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Indian Policy in the Jacksonian Era: The Old Northwest as a Test Case

BY RONALD N. SATZ

There has long been a tendency among scholars to view the Indian removal policy of the Jacksonian era in dualistic terms—the forces of evil supported removal while the forces of humanity opposed it.¹ Recently, Francis Paul Prucha, George A. Schultz, and Herman J. Viola have attempted to show that enlightened thought supported Indian removal as a means of rescuing the eastern Indians from the evil effects of close contact with the advancing white frontier. Yet even these historians admit that the actual removal process entailed numerous hardships for the Indians.²

This paper is an attempt to assess the goals, execution, and results of the Indian removal policy in the 1830's and 1840's by focusing on the application of that policy in the Old Northwest. The events surrounding the removal of the Five Civilized

1. For citations to examples of this view, see Francis Paul Prucha, "Andrew Jackson's Indian Policy: A Reassessment," *Journal of American History* 61 (December 1969): 527 n; Bernard W. Sheehan, "Indian-White Relations in Early America: A Review Essay," *William and Mary Quarterly* 26 (April 1969): 281 n-282 n.

2. See Prucha's *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts 1790-1834* (Cambridge: Harvard University Press, 1962), 213-249; Schultz's *An Indian Canaan: Isaac McCoy and the Vision of an Indian State* (Norman: University of Oklahoma Press, 1972); and Viola's *Thomas L. McKenney, Architect of*

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Tribes from the South have long been, to use the words of Grant Foreman, "a chapter unsurpassed in pathos and absorbing interest in American history."³ This dramatic episode has, to some extent, obscured similar events taking place farther north during the same period of time.⁴ The Old Northwest provides an interesting test case for an examination of the differences between the rhetoric and the reality of the removal policy.⁵ The Indians in this region were not the beneficiaries of anything approaching the tremendous outpouring of public sympathy for the Cherokees and their neighbors in the Southeast. If the Cherokees faced a "Trail of Tears" in spite of the great volume of petitions, letters, and resolutions presented to Congress in their behalf, what happened to the Indians in the Old Northwest who lacked such enthusiastic public support?⁶

An essential ingredient to an understanding of the Indian policy in this period is the recognition that President Jackson

America's Early Indian Policy: 1816-1830 (Chicago: Swallow Press, Inc., 1974). Prucha admits in "Indian Removal and the Great American Desert," *Indiana Magazine of History* 59 (December 1963): 322, that "there is no doubt that the removal policy brought hardship and injustice to the Indians. The red men were forced to move from their cherished ancestral lands, to which their rights had been clearly guaranteed."

3. Grant Foreman, *The Last Trek of the Indians* (1946; reprint ed., New York: Russell & Russell, 1972), 8. The removal of the Southern tribes is chronicled in Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*, New ed. (Norman: University of Oklahoma Press, 1953).

4. Grant Foreman deals with the removal of the Indians from Ohio, Indiana, and Illinois in *Last Trek of the Indians*, 89-158, but there is no one-volume study of Indian removal from the Old Northwest.

5. Francis Paul Prucha argues that historians have listened "too eagerly" to Jackson's political adversaries and the "less-than-disinterested missionaries" in assessing his removal policy. It is interesting to note that Prucha's reassessment of that policy stresses Jackson's motivation, as expressed in his private correspondence and public statements, rather than his methods for implementing it. Prucha claims that the "hue and cry raised against removal" was largely politically inspired. See Prucha, "Andrew Jackson's Indian Policy," 538, 539.

6. For the memorials in behalf of the Cherokees, see the indexes to the *House Journal*, 21 Cong., 1 sess., 897-98, and the *Senate Journal*, 21 Cong., 1 sess., 534. Also see [Jeremiah Evarts], *Essays on the Present Crisis in the Condition of the American Indians; First Published in the National Intelligencer, Under the Signature of William Penn* (Boston: Perkins & Marvin, 1829).

and his successors in the Office of Indian Affairs the removal policy vis-à-vis the Indians. These

1. fixed and permanent location of American Indians
2. isolation from the world, prostitutes, white men
3. self-government and
4. opportunities for civilization—Christianity, agriculture and

Such were the beneficiaries of the removal policy would be the application of this policy in the Old Northwest

President Jackson provide him with the Indians living east of the Mississippi. Jackson and his supporters rush to push through about the technique of removing the Indians to the trans-Mississippi region, however, raised the question: How can this be purely voluntary? It can be voluntary only with adequate compensation purchased from the Indians. What kind of price for them? What for the emigrant tribes? How do they react to the intrusion?

7. Ronald N. Harpelle, *The Indian Removal Act of 1830* (Lincoln: University of Nebraska Press, 1969), 292-93. Also see

8. James D. Richardson, *James D. Richardson's Papers of the President of the United States* (New York: Putnam, 1909)

9. For the argument, see *Register of Debates* (February 24, 1830; April 6, 1830, at

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and his successors in the White House, the War Department, the Office of Indian Affairs, and Indian agents maintained that the removal policy would bring at least four major benefits to the Indians. These included:

1. fixed and permanent boundaries outside of the jurisdiction of American states or territories;
2. isolation from corrupt white elements such as gamblers, prostitutes, whiskey vendors, and the like;
3. self-government unfettered by state or territorial laws; and
4. opportunities for acquiring the essentials of "civilized" society—Christianity, private property, and knowledge of agriculture and the mechanical arts.

Such were the benefits that government officials claimed the removal policy would bring the Indians.⁷ As a test case of the application of this policy, let us focus our attention on events in the Old Northwest.

President Jackson asked Congress on December 8, 1829, to provide him with authority to negotiate treaties to transfer Indians living east of the Mississippi River to a western location.⁸ Jackson and his congressional supporters, in their great rush to push through such legislation, seemed unconcerned about the technical aspects of any great migration of eastern Indians to the trans-Mississippi West. Opponents of the scheme, however, raised several important questions: Would emigration be purely voluntary? Would treaty commissioners negotiate only with acknowledged tribal leaders or would land be purchased from individuals? How many Indians would go? What kind of preparations and resources would be necessary for them? What would be the specific boundaries between emigrant tribes? How would the indigenous tribes in the West react to the intrusion of new people?⁹ During the debates on

7. Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1975), 10-13, 19-20, 253-54, 292-93. Also see note 54.

8. James D. Richardson, comp., *A Compilation of the Messages and Papers of the Presidents*, 10 vols. (Washington, D.C.: Government Printing Office, 1909), 2: 456-59.

9. For the arguments of the defenders and the critics of the bill, see *Register of Debates in Congress*, 21 Cong., 1 sess., 305ff and 580ff (February 24, 1830, and following, in the House of Representatives, and April 6, 1830, and following, in the Senate). The speeches against the

the Removal Bill, Tennessean David Crockett warned that it was a dangerous precedent to appropriate money for the executive branch without specifically knowing how the president intended to use it. Crockett warned that if Congress turned a deaf ear to the rights of the Indians then "misery must be their fate."¹⁰

Unfortunately for the Indians, Congress passed the Removal Act in May 1830,¹¹ and, despite the opposition of the nascent Whig party, Indian removal became a generally accepted policy in the ensuing decades. Throughout this period, congressional interest focused on patronage, partisan politics, and retrenchment to the detriment of the administration of Indian affairs. While the Whigs found it expedient to condemn aspects of the removal policy when they were struggling to capture the White House, they found it desirable to continue the policy once in office.¹² Henry R. Schoolcraft, an Indian agent in Michigan Territory, poignantly described a serious defect of American Indian policy when he noted that "the whole Indian race is not, in the political scales, worth one white man's vote."¹³ The result of this situation, as David Crockett had warned, was misery for the Indians.

Among those who witnessed the actual dispossession of the eastern tribes in the Jacksonian era were two foreign travelers who, while not being authorities on the American Indians, nevertheless clearly recognized the deceptions involved in the treaty-making process. French traveler Alexis de Tocqueville poignantly observed that American officials, "inspired by the most chaste affection for legal formalities," obtained Indian title "in a regular and, so to say, quite legal manner." Although bribery and threats often accompanied treaty making and the

bill are also available in Jeremiah Evarts, *Speeches on the Passage of the Bill, for the Removal of the Indians, Delivered in the Congress of the United States, April and May, 1830* (Boston: Perkins & Marvin, 1830).

10. Crockett's comments are reported in condensed form in *A Sketch of the Remarks of the Hon. David Crockett, Representative from Tennessee, on the Bill for the Removal of the Indians, Made in the House of Representatives, Wednesday, May 19, 1830*, printed copy, University of Tennessee at Knoxville Library.

11. U. S., Stat., 4: 411-12.

12. Satz, *American Indian Policy*, 53-56, 151-168, 178-200.

13. Henry R. Schoolcraft, *Personal Memoirs of a Residence of Thirty Years with the Indian Tribes on the American Frontiers* (Philadelphia: Lippincott, Grambo & Co., 1851), 318-19.

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formal purchases of Indian land, the United States had legal confirmation of its acquisitions. Indeed treaty negotiators were able to "cheaply acquire whole provinces which the richest sovereigns in Europe could not afford to buy" by employing such tactics as bribery or intimidation. Another European visitor, English Captain Frederick Marryat, accurately reported that "the Indians . . . are *compelled* to sell—the purchase money being a mere subterfuge, by which it may *appear* as if the lands were not being wrested from them, although, in fact, it [*sic*] is."¹⁴

President Jackson had early indicated that his primary interest was the removal of the southeastern tribes.¹⁵ Although congressmen from the Old Northwest advised him following the passage of the Removal Act that the time for securing removal treaties in their region was "auspicious," Old Hickory informed them that his immediate concern was to set into motion a great tide of southern Indian emigration.¹⁶ Events in Illinois in the spring of 1832, however, played into the hands of the supporters of Indian removal in the Old Northwest.

In the spring of 1832, a hungry band of a thousand Sac and Fox Indians and their allies left their new home in Iowa Territory and crossed the Mississippi River en route to their old capital on the Rock River. Under the leadership of the proud warrior Black Hawk, this band, which included women and children, entered Illinois in search of food and as a means of protesting against their treatment by white frontiersmen. Mass hysteria swept the Illinois frontier with the news that the Indians had crossed the river. Governor John Reynolds called up the state militia to repel the "invasion" despite the fact that

14. Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (Garden City, N.Y.: Anchor Books, 1969), 324-25, 339; Statement of Marryat, 1837, quoted in Felix M. Keesing, *The Menominee Indians of Wisconsin* (1939; reprint ed., New York: Johnson Reprint Corporation, 1971), 140.

15. Richardson, *Messages and Papers of the Presidents*, 2: 457-58.

16. Sam[uel] Milroy to Major William Lewis, November 24, 1830, William Hendricks to Milroy, January 12, 1831, Samuel Milroy Papers, Indiana Historical Society, Indianapolis, Indiana; Bureau of Indian Affairs, *Annual Report for 1830*, 161; S. S. Hamilton to James Stryker, May 20, 1831, Records of the Office of Indian Affairs, Letters Sent, 7: 244, Record Group 75, National Archives, Washington, D.C. (hereafter cited as IA, LS or LR, RG 75, NA).

Black Hawk's band was clearly not a war party. The result was a short, bloody conflict brought on largely as a consequence of the actions of drunken state militia. The ruthless suppression of the so-called "Indian hostilities" in Illinois and neighboring Wisconsin in 1832, and the seizure of a large part of the trans-Mississippi domain of the Sac and Fox Indians as "indemnity" for the war, broke the spirit of other tribes in the Old Northwest.¹⁷ Under pressure from the War Department, the Winnebagos in Wisconsin soon signed a removal treaty ceding their land south of the Wisconsin River.¹⁸ One by one, other tribes succumbed to similar pressure.¹⁹

As critics of the Removal Act of 1830 had feared, the War Department obtained many of these land cessions by bribery. Agents courted influential tribal leaders by offering them special rewards including money, merchandise, land reserves, and medals, among other things.²⁰ Sometimes treaty commissioners selected chiefs to represent an entire tribe or group of bands. The Jackson administration, for example, secured the title to the land of the United Nation of Chippewa, Ottawa, and Potawatomi Indians in northeastern Illinois, southeastern Wisconsin, and southern Michigan by "playing Indian politics." Indeed, the very existence of the United Nation was the result

17. See Anthony F. C. Wallace, *Prelude to Disaster: The Course of Indian-White Relations Which Led to the Black Hawk War of 1832* (Springfield: Illinois State Historical Society Library, 1970); Cecil Eby, "That Disgraceful Affair," *the Black Hawk War* (New York: W. W. Norton & Company, Inc., 1973).

18. Louise Phelps Kellogg, "The Removal of the Winnebago," *Wisconsin Academy of Science, Arts, and Letters, Transactions* 29 (1929): 23-24; Charles J. Kappler, comp. and ed., *Indian Treaties 1778-1883* (1904; reprint ed., New York: Interland Publishing Inc., 1972), 345-48.

19. *Sangamo Journal* (Springfield, Ill.), October 26, 1833; R. Carlyle Buley, *The Old Northwest: Pioneer Period, 1815-1840*, 2 vols. (Indianapolis: Indiana Historical Society, 1950), 2: 125. For a cartographic delineation of the various Indian cessions, see Charles C. Royce, *Indian Land Cessions in the United States*, Bureau of American Ethnology, *Eighteenth Annual Report, 1896-1897*, vol. 2 (Washington, D.C. 1899). The treaties are reprinted in Kappler, *Indian Treaties*. Also see Elizabeth Wolff, "The Policy of the United States in Removing the Indians from the Old Northwest by Treaties" (M.A. Thesis, Wayne State University, 1935), 104-137.

20. See Kappler, *Indian Treaties*, 310-582; Records of the United States Senate, Executive Messages Relating to Indian Relations, 1829-1849, RG 46, NA; IA, Documents Relating to the Negotiation of Ratified Indian Treaties, 1829-1849, RG 75, NA; IA, Registers, vols. 2-36, LR, RG 75, NA.

of the government's insistence on dealing with these Indians as if they were a single unit. Yet neither the great majority of the Chippewas and Ottawas nor all of the Potawatomi bands recognized the authority of the so-called United Nation. The government's policy of dealing with the entity as the representative of all Chippewas, Ottawas and Potawatomis was a clever maneuver to oust these Indians from their lands. By working closely with mixed-blood leaders and by withholding Indian annuities, the War Department secured the desired land cessions from the United Nation in the early 1830's.²¹

During the Jacksonian era, the War Department frequently used economic coercion as a means of securing Indian title in the Old Northwest. Since the 1790's, the department had invested funds appropriated by Congress for purchasing Indian land in state banks or stocks and had paid the Indians only the annual interest on the amount owed them under treaty stipulations. This annuity or trust fund system gave government bureaucrats virtual control over funds legally belonging to the Indians. Although Thomas Jefferson played an important role in establishing the precedent of withholding Indian annuities as a means of social control, this procedure became a standard policy after 1829.²²

Treaty commissioners, Indian agents, and other field officers of the War Department found that withholding annuities was a convenient means of inducing recalcitrant Indians to sign treaties and to emigrate. Commissary General of Subsistence George Gibson advised the Jackson administration, "Let the annuities be paid west of the Mississippi [River], and there is no reason to doubt that the scheme of emigration would meet with little future opposition." American officials maintained considerable influence over tribal politics by determining who would receive the annuities.²³

21. Thomas G. Conway, "Potawatomi Politics," *Journal of the Illinois State Historical Society* 65 (Winter 1972): 410-411, 413, 416-18; Anselm J. Gerwing, "The Chicago Treaty of 1833," *Journal of the Illinois State Historical Society* 57 (Summer 1964): 125-26.

22. Satz, *American Indian Policy*, 104. For a brief account of the development and administration of the trust funds which ignores their role as an instrument of social control, see George Dewey Harmon, "The Indian Trust Funds, 1797-1865," *Mississippi Valley Historical Review* 21 (June 1934): 23-30.

23. Report of the Commissary General of Subsistence, November 12, 1835, in Commissioner of Indian Affairs, *Annual Report for 1835*, 290-91.

Another measure used to encourage Indians to make land cessions was the inclusion of provisions in removal treaties for the granting of land reserves to chiefs, mixed-bloods, or other influential members of the tribes. The motivation behind this practice was twofold. First, it allowed government officials to combat Indian and American opposition to the removal policy based on the fact that some Indians had demonstrated a willingness and capability of accepting the white man's "civilization." When Andrew Jackson encountered strong opposition to his efforts to remove the Cherokees and the other so-called Civilized Tribes from their Southern domain, he conceded that Indians willing to accept the concept of private property should be allowed to remain in the East on individual reserves and become citizens of the states in which they resided. Secondly and more importantly for the Old Northwest, the practice of providing reserves of land to certain Indians was an ingenious device for bribing chiefs or influential tribesmen into accepting land cession treaties and for appeasing white traders into whose hands their reserves were certain to fall.²⁴

Treaty commissioners in Indiana found it impossible to secure land cessions from the Miami and Potawatomi Indians without the approval of the Wabash Valley traders to whom they were heavily in debt. Land speculators and settlers regarded the Miami and Potawatomi reserved sections adjacent to the Wabash River and the route of the Wabash and Erie Canal as choice lands. Wabash Valley traders, Indian agents, and even United States Senator John Tipton ultimately secured most of these lands from the Indians and rented them to white settlers for high profits after the Panic of 1837.²⁵ By 1840 treaties with the Miamis and Potawatomis of Indiana had provided for nearly two hundred thousand acres of individual

24. Mary E. Young, "Indian Removal and Land Allotment: The Civilized Tribes and Jacksonian Justice," *American Historical Review* 64 (October 1958): 31-45; Paul W. Gates, "Indian Allotments Preceding the Dawes Act," in *The Frontier Challenge: Responses to the Trans-Mississippi West*, ed. John G. Clark (Lawrence: University of Kansas Press, 1971), 141-160.

25. Paul W. Gates, "Land Policy and Tenancy in the Prairie Counties of Indiana," *Indiana Magazine of History* 35 (March 1939): 19-20; Paul W. Gates and Robert W. Swenson, *History of Public Land Law Development* (Washington, D.C.: Government Printing Office, 1968), 203, 463-64.

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26. Paul comp. Glen Dorothy Rike 1:22.

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32. Rob Wisconsin 1951), 11;

reserves.²⁶ The largest holders of these reserves were not Indians but Wabash Valley traders W. G. and G. W. Ewing and Senator Tipton.²⁷ Thousands of acres of Indian land elsewhere in the Old Northwest also fell into the hands of speculators.²⁸

In spite of the fact that speculators and traders often pressured the Indians into relinquishing their reserves before the government even surveyed the ceded tribal land, little was done to protect the Indians from such swindlers.²⁹ Indiana Whig Jonathan McCarty, a bitter political adversary of Senator Tipton, introduced a resolution in Congress in 1835 calling for an investigation of the handling of Indian reserves, but no action resulted.³⁰ Jackson, and his successors in the White House, were anxious to tone down investigations of alleged frauds in Indian affairs in order to avoid possible political embarrassments.³¹ Even some of the staunchest opponents of the removal policy benefited directly from the sale of Indian lands. Daniel Webster, Edward Everett, Caleb Cushing and Ralph Waldo Emerson were among those who speculated in Indian lands in the Old Northwest.³²

In addition to granting land reserves to Indians, the War Department followed the practice of including provisions in removal treaties for the payment of Indian debts to traders as a means of promoting removal. Since the Indians relied heavily on traders for subsistence and advice in the Old Northwest, the inclusion of traders' debts was often crucial to successful

26. Paul W. Gates, "Introduction," in *The John Tipton Papers*, comp. Glen A. Blackburn, ed. Nellie Armstrong Robertson and Dorothy Riker, 3 vols. (Indianapolis: Indiana Historical Bureau, 1942), 1:22.

27. Gates, "Land Policy and Tenancy," 19-20.

28. Paul W. Gates, "The Role of Land Speculator in Western Development," *Pennsylvania Magazine of History and Biography* 66 (July 1942): 330-31.

29. Geo. L. Kinnard to Lewis Cass, June 15, 1835, enclosed in Kinnard to Jackson, June 15, 1835, IA, LR, Miscellaneous, RG 75, NA; Gates, "Indian Allotments," 152, 157, 158.

30. *Congressional Globe*, 23 Cong., 2 sess., 143, 154-56, 171-72, 185-88; *Tipton Papers*, 1:22.

31. Satz, *American Indian Policy*, 86, 109.

32. Robert F. Fries, *Empire in Pine: The Story of Lumbering in Wisconsin 1830-1900* (Madison: State Historical Society of Wisconsin, 1951), 11; Gates, "Land Policy and Tenancy," 8.

treaty negotiations. Although the recognition of these debts helped to promote the signing of land cession treaties, the practice also meant that the Indians lost huge sums of money to men who frequently inflated the prices of the goods they sold or falsified their ledgers. Transactions at treaty negotiations relative to the sale of Indian land, the adjustment of traders' claims, and the like, were a complex business, yet many Indians, especially the full bloods, did not know the difference between one numerical figure and another.³³

The administration of Indian affairs in the mid-1830's was particularly vulnerable to criticism. The Panic of 1837 led many traders to exert political influence on treaty commissioners to have phoney Indian debts included in removal treaties. Commissioners Simon Cameron and James Murray awarded the politically influential American Fur Company over one hundred thousand dollars in alleged debt claims against the Winnebagos in Wisconsin in 1838 in return, according to rumor, for a large kickback. Only the military disbursing agent's refusal to pay the traders ultimately led to the exposure of the fraud. One eye witness to this episode subsequently claimed that it was worse than the *Crédit Mobilier* scandal.³⁴ An English visitor to Wisconsin several years after the incident reported that the acknowledgment of traders' claims during annuity payments was still a "potwalloping affair" in which the Indians left as empty handed as when they had arrived.³⁵ Both the Tyler and Polk administrations, in response to complaints from some congressmen, honest Indian agents, and concerned frontier residents, denounced the practice of acknowledging traders' debts in treaties. But the tremendous political influence of the traders, together with the War Department's emphasis on the speedy removal of Indians from areas desired by whites, led the government to

33. James L. Clayton, "The Impact of Traders' Claims on the American Fur Trade," in *The Frontier in American Development: Essays in Honor of Paul Wallace Gates*, ed. David M. Ellis (Ithaca, N.Y.: Cornell University Press, 1969), 299-322; *Senate Document 198*, 25 Cong., 2 sess., 1-67.

34. Henry Merrell, "Pioneer Life in Wisconsin," in *Wisconsin Historical Collections* 7 (Madison, 1876), 394-96. For the official government account of the affair and statements from the various parties involved, see *House Document 229*, 25 Cong., 3 sess.

35. Livia Appel, ed., *A Merry Briton in Pioneer Wisconsin* (1842; reprint ed., Madison: State Historical Society of Wisconsin, 1950), 91, 95.

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follow the path of expediency. Traders continued to receive payments for their claims throughout the Jacksonian era.³⁶

If the techniques already mentioned failed to entice the Indians to emigrate, there was always brute force. The state of Indiana probably had one of the worst records in this respect. The Potawatomi ceded their last holdings in Indiana in 1836, but the treaty provisions allowed them two years to emigrate. Whites quickly began moving onto their land in order to establish preemption rights. As tension between the Indians and the whites grew, the Indiana militia rounded up the Potawatomi in 1838. When Chief Menominee, who had refused to sign the removal treaty, objected to the proceedings, the soldiers lassoed him, bound him hand and foot, and threw him into a wagon. The militia then hastily set into motion the Potawatomi exodus to the West—the “Trail of Death” along which about one hundred and fifty men, women, and children died as a result of exposure and the physical hardships of the journey. Several years later the Indiana militia also rounded up the Miami Indians in similar fashion to expedite their removal to the West.³⁷

By the end of Jackson's second term, the United States had ratified nearly seventy treaties under the provisions of the Removal Act and had acquired about one hundred million acres of Indian land for approximately sixty-eight million dollars and thirty-two million acres of land in the trans-Mississippi West. While the government had relocated forty-six thousand Indians by 1837, a little more than that number were still in the East under obligation to remove. According to the Office of Indian Affairs, only about nine thousand Indians, mostly in the Old Northwest and New York, were without treaty stipulations requiring their relocation, but there is evidence to indicate that the number of such Indians east of the Mississippi River at this time was much larger than the Indian Office

36. *Journal of the Executive Proceedings of the Senate*, 6: 170; U.S., *Stat.*, 9: 203; Commissioner of Indian Affairs, *Annual Report for 1846*, 214-15, 220, for 1847, 741; Clayton, “Impact of Traders’ Claims,” 303, 316-19.

37. Irving McKee, ed., “The Trail of Death: Letters of Benjamin Marie Petit,” *Indiana Historical Society, Publications* 14 (1944): 1-141; “Removal of the Potawatomi,” *Tipton Papers*, 3: 659-769; William E. Wilson, *Indiana: A History* (Bloomington: Indiana University Press, 1966), 38-39; Foreman, *Last Trek of the Indians*, 125-131.

reported. Indeed, there were probably more than nine thousand in Wisconsin Territory alone! The dearth of reliable population statistics for Indians during the Jacksonian era is a perplexing problem. By 1842, however, the United States had acquired the last area of any significant size still owned by the Indians in the Old Northwest. Only scattered remnants of the great tribes that had once controlled the region remained behind on reservations or individual holdings, chiefly in Michigan and Wisconsin.³⁸

The removal treaties of the Jacksonian era contained liberal provisions for emigrants and those remaining behind on reserves. They offered emigrants rations and transportation, protection en route to their new homes, medicine and physicians, reimbursement for abandoned property, funds for the erection of new buildings, mills, schools, teachers, farmers and mechanics, and maintenance for poor and orphaned children. The treaties read as if they were enlightened agreements.³⁹ Yet there were several inherent defects in the treaty-making process. One of these was the assumption that the Indian leaders dealing with the government commissioners represented the entire tribe. Another was the assumption that the Indians clearly understood the provisions of the agreements. Still another was the fact that the Senate often amended or deleted treaty provisions without prior consultation with tribal leaders. Although treaty stipulations were provisional until ratified by the Senate, settlers rarely waited for formal action before they inundated Indian land.⁴⁰ While Alexis de Tocqueville noted

38. Kappler, *Indian Affairs*, 310-489; Commissioner of Indian Affairs, *Annual Report for 1836*, 420; for 1853, 243-45; Statement of the General Land Office, August 8, 1836, Statement Showing the Quantity of Lands Ceded by the Indian Tribes to the United States, December 1, 1836, IA, Miscellaneous Records, 1: 300-1, 2: 6-8, 90-92, 98-100, RG 75, NA; Secretary of War, *Annual Report for 1842*, 190; U.S. Office of Indian Affairs, *Indian Land Tenure: Economic Status and Population Trends* (Washington, D.C.: Government Printing Office, 1935), 5; Buley, *Old Northwest*, 2:125; Wolff, "Policy of the United States," 136-37; Alice E. Smith, *The History of Wisconsin*, Vol. 1: *From Exploration To Statehood* (Madison: State Historical Society of Wisconsin, 1973), 129n.7. Elizabeth Neumeyer, points out in, "Michigan Indians Battle Against Removal," *Michigan History* 55 (Winter 1971): 278, 287-88, that northern Michigan provided a haven for the Indians of that state because "few farmers wanted land" there.

39. See Kappler, *Indian Treaties*, 310-582.

that "the most chaste affection for legal formalities" characterized American treaty making with the Indians, he also argued that "it is impossible to destroy men with more respect to the laws of humanity."⁴¹

In spite of the favorable terms promised in removal treaties, most emigrants faced numerous hardships on their journeys to their new homes. A major reason for their misery was the system of providing them food and transportation by accepting the lowest bid from contractors. Many unscrupulous expectant capitalists furnished the Indians with scanty or cheap rations in order to make a sizeable profit from their contracts. The contractors were businessmen out to make money, and they were quite successful. Thomas Dowling, who received a contract in 1844 to remove six hundred Miami Indians from Indiana for nearly sixty thousand dollars, boasted to his brother that he would make enough profit to "rear the superstructure of an independence for myself, family, and relations."⁴²

In addition to the evils of the contract system, Indian emigrants also suffered from the government's perpetual concern for retrenchment. Although removal treaties provided for the medical care of emigrants, the War Department prohibited agents from purchasing medicine or surgical instruments until "actually required" during the economic hard times after 1837. Such instructions greatly hampered the effectiveness of the physicians accompanying migrating parties. To make matters worse, emigrants from the Old Northwest, many of them weakened by their constant battle with the elements of nature en route to the trans-Mississippi West, found themselves plagued with serious afflictions. Efforts to economize in removal expenditures by speeding up the movement of emigrants also led to much suffering. The War Department ordered in 1837 that only the sick or very young could travel west on horseback or by wagon at government expense. Even before this ruling, efforts to speed up the movement of migrating parties

40. D. Robb to H. L. White, January 31, 1832, Andrew Jackson Papers, series 1, reel 40, Manuscript Division, Library of Congress, Washington, D.C.; Satz, *American Indian Policy*, 99, 106-7.

41. De Tocqueville, *Democracy in America*, 339.

42. Thomas Dowling to John Dowling, April 11, 24, 1844, John Dowling Papers, Indiana State Historical Society, Indianapolis, Ind. Also see Bert Anson, *The Miami Indians* (Norman: University of Oklahoma Press, 1970), 217-18, 220.

under orders from Washington officials proved detrimental to the Indians. An agent in charge of the removal of the Senecas from Ohio earlier in the 1830's, for example, wrote his superior that "I charge myself with cruelty in forcing these unfortunate people on at a time when a few days' delay might have prevented some deaths, and rendered the sickness of others more light, and have to regret this part of my duty."⁴³

Now let us examine the success of the removal policy in terms of the so-called benefits that government officials had argued it would bring to the Indians after their relocation. The first benefit was fixed and permanent boundaries outside the jurisdiction of American states and territories. Even before the Black Hawk War, the French travelers Alexis de Tocqueville and Gustave de Beaumont had voiced concern over the government's failure to establish a permanent Indian country for the northern Indians comparable to the one it was setting off west of Arkansas for the southern tribes. Sam Houston, a good Jacksonian Democrat, assured the travelers that Indian-white relations in the Old Northwest were not as critical as in the South. He pointed out that permanent boundaries were unnecessary for the northern tribes since they would eventually be "pushed back" by the tide of white settlement. Following the Black Hawk War, Houston's contention proved correct.⁴⁴

The history of the relocation of the Winnebago Indians from Wisconsin illustrates the government's failure to systematically plan fixed boundaries for emigrants from the Old Northwest. When the War Department pressured the Winnebagos into signing a removal treaty at the cessation of the Black Hawk War, it left them with two alternative locations. One was the so-called "neutral ground" in Iowa between the Sac and Fox Indians and their Sioux enemies to the North. This location

43. Revised Regulations, No. 5, May 13, 1837, IA, Misc. Records, 2: 292-93, 302-3, RG 75, NA; Carl Grover Klopfenstein, "The Removal of the Indians from Ohio, 1820-1843" (Ph.D. dissertation, Western Reserve University, 1955), 139-155; *Senate Document 512*, 23 Cong., 1 sess., 5: 116-19; Dorothy V. Jones notes in "A Preface to the Settlement of Kansas," *Kansas Historical Quarterly* 29 (Summer 1963): 123, that the emigration of Ohio Indians to Kansas in the early 1830's was characterized by planning that was analogous to "a clock with a wobbly balance wheel."

44. Alexis de Tocqueville, *Journey to America*, ed. J. P. Mayer, trans. George Lawrence, rev. ed. (Garden City, N.Y.: Anchor Books, 1971), 256-57.

proved too precarious for the Winnebagos who quickly made their way back to the second designated area that was within the territorial limits of Wisconsin, north of the Wisconsin River. When the Winnebagos moved into this area, they found themselves too tightly crowded together to live according to their old life styles. As a result, they frequently returned to the sites of their old villages south of the Wisconsin River.⁴⁵

In returning to their old homesites, the Winnebagos encountered other Indians as well as white settlers. While the War Department had induced the Winnebagos to leave southern Wisconsin in order to free them from white contact in that area, it had relocated tribes from New York there in order to free them from white contact in New York. Both the Winnebagos and the New York Indians relocated in Wisconsin soon became the victims of the great land boom that swept the territory in the 1830's as whites eagerly sought Indian land for settlement and timber.⁴⁶

By 1838 the Winnebagos had ceded all of their land in Wisconsin and had promised to move to the neutral ground in Iowa, but the "final" removal of the last band of these Indians in 1840 required the use of troops. For several years after their relocation, the Indian Office attempted to transfer them from Iowa to the Indian country west of Missouri. In 1841 the Tyler administration planned to have them join other northern tribes in a new Indian territory north of the present Iowa-Minnesota border and south of, roughly, the 46th parallel. This new location would appease residents of Iowa who were clamoring for the removal of the Winnebagos and settlers in

45. Kappler, *Indian Treaties*, 345-46; Kellogg, "Removal of the Winnebagos," 23-29; Alfred Brunson, "Early History of Wisconsin," in *Wisconsin Historical Collections*, 4 (Madison, 1859): 250-51; H. Dodge to C. A. Harris, February 15, 1837, IA, LR, Sac and Fox Agency, RG 75, NA; William T. Hagan, *American Indians* (Chicago: University of Chicago Press, 1961), 82.

46. Albert G. Ellis, "Advent of the New York Indians into Wisconsin," *Wisconsin Historical Collections* 2 (Madison, 1856): 415-49; Satz, *American Indian Policy*, 114-15. The Oneida Indians later claimed that they had less protection from encroachments by whites in Wisconsin Territory than they had in New York. See Petition of Oneida Nation to Governor Henry Dodge, March 15, 1839, John Lawe Papers, folio 19, Chicago Historical Society, Chicago, Illinois.

Wisconsin who were anxious to expel the Winnebago stragglers and the New York Indians who had settled there. Such a northern location would also placate the citizens of Arkansas and Missouri who opposed any additional influx of Indians on their western borders. The War Department favored this plan because it would provide a safe corridor for white expansion to the Pacific through Iowa and would place the Indians of the Old Northwest far south of the Canadian border thus luring them away from British-Canadian influence.⁴⁷

In spite of the War Department's plans, large numbers of Winnebagos drifted back to Wisconsin during the 1840's. Efforts to relocate them in present-day Minnesota between the Sioux and their Chippewa enemies led again to Winnebago defiance. Despite the use of military force to compel them to go to their "proper homes," the Winnebagos were greatly dispersed in Wisconsin, Iowa, and Minnesota at the end of the decade to the annoyance of white settlers in those areas. The condition of these Indians clearly indicates that the War Department was lax in undertaking long-range planning for a permanent home for the tribes of the Old Northwest. The government continually reshuffled these Indians in order to make room for northeastern tribes and the growing pressures of white settlement. Whenever the white population pattern warranted it, the War Department merely redesignated new locations for the Indians. Nor did the government pay much attention to the needs of emigrants. Menominee Chief Oshkosh, in complaining about Winnebago intrusions on Menominee land in Wisconsin in 1850, cited several reasons why the Winnebagos continually left their new locations and returned to Wisconsin; these included the poor soil in their new country, the scarcity of game there, and, most importantly, their dread of their fierce Sioux neighbors.⁴⁸

47. Kappler, *Indian Treaties*, 498-500; Henry Dodge to C. A. Harris, August 16, 1838, resolution by the [Wisconsin] Territorial Assembly, March 11, 1839, enclosed in W. B. Slaughter to J. R. Poinsett, March 18, 1839, IA, LR, Prairie du Chien Agency, RG 75, NA; Commissioner of Indian Affairs, *Annual Report for 1840*, 229; Jno. Bell to President Tyler, August 31, 1841, *Messages and Papers of the Presidents*, 4: 59-63; *House Report 501*, 31 Cong., 1 sess., 47.

48. Commissioner of Indian Affairs, *Annual Report for 1842*, 377, for 1843, 263, for 1844, 306, for 1845, 450, for 1846, 219, for 1847, 739, for 1848, 388, for 1849, 949, for 1850, 38-39; *House Report 680*, 27

The agony of the Winnebagos was not unique. Many other tribes faced the prospect of removing to an allegedly permanent location more than once. Continued white hostility following the Black Hawk War led the United Nation of Chippewas, Ottawas, and Potawatomis, for example, to give up their claims to northeastern Illinois, southeastern Wisconsin and several scattered reserves in southern Michigan in 1833 for a tract of land bordering the Missouri River in southwestern Iowa and northwestern Missouri. The new Potawatomi lands included the Platte Country, the region in present-day northwest Missouri watered by the Little Platte and Nodaway rivers. This area was not included in the original boundaries of Missouri in 1820. The inclusion of the Platte Country in the land designated for the Potawatomis demonstrates once again the poor planning of the War Department. In 1832 Missouri Governor John Miller had called for the annexation of this region and Missouri Senators Lewis F. Linn and Thomas Hart Benton joined him in arguing that the area was necessary for the political and economic growth of their state. Although over one hundred Potawatomis had signed the original treaty, the War Department, in its effort to appease Missourians, secured an amended treaty, signed by only seven Indians, that substituted a similar amount of land in Iowa for the Platte Country.⁴⁹

While the government was seeking to modify the original treaty to placate Missouri, Potawatomis who had signed that document moved to the Platte Country. The number of tribesmen there grew as small bands from Indiana continued to travel West in accordance with the provisions of the original treaty. Many Potawatomis came to view the government's new proposed location for them in Iowa as being too close to the

Cong., 2 sess., 1-7; *House Report* 363, 28 Cong., 1 sess., 1-11; *House Report* 519, 28 Cong., 1 sess., 7; *House Report* 501, 31 Cong., 1 sess., 4-5, 9-12, 14-15, 20, 24-25, 28, 32-33, 47. For Oshkosh's statement, see *ibid.*, 25.

49. Kappler, *Indian Treaties*, 402-15; *Senate Document* 348, 24 Cong., 1 sess., 1-7; *Senate Document* 492, 25 Cong., 2 sess., 1-2; R. David Edmunds, "Potawatomis in the Platte Country: An Indian Removal Incomplete," *Missouri Historical Review* 68 (July 1974): 375-79, 391; Perry McCandless, *A History of Missouri*, 3 vols. (Columbia: University of Missouri Press, 1972), 2: 116-17; Howard I. McKee, "The Platte Purchase," *Missouri Historical Review* 32 (January 1938): 129-137.

Sioux. The Jackson administration reluctantly permitted them to settle temporarily in the Platte Country until they could find suitable sites for new villages in southeastern Iowa. There were still approximately sixteen hundred Potawatomis in the Platte Country in March 1837 when President Martin Van Buren proclaimed the area part of the state of Missouri. The War Department soon ejected them from there and resettled them in southwestern Iowa and Kansas. Government officials consolidated the Potawatomis into one reservation in north-central Kansas in 1846 and subsequently relocated them in Oklahoma during the 1860's.⁵⁰

The experiences of the Winnebago and Potawatomi Indians clearly indicate that the new boundaries for emigrants from the Old Northwest were far from permanent. Treaty commissioners merely reshuffled the tribes around as frontiersmen, speculators, and state officials pressured the War Department to open more Indian land to white settlement. Federal officials failed to undertake long-range planning for the establishment of permanent boundaries for the emigrant tribes from this region. The sole effort in this direction before 1848, the Tyler administration's attempt to create a northern Indian territory, failed because the War Department had neglected the needs and the desires of the Indians.

At the end of the Jacksonian era, Indian Commissioner William Medill reported that the Polk administration had begun to mark off a northern Indian "colony" on the headwaters of the Mississippi River for "the Chippewas of Lake Superior and the upper Mississippi, the Winnebagoes, the Menomonies, such of the Sioux, if any, as may choose to remain in that region, and all other northern Indians east of the Mississippi (except those in the State of New York), who have yet to be removed west of that river." Together with the removal of Indians from the "very desirable" land north of the Kansas River to a southern "colony" west of Arkansas and Missouri, Medill hoped that the concentration of the northern Indians on the headwaters of the Mississippi River would provide "a wide and safe passage" for American emigrants to the Far West. Medill's report of November 30, 1848, was a tacit admission of the government's failure to provide Indian emigrants

5. Edmunds, "Potawatomis in the Platte Country," 379-92; McKee, "Platte Purchase," 140-44; U.S., *Stat.*, 5: 34, 802.

from the Old Northwest with fixed and permanent boundaries as guaranteed by the Removal Act of 1830. Throughout this period, the exigencies of the moment determined the boundaries that American officials provided for the Indians.⁵¹

The second alleged benefit of removal was isolation from corrupt white elements such as gamblers, prostitutes, whiskey peddlers, and the like. The government's lack of planning for the permanent relocation of the tribes of the Old Northwest meant that these Indians were continually in the path of the westward tide of white settlement. Although Congress passed a Trade and Intercourse Act in 1834 to protect the Indians from land hungry whites, as well as whiskey peddlers and similar groups, nothing, including Indian treaty rights, stopped the advance of white settlement. Liquor was readily available to most tribes. In 1844 Thomas McKenney, an expert on Indian affairs, reported that the Menominees in Wisconsin, who had undergone several relocations, were "utterly abandoned to the vice of intoxication." Efforts to strengthen the Trade and Intercourse Laws in 1847 failed once again to halt the liquor traffic. Frontier citizens, especially the traders and their powerful political allies, blatantly refused to cooperate in enforcing the laws.⁵²

Tribal self-government unfettered by state or territorial laws was the third benefit that removal was supposed to bring the Indians. Yet the Trade and Intercourse Acts of 1834 and 1847 placed the Indians at the mercy of the white man's conception of justice. The legislation clearly provided that American laws would take precedence over Indian laws and customs in all cases involving both groups. Since the local judicial officers in the white communities adjoining Indian settlements reflected the dominant attitudes of their respective communities and often had ties with local businessmen and traders,

51. Commissioner of Indian Affairs, *Annual Report for 1848*, 388-90.

52. U.S., *Stat.*, 4: 729-35, 9: 203-4; Inspector General George Groghan to Major General Alexander Macomb, October 26, 1836, Records of the Office of the Inspector General, Inspection Reports, 3: 133-34, RG 159, NA; Buley, *Old Northwest*, 2: 130; Keesing, *Menominee Indians of Wisconsin*, 124, 135, 138, 144. The standard account of the Act of 1834 is Prucha, *American Indian Policy*. For the motivation and results of the 1847 legislation, see Robert A. Trennert, Jr., "William Medill's War with the Indian Traders, 1847," *Ohio History* 82 (Winter-Spring 1973): 48-58.