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..
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.

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 re-
moval 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; reduc-
ing 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 appropriat-
ed $1,000 for defraying the expenses. Messrs. H. C. Brish and Joseph
 McCutchen, of Ohio, were appointed to conduct the negotiation, and author-
ized 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 reasona-
able 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, ammu-
nition, 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 considera-
tion 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 an-
nually, 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 commissio-
ers, was received from the head chief and councillors of the tribe. The treaty
drafted 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 de-
partment to withhold its sanction to the instrument; and the commissioners
were so advised on the 31st of August. On the same day a communica-
tion was addressed to N. H. Swayne, Esq., of Columbus, Ohio, transmis-
sing 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 ascert-
taining the true parties. Instructions were accordingly immediately trans-
mitted 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 In-
dians. 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 improve-
ments 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 resi-
due 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, how-
ever, 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 under-
take 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 deem-
ed 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 ap-
pointment 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 ac-
cordingly, 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.