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RATIFIED TREATY NO. 153
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF AUGUST 25, 1828, WITH THE WINNEBAGO
AND UNITED POTAWATOMI, CHIPPEWA, AND OTTAWA INDIANS

Detroit, Sept. 9th 1828.

Wm B. See,

Encloses a Journal of
the proceedings of the
Council held at Green
Bay, with the ^{minutes} ~~minutes~~,
by your Capt & Colonel
Menard, Comdr.

Sept 9th

Wm B. See

8-25-28

Detroit, Sep. 9. 1828.

Sir,

I have the honour to transmit to you the journal of the proceedings of the Council held at Green Bay, by His Excellency Lewis Cass and Col. Menard, Commissioners, with the Winnetago and part of the Sac and Potawatamie tribes of Indians.

I have the honor to remain
with great respect,

Yr. Obedt. Servt.

W. B. E.



Hon.

Peter B. Porter
Secy. of War

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Green Bay - 1825
Journal of the proceedings
of the Council held
with the Winnebago In-
dians, at Green Bay,
by Capt. G. H. Colwell
Commandant

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1 July

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Green Bay, August 18, 1828

His Excellency Lewis Cass
and Pierre Menard, Commissioner appointed
by the President of the United States to treat
with the Ottawa, Potawatamie, Chippewa,
Sac & Fox and Winnebago nations of Indians
for the purchase of the Lead mine country
upon the Mississippi, met the Winnebago
and part of the Sac tribes this day in coun-
cil at 12 o'clock, m.

The pipe of Peace having been smoked,
Gov. Cass addressed them as follows:-

My Children, Sacs and Winnebagoes! 187

Your great Father
the President of the United States, has sent
Col. Menard and myself to you, and he has

given us this paper, (the commission,) signed with his own hand & seal, authorizing us to treat with you. We thank the Great Spirit that he has opened the paths for us to meet together, and that he has given us a clear sky for our first meeting.

My friend here & myself come to you with pure hearts, and we hope you will open your ears to us, and that there will be no bad birds flying about to interrupt what we have to say.

In some time past clouds have been flying in every direction, but we hope before we part there will not be one to be seen, and that we shall take fast hold of your hands.

What I am now going to say is to the Winnebagoes, and not to the Sacs.

We come here to listen to all you have to say, to hear your complaints; and if we have done

you any injury, to pay you for it - We have had young men as well as you - they do foolish things as well as your young men - but

when your great Father finds they do you wrong

he is willing to make you compensation.

Our people are spread over your country, they are digging mineral upon it. It is more valuable to us than to you. There is no game upon it. We are willing to pay you for it.

We should be willing to purchase a part of it, and to run a plain line & build up a wall between us, so that our young men could not get over it. We do not come here to cheat or to force you; but to reason with you, and to make a fair & just bargain with you.

Some of our people are upon your land, but that shall make no difference with us. We are willing to make the same bargain, and to give you as much as if there was not a man upon it. We tell you now in the

presence of the Great Spirit, that you have nothing to fear from us - We will treat you justly and fairly. You are poor - like us you have wives & children to support.

We are willing to give you more for their

support, than ever you can get upon the land.
We will listen to all you have to say. We will
hear you patiently. We will put it upon paper,
so that your great Father can see it. If you
have suffered injury from any of our people,
shew it to us, and we will pay you for it.

We shall not say any more at present. you
can take the subject into consideration, talk it
over & take your own time to give us an answer.
Take your own time. We do not want to hurry you.
It is important you should make a good bargain
for yourselves, your women and children. We
will wait for you patiently and listen to you
patiently. But we tell you again, do not be
afraid. Listen to no bad birds. We intend to do
you full justice. We want to tell your great Father,
the President, that his Winnebago children are
happy and pleased.

If you are ready to give us an answer
to-morrow, we will hear you. If not to-morrow
the next day. We want you to make a good
bargain for yourselves. Whenever you are ready
let us know, and we will attend.

The council then adjourned.

Green Bay, Aug. 19. 1828.

The council having met at twelve
o'clock, Mr. the White Crow, a Winnebago
chief addressed the Commissioners:—

"Father!

I take you by the hand. I shall
say a few words to you. I speak for all these
Winnebagoes who are sitting behind me.

"Father! You who are before us, we look
upon as we do upon the Great Spirit. He
has given you almost his wisdom. He has
put a pen in your hand. He has made
your skin white. But he has made us red,
poor, and objects of pity.

"Father! I was born on this river. I have lived on
Rock river for ten years. You told us yesterday
if we had any complaints to make, you would
hear them. You recollect the line we drew at
the Council of Prairie du Chien. Some of your
young men have perhaps not seen it. They
have come over it, and now they are upon
us and are driving us from our camps.

"Father! If you had a piece of land and a
stranger should take possession of it, would you
like it? - would you not expect payment? We
knew they were doing wrong; but we did not like
to say anything. We thought you would be here
this spring, when we could make our complaints
to you.

Father! Ever since that man (Mr. Graton) has
lived at his place, he has known the treatment
we have received from your white children.

He can tell you what it was, as well as I can.

Father! Since I have known good from evil,
no white man can say I have done him harm. 292

I speak before the Great Spirit, who knows what I say.
I hold you fast by the hands. —

Gov. Cass.

My children! We will think upon
what you have said about the injuries you have
sustained, and will endeavour to make a just
compensation for all you have suffered. In
the meantime, reflect upon what you have
said about the new boundary & give us an
answer as soon as you can without hurrying
yourselves. We will meet you when you are
ready.

The Council then adjourned.

Green Bay, August 21. 1828.

The Council met at 12 o'clock M.
The Winnetagoes being asked if they had
any thing to say, White Crow spoke as follows.
Father!

I was sitting at home peacefully when
your young men came to our ~~place~~ place, with
a piece of paper, saying you wanted us to meet
you here. We are here to say what we have
to say.

We have some complaints to make to
you about your young men on Rock river.
Not long since, some of them, & there were old
ones too, came & took some of our women, and
we could hardly get them back. We have
found many of the horses they lost and re-
turned them; but when they find our horses
we do not see them any more.

Father! This spring one of our young men
called the Little Elk, was coming home from
trapping with his traps on his back. One of
your young men came out with a shovel 294

knocked him down, and almost killed him,
Mr. Gratiot there can prove it.

Father!

You want some of us to go with you
to see our Great Father. It is very far. If we
had known it sooner we would have gone.
I am not a chief. If they do not want to go
I cannot make them.

Father!

You see my chiefs. You called us
to the Prairie not long ago. We showed you
what land we owned. You saw it. The Rock
river Winnetagoes have marked off a line.
You know where that is. We consider our-
selves as but one nation. But we look on
ourselves as the masters of Rock river, as we
consider the Indians here masters of this
river and the Wisconsin. We cannot give
you an answer now, because there are
not enough of us here. Next spring we
will answer you one way or the other.
After we have consulted the whole nation
you shall hear it.

Father!

You have a kind of milk we like very much. When you hold a treaty again, hold it where there will be none of this milk. Some of our young men, I am afraid do not see the Sun rise.

Father!

We who are here cannot all. The head chief of our nation is at home. We could give you answer if he were here.

Father!

What you have said has gone into my ears. We I go back I can tell my people what you said. We want to get through soon. Many of our young men are sick. We have left our fields too, and perhaps the birds will destroy them.

Father!

There are too many foolish young men here. We had a woman drowned the other day by our own fault. If we had listened to you it would not have happened.

Father!

I am very glad to hear the word 296

of our great Father. I never saw him, but heard him often. I want to go and see him, that I may tell my people all about him. Father!

One of our neeces is living with this man (Gratik.) We want to give her a piece of land. We want to put her where we can talk to her. We can then hear your words through our nephew. We want him to have some goods to trade with us sometimes. I shall hold him by the hand as long as I live.

Father!

We should like to have Sec. Hunt our friend a trader on the Oujepconsin.

They were then asked if any of those were present who had been injured by depredations of the whites or personally. Some were present. They were then directed to state all their losses & injuries, that compensation might be made them.

The Commissioners asked if they were paid for the damage already sustained by 297

the intrusion of whites upon their lands, & secured for that which would be sustained between this time and next summer if under these circumstances they would remain quiet.

They said the whites are worse than we are. They will not keep within their limits. We are afraid of the man who lives near us (Cottel)

The Council then adjourned.

Green Bay, August 21st 1828.

The Council met this afternoon at 3 O'clock P. M. The Indians being told the Commissioners were ready to hear any thing they might have to say, Snake Skin or Waa-kon-kaw-kaw, a Winnebago chief spoke as follows. —

Father!

I am going to say a few words for these men who are behind me. The Great Spirit when he made us, made us foolish; but the whites, when he made them, he made

them with a quill in one hand, and paper in the other. We live very far from one another. You live on one side of the river, we on the other. You take pity on us because we have nothing. What you have said comes from our Great Father, who is very far from here. You were sent here to talk to us. There was a great cloud over us but we hope you will take it away. As soon as we heard you were here, we said we would come to see you. You have heard that we would not give you an answer now; but hope to give one next year. You know how the whites are acting towards us. Our chiefs expect pay for what has been taken from our lands. We hope you will have compassion on our necessities. —

"Little Elk" or Hoo-wau-nink, then rose and said, Father!

You have heard what we think. I have never seen our great Father, but heard his words often. I am

glad he takes pity on us. We were pleased to hear what you said yesterday. We should have listened, if all our people had been here. We hope the next time we meet to give you an answer. This winter we will consult about it, and next spring tell you our determination. You want me to go & see our great Father. I am glad. When I come back I will tell my nation what he thinks of us.

Father!

You know the value of what your white people have taken better than we do. We hope you will compensate us. We leave it to you.

Father!

What we heard this morning we do not think right. These Indians think they are an independent band. I think we are one nation, and I speak for all. We leave this question to you.

Father!

We want you to do for us as you do among yourselves. If one of us commits a crime punish him. Do not make us all suffer. 300

If you had not come to war against us last summer, we should have taken the murderers nevertheless. What happened last year did not come from us. Our brothers (the Sioux) pushed us on, and we were fools enough to believe them. What I have said is the truth. We hope you will smoke the pipe in my hand. We are beginning to see a little before us.

Father! We hope you will take pity on us. If one of our people commits a crime, make him, and not all of us bear the consequences.

The Council then adjourned.

Green Bay, Aug. 22^d 1828.

There was no Council held this day.

Green Bay, Aug. 23^d 1828.

The Council met this day at twelve o'clock, M. a party of Potawatamies who arrived yesterday attended Council.

Spotted Arm, a Winnebago chief rose and said,
Father!

I show my hands to the great Spirit above and give it to you - He hears what I say.

Father!

I am glad you are pleased when you hear your red children. We are glad also to see you. When I heard you were here I got up & came to you. We are glad to hear your words: they are good.

Father!

I have one thing more to say. We hope you will make your young men at the Blue mounds stay and work on the other side of it. What they have already taken we hope we shall be paid for, that we may have enough to keep our

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families warm.

Wau-kon-haw-kaw or "Snake Skin", an other Winnebago chief: -

Father!

I have but one word to say. It is in the hearts of all those by me. We are glad to see your road so clear as it is. Ours was bushy; but we hope it will be as open as yours before long.

You know you do not take what belongs to another without his permission. But your young men have done so to us. They are working on our land where we used to hunt. Now there are so many on it, that we see no game. We hope you will give us something to keep us warm. I speak for the whole nation, absent as well as present.

Father! If we did as you did; if we weighed the lead, we think you would want goods enough to cover the whole Winnebago nation.

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Father! I hold your hands fast. When your young men asked me to ^{go} and see our

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great Father, I got up. I will go with a good heart. I hope my paths will be clear. You will not give us only a piece of breech-cloth I hope, but enough to cover the whole body of all the Winnebagoes.

White Crow, a Winnebago Chief.

Father,

I give you my hand. Since I was a boy, I have been all over this country; no one can say I ever harmed a white man. When I hear your word, I came to listen to you. I hope you will give the chiefs from Rock river something to keep them as well as the others. The Rock river Winnebagoes have drank none of your milk. We want to go home without drinking any, not because we hate it, but we are afraid we should hurt one another.

Governor Cap.

Spotted arm was about to tell us his dream; I will now tell him mine:-
I dreamed I was going along by the Prairie and I saw a great many shining things 304

on the ground. I did not know what they were. As I travelled along I came to the foot of a hill where I met a red man on a fine horse. I asked him where he came from, he said he came from the Great Spirit. I was glad to hear it, for I was lost, and he would put me right. I asked him what country that was, he said it belonged to the red men. I told him I wondered, for I saw no game; he said the red men had killed it all. I asked what that shining stuff was that I saw. He said it was what the white people called lead. I asked him if that was made for the red people. He said no; I asked him what the Great Spirit did make for the red men. He said, game, corn and wild rice, but this he made for the white people. I asked him why he put that stuff on the land of the red men for? He said it was put there, that when the red men had killed all the game, they might sell. ^{land to the} The whites and buy themselves clothes, and whatever else they wanted. I said that I was very glad that 305

he told me, for I would tell my red children the first time I saw them. This is my dream. You see by this that the Great Spirit did not make the land for you, but for us & you must ask a good price for it.

Col. Menard then addressed the Sotauratomias

Your great Father has sent us here to see having heard there were troubles on the Mipifippi has sent us to see you. We have had a talk with your brothers the Winnebagoes and will now tell you what we said.

Your great Father has sent us here to see his red children and to buy their land. He will pay you for it in something that will do you good. We will give you what will be of service to you for what is of no use to any but us. There is no game on your land, it is good for nothing except the lead.

Your brothers the Winnebagoes have not yet agreed to sell. They think they will make a bargain next spring. We will give you something now that you may sit still and

not make trouble with the whites. You are interested as much as the Winnebagoes, but as there are not enough here to sell, we want to draw a line for this winter only. Col. Menard then stated in substance what was said to the Winnebagoes at the opening of the Council.

The Commissioners then asked the Winnebagoes if they agreed to leave it with them to fix a line over which our young men should not go till next spring.

Open Head, a Winnebago chief.
Father!

As this man (Mr. Gratiot) knows all about the country, we leave it to him to settle the line with you.

Commissioners. - There are two ferries at Rock River. We want you to agree to have a man at each ferry, and we will pay you for it. Every week our mail will go there with orders from our Great Father. There must be somebody to take it over, or he will not know what is going on in

in the country.
Spotted Arm,

Father!

It shall be as you say,
nobody shall trouble your white men where
you shall put them.

Gov. Coap,

We believe we understand
each. I will now state what the bargain
is. We have agreed to pay you for your
corn, horses, and injuries. All the sores on
your backs we have agreed to put a
plaster on. You have agreed to leave to the
gration on your part, and Col. Menard and
myself for the part of the Government to settle
where the line shall be till we meet you
again next spring. We agree to make you
a present now of goods. But the payment
we intend to make will be made next
year when we meet you. This is a present
not a payment. That shall be as large
as we can make it. We will be liberal
as just will as just.

You have agreed to let us have two
men at the ferries. If any of our foolish
young men, do any injury to your people,
you are not to strike, not to raise the
tomahawk. If any of your people are
injured we will compensate them, when
we meet them next year. If our people
behave badly your great Father will pun-
ish them, and satisfy you. I have now sta-
ted the agreement. If it is all right say
so, but do not say yes, if you do not mean
to abide by it. If any one objects let him
get up. We want you to see that a blue
coat can treat you as well as a red one.
All we want of our red children, is to sit
still. We never ask them to take up the
tomahawk to fight for us, and then drive
them off like bad dogs after it is over.
We advise them to sit still & to take care
of their wives & children.

Spotted Arm, a Winnebago chief-

Father!

glad to hear you speak such good words to us.
You have made us see a little before us.
We are all pleased.

Hoo-wau-nink a Little Elk, a Winnebago.
Father!

All here are glad to hear what
you have said. We will have no bad
thoughts. We think our great Father put
his heart into you to come & shew it to us.

Col. Menard.

Tell all your people when
you go back all that you have heard
here. When you reflect, you will see
it is your interest to sell what is of no
use to you. There is no game there. Tell
them how you have been treated. We repeat
if our people pass the line sit still. You
shall be paid for all.

To the Sacs:-

Tell your nation what you
have heard. Next spring after consulting
among yourselves, if you agree to sell

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we will buy; if not, it shall not be taken a-
gainst your consent. For a piece of land
on the other side of the Mississippi you can
get enough to support your families.

The Sotawatomis were then asked if
they agreed to what had been done. It
was explained to them, and the Council ad-
journed in order to give them an oppor-
tunity to talk it over among themselves.

Green Bay, Aug. 24. 1828

The Council met this day at 12 O'clock
P.M.

Hoo-wau-nink, a Winnebago rose and
said,

Father!

I have a few words to say
to you, and I hope you will listen to me.
You recollect the time you made this
map, and put it into our hands, and
told us not to forget you, but to recollect
the words of our great Father. You promised

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us not to permit one white man on our land,
that I heard from you myself, and now they
are all over it. I

Father!

At that treaty you told us if
ever you wanted a piece of our land
we should hear from you. You said
to us the other day, from our great Father
that you wanted some of our land.
Father!

We have been a long time talk-
ing of this business. We cannot give you
an answer now. I hope we will be able
to meet spring.
Father!

If these white men of yours (the
Committee from Galena, invited to attend the Coun-
cil) had not come here, I expect we would
have got through with this business. But they
came, and I expect that is what has kept
you.

Father!

I know the line here marked
out is not to remain as it is, but it is too
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much - all of us here present think so.
Father!

When we talked alone it all went
on very well. But since these men have come
the talk does not go on as well. This map
that was made, the man who made it is
he the master of the land? It is not so -
and the line is not right. The paper
that I have in my hand, my great
Father shall see it, and I shall make
my complaints to him myself.
Father!

After I can see our Father we can
make an arrangement with him. There
is a paper that I expect comes from the
hand of our great Father, and while I hold
it I expect to hold his heart. You can
see what it is. I give you my hand.

Gov. Cap.

I know this paper very well.
I has our mark, it is all right. We shall
abide by it. We tell you now as we told
you before. If our young men have done
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you any injury, we shall pay you for it. We should have been ready to finish before this, but your brothers the Potawatamies came and we wished to explain to them what had been done. These men (meaning the Committee) do not wish you any harm or to do you any harm than we do. They are all your friends, and feel well towards you. My friend here and myself, who was sent to you by your great Father, did not know your country, and these men came to tell us all about it that we might know what to pay you for it. They came to help you, not to hurt you. We talked over this business and you agreed to leave it to Mr. Gratiot, Col. Menard & myself.

Today we intend to make you another proposal. If you like it you can accept it. We agreed with you for one deer skin now we want two. you can sell them or not as you please. you are not children. We tell you once more we did not come here to injure you

but to take your land and pay you for it. We wish to treat you justly.

But you must recollect that if any of our young men go over the line, you are not to touch them; that you ^{are} to remember the injury they do to you, and tell us of it next spring and we will pay you for it. And your great Father's war drum will not be heard in this quarter.

Do you all agree to this? and say yes? If there is one single man among you says no, let him say it now.

Little Priest a Winnetago chief.

Father!

I was sitting at home and it appeared to me it was very dark, and I wished to see a little light. all the chiefs that staid behind wished the same.

Father! You told us the other day what weight there was upon us, you would take off.

Father! I am not the only one that wishes

so. all that are here wish the same.

Father! You have a house full of our young men, and if you I could see them all here, my heart would be satisfied.

Father! I thought when I came here, I should hear something of our young men that are confined, and if I had I should have them have gone with you.

Father! I have heard all that you have said, and have it all in my head.

Father! You know we are not like you. What you say is always so, but we say is not always obeyed.

Father! You do not see all of us. Those that are here are not masters, they think of the Great Spirit and of the Sun that gives light.

Father! I say it again all that are masters of our land you do not see here, and that is the reason we do not give you an answer. You think nothing of the land because the Great Spirit made you with paper in one hand & pen in the other, and altho' he made us at the

same time; he did not make us like you. We think of nothing but what is on the land.

Father! You know that what is on the land is for us great things, and we do not wish to sell the land, and perhaps the Great Spirit will be angry with us, if we did sell it.

Father! I believe that you think what I say is the truth, and that our great Father sent you to buy our land, but if we did not want to sell it, not to force us.

Father! What I say is the truth. We do not want our land cut up as it is. We are willing our land should begin where Gen. Dodge is, and from there to the Mississippi.

Father! I hold you by the hand. We leave it to our friends there (Mr. Gratiot), he knows the land as well as we do.

The Council then adjourned to meet again in the afternoon.

August 24th P.M.

The Council met again to adjournment.

Se-maush-ee-win, a Sotawatamic chief:-

Father!

Listen to me.

I came a great way to hear you. I know you will give us good advice. I have not yet made up my mind.

Father! I have come, I am pleased, and will go back so. I expected nothing more. There is no doubt the map you have made is correct, but I don't understand it. When I go back some of my people may understand it, and then I can get it explained.

Father! you ought not to keep us - there are but few of us here; but when we have seen the rest of our people, we hope to hold you fast by the hand.

Father! I was pleased to hear my friends who sit there, (the Winnepagoes) I look upon

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them almost as brothers. They have done right, but we can't decide.

Father! When we used to settle about lands in old times, we had no maps. When the great Spirit made the land for us to live upon, he drew no lines; but you want to do more than the great Spirit, and want to draw lines. We will have nothing to do with it. That is all I have to say.

Mes-se-poke, a Sotawatamic chief.

Father!

I have come

a great way to hear you. Now it is all over. You ask us to let your people dig lead on our land, but we do not wish it.

Father! I would rather you would put it off till next spring, after we have talked it all over this winter with our chiefs, we will give you an answer.

Father! I never heard of the Council that you are holding, till it was told us at Chicago, and explained to us that

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the land is ours, and that we can do as we please with it.

Father! You said you would pay us for the lead you have had. We would rather you would let the land alone and never mind the pay.

Father! I am done. I want you to open your ears. At the end of the letter you sent us, you prayed to the Great Spirit to open the paths for us to come to you. But he did not hear your prayer, for our clothes were all torn.

Quash-quam-may, a Sac chief.

Father!

I have come here only to listen to what you have to say, but my chiefs are not here. The chiefs and braves are at the villages, and often look this way, and say "when will our old men return".

Father! You remember you told us at the Council of Prairie du Chien, to keep quiet and listen to your advice. Not to

frighten your white brothers, their women and children.

Father!

We are glad there is only one fire. We now see our children playing in the morning before our doors without being afraid.

Father! When I go into strange villages I am well treated. And when strangers come to our villages they go back & say we have been well treated.

Father! When your message came to our village there were none but old men and we started to meet you. On our road we were very tired, but said to each other let us keep on and meet our Father.

Father! It is hard when one has children. They must be supported; and that is the reason I complain. If we got here it was owing to my friends the Winnebagoes. They lent us their horses.

Father! There is my son who has come here and is dying. The whites have

taken his horses, his gun and what things
he had bought. Father! We old people
ask you this - that you will send us back.
We can't^{go} back without horses.

Father! Our people will be glad to see
us, for we are old, and the people on
the road will say there go the old
Sacs. They have said nothing - they are
pleased.

Father! I give you my hand, and this
you to our great Father. We have been
to see him and know him.

The commissioners then told them
that on the following day every thing
would be ready for them to sign.

The council then adjourned.

Green Bay, Aug. 25. 1828

The council met this day at nine
o'clock A.M. The articles having been
drawn up and read in council the
Winnetagoes were called up and signed
them. After some hesitation on the part
of the Sotawatamies they also signed
and the council then adjourned
sine die.

W. B. Lee Secy