

REMOVAL OF THE WINNEBAGO INDIANS.

MAY 9, 1842.

Committed to the Committee of the Whole House on the state of the Union.

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

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial of the Legislative Assembly of the Territory of Iowa, respectfully report:

The memorialists pray that the Winnebago tribe of Indians may be removed from their location on the "neutral ground," with a view to their permanent future residence on some more suitable district of country. The reasons which the memorialists offer are—

1st. That the Indians located on this neutral tract are dissatisfied with their situation, amongst other reasons, on account of the contracted limits of their hunting grounds.

2d. The Sac and Fox tribes of Indians, situated between the borders of Iowa Territory and the "neutral ground," complain of the use to which it has been appropriated, contrary to the treaty, and the object for which that tract of country was ceded to the United States; that object having been, in a good degree, prevented by the location of the Winnebago Indians on it.

3d. The Sioux to the north of this tract and the Sacs to the west of it, complain in the same manner, and upon the same grounds as the Sacs and Foxes.

4th. The whole of these contiguous tribes are threatening to remove the Winnebagoes by force, if they do not leave peaceably.

5th. It appears to be the understanding of the Sac, Fox, and Sioux tribes of Indians, that the "neutral ground" was ceded and intended to be a line of perpetual separation between them.

6th. Because, if the present difficulties should result in war amongst those tribes, it must spread itself, to the injury and safety of the people of that Territory.

Your committee would remark, that the leading feature observed in the policy of the United States Government towards the Indian tribes has been one of humanity. Whilst, in all negotiations with them for their possessory right of territory, they have been deemed and treated as independent nations, yet at the same time it has been necessary, in many respects, to consider and treat them as pupils and wards. That guardianship which has been extended over them was intended to be one altogether humane and protective in its character. In looking into the various treaties which have, from time to time, been made with the above-men-

tioned and other tribes of Indians, we shall find the policy above alluded to fully disclosed.

The frequent wars amongst these Indians, and the consequences resulting, induced the United States Government to enter into a general treaty with a considerable number of the Western and Northwestern tribes, in order to define their several territorial limits and boundaries. It was supposed that if this was done, and some obligation imposed upon them to confine themselves to these limits, one great cause of collision and angry difference would thereby be removed. Accordingly, a large number of these tribes met the commissioners of the United States, at Prairie du Chien, on the 19th August, 1825, and entered into a treaty, defining their territorial boundaries and limits, as before mentioned. The preamble to that treaty asserts the policy and the objects of the United States in thus treating with them, and is as follows :

“The United States of America have seen, with much regret, that wars have, for many years, been carried on between the Sioux and Chippewas, and more recently between the confederated tribes of Sacs and Foxes and the Sioux, and also between the Iowas and Sioux, which, if not terminated, may extend to the other tribes, and involve the Indians upon the Missouri, Mississippi, and the lakes, in general hostility. In order, therefore, to promote peace among these tribes, and to establish boundaries among them and the other tribes who live in the vicinity, and thereby to remove all causes of further difficulty, the United States have invited the Chippewa, Sac and Fox,” &c.

By this treaty, the boundaries within which various tribes of Indians were to confine themselves were established, and, amongst others, a line dividing the territory of the Sioux and the confederated tribes of Sacs and Foxes was also established. It was found, however, that the existence of this line, though clearly marked and defined, did not altogether allay the collisions between those tribes, which its establishment was intended and expected to prevent. The Government, intent, however, in carrying out its humane policy, again met these last-mentioned tribes on the 15th July, 1830, for the purpose of treating with them. The 2d article of the treaty then entered into is as follows :

“The confederated tribes of the Sacs and Foxes cede and relinquish to the United States, forever, a tract of country twenty miles in width, from the Mississippi to the Des Moines, situate south and adjoining the line between the said confederated tribes of Sacs and Foxes and the Sioux, as established by the second article of the treaty of Prairie du Chien, of the 19th of August, 1825.”

And the 3d article is as follows :

“The Medawah-kanton, Wah-pa-coota, Wah-petou, and Sisseton bands of Sioux, cede and relinquish to the United States, forever, a tract of country twenty miles in width, from the Mississippi to the Des Moines river; situate north and adjoining the line mentioned in the preceding article.”

And thus was established what was known, then and since, as the “NEUTRAL GROUND,” being a tract of country forty miles wide, and running from the Mississippi to the Des Moines river, a distance of some 160 miles or more, and entirely separating the territory of the Sioux from that of the Sacs and Foxes. And the main object sought by the treaty, being peace between these tribes, seems to have been well attained by the establishment of the “neutral ground.” This policy was certainly wise and

humane; and there is no reason to doubt its entire success, had not the United States Government itself, in placing a strange tribe upon this neutral tract, and in such a relation to the tribes north and south of it as to be a perpetual cause of irritation and dislike.

At the termination of the Black Hawk war, the United States, by the treaty of Rock Island, in 1832, ceded to the Winnebago tribe of Indians a large portion of this tract, known as the "neutral ground." This, it is insisted by the Sioux and the Sacs and Foxes, was, on the part of the United States, a violation of the treaty by which these lands were ceded, and a departure from the uses and purposes to which that tract of country had been allotted.

Whether this is or is not a just construction of the treaty of 1830, it is not now very material to inquire. Certain it is, however, that the Indians so understood it, and ceded their lands, as they say, with that view and that understanding. The reasonableness of this construction is supported by the acknowledged objects to be attained by the establishment of the "neutral ground," as a broad line of separation between these hostile tribes. The conclusion of the first article of the treaty alluded to, taken in connexion with the policy and purposes to be established by it, is not properly susceptible of any other interpretation, than such as the Indians understood it to mean, and have placed upon it.

That portion of the article of the treaty is as follows :

"But it is understood that the lands ceded and relinquished by this treaty are to be assigned and allotted, under the direction of the President of the United States, *to the tribes now living thereon*, or to such other tribes as the President may locate thereon, for *hunting* and other purposes."

It would seem, from this, that the President had no right to assign these lands to any but those "*tribes now living thereon*," or to any other tribe, than for the mere *temporary* purpose of "*hunting*," or other purposes of a like *temporary* nature. It is clear that no other purpose could have been contemplated, because a contrary construction would entirely defeat the humane objects and intentions of the treaty, and all the benefits and advantages sought to be attained by it.

Your committee, therefore, recommend a speedy removal of the Winnebagoes from this "neutral ground," to some place where they may enjoy the exercise of their peculiar habits and customs in greater peace and safety. Humanity to the Winnebagoes, and justice and good faith towards the Sioux and Sacs and Foxes, as well as the due administration of the policy of protection and safety to the citizens of Iowa, alike demand the execution of the measure recommended by your committee. They therefore recommend the adoption of the following resolution :

Resolved, That it is the opinion of this committee that the Winnebago tribe of Indians should be removed from their present location as soon as a treaty with them for that purpose can be negotiated; and it is recommended that the sum of \$5,000 be appropriated for the purpose of holding such treaty.

HOUSE OF REPRESENTATIVES,

February 16, 1842.

SIR: I have been directed by the Committee on Indian Affairs, of which I am a member, to call your attention to the enclosed report, and to ask you to state what, in your opinion, would be the probable amount necessary to hold a treaty with the Winnebagoes, as suggested by the resolution appended to that report. As the removal of those Indians from the "neutral ground," in the manner and for the reasons indicated in that report, is a matter of vital importance, not only to the Indians themselves, but to the people of Iowa, I am instructed also to ask you to make any suggestions for the consideration of the committee which you may deem pertinent to the subject. I submit, herewith, a map sketch of the territory embracing the "neutral ground," showing the relative positions of the tribes mentioned in the report. Your early attention to this subject is most respectfully requested.

I am, with very great respect, your obedient servant,

W. A. HARRIS.

HON. JOHN C. SPENCER,
Secretary of War.

WAR DEPARTMENT, April 23, 1842.

SIR: Your letter of the 16th of February, enclosing a report of the Committee on Indian Affairs, was referred to the Commissioner of Indian Affairs, and I now transmit, herewith, his report, just received. I concur generally in the views of the Commissioner, and believe the amount of his estimate will be required for the objects contemplated. The papers referred by the committee are returned herewith.

Very respectfully, your obedient servant,

J. C. SPENCER.

HON. WM. A. HARRIS,
Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF WAR,

Office Indian Affairs, April 21, 1842.

SIR: In conformity with your directions, I have the honor to report on the letter to you of 16th February last, from the Hon. W. A. Harris, a member of the Committee on Indian Affairs of the House of Representatives of the United States, accompanied by the draught of a report proposed to be made by that committee, on a memorial of the Legislative Assembly of the Territory of Iowa.

"The memorialists pray that the Winnebago Indians may be removed from their location on the 'neutral ground,' with a view to their future permanent residence in some more suitable district of country," for which (as set forth in the report) these reasons are assigned: 1st. That these Indians are dissatisfied with their location, chiefly because of the contracted limits of their hunting grounds; 2d. That the Sac and Fox Indians complain of the use to which the neutral ground has been appropriated, con-

trary to the treaty and the object of the cession; 3d. That the same complaint is made by the Sioux; 4th. That these tribes are threatening to remove the Winnebagoes forcibly, if they are not placed elsewhere; 5th. That the neutral ground was, in the understanding of the Sioux and the Sacs and Foxes, intended as a perpetual separation between them; and 6th. That if "present difficulties should result in war amongst these tribes, it must spread itself, to the injury" of the citizens of Iowa.

The Department feels a strong anxiety to effect a treaty with the Winnebago Indians, and last autumn some of their chiefs were conferred with informally, in reference to the cession of that part of the neutral ground granted to them, but they refused peremptorily to accede to the wishes of the Government. There is reason, notwithstanding, to hope that we shall be able to effect a negotiation, at the proper season, that will be satisfactory to them and to us.

The report of the committee recites, correctly, the provisions of the different treaties to which they refer. The treaty of 1832 gave to the Winnebagoes, in exchange for the land they ceded by that instrument to the United States, a part of the neutral ground, extending from the Mississippi to the eastern branch of the Red Cedar creek, of which the Indians, by the 2d article of the treaty of 1st November, 1837, relinquished "the right to occupy, except for the purpose of hunting," twenty miles immediately west of the Mississippi. By the 3d article they agreed to remove, within eight months, &c., to that portion of the neutral ground conveyed to them by the treaty of 1832—the United States agreeing "that the said Indians may hunt upon the western part of said neutral ground until they shall procure a permanent settlement." The ground that they hold under the treaty is bounded by a line drawn from a point 20 miles distant from the Mississippi, on the southern boundary of the neutral ground, to a point equally distant from that river, on the northern limit of the tract on the east, and the eastern branch of the Cedar creek on the west, with a right to hunt on the whole of it.

The reasons assigned for treating with them immediately are: 1st. That the Winnebagoes are not content to go to or to remain on the neutral ground, and of this we have had unpleasant experience; but I have not understood it to be from dissatisfaction with the contracted limits of the district, so much as from disinclination to leave their old haunts in Wisconsin; and I attribute it as much to the malign influence of white men, who find their interest in dealing with these unfortunate beings, and too often in ardent spirits.

The 2d, 3d, 4th, and 5th reasons are substantially the same. The name "neutral ground," the shape of it, and its location, certainly support the allegation that it was intended as a barrier between the two tribes that ceded it; but I respectfully submit, that there is no limitation or restriction upon the use of it expressed in the treaty, though there is the implied one that the Government of the United States would not apply it to any purpose inconsistent with the object of the grant. The clause to which the committee refer, and which runs thus, "But it is understood that the lands ceded and relinquished by this treaty are to be assigned and allotted, under the direction of the President of the United States, to the tribes now living thereon, or to such other tribes as the President may locate thereon, for hunting and other purposes," is to be found in the first article, and it is believed relates particularly to the large body of land west of the neutral

ground, on the Missouri, ceded by that article, five millions of acres of which were granted to the united band of Chippewas, Ottowas; and Potawatomes, by the treaty of Chicago. It is in immediate connexion with this, the principal cession; and although the expression is loose, "the lands ceded," &c., yet it could scarcely be applicable to the neutral ground in consistence with the grant; for to place upon it the Sioux and Sacs and Foxes would bring into immediate contact the tribes that the cession of these strips of land is supposed to have intended to separate. If, however, I should be even mistaken in this construction, the restriction does not prohibit the use that has been made of this land. The President has, by the express terms of the limitation itself, the right to place upon the neutral ground any Indian tribe, for hunting "and other purposes." Any fair purpose which did not defeat the design of the parties was not against but authorized by the contract; and such a one existed in the ceding a part of this tract to the Winnebagoes, and locating them upon it "until they shall procure a more permanent settlement."

I do not perceive how the occupancy, by the Winnebagoes, of this barrier between the Sioux and Sacs and Foxes interferes with the object of its establishment. The hostile tribes are not the less separated, but rather the more, by the interposition of a third people between them. I am not, therefore, of opinion that the United States has violated its faith with the Sioux, or Sacs and Foxes, in this particular. They have doubtless so alleged, and some hostile passes have taken place between each of them and the Winnebagoes; but, according to my information, there is no dissatisfaction at present on that score, nor have I heard that they, or either of them, have threatened to expel the Winnebagoes, if they are not removed from it.

The 6th reason is well founded, on the supposition that hostilities among the Indians will break out. There is no reason at present to apprehend such a calamity; and as little that it will arise out of the Winnebago occupancy of the neutral ground as from any other cause.

Having, according to what I understood to be your instructions, made the foregoing remarks, I must not be understood as conveying the idea that a treaty with the Winnebagoes and their removal from the neutral ground are not advisable. The contrary is my opinion; but it should, in my judgment, be done in reference to other projects, forming, as it and they do, parts of a general line of policy.

It has been the intention of the Department to establish a Northern Indian Territory. The region deemed most advisable for this purpose is Sioux land, for the cession of which a treaty was negotiated with them last year by Governor Doty, on behalf of the United States, which is now before the Senate for their constitutional action. The acquisition of this land is indispensable to the establishment of this Northern settlement. The Winnebagoes and other Indian tribes in that section of country are averse to going southwest of the Missouri; and the future course of the Department will depend materially upon the decision of the Senate.

The great object is, while the country shall be opened to settlement and improvement by our own citizens, to benefit the Indians. This we cannot hope to do, by the exercise of a humane and guardian care over them, while their lives are wandering, idle, and predatory, subject as they are, in addition to all these disadvantages, to the still more deteriorating influence of white intercourse and illicit trade, which every effort seems to be ineffect-

ual to control and prevent. Among the tribes most pressed by misfortune and their own improvidence are the Winnebagoes. They are in a position understood to be but temporary when it was provided; they linger about the banks of the Mississippi, from which, having the right to hunt up to it, it is difficult to remove them. Here ardent spirits are carried across the stream to them or by themselves; and their condition is wretched, and growing worse. Until they are permanently settled, and the entire control of them is in the hands of Government agents, it cannot be expected that they will be improved, or their downward course even stayed. This, with the desire of the citizens of Iowa for their removal, constitute the reasons for treating with them, in my view; and I think them good ones.

There must be every wish to comply with the request of the Legislature of Iowa, more especially as it appears to have been favorably considered by the Committee on Indian Affairs of the House of Representatives. The reasons for prompt action, as concerns the Territory of Iowa, do not, I confess, strike me as being so forcible as those which belong particularly to the distressed condition of the Winnebagoes. By looking at the map, it will be seen that the Sacs and Foxes occupy a very large and fertile tract of country, stretching from the northern line of Missouri to the neutral ground, and containing, by estimation, 10,000,000 acres, while the latter contains but 4,121,600 acres, more or less, (of which the Winnebagoes own about 1,500,000,) and is north of the Sac and Fox country, which it may be not unreasonably concluded will be settled first. The latter ceded, the former would follow; both will at a proper time engage the anxious attention, as they have already done, of the Government. Neither, in my opinion, ought to be undertaken again until the great question of the Northern settlement shall be settled by the decision of the Senate on the Sioux treaty. If that should be unfavorable, difficulties will be multiplied, if they do not become insuperable.

In complying with the request of the committee, that you would state the probable amount that would be required to defray the expenses of holding a treaty with the Winnebagoes, I would suggest the propriety of embodying in one appropriation the sums that would be necessary for treating with the Sacs and Foxes and Winnebagoes, and the sum that will be required, in addition to that (\$5,000) already appropriated by act of 3d March, 1841, for treating with the Indian tribes for the extinguishment of their titles to the lands within the limits of the State of Michigan.

For treating with the Sacs and Foxes	-	-	-	-	\$5,000
For treating with the Winnebagoes	-	-	-	-	5,000
For treating with the Michigan Indians, in addition to appropriation of 3d March, 1841	-	-	-	-	3,000
					<u>13,000</u>

Very respectfully, your obedient servant,

T. HARTLEY CRAWFORD.

Hon. J. C. SPENCER,
Secretary of War.