

93
.M25
copy 2

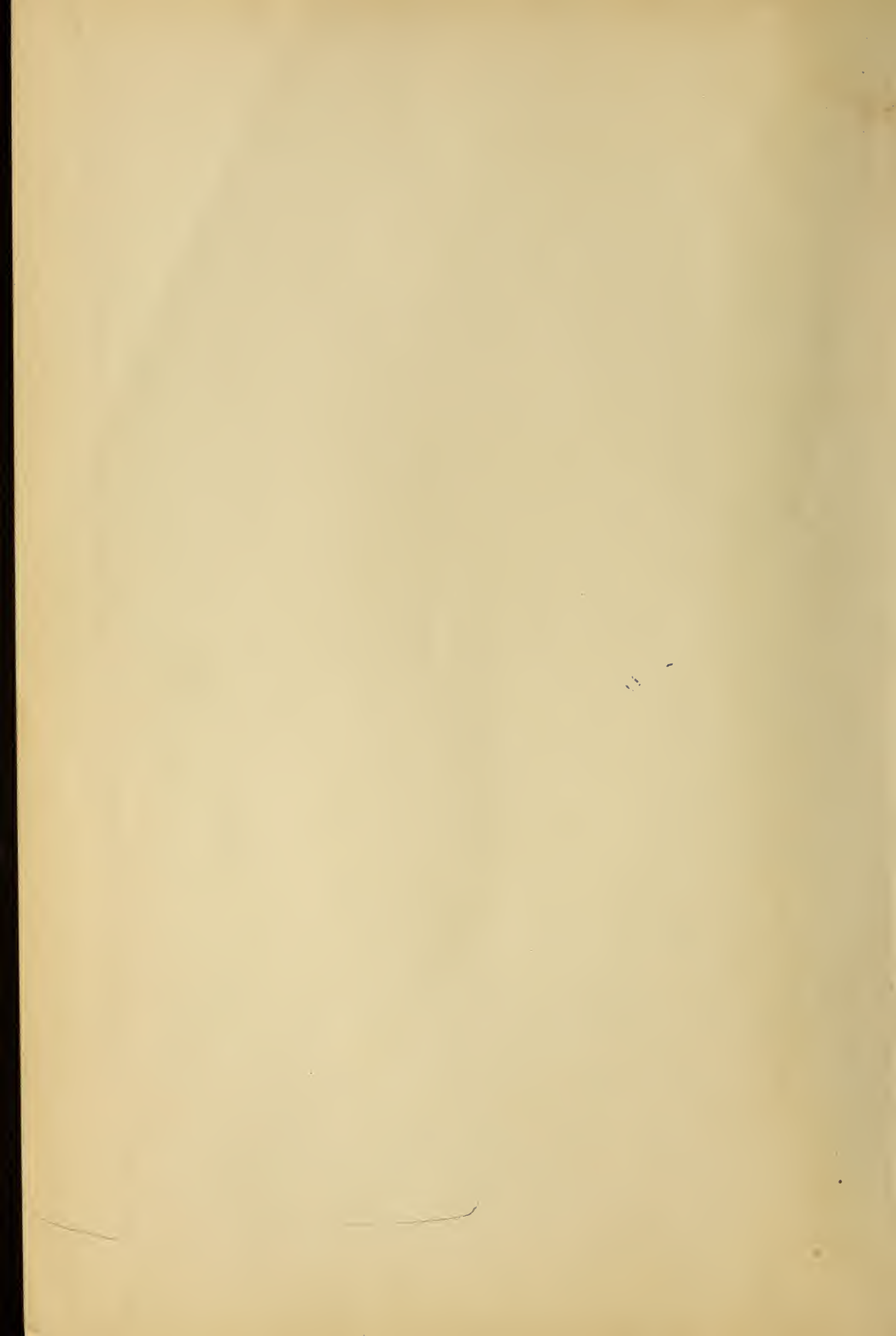


Class E 93

Book M 25

Copyright N^o Copy 2

COPYRIGHT DEPOSIT.



BULLETIN OF THE UNIVERSITY OF KANSAS

Vol. XXII

November 1, 1921

No. 17

Published semi-monthly from January to June and monthly from July to
December, inclusive, by the University of Kansas

HUMANISTIC STUDIES

Vol. II, No. 3

INDIAN POLICY AND WESTWARD EXPANSION

BY

JAMES C. MALIN, PH. D.

*Assistant Professor of History
The University of Kansas*

LAWRENCE, NOVEMBER, 1921

Entered as second-class matter December 29, 1910, at the postoffice at
Lawrence, Kansas, under the act of July 16, 1894

2531
4505

122

THE UNIVERSITY OF KANSAS

COMMITTEE ON HUMANISTIC STUDIES

FRANK HEYWOOD HODDER

EDWIN MORTIMER HOPKINS

FRANK WILSON BLACKMAR

ARTHUR TAPPAN WALKER

SELDEN LINCOLN WHITCOMB, *Editor*

The University of Kansas Humanistic Studies are offered in exchange for similar publications by learned societies and by universities and other academic institutions. All inquiries and all matter sent in exchange should be addressed to the Library of the University of Kansas, Lawrence, Kansas.

Volume I

Number 1. *Studies in the Work of Colley Cibber*, by DeWitt C. Croissant. October, 1912. Seventy pages. Fifty cents.

Number 2. *Studies in Bergson's Philosophy*, by Arthur Mitchell. January, 1914. One hundred and fifteen pages. Seventy-five cents.

Number 3. *Browning and Italian Art and Artists*, by Pearl Hogrefe. May, 1914. Seventy-seven pages. Fifty cents.

Number 4. *The Semantics of -mentum, -bulum, and -culum*, by Edmund D. Cressman. January, 1915. Fifty-six pages. Fifty cents.

Volume II

Number 1. *Oriental Diction and Theme in English Verse, 1740-1840*, by Edna Osborne. May, 1916. One hundred and forty-one pages. Seventy-five cents.

Number 2. *The Land Credit Problem*, by George E. Putnam. December, 1916. One hundred and seven pages. Seventy-five cents.

Number 3. *Indian Policy and Westward Expansion*, by James C. Malin. November, 1921. One hundred and eight pages. One dollar.

BULLETIN OF THE UNIVERSITY OF KANSAS HUMANISTIC STUDIES

Vol. II

November, 1921

No. 3

Indian Policy and Westward Expansion, by James C. Malin
One Dollar

BULLETIN OF THE UNIVERSITY OF KANSAS [v. 22, no. 3]
HUMANISTIC STUDIES

Vol. II ✓

November 1, 1921 ✓

No. 3 ✓

INDIAN POLICY AND WESTWARD
EXPANSION

BY

JAMES C. MALIN, PH. D.

*Assistant Professor of History
The University of Kansas*

LAWRENCE, NOVEMBER, 1921
PUBLISHED BY THE UNIVERSITY

monograph

E93
M25
Copy 2

COPYRIGHT 1922
BY
JAMES C. MALIN

© C1A655904 ✓

JAN 18 1922

ms 2

To the Memory
of
My Mother

PREFACE

This monograph is the outgrowth of a study of the life of David R. Atchison. Mr. Atchison was for some time chairman of the Senate Committee on Indian Affairs and the investigation of his activity on that committee led to a study of Indian policy in the Trans-Mississippi Valley and its relation to the westward movement. This latter problem, begun as a phase of Atchison's career in the Senate, developed into one that is larger and more significant than the original subject. The story here told is the history of the Indian policy up to the passage of the Kansas-Nebraska Act in 1854. It is written as concisely as possible to bring out the main thesis into clear relief.

This history of Indian policy is of decided importance in the general history of the United States in the pre-Civil War period, but is of special importance in any attempt to write the history of the West. The purchase and conquest, exploration, fur trade, Indian wars, the Pacific railroad project, the extension of the frontier, schemes for the civilization of the Indians, etc., are topics in Western history which are more or less unrelated in the form in which they have usually been treated. Indian policy and its relation to westward expansion now furnish a frame-work upon which the history of the Trans-Mississippi Valley before the Civil War may be written. The period is given a unity otherwise impossible and a foundation is laid upon which to base an interpretation. The fact stands out clearly that the early history of the Trans-Mississippi Valley is essentially the history of the relation between the Indian and the advancing frontier placed in proper perspective with all the other related problems. Thus, it becomes a distinctly new chapter in the history of the West.

The period since 1854 presents a markedly different aspect. The dominant theme in the earlier period is Indian policy, while in the latter it is the expansion of the frontier, the settlement of the Middle West. Here has been produced

a white civilization which has taken the place of the Indian. In the process of its evolution it grew with much greater rapidity than the Indian receded, until it has almost completely absorbed the remaining remnants of the Indians and their special problems. The result has been the creation of a new spirit, a new viewpoint or attitude of mind, something distinct in itself, which is recognized as "Middle West." I hope later to present the history of this phase of the Indian problem in another study.

I wish to acknowledge my indebtedness to Professor Frank H. Hodder, who has been friend as well as teacher, and that, when friendship has been of more value than any instruction could have been. Professor Frank E. Melvin has made helpful criticism and suggestion. My wife has given invaluable aid in the revision and typing of the manuscript and in reading the proof.

JAMES C. MALIN.

1333 Ohio Street,
Lawrence, Kansas.

CONTENTS

INTRODUCTION

Position of the Indian Country—Time during which problem developed—Factors determining Indian policy: Settlement of the Pacific Coast, Transcontinental lines of communication and transportation, Westward expansion in the Trans-Mississippi Valley, Changed condition and civilization of the Indians—Three phases in the development of the problem.

Part One

CONSOLIDATION OF THE INDIANS IN THE SOUTHWEST, 1830-40

Relation Between Geography, Expansion, and Reloca- tion of the Indians.....15

Original grouping—Expansion across mountains into Mississippi Valley, first wedge, 1770-1830—General removal west of the Mississippi River, the spreading of the wedge, 1815-40—Expansion up the Missouri Valley, 1815-35—Relocation of western Indians in Indian Country, the spreading of the wedge, 1830-55.

Removal of the Indians West of the Mississippi River; First Phase.....16

Act of 1830—General principles of Indian Policy—Cass's seven point program—Commission of 1832—Legislative program of 1834—Execution of Cass program—Organization of the Indian Department—Administrative regulations of 1834.

Consolidation of the Indians in the Southwest; Sec- ond Phase.....23

Growth of the idea—Consolidation in the Southwest and plans for an Indian State—Indian Department and relocations to 1840—Commissioner Crawford's report of 1840 and tendencies in westward expansion—Reasons for selection of the Southwest for Indian relocations.

Part Two

FACTORS CONTRIBUTING TO THE REVISION OF
THE OLD INDIAN POLICY

Transition in Indian Policy, 1840-48.....35

First settlements in Oregon—Oregon Trail, roads and military posts—Santa Fé Trail and the southwestern commerce—Purchase of right of way for Oregon Trail recommended—Organization of Oregon and Nebraska proposed—Effect on Indian policy.

Development of the Four Great Factors, 1848-54.....40

Westward Expansion and Settlement of the Pacific Coast41

Summary of early period—Population when organized—Oregon emigration after 1848—California emigration after 1848—Relation to Indian policy.

Westward Expansion and the Pacific Railroad Movement44

Routes—Buchanan on the Pacific railroad, 1847—Ewing on the Pacific railroad, 1849—Stuart on the Pacific railroad, 1849—Rivalry over routes—Beginnings of two Pacific railroads, Hannibal-St. Joseph and the Pacific Railway—Land grants to Missouri railroads—Relation between men and measures.

Westward Expansion and the Organization of Nebraska52

Factors in movement—Douglas bill, 1848—Father De Smet's analysis of the situation in 1851—Consideration of a survey of Nebraska, 1851—Hall's bills, 1851-52—Legislative program of the House Committee on Territories, 1852-53, Richardson bill, Territory of Columbia bill and Road to the Pacific—Discussion and debates—Atchison-Benton contest in Missouri; Status of Indian title, 1854—Popular interest in Nebraska; The Kansas-Nebraska Act.

Changed Living Conditions and Civilization of the Indians71

Border tribes—Prairie and Mountain tribes.

Part Three

THE NEW INDIAN POLICY, 1848-1854

Grouping of the Border Tribes.....77
Crawford's report, 1841, first statement of policy—Organization of Oregon and Nebraska, 1844-45—Wilkins's Report, 1844, second statement—Grouping begun, 1840-48—Treaties recommended—Medill's report, 1848, crystallization of new policy—Indian Department transferred to Department of the Interior—Orlando Brown's Report, 1849—Case of Stockbridge Indians, 1849, application of principle—Supt. Mitchell's Report on border tribes, 1849—Agent Barrow on Pawnees, 1849—Lea's Report, 1850—Lea's Report, 1851—Mitchell's Report, 1851—Agent Coffee's Report, 1851.

The Prairie and Mountain Tribes.....90
The Elements in the situation, the prairie, the Indians, the tribal boundaries, Oregon and California and Santa Fé Trails, emigrants and the Indians, emigrants and game supply.

The Northwest Tribes.....91
Supt. D. D. Mitchell—Growing discontent—Treaty recommended by Mitchell, 1849—Mitchell's treaty bill, 1850—Laramie Treaty, 1851.

The Southwest Tribes.....94
Santa Fé Trail—Railroad routes—Fort Atkinson Treaty, 1853—Fitzpatrick's Report on purpose of treaty, Pacific railroad.

Realization of the New Policy; Third Phase.....96
Nebraska movement, last phase—Debate on Richardson bill—Indian title in Nebraska Country—Preliminary negotiations for extinguishment of Indian title, 1853—Manypenny's Report, 1853—Organization recommended—Fitzpatrick's Report, 1853—Opening of Indian Country—Indian title extinguished, Jan.-June, 1854—Relations of treaties to railroads—Conclusion.

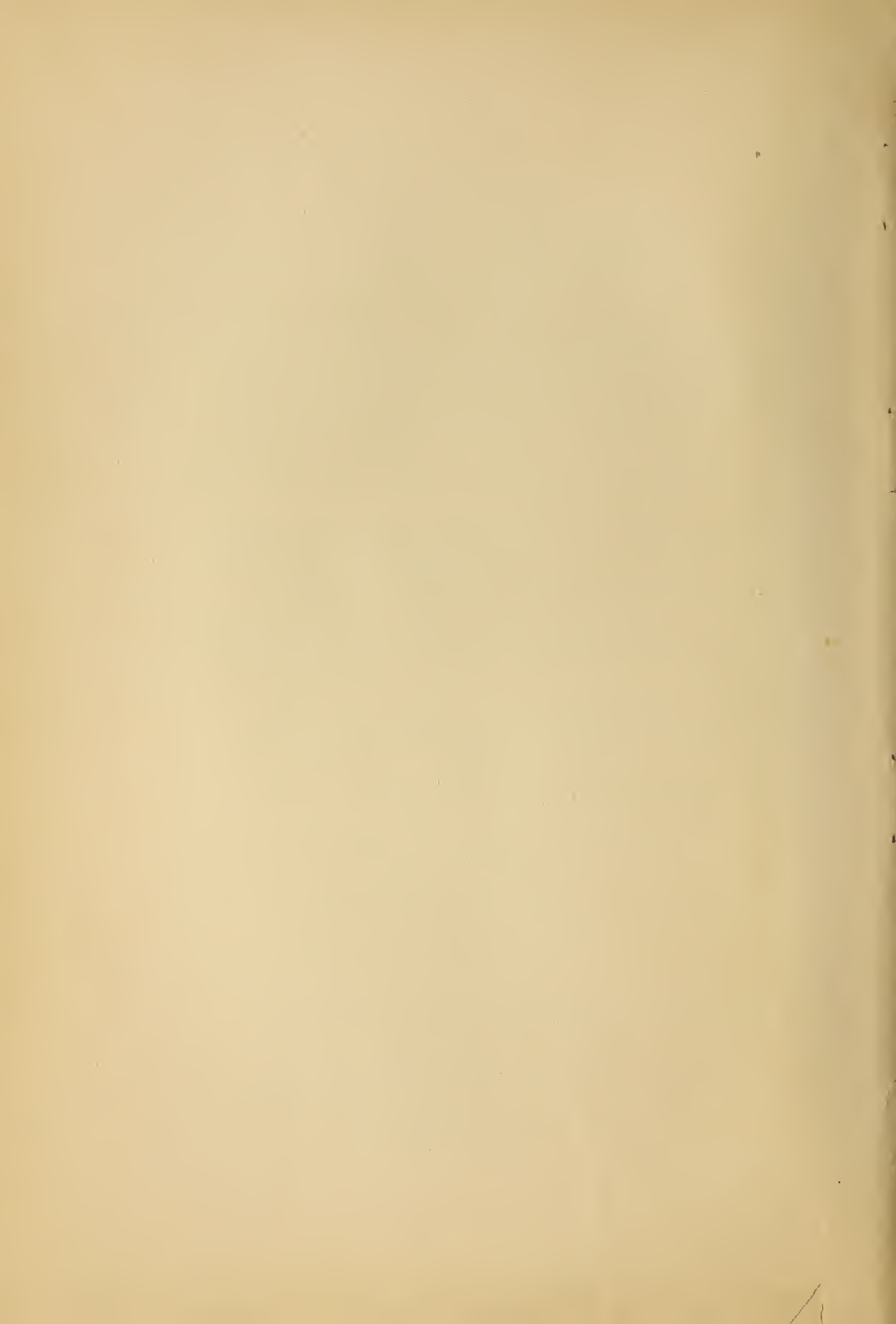
BIBLIOGRAPHY105

MAPS

No. 1. Land to which Indian title had been extinguished by 1833 to provide for removal of tribes from east of the Mississippi River.....25

No. 2. Status of Indian title in Trans-Mississippi Valley before 1854.....56

No. 3. Land to which Indian title was extinguished 5 June, 1854, and the northern and southern groups.....102



Indian Policy and Westward Expansion

INTRODUCTION

The question of the relation of the government to the Indian has been ever present throughout the course of American history. The frontier has been continually encroaching on the territory of the Indian, pushing him further and further west. With each step in the unfolding of this process new problems have had to be met and worked out. Sometimes the solutions have followed the lines of least resistance and sometimes they have followed definitely planned policy. The problems which presented themselves in the development of the Trans-Mississippi Valley have been of more than usual significance. This was because of the position of the territory in relation to the other states and territories, because of the critical time during which these problems arose and because of the character of the forces and interests demanding action. It is a new departure to approach the subject of Trans-Mississippi history from the standpoint of Indian policy, but it can be much better understood if approached in this way; that is, from the standpoint of the territory itself. From this vantage ground the play of outside forces can be watched as they press for solution of the problems, each of them interacting not only on the other, but also on the situation in the territory and the policy being developed there.

The Indian Country of the Trans-Mississippi Valley has occupied a peculiar position in American development. By the Indian Country is meant the country west of Arkansas, Missouri and Iowa, north of the Red River and extending as far westward as the Rocky Mountains. It was generally understood that this country was specifically set apart for the

habitation of the Indians, even though it crossed and blocked the natural lines of expansion to the Pacific. Of course this was not so important at the time the territory was set apart, but this had scarcely been done when the development of Oregon began, and then followed the annexation of Texas, the conquest and opening of California and the southwest. By this time its location had become a matter of decided significance. During the early period of Oregon settlement, the only route to the Pacific, lying wholly within our limits, was through this Indian Country. The growth of the Spanish trade to Santa Fé over the Santa Fé Trail was a contemporary movement and was carried on over routes which also ran through this territory. Then the acquisition of the Spanish southwest only served to increase the traffic over these routes, and make more necessary the framing of definite arrangements regarding the situation. It was an anomalous situation indeed for a nation to be virtually cut in half territorially by the existence of a considerable district set apart wholly for the occupation of Indians and from which all white men were excluded, except missionaries and traders who went in only by special permission. Such an Indian policy was diametrically opposed to the forces then tending to a more complete national development. The progress of these forces could not be stopped and the government Indian policy must eventually be adjusted to their demands.

The time during which these problems had to be solved added to the difficulty of the solution. During the earlier part of the period considered, the question of slavery and sectional rivalry had not become so acute and at that time had little influence on the situation. However, by the time of the annexation of Texas and the settlement of the Oregon question, sectional rivalry had become one of the dominant factors in any consideration of measures relating to westward expansion and even threatened to make impossible any solution of these problems. These difficulties could not but be reflected in the formulation and execution of Indian policy.

There are four factors that stand out conspicuously as de-

termining forces in dictating the final policy in the Indian Country. The first, in point of time, was the movement for the settlement of the Pacific Coast. Interest in Oregon developed earliest, but after the Mexican Cession in 1848 and the discovery of gold, interest in California superseded it. Second, the building of adequate lines of communication and transportation became of great importance. In the beginning the only method considered was by wagon roads, which must be built for emigrants, mail, express and freight. Later the railroad and telegraph were perfected and plans were made to utilize them in solving these problems. It was at just this time also that the American trade with the Orient was opened and it was hoped that the Pacific railroad would place the United States in a most advantageous position in respect to the development of that trade. Third, the westward expansion of population in the Trans-Mississippi Valley demanded the opening of more country to settlement. Lastly, the changes in living conditions of the Indians and the problems attending their civilization necessitated decided modifications in the policy pursued toward these people. The cumulative effect of these forces must ultimately bring about the organization of a territorial government for the Indian Country, in order to open it to white settlement and to make possible a continuous line of settled country through to the Pacific. The passage of the Kansas-Nebraska Act in 1854 marks the culmination of this movement, for it made possible the realization of the ends toward which these forces tended.

The complex character of the forces in process of evolution during the period from 1830 to 1854 brought about such great and unexpected expansion and consequent changes in the lines of internal organization that no single consistent policy could be followed throughout the whole period. This does not imply that there was a lack of attention or of policy on the part of the government. Strictly speaking, policies were formulated from time to time to fit the new conditions. Taking the period as a whole, the Indian policy develops through three phases. The first two phases cover the period

to about 1841, and as they are less permanent in character they will be treated briefly. The first phase is the removal of the Indians to the region west of the Mississippi River and the formulation of general principles of policy and administration. The second is the evolution of the plan of consolidating the Indians in the southwest of the Indian Country to allow for westward expansion of the white population across the northern part. The emphasis, however, will be placed on the latter part of the period, or third phase, when a new policy was worked out: one designed to allow the free development of the progressive factors just indicated. The purpose of this new policy was to group the Indian tribes to the north and to the south in the Indian Country in such a manner that they would not interfere with westward expansion in the country between the groups. The natural geographic lines of development, the Platte Valley and the South Pass, would be made available for the undisturbed passage of the emigrant to the Pacific Coast, for the building of adequate means of transportation and communication to the Pacific, and for settlement by white men. This policy determined the relocation of several Indian tribes and simplified the problem of extinguishing the Indian title when this part of the Indian Country was finally organized in 1854.

PART ONE

The Consolidation of the Indians in the Southwest, 1830-40

GEOGRAPHY, EXPANSION, AND RELOCATION OF INDIANS

The geography of the United States has had the greatest effect on the determination of the lines of advance of the American frontier and its relation to the relocation of the Indians. After crossing the Appalachian Mountain Range from the east, the natural line of emigration was down the Tennessee and Ohio valleys. The original grouping of the Indian tribes into the northern and southern confederacies also favored this, for it was the line of least resistance between the groups. The advance of the white frontier may be likened to a wedge driven into the heart of the Indian Country. The point of this wedge pushed down the Ohio Valley, reaching the Mississippi River early in the century, and soon after began a period when this wedge spread northward and southward, crowding the Indians further and further apart, until about 1830 a policy of general removal of all tribes to the territory west of the Mississippi River was determined upon. While this process was going on east of the river, a second wedge was being driven up the valley of the Missouri River as far as the present western boundary of the state of Missouri. The spreading of this wedge was slower because it could not take place until the general removal from east of the Mississippi was pretty well carried out. But Missouri was the first of these states to be freed of Indians, this being effected by 1832.¹ Iowa was practically free by 1846.² The same process was being carried out in

¹ Abel, *Indian Consolidation*. Report of the American Historical Association, 1906. Vol. 1, p. 395.

² Report of Indian Commissioner Medill, 1846. 2s. 29 C. Sen. doc. No. 1, pp. 217-219. Pub. doc. No. 493. Cardinal Goodwin, *The American Occupation of Iowa*. In the *Iowa Journal of History and Politics*, XVII, pp. 83-103. *The Movement of American Settlers into Wisconsin and Minnesota*. Ibid. pp. 406-28.

the other western states as the pressure of population demanded. As these Indian tribes were removed from the eastern states, new locations had to be provided either by consolidation on reservations or by removal into the Indian Country to the west.

REMOVAL OF INDIANS WEST OF MISSISSIPPI: FIRST PHASE

It is not, however, the problem of Indian removal in itself that is of interest here, but the policy that was followed in the relocation of the Indians after they were removed to their new home west of the Mississippi River, and the program for their administration there. When the program of general removal was first considered, the plans for location were very vague. The most that can be said is that the Indians were to be sent to the far west beyond the Mississippi where they would never be disturbed again. Indeed the plans were so vague that the general act of 1830 providing for their removal does not indicate any particular place for their relocation, but leaves the choice to the discretion of the President. Section one of the act reads as follows:

“That it shall and may be lawful for the President of the United States to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be described by natural or artificial marks, as to be easily distinguished from each other.”³

The dominating idea was to move the Indian completely outside of the boundaries of all organized states and territories. Some Indian tribes had already been removed and others were to be removed as soon as arrangements could be completed.

³ 4 U. S. Statutes, pp. 411-12.

The plan of a general removal and consolidation of all tribes in one area placed the whole problem of Indian policy and Indian administration in an entirely new light. The government rather than the Indian had taken the initiative in the measures for consolidation. The responsibility was thus definitely placed on the government to formulate a program for handling Indian problems that would be active rather than passive, in order to make consolidation a success. Suggestions from various sources had been presented before the act of 1830 was passed and soon afterwards a quite definite program was announced. This program was the work of Lewis Cass, who was then Secretary of War, and appears in his annual report for the year 1831. These are what he calls the fundamental principles "which once adopted, would constitute the best foundation for our exertions, and the hopes of the Indians.":

1. "A solemn declaration, similar to that already inserted in some of the treaties, that the country assigned to the Indians shall be theirs as long as they or their descendants may occupy it, and a corresponding determination that our settlements shall not spread over it. . . .

2. "A determination to exclude all ardent spirits from their new territory. . . .

3. "The employment of an adequate force in their immediate vicinity, and a fixed determination to suppress, at all hazards, the slightest attempt at hostilities among themselves.

4. "Encouragement to the severalty of property, and such provision for its security, as their own regulations do not afford, and as may be necessary for its enjoyment.

5. "Assistance to all who may require it in opening farms, and in procuring domestic animals and instruments of agriculture.

6. "Leaving them in employment of their own institutions, as far as may be compatible with their own safety and ours, and with the great objects of their prosperity and improvement.

7. "The eventual employment of persons competent to instruct them, as far and as fast as their

progress may require, and in such manner as may be most useful to them."⁴

The next step was to gather all the information possible regarding the country west of the Mississippi and the Indians inhabiting it. To accomplish this three commissioners, William Carroll, Montford Stokes, and Robert Vaux, were appointed in 1832 "to visit the several tribes west of the Mississippi, and to arrange the various interesting and unsettled questions arising out of the new relations, which the system of emigration has created." Their instructions were dated 14 July and were signed by Secretary Cass. These instructions show that Cass expected their report to be the foundation of a really constructive policy. They are as follows:

"In the execution of the duty, respecting a plan for the government and security of the Indians, you will report in detail, all the information you can procure concerning their present and probable future condition, which can be useful in the determination of the questions of their government and intercourse. Your own judgment aided by such information as may be afforded you upon the spot, must guide you in your views of this matter. Its importance is apparent, as on its decision, may rest the future fate of all these tribes; and in the great change we are now urging them to make, it is desirable that all their political relations, as well among themselves as with us, should be established upon a permanent basis, beyond the necessity of any future alteration. Your report upon this branch of the subject will be laid before Congress, and will probably become the foundation of a system of legislation for these Indians."⁵

The report of this committee was submitted to Congress in 1834 and was used by the House Committee of Indian Affairs in drafting their legislative program.

It was in the year 1834 that the first complete legislative

⁴ Report of Sec. of War, H. doc. No. 2, 1s. 22C. p. 30. Pub. doc. No. 216. Report of Sec. of War for 1832 gives additional comment on policy contemplated for the new Indian Country. H. doc. No. 2, 2s. 22C. p. 23. Pub. doc. No. 233.

⁵ Report of Sec. of War for 1832. H. doc. No. 2, 2s. 22C. pp. 32-37 Pub. doc. No. 233.

was presented to Congress for consideration. At that time Mr. Everett (Vt.), who was then chairman of the House Committee on Indian Affairs, introduced three bills. The first provided for the organization of the Indian Department. The second was an Indian Intercourse bill. The third was a bill to provide for the organization of a Western (Indian) Territory.⁶ This last bill will be considered here. It was planned to establish this Western Territory between the Red and Platte rivers west of Arkansas and Missouri. It was to be set aside for the exclusive use of the Indians in fulfillment of the law of 1830. The government of the new territory was to be under the direction of the President. The chief executive power was to be vested in a governor, but the real powers of government were to be left in the hands of the tribes. It was contemplated that a confederation of the tribes would be formed and a general council was provided for. In case of hostilities among the tribes, the Governor was given power to suppress them with the aid of the Indian tribes or of the United States military power within program for the organization of Indian affairs in the west the Territory. Furthermore, the Territory was to be allowed a delegate on the floor of Congress, and eventually it might be admitted as a state in the Union. Mr. Everett stated his position frankly in the debate on the bill on 25 June. He said at that time, "The present policy of the government, in respect to the Indians, is to civilize them." This bill was defeated although its two companion bills were passed.⁷ Such a plan as is here outlined would have carried out Cass's program of 1831 with remarkable completeness. Although there may have been serious defects in certain details, it would have been an epoch-making step in the evolution of American Indian policy.

The two bills that did pass will next be considered in relation to their contributions to the actual development of Indian policy. It must be admitted that this plan of pro-

⁶ Cong. Debates. 1s. 23C. X. Pt. IV. p. 4200. Introduced 20 May. The report of the above Committee was appended to report of House Comm. of Indian Affairs on bill.

⁷ Cong. Debates. 1s. 25C. Pt. IV. pp. 4763-4779.

cedure was not complete, but the promises of the Cass program were at least partially fulfilled. In 1834 and in succeeding years definite legislation was worked out on the subject.

Part of the first point insisted on the guarantee to the Indians forever of the territory on which they were to be relocated. The Act of 1830 had authorized the President to give this guarantee in the treaties of removal he might make with them, and in each instance it was observed. The other part of the first point regarding the encroachment of the whites on the Indian Country was at least partially fulfilled by section two of (the Intercourse Act of 1834.) It provided that no person should be admitted to the Indian Country except by license from the Commissioner of Indian Affairs, and Indian agent, or sub-agent. Such license should be good for not more than two years in the country east of the Mississippi and three years west of that river.⁸ This provision should not be construed to be in the nature of a perpetual guarantee of land title to the Indians. Rather it was in the nature of a legislative regulation for administrative purposes. Point two of the program was fully covered by sections twenty and twenty-one of the above act. They provided that no spirituous liquors should be sold in or taken into the Indian Country, except for the use of government officials under the direction of the War Department, and no distilleries should be set up in the Indian Country. Point three of the program was the problem of insuring peace in the Indian Country and adequately defending the western frontier. The plans for its execution were under consideration for several years. Various proposals were presented. The first was the report of the committee appointed in 1832 which was presented to Congress in 1834.⁹ The bills providing for the organization of an Indian State also included plans, but the most elaborate and complete proposal was that of General Gaines.¹⁰ The principal feature of these proposals was to build a definite line of forts from the Red

⁸ 4 U. S. Statutes, pp. 729-35.

⁹ See above, p. 18.

¹⁰ H. doc. No. 311. 2s. 25C. 1838. Pub. doc. No. 329.

River extending northward into Minnesota, together with a system of military roads to connect them and to afford convenient and rapid transportation of troops and supplies.¹¹ None of these proposals were adopted as a unified plan of legislative action. However, the actual necessities of the situation did develop a fairly complete line of forts along the frontier; Fort Towson, Fort Smith, Fort Gibson, Fort Scott, Fort Atkinson, Fort Dodge, Fort Snelling, etc. The principal fort on the Oregon Trail was Fort Laramie and on the Santa Fé Trail, Fort Atkinson, located near what is now Dodge City, Kansas. Two special mounted regiments were raised to defend the frontier and finally in 1846 a bill was passed creating a regiment of mounted riflemen and providing for a line of military posts to defend the route to Oregon¹². Point five was provided for in a limited way by the act of 1834 for the organization of the Indian Department by which authorization was given to furnish domestic animals and agricultural implements to the Indians west of the Mississippi River, but the value of such animals and implements furnished to those tribes was not to exceed \$5000.¹³ According to point six the Indians were to be allowed their own institutions so far as possible. This principle was recognized in practically all proposed legislation. The Intercourse Act of 1834 provided that in all disputes between white men and Indians concerning property the burden of proof must lie with the white man. The criminal law of the United States was extended over the Indian Country, but was not to apply to crimes between Indians.¹⁴ The last point of the program was recognized in the act of 1834 for the organization of the Indian Department, and provided that blacksmiths, mechanics, and teachers, when employed under treaty stipulations, should be under the direction of the department.¹⁵

Another phase of the program on the part of the gov-

¹¹ The most accessible map illustrating one of these plans is given in Folio State Papers, Military Affairs, VII, p. 777.

¹² Act of 1832. 4 U. S. Statutes, pp. 533-35. Act of 1833. Ibid. p. 652. Act of 1844. 5 U. S. Statutes, p. 654. Act of 1846. 9 U. S. Statutes, 1846, ch. 22.

¹³ 4 U. S. Statutes pp. 735-38.

¹⁴ Ibid. pp. 729-35.

¹⁵ Ibid. pp. 735-38.

ernment for handling the new situation was the reorganization of the Indian Department. (Up to this time Indian affairs had been in the hands of a Chief Clerk of the Indian Office in the War Department. In 1832 the new office of Commissioner of Indian Affairs was created¹⁶) Next, provision was made in an act of 28 June, 1834, to attach the Upper Missouri Territory to the Territory of Michigan for the purpose of temporary government. This included all the country west of the Mississippi River north of the State of Missouri and north and east of the Missouri and White Earth rivers.¹⁷ A bill passed during the same year for the organization of the Indian Department provided that the duties of the Governor of Arkansas Territory as Indian Superintendent should cease. The same provision was also to apply to the Governor of Michigan Territory in the country west of Lake Michigan when that country should be organized into a territory. A new office of Superintendent of Indian Affairs was created, to be located at St. Louis, and was to have jurisdiction over the Indian Country west of the Mississippi River.¹⁸ During the same year the Secretary of War issued new regulations under authority of this act which defined more definitely the boundaries of the new administrative divisions. There were to be three Indian Superintendents in the west. The Michigan Superintendency included all that territory with the addition of the Upper Missouri Territory as indicated above.¹⁹ The St. Louis Superintendency included all the western territory between the Michigan Superintendency and the Santa Fé Trail. The Western Superintendency (acting) was to include all the remaining territory south of the St. Louis Superintendency.²⁰ Lastly, the Intercourse Act of 1834 gave the name of Indian Country to all the territory of the United States west of the Mississippi River (except Missouri, Louisiana, and Arkansas Territory) and also that part

¹⁶ 4 U. S. Statutes p. 564.

¹⁷ *Ibid.* p. 701.

¹⁸ *Ibid.* pp. 735-38.

¹⁹ Except the Prairie du Chien and Rock Island agencies, which belonged to the St. Louis Superintendency.

²⁰ Sen. doc. No. 1. 2s. 23C. p. 258. Pub. doc. No. 266.

east of the Mississippi not in any organized territory for the purpose of that act.²¹

CONSOLIDATION OF INDIANS IN SOUTHWEST: SECOND PHASE

In the preceding pages the first phase of the Indian policy, that is, the removal of the Indians west of the Mississippi and the formulation of the general principles of a policy for administration, has been summarized. Next will be considered the second phase, the selection of a definite location for the Indians and the removals to it.

Nothing in the foregoing statements indicates that there was any intention in the beginning of limiting the territory to be used for Indian locations to any particular section of the west. However, a general understanding was soon quite definitely established that the Indians should be located in the southwest. The Indian missionary Isaac McCoy writing in 1831 traces the development of thought along that line as follows:

“Early in the progress of this business, a question arose as to the most eligible location for the settlement. Under the administration of Mr. Monroe, the territory between Lake Michigan and the Mississippi river was spoken of as a suitable place for, at least, a portion of the tribes. Since that time, the choice of public authority has become undivided, and has settled down upon the region west of the Arkansas Territory and west of the state of Missouri, as far north as the Missouri river, and upward on the southwest of that river, embracing a country about six hundred miles from south to north, and two hundred miles in width.”²²

[The act of 1830 provided that the original Indian title must be extinguished in the territory west of the Mississippi before eastern Indians could be located there.] This had already been done in most of the territory now included in the states of Oklahoma and Kansas, and by 1833 it was completed in the remaining territory as far north as the Little

²¹ 4 U. S. Statutes p. 729

²² Address to philanthropists in Washington, D. C. and quoted in Isaac McCoy, *History of Baptist Indian Missions*, p. 432.

Nemaha and Platte rivers.²³ It was in this territory between the Red and the Platte rivers that the eastern Indians were to be relocated, and at no time before the opening of Kansas and Nebraska was the Indian title extinguished in any of the country to the north of this. This fact further limited the region which was considered as permanent Indian country. The northern limit as McCoy had indicated it in 1831 was the Missouri River, now it was the Platte.

1830 ✓
The same act authorized the President to guarantee to the Indians and their heirs forever the lands assigned to them west of the Mississippi in exchange for lands held by them east of that river. Contrary to the usual assumption, there was no guarantee to the Indians on the part of the government of perpetual possession of the lands north of the Platte. Neither was there any such guarantee for the land south of that river, except for such lands as were used for relocation of Indians and definitely assigned to them by treaty under the act of 1830 and supplementary acts.

In his annual message for the year 1835, President Jackson gave definite recognition of the principle of consolidation in the southwest. It contains the following statement:

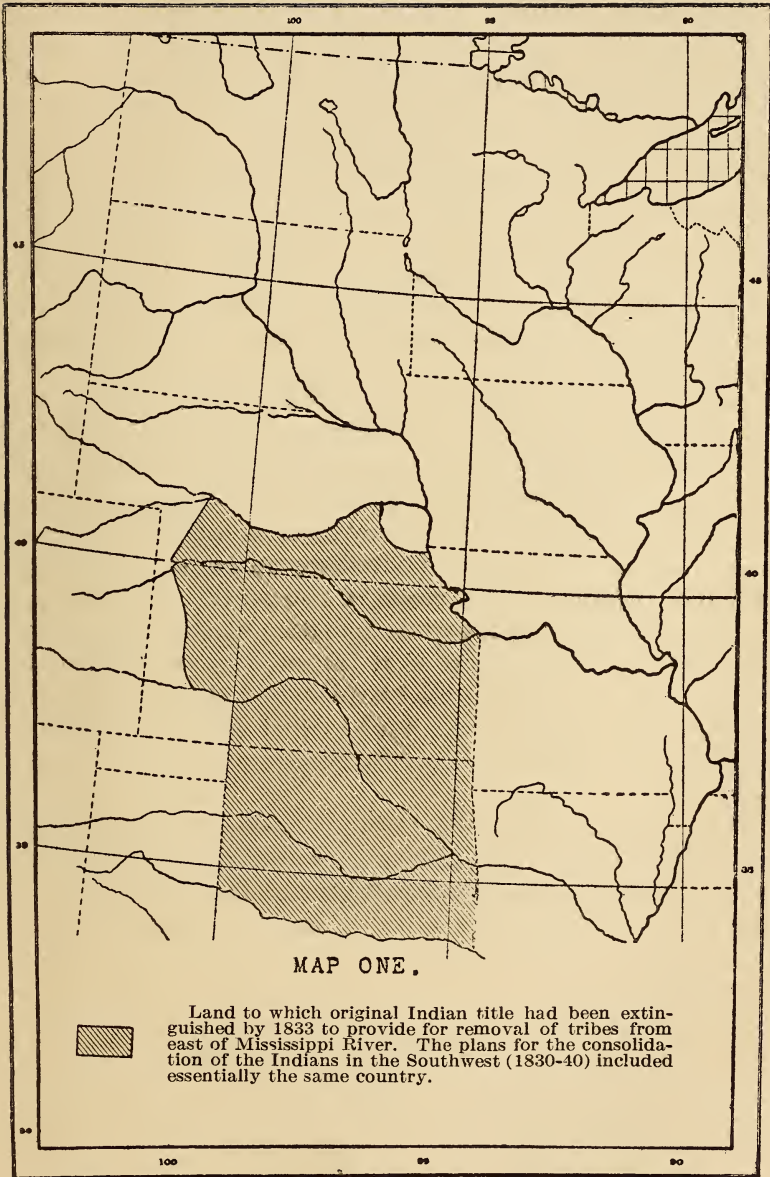
“A country west of Missouri and Arkansas has been assigned to them, into which the white settlements are not to be pushed. No political communities can be formed in that extensive region, except those which are established by the Indians themselves or by the United States for them and with their concurrence. . . .”²⁴

In connection with another project, the principle of limiting the Indian Country to the territory *south* of the Platte River was even more clearly planned. At various times schemes had been offered for creating an Indian State in the west.²⁵ One of these proposals is presented in the report of the three commissioners sent out by the Indian Department

²³ Quapaw 1818, Great and Little Osages 1818, 1825, Kansas 1825, Oto and Missouri 1833, Pawnee confederated tribes 1833. See Royce, *Indian Cessions*, 18th Annual Report of the Bureau of Ethnology, Pt. II.

²⁴ Messages and Papers of the Presidents, III, pp. 171-72.

²⁵ See Abel, *Proposals for an Indian State*, 1779-1878. In Annual Report of American Historical Association. 1907. I, pp. 87-104.



MAP ONE.

Land to which original Indian title had been extinguished by 1833 to provide for removal of tribes from east of Mississippi River. The plans for the consolidation of the Indians in the Southwest (1830-40) included essentially the same country.

in 1832 to investigate and make a report on the condition of the Indians and plans for the administration of the country.²⁶ This report was submitted to Congress in 1834 by Commissioner of Indian Affairs Elbert Herring and on this point proposed to make the south bank of the Missouri and Platte rivers the northern boundary of the proposed territory. These boundaries were incorporated in the bill presented on 20 May of that year by the House Committee on Indian Affairs and the report of the department committee was appended to their report on the bill to the House.²⁷ As this bill failed to pass, another of similar character was presented in 1836. In this second bill the northern boundary was extended northward as far as the Puncak River.²⁸ In its other features it was similar to the preceding bill. This bill also failed. The Indian Department, however, did not let the matter drop there, but presented the subject to as many tribes as possible during the summer of 1837 and received the assent of several.²⁹ In the next session another bill was presented from the Senate Committee on Indian Affairs by Tipton of Indiana.³⁰ This measure also provided for making the Puncak River the northern boundary of the Indian Territory, but it was explained that the only reason for including any country north of the Platte was to allow the Ottos, Omahas, and Pawnees, who lived in that district, an opportunity to participate in the advantages of the new territory.³¹

The debate on this bill brought out some very interesting and significant information in regard to the forces supporting and opposing the measure and the motives directing the men who were interested in it. In the Senate, Mr. King of

²⁶ See above, p. 19.

²⁷ See above, p. 19.

²⁸ Report of Commissioner of Indian Affairs C. A. Harris. 1836. H. doc. No. 2, 2 Session, 24 Congress, p. 376. Pub. doc. No. 301. The Puncak River is now called Puncak Creek and is located between the Niobrara and White rivers.

²⁹ Report of Commissioner of Indian Affairs C. A. Harris. 1837, 2 session, 25 Congress. Pub. doc. No. 314, and in debates in the Senate. Tipton's speech 18 April 1838. Appendix Congressional Globe, 2 session, 25 Congress pp. 269-74. (Hereafter the following form will be used: C. G. 2s. 25C.) The tribes who assented were the Delawares, Shawnees, Kickapoos, Pottawatomies, Sauks of Missouri, Iowas, Weas, Piankashas, Peorias and Kaskaskias, Kansas and Ottawas.

C. G. 2s. 25C. p. 41. Introduced 20 December, 1837.

³¹ Tipton's speeches. Appendix C. G. 2s. 25C. pp. 269-74, and C. G. 2s. 25C. p. 348.

Alabama offered an amendment to enlarge the proposed territory by adding to it all the country west of the Mississippi and north of the State of Missouri and the Missouri River and west as far as the Rocky Mountains, except land to which the Indian title had already been extinguished. Furthermore the faith of the United States was to be pledged by the act to guarantee to the Indians forever all the land in this territory granted to them.³² Sevier of Arkansas favored the amendment chiefly for reasons based on sectionalism. He charged that the original bill was merely a plan on the part of the north to get more states in the northwest. Linn of Missouri and Lumpkin of Georgia opposed the amendment. Linn read extracts from a memorial of the Missouri Legislature in which they urged the formation of an Indian state along the lines of the original plan. Lumpkin attacked the amendment on account of the sectional character it gave to the whole measure. He pointed out that two thirds of the territory included in the original bill lay north of the line of 36° 30' and as all the land south of that line was already taken up by Indians, no northern Indians could be moved south of it. The south could have no just complaint against the measure. The addition of all the country north to the international line would make the territory so vast that it would defeat the whole purpose of the bill. The original measure is similar to the proposal made by Calhoun in 1835. Why did Calhoun now withhold his support of the measure? Lumpkin said that for himself this measure was just what he had been advocating for the past ten years.³³ However, the main debates were led by King and Tipton. In defending his amendment, King insisted that the plan of the northern men was to crowd all the northern and southern Indians into the southwest to block the development of the south and to make possible the opening of the whole country north of the Missouri Compromise line to white settlement. Sevier was right in saying that it was merely a plan to get more states in the northwest. He regretted that his southern friends

³² C. G. 2s. 25C. pp. 345-48.

³³ *Ibid.* pp. 340-45.

were so indifferent to the future. Then he asked Tipton a question. Would he oppose the amendment if he believed that there would be no more states formed in the northwest? Tipton insisted that the amendment would effectually check the growth not only of the northwest but of the nation, and in answer to King's last question he said: "To this, I answer in the affirmative. I have many friends and acquaintances in that country west of the Mississippi River, who desire to form a state at no distant day, and I wish to gratify them. Does the honorable senator expect to check the growing power of the Northwest? Sir, he might as well attempt. . . to stay the current of the Niagara, as to prevent the emigration of the industrious, intelligent and enterprising people from all parts of the United States to the Iowa Territory, west of the Mississippi."³⁴ When the amendment came to a vote it was defeated 11 to 22. The vote was for the most part sectional, the only votes cast for it coming from the southwestern and southeastern states.³⁵

At the same time that the above bill was under discussion another measure of great importance to the development of the west was before both houses. On 6 February in the House and 14 March in the Senate bills were presented providing for the division of Wisconsin Territory and the establishment of "The Territory of Iowa." Consideration of the bills was delayed until June. In the debate Waddy Thompson of South Carolina attacked the measure. It was again a question of the balance of power between the northern and western and the southern states on the slavery question. He would not consent to these territories coming into the Union so long as the northern states opposed the annexation of Texas on the ground of slavery. However, the bill was passed and was approved 12 June, 1838.³⁶ This new Territory of Iowa included all the country between the Mississippi and Missouri rivers and north of the state of Missouri, in other words exactly the same country that King

³⁴ C. G. 2s. 25C. pp. 347-48.

³⁵ Yeas:—Merrick and Spence of Maryland, Roane of Virginia, Calhoun and Preston of South Carolina, Clay and King of Alabama, Mouton and Nicholas of Louisiana, and Sevier and Fulton of Arkansas. Nays:—Northern and border states and Georgia.

³⁶ C. G. 2s. 25C. pp. 239, 247, 424, 428, 131, 161, 5 U. S. Statutes pp. 235-41.

had insisted, in the debate of 27 April, must be included in the proposed Indian Territory, and the passage of the act creating the Territory of Iowa was precisely what he was trying to prevent by his amendment. The trend of westward expansion was clearly shown, and the attempt of the radical southern group to block it by creating out of the northwest a permanent Indian Territory was completely defeated.

The next question to consider in connection with the principle of consolidation in the southwest is the attitude of the Indian Department in planning the removal and relocation of individual tribes and the extent to which it was applied. Westward expansion brought about the addition of the Platte country to the state of Missouri in 1836. The Indians occupying this country had to be removed and the Secretary of War in 1836 reports that:

“With a view to the extinguishment of the Indian title to the country between the State of Missouri and the Mississippi river, negotiations were opened with the tribes interested therein for the relinquishment of their rights; and treaties to that effect have already been concluded with the Iowas and Sacs of Missouri, Omahas, Yancton Sioux, and Ottawas and Missouris. Measures have also been taken for opening negotiations with the united nation of Ottawas, Chippewas, and Pottawatomies, for an *exchange of the lands north of the Missouri river* assigned to them by the treaty of Chicago of 1833, for *lands south of that river*; and with the Miamies, for a cession of their lands in Indiana.”³⁷

At the same time there was a movement to extinguish the title to the lands held by the Indians of western Iowa. The Commissioner of Indian Affairs reports that a Senate resolution

“requested the President to propose to the Indians, parties to the treaty of Chicago, *an exchange of the lands north of the Missouri river*; assigned to them by that treaty, *for lands south of it*. As no appropriation was made for this object, and a part of the Indians had emigrated, a part were removing and a part were in Illinois, the instructions to the sub-

³⁷ H. doc. No. 2. 1s. 24C. p. 118. Pub. doc. No. 301. The italics are the author's.

agent merely directed him to seek interviews with them."³⁸

In his report for the next year Commissioner Harris made a clear and definite statement on the subject of Indian relocation policy:

The operations of the Department include "the removal of the Indians in New York, Ohio, Indiana, Illinois, Michigan, and Wisconsin, in the north, the west, and the northwest; and in Georgia, North Carolina, Tennessee, Alabama, Mississippi and Florida, in the south and southwest, *to new homes southwest of the Missouri river.*"³⁹

The Secretary of War, Poinsett, in the same year, reported that the Winnebagoes had agreed to remove to the "neutral ground"⁴⁰ but their sojourn there would probably be temporary as it was planned to remove them south of the Missouri River as soon as the country was sufficiently explored. He adds:

"The interests of the country appear to require the existence of a line of frontier States between the Mississippi and the Missouri, and the extinguishment of the Indian title to all the land east of the Missouri, to the 43° of north latitude, would effect that object."⁴¹

The result of such action would have opened to white settlement almost all of what is now Iowa as far west as the Missouri. This was not done immediately, but, as has been previously stated, Iowa was practically all opened by 1846.

In 1840, Indian Commissioner T. Hartley Crawford discussed the question of Indian removal in a larger way in his annual report and recommended the removal of even the most northerly tribes to the southwest. He considered it was necessary as the only solution of the continued Indian

³⁸ H. doc. No. 2. 1s. 24C. p. 382. Pub. doc. No. 301. The removal of these Indians was delayed for some years and did not take place until 1846. The italics are the author's.

³⁹ Sen. doc. No. 1. 3s. 24C. p. 525. Pub. doc. No. 314. The italics are the author's. In his report for the removal of the Menominees of that territory to the country south of the Missouri River. *Ibid.* p. 563.

⁴⁰ Western Iowa.

⁴¹ Sen. doc. No. 1. 2s. 24C. p. 184. Pub. doc. No. 314.

difficulties on the northwestern frontier. There was a tendency among the American Indians, as he pointed out, to cross the international line to the northward into Canada and the resulting complications were a continual source of friction with the British. The final solution of those difficulties would be a complete removal of the Indians from the northern country.⁴²

The preceding statements show how consistently and clearly this second phase of the Indian policy was developed, and how definitely the principle of consolidation of the Indians in the southwest was recognized. In another part of the report for 1840 Commissioner Crawford predicted the developments that could be expected in the near future in the way of Indian removals and the opening of the new northwest to white settlement. He said:

"It is sufficient at present to state, that the original title to the land to the southwest of the Missouri is extinguished as far north as the Little Nemaha river. There are located on it a large number of tribes; and there yet remain northeast of the Missouri and east of the Mississippi rivers, who will soon require a new home" several other tribes. . . . "The day is not distant, either, when the Sioux and other tribes will be asked to cede their lands. . . . All, probably, must soon emigrate."⁴³

The lands referred to in the above quotation would include most of the country between the Mississippi and Missouri rivers. The western part of it was occupied by the Sioux and Dakota Indians, the greater part of whose land lay west of the Mississippi. The white settlements were pushing up the upper Mississippi Valley and the Great Lake region, and up the northern bank of the Mississippi River from the state of Missouri.⁴⁴ They were also pushing across what is now the

⁴² Sen. doc. No. 1. 1s. 27C. p. 242. Pub. doc. No. 375.

⁴³ Report of Commissioner of Indian Affairs 1840. Sen. doc. No. 1. 1s. 27C. p. 232. Pub. doc. No. 375. Another interesting and significant development in this region is the making of a survey and map of the Platte and Missouri Valleys by the War Department. The map included the country from 39° to 45° north latitude, and from 90° to 100° west longitude. The secretary urged in the report that the survey should be extended to the source of the Missouri River and then to the Pacific. Report of Secretary of War, 1840. Sen. doc. No. 1. 1s. 27C. p. 24. Pub. doc. No. 375.

⁴⁴ The Platte purchase was added to the state of Missouri in 1836.

state of Iowa toward the north bank of the Missouri. That river was still the main route to the far west and the chief outlet for the fur trade of that region. Mr. Crawford shows in his report that he understood and appreciated the tendencies then operating in the westward extension of the frontier and the geographical lines along which it would progress under the influence of conditions as they then existed. The extinguishment of Indian title to the land was always a preliminary to the settlement of a new part of the country and this process was steadily and inevitably being realized. It was evident that this new northwest was soon to be settled by white men and divided into states. This would necessitate the removal and consolidation of the Indians in the southwest between the Platte and Red rivers. This principle of consolidation was recognized both by Congress and by the Indian Department and was thus being definitely and consistently developed to allow for the westward expansion of the white population across the northern part of the Indian Country toward the Rocky Mountains.

The principle of the consolidation of the Indians in the southwest has been traced step by step through the decade of the thirties to show how that principle crystallized into a clearly defined policy to provide for a permanent home for the Indians. The reasons and motives operating in determining the choice of that particular location were many and their action was often complex. Several of them are explained in a report of the Senate Committee on Indian Affairs in 1836 accompanying the bill to supplement the Act of 1830 and providing for the establishment of an Indian Territory.⁴⁵ The report stated that it was a country well adapted to grazing and lay within the latitude to which the Indians were accustomed, but more important still was the fact that it was west of all white settlements and would probably not be surrounded by white population because the country beyond it was considered uninhabitable. In the words of the report: "With this uninhabitable region on the west of the Indian territory, they cannot be surrounded by white population.

⁴⁵ See above, p. 26.

They are on the outside of us, and in a place which will ever remain on the outside." As the rivers of this region flow eastward, they would direct such commerce as the Indian country possessed to the white settlements. Another consideration of importance in maintaining order was that the Indians located there could not escape westward for safety from punishment after depredations they might commit.⁴⁶ Still other reasons were brought out in the debates on the Indian Territory bills. Tipton pointed out the difficulties that had always arisen out of the contact of the northern tribes along the border with British influences. These would be effectively prevented only by removal and consolidation in the southwest. But probably the most important reason in determining that location was the influence of westward expansion which made necessary an outlet across the northern part of the country toward the mountains. Just at this time also, Senator Linn of Missouri was beginning his agitation in Congress for the recognition of the importance of Oregon and the encouragement and protection of its settlement by Americans. Thus by the opening of the northwest the demands of northern expansion would be satisfied. At the same time the first movement for the annexation of Texas was under way and its success would satisfy the demands of southern expansion. This situation created a balance of power between the northern and southern expansionist forces which throws into clear relief the stand which Waddy Thompson of South Carolina took in the House debates on the Iowa Territory bill in 1838. He would oppose northern expansion into the Indian Country of the northwest so long as the north opposed southern expansion to the southwest by preventing the annexation of Texas. As a result the problem of Indian location resolves itself into this; the Indians were to be limited to what was then the southwest because this was believed to be the only region where they would not block white expansion westward.

⁴⁶ Sen. doc. No. 246. 1s. 24C. p. 4. Pub. doc. No. 279.

PART TWO

Factors Contributing to the Revision of the Old Indian Policy

Westward expansion was the dominating factor in determining the development of the Indian Policy in the Trans-Mississippi Valley until about 1840. It exercised a decisive influence in the rearrangement and relocation of the Indians, and had brought about the formulation of the policy for their consolidation in the southwest. By 1840 this consolidation had been only partially completed, and after that date several new factors developed which were to modify completely this policy. It had been very satisfactory so long as it was merely a question of getting the Indians out of the way, of removing them "outside of us, and into a place which will ever remain on the outside." However, by 1848 this Indian Country was no longer "on the outside of us." It was in the very center of the nation. It was evident that the policy which had once been considered as permanent had now to be revised completely to fit the new conditions.

NATIONAL SELF-ASSERTION. 1840-1848. A TRANSITION PERIOD IN INDIAN POLICY

The period between 1840 and 1848 is one which is best characterized as a period of National Self-Assertion. In such a term lies its truest interpretation. The public attention was almost wholly occupied with the solution of foreign issues which were of the greatest moment to the nation; viz., the Oregon boundary, the annexation of Texas, the Mexican War and its resulting cessions of territory, and the establishment of commercial relations with China and other parts of the Orient. This focusing of attention on foreign questions was at the expense of the solution of purely domestic problems. Therefore, as in the case of other internal problems, there was little done toward evolv-

ing a constructive policy in Indian affairs to meet the new requirements. So far as Indian policy is concerned, it is a period of transition. Nevertheless, it is one which is vital to the whole problem, because in it lie the roots of the forces that were to bring about the revision of the old Indian policy and during it were laid the foundations on which this new policy was to be built.

The Oregon question was the first of a series of developments which brought out clearly and definitely the necessity of a change in the policy towards the whole of the Indian Country. The chief route to Oregon, which became known as the Oregon Trail, followed the Missouri River through Independence or St. Joseph and thence across that river to the Platte Valley and thence along the south side of the Platte to Fort Laramie and thence by way of the South Pass westward to the valley of the Columbia. The first American settlers had gone to Oregon in 1834. The stream of emigrants had increased slowly until 1843 when it assumed considerable proportions. As early as 1838, Lewis F. Linn, Senator from Missouri, advocated the establishment of stockades and military posts along the route for the protection of the emigrants. His first bill failed, but each year thereafter until his death in 1843 he put the question definitely before Congress in the form of a bill or resolution. His successor, David R. Atchison, immediately took up the agitation and he and Benton, with the aid of others, put through a bill in 1846 which provided for the establishment of a regiment of mounted riflemen and a line of military posts along the route to Oregon.⁴⁷ This was the same year that the Oregon boundary question was settled with Great Britain.

Another transcontinental route which was to have great influence on determining certain phases of Indian policy was the Santa Fé Trail. This became an important commercial route after the recognition of Mexican independence in 1822. Thomas H. Benton, the great champion of the west, took up the question almost immediately and was

⁴⁷ 9 U. S. Statutes, 1846, ch. 22.

able to secure the passage of a bill in 1825 providing for the appropriation of money to survey and mark the route and to purchase the right of transit from the Indians. The survey was made from Franklin, Missouri, to Taos, but the traders usually followed the more dangerous trail across the Cimmaron Desert. Negotiations were carried out with the Indians and a treaty was concluded with the Pawnees and Osages by which they agreed not to molest the caravans. The negotiations were unsuccessful with the Comanches. The traders were practically left to their own devices to provide for protection. However, the government did send out a military escort as far as the Arkansas Crossing on three different occasions, in 1829, 1834, and 1843. In 1843 the Governor of New Mexico sent an escort to the Arkansas to meet the traders and protect them on the remainder of their journey through Mexican territory. The growing importance of this Santa Fé trade, especially after the annexation of New Mexico, and the possibility of its use as a railroad route, made necessary the establishment of more definite relations with the tribes along this route.

While the Oregon agitation was going on in Congress, certain members of the Indian Office had been advocating a more effective means of meeting the difficulties created by the Oregon emigration. The Santa Fé Trail treaty was cited as precedent for action of a similar nature for the Oregon Trail. Thomas H. Harvey, Superintendent of the St. Louis District, in his annual report of 1845 urged that the government buy a right of way through the Indian country:

“For the safety of the emigrants and the tranquility of the Indians, I would suggest that a right of way through such sections of the Indian country as may be deemed most convenient for laying out roads to Oregon be purchased from the Indians owning the country. This was done with the Osages and Kansas, when laying out the road to Santa Fe. In that event the emigrants would be obliged strictly to confine themselves to the roads so purchased and laid out. With a view to carrying the foregoing into effect, I would respectfully recommend the es-

establishment of the following roads or routes; viz: one to cross the Missouri river at St. Joseph, which would pass through the Kickapoo, Iowa and Sac and Fox countries; another to cross the same river at Council Bluffs, and passing through the Potawatomie, Otoe and Pawnee lands; and a third, from Westport, on the south side of the Missouri river, passing through the lands of the Shawnees, Delewares and Kansas."⁴⁸

His recommendation was not acted upon and the next year he repeated it, but this time instead of merely suggesting that a right of way be purchased, he called "the attention of the Department to the necessity of it."⁴⁹ This recommendation had no greater effect than the first. It would have been neither difficult nor expensive to have made this purchase, because the Indian title to most of the territory on the south side of the Platte River through which the main routes ran was already extinguished as far west as the mountains and only a narrow strip along the Missouri and Nemaha rivers had been regranted to eastern Indian tribes. The Pawnees, however, who were to have removed north of the Platte, still occupied the country south of that river owing to the pressure of the Sioux to the north of them as the government had not established sufficient military forces in the Indian Country to insure their safety on their own lands.⁵⁰

The first attempts to organize Oregon Territory included or were contemporary with the first attempts to organize a part of the Indian Country. The existence of this close relation has been persistently overlooked. In the Senate, Atchison of Missouri introduced a bill on 19 December, 1844, for the organization of Oregon, which included the Indian Country, that is all the territory between the Missouri River and the Rocky Mountains, and in addition provided for stockades and forts to be built along the route to Oregon from the Missouri River by way of the South Pass to Oregon. At the same time Douglas, in the House, introduced

⁴⁸ Sen. doc. No. 1. 1s. 29C. p. 536. Pub. doc. No. 470.

⁴⁹ Sen. doc. No. 1. 2s. 29C. p. 286. Pub. doc. No. 493.

⁵⁰ Ex. doc. No. 1. 2s. 30C. pp. 388-90. Pub. doc. 537.

a bill for the organization of Nebraska Territory. It defined the territory as the country between the parallels of thirty-eight and forty-three. However, these bills did not come up for consideration in either house.⁵¹ But in the next session Douglas introduced a bill similar to the Atchison measure of the preceding year. This measure provided for the organization of a temporary government and included within the limits of Oregon the Indian Country west of the Missouri River between the parallels of forty and forty-three, and extended over it the jurisdiction of the Supreme Court of Iowa and the laws of that Territory.⁵² The fact that these provisions affecting the Indian Country were included in the bills, whose purpose was to create a government for Oregon, indicated clearly that they were not designed primarily to organize the Indian Country, but rather to provide an outlet to the valley of the Columbia through organized country which was to be settled by white men. Also the fact should be emphasized that it was through this region, the valleys of the Missouri and the Platte rivers, that the best routes to the Pacific were to be found. Hence it was only natural that, with the enormous increase of migration westward and the pressure of the frontier settlements, this country should soon be opened to the pioneer, even though the annexation of Texas and the addition of the Mexican cession soon created a strong diversion toward the southern routes and expansion along them toward California. Douglas's own explanation of his early bills to organize Nebraska was that they were to serve notice on the Secretary of War not to locate any more Indians there. "In consequence of this notice, the Secretary (by courtesy) suspended his operations until Congress should have an opportunity of acting on the bill: and inasmuch as Congress failed to act at that session, Mr. Douglas renewed his bill and notice to the Secretary each year, and thus prevented

⁵¹ Atchison bill, C. G. Appendix 2s. 28C, p. 44. Douglas bill, C. G. 2s. 28C, p. 41.

⁵² C. G. 1s. 29C, p. 690. Parker's *Calendar of Papers in the Washington Archives relating to the Territories of the United States*, p. 319. Carnegie pub. No. 148. The original bill was introduced 9 Dec. 1845 to protect settlers until the end of joint occupation. Amended to provide a territorial government. It passed the House 18 April, 1846. Read in the Senate 20 April.

action for ten years, and until he could procure action on the bill."⁵³

The effect of these bills on the Indian policy would have been revolutionary had they become law. It would have meant the abandonment of the policy of consolidation of the Indians in the southwest, and instead would have divided them into two groups, one north and one south of the newly organized or settled territory. The chief motive behind these bills was the opening of Pacific routes and this fact must be remembered in the consideration of subsequent development of Indian policy.

PERIOD OF INTERNAL EXPANSION AND READJUSTMENT,
1848-54-68. THE FOUR GREAT FACTORS

The period between 1840 and 1848 has been characterized as a period of national self-assertion. It brought in its train a multitude of new problems, especially in connection with the newly acquired territory, and those together with the growing bitterness of the slavery issue in the old states as well as in the new territory created a crisis which was the supreme test of American Nationality. The period from 1848 through the Civil War was one of internal expansion and readjustment and its problems had to be worked out in the face of ever increasing sectional rivalries and jealousies. The bitterness to which this sectionalism would go was not fully appreciated until the problem of organizing the new territory was taken up during and after the close of the Mexican War. The sudden and complete comprehension of the import of the situation made the great leaders hesitate, and in a spirit of conciliation, resulting from this new understanding, the compromise of 1850 was finally accepted, and all the recently acquired territory was organized. The Indian Country alone was without a government. It was now surrounded on all sides by organized states and territories and through it ran the routes connecting the east and the far west.

Next must be traced the development of the four great

⁵³ Cutts, *Constitutional and Party Questions*, pp. 89-91. The Congressional Globe does not record bills for Nebraska in 1846 or 1847.

factors which contributed to the revision of the Indian policy through this later period as far as the passage of the Kansas-Nebraska Act. These factors are, first, westward expansion and the settlement of the Pacific Coast; second, the Pacific railroad movement; third, westward expansion and the organization of Nebraska; fourth, the changed living conditions and civilization of the Indians. In the discussion of each the aim is to indicate how it brought influence to bear on Indian policy which made revision necessary.

WESTWARD EXPANSION AND SETTLEMENT OF PACIFIC COAST

The movement for the settlement of the Pacific Coast lays the background and becomes the motive in a large measure for the development of the other three factors indicated. A brief statement of the earliest phases of the settlement has already been made. The first steady stream of emigration to the coast began to flow in 1843. It is estimated that about 1000 emigrants made the long overland journey in that year. This stream increased slowly each year, in spite of the uncertainty of the question of the boundary, the joint occupation, and the absence of a government or protection either in Oregon or *en route*. In 1846 the boundary question was satisfactorily settled with Great Britain. At that time the total population of the territory was reported at 10,000. In the spring of that year it is estimated that 2,500 people were gathered along the Indian frontier on the Missouri River at Council Bluffs, St. Joseph, Elizabethtown, and Independence. Approximately two-thirds of them were bound for Oregon and the remainder for California. The road was long and difficult, and by the time they reached Ft. Laramie some were obliged to sell or abandon their wagons and supplies and continue on horseback. Sickness of both emigrants and teams added to the hardship and discouragement of the journey.⁵⁴

After 1848 the emigration to Oregon continued, although it did not have the incentive which attracted settlers to California. In that year the Territory of Oregon was or-

⁵⁴ McMaster, *History of the People of the United States*, Vol. VII, p. 432.

ganized. The settlements came to center largely in two regions. The first had been made in the Willamette Valley, on the south side of the Columbia River. This still remained the center of population in the southern part of the Territory. In the northern part of the Territory Puget Sound became the center of population and of economic development. The people of the north demanded a separate government and prepared a memorial asking that a division of the Territory be made. A bill was passed in March, 1853, which created the new Territory of Washington out of the country north of the Columbia River and the forty-sixth parallel.⁵⁵

In 1848 the Pacific Coast became of most unexpected importance. Gold was discovered in California in January and before the year was out the news had spread to all parts of the east. Preparations were made during the winter of 1848-49 for the rush to California. The question of first importance immediately became the matter of routes. Generally speaking three possibilities presented themselves; the route by way of Cape Horn, the route across the Isthmus of Panama, and the route overland by way of the Platte River Valley and the South Pass. Of these the Cape Horn route was the safest. It was also the longest, but it was the one by which most of the commerce was carried on with the Pacific Coast. By the middle of March, 1849, over 12,000 gold seekers had left New York for California by that route. The route across the Isthmus of Panama was more difficult and dangerous but it had the advantage of being comparatively short. This route was literally swamped with emigrants. The overland route was the only one which had the advantage of lying within the territory of the United States. In the early spring of 1849, emigrants, wagons, and supplies collected along the Missouri River from Westport, Missouri, to Council Bluffs, Iowa. There they organized and waited for summer and sufficient grass to graze their animals during the journey. The streams from these divergent points united at or near Fort Kearny

⁵⁵ C. G. 2s. 32C. pp. 539-40, 554-55.

on the Platte River west of Grand Island. There a record was kept of the number of wagons that passed. By the end of June, when the emigration was practically over, there were 5,516 wagons recorded and it is estimated that 20,000 persons accompanied them. Hundreds of wagons turned back. Probably 2,000 emigrants had died of cholera. This was only the beginning of the journey, and across the wilderness many had to abandon part or all of their property. A traveler passing over the route writes that near Fort Laramie the prairie was strewn with provisions and wreckage and burned wagons left by the emigrants. In one place about 800 pounds of bacon were heaped in one pile. "Boxes, barrels, trunks, wagon wheels, whole wagon bodies, cooking utensils," and various implements were scattered along the trail, together with the carcasses of oxen. It was winter before the more belated emigrants reached their destination and then only with the aid of those at the other end of the trail. This was the California and Oregon Trail, the overland route to the Pacific.

Congress failed to provide a government for the Mexican Cession immediately after the close of the war. Polk sent General Riley to California with troops and orders from the War Department to take up the duties of civil government. With the encouragement of the President the Californians made a state constitution in September, 1849. It was adopted and the government organized. John C. Frémont and William M. Gwinn were elected senators. The state was admitted in the next year, as a part of the Compromise of 1850. Similar movements developed in Deseret, or Utah, and in New Mexico, but Congress merely created territorial governments for them.

The census of 1850 showed that California had a population of 122,000 and the emigrants poured into the country by the thousands during the year. Along the route they were required to register at Fort Laramie and the records show that 9,000 wagons carrying about 42,000 people had passed that point by the first of July, 1850.⁵⁶ The emigration

during 1851 and 1852 was near that of 1850, and the emigrants used every method of transportation for themselves and their small store of goods from well equipped freight wagons and ox teams to wheelbarrows and push-carts. Representative Hall of Missouri made the statement in the House on 10 February, 1853, in the debate on the Richardson bill to organize Nebraska, that the annual emigration to the Pacific Coast was fifty to sixty thousand, and these pioneers had to make the long, weary journey through wild Indian country where there was no government to give them aid or protection except such as was afforded by the small military forces stationed at the few forts along the route.⁵⁷ The territory from the Missouri River west to the Pacific Coast could never develop along natural lines and become a prosperous and contented part of a unified nation so long as it was cut off by the Indian Country and forced to work out its own destiny apart from the rest of the union. The integrity of nationality demanded that adequate communications and means of transportation be provided, that the country along these routes be settled and developed, and that the Indians be removed from that territory.⁵⁸

WESTWARD EXPANSION AND PACIFIC RAILROAD MOVEMENT

The story of the Pacific railroad movement is one that is closely interwoven with the organization of the Indian Country and the consequent modification of the Indian policy. It must now be traced briefly in so far as it relates to these questions. Here also will be noticed the sectional rivalry between the north and south. The idea of a Pacific railroad had occurred to several men in the beginning of the period of railroad building, but in 1845 Asa Whitney placed the proposition before Congress by memorializing that body for

⁵⁶ M. O. to Major John Dougherty 1 July, 1850. *Dougherty MSS.*; Missouri Historical Society Library, St. Louis.

⁵⁷ C. G. 2s. 32C. pp. 558-60.

⁵⁸ The data for this section on the settlement of the Pacific Coast have been mostly taken from McMaster, *History of the People of the United States*. Volumes VII and VIII except where otherwise indicated. The interpretation is strictly the author's.

a grant of land along the route to aid in the building of the road. His original plan was to build by the northern route from the Great Lakes westward. In the early forties this would have been the natural route, because it was the line along which westward expansion seemed to be moving. Similar proposals were presented in 1846 and each year thereafter until 1854. The later routes proposed were the central routes, either by way of South Pass or Santa Fé, or the southern route by way of Fort Smith and Santa Fé, or lastly the far southern route by way of El Paso. All of these except the last would pass through the Indian Country, and the land grants made to build them would be grants of the Indian Country. The land so granted was to be sold to settlers who would develop the country along the route so as to support the railroad. Almost all of the members of Congress were in favor of the railroad, but they could not agree as to the method to be adopted for building it, nor as to the terminals of the road. But one thing was clear to all; that, whenever the road should be built, unless it went by the most southern route, the territorial organization of the country along the route would have to be completed.

Officials of the government were also interested in the railroad and were looking forward to its being built. Buchanan, when Secretary of State, wrote a letter to J. M. Shively, Deputy Postmaster at Astoria in Oregon Territory, dated 29 March, 1847, in which he predicted the building of railroads and telegraphs to the Pacific. He said:

“Science has discovered, and enterprise is now fast establishing, means of intercommunication so rapid, that, at no distant day, a journey from New York to Oregon will be accomplished in less time than was once employed in traveling from that city to New Orleans, and important news will be communicated by telegraph with the velocity of lightning. Their foreign commerce with the west coast of America, with Asia, and the isles of the Pacific, will sail under the protection of our common flag

and cannot fail to bear back wealth in abundance to our shores."⁵⁹

Two years later, the Secretary of the Interior, Thomas Ewing, in his annual report, commenting on the subject of the Pacific railroad, pointed out that the expansion of the eastern and the western lines of settlement would ultimately approach each other and thus fill up all the intervening territory.

"It [California] has already a considerable commerce, which is constantly increasing, and must soon become extensive, not only with our own country and Europe, but with China, and the Pacific islands; including Japan, whose ports, it is believed, will be opened to the admission of its gold. . . [The Oregon commerce was also growing.] Some means of intercommunication across the continent, through our own territory, from the Atlantic to the Pacific—a road which can be passed over with reasonable speed and safety—is necessary to meet the wants of our citizens on either coast, *and is equally necessary to aid the government in controlling the Indian tribes of the intermediate country, and in protecting from their depredations our two lines of frontier settlements, which will now gradually approach each other. Opinion as expressed and elicited by two large and respectable conventions, recently assembled at St. Louis and Memphis, points to a railroad as that which will best meet and satisfy the wishes of our people.*"⁶⁰

He then recommended that surveys be made to determine the best route for a road, and, in fact, money had been set aside in the army appropriation bill of 1849 for such surveys, but had not been used.⁶¹ The next Secretary of the Interior, A. H. H. Stuart, made very similar comments in his report of the following year, but these recommendations also failed to bring results.

⁵⁹ Ex. Doc. No. 1. 1s. 30C. p. 44. Pub. doc. 503.

⁶⁰ Sen. doc. No. 5. 1s. 31C. pp. 13-14. Pub. doc. No. 570. The italics are the author's.

⁶¹ Haney, *Congressional History of Railways*. Pt. II. p. 55.

The rivalry between the north and the south over the question of routes for the Pacific railroad was intense. Their plans were more extensive than has been generally appreciated, and had a close relation to various proposals relating to Indian Affairs. On 30 September, 1850, Congress authorized the appointment of a special commission for the purpose of obtaining statistics and making treaties with various Indian tribes along the border of the United States and Mexico. The commission was composed of C. J. Todd, Robert B. Campbell, and Oliver Temple. Instructions were issued under the date of 15 October, 1850, and were written by Acting Commissioner A. S. Loughery. Behind the whole affair was a plan to secure territory, probably in west Texas, on which all the southern border tribes could be consolidated. This would remove all Indians from the southern boundary line, relieve the government of Indian border difficulties, open the country to settlement, and make possible the building of the Pacific railroad by the southern route. At the same time the government was engaged in surveying the boundary and the commission was to cooperate with the topographical engineers.⁶² These plans do not all come out in the instructions but they are clearly set forth in the committee's report. They had conversations with Senator Rusk of Texas, one of the strongest of the southern railroad agitators, at New Orleans in November, and with Governor Bell at Austin, and sent reports of the conversations to the department together with other communications not mentioned in the report. The following extract from the printed report (1851) gives a full statement of the underlying motives of the expedition:

"This system contemplates arrangements by which incursions into Mexico as well as Texas shall be restrained, and the separate territory proposed to be secured in Texas lies north of the route usually travelled to El Paso and New Mexico. A boundary having this beneficial provision on the entire route

⁶² Instructions. Sen. doc. No. 1. 2s. 31C. p. 153. Pub. doc. No. 587.

to the Pacific, will therefore offer inducements to a cordon of settlements along the borders of the United States and Mexico, which, with the military advantages of a railroad, will supercede the necessity of a considerable expenditure in the establishment of military posts. In this view of the subject we regard a railroad, so far as its establishment may be within the provisions of the Constitution, contiguous to the line now in process of demarcation, and extending to the Pacific, as possessing eminent tendencies to fulfill our treaty stipulations, one of the most important objects contemplated in our instructions. Without any design to disparage the other routes to the Pacific, we may be permitted to speak of the great advantages which the climate and the topography on this route present to the construction of a railroad from sea to sea. The distance along the route of the Gila, enormously estimated at one thousand six hundred miles, is believed to be, in the opinion of competent officers of the topographical bureau, not more than twelve hundred; and along this route the depressions in the Rocky Mountains are preeminently advantageous for the construction of a railroad, while all the approaches through Texas to El Paso on the Rio Grande present the most inviting considerations for this great object.

“It is needless to expatiate upon the value of a railroad communicating across the continent within our own borders, whether we look at it in a commercial, political or military point of view. As a bond of union between the states on the Atlantic and Pacific, its importance cannot be exaggerated: and in event of a war with a maritime power, the facility which it would afford for the rapid transportation and sudden concentration of an armed force, will render our possessions on the Pacific as impregnable as the late war with Great Britain proved our invincibility along the Atlantic, Mississippi and lake coasts.”⁶³

In connection with the Richardson bill to organize the Territory of Nebraska, three years later, the rivalry over

⁶³ Sen. doc. No. 1. 1s. 31C. pp. 302-306. Pub. doc. No. 61. The italics are the author's.

these same routes is again clearly manifested, with its bearing on the Indian situation. In the debate of 10 February in the House Committee of the Whole, Mr. Howard of Texas led the opposition based on the argument that the Indian title to the land in Nebraska had not been extinguished. As the government had made special treaty guarantees to the Indians that this land would be theirs forever and that there would never be any organized white territory or state established over them, the Richardson bill would be a breach of faith which could not be tolerated. In order to allow the Indians sufficient land the southern boundary of the Nebraska territory should be made $39^{\circ} 30'$ instead of $36^{\circ} 30'$, north latitude. Mr. Hall of Missouri, who was one of the chief supporters of the bill, answered him. He ridiculed Howard's change of attitude toward the Indian and his sudden solicitude for his welfare, because it was always understood that "according to Texas morals and politics" the Indian had no rights whatever. He then made it plain that he considered that Howard's interests were not in the welfare of the Indians of Nebraska, but in an altogether different subject. His purpose and that of the state of Texas was to force the Indians out of that state in order that it might be settled and to drive them northward into Nebraska and prevent its organization and settlement. These additional wild Indians in Nebraska would make the central routes to the Pacific so dangerous that emigration to the coast would of necessity have to go by way of the southern route through Texas, and when the Pacific railroad should be built, it would also have to follow that route.⁶⁴

v. p. 57

The climax of the efforts of the southern group of railroad men to open their route came in 1853. The southern boundary of the Mexican cession as fixed by the treaty of peace in 1848 was designed to include the passes through the Rocky Mountains for a Pacific railroad well within the territory of the United States. The surveys of the boundary later showed that the best passes were on the Mexican side

⁶⁴ C. G. 2s. 32C. pp. 542-44. 556-58.

of the line, and by a second treaty with Mexico the Gadsden Purchase was made which secured the desired railroad route.

During this time two particular groups of men in Missouri had set about to build railroads as far as the Indian Country. The Hannibal-St. Joseph Railroad Company was incorporated by the act of 16 February, 1847. The company immediately made efforts to secure a land grant from the United States Government to aid in building the road. The memorial was drawn up by J. S. Green and W. P. Hall. It was stated that the road was to be "an outlet to our rich and valuable trade to Santa Fé and other Mexican towns, which trade [was] becoming daily more and more important, and would offer many facilities to those who were desirous of migrating to Oregon or the more distant provinces on the Pacific."⁶⁵ Senator Atchison of Missouri presented a bill for the land grants on 5 May, 1848, which was favorably reported from the Committee on Public Lands by Senator Breese of Illinois, but was not acted upon further.⁶⁶ On 3 January, 1850, Atchison introduced another bill for a land grant to the same road, which was passed by the Senate on 19 June, but was not considered by the House.⁶⁷ In the next session Shields, the chairman of the Senate Committee on Public Lands, introduced a bill for the same purpose. It was also passed by the Senate on 8 February, 1851, but again the House did not consider it.⁶⁸ In the House the same series of bills had been presented by W. P. Hall, Representative from Missouri, and in addition he had presented two memorials in 1850 in favor of building a Pacific railroad from St. Joseph, Missouri, his home city.⁶⁹

In the meantime, the Hannibal-St. Joseph Railroad was working for state aid in Missouri, which was granted by the

⁶⁵ Laws of Missouri. 1847. pp. 253-54. Quoted in Millien, *State Aid to Railroads in Missouri*, p. 71.

⁶⁶ Sen. Jour. 1s. 30C. pp. 318. 397. A week later Douglas introduced a bill for a land grant for the state of Iowa for a railroad from the Mississippi to the Missouri River. Sen. Jour. 1s. 30C. p. 333.

⁶⁷ Sen. Jour. 1s. 31C. pp. 51. 206. 410. A bill providing for a grant of land to the Davenport-Council Bluffs road in Iowa was presented by Felch 6 March. *Ibid.* p. 97.

⁶⁸ Sen. Jour. 1s. 31C. pp. 35. 38. 151, 157.

⁶⁹ House Jour. 1s. 31C. pp. 755. 880. Pub. doc. No. 566. It is also very important to note here that a year later Hall presented his first bill providing for the organization of Nebraska Territory. It is significant that he should be presenting these three subjects to the attention of Congress at the same time.

legislature on 22 February, 1851. When Congress met the next winter, another attempt was made to secure a land grant from the national government, which proved successful. Senator Atchison again introduced the measure, but it was amended in order to include another project upon which he had also been working.

The Pacific Railroad Company was incorporated by the state of Missouri 12 March, 1849, and was to follow the route from St. Joseph through Jefferson City to the west line of the state at some point in Cass County. The intention of the men behind this proposition was to build the road "with a view that the same may thereafter be continued westwardly to the Pacific Ocean."⁷⁰ This company also desired a grant of land from Congress, and drew up a memorial which was presented by Senator Atchison 27 February, 1850.⁷¹ In the next session he presented a bill for the same purpose which was passed by the Senate but not by the House.⁷² In the winter of 1851-52 the bill was introduced by Senator Geyer of Missouri but was not considered. However, the Hannibal-St. Joseph bill, before mentioned, was passed with an amended title which included both roads. This act was approved 10 June, 1852.⁷³ A special session of the state legislature was called to accept the grant and distribute the land to the companies, but the distribution was delayed until the following regular session. The Pacific Company was authorized on 25 December, 1852, to build a south-west branch, which was finally run to Springfield, Missouri.⁷⁴ Soon afterward an act was passed which granted the company the right "to construct and operate its road to any point or points west of the boundary of the state of Missouri."⁷⁵

7
St Louis
?

Both of these ventures were represented in Congress by two men, Atchison in the Senate and Hall in the House, who were leaders in the movement to organize a territorial gov-

⁷⁰ The charter is printed in Sen. Misc. doc. No. 59. 1s. 31C. pp. 3-7. Pub. doc. No. 563.

⁷¹ Ibid. pp. 1-3.

⁷² Sen. Jour. 2s. 31C. pp. 47. 57. 160. 208.

⁷³ Sen. Jour. 1s. 32C. Text of Act. 10 U. S. Statutes. p. 8.

⁷⁴ Million. *State Aid to Railroads in Missouri*, pp. 68. 75. 85.

⁷⁵ Ibid. p. 81. The italics are the author's.

ernment in the Indian Country. Senator Atchison was also chairman of the Senate Committee on Indian Affairs for some time and managed the business of the Indian Department in the Senate, especially the Laramie Treaty which opened up the central route to the Pacific through the western Indian Country. The two roads just considered have been chosen as illustrations, because of the men supporting them and because they were roads which were not only projected, but had received both state and national aid and were actually in process of construction. Furthermore it was clearly planned for both of them to be built to the Pacific through the Indian Country.⁷⁶

WESTWARD EXPANSION AND ORGANIZATION OF NEBRASKA
1848-52

After 1848 emigration across the Indian Country increased by leaps and bounds. The road to California was traversed by thousands of Americans going to seek homes or gold in the territories of the Pacific Coast. They were therefore especially interested in a safe route to the Pacific through organized territory. At the same time the pioneers had been banking up against the eastern frontier of the Indian Country and many were looking forward with a great deal of interest to the day when the Indians would be forced out of that country and the whole region opened up to settlement. On 20 December, 1849, a memorial from the Legislature of the State of Missouri asked for the organization of the country west of that state.⁷⁷

The interest of Stephen A. Douglas in the organization of the Nebraska country in the preceding period has been discussed in connection with the organization of the Oregon country. In 1848, Douglas came forward with another bill providing for the organization of Nebraska.⁷⁸ As proposed in this bill, the territory was to include the country between

⁷⁶ The project of the Douglas group are probably of more importance in the history of the Pacific railroad, but that story has been told in Hedder's *Genesis of the Kansas-Nebraska Bill*. In the proceedings of the State Historical Society of Wisconsin. 1912. The connection between the schemes of Douglas and the Missouri group will be discussed in the next section, on the organization of Nebraska.

⁷⁷ C. G. 1s. 30C. p. 56.

⁷⁸ *Ibid.* p. 467.

40° and 43° north latitude, from the Missouri River west to the Rocky Mountains.⁷⁹ The bill, however, failed to receive consideration at this time. The proposal was premature so far as immediate accomplishment was concerned, but the movement in favor of early organization was steadily growing.

A very keen analysis of the situation as it existed at the time was made by Father De Smet, the noted missionary to the Indians of the west. The following is taken from a letter written in 1851:

“The same lot that the Indians east of the Mississippi have experienced, will at no distant day overtake those who dwell on the west of the same river. As the white population advances and penetrates into the interior, the aborigines will gradually withdraw. Already, even, it is perceptible that the whites look with a covetous eye on the fertile lands of the Delawares,⁸⁰ Potawatomes, Shawnees,⁸¹ and others on our frontiers, and project the organization of a new Territory—Nebraska. I should not be surprised if, in a few years, negotiations were entered upon for the purchase of those lands, and the removal of those Indians who will be forced to retire farther west. The great openings offered to emigration by the definitive arrangement of the Oregon Question, as well as the acquisition of New Mexico, California and Utah, have alone, thus far, hindered any efforts for extinguishing the Indian titles or rights to the lands situated immediately west of the State of Missouri, and those situated on the south side of the river Missouri, between the rivers Kansas and Platte, and probably as high as the Nebraska or L’Eau qui court.”⁸²

Father De Smet’s comments are very significant. He had read the situation aright, only the movement, which he predicted, came sooner than he had anticipated. The government seems to have gone so far as to consider the survey of the Indian Country in 1851 with a view to the organization of

⁷⁹ Watkins, *History of Nebraska*, Vol. I. p. 135.

⁸⁰ Territory on the north side of the Kansas River.

⁸¹ Land immediately south of the Kansas River.

⁸² De Smet, *Life and Letters*, Edited by Chittenden and Richardson. Vol. III, pp. 1201-03.

the territory, for J. Butterfield, Commissioner of the General Land Office, reported to the Secretary of the Interior, A. H. H. Stuart, that:

“the establishment of a territorial government for the Platte river or Nebraska country, west of the Missouri river, and between the state of Iowa and the eastern spurs of the Rocky Mountains, would have to precede the extension of our surveying system over any bodies of country that may be acquired from the Indians in that region.”⁸³

The next step in the movement to organize the Indian Country was the introduction of a bill in the House for that purpose by Representative Hall of Missouri in 1851.⁸⁴ This was followed in the next year by one in which he named the proposed territory, the “Territory of the Platte.”⁸⁵ However, neither of these bills received consideration. Nevertheless the issue of the organization of Nebraska was joined during this session of 1852-53 on the bill presented by Representative Richardson of Illinois, Chairman of the House Committee on Territories. At that time there seems to have been more than one element in the legislative program of the northwestern group in the House. Three measures were associated in their minds which should be worked out in conjunction with each other. They were the division of Oregon into two territories under the names of Oregon and Columbia, the organization of Nebraska, and the building of a road from the frontiers to the coast. This is the program outlined by Shields of Illinois on 8 February, 1853, when the two bills for organization of territories came up for consideration in the Committee of the Whole. Richardson made a motion to take up the Nebraska bill first, as it was the desire of the Committee on Territories to take them up in that order, but when objection was made he gave way. The Territory of Columbia bill was then considered, amended to

⁸³ Sen. doc. No. 1. 1s. 32C. p. 17. Pub. doc. No. 613.

⁸⁴ C. G. 1s. 32C. pt. 1. p. 80.

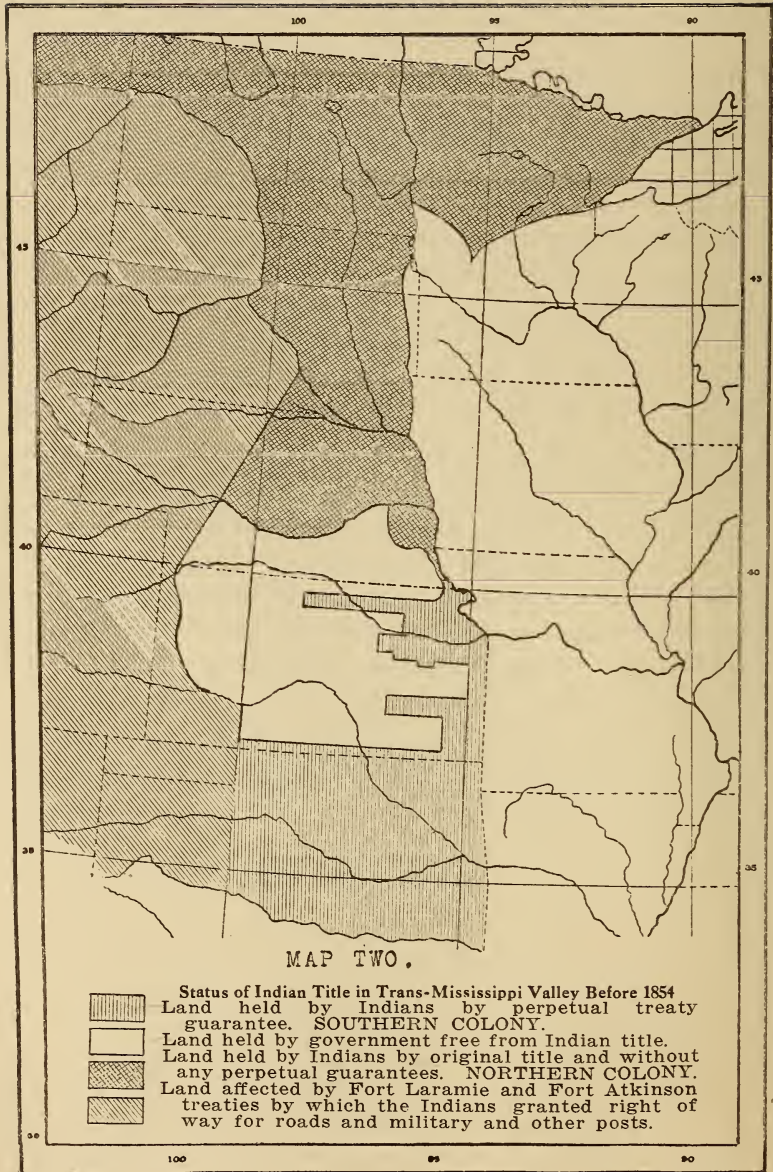
⁸⁵ C. G. 2s. 32C. p. 47.

change the name to Washington, and passed on 10 February.⁸⁶





Richardson's Nebraska bill was considered in Committee of the Whole on the same day as the Territory of Columbia bill. The proposed boundaries of the Territory were 36° 30' on the south, and 43° on the north, and included all the country between the Missouri and the Rocky Mountains. The debate on the bill was almost altogether along three lines; the absence of white population, the question of Indian title, and the building of a Pacific railroad. The last two questions are very closely connected in many respects and it is difficult to draw the line between the arguments based on a sincere interest in the Indian and those arising out of the selfish interests and the rivalry over the Pacific railroad routes.

All the territory included within the boundaries fixed by the Richardson bill was occupied by Indians and the intercourse act of 1834 prohibited white men access to the country. It was therefore impossible for white men to settle there. However, the intercourse act did not give the Indians a perpetual guarantee to all the territory defined as Indian Country for the purpose of the administration of the act. In this Indian Country there were three different kinds of lands. First, those to which the original Indian title had been extinguished and which had been regranted by treaty in perpetuity to Indians removed from east of the Mississippi River under the provisions of the Act of 1830. Furthermore, these Indians were never to be included within any organized state or territory without their own consent. They constituted a comparatively narrow strip along the western border of Missouri. Second, those to which the original Indian title had been extinguished, but which had never been regranted to any other Indians. The title, therefore, belonged to the United States Government, although Indians occupied or hunted over all of what is now central and western Kansas and Nebraska south of the Platte River. Lastly, lands for which the original Indian title had never been ex-

⁸⁶ C. G. 2S. 32C. pp. 539-40, 554-55. Passed Senate 2 March.



MAP TWO.

- Status of Indian Title in Trans-Mississippi Valley Before 1854
-  Land held by Indians by perpetual treaty guarantee. SOUTHERN COLONY.
 -  Land held by government free from Indian title.
 -  Land held by Indians by original title and without any perpetual guarantees. NORTHERN COLONY.
 -  Land affected by Fort Laramie and Fort Atkinson treaties by which the Indians granted right of way for roads and military and other posts.

tinguished, and no treaty guarantee had been made to the Indians to whom the title belonged. These included lands north of the Platte River, also a small district south of the Platte and just west of the Missouri River, and the lands of the prairie and mountain tribes of the far west; Colorado, Wyoming, etc.⁸⁷

The objections to the Richardson bill based on the Indian question centered on three points; the perpetual treaty guarantee of title, the guarantee that they would not be included in any organized state or territory, and the argument that if Nebraska were organized with the boundaries as fixed in the bill, the Indians would not be left enough land to support them.⁸⁸ Howard of Texas insisted that the south boundary should not be 36° 30' but 39° 30'. This would leave the Indians sufficient room, but he did not explain that it would also leave the central routes to the Pacific in the Indian Country just as before. Hall of Missouri led the defense. He ridiculed Howard's sudden interest in the welfare of the Indians. He was not aware that the gentleman from Texas had changed his policy toward them, and his constituents were to be congratulated on the change in their representative. It had always been understood that "according to Texas politics and morals, the Indians had no rights whatever." He then pointed out that the bill provided that the treaties with the Indians should not be violated and that they should not be included in the new territory without their own consent. Provisions were also made for negotiations with the Indian tribes for the extinguishment of their title in a regular way. He then showed that Mr. Howard was not interested in the Indians in Nebraska at all. It was the purpose of Mr. Howard and the state of Texas to force the Indians out of Texas so that their territory could be settled and developed. The Indians thus driven out would be forced northward into the Nebraska country and in that way prevent the organization and settlement of Nebraska. The presence of so large a body of wild Indians in that country

⁸⁷ See above, pp. 20 and 24.

⁸⁸ See above, p. 49.

would make the overland routes to the Pacific so dangerous that emigration would of necessity have to avoid the Indian Country and pass through Texas and furthermore when the railroad should be built, it would have to take the southern route.⁸⁹

Mr. Hall seems to have been the only speaker who understood, in its larger aspect, what the opening of the Nebraska country would mean in its relation to the Indian policy of the government. The organization of Nebraska and the removal of the Indians would be a complete revolution in the Indian policy followed for twenty years. The consolidation of the Indians in the southwest would have to be abandoned and a complete regrouping would have to take place.

Before the time at which the Richardson bill was being considered in Congress the two propositions, the organization of Nebraska and the construction of the Pacific railroad by the central route, had been definitely and openly linked together. Probably the first time they were so publicly linked as measures for practical and immediate accomplishment was in a speech made by Thomas H. Benton at Jackson, Missouri, on 30 October, 1852.⁹⁰ However, the connection had been well understood for some time by the groups of men interested in these and other railroads and in the organization of the Nebraska Territory. The close connection is also brought out very forcibly by the Atchison-Benton campaign for the senatorship in Missouri during the summer of 1853 and the following winter. Both of the principals in the contest recognized that the organization of the Nebraska Territory was necessary before the railroad could be built by the central route to the Pacific.⁹¹ In fact the two measures were counterparts of each other.

When it comes to the analysis of the debate on the Richardson bill it is clear that the really fundamental objection was the rivalry over the routes for the Pacific railroad. It is clear that the bill was sponsored by the Douglas group in

⁸⁹ C. G. 2s. 32C. pp. 542-44. 556-58.

⁹⁰ Ray, *Repeal of the Missouri Compromise*. p. 75.

⁹¹ *Ibid.*

Congress, a group which was definitely pledged to the railroad idea.⁹² Richardson of Illinois was chairman of the Committee on Territories in the House, and Douglas himself was Chairman of the Committee on Territories in the Senate. They were in coalition with the members from Missouri, Hall in the House and Atchison in the Senate, who were also pledged to the railroad idea. The importance of this coalition has not been sufficiently appreciated. Atchison had secured the land grants to two Missouri railroad companies whose purpose was to build to the Pacific and he was now supporting the Nebraska bill. Hall had presented the same series of land grant bills in the House, memorials for the building of a Pacific railroad from St. Joseph, Missouri, and two bills for the organization of Nebraska.⁹³ Now he was taking the leading part in the defense of the Richardson bill in the House. His speech in the Committee of the Whole on 10 February, 1853, in which he developed his reasons for the organization of Nebraska, is sufficiently comprehensive and important to warrant quotation even at the risk of a measure of tediousness:

"The gentleman from Texas [Mr. Howard] entirely misapprehends the reasons upon which the organization of Nebraska rests. He states, that Nebraska Territory comprises three hundred and forty thousand square miles of land, and that only some four or five hundred people reside in the Territory; and he says that the wants of the people do not require a territorial organization. *We do not want this bill merely to protect the inhabitants of Nebraska; we want it for other equally important purposes.*

"I wish the gentleman from Texas would turn to the map of the United States, and look at the situation of Nebraska.

"I wish the gentleman would also look at the situation of Oregon, California and Utah. An immense wilderness of one thousand miles in extent separates the people of this side of the continent

⁹² Hodder. *Genesis of the Kansas-Nebraska Bill*. Proceedings of the Wisconsin Historical Society. 1912.

⁹³ See above, pp. 50-51.

from those occupying the territory bordering on the Pacific Ocean. How are Oregon and California to be protected in time of war if this great wilderness is forever to remain without settlement? It appears to me to be a self-evident truth—one about which there cannot be two opinions—that if California and Oregon are to remain portions of this Union, you must extend your lines of settlement from the Missouri river to the summits of the Rocky Mountains, and continue the farms, the village, and city of the white man from ocean to ocean. How is your commerce carried on with California and Oregon? It is carried on by way of Cape Horn, or across the Isthmus of Panama. And how do your emigrants reach those settlements? They have to pass through the immense wilderness west of the State of Missouri, exposed to all kinds of disease, the inclemency of the weather, and the attacks of savage Indians. There is no house on this great line of travel in which a sick man can take refuge, or a helpless woman seek shelter from the storm; and yet the gentleman says, because we have a treaty with a few Indian tribes which stipulates that their territory shall not be included within any territorial government, that neither now nor thereafter can we protect that extensive overland route.

"We want to organize the Territory of Nebraska then not merely for the protection of a few people who reside there, but also for the protection of Oregon and California in time of war, and the protection of our commerce, and the fifty or sixty thousand emigrants who annually cross the plains. These emigrants have now no protection, and murder and crimes of various kinds, are committed among them which are not and can not be punished under existing laws. Establish a territorial government and judicial tribunals there, and protection will be afforded them.

* * * *

"The crowd of emigrants, to which I have adverted, every year violates to a greater or less extent the rights of the Indians. They destroy their timber, and spread the cholera, small-pox, and measles, and other contagious diseases among them. They subject them to innumerable annoy-

ances; and *you cannot protect these Indians from encroachments on their rights unless you do what I have no doubt the State of Texas would wish were done; establish a decree that no man shall pass through that Territory at all, either in going to or returning from California and Oregon, or remove these Indians off the great highways to the Pacific coast and settle them as far as possible from the emigrants who now pass through their country in crowds. Establish the Territory of Nebraska, place its government under the direction of men of character, supported by the laws of the country, and, if necessary, by military force. Do that, and in some degree you may expect to secure these Indians from disturbance.*"⁹⁴

He then quotes from the reports of Commissioner of Indian Affairs Medill and Superintendent Mitchell in which they advocate the removal of the Indians of the Platte Valley and the opening of the country along the routes to Oregon and California. Continuing he says:

"I will never go for a bill to violate a treaty with any Indians, or anybody else. But, says the gentleman, this will change our entire Indian policy. Yes, sir, it will. Does the gentleman know that since the Act of 1834 was passed, the condition of the country has been totally changed? In 1834, Oregon was not settled, and I suppose a majority of the people of the United States thought it would never be settled. Since that time we have acquired a great and powerful State on the coast of the Pacific, and we have acquired New Mexico, too, but under the Indian intercourse act, that immense country which intervenes between Missouri and the summit of the Rocky mountains is made a wilderness, and we are cut off from the great coast of the Pacific. *I appeal to the gentlemen of this committee if that change of the circumstances of the country does not imperatively demand a change in the Indian policy of the country? Why, everybody is talking about a Railroad to the Pacific ocean. In the name of God, how is the railroad to be made if you will never let people live on the lands through which*

⁹⁴ The italics are the author's.

the road passes? Are you going to construct a road through the Indian Territory, at the expense of \$200,000,000, and say no one shall live upon the land through which it passes?

"But this territory is too extensive, says the gentleman from Texas. I admit that it is extensive. It extends from the forty-third parallel of north latitude to the parallel of 36° 30' north latitude, and from the Missouri river to the summit of the Rocky Mountains. *It has to be thus extended, in order to embrace the great line of travel to Oregon, New Mexico and California. The South Pass is in latitude 42° 30', and hence the territory has to extend to the forty-third degree of north latitude.*

"The reason why this bill fixes 36° 30' as the southern boundary of Nebraska is, because the road from Missouri to New Mexico crosses the line of 36° 30', and therefore you have to run down to that line to protect that great travel. That is the reason why the boundaries are so extensive.

"As to the Indian intercourse act and that policy I regret that it ever was established. It appears to me that those who at that day represented the State which I now represent, did not go quite as far into futurity as they might have done, and as the interests of the people of my section of the country required. I regret that it is the case, but having been established, I wish to do nothing that will interfere with any treaties that may have been made whilst that policy prevailed. In my opinion, however, this bill is sufficiently guarded to protect the rights of the Indian tribes. If it is not so, then I beg the gentleman to devise amendments calculated to protect the Indians, and I will vote for them; but do not raise the objections to the bill and then make no effort to relieve it from the weight of those objections."⁹⁵

Later in the debate Richardson spoke in support of the bill and the burden of his defense was to make possible the natural westward expansion and the opening of the routes to the Pacific:

⁹⁵ C. G. 2s. 32C. pp. 558-60. The italics are the author's.

"Gentlemen have stated that the population of this territory amounts to only six or eight hundred people. Probably it does not amount to more than that. The settlement of that territory has been prevented for six or seven years by the Indian intercourse act and the policy pursued by this government. But there are today, upon the borders of Missouri five, ten or fifteen thousand *people waiting for you to give them permission to settle in the Territory*, and to relieve the Government from the expense of the military force that you keep there. Five thousand settlers would do more to protect the line of travel to Oregon, California and New Mexico, and all the interests you have in the Proposed Territory, than all the troops in your regular Army.

* * * *

"He [Howard] is opposed to all bills which create territorial governments. *He is willing to treat with these Indians, to go through that slow process, and in the meantime all the great objects of the establishment of a territorial government will be lost, and emigration to the Pacific will be driven to another portion of the Union, from the route which it now follows.* He wants time, but *the great interests of our western people demand the passage of this bill, and demand it now. . . .*"⁹⁶

Two amendments were adopted to obviate all possible objections based on the Indian question. The first presented by Clingman (N.C.) provided specifically that certain Indian tribes be not included in the Territory without their own consent. The second transferred the duties of superintendent of Indian Affairs in the Territory from the Superintendent at St. Louis to the Governor of the proposed Territory. In this form the bill passed the House on 10 February, 1853, by a vote of 98 to 43. An analysis of the vote shows it to be almost altogether sectional. Thirty of the forty-three votes against the bill coming from the south, and eighty of the ninety-eight for the bill coming from the north.⁹⁷

In the Senate the contest was more critical as the opposi-

⁹⁶ C. G. 2s. 32C. pp. 651-63. The italics are the author's.

⁹⁷ *Ibid.*

tion was stronger owing to the more equal representation of north and south in the upper house. The objections made were very similar and here the Douglas-Missouri coalition becomes even more significant. Atchison of Missouri was Chairman of the Committee on Indian Affairs and was chosen President *pro tem* 20 December, 1852, and presided during the session. For the reason that he was presiding officer he kept almost silent on all matters under discussion, speaking on only two bills; first an Indian appropriation bill on which, as Chairman of the Committee on Indian Affairs, he had special information and interest; the other the Richardson bill. On 3 March, 1853, he spoke with considerable reservation.

“Perhaps,” he said, “there is no state so much interested in the organization of Nebraska Territory as Missouri. If not the largest, I will say, the best portion of that territory, perhaps the only portion of it that in half a century will become a state, lies immediately west of the State of Missouri. It is only a question of time whether we will organize the territory at this session of Congress, or whether we will do it at the next session; and for my part I acknowledge now, *as the Senator from Illinois [Douglas] well knows*, when I came to this city at the beginning of the last session, I was perhaps as much opposed to the proposition as the Senator from Texas [Rusk] now is. *The Senator from Iowa [Jones or Dodge] knows it; and it was for reasons which I will not mention or suggest. But, sir, I have upon reflection and investigation in my own mind and from the opinion of others—my constituents whose opinions I am bound to respect,—come to the conclusion that now is the time for the organization of this Territory. It is the most propitious time.*”⁹⁸

It was the last day of the session; the last hope that the bill would pass. It needed the support of every friend. The opposition to consideration of the bill continued and Atchison

⁹⁸ C. G. 2s. 32C. p. 1111. The italics are the author's. A meeting at Parkville, Missouri, in the spring of 1852 declared in favor of the organization of the Territory of Nebraska. Atchison presented the proceedings of the meeting and they were referred to the Committee on Territories. Local sentiment in the west, independent of political considerations, demanded the organization of Nebraska.

spoke again, this time with less reserve. Before, he had refused to give his reasons for his earlier opposition; now he gave them:

“One was, that the Indian title had not been extinguished, or at least only a small portion of it had been. Another was the Missouri Compromise, or, as it is commonly called, the slavery restriction. . . . Whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that territory. But when I came to look into the question, I found that there was no prospect, no hope of a repeal of the Missouri Compromise, excluding slavery from that territory. Now, sir, I am free to admit at this moment, at this hour and for all time to come, I should oppose the organization and settlement of that territory unless my constituents and the constituents of the whole South, of the slave states of the Union, could go into it on the same footing, with equal rights and privileges, carrying their species of property with them as other people of the Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed. . . .

“So far as that great question is concerned, we ought as well agree to the admission of this Territory now as next year or five or ten years hence.”⁹⁹

His speech explained why he had objected to the organization earlier, but it did not explain fully what influence had brought about this change in opinion. There was a purpose behind this bill important enough to outweigh his objections based on the slavery restriction of the Missouri Compromise. He admitted that the Senator from Illinois and the Senator from Iowa knew well his reasons for earlier opposition and implied that they also knew his reasons for a change of opinion.

Senator Bell of Tennessee, who was an important member of the opposition, asked Douglas to explain his meaning in urging the bill:

⁹⁹ C. G. 2s. 32C. p. 1113.

"I know the Senator from Illinois sufficiently well to know that when he makes a proposition of this description, it has a meaning; and he does not merely mean to fill up space, and pass the time until the present session of Congress has passed away. What he does is pregnant with significance; and if the honorable Senator from Illinois is disposed to tell his meaning, I am perfectly willing to hear him."¹⁰⁰

Douglas took up the challenge. He stated plainly:

"I have tried to get it through for eight long years, It is an act that is very dear to my heart, one that I should be glad to discuss in all its bearings. It is one of immense magnitude and grave importance to the country.

"The object of the bill is to create a territorial government extending from the western boundary of Missouri and Iowa to Utah and Oregon. In other words, it is to form a line of territorial governments extending from the Mississippi valley to the Pacific Ocean, so that we can have continuous settlements from one to the other. *We can not expect or hope even, to maintain our Pacific possessions unless they can be connected in feeling and interest and communication with the Atlantic states. This can only be done by continuous lines of settlements, and those settlements can only be formed where the laws will furnish protection to those who settle upon and cultivate the soil. The proposed Territory of Nebraska embraces quite a number of the emigrant routes extending to our Pacific possessions. It embraces the route from Missouri to Santa Fé: and also to Utah, Oregon and California. . . . Sir, what have we done for these Pacific possessions? What have we done to bind them to us? When a proposition was brought forward here to establish a railroad connection, it met with determined resistance. The project was crushed and destroyed.*"¹⁰¹

Douglas's first bill for the organization of Nebraska had been introduced in December, 1844, and at the same time Atchison had introduced a bill for the organization of Oregon

¹⁰⁰ C. G. 2s. 32C. p. 1115.

¹⁰¹ Ibid. p. 1116. The italics are the author's.

which had included Nebraska. Atchison's interest in Nebraska therefore had been of as long standing as that of Douglas.¹⁰² At that time the slavery question had not been so large a factor in territorial organization. Atchison's attitude at that time was more national than sectional as it had come to be later.

Douglas and Atchison had both been working since 1848 to secure grants of land from Congress to build railroads from the Mississippi River to the Indian Country. Douglas's efforts had been directed to the building of a road which would connect Chicago with the Missouri River at some point in Iowa. Atchison had secured grants of land in 1852 to build two roads, one from Hannibal to St. Joseph, Missouri, and the other from St. Louis to the west line of the state.¹⁰³ It was the purpose to extend each of these roads eventually to the Pacific, therefore both Douglas and Atchison were vitally interested in the organization of Nebraska, and in order for Douglas to carry his measure he had won Atchison over to the support of his bill, even though Atchison had had to sacrifice the slavery interests of Missouri to do so.

Atchison gives further evidence of the purpose of this bill in a series of speeches beginning at Weston, Missouri, 6 June, 1853, just three months after the above discussion in Congress, in answer to Benton's charges that he was opposed both to the organization of Nebraska and the construction of the Pacific railroad. In his defense he cited the land grants which he had secured for railroads during the preceding session:

"The land obtained by these measures will assist in the construction of two roads from the Mississippi, both pointing to the Pacific, either of them long links in the chain yet to be constructed. Who will not admit that the land grants thus obtained will facilitate, expedite and certainly insure, the speedy completion of the Hannibal-St. Joseph railroad, the Pacific railroad from St. Louis to Kansas, as well as the southwestern branch of the same, terminating in a section of the state rich in re-

¹⁰² See above, p. 38.

¹⁰³ See above, pp. 50-51.

sources hitherto undeveloped. Missouri will occupy the enviable position of being able to offer the United States three frontier starting points for the Pacific railroad, which offer cannot be made by any other state in the Union. . . . In obtaining these grants of land, the first link toward connecting by railroad the valley of the Mississippi with the Pacific, was heated, formed and welded, and if ever the connection is made (and I doubt not it will be) and either of the points upon our western border be made the starting point, it will be because this link has been made. . . . I am in favor of the construction of such a railroad by the General Government for that purpose. I will vote to appropriate land and money. *I believe it absolutely necessary for the integrity of the Union.* As to where it shall commence or where it shall end, that is a matter to be determined when the surveys and operations in progress shall be completed, and the route it must take between the termini is absolutely dependent upon these surveys. . . . My opinion is that the matter of termini and the route of the road will of necessity be left to the discretion of the President."¹⁰⁴

During the summer of 1853 Atchison's attitude toward the slavery question, as related to the organization of the Nebraska Territory, underwent a radical change. On returning to Missouri after the close of the session in which the Richardson bill had been under discussion, he was drawn into a political contest with Benton. His term was drawing to a close and Benton was determined to secure his seat. The Legislature elected in the fall of 1854 would select his successor. Benton began his campaign in May, 1853, making the Central Pacific railroad and the organization of the Nebraska Territory the key notes of the campaign, charging Atchison with opposition to both of these measures. Atchison made his first speech in answer at Weston, Missouri, 6 June, 1853. In this speech he avowed his support of both measures and cited his record in Congress, but he said a bill for the organization of Nebraska must not contain "any restrictions

¹⁰⁴ Quoted in Ray, *Repeal of the Missouri Compromise*, pp. 78-80. The italics are the author's.

upon the subject of slavery. . . . I will vote for a bill that leaves the slaveholder and the non-slaveholder upon terms of equality. I am willing that the people who may settle there and who have the deepest interests in this question should decide it for themselves."¹⁰⁵ To carry this policy into effect would be to repeal the Missouri Compromise. This was a complete change of attitude and it must be recognized in whatever influence Atchison may have had in shaping the Kansas-Nebraska Act of the succeeding session.

The fact that the Indian title in Nebraska had not been extinguished proved a stumbling block in the way of the passage of the Richardson bill to organize the Territory. The bill had been defeated, but another had been passed which authorized the President to negotiate with the Indian tribes west of Missouri and Iowa for the purpose of extinguishing the Indian title to all or part of that country.¹⁰⁶ If this could be done immediately that important element in the opposition to the bill would be removed. So great a task was not to be easily accomplished and when the question of Nebraska was opened in the next session the work was still incomplete.

The people on the border were very much excited about the proposed organization of the Indian Country and some went over into the territory to explore and make locations. Of course the opposition made the most of it. Reports came out through the press "that a constant current of emigration is flowing into the Indian Country." This campaign of opposition assumed such proportions that Manypenny, the Commissioner of Indian Affairs, took occasion to comment upon it in his annual report of 1853. He said:

"Some have explored the country, but all, as far as my information extends, have returned to await the action of the executive department in making treaties, and the necessary legislation for the organization of the territory. . . . On the 11th of October, the day on which I left the frontier, there was no settlement made in any part of Nebraska."¹⁰⁷

¹⁰⁵ Quoted in Ray, *Repeal of the Missouri Compromise*, p.135.

¹⁰⁶ Rpt. Com. Inf. Aff. Sen. doc. No. 1, 1s. 33C. pt. 1, p. 249. Pub.doc. No. 690.

¹⁰⁷ Sen. doc. No. 1, 1s. 33C. pt. 1, p. 275. Pub. doc. No. 690.

The sentiment of the western country clearly demanded the organization of the territory, and with the meeting of Congress the final struggle began. On 14 December, 1853, Dodge of Iowa introduced his Nebraska bill and the Kansas-Nebraska bill, which Douglas reported on 23 January, 1854, as a substitute, was finally passed and approved by the President on 30 May. The bill as passed provided for the organization of the Indian Country north of the thirty-seventh parallel into two territories. Kansas and Nebraska. The Missouri Compromise was repealed and the question of slavery was left to be determined by the people who settled the territory. These provisions regarding slavery met the demands which Atchison made during the summer of 1853 as the only conditions upon which he would support the organization of the Indian Country. Douglas alone was not able to carry the Kansas-Nebraska measure which would open the way for his Pacific railroad. Therefore, it was necessary for him to preserve the coalition with Missouri, for Atchison could command enough western and southern influence to accomplish his purpose. He was obliged to make this concession and in addition he gave Atchison his active support in the latter's campaign against Benton in Missouri, as is shown by the letter of F. P. Blair Jr., to the *Missouri Democrat* 1 March, 1856. "Mr. Douglas especially has taken the trouble on several occasions within the last two years to visit the state of Missouri to give aid and comfort to the 'Nullifiers and Rottens'. . . who have been warring on Old Bullion here since the advent of Tyler."¹⁰⁸

The fact that Atchison had an important influence in shaping the Kansas-Nebraska Act is beyond question, although there are conflicting stories regarding details. Senator Butler of South Carolina in his defense of Atchison in the Senate on 28 February, 1856, said that "General Atchison. . . had perhaps more to do with the bill than any other senator."¹⁰⁹ He was in a position to know whereof he spoke be-

¹⁰⁸ Quoted in Ray. *Repeal of the Missouri Compromise*. p. 202. Note.

¹⁰⁹ Appendix C. G. 1s. 34C. p. 103.

cause he and Atchison together with Hunter of Virginia had lived at the same place during the session of 1853-54.¹¹⁰

There is no doubt that the chief interests behind the Kansas-Nebraska Act were those concerned in the building of the Pacific railroad.¹¹¹ Atchison recognized these interests and commented upon them in a letter written from Washington 5 June, 1854, to the *Missouri Republican*, a week after the passage of the Kansas-Nebraska Act:

*"The Douglas Bill was a western measure. It was designed to add to the power and wealth of the West. Well might St. Louis declare Benton as hostile to her best interests; for no portion of the country is to be so largely benefitted by the opening of Kansas and Nebraska to settlement. All of the railroad interests are largely interested, for a terminus on the western frontier, blocked by an Indian wall, is very different from an indefinite extension west through new, rapidly opening settlements."*¹¹²

CHANGED LIVING CONDITIONS AND CIVILIZATION OF INDIANS

The last factor to be considered in bringing about the revision of the Indian policy is the changed living conditions and civilization of the Indian himself. When located east of the Mississippi, the Indian had been more or less injured by contact with the white population, his game had been destroyed, he had had to be consolidated into smaller and smaller districts and finally had to turn to agriculture and a civilized mode of living or to migrate to the west. Now in his western home much the same process was going on, only there was now no great unoccupied region to which he could go. The Indians on the border had reached a fair degree of civilization, especially the half-breeds of the tribes. These more advanced Indians were looking forward to the time when they could become citizens, own land in severalty, and live the life of the white man. However, the majority of them were not ready for such measures.

¹¹⁰ *Congressional Directory*. 1853-54.

¹¹¹ For further discussion on this subject see Hodder, *Genesis of the Kansas-Nebraska Bill*. Proceedings of the State Historical Society of Wisconsin. 1912

¹¹² Quoted in Ray, *Repeal of the Missouri Compromise*. p. 261. The italics are the author's.

The Wyandot Indians were one of the most advanced tribes on the border and they, particularly, were anxious to become citizens, and were looking forward to changes in policy in their relation to their country. William Walker, a member of their Nation and governor under the so-called Provisional Government of Kansas, wrote in his diary on 25 May, 1850:

“This may be the last semi-annuity we will receive from the United States, for, if the President and the Senate should confirm our treaty it will certainly be the last. As after that event we Wyandots will become citizens of *Uncle Sam's States*, a truly new era in the history of the Wyandot Nation.”¹¹³

The treaty was not approved but the Wyandots persisted in pressing their measure. The subject was again brought to the attention of Congress in 1852 when the Wyandots asked to become citizens of the new territory which they expected would be immediately organized. Thomas Moseley, the Indian Agent for the Kansas Agency, explained the situation among the Wyandots in a letter to Indian Superintendent D. D. Mitchell, dated 1 September, 1852:

“I am of the opinion that the entire tribe, with very few, if any, exceptions, are anxious to become citizens of the United States government, in the new territory expected to be organized, north of the Kansas river and west of Missouri.

“I find quite a difference with this tribe, in the last three years, in the management of their little government affairs by laws of their own creation. Many of the principal men have died, reducing their numbers so as to make it difficult to carry on a system of government; and hence their great desire to change their present condition. They see plainly that they cannot expect to see the present state of things to continue much longer; and from the many reports in circulation, they confidently believe that the Nebraska Territory may, at the present session of Congress, be organized, and they

¹¹³ *Governor Walker's Diary*. Proceedings and Collections of the Nebraska Historical Society. 2 Series. Vol. III, p. 309.

wish to become, by permission of the United States, citizens of that Territory."¹¹⁴

The condition of the other tribes near the border was not so far advanced, but they were in need of a change of policy. Their game had been largely killed and destroyed and the government had for years been granting them annuities and had made provisions for aiding in teaching them something of the civilized mode of living. But these arrangements had not been satisfactory either to the Indians or to the government. Commissioner Medill in 1848 reviewed the conditions and pointed out the necessity of a more effective method of handling and regulating trade and intercourse with the Indians. His proposed policy for correcting these defects will be considered later.

Three years later Superintendent D. D. Mitchell made the following report concerning the border tribes:

"So far as the border tribes are concerned, I am happy to be able to state, (from personal observation) that they are gradually advancing in civilization, and a large majority of them are now as intelligent, comfortable and well informed as their white neighbors. They have become very much intermixed and amalgamated with the whites; and this process of civilization (if it may be so termed) will continue under the existing state of Indian affairs. I have thought and observed much on this subject, and have no hesitation in saying, that an intermixture with the Anglo-Saxon race is the only means by which the Indians of this continent can be partially civilized."¹¹⁵

After outlining his proposals regarding the organization of Nebraska Territory and the assigning of land to the Indians he continued:

"The Indians do not and never can cultivate one acre in a thousand of the productive lands watered by the tributaries of the Missouri, Kansas, Platte, and Arkansas. Moreover, these lands are now of no use to the present owners, the game having been

¹¹⁴ Sen. doc. No. 1, 2s. 32C. pp. 364-65. Pub. doc. No. 658.

¹¹⁵ Sen. doc. No. 1, 1s. 32C. pp. 322-26. Pub. doc. No. 613.

long since killed off. I have talked this subject over with the Indians on several occasions, and have always found the more intelligent portions of the tribes not only willing but anxious to change their condition in such manner as I have recommended."¹¹⁶

The tribes further west were far less civilized, but their condition was gradually becoming more serious. The emigrants who had been crossing the plains had been steadily killing off their game. It was not so easy for them to turn to agriculture for a portion of their support, as the border tribes had done. As early as 1849 John Barrow, the Indian Sub-Agent at Council Bluffs, had called the attention of the department to the situation among the Pawnees:

"Unless the lands of these people are soon purchased by our government, and they removed to a country where game is more abundant, and which does not lie in the midst of their enemies, this once powerful tribe, in a few years, must become extinct."¹¹⁷

Two years later Superintendent Mitchell also described the condition of the more western tribes in his annual report for the year 1851:

"The condition of the prairie and mountain tribes presents but a gloomy prospect for the future. I had an opportunity during the present year of seeing and talking with a majority of the wild nations, and was much surprised to witness the sad change which a few years and unlooked for circumstances had produced. The buffalo, upon which they rely for food, clothing, shelter and traffic, are rapidly diminishing. In addition to their other misfortunes, the hordes of emigrants passing through the country seem to have scattered death and disease in all directions. The tribes have suffered much from small-pox and cholera, and perhaps still more from venereal diseases. The introduction of all these evils they charge, and I suppose justly, to the whites. While their melan-

¹¹⁶ Ibid.

¹¹⁷ Sen. doc. No. 5, 1s. 32C, p. 1078. Pub. doc. No. 570.

choly condition is greatly to be deplored, it is exceedingly difficult to prescribe a remedy."¹¹⁸

These extracts from the reports of the Indian Department are sufficiently clear to show that the Department considered that decided modifications of policy were essential to insure the well-being of the Indian, as well as to allow for westward migration, the road to the Pacific, and the organization of the Nebraska Territory.

¹¹⁸ Sen. doc. No. 1, ls. 32C. pp. 324-26. Pub. doc. No. 613.

PART THREE

The New Indian Policy

The period between 1840 and 1848 has been indicated as one of transition in Indian policy. The beginnings of the new forces which were to modify it have been described and then the evolution and growth of the four most important factors in the period after 1848 has been traced to illustrate how they were reacting on each other and were bringing definite and ever increasing influence to bear in demanding a complete modification of the recognized Indian policy in the Trans-Mississippi Valley. This policy of consolidation of the Indians in the southwest between the Red and Platte rivers west of Missouri blocked the free emigration of white population to the Pacific Coast, the Pacific railroad by the central route, the normal extension of the frontier westward toward the Rocky Mountains, and did not solve the problems of protection and civilization of the Indians. During the period through which these forces were developing, they were exerting a continuous pressure to which the officials of the Indian Department responded; first, with uncertainty and with seeming reservations, later, clearly and completely.

GROUPING OF BORDER TRIBES: NORTH AND SOUTH

The first statement in which the new policy is forecasted was made in the very beginning of the transition period. The plan is formulated in the annual report of Indian Commissioner T. Hartley Crawford to the Secretary of War, J. C. Spencer, in 1841. It did not originate with him, but no previous public statement of the plan has been found. It seems to have been one that had been contemplated for some time, although it is quite clear from the operations of the Indian Department that up to this time the older policy of

consolidation had been followed consistently. He states the plan very clearly:

"Your immediate predecessor,¹¹⁹ at an early period in his administration of the War Department, contemplated the establishment of an Indian Territory in the northern part of Iowa. Governor Doty, of Wiskonsan, was appointed commissioner to negotiate with the Sioux, or Dakota tribes, for a cession of land for this purpose west of Fort Snelling, embracing the St. Peter's river, in the neighborhood of the Blue Earth river and Swan Lakes. It was not intended, however, to confine him to any particular spot or definite limits, but to indicate that there or thereabouts seemed to be the proper selection. . . . The project seems to me to be judicious, in reference as well to our citizens as to the Indians. It will be difficult to find space southwest of the Missouri for all of the tribes yet to be removed, and perhaps impossible without the acquisitions referred to a twelve month ago. The Southwestern states complain of the congregation of so many Indians on their borders. If there be any danger in their concentration, it will not be increased on the plan proposed, and we shall thus make a counterpoise to the Southwestern Indian Territory, *having a dense white population (that will soon be collected) interposed between the two settlements. It is an important point of national policy, that judiciously carried out, would, I think, result in great benefits to the country.*"¹²⁰

In addition he reported that Governor Doty had made two treaties in accordance with this plan, but they had not been ratified. Also commissioners had been appointed to negotiate with the Fox and Winnebagoes, and still other negotiations had been attempted with the Sac and Fox but had not been successful.¹²¹ The most important point is that in this report of Commissioner Crawford are outlined the essential features of the New Indian Policy, viz., the forming

¹¹⁹ His immediate predecessor was John Bell, who had been in office only about six months, so it is quite certain that the earlier Secretary Poinsett is referred to here. The report was written about the time the change was made in the War Department, and probably before, therefore the seeming discrepancy can be explained.

¹²⁰ Ex. doc. No. 2, 2s, 27C, p. 243. Pub. doc. No. 401. The St. Peter's River is now called the Minnesota River. The italics are the author's.

¹²¹ *Ibid.* p. 250.

of two great groups or colonies of Indians, one in the north, and one in the south, with "a white population interposed between the two settlements," in the valley of the Platte, making a continuous line of white settlements to the coast and opening that important transcontinental route through developed and organized country.

The growing importance of the Oregon Country attracted attention to this problem in another way. If Oregon was to be saved to the United States it was necessary to encourage and protect settlers who might be induced to go there. Atchison's Oregon bill of 1844, Douglas's Nebraska bill of the same year, and his Oregon bill of 1845 were designed to meet this demand. Any one of these bills, had it been enacted into law, would have immediately revolutionized the old Indian policy.

In the same year in which the first Atchison and Douglas bills were presented to Congress, Secretary of War Wilkins discussed the question of the Indians in the Platte Valley in his annual report. At that time he recommended that the territory on both sides of the Platte River be organized and opened to settlement. The Indians who then occupied the region should be moved northward and southward, forming two Indian groups or colonies. By such a plan the organized country between the groups would include and protect the two great routes to Santa Fé and Oregon.¹²²

The principle involved in these proposals does not seem to have been generally accepted or recognized during the period from 1840 to 1848 in making relocations of tribes. Except for the treaties mentioned in the report of 1841, it is not referred to as a guide in treaty making in any reports of the Indian Department. However, upon examination of the treaties of removal made during the period the fact comes out that, whether intentionally or not, they were in accordance with this principle, as were other relocations recom-

¹²² H. Ex. doc. No. 2, 2s. 28C. p. 124. Pub. doc. No. 463.

mended by the department which were not carried out. These treaties are classified in the table below to indicate the tribes shifted northward and southward.¹²³

A. Tribes moved northward.

1842 Chippewas from Wisconsin and Michigan to Minn.
(Consolidated on lands of tribe).

1846 Winnebagoes from Iowa and Minnesota to Minn.

1847 Chippewas from Wisconsin to Minnesota.
(Consolidated).

1848 Menomini from Wisconsin to Minnesota.

B. Tribes moved southward.

1842 Wyandott from Ohio and Michigan to Kansas.

1842 Sac and Fox from Iowa to Kansas.

1846 Kansas from Kansas to Kansas.

(Consolidated to make room for removal of other tribes).

One of the recommended treaties is worthy of special notice because of the principle which is advocated in regard to the purchase of lands from the Indians. The land of the Peorias was located near the border and a few miles south of the Kansas River. These Indians were related to the Weas and Miamis. The Indian Superintendent at St. Louis made the following proposal:

“The Peorias have decreased within the last few years. . . . They are anxious to sell. . . . I would suggest that their land be purchased. . . . I am aware that the government has no immediate use for the land, but *I would urge it, as a good policy on the part of the government, to extinguish the Indian title to the lands that they have no need of, whenever it can be done on advantageous terms, and with benefit to the Indians.*”¹²⁴

Superintendent Harvey had two purposes in making this recommendation. First, the consolidation of these small, weak, tribal groups would make for the more efficient administration and for the well-being of the Indians. Second, the purchase of all lands on the frontier as fast as possible.

¹²³ Data taken from Royce, *Indian Land Cessions*. In Eighteenth Annual report of the Bureau of Ethnology, Part II. *Polk's Diary* shows that the removal of the Winnebagoes to Minnesota was in accordance with his recommendations. Vol. II. pp. 169, 187.

¹²⁴ Report of Supt. T. H. Harvey. 1846. Sen. doc. No. 1, 2s. 29C. pp. 282-88. Pub. doc. No. 493. The italics are the author's.

It was along this section of the frontier that the white population was exerting its greatest pressure toward breaking through the Indian wall into the valleys of the Kansas and Platte rivers beyond.

The developments which have just been outlined become much more significant when they are considered in connection with the report of Indian Commissioner Medill for 1848. These tendencies here are crystallized, taking definite shape in the new Indian policy. This statement of policy is prefaced by a discussion of the moral and material condition of the Indians in the west and the obligation which rested on the government to provide for their welfare. The Indians had never been able to make a sudden transition from savagery to civilization and when they came into direct contact with white men it was always to their detriment. Measures should be taken to prevent this, and as a means to this end he advocated the consolidation of the Indians into compact groups. Under this kind of an arrangement the administration could be made more efficient and measures taken for their civilization could be made more effective. Then he comes to the heart of the question:

"If this great end is to be accomplished, however, material changes will soon have to be made in the position of some of the smaller tribes on the frontier, so as to leave an ample outlet for our white population to spread and to pass towards and beyond the Rocky Mountains: else, not only will they be run over and extinguished, but, all may be materially injured.

"It may be said that we have commenced the establishment of two colonies for the Indians that have been compelled to remove; one north, on the headwaters of the Mississippi, and the other south, on the western borders of Missouri and Arkansas, the southern limit of which is the Red River. . . . The southern boundary of this [northern] colony will be the Watabe River, which is the southern limit for the country of the Winnebagoes. . . .

"If the Kansas River were made the northern boundary of the southern colony there would be ample space of unoccupied territory below it for

all Indians above it that should be included in the colony. But the Delawares, Potawatomes, and possibly the Kickapoos, who, or nearly all of whom, are just above that river, it would not be necessary to disturb. Above these and on or adjacent to the frontiers, are the band of Sac and Foxes, known as the 'Sac and Foxes of Missouri,' the Iowas, the Ottoes and Missouris, the Omahas, the Poncas, and the Pawnees. *The last named tribe is back some distance from the frontier, on the Platte river, directly on the route to Oregon, and has been the most troublesome to the emigrants in that territory. By the treaty of 1833 they ceded all their lands south of that river, and obliged themselves to remove north of it; but as they are constantly liable to attacks from the Sioux in that direction, those south have never been removed. As, however, there will soon be a military force in that region, which can afford them protection from the Sioux, they may properly be compelled at an early day to remove to and keep within their own country; and thus be out of the way of emigrants. . . . The other tribes mentioned can gradually be removed down to the southern colony, as the convenience of our emigrants and the pressure of our white population may require; which may be the case at no distant day, as the greater portion of the lands they occupy are eligibly located at and near the Missouri river, and from that circumstance, and their superior quality, said to be very desirable. Indeed it would be a measure of great humanity to purchase out and remove the Omahas and the Ottoe and Missouris at an early period, particularly the former. . . as they are circumscribed in their hunting expeditions by the Sioux and Pawnees, they are liable at times to destitution and great suffering. . . . [Their] country is estimated to contain from five to six million acres of valuable land, which could be obtained at the time at a very moderate price. . . . Reasons of a similar kind exist for buying out and removing at an early period, the Ottoes and Missouris. . . . The lands claimed by them are estimated to embrace two or three million acres. These two measures consummated, the Pawnees removed north of the Platte, and the Sioux of the Missouri restrained from country south of that river, there would be*

a wide and safe passage for our Oregon emigrants; and for such of those to California as may prefer to take that route, which I am informed will probably be the case with many.

“Eventually when the Sioux have left the Mississippi region, and the Pawnees have been displaced in one or other of the ways mentioned, and when the other intervening tribes between the northern and southern colony, shall have been removed within the latter, *an ample outlet of about six geographical degrees will be opened for our population that may incline to pass or expand in that direction; and thus prevent our colonized tribes from being injuriously pressed upon, if not swept away; while to the south of the southern colony there will also be a sufficient outlet for such portion of our population as may take that direction.*”¹²⁵

The above report illustrates the two points to be accomplished by this new policy. The Indians were to be removed from the Platte and Kansas valleys in order to open fully the central route to the Pacific, and in order to provide a great area of fertile country for the extension of the frontier. Commissioner Medill recognized the work that had already been done toward the fulfillment of this program. Still, only a beginning had been made, and the recommendations which were included in this report would further its achievement. He also recognized that he would have to deal with sectional jealousies, and therefore called special attention to the fact that to the south of this southern Indian colony there would be ample opportunity for the expansion of white settlements to the westward. It must be remembered that this was just at the close of the Mexican War when the question of the organization of the new southwest made the problem of slavery and its extension into the territories particularly bitter. And it was further complicated by the rivalry over the routes for the Pacific railroad. In this way the northern and central states could be satisfied by the central outlet and the south by the southern outlet to the Pacific and the re-

¹²⁵ Report of Com. of Ind. Aff. 1848. Ex. doc. No. 1, 2s. 30C. pp. 388-90. Pub. doc. No. 537. The italics are the author's.

cently acquired territory. In this report the Indian Department has formulated its new policy, and this marks the beginning of the definite movement on their part to fulfill it. Their efforts were continued until the day of the final accomplishment of their aim in the extinguishment of the Indian titles in the central part of the Indian Country and its organization into Kansas and Nebraska territories.

In 1848 the Department of the Interior was created and the Indian Department, which had been a division of the War Department, was now transferred to it. The year 1849 was the first under the new arrangement. The presidential election brought in a new political party and a change in the heads of departments. But in spite of all these changes there was no modification in the new policy in regard to the Indian Country. Orlando Brown, the new Commissioner of Indian Affairs, advocated in his annual report of 1849 the program of grouping the Indians, adopted enthusiastically the course outlined by his predecessor and repeated the recommendations for the relocation of the border tribes:

“A prominent feature in this course of policy should be to carry out an excellent suggestion in the annual report of my predecessor of last year, that the smallest tribes scattered along the frontier, above the Delawares and Kickapoos—embracing the Sacs and Foxes of Missouri, the Iowas, the Omahas, the Ottoes and Missouris, the Poncas, and if possible the Pawnees—should be removed down among the tribes of our southern colony, where suitable situations may be found for them, in connection with other Indians of kindred stock. Such an arrangement, in connection with the change which must inevitably take place in the position of the Sioux, would, as remarked by my predecessor, open up a wide sweep of country between our northern and southern colonies for the expansion and egress of our white population westward, and thus save our colonized Indians from being injuriously pressed upon, if not eventually overrun and exterminated, before they are sufficiently advanced in civilization, and in the attainment of resources and advantages, to be able to maintain themselves

in close proximity with, or in the midst of, a white population."¹²⁶

In another part of the report Commissioner Brown made a definite application of the new principle of grouping. The Stockbridge Indians were being relocated and a place had to be selected for their new home. The central region was considered, but was rejected, for :

"To locate at any point between the Winnebagoes and Menomines, on the upper Mississippi or its vicinity, and the Kickapoos and Delawares, in the neighborhood of the Kansas river, south of the Missouri, *would be inconsistent with the policy of keeping a wide space between the northern and southern Indian colonies as an outlet for our white population.*"¹²⁷

A location which was satisfactory to the Indians, was not found for some time. They were first assigned to lands in Minnesota, but later definitely located in Wisconsin.¹²⁸

The recommendations of some of the subordinates in the Indian Department were even more urgent than those of the Indian Commissioner himself. D. D. Mitchell of the St. Louis Superintendency insisted that the policy must be carried out quickly. Thus he said:

"I would next call your attention to the necessity of some speedy action in reference to the half breed lands near the mouth of the Kansas river, and between the two Nemehas.¹²⁹ Many of the claimants are desirous to sell, while but few evince any disposition to settle on the lands. It would, in my opinion, be the best policy for the government to purchase these tracts as early as possible; for, considering the vast tide of emigration that is now settling westward, the time is not distant when it will require twenty fold the amount to extinguish the title of the claimants, than it would at present."¹³⁰

It is evident that Mitchell recognized the force which the

¹²⁶ Rpt. Indian Comm. 1849. Sen. Ex. doc. No. 1, 1s. 31C p. 946. Serial No. 570.

¹²⁷ Ibid. p. 947. The italics are the author's.

¹²⁸ See Royce, *Indian Land Cessions*, pp. 780-81.

¹²⁹ In the southeast corner of Nebraska.

¹³⁰ Sen. doc. No. 5, 1s. 31C, p. 1068. Pub. doc. No. 570.

pressure of the westward movement of population was exerting on the Indian wall along the frontier. He realized that it was only a matter of time until that wall would be broken and white settlements would spread over the whole region.

In the same year, John E. Barrow, the Indian Sub-Agent at Council Bluffs, adds his recommendation for the removal of the Pawnees:

"Unless the lands of this people are soon purchased by the government, and they removed to a country where game is more abundant, and which does not lie in the midst of their enemies, this once powerful tribe, in a very few years, must become an extinct race."¹³¹

These Indians lived in the central Platte Valley, and most of the emigrant travel to the coast had been through the country which they occupied. The slaughter of game had already gone on to such an extent that they were not able to support themselves, and continued slaughter of their game and their contact with the emigrants made their future impossible under the conditions which must exist there.

Although another change took place in the office of Indian Commissioner in 1850, there was again no change in the general policy. Mr. Luke Lea, the new Commissioner, again adopted the new policy of grouping the Indians into two colonies and advocated it in his annual report. His language is almost identical with that which Commissioner Medill had used two years earlier, and it is evident that he was using Medill's statement as his model.¹³² But he went further by emphasizing more definitely the necessity of a central as well as a southern outlet to the western possessions of the United States:

"Below the most southern of our colonized tribes we have an ample outlet to the southwest, but *another of higher latitude is required, leading more directly to our remote western possessions.*"¹³³

Then he indicated the removals which he considered most

¹³¹ Ibid, p. 1078.

¹³² Sen. doc. No. 1. 2s. 31C. p. 39. Pub. doc. No. 587.

¹³³ Ibid. The italics are the author's.

necessary and desirable as the first steps in the fulfillment of the policy:

“A beginning will be made in carrying this measure of policy and humanity into effect by the purchase, as contemplated, from the Sioux, of a large portion of their country;—and it may be fully consummated by the removal of a few tribes between the Sioux territory and the Kansas river, with whom we have no treaty stipulations guaranteeing in perpetuity their possessions. Suitable locations may be found for them south of that river, where secure in comfortable and permanent homes, they would be stimulated by the salutary influence and example of neighboring and more enlightened tribes.”¹³⁴

Again in the next year he repeated his statement of policy. Also he announced:

“*The recent purchase from the Sioux of a large portion of their country supplies this outlet in part, and will enable the government by the removal of a few tribes between the Sioux territory and the Kansas river, to throw open a wide extent of country for the spread of our population westward.* . . .”¹³⁵

In the same report he brings the Nebraska movement into direct relation to the question of the removals which he had just recommended:

“The necessity for an appropriation to carry these measures speedily into effect is the more apparent and imperious, in view of the already imposing demonstrations of the public feeling in favor of the early organization of a territorial government over the territory on which these Indians reside.”¹³⁶

What had been referred to in a general way in the earlier reports as the pressure of white population or the extension of the western frontier had now become a definite movement

¹³⁴ Ibid.

¹³⁵ Sen. doc. No. 1. 1s. 32C. p. 268. Pub. doc. No. 613. The italics are the author's. The Sioux territory referred to lay in Iowa, Minnesota and the eastern edge of the Dakotas.

¹³⁶ Ibid.

for the organization of this part of the Indian Country which had now come to be called Nebraska. The organization of Nebraska as a separate movement has already been traced, but now here as early as 1851 explicit evidence is afforded of the influence which its development had on the evolution of Indian policy.

Other members of the Indian Department were not without interest in the situation and the tendencies developing in the middle west relative to the same movement. They were western men and it is possible that in a large measure they may have been responsible for the attitude of the Indian Department as a whole. Mr. D. D. Mitchell, Superintendent of Indian Affairs at St. Louis, presented his plans in his report of 1851. Of course he approaches the question from the standpoint of the well-being of the Indian, but whatever the point of view, the result would be the same for the Indian Country. Thus he explains his plans :

“I have thought and observed much on this subject, and have no hesitation in saying, that an intermixture with the Anglo-Saxon race is the only means by which the Indians of this continent can be *partially* civilized. In order to carry out this plan, I beg leave to suggest, for the consideration of the department, the following measures, viz.; the laying off of Nebraska Territory, with the following boundaries: Commencing on the Missouri, at the mouth of the Kansas river, and running up the Missouri to the mouth of the L'au qui court, or Running Water river; following up the Running Water river to its source, about thirty miles above Fort Laramie, where this stream issues from the base of the Black-hill; from thence due south to the Arkansas river; thence along our established boundaries to the western line of the state of Missouri, to the place of beginning. This would give the United States all the agricultural lands south of the Missouri river that are considered exclusively Indian territory. . . .

“The force of circumstances will soon compel the government to adopt some plan by which the fine agricultural lands (that form a large portion of Nebraska) will be thrown open to that class of

American citizens that have always been found on our frontiers, forming as they do a connecting link between the civilized and savage life. The state south of the Missouri river is densely populated along the western border, there being a continuous range of farms immediately on the line. The same state of things existed only a few years since on the north side of the Missouri river, when the government was compelled to make what is known as the 'Platte Purchase,' and which is now the most populous and wealthy portion of the State."¹³⁷

He proposed that in the case of the more advanced tribes the head of a family should be granted one section of land which could not be sold for fifty years. He hoped that by that time these Indians would be sufficiently civilized that the whites could not take undue advantage of them and their holdings would be safe. This was somewhat of a departure from the generally accepted policy of consolidation within smaller limits, separated from direct contact with white population, but it must be remembered that this was to apply only to the most civilized tribes. It was injecting a new element into Indian policy, one that was to play a much larger part in the later history. In the case of the more backward tribes they should still be grouped further west in the northern and southern colonies.

In the same year A. M. Coffee, the Indian Agent at the Osage Agency, discussed the same topic in his report. He seemed much concerned over the scanty results which were obtained in trying to civilize the Indians:

"To remedy these evils, doubtless the most effective plan would be to concentrate within narrower limits the tribes between whom and our government there are subsisting treaties, more specially those south of the Missouri and the Platte rivers, and north of the Cherokee boundary. These number in all not exceeding fifteen thousand, diffused over a territory of not less than ten thousand miles—a population less than is con-

¹³⁷ Sen. doc. No. 1. 1s. 32C. pp. 322-26. Pub. doc. No. 613.

tained in some of the border counties in the state of Missouri of twenty-five miles square.

“Besides the good consequences resulting to the Indian, it would throw open to the occupancy of the white man a large extent of fertile country, justly esteemed as among the richest and the most beautiful portions of the west.”¹³⁸

This early activity on the part of the Indian Department in preparing for the opening of the Nebraska Country really preceded the Nebraska movement itself as it was agitated in Congress. In its later stages it developed contemporary with and as a part of that movement.

RIGHT OF WAY THROUGH COUNTRY OF PRAIRIE AND MOUNTAIN TRIBES

The factors which contributed to the modification of the Indian policy bore with particular force on the tribes located on or near the border of the Indian Country. They were so located that all the forces operated directly on them. This was not so true of the tribes occupying lands further west. There, none of the factors exerted so direct an influence and the one factor of the westward expansion of the frontier did not contribute to the problem except in an indirect manner. For these reasons the new Indian policy was formulated in respect to the border tribes at an earlier date than in respect to the prairie and mountain tribes. Yet the solution of the problem of the Indians of the far west was essential to the complete evolution of the new policy. In particular it was necessary for the development and protection of the central route to the Pacific and the emigration over that route.

The country occupied by the western tribes was both prairie and mountain districts, high, dry, and with the minimum of vegetation. The Indians were among the most fierce and savage of the tribes of the country, and had had little contact with civilization. Their mode of living was of the simplest. Their food was for the most part the buffalo, deer, antelope, etc.; only such game as the semi-arid prairies could furnish. Their clothing was almost solely the skins of the

¹³⁸ Sen. doc. No. 1. 1s. 32C. p. 354. Pub. doc. No 613.

same animals. They were scattered over a vast area and their contact with each other was so vague and indefinite that there had been no fixed boundaries established either by the Indians themselves or by the government.

Through the country of these prairie and mountain tribes ran two great trails leading toward the Pacific. In the north central district was the Oregon and California Trail, which had been used on a large scale only since about 1843. In the south was the Santa Fé Trail, used as a great commercial route since about 1822. Almost the only contact which these Indians had with white civilization was through merchants, traders, emigrants, and military expeditions. After 1848 the enormous emigration to Oregon and California had raised serious questions in regard to free passage through the country and the killing of game. The coming of white men brought with it all the usual attending evils. The emigrants killed off the game in great quantities and within a very short time the Indians were short of food in many districts. As was usual under the circumstances the relations between the emigrants and the Indians were not without friction, and in case of Indian depredations, it was exceedingly difficult if not impossible to discover and punish the guilty tribes.

FORT LARAMIE TREATY, 1851. THE NORTHWEST TRIBES

The man who seems to have been most interested in this phase of the Indian relations was D. D. Mitchell, who had been Superintendent of Indian Affairs at St. Louis for some years. Before becoming Indian Superintendent he had been engaged in the fur trade and was particularly familiar with the Indians of that region. He knew the difficulties that had been experienced by the emigrants, and attacks on emigrant trains, and appreciated the precarious condition of the Indians on account of the great scarcity of game. The Indians were becoming more and more discontented, and the government was not in a position to handle the situation properly until more definite treaty relations were established and the Indian boundaries fixed so that responsibility could be placed for Indian depredations in any particular region. Superintendent Mitchell advised that the Indians of the

prairie and mountain tribes east of the Rocky Mountains and north of the Arkansas River should be called together and that a formal treaty should be made in the presence of all of the tribes. So in order to carry out his plan, he prepared a bill granting to the president the authority to make such a treaty and appropriating money to pay the expenses of its negotiation. This bill was endorsed by Orlando Brown, the Commissioner of Indian Affairs, and was submitted to David R. Atchison, the chairman of the Senate Committee on Indian Affairs. Atchison presented the bill from his committee on 18 March, 1850, together with a report which confirmed the representations of Superintendent Mitchell.¹³⁹ However, the bill was delayed on account of the slavery struggle then going on in Congress, and although it passed the Senate it did not receive consideration in the House during that session. Meanwhile Mitchell had felt so confident that it would pass, in view of the attitude of Congress and the wishes of President Tyler, that he made representations to the Indians accordingly. These of course he had to retract when the bill failed.¹⁴⁰

In his annual report of 1850, Mitchell again recommended the treaty with the prairie and mountain Indians and in the next year the measure was carried. The Indians were called to meet at Fort Laramie on 1 September, 1851. He made the most careful preparations to make the conference a success and managed it himself, aided by Agent Fitzpatrick of the Upper Platte and Arkansas River Agency. The Superintendent's party also included Colonel Chambers, editor of the *St. Louis Republican*, and B. Gratz Brown, also of St. Louis. As Father De Smet had unusual influence with the Indians, he attended by special invitation of the Superintendent to aid in the conference.¹⁴¹ The Indians included in the conference were the Cheyennes and Arapahoes, the Sioux or Dahcotahs, the Gros-ventres, the Assiniboins, the Ankoras, the Crows, and the Shoshones or Snakes. The treaty was

¹³⁹ Senate Journal. 1s. 31C. p. 221. Commissioner's report and documents are printed in Senate doc. No. 70. Sen. Misc. docs. 1s. 31C. Pub. doc. No. 563.

¹⁴⁰ Mitchell's report. Sen. doc. No. 1. 2s. 31C. p. 47. Pub. doc. No. 587.

¹⁴¹ De Smet. *Life and Travels among the North American Indians*. II, pp. 674 ff. and IV. p. 1565.

completed on 17 September, together with a new map of the country showing the newly defined boundaries. This treaty provided that the Indians grant to the United States the right to establish roads and military and other posts in their country and that they abstain from all depredations on the whites passing through their country. The boundaries of the territory occupied by each of the tribes were defined for the first time. The government on its part distributed presents of goods among the Indians as a settlement of their grievances against the whites, and agreed to pay them \$50,000 per year in annuities for a period of fifty years.¹⁴²

This treaty was ratified by the Senate on 24 May, 1852, with an amendment which must be ratified by the Indians before it could go into effect. The amendment provided that the annuities promised in the original treaty should be paid for a period of only ten years instead of fifty. The Cheyennes and Arapahoes, and the Sioux ratified the amendment during the summer of 1853, but it seems that the remainder of the tribes, the Gros-ventres, Assiniboins, Ankoras, Crows, and Shoshones did not.¹⁴³ However, although the treaty was not legally completed by all the parties, the government considered itself bound by its provisions and appropriated money regularly to carry them out.¹⁴⁴

By this treaty Mitchell was laying the foundation for an Indian policy in the far west which coincided with the grouping policy being developed further east. In the same report in which he described the Laramie treaty he explained his plans for future change among the prairie and mountain tribes.

“As a means of turning their [Indian] attention to Agriculture and grazing pursuits, I would recommend that a suitable section of the country, somewhere on the Missouri or its tributaries, be assigned to the half-breeds, who are becoming very

¹⁴² Report of Supt. Mitchell. Sen. doc. No. 1. 1s. 32C. pp. 288-90. Pub. doc. No. 613. De Smet's account appears in his *Life and Travels*, II. pp. 674 ff. De Smet approved the treaty and held that the government did the best possible for the Indians. Larpenteur, in his *Forty Years as a Fur Trader on the Upper Missouri*, II. pp. 418-22, denounced the treaty unequivocally.

¹⁴³ Report of Agent Fitzpatrick 1852. Sen. doc. No. 1. 1s. 33C. pp. 366-71. Pub. doc. No. 690.

¹⁴⁴ 11 U. S. Statutes. Note p. 749.

numerous throughout the Indian country. . . . A half-breed colony, properly located in the midst of the Indians, would form a semi-civilized nucleus around which the wild Indians would soon be drawn by necessity to assemble. . . .

"Another half-breed colony of the same character should be established at some suitable point on the headwaters of the Arkansas. During the recent council at Fort Laramie I talked the matter over frequently with the half-breeds and the Indians; both parties were delighted with the plan. . . .

"Should the government determine to establish these half-breed colonies, I would earnestly recommend that they be located as far as possible from the great thoroughfares leading to New Mexico, California and Oregon."¹⁴⁵

In the Laramie treaty the immediate object was to provide for the security and development of the central route to the Pacific. In this proposal the dominating idea behind the establishment of half-breed colonies was the grouping of the Indians into northern and southern colonies, as was being done with the border tribes, and the removal of the Indians from the country between them. Mitchell's purpose in his "talks" with the Indians was to try to accustom them to the idea of the colonization plan as well as to make arguments in support of his idea in his recommendations to his superiors and to Congress.

FORT ATKINSON TREATY, 1853. SOUTHWEST TRIBES

The Laramie treaty opened the central route to the Pacific through the country of the prairie and mountain tribes and established definite relations between these Indians as far south as the Arkansas River. In the country to the south and west of that river the tribes were in much the same condition, and through it ran the Santa Fé Trail. And another question which was becoming of greater and greater importance was railroads. Two of the proposed routes crossed this country. One from St. Louis followed the line of the

¹⁴⁵ Sen. doc. No. 1, ls. 32C, pp. 324-26. Pub. doc. No. 613. This proposal was endorsed by Commissioner Luke Lea in his report of 1852. Sen. doc. No. 1, ls. 32C, pp. 296. Pub. doc. No. 659.

Santa Fé Trail. The other ran from Fort Smith to Santa Fé and then to the coast by about the same route as the first. Up to 1853 there had been no adequate agreements made with the tribes of the southwest, but in that year this phase of the new Indian policy was completed. Under instructions dated 5 May, 1853, Fitzpatrick of the Upper Platte River Agency was sent out to make a treaty of friendship with these Indians; the Comanche, Kiowa and Apache. A treaty was concluded at Fort Atkinson¹⁴⁶ on 27 July in accordance with the instructions. Article 3 is of particular interest in connection with the evolution of the general Indian policy, and is as follows:

“Article 3. The aforesaid Indian tribes do also hereby fully acknowledge the right of the United States to lay off and mark out roads and highways, to make reservations of land necessary thereto—to locate depots—and to establish military and other posts within the territory inhabited by the said tribes; and also to prescribe and enforce, in such manner as the President or Congress of the United States shall from time to time direct, rules and regulations to protect the rights of persons and property among the said Indian tribes.”¹⁴⁷

Fitzpatrick made his report in November and in it made a clear explanation of the real meaning of the above article:

“The mere acknowledgment of a right of way through their country was readily conceded, because it had been long enjoyed; but upon the subjects of military posts, and reservations of land, and hostilities against the Republic of Mexico, they were found to be far more tenacious. . . .

“The same objections which operate, to a greater degree, against military locations, also induced them to oppose the reservations of land by the United States for depots and roads; but, in view of the fact that at no distant day the whole country over which those Indians now roam must be peopled by another and more enterprising race, and

¹⁴⁶ Near the present site of Dodge City, Kansas.

¹⁴⁷ 10 U. S. Statutes 1013.

also of the consideration that the *channels of commerce between the east and the west will eventually, in part at least, pass through their country*, it was regarded as incumbent as far as possible, for any action the government might see proper to take upon the subject. *Already the idea of a great central route to the Pacific by railway has become deeply impressed upon the public mind; and while many courses are contemplated two of them at least are designed to pass through this section of the country.* Should the results of explorations now in progress determine it thus, *the acknowledgment contained in this clause of the treaty may be found of inestimable value. It will afford all the concession necessary for locations, pre-emptions, reservations, and settlements, and avoid, besides, the enhanced costs of secondary treaties with those tribes. Moreover, it will open a rich vein of wealth in what is now a wilderness, and that, too, without additional public burden. In this respect, therefore, these concessions cannot but be regarded as extremely fortunate.*"¹⁴⁸

The underlying motives in making the Fort Atkinson treaty in this particular form are certainly sufficiently clear and impressive. Its provisions were designed to admit of the interpretation that they might be considered as grants of right of way for railroads and locations for settlements. The Laramie treaty contained practically the same provisions for the grant of right of way for roads and locations for military and other posts. It is evident that they also would be open to the same kind of an interpretation. Thus by these two great Indian treaties the two most practicable railroad routes to the Pacific were opened through the country of the prairie and mountain tribes.

REALIZATION OF THE NEW POLICY: THIRD PHASE

Having traced the evolution of the new Indian policy as it applied to the border tribes down to 1853 and as it was completed for the prairie and mountain tribes, it only remains to

¹⁴⁸ Sen. doc. No. 1, pt. 1, 1s. 33C, p. 363. Pub. doc. No. 690. The italics are the author's. The Fort Atkinson treaty was ratified with amendments 12 April, 1854. The Indians agreed to the amendments 21 July. The treaty was proclaimed 12 February, 1855.

trace the final steps in the fulfillment of the new policy as it was worked out in conjunction with the last stages of the movement to organize the Nebraska country. One of the most persistent objections to the organization of Nebraska made during the debates in Congress was that the country had been set aside permanently for the exclusive use of the Indians and had been guaranteed to them by treaties. The government therefore had no right to open it to settlement. Before the country could be legally opened the Indian title must be extinguished. In order to meet this objection an amendment had been made to the Richardson bill in 1853 to provide that no lands could be settled until the title had been legally extinguished.¹⁴⁹ At that time Howard of Texas had led the opposition to the bill. He had also proposed that the boundary of the territory should be 39° 30' instead of 36° 30' in order to allow the Indians sufficient lands. Hall and Richardson defended the bill and insisted that Howard's interest was not for the welfare of the Indians but was to prevent the organization of Nebraska in order to block northern expansion and the central route for the Pacific railroad. Emigration to the Pacific would in that way be diverted to the south and the railroad would have to be built by the southern route. Texas Indians would be forced northward and that country would be opened to settlement along the railroad. This attempt on the part of southern interests to block the extinguishment of Indian title in the Nebraska country failed. Although the Richardson bill to organize the territory was defeated, another bill was passed which authorized the president to negotiate with the Indian tribes west of the states of Missouri and Iowa for the purpose of extinguishing the Indian title to all or part of that country.¹⁵⁰

The character of the Indian title in the Indian Country has already been explained.¹⁵¹ The only land legally held by the Indians in what is now Kansas and southern Nebraska was

¹⁴⁹ C. G. 1s. 32C. p. 1116.

¹⁵⁰ Report of Comm. of Ind. Affs. Sen. doc. No. 1. pt. 1. 1s. 33C. p. 249. Pub. doc. No. 690.

¹⁵¹ See above, pp. 55, 57, and map, p. 56.

in reality only a comparatively narrow strip along the eastern border, except in the Kansas River Valley, where the Indian holdings extended somewhat over a hundred miles into the interior. By far the greatest part of the land had never been assigned to any tribe or tribes, although it was hunted over by the Indians of the region and especially the northern part which had been held by the Pawnees and was still occupied by them although they had relinquished their title in 1833.

The prevailing ideas on the character of the Indian title in respect to the far western region were so vague and represented so grave a misunderstanding that Agent Fitzpatrick of the Upper Platte and Arkansas River Agency tried to clear up the matter somewhat in his report of 1853:

These prairie and mountain tribes do not occupy the same territory which they occupied fifty years ago. "It is a moving claim, a constantly shifting location, a vagabond right, and, at best, only amounting to the privilege of *occupancy*, and not to that of *exclusion*. . . . This migratory process has given to these Indian nations no title to exclude others. . . . Regarding therefore, the carelessly received opinion about the extinguishment of Indian title, as based upon false ideas of what that title is, and how it originates. . . I cannot avoid stating candidly the objections which exist to its extension.

"The foregoing observations have been called forth by the fact that opposition might arise on that score to any act on the part of the government calculated to induce settlement in what is known as 'Indian Territory.' "¹⁵²

In accordance with the act of Congress of 1853 Manypenny, the Commissioner of Indian Affairs, made a preliminary visit to the Indians of the border during the summer to explain to them the purpose of the government. "With a few exceptions," he reported, "the Indians were opposed to selling any part of their lands" as the people from the states had for some time been going into the territory exploring

¹⁵² Sen. doc. No. 1. pt. 1. 1s. 33C. p. 366-71. Pub. doc. No. 690.

with a view to making locations for settlements and seriously excited the Indians.¹⁵³

In the same report he went on to recommend the organization of the territory:

“The acquisition of Texas, New Mexico and our Pacific possessions, and the vast annual emigration which passes through the Indian country and over the Indian reservations, on its journey thither, and which was not anticipated at the time the Indians were located there, rendered it absolutely necessary that they be placed out of the paths of the emigrants as far as possible. The interests of both require it. . . .

“In my judgment, the interests of the Indians require that a civilized government be immediately organized in the territory. . . .

“In the annual report of November 30, 1848, the Commissioner of Indian Affairs suggested the policy of procuring and keeping open portions of the lands west of Missouri and Iowa, for the egress and expansion of our own population; and the same measure has been urged in several successive annual reports. *The necessity of opening an ample western outlet for our rapidly increasing population, seems to have been clearly foreseen by this department.* The negotiations with the Indians who will have to be disturbed, and the arrangements for their peaceful and comfortable relocation, requiring time and deliberation, it is to be regretted that the authority and the means for accomplishing the object were not given more in advance of the exigency which has occurred, and which appears to require proceedings of a more precipitate character than should have been permitted to become necessary.

“Objections have been urged to the organization of a civil government in the Indian country; but those that cannot be overcome are not to be compared to the advantages which will flow to the Indians from such a measure, with treaties to conform to the new order of things, and suitable laws for their protection.

“In addition to this, the preparation of a large

¹⁵³ *Ib.* d. p. 249.

district of that country for settlement, by removing the Indians, would open up, in a most desirable locality, homes for the enterprising and hardy pioneers who are ready to occupy it, and by their energies speedily to found in it a state, the beneficial influences of which, from its position, would be of incalculable advantage to the Indian, as well as the government and the people of the United States."¹⁵⁴

He then pointed out that the money appropriated at the last session of Congress was not sufficient to carry out the negotiations for the extinguishment of the Indian title and asked that more money be appropriated at the next session. Furthermore he was not satisfied with the limited nature of the plans of the government and urged that authority be extended so as to allow negotiations to be carried out with other tribes in "what is known as Nebraska."

The Commissioner was supported in his recommendations by Agent Fitzpatrick, who had just secured the ratification by the prairie and mountain tribes in his district of the amendments to the Laramie Treaty. Fitzpatrick criticized the policy of consolidation of the Indians and keeping them at the expense of the government, both because of its cost and because he considered that it was really detrimental to the moral and material welfare of the Indians. He recommended:

"—such modifications in the 'intercourse laws' as will invite the residence of traders amongst them, and *open the whole country to settlement. . . . The effect of so removing the barriers that now oppose the residence of our own citizens amongst them, as to afford inducements of preemption to settlers, would, I am satisfied, be in every way productive of good to the Indians themselves, and would, at the same time, yield to the hands of industry and enterprise a large and valuable territory, that now serves only as a disconnecting wilderness between the States of the Pacific and Atlantic slopes.*"¹⁵⁵

¹⁵⁴ Ibid. pp. 251–52. The italics are the author's.

¹⁵⁵ Sen. doc. No. 1. pt. 1. ls. 33C. p. 366–71. Pub. doc. No. 690. The italics are the author's.

On the question of consolidation of the Indians he differed from most of the others, but the end in view was the same: the opening of the Platte Valley to settlement and the connecting of the Pacific Coast with the east.

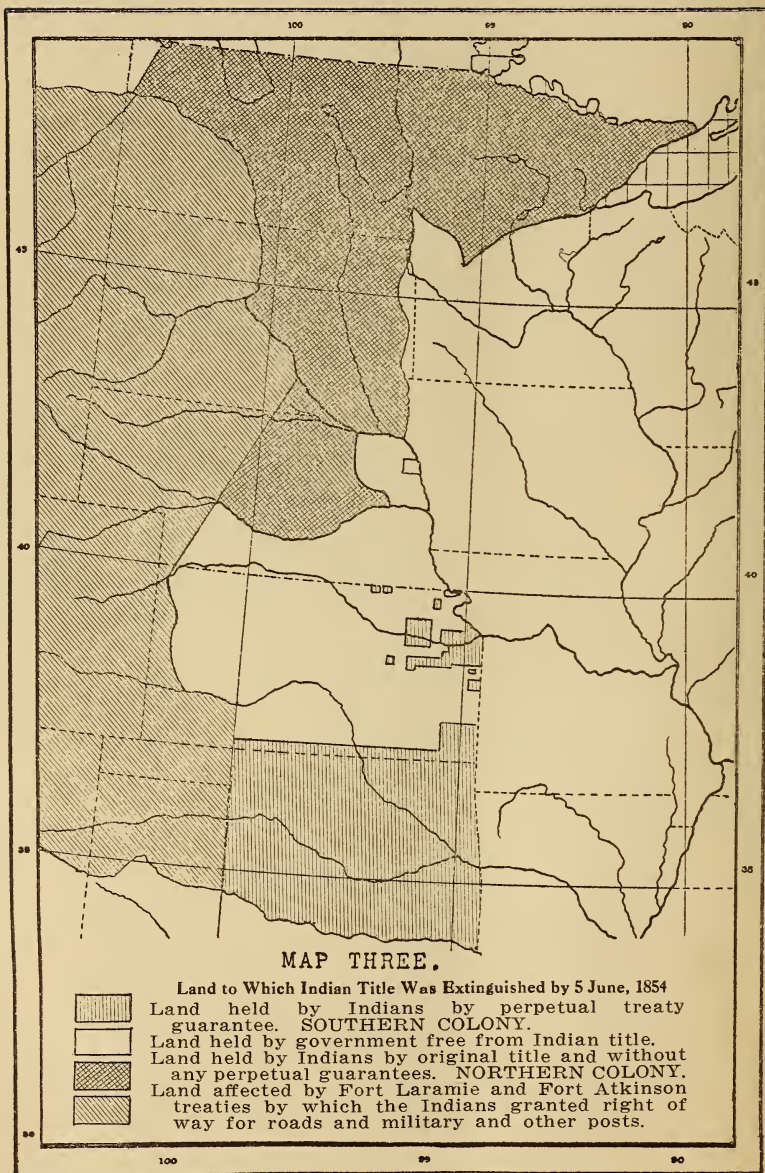
During the winter of 1853-54, while Congress was debating the organization of Kansas and Nebraska and the question of the extension of slavery to those territories, the Indian Department, under authorization of Congress, was busy making treaties with the Indians to extinguish the Indian title within the limits of the proposed territories. The following is the list of treaties which were made, together with their dates of conclusion, ratification, and proclamation:

Tribe	Treaty	Concluded	Ratified	Pro- claimed
Ottoo and Missouri	15 March	1854	17 April	21 June
Omaha	16 March	1854	17 April	21 June
Delaware	6 May	1854	11 July	17 July
Shawnee	10 May	1854	2 Aug.	2 Nov.
Iowa	17 May	1854	11 July	17 July
Sac and Fox of Mo.	18 May	1854	11 July	17 July
Kickapoo	18 May	1854	11 July	17 July
Kaskasia, Peoria, Wea and Piankeshaw	30 May	1854	2 Aug.	10 Aug.
Miami	5 June	1854	4 Aug.	4 Aug.

Other treaties were recommended to complete the extinguishment of Indian title, but these were all that were immediately necessary.¹⁵⁶ These treaties ceded to the government practically all the territory in the eastern part of the present states of Kansas and Nebraska except some large tracts in the Kansas River Valley. However, later treaties ceded those lands within a short time, leaving only a few small Indian reservations.

Besides the cession of lands another feature of these treaties deserves notice in connection with the railroad movement. In each of them there were clauses providing that in every case where the Indians were allowed to withhold any

¹⁵⁶ Report of Comm. of Ind. Affs. 1854. Sen. doc. No. 1. 2s. 33C. pp. 213-15. Pub. doc. No. 777. This document gives a report of the negotiations. Kappler, *Indian Affairs, Laws and Treaties*. II, pp. 451-78. Pub. doc. No. 4254. or U. S. Statutes gives the texts of the treaties and the dates.



parts of their lands as reservations, all roads, highways, and railroads which might be constructed should have, when necessary, the right of way through such reservations. In other words railroad enterprises were not to be blocked in the future in any part of this country by the fact that the Indian title had not been extinguished. This group of treaties was the first to include definitely such concessions. The nearest to it had been the Laramie treaty and the Fort Atkinson treaty, both of which had secured recognition of the right to build roads through the Indian Country. It has been pointed out how in the latter treaty this provision had been purposely designed to allow of a broader interpretation should it be necessary in the future to permit the building of a railroad through the Indian Country to the Pacific.

Now all the difficulties which had been in the way of the organization of Nebraska were removed so far as the Indians were concerned. Practically all of the country included in the present state of Kansas and all of Nebraska south of the Platte, together with the eastern part of the state north of it, was ready for settlement. All of the above treaties save one had been concluded before the passage of the Kansas-Nebraska Act. They were the realization of the policy which was outlined by the Commissioner of Indian Affairs in 1848 and urged continuously by the department for the six years following. That policy had been to group the Indians into two colonies, a northern and a southern, and to open the country between the two colonies to white settlement. The Indians were now arranged in the two great groups as planned. The southern group was located in what is now the state of Oklahoma, and the northern group comprised what is now the Dakotas.¹⁵⁷ The country between them in which the Indian title had been extinguished was now included, by the passage of the Kansas-Nebraska Act, in two territories, Kansas and Nebraska, and connected the east and the west in one continuous line of organized states and territories.

¹⁵⁷ The territory of Nebraska included all the territory from the fortieth parallel north to the international line, and thus included the northern group. However, this northern group was detached from Nebraska in 1861 when the Territory of Dakota was organized.

Eventually they were more closely bound together by the building of the Pacific railroad through this newly organized territory by the route of the Platte Valley and South Pass. To continue the figure used in the beginning, this was a third wedge driven through the Indian Country. It was to spread northward and southward in the near future until finally the last of the Indian Country was opened to white settlement and organized into states.

Bibliography

GOVERNMENT DOCUMENTS

- Reports of the War Department, 1825-54.
- Reports of the Department of the Interior, 1848-54.
- Reports of the Department of Indian Affairs, 1825-54. The Indian Office was a part of the War Department till 1848 and the reports accompany the reports of that department. Since 1848 the Indian Office has been a part of the Department of the Interior and its reports accompany the reports of that department.
- Journals of the Senate and the House.
- MCCOY, ISAAC. Report on Land West of the Mississippi River. House doc. No. 172. 1 sess. 22 Cong. Pub. doc. No. 219.
- Instructions to Commissioners to Visit the Indians West of the Mississippi River. 1832. Signed by Lewis Cass, Secretary of War. House doc. No. 2. 2 sess. 22 Cong. Pub. doc. No. 233.
- Expedition of Colonel Dodge to the Rocky Mountains. 1835. Folio State Papers. Military Affairs. Vol. VI, pp. 130 ff. Contains map showing locations of Indian tribes.
- Proposals for the Defense of the Frontier. Folio State Papers. Military Affairs. Vols. VI and VII. Maps showing locations of Indian tribes and plans of military roads, etc., Vol. VII, p. 777.
- Letter from James Buchanan, Secretary of State, to Deputy Postmaster at Astoria, 29 March, 1847. Written on his departure to his post in Oregon Territory. Ex. doc. No. 1. 1 sess. 30 Cong. p. 44. Pub. doc. No. 503.
- Journal of Major Cross, commanding a regiment of mounted riflemen en route to Oregon. 1849. Sen. doc. No. 1. 2 sess. 31 Cong. Pt. 2, p. 140. Pub. doc. No. 587.
- Memorial from Missouri Legislature for grant of land for Hannibal-St. Joseph Railroad. 1848. By J. S. Green and Willard P. Hall. Sen. Reports No. 178. 1 sess. 30 Cong. Pub. doc. No. 512.
- Memorial of Pacific Railroad Company of Missouri for grant of lands. 1850. Sen. Misc. docs. No. 89. 1 sess. 31 Cong. Pub. doc. No. 563.
- Charter of Pacific Railroad of Missouri. Sen. Misc. docs. No. 59. 1 sess. 31 Cong. Pub. doc. No. 563.

- Letter of Instructions to Special Commission authorized by Act of Congress, 30 Sept., 1850, to obtain statistics and make treaties, etc., with various tribes on the border of the United States and Mexico. Written by Acting Commissioner of Indian Affairs, A. S. Loughery. 15 Oct., 1850. Sen. doc. No. 1. 2 sess. 31 Cong. Pub. doc. No. 587.
- Report of Special Commission authorized by Act of Congress, 30 Sept. 1850. Commissioners C. J. Todd, Robert B. Campbell, and Oliver P. Temple. Sen. doc. No. 1. 1 sess. 31 Cong. pp. 302-6. Pub. doc. No. 613.
- Documents submitted in support of bill authorizing the negotiation of a treaty with the prairie and mountain tribes. 1850. Sen. Misc. docs. No. 70. 1 sess. 31 Cong. Pub. doc. No. 563.
- Report of Commissioner of the General Land Office. 1851. Sen. doc. No. 1. 1 sess. 32 Cong. p. 17. Pub. doc. No. 613.
- KAPPLER, CHARLES J. Indian Affairs; Laws and Treaties. 2d ed. 2 vols. Washington, 1904. Sen. doc. 2 sess. 58 Cong. Pub. docs. Nos. 4623 and 4624.
- Statutes at Large of the United States of America.

OTHER SOURCE MATERIAL

- Congressional Globe. Washington, 1834-56.
- DE SMET, FATHER. Life and Travels Among the North American Indians. Edited by H. M. Chittenden and A. T. Richardson. 4 vols. New York, 1905.
- DOUGHERTY, MAJOR JOHN. Dougherty MSS. Library of Missouri State Historical Society. St Louis, Mo.
- GREGG, JOSIAH. Commerce of the Prairies. In Thwaites, Early Western Travels, Vols. XIX and XX. Map opposite p. 173, Vol. XIX. Cleveland, 1905.
- LARPENTEUR. Forty Years as a Fur Trader on the Upper Missouri. 2 vols. Edited by Elliott Coues. New York, 1893.
- National Intelligencer*. (Thrice a week). Washington, 1860-68.
- POLK, JAMES K. Diary. Edited by M. M. Quaife. 4 vols. Chicago, 1910.
- WALKER, WILLIAM, Provisional Governor of Nebraska Territory. Diary. In Proceedings and Collections of Nebraska Historical Society. Second Series, Vol. III.

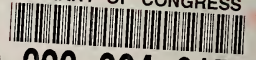
SECONDARY MATERIAL

- ABEL, ANNE HELOISE. History of Events resulting in Indian Consolidation West of the Mississippi River. In American His-

- torical Association Annual Report. 1906. Vol. I. pp. 233-450. Washington, 1908.
- Indian Reservations in Kansas. In Kansas State Historical Collections. Vol. VIII, pp. 72-109. Topeka, 1904.
- Proposals for an Indian State, 1778-1878. In American Historical Association Annual Report. 1907. Vol. I. pp. 87-104. Washington, 1908.
- Biographical Congressional Directory. 1774-1911. Sen. doc. No. 5655. Washington, 1913.
- BURGESS, JOHN W. The Middle Period. New York, 1897.
- CHITTENDEN, HIRAM MARTIN. The American Fur Trade of the Far West. 3 vols. New York, 1912.
- COTTERGILL, ROBERT S. Early Agitation for a Pacific Railroad, 1845-50. In *Mississippi Valley Historical Review*. Vol. V. pp. 396-415. Cedar Rapids, Ia.
- The Memphis Convention. In *Tennessee Historical Magazine*. Vol. IV. pp. 83-94.
- The St. Louis Convention. In *Missouri Historical Review*. Vol. XII. pp. 207-15.
- CUTTS, MADISON. A Brief Treatise upon Constitutional and Party Questions. New York, 1866.
- DAVIS, JOHN PATTERSON. The Union Pacific Railway. Chicago, 1894.
- GOODWIN, CARDINAL. The American Occupation of Iowa, 1833-60. In *Iowa Journal of History and Politics*. Vol. XVII, pp. 83-103.
- The Movement of American Settlers into Wisconsin and Minnesota. In *Iowa Journal of History and Politics*. Vol. XVII. pp. 406-28.
- HANEY, LEWIS HENRY. A Congressional History of Railways in the United States to 1887. In Bulletin of University of Wisconsin, Economic and Political Science Series. Part I is in Vol. III. Part II is in Vol. VI. Madison.
- HODDER, FRANK H. The Genesis of the Kansas-Nebraska Bill. Proceedings of the State Historical Society of Wisconsin. 1912. Madison, 1913.
- HODGE, FREDERICK WEBB. Handbook of American Indians North of Mexico. 2 vols. Smithsonian Institution, Bureau of Ethnology Bulletin No. 30. Washington, 1910.
- JOHNSON, ALLEN. Stephen A. Douglas. New York, 1908.
- LINN AND SARGENT. Life and Public Services of Lewis F. Linn. New York, 1857.
- MCCOY, ISAAC. History of Baptist Indian Missions. Washington and New York, 1840.

- MCMMASTER, JOHN BACH. History of the People of the United States. 8 vols. New York and London, 1883-1913.
- MANYPENNY, G. W. Our Indian Wards. Cincinnati, 1880.
- MEIGS, WILLIAM M. The Life of Thomas H. Benton. Philadelphia and London, 1904.
- MILLION, JOHN W. State Aid to Railways in Missouri. University of Chicago Economic Studies. No. 4. Chicago, 1896.
- PARKER, DAVID W. Calendar of Papers. In Washington Archives relating to the Territories of the United States. (To 1873). In Carnegie Institution Publications. No. 148. Washington, 1911.
- RAY, PERLEY ORMAN. Repeal of the Missouri Compromise. Cleveland, 1909.
- RHODES, JAMES FORD. History of the United States. 8 vols. New York, 1892-1919.
- RIPPY, J. FRED. Border Troubles Along the Rio Grande, 1848-60. In the *Southwestern Historical Quarterly*. Vol. XXIII, pp. 91-112. Austin, 1919.
- ROYCE, CHARLES C. Indian Land Cessions of the United States. In Smithsonian Institution, Bureau of American Ethnology, 18th Annual Report. Part II. Washington, 1899.
- SCHOOLCRAFT, H. R. Conditions and Prospects of the Indian Tribes of the United States. Six Parts. Philadelphia, 1857.
- TURNER, FREDERICK JACKSON. Rise of the New West. New York, 1906.
- WATKINS, ALBERT. Illustrated History of Nebraska. 3 vols. Lincoln, 1911.
- WYETH, WALTER M. Isaac McCoy. Philadelphia, 1895.

LIBRARY OF CONGRESS



0 020 204 615 0