

2. Communication of F. A. Pickens, Gov. S. (Clark and) Mc
Stallor to the U. S. proposing a new Treaty. ^{Strongly debated, Dec. 17.} June 28, 1852.
Treaty of 1855 grew out of this. Written by Gov. Pickens in 1852.

No. 6.

Washington City Jan 28th 1850

Sir

The reply of the Department to the proposition for a supplemental treaty which we had the honor to submit is not as specific as we could have desired.

We understood however, that the Department accedes to our proposition to enter upon a treaty negotiations, under certain limitations and exclusions, both as to policy and objects. We hope that the Commissioners on the part of the United States may be clothed with full authority to treat upon all matters existing between the two nations, upon general principles of justice and right, not conflicting with the established policy of the government, nor transcending the treaty making power.

We proposed to the Department two objects.

- 1st A modification of the treaty of 1842, in such mode as to relieve our property from existing treaty limitations, compensation for lands sold, indemnity for loss resulting from non compliance with treaty obligations on the part of the United States, and commutation or conversion of specific classes of property rights, into others, capable of several and distinct use and occupation.

The chief design of the proposition was to give to the individuals of the nation a more complete and beneficial use of their property, under this proposition, we ask no gift or remuneration from the United States. All that we demand is the free and unfettered use of what is our own, and payment for that which is our just due,

At present, we are faced with a nation under guardianship
(in the paternal language of the States (father))

without individual rights, or individual control over property, perpetual annuities, and a series of property arbitrarily limited to its ^{own} use, without the power of disposing or full control. This strikes down individual initiative and ties us to one single spot, like the slaves to the stake to crop the husband's woman. The circumstances of his father. So, any woman that the Indian tribes should diminish and fade away under such restrictions, surrounded as they are with the fire and unfettered energies of the whites. We wish that in the great battle of life you would enter our houses and permit us to use the unfettered energies under the guidance of the instinct of self interest, to promote our own individual welfare and prosperity.

Thus far you perceive, we ask for nothing but to borrow the funds, to remove restrictions from our own property.

Can you object? How shall this be done?

1st Let us hold ^{payable} our property in remission in full without entail.
2nd Permit us to take our land rights as far as they exist in land scrip to be located on any unoccupied land owned by the United States.

3rd Convert our annuities into government stock, and permit each individual to have his share.

4th Convert the obligation to keep up blacksmiths, iron works and school fund into government stock, to be distributed and held in like manner.

What prevents this from being done? It imposes no new obligations or responsibility upon the United States. We all

simply

simply asking to deal with our own, and nothing stands in the way except the idea of a perpetual guardianship, which, unless removed, when a tribe is qualified, must result in inevitable destruction.

What next? We ask payment for the lands we sold, and transfer to the United States in Ohio. We have not received the full consideration. The United States is paying past consideration a great amount of other things to transfer to us one hundred and forty eight thousand acres of land west of the Mississippi. This land we have not received. We made two efforts to locate as the Department will know and was prevented.

Thus we might have found lands far west toward the Rocky Mountains, but would the government expect or desire us a small tribe of one hundred men, women and children all told, to go into a wild country, beyond the reach of protection, and too weak to protect ourselves. This would be both annihilate and inhuman.

What then could we do? We bought thirty nine sections of the Delaware at the mouth of the Kansas River upon which we now reside. Who did this harm? We paid for it with our own money. There could be no objection to it. There was money and Congress approved of the purchase by joint resolution, and the President confirmed it.

Does this deprive us of the one hundred and forty eight thousand acres of land, or its value? The United States did not pay for the lands we bought of the Delaware. We paid them with our own money. Yet the Department suggests under the guidance of that paternal and kind feeling

feeling of which we hear so much professions
that because we were compelled to buy other lands,
we have lost the one hundred and forty eight thousand
^{acres} ~~acres~~ ^{sections} to which we were entitled and for which we
have already paid the United States. Our great and
good Father is certainly justing, with his children, as
some fathers threaten to cut off the ears of their dear
offspring, without meaning it. We have no name to give
this act, but the ethics of our white brethren, if we have
learned a right would call it a moral atrocity.
We want this land or the pay for it. If the government
of the United States had intended to cut us off from this
land they would have made it a condition in the
resolution of approval of our purchase from the
Delawans. This grant of one hundred and forty eight
thousand acres was full and unconditional as the
treaty shows. It was not granted upon condition of
settlement and occupancy, but as part consideration at
a price for our lands in Ohio. We prefer the price of the
land as the only true mode of compensation.

17-4-18

At what amount, we say, one dollar and twenty five
cents per acre, this the Department has seen proper to stipulate,
a design to speculate off of the government.

Rescind the original compact and give us back our
lands in Ohio and we will fully take it, the lands in
Ohio are worth five times as much as the government
of the United States paid for them. To this we should not
have alluded, had we not been charged with a
fraudulent motive, when we were merely asking
compensation. We admit that we are at the
money

money of the United States, they can do as they please, we cannot refuse or rights, but we venture the assertion that in any court of justice in Christendom, we could never get that amount. Indeed when the consideration for our lands in Ohio was fixed, the one hundred and forty, eight thousand acres of land was estimated at that price. All that we ask is fairness, and if we take the baitings, which usually follow Indian treaties, of the great bargains which have been made, it would not be difficult to tell when the charge of a design to speculate ought to rest. But if the government prefer it, we would be willing to take land scrip of equal amount, to be located on any ~~unoc-~~cupied lands owned by the United States.

The United States did not pay us, at the time stipulated for our improvements on the land sold in Ohio, for this we ask interest, we understand the justice of this demand to be conceded by the Department. We sustained great ^{in other respects} loss, by the nonpayment, this we justice should be compensated, but we leave this to the equity of the Department.

We come now to the proposition of policy, We wish the a nation to become citizens of the United States. But the Department will perceive, that this last matter has no necessary bearing upon what we have heretofore demanded. The first comes immediately under the treaty making power. The latter calls for the action of Congress.

This is a great step in the pacification of Indians.
Indeed it is a high compliment to the nature and genius
of the Institutions of the United States, that so at a time
should desire to become Citizens. But this is not surprising
when it is considered, that your language is our language
that our habits and manners and dress and modes of life
are the same as yours. We have the ^{same} ~~same~~ feelings and
love for the United States that the Citizens have. Our young
men participated in the Mexican War and shared with
you its glory. Indeed it is our country and your country
and we wish to enjoy the blessings of its government.
We are too small to pursue a separate existence.
But it is hoped, that we would be permitted to remain a
organized territory. We see no means for that removal
Nebraska will soon be spotted into a territory. Indeed
a bill is now pending before Congress for that object.
Nothing can prevent this, the growth and extension of the
United States makes this inevitable. Indeed your own
suggestions in your report in reference to the pass of the
Rocky Mountains, must break down existing Indian territory.
The suggestions which we have now make as to land
may be prospective.

We understand that the objects of our nation harmonize with
the enlightened views of the Department, and we do not
deem it necessary to argue this point further at this time.

In view of what we have said, we deem that a
commission may be appointed to treat with us with full
power to adjust all matters, as we have set forth above.

the principles of fairness justice and right.

We hope the Commission may be speedily
raised, and we doubt not, that all matters
will be readily adjusted to the satisfaction of both
parties.

We are very respectfully
Yours At Service

S. A. Hicks } My assistant
Geo. S. Clark } Secretary
Sol. Madden }

Yours

Orlando Brown
Com Indian Affairs
Washington City }

29. A. W. Gaudet - 1879
(See 2357) W. 401.

W. Gaudet's Rectory
Nov. 4. Jan. 925. 1872.

Refers to their purchase
for a supply, then by the
help of the St. Paul's Mission,
and subsequently purchase
in detail, etc.

Rec'd 29 Jan 4 1872.