

## Appendix 5

### Treaty Commissioner Henry C. Gilbert's Explanation of the Treaty Concluded in 1854 with the Assistance of David B. Herriman

Office Michigan Indian Agency

Detroit October 17<sup>th</sup>. 1854

Sir

I transmit herewith a treaty concluded at LaPointe on the 30<sup>th</sup> Ultimo between Mr. Herriman and myself as Commissioners on the part of the United States and the Chippewas of Lake Superior and the Mississippi.

On receiving your letters of August 10<sup>th</sup>, 12<sup>th</sup>, and 14<sup>th</sup>, relative to this treaty, I immediately dispatched a special messenger from this place by way of Chicago, Galena and St. Paul to Mr. Herriman at the Crow wing Chippewa Agency transmitting to him your letter requesting him to meet me at LaPointe with the Chiefs and Headmen of his Agency at as early a day as possible. I adopted this course in preference to sending a messenger from La Pointe on my arrival there for the purpose of saving time and I was thus enabled to secure the attendance of Mr Herriman and the Mississippi Chiefs some 10 or 12 days earlier than I could otherwise have done.

I left for LaPointe on the 26<sup>th</sup>. of August last and arrived there the 1<sup>st</sup>. day of September — Mr Herriman meeting me there the 14<sup>th</sup>. of the same Month.

By this time a large number of Indians had assembled — including not only those entitled to payment but all those from the Interior who live about Lakes de Flambeau and Lake Courteilles. The Chiefs who were notified to attend brought with them in every instance their entire bands. We made a careful estimate of the number present {0135} and found that there were about 4.000. They all had to be fed and taken care of, thus adding greatly to the expenses attending the negotiations.

A great number of traders and claim agents were also present as well as some persons from St. Paul's who I had reason to believe attended for the purpose of preventing if possible the consummation of the treaty. The utmost precautions were taken by me to prevent a knowledge of the fact that negotiations were to take place from becoming public. The Messenger sent by me to Mr Herriman was not only trust worthy but was himself totally ignorant of the purport of the dispatches to Major Herriman. Information however of the fact was communicated from some source and the persons present in consequence greatly embarrassed our proceedings.

After Major Herriman's arrival we soon found that the Mississippi Indians could not be induced to sell their land on any terms. Much jealousy and ill feeling existed between them and the Lake Superior Indians and they could not even be prevailed upon to meet each other in council. They were all however anxious that a division should be made of the payments to become due under former existing treaties and a specific apportionment made between the Mississippi and the Lake Superior Indians and places of payment designated.

Taking advantage of this feeling we proposed to them a division of the country between them and the establishment of a boundary line, on one side of {0136} which the country should belong exclusively to the Lake Superior and on the other side to the Mississippi Indians. We had but little difficulty in inducing them to agree to this proposition and after much negotiation the line designated in the treaty was agreed upon.

We then obtained from the Lake Indians a cession of their portion of the Country on the terms stated in the treaty. The district ceded embraces all the mineral region bordering on Lake Superior and Pigeon river & is supposed to be by far the most valuable portion of their country. But a small portion of the amount agreed to be paid in annuities is payable in coin. The manner of payment is such as in our judgment would most tend to promote the permanent welfare and hasten the civilization of the Indians.

We found that the points most strenuously insisted upon by them were first the privilege of remaining in the country where they reside and next the appropriation of land for their future homes. Without yielding these points, it was idle for us to talk about a treaty. We therefore agreed to the selection of lands for them in territory heretofore ceded.

The tract for the Ance {L'Ance} and Vieux Desert bands is at the head of Ke, wa, we naw {Keweenaw} Bay Michigan and is at present occupied by them. I estimate the quantity at about 60.000 acres.

These reservations are located in Wisconsin, the principal of which is for the LaPointe Band on Bad river— A large number of Indians now reside there and I presume it will ultimately become the home {0137} of most of the Chippewas residing in that state. It is a tract of land well adapted for Agricultural purposes and includes the present Missionary Station under the care of the American Board of Commissioners for Foreign Missions. About one third of the land however lying on the Lake Shore is swamp & valueless, except as it gives them access to the Lake for fishing purposes.

The other Wisconsin reservations lie on Lac de Flambeau and Lac Courteirelle in the Interior and the whole amount of land reserved in that state I estimate at about 200.000 acres exclusive of the Swamp land included in the LaPointe reservation. In the ceded Country there are two tracts set apart for the Indians — one on St Louis river of 100.000 acres for the Fond DuLac bands and one embracing the point bounded by the Lake and Pigeon river and containing about 120.000 acres.

There are two or three other small reservations to be hereafter selected under the direction of the President. The whole quantity of land embraced within all the tracts set apart we estimate at about 486.000 acres— No portion of the reserved lands are occupied by whites except the Missionary establishment on Bad river.

The provision going to each Half Breed family 80 acres of land was most strenuously insisted upon by the Indians. There are about 200 such families on my pay roll and allowing as many more to the Interior Indians which is a very liberal estimate, {0138} the amount of land required will be about 32.000. acres.

A principal source of embarrassment was the provision setting aside a portion of the consideration to be paid as the Chiefs might direct &c. In other words to pay their debts with. We had much difficulty in reducing the amount insisted upon to the sum stated in the treaty. I have no doubt that there are many just claims

upon these Indians. The regular payment of their annuities was so long withheld that they were forced to depend to a great extent upon their traders. There claims they were all disposed to acknowledge and insisted upon providing for their payment and without the insertion of the provision referred to, we could not have concluded the treaty.

I regret very much that we could not have purchased the whole country and made the treaty in every particular within the limit of your instructions. But this was absolutely impossible and we were forced to the alternative of abandoning the attempt to treat or of making the concessions detailed in the treaty.

There are many points respecting which I should like much to make explanations, and for that purpose and in order to make a satisfactory settlement of the accounts for treaty expenses I respectfully request the privilege of attending at Washington at such time after making my other annuity payments as you may think proper.

Hon. Geo. W. Manypenny		Very Respectfully
Com. Ind. Aff <sup>s</sup> .		Your Obt. Servt.
Washington D.C.		Henry C. Gilbert
		Commissioner

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