

Treaty between the United States and the Red Lake and Pembina Bands of Chippewa Indians; concluded in Minnesota, October 2, 1863; ratified by the Senate with Amendments, March 1, 1864; amendments assented to, April 12, 1864; proclaimed by the President of the United States, May 5, 1864.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : October 2, 1863.

WHEREAS a treaty was made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which treaty is in the words and figures following, to wit : — Preamble.

ARTICLES OF A TREATY made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors. Contracting parties.

ARTICLE I. The peace and friendship now existing between the United States and the Red Lake and Pembina bands of Chippewa Indians shall be perpetual. Perpetual peace and friendship.

ARTICLE II. The said Red Lake and Pembina bands of Chippewa Indians do hereby cede, sell, and convey to the United States all their right, title, and interest in and to all the lands now owned and claimed by them in the State of Minnesota and in the Territory of Dakota within the following described boundaries, to wit : Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods ; thence in a direct line south-westwardly to the head of Thief River ; thence down the main channel of said Thief River to its mouth on the Red Lake River ; thence in a south-easterly direction, in a direct line towards the head of Wild Rice River, to the point where such line would intersect the north-western boundary of a tract ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoishish bands of Chippewa Indians ; thence along the said boundary line of the said cession to the mouth of Wild Rice River ; thence up the main channel of the Red River to the mouth of the Shayenne ; thence up the main channel of the Shayenne River to Poplar Grove ; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot ; thence in a direct line to the head of the main branch of Salt River ; thence in a direct line due north to the point where such line would intersect the international boundary aforesaid ; thence eastwardly along said boundary to the place of beginning. Lands ceded to the United States.
Boundaries.
Vol. x. p. 1165.

Payment for
lands ceded.

See *Post*, page
49.

Proviso.

Amount re-
served.

Amnesty for
past offences.

See *Post*, p. 50.

Appropriation
for former depre-
dations.

Claims, how
to be audited.

See Amend-
ment, *Post*, p. 46.

Appropriation
for powder, lead,
&c.

Appropriation
to encourage the
adoption of hab-
its of civilized
life;

for road from
Leech Lake to
Red Lake.

Board of visit-
ors; their ap-
pointment, duty,
pay.

Spirituous
liquors pro-
hibited.

ARTICLE III. In consideration of the foregoing cession, the United States agree to pay to the said Red Lake and Pembina bands of Chippewa Indians the following sums, to wit: Twenty thousand dollars per annum for twenty years; the said sum to be distributed among the Chippewa Indians of the said bands in equal amounts per capita, and for this purpose an accurate enumeration and enrollment of the members of the respective bands and families shall be made by the officers of the United States: *Provided*, That so much of this sum as the President of the United States shall direct, not exceeding five thousand dollars per year, may be reserved from the above sum, and applied to agriculture, education, the purchase of goods, powder, lead, &c., for their use, and to such other beneficial purposes, calculated to promote the prosperity and happiness of the said Chippewa Indians, as he may prescribe.

ARTICLE IV. And in further consideration of the foregoing cession, and of their promise to abstain from such acts in future, the United States agree that the said Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offences. And in order to make compensation to the injured parties for the depredations committed by the said Indians on the goods of certain British and American traders at the mouth of Red Lake River, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red River, and to enable them to pay their just debts, the United States agree to appropriate the sum of one hundred thousand dollars; it being understood and agreed that the claims of individuals for damages or debt under this article shall be ascertained and audited, in consultation with the chiefs of said bands, by a commissioner or commissioners appointed by the President of the United States, and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs. Furthermore, the sum of two thousand dollars shall be expended for powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands at the first payment.

ARTICLE V. To encourage and aid the chiefs of said bands in preserving order and inducing, by their example and advice, the members of their respective bands to adopt the habits and pursuits of civilized life, there shall be paid to each of the said chiefs annually, out of the annuities of the said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agents according to their respective merits. And for the better promotion of the above objects, a further sum of five hundred dollars shall be paid at the first payment to each of the said chiefs to enable him to build for himself a house. Also, the sum of five thousand dollars shall be appropriated by the United States for cutting out a road from Leech Lake to Red Lake.

ARTICLE VI. The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend at all annuity payments of the said Chippewa Indians, to inspect their fields and other improvements, and to report annually thereon on or before the first day of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars a day for the time actually employed, and ten cents per mile for travelling expenses: *Provided*, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

ARTICLE VII. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect

throughout the country hereby ceded, until otherwise directed by congress or the President of the United States.

ARTICLE VIII. In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed-blood who is related by blood to the said Chippewas of the said Red Lake or Pembina bands who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of one hundred and sixty acres of land, to be selected at his option, within the limits of the tract of country hereby ceded to the United States, on any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made, and with the laws and regulations of the United States affecting the location and entry of the same.

Grant of 160 acres of land to certain of these Indians.

See amendment, p. 46.

ARTICLE IX. Upon the urgent request of the Indians, parties to this treaty, there shall be set apart from the tract hereby ceded a reservation of (640) six hundred and forty acres near the mouth of Thief River for the chief "Moose Dung," and a like reservation of (640) six hundred and forty acres for the chief "Red Bear," on the north side of Pembina River.

Reservations of 640 acres each for the chiefs Moose Dung and Red Bear.

In witness whereof, the said Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians, have hereunto set their hands, at the Old Crossing of Red Lake River, in the State of Minnesota, this second day of October, in the year of our Lord one thousand eight hundred and sixty-three.

Signature. October 2, 1863.

ALEX. RAMSEY,
ASHLEY C. MORRILL,
Commissioners.

- MONS-O-MO, his x mark, Moose Dung, Chief of Red Lake.
- KAW-WASH-KE-NE-KAY, his x mark, Crooked Arm, Chief of Red Lake.
- ASE-E-NE-WUB, his x mark, Little Rock, Chief of Red Lak[e].
- MIS-CO-MUK-QUOH, his x mark, Red Bear, Chief of Pembina.
- ASE-ANSE, his x mark, Little Shell, Chief of Pembina.
- MIS-CO-CO-NOY-A, his x mark, Red Rob, Warrior of Red Lake.
- KA-CHE-UN-ISH-E-NAW-BAY, his x mark, The Big Indian, Warrior of Red Lake.
- NEO-KI-ZHICK, his x mark, Four Skies, Warrior of Red Lake.
- NEBENE-QUIN-GWA-HAWEGAW, his x mark, Summer Wolverine, Warrior of Pembina.
- JOSEPH GORNON, his x mark, Warrior of Pembina.
- JOSEPH MONTREUIL, his x mark, Warrior of Pembina.
- TEB-ISH-KE-KE-SHIG, his x mark, Warrior of Pembina.
- MAY-ZHUE-E-YAUSH, his x mark, Dropping Wind, Head Warrior of Red Lake.
- MIN-DU-WAH-WING, his x mark, Berry Hunter, Warrior of Red Lake.
- NAW-GAUN-E-GWAN-ABE, his x mark, Leading Feather, Chief of Red Lake.

Signed in presence of —
PAUL H. BEAULIEU, *Special Interpreter.*
PETER ROY, " "
T. A. WARREN, *U. S. Interpreter.*
J. A. WHELLOCK, *Secretary.*
REUBEN OTTMAN, " "

GEORGE A. CAMP, Major 8th Regiment Min. Vol.
 WILLIAM T. ROCKWOOD,
 Capt. Co. K, " "
 P. B. DAVY, Capt. Co. L, 1st Regt. Min. M. Rangers.
 G. M. DWELLE, 2d Lieut. 3d Minn. Battery.
 F. RIEGER, Surgeon 8th Regt. M. Vols.
 L. S. KIDDER, 1st Lieut. Co. L, 1st M. M. Rangers.
 SAM. B. ABBE.
 C. A. KUFFER.
 PIERRE X BOTTINEAU.

Ratification
with amend-
ments.

March, 1, 1864.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the first day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:—

IN EXECUTIVE SESSION SENATE OF THE UNITED STATES,
 March 1, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a Treaty made and concluded at the Old Crossing of Red Lake River, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their chiefs, headmen, and warriors," with the following

AMENDMENTS :

Amendments.
Ante, p. 44.

In article 4, strike out in lines 19, 20, and 21, the following words: "and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs."

At the end of article 4, insert the following:—

Appropriation
of \$100,000, how
to be disposed of.

Provided, That no part of the sum of one hundred thousand dollars shall be appropriated or paid to make compensation for damages or for the payment of any debts owing from said Indians until the said commissioner or commissioners shall report each case, with the proofs thereon, to the Secretary of the Interior, to be submitted to Congress, with his opinion thereon, for its action; and that, after such damages and debts shall have been paid, the residue of said sum shall be added to the annuity funds of said Indians, to be divided equally upon said annuities.

At the end of article 8, insert the following:—

No scrip to
issue.

Assignments,
patents, &c.

Provided, That no scrip shall be issued under the provisions of this article, and no assignments shall be made of any right, title, or interest at law or in equity until a patent shall issue, and no patent shall be issued until due proof of five years' actual residence and cultivation, as required by the act entitled "An act to secure homesteads on the public domain."

Attest:

J. W. FORNEY, *Secretary*.

Amendment.
Assented to
April 12, 1864.

And whereas the foregoing amendments having been fully interpreted and explained to May-dwa-gua-no-nind, Mons-o-mo, Ase-e-ne-wub, Mis-co-muk-quah, Naw-gon-e-gwo-nabe, Que-we-zance, May-zha-ke-osh, Bwaness, Wa-bon-e-qua-osh, Te-bish-co-ge-shick, Te-besh-co-be-ness, Osh-shay-o-sick, Sa-sa-goh-cum-ick-ish-cum, Kay-tush-ke-wub-e-tung, I-inge-e-gaun-abe, and Que-we-zance-ish, chiefs, headmen, and warriors of the Red Lake and Pembina Bands of Chippewa Indians; they did, in articles

supplementary to this treaty, concluded at the city of Washington, District of Columbia, on the twelfth day of April, one thousand eight hundred and sixty-four, (which articles supplementary have been duly consented to and ratified, and were proclaimed on the twenty-fifth day of April, one thousand eight hundred and sixty-four,) agree and assent to the provisions of this treaty, in an article of the following tenor:—

“ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the Old Crossing of Red Lake River, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.”

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty and amendments thereto. Proclaimed by
the President.

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

Done at the city of Washington, this fifth day of May, in the year May 5, 1864.
[L. s.] of our Lord one thousand eight hundred and sixty-four, and of the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*