Guide to the Southern Boundary of the Wisconsin portion of the 1837 and 1842 Ceded Territories

Version 4.0

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Introduction

The line forming the southern boundary of the Wisconsin ceded territories is formed by combining portions of two treaty boundaries.\(^1\) Where these two boundary segments pass through Wisconsin they delimit the area within which the Ojibwe Tribes may exercise their rights as set forth in the Voigt decision.\(^2\) The parties to this lawsuit decided that it was important to have a readily identifiable line demarcating the southern boundary of the ceded territory in Wisconsin. This line was identified and described prior to the development of modern-day mapping technology (GIS). There is a need to update the technology used to describe this boundary while not changing the actual location of the boundary. The purpose of this introduction is to describe the process that was used to bring the boundary into a GIS platform.

The language describing the boundaries of the territories ceded in the treaties of 1837\(^3\) and 1842\(^4\) remain legally binding. However, the boundaries described in these two treaties were


\(^3\) ARTICLE I. The said Chippewa nation cede to the United States all that tract of country included within the following boundaries: Beginning at the junction of the Crow Wing and Mississippi rivers, between twenty and thirty miles above where the Mississippi is crossed by the forty-sixth parallel of north latitude, and running thence to the north point of Lake St. Croix, one of the sources of the St. Croix river; thence to and along the dividing ridge between the waters of Lake Superior and those of the Mississippi, to the sources of the Ocha-su-sepe a tributary of the Chippewa river; thence to a point on the Chippewa river, twenty miles below the outlet of Lake De Flambeau; thence to the junction of the Wisconsin and Pelican rivers; thence on an east course twenty-five miles; thence southerly, on a course parallel with that of the Wisconsin river, to the line dividing the territories of the Chippewas and Menomonees; thence to the Plover Portage; thence along the southern boundary of the Chippewa country, to the commencement of the boundary line dividing it from that of the Sioux, half a days march below the falls on the Chippewa river; thence with said boundary line to the mouth of Wah-tap river, at its junction with the Mississippi; and thence up the Mississippi to the place of beginning.

\(^4\) ARTICLE I. The Chippewa Indians of the Mississippi and Lake Superior, cede to the United States all the country within the following boundaries; viz: beginning at the mouth of Chocolate river of Lake Superior; thence northwardly across said lake to intersect the boundary line between the United States and the Province of Canada; thence up said Lake Superior, to the mouth of the St. Louis, or Fond du Lac river (including all the islands in said lake); thence up said river to the American Fur Company’s trading post, at the southwardly bend thereof, about 22 miles from its mouth; thence south to intersect the line of the treaty of 29th July 1837, with the Chippewas of the Mississippi; thence along said line to its southeastwardly extremity, near the Plover portage on the Wisconsin river; thence northeasterly, along the boundary line, between the Chippewas and Menomonees, to its eastern termination, (established by the treaty held with the Chippewas, Menomonees, and Winnebagoes, at Butte des Morts, August 11th 1827) on the Skonawby river of Green Bay; thence northwardly to the source of Chocolate river; thence down said river to its mouth, the place of beginning; it being the intention of the parties to this treaty, to include in this cession, all the Chippewa lands eastwardly of the aforesaid line running from the American Fur Company’s trading
described using imprecise language that made it nearly impossible to locate these boundaries on the present-day landscape. Thus, there was a need to describe boundaries that could be used by the Ojibwe to regulate their members’ exercise of treaty-reserved hunting, fishing and gathering rights. The need was to delineate the area using current day features such as roads and rivers so that enforcement personnel could be sure of the location of the area under the tribes’ jurisdiction.

A historical map was created showing a graphical representation of the wording of the treaty. This map was made by the LCO historical office, or state historical society. The location of this map is unknown. From this graphical representation of the treaty language, a practical version was created that attempted to mimic the treaty line but at the same time follow either roadways or waterways. This line was created in 1985 as part of the Voigt litigation. After this map was created, there appears to have been some correspondence between Katherine Tierney and George Meyer (dated January 7, 1988), which included several plat book pages with ‘corrections’ or ‘questions’ on details of the line. The January 7, 1988 letter was intended to resolve these differences. After the resolution of these discrepancies, the final line was placed on a large format map and each plaintiff tribe, the state of Wisconsin and the court were provided copies (Exhibit #54, December 11, 1985, A – H, A through H refers to the 8 copies of this map; one for each plaintiff tribe, the state of Wisconsin and the court). The exhibits #54 A – H should be considered the definitive documents describing the agreed location of the southern ceded territory for the purposes of enforcing tribal regulations on members exercising their treaty rights. The only known example of these exhibits was found with Mike Lutz, WDNR. Its location is unknown currently.

The next iteration of the ceded territory line appears attached to document titled Stipulation #54 (December 11, 1985). This representation is on 8.5 X 11 inch county highway maps with hand-drawn black dots as the boundary. Mike Lutz, or someone from his office, transcribed the line from the large format map (the original exhibit #54) onto this small format map for easy filing.

At GLIFWC offices there are three early versions of this line. There is a series of plat book pages attached to yellow poster board that show the representation of the southern boundary. There is a Gazetteer map (with Gazetteer pages taped together into a wall sized map) with the line drawn on it. There are also a series of 1:24,000 topographic maps with the line hand drawn on them. All three of these maps were produced directly from the large format maps (Exhibit #54).

The first digital version of the southern boundary of the Wisconsin ceded territory was created in 1995. This map was digitized using the large format gazetteer and plat book maps at GLIFWC offices and stored in ArcInfo. This line has since been converted to an ArcView shape file. Since this was a third generation map there was a need to verify if it indeed depicted the actual agreed upon line. Thus, this digital map was compared to the large format map (Exhibit #54 in Mike Lutz’s office), the hand-drawn 8.5 x 11 county highway maps and Katherine post on the Fond du Lac river to the intersection of the line of the treaty made with the Chippewas of the Mississippi, July 29th 1837.
Tierney’s plat book corrections (January 1988). From these comparisons 14 discrepancies were noted with the digital version. These discrepancies were resolved by referring primarily to the large format map attached to Exhibit #54 (in Mike Lutz’s office).

There were two segments which remained unclear after this comparison. The first was the segment around the Little Eau Plaine Flowage in Portage County. The line of the original map followed the mapped course of the Little Eau Plaine river. The river bed is flooded by the flowage, thus the north bank of the flowage was used as the boundary (this included the flowage as inside the ceded territory). The second segment occurred in Marathon County, east of the Wisconsin River. In this segment the original line followed a farm trail which is no longer present. The line was moved 0.25 miles to the east to follow an established road.

There were two places were the line went from a water feature to a road feature when the road did not quite reach the water (Marinette and Oconto Counties). In these cases the shortest straight-line distance from the water to the road was identified and the line was placed there. In the written descriptions of this, the words “small gap” are used to identify these locations.

**How to Use this Guide**

In this current version of the Guide to the Southern Boundary of Wisconsin’s Ceded Territories Version 4.0 August 2008, the updated digital version was delineated by using existing roads and waterways from TIGER files. In this way boundary segments could be identified by the name of the road or waterway.

This guide is divided by county. A map on page 3 of this guide shows the counties through which the boundary passes. The county maps are arranged in alphabetical order. Each county map shows the boundary as it passes through that county along with waterways and roads. The boundary segments that are contiguous with roads are depicted in black, those boundary segments contiguous with water are depicted in blue.

At the bottom of each county page is a section called **Boundary Features**. This is a description of the roads and waterways the boundary follows through that county. The progression starts at the west boundary and proceeds east (in a few cases the boundary starts at the south and proceeds north). As the boundary location changes from road to road, or from road to water, the listing at the bottom will name the roads or waterways involved.

The county maps are coarse scaled maps. For a finer level of detail see www.glifwc-maps.org. See the metadata for the digital version of the line provided in Appendix A.
Polk County

Boundary Features:
(MN/WI State line) > Drawbridge Rd > 280th St > 40th Ave > State Hwy 35 > 30th Ave > 240th St > 10th Ave > 210th St (St. Croix County)
St. Croix County

Boundary Features:
(Polk County) > 110th St > County Hwy H > 150th St > 220th Ave > 170th St > 210th Ave > County Hwy T > 200th Ave > 200th St > State Hwy 64 > 215th St > County Hwy S > Hutton Creek > County Hwy D > 150th Ave > 300th St > County Hwy G > State Hwy 128 > Tiffany Creek (Dunn County)
Dunn County

Boundary Features:
(St. Croix County) > Tiffany Creek > Beaver Creek > County Hwy Q > 890th Ave > 130th St > 890th Ave > County Hwy O > 870th Ave > County Hwy K > 790th Ave > State Hwy 79 > 750th Ave > County Hwy J > County Hwy BB > Red Cedar River > I-94 > Parkway Rd > 650th Ave > 630th St > County Hwy E > US Hwy 12 > Muddy Creek > Unnamed Tributary to Muddy Creek > 890th St > 490th Ave > County Hwy H > County Hwy EE > Elk Creek > (Eau Claire County) > Elk Creek > County Hwy E > (Eau Claire County)
Eau Claire County

Boundary Features:
(Dunn County) > Elk Creek > (Dunn County) > County Hwy E > County Hwy EE > County Hwy C > I – 94 > Chippewa River > Eau Claire River > South Fork Eau Claire River > (Clark County)
Clark County

Boundary Features:
(Eau Claire County) > S Fork Eau Claire River > Starks Rd > Sterling Ave > Popple River Rd > Resewood Ave > Mann Rd > Unnamed tributary to E branch Wedges Creek > East Branch Wedges Creek > Bobwhite Rd > Thomas Ave > County Hwy OO > Chicago Ave > Mann Rd > Marg Ave > Suckow Rd > State Hwy 73 > County Hwy H > Owen Ave > Suckow Rd > Cardinal Ave > Poplar Rd > Miller Ave > Bobwhite Rd > Catlin Ave > Heath Rd > South Branch Yellow River > (Wood County)
Wood County

Boundary Features:
(Clark County) > South Branch Yellow River > Yellow River > State Hwy 13 > County Hwy HH > Henke Rd > Knuth Rd > St. Johns Rd > County Hwy F > Lone Pine Rd > County Hwy S > Reddin Rd > State Hwy 34 > County Hwy DD > Gumz Rd > (Portage County)
Portage County

Boundary Features:
(Wood County) > Gumz Rd > County Hwy II > County Hwy PP > Bear Creek Rd > County Hwy C > Mill Creek > Unnamed tributary to Mill Creek > US Hwy 10 > State Hwy 34 > Little Eau Pleine Flowage > (Marathon County)

(Marathon County) > County Hwy X > Maple Dr > Maple Rd > Dewey Dr > N Reserve Rd > Jordan Rd > Wilshire Dr > US Hwy 51 > Canadian National Railroad ROW > Old Hwy 18 > Stockton Rd > US Hwy 10 > County Hwy J > State Hwy 66 > County Hwy I > County Hwy A > Saumer Rd > State Hwy 49 > (Marathon County)
Marathon County

Boundary Features:
(Portage County) > Little Eau Pleine Flowage > County Hwy O > Rocky Ridge Rd > County Hwy B > Bluebird Ln > Burma Rd > County Hwy KK > Fawn Rd > Red Bud Rd > S Mountain Rd > Thornapple Rd > Whippoorwill Rd > Red Wing Rd > N Mountain Rd > US Hwy 51 > State Hwy 52 > Stewart Ave > W Scott St > Scott St > N 6th St > Franklin St > County Hwy Z > S 41st St > McIntosh St > 25th St > Town Line Rd > Skyline Ln > Swanee Ave > Northwestern Ave > County Hwy X (Camp Phillips Rd) > County Hwy JJ > Alderson St > Jelinek Ave > Volkman St > Weston Ave > Urban St > Military Rd > Margaret St > Shorey Ave > Alderson St > Howland Ave > County Hwy X > Pine Rd > Terrebonne Dr > Kowalski Rd > County Hwy X > South Rd > County Hwy X > (Portage County)

(Portage County) > State Hwy 49 > County Hwy VV > (Shawano County)
Shawano County

Boundary Features:
(Marathon County) > County Hwy PP > County Hwy P > County Hwy M > Spring Brook Rd > Beetle Creek Rd > Malueg Rd > Wittmorr Townline Rd > Dent Creek Rd > Banner Rd > State Hwy 29 > Middle Branch Rd > Cemetery Rd > Town Line Rd > North Branch Embarrass River > County Hwy D > Kolpack Rd > Stony Curve Rd > Fairview Rd > Moh He Con Nuck Rd > River Rd > Micks Road > Camp One Rd > (Menominee County)
Menominee County

Boundary Features:
(Shawano County) Camp One Rd > Miller Creek > Red River Rd > Camp 33 Rd > State Hwy 47 > County Hwy M > County Hwy WW > State Hwy 55 > (Langlade County)
Boundary Features:
(Menominee County) > State Hwy 55 > County Hwy WW > (Oconto County)
Oconto County

Boundary Features:
(Langlade County) > County Hwy W > Old Shingle Mill Rd > Rohe Rd > Sheep Ranch Rd > County Hwy W > Bonita Rd (FR2112) > McComb Lake Rd (FR2311) > County Hwy W > State Hwy 32 > Old 64 Rd (FR 2308) > Waupee Creek > Little Waupee Creek > FR 2107 > Old 64 Rd (FR 2308) > W Butler Rock Rd > Butler Rock Rd > (Marinette County)

(Marinette County) > West Branch Peshtigo Brook > North Branch Peshtigo Brook > Unnamed Lake > Unnamed Creek > Pickerel Lake > Lawrence Rd > Halfmoon Lake Rd > (Marinette County)
Marinette County

Boundary Features:
(Oconto County) > Butler Rock Rd > West Branch Peshtigo Brook > (Oconto County)

(Oconto County) > Parkway Rd > W 28th Rd > 53rd Rd > W 32nd Rd > School Forest Rd > Ade Rd > County Hwy P > County Hwy W > Shaffer Rd > County Hwy A > Benson Lake Rd > Old County A Rd > Phillips Creek > Phillips Lake > Phillips Creek > South Branch Pike River > Old County A Rd > Trout Haven Rd > 12 Foot Falls Rd > Whiskey Creek > Old County A Rd > US Hwy 8 > County Hwy U > (Florence County)
**Florence County**

**Boundary Features:**
(Marinette County) > County Hwy U > South Branch Popple River > Little Popple River > Millers Rd > County Hwy U > County Hwy N > County Hwy NN > Fisher Lake Rd > US Hwy 2 > Chapin Rd > Brule Landing Rd > Brule Bridge Rd > (MI/WI State line)
Appendix A. Metadata Southern Boundary of the 1837 and 1842 Ojibwe Ceded Territories in Wisconsin

- Identification Information
- Data Quality Information
- Spatial Data Organization Information
- Spatial Reference Information
- Entity and Attribute Information
- Distribution Information
- Metadata Reference Information

**Identification Information:**

**Citation:**

**Originator:** Great Lakes Indian Fish and Wildlife Commission

**Publication Date:** December 2007

**Title:**
Southern Boundary of the 1837 and 1842 Ojibwe Ceded Territories in Wisconsin

**Edition:** Version 3.0

**Geospatial Data Presentation Form:** vector digital data

**Online Linkage:** www.glifwc-maps.org

**Description:**


**Purpose:**

The purpose of these data are to provide a practical guide to the southern boundary of the Ojibwe Ceded Territories in Wisconsin using identifiable features such as roads and waterways.

**Time Period of Content:**

**Single Date/Time:**

**Calendar Date:** December 2007

**Currentness Reference:**

December 2007

**Status:**
Progress: Complete
Maintenance_and_Update_Frequency: None planned
Spatial_Domain:
Bounding_Coordinates:
West_BoundingCoordinate: -92.760843
East_BoundingCoordinate: -88.083835
North_BoundingCoordinate: 45.958306
South_BoundingCoordinate: 44.435034
Keywords:
Theme:
Theme_Keyword: Ceded Territory
Theme_Keyword: Treaty of 1837
Theme_Keyword: Treaty of 1842
Theme_Keyword: Ojibwe
Theme_Keyword: Chippewa
Theme_Keyword: Voigt
Theme_Keyword: Wisconsin
Access_Constraints: None.
Use_Constraints:
The Great Lakes Indian Fish and Wildlife Commission, its member tribes, its employees and agents assume no responsibility or liability for anyone's use of these data. By using these data, you agree that you are entirely responsible for your use of the data and that you will hold harmless the Great Lakes Indian Fish and Wildlife Commission, its member tribes, its employees and its authorized agents from any and all consequences, including all damages, costs, expenses, and attorneys fees, resulting from improper or illegal use of these data. The ceded territory boundary is a representation and may not be legally binding.
Point_of Contact:
Contact Information:
Contact_Organization_Primary:
Contact_Organization: Great Lakes Indian Fish & Wildlife Commission
Contact_Person: Miles Falck
Contact_Position: Wildlife Biologist
Contact_Address:
Address_Type: mailing and physical address
Address:
P.O. Box 9
Address:
72682 Maple St
City: Odanah
State_or_Province: WI
Postal_Code: 54861
Country: USA
Contact_Voice_Telephone: 715-682-6619
Contact_Facsimile_Telephone: 715-682-9294
Contact_Electronic_Mail_Address: miles@glifwc.org
Data_Set_Credit:
Great Lakes Indian Fish and Wildlife Commission
**Native Data Set Environment:**
Microsoft Windows 2000 Version 5.0 (Build 2195) Service Pack 4; ESRI ArcCatalog 9.2.4.1420

**Data Quality Information:**
**Attribute Accuracy:**
**Attribute Accuracy Report:**
The line features used to create this shapefile were extracted from 1:100,000 U.S. Census 1995 TIGER line files.
**Lineage:**
**Process Step:**

**Spatial Data Organization Information:**
**Direct Spatial Reference Method:** Vector
**Point and Vector Object Information:**
**SDTS Terms Description:**
**SDTS Point and Vector Object Type:** String
**Point and Vector Object Count:** 266

**Spatial Reference Information:**
**Horizontal Coordinate System Definition:**
Geographic:
**Latitude Resolution:** 0.000000
**Longitude Resolution:** 0.000000
**Geographic Coordinate Units:** Decimal degrees
**Geodetic Model:**
**Horizontal Datum Name:** D_WGS_1984
**Ellipsoid Name:** WGS_1984
**Semi-major Axis:** 6378137.000000
**Denominator of Flattening Ratio:** 298.257224

**Entity and Attribute Information:**
**Detailed Description:**
**Entity Type:**
**Entity Type Label:** S_Boundary1837_1842_CT_WI_WGS84
**Attribute:**
**Attribute Label:** FID
**Attribute Definition:**
Internal feature number.
**Attribute Definition Source:**
ESRI
**Attribute Domain Values:**
**Unrepresentable Domain:**
Sequential unique whole numbers that are automatically generated.

**Attribute:**
**Attribute Label:** Shape
**Attribute Definition:** Feature geometry.
**Attribute Definition Source:** ESRI
**Attribute Domain Values:**
**Unrepresentable Domain:** Coordinates defining the features.

**Attribute:**
**Attribute Label:** LABEL
**Attribute Definition:** Feature name. Road and water feature names were labeled using two sources. The primary reference was DeLorme's 2004 Wisconsin Atlas & Gazetteer, ninth edition. 2007 Google - map 2007 Leaddog Consulting, NAVTEQ (www.map.google.com) was used to label features that were absent in DeLorme.

**Attribute:**
**Attribute Label:** TYPE
**Attribute Definition:** Feature category (road, waterbody, railroad ROW or gap). A gap is the shortest straight line between adjacent boundary features which does not follow a road, waterbody or other existing feature.

**Attribute:**
**Attribute Label:** CNTY
**Attribute Definition:** Full name of the county that the feature is located in.

**Attribute:**
**Attribute Label:** LABEL_REFE
**Attribute Definition:** Reference source of the feature label.

**Attribute:**
**Attribute Label:** COMMENTS
**Attribute Definition:** Additional comments regarding the feature.

---

**Distribution Information:**
**Resource Description:** Downloadable Data (www.glifwc-maps.org).
**Standard Order Process:**
**Digital Form:**
**Digital Transfer Information:**
**Transfer Size:** 0.140

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**Metadata Reference Information:**
**Metadata Date:** 20071206
**Metadata Contact:**
Contact Information:
Contact Organization Primary:
Contact Organization: Great Lakes Indian Fish & Wildlife Commission
Contact Person: Miles Falck
Contact Position: Wildlife Biologist
Contact Address:
Address Type: mailing and physical address
Address:
P.O.Box 9
Address:
72682 Maple St.
City: Odanah
State or Province: WI
Postal Code: 54861
Country: USA
Contact Voice Telephone: 715-682-6619
Contact Facsimile Telephone: 715-682-9294
Contact Electronic Mail Address: miles@glifwc.org
Metadata Standard Name: FGDC Content Standards for Digital Geospatial Metadata
Metadata Time Convention: local time
Metadata Extensions:
Online Linkage: http://www.esri.com/metadata/esriprof80.html
Profile Name: ESRI Metadata Profile