

Portraits from the Res



Portraits, [left to right]:

Howard Frost*
Wa ja pa: Ezra Fremont*
Four Walker**
Susan Dick Robinson
& Joseph Eugene Robinson**
Mrs. Henry Blackbird**

*Smithsonian, **OTHRP Archives

Landscape, [top to bottom]:

Reservation Prairie late 1800s
Nebraska State Historical Society

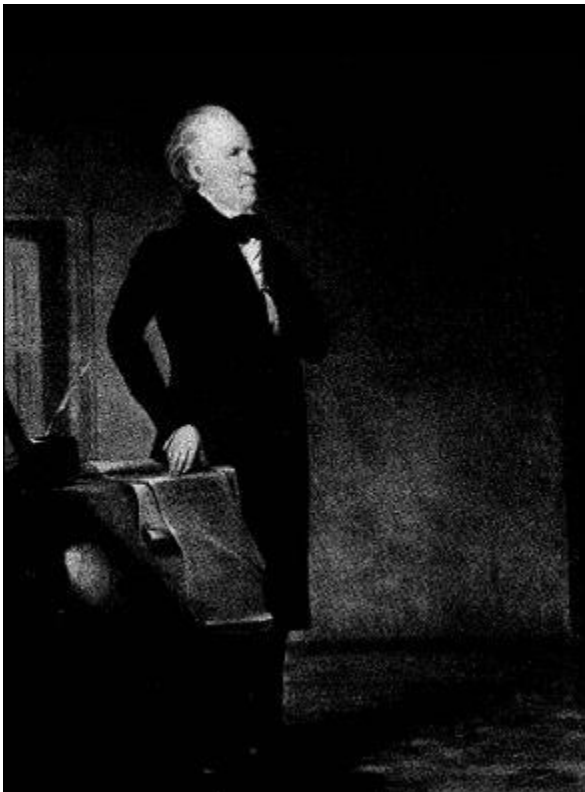
Steamboat with snags
on the Missouri River
Nebraska State Historical Society

Umoⁿhoⁿ Treaties, 1815 – 1872

Introduction

- ◆ In 2010, the Vatican ambassador to the United Nations told the United Nations Permanent Forum on Indigenous Issues that the [1493] papal bull *Inter caetera* is today just a mere "historic remnant with no juridical, moral or doctrinal value."
- ◆ In July 2015, Pope Francis asked for forgiveness for the "grave sins" on the part of the Church in colonial times. "I humbly ask forgiveness, not only for the offense of the Church herself, but also for crimes committed against the native peoples during the so-called conquest of America," he said. <http://www.churchmilitant.com/news/article/american-indians-call-for-vatican-to-retract-500-year-old-charter> 3/22/17

The underlying force behind any country is their claim to the lands upon which they reside. Any government without a land is considered a terrorist group and generally is not recognized. The United States of America is in a poor legal situation. Since the U.S. based its claim to the lands in North America on the Papal Bull of 1493 which proclaimed "the right of discovery," such claim becomes meaningless when the Vatican ambassador states officially that "the papal bull *Inter caetera* is today just a mere "historic remnant with no juridical, moral or doctrinal value."



General William Clark
Co-Captain Lewis and Clark Expedition
George Catlin Kennedy Galleries, NY

If the Papal Bull of 1493 has "no juridical, moral or doctrinal value" then the Euro-American claims to the North American land has no basis upon which to make those claims.

The U. S. forced its way west through mass murders and forcing tribes on top of tribes which cost the American Natives untold lives in a brutal conquest using Smallpox and other diseases deliberately and accidentally introduced. Vicious warfare broke out in a holocaust whose repercussions still reverberate in Native trauma. The Umoⁿhoⁿ were pushed out of their lands in the Kentucky/Indiana/Ohio area and ended up after a long journey in Nebraska/Iowa/South Dakota/Kansas/Missouri on the eastern edge of the greater Sioux Nation along the Nishu'da Ke: Missouri River.

If the 1493 Papal Bull has "no juridical,

moral or doctrinal value" then neither France nor Spain ever "owned" the lands of the Louisiana Purchase and the Euro-American had no claim based upon the sale of such lands. In which case the lands should revert back to the original owners. This is why the negative forces of the Euro-American government are so anxious today to eliminate the Indian Reservations. Until all Native American lands are converted to the land claims of the U.S., the U.S remains a country whose land ownership is questionable legally.

PRESIDENTS OF THE TREATY PERIOD

President	Party	State	In Office	Treaties +Lewis & Clark
1. George Washington	Fed.	VA	1789-1796	
2. John Adams	Fed.	MA	1797-1800	
3. Thomas Jefferson	Dem/Rep	VA	1801-1808	1803: Louisiana Purchase
4. James Madison	Dem/Rep	VA	1809-1816	1815: U. S. Protection
5. James Monroe	Dem/Rep	VA	1817-1824	1820: U. S. Land at Council Bluffs
6. John Quincy Adams	Dem/Rep	MA	1825-1828	1825: U. S. Trade Regulations
7. Andrew Jackson	Dem.	SC	1829-1836	1830 Prairie Du Chien: Iowa lands 1833 Half Breed Tracts Nebraska/Iowa 1836 Platte Purchase: Nebraska
8. Martin Van Buren	Dem.	NY	1837-1840	
9. William Henry Harrison	Whig	VA	1841	
10. John Tyler	Whig	VA	1841-1844	
11. James Knox Polk	Dem.	NC	1845-1848	Invalid Mormon Treaty
12. Zachary Taylor	Whig	VA	1849-1850	
13. Millard Fillmore	Whig	NY	1850-1852	
14. Franklin Pierce	Dem.	NH	1853-1856	1854 Umo ⁿ ho ⁿ Reservation created
15. James Buchanan*	Dem.	PA	1857-1860	
16. Abraham Lincoln**	Rep.	KY	1861-1864	1865 Ho-Chunk Reservation created
17. Andrew Johnson	Dem.	NC	1865-1868	
18. Ulysses Simpson Grant***	Rep.	OH	1869-1876	1872 Treaties ended
It is now an "Act" by Congress confirming land ownership.				

Bold indicates Slave Owners

*purchased slaves from his brother and made them indentured servants

**Lincoln's wife owned slaves

***sold off all his slaves before becoming president

Portage des Sioux Treaty, History, 1815

President James Madison, Slave owner, Democrat/Republican

The War of 1812 was concluded at Ghent, Belgium on December 24th, 1814 with a final battle occurring January 8, 1815 at New Orleans between the British and Americans who had not yet gotten word that the war was over. The final battle was a rout. The British had over 2,000 casualties while the Americans had only 71.

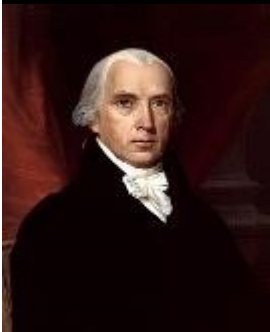
Three main reasons are traditionally given for the war: 1) Britain seized U. S. ships trading with France, 2) Britain had seized 4,000 naturalized U.S. sailors by 1810; and 3) Britain armed Indians, who raided the western borders of the U. S. It was the third reason that brought the U. S. to the High Plains at the end of the war to stop forever what had happened between the British and the Indian Nations.

Now Governor, William Clark wrote the Secretary of War that the British were making attempts to gain influence over the Osage, Kanza [Kansa], Oto, and Sioux of the Missouri — basically the eastern edge of the Greater Sioux Nation — which Clark was trying to prevent. Clark had appointed Manuel Lisa to the post of subagent for the nations living on the Missouri about the mouth of the Kansas River. Manuel Lisa had been of great service in preventing British influences in 1812, by sending large parties of Indians to war against each other or against tribes allied with the British. This force included the Umoⁿhoⁿ. Manuel Lisa's Indian harassments which were British influenced, evidently forced an end to the Missouri Fur Company's upper river activities in the late winter of 1812-1813. Arikara, Cheyenne, Gros Ventre, Crow, and Arapaho were arrayed on the side of the British who were inciting them to war against the Americans. The Kansa, and Osage Nations were direct relatives of the Umoⁿhoⁿ while the Oto, Arikara and Cheyenne were close friends. Committing the Umoⁿhoⁿ to America through a binding treaty would help influence the other Indian nations.

The Umoⁿhoⁿ do not appear on the British lists of allies during the War of 1812 and for good reason. The Umoⁿhoⁿ never went to war against the United States. But to the Euro-Americans, all Native Americans were the same, so they came out "a courtin'" to the most likely and advantageous members of the Greater Sioux Nation to deal with, in order to end any potential allies to any other nation but the U. S. The Umoⁿhoⁿ were an obvious choice with their powerful reputation stemming from the Blackbird days and before, as well as their traditional practice of Progressive Peace. Persuading the Umoⁿhoⁿ to sign would be helpful and their interlocking relationships would be advantageous when dealing with the other tribes. It certainly was well known that the Umoⁿhoⁿ were in deep trouble due to the smallpox epidemics even though the vaccine for smallpox had been developed by Englishman Edward Jenner in 1796. The constant raids from the Sioux did not help. History should take note that the eradication of smallpox was technically possible within the 18th century had the Americans chosen to do so, but

instead, they waited until the late 19th century to stop this horrible disease. Such was the myopic view of human worth in this pre-Dickensian world soon to be ruled by Queen Victoria and mirrored in her former colonies in America.

The Treaty of 1815, under Virginian Democratic/Republican president James Madison, occurred thirteen years after the latest smallpox epidemic which was recorded around 1803. Compare the tone in this treaty to the over-sweet tones in the legal concoction signed by the French and Spanish as they switched their self-claimed ownership of the Louisiana Territories back and forth European style. At least it appears far more straight forward in language, suggesting the influence of plain speaking Americans for the most part.



James Madison
1816 Wikipedia

Portage des Sioux Treaty with the Omaha, 1815

**President James Madison, Democrat/Republican
Slave owner**

A treaty of peace and friendship, made and concluded between William Clark, Ninian Edwards, and Auguste Chouteau, Commissioners, Plenipotentiary of the United States of America, on the part and behalf of the said States, of the one part; and the Chiefs and Warriors of the Mahas, on the part and behalf of said Tribe or Nation, of the other part.

The parties being desirous of re-establishing peace and friendship between the United States and the said tribe or nation, and of being placed in all things, and in every respect, on the same footing upon which they stood before the late war between the United States and Great Britain, have agreed to the following articles:

Article 1. Every injury or act of hostility committed by one or either of the contracting parties against the other, shall be mutually forgiven and forgot

Art. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the tribe or nation of the Mahas, and all friendly relations that existed between them before the war, shall be, and the same are hereby, renewed.

Art. 3. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby knowledge themselves and their tribe or nation to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever.

In witness whereof, the said William Clark, Ninian Edwards, and Auguste Chouteau, commissioners as aforesaid, and the chiefs and warriors of the aforesaid tribe or nation, have hereunto subscribed their names and affixed their seals this 20th day of July, in the year of our Lord one thousand eight hundred and fifteen, and of the Independence of the United States the fortieth.

Portage des Sioux Treaty continued		Waanowrabai, or the blackbird's grandson, his x mark,	[L.S.]
William Clark,	[L.S.]	Osogagee, or the pointmaker,	[L.S.]
Ninian Edwards,	[L.S.]	his xmark,	[L.S.]
Auguste Chouteau,	L.S.]	Toireechee, or the cow's rib,	[L.S.]
Oupaatanga, or the big elk,	[L.S.]	his x mark,	[L.S.]
his x mark,	[L.S.]	Manshaquita, or the little soldier,	[L.S.]
Washeamanie, or the hard walker, his x mark,	[L.S.]	his x mark,	[L.S.]
Kaaheeuia, or the old chief,	[L.S.]	Pissinguia, or he who has no gall,	[L.S.]
his x mark,	[L.S.]	his x mark,	[L.S.]
Done at Portage des Sioux in presence of —			
R. Wash, secretary to the commission,		Third Infantry,	
John Miller, colonel		Manual Lisa, agent	
Third Infantry		Thos. Forsyth, Indian agent	
R. Paul, C. T. of the C. Edw. Hall,		Louis Decouagne,	
Lieutenant lat.		Louis Dorion,	
Twenty-eighth Infantry,		John A. Cameron,	
John H. Clark, adjutant		Jacques Mette.	

Portage des Sioux Treaty, Discussion, 1815

President James Madison, Democrat/Republican, Slave owner

The preamble to the actual treaty is a simple listing of the parties signing the treaty. Notable is the use of the old term "*Mahas*" for Umonhon and the reference to the Indian sovereignty being capitalized as Tribe or Nation and yet in the first paragraph of the actual treaty, the terms are lower case when referring directly to the tribe of the treaty. Already it is in lower standing to the United States which is always capitalized.

The first paragraph states the general purpose of the treaty, establishing their relationship to be the same as it was before the War of 1812.

Article 1. is a statement of mutual letting go of the past behaviors of both sides. It is the first step in a peace treaty between parties.

Article 2. states the intent of "perpetual peace between the two parties" to be built upon the good behaviors of both sides in the past. Also a necessary step in a peace treaty where both good and bad behaviors have been recognized and dealt with summarily. If the treaty had stopped at this point, it would have been a simple peace treaty where both sides are treated equally. But it did not stop here.

Article 3. states clearly: The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby knowledge themselves and their tribe or nation to be under the protection of the United States, and of no other nation, power, or sovereign, whatsoever.

One sovereign nation is to be put under the protection of another. Protection is not defined nor is it stated as who it is that will determine what it is and under what circumstances it may be needed. A blank check as it were for the United States. We will never know how the "Mahas" that signed it interpreted this clause. Most likely they were thinking of the Sioux raids.

A good lawyer for the Umoⁿhoⁿ schooled in Euro-American legal traditions would not have let this clause go by unchallenged. It was beyond the Umoⁿhoⁿ culture. Centuries of British law and European law lay behind the American documents. It was one-sided expertise used against a culture whose traditions were far different. There was no one from a neutral source or otherwise to advise the Umoⁿhoⁿ upon the technicalities of Euro-American treaty law whose roots lay back to Greek and Roman days and beyond that to Hammurabi in 1792-1750 BCE in a land that was to become Iran and Iraq.

It should be noted that this peace treaty did not mention land or ownership. Its existence would have pointed to the recognition by both parties to the real sovereignty of both parties, and there, by implication, the land ownership of the Umoⁿhoⁿ. So much for the Louisiana Purchase, which not only did not purchase any real estate but instead merely bought off the claims of two European powers, who didn't want the expenses any more over "their" Indian-owned land.



Giffen and Tibbles
Ibid. p. 56

Treaty with the Mahas, History, 1820

President James Monroe, Slave owner, Democrat/Republican

Five years later the times have changed considerably. Virginian James Monroe, also Democrat/Republican, was president having been almost unanimously reelected as president over John Quincy Adams, winning 231 of 232 electoral votes. Slavery was a very hot issue, spilling over boundaries to rear its ugly head near the High Plains with Henry Clay's Missouri Compromise bill passing Congress declaring that only Missouri would be allowed to have slaves past the Mississippi River. The Missouri Compromise was repealed in 1854.

- ◆ The first organized immigration of blacks to Africa from the U.S. began with 86 free blacks sailing to Sierra Leone in February 1820.
- ◆ Congress made trade in foreign slaves an act of piracy.
- ◆ Maine is admitted as the 23rd U.S. state.
- ◆ The HMS Beagle taking Charles Darwin on his scientific voyage, was launched.
- ◆ Palmyra, NY, Joseph Smith, founder of the Mormons, experiences his First Vision.



James Monroe
ca. 1819
Wikipedia

Treaty with the Mahas, 1820 [Council Bluff]

**President James Monroe, Democrat/Republican,
Slave owner**

Articles of a convention made on the twenty-third day of September, one thousand eight hundred and twenty, at Camp Council Bluff, on the Missouri river, between Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, being specially authorized thereto by the Secretary of War, and the undersigned chiefs and headmen of the Maha nation of Indians, duly authorized and empowered by said nation.

Article 1. The undersigned chiefs and headmen of the Maha nation of Indians, for themselves, and in behalf of their nation, cede and relinquish to the United States all right, title, interest, and claim which they have, or ever had, to a tract of fifteen miles square of the country around Council Bluff, to be bounded by due east, west, north, and south lines, and so located that the flag-staff in the area of the new cantonment on Council Bluff shall be the centre of the aforesaid tract of fifteen miles square.

Art. 2. The said Henry Atkinson, brigadier general of United States army, and Benjamin O'Fallon, Indian agent for the tribes on the Missouri, on the part of the United States, hereby stipulate and agree that, in consideration of the relinquishment of title by the Maha nation, as stated in the preceding article, the United States will pay to the Maha nation thirty smooth-bored guns, one nest of brass kettles, sixty-three point Mackinaw blankets, two hundred and twenty-five yards of strouding, two hundred and fifty pounds of tobacco, in or before the month of June next, at this place, provided this convention is duly ratified by the Government of the United States.

Art. 3. The United States grant to the Maha nation the privilege of hunting on such parts of the aforesaid ceded tract as may not be used for military purposes, trading establishments, farming, and range for stock.

Done at the place and on the day and year first above written.

H. ATKINSON, Brig. Gen. U. S. Army.

B. O'FALLON, U. S. Indian Agent.

[Signed, also, by the chiefs and headmen
of the Maha Indians.]

We certify that the foregoing agreement has been faithfully interpreted to the chiefs and headmen who have subscribed to the within articles.

JOHN DOUGHERTY, U. S. Indian Agent and Interpreter.

MICHAEL BARDA, Interpreter.

Treaty with the Mahas, Discussion, 1820

President James Monroe, Democrat/Republican, Slave owner

On September 23rd of 1820, the second treaty between the Umo^{ho} and the U. S. was signed. The curious capitalization is expanded in this treaty. In the preamble, only the name Maha is capitalized on the Native American side. Chiefs and Warriors have been reduced to "chiefs and headmen," while United States and the Secretary of War receive capitals. Oddly enough the actual titles such as "brigadier general" are not capitalized and only the Indian in "Indian agent" receives a capital. The only change in status between the two parties is that one has now been "protected" for five years by the other.

There is no opening paragraph explaining the purpose of the treaty.

Article 1. cuts to the chase: The undersigned chiefs and headmen of the Maha nation of Indians, for themselves, and in behalf of their nation, cede and relinquish to the United States all right, title, interest, and claim which they have, or ever had, to a tract of fifteen miles square of the country around Council Bluff. . . .

Article 2. Considering that this was a small amount of land, comparatively, it is rather cut and dried. A description of the land and the second article contains the actual price paid:

. . .the United States will pay to the Maha nation thirty smooth-bored guns, one nest of brass kettles, sixty-three point Mackinaw blankets, two hundred and twenty-five yards of strouding [coarse woolen cloth], two hundred and fifty pounds of tobacco, in or before the month of June next, at this place, provided this convention is duly ratified by the Government of the United States.

Article 3. reserves the hunting rights of the Umo^{ho} to the property, it restricts the uses of the property as follows:

The United States grant to the Maha nation the privilege of hunting on such parts of the aforesaid ceded tract as may not be used for military purposes, trading establishments, farming, and range for stock.

All in all it seems to be a reasonable deal, but the catch lies in the form of payment. The following illustrates how beef was handled for the Indians on the frontier as white entrepreneurs learned to bend the law to their advantage.

Indian Commodities

The board of inquiry believed it had discovered some shady collaborations between the chief clerk of the Indian office, S. A. Galpin, and a few beef contractors who wanted to cover up an overpriced purchase of substandard beef at an Indian agency. . . .

The substandard cattle which led to . . . Galpin's dismissal had been delivered to the Pawnee agency in April of 1876. In his efforts to feed the starving Pawnees, Agent Burgess had purchased grossly inferior animals from the closely knit organization that nearly monopolized the supply of beef to the agencies of the Indian Territory. Thomas Lanigan, a cattleman from Fort Smith, Arkansas, dominated the beef contractors of the area. Using his partners as subcontractors, Lanigan and his pool could manipulate not only the price but also the weight of cattle. Galpin, an acquaintance of Lanigan and his associates, investigated Burgess's[sic] purchase but dismissed any allegations against the beef contractors. Schurz's investigation uncovered the chief clerk's report on the Pawnee agency and led to his dismissal for failure to vigorously prosecute dishonest practices.

When William Burgess arrived in Coffeyville, Kansas, in 1876 to make his emergency purchase of beef, most dealers would not sell at any price because the grass-fed cattle that had just come off the winter range were in poor condition and, with three additional months of good grazing, would take on considerable weight and value. R. C. Crowell and Company, who represented Lanigan, agreed to supply the Pawnee agency. Crowell purchased from two associates of Lanigan, T. F. Eldridge and Joseph Leach, a herd of eighty-two yearlings, two-year-old steers, and cows barely fit for food. Crowell's records showed that the cattle weighed 74,456 pounds gross at \$8.10 per hundredweight, whereas Leach and Eldridge, who had purchased the eighty-two cattle earlier that month, listed a gross weight of 50,850 pounds at a price of \$2.50 per hundredweight. These now supposedly well-fed cattle were delivered to the Pawnee agency. Immediately before the weighing, the animals were salted, watered, and fed fresh grass in open disregard of federal regulations. In the presence of William Burgess, as the cattle were weighed ten at a time, two cowboys stepped up on the scales to increase the amount. Burgess accepted a gross weight of 73,718 pounds and paid \$3.50 per hundredweight. Crowell and Company received \$2,580.13, which meant that the "Lanigan ring" had made \$1,309.13 off an original purchase of \$1,271 by Leach and Eldridge — a nice profit of 103 percent.

The cattle sale of April, 1876, underwent three separate investigations. In each inquiry more examples of Burgess's[sic] irregular administration of the Pawnee agency were uncovered. No evidence clearly pointed to personal profit on the agent's part. Indeed, Burgess was very candid in admitting his anomalous actions, but always in reference to the exigencies of his situation. Besides accepting underweight beef at inflated prices, Burgess regularly paid for labor by writing vouchers for purchases of nonexistent corn and potatoes.

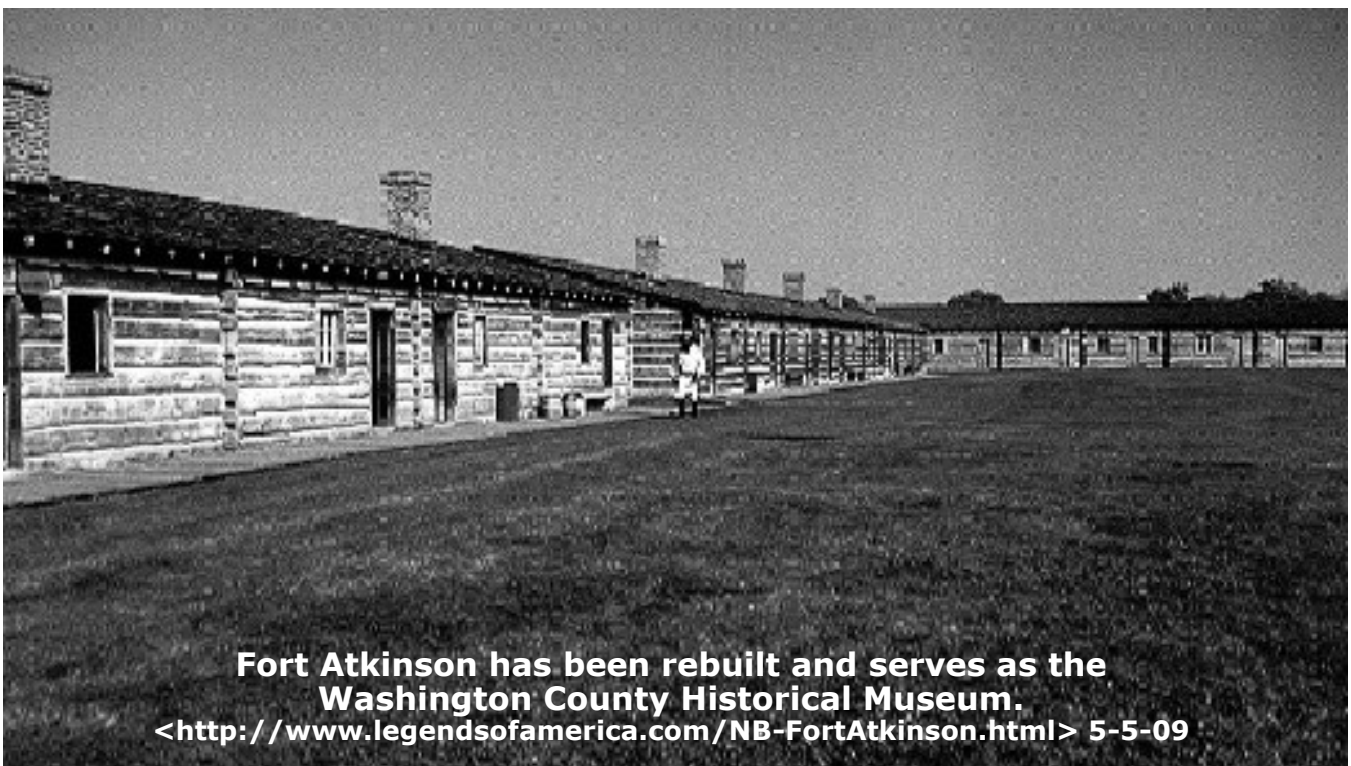
Clyde A. Milner, II, **With Good Intentions: Quaker Work Among the Pawnees, Otos and Omahas in the 1870s**. University of Nebraska Press, Lincoln, 1982, pp. 97-98.

Fort Atkinson Treaty, History, 1825

President John Quincy Adams, Democrat/Republican

After a deadlocked election John Quincy Adams, Massachusetts Democrat/Republican, was elected President by the House of Representatives on February 9, 1825.

- ◆ The first U.S. engineering college opens, Rensselaer Polytechnic, in Troy, New York.
- ◆ The Creek Indian treaty signed on February 12. Tribal chiefs agree to turn over all their land in Georgia to the government and migrate west by Sept 1, 1826.
- ◆ On September 27, the Stockton to Darlington railway line was opened in England. Thirty-two wagons were in the train pulled by the locomotion and traveled at about 10 miles per hour. A man on horseback rode in front of the engine and twenty-four horse drawn wagons followed it. This event marked the beginning of the railway age.
- ◆ The Erie Canal was put into operation with the first boat leaving Buffalo, NY on October 26th and reaching New York City on November 4th.
- ◆ John Stevens, of Hoboken, NJ, built and operated the first experimental steam locomotive in the U. S. The country was on the move and transportation was its first concern with trade following close behind.
- ◆ In 1824, the Bureau of Indian Affairs was established in the War Department which had the responsibility to administer Indian Affairs.



Fort Atkinson has been rebuilt and serves as the
Washington County Historical Museum.

<<http://www.legendsofamerica.com/NB-FortAtkinson.html>> 5-5-09



Fort Atkinson Treaty with the Omaha, 1825

President John Quincy Adams, Democrat/Republican

John Quincy
Adams
Wikipedia

For the purpose of perpetuating the friendship which has heretofore existed, as also to remove all future cause of discussion or dissension, as it respects trade and friendship between the United States and their citizens, and the Maha tribe of Indians, the President of the United States of America, by Brigadier General Henry Atkinson, of the United States' Army, and Major Benjamin O'Fallon, Indian Agent, with full powers and authority, specially appointed and commissioned for that purpose, of the one part, and the undersigned Chiefs, Head-men and Warriors, of the said Maha tribe of Indians, on behalf of their tribe, of the other part, have made and entered into the following articles and conditions, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties — to wit:

Article 1. It is admitted by the Maha tribe of Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

Article 2. The United States agree to receive the Maha tribe of Indians into their friendship, and under their protection, and to extend to them, from time to time, such benefits and acts of kindness as may be convenient, and seem just and proper to the President of the United States.

Article 3. All trade and intercourse with the Maha tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents: and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

Article 4. That the Maha tribe may be accommodated with such articles of merchandise, &c. as their necessities may demand, the United States agree to admit and license trader to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Maha tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Maha tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country, for the purposes trade or other views, they will apprehend such person or persons, and deliver him or them to some United States' superintendent or agent of Indian Affairs, or to the Commandant of the nearest militar-

Fort Atkinson Treaty 1825 continued

tary post. to be dealt with according to law. — And they further agree to give safe conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.

Article 5. That the friendship which is now established between the United States and the Maha tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made by the party injured, to the superintendent or Agent of Indian affairs, or other person appointed by the President; and it shall be the duty of said Chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like manner, if any robbery, violence, or murder, shall be committed on any Indian or Indians belonging to said tribe, the person or persons so offending shall be tried, and if found guilty shall be punished in like manner as if the injury had been done to a white man. And it is agreed, that the Chiefs of said Maha tribe shall, to the utmost of their power, exert themselves to recover horses or other property, which may be stolen or taken from an citizen or citizens of the United States, by any individual or individuals of said tribe: and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guarranty[sic] to any Indian or Indians of said tribe, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*. That the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Maha tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

Article 6 And the Chiefs and Warriors, as aforesaid, promise and engage, that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns ammunition, or other implements of war.

Done at Fort Atkinson, Council Bluffs, this 6th day of October, A. D. 1825, and of the independence of the United States the fiftieth.

In testimony whereof, the said commissioners, Henry Atkinson and Benjamin O'Fallon, and the chiefs, head men, and warriors of the Maha tribe, have hereunto set their hands, and affixed their seals.

Fort Atkinson Treaty 1825 continued

H. Atkinson, brigadier-general U. S. Army,	[L. S.]	Ta-nob-ga, the buffalo bull, his x mark,	[L. S.]
Benj. O' Fallon, U. S. agent Indian affairs,	[L. S.]	Esh-sta-ra-ba, his x mark, Ta-reet-tee, the side of a buffalo, his x mark,	[L. S.]
Opa-ton-ga, the big elk, his x mark,	[L. S.]	Sa-da-ma-ne, he that arrives, his x mark,	[L. S.]
Ohe-shin-ga, the man that cooks little in a small kettle, his x mark,	[L. S.]	Momee-shee, he who lays on the arrows from the number that pierce him,	[L. S.]
Mo-pe-ma-nee, the walking cloud, his x mark,	[L. S.]	Ma-sha-ke-ta, the soldier, his x mark,	[L. S.]
Wash-ca-ma-nee, the fast walker, his x mark,	[L. S.]	Te-sha-va-gran, the door of the lodge, his x mark,	[L. S.]
Shon-gis-cah, the white horse, his x mark,	[L. S.]	Wa-shing-ga-sabba, the black bird, his x mark,	[L. S.]
We-du-gue-noh, the deliberator, his x ,mark,	[L. S.]		

In the presence of—

A. L Langham, secretary to the commission,
A. R. Wooley lieutenant-colonel U. S. Army,
J. Gantt, captain Sixth Infantry,
George C. Hutter, lieutenant Sixth Infantry,
M. W. Batman, lieutenant Sixth Infantry,
G. H. Kennerly, U. S. Indian agent,
John Gale, surgeon U. S. Army,
William Rodgers.

Fort Atkinson Treaty, Discussion, 1825

President John Quincy Adams, Democrat/Republican

The preamble to the Fort Atkinson 1825 Treaty capitalizes all ranks on both sides and yet the word "tribe" remains lower case. We are back to "Chiefs, Head-men and Warriors" instead of "chiefs and headmen" of the second treaty or the "Chiefs and Warriors" of the first.

This treaty does not concern itself with land; it is strictly about control. Transportation meant larger areas where trade could commence for more people. As former Indian territories were opening up for expansion, the white merchants followed the white farmers and the government money that was being spent on the Indians was a lucrative market in which the product didn't matter. What was important was who controlled the trade.

Article 1. is blunt: It is admitted by the Maha tribe of Indians, that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said tribe also admit the right of the United States to regulate all trade and intercourse with them.

It is not enough to claim protection, now the U. S. is demanding formal acknowledgement of their supremacy, as well as, claiming territorial jurisdiction, which also, alludes to land. It requires the tribe to admit that the U.S. has the right to regulate all trade and intercourse. This clause alone places the tribe's sovereignty in jeopardy. A sovereign nation controls its own borders and regulates all trade within its borders.

Article 2. is not worth the paper it is written upon. It is a flattery clause that binds the U. S. to act nice and allows the President to determine when and how this will be, if ever.

Article 3. is a further definition of Article one. All trade and intercourse with the Maha tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents: and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians.

This states where trade will be allowed and how it will be regulated as well as restricting all trade to be between the Umoⁿhoⁿ and "American Citizens" only. According to this, the Umoⁿhoⁿ cannot even trade with their relatives, the Ponca, for instance or their friends, the Pawnee.

Article 4. promises that the U. S. in turn will give the Tribe the "articles of merchandise" that they really need. Again, this is not defined as to what it will be or who is to make the determination of need. Then it goes on to establish the U. S. as the one who will license the traders permitted to deal with the Umoⁿhoⁿ and to bind the Umoⁿhoⁿ into protecting both the merchants and their properties while in the Umoⁿhoⁿ territory. The Umoⁿhoⁿ are then to apprehend any one who is trying to act as a trader in defiance of this treaty and turn them over to the U. S. In effect, the Umoⁿhoⁿ will be doing the police work the U. S. has promised to do.

The real kick is in the last sentence. Safe conduct to all persons legally authorized to pass through their country protecting both person and property and this includes the times when the Umoⁿhoⁿ are not on their property, i.e. on the annual buffalo hunt. Which leaves it wide open for pioneers to pass through their territory, all they need is an official pass. Not to mention the fact that there is an allusion here to the fact that the land known to the Umoⁿhoⁿ will not be considered Umoⁿhoⁿ land by the United States. Such blurring of the lines of ownership makes the Article highly questionable.



Language of the Robe:
Watching for Sweetheart
The Umoⁿhoⁿ sent subtle
messages in the way their robes
were draped
La Flesche/Fletcher, *Ibid.*, Plate
53 a, pp. 360-361

That the Maha tribe may be accommodated with such articles of merchandise, etc. as their necessities may demand, the United States agree to admit and license trader to hold intercourse with said tribe, under mild and equitable regulations: in consideration of which, the Maha tribe bind themselves to extend protection to the persons and the property of the traders, and the persons legally employed under them, whilst they remain within the limits of their particular district of country. And the said Maha tribe further agree, that if any foreigner, or other person not legally authorized by the United States, shall come into their district of country, for the purposes trade or other views, they will apprehend such person or persons, and deliver him or them to some United States' superintendent or agent of Indian Affairs, or to the Commandant of the nearest military post. to be dealt with according to law.— **And they further agree to give safe conduct to all persons who may be legally authorized by the United States to pass through their country; and to protect in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States.** [OTHRP added **Bold** for emphasis.]

Article 5. establishes the U. S. judicial system over the tribe. First, friendship is established that exists between the two parties and establishes that whatever individuals do will not affect it. This is, of course, a very one sided friendship in which one side gets to make all the rules and judge all disputes. All complaints will be turned over to the representatives of the U. S. government, notably the Agent or whom ever the U. S. declares shall handle the situation. It also states that any justice for "robbery, violence, or murder" that is handed down to an Indian "will be the same as that for a white man." That clause is a joke then and now. At no time has the justice for Indians ever been the same as that for a white man. Punishment is always far more severe and has always been so for any "people of color" in the United States, as true today as it was back then.

The last of the article gives the responsibility to the Umoⁿhoⁿ to find and recover any stolen horses or property and to turn it over to the U. S. to determine that it has been stolen and who the rightful owner might be. In the case where the stolen property cannot be recovered and is proven to have been stolen from the Umoⁿhoⁿ, proper recompense will be made by the U. S. to the Umoⁿhoⁿ. The burden of proof is upon the victim, and in this case, the victim will not receive a fair hearing if the perpetrator is white.

Judicial authority is established by the U. S. Government over Umoⁿhoⁿ lands.

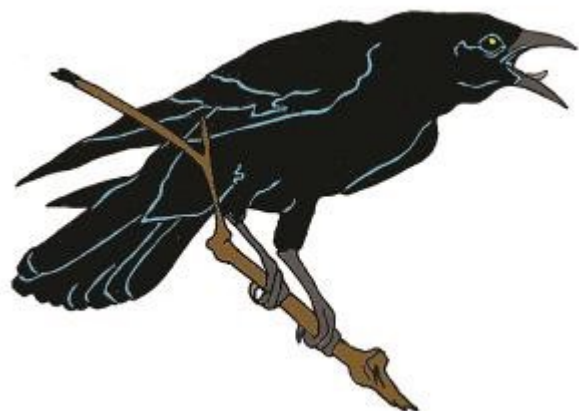
That the friendship which is now established between the United States and the Maha tribe should not be interrupted by the misconduct of individuals, it is hereby agreed, that, for injuries done by individuals, no private revenge or retaliation shall take place, but instead thereof, complaints shall be made

by the party injured, to the superintendent or Agent of Indian affairs, or other person appointed by the President; and it shall be the duty of said Chiefs, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like manner, if any robbery, violence, or **murder, shall be committed on any Indian or Indians belonging to** said tribe, **the person or persons so offending shall be tried, and if found guilty shall be punished in like manner as if the injury had been done to a white man.**

And it is agreed, that the Chiefs of said Maha tribe shall, to the utmost of their power, exert themselves to recover horses. Or other property, which may be stolen or taken from an citizen or citizens of the United States, by any individual or individuals of said tribe: and the property so recovered shall be forthwith delivered to the agents or other person authorized to receive it, that it may be restored to the proper owner. And the United States hereby guarrant[y][sic] to any Indian or Indians of said tribe, a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*. That the property stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Maha tribe engage, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them. [OTHRP added **Bold** for emphasis.]

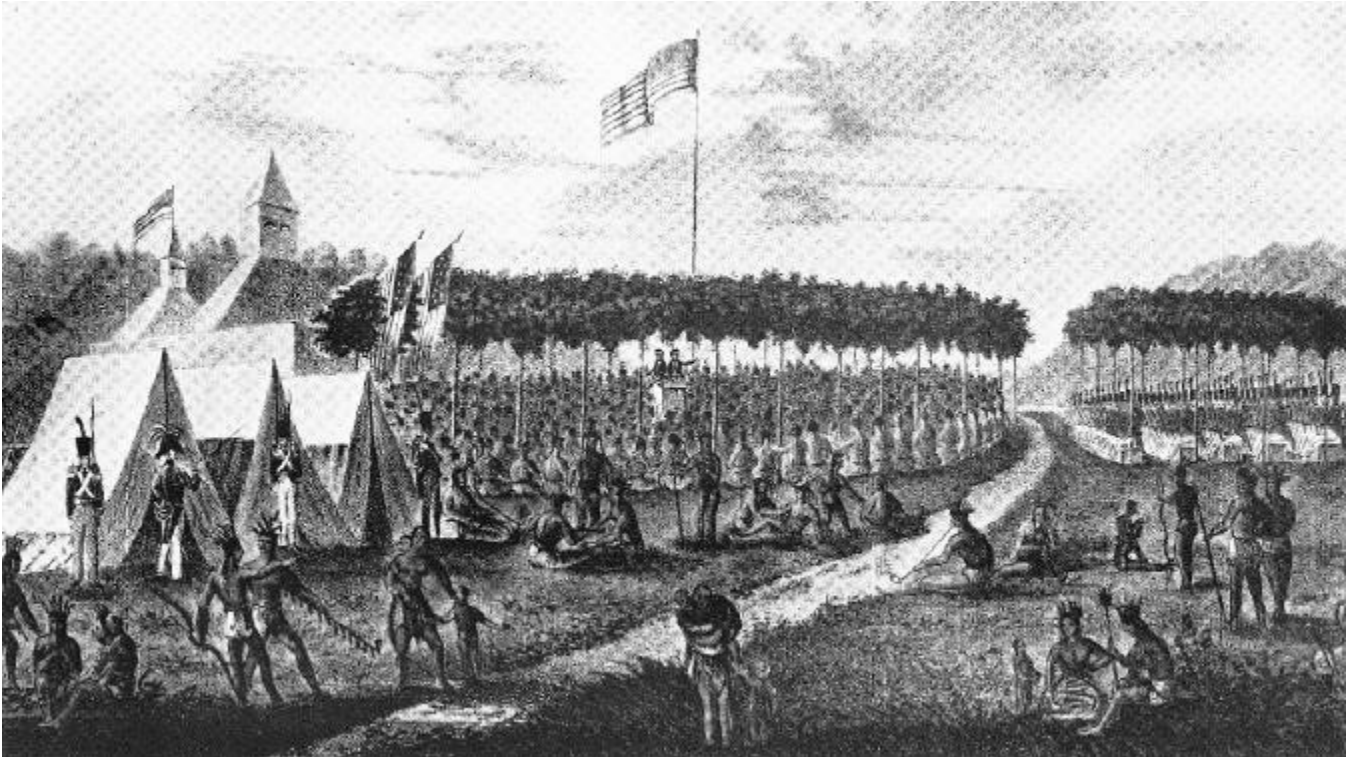
Article 6. This article is an add on clause to control the sale or gifts or exchange of armaments of any kind to any tribe of Indians who are not cooperating with the U. S.

. . .and the Chiefs and Warriors, as aforesaid, promise and engage, that their tribe will never, by sale, exchange, or as presents, supply any nation, tribe, or band of Indians, not in amity with the United States, with guns ammunition, or other implements of war.



**The FORT ATKINSON 1825 TREATY
is strictly about control.**

**At this point,
the only land that has been exchanged
is the 15 mile square at Council Bluff
under the previous treaty.**



View of the Great Treaty Held at Prairie du Chien, September, 1825, J. O. Lewis five years later, the Umo^ohoⁿ came to this same spot with other tribes for their treaty. Western History Collections, University of Oklahoma Library.
R. David Edmunds, **The Potawatomis, Keepers of the Fire**, University of Oklahoma Press, Norman, OK, 1978, p. 146

Prairie Du Chien [Prairie Dog] Treaty with the Sauk and Foxes, etc., 1830 History

President Andrew Jackson, Democrat/Republican, Slave owner

This year started with a famous debate on January 27th between Senator Daniel Webster of Massachusetts and Robert Hayne of South Carolina. They debated upon the subject of a state's right to nullify federal law.

- ◆ Mexico blocks further U.S. colonists from its country.
- ◆ The U. S. population is now officially 12,866,020.
- ◆ LaGrange College, now the University of North Alabama, opened its doors, becoming the first publicly chartered college in Alabama.
- ◆ On April 6th, the Mormon church was formally organized as the Church of Christ, and small branches were soon set up in Palmyra, Fayette, and Colesville, New York. There was strong local opposition to these branches, however, and Smith soon dictated a revelation that the church would establish a "City of Zion" in Native American lands near Missouri.
- ◆ It was also the year that President Andrew Jackson signed, on May 28th, the Indian Removal Act which provided land and some pay to Indians who agreed to resettle in the West.

Prairie Du Chien: [Prairie Dog] Treaty with the Sauk and Foxes, etc., 1830



Andrew
Jackson
c. 1837
Wikipedia

President Andrew Jackson, Democrat, Slave owner

Articles of a treaty made and concluded by William Clark Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on behalf of the United States on the one part, and the undersigned Deputations of the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wahpacoota, Wahpeton and Sissetong Bands or Tribes of Sioux; the Omahas, Ioways, Ottoes and Missourias on the other part.

The said Tribes being anxious to remove all causes which may hereafter create any unfriendly feeling between them, and being also anxious to provide other sources for supplying their wants besides those of hunting, which they are sensible must soon entirely fail them; agree with the United States on the following Articles.

Article I. The said Tribes cede and relinquish to the United States forever all their right and title to the lands lying within the following boundaries, to wit: Beginning at the upper fork of the Demoine River, and passing the sources of the Little Sioux, and Floyds Rivers, to the fork of the first creek which falls into the Big Sioux or Calumet on the east side; thence, down said creek, and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line, above the Kansas: thence along said line to the north west corner of the said State, thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge between the forks of the Grand River; thence along said high lands or ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning. But it is understood that the lands ceded and relinquished by this Treaty, are to be assigned and allotted under the direction of the President of the United States, to the Tribes now living thereon, or to such other Tribes as the President may locate thereon for hunting, and other purposes.

Article II. The confederated Tribes of the Sacs and Foxes, cede and relinquish to the United States forever, a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line between the said confederated Tribes of Sacs and Foxes, and the Sioux; as established by the second article of the Treaty of Prairie du Chien of the nineteenth of August one thousand eight hundred and twenty-five.

Article III. The Medawah-Kanton, Wah-pa-coota, Wahpeton and Sisseton Bands of the Sioux cede and relinquish to the United States forever, a Tract of Country twenty miles in width, from the Mississippi to the Demoine River, situate north, and adjoining the line mentioned in the preceding article.

Article IV. In consideration of the cessions and relinquishments made in the

Prairie Du Chien Treaty 1830: continued:

first, second, and third articles of this Treaty, the United States agree to pay to the Sacs, three thousand dollars, — and to the Foxes three thousand dollars; To the Sioux of the Mississippi two thousand dollars; — To the Yancton and Santie Bands of Sioux three thousand dollars; — To the Omahas, two thousand five hundred dollars;— To the loways two thousand five hundred dollars; — To the Ottoes and Missouriias. two thousand five hundred dollars, and to the Sacs of the Missouri River five hundred dollars; to be paid annually for ten successive years at such place, or places on the Mississippi or Missouri, as may be most convenient to said Tribes, either in money, merchandise, or domestic animals, at their option; and when said annuities or any portion of them shall be paid in merchandise, the same is to be delivered to them at the first cost of the goods at St. Louis free of transportation.

And the United States further agree to make to the said Tribes and Bands, the following allowances for the period of ten years, and as long thereafter as the President of the United States may think necessary and proper, in addition to the sums herein before stipulated to be paid them; that is to say; Bands of the Sioux mentioned in the third article, one Blacksmith at the expense of the United States, and the necessary tools; also instruments for agricultural purposes, and iron and steel to the amount of seven hundred dollars;—To the Yancton and Santie Bands of Sioux, one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of four hundred dollars; To the Omahas one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars; — To the loways an assistant Blacksmith at the expense of the United States, also instruments for agricultural purposes to the amount of six hundred dollars; To the Ottoes and Missouriias one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars; and to the Sacs of the Missouri River, one Blacksmith at the expense of the United States and the necessary tools; also instruments for agricultural purposes to the amount of two hundred dollars.

Article V. And the United States further agree to set apart three thousand dollars annually for ten successive years, to be applied in the discretion of the President of the United States, to the education of the children of the said Tribes and Bands, parties hereto.

Article VI. The Yanckton and Santie Bands of the Sioux not being fully represented, it is agreed, that if they shall sign this Treaty, they shall be considered as parties thereto, and bound by all its stipulations.

Article VII. It is agreed between the parties hereto, that the lines shall be run, and marked as soon as the President of the United States may deem it expedient.

Art. VIII. The United States agree to distribute between the Several Tribes, parties hereto, five thousand, one hundred and thirty-two dollars worth of merchan-

Prairie Du Chien Treaty 1830: continued:

dise, the receipt whereof, the said Tribes hereby acknowledge; which, together with the amounts agreed to be paid, and the allowances in the fourth and fifth articles of this Treaty, shall be considered as a full compensation for the cession and relinquishments herein made.

Article IX. The Sioux Bands in Council having earnestly solicited that they might have permission to bestow upon the half breeds of their Nation, the tract of land within the following limits, to wit: Beginning at a place called the barn, below and near the village of the Red Wing Chief, and running back fifteen miles; thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles to a point opposite Beef or O-Boeuf River; thence fifteen miles to the Grand Encampment opposite the River aforesaid; The United States agree to suffer said half Breeds to occupy said tract of country; they holding by the same title, and in the same manner that other Indian Titles are held.

Article X. The Omahas, Ioways and Ottoes, for themselves, and in behalf of the Yanckton and Santie Bands of Sioux, having earnestly requested that they might be permitted to make some provision for their half-breeds, and particularly that they might bestow upon them the tract of country within the following limits, to wit; Beginning at the mouth of the Little Ne-mohaw River, and running up the main channel of said River to a point which will be ten miles from its mouth in a direct line; from thence in a direct line, to strike the Grand Ne-mohaw ten miles above its mouth, in a direct line (the distance between the two Ne-mohaws being about twenty miles)--thence down said River to its mouth; thence up, and with the Meanders of the Missouri River to the point of beginning, it is agreed that the half-breeds of said Tribes and Bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held; but the President of the United States may hereafter assign to any of the said half-breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section of six hundred and forty acres to each individual. And this provision shall extend to the cession made by the Sioux in the preceding Article.

Article XI. The reservation of land mentioned in the preceding Article having belonged to the Ottoes, and having been exclusively ceded by them; it is agreed that the Omahas, the Ioways and the Yanckton and Santie Bands of Sioux shall pay out of their annuities to the said Ottoe Tribe, for the period of ten years, Three hundred Dollars annually of which sum the Omahas shall pay one hundred Dollars, the Ioways one hundred Dollars, and the Yanckton and Santie Bands one hundred dollars.

Article XII. It is agreed that nothing contained in the foregoing Articles shall be so construed as to affect any claim, or right in common, which has heretofore been held by any Tribes, parties to this Treaty, to any lands not embraced in the cession here-in made; but that the same shall be occupied and held by them as heretofore.

Prairie Du Chien Treaty 1830: continued:

Done, and signed, and sealed at Prairie du Chien, in the Territory of Michigan, this fifteenth day of July, in the year of our Lord one thousand eight hundred and thirty, and of the independence of the United States, the fifty-fifth.

Wm. Clark, superintendent Indian affairs,
Willoughby Morgan, colonel, First Infantry U. S. Army commissioners.

Article XIII. This Treaty, or any part thereof, shall take effect, and be obligatory upon the Contracting parties so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Sacs:

Mash-que-tai-paw, or red head,
his x mark, [L. S.]
Sheco-Calawko, or turtle shell,
his x mark, [L. S.]
Kee-o-cuck, the watchful fox,
his x mark, [L. S.]
Poi-o-tahit, one that has no
heart, his x mark, [L. S.]
Os-hays-kee, ridge, his x mark, [L. S.]
She-shee-quanince, little gourd,
his x mark [L. S.]
O-saw-wish-canoe, yellow bird,
his x mark, [L. S.]
I-onin, his x mark, [L. S.]
Am-oway, his x mark, [L. S.]
Niniwow-qua-saut, he that fears
mankind, his x mark, [L. S.]
Chaukee Manitou, the little spirit,
his x mark, [L. S.]
Moso-inn, the scalp, his x mark, [L. S.]
Wapaw-chicannuck, fish of the
white marsh, his x mark, [L. S.]
Mesico, jic, his x mark, [L. S.]

Foxes:

Wapalaw, the prince, his x mark, [L. S.]
Taweemin, strawberry,
his x mark, [L. S.]
Pasha-sakay, son of
Piemanschie, his x mark, [L. S.]

Keewausette, he who climbs
everywhere, his x mark, [L. S.]
Naw-mee, his x mark, [L. S.]
Appenioce, or the grand child,
his x mark, [L. S.]
Waytee-mins, his x mark, [L. S.]
Nawayaw-cosi, his x mark, [L. S.]
Manquo-pwam, the bear's hip,
(Morgan) his x mark, [L. S.]
Kaw-Kaw-Kee, the crow,
his x mark, [L. S.]
Mawcawtay-ee-quoiquenake,
black neck, his x mark, [L. S.]
Watu-pawnonsh, his x mark, [L. S.]
Meshaw-nuaw-peetay, the large
teeth, his x mark, [L. S.]
Cawkee-Kamack, always fish,
his x mark, [L. S.]
Mussaw-wawquott, his x mark, [L. S.]

**Sioux of the Mississippi
Medawakanton band:**

Tchataqua Manie, or little crow,
his x mark, [L. S.]
Waumunde-tunkar, the great
calumet eagle, his x mark, [L. S.]
Taco-coqui-pishnee, he that fears
nothing, his x mark, [L. S.]
Wah-coo-ta, that shoots arrows,
his x mark, [L. S.]
Pay-taw-whar, the fire owner,
his x mark, [L. S.]
Kaugh-Mohr, the floating log,
his x mark, [L. S.]
Etarz-e-pah, the bow,
his x mark, [L. S.]
Teeah-coota, one that fires
at the yellow, his x mark, [L. S.]

Prairie Du Chien Treaty 1830 continued:	Wahmedecaw-cahn-bohr,	
Sioux of the Mississippi	one that prays for the land,	
Medawakanton band continued:	his x mark,	[L. S.]
Toh-kiah-taw-kaw, he who bites	Wah-con-de-kah-har,	
the enemy, his x mark,	the one that makes	[L. S.]
Nasiumpah, or the early riser,	the lightning, his x mark,	[L. S.]
his x mark,	Mazo-manie, or the iron that	
Am-pa-ta-tah-wah, his day,		
his x mark,	Wah-pah-coota band continued:	
Wah-kee-ah-tunkar, big thunder,	walks, his x mark	[L. S.]
his x mark,	Mah-kah-ke-a-munch,	
[L. S.]	one that flies on the land,	
Tauchaw-cadoota, the red road,	his x mark.	[L. S.]
his x mark,	Mauzau-haut-amundee, the	
[L. S.]	walking bell, his x mark	[L. S.]
Tchaws-kesky, the elder,	Kah-hih, the Menominie,	
his x mark,	his x mark,	[L. S.]
[L. S.]		
Mauzau-hautau, the grey iron,	Sussiton band:	
his x mark,	Ete-tahken-bah, the sleeping	
[L. S.]	eyes, his x mark,	[L. S.]
Wazee-o-monie, the walking pine,	Ho-toh-monie, groans when he	
his x mark,	walks, his x mark,	[L. S.]
[L. S.]		
Tachaw-cooash-tay, the good road,	Omaha's:	
his x mark,	Opau-tauga, or the big elk,	
[L. S.]	his x mark,	[L. S.]
Kie-ank-kaw, the mountain,	Chonques-kaw, the white horse,	
his x mark,	his x mark,	[L. S.]
[L. S.]	Tessan, the white crow,	
Mah-peau-mansaw, iron cloud,	his x mark,	[L. S.]
his x mark,	Ishtan-mauzay, iron-eye, chief's	
[L. S.]	son, his x mark,	[L. S.]
E-taych-o-caw, half face,	Waw-shin-ga-sau-bais, black bird,	
his x mark,	his x mark,	[L. S.]
[L. S.]	Waugh-pay-shan, the one	
Anoug-genaje, one that stands	who scalps but a small part	
on both sides, his x mark,	from the crown of the head,	
[L. S.]	his x mark,	[L. S.]
Hough-appaw, the eagle head,	Au-gum-an, the chief,	
his x mark,	his x mark,	[L. S.]
[L. S.]	Age-en-gaw, the wing,	
Hooka-mooza, the iron limb,	his x mark,	[L. S.]
his x mark,	Non-bau-manie, the one that	
[L. S.]	walks double, his x mark,	[L. S.]
Hoatch-ah-cadoota, the red voice,	Way-cosh-ton, the frequent	
his x mark,	Feast giver, his x mark,	[L. S.]
[L. S.]		
Wat-chu-da, the dancer,		
his x mark,		
[L. S.]		
Wah-pah-coota band:		
Wiarh-hoh-ha, French crow,		
his x mark,		
[L. S.]		
Shans-konar, moving shadow,		
his x mark,		
[L. S.]		
Ah-pe-hatar, the grey mane,		
his x mark,		
[L. S.]		

Prairie Du Chien Treaty 1830 continued:

Omaha's continued:

Eh-que-naus-hus-kay,
the second, his x mark, [L. S.]
Iosey, (the son of Kawsay),
his x mark. [L. S.]

Ioways:

Wassau-nie, or the medicine club,
his x mark, [L. S.]
Mauhoos Kan, white cloud,
his x mark, [L. S.]
Wo-hoompee, the broth,
his x mark, [L. S.]
Tah-roh-na, a good many deer,
his x mark, [L. S.]
Wa-nau-quash-coonie,
without fear, his x mark, [L. S.]
Pah-a-manie, one who walks
on the snow, his x mark, [L. S.]
Pie-kan-ha-igne, the little star,
his x mark, [L. S.]
Niayoo Manie, walking rain,
his x mark, [L. S.]
Nautah-hoo, burnt-wood,
his x mark, [L. S.]
Pai-tansa, the white crane,
his x mark, [L. S.]

Ottoes:

I-atan, or Shaumanie-Cassan, or
prairie wolf, his x mark, [L. S.]
Mehah-hun-jee, second daughter,
his x mark, [L. S.]
Wawronesan, the encircler,
his x mark, [L. S.]
Kansa-tauga, the big Kansas,
his x mark, [L. S.]
Noe-kee-sa-kay, strikes two,
his x mark, [L. S.]
Tchai-au-grai, the shield,
his x mark, [L. S.]
Mantoigne, the little bow,
his x mark, [L. S.]
Thee-rai-tchai-nehgrai, wolf-tail
at the heel, his x mark, [L. S.]

Oh-haw-kee-wano, that runs
on the hills, his x mark, [L. S.]
Rai-grai-a, speckled turtle,
his x mark, [L. S.]
Tchai-wah-tchee-ray, going by,
his x mark, [L. S.]
Krai-taunica, the hawk,

Ottoes continued.

his x mark, [L. S.]
Mauto-a Kee-pah, that meets
the bear, his x mark, [L. S.]
Kai-wan-igne, little turtle,
his x mark. [L. S.]

Missourias:

Eh-shaw-manie, or the
one who walks laughing,
his x mark, [L. S.]
Ohaw-tchee-ke-sakay, one who
strikes the Little Osages,
his x mark, [L. S.]
Wamshe-katou-nat, the great
man, his x mark, [L. S.]
Shoug-resh-kay, the horse fly,
his x mark, [L. S.]
Tahmegrai-Soo-igne, little deer's
dung, his x mark, [L. S.]

Missouri Sacs:

Sau-kis-quoi-pee, his x mark, [L. S.]
She-she-quene, the gourd,
his x mark, [L. S.]
Nochewai-tasay, his x mark, [L. S.]
Mash-quaw-siais, his x mark, [L. S.]
Nawai-yak-oosee, his x mark, [L. S.]
Wee-tay-main, one that
goes with the rest,
his x mark, [L. S.]

The assent of the Yancton and Santie Bands of
Sioux, to the foregoing treaty is given. In testi-
mony whereof, the chiefs, braves, and principal
men of said bands have hereunto signed their
names and acknowledge the same, at St. Louis,
this 13th October, 1830.

**Yancton and Santie
Bands of Siouxs:**

**Prairie Du Chien Treaty 1830 continued:
Yancton and Santie Bands of Siouxs
continued:**

Matto-Sa-Becha, the black bear,
his x mark, [L. S.]
Pa-con-okra, his x mark, [L. S.]
Citta-eutapishma,
he who don't eat buffalo,
his x mark, [L. S.]
To-ki-e-ton, the stone with horns,
his x mark, [L. S.]
Cha-pon-ka, or mosquito,
his x mark, [L. S.]
To-ki-mar-ne, he that walks
ahead, his x mark, [L. S.]
Wock-ta-ken-dee, kills and
comes back, his x mark, [L. S.]
Ha Sazza, his x mark, [L. S.]
Chigga Wah-shu-she,
little brave, his x mark, [L. S.]
Wah-gho-num-pa,
cotton wood on
the neck, his x mark, [L. S.]
Zuyesaw, warrior, his x mark, [L. S.]
Tokun Ohomenee, revolving
stone, his x mark, [L. S.]
Eta-ga-nush-kica, mad face,
his x mark, [L. S.]
Womendee Dooter,
red war eagle, his x mark, [L. S.]
Mucpea A-har-ka, cloud elk,
his x mark, [L. S.]
To-ka-oh, wounds the enemy,
his x mark, [L. S.]
Pd-ta-sun eta womper,
white buffalo with
two faces, his x mark, [L. S.]
Cha-tun-kia, sparrow hawk,
his x mark, [L. S.]
Ke-un-chun-ko, swift flyer,
his x mark, [L. S.]
Ti-ha-uhar, he that carries his
horn, his x mark, [L. S.]
Sin-ta-nomper, two tails,
his x mark, [L. S.]

Wo-con Cashtaka, the whipt
spirit, his x mark, [L. S.]
Ta Shena Pater, fiery blanket,
his x mark, [L. S.]

In presence of—

Jno. Ruland,
secretary to the commission.
Jon. L. Bean, special agent,
Law Taliaferro, Indian agent at St. Pe-
ters,
R. B. Mason, captain, First Infantry,
G. Loomis, captain, First Infantry,
James Peterson, lieutenant
and adjutant,
H. B. M., Thirty-third Regiment,
N. S. Harris, lieutenant and adjutant,
regiment U. S. Infantry,
Henry Bainbridge, lieutenant,
U. S. Army,
John Gale, surgeon, U. S. Army,
J. Archer, lieutenant, U. S. Army,
J. Dougherty, Indian agent,
Thos. A. Davies, lieutenant, infantry,
Wm. S. Williamson, sub-Indian agent,
And. S. Hughes, sub-Indian agent,
A. G. Baldwin, lieutenant,
Third Infantry,
David D. Mitchell,
H. L. Donsman,
Wynkoop Warner,
Geo. Davenport,
Wm. Hempstead,
Benjamin Mills,
Wm. H. Warfield, lieutenant,
Third Infantry,
Sam. R. Throokmoor,
John Connelly,
Amos Farror,
Antoine Le Claire, interpreter of Sacs
and Foxes,
Stephen Julian,
United States interpreter,
Jacques Mette, interpreter,
Michel Berda, his x mark,

Mohow interpreter,
S. Campbell, United States interpreter.

Witnesses to the signatures of the Yancton and Santie bands of Sioux, at Fort Tecumseh, Upper Missouri, on the fourth day of September, 1830:

Wm. Gordon,

Prairie Du Chien Treaty 1830 continued:

James Archdale Hamilton,

David D. Mitchell,

Wm. Saidlau,

Jacob Halsey.

Witnesses present at the signing and acknowledgment of the Yancton and Santie Deputations:

Jno. Ruland,

secretary to Commissioners.

Jon. L. Bean, sub-Indian agent
for Upper Missouri,

Felix F. Wain, Indian agent
for Sacs and Foxes,

John F. A. Sanford,
United States Indian agent.

William C. Heyward,
U. S. Army,

D. J. Royster,
U. S. Infantry,

Samuel Kinney,
U. S. Army,

Merewether Lewis Clark,
Sixth Regiment

Infantry,
Jacques Mette.

Prairie Du Chien Treaty

with the Sauk and Foxes, etc., Discussion, 1830

President Andrew Jackson, Democrat/Republican, Slave owner

The Treaty of 1830, better known as the Prairie du Chien (Prairie Dog) Treaty is the first of what was to become a typical approach to treaties with Native Americans. Instead of dealing with individual tribes, the U. S. government started lumping tribes together, treating them all the same no matter what their relationship had been formerly.

"Bands or Tribes of Sioux;" suddenly the words gained capitalization not only in the preamble but also within the text. The Umoⁿhoⁿ were dumped in with all the other Siouan Tribes. In less than thirty years the end of hunting as a way of life is acknowledged by the native peoples as well as the Euro-Americans. Such a small statement to cover the removal of millions of animals from the earth, wiping out vast colonies of animal life — some forever. This treaty is based upon having effectively removed the Native American food sources. It was necessary for the United States to eliminate hunting as a lifestyle in order to gain ownership of the land that was used to sustain such an existence. A stationery people do not need large amounts of land and can ultimately be reduced to small plots allotted to each family.

This is the first treaty in which the Umoⁿhoⁿ were not treated as an entity on its own but simply dumped together with an assorted group of Nations. This in itself shows the disrespect the United States government truly holds towards them. Again. Some of these tribes went to war against the U. S., the Umoⁿhoⁿ, follow-

ing their Progressive Peace, never did but no distinction was made between the two positions. Had the U. S. rewarded those who did not war against them, they might have had less trouble convincing Tribes to cooperate with them.

Article I. "The said Tribes cede and relinquish to the United States forever all their right and title to the lands lying within the following boundaries, to wit:" the western half of Iowa. It gives the President of the United States the right to determine which tribe is allowed to live where within this jurisdiction. The key phrase is "assigned and allotted" which is a forerunner to the concept of allotment that will come into play for the Umoⁿhoⁿ before the rest of Indian Country. It also gives the President leave to locate other tribes to this territory. It is acknowledged that this turf will be used for hunting and other purposes as the U. S. government decrees.

Articles II and III. These two articles define a 20 mile wide strip each creating a 40 mile strip as a neutral boundary placed between the Medawah-Kanton, Wah-pa-coota, Wahpeton and Sisseton Bands of the Sioux to the north and the Sac and Foxes to the south to stop the constant battles between the two Tribes.

Article IV. Lists the payments to each of the tribes as payment for the above. The Umoⁿhoⁿ share, in cash, comes to an annual payment of two thousand five hundred dollars for a ten-year period; in addition the Umoⁿhoⁿ will receive, in kind, annually for a ten-year period, one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars. The total value would be \$30,000, with \$25,000 in cash and \$5,000 in kind.

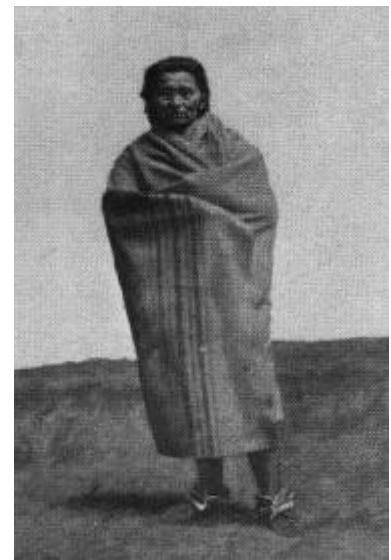
Article V. Adds on another \$3,000 to each of the involved tribes annually for ten years for a total of \$30,000 strictly for the education of the children of those tribes.

Article VI. Notes that even though the Yanckton and Santie Bands of the Sioux are not fully represented that the signatures by those present will be considered binding.

Article VII. States that lines determining the boundaries will be run as soon as the United States deem it expedient.

Article VIII. In addition to the above, each of the native tribes will receive five thousand, one hundred and thirty-two dollars worth of merchandise up front as a good faith gesture to bind the treaty.

Article IX. The Sioux Tribes request a 15 mile by 32 mile tract of land to be reserved for the use of their mixed-blood tribal members. This is considered a "reservation." The U. S. "agree to suffer said half-



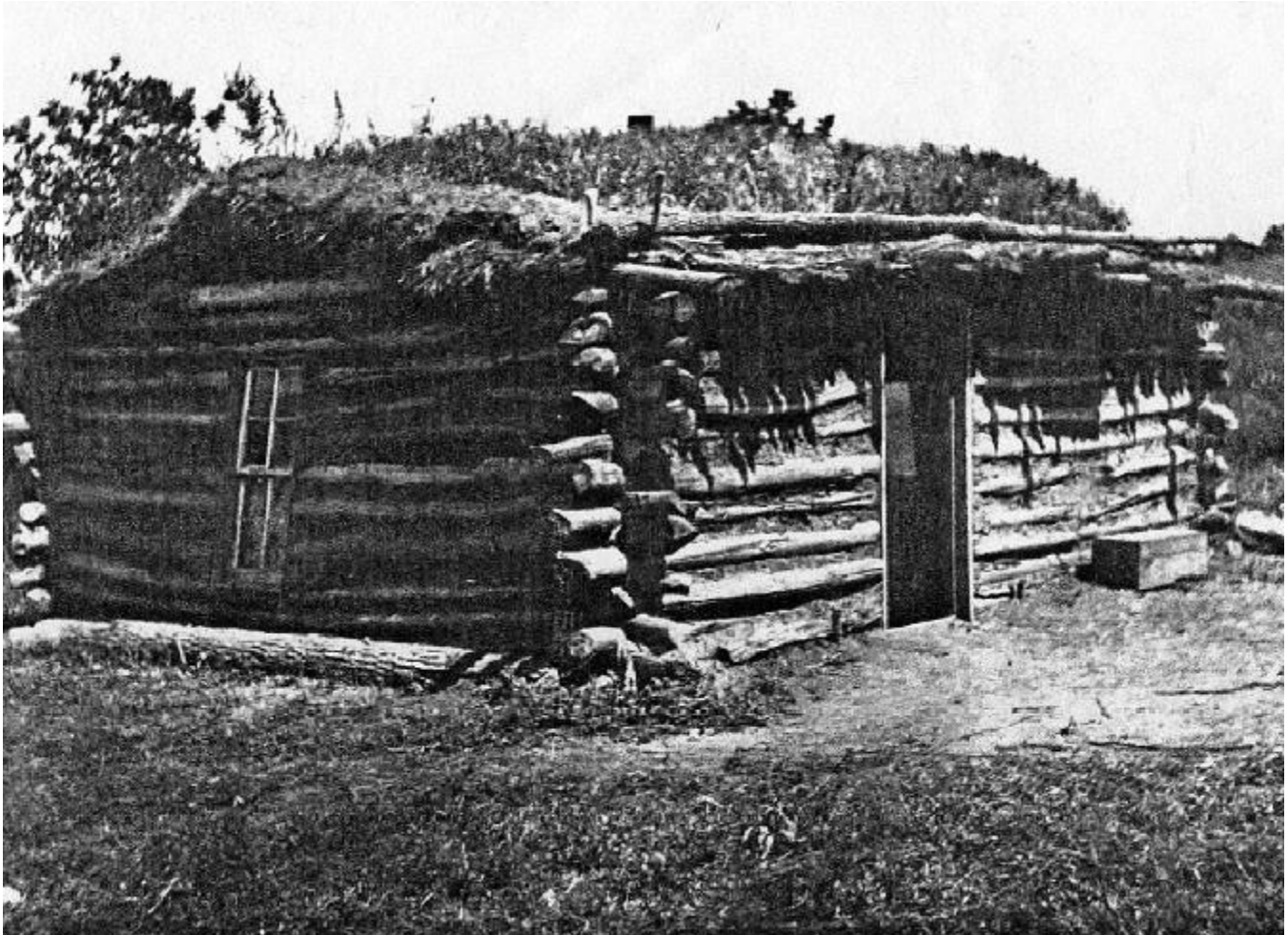
Language of the Robe:
Old Man Walking
La Flesche/Fletcher, **Ibid.**,
Plate 52 d

Breeds to occupy said tract of country; they holding by the same title, and in the same manner that other Indian Titles are held." **OTHRP Note:** The use of the word "suffer" is an archaic use of the word meaning "to allow."

Article X. This article sets up a similar reservation for the mixed-bloods of the Umoⁿhoⁿ, Ioway and Ottoe. However this article goes on to give the President of the United States the authority to assign to any of the said mixed-bloods the right to hold land in fee simple as long as it is not more than 640 acres per individual. It then goes on to extend this provision to the ninth article as well. This is also a way of introducing the concept of allotment into the Native mind set.

The Half-Breed Tracks along the Little Nemaha River are located in Nebraska. This was negotiated by the mixed-bloods for the purpose of isolating themselves from the tribe and moving into white acceptance. This shows the increasing split between the full-bloods and the mixed bloods of the tribe.

Article XI. Recognizing that the reservation of land for the mixed-blood tracts originally belonged to the Ottoe, even though they have formally ceded it, it is agreed that the Umoⁿhoⁿ, the Ioway and the Yanckton and Santie Bands of Sioux shall pay out of their annuities to the said Ottoe Tribe, for the period of



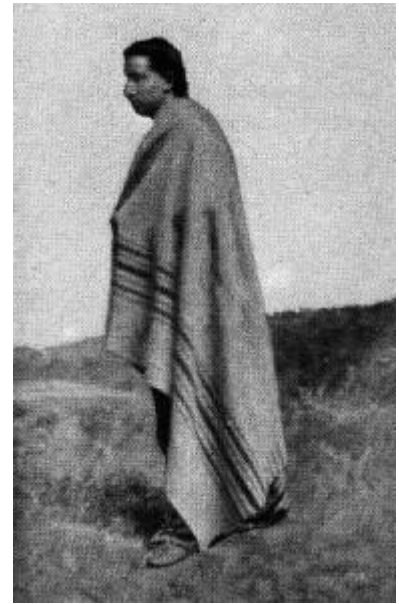
Old house, Hastings place OTHRP Archives

ten years, Three hundred Dollars annually of which sum the Umoⁿhoⁿ shall pay one hundred Dollars, the loway one hundred Dollars, and the Yanckton and Santie Bands one hundred dollars. This is a total of \$3,000 which will be paid at a rate of \$100 per year for ten years by the three tribes named.

Article XII. This article states that the Treaty will go into effect as soon as it is ratified by the President of the United States, with the advise and consent of the Senate.

It would appear that the United States did not deem it necessary to have full Tribal representation in order to have a treaty binding. In the case of the Yankton Sioux and Santee Sioux nations it is fully noted that it is to be considered binding in spite of the fact they are not fully represented.

In spite of the formalities, the U. S. was careless as to who represented the Nations with whom it was negotiating. This, of course, follows in the time honored tradition of paying the wrong Nation for land taken and ignoring the claims of the rightful Nation owners all of which went on far too long between Euro-Americans and the Native American Nations. Now it has been refined down to treaties that are binding even if the nation in question does not have a full representation of those it considers necessary for making such agreements.



Language of the Robe: Hesitation
La Flesche/Fletcher, **Ibid.**,
Plate 52 a

Half-Breed Tract Treaty with the Oto and Missouri, History, 1833 President Andrew Jackson, Democrat, Slave owner

It is only two years after the Nat Turner rebellion. Turner was a black slave in Virginia who led a local slave rebellion starting August 21, 1831 in which 57 whites were killed. Troops were called in and 100 slaves were killed. Turner was captured, tried and hanged on November 11th of that same year.

In 1832 Dr. Johnston Lykins reported in February that John Dougherty believed that more than 4,000 Pawnee, Otoe, Umoⁿhoⁿ, and Ponca had died of smallpox.

In the same year, in Worcester v. Georgia, 31 U.S. (6 Pet.) 515 (1832), was a case in which the United States Supreme Court held that Cherokee Native Americans were entitled to federal protection from the actions of state governments which would infringe on the nation's sovereignty.

It is considered one of the most influential decisions in law dealing with Native Americans. Chief Justice John Marshall wrote, in the majority opinion that Native

American nations "had always been considered as distinct, independent political communities, retaining their original natural rights." He also applied a generally accepted rule of international law which states that:

. . .A weaker power does not surrender its independence — its rights to self government — by associating with a stronger, and taking its protection; Further: The Constitution, by declaring treaties, . . .to be the supreme law of the land, . . . Admits their [the Native American nations] rank among those powers who are capable of making treaties. We have applied treaty and nation. . .to Indians as we have applied them to the other nations of the earth. They are applied to all in the same sense.

<http://en.wikipedia.org/wiki/Worcester_v._Georgia> 9-30-08

The Worcester v. Georgia case is highly significant in that it was a striking departure from the Supreme Court's earlier treatment of Native Americans claims. The majority opinion was in stark contrast to John Marshall's previous opinion in Johnson v. McIntosh, where the Court held that the United States had the right to the title of the land within its boundaries and that the Native Americans were but residents. It also differed significantly from Marshall's opinion in Cherokee Nation v. Georgia, where the Court willingly ceded its jurisdiction over matters involving native tribes.

However, the judicial outcome that was apparently favorable to the claims of the Cherokee was subsequently prevented by a hostile Congress and the equally hostile President Andrew Jackson.

It was the year that:

- ◆ British Parliament passes the Slavery Abolition Act giving all slaves in the British Empire their freedom (enacted 1834).
- ◆ The city of Chicago was created at the estuary of the Chicago river by 350 settlers.
- ◆ The slavery issue was continuing to intensify as those who were in opposition were growing stronger, the American Anti-Slavery Society was founded in Philadelphia on December 4, 1833.
- ◆ Oberlin College in Ohio, an abolitionist liberal arts school was founded in 1833, it was to become the first in the U. S. to enter Afro-American students in 1835 and adopt coeducation in 1837.





Andrew
Jackson
c.1837
Wikipedia

Half-Breed Tract Treaty with the Oto and Missouri, 1833

President Andrew Jackson, Democrat, Slave owner

Articles of agreement and convention, made at the Otoe Village on the River Platte, between Henry L. Ellsworth, Commissioner, in behalf of the United States, and the united bands of Otoes, and Missouriia, dwelling on the said Platte this 21 day of September A. D. 1833.

Article I. The said Otoes, and Missouriias, cede and relinquish to the United States, all their right and title, to the lands lying south of the following line viz. – Beginning, on the Little Nemohaw river, at the northwest corner of the land reserved by treaty at Prairie du Chien, on the 15th July in favor of certain half-breeds, of the Omahas, loways, Otoes, Yancton, and Santie bands of Sioux, and running westerly with said Little Nemo-haw, to the head branches of the same; and thence running in a due west line as far west, as said Otoes and Missouriias, have, or pretend to have any claim.

Article II. The United States agree, to continue the present annuity of twenty-five hundred dollars, granted by said treaty of Prairie de Chien, to said Otoes and Missouriia ten years from the expiration of the same viz., ten years from 15th July 1840.

Article III. The United States agree to continue for ten years from said 15th July, 1840, the annuity of five hundred dollars, granted for instruments for agricultural purposes.

Article IV. The United States agree, to allow annually five hundred dollars, for five years, for the purposes of education, which sum shall be expended under the direction of the President; and continued longer if he deems proper. The schools however, shall be kept within the limit of said tribe or nation.

Article V. The United States agree, to erect a horse-mill for grinding corn, and to provide two farmers to reside in the nation, to instruct and assist said tribe, for the term of five years, and longer if the President thinks proper.

Article VI. The United States agree to deliver to said Otoes and Missouriias, one thousand dollars value in stock, which shall be placed in the care of the agent, or farmer, until the President thinks the same can safely be intrusted to the Indians.

Article VII. It is expressly agreed and understood, that the stipulations contained in the 3d 4th 5th and 6th articles are not to be fulfilled by the United States, until the Otoes and Missouriias shall locate themselves in such convenient agricultural districts, as the President may think proper, nor shall the payments be continued, if the Otoes and Missouriias shall abandon such location as the President shall think best for their agricultural interest.

Article VIII. The Otoes and Missouriias declare their entire willingness to aban-

don the chase for the agricultural life — their desire for peace with all other tribes, and therefore agree not to make war against any tribe with whom they now are, or shall be, at peace; but should any difficulty arise between them and any other tribe, they agree to refer the matter in dispute, to some arbiter, whom the President shall appoint to adjust the same.

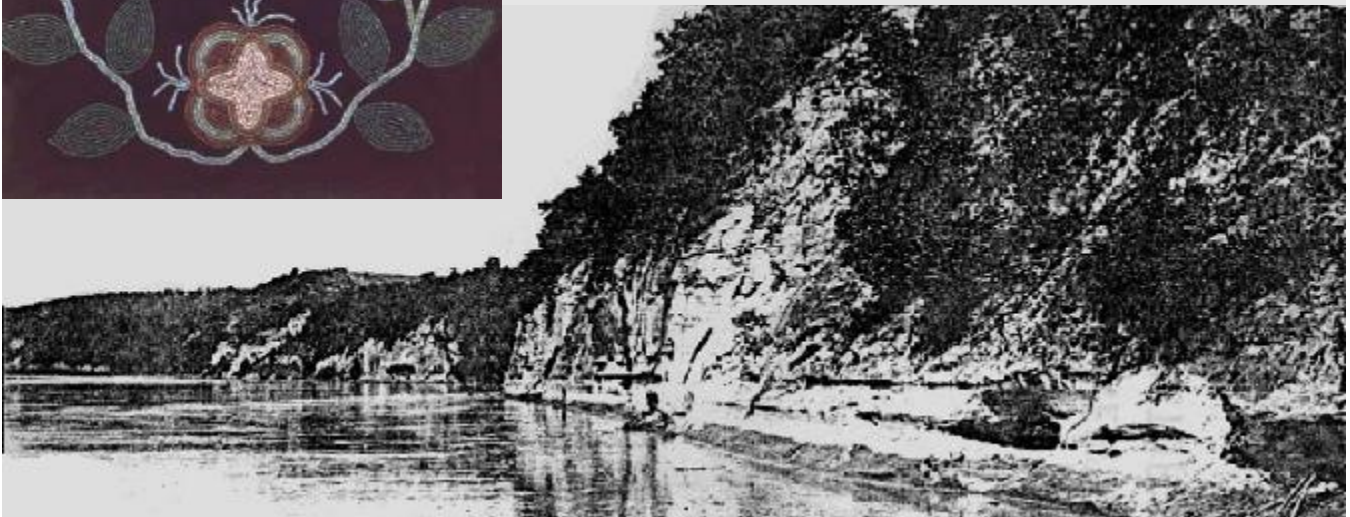
Article IX. The United States agree to deliver the said Otoes and Missouriias the value of four hundred dollars in goods and merchandise; which said Otoes and Missouriias hereby acknowledge to have received.

Henry L. Ellsworth,	[L. S.]	Wash-kah-money, his x mark,	[L. S.]
Jaton, his x mark,	[L. S.]	Cha-ah-gra, his x mark,	[L. S.]
Big Kaw, his x mark,	[L. S.]	To-he, his x mark,	[L. S.]
The Thief, his x mark,	[L. S.]	O-rah-kah-pe, his x mark,	[L. S.]
Wah-ro-ne-saw, his x mark,	[L. S.]	Wah-a-ge-hi-ru-ga-rah,	
Rah-no-way-wah-ha-rah,		his x mark,	[L. S.]
his x mark,	[L. S.]	O-ha-ah-che-gi-sug-a,	
Gra-tah-ni-kah, his x mark,	[L. S.]	his x mark,	[L. S.]
Mah-skah-gah-ha, his x mark,	[L. S.]	Ish-kah-tap-a, his x mark,	[L. S.]
Nan-cha-si-zay, his x mark,	[L. S.]	Meh-say-way, his x mark,	[L. S.]
A-Sha-bah-hoo, his x mark,	[L. S.]	In presence of —	
Kah-he-ga, his x mark,	[L. S.]	Edward A. Ellsworth,	
Wah-ne-min-nah, his x mark,	[L. S.]	secretary pro tempore,	
Cha-wa-che-ra, his x mark,	[L. S.]	Jno. Dougherty, Indian agent,	
Pa-che-ga-he, his x mark,	[L. S.]	Ward S. May, M. D.	
Wah-tcha-shing-a, his x mark,	[L. S.]	John Dunlop,	
Mon-to-ni-a, his x mark,	[L. S.]	John T. Irving, jr.	
Gra-da-nia, his x mark,	[L. S.]	J. D. Blanchard,	
Mock-shiga-tona, his x mark,	[L. S.]	Charlo Mobrien, his x mark,	
Wah-nah-sha, his x mark,	[L. S.]	Oloe, Interpreter.	



[left] Umoⁿhoⁿ beading on panel
OTHRP Archives

[below] Nishu'da Ke: Missouri River bluffs
along the reservation before the dam
was built upriver Nebraska State Historical Society



Half-Breed Tract Treaty with the Oto and Missouri, Discussion, 1833

President Andrew Jackson, Democrat/Republican, Slave owner

Note that the Treaty is being negotiated with a Commissioner, a step down in rank. Another indication that it is a minor treaty is that the Oto and Missouri are referred to as "bands," lower case.

The purpose of this particular treaty is to iron out the problems connected with the Prairie du Chien Treaty of 1830 for the Oto and Missouri. Only the first article concerns the Umo^{ho}.

Article I. The "Otoes, and Missourias, cede and relinquish to the United States, all their right and title, to the lands" that have been set aside for the Half-Breed tracts for the Umo^{ho}, the Ioway and the Yankton and Santee Bands of Sioux.

In the Prairie du Chien Treaty of 1830 this tract of land is acknowledged as Oto land and payment is given to them for it. It is fairly obvious that the Missouri also lay claim to this area. While the U. S. is acknowledging the problem and solving it with an additional treaty, they sarcastically describe this claim with the following phrase "as said Otoes and Missourias, **have, or pretend to have any claim.**" [**Bold** added by OTHRP for emphasis] Obviously, this escaped the Oto and Missouri understanding of English. Any independent lawyer would have objected to it as unnecessary coloring. However, by raising a ruckus over the problem, it gave both the Oto and Missouri ten extra years of cash payments and in kind payments of agricultural implements. It was an additional value of \$30,000 beyond the Prairie du Chien Treaty. It also shows that the U. S. had come up with a policy of solving the land questions with money for a long term solution. Again, it was not cooperation that was rewarded but the refusal to cooperate that received the extra.

Article II. The United States agreed to extend the payments to the Oto and Missouri from the original ten years to include a second ten year period, starting from the 15th July, 1840.

Article III. The United States agreed to continue for ten years from the 15th of July, 1840, the annuity of five hundred dollars, granted for instruments for agricultural purposes.

The United States is not a friendly partner to this treaty is further marked by article six where the stock is put in the care of the agent or farmer rather than the Indians "until the President thinks the same can safely be intrusted[sic] to the Indians." This could have been a serious concern since most of the Plains Indians were starving and cattle to begin a herd stood a serious chance of being slaughtered by hungry people. At this time, the U. S. was not concerned with starvation just as it ignored the disease. After all, dead Indians didn't push land claims.

Conditions that are tied to when one side thinks it should happen does not set a reasonable timetable. Thought processes cannot be quantified and the other side is left guessing as to when such action might take place, if ever.

Article VII. expounds the subject further. "It is expressly agreed and understood, that the stipulations contained in the 3d 4th 5th and 6th articles are not to be fulfilled by the United States, until the Otoes and Missouriias shall locate themselves in such convenient agricultural districts, as the President may think proper, nor shall the payments be continued, if the Otoes and Missouriias shall abandon such location as the President shall think best for their agricultural interest."

The United States was very firm as to the behavior they expected from the Oto and Missouriia asking that they:

"declare their entire willingness to abandon the chase for the agricultural life — their desire for peace with all other tribes, and therefore agree not to make war against any tribe with whom they now are, or shall be, at peace; but should any difficulty arise between them and any other tribe, they agree to refer the matter in dispute, to some arbiter, whom the President shall appoint to adjust the same."

Platte Purchase Treaty with the Oto, etc., History, 1836 President Andrew Jackson, Democrat, Slave owner

- ◆ Texans were besieged at Alamo in San Antonio by Mexicans under Santa Anna, from February 23 to March 6; ultimately the entire garrison was killed. Texas independence was declared March 2. In April at San Jacinto, Sam Houston leading a force of Texans defeated Santa Anna and his army of Mexicans.
- ◆ On February 25th, Samuel Colt receives an American patent for the Colt revolver, the first revolving barrel multi-shot firearm.
- ◆ June 15th, Arkansas was the 25th state admitted into the United States of America.
- ◆ The first Canadian railroad opens, between Laprairie and St. John, Quebec.
- ◆ Marcus Whitman, H. H. Spaulding, and wives



Home at a tipi
Giffen & Tibbles, **Ibid.**, p. 11

reached Fort Walla Walla on Columbia River, Oregon. Eliza Hart Spalding and Narcissa Whitman were the first white women to cross the Great Plains.

- ◆ Texas abolishes slavery.
- ◆ After 5 years, Darwin returned to England aboard the HMS Beagle with biological data he will later use to develop his theory of evolution.
- ◆ The Whig Party holds its first national convention, in Harrisburg, PA.
- ◆ In the U.S. presidential election: Martin Van Buren defeats William Henry Harrison.
- ◆ George Catlin ends his six year tour of 50 tribes in the *Dakota* Territory.
- ◆ Spain recognizes independence of Mexico.

Trade had been established in Indian Country, steamboats had taken over the Missouri starting in 1831 with the "Yellowstone" being the first one to make it past Council Bluff. Now they were in their heyday which would last throughout most of this century. There was a regular stop for the steamboats at the Umoⁿhoⁿ Nation. It was known as Blackbird Bend and was upriver from where the "Blackbird Bend" of the 1990s legal fight was located. The Blackbird Bend legal fight gave the tribe back the land taken from them illegally when the Army Corps of Engineers changed the course of the Missouri River, This gave the Umoⁿhoⁿ Tribe the opportunity to build their gaming industry starting with Casino Omaha.

The steamboats had to be brave enough to venture up the Missouri, which was known for its ever-changing course, turbulent waters, sandbars and submerged trees, making passage fatal for many of the boats. However it only took one run to pay off the boat and clear a profit. Any more runs for the boat would be pure profit so it was well worth the gamble at the time.

In 1834 the Umoⁿhoⁿ moved back to Big Village. Having left it due to a smallpox epidemic, the Umoⁿhoⁿ camped on the Elkhorn River but Big Village was where they preferred to live. During this century they were to move back and forth between the Elkhorn villages and Big Village. Sometimes it was the Sac and Fox which ran them off the land and sometimes it was smallpox but they always gravitated back to the Big Village site.

The fourth treaty to involve the land was the Platte Purchase Treaty. That this was considered a minor treaty is apparent in as much as the "dignitaries" from America were simply the Indian Agent and the sub-Indian Agent.



American Flag
Giffen & Tibbles, **Ibid.**, End page

The Platte Purchase Treaty with the Oto, Etc., 1836



Andrew
Jackson
c. 1837
Wikipedia

President Andrew Jackson, Democrat, Slave owner

Articles of a convention entered into and concluded at Bellevue Upper Missouri the fifteenth day of October one thousand eight hundred and thirty-six, by and between John Dougherty. U. S. agt. for Indian Affairs and Joshua Pilcher U. S. Ind. s. agt being specially authorized therefor; and the chiefs braves head men &c of the Otoes Missouries Omahaws and Yankton and Santee bands of Sioux, duly authorized by their respective tribes.

Article 1st. Whereas it has been represented that according to the stipulations of the first article of the treaty of Prairie du Chien of the fifteenth of July eighteen hundred and thirty, the country ceded is "to be assigned and allotted under the direction of the President of the United States to the tribes now living thereon or to such other tribes as the President may locate thereon for hunting and other purposes," and whereas it is further represented to us the chiefs, braves and head men of the tribes aforesaid, that it's desirable that the lands lying between the State of Missouri and the Missouri river, and south of a line running due west from the northwest corner of said State until said line strikes the Missouri river, should be attached to and become a part of said State, and the Indian title thereto be entirely extinguished; but that notwithstanding as these lands compose a part of the country embraced by the provisions of the said first article of the treaty aforesaid, the stipulations whereof will be strictly observed, until the assent of the Indians interested is given to the proposed measure. Now we the chiefs braves and principal men of the Otoes, Missouries, Omahaws, Yankton and Santee bands of Sioux aforesaid fully understanding the subject and well satisfied from the local position of the lands in question, that they never can be made available for Indian purposes; and that an attempt to place an Indian population on them must inevitably lead to collisions with the citizens of the United States; and, further believing that the extension of the State line in the direction indicated, would have a happy effect by presenting a natural boundary between the whites and Indians and willing moreover to give the United States a renewed evidence of our attachment and friendship; do hereby for ourselves and on behalf of our respective tribes (having full power and authority to this effect) for ever cede relinquish and quit claim to the United States all our right title and interest of whatsoever nature in and to the lands lying between the State of Missouri and the Missouri river, and south of a line running due west from the northwest corner of the State to the Missouri river, as herein before mentioned, and freely and fully exonerate the United States from any guarantee condition or limitation expressed or implied under the treaty of Prairie du Chien aforesaid or otherwise, as to the entire and absolute disposition of said lands, fully authorizing the United States to do with the same whatever shall seem expedient or necessary.

The Platte Purchase Treaty, 1836 continued:

Art. 2d. As a proof of the continued friendship and liberality of the United States towards the said Otoes Missouries Omahaws and Yankton and Santee bands of Sioux, and as an evidence of the sense entertained for the good will manifested by the said tribes to the citizens and Government of the United States as evinced in the preceding cession and relinquishment; and as some compensation for the great sacrifice made by the several deputations at this particular season, by abandoning their fall hunts and traveling several hundred miles to attend this convention the undersigned John Dougherty and Joshua Pilcher agrees on behalf of the United States to pay as a present to the tribes herein before named the sum of four thousand five hundred and twenty dollars in merchandise, the receipt of which they hereby acknowledge having been distributed among them in the proportions of each following. To the Otoes twelve hundred and fifty dollars, to the Missouries one thousand dollars to the Omahaws twelve hundred and seventy dolls. to the Yankton and Santee bands of Sioux one thousand dollars.

Art. 3d. In consequence of the removal of the Otoes and Missouries from their former situation on the river Platte to the place selected for them, and of their having to build new habitations last spring at the time which should have been occupied in attending to their crops, it appears that they have failed to such a degree as to make it *certain* that they will lack the means of subsisting next spring, when it will be necessary for them to commence cultivating the lands now preparing for their use. It is therefore agreed that the said Otoes, and Missouries (in addition to the presents herein before mentioned) shall be furnished at the expense of the United States with five hundred bushels of corn to be delivered at their village in the month of April next. And the same causes operating upon the Omahaws, they having also abandoned their former situation, and established at the place recommended to them on the Missouri river, and finding it difficult without the aid of ploughs to cultivate land near their village where they would be secure from their enemies, it is agreed as a farther proof of the liberality of the Government and its disposition to advance such tribes in the cultivation of the soil as may manifest a disposition to rely on it for the future means of subsistence: that they shall have one hundred acres of ground broke up and put under a fence near their village, so soon as it can be done after the ratification of this convention.

Art. 5. This convention shall be obligatory on the tribes parties ratified, hereto, from and after the date hereof, and on the United States from and after its ratification by the Government thereof.

Otoes:		Shaking Handle, his x mark,	[L. S.]
Jaton, his x mark,	[L. S.]	We-ca-ru-ton, his x mark,	[L. S.]
Big Kaw, his x mark,	[L. S.]	Wash-shon-ke-ra, his x mark,	[L. S.]
The Thief, his x mark,	[L. S.]	Standing White Bear,	
Wah-ro-ne-saw, his x mark,	[L. S.]	his x mark,	[L. S.]
Buffalo Chief, his x mark,	[L. S.]	O-rah-car-pe, his x mark,	[L. S.]

The Platte Purchase Treaty, 1836

continued:

Otoes continued

Wah-nah-shah, his x mark, [L. S.]
Wa-gre-ni-e, his x mark, [L. S.]
Mon-nah-shu-jah, his x mark, [L. S.]

Missouries:

Hah-che-ge-sug-a, his x mark, [L. S.]
Black Hawk, his x mark, [L. S.]
No Heart, his x mark, [L. S.]
Wan-ge-ge-he-ru-ga-ror,
his x mark, [L. S.]
The Arrow Fender, his x mark, [L. S.]
Wah-ne-min-er, his x mark, [L. S.]
Big Wing, his x mark, [L. S.]

Omahaws:

Big Elk, his x mark, [L. S.]
Big Eyes, his x mark, [L. S.]
Wash-kaw-mony, his x mark, [L. S.]
White horse, his x mark, [L. S.]
White Caw, his x mark, [L. S.]
Little Chief, his x mark, [L. S.]
A-haw-paw, his x mark, [L. S.]
Walking Cloud, his x mark, [L. S.]
Wah-see-an-nee, his x mark, [L. S.]
No Heart, his x mark, [L. S.]
Wab-shing-gar, his x mark, [L. S.]
Standing Elk, his x mark, [L. S.]
Ke-tah-an-nah, his x mark, [L. S.]
Mon-chu-ha, his x mark, [L. S.]
Pe-ze-nin-ga, his x mark, [L. S.]

Yankton and Santees:

Pitta-eu-ta-pishna, his x mark, [L. S.]
Wash-ka-shin-ga, his x mark, [L. S.]
Mon-to-he, his x mark, [L. S.]
Wah-kan-teau, his x mark, [L. S.]
E-ta-ze-pa, his x mark, [L. S.]
Ha-che-you-ke-kha, his x mark, [L. S.]
Wa-men-de-ah-wa-pe,
his x mark, [L. S.]
E-chunk-ca-ne, his x mark, [L. S.]
Chu-we-a-teau, his x mark, [L. S.]
Mah-pe-a-tean, his x mark, [L. S.]
Wah-mun-de-cha-ka,
his x mark, [L. S.]
Pah-ha-na-jie, his x mark, [L. S.]

Done, signed, and sealed at Bellevue,
Upper Missouri, this fifteenth day of Oc-
tober, one thousand eight hundred and
thirty-six, and of the independence of
the United States, the sixty-first.

Jno. Dougherty, Indian agent, [L. S.]
Joshua Pilcher, United States
Indian agent, [L. S.]

Witnesses:

J. Varnum Hamilton, sutler U. S.
Dragoons and acting secretary,
William Steele,
William J. Martin,
John A. Ewell,
Martin Dorion, his x mark, [L. S.]

**Platte Purchase Treaty
with the Oto, etc., Discussion, 1836
President Andrew Jackson, Democrat, Slave owner**

Article 1. deals with the lands between the state of Missouri as it was defined at the time and the Missouri River. This may simply be the lands that changed sides of the river due to the meandering of the river from year to year. The channel was not the clear cut defined channel of today created by dams upstream. It could wander across a floodplain that stretched as much as five miles across. This article is a clarification of the boundary defined in the Prairie du Chien Treaty of 1830 and exonerates the U.S. from any and all problems caused by the confusion over the land.

Article 2. Settles the amount that has been agreed upon, a total sum of four thousand five hundred and twenty dollars in merchandise, which has already been distributed to the tribes. The *Umoⁿhoⁿ* received twelve hundred and seventy dollars worth of goods.

Article 3. The Oto and the Missouri had camps upon the river in the disputed area at this time. The U. S. Government is essentially removing all Indians from the lands east of the Missouri and so they apparently removed the Indians from their encampment and transplanted them to the Platte River at the time when they would normally be laying in their seasonal planting leaving them with short supplies for the following winter. While placing the blame upon the Indians for their failure to grow crops instead of openly acknowledging the fact that the United States' removal of them was the cause, the U.S. Government places itself as a magnificent benefactor for giving them restitution for the trouble the government caused. In addition to the Platte land for the Oto and Missouri and the above payment for all three tribes, the U. S. Government agrees to furnish each tribe with five hundred bushels of corn to be delivered at their villages in the spring. The *Umoⁿhoⁿ* apparently were also forced abandoned their former situation, and were thus established at the place recommended to them on the Missouri river. It was further acknowledged that they were finding it difficult without the aid of ploughs to cultivate land near their village where they would be secure from their enemies, the United States agreed that the *Umoⁿhoⁿ* shall have 100 acres of ground broken up and put under a fence near their village.

There is no **Article 4.**

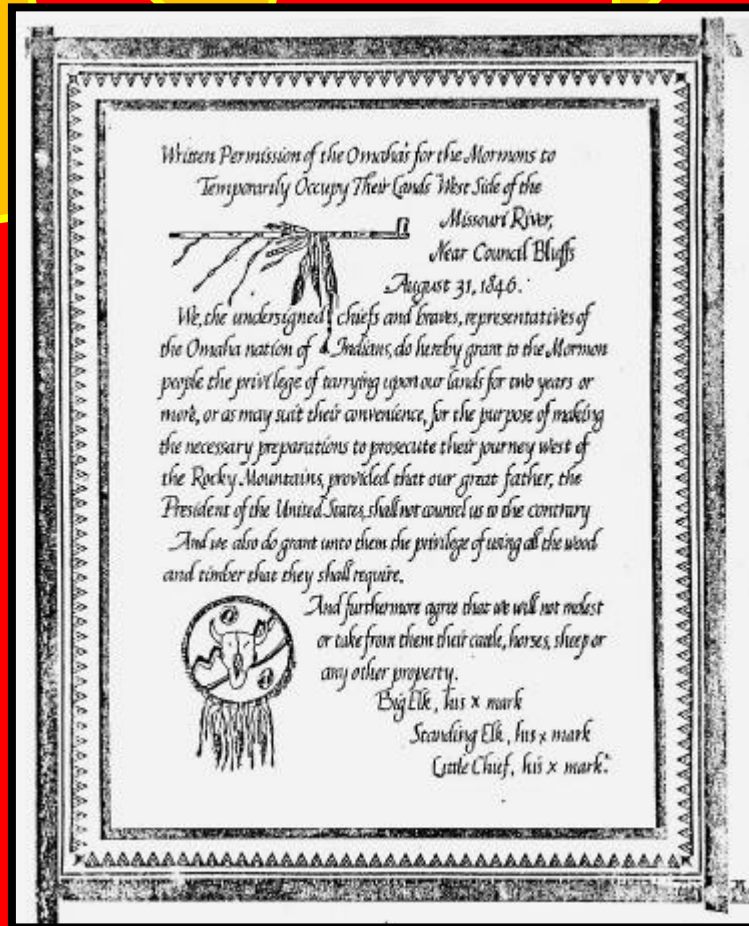
Article 5. is the standard ratification clause now included in the treaties since 1830.

Again the tone of the treaty is the most significant. While this was a standard bread and butter treaty with nothing extraordinary about it, this goes out of its way to aggrandize the U. S. Government and by comparison denigrate the Indian Nations involved. The leaders are reduced to "chiefs, braves, head men etc." with no capital letters in either the Preamble or body of the text. The Indian Nations are no longer being called that either. It is either bands or tribes and the capitalization of such was used only in the 1815 Portage Des Sioux and 1830 Prairie du Chien treaties.

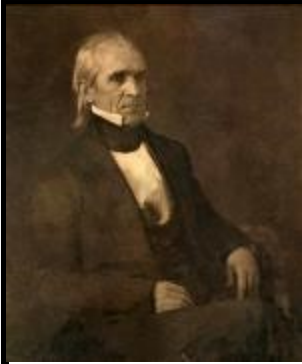
The *Umoⁿhoⁿ* left Big Village for the last time in 1844 moving to Papillion Creek just west of Bellevue Nebraska (which is south of Omaha NE), they numbered 1,300 at this time.

In 1849 the Bureau of Indian Affairs is transferred from the War Department to the newly established Department of the Interior, where it remains to this day.

The *Illegal* Mormon Treaty 1846



"Treaty" signed with the Mormons
Shumway, Ernest Widtsoe, "History of Winter Quarters, Nebraska 1846-1848"
Master of Science Thesis, Brigham Young University, June, 1953



James Knox Polk, 1849
Wikipedia

The *Illegal* Mormon Treaty, 1846

President James Knox Polk, Democrat, Slave owner

First and foremost, anyway you look at it, this "treaty" is illegal. It was against the law for anyone to make treaties with the Native Americans except the U. S. Government. There were no exceptions. By this time the Government was issuing passports in order to cross beyond the Missouri River. The contract with the *Umoⁿhoⁿ* is totally one-sided. It demands all the wood and timber that the Mormons would need — this was not a small amount. The 5,000-8,000 estimate was only a vanguard. The actual number of Mormons that

would come across was around 40,000. The damage to the fragile prairie can still be seen today.



Damage from the Mormon Trail—Iowa and Nebraska

[1] Trail ruts from the Mormon Trail in Iowa <http://www.nps.gov/history/history/online_books/mopi/images/fig12.jpg> 10-03-08

[2] "Mormons crossing the plains with Hand carts from Florence Neb. to Salt Lake. This train started from Iowa City and passed thro Council Bluffs, 1856." George Simons, sketch collection Council Bluffs Public Library Nebraska State Historical Society

[3] Trail ruts in Nebraska's Sandhills from the Mormon Trail <http://www.nps.gov/history/history/online_books/mopi/images/fig19.jpg> 10-03-08

The actual text of the *Illegal* Mormon treaty:

Written Permission of the Omaha's for the Mormons to Temporarily Occupy Their Lands West Side of the Missouri River, Near Council Bluffs August 31, 1846:

We, the undersigned chiefs and braves, representatives of the Omaha nation of Indians, do hereby grant to the Mormon people the privilege of tarrying upon our lands for two years or more, as may suit their convenience, for the purpose of making the necessary preparations to prosecute their journey west of the Rocky Mountains, provided that our great father, the President of the United States, shall not counsel us to the contrary And we also do grant unto them the privilege of using all the wood and timber that they shall require.

And furthermore agree that we will not molest or take from them their cattle, horses, sheep or any other property.

Big Elk, his X mark

Standing Elk, his X mark

Little Chief, his X mark.

Shumway, Ernest, Widsow, **Ibid.**

Brigham Young

(June 1, 1801 – August 29, 1877)

Young was born to a farming family in Whitingham, Vermont and worked as a traveling carpenter and blacksmith, among other trades. He officially joined the new church [The Church of Jesus Christ of Latter-day Saints (LDS Church)] in 1832 and traveled to Upper Canada as a missionary. After his first wife died in 1832, Young joined many Mormons in establishing a community in Kirtland, Ohio.



Brigham Young
wikipedia

He was ordained an apostle and joined the Quorum of the Twelve Apostles as one of its inaugural members on February 14, 1835. During the anti-Mormon persecutions in Missouri in the late 1830s, Young suffered the loss of all his property. In 1840 and 1841, he went to England as a missionary; many of those Young converted moved to the United States to join Mormon communities. In the 1840s Young was among those who established the city of Nauvoo, Illinois on the Mississippi River. It became the headquarters of the church and was comparable in size to the city of Chicago at the time.

As colonizer and founder of Salt Lake City, Young was appointed the territory's first governor and superintendent of Indian affairs by President Millard Fillmore.

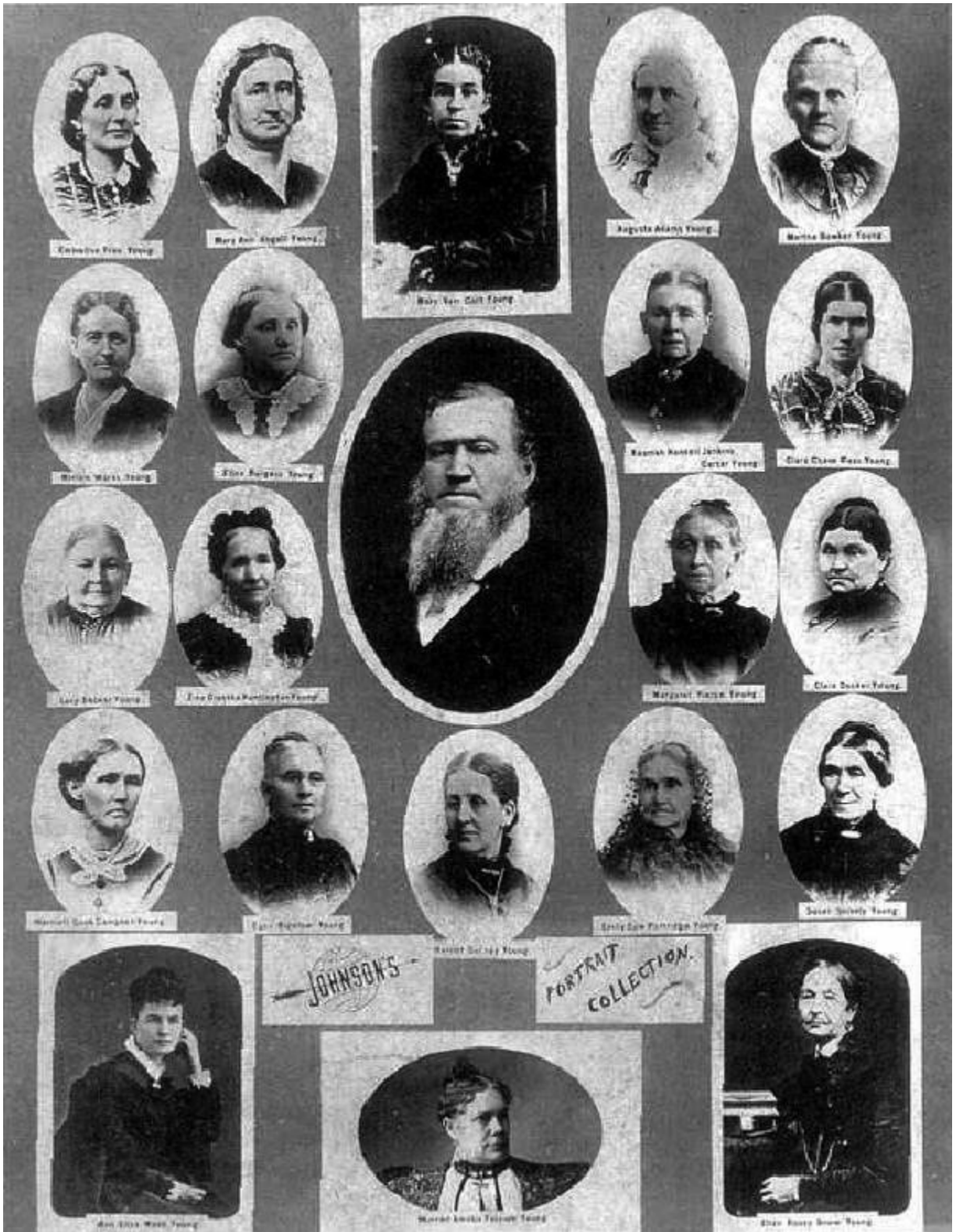
Brigham Young was responsible for revoking the priesthood and temple blessings from black members of the LDS faith, who had been treated equally in this respect under Joseph Smith's presidency. After settling in Utah in 1848, Brigham Young announced a priesthood ban which prohibited all men of black African descent from holding the priesthood. In connection, Mormons of African descent could not participate in Mormon temple rites such as the Endowment or sealing. These racial restrictions remained in place until 1978, when the policy was rescinded by President of the Church Spencer W. Kimball.

Young was perhaps the most famous polygamist of the early American church, marrying a total of 55 wives, 54 of them after becoming a Latter Day Saint. He stated that upon being taught about plural marriage, "It was the first time in my life that I desired the grave." By the time of his death, Young had 57 children by 16 of his wives; 46 of his children reached adulthood.

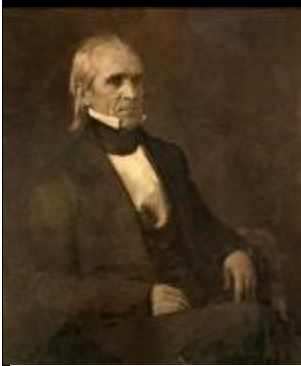
This section consists of selected excerpts from the Wikipedia site <http://en.wikipedia.org/wiki/Brigham_Young> 10-3-08



Brigham Young at
about the age he was
when he was in
Nebraska
wikipedia



Brigham Young with pictures of 21 of his 55 wives. Permission from the first wife was sought and approval from the appropriate leader was required to practice plural marriage. Many had only one or two wives; it was unusual to have more than four. The Manifesto of 1890 officially ended the Church practice of plural marriages. 1901, Johnson Co. <http://www.lightplanet.com/mormons/people/brigham_young.html> 10-03-08



James Knox
Polk, 1849
Wikipedia

The *Illegal* Mormon Treaty, 1846

President James Knox Polk, Democrat, Slave owner

First and foremost, anyway you look at it, this "treaty" is illegal. It was against the law for anyone to make treaties with the Native Americans except the U. S. Government. There were no exceptions. This law was passed during Millard Fillmore's term as President. By 1846 the Government was issuing passports in order to cross beyond the Missouri River. The contract with the *Umoⁿhoⁿ* is totally one-sided. It demands all the wood and timber that the Mormons would need — this was not a small amount. The 5,000-8,000 estimate was only a vanguard. The actual number of Mormons that would come across was around 40,000. The damage to the fragile prairie can still be seen today.

The Mormon Situation

Brigham Young had to have known that he was not to make treaties with the Indians. Rules had been laid down for pioneer behavior. The Oregon Trail was established along the Platte River. Easy to ford, ample water and game, wide flat valley going basically in a direct route to where everyone was headed AND it had the U. S. Government guarding it so the pioneer would be reasonably safe from Native Americans.

But Young and his religious cult were on the run. They wanted nothing to do with either the Government or their fellow Americans. Their religion and life-style had encountered violent disagreement with the average Christian. "Multiple wives" was the biggest complaint, religious views took second place but were just as adamantly opposed. The Mormons were generally not acceptable to the U. S. Government because they were steadily growing into an increasing problem, a chronic source of disturbance and violence with their neighbors where ever they were located.

So Young and his "Saints" were on the run from persecution that stemmed from the founding of their religion in which Joseph Smith, the founder, found "tablets of gold" that he "received from the "Angel Moroni" in 1827 in an Indian mound in the mountains near Palmyra, New York. This was during the period when the Indian Mounds were being destroyed by curious amateur archeologists. The tablets that Smith "rendered into English by divine inspiration" relates a history of three civilizations in the Americas from approximately 2,700 BC through 420 AD, written by their prophets and followers of Jesus Christ.

This was the finding of the "Biblical Book of Mormon" whose validity was under hot dispute, especially since apparently no one but Smith ever saw the original tablets.



Joseph Smith, Jr.
wikipedia

The death of Joseph Smith, Jr. on 27 June 1844 marked a turning point for the Latter Day Saint movement, of which Smith was the founder and leader. When he was killed by a mob, Smith was serving as the mayor of Nauvoo, Illinois, and running for President of the United States. He was murdered while imprisoned in a jail in Carthage, Illinois, on charges relating to his order to destroy the Nauvoo Expositor, a newspaper whose first and only edition was highly critical of Smith and had also alleged that Smith had been practicing plural marriage and that he intended to set himself up as a theocratic king. While Smith was in jail awaiting trial, an armed mob of men with painted faces stormed the jail and killed his brother Hyrum and him. Latter Day Saints view Joseph and Hyrum as martyrs. <http://en.wikipedia.org/wiki/Death_of_Joseph_Smith,_Jr.> 10-3-08.

Go West to the Indians

Before his death, Smith had a vision that told him the Mormons should move west with the Native Americans and there they would find the kingdom of Zion. With Brigham Young in charge, the Mormons ran west to the Native Americans for help.

Suggesting that they were a small group of five to eight thousand that had to winter on the prairie, they offered to help the Umoⁿhoⁿ in return for timber, a bit of game and pasture along with a place where they and their families could stay for just a few months. In turn, they were appalled by the lifestyle and condition of a people who had just been ravished by smallpox yet again, and were literally starving to death. The Mormons were shocked by the brutality of the Sioux attacks against the Umoⁿhoⁿ. Life on the frontier was a rough lesson, especially if one is on the run. They offered to protect the Umoⁿhoⁿ and to help with the food. But the lack of understanding was no safeguard and problems and misunderstandings erupted in all directions.

Culture Clash

Ernest Widtsoe Shumway, a Masters candidate at Brigham Young University in 1953 wrote:

Situated as they were in Indian country, the Mormons were faced with a considerable problem. Omahas, Sioux, and Iowas by the hundreds scavenged the countryside in pursuit of game and enemies. A war might have been easily provoked if the Saints had been a little less disposed to friendship. But President Young went to great lengths to instruct



Mormon wagon train fording the South Platte River near Fremont's Spring, close to the present town of Hershey, Nebraska, Lincoln County.

Carte-de-visite by Charles R. Savidge, August 1866 <<http://www.nebraska-history.org/images/lib-arch/research/treasures/103302.jpg>> 10-03-08

the people in just and proper treatment toward the red-man. He no doubt formulated his Indian policy here which he so successfully effected later in Utah. "It is cheaper to feed the Indians than to fight them."

Great efforts were made to cultivate a spirit of friendship with the Omahas, as they were the tribe nearest to Winter Quarters. Due to the ravages of the smallpox and the warlike Sioux, the Omahas were now a wretched remnant of a once powerful tribe. Their band was made up of little more than a hundred families, and these were so poor and ill-fed that they resembled a tribe of consumptives. Buffalo and other game had resorted to other ranges, and the trifling annuities from the United States left the Omahas in a pitiful state. They had planted some corn in awkward Indian fashion but through fear of ambush dared not venture out to harvest it. Thus, they were reduced to spoliation[sic] of their neighbors: the prairie field mice and the Mormons. The field mice provided small underground cellars filled with the nutritious little beans of the wood pea vine, which the Indians would search out and rob for the sake of his stomach.

Shumway, **Ibid.**, p. 43-44.

"Scavenged the countryside in pursuit of game and enemies" is an odd way to put it. The Umoⁿhoⁿ were living a semi-nomadic life style that included harvesting game and agriculture. The terms of Native American warfare were not necessarily as neatly defined as it was within the description as well. The Umoⁿhoⁿ did not seek warfare, they practiced Progressive Peace, but they were constantly under attack during this survival period. If a raid on one's village was not answered with a raid back to regain those who were stolen then the village was regarded as having no defense and would have been open to constant pillaging instead of the sporadic raids to test their strength.

"Planted some corn in awkward Indian fashion," is another condemnation of Indian lifestyle. Their so-called awkward manner of planting corn fed a nation for centuries and did not create dust storms that reached across a continent.

Mouse bean soup was a regular delicacy in Umoⁿhoⁿ cooking. Field mice bury far more seeds than they actually eat so it was not a great loss for them. Since it is a small clutch of assorted seeds and legumes, the resulting mixed bean soup must have been tasty and different each time since the assortment of seeds would change due to both seasons and mouse preferences. It was a pre-packaged soup mix in assorted flavors.

It is curious that such sympathy is expressed for a very destructive rodent in all cultures, while the Mormons came into Umoⁿhoⁿ lands and used up their food and timbers to an amazing amount, but that was okay. Somewhat of a double standard working here in which the "bad" Native American is condemned for eating his own food that Mormons are eating as well and a mouse is victimized.



Mormons face the Western Frontier

Like much of American Indian history, a relationship with the Umoⁿhoⁿ was not seen the same way by both sides — the Mormons were no exception. Robert A. Trennert, Jr. in his Nebraska State Historical Society article, "The Mormons and the Office of Indian Affairs: The Conflict Over Winter Quarters, 1846-1848" describes the situation Young was facing on the west side of the river:

At the time of the Mormon exodus, the federal government was attempting to protect the tribes living in the Missouri Valley from the degrading effects of American expansion, which was just then assuming major significance on the plains. These so-called border tribes inhabited both sides of the Missouri River and were in a delicate position, being located between the expanding settlements to the east and the powerful Plains Indians to the west. On the east bank of the Missouri River near Council Bluffs in western Iowa Territory, resided such tribes as the Potawatomi, Ottawa, and Chipewa, who had been moved there from Michigan and Illinois in 1837. West of the river, in unorganized country, lived the Oto, Omaha, and Missouri. For the most part these tribes were destitute and on the verge of extinction. Few in number, they were constantly being raided by the Sioux and other hostile tribes and were defrauded by unscrupulous traders and whiskey sellers.

Contemporary observers were keenly aware of the miserable condition of these tribes. Edward McKinney, a Presbyterian missionary to the Omaha and Oto, described the condition of his wards as truly deplorable: "Their entire destitution. . . leaves them almost always both naked and hungry." Even nature seemed to be working against the survival of the Indians. In 1846 nearly 10 percent of the tribesmen living on the east bank of the Missouri were reported by their agent to have died from a variety of diseases. Contact with white men just as effectively weakened the Indians. What little personal wealth the Indians possessed often went for illegal alcohol as tribesmen exchanged much of what they owned — guns, horses, blankets — for a few quarts of watered whiskey. Travel along the Oregon Trail also adversely affected these people who depended so greatly upon the buffalo for their livelihood. As the superintendent of the Office of Indian Affairs at St. Louis wrote his superiors in 1846: "The buffalo is already greatly diminished in number. . . . The emigration to the west is already keeping up an almost continual tide of travel over the plains, and all experience proves that game rapidly disappears before the fire-arms of the white man." All of these conditions, then, combined to make the situation of the border tribes precarious in the extreme. Any large scale influx of white settlers threatened their further decimation.

A number of federal laws existed for the protection of these tribes. Of major significance was the Indian Intercourse Act of June 30, 1834, which was passed in conjunction with the removal policy of the 1830's. These laws

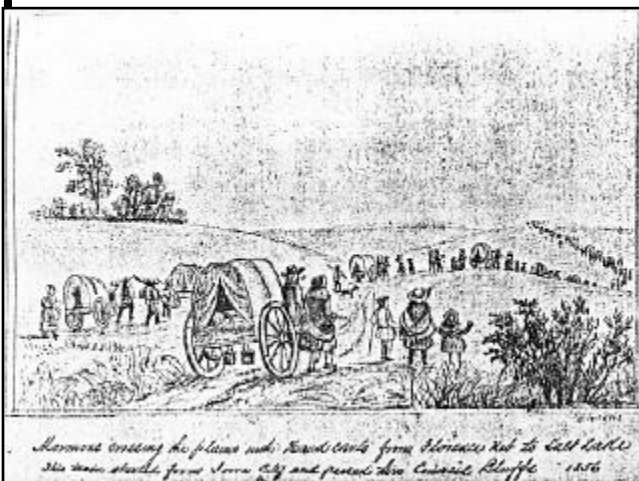
created an Indian barrier by defining the unorganized territory west of the Mississippi as "Indian Country," where whites were not permitted without passports establishing the length of their stay. The various laws were thus designed to safeguard the Indian in his new "permanent home." Penalties were set for anyone selling liquor to or defrauding the Indians; no whites were permitted to hunt or trap in the Indian country; no person could settle or inhabit any land guaranteed to the Indians; and the government pledged to forcibly remove anyone violating these laws.

The Indian barrier philosophy, however, did not provide for expansion and in the years following the passage of the intercourse laws the concept of a permanent Indian sanctuary slowly began to crumble under pressure of the white advance. During the 1840's more and more Americans travelled[sic] through Indian lands, and settlement expanded into western Iowa and Missouri. The process of settlement inevitably brought white demands that all tribes in Iowa Territory be removed. Under such pressure, the Office of Indian Affairs negotiated treaties in the summer of 1846 removing the Potawatomi, Ottawa, and the few other remaining tribes to Kansas country. But the Iowa tribes were given several years to move; in the meantime they remained under the protection of the laws of 1834. The tribes west of the Missouri, where no whites lived, were not affected by the 1846 treaties and were still considered part of the Indian barrier. Bureau officials hoped these bands might be allowed to remain on their ancestral homelands.

Robert A. Trennert, Jr., "The Mormons and the Office of Indian Affairs: The Conflict Over Winter Quarters, 1846-1848," **Nebraska History**, Volume 53, Number, 3, Nebraska State Historical Society, Lincoln, Fall 1972, pp. 381-383.

St. Louis' Indian Affairs Jurisdiction

Thomas H. Harvey, appointed on October 3, 1843 as superintendent of Indian Affairs at St. Louis, had the primary responsibility of assuring the survival of these Native Americans. Harvey's responsibility was the care of all the tribes between the Missouri River and the Rocky Mountains. He was well aware that white contact with the native population had disastrous effects upon Native Americans; he firmly believed in justice for his wards. To him, as long as the Native Americans were on their own land, they must be protected from the advance of Euro-Americans. He realized, however, that whites had the right of passage through



"Mormons crossing the plains with Hand carts from Florence Neb. to Salt Lake. This train started from Iowa City and passed thro Council Bluffs, 1856." This drawing was made by George Simons and is part of a collection of sketches housed in the Council Bluffs Public Library. Nebraska State Historical Society.

Native American country, but only on Government authorized roads.

Under Harvey's command were a number of agents and subagents who dealt with the individual tribes. The man most directly concerned with the Mormons was John Miller, the agent at Council Bluffs. The Council Bluffs Agency, charged with responsibility for the Umoⁿhoⁿ, Oto, Missouriia and Pawnee, lay on the west side of the Missouri about twenty miles below Council Bluffs at Bellevue. Though denounced by the Mormons as bigoted and inept, John Miller was one of the better men in the Native American service and was devoted to protecting the tribes under his care from both frontiersmen and the ineptitude of the government. Across the Missouri in Iowa, the Council Bluffs Sub-agency under Robert B. Mitchell handled the Ottawa, Chippewa, and Potawatomi until their removal to Kansas. Upon these two agencies the Mormons descended in 1846.

Nauvoo arrives in Nebraska

Robert A. Trennert, Jr. describes the mounting problems that confronted the Mormons in their flight.

The Mormons, forced to leave their homes in Nauvoo, Illinois, set out in February, 1846, for a new Zion somewhere beyond the Rocky Mountains. Considering the destitute condition of many of the emigrants, a mass exodus in any one season was manifestly impossible. By the early summer it became increasingly clear to Brigham Young and the Mormon leadership that the Saints must stop somewhere along the way so that the large group could winter and be resupplied. Being wary of other emigrants, many of whom were the hated Missourians who had previously evicted them, the Mormons had chosen to stay north of the established trails. This meant they penetrated previously unspoiled Indian lands where whites were forbidden. Such movements brought them into immediate collision with the Indian Office. Under ordinary circumstances any large body of people intending to remain in Indian country would have been resisted. The fact that the emigrants were Mormons complicated the situation even more.

Most people on the frontier, including many Indian agents, knew little of the Mormons or their purpose. There existed a general fear they would decide to remain in the area or perhaps stir up the Indians against other whites. Such fears were intensified by a prejudice against the Mormons and their contrasting culture. Those concerned with Indian affairs believed the Saints would lay waste Indian lands, cheat and bring alcohol to the red men, and cause more unrest among the tribes.



Trail ruts in Nebraska's Sandhills from the Mormon Trail
<http://www.nps.gov/history/history/online_books/mopi/images/fig19.jpg> 10-03-08

Trail ruts from
the Mormon Trail in Iowa

<http://www.nps.gov/history/history/online_books/mopi/images/fig12.jpg> 10-03-08



When the Mormon advance guard started moving into the Indian territory in June, 1846, various reports and rumors began filtering into the Indian Office. As there was little direct contact with the Saints, such tales were quick to spread. One of those who recorded some of these reports was

the Rev. John Dunbar at the Pawnee Mission on Loup Fork. In June, Dunbar wrote to his Presbyterian superiors: "Very recently a report has been circulated that they were very hostile to our government, and would excite, (and even now were exciting) the aborigines against it. Quite an excitement prevails now in the border counties on this subject, and it is said, they have killed, and committed some other depredations already, but this is considered doubtful." Other reports said the Mormons were preparing to build a fortified city on the Missouri or perhaps to help the British in the Oregon dispute.

At the end of June, Mitchell reported to Harvey that some five to eight thousand Mormons were within the limits of his subagency, but that they had already built a ferry and were preparing to cross into Umo^{ho} country. So far he saw nothing to complain about, as the Mormons were keeping clear of the Indians and expressing their intention of going at least as far as Grand Island on the Platte before settling down for the winter. He did note, however, that "they have made two farms [Garden Grove and Mt. Pisgah, Iowa] on their travel for the benefit of the poor who are coming after them and I think likely one [also] in the limits of this Sub Agency." Harvey replied that as long as the emigrants conducted themselves "with propriety" and were only in Indian country on their way west, they would not be bothered. Apparently Harvey saw no objection to the Saints wintering at Grand Island, which was about 150 miles out on the prairie at the point where the Oregon Trail joined the Platte, but he found it difficult to understand how such a large body could arrive at that desolate spot.

Some Mormons indeed hoped to go as far westward as possible. One group under George Miller and James Emmett actually reached the Presbyterian Mission on Loup Fork, which Dunbar had just abandoned. But the advance group found conditions on the prairie intolerable and finally moved north to the Niobrara in Ponca country and wintered there. It thus became increasingly clear that most of Young's followers would have to stay along the Missouri River. The question was where. If they located on the Iowa side, they might encounter opposition from the white inhabitants; if they went into Indian country, they were violating the intercourse laws.

From the Mormon point of view, the decision to move across the Missouri seemed the most desirable. Two events soon closed the matter. On June 27, Capt. James Allen arrived in camp with a message from President James K. Polk asking for five hundred Mormon volunteers to join Gen. Stephen S. Kearny and the Army of the West marching on Mexican territory now that the war had been declared. Such a request, besides providing the Saints with some desperately needed cash, gave Brigham Young a reason to claim that the loss of five hundred able-bodied men would stall the exodus. Young thus agreed to form a Mormon battalion if he received permission to winter on Omaha and Potawatomi lands. Allen agreed, though both men knew he had no authority to make such a grant. To fortify his position, Young next turned to the Indians for permission to remain. Big Elk, the aging chief of the Omaha, his son Standing Elk, a half-breed interpreter named Logan Fontenelle, and about eighty tribesmen were called to council by the Saints on August 28. Young put forth his [c]ase, intimating government approval, and asked for "the privilege of stopping on your lands this winter or untill[sic] we can get ready to go on again." In return for this privilege, the Mormons offered to construct a trading house, plant crops, and establish a school. Big Elk accepted the terms largely because the well-armed Saints offered protection from their enemies, the Sioux. The treaty, of course, was extralegal. The Mormons also negotiated a similar agreement with the Potawatomi and then sent both "treaties" to the Office of Indian Affairs and to the President with the request that they be given official permission to remain. Trennert, Jr., *Ibid.*, p. 384-387.

***Illegal* Mormon Treaty**

It was an illegal agreement with the Umoⁿhoⁿ Nation according to tribal government customs. In 1846 the Umoⁿhoⁿ Tribal Council was made up of a representative from each clan in the traditional manner. These representatives were usually chosen by the clan elders based on merit and prescribed clan rituals. All ten clans were represented. Only seven of the clans held clan pipes. These were the ones with the authority to make decisions. They were the Iⁿcaçabe, Tha'tada, Koⁿçe, Moⁿthiⁿkagaxe Teçiⁿde, Tapa' and Iⁿshtaçuⁿda. The Hoⁿga and We'zhiⁿshte had spiritual duties that took precedence over decision making. The Hoⁿga were in charge of the Sacred White Buffalo Hide and the Sacred Pole while the We'zhiⁿshte were the caretakers of the Tent of War, therefore neither of these clans voted. The Iⁿkedezhide clan role has been lost in history — most likely the consequence of smallpox or other epidemics which destroyed oral history randomly.

While Big Elk was indeed a respected leader and spokesperson for the Umoⁿhoⁿ, he was one of ten such leaders for the Umoⁿhoⁿ. It was the Euro-Americans who anointed specific "chiefs" as the leaders of the Umoⁿhoⁿ people. It was another way to not recognize the Native American structure of authority but to impose one of hierarchy on top of it and ignore the real democratic structure. Big Elk knew the paper was meaningless.

Big Elk and Standing Elk both would have been from the We'zhiⁿshte or Elk Clan; their names imply that. Little Chief is an Elk Clan Ni'kie name (a special name given for a reason) according to the La Flesche/Fletcher listings of clan names in their "Omaha Nation" **27th Annual Report to the Bureau of American Ethnology**. In all likelihood all three men were from the same clan which means they had no authority from the tribe to make agreements and their signatures on a piece of paper are totally meaningless. Not to mention that by this time all agreements were signed by the U. S. Government Agent.

40,000 Impact Prairie Ecosystem

The contract with the Umoⁿhoⁿ is totally one-sided. It demands all the wood and timber that the Mormons would need — this was not a small amount. The 5,000-8,000 estimate was only a vanguard. The actual number of Mormons that would come across was around 40,000.

The impact of so many people just crossing the land left its mark on the prairie in both Iowa and the Nebraskan Sandhills. The environmental impact that so many people and their possessions would leave on a fragile grasslands ecosystem would have ruined the land. Add to that the amount of wood and sod used to establish homes, schools, a church, a saw mill and a flour mill in their "temporary" camp would strip the neighborhood of useful timber. Then there was the wood for both heating and cooking. This is the size of a not-so-small town.

While the Mormons grew their own food — another destruction of the prairie — and raised cattle — which will eat grassland into ruin — the economic cost of doing so, to the development of the prairie for any other purpose, was severe. Game was also drastically affected as were the normal food and medicinal gathering areas. Loss of habitat and heavy population would send the game out of the area. The temporary camp cost the Umoⁿhoⁿ dearly. They were never paid for this loss.

Umoⁿhoⁿ dine on Mormon Cattle

The Mormons did not make a temporary camp in order to winter there and then move on as they said. They build permanent structures in the shape of a town — using Indian wood.

But it was soon evident that the thieving propensities of the more adventuresome Omahas were not to be deterred by a mere scrap of paper. The fat cattle in the rush bottoms were too great a temptation. All precautions were taken to prevent such depredations, for, at times, two or three oxen a day disappeared or were killed by the marauding Indians. Nevertheless, Brigham Young was of a tolerant nature in this regard. He felt that it was wrong to indulge in feelings of hostility and bloodshed towards the Indians for killing cattle, for to them the deer, the buffalo, or the fruit tree were all free for the taking. It was their mode of living to kill and eat. He added: "If the Omahas persist in robbing and stealing, after being warned not to do so, whip them." This policy was somewhat more lenient than the usual rule of killing the "worthless red-skin" for much less offense.

Further regulations to curb the Indians were adopted. The Saints, individually, were not to give them anything to eat or to be sociable with them. With this rule, the Indian's interpreter and teacher readily agreed. The people were also advised not to sell their dogs, for the Indians were buying them to get them out of camp so that they could more easily pilfer. The stockade work which had languished was stimulated, and the pioneers were encouraged to build their homes within the specified blocks. A guard of ten men was appointed to watch for and check any stealing of livestock. The group was to be mounted, and for their services they received one dollar per day. Shumway, *Ibid.*, p. 45.

Young moves in and then asks the Government

Brigham Young didn't wait for an answer from the Government for permission to proceed with his plans. At the end of August, "Winter Quarters of the High Council of the Camp of Israel" were located on Umoⁿhoⁿ lands without permission. Large groups of migrating Mormons moved across the Missouri at a point about eighteen miles above Bellevue. They began laying out a town at this spot. Other villages were constructed within the same locality, and one on Potawatomi lands on the Iowa side. They built log houses, cattle were put to graze, and a substantial quantity of timber was cut for the coming cold weather. All of this was done with Umoⁿhoⁿ timber for which the Mormons never paid.

In Washington, D.C., Commissioner of Indian Affairs William Medill looked at the Mormon request to wintering on Native American lands. Medill had little confidence in their promises to move on. His fear was that the Mormons might actually be intending to construct a permanent community on the Missouri and thus create major problems among the Native American. On September 2, 1846, Medill wrote to Harvey that if it were the case that the Mormons were simply stopping for the winter there was no objection. However, if they stayed for any length of time, there would be nothing but trouble. It would upset the Native Americans, and probably have embarrassing political consequences. If the Mormons interfered with the removal of the Iowa tribes, the delay of the sale of that land to whites could bring on a confrontation between Iowa and the federal government. Both President Polk and Medill wanted to be fair to the Mormons. Not knowing that so many of the Mormons had already moved into Umoⁿhoⁿ country, Polk granted permission to remain on the Potawatomi purchase in Iowa provided that they leave and resume their journey in the Spring, and that no injury arises to the Native Americans from their stay among them.

Polk's authorization to remain on Potawatomi lands solved only a small part of the Mormon problem. As winter blew in, ten thousand Mormons were settling down on Umoⁿhoⁿ lands where no approval had been granted. Only three thousand were still on the Potawatomi lands. Winter Quarters was starting to look like a permanent community. Schools, churches, and other civil establishments were operating by October. Soon thereafter a water mill went into operation to provide flour for the inhabitants of more than five hundred log and sod houses. This was

hardly a temporary camp until spring.

Brigham Young, Alpheas Cutler, and the other Mormon leaders understood the illegal status of their camps and decided to appeal to Superintendent Harvey for understanding of their situation. They asked that Harvey grant permission to remain in Umoⁿhoⁿ country until all the emigrants had passed through on their way west.

Harvey visits the Mormon Camp

Robert A. Trennert, Jr., describes Harvey's visit to the Mormon camp west of the Missouri.

In early November, Harvey visited the Mormon camp to see for himself what the Saints were up to. Unfortunately for the emigrants, the most impressive aspect of their camp was the excellent workmanship and the look of permanence. Besides the log cabins and other improvements, Harvey inspected the water mill ("the timbers are of the most durable kind") and a pair of expensive mill stones just arrived from St. Louis. After roaming the town for some time Harvey met with Brigham Young to apprise him of the fact that his people were trespassing on Omaha Indian lands. Young, undoubtedly annoyed by this snooping gentile who seemed to be obstructing his plans, answered Harvey by stressing the "promptness of their people entering the service of the United States upon the call of the Government, . . . [and] that they could not go on until the return of the volunteers." When Harvey asked how long the Saints might be expected to remain, Young rather belligerently indicated it might take two to four years.

Harvey was little impressed with the Mormon reasons for staying. Not understanding their fear of gentiles, it made no sense to him that they select-



Mormon camp, Wyoming, Nebraska. Wyoming was a small village near present Nebraska City that was a jumping-off point for Mormons traveling to Utah in the 1860s. This was located on the Half-Breed Tract. Carte-de-visite by Charles R. Savidge, June 1866 <http://www.nebraskahistory.org/libarch/research/treasures/overland_emigrant.htm> 10-03-08

ed this land for their camp. "If the object of the Mormons was simply to winter in Indian country," he reported, "it would certainly have been more convenient to have remained on the Potawatomi side in the bottom timber where they would have been protected from the North wind by the high land, with good winter grazing for their stock, instead of moving over to the prairie, facing the North." The superintendent also could see no substantial reason for such permanent improvements if they really intended to move on. Logically, then, it seemed as if a permanent Mormon town, another Nauvoo, was not beyond the realm of possibility. Trennert, **Ibid.**, pp. 388-389.

Harvey says, "NO."

Harvey refused permission for the Mormons to remain. He wrote Alpheas Cutler, the president of the High Council, stating that no white persons are permitted to settle on Native American lands without Government permission.

Cutler answered Harvey on November 6 by arguing that the only reason the Mormons stopped on Native American lands was because 500 of their men had been called into Government service for the Mexican war, otherwise they would have gone past the mountains already. He further stated that they were building a permanent-looking encampment simply as protection from the freezing weather and that these improvements would be useful to the Umoⁿhoⁿ when they left. This did not change Harvey's mind but he took no action because he was in an awkward position. If he forced the refugees to move, it could result in bloodshed, if he allowed them to remain, it could develop into serious Native American trouble. Harvey decided to wait for specific orders from Washington.

Mormons send Kane to Washington D. C.

The Mormons were in a delicate position of living under the very real threat of forcible eviction at any time. They decided to go over Harvey's head and appeal to Washington directly. They contacted Thomas L. Kane for this mission. Kane was a young Philadelphian whose admiration of the Mormons led him to make his way west during the summer of 1846 to witness and record the exodus from Missouri. Kane was both a friend of the Mormons and the son of one of President Polk's political friends, he proved to be an excellent lobbyist.

Kane stressed Mormon loyalty to the United States, implying that the government was persecuting the Mormons by denying the wintering on Indian lands when other whites had done the same thing. Kane pointed to other encampments along the Oregon Trail however such places were not on Indian lands. He then claimed that the government had never done anything to protect the Umoⁿhoⁿ and that the tribe actually was benefiting by the Mormon presence. [Underlining by OTHRP]

Kane argued that the Umoⁿhoⁿ were completely within striking distance of the Sioux, and their numbers as a result of the Sioux hostility were diminishing so rapidly every year that they are threatened with extinction. The Mormons, Kane said, would provide an important protection to them, and when they made a treaty together, the Umoⁿhoⁿ regarded this protection of such value that it was

more than sufficient to remunerate them for any loss of wood or game they might incur by their lease.

Hoses Stout describes a Sioux raid

This claim, exaggerated as it was, had some validity. In December the Sioux descended upon the Umoⁿhoⁿ villages slaughtering seventy-three members of the tribe, mostly women and children. As a result, the Umoⁿhoⁿ took care to remain close to the well-armed Mormons. Ernest Widtsoe Shumway quotes a description from the Diary of Hoses Stout, a leader of the city police:

Wednesday December 9th, 1846.

This morning about three o'clock I was called by S. A. Dunn one of the police then on guard. He said that there was a difficulty amongst the Omahas camped North of town and some had been shot. And I was wanted at President Young's so I went there and called up me more of the police and some others as I went. When I got there I found his house crouded[sic] full of the Omahas who had fled there for shelter. One [woman] had been shot through the arm which was shattered to atoms and an old Indian picking out the little bones with his fingers, her arm was cut off the next day by Dr. Cannon.

Old Big Head a chief was shot in the head, arm and had his thumb shot off. He was badly wounded some were missing and supposed to be dead. The utmost confusion reighned[sic] with them and they appeared frightened badly. I here learned that they had been attacted[sic] by a party of the lowas who cans[sic] to their lodges at this dead hour of the night and fired upon them and then fled. I in company with a party of the police and some others went with some of the Indians to their lodges to see if any thing more was done, and to hunt for the missing. Their lodges were in a gore of blood but could not find any one. However after a long while one of the old Indians raised a howling yell and was answered not far off where we found the one supposed to be dead. He was at Charles Patten's he was badly wounded a ball passing in near the left eye. The ball was started out of its socket. I did not think he would live.

We then went back and after seeing that all was put to right came home and yet it was not day. While at their lodges we could hear the lowas howling on the other side of the river. About the middle of the forenoon I went up again to see how matters were going on. I found the wounded Indians located in a sod house where they had been put by order of President Young and doing as well as could be expected.

Furthermore, an Omaha hunting party had left the day before, and on December 12, 1846, word came that the entire party had been wiped out by the Sioux, with the exception of one man, estimates of how many were killed range from fifty to seventy-eight. The attack was made in the dead of the night, and many of the victims, shot through the head, had failed to

move from their blankets. The Sioux then proceeded to cut off the noses of the dead as a token of spite and contempt toward the Omahas then silently stole away in the darkness. Shumway, **Ibid.**, pp. 46-47

Trouble in Indian Country

As Kane continued to lobby Washington, it became clear to the Indian Department that all was not cordial between the Mormons and the Umoⁿhoⁿ. The Mormons ruined Indian lands in order to support their camps and graze cattle. By February, 1847, the situation had deteriorated to the point that Samuel Allis, from the Pawnee Mission, wrote that it was a great pity that the Mormons were ever permitted to stop on Indian land, they are rapidly cutting the timber and the Indians are killing the Mormon's cattle by the hundreds. The Umoⁿhoⁿ complained to Agent Miller that the Mormons were killing game and destroying much of the land with their usage. Miller bluntly told Brigham Young in April that the best service the Mormons could render the Umoⁿhoⁿ would be to leave as soon as possible and stop the great destruction of timber and game, which to the Indians is a great loss.

Mormons dig in for duration

The Mormons were far less concerned with the destruction of Indian lands than with the loss of their own cattle. They should have expected as much. The Umoⁿhoⁿ simply could not resist the temptation to slaughter stray cattle on their own land, they were, after all, in a state of starvation which now was partially caused by the Mormon stay. When diplomacy failed, the Mormon High Council authorized armed groups to be sent among the herds to forcibly keep the Indians away. The Mormon "police" searched the surrounding country with orders to "give them [Indians] a severe flogging" in case they were found.

Suspicious ran high, most Mormons believed that government officers were encouraging the Indian cattle raids in an attempt to drive the Mormons off the land. There was no evidence that this was true, but these beliefs increased the difficulties between the Mormons, the Umoⁿhoⁿ, and the federal government. Young could have eased tensions by playing down the problems with the government, but he chose to continue the persecution argument. He launched repeated public tirades against the Office of Indian Affairs, stating that the Umoⁿhoⁿ & Oto agent was stirring the Indians up to attack Mormon cattle.

Young decided to send only a minimal party of 148 people on to Utah in 1847, and the rest would have to spend another year along the Missouri. This put more pressure on Thomas Kane to secure official permission to remain on Umoⁿhoⁿ lands. When on April 20, 1847, Kane stated the Mormon intentions of remaining for yet another year to Secretary of War William L. Marcy, he realized that the government, by hesitating to force the refugees off the Umoⁿhoⁿ lands, was unofficially permitting a de facto situation. Since the Mormons wanted to remain even longer than expected it could easily try the patience of the administration. Kane requested that the Mormons be permitted to stay where they were, since only a

small number of refugees had begun the journey west, and over the next few years it was expected that as many as 30,000 more would be traveling through on their way to Utah. It would be reasonably expected that they will occupy various stations such as the winter quarters for growing crops which must form their subsistence. The first stop at Council Bluffs was to be in the Umoⁿhoⁿ country. Kane went so far as to ask that since the migration would take the Mormons across so much Indian land, they might perform a return service for the government if one of their members had permission to negotiate with the tribes on behalf of the United States.

Kane claimed the Mormons were actually safeguarding the Umoⁿhoⁿ from the Sioux and other tribes while the government had not "sent these Indians single sheep or a single soldier to stand in the way of their deal by murderers or starvation." He hinted that the Mormons were remaining solely for the sake of protecting the Umoⁿhoⁿ. While this had the element of truth in it: Medill was disappointed that the Mormons had broken the promise to spend only the winter along the Missouri and rejected their argument for remaining any longer. In a letter to Marcy on April 24, the Indian commissioner stated that the Saints had already asked for and been granted temporary residence on the Potawatomi lands, and even though they had crossed the Missouri to Omaha country, they had been allowed to remain. The Mormons well understood that such a stay must be temporary and had stated they would move on in the spring. Now, however, they asked for semi-permanent residence Indian lands. This was too much for the commissioner: "Are they more deserving the protection of the Government and entitled to privileges which are not granted to the mass of the bold & hardy pioneers who already have crossed the plains. . . ?" Furthermore, such an action might set harmful precedent, for the government had no way of knowing the true intentions of the Saints:

It will thus appear that these people, not being satisfied with the consent already given them to remain unmolested during their temporary sojourn at the place where they now are — and where, so far as the Department is informed, they have not been disturbed — seek to be, in some official way noticed and recognized by Government, with the view, it may be, of setting up hereafter, a right, by settlement and occupancy, and relying upon their numbers, and strength of asserting their independence of the agents of the Department in the execution of the laws in Indian Country.

Medill then invoked the intercourse laws of 1834 in rejecting the Mormon request, stating that the department had already done all it legally could by allowing matters to go so far before rejecting their claim; one might even note a certain amount favoritism, The decision itself was clearly based on a primary concern for the Indians and not to harass the Mormons.

Thus, refused permission for the Mormons to remain, Kane tried to feel Medill out as to whether the government actually intended to prevent them from remaining another winter. "Is it the intention of the War Department to

remove them by force from the Omaha Country; so long as their continued residence is desired by the Indians [and] is necessary to the furtherance of their emigration?" he asked. To demonstrate the Mormon desire to be cooperative. Kane also asked again that they be allowed to conclude treaties with other Indians.

Polk's administration was not prepared to forcibly eject the Mormons. Even if enough troops could be rounded up, the expense, scandal, and possible bloodshed were more than the President and his advisors were willing to endure. Thus Medill decided to tell the Mormons nothing more and depend upon the uncertainty to hurry them along. Undoubtedly the field officers were also instructed to encourage the Saints to move on during the summer. If this did not work, however, there existed no plans to eject the trespassers and they would be allowed to remain, albeit illegally. But as to giving them permission to appoint one of their number to deal with the Indians (a practice the Saints frequently used later in Utah), Medill had plenty to say, "I have only to remark that, when the Mormons shall be authorized to 'conclude' treaties with the 'Sioux, Pawnees, Crows, Utahs or other Indians," it will be time enough for this Bureau to "make any suggestions for their guidance." He then read Kane the law which forbade individuals from negotiating treaties and implied they would be prosecuted to the fullest for any such action. **Ibid.**, Trennert, Jr., pp. 393-394.

Mormons Hustle for Survival

The Mormons were already committed to remaining. Just as had been done the previous year, they gave assurances to Harvey that they would move on the next spring. Harvey did not believe them. There was good reason. During the summer Harvey had tried to re-establish the Pawnee Mission and school at Loup Fork as an attempt to locate the Pawnee north of the Platte and to teach them Euro-American agriculture. Alexander McElroy was the man hired to carry out this project. Arriving at the mission, he found that a passing party of Mormons had

. . .carried off every thing of value that they could find, cut the breaking ploughs to pieces, & carried off the Irons, & all the Iron that was here, & cut the Doors of Houses to pieces for the Hinges and nails. Trennert, **Ibid.**, p. 394.

This did not help Harvey's plans to pacify the tribes and undoubtedly increased his own hostility. There was also the possibility that if the Mormons continued to improve the land and then departed, a number of the tribes might war for possession of the abandoned facilities.

Agent Miller was even more passionate about getting the Mormons to move, which led to him becoming one of the most hated persons at Winter Quarters. Miller did not believe the constant promises to move, feeling that the longer the Mormons remained the more devastating it would be to the Indians. By August

problems were increasing. While a few of the Mormons had indeed gone west in the spring, it was equally true that a great many more had come across the Missouri River. It was obvious that they intended to make the Umoⁿhoⁿ lands a permanent half-way station. During the summer at least three or four thousand acres were planted in corn and other staples. The Umoⁿhoⁿ were now actively complaining against the continued presence of the Saints. At least one Mormon was killed by an Umoⁿhoⁿ while the tribe continued to slaughter Mormon cattle, justifying their actions on the fact that the Mormons were destroying their game range, and cutting down and destroying their timber. Miller understood that all of this was placing the tribe in desperate straits. The loss of timber presented a particularly serious problem because the high prairie did not have much wood, thus giving the tribe little choice other than the alternatives of freezing or making forays into the territory of their enemies.

Location of Winter Quarters grew less suitable for the Mormons. Threat of bloodshed was real as the Indians continued to experience losses. It became a daily problem for Mormon leaders to keep their own people from attacking the Umoⁿhoⁿ. On top of this was the prevailing belief that the Indian agents were also their enemies and were deliberately harassing them.

Young returns from success in Utah

In October, when Brigham Young returned from successfully establishing Salt Lake City in Utah, he realized that most of the emigrants really would be able to move on in the spring of 1848. A half-way station would still be needed for those yet to come, but it could be placed on a legal basis by putting it on the east side of the river on the Potawatomi lands. In January, 1848, the High Council decided to abandon their Winter Quarters. Citing the heavy losses from Umoⁿhoⁿ actions as well as other reasons, the Mormons were told that if they were west of the Missouri, they either had to go ahead to Utah in 1848 or to move back across the river to the new forwarding station. The station became known as Kaneshville and proved to be the site of present-day Council Bluffs, Iowa. The name Kaneshville still covers the original territory of the station which is now a neighborhood of the larger city.

Mormons agree to move out of Umoⁿhoⁿ lands

The High Council's decision solved the problem. Government officials did not object to the creation of a semi-permanent station on the Potawatomi lands, because most of the Potawatomi were already in Kansas.

The sanctity of Umoⁿhoⁿ lands was returned to the Nation. The travel season in the spring of 1848, brought the abandonment of Winter Quarters. The government finally prevailed and the land reverted to the sole occupancy of its original owners for the moment. The white world settled back down to economic development and the Umoⁿhoⁿ were never paid for the damages to their lands or destruction of their food and medicines.

As was mentioned, the Mormons were on the run from Missouri. Many of the pioneers that were using the Oregon Trail, on the south side of the Platte, were from Missouri. Since they dared not mingle with the other pioneers, the Mormon Trail was created on the north side of the Platte. As was shown with the description of their stay with the Umoⁿhoⁿ, they seemed to believe they were above the law. Instead of trying to comply with rules that had come about through treaties, the Mormons chose to wander all over Indian Country going as far north as the Niobrara River which forms the northern boundary of Nebraska.

Life was rugged on the frontier for the emigrants as well as for Indians. Some folks survived and others didn't. That was reality. If a person was not killed by the people nearby, then the weather might. Under these circumstances a person comes face to face with their inner being. Some chose to do what's right and others choose to do what is profitable. The decision is not a cultural decision, it is an individual one.

Mountain Meadows Massacre

The Mormons treated the Umoⁿhoⁿ better than they did fellow emigrants.

The Mountain Meadows massacre involved a mass slaughter of the Fancher-Baker emigrant wagon train at Mountain Meadows in the Utah Territory by the local Mormon militia in September 1857. It began as an attack, quickly turned into a siege, and eventually culminated on September 11, 1857, in the execution of the unarmed emigrants after their surrender. The Arkansas emigrants were traveling to California shortly before the Utah War started. Mormons throughout the Utah Territory had been mustered to fight the United States Army, which they believed was intending to destroy them as a people.

The emigrants stopped to rest and regroup their approximately 800 head of cattle at Mountain Meadows, a valley within the Iron County Military District of the Nauvoo Legion (the popular designation for the militia of the Utah Territory).

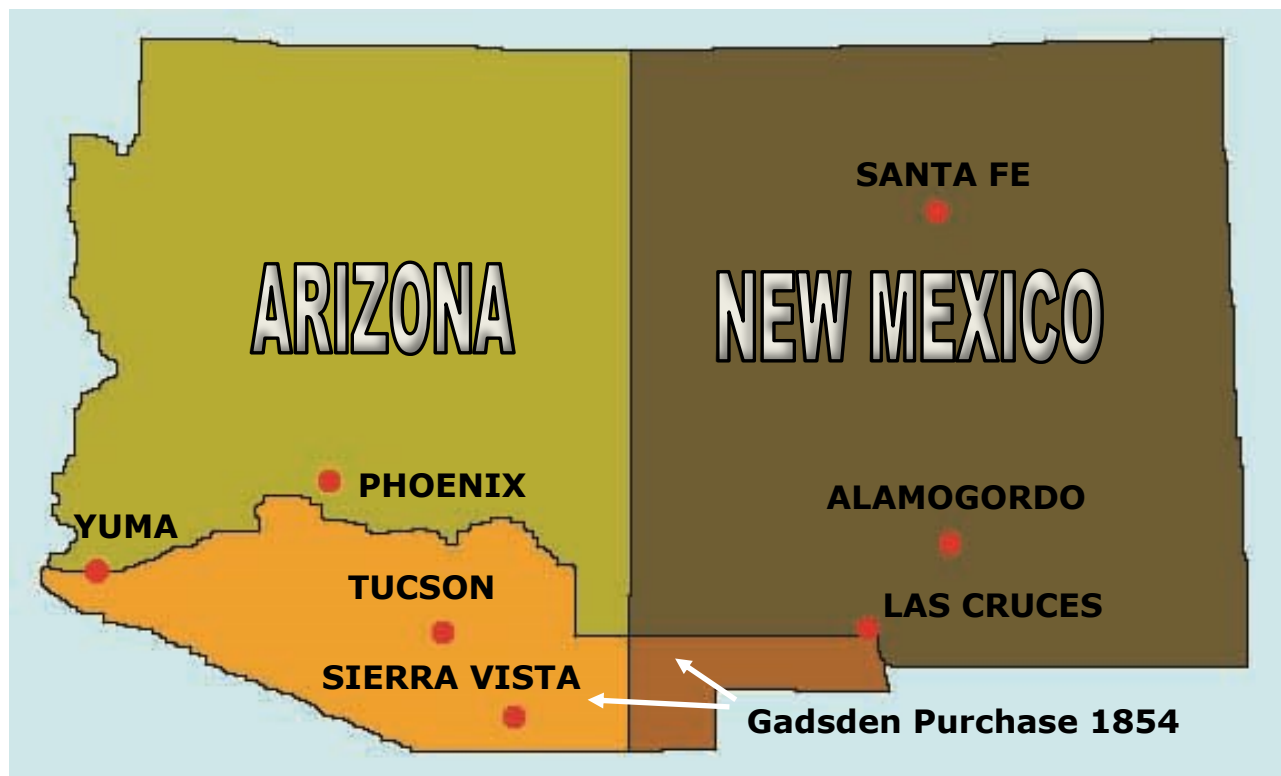
Initially intending to orchestrate an Indian massacre, two men with leadership roles in local military, church and government organizations, Isaac C. Haight and John D. Lee, conspired to lead militiamen disguised as Native Americans along with a contingent of Paiute tribesmen in an attack. The emigrants fought back and a siege ensued. When the Mormons discovered that they had been identified as the attacking force by the Americans, Col. William H. Dame, head of the Iron County Brigade of the Utah militia, ordered the annihilation of the emigrants. Intending to leave no witnesses of Mormon complicity in the siege and also intending to prevent reprisals that would complicate the Utah War, militiamen induced the emigrants to surrender and give up their weapons. After escorting the emigrants out of their fortification, the militiamen and their

tribesmen auxiliaries executed approximately 120 men, women and children. Seventeen younger children were spared.

Investigations, interrupted by the U.S. Civil War, resulted in nine indictments in 1874. Only John D. Lee was tried, and after two trials, he was convicted. On March 23, 1877 a firing squad executed Lee at the massacre site. <http://en.wikipedia.org/wiki/Mountain_Meadows_massacre> 10-6-08.

Either fanatics during this time period had freer reign than in modern times, or the Frontier attracted a lot of them. The Mormons were considered fanatics by their peers. Fervor of righteousness caused them to break up their families over the conversion of some and not others. They were totally dedicated to their cause and woe the person that got in their way. It was not unique to the Mormons. Europe solved their problems with religious zealots by shipping them to America.

Religious outbreaks had founded the country in the Eastern part of America. Such rigid thinking caused four Quakers including a woman to be hanged in Boston Commons because they refused to become Puritans in the 17th century. Religion continues to be a major issue in America throughout its history. It is mostly caused by Christian intolerance against all other religions and if there are no other then it is against other denominations starting with the Catholic/Protestant split. This was the Euro-American scene that the Umo^{ho} became trapped within as the inevitable result of the culture clash between them and Europe/America. They are not alone in this experience.



The Gadsden Purchase of 1854 enlarged both the states of Arizona and New Mexico, OTHRP Archives



Umoⁿhoⁿ Gloves

Gatewood Treaty, History, 1854

President Franklin Pierce, Democrat

- ◆ Franklin Pierce, a Democrat from New Hampshire was president during this Treaty period.
- ◆ The Republican Party was formed in Ripon, Wisconsin.
- ◆ Kansas-Nebraska Act became law, rescinding the Missouri Compromise of 1820 and creating both the Kansas Territory and the Nebraska Territory. The provision that settlers were to vote on slavery in the new territories led to Bleeding Kansas violence in the following year.
- ◆ The Polyglotta Africana, an early classification of African languages based on field work under freed slaves in Freetown, Sierra Leone, is published by Sigismund Wilhelm Koelle.
- ◆ Charles Dickens began writing the novel **Hard Times**.
- ◆ A treaty ratified with Mexico provided for the Gadsden Purchase.
- ◆ The Gadsden Purchase (known as Venta de La Mesilla in Mexico) is a 29,670-square-mile (76,800 km) region of what is today southern Arizona and New Mexico that was purchased by the United States from Mexico in 1853 for \$10 million. The initial purchase treaty was signed in Mexico in 1853, but a very different treaty was finally ratified by the U.S. Senate and signed by President Franklin Pierce on June 24, 1854. The purchase included lands south of the Gila River and west of the Rio Grande.
- ◆ The first Territorial Legislature in Omaha, December 20, 1854.

Gatewood Treaty is only a prototype of the actual 1854 treaty. This document became necessary when the Umoⁿhoⁿ refused to go to Washington to work out the treaties because then the decisions would fall upon the shoulders of the few who traveled there instead of allowing the entire nation to take part in the process that would undoubtedly affect them all.

It was never signed.



Franklin Pierce
Wikipedia

Preamble and Articles of the Gatewood Treaty

President Franklin Pierce, Democrat
JANUARY 27, 1854

Whereas the Government of the United States through the Hon. George W. Manypenny Commissioner of Indian Affairs expressed a desire to purchase a part or the whole of the land owned by the Omaha Tribe of Indians when he visited them last fall, and at the time said Omahas signified their willingness to sell a portion of their country to the United States, and whereas the Government of the United States has now asked the said Omaha Tribe of Indians to send some of their chiefs to Washington City to conclude a treaty, and the Agent Col. James M. Gatewood submitted to the Omahas said proposal: and whereas the Omahas have refused to make a treaty through their delegates at Washington City or at any other place in the absence of all the Chiefs, Head Men, Warriors and Young Men of the tribe; and whereas it is deemed of the utmost importance to the United States Government and to the Omaha tribe that a treaty be concluded with as little delay as possible for the mutual benefit of both parties: Therefore James M. Gatewood Indian Agent at the Council Bluffs Indian Agency on the part of the United States Government and the Chiefs, Head Men, Warriors and young Men of the Omaha tribe in general council assembled at the Council Bluffs Indian Agency have made and agreed upon the following articles and conditions of a treaty.

Article 1 The Chiefs, Head Men, Warriors and Young Men in behalf of the Omaha tribe do by these presents cede and relinquish forever to the United States all their right, title and claim to the tract of country included within the following boundaries: Beginning in the middle of the main channel of the Missouri River opposite the middle of the main channel of the great Nebraska River, thence up the middle of the main channel of the Missouri River to a point opposite the place where the Ayoway River disembogues out of the Bluffs thence from the said point in the middle of the main channel of the Missouri River to said point where the Ayoway River disembogues out of the Bluffs thence in a dirt west line to the western boundary of the country, now owned by said Omaha tribe of Indians thence South to the waters of Loup Fork of the great Nebraska River; thence down the waters of the Loup Fork to the middle of the main channel of the great Nebraska River thence down the middle of the main channel of said river to the place of beginning.

Article 2 It is agreed and stipulated that said Omahas shall, as soon as the United States shall make the necessary provisions for fulfilling the stipu

Preamble and Articles of the Gatewood Treaty continued.

lations of this treaty vacate the country hereby ceded to the United States and remove to and settle upon their lands north of the before mentioned Ayoway River.

And it is further stipulated that said Omahas relinquish to the United States all claims that may be due them under all former treaties except so much as remains unpaid of the twenty five thousand dollars agreed to be paid them for agricultural purposes by the United States in the year eighteen hundred and fifty one; said residue to be paid to said tribe, in such sums, in such manner and at such time as the President of the United States shall deem most proper.

Article 3 In consideration, of said relinquishment and cession of same the United States stipulate and agree to pay to the Omaha tribe of Indians the sum of four thousand dollars a year for the term of thirty years, one half of each payment to be made in the spring and the other half in the fall of the year; and in addition[sic] shall furnish a good gun and black smith and an assistant to reside at their new home and provide and maintain a good shop for the exclusive benefit of the Omahas.

And it is further stipulated and agreed that the United States shall cause to be ploughed in good condition and at the right time of the year for planting two hundred acres of land. And it is further stipulated land. And it is further stipulated and agreed that the United states shall protect the Omahas at their new homes against the Sioux tribe and all other tribes of Indians that may be hostile to them until such time as protection shall be deemed no longer necessary by the President of the United States. And the United States shall cause a treaty to be made as soon as possible, with the Ponca and Sioux tribes of Indians which treaty shall provide for the perpetual friendship, peace and amity of the said tribes.

And it is agreed and stipulated by the Omahas that they will not make war upon other Indian tribes except in self defence[sic] but will submit all causes of dispute to the government of the United States or its agent for decision. And it is further agreed and stipulated that the said Omahas will not rob or take from any tribes or from the whites any property not their own and in case this provision shall be violated by any of said tribe and the fact thereof be proven before the agent the full value of property taken or damage done shall be paid to the person or party injured by the United States out of the money stipulated to be paid by this treaty to the Omahas.

The Omaha tribe of Indians acknowledge themselves justly indebted to Peter A. Sarpy in the sum of six thousand three hundred dollars for credits extended to them at different times, which credits they have not been able to pay; to Logan Fontenelle in the sun of five hundred dollars to

Preamble and Articles of the Gatewood Treaty continued.

Lewis Saunsoci in the sum of five hundred dollars which debts they desire shall be paid out of the first installment due under this treaty.

Article 4 It is further agreed, stipulated and expressly understood that the United States shall pay to the said Omahas the money due them under the provisions and stipulations of this treaty in cash.

Article 5 And it is finally agreed and stipulated by the said Omaha tribe of Indians that the following named Chiefs: viz Logan Fontenelle, Joseph La Flesche, Ta-wa-gah-ha or Village Maker, Gre-tan-nan-gis or Standing Hawk, Wa-no-qui-ga; Ca-hi-que-ginga or Little Chief and So-ge-nan-yis or Yellow Smoke have full power in the name of the Omaha Nation in as full and ample a manner as if the whole nation were present, to fully ratify and confirm and to slightly modify alter or amend any or all of the foregoing provisions or stipulations of this treaty.

Article 6 These agreements and stipulations shall be obligatory and binding when ratified by the President and Senate of the United States.

Done at the Council Bluffs Indian Agency this twenty seventh day of January in the year of our Lord one thousand eight hundred and fifty four.

The Gatewood Treaty Discussion, 1854

President Franklin Pierce, Democrat

The description of the actual land is more detailed within this treaty draft which may or may not cover the same land. The implication at first glance is that this treaty draft may have left more land in the hands of the Umo^{ho} but that is speculative without maps available as to what the claim actually was. It is a moot point since this treaty draft was not signed and never went into effect.

Some of the actual Articles and paragraphs that are in this version are not in the final copy, to wit: **Article 4** stipulating payments in cash and **Article 5** naming seven Umo^{ho} chiefs as the official representatives of the Umo^{ho} nation as well as the final paragraph in **Article 3** which covers past debts. Distribution was to be as follows:

- ◆ a single person over twenty-one years of age, one-eighth of a section;
- ◆ to each family of two, one quarter section;
- ◆ to each family of three and not exceeding five, one half section;
- ◆ to each family of six and not exceeding ten, one section; and
- ◆ to each family over ten in number, one quarter section for every additional five members.

It also assures "such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon."

Once a permanent home is established the President may issue a patent to a person or family for the assigned land, with the condition that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture. These conditions shall continue until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions.

If any such person or family at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or if they rove from place to place, the President may, if the patent has been issued, cancel the assignment, and withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry. If they do not return, the tract may be declared abandoned, and assigned to some other person or family of the tribe, or disposed of as is provided for the disposition of the excess land.

The remainder of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States.

No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

In essence, this is simply a way to release more Indian land over to the dominant culture. Even "owning" the land in the white man's fashion does not give direct ownership to the Indian who is working the land. The control of the land remains in the hands of the United States Government, even to the point of leasing it out for others to work it. This is not ownership.

While it recognizes the rights of the State which is to be formed over this land, it places ultimate control of the land in the hands of Congress.

This is an interesting document to review in order to see what the thinking was as both sides went into negotiations, it was never signed and ultimately was replaced with the "Treaty With The Omaha 1854" on March 16, 1854.



Umo^ḥho^ḥ moccasins

Treaty with the Omaha, History, 1854

President Franklin Pierce, Democrat

Extract from the Annual Report of the Commissioner of Indian Affairs

November 22, 1856

George W. Manypenny, commissioner of Indian affairs from 1853 to 1857, faced the problems that arose from the opening of Kansas and Nebraska to white settlement. In his report of 1856 he discussed the treaties made with the Indians and his general views on Indian policy.

. . .[S]ince the 4th of March, 1853, fifty-two treaties with various Indian tribes have been entered into. These treaties may, with but few exceptions of a specific character, be separated into three classes: first, treaties of peace and friendship; second, treaties of acquisition, with a view of colonizing the Indians on reservations; and third, treaties of acquisition, and providing for the permanent settlement of the individuals of the tribes, at once or in the future, on separate tracts of lands or homesteads, and for the gradual abolition of the tribal character. The quantity of land acquired by these treaties, either by the extinguishment of the original Indian title, or by the re-acquisition of lands granted to Indian tribes by former treaties, is about one hundred and seventy-four millions of acres. Thirty-two of these treaties have been ratified, and twenty are now before the Senate for its consideration and action. In no former equal period of our history have so many treaties been made, or such vast accessions of land been obtained. Within the same period the jurisdiction of this office and the operations of its agents have been extended over an additional area of from four to six thousand square miles of territory, embracing tribes about which, before that time, but little was known; and by authority of several acts of Congress thirteen new agencies and nine sub-agencies have been established. The increased labor which has been thus devolved on the Commissioner of Indian Affairs and the entire force of the bureau, as well as upon the superintendents and agents, has been very great, and has swelled the business connected with our Indian affairs to an extent almost incredible. The labor of this branch of the service has doubled since 1852, and yet with this extraordinary increase, the permanent clerical force of this office is the same now that it was on the 4th of March, 1853. The permanent force is now insufficient to promptly perform the labor of the bureau; and the classification and arrangement of the business of the office should



Language of the Robe:
Admonition — Change
of Mind La Flesche/
Fletcher **Ibid.** Plate 53 d

be modified and improved, but this cannot be done thoroughly without a small permanent increase in the clerical force. Francis Paul Prucha, Editor. **Documents of United States Indian Policy**, Second Edition, University of Nebraska Press, Lincoln, 1975, 1990, pp. 89-90.

Manypenny may have been a good administrator and a reasonable man, however the spin he put upon the treaties up to this point is a traditional American Government spin both then and now. There are three types of treaties, at least in the Umoⁿhoⁿ experience.

The first one [1815] is called peace and friendship but the real loss was sovereignty.

Art. 3. The undersigned chiefs and warriors, for themselves and their said tribe or nation, do hereby knowledge themselves and their **tribe or nation** to be under the protection of the United States, and of no other **nation, power, or sovereign**, whatsoever. [**Bold** added by OTHRP]

Even the way the two nations are referred to within the treaty establishes the relationship unquestionably. The terms used are not used lightly.

Band refers to an agreement that is signified by tying a knot or more formally, "A company of persons united for a common purpose." Its roots are in Middle English and Old Norse. The base concept is one of being banded or tied together.

Tribe refers to "A social group comprising a series of families, clans, or generations, together with slaves, adopted strangers, etc." Its roots are Old French and Latin. It dates from Roman Empire period meaning one of three and eventually more.

Nation refers to "A people connected by supposed ties of blood generally manifested by community of language, religion, customs, etc." Old French and Latin. Its roots are in the concept of "being born or blood."

Webster's Seventh New Collegiate Dictionary, A Merriam-Webster, Based on **Webster's New International Dictionary, Third Edition**. G. & C. Merriam Co., Springfield, MA, 1965, pp. 67, 945, & 562.

To refer to the Umoⁿhoⁿ as anything other than a nation is an insult in English. The term **Band** is the Celtic way of recognizing an agreement. **Tribe** has a formal definition describing different groups of peoples within a larger system. **Nation** recognizes language, religion, customs, etc. as the definition and birth/blood as the root. The later two being of Latin derivation. Two of the systems, the Celts and the Romans, gave rise to the legal concepts upon which the American law is based. Roman law originated from the Greek legal system,



Language of the Robe:
Addressing Tribe or
Council
La Flesche/Fletcher **Ibid.**,
Plate 53 c

which was based upon the Hammurabi Laws of Babylon which was, of course, in Iraq.

If one's real intention was "peace and friendship" then it should be a treaty of equals. If it was one of one nation subjugating another, then why bother to cloak it?

The second type of treaty was a commerce and travel treaty to control the economics of the region. The two quotes below are from the Fort Atkinson 1825 treaty which was the only one exclusively about Trade and Travel.

All trade and intercourse with the Maha tribe shall be transacted at such place or places as may be designated and pointed out by the President of the United States, through his agents: and none but American citizens, duly authorized by the United States, shall be admitted to trade or hold intercourse with said tribe of Indians. [**Bold** added by OTHRP.]

The above clause clearly outlines the control of all trade and intercourse.

And they further agree to give **safe conduct to all persons** who may be legally authorized by the United States to pass through their country; and to protect in their persons and property, all agents or other persons sent by the United States to reside temporarily among them; nor will they, whilst on their distant excursions, molest or interrupt any American citizen or citizens who may be passing from the United States to New Mexico, or returning from thence to the United States. [**Bold** added by OTHRP.]

The U. S. is controlling all travel within Umoⁿhoⁿ land. All other treaties are about the acquisition of land as the primary reason for them. Everything stems from that. Education is in order to place the Umoⁿhoⁿ under a new system. Once that system is in place, there will be more land to take. It is always all about land. For a nation who never went to war against the United States, the price of living within the U. S. borders has always been and continues to be: their land. No other nation against whom the U. S. has fought in all their history of continual war starting in 1776, not Japan, not Germany, not any of them were asked to give up any or all of their homeland when conquered. The Umoⁿhoⁿ were never conquered, they have fought in every war that America has waged, on the American side, first as scouts and then as warriors. The Umoⁿhoⁿ were invaded by disease and forced to give up their land in order to survive.

Manypenny is correct in his definition of the bureaucratic impact this land grab had upon the government. A whole new structure of business has been created by the United States in their process of justifying their purchase of the Louisiana Territory. Thus capitalism grows and feeds upon its wars be they one of blood or one of assimilation.

The U. S. Indian policy was the systematic forced sale of Indian lands by restricting the various nations onto smaller and smaller pieces of land. The justification was the so-called "civilizing the heathens." By refusal to recognize the humanity of the Indian People, cultural genocide became "assimilation" and it was only successful if the Indian in question ceased to be Indian. No wonder it failed.

Treaty with the Omaha, 1854



Franklin Pierce
Wikipedia

FRANKLIN PIERCE, PRESIDENT OF THE UNITED STATES OF AMERICA:

**To all and singular to whom
these presents shall come, greeting:**

WHEREAS, a Treaty was made and concluded at the City of Washington, on the sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, Commissioner on the part of the United States, and the Omaha tribe of Indians, which treaty is in the words following, to wit;

Articles of agreement and convention made and concluded at the city of Washington this sixteenth day of March, one thousand eight hundred and fifty-four, by George W. Manypenny, as commissioner on the part of the United States, and the following named chiefs of the Omaha tribe of Indians, viz: Shon-ga-sha, or Logan Fontenelle; E-sta-mah-za, or Joseph La Flesehe; Gra-tah-nah-je, or Standing Hawk; Gah-he-ga-gin-gah, or Little Chief Ta-wah-gah-ha or Village Maker; Wah-no-ke-ga, or Noise; So-da-nah-ze, or Yellow Smoke; they being thereto duly authorized by said tribe.

Article 1. The Omaha Indians cede to the United States all their lands west of the Missouri River, and south of a line drawn due west from a point in the centre of the main channel of said Missouri River due east of where the Ayoway River disembogues out of the bluffs, to the western boundary of the Omaha country, and forever relinquish all right and title to the country south of said line: — *Provided, however,* That if the country north of said due west line, which is reserved by the Omahas for their future home, should not on exploration prove to be a satisfactory and suitable location for said Indians, the President may, with the consent of said Indians, set apart and assign to them, within or outside of the ceded country, a residence suited for and acceptable to them. And for the purpose of determining at once and definitely, it is agreed that a delegation of said Indians, in company with their agent, shall, immediately after the ratification of this instrument, proceed to examine the country hereby reserved, and if it please the delegation, and the Indians in counsel express themselves satisfied, then it shall be deemed and taken for their future home; but if otherwise, on the fact being reported to the President, he is authorized to cause a new location, of suitable extent, to be made for the future home of said Indians, and which shall not be more in extent than three hundred thousand acres, and then and in that case, all of the country belonging to the said Indians north of said due west line, shall be and is hereby ceded to the United States by the said Indians, they to receive the same rate per acre for it, less the number of acres assigned in lieu of it for a home, as now paid for the land south of said line.

Treaty with the Omaha, 1854 continued.

Article 2. The Omahas agree, that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument, as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the ceded country, and remove to the lands reserved herein by them, or to the other lands provided for in lieu thereof, in the preceding article, as the case may be.

Article 3. The Omahas relinquish to the United States all claims, for money or other thing, under former treaties, and likewise all claim which they may have heretofore, at any time, set up, to any land on the east side of the Missouri River: *Provided*, The Omahas shall still be entitled to and receive from the Government, the unpaid balance of the twenty-five thousand dollars appropriated for their use, by the act of thirtieth of August, 1851.

Article 4. In consideration of and payment for the country herein ceded, and the relinquishments herein made, the United States agree to pay to the Omaha Indians the several sums of money following, to wit;

FIRST. Forty thousand dollars, per annum, for the term of three years, commencing on the first day of January, eighteen hundred and fifty-five.

SECOND. Thirty thousand dollars per annum, for the term of ten years, next succeeding the three years.

THIRD. Twenty thousand dollars per annum, for the term of fifteen years, next succeeding the ten years.

FOURTH. Ten thousand dollars per annum, for the term of twelve years, next succeeding the fifteen years.

All which several sums of money shall be paid to the Omahas, or expended for their use and benefit, under the direction of the President of the United States, who may from time to time determine at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended, for their moral improvement and education; for such beneficial objects as in his judgment will be calculated to advance them in civilization; for buildings, opening farms, fencing, breaking land, providing stock, agricultural implements, seeds, &c.; for clothing, provisions, and merchandise; for iron, steel, arms, and ammunition; for mechanics, and tools; and for medical purposes.

Article 5. In order to enable the said Indians to settle their affairs and to remove and subsist themselves for one year at their new home, and which they agree to do without further expense to the United States, and also to pay the expenses of the delegation who may be appointed to make the exploration provided for in article first, and to fence and break up two hundred acres of land at their new home, they shall receive from the United States, the further sum of forty-one thousand dollars, to be paid out and expended

Treaty with the Omaha, 1854 continued.

under the direction of the President, and in such manner as he shall approve.

Article 6. The President may, from time to time, at his discretion, cause the whole or such portion of the land hereby reserved, as he may think proper, or of such other land as may be selected in lieu thereof, as provided for in article first, to be surveyed into lots, and to assign to such Indian or Indians of said tribe as are willing to avail of the privilege, and who will locate on the same as a permanent home, if a single person over twenty-one years of age, one-eighth of a section; to each family of two, one quarter section; to each family of three and not exceeding five, one half section, to each family of six and not exceeding ten, one section; and to each family over ten in number, one quarter section for every additional five members. And he may prescribe such rules and regulations as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home and the improvements thereon. And the President may, at any time, in his discretion, after such person or family has made a location on the land assigned for a permanent home, issue a patent to such person or family for such assigned land, conditioned that the tract shall not be aliened or leased for a longer term than two years; and shall be exempt from levy, sale, or forfeiture, which conditions shall continue in force, until a State constitution, embracing such lands within its boundaries, shall have been formed, and the legislature of the State shall remove the restrictions. And if any such person or family shall at any time neglect or refuse to occupy and till a portion of the lands assigned and on which they have located, or shall rove from place to place, the President may, if the patent shall have been issued, cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other moneys due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe, or disposed of as is provided for the disposition of the excess of said land. And the residue of the land hereby reserved, or of that which may be selected in lieu thereof, after all of the Indian persons or families shall have had assigned to them permanent homes, may be sold for their benefit, under such laws, rules or regulations, as may hereafter be prescribed by the Congress or President of the United States. No State legislature shall remove the restrictions herein provided for, without the consent of Congress.

Article 7. Should the Omahas determine to make their permanent home north of the due west line named in the first article, the United States agree to protect them from the Sioux and all other hostile tribes, as long as the President may deem such protection necessary; and if other lands be assigned them, the same protection is guaranteed.

Article 8. The United States agree to erect for the Omahas, at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten

Treaty with the Omaha, 1854 continued.

years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

Article 9. The annuities of the Indians shall not be taken to pay the debts of individuals.

Article 10. The Omahas acknowledge their dependence on the Government of the United States, and promise to be friendly with all the citizens thereof, and pledge themselves to commit no depredations on the property of such citizens. And should any one or more of them violate this pledge, and the fact be satisfactorily proven before the agent, the property taken shall be returned, or in default thereof, or if injured or destroyed, compensation may be made by the Government out of their annuities. Nor will they make war on any other tribe, except in self-defence[sic], but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens.

Article 11. The Omahas acknowledge themselves indebted to Lewis Sounsosee [sic], (a half-breed) for services, the sum of one thousand dollars, which debt they have not been able to pay, and the United States agree to pay the same.

Article 12. The Omahas are desirous to exclude from their country the use of ardent spirits, and to prevent their people from drinking the same, and therefore it is provided that any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine.

Article 13. The board of foreign missions of the Presbyterian Church have on the lands of the Omahas a manual-labor boarding-school, for the education of the Omaha, Otoe, and other Indian youth, which is now in successful operation, and as it will be some time before the necessary buildings can be erected on the reservation, and desirable that the school should not be suspended, it is agreed that the said board shall have four adjoining quarter sections of land, so as to include as near as may be all the improvements heretofore made by them; and the President is authorized to issue to the proper authority of said board, a patent in fee simple for such quarter sections.

Article 14. The Omahas agree that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of

Treaty with the Omaha, 1854 continued.

which may run through such tract as may be reserved for their permanent home, shall have a right of way through the reservation, a just compensation being paid therefor in money.

Article 15. This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof, the said George W. Manypenny, commissioner as aforesaid, and the undersigned chiefs, of the Omaha tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

George W. Manypenny, <i>Commissioner</i> .	[L. S.]
Shon-ga-ska, or Logan Fontenelle, his x mark.	[L. S.]
E-sta-mah-za, or Joseph Le Flesche, his x mark.	[L. S.]
Gra-tah-mah-je, or Standing Hawk, his x mark.	[L. S.]
Gah-he-ga-gin-gah, or Little Chief, his x mark.	[L. S.]
Tah-wah-gah-ha, or Village Maker, his x mark.	[L. S.]
Wah-no-ke-ga, or Noise, his x mark.	[L. S.]
So-da-nah-ze, or Yellow Smoke, his x mark.	[L. S.]

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon the Senate did, on the seventeenth day of April, one thousand eight hundred and fifty-four, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES
April 17th, 1854.

Resolved, (two-thirds of the senators present concurring) that the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the City of Washington this [the] sixteenth day of March, one thousand eight hundred and fifty-four by George W. Manypenny as Commissioner on the part of the United States, and the following named chiefs of the Omaha tribe of Indians, viz: Shon-ga.ska or Logan Fontenelle; E-sta-mah-a or Joseph I.e Flesche; Gra-tah-nah-je or Standing Hawk; Gah-ho-ga-gin gah or Little Chief; Tah-nah.gah-ha — or Village Maker; Wali-noke-ga or Noise; So-da-nab-ze — or Yellow Smoke; they being thereto duly authorized by said tribe; with the following amendment, — Article 3, line 3, strike out "1851"and insert 1852.

Attest: ASBURY DICKENS, *Secretary*.

Now therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and Consent of the Senate, as expressed in their resolution of the seventeenth day of April, one thousand eight hundred aid fifty-four, accept, ratify, and confirm the said treaty as amended,

Treaty with the Omaha, 1854 continued.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-first day of June, in the year of our Lord, one thousand eight hundred and fifty-four, and of the independence of the United States the seventy-eighth.

By **THE PRESIDENT**: FRANKLIN PIERCE.
W. L. MARCY, Secretary of State.

Treaty with the Omaha, Discussion, 1854

President Franklin Pierce, Democrat

The actual treaty of 1854 sets up the reservation for the Umoⁿhoⁿ. It names the seven chiefs that represents the Umoⁿhoⁿ and while it refers to the Umoⁿhoⁿ as a "tribe" (in lower case) within the Preamble, it avoids any usage within the text referring to them simply as "the Omaha." Unlike the previous treaties, this one contains a two paragraph Preamble which is rather repetitive. The second paragraph being more traditional in form with more information.

Article 1. simply states descriptions of the lands that are being taken by the U. S. and the reservation site proposed for the Umoⁿhoⁿ. It contains the proviso that if the land is not suitable for the Umoⁿhoⁿ they may chose another site with the same amount of acreage, 300,000 acres, for the same pay.

Article 2. provides that the Umoⁿhoⁿ will vacate their present lands within one year of this treaty's ratification.

Article 3. relinquishes all claims for money and other things provided in former treaties, and to any land on the east side of the Missouri River provided that the Umoⁿhoⁿ shall be entitled to and receive the unpaid balance of \$25,000 appropriated for the use in the act of August 30, 1851.

Article 4. stipulates the payment for the lands relinquished which are as follows:

FIRST. Forty thousand dollars, per annum, for the term of three years, \$120,000 commencing on the first day of January, eighteen hundred and fifty-five.

SECOND. Thirty thousand dollars per annum, for the term of ten years, \$300,000 next succeeding the three years.

THIRD. Twenty thousand dollars per annum, for the term of fifteen years, \$300,000 next succeeding the ten years.

FOURTH. Ten thousand dollars per annum, for the term of twelve years, \$120,000 next succeeding the fifteen years.

For a total of \$840,000 to be paid out over a forty year period, then it goes on to say that it is totally up to the President as to whether it is to be paid in cash or kind. It is rather presumptuous on the part of the U. S. Government to determine how the Umoⁿhoⁿ will be paid especially since they requested the payments in cash. If nothing else this shows that the payments in goods and services were not working out for the Umoⁿhoⁿ. It is also part of the prejudice of the United States to assume that in the fifty years since Lewis and Clark that the Umoⁿhoⁿ had not learned anything especially since there was concrete evidence that they were successfully learning the new ways.

Article 5. allocates \$41,000 to be paid at the President's direction to cover the scouting out of the new home turf for the Umoⁿhoⁿ and to fence and break up 200 acres of land as well as the costs to remove the tribe to their new property and to subsist for a year in order to plant and harvest the first crops.

Article 6. is to break up the land given to the Umoⁿhoⁿ as theirs into allotments at the discretion of the President.

Article 7. Gives protection to the Umoⁿhoⁿ from the Sioux by the United States, again, at the discretion of the President.

Article 8. is the pay-off. The United States agree to erect for the Omahas, at their new home, a grist and saw mill, and keep the same in repair, and provide a miller for ten years; also to erect a good blacksmith shop, supply the same with tools, and keep it in repair for ten years; and provide a good blacksmith for a like period; and to employ an experienced farmer for the term of ten years, to instruct the Indians in agriculture.

It is an insult to the Umoⁿhoⁿ who had farmed this region for almost 200 years that they were to take lessons in farming from Euro-Americans who had little or no experience farming on the Great Plains.

At this level of attack, the dominant culture was deliberately tipping the tables from a culture of egalitarianism where all is equal, to patriarchy or male control and dominance, a step downward on their own fabled evolutionary scale. The Umoⁿhoⁿ men, on the other hand, were suddenly without a role in their own society. Their legendary skills of both hunting and defending were no longer needed. The game was gone or regulated by whites and the boundaries were protected by the Americans by treaty. From the white's point of view, it was inevitable, but from the Umoⁿhoⁿ point of view it was just one more thing that they had to learn to do upside down and backwards.

Article 9. states that the annuities of the Indians shall not be taken to pay the debts of individuals. [Bold added by OTHRP for emphasis.]

It would have been far better if it had been the land instead of the annuities that lay under such protection. By preserving the annuities only, the U. S. Government left a huge loophole with which to take more land. However, in practice the

use of annuities to pay debts was common and in obvious violation of this treaty.

Article 10. acknowledges the Umoⁿhoⁿ dependence on the Government of the United States, and extracts a promise to be friendly with all the citizens thereof, pledging to make no depredations on the property of such citizens. Should this pledge be proven before the agent to have been violated, the property taken shall be returned, or in default thereof, or if injured or destroyed, **compensation may be made by the Government out of their annuities.** [Bold by OTHRP]

The lines in **Articles 9** and **10** are in direct contradiction to each other. The loophole has been doubled, **Article 9** is worthless. The U. S. is in complete charge of the Indian's land and money to dispense however they see fit.

"Nor will they make war on any other tribe, except in self-defence,[sic] but will submit all matters of difference between them and other Indians to the Government of the United States, or its agent, for decision, and abide thereby. And if any of the said Omahas commit any depredations on any other Indians, the same rule shall prevail as that prescribed in this article in cases of depredations against citizens."

At least they are allowed to defend themselves when under a direct attack.

Article 11. acknowledges the Umoⁿhoⁿ debt of \$1,000 to Lewis Saunsoci for services and the U. S. agrees to pay it — out of whose funds is not specified.

Article 12. excludes, at the Umoⁿhoⁿ request, the use of liquor from their country. It also requests the prevention of their people from drinking the same. It states directly that "any Omaha who is guilty of bringing liquor into their country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her for such time as the President may determine." Paying a debt again? And where is the penalty for the white man who imports and/or sells it to the Indian? This smacks of blaming the victim and protecting the perpetrator.

Article 13. This acknowledges that the board of foreign missions of the Presbyterian Church have started a manual-labor boarding-school for the education of the Umoⁿhoⁿ, Oto, and other Indian youth on the lands of the Umoⁿhoⁿ. It is agreed that the Presbyterian Church board shall have four adjoining quarter sections of land, with all the improvements that have been made by them. The "President is authorized to issue to the proper authority of said board, a patent in fee simple for such quarter sections." There goes the land again and the treaty has not even been signed.

Article 14. simply sets out that all the necessary roads, highways, and railroads, which may be constructed as the country improves, and the lines of which may run through the reservation, shall have a

right of way through the reservation, a just compensation being paid therefore in money.

The railroads won't cross the prairies until 1869 but here, 15 years earlier, they were already anticipating their expansion. It also provides that the Umoⁿhoⁿ will be paid for such rights.

Article 15. "This treaty shall be obligatory on the contracting parties as soon as the same shall be ratified by the President and Senate of the United States,"

This brings up an interesting question. There is no record of the ratification of the signed treaties until this particular treaty. The treaties of the 1830s had the clause in their text but no date of ratification is listed. The three earlier treaties had no such clause in their text.

Ratification is one thing. Payment is another. Perhaps it was deliberate. Congress has a centuries long and steady track record of short changing funding, somewhere in the process, between monies allocated and monies paid. Indian Treaties are no exception. Such lack of honoring of one's word, legal or no, seems to be endemic within the Institution of American Government, both then and today.

Perhaps the payment got lost in Manypenny's housekeeping woes, also endemic to the system. The Bureau of Indian Affairs still has housekeeping problems in their current bookkeeping, having lost some billions of Indian monies. What ever the cause, the Umoⁿhoⁿ did not get paid the terms of this treaty until they were finally able to take it to the Indian Claims Court in 1974 and even then they were shortchanged. 120 years is a long time to be hung up within the discretion of the Presidents.

Life goes on whether one is paid or not. There is no question but what the Umoⁿhoⁿ quality of life would be much better today if the treaties had simply been honored as they were written, even with all of the imperfections and their quality of life would have been even better if the loopholes had not been there and the land had been truly protected.

Land is what it was all about from the beginning and soon that will be going as well; the bison has already gone while corn is starting to pay off for the dominant culture as they mine the earth to produce fuel from corn. The water and sub soils are being ruined for profit but not for the Umoⁿhoⁿ.



**All profits go
into the bloated coffers of a handful of
very filthy rich folks
whose greed,
if allowed to be continued
will not stop until the planet is dead.**

Treaty with the Omaha, History, 1865

President Andrew Johnson, Democrat, Slave owner

The New York Stock Exchange opens its first permanent headquarters at 10-12 Broad near Wall Street in New York City.

- ◆ Thirteenth Amendment to the United States Constitution (conditional prohibition of slavery and involuntary servitude) passes narrowly in the House of Representatives.
- ◆ John Deere receives a patent for ploughs.
- ◆ Abraham Lincoln is sworn in for a second term as President of the United States.
- ◆ American Civil War: Confederate States of America Congress adjourns permanently.
- ◆ American Civil War: Confederate States Army General Robert E. Lee surrenders to Union Army General Ulysses S. Grant at Appomattox Court House, ending the American Civil War.
- ◆ Assassination of Abraham Lincoln: President of the United States Abraham Lincoln is shot while attending an evening performance of "Our American Cousin" at Ford's Theatre in Washington, D.C. by actor and Confederate sympathizer John Wilkes Booth. Doctors move the unconscious President to a bed in a house across the street. President Lincoln dies early next morning from his gunshot wound. Vice President Andrew Johnson becomes the 17th President of the United States, upon Lincoln's death. Johnson is sworn in later that morning.
- ◆ New York Governor Reuben Fenton signs a bill formally creating Cornell University.
- ◆ North Bend, Ohio (a suburb of Cincinnati), the first train robbery in the U.S. takes place.
- ◆ Jefferson Davis meets with his Confederate Cabinet (14 officials) for the last time, in Washington, Georgia, and the Confederate Government is officially dissolved.
- ◆ The Christian Mission, later renamed The Salvation Army, is founded in Whitechapel, London by William and Catherine Booth.
- ◆ Lewis Carroll publishes his children's novel Alice's Adventures in Wonderland in England (first trade editions in December).
- ◆ U.S. Secret Service is founded.
- ◆ The Standard Oil Company opens
- ◆ Secretary Seward declares the Thirteenth Amendment to the United

States Constitution ratified by three-quarters of the states (including those in secession) as of December 6; slavery is legally outlawed in the last two slave states of Kentucky and Delaware and the remaining 45,000 slaves are freed.

- ◆ Jonathan Shank and Barry Ownby form the Ku Klux Klan in the American South, to resist Reconstruction and intimidate "carpetbaggers" and "scalawags", as well as to repress the freed people.

America's war against itself has ended. The war against the Native American begins again with a new vengeance. In order for the United States to have a place at the world table, it must have control of all of its claimed territory. The "Indian Wars" for control of land have never stopped. When the overt blood shed worked to create the reservations the covert blood shed of land theft, non-payment and endless poverty became the new weapons of mass destruction. The treaty of 1865 is an abrupt change of tactics. It employs two treaties: One for the Umoⁿhoⁿ and another for the Winnebago. Assumed they were signing the same treaty it came as a shock that they were not the same. This is part of the root cause of the mistrust and dislike of the Winnebago taking possession of one third of the Umoⁿhoⁿ lands in spite of the agreements made in the 1854 treaty.

This was a treaty that the Umoⁿhoⁿ have traditionally felt forced to sign, over their strenuous objections. The Umoⁿhoⁿ are not directly related to the Winnebago. At that time and now, they would have preferred to have the lands given to their relatives, the Ponca or their friends, the Pawnee.

In 1866, communication from the Superintendent of Indian Affairs and the Indian Agent of the Territory of Nebraska was sent to the Commissioner of Indian Affairs, about the possible Winnebago Reservation. It stressed the need to find a permanent home for the Winnebago who were been displaced from Minnesota following the Santee Sioux War. The report speculates that good land is available on the Umoⁿhoⁿ Reservation, and the Winnebago could pay for it with money awarded them for their removal from Minnesota.*

Then in 1874, Secretary of Interior Delano requested \$82,000 to purchase up to 20 sections of the Umoⁿhoⁿ Reservation for use by the Winnebago. Commissioner of Indian Affairs Edward P. Smith approved the proposal, but Barclay White, Superintendent of the Northern Superintendency, cautions that a majority of the Umoⁿhoⁿ oppose sale of any land.**

By 1882 the Umoⁿhoⁿ leaders petitioned the government for compensation on goods and lands given to the Winnebago at the time of their resettlement in Ne-

*Tate, **Ibid.**, p. 220. 788. U. S. Congress. House. Communication from the Superintendent of Indian Affairs and the Indian Agent of the Territory of Nebraska, Addressed to the Commissioner of Indian Affairs, in Relation to the Winnebago Reservation. S. Misc. Doc. 51, 39th Cong., 1st sess., 1866. 5 pp. [ser. set 1239].

Tate, **Ibid., p. 219. 781. U. S. Congress. House. Omaha Indian Lands in Nebraska. H. Exec. Doc. 109, 43rd Cong., 1st sess., 1874. 3 pp. [ser. set 1607].

braska and throughout the 1870s. Especially vexing was the loss of land by 17 Umoⁿhoⁿ who lived on the northern edge of the reservation, lands now occupied by the Winnebago.***

Then in 1885, the Umoⁿhoⁿ Nation presented its claims for horses allegedly stolen by neighboring Winnebago Indians. The petition contended that 173 horses, worth \$5,190, were stolen in 1871.****

The Winnebagos have deprived us of all our horses.

Grandfather, we wish pay for the horses which the Winnebagos have stolen from us. They have stolen from us more than a hundred horses. Grandfather, we also desire pay for the hundred and eighty horses which the Santees stole from us formerly.

You who are the Winnebago agent, one of your Indians has gone back to you after talking with me. He is one who knew two of my horses which I have lost, and as he found out about them; he spoke to me on the subject. And at length he called to me (to go to the Winnebago Agency) and promised to join me in speaking about the matter if I went to (see) you. It is he who knows the Winnebago Indians that are the thieves; but since I have no interpreter I am not going to see you, so I send you a letter. But I hope that you will summon him and question him very particularly. He is (Henry) Rice. I hope that I may hear (what he says), if he tells you a straight story. If it be just so, send a letter to the Omaha agent.

Dennis Hastings MA Research Papers.

The Winnebago never went to war to protect the Umoⁿhoⁿ, the record shows that the Umoⁿhoⁿ fought the Sioux by themselves. There is no record of any payment to the Umoⁿhoⁿ for the land now occupied by the Winnebago nor of recompense for the stolen horses. The agent of the day was Robert Furnas. His decisions and motivations were highly questionable.

It is very clear from the historical records that the Umoⁿhoⁿ Nation did not want the Winnebago tribe as neighbors, they wanted the Ponca or Pawnee. It is also unmistakable that things were not peaceful between the Winnebago and the Umoⁿhoⁿ Nation. So why did the U. S. Government insist on an unsatisfactory solution instead of simply sending the Winnebagos to Oklahoma like they did with so many tribes?



***Tate, **Ibid.**, p. 221. 790. U. S. Congress. House. Memorial of Omaha Indians in Relation to Lands Sold by the United States to the Winnebagos, and to Contain Accounts with the Government. S. Misc. Doc. 78, 47th Cong., 1st sess., 1882. 4 pp. [ser. set 1993].

****Tate, **Ibid.**, p. 120. 421. U.S. Congress. Senate. A Communication from the Secretary of Interior, with a Draft of the Proposed Legislation Relative to Claims of Omaha Indians Against the Winnebago. S. Exec. Doc. 46, 48th Cong., 2nd sess., 1885. 5 pp. [ser. set 2261].