

Treaties with the Chippewa

Prepared in 2022 by the Minnesota Chippewa Tribe
Constitutional Reform Drafting Committee

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- A treaty is a contract between sovereign nations. The *U.S. Constitution Article VI, sec 2*, declares that treaties are the “Supreme Law of the land.”
- According to *U.S. v. Winans, 198 U.S.371 (1905)* held, an Indian treaty is “not a grant of rights to the Indian, but a grant of rights from them.” Thus, the treaties were not to give Indians rights but to remove the rights they had.
- A principle of Law called the “reserved rights” doctrine indicates “any right not expressly extinguished by a treaty or federal statute is reserved to the tribe.” (*Menominee Tribe v. U.S., 391 U.S. 404 (1968)*; *U.S. v. Dion, 476 U.S. 734, 739 (1968)*; *Swim v. Berland, 696, F. 2d 712 (9th Cir.1983).*)
- Before the War of 1812, the U.S. and the Indian tribes negotiated treaties as relative equals. Early Indian treaties were voluntary and more mutually advantageous; the U.S. acquired land and peace from the Indians in exchange for goods and services. (*Worcester v. Georgia, 31 U.S. 515 (1832)*; *U.S. v. Forty-Three Gallons of Whiskey, 93 U.S. 188 (1876).*)
- In *C. Wilkinson and J. Volkman, Judicial Review of Indian Treaty Abrogation: “As Long as Water Flows, or Grass Grows upon the Earth”-How Long a Time Is That? 63 Cal. L. Rev. 601, 608-10 (1975)*, the authors wrote, “After the War of 1812, friendship with the Indians became less valuable, and the U.S. then wanted Indian land, which it began to take by force. Indian treaties after the War of 1812 were rarely voluntary.”
- In treaties, Indians agreed to relinquish their land to the U.S.; in exchange, the U.S. promised to create federally protected reservations. Some treaties also promise Indians specific goods or services such as medical care, food, and clothing. Almost every treaty assured the Indians they could live on the reservation permanently and would not be forced to move.
- In 1854, Senator Sam Houston described the nature of reservations, “As long as water flows, or grass grows upon the earth, or the sun rises to show your path, or you kindle your campfires, so long shall you be protected by this Government, and never again be removed from your present habitations.” *Cong. Globe, 33d Cong., 1st Sess., App. 202 (1584)*. The U.S. rarely lived up to its promises.

- In 1871, Congress prohibited making treaties with the Indians when it passed a law, **Title 25, United States Code, Section 71**. This Code stated, “No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty.” Since then, Congress has regulated Indian affairs through legislation that did not need the consent of the Indians. The President and the Senate only made the treaties. The House pressured the Senate into passing this law so it could have a hand in formulating Indian policy.
- **Section 71** states that “no obligation of any treaty ...shall be hereby invalidated or impaired.” However, most treaties have been broken or breached by Congress. The Supreme Court held in 1903 in ***Lone Wolf v. Hitchcock* 187 U.S. 553 (1903)** that Indian treaties have the same dignity as federal statutes but no greater dignity. Thereby federal law could amend or even repeal an Indian treaty in the same way that it can amend or repeal a prior law. Subsequently, the Court reviewed a treaty that Congress promised never to diminish the size of a tribe’s reservation without the tribe’s consent. Shortly after the treaty was signed, Congress passed a law reducing the reservation in direct violation of the treaty. ***Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584 (1977)**.
- In ***Shonshone Tribe v. U.S.*, 299 U.S. 476, 497 (1937)**; ***Menominee Tribe v. U.S.*, 391 U.S. 404 (1968)**, the Supreme Court upheld the power of Congress to abrogate the treaty and take the land, noting that the 5th amendment of the constitution states that Congress may not deprive anyone of “private property... without just compensation.” The Supreme Court held that Indian treaty rights are private property protected by the Just Compensation Clause. Therefore Indians must receive compensation whenever Congress abrogates their treaty right. However, the monetary award usually provides little compensation to tribes for the loss of their homes and sacred lands.
- The Supreme Court awarded the Sioux more than \$100 million for the loss of the Black Hills. Immediately, several Sioux filed a lawsuit demanding the federal government keep the money and return the land. The court refused to interfere with Congress’s power to take the tribe’s land. ***Oglala Sioux Tribe of Pine Ridge Indian Reservation v. U.S.*, 862 F. 2d 275 (8th Cir.), cert denied, 109 S. Ct. 2087(1989)**.
- Disputes have arisen over the terms and provisions of Indian treaties. These disputes often involved interest in land, water, minerals, and wildlife. The Supreme Court developed the following three rules, known as the Canon of Treaty Construction, which governs the interpretation of Indian treaties.

- Ambiguities in treaties must be resolved in favor of the Indian Indians. ***Bryan v. Itasca County, Minnesota, 426 U.S. 373, 392 (1972).***
 - Indian treaties must be interpreted as the Indians would have understood. ***Choctaw Nation v Oklahoma, 397 U.S. 620, 631 (1970).***
 - Indian treaties must be construed liberally in favor of the Indians. ***County of Oneida v Oneida Indian Nation, 470 U.S. 226, 247 (1985).***
- The canons benefited tribes with treaties as the Supreme Court intended. Because the U.S. Govt. wrote Treaties in English, the Indians were at a significant disadvantage in treaty-making. The Indians were not sure what they were signing. Also, most Indians signed the treaties under threat of force.
 - The Supreme Court explained in ***Washington v. Fishing Vessel Ass'n, 443 U.S. 658, 690 (1979).*** “Accordingly, it is the intention of the parties and not solely that of the superior side, which must control any attempt to interpret the treaties. When Indians are involved, the court has long given special meaning to this rule. It has been held that the U.S., as a party with presumptively superior negotiating skills and superior knowledge of the language in which the treaty is recorded, has a responsibility to avoid taking advantage of the other side. The treaty must therefore be construed, not accordingly to the technical meaning of its words to learned lawyers, but the sense in which they would naturally be understood by the Indians.”
 - These principles of law have been fundamental to Indians, Tribes in the northwest have partially benefited from them because they depend on fishing for their substances. The treaties recognized their rights to fish but failed to explain how many fish they may catch, where they may catch, or whether and how much the state may regulate Indian fishing.
 - The Supreme Court liberally interpreted the statutes in favor of the Indians because the court assumed that fishing must have been discussed during the treaty. After all, it was the Indians’ livelihood. Also, nothing in the treaty removes their fishing right; thus, the Indians would have assumed that their fishing rights remained intact. Therefore, the treaties must be interpreted today with any uncertainty resolved in the Indians’ favor.

- A Treaty that created a permanent reservation for a tribe is presumed to reserve enough water to make the reservation livable. ***Winters v. U.S.*, 207 U.S. 564 (1908).**
- The court in ***Lone Wolf v. Hitchcock* 187 U.S. 553 (1903)** make it easier for Congress to break its treaty promise. But other decisions of the Supreme Court have limited the potential damage caused by *Lone Wolf*. In 1941 the court held that a subsequent federal law cannot break Indian treaties unless Congress intended to do so was “clear and plain.” ***U.S. v. Santa Fe Pacific R. R. Co.*, 314 U.S. 339, 353 (1941).**
- Treaty relinquished vast amounts of land in exchange for treaty promises, and they had a right to expect the U.S. to keep those promises. The late Supreme Court Justice Hugo Black stated in criticizing the breaking of Indian treaties by the federal government, “Great nations, like great and, should keep their word.” ***Federal Power Commission v. Tuscarora Indian Nation*, 362 U.S. 99, 142 (1960) (Black, J., dissenting).**
- Indian treaties cannot be abolished “in a back-handed way.” ***Menominee Tribe v. U.S.*, 391 U.S. 404 (1968).**
- In ***U.S. v. Dion*, 476 U.S. 734, 739 (1968)**, the court reached a similar conclusion.
- Treaty obligation discredited the integrity of the U.S. as a Supreme Court noted that “Indian treaty rights are too fundamental to be easily cast aside.” ***U.S. v. Dion*, 476 U.S. 734, 739 (1968).**
- The Supreme Court diluted this “clear showing” standard. In 1973 the court ruled that a federal law could abrogate an Indian treaty if the surrounding circumstances and legislative history “indicated that intent.” ***Mattz v. Arnett*, 412 U.S. 481, 505 (1973).**
- Although Congress can abrogate an Indian treaty, it must plainly state its intention; treaty abrogation cannot be inferred. ***U.S. v. Santa Fe Pacific R. R. Co.*, 314 U.S. 339, 353 (1941); *Menominee Tribe v. U.S.*, 391 U.S. 404 (1968); and; *U.S. v. Winnebago Tribe of Nebraska*, 542 F. 2d 1002 (8th Cir.1976).**
- A violation of Indian treaties is a violation of federal law. Treaties have the same effect and force as federal statutes. Indians and tribes are entitled to enforcement of their treaty rights. If state or federal officials violate these rights, a lawsuit can be filed in federal court to stop their activity. ***Puyallup Tribe v. Washington Dep’t of Game*, 433 U.S. 165 (1977); *U.S. v. Winnebago Tribe of Nebraska*, 542 F. 2d 1002 (8th Cir.1976).**

In ***Rosebud Sioux Tribe v. Kneip*, 430 U.S. 584 (1977)**, the court used this “implied abrogation” standard to decide that a federal law abrogated an Indian treaty even though nothing in the statute clearly stated that intent.

**Fundamental concepts about Treaties from
Why Treaties Matter: Relations: Dakota & Ojibwe Treaties, Minnesota
Indian Affairs Council, 2013.**

Indian tribes possess sovereign authority over their people and territory. This inherent sovereignty of Native tribes, the right to make their laws and be governed by them, predates the establishment of the Federal government and the U.S. Constitution.

- The U.S. acknowledged the inherent sovereignty of tribes through treaty negotiations between two sovereign “nations.”
- Federal case law has diminished inherent sovereign powers; however, the modern definition of tribal sovereignty acknowledges that tribes possess a unique political status different from any other group in the U.S. Therefore, federal and state governments are required to engage in “government-to-government” relationships with all federally recognized tribes.
- The political status has evolved from the inherent sovereign standing of Indigenous people before European contact and through the treaty-making process between the United States and the various tribes.
- **The Indian Commerce Clause of the United States Constitution (Article 1, 8, clause 3)** is the primary source of the “nation to nation” relationship between the federal government and tribes. It has been the primary vehicle used by Congress to recognize and define tribal sovereignty. In addition, the Court has ruled that Congress, as the legislative body of the nation and not state governments, has an intrinsic power to deal with the Indian nations that reside within the borders of the United States.
- Ojibwe people in what is now Minnesota signed dozens of treaties with the U.S. Among these treaties are famous land cession agreements in which sovereign Indian groups retained ownership or use of natural resources, land, water, timber, and minerals or transferred these rights to the U.S.
- Treaties also tell a story about how people relate to one another and how people relate to the land. In these frequently misunderstood events, we find a contrast between separate ways of looking at the world: material progress versus sustainability, business relationships versus family relationships, and land as privately owned real estate versus land as our connection to something bigger than ourselves.

Cession, in international law, commonly refers to land transferred by a treaty, the formal giving up of rights, property, or territory by a state. Cession is voluntary or is supposed to be.

The **Protectorate Principle** is one of the oldest features of International Relations. Indian nations, under the protection of the U.S., retain their political dominance over internal affairs, but the U.S. manages their international relations. "The protectorate principle significantly affects other doctrines in the federal Indian law. Once we lay aside the incompatible doctrine of conquest and law of colonialism, the protectorate framework fundamentally reshapes the plenary power, guardianship, and trusteeship doctrines and places them in their protective role as tools to protect Indian Nations. Once we give the protectorate principle proper effect, the "dark side of "plenary power, guardianship, and trusteeship is trimmed away: we can see that the 'plenary power' of Congress is... accurately described as "protectorate power," aimed only to protect, not destroy or oppress; and the guardianship and trusteeship powers become derivative powers available to protect, not divest, tribal sovereignty, property, culture integrity, religious freedom and traditional ways of life so that Indian nations can flourish."

In the Light of Justice the Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples Walter R. Echo-Hawk, Anaya S. James Fulcrum, Publishing, 2013.

History has shown that no nation has ever "conquered" Native Nations. The Doctrine of Conquest, which dates to Roman law, held that a victorious government in war acquired sovereignty over the conquered nation and could exert its legal and political jurisdiction over its residents. The U.S. obtained nearly every Indian acre on the continent through purchase, treaty cessions, or statutes, not acquired by force of military arms. ***Felix S. Cohen "Original Land Title," 32 Minn. L.Rev.28, 34-43 (1947).***

Furthermore, "**Worcester V Georgia**" (1832) held that the domestic dependent nation status of Indian nations is not considered conquest under federal or international law."

Native Nations' sovereignty is an "inherent right." it was the Inherent sovereignty of and treaties with Native Nations that helped the United States, which did not have sovereignty, establish itself as a diplomatic force and a recognized country with the international community of nations. Native Nations' governmental, jurisprudential, and cultural systems were traditions of, by, and for the people long before contact with non-natives. Native made treaties millennia before Europeans landed here. Treaties and sovereign agreements provide for the ongoing needed services and benefits for Native Nations. Natives ceded their land in perpetuity, so payments, services, and programs are to continue forever. In exchange, the U.S. has the territory over which to

govern and water and other riches to use. The U.S. Constitution recognizes the importance of treaties. It clarifies that once the treaty is signed by the president and ratified by the Senate, it becomes the “Supreme law of the land.”

IF YOU DON'T KNOW TREATIES AND SOVEREIGNTY, YOU DON'T KNOW HISTORY
Sovereignty is Sovereignty and treaties are treaties and nation to nation is between and among sovereigns. Suzan Shown Harjo July 1, 2021. Published in Indian Country Today.

The Creation of the United States of America. “The United States acquired most of its land through treaties with Indian Nations. These agreements were fundamental in how the United States was created and how its citizens obtained the land and natural resources they enjoy today. From a native perspective, the story began with American acceptance of tribal self-government and nation-to-nation diplomacy through treaty-making. However, the promising start quickly morphed into disaster through broken and coercive treaties that promoted Indian removal and tribal land loss, government policies that dismantled Indian tribes as political institutions, obliterated tribal land ownership, and forced assimilation of Native people into white culture... Native people never gave up on their treaties or the sovereignty that treaties recognized. Beginning in the 1960s native leaders invoked America's growing commitment to social justice to restore broken treaties, to demand congressional legislation...that repaired the damage that had been inflicted on native nations by U.S. Indian policies, and to rejuvenate tribal governments... today, the resurgence of treaty rights and self-determination is evident in renewed tribal political, economic, and cultural strength, as well as reinvigorating nation to nation's relations with the United States.”

Kevin Gover, “Forward” Nation-to-Nation: Treaties between the United States and American Indian Nations, ed. Suzan Shown Harjo (Washington, DC: National Museum of the American Indian in association with Smithsonian books,2004), xi-xiii.

The **Reserved Rights Doctrine**, a principle of Law, indicates that “any right not expressly extinguished by a treaty or federal statute is reserved to the tribe.

law.jrank.org/pages/8748/Native-American-Rights-Reserved-Rights-Doctrine.html

United Nations Declaration of Indigenous People (UNDRIP).

Because the United States did not sign UNDRIP, the provisions do not automatically carry the force of binding law. However, because Treaties and the Protectorate Principle are based on international law, many of the Declaration's provisions might be indirectly enforced in U.S. courts as they reflect existing treaty and protectorate obligations.

The federal government ended treaty-making with Native nations in 1871, but this did not limit how Native nations relate to the federal government today. The UN Declaration provides a comprehensive statement of indigenous rights. The document can facilitate a new era of indigenous-State relations, which includes upholding treaty obligations, fulfilling promises, and creating new legally enforceable government-to-government agreements. A treaty is an agreement between two nations or sovereigns. Article 37 of the UN Declaration explicitly recognizes indigenous peoples' right to have treaties, agreements, and other constructive arrangements with States recognized, observed, and enforced.

The Declaration's Preamble affirms not only the right of indigenous peoples to equality but also the right to be different and to be respected. Article 36 of the Declaration ("Indigenous peoples have the right to self-determination. Under that right they freely determine their political status"). recognizes the ability of a Native nation to freely determine its political status, not as Americans or Canadians, or as some other indigenous nation. Article 36 (1) recognizes the right of indigenous peoples to maintain relationships across borders, including activities for spiritual, cultural, political, economic, and social purposes. Article 36(2) states that it must ensure the proper implementation.

The literature notes, "Since the treaty-making period, the United States and Native nations have developed very different views of what treaties mean. The United States Supreme Court ruled in ***The Cherokee Tobacco Case*, 78 U.S. (11 Wall.) 616 (1870)** that an act of Congress can supersede treaty provisions. One year later, Congress formally ended treaty-making with Native nations. Since then, the United States has furiously chipped away treaty rights and treaties, turning sacred promises into hollow words. In its 1903 ***Lone Wolf v. Hitchcock*** decision, the United States Supreme Court even went as far as to hold that Congress can allot a tribe's land in violation of a treaty. This interpretation and narrowing of treaty rights conflict with the international treatment of treaty rights, especially as envisioned in the UN Declaration and the Vienna Convention on the Law of Treaties."

"What does this mean for Native nations seeking to exercise treaty rights? Though the United States will no longer enter treaties with Native nations, native nations can work with the United States to renew treaties considering the UN Declaration through the development of legally enforceable "government-to-government" agreements. Now is the time for UN Declaration implementation, and it is up to Native nations to call upon the United States to honor existing treaty rights, fulfill promises made, and enter into agreements and other constructive arrangements to move us forward together."

***Treaty Rights and the UN Declaration on the Rights of Indigenous Peoples.
Commentary by Karla E. General, a citizen of the Mohawk Nation and an attorney at
the Indian Law Resource Center, Washington, DC.***

It is essential to look at the following Treaties:

- To determine what Rights we retained
- To determine how the rights in the UNDRIP might be indirectly enforced in U.S. courts as they reflect treaty obligations and these international laws concepts:
 - Cession of Land
 - Sovereignty Principle
 - Protectorate Principle
 - Treaties
 - Customary Law

| TREATIES (Tribes' names spelled as they appear in the treaties) | Index to this Document | Index of the treaties in GOVPUB-Law and treaties.pdf www.fdlconstitution.org |
|--|-------------------------------|---|
| Treaty of the Wyandot, etc. (Treaty of Fort M'Intosh) (January 21, 1785) | Pages 12-13 | Page 6-8 |
| Treaty with the Wyandot, etc. (Six Nations) (Treaty of Fort Harmar) (January 9, 1789) | Pages 14-17 | Page 18-23 |
| Treaty with the Wyandot, etc. (Treaty of Greenville) (August 3, 1795) | Pages 18-20 | Page 39-45 |
| Treaty with the Wyandot, etc. (Treaty of Fort Industry) (July 4, 1805) | Pages 21-22 | Page 77-78 |
| Treaty with Ottawa, etc. (Treaty of Detroit) (November 17, 1807) | Pages 23-24 | Page 92-95 |
| Treaty with the Chippewa, etc. (Treaty of Brownstown) (November 25, 1808) | Pages 25-26 | Page 99-100 |
| Treaty with the Wyandot, etc. (Treaty of Spring Wells) (September 8, 1815) | Pages 27-28 | Page 117-119 |
| Treaty with Ottawa, etc. (Treaty of St. Louis) (August 24, 1816) | Pages 29-30 | Page 132-133 |
| Treaty with the Wyandot, etc. (September 29, 1817) | Pages 31-33 | Page 145-155 |
| Treaty with the Wyandot, etc. (Treaty of St. Mary) (Supplementary to 1817) (September 17, 1818) | Page 34-35 | Page 162-163 |
| Treaty with the Chippewa (Treaty of Saginaw) (September 24, 1819) | Pages 36-37 | Page 185-187 |
| Treaty with the Chippewa (June 16, 1820) | Page 38 | Page 187-188 |
| Treaty with Ottawa and Chippewa (July 6, 1820) | Pages 39-40 | Page 188-189 |
| Treaty with Ottawa, etc. (Treaty of Chicago) (August 29, 1821) | Pages 41-43 | Page 198-201 |
| Treaty with the Sioux, etc. (Treaty of Prairie du Chien) (August 19, 1825) | Pages 44-45 | Page 250-255 |
| Treaty with the Chippewa (Treaty of Fond du Lac) (August 5, 1826) Supplementary Article to the Treaty with the Chippewa (August 5, 1826) | Pages 46-49 | Page 268-273 |
| Treaty with the Chippewa, etc. (August 11, 1827) | Page 50 | Page 281-283 |
| Treaty with the Winnebago, etc. (August 25, 1828) | Pages 51-52 | Page 292-294 |
| Treaty with the Chippewa (Prairie du Chien Treaty) (July 29, 1829) | Pages 53-54 | Pages 297-300 |
| Treaty with the Sauk and Foxes, etc. (July 15, 1830) | Pages 55-57 | Pages 305-310 |
| Treaty with the Chippewa (Treaty of Chicago) (September 26, 1833) | Pages 58-60 | Pages 402-415 |

| | | |
|--|---------------|---------------|
| Treaty with the Ottawa, etc. (Treaty of Washington) (March 28, 1836) | Pages 61-62 | Pages 450-456 |
| Treaty with the Chippewa (May 9, 1836) | Page 63 | Pages 461-462 |
| Treaty with the Chippewa (January 14, 1837) | Pages 64-65 | Pages 482-486 |
| Treaty with the Chippewa (Treaty of St. Peter and Treaty of White Pine) (July 29, 1837) | Pages 66-69 | Pages 491-493 |
| Treaty with the Chippewa (December 20, 1837) | Page 70 | Pages 501-502 |
| Treaty with the Chippewa (January 23, 1838) | Page 71 | Pages 516-517 |
| Treaty with the Chippewa (February 7, 1839) | Page 72 | Pages 528-529 |
| Treaty with the Chippewa (Treaty of LaPointe) (October 4, 1842) | Pages 73-74 | Pages 542-545 |
| Treaty with the Potawatami (June 5, 1846, & June 17, 1846) | Pages 75-77 | Pages 557-560 |
| Treaty with the Chippewa of the Mississippi and Lake Superior (August 2, 1847) | Pages 78-79 | Pages 567-569 |
| Treaty with the Pillager Band of Chippewa Indians (August 21, 1847) | Page 80 | Pages 569-570 |
| Treaty with the Chippewa (September 30, 1854) | Pages 81-84 | Pages 648-652 |
| Treaty with the Chippewa (Treaty of Washington) (February 22, 1855) | Pages 85-86 | Pages 685-690 |
| Treaty with the Ottawa & Chippewa (July 31, 1855) | Pages 87-88 | Pages 725-731 |
| Treaty with the Chippewa of Sault Ste. Marie (August 2, 1855) | Page 89 | Pages 732-733 |
| Treaty with the Chippewa of Saginaw, etc. (August 2, 1855) | Pages 90-91 | Pages 733-735 |
| Treaty with the Chippewa, etc. (July 16, 1859) | Page 92 | Pages 792-796 |
| Treaty with Chippewa of the Mississippi and the Pillager and Lake Winnibigoshish Bands (Treaty of Old Crossing) (March 11, 1863) | Pages 93-94 | Pages 839-842 |
| Treaty with the Chippewa-Red Lake and Pembina Bands (October 2, 1863) | Pages 95-98 | Pages 853-859 |
| Supplementary- Treaty with the Chippewa-Red Lake and Pembina Bands (April 12, 1864) | Pages 99-100 | Pages 861-862 |
| Treaty with the Chippewa, Mississippi, and Pillager and Lake Winnibigoshish Bands (Treaty of Old Crossing) (May 7, 1864) | Pages 101-104 | Pages 862-865 |
| Treaty with the Chippewa of Saginaw, Swan Creek, and Black River (October 18, 1864) | Pages 105-106 | Pages 868-871 |
| Treaty with the Chippewa-Bois Fort Band (April 7, 1866) | Pages 107-109 | Pages 916-918 |
| Treaty with the Chippewa of the Mississippi (March 19, 1867) | Pages 110-111 | Pages 974-976 |

Treaty with the Wyandot, etc. (Treaty of Fort McIntosh) **January 21, 1785**

Treaty with the Wyandot (Wyandot), Delaware (Lenape), Ottawa, and Chippewa Nations of Indians.

Historical Context:

This Treaty followed the Revolutionary War, was signed two years before the U.S. Constitution, established the first boundary in the Northwest, and gained clear title to Delaware lands in Pennsylvania for the Commonwealth. Most Ohio Country tribes did not subscribe to the treaty, particularly the Shawnee, who lost all their lands in southwestern Ohio. The Tribes never carried the Treaty of Fort McIntosh into effect because of the hostile attitude of many Ohio tribes. The Treaty of Greenville followed the conclusion of the Revolutionary War. It was identical to the Treaty of McIntosh, except for the extension into Indiana. It later superseded The Treaty of McIntosh on August 3, 1795. Most of the Indian representatives were younger leaders who did not have the authority to negotiate a treaty. Yet the American commissioners pressed for a treaty; after several weeks of negotiations and after some of the American Indians, delegates had become drunk on alcohol provided by the Americans. **Ohio History Central(www.ohiohistory.org)**

Type of Treaty: Land, Peace, Establishment of Posts, Restore Prisoners, and Reservation.

Indians Sacrificed:

- Ceded Land.
- They sacrificed the freedom of three Chiefs taken hostage until the Indians restored the prisoners.
- Diminished Sovereignty and self-government:
 - When the tribes acknowledged being under the protection of the U.S.,
 - When they agreed that all the tribes would be under no other sovereign than the United States,
 - When the tribal leaders agreed to live under the American government and would not form alliances with any other powers, and

- The Tribes agreed to deliver any tribal member to the nearest post if they committed a robbery or murder on any citizen of the U. S.

Provisions and Promises Made by the U.S. Government:

- Peace.
- The U.S. Govt. would take three Chiefs, hostage until the Indians returned their prisoners.
- The U.S. established boundaries and allotted the Wyandot and Delaware land to live and hunt on. The Ottawa living there had to save and reserve land for posts.
- Indians had to recognize that the United States had superiority when they accepted the conditions that they would be under the protection of only the U.S.
- Allotted land within the boundaries set, with the promise to prevent squatters from settling on the stipulated Indian reservation and prevent white settlement on the new American Indian reservation.
- Certain land formerly claimed by the Indians now belongs to the U.S., and no tribe shall settle upon it.
- Post established at Detroit and Michillmachenac.
- The treaty provided goods and supplies for the use and comfort of the Indians.
- Indian robbers and murderers delivered to the United States.

In a separate Article, the three Delaware chiefs “who took up the hatchet” for the United States and their families shall be received into the Delaware nation in the same rank and shall receive portions of the land.

Drafting Committee’s Comments

- Tribes are called “Nations.”
- Negotiators ignored that other Indian nations who occupied this country were not at the treaty negotiations.
- Protectorate Principle applies.
- The original signatory pages have Indians signing with their Clan symbols.

Treaty with the Wyandot, etc. (Six Nations)
(Treaty of Fort Harmar)
January 9, 1789

Treaty with the Wyandot, Delaware, Ottawa, Chippewa, Pattawatimi, and Sac Nations.

Historical Context:

During the late 1780s, the Northwest Territory was violent as settlers moved onto land that Indians claimed as their own. The U.S. government lacked the funds to equip an army to deal with the Indian threat. Henry Knox, the Secretary of War, demanded that Arthur St. Clair, the governor of the Northwest Territory, establish a peaceful relationship between the settlers and the natives. Meetings with the Indian chiefs to negotiate an agreement at Fort Harmar. The Indians hoped St. Clair would agree to establish a reservation consisting of the land west of the Muskingum River and north of the Ohio River. St. Clair refused and demanded that the chiefs agree to the reservation boundary established in the Treaty of Fort M'Intosh in 1785. St. Clair threatened the Indians with an attack if they refused and then proceeded to bribe them with three thousand dollars in presents. The chiefs signed the Treaty of Fort Harmar, which reiterated the terms of the Treaty of Fort M'Intosh, on January 9, 1789. The treaty did nothing to stop the bloodshed between the Americans and Indians in the region. Many Indians refused to honor the treaty. They claimed that the tribes represented in the treaty negotiations did not speak for them. Indian attacks on white settlers worsened following the treaty. St. Clair had failed to attain peace. In 1790, the American military decided to force the Indians from the Ohio Country. Warfare between the Americans and American Indians continued for the next several decades.

Resources:

- Edmunds, R. David. *The Potawatomis: Keepers of the Fire*. Norman: University of Oklahoma Press, 1978.
- Hurt, R. Douglas. *The Ohio Frontier: Crucible of the Old Northwest, 1720-1830*. Bloomington, IN: Indiana University Press, 1996.
- Tooker, Elisabeth. *An Ethnography of the Huron Indians, 1615-1649*. Syracuse, NY: Syracuse University Press, 1991 and Vogel, John J. *Indians of Ohio, and Wyandot County*. New York, NY: Vantage Press, 1975.

Type of Treaty: Land, Peace, Friendship, Hunting, and Renewal of Reservations.

Indians Sacrificed:

- Ceded land.
- Sovereignty, privacy, and freedom of choice:
 - When lands retained by the Indians were not to be sold to any sovereign nation except the United States.
 - When the United States expected the Indians to acknowledge themselves to be under the protection of the United States.
 - After their freedom to hunt was restricted to the ceded lands.
 - When the U.S. Government monitors their activities
- Freedom of two Wyandot Indians held hostage until the tribes returned prisoners.
- Loss of most of their land when the United States renewed the reservations made in the Treaty of M'Intosh to establish the trading post, and the land annexed to them shall be under the control of the United States.

Provisions and Promises Made by the U.S. Government:

- Peace and friendship.
- Goods provided in the value of \$6,000.
- Indians had to acknowledge themselves to be under the protection of the United States.
- The U.S. will detain two persons of the Wyandot Nation until the Indians return their prisoners.
- Boundary lines were formerly fixed, renewed, and confirmed.
- The liberty to hunt within the ceded lands if the Indians remained peaceful and did not injure or annoy anyone.
- The Tribes agreed to deliver any tribal member to the nearest post if they committed a robbery or murder on any citizen of the U. S.
- Both sides agreed not to steal horses. Anyone caught stealing horses would be severely punished.

- Open trade with the Indians, but the traders required a license to trade with them. Any person who intrudes without a license shall be turned in and dealt with according to the law.
- The Governor expected the Indians to report to him a military officer who wished to make war with the U.S.
- People who were not a part of the Indian nation could not settle on Indian lands. The Indians could punish them as they saw fit. The U.S. would not protect those individuals.
- The Treaty established Trading Posts and renewed reservations as outlined in the Treaty of M'Intosh.

Drafting Committee's Comments

- As early as 1789, natives were called Indian nations. During the 1789 and subsequent treaties also used the equivalent or similar terminology. So, this terminology establishes our prima facie case for nationhood; consequently, we are in the process of nation-building by writing a new constitution.
- Regardless of the Marshall decision stating we were "domestic dependent nations," he was a man of his time attempting to whittle away our sovereignty. We can rectify such opinions by issuing a Proclamation of Sovereignty which could proceed with the white man version of the preamble.
- US government renewed and confirmed the boundary lines that would "remain as division lines between the lands of the United States of America, and the lands of said nations, forever."
- The regulation of trade is undoubtedly an aspect of interdependence between sovereign nations, which in this case were the United States and the "Indian Nations" of Wyandot, Delaware, Odawa, Ojibwe, Potawatomie, (or boodawe inini) and Mesquakie (contemporary names).
- The American supremacist character was certainly evident in how they misconstrued the tribal names, which they continue to do to this day.
- The US also took up the task of "settling boundaries," meaning they wanted to fence us in. The fences and borders have continued to contemporary times because, in the American experience, they still do not have confidence that they have a clear title to the land.
- The prisoner exchange has some present-day ramifications.

- The boundaries established were like all the treaties, resulting in a massive land grab.
- U.S. Government gave the Indians permission to live and hunt on the lands. A decision made without any knowledge on the part of agrarian people (the U.S.) regarding what hunting lands entailed. It seems that the United States imagined the game would confine themselves to the hunting grounds delineated by the Chimokoman. They must have thought the Indians would remain in a small space and take the game at their leisure as if the animals were domesticated.
- The late 1980s saw a challenge to the Treaty of 1854 at Grand Portage First Nation, whereby a tribal member hunted a deer at the perimeter of the reservation boundary adjacent to the national forest. The citizens of the reservation had the state of Minnesota hoodwinked, so they signed an enormous agreement and bribery deal with the tribe. It cannot undermine those treaty rights.
- Article V says the Indian nation must turn over criminals to the US to be tried and punished if found guilty. It says nothing about the Indian nations' authority to punish criminals, which makes the Grand Portage and other tribes' Exclusion Law null and void. We are not supposed to take the law into our own hands and become vigilantes until we issue our Proclamation of Sovereignty.
- Trading posts sounds like a company store scenario. The treaty supposedly established "peace," "friendship," and "boundaries." with the latter being foremost in the mind of the government. This peace and friendship sound like a lot of hypocrisy. Remember that Indian affairs were in the War Department for several years.
- Currently, the land situation is highly complicated, with multiple designations including heirship land, private property, Band land, MCT land, State highway department, MN, DNR land, US Park Service, Department of Interior, and what else?
- The treaty provisions placed these nations of Indians under the protection of the United States by using the Protectorate Principles, one of the oldest features of international relations.
- In this treaty, tribes were called Nations
- The original signatory pages have the Indians signing with their Clan symbols.

Treaty with the Wyandot, etc. (Treaty of Greenville)
August 3, 1795

Treaty with the Wyandot, Delaware, Shawnee, Ottawa, Chippewa, Potawatomie (Council of Three Fires), Miami, Eel River, Wea, Kickapoo, Piankashaw, and Ka.

Historical Context:

This treaty was signed one year after the U.S. Army defeated Indians in the August 1794 Battle of Fallen Timbers, the final battle of the Northwest Indian War of 1785 to 1795. The Treaty of Greenville was almost identical to the Treaty of Fort McIntosh of January 21, 1785, except for the extension in Indiana, which ended the war and further expanded American territory westward. By 1800, five years after the Treaty of Greenville, the Northwest Territory had been divided into Ohio Territory and Indiana Territory. In February 1803, Ohio was the 17th state to join the Union. In response to these tensions, the 1795 Treaty of Greenville aimed to end the hostilities that had engulfed the Great Lakes. It was an imperfect agreement not agreed upon by all the tribes, but it ended violence at least temporarily and established Indian lands. But American expansion quickly nullified the deal. All though there was a brief uneasy peace, the Treaty of Greenville intensified Indians' resentment of white settlers, leading to more conflict. Most Ohio Country tribes did not subscribe to the treaty. Even after their surrender at Fallen Timbers, many Native Indians refused to honor the Treaty of Greenville. As white settlers continued to move on to land reserved for the tribes, the treaty failed to prevent further conflict between Native Indians and settlers. However, the treaty did not assure peace in Ohio. Settlers immediately poured into the territory promised to the tribes. Also, some Indian leaders, such as Tecumseh, refused to sign the treaty and began putting up long-term resistance.

Type of Treaty: Land, Peace, Friendship, Right of Way, Harbor, and Water Use, and Hunting and Planting.

Indians Sacrificed:

- Ceded land.
- The freedom of ten Chief hostages until the Indians returned the prisoners.
- Our diminished Sovereignty when the tribes agreed that they would be under no other sovereign than the United States and when the tribal leaders agreed to live under the American government and would not form alliances with any other powers.
- Lost aid from the British when the U.S. negotiated the 1795 Jay Treaty with Great Britain, under which the British abandoned their forts in the U.S. Northwest Territory.
- Privacy because their conduct would be monitored and reported.

Provisions and Promises Made by the U.S. Government:

- Perpetual peace and friendship.
- Established boundaries.
- Protection by the U.S. on lands relinquished until the U.S. Sold the land.
- Indians could only sell their land to the U.S.
- All prisoners on both sides were “restored.”
- Tribes cede and relinquish land in consideration for peace.
- They also had to compensate the U.S. for injuries and expenses sustained during the war.
- Free passage by land and water for the people of the U.S. through Indian land, and free use of the harbors and mouths of the rivers along the lakes adjoining Indian lands.
- The U.S. relinquished claims to all Indian lands northward of the river Ohio, eastward of the Mississippi, and westward and southward of the Great Lakes and the waters, uniting them, according to the boundary line agreed on by the United States and the King of Great Britain, in the Treaty of Peace made in 1783. With this relinquishment, the United States received certain other tracts of land.
- Relinquishment, as defined in Article V. of this treaty is “The Indian tribes who have a right to those lands, are quietly to enjoy them, hunting, planting, and dwelling thereon so long as they please, without any molestation from the United States. But when those tribes

shall be disposed to sell their lands or any part of them, they are to be sold only to the United States. Until this sale, the United States will protect all Indian tribes in the quiet enjoyment of their lands against all citizens of the United States and against all other white persons who intrude upon the same.”

- The treaty provisions gave the Indians the right to hunt in the territory and on land ceded to the U.S. as long they were peaceful.
- An initial amount of goods the value of twenty thousand dollars, and then for every year, “forever” goods delivered worth nine thousand dollars would be paid and divided according to the treaty.
- Allotted land within the boundaries set, with the promise to prevent squatters from settling on the Indian reservation and prevent white settlement on the new American Indian reservation land.
- If white persons settle on land relinquished by the U.S., such individuals shall be out of the protection of the U.S., and the Indians may drive them off and punish them as they see fit. The U.S. shall also have the right to intervene to remove and punish the settlers on Indian land.
- The treaty opened Trade between the Indians and settlers. The traders had to be licensed and could live among the Indians.
- All treaties made between the United States and the Indian tribes since the treaty of 1783 between the United States and Great Britain shall cease and become void.
- The treaty provided for monitoring Indian conduct and misconduct reported to the General or Officers of the troops of the U.S.

Drafting Committee’s Comments

- The Tribes were called “Nations.”
- Protectorate Principle applies.
- The original signatory pages have the Indians signing with their Clan symbols.

Treaty with Wyandot, etc. (Treaty of Fort Industry) **July 4, 1805**

This Treaty was with the sachems, chiefs, and warriors of the Wyandot (Huron), Ottawa, Chippewa, Potawatomi (Council of Three Fires), Munsee, Lenape (Delaware), and Shawnee nations.

Historical Context:

This treaty, between the United States, the Indian Nations, and agents Henry Champion of the Connecticut Land Company and Isaac Mills of the Proprietors of the Sufferers' Land, in which the tribes ceded their lands in the Western Reserve west of Cuyahoga to the companies for \$18,916.67. That portion of the Western Reserve of Ohio to the west of the Cuyahoga River was owned in 1805 by the Connecticut Land Company and The Proprietors of the Half Million Acres of Land Lying South of Lake Erie Called Sufferers' Land. Because Ohio tribes still claimed this land, the companies petitioned a U.S. commissioner to affect a land cession treaty with the Indians for the territory south of the company lands. The U.S. appointed Charles Jouett to handle both issues. The Indians signed the two treaties on July 4, 1805, one ceding company lands and the other setting a new north-south boundary line, ceding lands desired by the U.S., and clarifying payment terms. The Treaty of Fort Industry in 1805 moved the boundary westward to a line 120 miles west of Pennsylvania, which coincided with the western boundaries of the Firelands of the Connecticut Western Reserve.

Archivegrid -part of the Edward E. Ayer Manuscript Collection (Newberry Library)
Published: Washington City: Printed by William Duane and Son, 1805.

Type of Treaty: Land, Peace, Hunting, and Fishing.

Indians Sacrificed:

- Ceded one-half million acres of land and natural resource and “relinquished forever.”
- Diminished sovereignty when they acknowledged they were under the protection of the U.S.
- The Indians lost control of a portion of the money placed in trust with the President of the U.S.

Provisions and Promises Made by the U.S. Government:

- Preserve harmony and friendship.
- Indians acknowledge that they were under the protection of the U. S.
- Boundary line established.
- Annual payments, with a portion of the money secured in trust with the President, in land companies.
- The Indians were entitled to place a portion of the land in trust with the President of the U.S.
- Indians retained the right to hunt and fish on the land so long as they “demean themselves peaceably.”

Drafting Committee’s Comment

- Tribes were called “Nations.”
- The Governor made all decisions. Unfair and one-sided. There was no sovereign relationship, which is still happening.
- Conflict of Interest of some agents involved in this treaty negotiations.
- Protectorate Principle applies.
- The Indians signed the Treaty with their Clan symbols.

Treaty with Ottawa, etc. (Treaty of Detroit) November 17, 1807

Treaty with the Ottoway, Chippeway, Pottawatamie Nations (Council of Three Fires), and Wyandotte.

Historical Context:

“Following its independence from Britain, the rapidly increasing population of the United States demanded access to new lands for settlement. To meet these demands, the United States Government negotiated numerous treaties by which Indian tribes would “cede” or sell large portions of their territory to the United States while “reserving” (withholding from sale) certain areas (referred to as “reservations”). Tribes, including the Huron Potawatomi, usually also “reserve” rights to continue hunting on lands they sold to the United States. In Michigan alone, the Huron Potawatomi had eleven different land treaties, of which the Treaty of Detroit resulted in the most significant reduction of land for the Band. The Potawatomi, Chippewa, Ottawa, and Wyandots ceded eight million acres to the U.S. Government for roughly 1.2 cents per acre, which is equivalent to 23 cents per acre in 2021 (Leatherbury, 1977, p. 20; \$0.01 in 1807 → 2021 / Inflation Calculator, n.d.).”

“People of the Three Fires: The Ottawa, Potawatomi, and Ojibway of Michigan,” by J. Clifton, G. Cornell, and J. McClurken, 1986

This treaty, signed with William Hull, governor of the Michigan Territory and superintendent of Indian affairs, the sole representative of the U.S. With this treaty, these Indian tribes ceded claim to a large portion of land in what is now Southeast Michigan and northwest Ohio.

Treaty Between the Ottawa, Chippewa, Wyandot, and Potawatomi Indians". World Digital Library. 1807-11-17. Retrieved 2013-08-03.

Type of Treaty: Land, Friendship, Hunting and Fishing, and Reservation.

Indians Sacrificed:

- Ceded land.
- Diminished sovereignty when they had to acknowledge themselves to be under the protection of the United States and no other power and

had to prove by their conduct that they were “worthy of so great a blessing.”

Provisions and Promises Made by the U.S. Government:

- Friendship.
- The treaty called for an annuity paid forever and in installments if the tribes wanted it distributed that way.
- Established boundaries.
- The Treaty reserved specific tracts of land for Indian nations, but the reservations could not conveniently be in squares. In that case, they made them in parallelograms, or other figures, as found most practicable and convenient, to contain the area specified in miles. In all cases, the tracts of land are such situations as not to interfere with any improvements of the French white people or any former cessions.
- Indians had to acknowledge themselves to be under the protection of the United States,
- The Indians had the right to hunt and fish on ceded land if it belonged to the U.S.
- Indians received goods, implements for farming, or domestic animals and mills.
- The U.S. encourages agriculture by furnishing two blacksmiths for ten years, one to reside with the Chippewas and the other to reside with the Ottawas for ten years.

Drafting Committee’s Comments

- Tribes were called “Nations.”
- Protectorate Principle applies.
- The land situation was more favorable to the whites than the Indians.
- The Indians were not asked what they considered to be in their best.m. Others decided for them.
- The Indians signed the Treaty with their Clan symbols.

Treaty with the Chippewa, etc. (Treaty of Brownstown) November 25, 1808

Treaty with the Sachems, Chiefs, and Warriors of the Chippewa, Ottawa, Pottawatamie (Council of Three Fires), Wyandot, and Shawanoese nations of Indians, concluded at Brownstown in the territory of Michigan.

Historical Context:

With the Treaty of Greenville in 1795, the Indian Nations ceded southern and eastern Ohio. The Treaty of Fort Industry in 1805 moved the boundary westward to a line 120 miles west of Pennsylvania, which coincided with the western border of the Firelands of the Connecticut Western Reserve. The 1807 Treaty of Detroit called for the cession of lands northwest of the Maumee River in the Territory of Michigan.

The area between the Maumee River and the 1805 boundary remained Indian Lands. Thus, the U.S. could not legally build roads connecting settlements in Ohio and the Territory of Michigan. This area would require much engineering effort and funds to cross with a road because the area was also swampy. This Treaty of 1808 provided the cession of a strip of Indian land for a route to connect two regions disconnected from previously ceded land in Michigan and Ohio.

- ***en.wikipedia.org***
- ***Treaty of Brownstown, November 25, 1808, Senate, S. Doc. No. 125, 10th Congress, 2nd Session, American State Papers, Indian Affairs, 1:757.***

Little construction was done on this road because of the intervention of the War of 1812. Afterward, by the Treaty of Fort Meigs (1817), Indians ceded the remainder of their land in Ohio. For the construction of a road in Ohio, Congress granted land in 1823, subsequently identified as the "Maumee Road Lands." This road between Fremont and Toledo is now US Route 20.

R. D. Jones, "Treaty of Brownstown (1808)," Michigan Transportation History (Ypsilanti, MI: 2020), www.michtranshist.info/.

Type of Treaty: Land, Friendship, Timber, Roadway, Hunting, and Fishing.

Indians Sacrificed:

- Ceded land
- The loss of natural resources.
- Diminished sovereignty is when the tribes acknowledge themselves to be under the protection of the United States and of no other sovereign.

Provisions and Promises Made by the U.S. Government:

- Friendship.
- Indians ceded land, except for a few small reservations, for establishing settlements and opening a convenient road.
- With this land, the government would take timber and other materials from the adjacent lands as may be necessary for making and repairing the road and bridges that may need repairing along the same.
- Tribes had to agree to be placed under the protection of the United States and of no other sovereign.
- The privilege of hunting and fishing on the ceded lands if the property remains the property of the U.S.

Drafting Committee's Comments

- Tribes were called "Nations."
- Protectorate Principle applies.
- The Indians signed the Treaty with their Clan symbols.
- They called it a "privilege," not a "right" to fish and hunt.
- They did not list any criteria identified on how they were going to harvest timber.

Treaty with Wyandot (Treaty of Spring Wells) September 8, 1815

This Treaty is made with the Chippewa, Ottawa, Potawatimie (Council of Three Fires), and certain bands of the Wyandot, Delaware, Seneca, Shawanoe, Miami, Tribes of Indians, residing within the limits of the State of Ohio, and the Territories of Indiana and Michigan.

Historical Context:

The treaty was one in a series of treaties negotiated with Indian tribes in the summer of 1815 to restore peace after the War of 1812. The treaty formally exonerated the Ojibwe, Odawa, and Potawatomi for their alliance with Great Britain during the War of 1812. It also secured the United States' patronage of the Three Fires Council. The true impact of the treaty and the need for amicable relations between parties are evident in its signatories. The signatories are mainly chiefs. Tribal delegates were not randomly selected to attend the negotiations but diligently chosen based on their reputation and past aggression toward the U.S.

Kappler, Charles J. 1904. Indian Affairs: Laws and Treaties, II.

Type of Treaty: Land, Peace, and Friendship

Indians Sacrificed:

- Part of their sovereignty was when they agreed to placement under the protection of the United States and no other sovereign.
- In agreeing to renew and confirm the Treaty of Greenville, they sacrificed the same things they did in 1795.

Provisions and Promises Made by the U.S. Government:

- Restore peace.
- Restore all the possessions, rights, and privileges they enjoyed or were entitled to before the commencement of the War with Great Britain.

- Pardon the chiefs and warriors who may have continued the hostility until the end of the war with Great Britain, and restore to the chiefs, the station, and property they previously held to the war.
- Renew and confirm the 1795 Treaty of Greenville.

Drafting Committee's Comments

- The treaty document refers to the Indians as "Tribes," not "Nations." However, the 1795 Treaty of Greenville still confirmed the term "Nation."
- Protectorate Principle applies.
- "Rights without Remedy"
- "Right to Suffer in Silence"
- The Indians signed the Treaty with their Clan symbols

Treaty with Ottawa, etc. (Treaty of St. Louis) August 24, 1816

The Treaty was with representatives of the Council of Three Fires (United Tribes of Ottawa, Ojibwa, and Potawatomi).

Historical Context:

This treaty is one in a series of treaties of the same name, signed in St. Louis, Missouri, by various tribes from 1804 through 1824. The United Tribes of Ottawa, Ojibwa, and Potawatomi reside on the Illinois and Milwaukee rivers, their waters, and the southwestern parts of Lake Michigan. A bitter dispute erupted about the right to a piece of land ceded by the Sac and Foxes in 1804. This treaty addressed this issue. By signing the treaty, the tribes, their chiefs, and their warriors relinquished all rights, claims, and titles to land previously ceded by the Sac and Fox tribes on November 3, 1804, in the Treaty of St. Louis. This land lies south of a due west line from the southern extremity of Lake Michigan to the Mississippi river. In this treaty, the united tribes also ceded a 20-mile strip of land to the United States, which connected Chicago and Lake Michigan with the Illinois River. The original intention was to survey the land and give land grant rewards for volunteers in the War of 1812.

In 1848, the Illinois and Michigan Canal was built on ceded land, and in 1900, the Chicago Sanitary and Ship Canal were. Many of the streets in the survey run at a diagonal counter to the Chicago Street grid.

en.wikipedia.org

Type of Treaty: Land, Peace, Friendship, Limits, Hunting, and Fishing.

Indians Sacrificed:

- Ceded and relinquished land.

Provisions and Promises Made by the U.S. Government:

- Permanent peace and friendship.
- Merchandise delivered on the day of the treaty signing and annual payments of \$1,000 in merchandise over 12 years.
- The treaty retained hunting and fishing within the limits of the ceded land as long as the U.S. owned the property.

- The parties agreed that they would act with justice and correctness towards each other and that they will, with perfect good faith, fulfill all the obligations imposed upon them by former treaties.

Drafting Committee's Comments

- The treaty document refers to the Indians as "United Tribes."
- Council of Three Fires was an Alliance between tribes.
- Protectorate Principle applies
- The Indians signed the treaty with an X.

Treaty with Wyandot, etc.
(Treaty of Fort Meigs & Treaty of the Foot of Rapids)
September 29, 1817

Treaty with the Wyandot, Seneca, Delaware, Shawanee, Potawatomeesi, Ottawas, and Chippeway (Council of Three Fires) tribes.

Historical Context:

This treaty was the most significant treaty with the Indians by the United States in Ohio since the Treaty of Greenville in 1795. It resulted in the cession by bands of several tribes of nearly all their remaining Indian lands in northwestern Ohio. It was the largest wholesale purchase by the United States of Indian land in the Ohio area. In this treaty, the affiliated tribes relinquished their claim to 4.6 million acres of land in northwestern Ohio (almost one-sixth of the state's land area) and chunks of northeastern Indiana and southern Michigan. The treaty of Fort Meigs reserved land for the various tribes. Two tracts of land were available by the Ottawa, but they could not occupy them as reservations. Delaware occupied territory south of the Wabash River; the Chippewa had migrated from northern Wisconsin and Minnesota; and the Potawatomi from the upper Mississippi Valley. Settlers had occupied most of that land. There were no allocated reservations in Ohio. The treaty introduced granting land grants to individual Indians to encourage them to settle and farm the land. But these Indians were nomadic. As the resettlement and assimilation scheme to reservations failed, the government bought back the reservations' lands and resold them to white settlers. Still, as it was officially part of the Indian Territory, the federal government limited tribes' ability to enforce the rule of law among the white inhabitants, resulting in speculation and fraud.

https://wiki.alquds.edu/?query=Treaty_of_Fort_Meigs

Type of Treaty: Land, Reservation, Rights to Hunt, and Rights to “Making Sugar” (Maple Syrup).

Indians Sacrificed:

- Ceded 4.6 million acres of land.

- Tribes lost part of their sovereignty when they agreed to protection under the United States, with agents residing nearby to protect and aid them.

Provisions and Promises Made by the U.S. Government:

- Allocation of Indian reservations.
- Provide annual annuities to the Wyandot, Seneca, and Shawnese tribes, forever and annuities for the Delaware, Potawatomeesi, Ottawas, and Chippeway various amounts for different lengths of time to the other tribes depending on their relative occupancy of the land.
- Cash payment for damages they suffered because of allying with the United States against Great Britain in the War of 1812.
- The Wyandot, Shawnese, and Delaware tribes retained All annuities due to the former treaty.
- Grants, in fee simple patent, was given to persons connected with the said Indians by blood or adoption and the tracts of land. For example, children of chiefs, children of those that died, and prisoners taken by the tribe and who lived upon them could obtain land. The U.S., upon a special request, would grant land to the person connected to an Indian by blood or adoption.
- The United States appointed an agent to reside among or near the Wyandots to protect them and their property,
- Right to establish taverns and ferries.
- No liability for taxes.
- Cash compensation in annuities payments of various amounts for different lengths of time to the other tribes depending on their relative land occupancy.
- The U.S. paid cash to certain tribes for damages they suffered because of allying with the United States against Great Britain in the War of 1812.
- The treaty introduced the practice of making land grants, by patent, in fee simple, to individual Indians and sometimes to European Americans to encourage them to settle and farm the land.
- The Indians received a Sawmill, gristmill, and a blacksmith.
- Right to hunting and making sugar on ceded land.

- The Catholic Church's rector was used as an area to educate the children.

Drafting Committee's Comments

- The treaty document now refers to the Indians as "Tribes" and "Nations of Indians."
- Protectorate Principle applies.
- There were more attempts to assimilate the Indians by encouraging them into agriculture. This venture often failed because there were too few farmers to work the fields and harvest the crops.
- The Indians signed the Treaty with an X.

Treaty with Wyandot (Treaty of St. Mary) **September 17, 1818**

Treaty with the Wyandot, Seneca, Shawnese, and Ottawas, tribes of Indians.

The Treaty of St. Mary's was a supplement to the Treaty with the Wyandot, September 29, 1817. In this Treaty, the U.S. granted the tribes additional money for their lands. The U.S. agreed to change the terms of the original treaty. The parcels of land that the U.S. set aside for the Wyandot at Upper Sandusky and the Shawnee at Wapakoneta were not to be land grants that they could use only for a certain period. Instead, they were sections of land that the Indians would own. The U.S. agreed to make these places Indian reservations. Finally, additional land was set aside for the American Indians to use as well.

Type of Treaty: Land and Reservations.

Indians Sacrificed:

- Ceded Land in the territory of Michigan.

Provisions and Promises made by the U.S. Government:

- The treaty reserved two tracts of land for the use of the Wyandot tribe and their descendants, for the term of fifty years, agreeably to the provisions of the act of Congress, passed February 28, 1809, and entitled "An act for the relief of certain Alabama and Wyandot Indians."
- The grants in this treaty are to be considered only as reservations for the use of the Indians.
- Additional reservations for the Indians, and their descendants, if they or their descendants shall occupy the land.
- A treaty provision included grants to certain persons who can not transfer the title without permission.
- Annual annuities for the Tribes, "forever."

Drafting Committee's Comments

- The treaty document now refers to the Indians as “Tribes” and “Nations of Indians.”
- Protectorate Principle applies.
- The Indians signed the Treaty with an X.

Treaty with the Chippewa (Treaty of Saginaw) September 24, 1819

Treaty with the Chippewa nation of Indians. Principally the Ojibwe, the Ottawa, and Potawatomi (Council of Three Fires).

Historical Context:

“The 1819 Treaty of Saginaw-Not enough has been written about the circumstances that led up to the treaty. The political situation at the close of the War of 1812 favored the expansionist ambitions of the United States. It accelerated the popular drive of its citizens to occupy land in the west, extending and securing the boundaries of a rising American empire. The Treaty of Ghent, which ended the War of 1812, eliminated the greatest obstacle to U.S. expansionism. In the treaty, Great Britain accepted the borders of the U.S. and withdrew support for an Indian border state lying between Canada and the United States. Native Americans in Michigan were left to come to terms with the United States independently. They were destitute, exhausted by the war, and abandoned by their British ally. Violent resistance would only lead to more destruction. They could resist U.S. encroachments violently or try to come to an agreement through which they could hope to preserve their way of life.”

Central Michigan University Blog by John Fierst, 2019.

Type of Treaty: Land, Reservation, Right to Hunt and Make “Sugar” (Maple Syrup), Highways, Right of Way, and Agriculture.

Indians Sacrificed:

- Large tracts of land (more than six million acres) that ceded in the central portion of the Lower Peninsula of Michigan.

Provisions and Promises Made by the U. S. Government:

- The treaty provided reservations from the ceded land, tracts reserved for the use of the Chippewa, and land distribution to individuals and their heirs.
- Boundaries established
- Annual annuity, forever, and all annuities due by any former treaty, paid in silver.

- Reaffirmed the rights stipulated in the Treaty of Greenville: the right to hunt and enjoy the privilege of making sugar, committing to no unnecessary waste upon the tree.
- Payment for any improvements on the land, “which they may be obligated to abandon.”
- The U.S. reserves the right to make roads through part of the land m
- If the President deemed it proper, the Indians would get a Blacksmith's support, furnish farming utensils and cattle, and employ persons to help with their agriculture.

Drafting Committee's Comments

- Tribes were called “Nations.”
- Protectorate Principle applies.
- The people were at such a disadvantage. They could have engaged in violence or signed the agreement to try to preserve their way of life, but they did not due to their condition. They were described as “destitute, exhausted by the war.”
- Thirteen Chiefs and Warriors signed the treaty with an X.

**Treaty with the Chippewa
June 16, 1820**

Treaty with the Chippeway tribe of Indians conducted at Sault St. Marie, in the Territory of Michigan.

Type of Treaty: Land and Fishing.

Indians Sacrificed:

- Ceded land between the United States and the British Providence of Upper Canada.

Provisions and Promises Made by the U.S. Government:

- Perpetual right of fishing at the falls of St. Mary's.
- A place of encampment upon the tract, convenient to the fishing ground, if it does not interfere with military work or private rights.
- Acknowledge having received their goods in satisfaction of the cession.

Drafting Committee's Comments

- The Indians were called "Tribes."
- The Indians signed the treaty with an X.

Treaty with the Ottawa and Chippewa July 6, 1820

This Treaty with the Ottawa and Chippewa nations of Indians concluded at L'Arbre Croche and Michilimackinac in the territory of Michigan.

Historical Context:

E. Speech to the Ottowas quoted the following at L'Arbre Croch, on July 6th, 1820.

“The Martin Islands are small, in sight of Mackinaw, covered with wood, and have an abundance of plaster (Gypsum) of superior quality, for the sake of which, principally, this purchase was made. This Plaster is understood to be free for the use of all, who will take the trouble to transport it. The wood, at a future time, will be a valuable article, as there is none of consequence in the island of Mackinaw, where much is used. An instance of Indian sagacity and shrewdness occurred at the treaty for the purchase of these islands. The Agent, for the purpose of impressing the Indians with the real object of the Government in making this purchase, observed to the Chiefs, in his speech to them on the occasion, that their great Father, the President, wanted these islands for his children, not for their soil, or timber, but for the Plaster – and this is intended to give to his children – grave countenance – “if our Father does not want the soil, nor the timber or these islands, but the Plaster only, we will keep the soil and timber, and he shall be welcome to the Plaster.”

Type of Treaty: Land and Plaster of Paris

Indians Sacrificed:

- Ceded land
- Natural resources of Plaster of Paris.

Provisions and Promises Made by the U.S. Government:

- Ceded land of the Saint Martin Islands in Lake Huron, which contained Plaster of Paris.
- The Indians had to acknowledge they received goods in satisfaction of the preceding cession.

Drafting Committee's Comments

- The Indians were called "Nations."
- All the other resources, except for the Plaster of Paris, were considered the Reserved Rights of the Indians.

Treaty with the Ottawa, etc. (Treaty of Chicago) **August 29, 1821**

The Treaty with the Ottawa, Chippewa, and Pottawatamie Nations (Council of Three Fires) concluded in the settlement that became Chicago, Illinois. This treaty was the first of two Treaties of Chicago.

Historical Context:

During negotiations, Potawatomi Chief Metea stated they would take the request under the council.

“My Father, we have listened to what you have said. We shall now retire to our camps and consult upon it. You will hear nothing more from us at present.”

When Chief Metea and his people had decided, the chief gave the following speech in defense of his land at the signing of the Treaty of Chicago:

“We meet you here today because we had promised it, to tell you our minds, and what we have agreed upon among ourselves. You will listen to us with a good mind and believe what we say. You know that we first came to this country, a long time ago, and when we sat ourselves down upon it, we met with a great many hardships and difficulties. Our country was then large; but it has dwindled away to a small spot, and you wish to purchase that! This has caused us to reflect much upon what you have told us; and we have, therefore, brought all the chiefs and warriors, and the young men and women and children of our tribe, that one part may not do what others object to, and that all may be witnesses of what is going forward. You know your children. Since you first came among them, they have listened to your words with an attentive ear and have always hearkened to your counsels. Whenever you have had a proposal to make to us, whenever you have had a favor to ask of us, we have always lent a favorable ear, and our invariable answer has been 'yes.' This you know! A long time has passed since we first came upon our lands, and our old people have all sunk into their graves. They had sense. We are all young and foolish, and do not wish to do anything that they would not approve were they living. We are fearful we shall offend their spirits, if we sell our lands; and we are fearful we shall offend you, if we do *not* sell them. This has caused us great perplexity of thought because we have counselled among ourselves, and do not know how we can part with the land. Our country was given to us by the Great Spirit, who gave it to us to hunt

upon, to make our cornfields upon, to live upon, and to make down our beds upon when we die. And he would never forgive us, should we bargain it away. When you first spoke to us for lands at St. Mary's, we said we had a little, and agreed to sell you a piece of it; but we told you we could spare no more. Now you ask us again. You are never satisfied! We have sold you a great tract of land already; but it is not enough! We sold it to you for the benefit of your children, to farm and to live upon. We have now but little left. We shall want it all for ourselves. We know not how long we may live, and we wish to have some lands for our children to hunt upon. You are gradually taking away our hunting-grounds. Your children are driving us before them. We are growing uneasy. What lands you have, you may retain forever; but we shall sell no more. You think, perhaps, that I speak in passion; but my heart is good towards you. I speak like one of your own children. I am an Indian, a red-skin, and live by hunting and fishing, but my country is already too small; and I do not know how to bring up my children, if I give it all away. We sold you a fine tract of land at St. Mary's. We said to you then, it was enough to satisfy your children, and the last we should sell: and we thought it would be the last you would ask for. We have now told you what we had to say. It is what was determined on, in a council among ourselves; and what I have spoken, is the voice of my nation. On this account, all our people have come here to listen to me; but do not think we have a bad opinion of you. Where should we get a bad opinion of you? We speak to you with a good heart, and the feelings of a friend. You are acquainted with this piece of land—the country we live in. Shall we give it up? Take notice, it is a small piece of land, and if we give it away, what will become of us? The Great Spirit, who has provided it for our use, allows us to keep it, to bring up our young men and support our families. We should incur his anger if we bartered it away. If we had more land, you should get more; but our land has been wasting away ever since the white people became our neighbors, and we have now hardly enough left to cover the bones of our tribe. You are in the midst of your red children. What is due to us in money, we wish, and will receive at this place; and we want nothing more. We all shake hands with you. Behold our warriors, our women, and children. Take pity on us and on our words.”

Buckingham, J. S. (1842). *The Eastern and Western States of America, Vol. III, pp. 258-6*

Type of Treaty: Land, Reservation, and Hunting Rights

Indians sacrificed:

- Ceded land

Provisions and Promises Made by the U.S. Government:

- The treaty reserved land for reservations. The tracts of land are determined after a survey.
- Tracts of land granted to individual persons, being all Indians by descent, and to their heirs. Tracts of land shall not be leased or transferred without the consent of the President.
- Payment to the Ottawa nation, one thousand dollars annually forever, and to appropriate annually, for the term of ten years, the sum of fifteen hundred dollars, to be expended in support of a blacksmith, of a teacher, and of a person to instruct the Ottawas in agriculture and the purchase of cattle and farming utensils.
- Payments of five thousand dollars annually for twenty years and appropriate annual amounts for fifteen years to the Potawatamie nation. The treaty provided one thousand dollars to support a blacksmith and a teacher.
- The stipulations in the Treaty of Greenville regarding hunting rights on ceded land are honored in this treaty.

Drafting Committee's Comments

- The Indians were called "Nations." In his speech, Chief Metea referred to his people as " Nations."
- The speech of Chief Meteas was a powerful, compassionate speech that showed how difficult treaty negotiations over land were.
- The Chief gave a glimpse of what going into Council was.
- The speech showed how the people organized, collaborated, and decided based on their needs, not just short-term money, but long-term, based on the interests of future generations.
- This speech showed that the Indians were not savages or disorganized, with no structured government, as portrayed many times by the whites.
- The Indians signed the Treaty with their Clan symbols

Treaty with the Sioux, etc.

August 19, 1825

(First in a Series of Prairie du Chien Treaties)

This Treaty was with the Sioux and Chippewa, Sacs and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Potawattomie Tribes (Council of Three Fires).

Historical Context:

The First Treaty of Prairie du Chien came after the overall movements of tribes toward the west under the pressure of encroaching settlers. The Sioux Nation resisted and came into conflict with other tribes coming into their traditional territory. The U.S. negotiated the treaty to try to reduce inter-tribal warfare. The treaty established peace between the Sioux and their neighbors, the Chippewa, Sac and Fox, and Ioway peoples. The treaty continued by demarcating formal boundaries among tribal groups, often called the "Prairie du Chien Line." The treaty claimed American sovereignty over the territories. The Prairie du Chien Line was a hindrance for peoples accustomed to ranging over a wide area as if tribes were to hunt only within their acknowledged limits. Due to the vast scope of the Treaty of Prairie du Chien and the fact that not all of the necessary tribes had representatives at its signing, the treaty provided other councils to be held the following year, in 1826 (see Treaty of Fond du Lac). Along with these different councils, the Chippewa agreed to additional meetings. The US used the Prairie du Chien Lines series as the land cession boundaries in later treaties.

Witgen, Michael J. (2012). An infinity of nations: how the native New World shaped early North America. Early American studies. Philadelphia: University of Pennsylvania Press. p. 347.

Type of Treaty: Land, Peace, and Hunting

Indian Sacrificed:

- Ceded Land.
- Freedom to hunt on certain lands.
- They lost some of their sovereignty when the U.S. diminished it with the expectation that the Indians had to acknowledge themselves to

be under the protection of the United States and of no other sovereign. They also had to recognize the U.S. had the “general controlling power,” in other words, supremacy over them.

Provision and Promises Made by the U.S. Government:

- Perpetual peace.
- Indians could not hunt within the boundaries of any other tribes’ land without their consent
- To promote peace through establishing boundaries and “to solve all the causes of difficulties.”
- If there were to be future difficulties between the tribes, the U.S. government would take such measures as they may deem proper.
- All the tribes had to acknowledge the “general controlling power” of the U.S.

Drafting Committee’s Comments

- Once again, the Tribes had acknowledged the supremacy of the U.S.
- The Indians were called “Tribes.”
- The U.S. saw the Indians as the cause of all the difficulties.
- Bois Forte, Leech Lake, Milles Lac, Fond du Lac, Grand Portage, and Sandy Lake were all signatories to the Treaty.

**Treaty with the Chippewa (Treaty of Fond du Lac)
August 5, 1826**

Concluded at Prairie du Chien

Treaty with the Chippewa Tribe of Indians at the Fond du Lac of Lake Superior.

Historical Context:

The Treaty of Fond du Lac may refer to either of two treaties made and signed in Duluth, Minnesota, between the U.S. and the Ojibwe people. This Treaty with the Chippewa is the first treaty of Fond du Lac. The Ojibwe chiefs, who were not attending the First Treaty of Prairie du Chien, agreed to its adhesion. The Ojibwe Nations granted the United States the rights to mineral exploration and mining within Ojibwe lands located north of the Prairie du Chien Line. Provisions were also made for the Ojibwe living near Saint Mary's River. As addenda to this treaty, arrest warrants for specific individuals residing outside the jurisdiction of the United States were issued, and the Métis were granted land. *Wikisource*

Not all of the necessary tribes had representatives at the signing of the Treaty with the Sioux on August 19, 1825. The treaty provided for other councils to be held the following year, in 1826 (see Treaty of Fond du Lac). Along with these different councils, the Chippewa agreed to additional meetings. The US used the Prairie du Chien Lines series as the land cession boundaries in later treaties.

Witgen, Michael J. (2012). An infinity of nations: how the native New World shaped early North America. Early American studies. Philadelphia: University of Pennsylvania Press. p. 347.

This treaty was made under the pretense that not all the Chippewa Band signed the 1825 Treaties, “which circumstances, from the loose nature of the Indian government, would render the Treaty of doubtful obligation, concerning the bands not represented and the borders were left incomplete.”

The Ojibwe Nations granted the United States the rights to mineral exploration and mining within Ojibwe lands located north of the Prairie du Chien Line. As addenda to this treaty, arrest warrants for specific

individuals living outside the jurisdiction of the United States were issued. The treaty allowed the Métis to obtain land grants. Provisions were also made for the Ojibwe living near Saint Mary's River.

Type of Treaty: Land, Education, Metal, and Mineral Rights.

Indians Sacrificed:

- Land when their boundaries were established.
- Their opportunity to acquire land that was not “of the sterile nature of the country they inhabited, unfit for cultivation and almost destitute of game.”
- Metals and minerals
- A piece of their sovereignty when they had to acknowledge the authority and jurisdiction of the United States.
- Peace and privacy when they had to monitor for and report messages, speeches, or counsels incompatible with the interests of the U.S. Government.
- Freedom of speech when not allowed to send messages, give speeches or go into counsel about anything incompatible with the interests of the United States.

Provisions and Promises Made by the U.S. Government:

- Indians agreed with August 19, 1825, Treaty with the Sioux, a Treaty of Prairie du Chien.
- Perpetual peace.
- The U.S. granted rights to search for and carry away any metal or minerals from any part of their country. This grant was not supposed to affect the title of the land nor the existing jurisdiction.
- For as long as Congress agreed, the Indians would receive an annual Annuity.
- The Indians would receive an annual sum of money for education and programs for the Indian youths.
- The negotiators were fully aware of the horrible conditions of the Indians because they described their situation in the treaty.

- Acknowledge the authority and jurisdiction of the United States, disclaim all connections with any foreign power, solemnly promise to reject any messages, speeches, or counsels incompatible with the interests of the United States, and to communicate information thereof to the proper agent, should any such be delivered or sent to them
- Land location for the use by half-breeds.
- A meeting will take place in Green Bay to fix incomplete boundary lines between the Chippewas and the Winnebago and “Menomonees.”
- The U.S. issued more “goods” for the Indians to compensate for the inferior quality of the land.
- Land received for a school.

Supplementary Article Related to the Treaty with the Chippewa August 5, 1826

As the Chippewas who murdered four American citizens in June 1824 were not present, the commissioner demanded the surrender of those persons. The persons guilty of the murders shall be brought in, either to Sault Saint Marie or Green Bay, as early as the following summer as practical and surrendered to the proper authority.

Drafting Committee’s Comments

- The Indians were called “Tribes.”
- The people needed this treaty to survive because they were desperate, as seen in a description of them in Article 7 of the treaty: “The Necessity for the stipulation in the fourth, fifth and sixth articles of this treaty could be fully apparent, only from personal observation of the condition, prospects, and wishes of the Chippewa, ... seeing the extreme poverty of these wretched people, finding them almost naked and starving, and ascertaining that many perished during the last winter, from hunger and cold, they were induced to insert these articles.”

- This treaty was the difference between life and death for some, yet they only received \$2,000 annually as a substitute for the land unfit for cultivation and almost destitute of game.
- The white settlers described the Indian government as having a “loose nature of the Indian government.”

**Treaty with the Chippewa, etc.
August 11, 1827**

This Treaty was with the Chippewa, Menomonie, and Winnebago tribes of Indians.

Historical Context:

Because the Chippewa southern border was left undefined in the Treaty with the Sioux, etc. (Treaty of Prairie du Chien) of August 19, 1825, this treaty settled the boundaries.

Type of Treaty: Land and Education

Indians Sacrificed:

- Potential for Land loss due to boundary lines.
- Diminished self-governance because others were handling the punishment of their members for their outrage at Prairie du Chien.

Provisions and Promises Made by the U.S. Government:

- Boundary lines established the distribution of goods among the Indians.
- Because there were territorial difficulties in negotiations between the Menomonie and Winnebago tribes, the President made the final decision.
- Established boundaries for the settlement in Green Bay.
- Provisions were made for the distribution of “Goods” at the meeting.
- The Treaty provided for an annual annuity for three years.
- For a time determined by Congress, money provided for the education of the Indians.
- Right to punish specific individuals in the Winnebago tribe for the outrage at the Prairie du Chien.

Drafting Committee’s Comments

- The Indians were called “Tribes.”

Treaty with the Winnebago, etc. August 25, 1828

This Treaty was with the Winnebago Tribe and the United Tribes of Potawatomi, Chippewa, and Ottawa Indians (Council of Three Fires).

Historical Context:

Following the War of 1812, the U.S. pursued a policy of trying to prevent wars among Indians in the Upper Mississippi River region. These policies were not strictly for humanitarian reasons: intertribal warfare made it more difficult for the U.S. to acquire Indian land and move the tribes to the West, a policy known as Indian removal, which had become the primary goal by the late 1820s. On August 19, 1825, U.S. officials finalized a multi-tribal treaty at Prairie du Chien, which defined the boundaries of the region's tribes. However, by now, Americans had begun to trespass on Winnebago (Ho-Chunk) lands in large numbers under the promise of easy lead mining along the Fever River (aka Galena). Indians had mined this region for thousands of years, and exporting lead had become an essential part of their economy. The Ho-Chunks tried to drive away the trespassers, but they often suffered abuse from aggressive miners. By January 1828, as many as 10,000 illegal settlers on Ho-Chunk land, including militia general Henry Dodge, who established a mining camp after the war and boasted that the U.S. Army could not make him leave. Some U.S. officials, concerned that Ho-Chunk mining would delay what they saw as the inevitable American possession of the mining region, worked "to dissuade the Indians from their mining plans." Having no other options, on August 25, 1828, the Ho-Chunks signed a provisional treaty with the United States, agreeing to sell the land occupied by the miners in a more formal treaty to be signed later. *Hall, John W. Uncommon Defense: Indian Allies in the Black Hawk War. Harvard University Press, 2009.*

The Proclamation in this treaty spelled out the goals of the U.S. Government.

- The U.S. appointed Commissioners to treaty with the Sac, Fox, Winnebago, Potawatomi, Ottawa, and Chippewa, to extinguish their title to land within the State of Illinois and the Territory of Michigan.

- The other goal was to remove the difficulties from the occupation of white people of that part of the mining country, not relinquished to the United States.

Notably, a temporary arrangement was made for the Potawatomies, Chippewas, and Ottawas because they declined to make certain cessions.

Type of Treaty: Land, Lead Mining

Indians Sacrificed:

- Ceded land
- Loss of interest and profit from lead resources
- The right to protect their land.

Provisions and Promises Made by the U.S. Government:

- Just compensation for Indians who are entitled because white persons on Indian land committed their injuries.
- Boundary lines established.
- In the case of any white persons crossed the line herein described and passed into the Indian country for mining or any other purpose. In that case, the Indians shall not interfere with nor molest such persons, but the President shall handle the proper measures for their removal.
- Two ferries may be allowed over the Rock River at two crossings.
- The payment of twenty thousand dollars in goods was for total compensation to the Indians for injuries and damages sustained because of the occupation of the white persons in the mining country.

Drafting Committee's Comments

- The Indians were called "Tribes" and "United Tribes."
- The U.S. Government 's only interest was to take over the land for the lead resources.
- The U.S. used these conflicts as another excuse that Indians could not live peaceably together and should "be compelled" to move to the west under their policy known as Indian removal.

Treaty with the Chippewa, etc.
July 29, 1829
(Treaty of Prairie du Chien)

Treaty with the Council of Three Fires (United Nations of Chippewa, Ottawa, and Potawatomi Indians).

Historical Context:

The first Treaty of Prairie du Chien signed on August 19, 1825, was the second of the Prairie du Chien Treaty, which was between the U.S. and the Council of Three Fires (aka as the "United Nations of Chippewa, Ottawa, and Potawatomi Indians"). By this treaty, the tribes ceded to an area in present-day northwestern Illinois and southwestern Wisconsin, as well as the areas currently occupied by the cities of Wilmette, Evanston, and about half of Chicago. *en.wikipedia.org*

Type of Treaty: Land and Hunting Rights

Indians Sacrificed:

- Ceded land in the Great Lakes region
- Many acres of timber.

Provisions and Promises Made by the U.S. Government:

- Pay sixteen thousand dollars annually, forever, in specie (small round coins of metal or plastic).
- Deliver to the Indians at Chicago twelve thousand dollars worth of goods.
- Distribute fifty barrels of salt annually, forever.
- Provide a permanent blacksmith in Chicago.
- Provide a reservation in western Illinois for the Prairie Band of Potawatomi Nation. Later the US removed them further west to Kansas.
- The treaty reserved land for the use of the Chiefs and their bands.
- The treaty granted the right to hunt on the ceded land if it remained the property of the U.S.
- The United States agreed to pay for a survey of the land.

- Payment to the people named in the treaty, the sum of eleven thousand six hundred and one dollars; for in satisfaction of the claims brought against the Indians, and by them acknowledged being justly due.
- Each person listed (descendants of Indians) was granted a tract of land. Tracts of land shall not be leased or transferred without the consent of the President.

Drafting Committee's Comments

- The Indians were called "Nations."
- Five women were signatories to this treaty.

**Treaty with the Sauk and Foxes, etc.
July 15, 1830**

(Treaty of Prairie du Chien)

This Treaty was with the Sac and Fox, the Mdewa-Kanton, Wah-pacoota, Wahpeton and Sisseton Sioux, Omaha, Ioway, Otoe, and Missouri tribes.

- Mdewakanton means the People of Spirit Lake. Today that lake is known as Mille Lacs.
- Mille Lacs and Snake River Band of Chippewa are a Band of Indians formed from the unification of the Mille Lacs Band of Mississippi Chippewa (Ojibwe) with the Mille Lacs Band of Mdewakanton Sioux (Dakota).
- The Wahpekute were living in the vicinity of the Mdewakanton of Mille Lac, Minn., when first visited by the French (1678-1680) and were still closely combined with them.

Historical Context:

In 1825, Dakota and Ojibwe leaders from what is now Minnesota joined members of nearly a dozen other nations for a peace treaty in Prairie du Chien, WI. The U.S. was concerned with violence among the Indian nations on its western border and “insisted that living within set boundaries for the first time in history would solve the problem.” Indian delegation members pointed out that the game they hunted for their livelihoods did not recognize boundaries, and the arrangement would cause more problems than it solved. On July 15, 1830, Treaty, Indian nations negotiated their positions relative to one another as much as to the U.S. and vying for access to trade goods. For the U.S., the negotiators, Clark and Cass, declared that their country had no designs on land northwest of the Mississippi and never would. One effect of the treaty was to “clear the title” to the lands of Indians, making it easier to purchase specific tracts from single Indian nations. Within three years, the U.S. was purchasing land within the boundaries set in 1825. As predicted, lines on a map did not end historical tensions among Indians west of the Mississippi. These tensions rose when the eastern tribes moved across the river. In 1830, William Clark engineered another treaty at Prairie du Chien with selected leaders of the

Sac and Fox, plus leaders of the Dakota, Omaha, Iowa, Oto, and Missouri. After threatening a military invasion and trade embargo, the U.S. insisted that peace among Indians would require land cessions by the Dakota, Sac, and Fox. One large tract of this land would remain open to the Sac and Fox for hunting and other purposes but would also be opened to settlement by other Indian nations. A smaller strip would become a “neutral ground,” and Ho-Chunk people would be relocated there as a buffer between the Dakota and the Sac and Fox.

Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council, www.treatiesmatter.org

Type of Treaty: Land, Reservation, Education, and Agriculture

Indians Sacrificed:

- Ceded lands in Iowa and Minnesota and later ceded the large triangular tract as the Platte Purchase in 1836.

Provisions and Promises Made by the U.S. Government:

- Assigned allotted Lands from ceded or relinquished and other lands located after that for hunting and other purposes.
- Payment of money annually for ten successive years, either in cash, merchandise, or domestic animals
- Provide Blacksmiths and necessary tools, agricultural instruments, and iron and steel.
- Provide three thousand dollars annually for ten to educate the children.
- Distribute an additional five thousand, one hundred and thirty-two dollars worth of merchandise.
- Land reserved for Nemaha Half-Breed Reservation located in southeastern Nebraska to the mixed-race descendants of European/American fur trappers and their Native American women companions. Without this provision, the mixed-race descendants were kept from being allocated land on newly established reservations and caught between cultures.

- The Articles in this treaty do not affect any claim, or right in common, which any Tribes have previously held, parties to this Treaty, to any lands not embraced in the cession.

Drafting Committee's Comments

- Indian were called “tribes,” “bands,” and “the half-breeds of their nations.”

Treaty with the Chippewa (Treaty of Chicago) September 26, 1833

Treaty with the **Chippewa**, Odawa, and Potawatomi (Council of Three Fires).

Historical Context:

This Treaty was a post-Indian Removal Act cession treaty and the second Treaty of Chicago. This treaty granted the United States government all land west of Lake Michigan to Lake Winnebago in modern-day Wisconsin.

Writings by Anselm J. (Summer 1964). "The Chicago Indian Treaty of 1833". Journal of the Illinois State Historical Society. 57 (2): 117–142. Noted that the Illinois residents pressured the government to remove the Indians from the land they occupied in the state, making it available to settlers. One of how they applied pressure was by making regular reports to the Department of War, complaining of misconduct and hostility from the Native people. However, officials closer to the situation gave accounts that contradicted the statements of native misconduct and aggression. While the natives were against the cession of their land, it was clear from past experiences that the United States government would not take "no" for an answer once it decided it wanted to see Natives cede their land. Reportedly, this statement referred to the Indians: "...thus this whole country may probably be altogether relieved from any serious impediment to its entire settlement by the removal of a population which will always embarrass and retard it."

Leon Despres, a Chicago Alderman, delivered The Dark History of the Treaty of Chicago oration on July 4th, 2008, at the Chicago History Museum. He stated, " In preparing my talk, I stumbled across such a dark page in Chicago's beginnings that I decided it deserved a talk. I refer to the Treaty of Chicago of 1833. In 1833, The U. S. Government called for a Council with the Pottawattomie, Chippewa, Ottawa, and other Native American nations. The Council convened just south of the present location of the river. There were several thousand Native Americans, and hundreds of wigwams stretched from the shore to the forest. There was also a swarm of adventurers and traders with large stock of whiskey. Fortunately, an English writer, Latrobe, who was there, wrote a full account. On September 10, when the Council opened, the principal U.S. Commissioner read, "as their Great Father in

Washington had heard that they wished to sell their land, he had sent commissioners to meet with them." The chiefs replied that "their Great Father in Washington must have seen a bad bird which told him a lie, for, far from wishing to sell their land, they wished to keep it." And the Council adjourned. For 11 days the Native Americans received free rations from the government. There were squaws, with children, dogs, ponies, and horses. The agents and adventurers sold vast amounts of whiskey. There were constant war dances, races, whoops, and songs. All day there was feasting and games and dancing, and brawls and noise all night. Finally, on September 21, 1833, in an open shed on the north side of the river, the council signaled it was ready to talk. Ravaged by epidemics, inebriated by whiskey, threatened by diminished hunting losses, and weakened by firearms, the Council acceded. On the next day, September 22, the chiefs signed the Treaty of Chicago. For paltry sums, some paid in silver half dollars and most others promised, the Native Americans gave in. Fifteen million acres were transferred to the U.S. government in exchange for equal acreage west of the Mississippi and north of the Missouri. Chiefs agreed that all Native Americans would leave Illinois immediately and move west of the Mississippi within two years. As time went on, Native Americans were driven farther and farther away into confinement termed "reservations." Was this life, liberty, and the pursuit of happiness, or even respect for it? The misdeed was not committed by the City of Chicago. The City of Chicago simply profited by it. The misdeed was committed by the federal government."

The Wisconsin Magazine of History Vol. 1, No. 3, Mar., 1918 The Chicago Treaty of 1833. Charges against George B. Porter were issued on December 12, 1833. There were allegations of fraud. The primary corruption allegation against Governor Porter was he allegedly had shown favor to two families with connections to him, the Kinzies and the Forsyths. Members of these families were to profit a cumulative \$100,000 (equivalent to \$2,937,000 in 2020) under the treaty's terms. It looked suspicious that each member of the Kinzie family earned nearly identical sums of money under the treaty's terms. These families had a virtual monopoly on furnishing goods to the treaty negotiation meetings. During the negotiations, the Kinzies hosted government officials at their residences and were well-compensated for these accommodations. Porter made efforts to refute the allegations of wrongdoing. He wrote a letter to President Andrew Jackson, and

subsequently, they found Porter's refutations of the corruption allegations satisfactory.

Type of Treaty: Land, Removal, Reservation, Agriculture, and Education.

Indians Sacrificed:

- Ceded five million acres of ceded land (including reservations).

Provisions and Promises Made by the U.S. Government:

- Various cash payments. The payment schedule was entitled “sum payable to individuals instead of Reservations.”
- A tract of the country west of the Mississippi river, to be assigned to the Indians by the President, to be not less in quantity than five million acres. Compensate tribes for their lands, liquidate their debts, and assist them in establishing a new permanent settlement west of the Mississippi
- The U.S. government moved the Indians and provided them with subsistence during their journey and the year after their arrival.
- Money for education.
- Annuities for twenty years.
- Goods and provisions purchased and delivered.
- Several Native chiefs received Medals.
- The chiefs and headmen received part of the treaty provisions.

Drafting Committee’s Comments

- Tribes were called “United Nations.”
- There are always those who take advantage of the system then, and it continues to this day. There is a need for an oversight structure in tribal government.

Treaty with the Ottawa, etc. (aka Treaty of Washington)
March 28, 1836

Treaty with the Ottawa and Chippewa Indians of Michigan. The Tribes ceded their lands in the western Lower Peninsula of Michigan and the eastern portion of the Upper Peninsula.

Type of Treaty: Land, Reservation, Fishing and Hunting, Health Care, Agriculture, Funds for Descendants, and Education.

Indians Sacrificed:

The cession of over 13 million acres of land represents approximately 37% of the current land area of the state of Michigan.

Provisions and Promised Made by the U.S. Government:

- Indians could hunt on ceded land until the land was made available for settlements for white settlers.
- Land held in common was reserved for the tribe's use for five years unless the U.S. granted longer. The land was also reserved for the Chippewas tribe's use for five years unless extended by the U.S.
- Provisions for an annual annuity every year for twenty years.
- An additional lump sum of money to Indians. The Treasury Department invested the remainder of the funds.
- For twenty years, provisions of money for education schools and teachers, blacksmith shops, permanent interpreters, farmers, mechanics, and a dormitory.
- While the Indians remained on the reservation, they received money for debts, missions, agricultural items, other goods, vaccines, medicine, and a physician.
- Provide money for consideration of changing the permanent reservation to a period of five years.
- Funds are set aside for half-breeds, descendants, and residents within the boundaries set.
- A census would identify three classes of claimants; the first shall receive one-half more than the second, and the second, double the third class, determined by the chief.

- Because half-breeds reportedly were “incapable of making a proper use of the money,” they received installments.
- Indians compensated for improvements on the first land used once they moved to their new settlement.

Drafting Committee’s Comments

- The tribes of the Chippewa were called “Nations.”
- These tribes ceded a tremendous amount of land they had available for hunting, gathering plants, berries, medicinal plants, maple syrup, and bark (for transportation, storage, and eating tools, etc.).
- Once the settler settled the lands, this significantly decreased their land basis for supplies to sustain them.

Treaty with the Chippewa May 9, 1836

This Treaty was with the Swan-creek and Black-river bands of the Chippewa nation, residing within the limits of Michigan.

Type of Treaty: Land and Reservation

Indians Sacrificed:

- Ceded land

Provisions and Promises Made by the U.S. Government:

- Pay Indians for the net proceeds from the land sale after deducting the cost of the survey and sale and the expenses for attending the treaty.
- Annual annuities for ten years and the Secretary of the Treasury will take the residual of the funds to purchase State stock, the interest of which shall be paid annually to the said Indians like other annuities. If the Indians wanted the stock sold and the proceeds paid to them, the President and Senate had to consent.
- Deducted from the land proceeds included advances paid to the Indians and goods delivered to the Chiefs. Also deducted were their expenses during the treaty-making and their journey to and from Washington.
- The U.S. furnished eight thousand three hundred and twenty acres or thirteen sections west of the Mississippi.

Drafting Committees Comments

- Tribes were called "Nations."
- Only four Indians signed the treaty. They signed with an X.

Treaty with the Chippewa January 14, 1837

This Treaty was with the Saganaw tribe of the Chippewa Nation and concluded at Detroit.

Type of Treaty: Land, Reservation, Agriculture, and Education.

Indians Sacrificed:

- Ceded land
- Indians paid compensation to American Citizens, upon whose property the Indians attacked and plundered.
- Control over a portion of the money from the land when the U.S. government set it aside in a special fund and bought stocks.

Provisions and Promises Made by the U.S. Government:

- The right to live on specific tracts of land for five years, when no white man could settle there, under a penalty of \$500, half of which would go to the informer and half to the Indians.
- Payment of the net proceeds from land sales, minus the cost of the survey and the Secretary of the Treasury to take the residual of the funds to purchase State stock, the interest of which shall be paid annually to the Indians like other annuities.
- From the proceeds of the land sale, distribution to the head of household:
 - A separate payment to the Chiefs.
 - Purchase of goods, provisions, and agriculture needs.
 - An amount to support the education of the children.
 - Annual annuity. The annuities by former treaties were not affected.
 - Vaccines and the services of a physician, annually for five years.
 - Purchase of tobacco to be delivered annually for five years.
 - Payment for debts accrued after the Treaty of Ghent (the 1814 Peace Treaty) and before the signing of this treaty.
 - Advancements are made to pay for goods and provisions, and Indians shall repay the money with interest.

- The said tribe agrees to remove from the State of Michigan as soon as a proper location.
- Payment to the reservations parties to November 17, 1807, Treaty of with the Ottawa, etc.
- The Smith's shop, a continuation of aid in agriculture, farming utensils, and cattle, was secured to them under the treaty of September 24, 1819
- The United States paid the expenses for the treaty.

Drafting Committee's Comments

- Always under the scrutiny of others. Informers were ready to report, for a fee, if a white man resided on the land.
- The decision on how the land sale proceeds are used is at the discretion of the President and the Senate, with no accountability.

Treaty with the Chippewa
(Treaty of St. Peters and informally known as the Treaty White Pine)
July 29, 1837

This Treaty with the Chippewa Nation of Indians conducted at St. Peters in Wisconsin was the first significant land cession by Dakota and Ojibwe people in what is now Minnesota.

Historical Context:

The fur trade was not the only business interest in these treaties. The Ojibwe treaty, also called the "White Pine Treaty," and the Treaty of St. Peters transferred millions of acres of timber to the U.S. The cession of pine forests led to abuses of Ojibwe timber rights for a century by non-Indian treaty signers and other influential political figures when they suddenly widened their business interests from the fur trade to timber. However, Ojibwe negotiators clarified that they retained rights to deciduous trees in the region, among other rights. Extensive evidence indicates that the Ojibwe believed they were merely leasing the use of the pine forests, and many refused to leave the ceded territory, preferring to stay and exercise the rights to land use that they retained in the treaty. An influential US Supreme Court ruling in 1999 upheld those rights (See Treaty of 1855). Another factor in the treaty was the reported presence of copper deposits in the ceded territory. Henry Dodge, the US treaty commissioner and later governor of Wisconsin, had made a fortune in lead mining and particularly noted the presence of mineral deposits in preparation for the treaty. The ceded land is in both Wisconsin and Minnesota. The land cession guaranteed access to the Wisconsin Territory's lumber resources needed to help build housing for the growing populations in St. Louis, Missouri, and Cleveland, Ohio.

en.wikipedia.org/wiki/

The Treaty with the Chippewa was signed in 1837, ceding the bulk of Native territory in Minnesota in exchange for payments and the rights to hunt, fish, and gather wild rice on ceded land. This treaty has been the basis for multiple court cases and continuing prejudice against Natives in the upper Midwest. The most valuable piece of land relinquished, in terms of fishing and gathering, is the Mille Lacs Lake territory ceded by the Mille

Lacs Band of Ojibwe. In article five of the original treaty, Natives retained the “privilege of hunting, fishing, and gathering the wild rice, upon the lands, the rivers and the lakes included in the territory ceded.” At the time of its inception, the rights were clear. A century and a half of fishing laws later, those rights in the eyes of the State were vastly different.

In 1850, The President revoked tribal hunting and fishing rights. Traditional Native methods of fishing, specifically spears and gillnets, were no longer legal to practice, and no fishing was legal in the territory without a permit.

Finally, after several Band members were fined or arrested for fishing without permits in the Mille Lacs ceded territory, the Mille Lacs Band sued the State of Minnesota for not properly upholding the Treaty of 1837. While their rights were clear on paper, a lengthy legal battle ensued.

Mille Lacs Lake had become the most popular fishing destination in the state, and its tourism industry led to a significant backlash in the press and court, writing scathing opinion pieces and appearing on behalf of the defendants. The Band had initially wanted to settle the matter quickly, out of court, but the resistance from the surrounding communities forced them to fight. Phase I of the trial concluded in 1994 with a court ruling in favor of the Ojibwe.

In phase II, the Ojibwe created their hunting and fishing rules and won in court again. Counties and Landowners’ organizations still tried to block the decision, filing motions and injunctions at every turn. Because of this, several other Native American tribes joined the Ojibwe as the prosecution, including the Fond du Lac Band and the La Courte Oreilles, who had been fighting for their treaty rights in Wisconsin for years. The Supreme Court, *Minnesota v. Mille Lacs Band of Chippewa Indians* 1999 ruled in a 5-4 decision, upholding the Band’s rights to fish on the land.

Today, the rights of the Ojibwe to fish on Mille Lacs Lake is still an issue on all sides. Even though the Band has implemented a conservation code to help protect the natural resources, some in the government and environmental community have reservations about the different laws for fishing. Band members arrested for gillnetting without a permit. In 2014 Save Lake Mille Lacs Sport Fishing Inc. sued the Department of Natural Resources to undo the previous legislation enacted following the 1994 ruling. In short, a two-page treaty from 1837 has become 150 years of contention.

Across the country, Native treaties have been disregarded, unenforced, and even reversed, with officials turning a blind eye to favor a more lucrative and profitable group, such as the Minnesota tourism industry, who wants the land. Hopefully, the State and its citizens can learn from the past and recognize Native land rights as they should have been for centuries. It was their land first.

In 1837 more signers were added to the negotiations owing to warriors dancing in and demanding more seats at the table. Red Lake signed the treaty, too. Before that, in 1825 and 1826, only chiefs were asked to sign treaties. ***Treaties and Treachery: The Legal Battles of the 1837 Minnesota Treaty with the Chippewa Authored by Jessica Manner March 26, 2019, HIDDEN HERITAGE***

Type of Treaty: Land, Rights to Trees, Hunting, Fishing, and Gathering of Wild Rice.

Indians Sacrificed:

- Ceded land by Dakota and Ojibwe people in what is now Minnesota.

Provisions and Promises Made by U.S. Government:

- Annuity payments for twenty years.
- A portion in money; goods; Blacksmith shops; steel and iron; farmers and their supplies; tobacco; or the tribe could appropriate a part of the annuity to establishing a school.
- Boundary lines determined.
- Money paid for Half breeds (Metis).
- Provided payment for claims against the Indians.
- They retained their rights to hunting, fishing, and gathering the wild rice” upon the lands, rivers, and lakes, including ceded territory.

Drafting Committee's Comments

- Tribes were called "Nation."
- We always wanted more representation in decision-making.
- Inclusiveness. Treaties still hold us together. We are one group.
- IRA structure divided us. It is hard to divide things we hold in common.
- There was no understanding of Ojibwe traditions and culture and the meaning of fishing, hunting, and gathering for their subsistence.
- Hunting, fishing, and gathering wild rice was not a privilege to use. It was a right we already had.

Treaty with the Chippewa December 20, 1837

Treaty with the Saganaw tribe of the Chippewa nation.

Type of Treaty: Land and Reservation

Indians sacrificed:

- Ceded land within the boundaries of Michigan

Provisions and Promises Made by U.S. Government:

- An amount of fifty cents per acre was taken out of every acre of land ceded by the January 14, 1837 treaty as compensation for the relocation to a future permanent residence and to constitute a fund for leaving the land to settle elsewhere.
- The U.S. reserved land for the tribe on the headwaters of the Osage river.
- The United States was not obliged to advance the money required by article 5, the treaty of January 14, 1837.
- The first and second clauses of the fourth article of the treaty of January 14, 1837, and the tenth article of said treaty, were repealed. The United States agreed to pay the tribe in 1838 and 1839, respectively, an annuity of five thousand dollars and ten thousand dollars in goods as an advancement. The advanced money would come out of the first proceeds of their lands.
- The President had the duty to redivide payments of chiefs that died within the year since the January 14, 1837 treaty was signed.
- There was no right of pre-emption to any lands ceded to the United States by the Treaty of January 14, 1837.
- The United States will pay the expenses of this negotiation, and unpaid costs of the prior negotiations, with the said tribe, on May 24, 1836, and January 14, 1837.

Drafting Committee's Comments

- The tribes were called the "Chippewa Nation."

Treaty with the Chippewa January 23, 1838

Treaty with the several bands of the Saganaw Chippewa nation. Lands ceded by the treaty of January 14, 1837, to be offered for sale by proclamation, etc.

Type of Treaty: Land and Peace and Friendship.

Indians Sacrificed:

- Ceded land

Treaty Provisions and Promises made by the U.S. Government:

- Lands ceded by the January 14, 1837 treaty were to be offered for sale by proclamation. A minimum price of \$5.00 per acre was set for two years. Also written into the provisions and terms of the land sale, the cost per acre drops to \$2.50 for five years if the land is unsold. Any unsold land was to be sold for the sum it would demand, but no sale will be less than .75 cents per acre.

Drafting Committee's Comments

- The tribe was called a "Nation."
- After five years, if not sold, give it back to the Indians rather than selling it for pennies.

Treaty with the Chippewa February 7, 1839

This Treaty supplements the Treaty of 1838, with several bands of the Saganaw Chippewa nation. Lands ceded by the treaty of January 14, 1837, were to be offered for sale by proclamation and the amendments of the said treaty of December 20, 1837, and January 23, 1838.

Type of Treaty: Land, Lighthouse

Indians sacrificed:

- Sale of Land

Promises made:

- Because the law of Congress required that a lighthouse be erected on the reserves, called Na-bo-bish tract, lying at the mouth of the Saganaw river, the chiefs stipulated to sell the United States 40 acres of land to erect the lighthouse.
- Considering the sum of \$8 per acre, 1/16th of a section of the said tract shall be appropriated and set apart to be located and disposed of in any manner the President may direct.

Drafting Committee's Comments

- The tribe was called a "Nation."

Treaty with the Chippewa (Treaty of La Pointe) **October 4, 1842**

Treaty with the Chippewa Indians of the Mississippi and Lake Superior.

Historical Context:

The first treaty of La Pointe by which the Ojibwa ceded extensive tracts of land that are now parts of the states of Wisconsin and Michigan, specifically the latter's Upper Peninsula.

The Webster-Ashburton Treaty was signed on August 9, 1842, between Great Britain and the United States, officially ending their boundary dispute on the Arrowhead Region of Minnesota and settling other claims. This news did not reach the United States parties to the La Pointe Treaty negotiation. Consequently, the Grand Portage Band, then considered to be in British Canadian territory, was not invited to join the signing of this treaty. Because Grand Portage occupied a territory in the United States, in 1844, the United States and Grand Portage Band signed the Isle Royale Agreement as an adherence to this treaty. As the United States Supreme Court subsequently determined, the signatory tribes retain hunting, fishing, and gathering rights on their former lands in this region. In addition, the Supreme Court held that the treaty obligated the United States to provide reservations for peoples of the signatory bands.

en.wikipedia.org/wiki/

Type of Treaty: Land, Removal, Hunting, Fishing, and Gathering Rights.

Indians sacrificed:

- Ceded land.

Provisions and Promises Made by U.S. Government:

- Right of hunting on the ceded territory, with the other usual privileges of occupancy, until required to remove by the President.
- Unceded lands were the common property of the Indians.

- Provided payments for twenty-five years for animals, goods, and tobacco, support of two blacksmith shops, two farmers, two carpenters, and support of schools.
- Treaty provided an agricultural fund under the direction of the Secretary of War.
- Money for payment of debts.
- Money for half-breeds.
- Division of Annuity payments.
- Indians in mineral districts are subject to removal at the President's pleasure.

Drafting Committee's Comments

- Eroding our power is another form of termination. Remove all language of oversight by the government in our documents
- The treaty is one-sided. With each treaty, our rights slowly restrict our rights and erode things we share in common. They took our land, but our ancestors held on to hunting rights on ceded land.
- The treaty tells us what we can and cannot do.
- The U.S. government has made many provisions to make us farmers.

Treaty with the Potawatomi June 5, 1846, & June 17, 1846

Treaty with the Pottawatomie Nation.

According to the preamble in this treaty, “The Pottowautomie Indians, known as the (Council of Three Fires) Chippewas, Ottawas, and Pottowautomies, the Pottowautomies of the Prairie the Pottowautomies of the Wabash, and the Pottowautomies of Indiana, have, after the year 1828, entered into separate and distinct treaties with the United States, by which they have been separated and located in different countries, and difficulties have arisen as to the proper distribution of the stipulations under various treaties and being the same people by kindred, by feeling, and by language, and having, in former periods, lived on and owned their lands in common; and being desirous of uniting in one common country, and again become one people, and receive their annuities and other benefits in common, and to abolish all minor distinctions of bands by which they have heretofore been divided, and are anxious to be known only as the Pottowautomie Nation....”

Historical Context:

In the first half of the 19th century, treaties between the U.S. and the Potawatomi resulted ceding land to the U.S. who had a large-scale goal to purchase and extinguish their claims in the Northwest Territory and the Southeast and to remove all such indigenous peoples to lands west of the Mississippi River.

en.wikipedia.org/wiki/

The Potawatomi Nation defended their land through armed struggle from 1754 to 1815, when they signed a Peace Treaty with the U.S. The ink on the treaty of 1832 was barely dry when the government broke its promise to let the Potawatomi stay on their tiny reservations, forcing negotiations for more treaties in 1834 and 1836. A chief named Menominee, whose land was a refuge for people who did not want to move and refused to sell. Agent Abel Pepper found three other leaders to sign this treaty instead.

<https://americanindian.si.edu/nationtonation/>.

Type of Treaty: Land, Peace and Friendship, Education, Removal to

Reservation

Indians Sacrificed:

- Ceded and sold the land.
- Control of a large amount of money put in a U.S. trust fund, apparently to draw 5% interest.
- Diminished Sovereignty, when the U.S. put us under "...parental protection" rather than viewing us as having inherent sovereignty.

Provisions and Promises Made:

- Peace and Friendship "forever."
- All proper care and "parental" protection.
- Lands sold and ceded to the U.S., "especially the tracts or parcels of lands ceded to them by the treaty of Chicago," as well as additional lands identified in the treaty.
- Cessions were not affected by the title of the Indians to any grants or reservations made to them under former treaties.
- Grant possession and title to a tract or parcel of land containing five hundred and seventy-six thousand acres, as described in the treaty. Complete control of the Pottowautomie Nation, to their land and home forever; for which they paid the U.S. eighty-seven thousand dollars from the gross sum promised to them in article 3 of this treaty.
- Pay tribes the sum of eight hundred and fifty thousand dollars, subject to the conditions, deductions, and liabilities.
- Annual Annuity.
- Fifty thousand dollars, out of the aggregate sum granted to enable said Indians to arrange their affairs and pay their just debts before leaving their present homes; to pay for their improvements; to purchase wagons, horses, and other means of transportation, and pay individuals for the loss of property necessarily sacrificed in moving to their new homes
- The tribes agree to move to their new homes on the Kansas River within two years.
- A sum of money to pay the actual expenses of removing, as subsistence money, for the first twelve months after they arrived at their new homes

- Deducted from the \$850,000 was the cost of removing the Indians and their subsistence.
- The remaining amount was in trust with the U.S. with an interest of five percent annually paid thereon, continuing for thirty years until the nation of Indians decreased in numbers below one thousand souls.
- After the removal of the Pottowautomie Nation to the Kansas country, the annual interest of their "improvement fund" shall be paid.
- If the President deemed it would be advantageous to the Pottowautomie Nation, and they request the interest on their money, of said money in place of the employment of persons or purchase of machines or implements. The President authorized it.
- After two years, the school fund shall be expended in their country unless their council members request part of the money should be in a different manner.
- Buildings occupied as a missionary establishment, including twenty acres of land, shall be reserved for the use of the Government agency. Houses used for a blacksmith shop and housing shall be retained for the Pottowautomie blacksmith's service, but if the property is not used for that purpose, it shall revert to the use of the Pottowautomie Nation.
- Annually, the sum of three hundred dollars, instead of the two thousand pounds of tobacco, fifteen hundred pounds of iron, and three hundred and fifty pounds of steel, stipulated to be paid to the Pottowautomies under the third article of the treaty of September 20, 1828.

Drafting Committee's Comments

- Use the term Nation for the "Pottowauntomie."
- The U.S. promised "...parental protection" rather than viewing tribes as sovereign nations.
- Protectorate Principle applies.

Treaty with the Chippewa of the Mississippi and Lake Superior
(Treaty of Fond du Lac)
August 2, 1847

Treaty with the Mississippi and Lake Superior Chippewa.

Historical Context:

The second treaty of Fond du Lac ceded lands in a triangular area west of the Mississippi River, bounded by the Prairie du Chien Line, Mississippi River, Crow Wing River, and Long Prairie River

In 1847, Ojibwe-Dakota relations were more significant to Indians in present-day Minnesota than were U.S.-Indian relations. In these treaties, the Ojibwe ceded land to create a buffer zone separating them from the Dakota. The ceded tract, used jointly by the two tribes for hunting increasingly scarce game, was a place of frequent conflict. In a four-way deal, the U.S. purchased the land from the Ojibwe and ceded it to Ho-Chunk and Menominee. When the Ho-Chunk tried this idea, they acquired a buffer zone between the Dakota and Sac and Fox (see Multinational Treaty, 1830). Its miserable failure is described as follows by *M. L. Wingerd in North Country*:

"Since conflicts among the tribes were most often precipitated by a contest over scarce resources, it seems unimaginable that government policymakers did not foresee that adding another population to the region would only replace one set of combatants with another."

Based in part on this experience, the Menominee and Ho-Chunk peoples never moved to the land ceded in 1847, and eventually, it was ceded by them back to the U.S.

Another notable feature of this treaty was an article stipulating that "the half or mixed blood" of Chippewas residing with them shall be considered Chippewa Indians and shall, as such, be allowed to participate in all annuities." Many of these individuals were traders who worked for fur companies or the U.S. government.

***Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council,
www.treatiesmatter.org***

Type of Treaty: Land, Peace, and Friendship.

Indians Sacrificed:

- Ceded Land

Provisions and Promises Made by U.S. Government:

- Perpetual peace and friendship
- Before the United States used or occupied the tract of land north of Long Prairie River, the boundary between the Indians who were parties to this treaty, and the “Pillager” band, needed to be settled to the satisfaction of the Pillager band.
- Payment to the Chippewa.
- The Mississippi Indians d be paid \$1,000 for 46 years.
- Annual payments for schools, blacksmiths, and laborers, of which Chippewas of “full blood or mixed blood” shall be employed as teachers, blacksmiths, and laborers, when they were competent to perform the duties required of them.

Drafting Committee’s Comments

- A notable feature was the stipulation that the half or mixed blood” of the Chippewas residing with them shall be considered Chippewa Indians. As such, they participated in all annuities.

**Treaty with the Pillager Band of Chippewa Indians
(Treaty of Fond du Lac)**

August 21, 1847

This Treaty with the Pillager Band of Chippewa was the second of the two Fond du Lac Treaties.

Historical Context:

The 1847 Ojibwe Land Cession Treaties, which the Chippewa of the Mississippi and Lake Superior signed on August 2, 1847, and the Pillager Band of Chippewa signed this treaty on August 21, 1847.

Type of Treaty: Land, Peace, and Friendship

Indians sacrificed:

- Ceded Land

Provisions and Promises Made by U.S. Government:

- Perpetual peace and friendship.
- The ceded land will be held as Indian land until otherwise ordered.
- An annual annuity in goods for five years (blankets, cloth, twine, thread, combs needles, medal-looking glasses, ten pounds of vermilion, thirty nests, heavy tin kettles, five hundred pounds of tobacco, and five barrels of salt. With the first payment, shall receive two hundred warranted beaver traps and seventy-five north-west guns.

Drafting Committee's Comments

Treaty of with the Chippewa (aka Treaty of La Pointe) September 30, 1854

Treaty with the Chippewa (Chippewa of Lake Superior and Chippewa of the Mississippi)

Historical Context:

Minnesota Historical Society

This second Treaty of La Pointe (1854) ceded most of the land on Lake Superior's northern and western shores. It also established the Grand Portage and Fond du Lac reservations. In exchange, the tribes received annual payments and a guarantee that they could continue to hunt and fish throughout this territory.

The main goal of the U.S. was access to natural resources, including copper, minerals, and rich pine forests. The Indians were receptive. Since the 1830s, changes in demand and an influx of white migrants into former hunting grounds had altered the economics of the fur trade. Many Indians owed money to white or mixed-race traders and could no longer make enough from furs alone to pay off these debts. The signing of a new treaty provided one way to secure an additional source of income.

Thousands of Ojibwe attended the negotiations in September of 1854. Several dozen interested traders were present, including Henry M. Rice. The government invited the Lake Superior and Mississippi River bands (except for the Mille Lacs, Snake River, and St. Croix bands) because they shared a large chunk of the desired land. The Ojibwe negotiators included Bizhiki (Buffalo) and Joseph Osawgee of the Lake Superior bands and Bagone-giizhig (Hole-in-the-Day the Younger) of the Mississippi bands.

The Treaty of La Pointe created a formal division between the Mississippi Ojibwe and the Lake Superior Ojibwe by specifying which bands would belong to each group for future negotiations with the U.S. government. The two groups had been growing apart for some time. They agreed to divide their shared land and split the benefits and payments from earlier treaties. One-third of previous benefits would go to the Mississippi River Ojibwe and two-thirds to the Lake Superior Ojibwe.

The Ojibwe agreed to sell their land only if they could live on reservations near their homes and hunt and fish throughout the land they ceded. They had reasons to insist on this point because, in 1850, President Zachary Taylor had ordered all Ojibwe still living in Wisconsin and Michigan to be

removed from their reservations and sent west. They canceled the order. The same year, the government moved the site for treaty payments to Sandy Lake, far from where many Ojibwe lived. Hundreds died waiting for their payments or traveling home during the harsh winter. The Ojibwe requested that the 1854 Treaty promise they would not have to leave their new reservations later and that treaty benefits would be paid close by.

The U.S. government also sought to use treaties like the 1854 Treaty of La Pointe to change the lifestyle and culture of American Indians. The treaty stated that the U.S. government would provide a blacksmith, farming equipment, and other supplies for each reservation, along with money to hire teachers. It wanted them to learn English, convert to Christianity, and become individual farmers.

Finally, the treaty promised to give the tribes twenty years of payments in cash and supplies for their land and an extra \$90,000 for the Lake Superior bands to help pay their debts to traders.

Ojibwe living on the new reservations often struggled in the years after the treaty. Timber companies cut down forests. Mining companies dug up the land, making it even harder to earn a living from hunting and trapping. Many of the Ojibwe were forced into deeper debt and relied on the small treaty payments to survive.

The hunting and fishing rights guaranteed in the Treaty of La Pointe never expired. A federal court upheld this fact in the Voight Decision in 1983. In 1988 the state of Minnesota signed a new agreement with the Lake Superior bands that provided yearly payments in exchange for placing some limits on their treaty rights. This agreement is still in force in the twenty-first century.

Type of Treaty: Land, Reservation, Peace and Friendship, Education, Hunting and Fishing

Indians sacrifices:

- Ceded land

Provisions and Promises Made by U.S. Government:

- Peace and Friendship
- Boundary lines set.

- Each head of a family or single person over twenty-one years of age of the “mixed-bloods” belonging to the Chippewas of Lake Superior shall be entitled to eighty acres of land for their separate use, to be selected by them by the President.
- When the Indians occupied the eighty acres, patents for reservation would be issued, with restrictions on the power to transfer.
- The U.S. will not remove the Indians from their homelands.
- The U.S. agreed to evaluate to see if they are in arrearages in the annuity payments for former treaties.
- No liquors shall be made, sold, or used on any land.
- When the survey was completed, teachers, all missionaries, and others residing in the ceded territory were allowed to enter the land they occupied at a minimum price for a quarter section each.
- Preserves Hunting & Fishing rights in ceded territories.
- Payments for ceded lands. Annuities may be withheld for debt due to acts of attacking and plundering but will not be withheld to pay debts.
- Provided for a Blacksmith, assistants, and the usual supplies.
- Receive guns, household goods, cattle, carpenters, and supplies.
- Stipulation for Bois Forte due to their poverty, and they have never received an annuity. , they would receive money and five equal annual payments in blankets, cloth, nets, guns, ammunition, and other items of necessity. They were also given the right to select their reservation, have a blacksmith and the usual smith shop supplies, and two persons to instruct them in farming.
- Indians who are parties to this treaty, except the Chippewa of the Mississippi, shall be known as the Chippewas of Lake Superior, provided that the stipulation by which the Chippewa of Lake Superior relinquished their land shall not apply to the Bois Forte band.

Drafting Committee’s Comments

- Treaty is the strongest in the entire country.
- Cons:
 - The US government makes decisions, manages, and pays Indians. Railroads and highways can run through our land.

- Cultural traditions of going from house to house and visiting were forbidden.
- They took and occupied our land and gave us a bunch of coins.
- Giving clothes, traps, guns, and nets have destroyed our culture. We used to make our clothes, traps, and nets, and now hardly anyone knows how.
- There is a disconnect in the Tribal Council going to state courts instead of federal courts on treaty issues.
- State courts do not have authority over Treaties
- The teachers provided were bad, unqualified, and tried to change our culture. We lost customs and our language.
- Treaties are on an unequal basis.
- The U.S. does not have legal land rights.

Treaty With the Chippewa (aka Treaty of Washington) February 22, 1855

Treaty with the Chippewa of Mississippi, and the Pillager and Lake Winnibigoshish Chippewa Bands

Historical Context:

The Treaty of Washington (1855) is a milestone in the history of the Ojibwe people in Minnesota. The agreement ceded a sizable portion of Ojibwe land to the U.S. government and created the Leech Lake and Mille Lacs reservations. The U.S. government acquired most of Ojibwe's land in eastern Minnesota in the Treaties of St. Peters (1837) and La Pointe (1854).

www.mnopedia.org/event/treaty-washington-1855

After Minnesota was admitted to the Union in 1858, in 1990, the Mille Lac Band and several others sued Minnesota to prevent the State's interference with their rights. Fond du Lac Band and several others filed a separate lawsuit, and the court held that Fond du Lac Band retained its hunting and fishing rights. The Court affirmed the tribe's argument by rejecting the State's argument that President Taylor's 1850 Executive Order abrogated the rights guaranteed by the 1837 Treaty. The Court held that the 1855 Treaty did not extinguish privileges for the Mille Lacs Band. The Court also rejected the State's argument that under the "equal footing doctrine," Minnesota's entrance into the Union extinguished Indian treaty rights.

Type of Treaty: Land, Reservation, Education

Indians Sacrificed:

- Ceded land sold and conveyed with all their rights, title, and interest in the territory of Minnesota.

Provisions and Promises Made by U.S. Government:

- The Treaty reserved land for reservations and permanent homes. Reservations were surveyed and allotted.

- Annual payments and other payments in goods, money for road construction, expend and make provisions for said bands.
- Each reservation received a reasonable quantity of land to prepare for cultivation in suitable fields.
- The Mississippi Band received payments for education, a blacksmith shop, and tools.
- Expected Indians to settle down in the peaceful pursuits of life, commence the cultivation of the soil, erect their homes, open farms, educate their children, and seek other objects of improvement and convenience, as are incident to well-regulated society. Because of their addiction, they were encouraged to abstain from using intoxicating drinks and other vices.

Drafting Committee's Comments

- "Divide and Conquer." 1825 and 1826 treaties were inclusive, held locally, then renegotiated to include more signers. In 1855, just chiefs were invited to Washington DC, away from the people, who were excluded from signing treaties.
- Encouraged a change in Indian lifestyle: settle down and plow fields. The problem was that this suggestion came before the cut down the trees.

Treaty with the Chippewa.

July 31, 1855

This Treaty was with the Ottawa and Chippewa Indians of Michigan. It is a supplemental treaty to the March 28, 1836, treaty under which these tribes sold their lands in the western Lower Peninsula of Michigan and the eastern portion of the Upper Peninsula.

Historical Context:

This 1855 treaty ended the threat of removal and provided reservations in Michigan for these bands. This treaty provided allotment to families and individuals of lands on these reservations.

*The Ottawa and Chippewa Bands in Michigan and the Allotment of their Lands under the Treaty of July 31, 1855. Larry M. Wyckoff March 2016.
www.academia.edu*

Type of Treaty: Land, Education, Reservation, Health Services and
Agriculture

Indians sacrificed:

- Cession of land.
- Once the ceded land was used for settlements, hunting rights were restricted.

Provisions and Promises Made by U.S. Government:

- Rights to hunt on ceded land until the land was turned into settlements.
- The Tribes could use the reserved land for five years unless the U.S. extended that period.
- An annual annuity for twenty years and an additional lump sum of money.
- The Treasury Department invested the remainder of the money. Twenty years of cash for education schools and teachers, blacksmith shops, permanent interpreters, farmers, mechanics, and a dormitory.

- While they remain on the reservation, they use the money for debts, missions, agricultural items, other goods, vaccines, medicine, and a physician.
- Money was given in consideration for the Indians changing their permanent reservation to five years only term.
- Funds are set aside for half-breeds, descendants, and residents within the boundaries set.
- A census would be taken, identifying three classes of claimants; the first shall receive one-half more than the second, and the second, double the third class. It was up to the chief to determine who would qualify for each category.
- The half-breeds judged as being “incapable of making a proper use of the money” shall receive installments.
- The Indians will be compensated for improvements made on the first land they used.

Drafting Committee’s Comments

- There was no accountability for the money placed in the Treasury Department.

Treaty with the Chippewa of Sault Ste. Marie
August 2, 1855

Treaty with the Chippewa Indians of Sault Ste. Marie.

Type of Treaty: Land and Fishing Rights

Indians sacrificed:

Tribe Surrendered to the United States the right to fish at the falls of St. Mary's and the encampment, provisions in the Treaty of June 16, 1820.

Provisions and Promises Made:

1. The US appointed a commissioner who, within six months of this treaty, would personally visit and examine the fishery in place of the encampment and determine the value of the interest of the Indians.
2. After the valuation is reported and reviewed by the President, they will receive an annuity in satisfaction for the right they surrendered, provided that one-third of the award is paid to their half-breed relations if the Indians agree.
3. The chief received, in a fee simple, a small island (less than half an acre) in the river Saint Mary's adjacent to the camping grounds. They surrendered unless the island had not been appropriated or disposed of. In that case, the grant would be void, and the chief will receive no compensation.

Drafting Committee's Comments

Treaty with the Chippewa, etc. August 2, 1855

This Treaty is with the Chippewa Indians of Saginaw, parties to the treaty of January 14, 1837, and that portion of the band of Chippewa Indians of Swan Creek and Black River, parties to the treaty of May 9, 1836, who remained in the State of Michigan.

Historical Context:

Native Americans ceded a large tract of land (more than six million acres in the central portion of the Lower Peninsula of Michigan). The treaty reserved several smaller parcels for Indian use within the ceded territory.

[en.wikipedia.org/wiki/Treaty of Saginaw](http://en.wikipedia.org/wiki/Treaty_of_Saginaw)

With the complete collapse of the fur trade, the 1855 treaty marked a sea change in the economics of the Ojibwe. First, the source of sustenance for Ojibwe people would become much more dependent upon annuity payments, which the U.S. promised in exchange for transferring millions of acres. These payments were needed to supplement hunting, fishing, and other use of a land base exponentially reduced to scattered reservations within the ceded territory. Material survival would depend on the willingness of the U.S. government to honor its commitments. The annuity system, however, was vulnerable to fraud. Annuity recipients had to show up at appointed times and places to receive their funds. Any funds not distributed could be pocketed by the Indian agents in charge of annuities. In 1861, for example, Ojibwe agent Lucius Walker wrote the following to Dakota agent Clark W. Thompson:

"I hope that the time of payment will be kept a perfect secret. No one excepting those whom we want or need to assist ought to know anything about it. You nor I want anyone here but them who can render us assistance."

—Mark Diedrich in *Chief Hole-in-the-Day and the 1862 Chippewa Disturbance, Minnesota Monthly, Spring 1987*

Secondly, by allotting reservation land to individual families, the U.S. attempted in the Treaty of 1855 to replace the centuries-old spiritual connection of the Ojibwe people to the land with a new system of private

property. The U.S. intended the Ojibwe people to be farmers on individually owned plots of land and promised to plow 675 acres for the entire Ojibwe population. (It also provided eighty acres each to mixed-blood individuals and allowed missionaries to buy 180 acres each.) In years to come, various tracts of reservation land established in the Treaty of 1855 would be enlarged, ceded, stolen, restored, co-opted, and vacated through treaties, acts of Congress, and the actions of corporations, Indian agents, and other “entrepreneurs.” Throughout this complicated history, the Leech Lake and Mille Lacs Bands of Chippewa held onto the land, including their current reservations. In the 1990s, the U.S. Supreme Court held that this treaty did not cede rights to land use that the Ojibwe had retained in the 1837 land cession treaty.

Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council, www.treatiesmatter.org

Type of Treaty: Land, Education, and Agriculture.

Indians Sacrificed:

- Ceded Land

Provisions and Promises Made by U.S. Government:

- The U.S. withdrew from the sale of land in the State of Michigan.
- The U.S. granted land to Indians. Eighty acres to head of household, forty acres to single Indians, and forty acres to families of orphan children under age 21.
- The purchase and sale of land for schoolhouses, churches, and educational purposes, shall also apply to this agreement.
- Provide money, agricultural implements and carpenters’ tools, household furniture and building materials, cattle, labor, and Blacksmith.
- Per capita in the usual manner for paying annuities.

Drafting Committee’s Comments

Treaty with the Chippewa, etc.
July 16, 1859

Treaty with the Swan Creek and Black River Chippewa.

Creek and Black River Band of Chippewas of Kansas Territory, who were parties to the May 9, 1836, Treaty, claim to be entitled to participate in the beneficial provisions of the treaty of August 2, 1855.

Type of Treaty: Land, Hunting Rights

Indians Sacrificed:

- Ceded land

Provisions and Promises Made by U.S. Government:

- The U.S. agreed to pay for the survey of the ceded land.
- Land reserved for Chiefs and their bands.
- Tracts of land granted to the descendants.
- The U.S. agreed to pay the claims filed against the Indians.
- The right to hunt in ceded land if the U.S. owns the land.

Drafting Committee's Comments

**Treaty with the Chippewa of the Mississippi and
the Pillager & Winnibigoshish Bands (Treaty of Old Crossing)
March 11, 1863**

**This Treaty is with the Chippewa of the Mississippi, Mille Lacs,
Pillager, and Lake Winnibigoshish Bands.**

Historical Context:

The Dakota War of 1862 created a significant State and federal military presence in the area. These factors allowed Alexander Ramsey to engineer the infamous “*Old Crossing*” treaty. By the Treaty of Old Crossing (1863) and the Treaty of Old Crossing (1864), the Pembina and Red Lake bands of the Ojibwe, then known as Chippewa Indians, purportedly ceded to the United States all their rights to the Red River Valley. A change in government structure was encouraged and carried out by Treaty Commissioners. A “board of visitors” representing Christian religious denominations organized under the treaty to report to the Commissioner of Indian Affairs on the “qualifications and deportment of all persons residing upon the reservation.” The board of visitors makes the rules regarding the name, the date, and the manner of annuity payments. The Board also has the authority to withhold payments from any “person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians.”

The treaty also defined in U.S. terms what an Ojibwe “chief” would be: a leader of a band of at least 50 people who would encourage “the pursuits of civilized life.”

***Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council,
www.treatiesmatter.org***

Type of Treaty: Land

Indians sacrificed:

Ceded land (eleven million acres) by reservation known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake, and Rice Lake, as described in Treaty with the Chippewas February 22, 1855.

Provisions and Promises Made by U.S. Government:

- The U.S. agreed to reserve land and clear land for the future homes of the tribes.
- Extend the annuities for ten years beyond the time stated in the existing treaties.
- A Board of Visitors had control over the annuity payments and monitoring of Indian behavior. Based on the observed behavior, they could withhold payments.
- Payments were made, at the direction of the Secretary of the Interior, for claims of depredation that occurred in 1862.
- A house for each Chief and erect a sawmill.
- Provision of goods, oxen, tools, and service of a carpenter, blacksmith, and physician.
- Defined who a chief is.
- Chiefs received payment, as did prominent Chippewa individuals.
- Provided payments to females who taught girls domestic economy in the home.
- Hiring preference-Laborers to be “full or mixed-bloods” when competent.

Drafting Committee’s Comments

- This treaty had another moral clause inserted in its language.
- The funds went directly to the Indians.
- Both the Board of Visitors and the Secretary of the Interior were monitoring the behavior and decisions of Indians.

Treaty with the Chippewa-Red Lake and Pembina Bands October 2, 1863

Type of Treaty: Land, Peace and Friendship, and Agriculture.

Treat with the Red Lake and Pembina.

Historical Context:

Alexander Ramsey, who had resigned from the Minnesota governorship to become a commissioner of Indian Affairs, arrived at the treaty site with nearly three hundred troops and a Gatling gun. He presented the treaty as an agreement to allow businesses (i.e., Kittson Transportation Companies) to pass through an Ojibwe territory. The treaty resulted in 11,000,000 acres of ceded land in present-day Minnesota and North Dakota to the U.S. The Ojibwe were to receive \$20,000 per year for 20 years, and “Indian traders” (i.e., Kittson) would receive up to \$100,000. In addition, “each male adult half-breed or mixed-blood ... who has adopted the habits and customs of civilized life, and who is a citizen of the United States” would receive a 160-acre homestead – which also benefitted traders who had married into Ojibwe families. Before ratifying the 1863 treaty, the U.S. Senate made significant changes, and several Ojibwe signers refused to endorse the amended version. The Red Lake Indians went home and went into War Council, but then signed the treaty to protect the people.) A delegation went to Washington to negotiate a new version of the treaty in 1864, which increased the annuity payments for the ceded territory. In subsequent actions after the end of the treaty-making era, the Red Lake Ojibwe ceded nearly three million additional acres. Their remaining land comprises the Red Lake reservation, which, unlike any other reservation in the U.S., was never allotted to individuals and is held in common by Red Lake band members today.

Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council, www.treatiesmatter.org

Ella Hawkinson, “The Old Crossing Chippewa Treaty and Its Sequel,” Minnesota History, 15 (September 1934): 282–300.

and

According to research at www.maquah.net/Historical/1863/1863-1864 treaty: “What began as a right-of-way negotiation was taken to Washington

D.C., where it was re-written as a boilerplate land cession treaty with which the U.S. unilaterally took about eleven million acres. The people who agreed to the land cessions and payment to the fur traders in the treaty were not *Ahnishinabæ Ojibway* and were not indigenous to this Continent. Two people who allegedly agreed with X-marks as "Pembina Warriors" used their French names--Joseph Gornon and Joseph Montreuil. Another person the U.S. Government appointed as a Red Lake Indian Chief was a Frenchman named Racine. He used the name Kah-nun-dah-wah-wenzo as a professional treaty signer and helped "sell" land at Sandy Lake, Gull Lake, and Boise Fort treaties. Those who assented to this fraudulent treaty were European subject people who had no claim to *Ahnishinabæ Ojibway* land. Some of the Chippewa Indian Chiefs who helped legitimize the theft of *Ahnishinabæ Ojibway* land were Scouts in the U.S. Army (including Chief White Cloud and Chief Red Bear); some had been Civil War draftees."

Additionally, In the winter of 1863-4, May-dwa-gan-on-ind, the "Red Lake Chief [*sic*] who had refused to sign the treaty ... walked a hundred and fifty miles [to White Earth] to lay his troubles before Bishop Whipple." Whipple recorded in his diary that he left for Washington to inform the U.S. government that the Red Lake Indians [*sic*] did not know the character of the treaty they had made and that it was "from beginning to end a fraud..." The U.S. Senate took the 1863 Treaty and amended it in New York so that more land could be alienated with the use of Halfbreed Scrip. One of the so-called Red Lake Indian Chiefs who agreed to April 12, 1864, Amendments died there. The U.S. Government used rotgut whiskey as standard procedure to procure "agreement" to Indian treaties. As the widow of another victim of deadly Eastern treaty persuasion said over her husband's body, "I told you not to touch that thing [whiskey] which has killed so many of our people. Bishop Whipple was at the 1864 Amendment meetings as unpaid counsel to those he called Indians. He is quoted by a historian who knew him personally as saying he "might as well have whistled against the wind" and later wrote that the role he played in Washington was "one of the severest personal conflicts" of his life."

Indians Sacrificed:

- Ceded land
- Self-government eroded due to constant oversight by outside agencies.

Provisions and Promises Made by U.S. Government:

- Perpetual Peace and friendship.
- An annual annuity for twenty years, distributed evenly as a per capita payment. The excess money, goods, education, and agriculture.
- Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offenses.
- The U.S. agrees to appropriate the sum of one hundred thousand dollars for claims of individuals for damages or debt only after the commissioner reviews each case. The residue money will go into the annuity fund.
- For an incentive “to adopt the habits of preserving order and pursuits of civilized life,” the chiefs were awarded an additional payment for their personal use to build a home and construct a road between Leech Lake and Red Lake.
- The President appointed a Board of “Christian” Visitors to do the following:
 - to attend at all annuity payments of the said Chippewa Indians
 - to inspect their field and other improvements, and to report back their findings,
 - report back to the qualifications and moral deportment of all persons residing upon the reservation.
- The laws of the United States, being in force, prohibit the introduction and sale of spirituous liquors in the Indian country.
- Each adult male half-breed or mixed blood, related by blood to a Chippewa of Red Lake or Pembina bands and who has adopted the habits and customs of civilized life, will receive a homestead of 160 acres. Until proof of residency and cultivation for five years, no patent on this land shall be issued.
- Land set aside for a reservation of 640 Acres.

Drafting Committee's Comments

- Negotiators advocated that this was a treaty of peace and friendship. Yet everything about their conduct shows pressure tactics, coercion, force, and threats.
- This treaty was not voluntary. Indians were offered forgiveness for their past offenses, implying that if they did not sign the treaty, they could be punished.
- A Board of Visitors was assigned to monitor and report on the moral behaviors of the Indians.

Treaty with the Chippewa of Red Lake and Pembina Bands April 12, 1864

Treaty with the Chippewa, Red Lake, and Pembina.

A Supplementary to the Treaty with the Chippewa-Red Lake and Pembina Bands of October 2, 1863, concluded at Old Crossing of Red River in Minnesota.

Type of Treaty: Land, Peace and Friendship, roads and highways, bridges and tolls, Agriculture, Reservation, and Health Care Assistance.

Indians Sacrificed:

- Ceded land in the State of Minnesota and the Territory of Dakota.

Provisions and Promises Made by U.S. Government:

- The band approved the Treaty with the Chippewa of October 2, 1863.
- Reduced the annual payment from \$20,000 to \$15,000 but allocated funds specifically between the Red Lake and Pembina bands.
- Eliminated the fixed term of 20 years and provided an annuity to be paid "during the pleasure of the President."
- The treaty included an annuity payment of \$12,000 (\$8,000 for the Red Lake band and \$4,000 for the Pembina band) for 15 years.
- Payments to the bands in common for agricultural assistance and materials to make clothing and "other useful articles."
- The Indians received a sawmill, blacksmith, physician, miller, farmer, and various blacksmithing and carpentry materials and tools valued at \$1500 for over 15 years.
- The reallocation of the \$100,000 indemnity fund went to provide \$25,000 would be immediately distributed to the chiefs of said bands "through their agent." The balance of the funds was marked explicitly for the satisfaction of specific claims for "depredations committed by said Indians" and for "exactions forcibly levied by [said Indians]" on

the steamship operations on the Red River, and the remainder allocated for other claims.

- The provision for collaborative review and settlement of these claims by an appointed commission in consultation with the chiefs of the Ojibwe bands was eliminated, with the determination of claims left entirely to the "agent for said bands." In effect, the revisions transferred control of the indemnity fund to the white Indian agent; thereby, the Indians did not receive any funds directly.
- Provisions for half-breed scrip were altered, restricting the holder to claims on land within the ceded territory while eliminating restrictions on assignment or required prove-up of claims.
- The supplementary treaty provided payment as per capita instead of an annuity.

Drafting Committee's Comments

How the \$100,000 indemnity fund was used provoked controversy among Ojibwe and white historians alike.

**Treaty with The Chippewa of The Mississippi and The Pillager and
Lake Winnibigoshish Bands
(Treaty of Old Crossing)
May 7, 1864.**

Treaty with Chippewa chief Hole-in-the-day, and Mis-qua-dace, for and on behalf of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoshish bands of Chippewa Indians in Minnesota.

Historical Context:

By the Treaty of Old Crossing (1863) and the Treaty of Old Crossing (1864), the Pembina and Red Lake bands of the Ojibwe, then known as Chippewa Indians, purportedly ceded to the United States all of their rights to the Red River Valley. The total land area, roughly 127 miles (204 km) wide east to west and 188 miles long north to south consisted of nearly 11,000,000 acres of rich prairie land and forests.

During the Dakota War of 1862, the Ojibwe disagreed on who to support, Dakota or the U.S. The Mille Lacs band unequivocally sided with the U.S., actively protecting white settlers and military installations. As a result, in their treaty with the U.S. in 1863, the Mille Lacs band became “*unmovable*,” securing their reservation against future legal maneuverings. (See Article 12 of the Treaty).

Type of Treaty: Land, Removal, Reservation

Indians Sacrificed:

- Ceded Land
- Oversight by outside agencies caused erosion of self-government.

Provisions and Promises Made by the U.S. Government:

- Land set apart for the future home of the Chippewas of the Mississippi, all the lands within boundaries set, except the reservations made and described in Article 2, clause 3, of the Treaty

with the Chippewas of February 22, 1855, for the Pillager and Lake Winnebago bands.

- Extend the present annuities for an additional ten years.
- Chippewas of the Mississippi chiefs received payments. Chief Hole-in-the-day also received money for the depredation committed to burning his house and furniture in 1862.
- Provided payment for clearing, stumping, grubbing, breaking, and planting on the reservation was set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, selected by the Secretary of the Interior may select. Mille Lac and Gull Lake band got seventy (70) acres each; the Sandy Lake band, fifty (50) acres; Pokagomin band, fifty (50) acres; for the Rabbit Lake band, forty (40) acres; and for the Rice Lake band, twenty (20) acres.
- They provided money to build each Chief one house.
- To said Indians, parties to this treaty, ten (10) yoke of good steady work oxen, and twenty log-chains annually for ten years provided the Indians take proper care of and appropriate use of them.
- For the same period annually, two hundred (two hundred) grubbing hoes, ten (10) plows, ten (10) grindstones, one hundred (one hundred) axes, handled, not to exceed in weight three and one-half pounds each, twenty (20) spades, and other farming implements, two carpenters, and two blacksmiths, and four farm-laborers, and one physician.
- Annually payment towards a sawmill; for building a road, bridges, etc., and new agency buildings.
- A Board of Visitors, selected from the Christian denomination or denominations that the chiefs in the council designated, were to be present at all annuity payments and to inspect the fields, buildings, mills, and other improvements made or to be made, and to report annually thereon, and as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation.
- The Board of Visitors received payment for their services and travel expenses.
- No person shall be a chief whose band numbers less than fifty persons.

- An annuity paid to each chief incentivized them to preserve order and induce their members to adopt a civilized life. The agents decided on the amount each Chief would receive based on his merits.
- To improve the morals and industrial habits of the Indians, no agent, teacher, interpreter, trader, or other employee should be employed, appointed, licensed, or permitted to reside within the reservations. Parties to this treaty, missionaries excepted, who shall not have a family living with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors.
- No person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians shall receive any benefit from this or any former treaties and may be expelled from the reservation.
- The chief may request, with the approval of the Secretary of the Interior, that the U.S. shall make annuity payments.
- The Chiefs may ask the Board of Visitors to modify the provisions of annuity payments.
- Removal of the Indians from their present reservations did not have to occur until the U.S. complied with specific stipulations and when the Indians were furnished with all necessary transportation and subsistence to their new homes and subsistence for six months.
- Because of the good conduct of the Mille Lac Indians, they shall not be removed as long as they do not interfere with the persons or property of the whites: The tribe residing on the Sandy Lake reservation will not be moved until the President shall so direct.
- Female members of the family of any government employee residing on the reservation, who teaches Indian girls' domestic economy, shall be paid.
- Provisions, clearing, and breaking of land are in place of the infringement of lands under the Treaty of March 11th, 1863.

Drafting Committee's Comments

- Secretary of the Interior and the Board of Visitors inserted into another treaty to check on our behavior.
- We were to have good conduct and not interfere with the whites.

**Treaty with the Chippewa of
Saginaw, Swan Creek, and Black River
October 18, 1864**

Treaty with the Chippewa, in the State of Michigan, who were the parties to the treaty of August 2, 1855.

Type of Treaty: Land, Reservation, Education, and Agriculture.

Indians Sacrificed:

- Ceded land
- Self-government by all the oversight by outside agencies.

Provisions and Promises Made by U.S. Government:

- For the ceded land, reserved land for reservations under the Treaty of August 2, 1855, the tribes have the right to locate and purchase certain lands.
- Set land aside land for the use, ownership, and occupancy by the Chippewa, all unsold lands in six townships in Isabell County, Michigan.
- The article of this treaty sets out the mode, who gets land, and the order of selection of lands.
- Certain Ottawa, Chippewa, and Pottawatomie may select and hold lands.
- Indians were placed in one of two classes. The “competent” were granted a patent, fee simple, and those “not so competent,” receive a patent with conditions attached.
- The purchase and sale of land for schoolhouses, churches, and educational purposes, shall also apply to this agreement.
- The last two payments provided for by the Treaty with the Chippewa of Saginaw on August 2, 1855, the sum of \$17,600 may be withheld. They shall be placed to the credit of their Agricultural fund, to be expended for their benefit in sustaining their blacksmith shop, in stock, animals, agricultural implements, or in such other manner as the Secretary of the Interior may deem advisable.

- They provided money payments to Indians and agricultural implements, carpenters' tools, household furniture, building materials, cattle, labor, blacksmith, and a manual labor school.
- The tribes may sell the mill and use the proceeds deemed advisable by the Secretary of the Interior.
- Annuities payments.
- Certain persons received land for their service in the negotiation process.
- The Missionary Society of the Methodist Episcopal Church shall have complete control of the management of the school and farm. Funding will be suspended if the missionaries fail or neglect to handle the affairs acceptable to the Board of Visitors.

Drafting Committee's Comments

Layer after layer of oversight eroded self-government.

- The Secretary of the Interior had to be advised on how to use money from the mill sale.
- The Secretary of the Interior needs to be involved in using the last two payments from the 1855 treaty.
- The Missionary Society had control of the school and farm functions.
- The Board of Visitors is also monitoring.

Treaty with the Chippewa-Bois Forte Band April 7, 1866

Treaty with the Chippewa, Bois Forte Band.

Historical Context:

The Bois Forte Band of Ojibwe was a party in the 1854 cession Treaty as parties to an enormous land cession in present-day Minnesota and Wisconsin, identified an area that included Lake Vermillion as territory. Twelve years later, the Commissioner of Indian Affairs reported to Congress that “... **discoveries of gold have been made in that region, and the attention of whites was turned to the country, and several expeditions were fitted out for its exploration. The Indians became alarmed and excited on account of this invasion of their country, and the probability of collision between the parties made it desirable that an attempt should be made to obtain peaceable possession of the country.**” Gold mining companies with an armed contingent of miners had moved to Lake Vermillion in December 1865. This Treaty was negotiated in April 1866. More than 3,000 acres were staked out using claims based on scrip issued to mixed-blood Ojibwe through earlier treaties. Speculative mining companies were quickly formed, attracting capital from throughout the U.S. “One of the most secure, both financially and politically,” according to historian David Walker, was the Minnesota Gold Mining Company, headed by president Henry Sibley, which rapidly sold \$5,000,000 in shares. The “*Minnesota Gold Rush*” was short-lived, however, because the State geologist had incorrectly identified magnetic pyrite as gold.

Relations: Dakota and Chippewa Treaties, Minnesota Indian Affairs Council, www.treatiesmatter.org

Type of Treaty: Land, Reservation, Education, Agriculture, Peace and Friendship and Potential Minerals

Indians sacrificed:

- Ceded Land.

Provisions and Promises Made by the U.S. Government:

- Peace and Friendship

- Boundaries established with the ceded land, tribe “forever” relinquish the title, claims, and interest lands
- Within one year of the treaty, land not less than 100,000 acres will be reserved for a reservation.
- The U.S. erects a blacksmith shop, a schoolhouse, houses for chiefs, and a storehouse for storing goods.
- Annuity payments for twenty years or goods and items to benefit Indians. The several sums of money for the following purposes:
 - One blacksmith and assistant, and for tools, iron, steel, and other articles necessary for the blacksmith's shop,
 - For one schoolteacher, and books and stationery for the school.
 - The chiefs assigned to select, with the approval of the Secretary of the Interior, the religious denomination to which the teacher shall belong.
 - Instructions in farming and the purchase of seeds, tools, etc.
 - annuity payment; money for per capita,
 - money for provisions, ammunition, and tobacco, and for goods and other articles suited to their wants and condition
- Individuals who provided services related to this treaty received non-mineral land.
- Provided payment of \$30,0000, under the direction of the Secretary of the Interior, upon establishing a new reservation.
- It provided that all annuity payments would be paid at the reservation.
- Repealed inconsistent provisions of former treaties and part of the 1854 Treaty with the Chippewa shall remain in full force. Blacksmith, smith-shop, supplies, and instructions in farming shall continue in full force and effect. Benefits transferred to the Chippewas of Lake Superior.
- The U.S. was to pay the transportation and subsistence expenses of the delegate who visited Washington to negotiate this treaty.

Drafting Committee’s Comments

- The government said they needed a treaty as ...” the probability of collision between the parties made it desirable that an attempt should be made to obtain peaceable possession of the country.” This statement was after gold was allegedly found on the land.
- The Secretary of the Interior was injected into this treaty to help select the schoolteacher's religion and direct the expenditure of money.

Treaty with the Chippewa of Mississippi March 19, 1867

Treaty with the Chippewa of the Mississippi.

Historical Context:

This treaty planned to keep the Ojibwe population in a single place, encourage them to farm through the allotment of land, and open valuable pine forests to logging. Individual band members received scrip to redeem for up to 160 acres each, located within the treaty boundaries. Mixed-blood individuals could receive scrip only if they lived within reservation boundaries, and in no case could the scrip be transferred to “any person not a member of the Chippewa tribe.” Over the following decades, the provisions of this treaty were abused and changed by legislation to transfer ownership of reservation lands from the control of the Ojibwe people. Through legislation such as the Dawes Act and Nelson Act, lands were made available for sale to white settlers and timber interests. In the early 1900s, the Clapp rider made it legal for mixed-blood members to sell their land scrip, which led to widescale fraud. The importance of timber interests in engineering this treaty was evident in the presence of Joel B. Bassett at the treaty signing. He served as the U.S. Indian agent for the Ojibwe at Crow Wing (1865-1869), Bassett had been a lumber manufacturer in Minneapolis since 1850, and this treaty expanded his business. By the late 1880s, they convicted him of fraudulently harvesting 17,000,000 feet of timber from the White Earth reservation. ***1867 Treaty with the Chippewa of the Mississippi (treatiesmatter.org)***

Type of Treaty: Land, Reservation, Removal, Education, Agriculture, Health care, Taxation.

Indians Sacrificed:

Cede two million acres of land in the State of Minnesota.

Provisions and Promises Made by U.S. Government:

- Goods and services for ten years.
- Provided assistance for education, agriculture, a physician, medication, mills, houses, and schools.
- Annuity payments.
- Boundaries lines for reservation and search for a new reservation.
- The money provided for provisions, clothing, and other articles was paid immediately on their removal to their new reservation.
- Land reserved for reservations and farming.
- They provided money to purchase cattle, horses, and farming utensils.
- Chief, Hole-in-the-Day, his heirs, and the interpreter, Truman A. Warren, received payments.
- Payment to half-breed or mixed blood only if they live with their people upon one of the Chippewa reservations.
- Land held by any Indian shall be exempt from taxation and sale for debt and shall not be alienated (conveyed or transferred), except with the approval of the Secretary of the Interior, and in no case to any person not a member of the Chippewa tribe.
- To protect and encourage the Indians to be self-sufficient through agriculture and adopt civilized habits. If an Indian commits a crime against life or property, the person may be arrested, tried, and punished for crimes if convicted.

Drafting Committee's Comments

- More attempts at assimilation.
 - The United States government pressured Indians to go into agriculture.
 - Encouraged “the adoption of the habits of civilized life.”
- Insertion of the Secretary of the Interior to approve land transfers