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Claim of Fond du Lac Band of Chippewa Indians

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CLAIM OF FOND DU LAC BAND OF CHIPPEWA INDIANS.

FEBRUARY 6, 1896.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. MINOR, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 2662.]

The Committee on Claims, to whom was referred the bill (H. R. 2662) to provide for the adjudication of the claim of the Fond du Lac band of Chippewa Indians, arising upon the failure of certain treaty stipulations, report the same back with the recommendation that it do pass.

The committee has examined all the documentary evidence obtainable in the case and its deductions therefrom are as follows:

By the fourth article of the treaty between the United States and the Chippewa Indians made at La Pointe, Wis., September 30, 1854, there was set apart to the Fond du Lac Indians a reservation by the metes and bounds hereinafter disclosed.

Summarizing from the statements contained in Senate Ex. Doc. No. 133, Fifty-first Congress, first session, and House Ex. Doc. No. 247, Fifty-first Congress, first session, it is clearly established as follows:

(1) That the boundary of the Fond du Lac Reservation, as originally fixed by what is known as the Bradshaw survey, purporting to be made in accordance with the terms of the fourth article of the treaty with the Chippewa Indians of September 30, 1854, set apart approximately 125,294 acres of land. (See Exhibit B appended to Senate Ex. Doc. No. 133, hereto attached.)

(2) That at the time of the Bradshaw survey the Indians claimed that survey was not made in accordance with their understanding of the treaty; therefore, so as to include certain lands upon which their improvements stood, there was added on the south side of the reservation approximately 41,280 acres, and the reservation was diminished on the west approximately 67,094 acres; the latter survey, known as the Forbes survey, was the survey adopted, and there were set apart to the Indians approximately 100,000 acres of land.

(3) It is not shown or claimed that the Indians ever acquiesced in the Forbes survey, in so far as it diminished their reservation on the west; on the contrary, it is disclosed in the executive documents hereinbefore referred to that the commissioners appointed by the President under an act entitled, "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January 14, 1889 (25 Stats. L., p. 642), positively promised that justice should be speedily done in the matter of a palpable error in the boundary lines of their reservation at the time the assent and ratification of that act was obtained by the Fond du Lac Indians. (Letter of Secretary Noble to the Presi-

dent dated January 30, 1890—Ex. Doc. No. 247, Fifty-first Congress, first session, p. 5.) The commissioners, in their report, made part of the executive document last referred to, say (p. 23) as follows:

By the fourth article of treaty at La Pointe, September 30, 1854, it is stipulated that the Fond du Lac Reservation shall embrace the following boundaries:

"Beginning at an island in the St. Louis River above Knife Portage, called by the Indians Paw paw seo me me tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency."

Whoever was sent to make a survey of this reservation followed the last clause of the article, and by his survey limited the area to 92,346 acres, the north end of his survey line on the west not reaching within 12 miles of the mouth of the Savannah River, thus defrauding these Indians of over 100,000 acres, which lands were put into the market and long ago disposed of by the United States; and for over a quarter of a century this injustice has been permitted to exist, a festering and deep-seated cause of complaint against the Government. The Indians at the time of the making of the treaty had the boundary lines definitely fixed by natural lines to them unmistakable. They knew no more about acres than they did of the mariner's compass.

We had no hesitation in promising that the Government would speedily remedy this grave error. (See House Ex. Doc. No. 247, Fifty-first Congress, first session, pp. 23, 24.)

Secretary Noble, in his letter to the President dated January 30, 1890, transmitting the above report of the commissioners, says:

This claim for additional land to which the Indians insist they are entitled under the plain and unmistakable meaning of the treaty, should have careful consideration, and be fairly and speedily adjusted. (See House Ex. Doc. No. 247, Fifty-first Congress, first session, p. 5.)

Senate Executive Document No. 133, Fifty-first Congress, first session, is appended to and made part of this report. It is as follows:

[Senate Ex. Doc. No. 133, Fifty-first Congress, first session.]

Letter from the Secretary of the Interior, transmitting, in response to a resolution of May 14, 1890, information in regard to the alleged nonfulfillment of the treaty with the Chippewa Indians.

DEPARTMENT OF THE INTERIOR,
Washington, May 27, 1890.

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate:

"Resolved, That the Secretary of the Interior is hereby directed to investigate and report to the Senate, as soon as practicable, into the alleged facts of the non-fulfillment of the fourth article of the treaty with the Chippewas at La Pointe, Wis., September 30, 1854, wherein it was stipulated that the reservation for the Fond du Lac band should embrace the following boundaries: 'Beginning at an island in the St. Louis River above Knife Portage, called by the Indians Paw paw seo me me tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning.' And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency; and

"Whereas when the survey was made it was grossly inaccurate, diminishing the stipulated reservation many thousands of acres; the amount taken from the Indians was sold by the Government as public lands, thus depriving, as is alleged, the Indians of a large and valuable part of their reservation." (See Ex. Doc. 247, page 24, Fifty-first Congress, first session, House of Representatives.)

In response thereto I transmit herewith copy of a communication of 24th instant from the Commissioner of Indian Affairs and accompanying papers, to whom the matter was referred.

These papers give a full history of the matter, and show that the present area of the reservation is more than 100,000 acres.

I have the honor to be, very respectfully,

JOHN W. NOBLE, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 24, 1890.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, transmitting for investigation and report a resolution of the Senate of the United States of the 14th instant, as follows:

"Resolved, That the Secretary of the Interior is hereby directed to investigate and report to the Senate, as soon as practicable, into the alleged facts of the nonfulfillment of the fourth article of the treaty with the Chippewas at La Pointe, Wis., September 30, 1854, wherein it was stipulated that the reservation for the Fond du Lac band should embrace the following boundaries: 'Beginning at an island in the St. Louis River above Knife Portage, called by the Indians Paw paw sco me tig, running thence west to the boundary line heretofore described, thence north along said boundary line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning.' And if said tract shall contain less than 100,000 acres, a strip of land shall be added on the south side thereof large enough to equal such deficiency; and

"Whereas when the survey was made it was grossly inaccurate, diminishing the stipulated reservation many thousands of acres; the amount taken from the Indians was sold by the Government as public lands, thus depriving, as is alleged, the Indians of a large and valuable part of their reservation." (See Ex. Doc. 247, page 24, Fifty-first Congress, first session.)

In reply I have to state that the records of this office show that in a letter to the Commissioner of the General Land Office dated April 21, 1856, the Commissioner of Indian Affairs designated certain special surveys of Indian reservations, the exterior boundaries of which it was desired to have surveyed under direction of the General Land Office, among which was "(1) The 100,000-acre tract reserved for the use of the Fond du Lac band, by the fourth subdivision of the fifth article of the said treaty with the Chippewas of Lake Superior, concluded September 30, 1854 (10 Stat., 1109; letter book No. 45, p. 134)."

On November 10, 1856, the Commissioner of the General Land Office transmitted to this office a copy of the plat and field notes of the survey made agreeably with the foregoing and in conformity with the treaty aforesaid, together with a copy of a communication from Peter E. Bradshaw, deputy surveyor, who made the survey, addressed to the surveyor-general of Minnesota, in which he reported that the boundary of the reservation as surveyed by him did not embrace the principal settlement of the Indians, which, with their improvements, was located at Perch Lake and in its vicinity, said lake being some 3 or 4 miles south of the southern boundary of the reservation, as established by his survey.

He further represented that the Indians were very much dissatisfied with the location of said boundary, claiming that the treaty secured to them the lands in the vicinity of said Perch Lake (see Exhibit A).

Under date of November 16, 1858, the Commissioner of Indian Affairs reported the matter to the Secretary of the Interior, observing that he was fully satisfied that it was the understanding of the respective parties who negotiated the treaty that the southern boundary line, as therein described, should have embraced the Indian settlements at Perch Lake. Furthermore, he recommended, in consideration of the fact that an error had been committed in the description of the lines, as given in the treaty, which, if not corrected, would compel the Indians to abandon the only settlement, perhaps, where they could make a living, that the subject be laid before the President, with a view to such action as might be necessary to withdraw from preemption and sale so much of the public lands in the vicinity of Perch Lake as might be required to protect the interests of the Indians and secure to them their improved settlements, in order that appropriate steps might be taken with the approbation of the President to settle existing difficulties pertaining to said boundary by subsequent negotiations looking to a change of the lines of the present reserve.

In closing his report the Commissioner stated the estimated area of the reservation (as surveyed by Deputy Surveyor Bradshaw) to be 125,294 acres, or about 25,000 acres more than was contemplated by the treaty, and suggested that the Government as well as the Indians would be benefited by extending the southern boundary so as to include the Indian settlements, and by reducing the aggregate so that the reservation should embrace as nearly as possible 100,000 acres, to conform to the treaty stipulations (Exhibit B).

Agreeably with the foregoing recommendation, the President, by his order dated December 21, 1858, withdrew from settlement and sale the following described lands:

Townships 48 north, ranges 17 and 18 west; 49 north, range 16 west—west of St. Louis River; 49 north, ranges 17, 18, and 19 west of the 4th principal meridian (Exhibit C).

Under date of December 29, 1858, the superintendent of Indian affairs for the northern superintendency, W. J. Cullen, esq., was furnished with a copy of the President's order, and of the recommendation of this office upon which it was based, and directed to communicate the facts in the case to the agent in charge of the Fond du Lac Reservation, with directions to inform the Indians accordingly (see Exhibit D).

In reply to the foregoing, on January 7, 1860, the said superintendent transmitted to this office a report dated December 4, 1859, from the agent of the Fond du Lac, submitting a diagram of a proposed extension of the southern boundary of the Fond du Lac Reservation, which would embrace the settlements and improvements of the Indians in the vicinity of Perch Lake, together with a report, dated November 30, 1859, from the surveyor (S. A. Forbes) who explored the country under direction of the agent and located the said lake and Indian settlements. (See Exhibit E, with diagram.)

On August 7, 1860, the Commissioner of Indian Affairs acknowledged the receipt of the superintendent's letter and accompanying papers and diagrams, and approved the proposed extension of the reservation south, and at the same time directed the superintendent to instruct the agent in charge of the Fond du Lac Reservation "to take measures at his earliest convenience to establish the exterior lines of the same, and when completed * * * to report to this office a description of said exterior lines to the end that the same may be incorporated in articles of agreement, which will be forwarded, to be concluded with the Fond du Lac band with the view of securing to them the land embracing their improvements in lieu of that designated in the treaty." (See Exhibit F.)

It should be observed that the proposed adjustment of the boundaries of the reservation, to which this office gave its approval, not only extended the reservation south to include the Indian settlement at Perch Lake, but it also cut off a very considerable strip from the reservation on the west theretofore included and embraced in the original survey of the reservation made by Bradshaw in 1858.

It retained, however, a little in excess of 100,000 acres for the use of the Indians.

On December 29, 1860, Superintendent Cullen transmitted to this office a letter from Agent Drew, in charge of the Fond du Lac Reservation, inclosing the plats and field notes of a survey made under his direction, by S. A. Forbes, surveyor, of the exterior lines of the modified reservation, as contemplated in the instructions given by this office to Superintendent Cullen, August 7, 1860, above referred to; also the report of the surveyor thereon (Exhibit G).

The boundaries of the reservation as thus surveyed embraced an area of 100,121.22, as appears from the diagram thereof and from Superintendent Cullen's report.

On September 11, 1861, this office transmitted to the General Land Office the diagram and field notes of said survey as the final survey of the reservation, with the statement that no reason was known why the lands outside of said reservation should be longer withheld from private entry (Exhibit H), and thereupon it appears that the General Land Office transmitted copies of the same to the surveyor-general of Minnesota with directions to lay the reservation on the diagrams of Minnesota to accompany his next annual report, as well as upon the original map of Minnesota (Exhibit I).

And later, on September 18, 1861, the register and receiver at Portland, Minn., were instructed to note upon the tract and plat books of their office, upon such portions of the townships as were withdrawn by the Executive order of December 21, 1858, as were not included in the modified reservation (as surveyed by S. A. Forbes), the words "released from withdrawal," and they were further advised that those portions of the said withdrawn townships as were not embraced in the modified reservation would be liable to preemption settlement from and after the date of the receipt by them of the diagram of the survey made by Mr. Forbes (Exhibit K).

I have been unable to find from the records of this office that anything was ever done looking to an agreement with the Fond du Lac band of Indians for "securing to them the land embracing their improvements in lieu of that designated in the treaty," which, as we have seen, was the declared purpose of the office in directing the reestablishment of the boundary lines, as indicated by the Forbes survey.

The following extract from a report to this office, dated February 1, 1872 (twelve years after the final survey was made), from the agent of the Lake Superior Indian Agency, is given for the information it contains:

"The first survey of the reservation was unsatisfactory to the Indians, who contended that the boundaries did not embrace the particular lands they intended to reserve and, at their instance, a new survey was made in 1858 (1860?), which proved satisfactory to them and was and has until recently been recognized by all concerned, including the different departments of the General Government. Recently, however, the Northern Pacific Railroad Company, whose line crosses the reservation, as at present located, has disputed the legality of the last survey and refused to pay for the right of way across the reservation until after further investigations and surveys."

Also the following from a report by the Commissioner of Indian Affairs to the Secretary of the Interior, dated February 14, 1872:

"The reservation for the Fond du Lac band contains about 100,000 acres, and is located in the northeastern part of Minnesota. * * *

"As originally surveyed this reservation did not include within its limits some lands claimed by the Indians, and at their request a second survey of it was made. This was acceptable to them and was recognized by the Government."

As a matter of history connected with the case it would be proper to state that Congress, by act approved May 29, 1872 (17 Stats., 190), authorized the Secretary of the Interior, with the consent and concurrence of the Indians, to remove the Fond du Lac and certain other bands of Chippewas from their respective reservations and locate them on the Bad River or La Pointe Reservation, in Wisconsin, and to appraise and sell their abandoned reservations.

The Fond du Lac band gave their consent thereto on the 18th of November, 1872, and appraisers were appointed to appraise their lands, but the subsequent dissatisfaction of the band was such that the appraisement was discontinued and the Indians were not removed.

Reference is made in the Senate resolution calling for this report to Ex. Doc. No. 247, page 24, Fifty-first Congress, first session.

The paper to which reference is therein made is the report of the commission which recently negotiated agreements with the Chippewas in Minnesota, including the Fond du Lac band, under authority of the act of January 14, 1889 (25 Stats., 642).

The commissioners, after describing the boundaries of the Fond du Lac Reservation, as defined by the treaty of September 30, 1854, observe:

"Whoever was sent to make a survey of this reservation followed the last clause of the article, and by his survey limited the area to 92,346 acres, the north end of his survey line on the west not reaching within 12 miles of the mouth of the Savannah River, thus defrauding these Indians of over 100,000 acres, which lands were put into the market and long ago disposed of by the United States; and for over a quarter of a century this injustice has been permitted to exist, a festering and deep-seated cause of complaint against the Government. The Indians at the time of the making of the treaty had the boundary lines definitely fixed by natural lines to them unmistakable. They knew no more about acres than they did of the mariner's compass.

"We had no hesitation in promising that the Government would speedily remedy this grave error."

The commissioners are grievously mistaken in their information. The Fond du Lac Reservation, as at present existing, contains 100,121 acres, instead of 92,346 acres, as stated by them. The figures they give represent only the unallotted lands, in addition to which there are 7,775 acres allotted in severalty to the Indians. Therefore the statement that the survey (of 1860) "limited the area to 92,346 acres" is incorrect, as it actually embraced 100,121 acres, as before stated.

It appears, then, to briefly sum up the matter:

(1) That the exterior boundaries of the Fond du Lac Reservation were surveyed in 1858, under direction of the General Land Office (the Bradshaw survey).

(2) That the boundaries established by such survey, although conforming to the description given in the treaty, were not satisfactory to the Indians, for the reason that their principal settlements and most valuable improvements, situated in the vicinity of Perch Lake, were not embraced in the reservation.

(3) That the President, in order to protect the interests of the Indians and secure to them their improved settlements, added a strip of country on the south to include said settlements.

(4) That the Indian Office subsequently (in 1860) caused a survey of the reservation to be made (the Forbes survey) with a view to establishing new boundaries which should include the Indian settlements at Perch Lake and at the same time reduce the reservation on the west so that the total area of the same should be about 100,000 acres.

(5) That upon the completion of said survey the Indian Office notified the General Land Office that there was no reason known why the lands outside of the boundaries established by the Forbes survey should be longer withheld from private entry.

(6) That thereupon all of the lands embraced in the original (Bradshaw) survey of 1858, or covered by the order of the President of December 21, 1861, adding certain townships on the south, lying outside of the modified reservation, as established and defined by the Forbes survey, were restored to the public domain and opened to white settlement.

(7) That the reservation, as established and defined by the Forbes survey of 1860, has been recognized ever since said survey was made as the proper treaty reservation of said Indians, and it further appears that the reservation as thus defined was very acceptable to the Indians at the time the survey was made, and I have been unable to discover from the records and files of this office anything to show that the

segregation of the western portion of the reservation by the survey of 1860, in lieu of which valuable lands were added on the south, has been "a festering deep-seated cause of complaint against the Government," or that any dissatisfaction on the part of the Indians on that account has ever been reported to this office.

I return the Senate resolution and inclose a copy of this report.

Very respectfully, your obedient servant,

R. V. BELT, *Acting Commissioner*

THE SECRETARY OF THE INTERIOR.

EXHIBIT A.

GENERAL LAND OFFICE, November —, 1858.

SIR: I herewith transmit to you a copy of the plat and field notes of the survey of the Fond du Lac Indian Reservation, which has been surveyed under the direction of the surveyor-general of Minnesota, in conformity with the fourth clause of the second article of the treaty with the Chippewas of Lake Superior, dated September 30, 1854 (Statutes at Large, volume 10, page 1110), and agreeably to the arrangement made between this and your office for the survey of the same, as will appear in a communication to us dated April 21, 1856.

The reservation contains 125,294 acres, and the expenses of the survey amounting to \$2,422.88, will be paid out of the appropriation of \$100,000, per act of 3d March, 1857, "for surveying the public lands," etc.

I would call your attention to the fact that the lines of this survey do not embrace the principal settlements of the Indians, which, with their improvements, are located at "Perch Lake" and its vicinity, which lake is some 3 or 4 miles south of the southern boundary of the reservation, as established by this survey. The deputy surveyor reports the Indians as being much dissatisfied with the location of said south boundary line, as will appear from the accompanying copy of the report made by him to the surveyor-general of Minnesota.

I am, very respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner*.

Hon. J. W. DENVER,
Commissioner of Indian Affairs.

ST. PAUL, MINN., October 16, 1858.

SIR: Agreeably to instructions received from you dated 2d to 29th April, 1858, I started 1st June, 1858, from Superior, Wis., to survey the exterior boundary lines of the Chippewa Indian Reservation, situated on the St. Louis River, Minn., and went thence as near as possible to the source of the east branch of the Snake River, distant from Superior about 80 miles; then sending part of the party back to Fond du Lac for provisions, some 70 miles, I took two men and what provisions they could carry and followed down a stream on which we had camped to the first known point on Snake River, which proved to be "Cheywatawna," distant about 100 miles. I then found that we had in the first place camped about 2½ miles west of the true source of the river. Proceeding immediately back to camp, I started a line in the middle of a large open tamarack swamp, about 2 miles in diameter, same being the true source of the east branch of the Snake River, and ran thence for the Savannah River, north 11° east. Having reached the same, and having on hand just enough provisions for the purpose, I immediately ran and established the westerly boundary of the reservation, length a little over 13 miles; thence proceeding back to the mouth of the Savannah River, ran the meander of the right bank of the St. Louis River down-stream to a point opposite the center of an island mentioned in the treaty of September 30, 1854, and called therein "pawpaw" "Su mi mi ty." As the treaty does not designate any particular point or end of said island I deemed it right to take a point opposite the center thereof, particularly as said boundary lines would then include part of the clearings of the Indians, on which they then had good standing crops, as well as blacksmith shops and houses which they had there built, and ran thence west and intersected westerly boundary line.

I wish to call your attention to some of the difficulties under which this survey was made, viz, the vague and indefinite nature and length of the boundary lines, as designated by treaty, the country being a perfect wilderness without even Indian trails as a means of transit, being mostly tamarack and cedar swamps, rendering the operation of running the lines exceedingly difficult and tedious, being obliged to use "Burt's solar compass" on the survey; the uncommonly large amount of rainy and

cloudy weather (as shown by journal accompanying notes) caused much lost time and was the principal reason of the survey being protracted through so long a period at so great expense; the nature of the country rendered the obtaining of provisions for the party laborious, as well as expensive, all provisions having to be packed by the men at times from 12 to 70 miles, and as a pack of 50 pounds carried 12 miles through that country, not on line or trails a good day's work for a good packman, the difficulty of supplying the party can be at once seen.

I think it may not be inappropriate to mention some items of information obtained while making said survey. There are in this section of country three places at which the Indians have made clearings and improvements, to wit, one near Knife Portage, and which the south boundary line in part embraces; there they have a blacksmith shop, houses, and quite an extent of land cleared and under cultivation, though said clearing is mostly on an island referred to by above-named treaty; another small clearing is at "Pine Rapids."

The far more important one to them is, however, at "Perch Lake," situated in the southeast corner of township 49, range 19 west, a lake something over a mile across. There they have some log houses and quite an extent of land cleared and under cultivation. This is the only point in this section of country to my knowledge where the Indians, if so disposed, could maintain themselves the year round. At this lake the Indians obtain in abundance field-rice and fish; in its neighborhood they have good hunting, and on the banks good sugar bushes—advantages which, in my opinion, they can not obtain at any point within the boundary lines of their reservation. Said lake is 4 miles south of the boundary of the reservation, and the Indians are very much dissatisfied with the location of said south boundary line; that it is not far enough south, and that the treaty of September 30, 1854, secured to them Perch Lake, and objecting to be moved from the same.

The land forming the reservation is mostly third rate and swampy, with tamarack and cedar timber, what good land there is being, as is generally the case throughout this section of country, composed of small islands, as it were, surrounded with swamp or narrow ridges, and I think the country too even to admit of thorough drainage of the swamps, if from their nature it ever becomes desirable.

I am, sir, very respectfully, your obedient servant,

PETER E. BRADSHAW, *Deputy Surveyor.*

CHARLES S. EMERSON, Esq.,
Surveyor-General, St. Paul, Minn.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, November 16, 1858.

SIR: I have received a letter from the Commissioner of the General Land Office of the 10th instant inclosing a copy of the plat and field notes of the survey of the exterior boundary of the Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, together with a copy of a communication from Peter E. Bradshaw, deputy surveyor, addressed to the surveyor general of Minnesota.

Mr. Bradshaw represents that the boundary of said reserve does not include the principal settlement of the Indians, which with their improvements are located at "Perch Lake" and its vicinity, which lake is some 3 or 4 miles south of the southern boundary of the reservation, as established by said survey.

The deputy surveyor states that the Indians are very much dissatisfied with the location of said boundary line and they claim that the treaty secured to them Perch Lake.

I am fully satisfied that it was the understanding of the respective parties who negotiated the treaty that the southern boundary line, as therein described, should have embraced the Indian settlements at Perch Lake, and in consideration of the fact that an error has occurred in the description of the line in question, which, if not corrected, would compel the Indians to abandon the only settlement perhaps where they can acquire a subsistence, I would respectfully recommend that with your concurrence the subject be laid before the President, with a view to such action as may be necessary to withdraw from preemption and sale so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure to them their improved settlements, in order that appropriate steps may be taken, with the approbation of the Executive, to settle existing difficulties pertaining to said boundary subsequent negotiations looking to a change of the lines of the present reserve.

The estimated area of the reservation embraces 125,294 acres, being about 25,000 acres more than was contemplated by the stipulations of the treaty, and therefore I would suggest that the Government, as well as the Indians, would be benefited by

extending the southern boundary so as to include the Indian settlements, and by reducing the aggregate area, in order that the reserve may embrace, as nearly as possible, 100,000 acres.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner.*

Hon. J. THOMPSON,
Secretary of the Interior.

EXHIBIT C.

GENERAL LAND OFFICE, *December 20, 1858.*

SIR: The letter of the Commissioner of Indian Affairs of the 16th November last, addressed to you in relation to the survey of the exterior boundaries of Fond du Lac Reservation, made in conformity with the provisions of the fourth clause of the second article of the Chippewa treaty of September 30, 1854, recommending to withdraw from preemption and sale so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure them the improved settlements, with a view to settle the existing difficulties pertaining to said boundary by subsequent negotiation, looking to a change of the lines of the present reserve, and also your indorsement on back of said letter calling on this office for a report and sketch of the specific tracts which it is desired shall be withheld from preemption and sale, is received.

In compliance with your request I herewith inclose the sketch called for by you, which will be found to embrace the following townships: Township 48 north, ranges 17, 18, and 19 west; township 49 north, range 16 west—west of St. Louis River; and township 49 north, ranges 17, 18, and 19 west of the fourth principal meridian.

The letter addressed to you is herewith returned.

I have the honor to be, respectfully, your obedient servant,

THOS. A. HENDRICKS, *Commissioner.*

Hon. J. THOMPSON,
Secretary of the Interior.

GENERAL LAND OFFICE, *December 20, 1858.*

Thomas A. Hendricks, Commissioner, recommends that townships 48 north, ranges 17, 18, and 19, west; 49 north, range 16 west of St. Louis River, and 49 north, ranges 17, 18, and 19 west of the fourth principal meridian in Minnesota, be withdrawn by the Government from preemption and sale for the purposes within specified.

It is recommended that the tracts herein specified be withheld from preemption and sale for the purposes specified in the letter of the Commissioner of Indian Affairs, dated November 16, 1858, herewith.

J. THOMPSON, *Secretary of Interior.*

Let the tracts specified be withdrawn as requested by the Secretary of the Interior.

JAMES BUCHANAN.

DECEMBER 21, 1858.

DEPARTMENT OF THE INTERIOR, *December 22, 1858.*

SIR: Your report of the 16 ultimo in regard to certain difficulties respecting the southern boundaries of the Fond du Lac Reservation was received and laid before the President, with a recommendation that so much land south of the boundary line as would be required to carry out the suggestion of the report be withdrawn from preemption and sale. This recommendation was approved by the President yesterday, and I have this day issued instructions accordingly to the Commissioner of the General Land Office. The map which accompanied your report is herewith returned.

Very respectfully, your obedient servant,

J. THOMPSON, *Secretary.*

• Hon. J. W. DENVER,
Commissioner of Indian Affairs.

EXHIBIT D.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, December 29, 1858.

W. J. CULLEN, Esq.,
Superintendent, etc., St. Paul, Minn.:

SIR: I transmit herewith a copy of a report from this office, made to the Secretary of the Interior on the 16th ultimo, as to the difficulties respecting the southern boundary of the "Fond du Lac Reservation."

From the inclosed copy of the Secretary's letter to this office, dated the 22d instant, you will perceive that the President has approved the recommendation of the Department, that so much of the land south of the boundary line as will embrace the settlement and principal improvements of the Indians in the vicinity of Perch Lake be withheld from preemption and sale, with a view to secure to them the possession of the land referred to.

A copy of a letter on the subject from the Commissioner of the General Land Office dated the 10th ultimo, together with a copy of the diagram and report of the deputy surveyor therein referred to, are also herewith transmitted.

You will communicate to Agent Drew the facts of the case and direct him to inform the Indians accordingly.

Very respectfully, your obedient servant,

J. W. DENVER, *Commissioner.*

EXHIBIT E.

OFFICE OF THE NORTHERN SUPERINTENDENCY,
St. Paul, January 7, 1860.

SIR: Herewith I transmit the report of Agent Drew in regard to the southern boundary line of the reservation for the Fond du Lac band of the Chippewa Indians, made in accordance with the instructions of Hon. J. W. Denver, Commissioner Indian Affairs, under date of the 29th December, 1858.

By the report of Agent Drew, the reservation will embrace, as near as practicable, the area of 100,000 acres, and the line recommended to be adopted, as set forth on the accompanying diagram, will be highly satisfactory to the Indians and embrace the Perch Lakes, as contemplated by the Commissioner in the letter before referred to.

Respectfully, your obedient servant,

W. J. CULLEN,
Superintendent Indian Affairs.

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs, Washington, D. C.

CHIPPEWA AGENCY OF LAKE SUPERIOR,
Superior, Wis., December 4, 1859.

SIR: On the 15th of January last I had the honor to receive from your office, under date of December 29, the copy of a report from the Commissioner of Indian Affairs to the Secretary of the Interior, touching the settlement of the southern boundary of the Fond du Lac Reserve, and it is recommended in that report that "so much of the public lands in the vicinity of Perch Lake as may be required to protect the interests of the Indians and secure to them their improved settlements be withdrawn from preemption and sale." In order to settle existing difficulties pertaining to said boundary by subsequent negotiations looking to a change in the lines of the present boundary, the Commissioner suggests "that the Government, as well as the Indians, would be benefited by extending the southern boundary so as to include the Indian settlement (Perch Lake) and by reducing the aggregate area, in order that the reserve may embrace as nearly as possible 100,000 acres, the quantity stipulated in the treaty 30th September, 1854.

These facts were communicated to me from your office and you directed that I inform the Indians of the decision of the Department and assure them that the lakes and settlements which they claimed should be embraced in their reserve. Your instructions were communicated to the Fond du Lac chiefs in council, at which they were very much gratified. At the same council these chiefs requested that their smith should be located on the southeast corner of their reserve, opposite two beautiful islands in the St. Louis River, which they had cultivated as gardens. This was done and improvements commenced. A farm laborer was sent to them with cattle. Houses for the chiefs have been built and occupied, clearing of the land has commenced in earnest, and the Indians themselves labor with a zeal and industry which affords much encouragement in view of future operations. The payment of their annuities on the reserve has greatly increased the confidence and good feeling of these bands. The employees engaged among them are all men of sober habits and earnest in their efforts to benefit the Indians.

At the request of the chiefs and head-men, that portion of their reserve which they have selected for their village, and where three of the chiefs reside, has been surveyed and laid out in 4-acre lots, divided by streets 66 feet wide. A square suitable for Government buildings has been reserved, viz, warehouse, school-house, house for the blacksmith and a good shop for his use, which, by your verbal direction, I promised

the chiefs would be erected soon. Mr. Forbes, the surveyor, was also directed by me, in view of your instructions last winter and in accordance with the report of the Commissioner of Indian Affairs, to ascertain the exact location of Perch Lake, and to what extent the present lines should be changed in order to embrace it and to give the Indians 100,000 acres, as stipulated in the treaty. That duty Mr. Forbes has performed and his report, with the diagrams which I hereby transmit, will afford a proper understanding of the matter.

A line running from the southeast corner of the reservation south 5 miles and 5 chains, thence west 12 miles and 60 chains, thence north 5 miles and 5 chains to the present boundary, thence north to the St. Louis River, will include an area of 100,000 acres, as near as it can be calculated, without the field notes of the meanders of the river.

In view of all the circumstances connected with this matter and the necessity that exists for a final settlement of the same, I take the liberty to earnestly recommend that if the diagram herewith sent be approved by the Department, that instructions be issued for the establishment of a new southern boundary to the reserve on the St. Louis. This will put an end to the fears and suspicions of the Indians and also their incessant applications for a fulfillment of their treaty with the Government in 1854 in relation to this boundary matter.

Respectfully submitted.

C. K. DREW, *Indian Agent, Lake Superior.*

W. J. CULLEN, Esq.,
Superintendent Indian Affairs, St. Paul.

SUPERIOR, WIS., November 30, 1859.

SIR: According to your directions, I proceeded with five assistants to the Fond du Lac Indian Reservation for the purpose of subdividing that portion of the southeast corner of the reservation occupied by the Government employees and being the headquarters of the band.

In compliance with the wishes of the Indians we commenced at the mouth of Ridley Creek where it empties into the St. Louis River and run west 7.32 chains; thence south to the south boundary of the reservation.

The area included by these lines and the river is 188 acres, which we subdivided, according to the wishes of the Indians, into square lots of 4 acres each, allowing the fractional lots to fall in the north end and along the river (see accompanying diagram).

The land is gently rolling, with a first-rate sandy loam soil, and well adapted to cultivation.

The timber, in the order in which it predominates, is white birch (large growth), white pine (good quality), sugar tree, and fir undergrowth, hazel brush, sugar, and fir.

Ridley Creek, running through the northwest corner of the tract, is a handsome stream of water, about 25 feet wide and 1 foot deep, with a rocky bed, rapid current, and sloping banks on each side rising to the height of 15 to 25 feet.

About 30 rods from the mouth of the creek is an elegant mill seat, and the stream affords sufficient water to drive an ordinary saw or gristmill the year round.

The fractional lot marked A (see accompanying diagram) contains $4\frac{1}{2}$ acres, which the Indians are desirous to set apart as the site for the Government warehouse, school-house, and the various public buildings.

There are three comfortable dwelling houses occupied by the Government employees and the Indian chiefs.

The Indians have made considerable clearings themselves, through your influence and under your direction, and it is particularly gratifying to witness the interest taken by the Government employees in everything that tends to the welfare of the tribe, and if the work goes on in the future, guided by the same zeal and good judgment that has directed it in the past, it will not be long before the Indians of the band will be comfortably located in homes of their own and be sufficiently instructed to provide for and take care of themselves.

In addition to the above work, and in accordance with your direction, we went south and west in order to ascertain the location of Perch Lake. We found that the south side of the lake is $4\frac{1}{2}$ miles south from the south boundary of the reservation.

The accompanying diagram will show the relative position of the lake to the present boundaries of the reservation, and also the proposed changes in order to include the lake, which may be described as follows:

To start at the present southeast corner of the reservation and run south 5 miles and 5 chains, thence west 12 miles and 60 chains, thence north 5 miles and 5 chains to the present south boundary of the reservation, which will include an area of 41,280 acres, thence still north to the St. Louis River, thence down the river to the place

of beginning, which will give, as near as can be estimated without the field notes of the meanders of the river, an additional area of 58,000 acres; and taken together, will give a trifle over 100,000 acres, the amount stipulated in the treaty of September, 1854.

The true result will doubtless vary from these figures, but I think they approximate near enough to base operations upon.

Respectfully, yours,

S. A. FORBES, *Surveyor.*

C. K. DREW, Esq.,
Indian Agent, Superior, Wis.

EXHIBIT F.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, August 7, 1860.

SIR: I have to acknowledge the receipt of your letter of the 7th of January last, transmitting the report of Agent Drew, respecting the southern boundary line of the reserve for the Fond du Lac band of Chippewas, made in accordance with the instructions of this office of the 29th of December last.

In reply, I have to state that the extension of the southern boundary line of said reserve, so as to include the country in and around Perch Lake, as marked and indicated by the red lines on the diagram which accompanied Agent Drew's letter, is approved; and you are therefore directed to instruct him to take measures at his earliest convenience to establish the exterior lines of the same; and when completed you will direct him to report to this office a description of said exterior lines, to the end that the same may be incorporated in articles of agreement which will be forwarded, to be concluded with the Fond du Lac band with the view of securing to them the land embracing their improvements in lieu of that designated in the treaty.

Very respectfully,

A. B. GREENWOOD, *Commissioner.*

WM. J. CULLEN, Esq.,
Superintendent, etc., St. Paul, Minn.

EXHIBIT G.

OFFICE OF THE NORTHERN SUPERINTENDENT,
St. Paul, December 29, 1860.

SIR: By direction of Superintendent Cullen, now absent, I herewith forward the accompanying letter of Agent Drew, inclosing the field notes and maps of the survey of the boundary lines of the reserve on the St. Louis River and the report of the surveyor. By the establishment of the lines of this reserve, as by the report and papers herewith accompanying it, covers an area of 100,121.22 acres.

Very respectfully, your obedient servant,

W. R. BOWES, *Clerk to Superintendent.*

Hon. A. B. GREENWOOD,
Commissioner of Indian Affairs, Washington City.

ST. PAUL, December 12, 1860.

SIR: In accordance with instructions from your office, I have caused to be surveyed the Indian reserve on the St. Louis River. The field notes, diagrams, and report of the surveyor are herewith transmitted.

The reserve now embraces the lakes and improvements desired by the Indians and the area has been reduced to the number of acres required by the treaty of 30th September, 1854. The settlers in township 48 express great satisfaction that the boundary of the reserve has been established, leaving them in possession of their preemptions.

The report of Mr. Forbes will furnish any additional information required by the Department.

Respectfully, your obedient servant,

C. K. DREW, *Indian Agent.*

Hon. W. J. CULLEN,
Superintendent Indian Affairs.

BAYFIELD, November 29, 1860.

SIR: According to a letter of instructions received from your office dated "Office of the Lake Superior Agency, Red Cliff, September 16, 1860," in which I was instructed to "at once repair to the St. Louis Reservation on the St. Louis River in Minnesota and proceed without delay to establish the southern boundary of that reserve," I started on the 27th of September, 1860, with a party of five assistants and arrived on the 3d of October at the place designated in your letter as the starting point of the survey, to wit, "the southeastern corner of said reserve."

Accompanying this you will find the field notes and triplicate diagrams of the survey, together with a description of each mile of line which forms the boundary of the reserve; also a general description of the country along the St. Louis River.

I will say in this connection that the changes in the boundaries of the reserve have included some of the finest agricultural land in the country.

The land around Perch Lake is dark sandy loam, easily cultivated, and very productive.

The timber, in the order in which it predominates, is sugar tree, birch, lynn, fir, and oak.

Wild rice is gathered in large quantities from this lake, and is found in nearly all of the many lakes with which the Perch Lake section of country abounds.

The Indians have several very handsome clearings around Perch Lake and the others, all of which improvements are now within the reservation.

It was gratifying to us to witness the pleasure with which the Indians received the intelligence that their farms and rice fields had at last been secured to them, and that they might now go on and cultivate their lands and garner their rice without the fear of being molested or driven away by the white man. The beneficial effects of the plans and improvements which your policy has suggested and carried out at the agency on that reserve have extended far beyond the limits and out of sight of the houses you have built and the fields you have cleared there. The influence is felt and exerted in other localities by creating a spirit of emulation to keep pace with their neighbors, and now that they feel secure in their homes their energy will be received with more gratifying results.

A large portion of that part of the old reservation which has been left out by the change is swampy and unfit for cultivation, while most of the new territory included is high, rolling, arable land.

Very respectfully, yours,

S. A. FORBES.

C. K. DREW,

Indian Agent, Bayfield, Wis.

EXHIBIT H.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, September 11, 1861.

SIR: Your communication of July 18, relative to the withdrawal of certain lands with a view to a change in the bounds of the Fond du Lac Reservation upon the application of this office to the Secretary of the Interior, dated 16th November, 1858, and requesting a diagram and the field notes of said reservation as finally surveyed, with a view to the decision of the preemption claim of Chester Williams to lots 1, 3, 4, 5, and 6, in township 48 north, range 17 west, has been received.

I herewith transmit a copy of said diagram and field notes, as requested, showing the bounds of said reservation, as finally established, and have to state that I know of no reason why the lands outside said reservation should be longer withheld from private entry.

Very respectfully, your obedient servant,

CHARLES E. MIX, *Acting Commissioner.*

Hon. J. M. EDMUNDS,

Commissioner of General Land Office.

EXHIBIT I.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 14, 1861.

SIR: I herewith transmit you a copy of the diagram and field notes of the survey of the Fond du Lac Reservation, on the St. Louis River, as finally surveyed under instructions from the Indian Office, together with a copy of the letter from Charles E. Mix, Acting Commissioner, accompanying the same.

You are directed to lay this reservation down on the diagrams of Minnesota, which will accompany your forthcoming annual report, as well as upon the original map of Minnesota, remaining in your office. You will also represent the reservation on the township plats of township 48 north, ranges 17 and 18 west, and transmit certified copies to this office, and the proper register and receiver, in order that the reservation may be respected.

Very respectfully, your obedient servant,

J. M. EDMUNDS, *Commissioner.*

W. D. WASHBURN, Esq.,
Surveyor-General, St. Paul, Minn.

EXHIBIT K.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September 13, 1861.

GENTLEMEN: Under date of December 27, 1858, this office notified you that the President of the United States, for the purpose of enabling the Indian Office to modify the boundaries of the Fond du Lac Indian Reservation, by treaty of September 30, 1854, with the Chippewas of Lake Superior, had ordered the withdrawal of the following townships from sale or preemption, and you were instructed to reserve the same from sale or other disposition until further orders, viz:

Township 48 north, ranges 17, 18, and 19 west of the fourth principal meridian; that part west of the St. Louis River, of township 49 north, range 16 west, and township 48 north, ranges 17, 18, and 19 west.

I have now to inform you that on the 11th instant we received from the Indian Office the diagram and field notes of the final survey of the Fond du Lac modified reservation, a copy of which was, on the 14th instant, forwarded to the surveyor-general at St. Paul, Minn. (copy of letter herewith), with directions to lay down on the map of Minnesota and on the original township plats in his office, the said final survey, and to furnish you with a certified diagram thereof.

None of the townships which were withdrawn, as aforesaid, have been offered at public sale, and but two of those not wholly included in said modified reservation, viz, 48, north of ranges 17 and 18 west, have been surveyed.

Upon the receipt of the authenticated diagram representing the modified reservation you will note in the tract and plat books of your office, upon such portions of the above townships which were withdrawn in 1853, as are not included in the modified reservation, the words "released from withdrawal," referring to this letter for your authority.

Those portions of the said withdrawn townships not comprised in the modified reservation will be liable to preemption settlement from and after the date of your receipt of said diagram.

Inclosed you will find a notice to the public, which you will sign in your official capacity and cause to be inserted once a week for six successive weeks in the newspaper of the most extensive circulation in the vicinity of those lands, for the publication of which there will be allowed you 75 cents per square for the first insertion and half that sum for each subsequent insertion.

A copy of the notice should accompany the voucher for the payment of the account, and a reference should be made thereon to this letter as the authority for your action.

Please acknowledge the receipt hereof.

Respectfully,

J. M. EDMUNDS, *Commissioner.*

REGISTER AND RECEIVER,
Portland, Minn.

CHIPPEWA LANDS.

The public are hereby notified that an authenticated diagram of the modified Fond du Lac Indian Reservation, made by the fourth clause of the second article of the treaty of September 30, 1854, with "the Chippewa Indians of Lake Superior and the Mississippi," was received at this office on the — day of —, 1861, townships 48 and 49, north of ranges 17, 18, and 19, and township 49, north of range 16, west of St. Louis River, all west of the fourth principal meridian, were withdrawn from "sale and preemption," by order of the President of the United States, communicated to this office by the Commissioner of the General Land Office December 27, 1858.

All the lands so withdrawn not included in said modified reservation, became liable to preemption settlement from and after said — day of —, 1861.