

THE TERRITORIAL PAPERS OF THE UNITED STATES

Compiled and edited by
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Continued



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THE SECRETARY OF WAR TO HENRY R. SCHOOLCRAFT

[NA:WD, Sec. War Files, Mil. Book 15]

DEPARTMENT OF WAR, *March, 14th, 1836*SCHOOLCRAFT, HENRY R. Esq^r. Washington City.

SIR, A number of Chiefs of the Ottawa and Chippewa tribes, from the Northern part of the peninsula of Michigan, and from the country between Lake Superior and Lake Michigan, having arrived in this City, with the view of making a treaty for a cession of land in those portions of the Country, the President has authorised me, to inform you, that you are hereby appointed a Commissioner, to treat with them for that purpose.⁵

You will, therefore, seek an interview with them, and announce to them, this arrangement. You will ascertain, in the first place, that they are the acknowledged chiefs of those tribes in the quarter of the country from which they come, and authorised, agreeably to Indian usages, to make a cession of the lands. You will then proceed to make such purchases, as they may be prepared to grant. In doing this, you will apportion the pecuniary amount, to be allowed to the value of the Country, taking into view, its extent, fertility, and other probable advantages which it offers for a sale, and the amount which has heretofore been allowed for other cessions. It is impracticable to give any definite directions on this point, and it must, of course, be left to your own discretion. The great object will be, to do full justice to the Indians, and, at the same time, to procure the land upon proper and reasonable terms, for the United States.

You will allow no individual reservations. It is desirable, as far as practicable, to extinguish the Indian title, as our settlements advance, so as to keep the Indians beyond our borders. But if it should be found necessary to allow particular bands to remain upon reservations, those reservations must be held upon the same tenure, as the Indians now hold their Country, that is, to allow them to retain possession of it, till it shall be ceded to the United States.

No claims for debts, or other demands, against the Indians, will be adjusted or settled by the treaty. If the Indians should insist upon it, you will be at liberty to assign a reasonable portion of the consideration money, to be fixed by them, as a general fund, for the payment of just claims against them. These claims to be examined by a commissioner, to be appointed by the President and Senate, and such of them as he finds just, to be paid from this fund. If any portion of the fund remains, it is to be paid over to the Indians.

⁵ Negotiations for the cession of Indian lands north of the Grand River and in the upper peninsula had been in the offing for some time. See Schoolcraft to Robinson, Dec. 24, 1835, to Cobbs, same date, to Trowbridge, Jan. 13, 1836, and to the Indians delegated to negotiate with the United States, Feb. 16, 1836 (Schoolcraft Papers, LC).

The usual stipulations for annuities, for farming purposes, for schools, for the purchase and delivery of a reasonable portion of goods, will be allowed; but the annuities will not extend beyond the term of 20 years.

You will receive the usual pay of a Commissioner, viz—\$8, a day, during every day you are actually employed in this business, and the same sum will be allowed you for such time as you have been engaged, previous to the date of this letter, in communication with that portion of this deputation which has been sometime in this City, to be paid upon your certificate.⁶

L.C.

ETHAN A. BROWN TO THE SECRETARY OF THE TREASURY

[GLO:Div. C, Misc. Let. Bk. 6, new ser.]

GENERAL LAND OFFICE, 14th March, 1836.

HON L. WOODBURY Secy of the Treasury.

SIR, The letter from Lucius Lyon, John Norvell and Daniel Le Roy Trustees of the University of Michigan, dated the 1st inst:⁷ reporting the selection of certain tracts of land, under the provisions of the Act of Congress of 20th May 1826 entitled "An Act concerning a Seminary of learning in the Territory of Michigan,"⁸ in addition to those heretofore selected for that institution and requesting their approval, and that patents be issued therefor, referred to this Office by you on the 3^d inst: has been received.

It appears from the records of this Office that Some of these tracts, to wit:—fractional Section 3, lying East of the Indian boundary, that

⁶ The treaty was concluded in Washington, D. C., Mar. 28, 1836. The original MS. text of the treaty is in NA (SD, Ind. Treaties); it is printed, 7 STAT. 491-497; Kappler (ed.), *Ind. Treaties*, II, 450-456. See Royce, *Ind. Land Cessions*, map 29, cession designations 205, 206, 207. The treaty was ratified by the Senate May 20, 1836, after the adoption of amendments to certain clauses (*Senate, Exec. Journal*, IV, 526, 541-544, 550). It was proclaimed May 27, 1836. See Chippewa and Ottawa chiefs to the President, July 14, 1836 (Schoolcraft Papers, LC), agreeing to the amendments; and Harris to Schoolcraft, Aug. 2, 1836 (NA, ID, OIA, Let. Bk. 19), acknowledging Schoolcraft's of July 18 (not seen) enclosing the above-mentioned assent of the Ottawa and Chippewa chiefs and embodying instructions relative to the execution of the treaty. See also clipping dated Sept. 17 from the *Daily Albany Argus*, Sept. 27, 1836 (Schoolcraft Papers, SI), containing a notice of the execution of the treaty and a description of the action which took place at Mackinac. A statement of the expenses incident to the treaty negotiations is in Schoolcraft Papers (LC), under date of May 24, 1836. Other relevant correspondence during 1836 is found in NA (ID, OIA, Let. Bks. 18, 19, and 20), and NA (*ibid.*, Let. Recd.), as well as in the Schoolcraft Papers (LC and SI).

⁷ Not found.

⁸ 4 STAT. 180.