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REMOVAL OF THE CHIPPEWA, OTTOWA, AND POTTA-
WATOMIE INDIANS.

[To accompany joint resolution H. R. No. 35.]

MAY 29, 1844.

Mr. HUGHES, from the Committee on Indian Affairs, submitted the following

REPORT:

The Committee on Indian Affairs, to whom were referred the resolutions of the Council and House of Representatives of the Territory of Iowa, relative to the removal of the Pottawatomie and other Indians, submit the following report:

By the treaty of September, 1833, made with the united band of Pottawatomie, Chippewa, and Ottawa, Indians, (2d article,) the United States granted to them five millions of acres of land on the Missouri river, immediately north of the State of Missouri; which grant of land was intended for their future place of abode, at the time the treaty was made and concluded.

At present, about one-half of the united band of said Indians reside on said tract of land, and the remainder reside on the Osage river, south of the State of Missouri. These Indians, under various treaties made with the United States, are receiving a very large annuity—a fund sufficient, if they could all be united, to render their condition comfortable. But as they reside at different places, it seems impossible for the Government to comply with the conditions and terms of the treaties made with them. Hence the great necessity, not only for the welfare and prosperity of the Indians, but fully to enable the Government to carry into effect the stipulations of the treaties made with them, that they should be removed and all united.

It was, indeed, unfortunate that these Indians were located north of the State of Missouri, subjected, as they are and must be, so long as they continue in their present situation, to repeated attacks from the Sioux, who reside north of them. Complaints have been repeatedly made by these Indians, that the Sioux have murdered some of their people, and stolen their property; and it has become necessary, in order to quiet their fears from that quarter, to station United States troops for their security and protection. It is, then, evident that these Indians are by no means satisfied with their present situation, and would willingly cede to the United States the land they now occupy, and join their brethren on the Osage river.

The Commissioner of Indian Affairs, in a communication addressed to the committee, (which is appended to this report,) regards the opening of a negotiation with these Indians as a measure both important and expedient, not only to the Government, but to the Indians; and in this opinion your committee fully concur. Situated as they are, it is important they should

be removed. The country they occupy is within the Territory of Iowa, and in point of soil is not to be surpassed by any in the west. Immediately south and east of them the whites reside; and, of course, their position is such that they will be continually supplied with ardent spirits; and it is to be feared that serious difficulties may arise, as have heretofore, from this traffic; and it is therefore to the interest and well-being of the Indians that they should be removed at as early a day as possible. Unless their removal is effected, (owing to their peculiar situation,) difficulties of the most serious character may be anticipated.

Severe and highly penal laws have been passed, to prevent the sale of ardent spirits to the Indians; but it is a lamentable fact, that as yet the Government has not been able to put a stop to it. The removal of these Indians from the lands they now occupy, would in some degree lessen the facilities they have in procuring ardent spirits at this time. Several ineffectual efforts have been made, by the Government to treat with them for their lands, and remove them to the Osage river. The greatest obstacle to the conclusion of a treaty with them, results from the undue influence exercised over them by the licensed traders, to whom the Indians are largely indebted. It seems impossible to conclude a treaty with them, without the interest of the traders is attended to, in the payment of the debts due them from the Indians; and, indeed, it seems to be the opinion of Governor Chambers, that no treaty hereafter can be made, without the debts due traders are paid.

Under a resolution passed by the Senate, that body has declared that it will not ratify any Indian treaty when it is stipulated that debts due traders shall be paid out of the sum agreed to be paid by the Government to the Indians. This, then, is the great difficulty in negotiating a treaty with these Indians; and so long as the Senate adheres to the resolution alluded to, there is but a faint hope left of removing these Indians peaceably. If it is done at all, it must be by force; and it is fair to presume the Government will not resort to this expedient.

The State of Missouri, as well as the Territory of Iowa, is deeply interested in the speedy removal of these Indians; and, as an act of justice to Iowa and Missouri, they ought to be removed, even if it should become necessary, in order to effect it, to pay the debts due traders out of the sum stipulated to be paid the Indians for the five millions of acres of land they now occupy.

If the Government should remove them by force, it is evident it will cost a very large sum of money, and possibly the effusion of blood. To avoid the effusion of blood, would it not be the true policy of the Government to agree to pay such debts as may be considered just and equitable? The Indians must be removed; and without their debts are paid to such traders, who exercise such undue and powerful influence over them, it is in vain to attempt to remove them peaceably; force must be resorted to. The two alternatives are presented; and which of the two we shall adopt, is the question for the consideration of Congress. The committee fully concur with the Senate, as a general principle, that no treaty ought to be ratified when it is stipulated debts to traders shall be paid, if a treaty can otherwise be made. Every expedient should be resorted to, to avoid it; but when it becomes absolutely necessary, (as seems now to be the case, to effect a treaty,) the committee can see no substantial reason why the Senate should adhere to its resolution. The Commissioner of Indian Affairs, as well as Gov-

ernor Chambers, declares that it is out of the question to effect a treaty, without agreeing to pay the debts of traders. The removal of the Indians must either be brought about this way, or the Government is, of necessity, compelled to resort to force; and if the latter expedient is resorted to, it is impossible to foretell the consequences that may follow in their removal.

Previous to the removal of these Indians from Indiana and Michigan, in 1840, the Secretary of War (Mr. Poinsett) gave directions to General Wm. Mitchell to ascertain the amount of debts due to citizens; and, in pursuance of instructions, General Mitchell reported debts due from these Indians to citizens, amounting to the sum of \$93,989 11; of claims presented, amounting to the sum of \$248,459 81. The report made by General Mitchell was approved of, with but few exceptions, by the then Secretary of War, as will more fully appear from the communication of the Commissioner of Indian Affairs. Inasmuch, therefore, as the Government instituted an inquiry to ascertain what was due from the Indians to different individuals, it appears to the committee, that if a negotiation is opened with the Indians for the purpose of purchasing their lands, with a view of removing them to the Osage river, the sum ascertained to be due to individuals by General Mitchell ought to be paid. The amount of debts ascertained to be due from these Indians to citizens underwent the scrutiny of a Government officer; and the Government even went so far as to direct the Secretary of War to issue certificates to the different claimants; but none were issued or asked for by the claimants, because the Secretary of War required that the assent of the Indians should be obtained first, and, when had, then only one-fifth of the amount to be paid annually out of the annuities of the Indians. Under this decision, the claimants did not think it necessary to obtain certificates of the amount found to be due them by General Mitchell, as the terms of it were such as precluded them from carrying it out. The debts were contracted in the States of Indiana and Michigan, and were found to be owing to a number of individuals, in different sums. Some of the claims were small in amount, and, of course, this description of claimants could not think of going to Missouri, in order to obtain the assent of the Indians that one fifth of their claim should be paid out of their annuity. To have done this, numbers of the claimants would have expended much more than one fifth of the amount due them; and to undertake, under this state of the case, to comply with the decision of the Secretary of War, it would be better for the claimants to abandon their claims—such, too, as were found, after rigid scrutiny by a Government officer, to be just and equitable.

In view of all the circumstances connected with this subject, the committee are of opinion that a negotiation ought to be opened, whether the Senate rescinds its resolution or not. Possibly a treaty may be effected, without paying the debts due to traders and others. Whether it can or not, it is the imperious duty of the Government to make the effort. The Indians desire to sell their lands, and remove, and join their brethren on the Osage river. The Territory of Iowa demands the removal of the Indians, and so does Missouri. It is to the interest of the Indians, in every point of view, that they should be removed as speedily as possible. Why, then, should this matter be delayed, so important not only to the Government, but to the Indians? If a treaty cannot be made without the payment of Indian debts, the Government should not hesitate one moment in doing so. Situated as they are, we may necessarily expect, at no distant day, difficulties with them; and, to avoid anything of this kind, it

would seem to be the true and humane policy of the Government towards the Indians, to remove them. They cannot long live in their present situation in peace with the whites.

To effect a treaty with these Indians, the Commissioner of Indian Affairs says it will be necessary to appropriate the sum of four thousand dollars. Your committee, therefore, report a joint resolution authorizing the President of the United States to open a negotiation with these Indians, for the purpose of purchasing their lands, and removing them south of the Missouri river, on the Osage river.

WAR DEPARTMENT,
Office Indian Affairs, April 15, 1844.

SIR: I have had the honor to receive your communication of the 2d instant, enclosing "resolutions of the Council and House of Representatives of the Territory of Iowa, relative to the removal of the Pottawatomies and other Indians." You say "the committee would be pleased to have your (my) views upon the subject, and whether any attempt has been made by the Government to treat with the above named Indians; and if so, the causes of the failure in not concluding a treaty." You further ask my views "as to the best plan to be adopted to effect the removal of the Indians. Can it be done without stipulating (peaceably I mean, of course) to pay the debts of the Indians to different persons?"

The object of the resolution appears to be a negotiation "with the Pottawatomie Indians for the purchase of all their lands east of the Missouri river; also, to urge the necessity of taking, immediately, the necessary steps for the removal of the Missouri Sacs and Foxes and Iowa Indians, from that portion of the country lying east of the Missouri river, south of the country now occupied by the Sioux Indians, and north of the State of Missouri."

The "Pottawatomie Indians" are, no doubt, the united band of Chippewa, Ottawa, and Pottawatomie Indians, who live in Iowa. By the treaty of September 1833, made with them, there were (2d article) granted to them, (most unfortunately, in my judgment) five millions of acres of land on the Missouri river, immediately north of the State of Missouri, which was intended for their after residence. A portion of them (varying not much, and not materially for the purposes of this communication, from one half the tribe) removed to this body of land; the remainder of them having emigrated under this and other treaties, to the Osage river country, southwest of the river Missouri. The Indians east of this river, and on the five millions of acres of land in Iowa, are the objects of the resolution of the Council and House of Representatives of the Territory.

I regard the opening of a negotiation with the Chippewas, Ottawas, and Pottawatomies, as a measure both important and expedient. The resolutions in question show that the citizens of Iowa are anxious for the removal, farther west, of these Indians; and, although the reason for the present solicitude is not apparent, (especially if we regard the geographical position of their land, west, as it is, of a body of ten millions of acres of as fine land as the sun shines on, acquired only in the autumn of 1842, of the Sacs and Foxes of Mississippi,) still their wishes are to be respectfully con-

sidered, and, as far as may consist with other great duties, gratified. It is, however, in reference to the present benefit of the Indians, and to the prospective rather than to the existing necessity for a cession of their lands for the use of the citizens of Iowa, that I particularly favor the making of a treaty with them.

The Chippewas, Ottowas, and Pottawatomies have repeatedly represented to the department that they have been attacked by the Sioux, have lost property and lives, and that they apprehend further attacks. On their application, a small military force was stationed at their country, for their protection—now, however, removed. They have, recently, again expressed their apprehensions, by letter from their agent under date of ———.

It seems to me, whatever foundation there may be for the opinion, that the Sioux are entirely willing to attack the united band; yet, from their relative position, it is no very easy matter, and the danger is probably overrated; still, as long as fears are indulged, the subjects of them will be miserable, and their hunts, &c., neglected. On this ground, I believe they would be willing to cede their country; and if they did, their removal would silence all fears. They have a very large fund under the 3d article of the treaty of 1833 for the erection of mills, farm-houses, the purchase of agricultural implements, &c, and a separate and large fund for education. These means are more extensive than most tribes possess; but their present residence has never, I think, and certainly has not for five years and upwards, been regarded as more than a temporary abode; and it has been considered that it would be a waste of their funds to have expended them until they were permanently fixed. Their advancement has been thus retarded, and will be, until they change their residence. These Indians, and those known generally as Pottawatomies, who now live in the Osage river region, are much connected by blood and marriage, and composed of the members of several little bands formerly resident in Indiana, Michigan, and Illinois, who made numerous treaties for cessions of small tracts of land; and, not unfrequently, the same individual Indians signed different treaties; from which, and their removing to and among each other, it has become exceedingly difficult to distribute the annuity money due them under the various treaties. We do the best we can to render justice to each, and I hope do it substantially; but there is more or less uncertainty as to the precise persons who are entitled.

These, with other reasons that might be pressed, show, I think, very conclusively, that we ought to treat with these poor creatures. It is my purpose, in negotiating with them, to procure their agreement, in conjunction with that of their brethren on the Osage, to throwing their annuities, under all previous treaties, as well as any addition that may be made to them in consideration of the cession of five millions of acres of land in Iowa, into hotchpot, and dividing the aggregate, by the head, among the members of the united band on the Missouri, and the Pottawatomies in the Osage river country. Justice will be done more certainly to all; difficulty will be removed; we and the recipients will understand better what we are doing; and their means, belonging to all, (amounting not to five thousand souls,) will be abundant for all purposes, including their civilization and education. Those of them in Iowa must join their brethren south of them, and live upon the same body of land. This will facilitate the arrangement for merging all their annuities into one grand sum for the whole.

While speaking of the anticipated treaty, I think it proper to call the at-

tention of yourself, and, through you, of the committee, to the consideration of a matter involving liability on the part of these Indians, and large interests of our citizens in Indiana, Illinois, Michigan, and perhaps in other States, and the Territory of Wisconsin. In the year 1840, a body of the Pottawatomies of Indiana, and of the united band of Chippewas, Ottawas, and Pottawatomies—being part of those now in the Osage river country—being about to be emigrated, the Secretary of War (Mr. Poinsett) gave directions to Gen. William B. Mitchell, of Indiana, for ascertaining their debts under date of the 30th April, 1840, due to our citizens, and such as might be owing by our citizens to the Indians. Gen. Mitchell reported against the Indians in favor of claims amounting to \$93,989 11, out of claims presented amounting to \$248,459 81. The report was approved, with some exceptions, by Mr. Poinsett, who said: "There can be no objections to issue certificates to the claimants for the sums allowed, provided they bear on their face the conditions and terms of payment. A proper proportion of the annuities belonging to emigrants to be applied annually to the discharge of these claims.—March 3, 1841."

Mr. Spencer afterwards, (viz: on the 13th January, 1842,) regarding Mr. Poinsett's decision as disposing of the matter, gave directions that certificates should be issued by Gen. Mitchell that one-fifth of the individual debtors' annuity would be applied, with the Indians' assent, to the payment of the debt, except as to those debts contracted while they were emigrating, or at setting out; with regard to which no assent was required. One claim to a reverend claimant was to be paid out of the general annuities, in proportions of one-third annually; and the depredation claims were to be paid in the same proportion, out of individual annuities where offenders were known, or, if unknown, out of the tribe annuities; no interest to be allowed in any case. Gen. Mitchell was authorized to issue certificates; but none were called for, and so the matter has stood ever since. All the papers material to a full understanding of this matter will be found in House Doc. No. 143, 27th Congress, 2d session, except the instructions to Gen. Mitchell, and the report of this office to the Secretary of War on Gen. Mitchell's report, which, by some fatality, were omitted when other papers in the above document were transmitted. Of these, however, if desired, I shall be happy to furnish copies.

These claims are in a peculiar position, and it has seemed to me ought to be provided for when the purchase of the 5,000,000 of acres of land is made. This may, perhaps, be done without violating the principle of the Senate resolution of last session, which prohibits the negotiation of any Indian treaty with a stipulation for payment of debts. They were ascertained long before the resolution was adopted. The claimants say they believed, and relied upon the belief, that the Government would see that they were paid out of the Indian annuities, or in some other way. Now, although I do not believe there was just ground for such an expectation, yet it was entertained; and, in consequence, many of these claims have been transferred to third parties. In these, and perhaps other particulars, they stand in a different situation from Indian debts generally; but the department, if it succeeds in a negotiation with the Indians referred to, cannot incorporate a provision for paying the said debts, unless the Senate should repeal their resolution.

At least two attempts have been made to acquire the land now occupied in Iowa by Ottawas, Chippewas, and Pottawatomies. One in 1838, which the Indians resisted from a disinclination to sell—assigning no other reason,

as I judge from the report of the commissioners. Another attempt resulted in the same way; owing to an unfortunate difference between the two commissioners employed, and the absence of some leading chiefs, according to the reports received in the winter and spring of 1841.

There was a sum of money, (\$5,000,) intended to defray the expenses of negotiations with the united band, appropriated in the act of July 7, 1838, of which there is a balance on hand of \$1,612 70; but, from the wording of the law, I doubt whether it ought to be used for that purpose—"For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith," viz: (*inter alia*;) "for the Chippewas, Ottawas, and Pottawatomies, \$42,490." So much of the appropriation of \$5,000 as has been used, was drawn to defray the expenses of negotiations. If your committee think it can be so used, about \$3,000 additional had better be appropriated; if it cannot, then I would recommend an appropriation of \$4,000 to enable the department to treat with the Indians east of the Missouri, and with their kindred in the Osage river country, whom it will be necessary, in my opinion, to bring together; and if they do meet, more or less subsistence must be given them.

The resolution contemplates the removal "of the Missouri Sac and Fox and Iowa Indians from that portion of country lying east of the Missouri river, south of the country now occupied by the Sioux Indians, and north of the State of Missouri."

The Winnebago tribe of Indians live in Iowa, and may therefore be supposed to be embraced in the resolution. As to them, I refer you to a report of the Indian Committee, of the 27th ultimo, to the House of Representatives, No. 363.

By the "Missouri Sac and Fox" Indians, are meant those we know as the Mississippi Sacs and Foxes, as contradistinguished from the Sacs and Foxes who live on the southwest side of the Missouri river. By the treaty of 11th October, 1842, article 3d, these Indians ceded to the United States a large body of very valuable land in the Territory of Iowa; and to the western side of a line drawn north and south, about midway of the cession, they agreed to remove on, or before 1st May, 1843. This they have done; and by the same article, they may remain on the western part of said cession until the 11th day of October, 1845, or three years from the making of the treaty. I am, therefore, of opinion that no immediate steps can be taken for the removal of the Sacs and Foxes from Iowa; nor any steps, unless they be persuasive arguments, until October, 1845. We are now selecting for them a suitable residence west.

The only remaining inquiry you make is, as to the practicability of negotiating treaties with the Winnebagoes, and with the united band of Chippewas, Ottawas, and Pottawatomies, "without stipulating to pay the debts of the Indians to different persons." I do not know how I can better answer the question, than by giving you an extract from a report made by his excellency John Chambers, Governor of Iowa, to this department, of an unsuccessful attempt he made last season to treat with one of the tribes that are the subject of your letter—viz: the Winnebagoes. He attributes his failure to the adverse exercise of the influence of licensed traders among these Indians, saying: "The resolution of the Senate of the last session, which accompanied your instructions for negotiating the contemplated treaty with these Indians, forbids a resort to this customary means of securing the cooperation of this influence; and the consequence was, its neutrality or se-

cret opposition. And you will pardon me for venturing the prediction, that, under the operation of that resolution, no future treaty will ever be effected with any tribe of Indians with which licensed traders are to be found, without their interest is consulted in some other form than that to which they have been accustomed." This report, more at large, will be found accompanying my last annual report, transmitted at the commencement of the present session, with the President's Message to Congress, and is in the appendix to said report, No. 4. I beg leave respectfully to refer you and the committee to it, as deserving attention on this occasion.

I have gone into more detail than may be agreeable to you, or was convenient to me; but my object could not be answered in a smaller compass, which was to make you and the committee acquainted with every matter connected with your inquiries—anxious, as I am, that our efforts should result in obtaining the ends desired.

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. JAMES M. HUGHES,
House of Representatives.