

Dr. Josiah Curtis
July 30, 1875

ANNUAL REPORT
OF THE
COMMISSIONER OF INDIAN AFFAIRS,
TRANSMITTED
WITH THE MESSAGE OF THE PRESIDENT
AT THE
OPENING OF THE SECOND SESSION OF THE THIRTY-SECOND CONGRESS,
1852.

The 1852 report, unlike the 1851 report, has almost no mention of the California Indians because the 1851 California treaties were rejected by Congress. Consequently, there was no money to support a California Indian agency. See page 10 of this report for a brief mention of the California Indians. Parts of the 1852 report, not shown here, mention issues with whisky running up and down the west coast, some of which was falling into the hands of the Indians. The 1853 report does talk about the new California reservation system being established and problems they were having.

ANNUAL REPORT

Dr. Josiah Curtis
OF THE
Washington D.C.
Jan 30 1852

COMMISSIONER OF INDIAN AFFAIRS,

[1851/52]

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1852.

WASHINGTON:

ROBERT ARMSTRONG, PRINTER.

1852.

IN THE SENATE OF THE UNITED STATES,

DECEMBER 15, 1852.

Resolved, That one thousand copies of the last annual Report of the Commissioner of Indian Affairs, with the accompanying documents, be printed in pamphlet form for the use of the Indian department.

Attest:

ASBURY DICKINS,
Secretary.

REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,

Office Indian Affairs, November 30, 1852.

SIR: Among the errors that abound respecting our Indian relations, there is one so injurious to our national reputation that it should not be disregarded. The opinion is extensively entertained that our whole course of conduct towards the red men of this country has been marked by injustice and inhumanity. An enlightened consideration of the subject will lead to a different conclusion.

When civilization and barbarism are brought in such relation that they cannot coexist together, it is right that the superiority of the former should be asserted and the latter compelled to give way. It is, therefore, no matter of regret or reproach that so large a portion of our territory has been wrested from its aboriginal inhabitants and made the happy abodes of an enlightened and Christian people. That the means employed to effect this grand result have not always been just, or that the conquest has been attended by a vast amount of human suffering, cannot be denied. Of the Indian's wrongs there is, indeed, no earthly record. But it will not be forgotten, by those who have a correct understanding of this subject, that much of the injury of which the red man and his friends complain has been the inevitable consequence of his own perverse and vicious nature. In the long and varied conflict between the white man and the red—civilization and barbarism—the former has often been compelled to recede, and be destroyed, or to advance and destroy. The history of the contest, however, bears witness to the fact that the victor has, in general, manifested a generous desire, not only to spare the vanquished, but to improve his condition. It would be a difficult task to count the enormous sums of money that have been expended by the government and by philanthropic individuals in their manifold efforts to reclaim and civilize the Indians within our limits; and who can fail to remember, with reverence and regret, “the noble army of martyrs” who have sacrificed themselves in this holy cause? The results, it is true, have not been commensurate with the means employed; but enough has been achieved to attest the practicability of the Indian's redemption, and to stimulate to further and persevering exertions to accomplish the work.

Those tribes with whom we have treaty engagements, and who are more closely connected with us, through the medium of agents, continue to receive healthful impulses towards a higher and better condition. And even those who are more wild, and less inclined to cast off their indigenous habits of indolence and improvidence, are beginning to profit by the good example of the other class. The embarrassments to which they are subjected, in consequence of the onward pressure of the whites, are gradually teaching them the important lesson that they must ere long change their mode of life, or cease to

live at all. It is by industry or extinction that the problem of their destiny must be solved.

One of the surest guarantees for the good conduct of our Indians is an adequate knowledge of the power of the government. Where such knowledge prevails, it is comparatively easy to control them; but where displays of our power have been feeble or fitful, the natural tendencies of the Indian to rapine and slaughter operate with but little restraint. In the extension of our settlements and the increasing intercourse between our Atlantic and Pacific possessions much opportunity is afforded the aborigines of the interior to learn the truth concerning us. And it is only where this opportunity is wanting, or where there has been remissness on our part to make proper exhibitions of our superior strength, that a disposition is found to thwart the policy or provoke the hostility of the government.

Though some of the tribes with whom we have treaty relations have suffered through indolence, vice, and an obstinate adherence to aboriginal modes and habits, it is gratifying to know that a majority of them are substantially improving their condition; and notwithstanding their sufferings, in many cases, have doubtless been severe, perhaps the wisdom they have thus acquired has not been purchased too dearly. Deep-seated maladies can be remedied by no superficial curatives; and it has been the work of hunger, disease, and death to arouse in the survivors a perception of the only conditions upon which human life and comfort can be sustained on earth.

The mission and other schools established amongst the various tribes are generally prosperous, especially those in which the principle of manual labor is a leading feature. As impatience of regular labor, exhibited in unsteadiness of application, is the radical defect of the Indian character, it is but a dictate of common sense to address ourselves first and mainly to its correction. This effected, a foundation is laid upon which our best hopes for the reclamation of the savage may be safely built. Without it, no matter to what extent we may educate a few individuals of a tribe, lasting good is rarely produced. The merely book-taught Indian, if the radical failing be unreformed, is almost certain to resume, at length, the barbarism of his original condition, deriving no other advantages from his acquirements than a more refined cunning, and a greater ability to concoct and perpetrate schemes of mischief and violence.

The dissensions among the Seneca Indians in New York, respecting their form of government, having assumed a serious aspect, the President, in July last, directed that steps should be taken to ascertain the sense of the nation on the subject. An election was accordingly held, at which all the votes cast were in favor of the reestablishment of the old system of government by chiefs. But the number of votes was only 194, while the whole number of voters on the several reservations amounts to 664; and it appears that those in favor of maintaining the present elective government unanimously refused to attend the polls. This they did on the ground that it would be wrong to take part in any revolutionary proceeding, as their constitution provides that it shall stand unchanged for at least five years. The result of the election not

being satisfactory, the question, Which form of government shall be recognised as the choice of the people? has not yet been decided.

The Indians in the State of Michigan are generally doing well. They are becoming a sober, orderly, and industrious people, devoting themselves to the cultivation of the soil. Their agricultural operations have been crowned with their proper rewards; education is encouraged amongst them, and they are making commendable progress in the knowledge and practice of the arts of civilized life. Similar remarks are equally applicable to the Oneida Indians in the State of Wisconsin.

By the treaty of 1848 with the Stockbridges, it is provided that the President, within two years from the date of the treaty, shall procure for their use a quantity of land west of the Mississippi river, on which they shall reside, not less than seventy-two sections; said Indians to be consulted as to the location of said land. This provision has not yet been carried into effect, and the affairs of these Indians are in a very unsettled and embarrassing condition. They were anxious to be located on the land about the mouth of the Vermillion river, in the Territory of Minnesota; but the selection was not approved by the government, and they have more recently expressed a willingness to accept a tract on the Crow river, in that Territory. The treaties with the Sioux Indians being now ratified, there seems to be no good reason for not complying with their present views; but the season is too far advanced to make the arrangements required before the ensuing spring.

The removal of the Menomonees, as contemplated by an act of Congress passed at the last session, has been satisfactorily effected. The whole tribe are now concentrated on the designated territory between the Wolf and Oconto rivers—a location with which they are well pleased, and where they are anxious to be permitted permanently to remain. Should this be assented to by the legislature of Wisconsin, the arrangements necessary to effect the object can be readily made on terms, it is believed, mutually advantageous to the Indians and the government. The country where they are now located is well suited to their wants, and I know of none to which they could with propriety be removed, and where they would, at the same time, be so little in the way of our white population. Wherever they may be settled, it will be incumbent on Congress to make further provision for them, as their claims appeal strongly to the justice and humanity of the government.

A removal of the Chippewa agency has been made from its former position to a more favorable site on the Crow-wing river, west of the Mississippi. A considerable number of the Chippewas yet remain at their old homes in the country ceded to the United States; but, by adhering to the policy of paying them their annuities only in their own territory, it is thought that such of them as it may be desirable to remove will soon be induced quietly to abandon the ceded lands. With the exception, perhaps, of one or two small bands who may be eligibly located on Lake Superior, measures should be promptly taken for the concentration of the entire Chippewa tribe within a limited district west of the Mississippi river.

There seems to be of late increased dissatisfaction among the Winnebagoes with their present location, and they have a strong desire to

be permitted to occupy a portion of the territory recently purchased from the Sioux, lying north of the Crow river. Arrangements for this purpose are in contemplation, and it is hoped they may be effected during the next spring without cost to the government; but they should not be attempted unless the scattered fragments of the tribe can be thereby brought together, and all settled contentedly in their new homes.

In the month of September last, the amendments of the Senate to the two treaties concluded in the summer of 1851 with the Sioux of Minnesota were submitted to the different bands, parties thereto, and received their formal but reluctant assent. It would not be an easy task to estimate the benefits to both whites and Indians which the consummation of these treaties is calculated to produce. All danger of future hostile collision between our citizens and one of the most numerous and powerful tribes of all that region has been happily removed, a vast tract of admirable country laid open for peaceable cultivation, and ample means provided for the welfare and improvement of the Indians. In consideration of the increased labor and responsibility that will hereafter devolve on the agent for the Sioux, his salary should be raised from one thousand to fifteen hundred dollars.

The scarcity of buffalo the preceding summer was severely felt in the winter of 1851-'52, by the Sioux of the Missouri. They were thus necessarily driven, when spring came on, to apply themselves to the surer means of subsistence in the cultivation of the soil. Their upright and faithful agent (Mr. James H. Norwood, whose death by violence has recently been reported to the department) rendered them what aid he could in having some lands ploughed for them, and they have been led to expect further assistance hereafter. Many white men, now, or formerly, in the employ of the fur companies, have intermarried with these Sioux, and exert, for good or evil, a powerful influence over them. It has been suggested that it would be good policy to colonize these people along the rich bottoms with which those wild regions are interspersed, giving them lands to be held in individual right as long as actually occupied. The suggestion is worthy of consideration.

The Omahas, an impoverished but peaceful tribe on the western border of Iowa, have suffered much for several years from the trespasses of the whites, and the rapacity of the more warlike tribes by which they are in part surrounded; but the appropriation generously made for their benefit at the last session of Congress will doubtless alleviate their distress, and in time greatly ameliorate their condition. It will be used chiefly for the purpose of furnishing them the means of cultivating the soil, which, from the disposition they manifest, it is believed they will readily appreciate and approve.

The Kickapoos and Iowas of the great Nemaha agency, and the Sacs and Foxes thereto attached, have all secured rich returns for their field industry, and they are all worthy of commendatory notice for their general good conduct.

The Wyandots, now reduced to a comparatively small number, find it difficult to manage their public affairs, and are anxious to abandon their tribal organization and become citizens of the United States. To this end they, in common with many of our white population, are

impatiently awaiting the establishment of a territorial government over the vast region north of the Arkansas and west of the Missouri rivers. This measure, though fraught with difficulty and danger, will doubtless force itself on the consideration of Congress; but, before it can be justly carried into effect, important preliminary arrangements must be made, involving the future disposition and management of various Indian tribes occupying the territory in question.

The Delaware Indians are among the most remarkable of all our colonized tribes. By their intrepidity and varied enterprise, they are distinguished in a high degree. Besides being industrious farmers and herdsmen, they hunt and trade all over the interior of the continent, carrying their traffic beyond the Great Salt Lake, and consequently expose themselves to a thousand perils. Under these circumstances, they are steadily diminishing.

The Christian Indians, a peculiar and interesting band, once resident in Canada, whence they emigrated from Ohio, are now located on the lands of the Wyandots, who consider them as intruders, and desire their removal. They have strong claims on the government, and the attention of Congress was called to the subject at the last session; but nothing definite was done. It is hoped that suitable provision for them may be made at an early day.

The Shawnees are eminently successful as agriculturists, and are rapidly advancing in general improvement. But for the baneful effects of intemperance, to which their proximity to the border settlements greatly exposes them, they would soon become a highly moral and prosperous people. Several murders of recent occurrence among them are attributable to this fruitful source of evil.

The condition of the Pottawatomies continues substantially the same as heretofore reported. They depend mainly for support, especially in winter, on their large annuity, and but little or no improvement is manifested in their modes of living.

The location of the Kansas Indians in the country about Council Grove, on the great Santa Fé road, is unfortunate for them and the whites. They are a rude and depraved tribe, and little can be done for their welfare whilst they remain liable to the pernicious associations that await them there. Their vicious practices are also the cause of frequent annoyance to the numerous traders and travellers who pass that way.

The small-pox, reinforced by inebriety and general dissoluteness, has this year dealt sternly with the Sacs and Foxes. Their numbers have been thinned by death with unsparing hand. Agriculture is almost entirely neglected, and their attachment to old habits, encouraged by their despotic chiefs, materially retards their improvement.

The Swan Creek and Black River Chippewas of the Sac and Fox agency are in a prosperous condition, though they make frequent and just complaints of the depredations by the Sacs and Foxes upon their stock. As these Indians speak the same language with the Ottowas of this agency, and are in all respects a homogeneous people, it would be well if they were all blended together as one tribe. These Ottowas are distinguished for their steady progress, and in their modes of life are little behind the generality of the white population of the

adjoining States. They, too, suffer from the predatory practices of the Sacs and Foxes, and with a patient forbearance of retaliation that merits some reward at the hands of the government.

But the department is without power to afford adequate redress; for, although the Sacs and Foxes are the recipients of large annuities, not a dollar of their money can be taken without their consent to pay for depredations committed by them on the property of other tribes. The intercourse act makes no provision for such cases, as it applies alone to depredations on the property of citizens of the United States.

The Weas, Peorias, and Piankeshaws of the Osage River agency continue to furnish evidence of commendable industry and steady improvement. It is to be regretted that the Miamies belonging to the same agency are not entitled to like favorable notice. They stand in decided contrast with the other affiliated tribes. The effect of the large annuities that have been paid them has been to check all industry and thrift, and to tempt them to general idleness and dissipation. Within six years they have diminished one-half, with a prospect of still further decrease.

The Cherokees are embarrassed by an onerous public debt, which they are striving in good faith to discharge. For this and other public purposes they are anxious to sell to the United States the tract of country, containing about 800,000 acres, known as the "Cherokee neutral ground;" and there is much force of argument in favor of the obligation of the government to relieve them, by taking back the land at the price they were required to allow the United States for it when it was granted to them. But, notwithstanding the evil alluded to, this tribe, with most of the others in the southern superintendency, are steadily multiplying around them the blessings of life, and afford the highest evidence of the justice and wisdom of our policy towards them. By a convention entered into in 1837, between the Choctaws and Chickasaws, the latter, under certain conditions and restrictions therein provided, became a component part of the Choctaw nation. But they are becoming more and more dissatisfied with the political connexion between them and the Choctaws, and there is reason to believe that the best interests of both would be promoted by a separation of the tribes. The Chickasaws have applied to the government to interpose its authority for the purpose of effecting this object; but as the union was the result of mutual agreement, it is desired that their separation, if practicable, shall be accomplished in like manner.

A similar state of things exists in relation to the Creeks and Seminoles. Considering the previous relations between these tribes, the attempt to unite them was injudicious; and great dissatisfaction on the part of the Seminoles has been the result. When those remaining in Florida shall join their brethren West, it will be necessary for the government, by treaty or otherwise, to adopt adequate measures for putting the united tribe of Seminoles in a more favorable condition.

The famous Seminole chief, Billy Bowlegs, with several other prominent Indians from Florida, have recently visited Washington, and, while here, they signed an agreement, in which they acknowledged that they and all the Seminoles in Florida were under obligations to emigrate, and promised to use their influence to effect their entire

removal with the least possible delay. Late advices from the special agent represent that Bowlegs adheres to his promise since his return. A council of his people had been called for the purpose of making preliminary arrangements, and a general emigration may reasonably be expected at an early day.

At the last session of Congress an appropriation was made for the purpose of effecting the removal from Texas of certain Indians "who have intruded themselves into that State from the territories of the United States." Suitable instructions in regard to this subject have been given to the proper agents of the department; but the measure contemplated is difficult to execute, and sufficient time and information have not yet been afforded to determine when and in what way the object may be accomplished. I have been informed, though unofficially, that the legislature of Texas have passed some act or resolution authorizing the Governor of the State to open negotiations with the Executive of the United States concerning the allotment of a portion of her territory as a common home for the Indians resident within her limits. The expediency of such an arrangement has been repeatedly and earnestly urged in reports from this office. It is, indeed, indispensable to a proper adjustment of Indian affairs in that State.

The most recent advices from New Mexico represent the Indians in that Territory as generally friendly, and that our relations with them are in a more satisfactory condition. In the vicinity of El Paso, however, the depredations of the Apaches are of frequent occurrence. A well organized and energetic body of mounted men, acting as scouting parties through the region infested by these marauding savages, is, perhaps, the only effectual means of holding them in check.


The Navajos and other tribes in this Territory, heretofore hostile and mischievous, have recently manifested a disposition to abandon their predatory habits and to seek support in the cultivation of the soil. To this end they are anxious to be furnished with agricultural and other implements of husbandry, and a judicious expenditure of a moderate appropriation in this way would doubtless be justified by considerations of economy alone.

Notwithstanding the mountain and prairie Indians continue to suffer from the vast number of emigrants who pass through their country, destroying their means of support, and scattering disease and death among them, yet those who were parties to the treaty concluded at Fort Laramie in the fall of 1851 have been true to their obligations, and have remained at peace among themselves and with the whites.

The negotiations provided for by a late act of Congress with the Comanches, Kioways, and other Indians on the Arkansas river, have been necessarily postponed until the ensuing spring. It will then be expedient to make them parties to the treaty of Fort Laramie or to one containing similar provisions.

At an early period in the last summer, the agent for the Indians in Utah undertook, with the approbation of the governor of the Territory, an expedition to the various tribes therein occupying the region west of the Great Salt Lake. The thoroughfare of travel to California and Oregon passes through their country, and the object of the expedition was to prevent a recurrence, if possible, of numerous and often fatal

collisions between the emigrants and Indians. It seems to have been eminently successful, as no murders or robberies are reported to have been committed by these Indians during the present year. To give some idea of the immense travel along this route, and the consequent importance of conciliating the Indians, the agent states that in returning to Salt Lake, he passed on each of several days as many as three hundred wagons.



Some timely and efficient measures for the proper disposition and management of the Indians in California are of pressing importance to all concerned. The difficulties in which the subject is involved are the more embarrassing in consequence of the abortive efforts that have been made to establish fixed and permanent relations with them. Since the rejection of the treaties concluded with a large number of the tribes, sufficient information has not been received to justify a confident opinion as to the plan of operations it may be most expedient to adopt. To any that have been or can be proposed, plausible objections may, doubtless, be urged; but, regarding the policy of the rejected treaties as finally abandoned, and considering the removal of the Indians from the State as impossible, I suggest, as worthy of consideration, the plan of forming them into two grand colonies, to be suitably located: one in the northern and the other in the southern portion of the State. Like circumstances recommend a like policy in relation to the Indians west of the Cascade mountains in Oregon. That the plan suggested cannot be carried into successful operation without the expenditure of large sums of money, is readily conceded; but what other measure, adequate to the exigencies of the case, is free from the same objection? Something better, it is hoped, may yet be devised. In the mean time, dogmatism, on a subject of such difficulty and importance, may well be forborne.

Due attention has been paid to the preparation of the third part of the work respecting the Indian tribes of the United States, published under the direction of this bureau, and it will be forthcoming during the approaching session of Congress. The edition of the first part, intended for distribution to the new members, will be ready for delivery at an early day in the session.

The present seems to be an appropriate occasion for calling the attention of Congress to certain treaty stipulations with various Indian tribes which the government, for a number of years, has failed to execute. In consideration of the cession of their lands to the United States by the Sioux of the Mississippi, the Sacs and Foxes of Mississippi and Missouri, the Winnebagoes, Delawares, Osages, Iowas, Creeks, and Stockbridges, it was stipulated, on the part of the government, that certain sums should be paid to said tribes, amounting, in the aggregate, to \$2,396,600, and that the same should be invested in safe and profitable stocks, yielding an interest of not less than five per cent. per annum. Owing, however, to the embarrassed condition of the treasury, it was deemed advisable by Congress, in lieu of making the investments, to appropriate, from year to year, a sum equal to the annual interest, at five per cent., on the several amounts required to be invested. On this account the government has already paid from its treasury \$1,742,240—a sum which is now equal to two-thirds of the

principal, and will, in a few years, be equal to the whole, if the practice of appropriating the interest shall be continued. As there is no limitation to the period of these payments, such a policy indefinitely pursued would prove a most costly one to the government. At the end of every period of twenty years it will have paid from the public treasury, by way of interest, the full amount of the stipulated investments. But such, it must be presumed, was never the intention of Congress. Nothing but necessity could justify that body in refusing to make appropriations required by the treaties of the government. The cause of the failure to do so, in the case of these Indian treaties, no longer exists. The public finances are in a prosperous condition. Instead of fiscal embarrassment, there is now a redundancy of money, and one of the vexed questions of the day is, what shall be done with the surplus in the treasury? Considering the premises, it seems to be quite clear that so much thereof as may be necessary for the purpose should be promptly applied to the fulfilment of our treaty obligations.

But investments on Indian account may, it is believed, be wisely extended to other cases than those in which they are expressly required by treaty. If the policy in itself be good, and it has often been sanctioned by the government, there appears to be no good reason why it should not be more extensively adopted. There is another class of our treaty stipulations, by which the government holds, *in trust*, for certain Indian tribes, \$4,344,000. On this *trust-fund* it is bound to pay interest at the rate of five per cent., and, by a third class of like stipulations, it is bound to pay, annually, to sundry other tribes, on account of "permanent annuities" and "permanent provisions," \$141,250. For the sake of convenient reference and calculation, tabular statements A, B, and C are herewith submitted, exhibiting, in a connected view, all the treaties embraced in the foregoing classification, the names of the several tribes, and the amounts stipulated to be invested, funded, &c. The amount annually appropriated, on account of these treaty obligations, is \$478,280. By investing these amounts in safe stocks, yielding five per cent., the government may be relieved for all time to come from the necessity of making these annual appropriations; and the question certainly deserves to be considered, whether a disposition, in part, of the large surplus in the public treasury, can be made in any way so free from constitutional or other objections?

The want of uniformity in our Indian treaties is a source of much confusion and embarrassment. They have been made from time to time to meet the emergency of particular occasions, and without reference to system or general principles. They, however, constitute an important part of the supreme law of the land, and there are peculiar reasons why they should be carried faithfully into effect. But this it is extremely difficult to do, in consequence of their discordant and multifarious provisions. The whole code, if such an anomaly may be so called, is a singular compound of crude and cumbrous matter, prolific of vexatious questions, and incapable of harmonious adjustment. There are no doubt many of the tribes with whom new treaties could easily be concluded, superseding those previously made, and simplifying, to a most desirable extent, all our relations with them. A small appropriation would probably be sufficient for this purpose, and,

in my judgment, the money it would cost could not be more beneficially applied. If a large number of existing treaties were swept away, and others substituted in their stead, containing only a few plain, necessary, and assimilated provisions, serving as models for future treaties, and all looking mainly to the concentration of the several tribes; to their permanent domiciliation within fixed and narrow limits; to the establishment of efficient laws for the protection of their persons and property; and to a more judicious administration of the means provided for their support and improvement, the day would not be distant when the whole subject of our Indian affairs would assume a far more consistent and systematic form, presenting to the eye of the philanthropist and Christian a spectacle no longer cheerless and dispiriting, but redolent of consolation, encouragement, and hope.

Having, with studied brevity, presented to you the foregoing views, I conclude by referring, for more detailed information, to the reports of the superintendents, agents, &c., herewith submitted.

Very respectfully, your obedient servant,

L. LEA, *Commissioner.*

HON. A. H. H. STUART,
Secretary of the Interior.