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RATIFIED TREATY NO. 234
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF NOVEMBER 6, 1838, WITH THE MIAMI INDIANS

Indiana. P. 44

[Treaty file, Nov. 6, 1838]

Col. J. C. Pepper
of Newark, 6 Nov 1838

I transmit Treaty
concluded with the
Indians, on the 6th Nov, 1838,
together with a letter from Gov
Waller, dated 19 Oct, to him, &
that even should \$274 per acre
the land ceded, the appraised
value, would not be too much for
it, also a Grant from the same
of seven sections of land, to
the Chief J. B. Richardville

Remarks generally of
provisions in the treaty &c

I likewise forward an
opinion on the part of Chief
in the event of the treaty
not being ratified, \$50,000 (and
any request may be delivered in
advance, immediately) of the \$600,000
provided in the 3rd Art, shall be de-
ducted from the amt stipulated
to be paid them under treaty of 1834

(Recd 4 Dec 1838)

File - see letter to Secy of
War submitting treaty &c
July 1839

74-1
Treaty of the Wabash
November 8. 1838.

Sir;

I have the honor herewith to transmit the treaty this day concluded between the United States and the Miami tribe of Indians, under instructions from the office of Indian Affairs, bearing date respectively Oct. 14. 1837. Feby 5. 1838, and August 21. 1838.

As this treaty ~~has occupied considerable time in its negotiation~~ has occupied considerable time in its negotiation, a few explanatory observations from me seem necessary. —

The tracts acquired by the present cession embrace by far the most fertile, valuable and eligible lands belonging to the tribe. — The voice of the country has for a long time loudly demanded the acquisition by Government of the remaining rich lands lying along the Wabash and Mississinewa rivers, in an unproductive state in the hands of their present occupants. —

The value of these lands has of late become immensely enhanced through the system of internal improvements entered into by Indians. — The Wabash and Erie Canal, now completed for near a hundred miles, runs immediately along the whole boundary line on the north of the tract included in the cession. — The Central canal connecting the former work with the Ohio river, after passing up the fertile valley of White river through the Capital of the State, and through the tract acquired by this treaty, terminates at one of three points on its northern boundary not yet determined on. — The Chiefs of the tribe were well aware of the enhancement in value which these important thoroughfare

gave their lands:— Their intercourse with their white neighbours north of the Wabash, and their knowledge of the high rates at which lands in their immediate vicinity of an inferior quality to their own had been bought and sold, rendered it impossible to treat with them upon the same terms, and with equal facilities as on former occasions. — Again, the tract ceded is endeared to the tribe by many associations, and they parted with it slowly and with regret. — Upon it are their principal villages, fields, and the ancient burying grounds of their race. — Its cession wholly excludes them from the Wabash river and leaves a section of but about miles of the Mississinewa accessible by them; a stream which has been their favorite resort for more than half a century, upon which are their oldest villages and upon whose banks was enacted a portion of the bloody scenes of the last war. —

The average price stipulated to be paid is something less than two dollars per acre. — I feel warranted in saying, that any abatement of the terms of the Indians would have been fatal to the treaty. — I am also persuaded, that when the location of the tract acquired, is considered, as also the rapidly flourishing state of the Country around it, the consideration stipulated to be paid, although unusual, will not appear extravagant. —

It is proper here to remark in connection with the foregoing observations, that the principal Chief of this tribe is remarkable over other Indians with whom I have ever been acquainted in sagacity, skill and wisdom. — Superadded

to those properties of his character, a large fund of general intelligence, and a Thorough and minute knowledge of the interests of his tribe, and you have outlines of this remarkable man, who in polite Courts would have commanded the admiration due to high diplomatic talents. - His influence with his people is commensurate with his superior skill and wisdom. - His opinions are so authoritative, that an attempt at negotiation with the tribe without securing his concurrence, would prove fruitless. - Of course many points suggested by his caution had to be gravely debated and settled; and the approximation of the contracting parties was thus necessarily rendered slow and tedious. -

In negotiating for the tract ceded, especial regard was paid to the policy and wishes of the government, to procure the removal of this tribe West of the Mississippi. - I took every occasion to press upon them such arguments, as I thought calculated to prepare their minds for an emigration at no very distant day. - I am happy to say that their dispositions appear favorable to a removal. - You will discover that the anxiety manifested as to the situation and extent of the Country West to be assigned them and the provisions made for their protection there, point strongly to a contemplated removal. - Article provides for defraying the expenses of a deputation of six head men of this tribe to explore their new home. - About this article, the Chiefs manifested a good deal of solicitude. - In no former treaty could the Commissioners of the United States procure the insertion of a provision of this character, or

of any provision indeed which in its terms contemplated the possible surrender at any future time of the Country they now occupy. — Another provision in the treaty, as serving to indicate the design of the tribe deserves notice. — Article provides for the payment of that portion of the annuity belonging to the principal Chief and his family, at Fort Wayne in the event of the emigration of the tribe. — Private conversations with him, convince me of his profound sense of the necessity of his tribe removing soon. — Their present situation, confined within narrow limits, surrounded on every side with a white population, presents the alternative of speedy extinction or removal. — In short the numerous cautious provisions inserted in the treaty and proposed for insertion, convince me that the government's wish for the removal of this tribe, is powerfully seconded by their inclinations and necessities. —

I was anxious to prevent the insertion of the article providing for the patenting by Government of individual reservations, well knowing the objections raised by the last treaty with this tribe, on that account. — In fact, my opposition to this provision, and the determination with which the Chiefs cling to it; has been the principal cause of the prolongation of the time occupied in consummating the treaty. — To have insisted upon a modification which would obviate the objections of government, would have proved fatal to further negotiation. —

If I were allowed to express an opinion on the practice which has obtained, of patenting numerous reservations to individuals of Indian descent, I should say, that

adopting the results of that practice in this Country as a guide, where it has largely prevailed, the System is liable to fewer objections than as generally represented. - Taking it for granted, that the paramount object of government in extinguishing the Indian title, is the subjugation of the Country from wildness and the occupation by white settlers, this end may be speedily attained in the mode which has prevailed, of granting reservations in treaties to individuals, than in any other way. - The reservations being generally select tracts of lands, are usually sold by the grantee before the ratification of the treaty under which they are granted and occupied before the Country around them is brought into market. - but few, if any, of the reservations made under the treaty of 1834, remain unsold. -

The schedule annexed to the present treaty contains, as will be seen, a large number of reserves, compared with the extent of the tract ceded. - I could not however have secured unanimity and quieted jealousies in making the number less. - All the reserves are Chiefs or head men of the tribe, whose co-operation was essential in forming a treaty. - They were made with the general consent of the Indians, not so much matters of favor, as in requital for services rendered the tribe in the public relation the reserves occupy to them. - Custom makes it necessary that these Chiefs and headmen should maintain an open hand to the poor and destitute of their people, that they should feed and

clothe them and extend to them the comforts of their wigwams whenever an appeal is made to their benevolence. - In selling their lands they look for reservations to be accorded them in recompense for these acts of charity and public service. -

In negotiating this treaty I have studied the strictest economy compatible with the attainment of the object in view. - The only items of any considerable expense are for provisions issued to the Indians during days, and for a guard of sixteen persons retained by me days for supporting good order in the Camp. -

I found that with a guard less numerous, it was impossible to preserve the laws of the United States from frequent infractions. As is usual on such occasions, numerous motives, over all which the love of gain predominated, had assembled a large concourse of people on the ground, many of an abandoned character. - To have allowed the latter class to indulge in unrestrained licentiousness, would have interrupted the transaction of business. - It was also vitally important to the hopes of a treaty, that the Indians should be kept sober. - A large quantity of spirituous liquors had been introduced upon the ground, and it required a strong and vigilant police to detect offenders and seize upon their interdicted articles of traffic. -

In executing my commission, I found duties so numerous as to require the assistance of a Secretary and Assistant Secretary. -

The person employed in the first named office being the friend and Confidant of the principal Chief and favorably known by the tribe generally, was occupied chiefly in mediations between the Government and the Indians. — I therefore appointed an assistant Secretary to attend more particularly to the clerical duties appertaining to the Commission. —

I am Sir, very respectfully
Your Obedt. Servt.
A. C. Pepper
Commissioner

Wm T Hartley Crawford
Commissioner of Indian Affairs
Washington City.

U. S. A. Indiana, W. 726.
War Department,
December 20. 1836,

Returns letter of
this Office of 10th inst, transmitting
for submission to the President &
Senate for ratification, of thought
paper, a Treaty concluded on 6th
ult^o with the Miami's, and a
copy of the report of the Agent who nego-
ciated it, with other papers -

Enclosed in pencil as follows,
"The reservations will be an objection
to the ratification of this Treaty"

Recd 20 Dec. 1836

File.

of 964 - Dec 20 1836

War Department,
Office Indian Affairs,
December 10th 1838.

Sir,

I have the honor to lay before you, for submission to the President, if you think proper, a treaty concluded with the Miami tribe of Indians on the 6th ult^o, to be transmitted to the Senate, if approved by him, for its constitutional action. Accompanying it is a copy of the report of the Agent, who negotiated it, with other papers connected with it.

Very respectfully
Your obedient
servant

Wm
J. R. Poinsett,
Secy of War

Wm. Starbuck