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Indians – Chippewa, Ottawa, and Pottawatomie. (To accompany bill H.R. no. 852.)

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INDIANS—CHIPPEWA, OTTAWA, AND POTTAWATOMIE.

[To accompany bill H. R. No. 852.]

DECEMBER 24, 1860.

Mr. D. C. LEACH, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of the Chippewa, Ottawa, and Pottawatomie Indians residing in the State of Michigan, have had the same under consideration, and beg leave to make the following report :

Your committee find that a treaty was made, at Chicago, on the 26th day of September, 1833, between the United States on the one part and the united nation of Chippewa, Ottawa, and Pottawatomie Indians on the other, by which the Indians ceded to the United States five million acres of land on the west bank of Lake Michigan. This was the common reservation of the united nation, in which all of the members and bands of the nation had an equal undivided interest. There were certain bands of the united nation who, in addition to the above undivided interest in the common reservation, had individual or band reservations, which had been set apart to them by former treaties as their exclusive property, and who were at this time residing on them in the Territory of Michigan. These bands were unwilling and did not participate in the treaty of 26th September, 1833. But the government, wishing to secure their band reservations in the Territory of Michigan, and also extinguish their right to the common reservation on the west bank of Lake Michigan, induced them to come into Chicago on the 27th day of September, 1833, and enter into articles supplementary to the treaty of the day before. In the first of those supplementary articles they cede to the government all their right to those lands. In the second article it is agreed that their consideration for their cessions shall be a full and equal participation in all the benefits and provisions of the main treaty of the day before, and shall be paid the further sum of one hundred thousand dollars. The benefits and provisions of the main treaty were in consideration of the cessions made by the Indians on the west bank of Lake Michigan, the government giving the Indians five million acres of land on

the east bank of the Missouri river and eight hundred and fifty thousand dollars in money, to be paid as therein provided. These benefits and provisions the bands now residing in Michigan (and who are now applying for relief, and were the parties to the aforesaid articles supplementary) have not received, the government taking the ground that they forfeited their rights under that treaty by not removing west. But this decision is directly contrary to and violative of the last supplemental article, which positively provides that they may remain in Michigan, and agrees that their annuities shall be paid them at a given place there. In addition to this, we do not find a single positive clause, in any part of the treaty, requiring any Indian to remove west. The main body did, however, remove to the five-million tract on the east bank of the Missouri river, which they again (in 1846) sold to the government, and got therefor five hundred and seventy-six thousand acres of land in Kansas and eight hundred and fifty thousand dollars in money. In this the applicants have also been refused participation. We find precedents among the laws of Congress where Indians have received the like relief where they have failed to remove west, although positively required to do so by the terms of their treaties, and a clause of forfeiture put in upon their non-compliance. In view of these facts, the committee think the government has not given a legal construction to said treaty, to say nothing of the equity of the matter, and therefore report and recommend the passage of the accompanying bill.