

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

5-14-1840

Letter from the Secretary of War, transmitting the information required by the resolution of the House of Representatives of the 23d of March last, respecting the progress which has been made in effecting a treaty with the Wyandot Indians, for the purchase of their lands in Crawford County, &c., &c..

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



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

Recommended Citation

H.R. Doc. No. 205, 26th Cong., 1st Sess. (1840)

This House 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 Law-LibraryDigitalCommons@ou.edu.

WYANDOT INDIANS.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

The information required by the resolution of the House of Representatives of the 23d of March last, respecting the progress which has been made in effecting a treaty with the Wyandot Indians, for the purchase of their lands in Crawford county, &c., &c.

MAY 15, 1840.

Referred to the Committee on Indian Affairs, and ordered to be printed.

WAR DEPARTMENT, *May 14, 1840.*

SIR: In reply to the resolution of the House of Representatives of the 23d of March last, "that the Secretary of War be directed to communicate to this House all the information in the possession of the War Department relating to the progress, if any, that has been made by Government in effecting a treaty with the Wyandot tribe of Indians, for the purchase of their lands in Crawford county, Ohio, and their ultimate removal west of the Mississippi river; and whether a further appropriation will not be required to effect that object," I have the honor to transmit herewith a report from the Commissioner of Indian Affairs, which exhibits the present state of the negotiation with those Indians.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. R. M. T. HUNTER,

Speaker of the House of Representatives.

WAR DEPARTMENT,
Office Indian Affairs, May 13, 1840.

SIR: The resolution of the House of Representatives of the 23d of March last, which has been referred to this office for a report, directs the Secretary of War to communicate "all the information in the possession of the War Department relating to the progress, if any, that has been made by Government in effecting a treaty with the Wyandot tribe of Indians, for the

purchase of their lands in Crawford county, Ohio, and their ultimate removal west of the Mississippi river; and whether a further appropriation will not be required to effect that object."

By the treaty of 1836, the Wyandots ceded to the United States several small tracts of land in Ohio, amounting in all to about 39,200 acres; reducing their possessions in that State to a tract of about fourteen miles long by twelve in width, which is represented to be generally fertile, and is watered by the Sandusky, and situated nearly in the centre of Crawford county, sixty-five miles north of Columbus, and fifty-five miles south of the southern boundary of Lake Erie. A negotiation was opened in 1837 for the cession of this tract, the act of 3d March of that year having appropriated \$1,000 for defraying the expenses. Messrs. H. C. Brish and Joseph McCutchen, of Ohio, were appointed to conduct the negotiation, and authorized to treat with a part of the tribe for their proportion of the lands, if the whole were not willing to emigrate. They were instructed to say to the Indians that the United States would give them the entire net proceeds of their lands, deducting the expenses of the survey and sale, and a reasonable equivalent for other lands south of the Missouri, to be assigned them by the President, they removing themselves; or, that the United States would purchase their land at a sum not exceeding a dollar and a quarter per acre, give them other lands of sufficient extent and accommodation, remove them, and subsist them for twelve months, and supply them with rifles, ammunition, blankets, and other articles, according to the treaties made with the other tribes in Ohio, in 1831; the country for their new residence to be selected under the direction of the President; a part of the consideration for their land to be applied to the erection of school-houses, mills, and smiths' shops, the support of teachers, millers, smiths, farmers, &c.; the residue to be invested in public stocks, and the interest paid to them annually, until, in the opinion of the President, it might be proper to place the principal at their disposal. That, if the Wyandots chose to take the entire net proceeds, they would be applied and invested in the same manner, after deducting the expenses of survey and sale, removal, and the cost of a new country. Under these instructions, they held several councils with the Wyandots, and on the 6th of August forwarded to this office the sketch of a treaty, to which they stated they had already obtained the signatures of about fifty of the tribe; making, with their families, about one hundred and fifty in number, all rightful owners of the reservation; they at the same time expressed a strong hope that they would be able to effect a treaty with the whole tribe. On the day before the receipt of this communication, a protest, impeaching the correctness of the proceedings of the commissioners, was received from the head chief and councillors of the tribe. The treaty draughted by them gave the Indians nearly the whole proceeds of the lands they relinquished, and the same quantity of land besides—they paying nothing for the latter. It also stipulated for the cession of a tract which was ceded by the treaty of 1836. These considerations induced the department to withhold its sanction to the instrument; and the commissioners were so advised on the 31st of August. On the same day a communication was addressed to N. H. Swayne, Esq., of Columbus, Ohio, transmitting a copy of the charges against Messrs. Brish and McCutchen, and requesting him to investigate and report the facts. As difficulty in determining what persons had an actual interest in the lands was apprehended, (a greater part having been reserved by the treaty of 1817, and the supplement of 1818,

for the use of certain individual Indians named in the schedule attached to the former, and to their heirs,) it was determined to associate this gentleman with the commissioners, to secure the aid of his legal knowledge in ascertaining the true parties. Instructions were accordingly immediately transmitted to the three gentlemen, with a draught of a treaty which they were authorized to sign on the part of the United States, if acceded to by the Indians. This project secured to the tribe a tract of country southwest of the Missouri, equal in quantity to that ceded, and provided for the investment of nearly the whole of the net proceeds of the lands ceded, (deducting only the cost of removal and subsistence for one year, of valuing their improvements and chattel property, of the survey of the cession, and of the erection of mills and a blacksmith's shop,) and the payment of the interest annually to them. Mr. Swayne's report of the result of his investigation of the charges was received on the 12th of April, 1838, and entirely exonerated both of the gentlemen implicated. He at the same time advised this office that about one-half the Wyandots were desirous to emigrate; that the residue wished to get their share of the lands in severalty, and become citizens of Ohio; and that he thought a treaty could be made with a large number, without difficulty, on the terms set forth in the form furnished by this office. The appropriation applicable to the expenses of the negotiation had, however, then been exhausted, and the department was compelled to terminate the commission.

The act of the 7th of July, 1838, having appropriated \$1,500 for the continuation of the negotiation, a letter was addressed, on the 24th of that month, to Hon. W. H. Hunter and Mr. Swayne, requesting them to undertake the duty. The constitutional objection to the appointment of Mr. Hunter, who then held a seat in the House of Representatives of the United States, was at this time overlooked, but, having been afterwards observed, he was discontinued as commissioner. On the 11th of October, 1838, more particular instructions were given to Mr. Swayne, and another project of a treaty sent to him, exhibiting the general character of the provisions deemed admissible. Nothing having been heard from Mr. Swayne, up to the 3d of April, 1839, upon the subject, he was advised on that day that his appointment would be considered as terminated from the date of the reception of that notice; and Mr. Hunter, who was then free to accept the trust, was immediately appointed to hold the treaty. The efforts of this gentleman, it would appear from his reports, have been unremitting, and, it is hoped, will be successful. Two exploring parties of Wyandots have, during the past season, visited the territory west, under his guidance; their expenses having been defrayed out of their own funds. They were tolerably well pleased with the tract on which it was designed to locate them, but expressed a strong preference for another, which the Shawnees and Delawares, who own it, offered to sell to the United States for them. The commissioner was of opinion that, if this tract could be procured, there would be little difficulty in concluding a treaty; and was, therefore, instructed to make the purchase by treaty, subject to the ratification of the President and Senate, and dependent on the condition that the Wyandots will accept it. He accordingly, on the 18th of December last, concluded a treaty upon these terms with the Shawnees, by which they ceded a tract of about 58,000 acres, at the price of \$1 50 per acre. As the Delawares refused to sell at a less price than \$5 per acre, no purchase was made from them. It is thought that the land ceded by the Shawnees will be amply sufficient for

the present. This treaty was laid before the Senate by the President, on the 19th of March last; but this office has not yet been advised of any action had upon it by that body.

Until a decision is made in respect to this purchase, the operations with the Wyandots must, of course, be suspended; for upon it depends, probably, the fate of the negotiation. Should it be ratified, there is every prospect of an early treaty with, and removal of, these Indians. For this reason, and because the funds at the disposal of this office for this purpose are nearly exhausted, the commissioner has been directed not to proceed until the receipt of further instructions.

If the treaty with the Shawnees is ratified, and it is concluded to continue the negotiation with the Wyandots, (the entire suspension of which at the present time would be much regretted,) a further appropriation of funds will be necessary. The sum of \$2,000 would, doubtless, be sufficient for the purpose.

Very respectfully, your most obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. R. POINSETT,
Secretary of War.