

6-4-1890

Letter from the Secretary of the Interior.
Transmitting, in response to Senate resolution of
May 14, a communication from the Commissioner
of Indian Affairs, which contains a detailed
statement as to the facts alleged by the Pillager
Indians in relation to the non-fulfillment of the
Treaty of August 21, 1847

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Exec. Doc. No. 137, 51st Cong., 1st Sess. (1890)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to Senate resolution of May 14, a communication from the Commissioner of Indian Affairs, which contains a detailed statement as to the facts alleged by the Pillager Indians in relation to the non-fulfillment of the treaty of August 21, 1847.

JUNE 4, 1890.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, June 3, 1890.

SIR: I have the honor to acknowledge the receipt of Senate resolution, dated May 14, 1890, in the following words:

Resolved, That the Secretary of the Interior is hereby directed to examine into and report to the Senate, as soon as practicable, as to the facts alleged by the Pillager bands of the Chippewa Indians, in Minnesota, in which they claim that they were greatly damaged by the non-fulfillment of the treaty made at Leech Lake August 21, 1847, whereby they ceded to the United States over 700,000 acres of land for a nominal sum. The main consideration for said cession was the unfulfilled promise of the occupying of said tract by the Menomonee Indians, who were not only at peace with the Pillagers, but with the Sioux Indians. This occupying of the country between the belligerents was believed would eventuate in peace. (See H. R. Ex. Doc. 247, pages 18 and 125, Fifty-first Congress, first session; also, article 3 of treaty with Pillagers, August 21, 1847, revision of Indian treaties, page 212; article 3, treaty with Menomonees, October 18, 1847, revision of Indian treaties, page 485; article 3, treaty with Menomonees, May 12, 1854, revision of Indian treaties, page 488.)

In response thereto I have the honor to transmit herewith a copy of a communication of 31st ultimo, from the Commissioner of Indian Affairs, to whom the matter was referred, which contains a detailed statement as to the facts alleged by the Pillager Indians in relation to the non-fulfillment of the treaty of August 21, 1847.

Very respectfully,

JOHN W. NOBLE,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 31, 1890.

SIR: I have the honor to acknowledge the receipt by Department reference "for early report," of a resolution of the Senate of the United States of the 14th instant, as follows:

Resolved, That the Secretary of the Interior is hereby directed to examine into and report to the Senate, as soon as practicable, as to the facts alleged by the Pillager bands of the Chippewa Indians, in Minnesota, in which they claim that they were greatly damaged by the non-fulfillment of the treaty made at Leech Lake, August 21, 1847, whereby they ceded to the United States over 700,000 acres of land for a nominal sum. The main consideration for said cession was the unfulfilled promise of the occupancy of said tract by the Menomonee Indians, who were not only at peace with the Pillagers, but with the Sioux Indians. This occupancy of the country between the belligerents was believed would eventuate in peace. (See H. R. Ex. Doc. 247, pages 18 and 125, Fifty-first Congress, first session; also, article 3 of treaty with Pillagers, August 21, 1847, revision of Indian treaties, page 212; article 3, treaty with Menomonees, October 18, 1847, revision of Indian treaties, page 485; article 3, treaty with Menomonees, May 12, 1854, revision of Indian treaties, page 488.)

For a more detailed statement of the facts alleged by the Pillager band, the following is quoted from the report of the Commission, which recently negotiated agreements with the Chippewa Indians, in Minnesota (including the Pillager Band), under authority of the act of January 14, 1889 (25 Stats., 642), and which said report is cited in the Senate resolution, and, it is presumed, gave rise to the inquiries submitted by the Senate.

On the 21st of August, 1847, the Pillager Indians, at Leech Lake, Minnesota, ceded to the United States a tract of land bounded as follows:

Beginning at the south end of Otter Tail Lake; thence southerly on the boundary line between the Sioux and Chippewa Indians to Long Prairie River; thence up said river to Crow Wing River; thence up Crow Wing River to Leaf River; thence up Leaf River to the head of said river; and thence in a direct line to the place of the beginning.

This tract contains nearly 700,000 acres, and was sold to the Government for about \$15,000. The Pillagers parted with it, believing, as they were told, that it was for the occupancy of the Menomonee Indians, a tribe at peace with them, as well as with the Sioux. For generations a fierce war had raged between these two last-named tribes. The Pillagers believed that if the friendly Menomonees were between the belligerents peace might follow. By the treaty of October 18, 1848, the United States ceded to the Menomonees the above-described tract in exchange for all their lands in the State of Wisconsin.

The Menomonees, manifesting a great unwillingness to remove west of the Mississippi, by treaty dated May 12, 1854, ceded to United States the foregoing tract in exchange for a part of their old home in Wisconsin and the sum of \$242,686, for which the Pillagers received less than \$15,000. According to Indian reasoning the consideration stipulated was never paid; that is, the occupancy of said tract by the Menomonees, thus protecting them from the incursions of Sioux war parties.

The Pillagers, at the time of the cession, were told by the commissioners that the said tract would be held as Indian lands are usually held, and that their friends, the Menomonees, would occupy it. The commissioners were Isaac A. Verplank and Henry M. Rice. The Pillagers from the time that they heard that the tract was not to be occupied by the Menomonees, as stipulated, have to this day considered that they have been injuriously overreached. They have never ceased to complain of this, and never will until reparation shall be made. We can not too strongly urge that the Government cause this matter to be carefully investigated, and in some way allow the Pillagers what may be found to be in equity due them. Indians are not unreasonable when fairly dealt with, and as they are about starting out as citizens under this act, aid will be of greater benefit now than heretofore, and is more needful now than it can be at any future time.

Also the following from the minutes of the Council proceedings at Leech Lake, the home of the Pillagers, August 12, 1889.

STURGEON MANN. * * * My friend (addressing Mr. Rice), you did not think at the time that you gave us this paper I now hand you, that you should ever be a

commissioner to come among us. It was written nine years ago, for the purpose of aiding the redress of our grievances. Please read this paper, which, I suppose you gave us that in case anything should happen to you, the Pillagers could exhibit this to show how the matter really stood. We wish to keep that as a memento.

The paper handed Mr. Rice read as follows:

ST. PAUL October 4, 1880.

The following statement is made at the request of Flat Mouth, chief of the Pillager Indians:

In 1847, when the Pillager Indians, by treaty, sold to the United States the Leaf River country, for a nominal consideration, it was understood that the country ceded had been selected for the future residence of the Menomonee Indians, who were friendly to the Chippewas, and the country would remain Indian Territory. Not only this, but the Menomonees would form a barrier between the Pillager and Sioux Indians, who had for centuries been at war. The old men thought by having the region thus occupied peace would follow; hence their consent to yield to the request of the Government.

They were sadly disappointed, for after the ratification of the treaty other provisions were made for the Menomonees. The Leaf River country was thrown open to settlement, the game driven out, and the Pillagers exposed to all the evils that beset a frontier border. The country ceded contains about 1,000,000 acres; the price paid about 1½ cents per acre. The sale was positive. The Pillagers have no legal claim to the land, but morally have a claim upon the Government, which claim I hope may at some suitable time be acknowledged by giving to this poor band such aid as will improve its condition.

HENRY M. RICE,
One of the Commissioners.

Mr. RICE. In regard to the land that you loaned your Great Father forty-two years ago, all that you have said is true. It was understood between Flat Mouth and myself that that land was not to be used by the whites, but that it was for the use of the Menomonees. In 1855, when Flat Mouth went to Washington and made the last treaty, the question had not been decided that the Great Father would sell the land to the whites, consequently nothing to prevent it was done. Time passed on and the matter seemed forgotten. As I was the only one living who knew anything about it, and for fear that I might be taken away, that paper which has just been handed to me was given to Flat Mouth. And I believe I am the only white man living whose hand touched the pen to the paper authorizing the cession. The Commissioner who was with me died long ago, and I do not know that there is a witness connected with that paper who is now living. So I am left alone to receive all the blame that attaches to it, but I know that I am in the hands of my friends.

It was not long after Flat Mouth was in Washington that there came a change in the Administration, and then, or soon after, came the great war, when everything else was laid aside, and it has taken nearly all the time since to settle questions that were raised by the war, paying the great debt incurred, taking care of the four million blacks who were thrown upon our hands, of the widows and orphans of the soldiers killed in battle, and of the soldiers who were wounded during the war.

The foregoing will be sufficient to indicate the nature of the claim set up in behalf of the Chippewas.

Examination of the treaties cited in the Senate resolution, and of the records and files of this office, disclose the following facts:

By treaty of August 21, 1847 (9 Stats., p. 908), the Pillager band of Chippewas ceded to the United States a considerable tract of country, in Minnesota, described above and indicated approximately in red upon the map herewith inclosed.

The tract was estimated to contain about 700,000 acres.

It was stipulated in Article III of the treaty "that the country hereby ceded shall be held by United States as Indian land until otherwise ordered by the President."

The consideration agreed upon for this cession was an annuity in goods for five years, as per Article IV, which Mr. Rice, who was one of the Commissioners who negotiated the treaty, estimated at the time would cost the Government, in all, about \$11,000.

The object of this purchase appears to have been to secure a home for the Menomonee Indians, of Wisconsin, who, by a treaty subse-

quently made (9 Stats., p. 952), ceded all their lands in said State to the United States, with a view to removing to and settling upon the lands purchased from the Pillagers, and upon such portions of the adjacent lands (secured by a previous treaty with the Chippewas of the Mississippi and Lake Superior, for the Winnebago tribe of Indians) as might not be assigned to the Winnebagoes. See Article II, treaty with the Menomonees (9 Stats., p. 952).

The Winnebagoes had ceded their valuable lands in Iowa and agreed to remove to Minnesota, west of the Mississippi River.

The reason for locating the Winnebagoes upon the Chippewa lands in Minnesota, was that they would be interposed and be the means of preserving peace between the Sioux and the Chippewas, who were hereditary enemies, and engaged in frequent collisions, and between whom there was danger of serious difficulties and bloodshed. This and other considerations led this Department to acquire from the Chippewas a home for the Winnebagoes between the Sioux and the Chippewas, and to also place the Menomonees, who were friendly with the Chippewas, between the hostile tribes, and it was with this object in view that the lands between Long Prairie and Leaf River were purchased for the Menomonee or other Indians who might prefer a northern location. (Annual Report Indian Office for 1847, p. 739.)

As to the price paid to the Pillagers for their cession, it seems to have been about all that the Government thought it worth at that time.

In the instructions to the Commissioners who negotiated the purchase of the lands for the Winnebagoes this office said :

The lands are now unoccupied and unused by the Chippewas, and therefore comparatively valueless to them ; and they are of no importance to the Government except for a home for the Winnebagoes.

Considering the expenses to which the Government is subjected—surveying and disposing of lands purchased of Indians—10 cents per acre has been found to be a full price for those occupied by and valuable to Indians, and which are important for settlement and cultivation by a white population. In this view 5 cents per acre, at most, would, it is believed, have been a large price to offer for these lands. Mr. Rice, as agent for the Winnebagoes (by their own appointment) had offered the Chippewas, on his own responsibility, a little over 9 cents per acre, which proposition the Government refused to accept.

The instructions to the Commissioners went on to say :

* * * * *

There is another portion of country immediately joining that selected for the Winnebagoes, lying between Long Prairie and Leaf River, which it is also desirable to procure from the Chippewas for a home for the Menomonees in Wisconsin, or any other Indians who may hereafter prefer a northern location. It is estimated to contain 653,940 acres. It is of the same general description as that contemplated for the Winnebagoes, and probably of about the same value. (Letter book 39, p. 394.)

This latter tract is the one purchased from the Pillagers, and about which we are now specially concerned. The Commissioners were limited to 8 cents per acre in the amount they might offer to the Indians. The actual cost to the Government for the lands ceded by the Pillagers was \$18,000, or five annual installments, in goods, of the value of \$3,600 each, which amounted to less than 3 cents per acre,

Nothing was said in the treaty to bind the Government to settle the Menomonees upon the lands purchased. Indeed, the Commissioners were specially directed not to recite the object of the purchase in any treaty they might succeed in making, but I have no doubt, as the late Commissioners Rice, Marty, and Whiting say, the Pillagers were told that their friends the Menomonees would occupy the land. This was the declared object of the Government, and no doubt the Pillagers were so given to understand.

As to the value of the land purchased from the Pillagers, and the price given, I quote the following from the report of General I. A. Verplank, one of the Commissioners who negotiated the purchase:

I send herewith the treaty concluded at Fond du Lac, on the 2d of August last, and a treaty concluded with the Pillagers on the 21st of the same month. The two treaties embrace all the land I was instructed to purchase of the Chippewa Indians lying west of the Mississippi, except a small point on Otter Tail Lake. * * * By making an estimate of the amount to be paid to the Pillagers you will see that the whole tract has been obtained for a less sum than I was authorized to pay.

The lands purchased are the very best lands owned by the Chippewas, and are the lands on which they make the most of their sugar, and on which many of them make their winter hunts.

I have seen the Mississippi from Cass Lake to this place, and I hazard nothing in saying that the land from the Crow Wing to the Watab is the most desirable tract on the river.

The tract purchased, upon all I can learn, contains more acres than is supposed in my instructions.

Also the following from Mr. H. M. Rice, who was also a commissioner on the part of the Government in making said treaty:

The Pillagers were very anxious to receive money instead of goods, but when I saw their poverty I refused to make them an offer in money. The articles that they are now to receive will cost the Government about \$11,000, all told, and yet it will be of more service to the Indians than twice that amount in money. They are anxious to unite with the Red Lake, Cass Lake, and Lake Winnipie Indians and dispose of a large tract of their country, that all may receive annuities. A purchase can be made from these Indians for a moderate sum, and they held in check through their annuities. The Pillagers should receive some attention from the Government. They said that they did not receive much for the land sold—that they were numerous and poor and earnestly requested that presents to the amount of \$1,000 should be sent them next spring. This they will expect, although it is not promised. They are friendly to the United States, and if a little notice is taken of them they will never give our Government any trouble.

In the annual report of the Superintendent of Indian Affairs for Minnesota, Hon. Alexander Ramsey, for the year 1850, three years after the making of the treaty, says:

The Pillagers own in their own right a tract of country four hundred miles in area, interspersed with innumerable fresh water lakes, which abound in fish. The region has been well suited to their roving modes of life; but as the animals, which are valuable for food or furs have receded, the hunters seek their game upon the lands of the Sioux.

In 1847 they ceded by treaty about 600,000 acres of their best hunting-ground as a home for the Menomonees. For this they annually receive, for five years, a stated amount of goods averaging about \$3 per head. The insignificance of this annuity causes ill will among themselves, and dissatisfaction with the Government. They evidently misunderstand the terms of the treaty; and a feeling of distrust, even of hostility, is generating in their breasts towards the United States.

From the foregoing it would seem that the dissatisfaction on the part of the Pillagers began to be manifested before it was known that the Menomonees were not to occupy the lands ceded by them for that purpose. It was not until 1852 that it was finally decided that the Menomonees should remain in Wisconsin.

During that year Congress authorized their removal to a district of country on the Wolf and Oconto Rivers in said State (10 Stats., 47).

By the treaty of 1848 they were permitted to remain on the lands ceded by them in Wisconsin for the period of two years from the date of the treaty, and until they were notified by the President that the ceded lands were wanted by the Government. A delegation of the tribe visited the Chippewa country in 1850, and explored the lands purchased for them from the Pillagers. Previously dissatisfied with the treaty, they were now dissatisfied with the country assigned them, and were unwilling to remove thereto. The President, upon their urgent appeal,

allowed them to remain in Wisconsin two years beyond the period stipulated in the treaty, and finally, as we have seen, it was decided that they should remain in Wisconsin. Thus it was that the intention of the Government was thwarted in regard to placing the Menomonees upon the lands purchased from the Pillagers.

It may have been a great disappointment to the Pillagers, but their first complaint appears to have been on account of the small amount paid to them for the cession, and no doubt their dissatisfaction became greater when, in 1854, the Menomonees ceded back to the United States the lands purchased for them from the Pillagers (10 Stats., 1064).

It is well known that the Pillagers have always felt aggrieved on account of the bargain they made with the Government in 1847. The Northwest Indian Commission, of which Bishop Whipple, who has been their life-long friend, was a member, referred to the matter in the report of their negotiations with the Pillagers in 1886, as follows:

The Leech Lake Indians complain that in 1847 they ceded a large tract of land for the settlement thereon of a certain friendly tribe of Indians, in order that they might serve as a protection against the hostile Sioux; that having this object solely in view they sold the land for a nominal sum, about 1½ cents per acre; that, although the treaty expressly declared the object to be as above stated, no Indians were ever removed to the ceded land, but, under a clause in the treaty, of which they were wholly ignorant, it was opened to white settlement.

Other Indians claim that some of the provisions of the treaty of 1855 and other treaties have never been fulfilled.

We promised the Leech Lake Indians that we would make mention of their grievance in our report and ask the Indian Department to examine into the matter. The Indians think they are entitled to some further remuneration for the lands ceded at the time mentioned.

I am not prepared to say whether the Pillagers are entitled in equity to additional remuneration for the lands ceded by them in 1847 or not. The transaction took place more than forty years ago, and the records of the office do not disclose anything material to the question beyond what is here stated. But if Congress, in its generosity, should see fit to give the Pillagers something to quiet their claim, as set forth in the Senate resolution, it would be alike gratifying to this office and the friends of the Indians, through whom the matter has been called to the attention of the Senate.

I return the Senate resolution and inclose a copy of this report.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

