all the islands in it south of the Canada line.

For this purchase, desirable to Michigan and important to the United States, the consideration is reasonable, whether we take into view the mineral wealth of the land, its extent and value for agricultural purposes, or the advantages which will otherwise come to us from its exclusive ownership. The consideration is spread over various stipulations intended, and they can not fail to yield important benefits to the vendors. It will be observed that the price contracted to be paid is within the limit fixed by the instructions, and the expense attending the negotiation appears to me to be moderate, and to have been regulated by judicious economy.

I transmit herewith, for the consideration of the President and yourself, the original treaty, a copy of the instructions, and extracts from the report of the commissioner.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

HON. J. C. SPENCER, *Secretary of War.*

DETROIT, November 19, 1842.

SIR: My anxiety to transmit to you the superintendency accounts and annual report in due season, must plead my apology for the delay in forwarding the treaty concluded with the Chippewa Indians of the Mississippi and Lake Superior, at La Pointe, on 4th October last; the claims are now adjusted, and I have the honor to enclose herewith the treaty complete, which I trust will be satisfactory to the Department. The whole amount of claims laid in, amounted to \$244,331 91, and for a time it was doubtful whether at least \$100,000 for debts, and \$50,000 for half breeds, would not be insisted upon; but ultimately \$75,000 for debts only, was agreed to, and the Indian annuities were somewhat increased so as to enable them, annually, to aid their poor half breed relatives. It is unnecessary to trouble you with further details, as you understand the advantages of the treaty, as regards both our country and the Indians; besides, the whole subject was discussed pretty fully in my late report.

These Indians are, through our late efforts, entirely reconciled among themselves, and highly delighted with the kind and generous dealing of the Government toward them; and if the impression made this summer should be followed up next season by the benevolent effort on the part of the Government, to mediate a treaty of peace between the Chippewas and Sioux, it would promote the cause of humanity, and greatly advance the civilization and happiness of these hapless beings. There will not, in my opinion, be much difficulty in accomplishing this object, if you appoint men who have influence with the Indians. Both tribes should be made fully to understand that the very first aggression shall be severely punished, and full faith should be kept in this, as well as in every other respect; for at present, both the threats and promises of the Government are treated with *incredulity at least*. If the Government, (as many think), is in honor and duty bound to use its best endeavors to put a stop to the horrible carnage which these tribes are

continually committing upon each other, permit me to suggest that it might be well, soon to issue orders to the agent at St. Peter's to notify *all* his bands of Sioux, to assemble there about the 1st July next, and the sub-agent at La Pointe should have similar instructions, as relates to *all* his Chippewas, so that they also may be at Fort Snelling on 1st July. The chiefs, head men, and braves only, need be called, and \$6,000 might defray the whole expense.

I am respectfully, sir, your obedient servant,  
ROBERT STUART.

HON. T. HARTLEY CRAWFORD,  
*Commissioner Indian Affairs*

WAR DEPARTMENT,  
*Office of Indian Affairs, August 1, 1842.*

SIR: The Congress of the United States having, on the 3d day of March, 1841, appropriated \$5,000 "to defray the expenses of holding treaties with the Indian tribes for the extinguishment of their titles to their lands within the limits of the State of Michigan," it is deemed to be the duty of the Department to enter upon the negotiation.

There are valuable minerals on the land that the Chippewas are possessed of (and they are the only Indians that hold any land in Michigan), which extend westward, however, of that State, and cover, out of its limits, mines of copper, &c. The law making the appropriation refers only to Michigan, but taking care to obey the direction of the act, there can be no objection, that I perceive, to extending the purchase beyond the State. It is important, it strikes me, that we should have the uninterrupted control of the whole southern shore of Lake Superior for commercial and other purposes, as well as for mining.

The country claimed by the Chippewas lies north and west of that claimed by the Menomories, west of the purchase made from the Ottawas and Chippewas in 1836, and south of Lake Superior. There are understood to be about seven millions of acres of it in Michigan, and looking at the face of the map I should suppose that the country that ought to be embraced in the treaty contemplated would amount to about as much more; but as there is great uncertainty about some of the lines, with the means we have here for ascertaining them precisely, I will thank you, when discharging the duty which this letter imposes, to have a diagram made that will enable the Department to mark, with distinctness, the country that the Chippewas may cede to the United States under these instructions, and, of course, the lines of the Menomonic possession, and of cessions heretofore made by them, and of that made by the Chippewas of Mississippi in 1837.

From what has been already said, you will here observe, that it is contemplated to extend the purchase west of the State of Michigan, and, I think, as far as the station of the American Fur Company on the St. Louis river, southwest of Fond du Lac, and thence by a due south line, or nearly so, to the cession made by the Chippewas of Mississippi on the 29th of July, 1837. In pointing out this line, I do not mean to confine you strictly to it, but to say there or thereabouts will be the proper western limit of the cession desired, leaving, with your discretion, to modify it, as the face of

the country, natural boundaries, the wishes of the Indians, or other circumstances that ought to have an influence, may require.

For a cession of the district of country referred to, you are authorized, after full conference with the Secretary of War, and, by his direction, to stipulate for an annuity to the Chippewas, parties to the treaty, of not exceeding \$30,000 for 30 years; to be paid if \$30,000 are given as follows: \$15,000 in money; \$10,000 in goods and provisions in such proportions as the President shall determine; \$2,000 to be expended in the support of two blacksmiths' shops, including an assistant to the smith, and iron and steel; \$1,000 for the support of two farmers to instruct and aid them in agriculture; and \$2,000 to be expended annually in the support of schools among them. In addition to which you are authorized to engage for the delivery to them of \$17,000 worth of suitable goods, and \$3,000 worth of provisions in the fall of 1843, and to stipulate that a fund of \$5,000 shall be set apart to establish two farmers for them, and to aid them with agricultural implements for their own use, from time to time, as their necessities may require. If less than \$30,000 is agreed upon, each of the above items will be reduced in proportion, according to the sum fixed on, which ought to be made as low as fair dealing and justice to the Indians will admit of.

It is probable some provision will be sought to be made for the payment of the debts due by the Chippewas. Every day's observation strengthens my objections to stipulations of this kind; and if it is indispensable, I am unwilling to have the indebtedness referred to any investigation by commissioners to be subsequently appointed. If you find that you can not make a treaty without providing for their debts, you are instructed to investigate them before the treaty is concluded, to ascertain and insert them respectively in the treaty, or to annex a schedule of them to it, stating that so much is due to A, so much to B, &c., so that when the treaty is made and ratified there will be an end to all inquiry about their debts, and a settlement in full up to its date. We shall avoid further expense, and the amounts really due can be better arrived at than afterward. The Indians will be less likely to admit claims; for when a certain sum is set apart for debts, they regard it as gone from them. If, however, it is made to enter into the consideration of the cession, they will feel that whatever sum is thus paid is so much taken from them. Whatever is ascertained (if they are admitted) to be due for debts, must be a part of the consideration to be paid to the Indians. If they agree to take what will be equal to \$30,000 a year, you will take such a capital as will produce that sum, say \$600,000, at 5 per cent., and deducting whatever will be required to pay the debts from the capital thus taken. The annuity will be calculated by 5 per cent. on the remainder of said capital—say equal to \$30,000 a year are to be paid, and the debts amount to \$200,000, there will remain \$400,000 at 5 per cent. to raise the annuity, which, in that event, will be but \$20,000 per year. The money, goods, provisions, &c., payments will be graduated accordingly; and on these principles, be the debts less or more, the calculation will be made. These debts, furthermore, you will stipulate shall be paid within three years after the ratification of the treaty, at the discretion of the Government. I have put the instructions in this form necessarily, having no idea of the amount of the debts that may be claimed, if you shall be compelled to admit them; but of course you will soon ascertain whatever may be required to enable you to put your proposition into more



definite shape as to the amount of annuity, &c. I mean merely to say how the amount of it should be reached by yourself.

There must be a stipulation that they will move from the land ceded to that which will remain to the Chippewas west of the cession, which will entitle the whole band to participate in the annuity, &c., that shall be raised by the treaty. For if those on land ceded were to be the only participants of its price, it would be wrong to crowd them on the unceded land, the occupants of which would thus be made to share land with those who had not divided money with them; in other words it would be making the land west of the cession common property, while that within it was regarded as belonging to those who lived or hunted on it. If this is not done we ought to pay the western Chippewas for the privilege of placing among them those now east, and the amount which we shall pay for this privilege must be deducted from the consideration of the cession, and an arrangement for it made simultaneously with the treaty. It is not likely that it will be necessary for them to remove for a considerable time; but as that period is uncertain, their removal, and their obligation to go, it should be stipulated, shall be at the pleasure of the President; so that when our policy shall require it they can be displaced. The mines that are one of the objects of the cession will be opened probably very soon, under such laws as it shall be the pleasure of Congress to pass on the subject; there must therefore be a stipulation that they will remove at once after requirement from such particular parts of the ceded territory as we elect to use.

These are the principal features, which you have general discretion to modify so as not to change them materially, and to add on minor and unimportant points as circumstances may require.

Very respectfully, your most obedient servant,  
T. HARTLEY CRAWFORD.

ROBERT STUART, Esq.,  
*Act'g Superintendent Indian Affairs, Detroit, Michigan.*

OFFICE INDIAN AFFAIRS, 1st August, 1842.

SIR: In addition to the instructions of this date for the negotiating by you of a treaty with the Chippewas in the northwestern part of Michigan for a cession of land possessed by them, I think it proper to make a separate communication on the subject of debts, if you shall be compelled to make a provision for them.

The Secretary of War is of opinion that the analogy of the statutes of limitation that apply to simple contract debts, in most I know, and I presume in all of the States, no debts against Indians should be allowed that are more than six years old, and that this limit and rule should be applied to the claims that may be brought against the Chippewa tribe. The reason for the rule applies with at least as much force to demands upon them, as to those white citizens of the United States may have against each other. It is a law of peace and settlement in all civilized communities where evidence of indebtedness is or may be ample, and from the general looseness of Indian trade, more proper in relation to them, than where greater exactness may be expected. If, however, you shall find it impracticable to make

been frequently made for them, they must not in any event go further back than May 6, 1822, when foreigners ceased to have any legal competency to trade with Indians in the United States or their territories, the granting of licenses from that time forth having been by act of Congress confined to citizens of the United States. Prior to the time mentioned, foreigners chiefly, if not exclusively, carried on the trade. You are likewise instructed to allow no claim whatever in favor of a foreigner for any period.

Very respectfully,

T. HARTLEY CRAWFORD.

ROBERT STUART, Esq.  
*Acting Supt. Indian Affairs, Detroit, Michigan.*