THE GOVERNMENT AND THE INDIAN.

BY

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The history of the Indians in the United States from the time of the first occupation of the country by the whites has been one of forced migrations, always westward, to make way for the repeated encroachments of civilization. Before the arrival of the English they occupied both sides of the Alleghany Mountains from the Gulf of Mexico to Canada and New Brunswick. There were also some tribes, about whose early history little is known, occupying territory west of the Mississippi river.

The eastern tribes may be divided into three great families, the Iroquois, the Algonquin, and the Mobilian, each speaking a language of its own, although different dialects were used by the tribes of each of the three families. Besides these, there were a few stragglers from the great western race of the Dahcotas and also several distinct tribes of the south.

The first of these great families, the Iroquois, consisted of the Hurons, who dwelt between Lake Huron and Lakes Erie and Ontario, and the five tribes or nations who were in the territory that comprises the present state of New York. These were the Mohawks, the Oneidas, the Onodagas, the Cayugas, and the Senecas, to whom a sixth, the Tuscaroras, was afterward added.

The Algonquins occupied practically all the territory, with the exception of that occupied by the Iroquois, from Hudson's Bay to the Carolinas and from the Atlantic to the Mississippi and Lake Winnipeg. The Delawares were along the Delaware river and its tributary streams, within the present limits of New Jersey

and Pennsylvania. The Shawnees were a wandering tribe, who, during the latter part of the eighteenth century, settled in the Ohio valley. The Miamis were along the Wabash river and the Illinois were between the Wabash and Ohio and the Mississippi. The Ojibwas occupied the basin of Lake Superior, while the Ottawas were between Lake Huron and Lake Michigan and the Potawatomies south of Lake Michigan. About the bays and rivers west of Lake Michigan were the Sacs and Foxes and the Menomonies, and still farther to the northwest were bands of Sioux or Dahcotas. In the south the Cherokees occupied the upper valley of the Tennesse river as far west as Muscle Shoals and the highlands of Carolina, Georgia and Alabama and, with the exception of a small area in the northwestern part of Georgia occupied by the Uchees and another in Mississippi belonging to the Natchez, the whole country south of the Cherokees to the Gulf of Mexico and east to the Atlantic and west to the Mississippi and as far north as the Tennesse river, was in possession of the Mobilian family.

This family includes the Chickasas, Creeks and Choctas. The Chickasas extended from the Ohio into the present territory of Mississippi with the Choctas just south of them. The territory of the Creeks included all of Florida and reached north to the Cherokees.

After the discovery of America, one of the various problems forced on European nations was that of determining their respective rights in regard to the territory of the newly acquired continent. The fact that the country was inhabited by and in

possession of a native population does not appear to have been taken into consideration in the solution of this problem, and to avoid war among themselves the nations of the Old World established the principle that discovery of lands gave title therein to the government by whose subjects or by whose authority the discovery was made, against all other European or civilized governments, which title might be consumated by possession.

Burk, in his history of Virginia, speaking of the London Company and its government, summarizes the nature of its dealings with the Indians as follows: "At the coming of the English the Indians naturally enjoyed the best and most convenient stations for fishing and the most fertile lands, but in proportion as the new settlers came in they rapidly lost these advantages. In some cases the colonists claimed the territory by the right of conquest and the imaginary title conferred by the king's charter. In general however they acted on better principles and purchased from the heads of tribes the right of soil in a fair, and (as far as practicable) in a legal manner. True the circumstances of the parties admitted not a fair and legal purchase and after the massacre the Indians were stripped of their inheritance without a shadow of justice."

The consideration given for the land was usually inconsiderable in value, as cooking utensils, clothing, personal ornaments, etc., but seems to have been satisfactory to the Indians.

The first settlers of Maryland landed on the Potomac and planted themselves, with the consent of the Indians, in an Indian

town which they named St. Mary's. In order to establish peacable relations with them, however, the settlers presented them with "some English cloth, axes, hoes, and knives, which they accepted with pleasure", and for which they agreed to leave the whole town to the English as soon as their corn was gathered.

The policy of the other colonies seems to have been much the same as these; to purchase the land for whatever would satisfy the Indians. In many cases the purchase of Indian lands was regulated by law and in others no colonial policy was officially adopted.

The colonization plan in United States history, involving the removal of the eastern tribes to the territory west of the Mississippi dates back to Jefferson's administration, when it was made practicable by the purchase of Louisiana territory. This territory was inhabited by both fixed and roving tribes, but until its purchase by the United States comparatively little was known about it. The first account was the report of Coronado in 1541. In 1719 M. Dustinet visited the villages of the Osages and Pawnee Indians in what is now the eastern part of Kansas. There were also quite a number of other early explorers but none succeded in establishing permanent settlements until the close of the eighteenth century. Then, almost as soon as the United States had acquired the province, plans began to be made for the removal of the eastern tribes into the territory west of the Mississippi. The act of March 6, 1804 included provisions for the removal of such tribes as desired to make the change. The Shawnees and Delawares had already been given, by the Spanish government, a

tract fifteen miles square on the west side of the Mississippi and a number of small tribes, including bands of Choctas, were in possession of lands secured from the same source.

The plan was to give them, acre for acre, lands beyond the Mississippi in exchange for their lands on the east side, but owing to the fact that there was still an abundance of unsettled territory east of the river the government was in no hurry at first to affect the removal of the tribes to the west side and all the cessions were made by treaty.

In 1830 an act was passed by Congress making final provision for the removal of all the eastern tribes to reservations west of the Mississippi river. By this act a tract of 120,000 square miles, extending from the Red river to the mouth of the Ponca and as far west as the country was habitable, was set apart as a permanent home for the Indians. In 1825 the Great and Little Osages had ceded a large tract of land which was not to be opened to white settlers but held as territory to be divided among the tribes east of the Mississippi.

In 1831 by a treaty made at Miami Bay on Lake Erie the Shawnees were given lands with the Shawnees of Missouri and in October, 1833 the Confederated Pawnee tribes ceded all their lands south of the Platte river of Nebraska and accepted a reserve in Nebraska.

In December, 1834 the Cherokees relinquished all claims to their lands east of the Mississippi and were given a reservation containing about eight hundred square miles in the southeast corner of Kansas. In May, 1836 the Chippewas of Michigan were located in Franklin county and in September of the same year the

Iowas and the Sacs and Foxes were given a small reservation along the Missouri river in the extreme northeastern part of the state.

Various New York tribes were quartered on a strip twenty-seven miles wide, lying directly north of the Cherokee strip and running west from the Missouri boundary through Bourbon, Allen, Woodson and Greenwood counties. Just north of this New York reservation the Miamis were given lands by the treaty of November 6, 1840. On March 17, 1842 the Wyandots of Ohio ceded their lands in that state and accepted a reserve beginning at the confluence of the Kansas and Missouri rivers and running up the Kansas to the lands of the Kansas Indians at the mouth of the Big Blue, and extending up the Missouri to Fort Leavenworth.

The Shawnees changed their Cape Girardeau lands for a tract fifty miles square in the southeast corner of the Osage cession but were dissatisfied and made a second choice just south of the Kansas river, opposite the Shawnee settlement.

The Cherokees, in 1834, were given a tract of seven million acres, lying mostly in the Indian Territory, but refused to go until compelled to do so by military force.

In 1837 the Iowas and the Sacs and Foxes of Missouri each received two hundred sections in the northeast corner of Kansas and in 1838 by the treaty of Buffalo Creek an attempt was made to provide a home in Kansas for the Indians of New York, including the Six Nations. The treaty was finally ratified in 1840 and the reserve laid off north of the Osage and Cherokee lands.

In 1839 the Miamis were given about 500,000 acres in Miami county just below the Shawnee reserve and west of the Missouri

line and in 1849 the settlement was moved to the Marais des Cygnes. In 1841 the Sacs and Foxes of Mississippi were given in exchange for about three fourths of Iowa a reservation of thirty miles square below the central part of the Shawnee reserve.

Although it was a well understood fact that the western lands should belong to the Indians for all time, the whites soon began to invade the territory, first the army and then traders, teachers and missionaries, and in spite of the fact that the Indians were promised in 1830 that, if they would surrender their eastern lands and accept homes west of the Mississippi, they should never again be disturbed, hardly had the last of the tribes been quartered in the new region when negotiations were instituted to secure their reservations for white settlers.

Nearly all of these treaties were made ta Washington, D. C. The chiefs of the tribes whose lands were wanted were persuaded to visit the national capital. There they were shown the sights, "wined and dined" and persuaded to give up the birthright of their people. It is little wonder that the people on the frontier have been murdered and their homes burned. The masses of the tribes knew of no other way to right their wrongs but by brute force.

On April 1, 1850 the Wyandots ceded their claims to 148,000 acres of their reservation lying between the Kansas and Missouri rivers for which the government agreed to pay one dollar and twentyfive cents per acre. May 6, 1853 the Delawares relinquished their claims to the lands of the tribe lying between the Missouri and Kansas rivers. On May 10, 1854 the Shawnee chiefs while in Washington ceded all the reservation established for them in 1825

except 200,000 acres and on May 18 the Sacs and Foxes ceded their lands in Kansas and accepted a reserve in Nebraska.

By the act of March 3, 1871 the tribes were no longer recognized as independent nations with which the United States could enter into solemn treaty. At that time the Indian title to all the public domain had been extinguished except in Alaska and in one hundred and sixty-two reservations.

Yet in spite of the fact that the Indians have in many cases been sadly mistreated and have often been cheated by dishonest agents, the theory of John Quincy Adams in regard to this question is probably as nearly correct as any. He says: "There are moralists who have questioned the right of Europeans to intrude upon the possessions of the aborigines in any case and under any limitations whatsoever. But have they maturely considered the whole subject? The Indians right of possession itself, stands, with regard to the greatest part of the country, upon a questionable foundation. Their cultivated fields, their constructed habitations, a space of ample sufficiency for their subsistance and whatever they had annexed to themselves by personal labor, was undoubtedly, by the laws of nature, theirs. But what is the right of the huntsman to the forest of a thousand miles over which he has accidentally roamed in quest of prey? Shall the liberal bounties of Providence to the race of man be monopolized by one of a thousand for whom they were created? Shall the lordly savage not only disdain the virtues and enjoyments of civilization himself but shall he control the civilization of a world? Shall he doom an immense region of the globe to perpetual desolation, and to hear the howlings of the tiger and the wolf silence forever the

voice of human gladness?

Cyprus Townsend, archaeologist of the United States bureau of ethnology, has prepared a table by which he shows, from the Indian population and the extent of territory claimed by them, that if they possessed all to which they laid claim there would be 30,720 acres for every family, estimating five persons to a family.

The plan of annuities for the Indian in payment for his lands while probaly not the best for the Indian was fair according to the white man's standard of value, and it would seem that the past century has been one of blundering rather than one of dishonor.

BIBLIOGRAPHY.

Treatment of the Indians by the colonists----House Documents, Vol. 118 No. 736, Pt. 2. 1st session 56th Cong. P.562.

Louisiana Territory------The Province and the States. Vol.IV. P.223.

Colonization Plan--------Kansas Historical Collections. Vol. Vol. VII. P72. also see P.87.

Location of tribes east of the Mississippi----Bancroft's U.S. Vol. III. Ch. XXII.
The Conspiracy of Pontiac. Vol. I. Ch. I.

Indian land cessions-----The Province and the States. Vol. IV P.231.