

Aug. 7, 1855-

Treaty & Comments on

Mannypenny to Comm. F. Ind.

Detroit, August 7th, 1855.

Sir:-

We have the honor to transmit herewith Articles of Agreement and convention made and entered into at Detroit on the 31st day of July, 1855, with the Ottawa and Chippewa Indians, parties to the treaty of March 28th, 1836.

By the terms of said last mentioned treaty the Indians retained certain reservations from the lands ceded, which by the Senates amendments were made to terminate at the end of five years from the date of ratification unless the United States should grant the Indians permission to remain longer on said reserves; and in lieu of them, the Senates amendments further stipulated, that the sum of \$200,000 should be paid to the Indians in consideration of changing these permanent reservations into reservations for five years only, which sum was to be paid whenever the reservations were surrendered, and until such time interest was to be paid on the same.

It was further stipulated by the treaty aforesaid, and the amendments thereto, that the United States would furnish a home for the Indians, southwest of the Mississippi River for their final settlement, and which when selected of reasonable extent, the United States agreed to guarantee to said Indians forever: And also to remove and provide them with a years 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." It was also agreed, that such improvements as add value to the ceded land should be appraised and paid for.

In council with the Indians it was claimed by them that the United States ought to pay to them, not only the value of the land west, which on their removal was to be guaranteed to them forever, but also the value of the outfit of "articles and equipments" and the amount which it would have cost the Government to have removed and subsisted them, and likewise the value of the improvements on

ICC001951

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the ceded lands.

In reply they were told that they had no claim on the Government for the large amount of money it would have cost to have removed them to the country west of the Mississippi and to have subsisted them there for one year, for although the removal would have cost a large sum, which was saved to the Government, yet nothing was taken from or added to their means thereby.

They were further informed that they had an equitable interest in lands west, the stipulation to furnish them a home there being considered a part of the consideration for the lands ceded in Michigan, and that their improvements on the ceded lands should also be paid for, it being understood that at the end of five years from the ratification of the treaty of 1836, they were dispossessed and deprived of them by those who entered the lands.

Besides the claim to lands west these Indians have in the hands of the United States ^{the sum of} \$200,000 provided for and stipulated to be paid by the Senates amendment to the 4th Articles of the treaty of March 26, 1836. They also have in the Treasury or invested in public stocks upwards of \$20,000 being the proceeds of the \$1,000 provided by the 4th Articles of said treaty to be invested in public stocks.

The Ottawas have also an annual payment of \$1,700, being their share of the permanent annuities to be paid said tribe by the treaties of August 3rd, 1795, November 17, 1807, September 17, 1818 and August 29, 1829, the residue of said permanent annuities (\$2,600) being paid west of Missouri.

There seems to be some discrepancy about the amount at which the improvements were valued.

The appraisement list of Messrs. McDowell and Clark amounted to \$74,998; and subsequently Mr. Schoolcraft reported about \$25,000 more. The amount appropriated and paid for improvements is understood to be only \$20,000, leaving about unpaid \$19,998.

The 4th Article of the treaty of 1836. Clauses 2nd and 3rd stipulate for the payment of \$8,000 for educational and missionary purposes per annum for twenty years and as much longer as Congress

ICC001952

may appropriate therefor.

In view of the peculiar condition of these Indians we deemed it to be the duty of the Government to deal liberally with them, and as it would have been incumbent on it to have provided for their removal and subsistence had they gone west, and as it will be necessary for them to remove and re-locate on the homes provided for them by the agreement, we have concluded with them, it was deemed but just to provide something to remove and permanently settle them on their new homes.

It was also deemed to be due to them that their educational fund should be continued; and also the blacksmith establishments for the term of ten years.

By the Agreement of July 31st, 1855, the United States agreed to give to the Ottawas and Chippewas a quantity of land equal to eighty acres for each head of a family; forty acres to each single person over twenty-one years of age; eighty acres to each family of minor children composed of two or more in the family, and forty acres to each single minor child under twenty-one years of age, the whole to be set off and assigned in severalty under certain rules, regulations and restrictions provided for in the instrument. It will require from 120,000 to 140,000 acres of land to fulfil this stipulation; than which the home promised to be secured for them west is believed to be more valuable.

In consideration therefore of the difference in the value of the western lands, and the home now secured to the Indians in Michigan and in the release and discharge of the United States from all claims or demands on account thereof, or on account of removal thereto and subsistence, or on account of the claims for "articles and equipments to each person" and also in discharge and full satisfaction of the \$200,000 stipulated to be paid them in lieu of the reservations by the Senates amendment to the 4th Article of the treaty of 1836, and in like discharge of the sum which has accumulated from the investment of the \$1,000 per annum, provided for by the 4th article of the treaty aforesaid, and in discharge of the \$1,700 permanent annuity due to the Ottawas and heretofore specifically alluded to; in fact, in lieu and satisfaction of all

ICC001953

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claims, legal or equitable, on the part of said Indians jointly and severally against the United States for land, money or other things guaranteed to them or either of them by the stipulations of any former treaty or treaties (excepting the right of fishing and encampment secured to the Chippewas of Sault Ste Marie by the treaty of June 16, 1820) the United States are to pay to them or expend for their benefit, the sum of \$538,400 in manner following, viz:-

- First. \$80,000 for educational purposes to be paid or expended under the direction of the President in ten equal annual instalments of \$8,000.
- Second. \$75,000 in five equal annual instalments of \$15,000, each in agricultural implements, carpenters tools, household furniture, building materials, cattle, labor and such other articles as may be necessary and useful in removing to their new homes and getting permanently settled thereon.
- Third. \$42,400 for the support of four blacksmith shops for the term of ten years.
- Fourth. \$308,000 in coin to be paid per capita as follows:
\$10,000 of the principal and the interest on the whole of said last mentioned sum remaining unpaid at the rate of five per cent per annum annually for ten years; and the sum of \$206,000 remaining unpaid at the expiration of ten years, to be then due and payable, and if the Indians then require the payment the same shall be paid per capita in not less than four equal annual instalments.
- Fifth. \$35,000 in ten annual instalments of \$3,500, each to be paid only to the Grand River Ottawas.

While it cannot be pretended that these Indians have a legal demand against the Government for the full amount stipulated to be paid and expended for their benefit by the provisions of the instrument herewith transmitted, yet in view of their legal and equitable right and the claims which they clearly have upon the generosity of the Government, we have believed ourselves justified

ICC001954

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in making the liberal provisions we have inserted in the treaty.

These Indians number upwards of 5,000 and are now making very rapid advancement in civilization, to stimulate and encourage which it is no doubt alike the pleasure and duty of the Government. And with the aid extended to them by the provision made in the instrument we may express the conviction, that a very large body of them may be qualified to enter upon and discharge the duties and assume the obligations imposed upon citizens of the State of Michigan.

Very respectfully

your obedient Servants,

George H. Manypenny
Henry C. Gilbert

Commissioners.

Charles E. Mix, Esq.,

Acting Commissioner of Indian Affairs,

Washington, D. C.

ICC001955

Detroit August 7th 1855.

Sir:

We have the honor to transmit herewith Articles of Agreement and Convention made and entered into at Detroit on the 31st day of July, 1855, with the Ottawa and Chippewa Indians, parties to the treaty of March 25th 1836.

By the terms of said last mentioned treaty the Indians retained certain reservations from the lands ceded, which by the Senates Amendments, were made to terminate at the end of five years from the date of ratification unless the United States should grant the Indians permission to remain longer, on said reserves; and in lieu of them, the Senates amendments further stipulated, that the sum of \$200,000. should be paid to the Indians in consideration of changing these permanent reservations ^{into reservations} for five years only, which sum was to be paid whenever the reservations were surrendered and until such time interest was to be paid on the same.

It was further stipulated by the treaty aforesaid and by amendments thereto that in

1855

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THE NATIONAL ARCHIVES
Washington, D. C.

INDIA AFFAIRS, FROM GEO. H. HANFORD AND HENRY C. GILBERT,
COMMISSIONERS (AND IN BEHALF OF U.S. GOVERNMENT) TO
A TREATY WITH THE CHIPPewa AND OTTAWA INDIANS, JULY 31,
1855, IN U.S. COURT OF CLAIMS AND DAMAGES, VOL. 1, P. 128-9.

ICC001959

United States would furnish a home for the Indians, South west of the Mississippi River for their final settlement, and which when selected of reasonable extent, the United States agreed to guarantee to said Indians forever; and also remove and provide them with a years 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 Allowatomies in the final Treaty of cession concluded at, Chicago." It was also agreed, that such improvements as add value to the Ceded lands, should be appraised and paid for.

In Council with the Indians it was claimed by them that the United States ought to pay to them, not only the value of the land west, which on their removal was to be guaranteed to them forever, but also the value of the outfit of "articles and equipments" and the amount which it would have cost the Government to have removed and subsisted them, and likewise the value of the improvements on the Ceded lands.



THE NATIONAL ARCHIVES
Washington, D. C.

REPORT OF AUGUST 7, 1885 TO CHAS. E. HISE, ACTING COMR. OF
INDIAN AFFAIRS, BY JOHN W. HENNING AND HENRY C. GILBERT,
COMMISSIONERS (LAW OFFICERS) OF THE BUREAU OF INDIAN AFFAIRS,
A DIVISION OF THE DEPARTMENT OF THE INTERIOR,
1885. U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON, D.C.

ICC001960

In reply they were told, that they had no claim on the Government for the large amount of money it would have cost, to have removed them to the Country west of the Mississippi and to have subsisted them there for one year, for altho. the removal would have cost a large sum which was saved to the Government, yet nothing was taken from or added to their means thereby.

They were further informed that they had an equitable interest in lands west, the stipulation to furnish them a home there being considered a part of the consideration for the lands ceded in Michigan, and that their improvements on the ceded land should also be paid for, it being understood that at the end of five years from the ratification of the Treaty of 1836, they were dispossessed and deprived of them by those who entered the lands,

Besides the claim to lands west, these Indians have in the hands of the United States the sum of \$200,000, provided for and stipulated to be paid by the Senate Amendment to the 4th Article of the Treaty of March 28th 1836. They also have in the Treasury or in the public stocks upwards of \$20,000 being the

THE NATIONAL ARCHIVES
Washington, D. C.

1836

REPORT OF AUGUST 7, 1855 TO CHAS. E. WISE, ACTING COM. OF INDIAN AFFAIRS, FROM GEO. H. WATKINS AND HENRY C. WATKINS, COMMISSIONERS (1850 IN BEHALF OF U.S. GOVERNMENT) OF A TREATY WITH THE OJIBWA AND CHIPPEWA INDIANS (1855) IN U.S. COURT OF CLAIMS GENERAL SERIES (VOL. 27) 27837.

IC001961

HRA011762

proceeds of the \$1,000, provided by the 4th article of said treaty to be invested in public stocks,

The Ottawas have also an Annual payment of \$1,700, being their share of the permanent annuities to be paid said tribe by the treaties of August 3rd 1795. - November 17th 1807, - September 17th 1815 and August 29th 1829, - the residue of said permanent annuities (\$2,600.) being paid west of Missouri.

There seems to be some obscurity about the amount at which the improvements were valued.

The appraisement list of Messrs McConnell and Clark amounted to \$74,998; and subsequently Mr Schoolcraft reported ^{about} \$25,000 more - The amount appropriated and paid for improvements is understood to be only \$20,000 leaving ^{about} \$54,998.

The 4th Article of the treaty of 1836, Articles 2nd and 3rd stipulate for the payment of \$5,000, for educational and missionary purposes for annum for twenty years and as much longer as Congress may appropriate therefor.

In view of the peculiar condition of these Tribes we deemed it to be the duty of the Government to deal liberally with them; and as it would have been incumbent on



THE NATIONAL ARCHIVES
Washington, D. C.

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INDN AFFAIRS, FROM GEO. A. LEVYPERRE AND HENRY C. GILBERT, COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED A TREATY WITH THE OJIBWA AND CHIPPEWA INDIANS, JULY 31, 1855) IN U.S. COURT OF CLAIMS AND PETITIONS, FILE NO. 27537.

10001962

it to have provided for their removal and subsistence had they gone west, and as it will be necessary for them to remove and re-locate on the homes provided for them by the agreement we have concluded with them, it was deemed but just to provide something to remove and permanently settle them on their new homes,

It was also deemed to be due to them, that their educational fund should be continued; and also the Blacksmith establishments for the term of ten years.

By the Agreement of July 31st 1855, the United States agree to give to the Ottawas and Chippewas a quantity of land equal to Eighty acres for each head of a family; Forty acres to each single person over twenty one years of age; Eighty acres to each family of minor children composed of two or more in the family and Forty acres to each single minor child under Twenty-One years of age, the whole to be set off and assigned in severalty under certain rules, regulations and restrictions provided for in the instrument. — It will require from 120,000, to 140,000 acres of land to fulfill this stipulation; than which the home promised



THE NATIONAL ARCHIVES
Washington, D. C.

1855 JUL 31

THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED A TREATY WITH THE OTTAWA AND CHIPPEWA TRIBES) JULY 31 1855 IN U.S. COURT OF CLAIMS GENERAL OFFICE OF THE DISTRICT OF COLUMBIA.

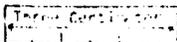
ICC001963

to be secured for them and is believed to be more valuable.

In consideration therefore of the difference in the value of the treasury lands, and the home now secured to the Indians in Michigan and in release and discharge of the United States from all claims or demands on account thereof, or on account of removal thereto and subsistence, or on account of the claims for "Articles and Equipments to each person", and also in discharge and full satisfaction of the \$200,000 stipulated to be paid them in lieu of the reservations by the Senate Amendment to the 4th article of the treaty of 1836, and in like discharge of the sum which has accumulated from the investment of the \$1000 per annum, provided for by the 4th article of the treaty aforesaid, and in discharge of the \$1700 per annum annuity due to the Ojibwas and heretofore specifically alluded to, in fact, in lieu and satisfaction of all claims legal or equitable on the part of said Indians jointly and severally against the United States for land, money or other things guaranteed to them or either of them by the stipulations of any former treaty or treaties



THE NATIONAL ARCHIVES
Washington, D. C.



REPORT OF AUGUST 7, 1855 TO CHAS. E. RISE, ACTING COMR. OF
INDIAN AFFAIRS, FROM GEO. H. HENDEBERT AND HENRY C. GILBERT,
COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED
A TREATY WITH THE CHIEF AND CHIEFTAINS OF THE
1855) IN U.S. COURT OF CLAIMS GENERAL JOURNAL, VOL. 1, PAGE
22257.

ICC001964

HRA011765

(accepting the right of fishing and encampment secured to the Chippewas of Oault the Ottawa by the treaty of June 16th 1820.) the United States are to pay, to them or expend for their benefit, the sum of \$538,400, in manner following, viz:—

First.— \$80,000 for educational purposes, to be paid or expended for their benefit under the direction of the President in ten equal annual instalments of \$8,000.

Second.— \$75,000 in five equal annual instalments of \$15,000. — each in agricultural implements, Carpenters tools, household furniture, building materials, Cattle, labor and such other articles as may be necessary and useful in removing to their new homes and getting permanently settled thereon.

Third.— \$42,400 for the support of four Blacksmith Shops for the term of ten years.

Fourth.— \$306,000 in Cash to be paid for Capital as follows: \$10,000 of the principal and the interest on the whole of said



THE NATIONAL ARCHIVES
Washington, D. C.

RECORDS OF THE U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WASHINGTON, D.C. 20250
1828-1837, FILED GEO. W. HANFORD AND HENRY C. GILBERT,
COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED
A TREATY WITH THE OTTAWA AND CHIPPEWA INDIANS, JULY 16,
1825) IN U.S. COURT OF CLAIMS GENERAL JUDICIAL DISTRICT NO. 1
27237.

IC0001965

HRA011766

last mentioned sum remaining unpaid at the rate of five percent per annum annually for ten years; and the sum of \$206,000, remaining unpaid at the expiration of ten years, to be then due and payable, and if the Indians then require the payment the same shall be paid per Capita in not less than four equal annual instalments.

Fifth. — \$35,000, in ten annual instalments of \$3,500, — each to be paid only to the Grand River Ottawa's.

While it cannot be pretended that these Indians have a legal demand against the Government for the full amount stipulated to be paid and expended for their benefit by the provisions of the instrument herewith transmitted, yet in view of their legal and equitable rights and the claims which they clearly have upon the generosity of the Government, we have believed ourselves justified in making the liberal provisions we have inserted in the Treaty.

These Indians number upwards of 5,000, and are now making very rapid advances



THE NATIONAL ARCHIVES
Washington, D. C.

REPORT OF AUGUST 7, 1855 TO CHAS. E. TISE, ACTING COMR. OF INDIAN AFFAIRS, FROM GEO. H. JOHNSON AND HENRY C. GILBERT, COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED A TREATY WITH THE GRAND RIVER OTTAWA INDIANS, JULY 11, 1855) IN U.S. COURT OF CLAIMS GENERAL JOHN J. BROWN, CASE NO. 27287.

1CC001966

HRA011767

in civilization, to stimulate and encourage which, it is no doubt, alike the pleasure and duty of the Government. And with the aid extended to them by the provisions made in the instruction we may express the conviction, that a very large body of them may be qualified to enter upon and discharge the duties and assume the obligations imposed upon citizens of the State of Michigan.

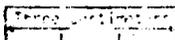
Very Respectfully
Your Obedient Servant

Geo W Mansfield
Henry L. Dixon
Commissioner,

Chas E. Rice Esq
Acting Comr of Ind. Affairs,
Washington



THE NATIONAL ARCHIVES
Washington, D. C.



REPORT OF AUGUST 7, 1855 TO CHAS. E. RICE, ACTING COMR. OF
IND. AFFAIRS, FROM GEO. W. MANSFIELD AND HENRY L. GILBERT,
COMMISSIONERS (WHO IN BEHALF OF U.S. GOVERNMENT NEGOTIATED
A TREATY WITH THE OTTAWA AND CHIPPEWIA TRIBES, JULY 21,
1855) IN U.S. COURT OF CLAIMS AND GENERAL DUES, DIST. COURT,
27527.

ICC001967