TREATY WITH THE WINNEBAGO INDIANS. APRIL 15, 1859.

TREATIES.

Treaty between the United States and the Winnebago Tribe of Indians. Concluded, April 15, 1859. Ratified by the Senate, March 16, 1861. Proclaimed by the President of the United States, March 25, 1861.

PROCLAMATION.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, commissioner on the part of the United States, and the hereinafter named chiefs and delegates of the Winnebago tribe of Indians, they being duly authorized thereto by said tribe, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Washington City, on the fifteenth day of April, eighteen hundred and fifty-nine, by and between Charles E. Mix, commissioner on the part of the United States, and the following-named chiefs and delegates, representing the Winnebago tribe of Indians, viz.: Baptiste Lassalleur, Little Hill, Little De-Corie, Prophet, Wakos, Cono-hutta-kau, Big Bear, Rogue, Young Frenchman, One Horn, Yellow Banks, and O-o-kau, they being thereto duly authorized by said tribe.

ARTICLE I. The Winnebago Indians having now more lands than are necessary for their occupancy and use, and being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severalty, to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the eastern portion of their present reservation, embracing townships one hundred and six, (106,) and one hundred and seven, (107,) range twenty-four (24,) and one hundred and six, (106,) and one hundred and seven (107,) range twenty-five, (25,) and the two strips of land immediately adjoining them on the east and north, shall be set apart and retained by them for said purposes; and that out of the same there shall be assigned to each head of a family not exceeding eighty acres, and to each male person eighteen years of age and upwards, without family, not exceeding forty acres of land, to include, in every case, as far as practicable, a reasonable proportion of timber; one hundred and sixty acres of said retained lands in a suitable locality shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so assigned, including those for the use of the agency, shall be in as regu-
lars and compact a body as possible, and so as to admit of a distinct and
well-defined exterior boundary, embracing the whole of them and any
intermediate portions or parcels of land or water not included in or made
part of the tracts assigned in severalty. Any such intermediate parcels
of land and water shall be owned by the Winnebagoes in common; but
in case of increase in the tribe, or other cause, rendering it necessary or
expedient, the said intermediate parcels of land shall be subject to dis-
tribution and assignment, in severalty, in such manner as the Secretary
of the Interior shall prescribe and direct. The whole of the lands as-
signed or unassigned in severalty, embraced within the said exterior
boundary, shall constitute and be known as the Winnebago reservation,
within and over which all laws passed or which may be passed by Con-
gress regulating trade and intercourse with the Indian tribes shall have
full force and effect. And no white person, except such as shall be in
the employment of the United States, shall be allowed to reside or go upon
any portion of said reservation, without the written permission of the Su-
perintendent of Indian Affairs, or of the agent for the tribe. Said division
and assignment of lands to the Winnebagoes in severalty shall be made un-
der the direction of the Secretary of the Interior, and when approved by
him shall be final and conclusive. Certificates shall be issued by the
Commissioner of Indian Affairs for the tracts so assigned, specifying the
names of the individuals to whom they have been assigned, respectively,
and that they are for the exclusive use and benefit of themselves, their
heirs, and descendants. And said tracts shall not be alienated in fee,
leased, or otherwise disposed of, except to the United States, or to
other members of the tribe, under such rules and regulations as may be
prescribed by the Secretary of the Interior; and they shall be exempt
from taxation, levy, sale, or forfeiture, until otherwise provided for by Con-
gress. Prior to the issue of said certificates, the Secretary of the In-
terior shall make such rules and regulations as he may deem necessary
and expedient respecting the disposition of any of said tracts, in case of
the death of the person or persons to whom they may be assigned, so
that the same shall be secured to the families of such deceased per-
sons; and should any of the Indians to whom tracts shall be assigned
abandon them, the said Secretary may take such action in relation to
the proper disposition thereof as in his judgment may be necessary and
proper.

ARTICLE II. For the purpose of procuring the means of comfortably
establishing the Winnebagoes upon the lands to be assigned to them in
severalty, by building them houses, and by furnishing them with agricul-
tural implements, stock animals, and other necessary aid and facilities
for commencing agricultural pursuits under favorable circumstances, the
lands embraced in that portion of their reservation not stipulated to be
retained and divided, as aforesaid, shall be sold, under the direction of
the Secretary of the Interior, in parcels not exceeding one hundred and
sixty acres each, to the highest bidder, for cash; the sales to be made upon
sealed proposals to be duly invited by public advertisement. And should
any of the tracts so to be sold have upon them improvements of any kind
which were made by or for the Indians, or for government purposes, the
proposals therefor must state the price for both the land and improve-
ments. And if, after assigning to all the members of the tribe en-
titled thereto their proportions of land in severalty, there shall remain a
surplus of that portion of the reservation retained for that purpose, out-
side of the exterior boundary line of the lands assigned in severalty, the
Secretary of the Interior shall be authorized and empowered, whenever
he shall think proper, to cause such surplus to be sold in the same man-
ner as the other lands to be so disposed of, and the proceeds thereof to
be paid over to the Winnebagoes, or used and applied for their benefit in
such manner as he shall deem to be best for them.
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ARTICLE III. The Winnebagoes being anxious to relieve themselves from the burden of their present liabilities, and it being essential to their welfare and best interests that they shall be enabled to commence their new mode of life and pursuits free from the annoyance and embarrassment thereof, or which may be occasioned thereby, it is agreed that the same shall be liquidated and paid out of the fund arising from the sale of their surplus lands, so far as found valid and just on an examination thereof, to be made by their agent and the superintendent of Indian affairs for the Northern superintendancy, subject to revision and confirmation by the Secretary of the Interior.

ARTICLE IV. Should the proceeds of the surplus lands of the Winnebagoes not prove to be sufficient to carry out the purposes and stipulations of this agreement, and some further aid be, from time to time, requisite to enable said Indians to sustain themselves successfully in agricultural and other industrial pursuits, such additional means as may be necessary therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties; and so much thereof as may be required to furnish them further aid, as aforesaid, shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to promote and advance their improvement and welfare; and, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Winnebagoes in such manner and to whatever extent he may judge to be necessary and expedient for their welfare and best interests.

ARTICLE V. The Winnebagoes, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their permanent settlement and their improvement and civilization, and to that end, to induce all that are now separated from, to rejoin and unite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages, and to induce them to come in and unite with their brethren; and, to enable them to do so and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for those purposes: Provided, however, That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this agreement shall not be entitled to the benefit of any of its stipulations.

ARTICLE VI. All the expenses connected with, and incident to, the making of this agreement, and the carrying out of its provisions, shall be defrayed out of the funds of the Winnebagoes.

In testimony whereof, the said Charles E. Mix, commissioner as aforesaid, and the said chiefs and delegates of the Winnebago tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CHARLES E. MIX, Commissioner, [L. S.]

BAPTISTE LASSALLEUR, [L. S.]

LITTLE HILL, [L. S.]

LITTLE DE-CORRIE, [L. S.]

PROPHET, (being sick, by his representative, Big Bear,) [L. S.]

WAKON, [L. S.]

CONO-HUTTA-KAU, [L. S.]

BIG BEAR, [L. S.]
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ROGUE, his x mark. [L. 8.]
YOUNG FRENCHMAN, his x mark. [L. 8.]
ONE HORN, his x mark. [L. 8.]
YELLOW BANKS, his x mark. [L. 8.]
O-O-KAU, his x mark. [L. 8.]

In presence of—
W. J. CULLEN, Superintendent Indian Affairs.
CHARLES H. MIX, United States Indian Agent for the Winnebagoes.
PETER MANAIZE, United States Interpreter.
JOHN DOWLING.
S. B. LOURET, Interpreter.
D. CRAWFORD.
JOSEPH R. BROWN, Sioux Agent.
GEORGE H. HOLTZMAN.
GEORGE L. OTIS.
GEORGE CULVER.
NATHAN MYTHICK.
HARRY H. YOUNG.
HENRY FOSTER.
ASA WHITE.

Ratification, March 16, 1861.

And, whereas, the said treaty, having been submitted to the Senate of the United States for their constitutional action thereon, the Senate did, on the sixteenth day of March, eighteen hundred and sixty-one, advise and consent to the ratification of the same, in the words and figures following, to wit:

"In Executive Session,
"Senate of the United States, March 16, 1861.
"Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington City on the sixteenth day of March, one thousand eight hundred and sixty-one, and in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixteenth of March, one thousand eight hundred and sixty-one, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and have signed the same with my hand.

Done at the city of Washington, this twenty-third day of March, in the year of our Lord one thousand eight hundred and sixty-one, and of the independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:
WILLIAM H. SEWARD, Secretary of State.
TREATY WITH THE SWAN CREEK, &c. INDIANS. JULY 16, 1859. 1105

Treaty between the United States and the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians. Concluded July 16, 1859. Ratified by the Senate, April 19, 1860. Proclaimed by the President of the United States, July 9, 1860.

BY THE PRESIDENT OF THE UNITED STATES.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING: JULY 16, 1860.

WHEREAS a treaty was made and concluded at the Sac and Fox Agency on the sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and certain delegates hereinafter named representing the Swan Creek and Black River Chippewas, and the Munsee or Christian Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made and concluded at the Sac and Fox agency, on this sixteenth day of July, one thousand eight hundred and fifty-nine, by David Crawford, commissioner on the part of the United States, and the following-named delegates representing the Swan Creek and Black River Chippewas and the Munsee or Christian Indians, they being duly authorized thereto by said Indians, viz: Ead-nton-quit, or Francis McCoose, Edward McCoose, William Turner, Antwine Gokey, Henry Donohoe, Ignatius Caleb, and John Williams.

Whereas the Swan Creek and Black River band of Chippewas, of Kansas Territory, who were parties to the treaty of May 9, 1836, claim to be entitled to participate in the beneficial provisions of the subsequent treaty of August 2, 1855, under a misapprehension of the terms and conditions of said instrument, the provisions of which were only designed to embrace the Chippewas of Saginaw and that portion of the Chippewas of Swan Creek and Black River who were then residing in Michigan; and whereas a reservation of eight thousand three hundred and twenty acres, or thirteen sections of land, was set apart in Kansas Territory for the use of the Swan Creek and Black River band of Chippewas, in consideration of the cession and relinquishment of certain lands in the State of Michigan which were reserved for said band of Indians by the 6th article of the treaty of November 17, 1807; and in view of the fact that a part of the aforesaid band, who now reside in the Territory of Kansas, have not received their full proportion of the benefits designed to have been conferred upon them by the provisions of the second article of the treaty of May 9, 1836, it is understood to be the intention of the United States, in the execution of these articles of agreement and convention, to manifest their liberality and disposition to encourage said Indians in agricultural pursuits, and, with a view to remove from their minds all erroneous impressions respecting the non-fulfilment of the stipulations of former treaties, a liberal provision will be made for their benefit as hereinafter expressed. It is further understood to be the intention of this instrument to unite the Munsee or Christian Indians with the aforesaid band of Chippewas, in order to provide them with a suitable and permanent home, as contemplated by the act of Congress entitled "An act to confirm the sale

Intention of this treaty.

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