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Indian Allotments Preceding The Dawes Act

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To some historians of the West the policy of breaking up Indian reserves by allotting them in severalty seems to have had its origin in the Dawes Act of 1887 when a combination of land-hungry Westerners and impractical Eastern idealists are said to have put this allotment act through Congress. The fact that allotments had been made to Indians in the colonial period, were resorted to increasingly in the early years of nationhood, and long before 1887 had become a regular feature of American policy toward the red men is quite neglected. Many thousands of allotments for more than seventeen million acres had been patented to Indians by 1887.[1]

Allotments and individual reserves, generally of 160 to 640 acres, early appeared in treaties with Indians—granted to chiefs,

subchiefs, and other headmen, to traders, agents, missionaries, half-breeds, and other influential people who had a part in wresting from the aborigines surrenders of their land.[2] That the allotments when patented quickly fell into the hands of traders and agents who had written provisions into the treaties providing for them is a clear indication of the purpose for which they were granted. Individual reserves were also another way of enabling the chiefs and headmen to settle their obligations to traders. Associated with provisions for these reserves were sections requiring that much of the money being paid for the cessions of land should go to John Jacob Astor and his partners in the American Fur Company, Pierre Chouteau, and the firm of W. G. & G. W. Ewing and other trading firms, to satisfy their claims.

The first of a long line of individual reserves or grants appears in a treaty of 1805 made with the Choctaws. This was a reserve of 5,120 acres in southwestern Alabama which was to be conveyed to the two daughters of Samuel Mitchell "by Molly, a Chaktaw woman." It was later partitioned and sold by the Mitchell family. A second reserve of 1,500 acres was to be conveyed to John M'Grew.[3] How threats and bribes were combined to induce compliance may be seen in negotiations involving Andrew Jackson that led to a treaty and a cession of land by the Chickasaws in 1816. Major Levi Colbert ("beloved chief") and Colonel George Colbert were promised three well located tracts of land on the Tennessee and Tombigbee rivers. These grants were confirmed and later sold back to the United States. Another tract of 640 acres was reserved for John M'Cleish and in 1816 confirmed to him and his heirs. In addition to rations and liquor provided during the negotiations, it was stipulated that in consideration of the conciliatory disposition evinced during the negotiations of this treaty, ten chiefs including Levi Colbert and an interpreter should be paid $150 each in goods or cash and to thirteen military leaders $100 each and to William Colbert should be provided a lifetime annuity of $100. Two years later the Chickasaws again were induced to surrender land, this time in western Tennessee; and in consideration of a "friendly and conciliatory disposition," twenty-one chiefs including Levi and George Colbert were to be given $100 or $150 each.[4]

In two treaties of 1817 and 1819 with the Cherokees—who were under the greatest pressure to remove west of the Mississippi, as were all the Five Civilized Tribes—the allotment plan and the cession of land in trust were resorted to. These were to become the means of extensive abuses in the future. These allotments and trust lands were never to become a part of the public domain and subject to the land laws. Every Cherokee head of a family who might wish to become a citizen was to be given an allotment of 640 acres to include his improvements "in which they will have a life estate with a reversion in fee simple to their children." In the event of the allottees' removal, their lands were to revert to the United States. Grants in fee simple of 640 acres were made to thirty-eight named persons, and one grant of 1,280 acres was made to Major John Walker. Some ninety thousand acres in Alabama were ceded "in trust for the Cherokee nation as a school fund."[5]

The difficulties into which the federal officials fell in trying to administer the individual reserves and allotments provided for in the Cherokee treaty of 1819 scarcely argued for a continuation of this practice. Some 311 Indians accepted allotments, but neither Georgia nor North Carolina would concede the right of the federal government to convey them, and instead compensation had to be given the Indians in the Treaty of New Echota of 1835, by which the Cherokees ceded all their tribal lands remaining in Alabama, Georgia, Tennessee, and North Carolina. In return, they received a fee title to seven million acres in present Oklahoma, $5 million for the surrender of their land and $600,000 to pay for allotments denied them, for other claims, and for the cost of migrating to their new reserve.[6]

The Choctaws were the next of the Civilized Tribes to give way before the inexorable pressure of the settlers intruding into their lands, the states extending their jurisdiction over them, and the federal officials threatening, cajoling, bribing, and dividing them into conflicting groups. In return for the cession in 1820 of a choice tract of west-central Mississippi, including a portion of the Yazoo Delta, a tract of equal size in present western Arkansas was promised, and a blanket, kettle, rifle gun, bullet moulds and nippers, and ammunition sufficient for hunting and defense for one year were given to each member who would emigrate. Also 145,920 acres were to be sold for the benefit of Indian schools.

Members of the tribe who had made settlements within the surrendered area and wished to remain on them were each to have 640 acres surrounding their homes. Members preferring to move from their improved land were to be paid its full value.[7]

It soon appeared that the Arkansas tract had already been taken up in part by settlers, and in 1825 the Choctaws again had to go through the same dreary charade of being urged, bribed, or compelled to surrender a tract for the promise of another in the West. Federal officials, including John C. Calhoun, are described as systematically corrupting and intoxicating the Indians during the negotiations leading to the treaty of 1825. Those Indians who preferred to remain on their 640-acre allotments were given the right to sell them in fee simple with the approval of the President.[8] Previously inalienable allotments were opened to sale, subject to the consent of an officer of the government. This was the route most later allotments were to take.[9]

Land-hungry Mississippians were not satisfied by the slow removal of the Indians and the long withholding of parts of the state from settlement. To speed the migration of the Indians, the state extended its laws to persons and property within the remaining reserves, thereby compelling the United States to take more drastic steps against the unwilling natives. A treaty forced upon the Choctaws at Dancing Rabbit Creek in 1830 by systematic bullying by Secretary of War Eaton provided for a new country for them west of Arkansas Territory to which they were given title in fee simple in exchange for another huge cession in central Mississippi and Alabama.[10]

The Choctaws were rashly promised that "no Territory or State shall ever have a right to pass laws for the Government of the Choctaw Nation . ... , and that no part of the land granted them shall ever be embraced in any Territory or State." Members who preferred to remain on their 640-acre allotments east of the Mississippi and who should live on them for five years were to have a fee-simple title. In addition to the 640-acres each head of a family was entitled to, he might have 320 acres for each unmarried child over ten years of age and 160 acres for each dependent child under ten. Finally, 20,420 acres were to be divided among twelve chiefs, and 458,600 acres as cultivation claims were to be allowed to 1,600 heads of families, who were entitled to sell them

to the government for fifty cents an acre.[11] One could well say that rarely was the treaty-making power so used to convince the headmen that they could profit by signing personally and quickly, no matter how badly past policies were repudiated. Supplementary articles to the treaty provided for additional allotments amounting to 54,880 acres to named individuals. If the varieties of claims and allotments seems complicated, the management and disposition of the allotments and trust lands involved the government in even more intricate questions.[12]

Negotiations with the Chickasaws in 1832 and 1834 produced treaties whereby the Indians ceded in trust all their lands east of the Mississippi after making allotments of lands to members of the tribe and white men who had cooperated with them. Allottments were to range from 320 acres for orphans to 640 acres for each unmarried person over twenty-one, 1,280 acres for families of two to five persons, 1,920 acres for families of six to ten, and 2,560 acres for families of more than ten. Ownership of one to nine slaves entitled one to 320 acres extra, and for more than ten slaves, 640 acres. The allotments were to be granted in fee simple, but were subject to alienation only with the approval of two chiefs and an officer of the government. In addition to these allotments, four sections each were to be given to "their beloved and faithful old Chief" Levi Colbert and to George and Martin Colbert and three other headmen. Twelve and a half sections were granted other influential Indians and white men.[13]

After the survey of the cession, the selection of the allotments, and special reserves, the remaining lands were to be offered for sale as trust lands and not public domain, at $1.25 an acre. Fearing that combinations of buyers might prevent competitive bidding, as was a common practice at public-land sales, the Chickasaws insisted that no such combination should be permitted without, however, determining how the usual buyers' club law could be avoided. Unsold lands continued to be subject to purchase after the auction at $1.25 an acre for a year, when their price was to be reduced to $1.00 an acre; during the next year they could be sold at $.50 an acre, in the fourth year at $.25, and thereafter at $.125. After the deduction of all costs of survey and sale, the income was to be available for the Indians.

The reader will not be surprised to learn that within a short

time the bulk of the allotments had passed into the hands of speculating individuals, partnerships, and land companies whose acquisitions ranged as high as 210,658 acres for the American Land Company, 206,787 for the New York and Mississippi Land Company, and 334,602 for Edward Orne, who represented three other land companies. Mary Young found that the first thirty-three buyers acquired ownership of 1,576,484 acres of allotments. An additional 461,437 acres were sold in amounts of 1,000 to 10,000 acres.[14]

The trust lands were offered in 1836 when 1,304,150 acres were sold for an average of $1.66 an acre. The graduated prices allowed by the treaty brought yearly average prices down to $.18 in 1840 and $.13 in 1850. What is more important, a combination of speculators got much of the land just as they and others had engrossed so many of the allotments. Sixty-one buyers acquired 1,380,311 acres in amounts of 10,000 or more. Buyers whose purchases exceeded 2,000 acres acquired 1,990,592 acres. Of the 6,718,856-acre cession of Chickasaw lands, at least two-thirds of the allotments and trust lands passed to large buyers. On none of the land were squatters given protection through preemption.[15]

Step by step the Creek Indians, once the possessors of the greater portion of Georgia, surrendered their claim between 1790 and 1827, retaining only a five-million-acre tract west of the Chattahoochee in Alabama. Then in 1832 they, too, were compelled to cede this reserve, but outright, not in trust. However, the treaty provided for ninety full-section reserves to as many principal chiefs and half-section allotments for every head of a family and twenty sections in trust to be sold for the benefit of orphan members of the tribe. Altogether, 2,187,200 acres were allotted. As in other treaties providing for allotments and in accordance with the wishes of the local people, there was no indication that the grants were intended to aid the natives in becoming permanent residents of their tract. Alienation of the allotments was made easier than was the case with individual reserves of other Indians, and there was a scramble by white speculators to buy them. So badly gouged and cheated were the Creeks, despite some slight efforts by the government to assure that a fair price was paid, that it was even proposed to have the allotments bought up by the government and possibly made a part of the public

domain. Mary Young lists twenty-four groups and individuals who obtained 1,443,002 acres of Creeks allotments, the largest acquisition being 477,089 acres. Purchasers of 2,000 to 10,000 acres obtained an additional 276,986 acres. The disposal of the allotments to speculating groups brought little return to the Indians as well as great confusion over the right and fairness of the conveyances to the officials involved and surely to the ultimate developers of the land.[16]

North of the Ohio, individual reserves and allotments first appeared in Indian treaties in 1817, setting precedents not easy to overlook in later negotiations. In his instructions to Lewis Cass concerning proposals for discussions with the Indians, George Graham, Acting Secretary of War, suggested that those natives who wished to remain in Ohio might be given "a life estate" in individual reserves "which should descend to his children in fee . . . and that those who do not wish to remain on those terms should have a body of land allotted to them on the west of the Mississippi." Graham added somewhat indiscreetly that there was little expectation that any large cession of land could be obtained for the prices previously paid.[17]

Lewis Cass and Duncan McArthur, the two negotiators who met with the Wyandot, Seneca, Delaware, Shawnee, Potawatomi, Ottawa, and Chippewa tribes, had reason to be apprehensive that they went too far in providing individual reserves and in promising annuities for the cession they secured. In return for the surrender of 3,880,320 acres in northwestern Ohio, northeastern Indiana, and southern Michigan, the tribes were to receive small increases in their annuities. These were slight enough to be considered "unconscionable" by the Indian Claims Commission nearly a century and a half later. The questionable parts of the treaty were the provisions for limited reserves, individual and group, amounting to 271,800 acres, which were to be patented in fee simple with the power of conveying them. In the prose of Cass and McArthur, the persons to whom the reserves were to be given were "almost all . . . Indians by blood." In all cases "it was the urgent wish of the Indians that land should be granted to these persons. To have refused these requests would have embodied against us an interest and created obstacles, which no effort of ours would have defeated or surmounted." It is likely that the

traders who expected to gain ownership of the reserves threatened to prevent any cession until the individual reserves were included in the treaty.[18] It was later charged that some of the individual reserves provided for in this treaty and in a treaty with the Chippewas of 1819 were intended for whites who had assumed Indian names and fraudulently claimed Indian children, thus being entitled to consideration. Cass's marked reliance on the word of traders had apparently led him into a serious error.[19]

Congressmen expressed strong doubts about the "unprecedented" privilege of allowing the grantees of individual reserves to sell them to whomever they wished. It was "at variance with the general principles on which intercourse with Indians had been conducted," said the Committee on Public Lands. If alienable reserves were allowed, there would soon be pressure to have reservations allotted to members of the tribes, and the very basis of government policy toward the Indians would be weakened. Secretary of War Calhoun said that the Senate would "probably ratify no treaty which recognizes in the Indian the right of acquiring individual property with the power of selling, except to the United States."[20] Because of the strong opposition of Congress, a second treaty was arranged with the tribes whereby a number of group reservations were enlarged but their status was changed. They were to be held "in the same manner as Indian reservations have been heretofore held," that is as occupancy rights that could only be sold to the government, and individual reserves were made alienable only with the approval of the President. For a time thereafter, a similar restriction was written into other treaties. It came to mean approval by the Office of Indian Affairs, and this, in notable instances, was not difficult to secure.[21] George Graham, Commissioner of the General Land Office, said in 1825 that there was "generally no objection to the Sale of the Lands reserved to Indians," but he thought care should be taken to assure that a fair price was obtained.[22]

Once the importance of including individual reserves in treaties was conceded by the Indian Office, it was found almost impossible to win concessions from the more advanced tribes without them. Such groups were already influenced by and deeply obligated to traders who were turning to land speculations as the fur trade declined. This was notably true of the negotiations with tribes of the Ohio Valley and the border lands of the Great Lakes. Examples are treaties with the Potawatomis, the Weas, and the Delawares in which seventeen individual reserves containing 11,360 acres alienable only with the approval of the President were granted. In a treaty with the Miami tribe of Indiana, whereby a large part of central Indiana and a small tract in Ohio were ceded, there appeared a variation in favor of a chief who was notoriously influenced by traders. Individual Miamis were to be given 31,360 acres of which 25,600 were alienable only with the "approbation of the President," but 5,760 acres, granted to Principal Chief Jean Baptiste Richardville, were conveyed in fee simple without any restriction on alienation. All the reserves were located close to prospective town sites along the Wabash and St. Mary's rivers.[23] In two treaties of 1819 and 1821 with the Saginaw Bay Chippewas and the combined Chippewa, Ottawa, and Potawatomi tribes, by which nearly half the lower peninsula of Michigan was ceded, twenty-one small reserves containing 162,000 acres were withheld and forty-five tracts containing 26,240 acres were assigned to individuals. They were "never to be leased or conveyed by the grantees or their heirs . . . without the permission of the President."[24]

The Chouteau family of St. Louis was long and profitably associated with the Osage Indians, whose claim to land in present Kansas, Missouri, and Arkansas exceeded eighteen million acres. In 1825 the Osages were persuaded to cede some ten million acres of their huge claim, in return for which they were to be paid an annuity of $7,000 in merchandise or money for twenty years and were to be provided with supplies upon ratification. A debt of $1,000, said to be owed to Augustus Chouteau, was to be paid, and forty-two square-mile tracts were reserved for half-breeds, including James G. and Alexander Chouteau. Fifty-four tracts of 640 acres each (34,560) were to be set aside as trust lands and sold for the support of schools for the Osages. In the same year the Kansas Indians agreed that François Chouteau was to be paid $500.[25] These were small sums, however, in comparison with those later conceded the Chouteau family and associates.

The Miami treaty of 1826 called for special reserves in Indiana of 17,600 acres of which 2,240 acres were for Jean or John

B. Richardville, making his personal ownership 8,000 acres. Other members of the Richardville family received 2,560 acres in the two Miami treaties. Four sections, or 2,560 acres, were assigned to Lagrow, a Miami chief. Seven days after the treaty was signed, it was arranged that the land was to go to John Tipton upon the death of Lagrow. Lagrow died just two months later, and when news of the conveyance to Tipton, who had been the chief person negotiating the treaty, became known, it created a scandal. The validity of the transaction was questioned, but President Jackson seems to have approved it. Eight years later Tipton paid Lagrow's heirs $4,000 for the 2,560 acres to quiet gossip, though probably not to satisfy his conscience.[26] Persons like Tipton were shrewd enough to locate the individual reserves on spots where towns and cities were likely to develop.

Article 7 of the Miami treaty also provided for the purchase by the United States of 6,720 acres which had been granted to individuals in the treaty of 1818. For this acreage $25,708 was to be paid, or $3.83 an acre. One wonders if these eight-year-old reserves purchased at this price were then sold as public lands at $1.25 an acre.[27]

As Governor of Michigan Territory and Superintendent of Indian Affairs for the Michigan-Indiana area (1813–1831) and later as Secretary of War (1831–1836), Lewis Cass played a leading role in the administration of Indian relations. He had negotiated nineteen Indian treaties[28] and had long since learned that cessions of land could only be obtained if individual reserves were granted and provisions were made for the payment of the Indians' trader debts. In 1826 Cass had a part in drafting the treaties with the Chippewas, the Potawatomis, and the Miamis whereby large tracts of strategically located as well as rich lands suitable for agriculture were surrendered, large sums in money or goods paid, the annuities increased, and many individual reserves granted. In the Chippewa treaty of 1826 the half-breeds were promised section reserves on the St. Mary's River in Michigan. The reserves were to be laid out "in the ancient French manner" of six- to ten-arpents frontage on the river and forty-arpents deep. Also some seventy-seven allotments amounting to 49,280 acres were assigned mostly to the Indian wives and children of white traders and trappers, presumably without power of alienation.[29]

In 1826 the Potawatomis ceded a 130-mile tract bordering the Wabash. To the members of the Burnett family, who had been assigned 5,120 acres in the treaty of 1821, an additional 4,480 acres were now granted. To other chiefs, half-breeds, and orphans were given 15,840 acres, and to fifty-eight "scholars in the Carey Mission School" of Isaac McCoy were given 160 acres each. All individual reserves were alienable only with approval of the President.[30]

Cass next negotiated a treaty with the Potawatomis in 1828, which provided eighteen individual reserves totaling 10,240 acres and authorized the purchase of an individual reserve of 640 acres granted by the treaty of 1821 for $1,000. Other treaties that came under Cass's jurisdiction provided for 8,960 acres in individual reserves in Michigan to the Chippewas, Ottawas, and Potawatomis and 26,880 acres of reserves partly in the mineral district of Illinois and Wisconsin to the Winnebagos.[31]

Trust lands appear again in a treaty of 1830 with the Delawares, in which 23,040 acres of "the best land" within a larger cession in southeast Missouri were to be sold to raise a fund for the support of schools.[32]

Although there was strong opposition to granting alienable reserves to full-blooded Indians, except for the Chickasaws, Choctaws, and Creeks of the South, there was less objection at the time to giving reserves to half-breeds. In a treaty of 1830 with the Sac and Fox and three Sioux bands—Omaha, Iowa, and Missouri—two tracts were set aside "to bestow upon half breeds." The tracts were to be held "by the same title, and in the same manner that other Indian Titles are held," but the President was authorized to convey to any of the half-breeds up to 640 acres in fee simple. Because the Sioux half-breeds refused to have anything to do with the 200,000-acre reserve in Minnesota, it was bought back by the United States for $150,000 in 1851. After the allotment of most of the second reserve in Nebraska, the balance of 6,500 acres was sold between 1878 and 1882 for $21,531.[33]

In the Winnebago treaties of 1829 and 1832 wherein large areas in Wisconsin and Illinois were surrendered, 30,720 acres in individual reserves were granted, of which the families of Pierre and John B. Pacquette received 9,600 acres, Catherine Myott re-

ceived 1,280 acres, and her daughter received 640 acres.[34] One of the elder Myott's sections was conveyed to Henry Gratiot, who signed the treaty in which it had been allowed, and the other was acquired by Nicholas Boilvin, son of a long-time Indian agent at Prairie du Chien. The conveyance of these individual reservations shows that they were floating rights which could be located anywhere within the cession. The Boilvin tract was used to lay out a town. There is no indication that official approval was needed to sell the tracts.[35]

Between 1831 and 1842 the Ohio Indians were divested of title to their remaining lands, amounting to 419,384 acres plus 4,996 acres in Michigan. The Sandusky Senecas, the Senecas and Shawnee of Lewistown, the Shawnee, the Ottawas, and the Wyandots were promised in exchange five reservations containing 449,000 acres in the eastern front of the Indian country to which Eastern tribes were being moved. Since all but the Wyandots held their Ohio reservations in fee, their Kansas reserves were also granted in fee, but the Wyandot reserve was not so granted. Actually, the 109,144-acre tract promised them in 1842 was never turned over to them, and instead they were compelled to buy 23,040 acres at the junction of the Kansas and Missouri rivers from the Delawares for two dollars an acre. This included the site of present Kansas City, Kansas. In 1850 the Wyandots were paid $185,000 for the reserve they never received, which equalled $1.25 an acre, or all that the United States could hope to derive from the sale of the land.[36]

Three hundred thousand acres of the 419,384 acres thus ceded by the Seneca, Shawnee, Ottawa, and Wyandot Indians were surrendered in trust with the stipulation that they were to be sold to the highest bidder. After the deduction of the costs of survey and sale, the sums advanced to the natives, and $1.25 an acre for the 40,000 acres conveyed by the Sandusky Senecas and $.70 an acre for the other lands, the balance was to be held for the respective tribes.

In the treaty of 1833 with the Ottawas the six Indian grantees were denied the power of alienation without presidential approval; the other grantees presumably were to have that power. By the Wyandot treaty of 1836 seven chiefs were allowed the full

price the government received for a section each in the reserve being ceded. Extraordinarily valuable floating rights of 640 acres to be patented in fee simple were granted thirty-five leaders of the tribe by a treaty of 1842. They could be located on "any land west of the Missouri set apart for Indian use, not already claimed or occupied by any person or tribe." Like the better known Valentine scrip of a later time, because of the ease and speed with which it could be laid on prospective town sites, these floats were used by speculators to enter the land on which Lawrence, Emporia, Manhattan, and Topeka were later established.[37]

Altogether there were thirty-two individual reserves granted by these treaties to thirty-seven mixed-bloods, orphans, chiefs, and whites in Ohio for a total of 21,960 acres. All were made alienable sooner or later, including those of Indians. There is little evidence that they remained the property of the grantees for long.

Traders working with the Potawatomi and Miami tribes whose homes were in the Kankakee and upper Wabash valleys succeeded in having the largest quantity of individual and group reserves made in this early period, if we accept the record of allotments made for the Civilized Tribes of Alabama and Mississippi. In the previously cited treaties of 1818, 1826, and 1828 with the Potawatomis, provision was made for 39,840 acres of reserves; and in treaties of 1818 and 1826 with the Miami tribe 45,280 acres were similarly reserved. Treaties of 1832 gave the Potawatomis an additional 179,200 acres as reserves, making their total, mostly in Indiana, 219,040 acres. The Potawatomis were also promised a reserve in fee simple on the Osage River in the Indian country "sufficient in extent, and adapted to their habits and wants."[38] The ink was scarcely dry on the 1832 treaties with the Potawatomis before the latter were being urged to sell their reserves, and in a series of treaties 97,280 acres were bought for $.62 to $1.25 an acre, or an average of $1.06 an acre. At these rates there was no prospect of the government recovering its investment from the lands; only the traders had profited.

In the drafting of the treaties with the Miami Indians in 1834, 1838, and 1840, when the last of their tribal possessions were surrendered, the practice of making individual reserves reached its most absurd extent. Instructions of July 19, 1833, from the War Department to the agent in charge of negotiations with the Mi-

amis stressed that as many as forty individual reserves could be given, if necessary, and prescribed a top figure of $.50 an acre for a Miami cession. Actually, in the resulting treaty of 1834, only twenty-five individual reserves were granted, but the price paid for the cession was a dollar an acre.[39]

John B. Richardville, principal chief of the Miamis, who already had received 8,000 acres in individual reserves, was given an additional 20,320 acres, and all his holdings were to be conveyed to him in fee. He was also to have $31,800. Francis Godfroy, already the grantee of 4,480 acres, was given 6,400 more and $17,612. The three Miami treaties brought the total reserves granted them to 112,800 acres. A total of $1,133,000 was to be paid for the cessions of these three treaties, a sum far larger than the United States could expect to recover from their sale. The Miami were also promised a reservation in the Indian country of 500,000 acres which was to be guaranteed "to them forever."[40]

So generously paid were the Potawatomi and Miami Indians for their Indiana land that they became among the best-endowed of all Indians. In 1853 the per capita return to the Miamis in the form of annuities and other payments was $87, that of the Eel River Miamis was $68, in both cases exceeding that of all other tribes. The per capita payments of annuities and other grants to the Potawatomis were exceeded by those paid three other tribes (the Sac and Fox of Missouri, the Sac and Fox of Mississippi, and the Winnebagos), but the total paid the Potawatomis, $91,804, was only exceeded by that of the Winnebagos, $97,485.[41]

Some Indian officials were becoming increasingly troubled by the fact that individual reserves were being granted so extensively. It is not clear, however, whether their concern stemmed from knowledge that for the most part the reserves quickly fell into the hands of traders and others exploiting the ignorance of the natives. After Lewis Cass (that warm friend, and some would say pliant tool, of the traders) became Secretary of War, he instructed commissioners to treat with the Potawatomis for cessions of their land in 1833 as follows:

> Decline, in the first instances, to grant any reservations either to the Indians or others, and endeavor to prevail upon them all to remove. Should you find this impracticable, and that granting some reservations will be unavoidable, that course may then be taken in the usual manner and upon the usual conditions. But I am very anxious that individual reservations should be circumscribed within the narrowest possible limits. The whites and the half-breeds press upon the Indians, and induce them to ask for these gratuities, to which they have no just pretensions; and for which neither the United States nor the Indians receive any real consideration. The practice, though it has long prevailed, is a bad one and should be avoided as far as possible.[42]

A combination of able and aggressive traders stationed at Fort Wayne and Logansport, Indiana, who worked at times closely with Senator John Tipton, completely ignored all such instructions in securing cessions from the Miami and Potawatomi Indians without any sharp disapproval from Cass, but elsewhere in the upper Mississippi Valley individual reserves were halted or kept to a minimum.[43]

The government's reluctance to grant individual reserves is best displayed in the negotiations for three treaties with the combined Chippewa, Ottawa, and Potawatomi Indians of 1833 and with the Ottawas and Chippewas of 1836, whereby some five million acres in Illinois and Wisconsin and from one-third to one-half of Michigan were surrendered to the United States. It was found that the traders who had close relations with these Indians and whose support was essential could be satisfied if provisions were included in the treaties for the payment of the debts of the Indians, real or imaginary, and sums of money equivalent to what the traders might have expected to get from individual reserves. Both these conditions were well met. In the two treaties with the combined tribes $100,000 was provided for "sundry individuals, in behalf of whom reservations were asked, which the Commissioners refused to grant." One hundred and fifty thousand dollars was provided to satisfy the claims of traders and $600,000 for miscellaneous purposes, including an annuity. Three lists of claimants and persons to whom the tribes wished to grant favors were included in the treaty, in all 351 individuals, groups, or companies, some of which were listed for multiple claims. Milo M. Quaife, historian of Chicago, speaks of "the striking display of

greed and dishonesty" of many of those who strove to have doubtful claims included.[44] Largest of the claims were those of the American Fur Company ($20,300) and of members of the Kinzie family ($23,216), who had previously had $7,485 paid them under treaties of 1828 and 1829. Many of the payments were for claims that Quaife thinks should rightly have been assumed by the United States, not by the Indians. He expressed surprise that numerous beneficiaries on the three lists signed the treaties, being apparently unaware that government negotiators had long worked with and through traders who received direct and indirect boons from the treaties, which they had aided in extorting from the natives and which they had signed as witnesses. The combined tribes were given a reservation of five million acres in western Iowa in exchange for their lands in Illinois, Wisconsin, and Michigan.

During the negotiations leading to a treaty of 1836 with the combined Ottawa and Chippewa, the traders demanded individual reserves and inclusion in the treaties of specific provisions for the payment of stipulated claims. Rix Robinson, agent of the American Fur Company, was heavily in debt to the company, and the only way he could square his obligations was to get them paid by the Indians. Ramsay Crooks of the American Fur Company in his numerous instructions to Robinson, who was with the Indians throughout the discussions leading to the treaty, continually emphasized that payment for Robinson's claim must be included in any treaty of cession. Individual reserves, with their chances of hidden profits, were much wanted, and the tribes were anxious to provide them for their half-breeds; but "the President having determined" not to allow any, it was agreed that $300,000 was to be allowed for the payment of debts, $150,000 should be divided among the half-breeds, and $48,180 should be paid the half-breed children of traders in place of 19,040 acres of individual reserves, previously assigned. Included in the latter was the sum of $23,040 for the family of Rix Robinson, most of which, if not all, went to the American Fur Company. Another claim of $5,600 was included for an employee of the company and his family. The employee had become blind, and Crooks used his influence to get a position for him as an interpreter and aid for other members of his family, thereby passing the burden to the government.[45]

Michigan Chippewas were denied the right to assign individual reserves but were allowed to cede 107,720 acres in trust in 1836 and 1837 with a stipulation that specifically exempted this land from preemption. Because the Indians feared that a combination of purchasers would prevent them from getting the actual value of their land when sold at auction, it was stipulated that for the first two years they were to be sold at no less than $5 an acre and any land remaining thereafter was to be held at $2.50. After five years, remnants of the land could be sold at $.75.[46]

Floating reserves, free to be located within broad areas or whose boundaries were not clearly defined, were much sought after by speculators, as were also reserves specifically located on sites almost certain to be valuable for town locations. In 1825 twenty-seven Kansas half-breeds were assigned full-section reserves on the north side of the Kansas River, which became the object of much intrigue by speculators because of their choice location. Similarly, we have seen how the Wyandot floats of 640 acres each were in great demand because of the priority given them in the selection and entry of land. One unusual reserve was included in a treaty of 1835 with the Caddo Indians of Louisiana, unusual because of its size and because individual reserves were not common in Louisiana or Arkansas. The reserve was for four square leagues—23,040 acres. The grantee, Francois Grappe, a black man, had never been known to have any interest in this land, though it was later estimated to be as much as 34,500 acres because of the way it was blocked out. It was laid on rich alluvial soil bordering the Red River and was subsequently estimated to be worth somewhere between $100,000 and $900,000. The basis for the reserve was an alleged donation of the land by the Indians some thirty-four years earlier. After ratification of the treaty and the approval of the patent, accusations of gross fraud led to a congressional investigation which in 1841 brought out the fact that the tract had been acquired by the commissioner in charge of negotiating the treaty and that in all likelihood arrangements for the purchase from Grappe had been made beforehand. Witnesses also testified that the tract had been improved by white planters, who had a good title dating back to the Spanish period, and furthermore that it was not a part of the Caddo reservation and that the Indians had no right to include it in their cession. The

House Committee on Indian Affairs considered the conduct of the commissioner "unfortunate" and "highly imprudent," scored the testimony in his behalf as utterly worthless, deplored the many fabrications of documents, and was deeply troubled by evidence that the commissioner had not only abused the treaty-making power and suppressed evidence contrary to his interest but had also grossly cheated the Indians in the rations and supplies the government had intended for them. The committee concluded that the district attorney should bring suit to recover the tract, which it declared had been "improperly or fraudulently" included in the treaty.[47] There was a close parallel between the Caddo fraud and the Lagrow reserve which John Tipton had acquired. One may well wonder how Cass could have favored, or the Senate ratified, the Caddo reserve, the largest included in any of the treaties in a period in which reserves were being frowned upon.

One may conclude that thus far, individual reserves to chiefs, orphans, Indian children of white traders, and political hangers-on were not planned with any real thought of enabling the Indians to move from communal or tribal ownership. Instead, they were used in the South as a means of eliminating the Indians by giving them property whose value and use they had no conception of other than as a means to a few drinks. The authors of the allotment policies in the treaties with the Creeks, Choctaws, Chickasaws, and Cherokees were aware that the lands would shortly be in the possession of whites. In the North, the individual reserves offered a means by which the support of traders could be obtained for cessions of land and the removal of the Indians, which would mean the end of their profitable business with the natives. Also, the reserves and stipulations for payment of debts in the treaties would permit the chiefs and headmen to rid themselves of those obligations that the traders had permitted, if they had not actually encouraged, them to accumulate. If the debts were listed in the treaties and it was stipulated that they were to be paid out of the large sums authorized for this purchase, the traders were sure of collecting. Few of the treaties did so list the sums to be paid, but those that did are useful in showing how business was conducted with the Indians and the way in which they were exploited.

Largest of the traders' claims to be paid was that of $133,997 to Pratte, Chouteau & Co., and members of the prolific Chouteau family. Second largest was the $76,587 paid to the firm of W. G. & G. W. Ewing and family. It was G. W. Ewing who informed Senator Tipton of Indiana that the Potawatomi Indians would never leave the Wabash until his firm was paid the full debt owed it.[48] The third largest of the sums paid for Indian debts went to John Jacob Astor and the American Fur Company, $59,961. Actually, the total received by the Astor–American Fur Company was far larger, for they had a major share in the Pratte, Chouteau & Co.; $20,961 assigned to others in the Chicago treaty of 1829 was collected by Astor, and other sums appearing under other names were either for Astor or for the company. G. W. Ewing also had at least $37,000 of claims confirmed in addition to those included in treaties.[49]

The *Wisconsin Herald* of September 27, 1845, a paper published in Prairie du Chien, where more gold and silver was distributed in the form of annuities to Indians than in any other place north of St. Louis, described the scramble by whites to get their hands on the funds being paid the Indians:

> Everybody claimed kin with the Indians and could bring proof of his genealogy about annuity day. How this money was watched all the way from Washington. Speculators, sharpers, gamblers and knaves followed it, and were in Prairie du Chien thick as buzzards when the annuities were to be paid. Princely was the sum disbursed, but thousands . . . stood eager to share it, and the money passed away like the dew.

By 1853 the Indians had surrendered their lands east of the Mississippi and in the first tier of states west of that river with the exception of northern Minnesota and small reservations elsewhere and had moved to the Indian country west of Missouri and Arkansas. In 1844, 85,473 tribesmen lived in the Indian country, much the larger number being in the region west of Arkansas. In 1854, 8,002 intruded Indians were reported in Kansas.[50] There, on clearly defined reservations they dwelt in misery, partly sustained by inadequate government aid and denied the freedom from white intrusions that their treaties had guaranteed them. Westward-moving Mormon refugees seeking relief from religious per-

secution, pioneers and traders looking for new opportunities in Oregon and New Mexico, and the rush of gold seekers to California in 1849 meant new trouble for the intruded Indians, as did the demand for their removal from the better lands in the Nebraska Territory that had been promised them in perpetuity.

The induced or forced migration of Eastern tribes to the west of the Mississippi began before definite plans for an Indian country had been adopted. Cherokee and Choctaw Indians were assigned reservations in Arkansas, and Delawares and Kickapoos were given tracts in Missouri; but by 1825 the granting of reservations in states or territories was halted. Thereafter, with a few exceptions, Indians were moved into unorganized areas west of Missouri and the Territory of Arkansas.

In 1830 Congressional policy was somewhat crystallized by an act of May 28, which restricted removals to areas that were not included in a state or organized territory but for which the Indian title had been extinguished.[51] This effectively defined the Indian country of present Oklahoma, eastern Kansas, and southeastern Nebraska and Iowa and Minnesota. To induce the Indians to give up their more eastern reserves, the President was authorized solemnly to assure them that "the United States will forever secure and guarantee to them, . . . the country so exchanged . . . and if they prefer it . . . will cause a patent of grant to be made and executed to them for the same." Then followed negotiations with the Senecas and Shawnees; the Kickapoos; the federated Kaskaskia, Peorias, Piankeshaws, and Weas; the Iowas, the Chippewas, and Wyandots, which provided for their removal across the Missouri line; and with the Creeks, Choctaws, Seminoles, Chickasaws, and the Seneca-Shawnees for their removal to reservations in what was to become Indian Territory.

The area west of Arkansas and Missouri contained much first-rate arable land that was suitable for grain and livestock production and capable of sustaining a large population. By 1850 many Westerners had come to the conclusion that an earlier generation had made a major error in designating the region permanent Indian country.

All of Indian Territory, except the panhandle, and the entire front of Kansas were in the possession of some 85,000 intruded Indians. They had been promised their reservations "in full and

complete possession . . . as their land and home forever." What then was the prospect of creating new territories and states out of the Indian country? Congressmen knew the way and proceeded to follow it. First, in 1853 they added to the annual appropriation bill for the Office of Indian Affairs a section authorizing the Commissioner of Indian Affairs to negotiate with the Indians west of Missouri and Iowa for the extinguishment of their titles "in whole or in part" and appropriated $50,000 to further that end. Meeting no favorable response, the Commissioner had to report failure in his first effort.[52] Notwithstanding this failure and its plighted word, Congress next adopted the Kansas-Nebraska Act on May 30, 1854, for the creation of two territories and the opening of them to settlement. True, the rights of the Indians were to be preserved, and their reservations were excluded from the territories "until the tribes gave their assent" to such inclusion.

The passage of the Kansas-Nebraska Act was the signal for thousands of land-hungry people, looking for the economic opportunities that new territories provided, to rush across the Missouri line into Kansas. They disregarded Indian ownership, marked out their claims, built improvements that would justify preempting the land, established local government and put it into operation. The carpetbag officials whom the Pierce administration sent in to "rule" and officers of the Army united with the land seekers to break down the morale of the Indians and compel them to remove. Officers at Fort Leavenworth permitted the creation of a town on the Delaware lands and participated in the speculation without making any protest, though all was contrary to law. This lawless example led hundreds of Missourians to penetrate into the Delaware tract and into other reservations, disregarding the admonishments and warnings of Indian officials. The territorial governor took up office on Indian lands, and the legislature authorized polling places and held its session on Shawnee lands and extended county organization over some reservations, all in violation of the treaties and the territory's organic act. Protests to the Secretary of War and to the President were all to no avail; no one save the Indian Commissioner paid any attention to the rights guaranteed the Indians, and he was later to be displaced by a commissioner who was more sympathetic to Western attitudes.

Everywhere "trespass and depredations of every conceivable

kind" were committed against the Indians. They were "personally maltreated, their property stolen, their timber destroyed," and all their rights jeopardized. There seemed no alternative to surrender and removal.[53]

In the twenty-four days before Franklin Pierce signed the Kansas-Nebraska Act, the Commissioner of Indian Affairs had wrested from the reluctant Indians along the eastern border of the Indian country six treaties surrendering portions of their reserves in trust and portions outright, and providing that other parts were either to be retained in tribal ownerships for a time or were to be distributed in allotments to chiefs, headmen, heads of families, and half-breeds. The swarms of land seekers that swept across the Missouri border found no public lands in easy reach but met up with Indian trust lands, allotments, floating allotments, diminished reserves, and reserves still intact. On all of these lands settlement or intrusion by whites was illegal. The conflicts that emerged between the Indian occupants and owners on the one side and the intruders on the other, and the desperate struggles between contending whites for town sites, railroad terminals, county seats, the territorial capital, and land claims I have discussed as a major theme in the Kansas conflict in *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854–1890.*[54]

A summary of the management and disposal of the Kansas Indian lands shows that few tracts in eastern and southern Kansas ever became a part of the public domain but instead were either allotted (at least 525,000 acres) or sold in trust for the benefit of the Indians (10,888,000 acres). On none of this land was homestead to apply, nor could military warrants with their reduction in cost to settlers be accepted for entries. To this extent had Congress permitted setting aside the public-land laws for most of eastern and southern Kansas.

The inclusion of allotments to chiefs, heads of families, and half-breeds had shown land-hungry elements how to hasten the opening of Indian lands and overcome the reluctance of the natives to surrendering their tribal reserves. With the opening of Kansas and Nebraska territories the allotment of Indian lands in severalty became a regular feature of the treaties being negotiated with tribes in the two new territories and in Minnesota, Oregon, Dakota, Colorado, Utah, Montana, Arizona, Idaho, and Wyoming

territories and in Michigan. In the seven years following 1854, forty treaties included provisions for surveying the reservations and alloting the lands to individual Indians in amounts from 80 to 320 acres. Fourteen of the treaties applied to Kansas tribes, five to Washington tribes, and smaller numbers to tribes in other territories. In 1867 Indian commissioners included in treaties provisions allowing patents of 160 acres to Indians who had 50 acres fenced, plowed, and in crops (Sisseton and Wahpeton Sioux) or patents to each 40 acres of which 10 acres were cultivated, up to 160 acres (Chippewa of Minnesota). Provisions for assigning land to interested Indians, issuing certificates showing their exclusive possession, and for listing the certificates in the land books of the tribes were included in treaties with the Cheyenne and Arapaho, the Crow, the Sioux, the Navajo, the Shoshone, and the Ute Indians in 1867 and 1868.[55]

Indians in Michigan, Wisconsin, Minnesota, Nebraska, and Kansas were either given alienable titles or titles that could be and were made alienable by officials of the Department of the Interior, but the treaties with the "wild" Indians farther west offered no promise of alienation short of twenty-five years. In these latter cases the title in the allotments was only possessory and could only be conveyed to the United States or to the tribe, or in the event of disease of the allottee, his right could pass on to heirs though it remained inalienable. It was less possible for officials to speed the process of patenting these allotments, as they had done so extensively with allotments in Kansas, Indiana, and Michigan; and these allotments were not subject to taxation, mortgage, or lease.

Commissioners of Indian Affairs Manypenny, in 1855, Dole, in 1863, and E. P. Smith, in 1873, emphasized allotments as a means of inducing the redmen to make improvements on their tracts and to become farmers. The commissioners regarded the policy as the only one that offered a hope of ending tribal ownership and gradually assimilating the Indians into the acquisitive white culture of the frontier.[56] The Board of Indian Commissioners, which was appointed to scrutinize the operations of the Indian Office and to bring to public attention any mismanagement it uncovered, recommended in its first report in 1870 a general allotment policy. In the words of Angie Debo, it thereafter "regarded the extent of allotment as the measure of progress in

Indian advancement." It urged, however, that titles should be inalienable for two or three generations.[57] Carl Schurz, Secretary of the Interior from 1877 to 1881, threw his influence behind allotment, as did Senator Henry L. Dawes and other so-called humanitarians. Yet the evidence that the allotments failed to effect this objective was already clear wherever they had been given. The Kansas story should have been sufficient to deter experimenting with an allotment policy. The record of allotments in Michigan is perhaps less well known.

By treaties of 1855 and 1864 with the Ottawas and Chippewas parts of six townships in Michigan were set aside for allotments of 80 acres each, and some 1,735 Indians were given patents by 1871. E. A. Hayt, Commissioner of Indian Affairs in the Hayes administration, related the sad story of the victimization of the owners despite their relatively advanced state. So certain were the Indians that they would be removed, despite their allotments, that they were disinclined to improve or in any way make use of their land, an attitude expressed in the reports of the Indian Office. A major portion "fell victims to the greed of unscrupulous white men, and, one by one," parted with or were defrauded of their lands. "Every means that human ingenuity can devise, legal or illegal, has been resorted to for the purpose of obtaining possession" of the lands. Many sold their allotments for as little as $.25 an acre when they were worth $5 to $25 an acre. Collusion between the agents and the purchasers, liberal use of whiskey, the application of unequal taxes, and mortgaging, all contributed to lead the Indians to sign away their rights. In 1875 it was estimated that not one in ten of the allotments was still held by the Indians. Hayt's analysis shows that the Michigan record was almost a duplication of the Kansas frauds of a few years earlier.[58] Ten years later the local agent concluded that giving Indians titles they could convey resulted "in the almost entire dispossession of their land by bartering them away without scarcely any equivalent therefore." He asserted that allotments of the lands and their transfer to whites was part of "a well-laid scheme contemplated many years ago, ripened and consummated openly . . . without the intervention of the Government" whose duty it was to protect the Indians against the wiles of the exploiters "who have grown wealthy by their ill-gotten gains, taken from the people whom they now despise."[59]

At least 11,763 patents for allotments had been issued by 1886, in Kansas, Nebraska, and other states of the Upper Mississippi Valley.[60] This does not include the many thousands given the Creeks, Cherokees, Choctaws, and Chickasaws in Alabama and Mississippi. There was little or nothing in the record of allotments, however, to encourage the belief that they promised a humane and practical solution of the Indian problem, Yet since further concentration of the redmen in Indian Territory and in one or two other large reservations was unacceptable to the West, as Loring Priest has admirably pointed out, allotment was increasingly stressed as the only long-range solution, the more so as the errors of the past were glossed over or forgotten.[61] Former Commissioner Manypenny might well have been listened to in 1885 when he declared that had he been able to foresee how completely the allotment policy would be discredited, "I would be compelled to admit that I had committed a high crime" by pursuing it in Kansas.[62]

Neither Congress nor the authorities in the Indian Office were prepared to oppose the allotment policy when legislation to establish it generally was considered. It is true that the Coeur d'Alene, Yankton Sioux, Potawatomi, Kickapoo, Wyandot, Iowa, and the Five Civilized Tribes had made known their opposition so strongly that the Commissioner mentioned their views in his report, somewhat reluctantly, it appears. Other natives, however, he reported as anxiously awaiting the allotment of their reserves. J. P. Kinney marshaled some evidence showing that Indians domiciled on allotments in New Mexico, Minnesota, Nebraska, and elsewhere were making progress toward independence and full ownership of their tracts; but his information is drawn from the reports of agents who were committed to the policy. In 1883 "over fifty" Santee Sioux were reported to have obtained patents for their allotments; but all such information is from strong supporters of allotments, and no later information is given concerning the retention of ownership once the fee title had passed. Information concerning the progress of allotments among the other Plains tribes before 1887 is not accessible.[63] Most supporters of allotments agreed that extensive experience with them indicated

that final ownership should be long delayed, except for those making unusual progress.

Henry Moore Teller, for many years Senator from Colorado, who commonly reflected Western and particularly Colorado sentiment on most questions, as Secretary of the Interior from 1881 to 1885 favored a different policy toward Indian lands, not, however, because of any humane concern for the Indians, for he callously neglected Indian rights and needs. He was both aware of, and frankly admitted, the fact that the great mass of Indians were violently opposed to allotment, an admission that required some courage at that time. To satisfy the land hunger of the West, Teller favored drastic reduction of the reserves and the opening of the surplus lands to settlers only. At the same time he would give the tribes a fee-simple title to their diminished reserves, which, he thought, would remove from them the fear of the loss of their lands and their consequent unwillingness to develop or in any way improve them. While Teller took a strong stand in opposition to allotment, his Commissioner of Indian Affairs, Hiram Price, supported the allotment policy as strongly as his chief opposed it. He maintained that "the best results" had followed from allotment and declared, "I shall, therefore, adhere to the policy of allotting lands wherever the same can legally be done and the condition of the Indians is such as to warrant it." Like his predecessors in the Indian Office, he reported that many Indians were clamoring for allotments.[64]

Senator Joseph N. Dolph of Oregon was one of the few Western members of Congress who foresaw the evils in the allotment policy. He predicted in 1887, when the measure to provide for forced allotting of Indian lands was under consideration, that they would be swiftly disposed of to whites, the proceeds squandered, and the Indians would not be prepared for self support and would again be dependent on government benevolence.[65]

The West, Congress, the Indian Office, and some of the true friends of the Indians wanted a general allotment act which would require its application to all Indians or to all but those in the Indian Territory, where opposition was intense. Such a combination was too powerful to resist. The Dawes General Allotment Act became law on February 8, 1887.[66] It followed previous measures in the size of allotments and the twenty-five-year period

before fee-simple titles could be obtained, and provided for the sale of surplus lands only to actual settlers. Whatever the motives of those who worked for the enactment of the measure, its success in achieving its avowed object—the gradual assimilation of the Indian population—was dependent on sympathetic, honest, and understanding administration; and that the Dawes Act did nothing to assure. One need not wonder why the Act has come in for penetrating criticism in later years in the light of the demoralizing effect its incidence had upon the economy of the Indians.

Notes

1. *House Executive Documents,* 45 Cong., 3 Sess., vol. IX, serial 1850, pp. 443–44.
2. J. P. Kinney, *A Continent Lost, A Civilization Won* (Baltimore, Md., 1937), 185.
3. Treaty of November 16, 1805, Charles J. Kappler, *Indian Affairs, Laws and Treaties* (3 vols., Washington, D.C., 1903), II, 63; Charles C. Royce, *Indian Land Cessions,* Bureau of American Ethnology, *Eighteenth Annual Report,* 1900, 673.
4. Kappler, *Indian Affairs,* II, 93–94, 122.
5. *Ibid.,* II. 99, 124.
6. *Ibid.,* II, 324.
7. *Ibid.,* II, 133.
8. Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman, Okla., 1934), 50.
9. Kappler, *Indian Affairs,* II, 150. The amount of land to be sold for the benefit of schools was reduced to 34,560 acres, and the balance was commuted to a money payment.
10. Debo, *Choctaw Republic,* 54.
11. Kappler, *Indian Affairs,* II, 222.
12. Mary Elizabeth Young. *Redskins, Ruffleshirts and Rednecks: Indian Allotments in Alabama and Mississippi, 1830–1860* (Norman, Okla., 1961), 47 ff.
13. Kappler, *Indian Affairs,* II, 259, 312.
14. Young, *Indian Allotments,* 131–32.
15. James W. Silver, "Land Speculation Profits in the Chickasaw Cession," *Journal of Southern History,* X (February, 1944), 86; Young, *Indian Allotments,* 165–66.
16. *Ibid.,* 73–113.
17. *American State Papers, Indian Affairs,* II, 136.
18. *Ibid.,* 139.

19. John Biddle to John McLean, Detroit, November 14, 1822, in Clarence Carter, ed., *Territorial Papers,* XI, 295, 323, 371, 585. After hearing charges of fraud, Cass actually recommended that the individual reserves be sold despite the ratification of the treaty.

20. *American State Papers, Indian Affairs,* II, 149, 174.

21. *Ibid.,* 149, 166; Kappler, *Indian Affairs,* II, 114. *Territorial Papers,* XI, 353, shows that one Indian was permitted to sell one of his two sections to pay his debts, but in 1823 was denied permission to sell the other. In 1825 permission to sell the second was granted.

22. *Territorial Papers,* XI, 659.

23. Kappler, *Indian Affairs,* II, 119. For Richardville's reserves see maps in *History of Allen County, Indiana* (Fort Wayne, Ind., 1880).

24. Kappler, *Indian Affairs,* II, 140, 142, 148. A treaty of 1823 with the Florida tribe and another of 1824 with the Quapaw Indians of Arkansas provided for two full-section reserves, two quarter-section reserves, and ten half-quarter reserves to half-bloods in Arkansas.

25. *Ibid.,* 154, 158.

26. *Ibid.,* 199. Nellie A. Robertson and Dorothy Riker, eds., *The John Tipton Papers* (3 vols., Indianapolis, Ind., 1942), I, 611–12.

27. *American State Papers, Indian Affairs,* II, 684; Kappler, *Indian Affairs,* II, 200.

28. Wm. T. Young, *Life and Public Services of General Lewis Cass* (Detroit, Mich., 1852), 83.

29. Kappler, *Indian Affairs,* II, 194.

30. *Ibid.,* 197.

31. *Ibid.,* 211, 214, 216.

32. *Ibid.,* 218.

33. *Ibid.,* 219, 439; Addison E. Sheldon, *Land Systems and Land Policies in Nebraska* (*Publications,* Nebraska State Historical Society, XXI, 1936), 209, 333; Royce, *Indian Land Cessions,* 727.

34. Kappler, *Indian Affairs,* II, 216, 253.

35. The conveyance from Myott to Boilvin, which also mentions the previous sale of the other section to Gratiot, is in *History of Winnebago County, Ill.* (Chicago, Ill., 1877), 239–42. Pacquette children also were given $3,000 in a treaty of 1837 with the Winnebagos, and Catherine Myott was given $1,000. To the children of John B. Pacquette were given 3,845 acres in the treaty of 1829.

36. Kappler, *Indian Affairs,* II, 233, 235, 238, 242, 288, 341, 395, 436, 793; Royce, *Indian Land Cessions,* 777.

37. Kappler, *Indian Affairs,* II, 396; Annie Heloise Abel, "Indian Reservations in Kansas and the Extinguishment of Their Title," Kansas State Historical Society, *Transactions,* VIII (1904), 86.

38. Kappler, *Indian Affairs,* II, 362.

39. Letter to John Robb, Acting Secretary of War, July 15, 1823; to George Porter, *Senate Documents,* 23 Cong., 1 Sess., vol. IX, serial 246, no. 512, pp. 733–34.

40. Kappler, *Indian Affairs,* II, 315, 384, 393.

41. *Congressional Globe,* 32 Cong., 2 Sess., February 23, 1853, p. 806.

42. "Correspondence on the Subject of the Emigration of Indians. . . ." *Senate Documents,* 23 Cong., 1 Sess., vol. IX, serial 246, no. 512, p. 652. Cass's place in American Indian relations is summarized in Francis P. Prucha, *Lewis Cass and American Indian Policy* (Detroit, Mich., 1967).

43. In 1832–1833 three treaties with the Winnebago, Sac and Fox, and Kaskaskia Indians provided for a few reservations, the largest being for members of the Pacquette family for 3,200 acres in the Winnebago cession of southwestern Wisconsin or northwestern Illinois.

44. Milo M. Quaife, *Chicago and the Old Northwest, 1673–1835* (Chicago, Ill., 1913), 346 ff.

45. See the attention to the claim of Rix Robinson in the letters by and to Ramsay Crooks in Grace Lee Nute, "Calendar of the American Fur Company's Papers," American Historical Association, *Annual Report,* 1944, vol. II, passim. The total obligations the United States assumed for the cession were more than $1 million. Kappler, *Indian Affairs,* II, 334 ff.

46. *Ibid.,* 343, 358, 372, 382.

47. *House Documents,* 27 Cong., 2 Sess., vol. I, serial 401, no. 25, pp. 1–48; *House Report,* 27 Cong., 2 Sess., vol. V, serial 411, no. 1035, pp. 1–129.

48. Robertson and Riker, *John Tipton Papers,* I, 41–42n.

49. The "Calendar of the American Fur Company's Papers" and Kenneth Porter, *John Jacob Astor* (2 vols., Cambridge, Mass., 1931), II, 851 and passim, are very helpful in unraveling the intricacies of the various partnerships of Astor with others in the Great Lakes region. *Senate Documents,* 25 Cong., 3 Sess., vol. V, serial 342, no. 302; and *Senate Documents,* 26 Cong., 1 Sess., vol. IV, serial 357, no. 164.

50. Commissioner of Indian Affairs, *Annual Report,* 1844, 21, and *Annual Report,* 1855, 255–56.

51. *Register of Debates in Congress,* vol. VI, part 2, appendix, p. xxxii.

52. Kappler, *Indian Affairs,* II, 241, 287, 414; *Congressional Globe,* 39 Cong., 2 Sess., part 2, p. 359; George W. Manypenny, Commissioner of Indian Affairs, *Annual Report,* 1853, *House Documents,* 33 Cong., 1 Sess., vol. 1, part 1, serial 710, no. 1, pp. 249 ff.

53. Manypenny was displaced by James W. Denver. Manypenny's account may be seen in his *Annual Reports* for 1853–1856 and in his own *Our Indian Wards* (Chicago, Ill., 1880).

54. Paul W. Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854–1890* (Ithaca, N.Y., 1954).

55. Kappler, *Indian Affairs,* II, 735, 754, 762, 766, 776, 779, 798. Loring Benson Priest, *Uncle Sam's Stepchildren: The Reformation of United States Indian Policy, 1865–1887* (New Brunswick, N.J., 1942), 182, shows that not until 1884 did Congress appropriate funds to aid the Indians—presumably the wild Indians—in selecting their allotments and moving them toward title.

56. Kinney, *A Continent Lost,* 188, shows that the acting commissioner maintained in 1880 that the demand for "lands in severalty by the reservation

Indians is almost universal." He apparently made no effort to determine what elements were responsible for giving this impression nor to analyze the results of allotment in the past.

57. Debo, *And Still The Waters Run* (Princeton, N.J., 1940), 21; Board of Indian Commissioners, *Report*, 1870, 10.

58. Commissioner of Indian Affairs, *Annual Report*, 1878, vii–ix, 75.

59. Mark W. Stevens, Indian agent at Mackinac, September 1, 1887, in Commissioner of Indian Affairs, *Annual Report*, 1887, 126. A writer in *Nation*, XLII (March 11, 25, 1886), 215–59, sharply blamed United States officials for permitting "the jackals and hyenas of humanity" to despoil the Indians of their allotments.

60. The House Committee on Territories summarized briefly and uncritically in 1879 the experience gained in granting citizenship and allotting tribal lands in Kansas, Michigan, Wisconsin, and Minnesota as earlier described by Indian agents. *House Report*, 45 Cong., 3 Sess., vol. 2, serial 1867, no. 185.

61. Priest, *Uncle Sam's Stepchildren*, 178.

62. *The Council Fire*, VIII (Washington, January, 1885), 25.

63. Kinney, *A Continent Lost*, 187, 193; Indian Rights Association, *First Annual Report*, 1883 (Philadelphia, Pa., 1884), 15.

64. *House Executive Documents*, 47 Cong., 2 Sess., vol. 10, serial 2099, pp. vi–vii, and vol. 11, serial 2100, pp. 34–35, and *House Executive Documents*, 48 Cong., 1 Sess., vol. 10, serial 2190, pp. xiv–xv, and vol. 11, serial 2191, p. 12.

65. *Congressional Record*, 49 Cong., 2 Sess., January 25, 1887, p. 974. Much needed are fresh studies of the Dawes Act, the Burke Act of 1906, the Wheeler-Howard Act of 1934, and the Termination legislation of the Eisenhower administration.

66. Howard R. Lamar in *The Far Southwest, 1846–1912: A Territorial History* (New Haven, Conn., 1966), 15, writes that the Dawes Act "promised a new deal for the red man."

THE FRONTIER CHALLENGE

responses to the trans-mississippi west

edited by John G. Clark

The University Press of Kansas
Lawrence/Manhattan/Wichita

Standard Book Number 7006-0070-1
Library of Congress Catalog Card Number 79-121649
Printed in the United States of America

Designed by Fritz Reiber