A Study of Osage History Prior to 1876

by

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CHAPTER I

Introduction

Statement of the Study

The problem to be investigated in this study is the history of the Osage Indians to the year 1876. It is an attempt to increase understanding of the Osage in particular and of Indians in general, while adding to present knowledge of the history of the interaction of the federal government, settlers on the frontier, and the American Indian.

Limitations of the Study and Definition of Terms

This work is limited to aspects of the subject not adequately covered by other students of the Osage. For this reason it does not treat in depth the complex question of the tribe's origin. The need for more than a passing mention of the history of Protestant and Catholic missions established among the Osage is also precluded, for the same reason. In addition, it should be noted that this study is not intended to be a comprehensive analysis of Federal-Indian relations or of the Settler-Indian involvement as such but, rather, these matters are considered only in their relation to the Osage.

Throughout this study the terms "white men" and "whites", "red men" and "red skins", are used as they were
used by the settlers, the Indians, and the government and military representatives. The terms "native", "Indians", "aborigines", "tribesmen", and "nation" refer specifically to the Osage and, at times, when clearly indicated, to other tribes. Also, the terms "bloods" and "full bloods", "breeds" and "half breeds" or "mixed bloods", are used - as they are and historically have been - to indicate the individual's blood line. The last three terms refer specifically to those members of the tribe who were part Indian and part White, with the ratio of Indian to White blood being one-half or less.

In spite of the fact that there were, traditionally, several independent bands of Osage, they are considered as a single tribe in this study. This is admittedly a rather loose usage of the term. According to Frederick Webb Hodge in the Handbook of American Indians North of Mexico, a group of Indians would only be so designated when they live as a...

... body of persons who are bound together by the ties of consanguinity and affinity and by certain esoteric ideas or concepts derived from their philosophy concerning the genesis and preservation of the environing cosmos, and who by means of these kinship ties are thus socially, politically, and religiously organized through a variety of ritualistic, governmental, and other institutions, and who dwell together occupying a definite territorial area, and who speak a common language or dialect.¹

Since the Osage did not achieve this status until sometime after their removal to Oklahoma, at a time outside the

scope of this study, the prevalent rather than the more restrictive meaning is applied.

Throughout the study, the words "federal", "governmental", "government", and "official" have reference to policies, laws, or representatives of the United States government as they related to Indians and Indian affairs.

Outline of the Study

Chapters comprising this study can be grouped into three main areas. Chapters I and II are both introductory, serving as an introduction to the study and as a means of reviewing some aspects of tribal history primarily before 1830. Historical, cultural, religious, economic and political characteristics of the tribe are briefly examined. Chapters III through VI approach Osage history chronologically as chronicled in records of their relationship with other Indians, with white settlers, and with agents; and in the treaties entered into between 1808 and 1870 with the government of the United States. The development and function of the Federal Indian policy is also examined, with the result that some light is shed on the relationship of the Osage to the Federal Government and its agencies concerned with Indian affairs. Chapters VII and VIII consider the years immediately before and after the removal of the tribe to Indian Territory. The bitter contests between the Osage and their neighbors as well as the political, religious, and economic problems associated with the tribe’s relocation are discussed in this section.
Review of the Literature

The extensive microfilm publications of the National Archives, specifically those concerning the Osage and Neosho Agencies and the St. Louis, Southern, Western, and Central Superintendencies are the primary sources for this study. The thousands of documents in the collection covering the period from 1824 to 1875, contain many facts of Osage history virtually unused in previous studies. They include letters received by the Bureau of Indian Affairs from the agents, superintendents, secretaries of war, and commissioners of Indian affairs; they also include reports of special Indian commissions, numerous Indian chiefs, state officials, and white settlers. The writer used copies of National Archive Microfilms, located at the Kansas State Historical Society, Topeka, Kansas, the University of Oklahoma, Norman, Oklahoma, and the Brigham Young University, Provo, Utah.

Other sources consulted are the following from the collections of the Kansas State Historical Society in Topeka, Kansas: the "Journal of Isaac McCoy, 1828-1838," many of the papers of the St. Louis Superintendency, an excellent collection of nineteenth century Kansas newspapers, a great many government documents concerning the Osage tribe, and the highly valuable "Governor's" and "Adjutant General's" files for Kansas. Also utilized was the Philips Collection at the University of Oklahoma, containing many useful publications relating to the Christianizing of the
Osage and to special research involving land-claim cases and to the history of the tribe since its arrival in Oklahoma. The Osage File and the A. M. G. D. Woodstock Letters at St. Louis University contain numerous choice references concerning the character of the Osage Indians, missionary activities among them, and Osage attitudes toward civilizing influences. The material taken from these two collections is primarily the work of the Reverend Mary Paul Ponziglione, who was for many years associated with the Osage Manual Labor School. The Missouri Historical Society at St. Louis possesses an abundance of useful documents relative to the history of the Osage which are located in such collections as the Chouteau, the Sibley, the Graham, and the Indian Papers. These sources are primarily for the period before 1824 - the era not covered by records in the Office of Indian Affairs. The Missouri Historical Review, the Kansas Historical Quarterly, and the Chronicles of Oklahoma are all rich in references to this particular study.

Additional sources include the multi-volume Territorial Papers of Missouri and Arkansas which contain abundant references concerned with the tribe before 1830. The period of Spanish influence from 1764 to 1803 is treated in a two-volume work by Louis Houck, (ed). The Spanish Regime in Missouri. Before Lewis and Clark, by A. B. Nasatir, examines the period of French influence. Grant Foreman in Indians and Pioneers considers the Osage before 1820, along with other tribes living along the southwestern
border of the United States. Paul Wallace Gates' Fifty Million Acres concerns the land problems of Kansas which naturally involved the Osage nation. Two doctoral dissertations, Carl Chapman's "The Origin of the Osage" and David Parsons' "The Removal of the Osage from Kansas," are excellent and helpful studies.

Other valuable sources include the ethnographic studies of Frances La Flesche contained in the Annual Reports of the United States Bureau of American Ethnology, the Annual Reports of the Commissioner of Indian Affairs, the Handbook of American Indians North of Mexico by Frederick W. Hodge, and numerous letters and reports located in the government documents that are part of the Serial Set.

Justification and Importance

Although there are a considerable number of books and articles which consider the history of the Osage Indians before 1875, either directly or as a part of a larger whole, each is either limited as to depth or breadth of coverage or is so general that many of the significant facts and facets of Osage history are passed over. A careful examination of these publications led to the conclusion that no serious history of the tribe for the period from 1800 to 1876 has appeared and that the primary sources for such a study have not previously been investigated.

In light of the fact that the Osage were one of the more significant tribes in North American history, both in
terms of the amount of land they possessed and of their relationship with other claimants of the land, their history should be investigated. The story of the Osage is, in part, the story of the American Indian. It offers a valuable insight into grassroot events following the coming together of whites and Indians in frontier America.
CHAPTER II

The Osage Indian

The Origin of the Osage

The location of the ancestral home of the Osage tribe is not known with certainty.\(^1\) Tribal tradition says it was somewhere along the Ohio River. Linguistically the Osage are classified as the Dhegiha speakers of the Siouan language family, as are the Omaha, Ponca, Kansa, and Quapaw. The Osage are described as being the most formidable among these southern Siouan tribes which wandered together in some prehistoric period as far as the lower course of the Ohio River.\(^2\) Some linguistic maps identify the original home of the Osage and other members of the same family as being in the vicinity of present-day Virginia and North Carolina, and

\(^1\) The term Osage has been given an assortment of definitions. It is said to be the Latinized version of the name they were first known by, that of the Big Bone and the Little Bone People. Philip Dickerson, History of the Osage Nation (Philip Dickerson, 1906), 7. Another source suggests that Osage is corrupt French for the original tribal name, Wazhazhe. Hodge, II, 156. A third writer states that the word Osage is an English rather than a French corruption of the original name. Since French lacks the letter W, the French word for the same was not translated into English but was simply anglicized. The term itself translates as "a daring man." David Parsons, "Osage Removal from Kansas," (unpublished Ph. D. dissertation, University of Oklahoma, 1940), 1.

\(^2\) Hodge, II, 156.
westward to the eastern boundary of Tennessee. From here they are thought to have been driven by the Iroquois and other tribes to the general area of the lower Ohio River. These findings are, however, disputed by other students of Osage antiquity who claim that there is no positive evidence to show that the Siouan speakers were culturally or historically associated with the Ohio Valley. These authorities particularly doubt the presence in the Ohio Valley of Dhegiha speakers. They conclude, therefore, on a basis of ethnographical and archeological evidences that the culture characteristically Osage was unique to the area of its late prehistoric and early historic habitation sites centered on the Osage River and extending into southeastern Oklahoma, northeastern Arkansas, and southwestern Missouri.

The Indians themselves offer little help in resolving the question of their origin. Several Osage tribal myths relate to Osage origins but examination proves them all historically unreliable. One myth, for example, says the founder of the tribe was a snail living on the banks of the Osage River. During one particularly violent storm, the snail was swept downstream into the Missouri River. After a time it was washed ashore, where in the heat of the sun it

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3 Joab Spencer, "Missouri's Aboriginal Inhabitants," Missouri Historical Review, III (1908-09), 278.

ripened into a man. Not forgetting its native homeland, the snail-turned-man returned there and, aided by the Great Spirit, obtained a bow and arrows, learned to hunt, and was able to clothe himself. In time, his right to the area was contested by a beaver. The antagonism of the beaver gradually dissipated, however, because of the influence of a daughter who was attracted to the snail-man. Her intercession gained the female beaver the favor of the Great Spirit, who changed her into a woman, where-upon she mated with the man and the two became the parents of the Osage nation.  

In another legend, the first Osage man was said to have come down from the sun at about the same time that the first Osage woman came from the moon. These two became the parents of three boys and three girls. The two younger children—a boy and a girl—successfully communicated with the Great Spirit and were in turn given knowledge of the bow and arrow, of fire, and of the lever. This information they shared with their brothers and sisters. Eventually the six paired off and became progenitors of a powerful people. Desiring to expand and explore, they penetrated the wilderness in every direction, defeating and subduing in the process all peoples whom they met. They became known as Wha-sha-she or the daring men, and were so called for many hundreds of years, until the eighteenth century when they encountered white men and were subsequently renamed Ochage or Osage.  

5 Chapman, 148-150, 252-253.  
6 Mary Paul Ponziglione, "The Osages and Father John Schoenmakers," Osage Papers, St. Louis University, St. Louis,
The early Osage economy was based on hunting, with gathering and horticulture also playing a significant part. Until the early years of the nineteenth century, deer were the most important source of meat and skins. A large number of bear, beaver, raccoon, otter, wolf, fox, and muskrat were also taken by the tribe. With the increased use of the horse, buffalo came to dominate the Osage menu. Osage life was increasingly geared to the pursuit of the buffalo. Extended fall, winter, spring, and summer hunts became an inherent part of their economy. In spite of the virtual nomadic conditions which came to characterize their society, the Osage still did not abandon horticulture. Crops - corn, squash, pumpkins, and beans - were planted along stream beds during April, following the return from the spring hunt.

In early summer, the crops were left to mature untended while the entire tribe undertook a three month journey - usually from the latter part of May until mid-August - on to the plains and along the principal water ways, in search of buffalo and deer. Upon their return, if spring flooding had not been excessive nor the summer too dry, they harvested...
the crops for supplemental subsistence during the fall and winter months. Nine nuts and roots such as walnuts, hazelnuts, pecans, acorns, persimmons and hog potatoes were gathered and some small animals such as geese, turkeys, and opposum, were also taken.

In time, their hunts took on a professional air. Routes of travel and areas to be hunted were predetermined by chiefs or councils, and men distinguished as hunters were appointed to supervise the activities of each hunting unit. Although such an appointment was for the period of the hunt only, it carried with it considerable authority.

Although the Osage came early into the possession of firearms, the bow and arrow remained their principal hunting weapon. Arrows were usually tipped with flint or steel, were individually identifiable, and were some twenty-four or more inches in length. The bow was well made of Osage orange, hickory, or ash, and was from three to four feet long. Other implements such as knives, clubs, and spears were also used by the Osage.

9 "Pierre Chouteau to William Clark," December 8, 1816, Indian Papers, 1815-1824, Missouri Historical Society, St. Louis, Missouri.

10 G. Sibley, "Indian Mode of Life in Missouri and Kansas," Missouri Historical Review, IX (1914) 43-47.

11 Chapman, 16-19.

Osage Tribal Organization

It is believed that the Osage were at one time a single unit. By 1717, however, they were grouped into two camps, designated as the Great and the Little Osage. Although separated geographically and politically, they spoke the same language and recognized similar ceremonial and kinship ties. Each group was divided into patrilineal clans which, as exogamous social units, were the foundation of the political and ceremonial organization of the tribe. The clans were grouped into units termed fireplaces which were in turn divided into basic components called moieties. The moieties were entrusted with the management of ceremonial functions associated with initiation, hunting, war and peace.13

The chiefs were selected by the tribesmen of their own towns or tribal divisions. Once chosen the honored brave held his office for life. Counselors and other headmen were selected in a like manner with the increased sophistication of tribal organization. Although the office of chief was honored and consequently highly prized, it did not carry with it absolute authority. Tribesmen felt no compulsion to be invariably obedient, nor were they required to be. As indicated by the several divisions occurring within the two main groups after 1800, those finding themselves out of harmony with the wishes of the chief and his followers separated from the main body and organized a new band, under a headman of their own choosing. Their incomplete authority

was acknowledged by Osage chiefs, who often apologized for offenses by depredating tribesmen by stating that they had little influence over the actions of their people. Under these conditions chiefs were considered mere diplomats who represented their bands in councils with other tribes, in treaty sessions, and at annuity-distributing ceremonies. Some special favors were extended to leading headmen by the federal government, in the form of periodic trips to Washington, a larger share of the annual annuity, and government-financed houses.

In addition to a head chief, and a council, each town had a medicine man, a town cryer, and a kettle tender. The cryer was somewhat of a human newspaper. Each morning from the four quarters of the town he declared the headman's orders for the day, plus any news received the previous day. Having performed his duties, he was invited to visit each lodge to receive bits of food sufficient for his own and his family's needs. The kettle tender, as public steward, managed all the feasts and games of the town, attended to the public dining, and provided abundantly for himself and his family.  


15 Mary Paul Ponziglione, "The History of the Osage Indians," Osage Papers, St. Louis University, St. Louis, Missouri, 25. Hereafter cited as: Ponziglione, "History of the Osage."
The Material Culture of the Osage

The material aspects of Osage culture were not unlike those of neighboring tribes. Many reports indicate the general presence of such items as bows, arrows, pipes, and belts.\(^\text{16}\) There is also abundant archeological evidence indicating the common use by the Osage of the travois, and of parfleches, fleshers, scrapers, stone knives, bone breast plates, bone and shell beads, lances, and some simple pottery.\(^\text{17}\)

Osage house construction was primarily of two kinds. Along the wooded sections of their favorite waterways, such as the Osage, the Verdigris, the Neosho, and the Arkansas Rivers, rather stable domed huts were built. These structures had a spaced post frame which was usually covered by reed mats and bark. Occasionally split logs were used to cover the sides. The huts were some fourteen to twenty feet in width, twenty feet high, and varied in length from thirty-six to one hundred feet. Since the Osage moved as often as sanitary conditions, the hunt, or the depletion of graze required, they also frequently used their traditional tipi, or wigwam.\(^\text{18}\)

\(^\text{16}\)William P. Vaill, "Osage Indians," Missionary Herald, XXII (1826), 268. Also, Chapman, 32, 45.
\(^\text{17}\)Berry, American Antiquity X, 4-8.
\(^\text{18}\)Clark Wissler, North American Indians of the Plains (New York: Anthropological Handbook Funds, 1941), 19. Also, Chapman, 30-31. The Catholic priest, Mary Paul Ponziglione, observed that in the main the Osage preferred living out of
The Early Osage Image

Throughout their early history, the ability and fierceness of Osage warriors made them an object of fear to their enemies, who were many, and a prize to their allies, who were few. Of the Osage it was said that they were "noble and generous with their friends but terrible with their enemies." Throughout the seventeenth and eighteenth centuries, the Osage, in an effort to preserve and extend the boundaries of their domain, warred against tribes as far south as Texas. The losses suffered by some of their victims were so great that, as in the case of the Tonkawa, Tawakani, and Kichai, the weaker tribes were forced to move beyond the reach of Osage attacks. The aggressive ways of the Osage won for them the title of "the Ishmaelites of the savages," for it was said that "their hand was against everyone and most of the other tribes were hostile to them." doors. Rain, he said, did not bother them as they would shake like animals and, because of their scanty clothing, in a short time they were dry. "Mary Paul Ponziglione to the Reverend Father," July 13, 1881, Archives of the Missouri Province, St. Louis University, St. Louis, Missouri, 286-288.


20 The Osage Lands extended over most of what is presently Missouri and Arkansas north of the Arkansas River, the southern half of Kansas, and the northern half of Oklahoma. See Appendix I.

21 Grant Foreman, Indians and Pioneers (Norman: University of Oklahoma), 1936, 14-17.

22 Nasatir, Missouri Historical Review, XXIV, 435.
From time to time the offended nations would band together to fight the Osage. Such was the case in 1750 when the Wichita and the Comanche nations joined forces to loot and destroy a Great Osage village. The attack occurred while the main body of the band was away on the hunt, and the remaining inhabitants of the town - mostly women and children, the aged and the sick - were all killed or captured.\textsuperscript{23}

In contrast to the hostilities experienced in their relationship with other tribes, the Osage looked with some favor on the white men who started coming among them during the latter part of the seventeenth century. According to the available records, the first confrontation occurred on the Osage River in 1673 when several Osage towns were visited by Father Jacques Marquette. Fourteen years later, 1687, they were visited by Father Anastasius Douay, a priest of LaSalle's company.\textsuperscript{24} By 1712, the Osage had experienced repeated visits from the French and had come to look upon them as an ally. The Europeans in turn recognized the tribe as a distinct political entity. In 1717, following a visit among them, Governor Louis Boisbriant, Governor of Illinois and Louisiana, described the Osage as being good friends of the French, especially since they were willing to fight the Spanish.\textsuperscript{25} Friendship, to the Osage, however, did not

\textsuperscript{23}Chapman, 81. In later years the Indian agents found that it was very dangerous to reside in an Osage community during the several seasons when the warriors were away on the hunt.

\textsuperscript{24}Ibid. 75.

\textsuperscript{25}Ponziglione, "History of the Osage", 30.
necessarily mean the French were not to be taken advantage of if an opportunity arose. For example, when the French explorer Charles Claude DuTisne visited a segment of the tribe in November, 1719, he was ill-treated and was allowed to depart from their lands only after he surrendered many of his weapons and agreed to proceed with a greatly reduced force. To make matters worse, the natives sent word to the Pawnee tribe toward whose villages DuTisne was proceeding that the Frenchmen intended to capture and make slaves of them. As a result, the Pawnee greeted them with hostility and forced them to retreat back down the Missouri rather than allow them to continue, as they wished, to the land of the Paducahs.  

Two years later, in 1721, another explorer, Bernard LaHarpe, on an expedition which brought him into Osage country, encountered, in late August, a hostile band of about twenty warriors which he was able to disperse only after a considerable display of force. When finally allowed to continue, LaHarpe remarked that, although friends of the French, the Osage were known to be treacherous and constantly needed to be guarded against. In spite of such suspicion and mistrust, however, the contacts between the Osage and the French were more peaceful, harmonious, and lasting than the associations of the Osage with any other

26 "Charles Claude DuTisne to M. de Beinville," November 22, 1719. Indian Papers, 1600-1799.

people. This was no doubt due partly to intermarriage and some acceptance of Catholicism.

The change in civil administration from French to Spanish occurred in 1763, and in time resulted in a radical modification of the relationship between the Osage and the European power claiming jurisdiction over them. The new governors of the area were at first disposed to follow a conciliatory policy toward the Osage. For this reason, in 1769, they were included on the list of nations receiving presents from the crown. They were still on the list in 1777. In a note attached to the report of that year's gifts, the Osage were described as excellent hunters, their furs being the main source of supply for the Spanish post in St. Louis. It was also noted that they were very hostile toward other tribes, much given to horse-stealing, and always ready to break the peace. The report also stated that the Little Osage, numbering some 400 warriors, were located about eighty-five leagues from St. Louis near the banks of the Missouri. The Great Osage were said to number 800 fighting men and were located 180 leagues up the Missouri from St. Louis.

After more than a decade of courting the favor of the Indians, the Spanish reported in 1787 that all the Missouri


29 Ibid., 141-142.

30 Ibid., 142-144.
and Mississippi tribes except the Osage had responded. Regarding the Osage, they claimed every reasonable effort had been made to reconcile them but to no avail. In view of this, Spanish officials decided in 1788 to invoke a prohibition on all trade with the Osage nation. 31 They, finding the established avenues of commerce closed to them, turned to trade with the Americans living east of the Mississippi River and shortly developed this new source of trade to the extent that they were little affected by the Spanish prohibition. They also continued to commit serious depredations against other Indian tribes. The Spanish retaliated in 1793 by declaring war against them and by encouraging all surrounding tribes to unite in an effort to destroy their common enemy. The general good, it was declared, demanded that the Osage be absolutely destroyed and their land be secured. 32 

During the ensuing months, the Spanish continued to attempt to marshal the forces of other Indian tribes, some from as far distant as northern Mexico. Before the Spanish and their allies were ready to attack, however, the Osage scattered over the plains on their accustomed summer hunt and thereby eliminated all possibility of a successful attack. In the meantime, defection of the Loup and Chauvesnon tribes, and a total absence of response from

31Ibid., 163-164. Earlier efforts to enforce conformity had led to a devastating attack in 1775 by the Sac and Fox Indians on the Little Osage. Chapman, 84.

32Houck, Spanish in Missouri, II, 49-50.
white settlers made victory over the Osage doubtful and introduced the possibility of an embarrassing defeat. Finally, in the spring of 1794, a large party of Osage laid siege to a village, killing one white man and so frightening the settlers that an immediate cry for peace was raised. Since, by that time, the government was also anxious for a settlement, a peace pact was negotiated.

Under the terms of the treaty, the Spanish obtained permission to establish a fort near the Great Osage villages. This was done in the hope that the continuous presence of soldiers and traders would influence the natives to remain peaceful. On May 18, 1794, Auguste Chouteau was selected to build the fort and was granted an exclusive trading privilege, which was to last six years. The establishment, named Fort Carondelet after the Spanish governor of New Orleans, was completed by 1795. Pierre L. Chouteau was appointed commander of the post and, along with Auguste, established a close relationship with the tribe.

In spite of the treaty, the Osage were slow to change their violent ways. So great was the desire of the Spanish

33Ibid., 55-57.
34Chapman, 88-89.
35Houck, Spanish in Missouri, II, 100-102.
36"Baron de Carondelet to Pierre Chouteau," May 21, 1794, P. Chouteau Papers, 1794-1795, Missouri Historical Society, St. Louis, Missouri. Don Renate Auguste Chouteau was a rich Creole living in St. Louis. He was friendly toward Spain and highly regarded by the Osage as he and his brother Pierre had once lived among them. Houck, Spanish in Missouri, II, LXXXII.
to placate them however, that considerable allowance was made for their erring actions. Such favoritism proved extremely irritating to the other tribes, who continued to harbor a deep hatred for the Osage. Their feelings were expressed by a Miami chief who complained that if the people of his or any other nation were to steal horses, become intoxicated, or commit other extravagant acts the cry would be raised that they were nothing more than dogs and should be killed. The Osage, however, could pillage, steal, and kill and receive only caresses and presents. 37 The bitterness engendered by the Spaniard's favoritism rankled in several of the tribes - among them the Miami, the Comanche, and the Chickasaw - who took license from the earlier declaration of open season on the Osage and began sending out war parties who took many scalps. After a time, many of the Osage, under the leadership of Clermont, one of the principal chiefs, chose to ignore the pleas of the Chouteaus for peace and retaliated against their enemies. Following a successful mission, Clermont returned to find that Big Track, one of the lesser chiefs and a favorite of the Chouteaus, had replaced him as the leader of several Great Osage towns. In response to this action which was precipitated by the Chouteaus, the Old Chief assembled his followers and removed to the lower Verdigris River near its junction with the Arkansas, there-with establishing the Arkansas band of the Osage nation. 38

37 Houck, Spanish in Missouri, II, 95-96.
38 Ibid., 196. Also, Chapman, 89-90.
By 1798, the Spanish authorities were of the opinion that, except for the Arkansas band, the presence of the fort and the influence of the Chouteaus had successfully tempered the Osage taste for trouble-making. The feeling was expressed that in a few years the Osage would be as much a source of help and friendship to neighboring tribes as hitherto they had been a source of injury and fear. Clermont's people, on the other hand, had become notorious for their many atrocities. Since the victims were mostly hunters and wanderers along the Arkansas River, a class described as the "scum of the posts," the Spanish decided to do nothing rather than have the band retaliate and disturb the Illinois settlements which had been increasing rapidly since conditions had become more peaceful.

Although Auguste Chouteau had been granted a monopoly of the Osage trade, other traders and merchants in the district were anxious to secure some portion of it. Their zeal for profit was not dampened by the fact that the Osage would often refuse to pay for goods received or would force an unequal exchange, maltreating the traders should they resist. This avarice motivated them to try to undermine the Chouteau

39 Houck, Spanish in Missouri, II, 102.


41 Houck, Spanish in Missouri, II, 251.
monopoly. Meanwhile, government officials close to the scene were expressing the opinion that it was no longer necessary to continue the agreement with Chouteau. Auguste himself was hesitant about his ability to continue at the fort since, under the existing agreement, the cost of maintaining it and of pacifying the Osage was not subsidized by the Spanish government. In 1802, the question of Auguste Chouteau's monopoly came to a head when a new Governor, Juan Manuel de Salcedo, ordered that an exclusive right to trade with the Osage be granted Manuel Lisa and his partners. Chouteau succeeded in retaining the right to trade along the Arkansas River and persuaded many of the Great Osage to accompany him to a post he had previously established above the junction of the Verdigris River with the Arkansas River. Big Track became chief of the new settlement.

42 "Auguste Chouteau to El Baron de Carondelet," April 18, 1797, P. Chouteau Papers, 1796-1797.
43 Houck, Spanish in Missouri, II, 102.
44 "Auguste Chouteau to Manuel Gayoso de Lemus," April, 14, 1799, P. Chouteau Papers, 1797-1799.
45 Walter B. Douglas, "Manuel Lisa," A. B. Nasatir, (ed.), Missouri Historical Collection, III (1911), 20-23. Also, Foreman, 21. At this point, the Osage nation was divided into three separate units. In addition to the group which followed Chouteau, there were the Little Osage and some Great Osage under chief Whitehair located along the Missouri and the Osage Rivers and Clermont's band of Great Osage living on the Arkansas River. "Pierre Chouteau to Thomas Jefferson," January 31, 1805 and March 1805. Pierre Chouteau Letterbooks, Missouri Historical Society, St. Louis Missouri. Hereafter cited as: P. C. Letterbooks.
Between 1800 and 1803, the several Osage bands were again guilty of serious depredations against their neighbors and were in turn being attacked. Following the purchase of Louisiana in 1803, and even following a subsequent Treaty of Friendship and Allegiance with the United States in 1804, the unrest continued. The reputation of the tribe became such that hunters and trappers from the states were "... afraid of those savages who are at war with the world and destroy all strangers they can meet with." Further, it was generally accepted among the frontiersmen who knew them that this tribe, above all others, was "extremely faithless, particularly those on the Arkansas and the others ... are but very little more to be depended upon. They pretend to make peace and enter into terms of amity, but on the first favorable occasion they rob, plunder and even kill without hesitation." Neighboring tribes also viewed them with "great abhorrence and say they are a barbarous, uncivilized race and all nations desire their utter extinction."

By 1808, acts of violence charged to the Osage had increased to such a degree that Meriwether Lewis, the new

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49 Ibid., 166-167.
Governor of the Louisiana Territory, declared them beyond the protection of the United States and recalled traders from among them. Tribes hostile to the Osage were told that they were free to treat them as their common enemy and were encouraged to attack in such numbers as to either destroy or drive them out of the country. President Thomas Jefferson made the suggestion that the friendly nations not only be encouraged to war against the Osage but that they also be armed by the federal government as a means of assuring them a victory.

The disciplinary measures proposed by the President and the Governor did not, however, have a chance to materialize. Faced with possible destruction, several factions of the tribe sent a peace delegation to St. Louis in the fall of 1808 and offered to meet in April 1809, with the spokesmen of the various injured nations. This show of good faith resulted in a stay of execution, whereupon the Osage failed to appear at the intended council. For this reason, when they arrived at Fort Osage in August of 1809, intending to trade for winter supplies, they were turned away by the factor.

50 "Governor Meriwether Lewis to Secretary of War Henry Dearborn," July 1, 1808, Clarence Edwin Carter (comp. and ed.), The Territorial Papers of the United States (Washington: United States Government Printing Office, 1934), XIV, 196-197. Hereafter cited as: Territorial Papers. Some of the Little Osage and Whitehair's band of Great Osage were not under the ban. Ibid.

51 "President Thomas Jefferson to Governor Meriwether Lewis," August 21, 1808, Ibid., 219-220.

52 "James McFarlane, Osage Agent, to William Clark," February 20, 1809, Ibid., 269.
George Sibley. He ordered them to return to their homes and gave them until snowfall to settle their differences with the other tribes of Indians. If by that time they had not demonstrated to him and to their agent, Pierre Chouteau, that they could conduct themselves properly, their enemies would be permitted to attack them from every direction. "If, " General Clark wrote to Sibley, "this plan is strictly adhered to these bandits might be brought to a true sense of their situation and a great portion of them may become good Indians." 53

After Governor Lewis was killed in the fall of 1809, the ban against the Osage was lifted and they were once again offered protection and were allowed to visit Fort Osage. Under the terms of a treaty with the United States in 1808, they were required to trade at the Fort and to remove to its vicinity and this they did in large numbers even though the treaty was not ratified until 1810. By the spring of 1809, however, dissatisfactions arose and the natives began filtering back to their old village sites. The death of Lewis and the subsequent change in policy encouraged them to trade at the government post, but those who had left refused to resettle in the area. The latter group attached itself to the trader, Auguste Chouteau, viewing him as their "white father." The tribesmen who remained near the fort did so primarily because of their attachment to General William Clark. The divisions within the tribe were discovered by their enemies who then

proceeded to intercept trading parties journeying to and from the post. These attacks increased until the several bands were forced to ask the Federal government for an escort. Because the requested aid was not made available and because a large number of their tribe were killed while on a trading expedition in the spring of 1812, the Osage decided no longer to go to the government trading post. Thereafter they dealt with traders who came to them. At this time the Osage bands were reported by Sibley to be located as follows: The Great Osage numbering about 400 families were in part on the Osage River some eighty miles south of Fort Clark and the remainder on the Neosho River 120 miles to the southwest of the Fort. The Arkansas band led by Clermont, numbering 600 families, was on the Verdigris River, a branch of the Arkansas, about 200 miles southwest of the post. The Little Osage with 250 families were also on the Neosho about 100 miles southwest of the Fort. 

In 1811, at a time when Osage bands were still living near and making occasional visits to Fort Osage, an incident occurred which shows the enmity felt by the Osage for their red enemies. In May of that year, George Sibley recorded that on three successive days horses from the post were lost to depredatory Indians and that the Osage expressed great fear that the thieves intended to attack them as well. On Monday, May 7, Sibley wrote as follows:

54 "Officers at Fort Osage to Secretary of War William Eustus," July 16, 1812, Territorial Papers, XIV, 587-588.

55 Ibid. Also, "George Sibley to William Clark." July 9, 1813, Sibley Papers.
Last night at about 11 o'clock; there was an alarm among the Osages - One of their Sentries discovered 3 Strange Indians Stealthily approaching the Camp, and within 300 yards - After hailing 3 times with no effect, he fired his Rifle at the foremost one, who fell badly wounded, the others Ran off to the woods - the Report of the Rifle and yells of the guard aroused, not only the Osage Camp, but the Garrison; and in a twinkling all was bustle and confusion among the Indians - Many Ran to the place where the wounded Man lay; and Shocking to Relate, instantly fell upon him with tomahawks and knives, and in two minutes time cut the poor creature into 50 to 100 pieces - Men, women and boys engaged in this horrid butchery; and so quickly was it done, that the victim must have felt every blow and cut - His head, arms, hands, legs, feet, fingers, toes, ears, etc. were severed from the body, and the entrails let out - It was after the Osages had Returned to their camp from this butchery, that the Garrison was aroused by the unusual Noise - my own arousing was rather Startling; Sans Oreille had made his way into my Sleeping Room, and Stood at my bedside holding the head of the Slain Indian in one hand, and a blazing torch in the other, and calling my name in a voice of the most Savage excitement - I had faintly heard the gun, but not Regarding it, fell asleep again, and was in a Sound Sleep when thus aroused by my unwelcome visitor - I was quickly dressed and over at the camp: and there found the Osages in a temper far more Savage than I had ever before believed them capable - Here one shewed me a leg - one a hand - another a finger - foot - strips of Skin - the Scalp - the mutilated head had been Seized by boys and Rolled about as a foot ball; everyone aimed to get a piece - All this was accompanied by yelling and howling, enough to distract one - As soon as I was able to quiet the tumult, and to make them listen to Reason, I hastened back to my quarters, but not to bed - I was under Serious apprehension for the Safety of Mr. Cottle and his family, who were living alone in an open log cabin 3/4 of a Mile from the Garrison, in the direction whence the Strange Indians came, and without doubt from a large party, now exasperated by the loss of their Chief, for Such was the man Slain, - I asked the officer then commanding the Garrison Lt. Brownson, to Send a Corporal and file of Men to bring Cottle & family in, and to fire a cannon two or three times - but he Refused to do either - I then took a party of
Osages, and went and brought the family to my house in Safety. On the Road Side leading to Cottle's, a Short distance from his cabin, lay the Remains of the body of the poor wretch so Recently killed, which the hungry Indian dogs were Ravenously devouring with the far Stretched entrails and what else Remained - The Slain Man was Recognized as a distinguished Ioway war chief -- Sans Oreille apologized for his Rude intrusion, as well as he could; he Said he very Seldom allowed himself to become so excited - His Son had shot and scalped the Ioway chief. and that had no doubt Roused his feeling to so high a pitch.  

During the next several years following this incident, Sibley became increasingly sympathetic toward the Osage, feeling that their conduct on the whole had become such as to gain the favor of the government. The expressed allegiance of the Osage during the early years of the War of 1812 entitled them, he felt, "to every accomodation of the obligations which the treaty lays toward them." General William Clark, Southern Superintendent for Indian Affairs, did not take quite the same view. Learning that Sibley was going to live for some months among the Great Osage on the Osage River, he reminded him in a letter of the many whites which these and the Arkansas Osage had killed during the previous year and of their untold depredations resulting in large property losses. In the face of this, he insisted that an example be made of some of their members and the sooner the better.  

56 "Extracts From a Torn Leaf of an Old Diary," Sibley Papers, 1811.  
57 "George Sibley to William Clark," July 9, 1813, Sibley Papers.  
58 "William Clark to George Sibley," March 18, 1814, ibid. An example of the Osage offenses here referred to is
On April 4, 1817 General Clark announced that the Cherokee and their allies, among them the Choctaw and Quapaw, had declared war on the Osage and he feared a great deal of bloodshed would result, but did not feel disposed to intervene. The Osage, he later remarked, especially those in Arkansas, had conducted themselves most improperly. He accused them of listening to no council, of treating all whites with a great deal of brutality, and of taking lives on the merest whim. Any action regarding them, he advised, should be on the side of severity.

Several years passed and the Indian offensive referred to by Clark did not materialize. On May 17, 1821, it was reported by Robert Crittenden, the Acting Governor of the Territory of Arkansas, that the Osage Indians, "... a dastardly, cowardly race..." the least show of shown in the complaint of Auguste Chouteau and Sylvestre Labbadie who averred that some $735.00 in goods had been lost to the Osage in the following manner. Joseph Suisse, an employee, had been trading with the Indians when a group of Osage came into the post and complained of the high prices they had to pay and demanded the trader "stand aside or he would have cause to repent." They then seized bales of blankets, broke them open and distributed them all around. The same was done with clothing and other items. When they attempted to stop the proceedings, the trader and a companion were thrown aside with considerable violence and the latter's Indian wife was threatened with death for attempting to conceal some of the blankets. "Claim of A. P. Chouteau and Sylvestre Labbadie," Indian Papers, 1800-1815, June 3, 1814. Chouteau further complained that the Osage were notorious beggars and their demands for free coffee, tea, alcohol and other sundries were not satisfied by simple refusals and ultimately reduced their agents to a condition of financial ruin.


60 Ibid., June 11, 1817.
resistance or retaliation would check... had recently killed three Quapaw across the Arkansas River from Fort Smith and were threatening and robbing the whites all along the frontier. It was believed, however, that the Osage would shortly be restrained due to a lack of ammunition and because of a natural strain of cowardice generally ascribed to them by other Indians.

It was into this unsettled atmosphere that the Protestant and Catholic missionaries came in the year 1821. In the years that followed, they gained considerable insight into the Osage way of life and recorded their impressions in official reports and other correspondence. In their earliest communications, the missionaries described the complex nature of the Osage - a factor which proved both confusing and discouraging to them as the Indians clerical guardians. One such report told of how on the one hand the tribesmen were friendly and hospitable, willingly sharing the last of their food with a stranger, while on the other, at time when food was in short supply, it was their custom to leave an aged parent to perish on the plains without food or drink. It was further noted that they were always at war, but were not a warlike people. They delighted in combat and were most cruel though not prone to torture or mistreat prisoners.

61 "Acting Governor Robert Crittenden to the Secretary of War," May 17, 1821, Territorial Papers, XIX, 289.

62 "Mathew Lyon, Factor of the Government Post on the Arkansas, to the Secretary of War," April 7, 1821, ibid., 336-337.
They often would adopt a captive child in place of one of their own who had died.\textsuperscript{63} Another missionary thought it a miracle that the tribe had not been destroyed, since they were "continually in motion with their hand against every man and every man at their throat." They would readily make treaties and sign articles, to please an agent, but considered them "no longer binding than the first opportunity to take a scalp or steal a horse."\textsuperscript{64} Such was the case in 1825, following a covenant of peace made with the Kickapoo, Delaware, Shawnee, and several other tribes in St. Louis, Missouri. The Osage were said to have no more than arrived home before going on a raid against the Pawnee during which they killed and captured a number of Kickapoo and Delaware and stole many of their horses. Upon returning to their villages they boasted openly of what they had done.\textsuperscript{65}

Conformity was seen as a trademark of the Osage and was achieved through the power of ridicule. As one missionary remarked, "... it is hardly possible to make you understand with what iron handed despotism the airy phantom, ridicule, holds this people in subjection and drives them miserable, \textsuperscript{sic} along to perdition." This conclusion was illustrated in the examples of two boys. The one was fluent in English but would never speak it in the presence

\textsuperscript{63}Vaill, \textit{Missionary Herald}, XXII, 268.

\textsuperscript{64}Nathaniel B. Dodge, "Report on Harmony Mission," \textit{Missionary Herald}, XXIII, (1827), 149.

\textsuperscript{65}Ibid., 150.
of other Indians for fear of being overwhelmed with derision. The other was a twelve year old who ran about completely naked except for occasional rags which he draped about his body. The missionary gave him a complete set of clothing which had been donated by the Foreign Missionary Society. The boy left the mission fully dressed but returned the same day once again in the nude. Inquiry revealed that he preferred going about naked to being ridiculed because his clothing was grey rather than the traditional blue sold by the traders. 66

The role of Osage women was seen as little more than that of a slave. Their lives were said to be a continuous round of drudgery from marriage until death. Women were responsible for the building of houses, the planting of corn, the dressing of skins, the transporting of water, wood, and baggage, the loading and unloading of animals, the care of children and the preparation of meals. There was little affection, but much fear and degradation. 67 The men, when not absent from the camp for hunting or fighting, spent their days lying about eating, drinking, smoking pipes, playing games of chance, reciting over and over again their own and their ancestors' exploits, and finally "over fatigued for having done nothing the whole day, they lay down to sleep." 68

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66 Benton Pixley, "Character, Manners and Customs of the Osage," Ibid., XXIV (1828), 79.
68 Ponziglione, "History of the Osage," 166.
The life cycle of an average Osage youth was recorded by one of the Protestant clergy who, having been requested to produce a biographical sketch of some particularly outstanding Osage, stated that he knew of none who were sufficiently interesting or who merited being "rescued from oblivion." He then proposed the following as a generally accurate sketch of the average Osage brave:

... if my imagination might be suffered to run through a length of years, and make out a sketch, such as in fact may doubtless be given of numbers of the Osages, I would first present him to you bound to a board immediately after his birth, with his hands and feet so confined as to allow no motion except of the head, which he may turn from one side to another. I would next present him as a sturdy boy, almost without covering, ranging about with his bow and arrows in quest of birds, fishes, grasshoppers, etc. At length he begins to put on the airs of a man and swells with self-importance. To day, you may see him with blackened face and surly attitude, neither eating nor drinking, but howling and crying in conformity to their manly customs, that he may find success in war, or in some premeditated excursion for plunder. After three or four days, as though his petition had been granted, the frightful aspect and fiendlike image are metamorphosed into a sprightly tripping dandy most fantastically painted -- his head glittering with tinsil and waiving with plumes, stalking along with little bells tinkling at his feet, admiring himself, and elated with the admiration he fancies himself to be receiving from others. At length the time for war arrives when, equipped with his bow and arrows, a little parched corn, and a spare pair of moccasons, he marches off with his compatriots to acquire the distinguished honor conferred on those, who succeed in stealing horses, killing men, and murdering women and children. In this excursion perhaps he falls, but comforts himself, in his last moments that he shall rest among those braves, whose bones whiten on the prairie, and that he dies in the field of glory, and shall be the subject of songs of lamentation and praise sung by his nation. Or
If more fortunate he escapes the hatchet of his enemy, and lights on a little child, or an infant. He gives it a gentle rap, then hands it to another of his companions who does the same, and then to a third, who cuts off its head; and thus, by a singular refinement of policy, three braves are made by the killing of one person, and that an infant. Thus elevated, he returns home in all the pride of superiority and insolence of military prowess. He has become a brave, and assumes airs accordingly. And now he marries, and his bride conducts him home to the lodge of her parents, where he takes command, and ever afterwards holds the whole household in subjection to himself - the father and the mother of his wife and all their children not excepted. Having now ascended to the acme of his elevation, it is not long before he begins to descend, and the older he grows the less he is respected, and at last dies without virtue, and his burial is like the burial of an animal. 70

In November, 1829, a number of Osage were killed in a battle with a group of settlers and Cherokees living along the Red River. Threatening revenge, the Indians demanded that the government make good their losses. Colonel William Arbuckle, the Military Commander at Fort Gibson, was authorized to offer the offended band the sum of $400.00. When a council was finally held, the Osage representatives, having previously found out the amount that the government was prepared to offer, rejected the sum, stating that the "tears of their people could not be dried for less than $800.00." Arbuckle was finally forced to agree to their terms, commenting that in the past the federal government had always found the Osage hard to deal with and that they were considered the worst disturbers of the peace among all the

Indian tribes.71 For his own part, however, the Colonel said the several bands of Osage had become increasingly easy to handle and to his knowledge had been without serious offense during the two previous years. They were, he claimed, determined to maintain the peace, knowing that the hand of every Indian nation, except that of the Creeks, was against them and that their well-being required the cultivating of the good offices of the American government.72

This observation by Arbuckle was significant in that it pointed out the fact that, by 1830, the Osage were in the process of surrendering their militant independence and becoming wards of the federal government. This surrender occurred, in part, as the result of a treaty which the Osage made with the government of the United States in 1825, but it did not become a reality until the eighteen-thirties. With this transition there was also a change in the image of the Osage as perceived by their various contemporaries.

Like Arbuckle, George Catlin noted, as a result of a visit in 1832 to all of the principal Osage bands, that the Osage were a changed people. He observed that, although once powerful and able to cope with any foe, in recent years they had been reduced to skeletons of their former selves. Continuous wars, the devastation wrought by smallpox in 1830

72 Ibid.
and 1831, and the loss of their vast realm to the advances of
civilization had placed them on the defensive and made
them a dependent nation. Although they continued to ir-
ritate the frontier, the government officials assigned to them
claimed that their actions were primarily acts of desperation,
a result of their impoverished condition. Isaac McCoy,
writing in 1838, concurred with the above, stating that the
once powerful Osage previously had invited combat and had
been more than a match for other tribes living east or west
of the Mississippi. But in more recent times; they had be-
come a feeble and dependent people against whom "war would
be an unmanly act." They stole and depredated, he wrote, in
order to prevent starvation which resulted from the depletion
of their domain and the exploitation of its wild life.
"Could one," he asked, "kill a company of hungry boys who
steal from you?" Much of the Osage problem, McCoy suggested,
was due to the ineptness and indifference of absentee agents
whose character was generally so deficient as to have a
degradine influence on the Indians on those rare occasions
when they did visit them.

73 George Catlin, Letters and Notes on the Manners and
Customs of the North American Indians (Philadelphia: J. W.
Bradley, 1860), 463.

74 William Armstrong, Acting Superintendent of the
Western Territory to C. A. Harris, Commissioner of Indian
Affairs," December 5, 1837, Osage Agency, 1824-1841, 725.

75 "Journal of Isaac McCoy, 1828-1838," Kansas State
Historical Society, Topeka, Kansas, 516.
On January 8, 1837, Captain James Cooke, following an extensive visit to numerous scattered Osage camps, reported that the nation was divided into three main villages. Two were on the reservation proper, some 150 miles from Fort Gibson, and the third, Clermont's, was on the Verdigris some forty-five miles from the Fort. All the groups visited were found to be very destitute, living mostly on acorns, corn, and half-wild hogs. The hogs, along with the corn, were being stolen from white settlers. This latter fact was the cause of numerous and, as Cooke found, usually exaggerated complaints from neighboring settlers and Indians. The chief claimants were Cherokees who were said to invite the Osage to hunt on their lands for the purpose of selling them whiskey. After the purchase, when the Osage became unruly, the Cherokee would complain and ask that the troops remove them. Under these conditions, with the Osage restricted to their own lands by the military and faced with continuous pressure by the arrival of increasing numbers of eastern Cherokee, Cooke suggested that the government must meet their needs in a more satisfactory fashion. Otherwise, their only alternative to starvation was to join the wild tribes in the West or to lay waste the Missouri frontier. Thus, he concluded,

... if the government does not properly interpose, the Osage will have disappeared from the face of the earth: or, losing name, language, and character, will sink to the last gradation between them and utter barbarism, and become the nomad outcasts of the desert. This, if permitted must be pronounced when the whole case is considered, the strongest proof offered in a century, of the impulations of the American people, of
The Osage and Christianity

The first known exposure of the Osage to Christianity occurred in 1673 when the noted French Explorer, Father Marquette, spent several days among them, as did Father Anastasius Douay in 1687. Their visits were brief and there is no indication that either of them did any proselyting. In spite of the brevity, however, the impression they left on the Osage was such that when word reached the nation in 1705 that the Jesuit James Gravier was working among the Illinois, Peoria, and Kaskaskie Indians, the Osage sent a message asking that he come to them. Gravier died in 1706 before he could comply. By 1718, however, the Osage attitude toward the Black Robes had changed. In that year when two of them entered one of the villages they were taken captive and greatly abused. One of the pair was subsequently killed, though the other was fortunate enough to escape. During the next one hundred years, the Osage Indians were ignored by Christian missionaries. Both the French and the Spanish military were in frequent contact

78 Ibid., Ponziglione did not give any reason for the hostile attitude expressed by the Osage.
with the several villages but there is no evidence of further efforts to Christianize the Osage.

In 1820, the Indians visited the Catholic Bishop William Du Bourg in St. Louis to ask that missionaries be sent to them. In response to this request, the Reverend Charles la Croix visited the tribe in 1821 and in a short time baptized forty of their number. Because of poor health, he was replaced in 1823 by Charles Van Quickenbourne S. J. Van Quickenbourne was a very aggressive, capable missionary and soon established a school for Osage youth near St. Charles, Missouri. His ambitious plans for civilizing and educating the Osage were seriously thwarted, however, when the Treaty of 1825 led to the tribe's removal from the state of Missouri. Van Quickenbourne continued, nevertheless, to work with the tribe until his death in 1837, although the 300-mile distance separating him from the Indians and a constant shortage of money and manpower greatly hampered his efforts. He found that full bloods rarely were converted to Christianity and that his limited success in converting mixed bloods was discouragingly short-lived. In 1829, he attempted to overcome some of the difficulties he faced by introducing what he termed "A Plan of Reduction for Our North American Indians." He intended, in part, to do with the Osage what the Jesuits had done with the Indians of Paraguay: that is, bring them into organized communities where direct attention

80Ibid.
could be given to their spiritual, social, and economic
development. Under his plan only those Indians were to be
admitted who would commit themselves to live after the manner
of the whites. If faithful in this, each was to receive a
horse, a cow, and a plow, and was to be aided in the erection
of a cabin. The plan included care of the aged and a pro-
vision for turning out "bad Indians." 81

Van Quickenbourne's plan was presented to two villages
and received with enthusiasm. The government granted
permission to establish a community at a site on the Osage
River. In 1830, four families - all mixed bloods - moved to
the appointed place 300 miles from St. Charles, Missouri.
The community was named Le Village de Grand Soldat. In the
same year, additional mixed bloods and several Frenchmen
living with Indian women applied for membership. 82 It was
agreed that each citizen of the community would be granted
pre-emption rights on 160 acres of land and that each of two
fathers and two monks assigned to the anticipated congre-
gation would be issued 640 acres at $1.25 per acre. 83 The
experiment survived in theory until the death of Van
Quickenbourne in 1837 and thereafter, as was true of the Osage
in general for a number of years, it received no further
attention from the Catholic Church. It ended in fact, shortly

81 "Plan of Reduction for Our North American Indians,"
Woodstock Letters, XXVI (1829), 253-357.
82 Ibid., 358.
83 Ibid.
after it began. The failure of the colony occurred, so the priest claimed due to the unhealthy site selected and because it was located in the "... heart of American Protestant settlements." The natives did not gravitate to the community for fear they "would be despised, molested, and excited against," by the Protestant missionaries. Van Quickenbourne's zeal in Christianizing the Osage was greatly inspired by his concern over the presence of these non-Catholic clergymen who were "... trying to get them [The Osage] to forsake their faith."^85

About the same time that the Osage requested Catholic missionaries from St. Louis, a Washington group was considering a plan for missionary work among them. On July 10, 1820, Thomas L. McKenney, Commissioner of Indian Affairs, informed the United Foreign Missionary Society of New York of the feasibility of establishing a mission among the Osage. The society responded affirmatively and on March 3, 1821, was prepared to send some twenty-five adults and sixteen children to establish the Great Osage Mission. They carried a letter of introduction to the principal men of the tribe, in

84Ibid., 355.

85Ibid. During the period from 1820 to 1843, there were 132 persons who accepted Catholic Christianity through baptism. Five of this number were full bloods and the remainder were mixed bloods, primarily of French extraction. "Osage Mission Baptismal Record, 1820-1843," Osage Papers, St. Louis University, St. Louis, Missouri.

which the Secretary of War explained that the missionaries were sent with the good wishes of the Great Father for the purpose of introducing his red children to the ways of civilization. The native chieftains were assured that only their well-being and happiness were intended and that these would be best served if the bearers of the letter were well received and in every way encouraged. 87 By the fall of 1821, Harmony Mission was established and in operation on the Osage River about fifteen miles from a large village of the Great Osage and approximately the same distance from a main segment of the Little Osage. 88

In the spring of 1821, a second group led by the Reverends Nathaniel B. Dodge and Benton Pixley, was sent out by the Society to establish Union Mission. This was accomplished in the same year, with the mission buildings located on the Neosho River in the vicinity of several Osage villages. 89

Due to adverse and unaccustomed environmental conditions, the early years at the missions were extremely trying. Additional discouragement and hardships stemmed

87"John C. Calhoun to the Arkansas Osage Chiefs," May 3, 1820, Territorial Papers, XIX, 177-178.


89"John C. Calhoun to William Clark and all Osage Agents," March 15, 1832, Territorial Paper XVI, 710. The two groups represented the Presbyterian fellowship.
from the near universal indifference of the Indians to the message of Christianity. Year after year passed with but little obvious adaptation or application by the Osage of the message of salvation which the clerics offered. There were various reasons given for their lack of success but the missionaries generally agreed that the redmen's concept of right and wrong was too simple and uninhibited to enable them to comprehend the complex Christian philosophy. Whereas the latter stressed an appreciation of such abstract terms as atonement, grace, redemption, original sin, and salvation, the Osage philosophy was typified by adherence to a simplistic form of justice which is illustrated in the story of a warrior who, having recently killed a man, exclaimed to one of the ministers, "I am innocent of this murder. It was done by mistake." In another instance, a young woman became extremely vile and immoral and refused to be counseled concerning her conduct. In time an old man, a relative, resolved the situation by plunging a knife into her chest. The tribe admired rather than punished the old man. In a similar case, a young brave asked a sister who was disobedient and refused to listen to their parents if she intended to continue such conduct. When she answered yes, he shot and killed her. In substance, the Osage did not involve a supreme being in their moral conduct and would not be persuaded to

90Vaill, Missionary Herald, XXII, 269.
91Ibid., 269.
do so. Their God was a God of nature and was viewed as being "hateful and bad," rather than "amiable and good." Pixley describes the Osage attitude thus: "... they hate him; he is of a bad temper; they would shoot him if they could see him." One old Indian said that as a young man his great desire had been to kill his white and red enemies and that he saw no wrong in fulfilling this objective. Deity was concerned only when he failed to kill - then God hated him for his failure.

In view of the Indians' traditional religious philosophy, the missionaries found that the basic guilt, fear, and repentance precepts of Christianity did not take root among the Osage. The doctrine of man's immortality and one's responsibility to prepare for eternity attracted little attention from the Osage. Many of them who believed in a hereafter saw no connection between one's happiness there and one's moral conduct here. On the other hand, it was found that the majority scoffed at this belief and held it up to ridicule. On this point, one missionary wrote that he had just finished describing to a group the separate and eternal nature of the soul when he saw one of his listeners "strangely intent upon catching a fly. Having at length succeeded, he crushed the insect to death with his fingers; then laying it on the floor, and rubbing it about until not

92Pixley, ibid., XXIV, 80.

a vestige of it remained, he triumphantly exclaimed, 'what remains to exist? Where is the soul?' drawing his conclusions that men died and returned to nothing in the same way."

In time, the once-high hopes of the ministers and their families gave way to despair and frustration. Typical of the discouragement which they felt was that expressed by the Reverend Nathaniel Dodge, who wondered what possible hope could be held out for such a "hard, wild, warlike people . . ." "God," he wrote, "is able, indeed, to convert the Osages in a day" but he and his fellows could only suffer it out and place their trust in the promises of God. In spite of this assurance he confessed that he often looked upon the Osage and asked, "can these dry bones live?"

By 1834, the Osage having previously moved to the west, the Union and the Harmony Missions were over fifty miles from any of the Indian villages. This plus the general indisposition of the Osage to adopt the Christian religion, were considered sufficient reason to close down the missions and release the missionaries.

One casualty of the Protestant withdrawal was the school at the Union Mission. Its enrollment had increased from a few students in 1824 to forty Osage in 1833, with an average attendance of all students of fifty-three.

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94 Pixley, Missionary Herald, XXIV, 80.
95 Dodge, Missionary Herald, XXIII, 150.
96 Missionary Herald, XXX (1834), 194.
97 Ibid., XXIX (1833), 133.
According to their reports, the missionaries saw the school as the one bright spot in their experiences with the tribe. This feeling, however, was not shared by the Indians. The chiefs complained that the young men who had attended the institution were the most worthless of the tribe and after several years of instruction were unable even to write in a coherent manner. The general lack of scholarship, the Indians believed, resulted from the students having spent more time in the corn fields of the missionaries than in the classroom. For this and other reasons, by 1839, the anti-missionary sentiment had become so strong that - at the treaty sessions held in that year - the Osage demanded that no further religionists of any denomination be sent among them.  

Several years passed before Christian missionaries were again welcomed by the Osage. The situation permitting their return developed due to the treaty concluded in 1825 between the Osage nation and the United States. The pact stipulated that the proceeds from fifty-four sections of the land ceded by the Osage in Missouri were reserved for the purpose of establishing schools for the tribe. In June, 1843, the principal chiefs of the tribe wrote to the President of the United States and asked that interest on the money derived from the sale of the land be used to

98"Robert Callaway, Osage Agent, to D. D. Mitchell, Superintendent of Indian Affairs," September 17, 1843, Osage Agency, 1842-1848, 386. The Osage also accused the missionaries of interfering in their private political affairs and of living on and exploiting their lands without permission.
educate the Osage as specified in the treaty. The letter also said that an educational program could be most readily begun and the interests of the natives best served if the project were placed in the hands of representatives of the Catholic Church. It was specifically stipulated that the missionaries of that organization and no other were desired, in order that the young men of the tribe might be properly educated, among other things, in the use of the implements of husbandry. When by May 10, 1844, no schools had opened the chiefs repeated their request. Two years later, representatives of the Catholic Church assigned to press the issue in Washington, won from the War Department a contract for a Jesuit-operated school. The agreement, specifying that the order would assume all initial costs, was, however, rejected by church officials. They informed the Commissioner of Indian Affairs that the church would completely withdraw from the project unless all or at least a major portion of the annual interest from the school fund was made available to them. A compromise was eventually reached wherein approximately one-half of the fund, or $925.38, was allowed annually toward school expenses among the Osage, and on February 25, 1847, a contract was signed. This sum amounted to an estimated $55.00 per

99 "Osage Chiefs to the President of the United States," June 14, 1843, ibid. 296.

pupil per year to cover the cost of education, food, clothing, and general care of an estimated fifteen to twenty students. Since the necessary building had been erected by the government while negotiations were still going on, the Osage Manual Labor School, located on the Neosho River at the present site of St. Paul, Kansas, was in operation by April, 1847, and experienced such success that a larger building was requested the following year.

During the next twenty-three years to the time of the Osage removal to Oklahoma, the Manual Labor School grew and prospered both agriculturally and in numbers of students. In 1860 and 1861 the enrollment, the great majority of which was composed of half breeds, reached 130 and, except for the Civil War which closed all activity at the school, there was every prospect that this enrollment would be increased. At the same time, the agricultural yield from school lands more than met the needs of the institution. Such prosperity, however, was superficial and did not reveal the fact that the school was not reaching the full bloods and thus was not accomplishing the agricultural ends sought by the government or the spiritual goals desired by the church.

101 "William Middel to Reverend James Van de Velde," February 10, 1848, Osage Papers, University of St. Louis, St. Louis, Missouri, 48.

102 "John M. Richardson, Osage Agent, to William Midell, Commissioner of Indian Affairs," April 14, 1848, Osage Agency, 1842-1848, 380-381. The original building was constructed to house twenty students. At the end of the first year there were thirty-two boys enrolled and some twenty girls were at the newly finished Sisters of the Sacred Heart Convent. Ibid.
This was pointed out by the Reverend Mary Paul Ponziglione who, reflecting on his thirty years' service at the school and among the Osage in general, expressed regret that the nation was no better off, materially and spiritually, at the end of that period than it had been at the beginning. So long as the full bloods remained blanket Indians, he wrote, they would not, as they did not, accept Christianity. Concerning Christianity, the red men explained their rejection by claiming that Christ was for whites and "while we are Indians we must follow the medicine man." Ponziglione concluded that as long as they continued ignorant and superstitious and felt that they would disgrace themselves if they accepted civilization, they would remain hostile to white customs and retain as their main ambition the desire to be as wild as their ancestors had been.

Another factor which hindered the efforts of the Catholic missionaries was the avid consumption of alcohol by the Osage. Ponziglione reported that, although very often in a state of despair due to a shortage of food supplies, the average warrior always held some items of trade in reserve for the purchase of whiskey. Some of the most addicted

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103 Ponziglione, "Osages and Schoenmakers," Osage Papers, 6.
were the chiefs who were said to drink to excess at any opportunity. Ponziglione claimed that in all his years with the Osage he knew but one habitually sober man. He complained that widespread consumption of the low-grade, often poisonous whiskey, resulted in sickness, blindness, and sometimes death, and encouraged religious indifference. On these grounds the priests exerted considerable effort to prevent the distribution of whiskey among the Osage. Their diligence in this direction is illustrated in an incident involving a member of the tribe intent on entering one of the villages with a supply of alcohol. The local priest resolved that he would not allow it and thus stationed himself so as to intercept the Indian. As the native approached the village the father demanded the surrender of the keg of spirits he was carrying. The Indian refused and, in the struggle that ensued, both fell to the ground and the keg folled free. "The Father, noticing that the chances of war were on his side, at once gave a powerful kick to the bottom of the keg, bursting it and spilling liquor on the ground; the contest was over." The Indian regained his feet and before departing said that "were he [the priest] not a 'blackrobe' he would kill him."  

A final difficulty for the missionaries was the shortage of workers and a chronic lack of funds. Both of these problems were greatly enhanced by the wandering habits

107 Ibid., July 1, 1882, XI, 282.
108 Ibid.
and the scattered condition of the Osage. What funds were available came from donations by philanthropic whites, from the sale of land, especially town lots, and from the contract entered into with the federal government.109 Nothing at all was received from any Catholic missionary societies, "or . . . from Right Reverend Bishop, or from superiors or from any Catholic association of the different States of the Union, but as an old proverb says, we were left to paddle our own canoe the best we could."110

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109 "Account Books of the Osage Mission School," Osage Papers, University of St. Louis, St. Louis, Missouri.

CHAPTER III

The Osage: Victims of an Advancing Civilization

Establishment of the Federal Indian Service

Shortly after the organization of the Continental Congress in 1775, an act was passed declaring the intent of the Colonies to exercise jurisdiction over the Indian tribes. Three departments of Indian Affairs, a northern, a southern, and a middle, were established, each to be headed by a number of commissioners.\(^1\) These officials were responsible for registration of treaties, encouragement of trade, and general preservation of peace between natives and border settlers.\(^2\)

The three departments were reduced to two in 1786: the northern, which included all tribes west of the Hudson and north of the Ohio Rivers, and the southern, which included all tribes in the area south of the Ohio River.\(^3\)

In 1780, the Department of War was established and Indian Affairs were placed under the jurisdiction of a Board of War.\(^4\) When a War Department was created in 1789 under the


\(^3\)Cohen, 9-10.

\(^4\)Ibid., 10.
terms of the Constitution, United States-Indian relations became the responsibility of the Secretary of War. They remained under the direct supervision of this office until 1824, when the Bureau of Indian Affairs was created within the War Department by order of the Secretary of War, John C. Calhoun.\(^5\) The Bureau of Indian Affairs did not receive formal recognition, however, until 1832, when Congress authorized the appointment of a Commissioner of Indian Affairs who was to direct and manage all government affairs related to Indian tribes.\(^6\) When the Department of the Interior was established in 1849, the Office of Indian Affairs was transferred from the War Department to Interior, where it has since remained.\(^7\)

Field jurisdiction within the Office of Indian Affairs was classified under two main headings: superintendencies and agencies. The former were concerned with Indians within a given geographic location. This was most often a territory, but at times a larger area was involved. Superintendents were responsible for the supervision of inter-tribal affairs and for Indians' dealings with authorized non-Indians. They were also responsible for the accounts and conduct of appointed agents and sub-agents. Indian agents were directly

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\(^{5}\)Ibid., 10-11. Thomas L. McKenney was named to head the Office by Secretary of War Calhoun.

\(^{6}\)U. S. Statutes, IV, 564.

\(^{7}\)Ibid., IX, 395.
concerned with the one or more tribes to which they were
assigned. Each tribe's agents were responsible for seeing
that the terms of all treaties entered into by their charges
were carried out. Agents' duties in this regard required
them to supervise the distribution and expenditure of annuity
payments. Shortly before and for some years after 1800
agents acted virtually as diplomatic representatives. In
this capacity they worked to preserve or restore peace and
were influential in inducing the natives to cede their lands
and move beyond the advancing frontier. 8

The offices of superintendent and agent were filled
by presidential appointment with the advice and consent of
the Senate. Sub-agencies were established without congressional
approval and even though sub-agents were originally conceived
of as assistants to full agents, they became in effect them-
selves full agents.

For many years both agents and superintendents were
allowed considerable latitude in their dealings with the
Indians and, therefore, wielded considerable influence over
them. As better means of communication were established the
activities of both offices were increasingly curtailed and
investigated. In 1869, all civilian agents were replaced

8 "Letters Received by the Office of Indian Affairs,
1824-1880," National Archives Microfilm Publication Pamphlet
1-3. Sub-agents were paid from one-half to three-fourths the
salary of a full agent and were usually assigned to a single
tribe within an agency which had jurisdiction over a multi-
plicity of tribes.
by army officers and they in turn were replaced the following year by representatives of religious organizations. The latter were part of what came to be known as "The Quaker Policy," "The Peace Policy," or "The Feeding Policy," of President Ulysses S. Grant. When he took over the reins of government March 4, 1869, President Grant was confronted with a situation in which many of the tribes along the nation's frontier and westward were at war one with another and were constantly fighting, raiding, and destroying the white man and his property as he settled near or came among them. As a consequence of long standing hostility, the Indians were generally disliked and were viewed as being less than human by countless Americans, many of whom were avowed supporters of a hard line approach to the Indian question and of a movement which had as its goal the return of the Bureau of Indian Affairs to the War Department, where it was believed that the policies of peaceful co-existence and pacification as attempted by the Interior Department in its handling of Indian Affairs would soon be remedied. In contrast to these circumstances, President Grant had in his possession the report of a special Indian Peace Commission, appointed by President Andrew Johnson, which expressed the view that most of the Indian wars and outbreaks were provoked by the offensive and often unjust actions of white men.

9 Ibid., 3-5.
Grant's policy regarding the Indian dilemma was initiated shortly after the election when he placed all the Indian agencies in Nebraska, several in Kansas, and the Kiowa and Comanche in the Indian Territory in the charge of the Quaker Church. Within a year, as the experiment proved successful to the satisfaction of the President, he invited other churches to recommend individuals for appointment as Indian agents. This invitation was well received and in time all but a few minor agencies were under the direction of religious organizations.¹¹

Throughout the early stages of the development of its machinery for dealing with Indians, the United States government viewed the native tribes as being sufficiently sovereign and independent to require that appropriate treaties be made with them.¹² Beyond this element of recognition, however, tribal authority received scant attention. The government acknowledged Indians had a right to their lands until the right was cancelled by a voluntary cession to, and only to the government of the United States. The government thus asserted a title to the lands of native tribes totally independent of their will, the title to take effect as soon


¹²The first treaty between the United States and an Indian tribe was that concluded with the Delaware Indians on September 17, 1778. U. S. Statutes, VII, 13.
as the Indian right of possession ended. The resultant reduction of the Indians was virtually completed, following the discontinuance of treaty making in 1871, and the implementation of a strict reservation policy in 1876. This was followed by the abolition of superintendencies in 1878, whereupon all Indian agencies were made to answer directly to the Bureau of Indian Affairs in Washington. At this point the condition of the Indians had become and remained one of dependency, their relationship to the government being similar to that of a ward to his guardian.

The Early Period - 1803-1824

As the Lewis and Clark Expedition passed through the newly acquired Osage territory in 1804, its members observed that the Osage tribe was divided into at least three separate units and included 1,400 warriors, and was potentially the greatest single obstacle in the path of the advancing American

13U. S. Statutes, XVI, 556. Prior to 1849, the Indian country was divided into five superintendencies, the St. Louis Superintendency being the only one with full status. Two others were headed by agents who had the additional assignment of "Acting Superintendant." The Western Superintendency, presided over by the agent to the Choctaw Indians, was typical of this kind of arrangement. The other two were "ex officio" superintendencies which were directed by the governors of the Oregon and Minnesota Territories. After 1849, in addition to the organization of the Central and Southern Superintendencies, the office was extended to cover each new territory and was called by the name of the territory. Norbert P. Loehr, "Federal Relations With the Jesuit Osage Indian Mission, 1847-1870," (unpublished Masters thesis, St. Louis University, 1940), 5-6.
frontier. In recognition of this, a delegation of Osage headmen and warriors was invited by the Federal government to travel to Washington for the purpose of establishing a pact of friendship and allegiance. Headed by Whitehair, the generally recognized Chief of all the bands except Clermont's, the red men were highly pleased with what they saw and the manner in which they were received in the national capital.

The government of the United States offered further evidence of its good will the following year when, as promised during the Washington visit, an Arkansas factory was established for the purpose of providing a trade outlet for Osage villages located on the Verdigris and the


16 Due to the deep resentment by a number of leaders who had not been invited to make the trip, the enthusiasm of Whitehair and his companions regarding their reception in Washington was greatly dampened upon their return to the West. The dissension which resulted led to a substantial loss of respect for Whitehair by elements from both the Great and the Little Osage. In an effort to unify the tribe and temper the excesses committed against other tribes as well as against trappers and white settlers, Agent Chouteau included six of the leading chiefs and troublemakers in a delegation which travelled to Washington in October, 1806. "Pierre L. Chouteau to Henry Dearborn," P. C. Letterbooks, 25. Also, ibid., October 14, 1806, 72, 78.
Osage Rivers. In September, 1807, the relationship between the United States and the Osage nation was further cemented when the natives were sent a blacksmith and three months later a horse mill. In 1808, another significant step in Osage-American relations was taken when the War Department ordered the construction of Fort Clark, later to be known as Fort Osage. Under the direction of General William Clark the several structures planned at Fort Clark were soon completed. George C. Sibley was appointed factor for the fort and being early on the scene he made detailed notes on its location and construction and described the efforts made to get the Osage to settle near it. They were, he stated, to be greatly benefited by the presence of the post, in that they were thereby provided with a well located and fairly operated source of trade; and, on the

17 Chapman, 96.


19 Gregg, Missouri Historical Review, VII, 443. Also, "Henry Dearborn, Secretary of War, to George C. Sibley," May 17, 1808, Sibley Papers. The following is a brief biographical sketch of George Sibley:

"One of General Clark's best agents in the handling of the Indian problem was Major George C. Sibley. He was Massachusetts born but was reared in North Carolina. His father was a surgeon in the American Revolution, afterwards settling in Natchitoches, Louisiana. George came to St. Louis as an attaché of the Indian Bureau. His aptitude for dealing with Indians prompted his advancement. When the Hunt expedition went up the Missouri in 1811, Sibley was in charge where Fort Osage or Fort Clark was located. He was a commissioner at the Indian Treaty of 1825 which opened the Santa Fe Trail... After retiring from public service, Major Sibley settled in St. Charles County. He is remembered for his liberal gifts to educational institutions." Walter B. Stevens, "Biographical Sketch of George C. Sibley," Sibley Papers.
promise that if they would settle near it, they were also assured of government protection from their enemies. The United States, meanwhile, would find it possible to more effectively regulate the trade of the nation and exercise a measure of control over it which heretofore had been impossible.  

While persuading the Osage to relocate near the fort, General Clark found them so amenable in council that he introduced the question of a Treaty of Cession. The favorable response of the Indians encouraged him to make a number of proposals which were accepted by those present. The terms of the ensuing compact called for the Osage Nation to relinquish its claim to all lands east of a line extending due south from the Fort to the Arkansas River, in return for which the Osage were to receive the sum of $1,200.00 the following year in specified goods delivered at first cost and to be divided so that the Great and the Little Osage would each receive goods valued at $500.00 and each of two main chiefs were to receive items worth $100.00. It was further agreed that, upon ratification of the treaty, the United States would assume responsibility for all claims against the Osage. In addition, the tribe would be furnished with a blacksmith, a mill, two chief's houses, an assortment of agricultural implements, and be protected, when necessary, by the militia stationed at Fort Clark.  

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agreement was forwarded immediately to Washington, but when it was discovered that many of the principal headmen and warriors had not been present at the treaty sessions and that they were strongly opposed to the agreement, the Senate refused to ratify it.

Governor Meriwether Lewis, upon learning the fate of the Clark treaty, wrote another one and charged the Osage agent, Pierre L. Chouteau with the responsibility of seeing that its terms were properly explained and acceptable to the previously opposed members. Under the terms of the second compact, the Osage agreed to relinquish all claims to lands lying north of the Missouri River and east of the line described by Clark. They were to settle near and trade only at Fort Clark. The treaty also made special reference to the Arkansas Osage who were required to relocate immediately or face trade restrictions and the loss of their share of the annuity. 22

On the day that Fort Clark was officially completed, November 10, 1808, the United States Treaty sessions with the Osage were concluded and the document was accepted by Pahuska or Whitehair, and seventy-four other chiefs and braves who placed their marks on it. The amount of land to

22"Pierre Chouteau Jr. to William Eustis, Secretary of War," September 2, 1809, P. C. Letterbooks, 136. General Clark's claim to the contrary, the Osage had never expressed any right to the land north of the Missouri River. This area was historically the possession of the Sac and Fox and this Clark finally admitted in 1824, when he treated with them for it. John L. Thomas, "Some Historic Lines in Missouri," Missouri Historical Review, III (1908-1909), 255-256.
which the Osage no longer laid claims amounted to approximately fifty million acres. In return for this concession, the revised treaty promised the Osage $1,200.00 in cash and an annual annuity of $1,500.00 in merchandise, plus the assumption by the United States of full liability up to $5,000.00 for all proven claims against the tribe. 23

Two years passed before the Senate acted to ratify the treaty. In the meantime, many of the previously dissident elements grew restless and in the absence of the promised annuity payments, some declared that the government had forgotten about the Osage and the treaty, while others averred that since the land belonged as much to future Osage as to living ones only hunting rights and not the territorial rights had been surrendered. 24 By the time of the ratification in April, 1810, the issue had become deeply confused and dissatisfaction was widespread.

No small part of the problem was due to animosity between the Osage agent, Pierre L. Chouteau, and the Governor, Meriwether Lewis. Chouteau felt that Governor Lewis had condemned the Osage with undue harshness on the one hand while on the other he had reneged on both threats and promises with a resulting loss of respect and faith on the part of the Osage. The Governor, resenting Chouteau's opinion, contrived to make the agent appear, to the eyes of

23 "Treaty Between the United States and the Osage Nation of Indians, Fort Clark, Louisiana Territory," November 10, 1808, Indian Papers. Also, Appendix I.

24 John L. Thomas, Missouri Historical Review, III. 255-256.
his superior in Washington, neglectful of his duty. Lewis sent the agent on punitive errands foreign to Osage affairs and then charged him with absenteeism and lack of concern for the Osage for whom he was responsible. Without Chouteau's knowledge, Governor Lewis assigned other agents to deal with the Osage and when their promises were not kept the natives blamed their regular agent, Chouteau. Under these conditions, Chouteau's influence with the Indians waned and consequently he became discouraged. He sent word to the Bureau that, if the government was alarmed that he had made no reports in over eighteen months, it was because he, in turn, had received no attention from his superiors in that period of time.

Governor Lewis, in justifying his treatment of Chouteau, informed the government that the agent was taking advantage of his friendship with the natives by claiming for himself and one Noel Mongrain, a half breed interpreter, a large tract of land within the area recently ceded by the Osage. When Lewis refused to allow the grant, the agent ignored his decision and wrote to President Thomas Jefferson, asking that his claim and that of the interpreter be recognized. The Governor further charged that the Osage agent


26 Ibid. Also, "James McFarlane to William Clark," February 20, 1809, Territorial Paper XIV, 269.

was using the influence of his position and much of his
time to further the cause of a newly-organized trading
company in which he was a partner.28

Even the death of Governor Lewis in 1809 and the
ratification of the treaty the following year did not resolve
the situation. Chouteau sorely felt the Bureau's lack of
confidence in him resulting from Governor Lewis's reports,
and his resulting insecurity is reflected in his corre-
spondence. He continued, nevertheless, in his office and
worked diligently to renew the faith of the Osage in himself
and his superiors.

In 1810, Chouteau informed the Secretary of War that
increasing numbers of squatters were invading Osage lands.
He also assured the Indians that their rights would be
protected by the government and that they, therefore, need
not resort to violence.29 In January, 1811, he reported to
the government that a mill had not been erected as promised
and that, although a blacksmith had been furnished, he was
without tools and his forge had been destroyed by enemy
Indians.30 Two years later, he reported that the squatters
continued undisturbed on Osage soil and that, although the
mill was finished, the Indians, having lacked farm implements
and axes, were unready to use it. As it turned out, by the

28 "Pierre L. Chouteau to William Simon," November 23,
1809, P. C. Letterbooks, 103. Also, "Pierre Chouteau Jr. to

29 "Pierre L. Chouteau to William Eustis," April 26,
1810, ibid., 108.

30 Ibid., January 17, 1811, 119.
time the mill was completed the number of Osage in the area had been greatly reduced and, for that reason, the mill was little used and fell rapidly into decay. 31

As the War of 1812 began, both the English and their Indian allies attempted to turn the several Osage bands against the United States. In the face of the general faithlessness of the United States government toward their wards, they reasoned, the Osage would be open to such overtures. 32 However, by the end of the war, only a small number of individual Osage had been won over to the side of the English. The tribe as a whole demonstrated its allegiance to the United States by responding wholeheartedly to a request by Governor Frederick Bates for troops to go north and defend the white frontier settlements against the plunderings of several wild tribes of Indians. Of the 500 warriors who volunteered, only 260 were selected and these expressed sharp disappointment when, shortly after the expedition got underway, the Governor ordered the cancellation of his request. 33

The Osage as a group did not participate further in the War of 1812. In fact, when Fort Osage was abandoned by

31 See Chapter II, 26-27.

32 "Pierre L. Chouteau to the Secretary of War," May 20, 1813, P. C. Letterbooks, 31. At this time, according to Chouteau, the government was two years behind in annuity payments and the farm implements, chief's houses, and block houses promised in the Treaty of 1808 had not been provided. Furthermore, the tribe had been asked to repeal an article of the treaty which required that a permanent fort and factory be maintained at Fort Osage.

33 Ibid.
the government in September, 1813, they withdrew from the area entirely and for the next several years, except for isolated contacts along the Arkansas River, experienced very little intercourse with either the federal government or the white settlements. At this time, the Great Osage of Whitehair's band, numbering about 500 men, were situated on the Osage River approximately 450 miles above its junction with the Missouri. Clermont's band of Great Osage, numbering about 400 warriors, was living near the future site of Fort Gibson some 750 miles up the Arkansas. The little Osage were divided into two groups: one with sixty men lived near the Great Osage on the Osage River and the larger group of the two, with 150 warriors, lived on the Neosho River, some sixty miles or more from Clermont's Arkansas band. By 1815, in spite of the ill feeling which grew out of the Treaty negotiated by Governor Lewis in 1808, the whole nation except for Clermont and his people was well disposed toward the United States, and Clermont's dissidents, reported Chouteau, were merely victims of isolation, needing only time and opportunity to overcome their recalcitrance.

34 The fort was reoccupied in 1815, and remained as a military post until 1819. It continued as a trading post until all government factories were closed in 1822. Gregg, Missouri Historical Review, VII, 443-447.


36 Ibid., 23.
When the War of 1812 ended, the Osage were well along in the process of vacating the land surrendered in 1808. In that year, 1815, the many white settlers already on the land were joined by most of the Miami tribe who settled near the Missouri River at a former Little Osage village site in present Saline County, Missouri. The following year a few Cherokee arrived and by the close of 1818 over 3,000 Cherokee were living in the lower Arkansas River area. In subsequent years, the Delaware in 1820, the Kickapoo in 1823, and the Creek in 1825, were relocated within the former Osage homeland. The presence of these and other Indians and the reluctance of the Osage to discontinue their annual hunting expeditions on to these lands became a source of serious conflict. The situation was intensified by the dissatisfaction of the immigrant Cherokee with the location of their new home. In their dissatisfaction, they coveted some Osage land just north of the Arkansas River in what is presently northeastern Oklahoma and western Arkansas. This region was a prize not only because of its natural abundance but also because it served as a much needed outlet to the western buffalo graze.

37 Chapman, 96. Also, Spencer, Missouri Historical Review, III, 276.


39 Foreman, 79-81.
By the summer of 1816, the government, recognizing that trouble was developing between the Osage and the immigrant tribes attempted to prevent it by establishing an Indian Commission and sending its members to meet with a deputation of headmen from the agitated tribes.\(^{40}\) A council was arranged but, when the appointed date in October arrived, the Osage delegation did not appear and the situation continued unresolved. Before further preventive action could be taken, General Clark reported that the immigrant tribes had declared war.\(^{41}\) During the summer of 1817 an allied force of nearly 600 Indians from the Miami, Delaware, Cherokee, and Creek tribes moved against several Osage towns, but with little success. Clark feared, however, that should the war be allowed to continue, the Osage would soon be wiped out.\(^{42}\) This possibility was made more imminent by the fact that, in that same year, the Osage had been guilty of numerous serious offences against American frontiersmen who, as a result, were also on the verge of attacking the Osage. Claims against the tribe were so numerous that their total annuity payment for 1817 was withheld by the government to pay off the claims of aggrieved settlers. Without the annuity supplies, the Osage were greatly handicapped since they were unable to trade for the guns and ammunition

\(^{40}\) "R. Wash, Chairman of the Indian Commission, to George Sibley," June 30, 1816, Sibley Papers.

\(^{41}\) "General William Clark to George Sibley," April 4, 1817, ibid.

\(^{42}\) Ibid., November 11, 1817.
which they needed in order to successfully defend themselves. 43

In May, 1818, the Secretary of War, John C. Calhoun, informed General William Clark that the President had ordered an immediate end to the conflict. Since the Osage had been bested in their several encounters with the Cherokee, he directed that they should grant to the latter the disputed area in order that the Cherokee might control a westward passage and thereby have access to the distant buffalo herds. The President, Calhoun wrote, was anxious to placate the eastern Cherokee and hoped by this means to effect their removal to the West. 44

Clark responded by arranging for a peace council to be held in St. Louis and by writing to the Osage as follows:

To the Osage Nation - Chiefs, Braves and considerate men. Open your ears and listen to a few words I send to you.

Children and Friends:
You know that I am acquainted with your situation, that I know your difficulties with other tribes and red-skins and that I have felt for your distresses.

Children - You know that I have turned three Indian armies from the direction of your towns and prevented other parties from sucking the blood of your people.

Children - The country you claim is extensive and other tribes have for many years passed proved to you by their conduct that they wished to possess your lands.

Osages - If you have confidence in me attend to what I say - Your Great Father, the President of the United States is willing to purchase your lands and apportionate a part to such

43Ibid.

tribes as he may think proper, who will live in friendship with you and will strengthen your arm. Children - I am informed that wild animals are becoming scarce every year in your country and that you are in want of many things to support your women and children - Your annuities are too small to be of much service to you. I wish to make that annuity larger and I also wish to render you a service in producing a continuation of peace and quietude between the Osages and the different tribes of red-skins, as well as white people.

Clark concluded by informing the Osage chiefs that, if they were willing to treat in the manner he proposed, they were authorized to send a deputation to St. Louis in the fall of the year. 45

The Osage responded affirmatively to the Governor's inquiry and their representatives subsequently concluded a treaty on September 25, 1818. Under its terms, the tribe relinquished all claims to more than 1,800,000 acres of land. 46 In return, the federal government was to assume all responsibility for the claims of citizens who could prove to the satisfaction of the Commissioner of Indian Affairs or his representatives, that their property had been stolen or destroyed by members of the Osage tribe. The total amount allowed for this purpose was not to exceed $4,000.00. 47 A few days later, on October 6, 1818, the segment of the Cherokee tribe living on the Arkansas River and their Shawnee and Delaware allies entered into a treaty of perpetual peace with representatives of the Great and Little Osage. Each

45 "General William Clark to the Osage Nation," June, 1818, St. Louis Papers, II, 87.

46 See Appendix I, also, American State Papers, Indian Affairs. (Washington: Gales and Seaton, 1832), II, 167-168.
side was to return all its prisoners the following spring and the Osage were to allow the other tribes undisturbed passage to all hunting grounds south of the Arkansas River. Finally, no private revenge was to be sought by any of the parties to the treaty; instead, all inter-tribal grievances were to be submitted to the respective agents. 48

On this pleasant note the treaty sessions ended and the participants returned home from St. Louis. The X’s on the peace pact of October 6 were hardly dry, however, when the homeward bound party of Osage was attacked by a band of Cherokees who stole some forty horses. In recompense, the Osage demanded the immediate liberation of all their members held prisoner by the Cherokee. When these were not immediately released, they raided a Cherokee cache and confiscated many hides and furs. This act was followed by an attack on a Cherokee hunting party which resulted in the deaths of three Cherokee hunters and the loss of their furs. 49

Hostilities continued on a similar scale until 1821, when a force of some 400 Osage took the field in what was to be an all-out effort to subdue the immigrant tribes. Headed by a lesser chief, Mad Buffalo, the Osage, being in need of guns and

48 Osage Treaty of 1818, St. Louis Papers, II, 93. The 1,800,000 acres obtained from the Osage at this time became known as Lovely’s Purchase. Mr. Lovely was the Cherokee agent at the time and he actively encouraged the purchase. Because of the role he played during the original negotiations his name was associated with the purchase although it did not appear in the treaty. “Governor George Izard to the Secretary of War,” January 28, 1826, Territorial Papers, XX, 191.

ammunition, threatened to capture Fort Smith on the Arkansas River but failed to do so and were subsequently defeated by a better-equipped allied army. The latter followed up its victory by attacking an Osage village. The raid netted the attackers some seventy to 100 horses, plus forty Osage dead and thirty captured. The Cherokee and their allies were encouraged in their offensive by the Governor of the Arkansas Territory, James Miller. The Governor, being unable to secure the peace and believing the Osage to be the aggressors, gave the immigrant tribes clearance to wage war against the Osage saying he was setting them at liberty to "let loose the dogs of war." The Governor's decision resulted not only from continuous inter-tribal unrest but also due to the alleged plundering and killing of white frontiersmen by the Osage.

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50 "An account of the Osage-Cherokee War from the Journal of Mathew Lyon," April 8, 1821, Territorial Papers, XIX, 343-345. Fort Smith, named after General Thomas A. Smith, was established on the Arkansas River at the mouth of the Poteau River. Its erection, as called for in 1818, was due, in part, to the need for further control being established over the Osage. Gregg, Missouri Historical Review, VII, 469.

51 "William Bradford to the Secretary of War," November 20, 1821, Territorial Papers, XIX, 356.

52 "Mathew Lyon, Factor of the Government Post on the Arkansas, to the Secretary of War," 1821, Territorial Papers, XIX, 333. Also ibid. April 7, 1821, 336-337; "Governor James Miller to the Cherokee Indians," March 20, 1821, ibid., 335.

53 One of the offended settlers wrote to the Secretary of War and complained as follows: "You can have but little Idea how the people is imposed on by this trib of Indians they have got on a extensive frontier the people is weak heir in number not abel to protect them Selvs from them they now it and it makes them Sausy and mischievous they are going to and fro through our Settlements killing up our stock destroying our crops and Stealing
Charges of hostile acts by the tribe reached such a number that in spring, 1821, the federal government was asked to issue weapons and ammunition sufficient to arm 200 minutesmen authorized to repel the outrages of the Osage. Still other voices were demanding that the tribe be not merely repelled but destroyed; for almost as destructive as the injuries inflicted by the Osage were those committed by enemy war parties which, in going against the Osage, passed through scattered white settlements and committed depredations as they went. Government officials, however, rejected such an extreme solution and continued their efforts to arrange a binding peace treaty between the warring tribes in spite of many frustrations and failures.

One peace agreement was concluded and signed in 1822 but, like that of 1818, it was of short duration because of a schism among the Osage over the question of peace. Most of them, the Little and the Arkansas bands especially, either did not trust the government and the Cherokee or else

all our best horses - it is impossibel for the inhabitats heir to stand it if their is no means taken to stop it. therefor pleas to inter feare in that case for us and get them confined to ther one bounds & not Suffer them to pas through our settlements - /Sic/. "Rueben Easton to the Secretary of War," March, 1819. Territorial Papers, XIX. 60-61.

54"Robert Crittenden, Acting Governor of Arkansas Territory, to the Secretary of War," May 17, 1821, ibid., 289.

55"Governor James Miller to the President of the United States," December 10, 1822, Indian Papers.
strongly favored continued conflict. Another peace proposal called for the removal of both Indians and whites from the area between the Osage Line and the Missouri border and the establishment of a no man's land. The government believed that, if all unnecessary contact were thus eliminated, peace would come to the frontier. A third plan called for the settlement of the above area by whites only, to create a buffer zone between the warring nations. The proponents of this plan reasoned that if no tribes were allowed to either live or hunt in the area, and there were sufficient settlers to enforce their exclusion, peace might possibly follow.

The Treaty of 1825

By 1825, the Osage were ready to go to the conference table to bargain - not so much for peace as for relief from their pressing economic problems. Continuous Osage depredations against both whites and Indians, and subsequent claims against them, had either greatly reduced or completely eliminated their annuity. This situation, plus numerous losses suffered at the hands of the Cherokee and their allies, had brought the Osage to the point of recognizing

56 "Richard Graham to the Secretary of War," June 1, 1821, and September 20, 1821, Richard Graham Papers, 1821-1823, Missouri Historical Society, St. Louis, Missouri. Hereafter cited as Graham Papers. Graham's jurisdiction was extended to cover the Osage in 1821.

57 Ibid., November 12, 1821.

58 "Acting Governor Robert Crittenden to the Secretary of War," September 28, 1823, Territorial Papers, XIX, 548.
that although in control of much land they were land-poor and as in 1818, the only solution to their great poverty was to negotiate with the federal government. 59

An additional problem facing the tribe centered around two of its lesser chiefs convicted and sentenced to hang for attacking a hunting party and killing five white men on a branch of the Red River. 60 The government offered to pardon the two to induce the Osage, especially Clermont's Arkansas band to which both belonged, to negotiate. 61

William Clark, who had been appointed superintendent of the St. Louis Superintendency, of which the Osage agency became a part, in 1824, was aware of the Osage plight and exploited it to the fullest in the spring of 1825 in a treaty which he outlined and proposed to the Secretary of War, James Barbour. Clark had been instructed to inquire of the Osage and Kansas Indians whether they would sell a fifty-mile-square tract of land, which was to be exchanged with the Shawnee for a piece of their land near Cape Girardeau. In his letter to the

59 "Governor James Miller to the Secretary of War," March 1, 1822, ibid., 408-409. In an effort to force the Arkansas band to rejoin the northern segment of the nation, the government required them to travel to Fort Osage for their share of the annuity. Having lost some forty warriors due to a surprise attack by enemy tribes during a journey to the Fort in 1816, the headmen refused thereafter to make the trip. For this reason and later because of claims made against them, they received either a fraction of their share or none at all. Ibid.

60 "Mathew Arbuckle, Commandant of Fort Gibson, to Alex. McNair, Osage Sub-agent," December 5, 1823, Graham Papers.

61 Both were pardoned before the treaty sessions got underway. "John Q. Adams, President of the United States, to All to Whom These Presents Shall Come," March 21, 1825, Osage Agency, 1824-1841, 31.
Secretary of War, he proposed that the government ask for the surrender of all Osage claims to land within and west of the state of Missouri and the Territory of Arkansas, except for a strip extending from the state line west an indefinite distance and so located as to include the Osage towns situated on the Neosho River. The Osage, he informed Barbour, could be made to agree in exchange for some $6,000.00 in gifts, a fifteen- or twenty-year annuity amounting to $6,000.00 or $7,000.00 a year, plus hogs, cattle, poultry and articles of agriculture valued at approximately $12,000.00.62

After clearing with Washington, Clark invited the Osage to come to his home at Castor Hill near St. Louis on June 1, 1825, to negotiate a treaty. The first session was held on the appointed date and, at its conclusion, Clark was confident that an agreement would be reached the following day.63 The sessions could well have ended as Clark wished, but as it turned out, the funds to cover the cost of presents and the general expenses of the council did not arrive on time. It was June 18, before Clark received permission to draw sufficient drafts on government funds to cover the immediate commitments of the treaty and all other expenditures accrued during the prolonged negotiations.64

62 "William Clark to James Barbour, Secretary of War," April 19, 1825, "Letters Received by the Office of Indian Affairs, 1824-1880," St. Louis Superintendency, 1824-1826. Hereafter cited as: St. Louis Superintendency.

63 "William Clark to Thomas L. McKenney, Superintendent of Indian Trade," June 1, 1825, ibid.

64 Ibid., June 8, 1825; June 14, 1825, June 18, 1825.
When the treaty negotiations were concluded the Osage had ceded to the United States all the land Clark had sought, a total of over 45,000 square miles. As payment, in addition to the money, livestock, and agricultural items recommended by Superintendent Clark, the government was to pay all just claims against the tribe up to $25,000.00.

With the conclusion of the Treaty of 1825, the seat of the Osage nation was officially shifted from its historic location within the drainage area of the Missouri River to lands drained by the Arkansas River. The new reservation began twenty-five miles west of the Missouri line, was fifty miles wide, and extended as far west as the Mexican line. The Osage knew the area, having previously either resided on or hunted within it. In addition, their subsistence economy was, by that time, fully oriented toward the buffalo. Thus, although technically restricted as never before on the east, north, and south, they were geographically well located to pursue the hunt. The Treaty of 1825, was of further significance to the Osage since it secured for them recognition by the United States government of their claim to the area located roughly twenty-five miles west of the Missouri line between the Kansas and the Osage Rivers. With their boundaries thus defined, the Osage were legally protected from encroachments upon their domain by either whites or Indians.

Within a year after the treaty was signed most of the northern Osage were settled along the Neosho and the Verdigris Rivers. The Arkansas band, however, continued to resist all efforts to remove them to the reservation. The agent for the Arkansas Osage, Alexander McNair, pressured them with presents, threats, and bribes, but succeeded in obtaining nothing more than promises which were never kept.66

Inter-tribal Conflicts - An Eye for an Eye

The benefits which the Osage enjoyed as a result of the Treaty of 1825 did not improve their relationship with the eastern tribes, especially the Delaware and the Cherokee. As a result, a declaration of peace which the Delaware and the Osage agreed upon in June, 1825, was short-lived. The first article of the pact declared that there should be perpetual peace and friendship and all problems between the two tribes were to be forgotten and forgiven. Experience, however, had taught the Delaware that their treaty partner could not be trusted. This fact was discovered by Anderson, the Delaware chief, following the treaty the two tribes entered into in 1822. Having decided to put their declaration of friendship to the test, he went by invitation into

66"Alexander McNair to William Clark," March 14, and March 20, 1825, St. Louis Superintendency, 1824-1826. In spite of the cession and the subsequent removal, the tribe remained under the jurisdiction of the St. Louis Superintendency. Major Richard Graham continued as Osage agent and Alexander McNair, who, in May, 1824, had been appointed as sub-agent to the Arkansas band, continued in that position. "Alexander McNair to John C. Calhoun, Secretary of War," May 29, 1824, Osage Agency, 1824-1841, 17-19.
Osage country to trap and hunt during the winter of 1823 and 1824. While camping along the Arkansas River, he and his party were approached by a number of Osage hunters who recognized them as friends and asked for gunpowder. The Delaware obliged and even held their peace when the visitors showed themselves pilferers before going on their way. Some weeks later a second group of Osage approached Anderson's camp. After asking for and receiving a quantity of powder, they attempted to stampede and take horses and would have succeeded had he and his men not prevented them. The next morning, in the chief's absence, the Osage shot one of the young Delaware warriors and took all his possessions. Shortly thereafter, Osage attacked the main Delaware camp and robbed it of many robes and furs. Thus convinced of the treacherous nature of the Osage, the old chief did not hesitate to blame that tribe when several months after the Treaty of 1825, his son was killed by Indian attackers. The boy was part of a hunting party which went out in the fall of the year "about roasting ear time." The young brave became separated from the main band of hunters while searching for stray horses and the following day was found dead. The only evidence pointing to the Osage was a rumor that the dead warrior's horse had been seen in their possession. This, however, was proof enough for Anderson and his people. When, therefore, five members of

67"Delaware Talk," June 5, 1825, St. Louis Papers, II, 141, 147.

68"Richard Graham to Chief Anderson," March 18, 1826, Graham Papers, 1824-1827.
the imputedly guilty tribe visited a Delaware village shortly thereafter, they were all murdered.\textsuperscript{69} The Osage retaliated in December, 1825, by killing a Delaware youth and stealing twenty-six horses. They in turn lost four braves in January, but gained revenge a few weeks later by killing four Delaware: two men, a woman, and a child. They also stole eight horses and destroyed 600 hides. On March 19 a large party of Osage attacked a Delaware hunting camp, killing five— including two young girls and a baby. In April a number of Osage were seriously injured and one was killed by a Delaware war party.\textsuperscript{70}

Beginning with the report of the murder of Anderson's son, Agent Graham had made repeated efforts to convince the Delaware chief that the Osage were not guilty of the crime and that further bloodshed could be avoided if the two bands would meet and discuss the matter.\textsuperscript{71} Utterly disheartened at his lack of success, Graham wrote to his superiors that he saw no purpose in his expending further time and effort in what he termed an impossible situation. Warfare such as the Delaware and Osage were waging, he advised, was natural to the Indians and could not be prevented. He explained that, if they were allowed to settle their own differences, the weaker nation would soon give in and, with both having had

\textsuperscript{69}“John Campbell, Delaware Agent, to Richard Graham,” March 6, 1826, ibid.

\textsuperscript{70}“Chief Anderson's Statement of the Murders Committed Between the Delaware and the Osage,” May, 1826, ibid.

\textsuperscript{71}“Richard Graham to Chief Anderson,” March 18, 1826, ibid.
an opportunity to express their hatred and test their strength, a more lasting peace could be reached. He concluded his report by stating that the Osage were sure to lose, since they were objects of bitter hatred by all surrounding tribes because of their countless depredations and constant harrassment and their plundering of the Santa Fe caravans. In view of this, Graham saw no reason to come to their rescue by pressuring the Delaware and their allies to negotiate peace.  

Superintendent Clark did not agree with his agent and therefore directed him to go immediately to the village of Chief Anderson and inform him that the Great White Father would be greatly displeased if the conflict did not cease. Graham proceeded to do as ordered while declaring that he viewed the trip as wasted effort. After delivering his message, Graham found that the Delaware were not fearful of incurring the displeasure of the Great Father, nor were they moved by the threat that soldiers would be sent into the area if they did not cease hostilities. After prolonged debate, the old chief informed the agent that he was sorry that the government did not approve of his desires, but rather than forgive the Osage he wished to be given the powder and guns with which to hunt them down. His ears, he said, were closed to further talk on the subject. The war chief, Killbuck, brought the parley to a close, Graham reported, by declaring with anger that:


... if the Great Father had not interfered the thing with the Osage would have been finished ... now it was to /sic/ too late, their tomahawks were sharp and could not be turned back. Their hearts were not bad, it was only that the Osage were evil. They wished nothing from the Osage but war.\footnote{Richard Graham to General William Clark, May 29, 1826, St. Louis Superintendency, 1824-1826. Also, Colonel William Arbuckle to William Clark, May 29, 1826, Graham Papers, 1824-1827.}

By this time, the Osage were as anxious for peace as their enemies were for war. In hopes that Graham would succeed in his bid for a peace council with the Delaware, the various Osage bands had agreed to desist from further hostilities.\footnote{William Arbuckle to John Campbell, Delaware Agent, May 14, 1826, St. Louis Superintendency, 1824-1826.} When word came that the Delaware were determined to destroy them, with the aid of the Cherokee and other tribes, the Osage turned to the government and sought protection. At this point Superintendent Clark ordered that the leading chiefs of all tribes involved be brought together; in the presence of troops, a peace treaty was to be drawn up and signed by all the chiefs present. To smooth over the objections which were certain to arise, the government was to guarantee the payment of all claims pending against the Osage.\footnote{Richard Graham to General William Clark, May 29, 1826, St. Louis Superintendency, 1824-1826. Also, Colonel William Arbuckle to William Clark, May 29, 1826, Graham Papers, 1824-1827.} Thus, with a threat and a promise, Clark intended to establish peace among the tribes along most of the Missouri-Arkansas frontier.

Since a successful council took some time to plan and convene, hostilities continued in the meantime and were a source of much unrest. In October 1826, a war party from...
Clermont's band raided a Kickapoo village, killing nine and capturing three of its inhabitants. At about the same time some twenty Pawnee scalps and numerous horses were taken by members of Whitehair's village. In November, the Kickapoo and Delaware living on the Red River joined forces and destroyed an Osage camp, killing one brave and seriously wounding several more, besides capturing their ponies. The scalp of the dead Indian was carried by the brave who took it to a Cherokee village where considerable excitement and a small celebration ensued.

War fears and threats continued into the summer months of 1827. In August, negotiations for peace were attempted by Colonel Matthew Arbuckle, Commander at Fort Gibson, who, after several frustrating and fruitless weeks, declared that he was giving up all efforts to end the Indian warfare. Arbuckle's decision was hastened by the fact that while he was holding a peace council with a number of Kickapoo, Delaware and Osage leaders, members of Clermont's band ruthlessly assaulted a Delaware town. Peace under these circumstances, he declared, was impossible.

Others who were working to settle the Indian dispute were Superintendent William Clark, Pierre L. Chouteau, William Clark, Pierre L. Chouteau, John Jolly, Cherokee Chief, to Edward W. Duvall Cherokee Agent,” December 4, 1826, ibid., 318-319.

79“Colonel Matthew Arbuckle to the Adjutant General of the Western Department,” August 27, 1827, ibid., XX, 527, note 7.
sub-agent to the Osage, and John F. Hamtramck, the newly-appointed Osage agent, whose persistence and influence resulted in the council, finally convened in late 1827. By the end of December a peace agreement had been drawn up and accepted by the Leaders of the several tribes represented. Among those nations promising to live peaceably with each other were the Osage, the Choctaw, the Delaware, the Kickapoo, and the Shawnee.80

The Cherokee were conspicuously absent from the council, having refused at the last moment to meet and make peace with the Osage. The feud between the two tribes went back some ten years to the time when the first handful of Cherokee immigrants from Tennessee settled in the lower Arkansas River area. As Cherokee numbers increased, so did the agitation between them and the Osage. In the years that followed, there was much suffering on both sides. Of the many acts of violence which occurred, however, the murder of the son of a Cherokee chief named Graves, by two Osage warriors, overshadowed all the rest and was largely responsible for keeping the two nations at war for most of the decade of the twenties.

Following that killing, which occurred shortly after the signing of a peace treaty in 1822, the Cherokee demanded that the Osage surrender the two braves responsible for the murder. Although the Osage leaders admitted guilt, and although they promised to deliver up the offending braves, 80

they did not do so. When a number of years had passed and
the assailants still remained unpunished, the Cherokee
turned to a treaty negotiated in 1818 and, under its terms,
demanded that the government require that the two murderers
be surrendered and executed. In consequence of this
request and a subsequent refusal by the Osage to comply,
Superintendent Clark directed that a council be held and
the matter resolved as provided by the treaty.

The meeting was arranged and was to have begun May
28, 1826, at Port Gibson. From the outset, however, the
Osage appeared determined to undermine its purpose. Not
only did they force a postponement of the proceedings by
failing to appear until sometime during the first week of
June, but when once there they refused to hold any meetings
until a new agent had been appointed to replace their
agent Alexander McNair, who had died the previous month.
After considerable argument, they demanded that Pierre L.
Chouteau, former agent for all Osage bands, be appointed; but
when he arrived and offered to represent them, they refused
his services. The Cherokee and their agent were greatly pro-
voked by these actions and accused the Osage delegation of
trying to disrupt the council and of having no inclination
to resolve the problem at hand. They berated the Osage for
their lack of integrity, reminding them that the young

81 "Matthew Arbuckle to Edward Duvall," January 14,
1825, Territorial Papers, XIX, 747.
82 "Matthew Arbuckle to William Clark," May 14, 1826,
Graham Papers, 1824-1827.
Cherokee had been met in the woods by two whom he took for friends, and that he had trustingly accompanied them to camp, where one Osage shot him and the other, a chief of some prominence, took his scalp. The Cherokee further pointed out that on three occasions their representatives had travelled hundreds of miles on the promise that the guilty Osage were to be delivered into their hands. In each instance, however, the Osage had failed to appear at the appointed site. 83

As it became increasingly obvious that again they would be going away empty handed, the Cherokee delegates offered a compromise solution in the long standing dispute. In the compromise they would, they said, wait another three months and, by that time, if the Indian who took the scalp of the Cherokee chief's son (and thus by Osage tradition garnered all the credit) was surrendered, their desire for revenge would be satisfied. If, however, their demand was not met, a deadly war would follow, in which hundreds would be sacrificed. In conclusion, the Cherokee assured the Osage and the government representative, Colonel Arbuckle, that they had no intention of torturing the guilty Cherokee brave. The execution, they promised, would be a solemn and ceremonious affair. 84

From the time of the murder of the chief's son in 1822 to the summer of 1826 several Osage had been killed by

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83 "Edward W. Duval to the Secretary of War," May 31, 1826, Territorial Papers, XX, 259-261.
Cherokee tribesmen. These killings, the Osage contended, were sufficient to avenge the boy's death. Their reasoning, however, was not acceptable to either Graves or his tribe. Therefore, as the three month period neared its end and the Cherokee began making serious preparations for war, the Osage chieftains decided to surrender the guilty chief to Colonel Arbuckle in hope of avoiding an all-out war. Shortly afterwards, in December of 1826, an Osage brave was killed by a Cherokee named Dutch, reportedly hired by Graves to avenge his son's death. When Arbuckle received news of this killing, he refused to release to the Cherokee the other Osage, the prisoner of whom he had custody. Upon learning this the Cherokee and their agent, Edward Duval, were highly incensed, declaring that the interest of humanity demanded execution of the imprisoned Indian. The Cherokee claimed that Dutch was a renegade who took direction from no one and for whose actions the Cherokee tribe could not be held responsible. The one murder, the Cherokee informed the government, did not offset the other in the eyes of Graves and his people. In preference to freeing the guilty Osage held prisoner by Colonel Arbuckle, the Cherokee demanded that both he and the Cherokee renegade, Dutch, be executed.

85 "H. Atkinson, Brigadier General of the Western Department, to the Adjutant General of the United States," January 9, 1827, St. Louis Superintendency, 1827-1828.

86 "Edward Duval to William Clark," December 6, 1826, Territorial Papers, XX, 320.

Rather than have a decision from local officials, the Cherokee asked that the President of the United States be informed of the facts and that the final decision come from him. The suggestion was accompanied, however, by the statement that if the President's decision favored freeing both men, the Cherokee would be forced to take matters into their own hands. 88

While awaiting a message from Washington, the Cherokee chiefs made it clear to the government and the Osage that they were prepared for either peace or a continuation of hostilities. In case of the latter, the Cherokee required not an all-out conflict, but only satisfaction for the death of the ambushed Cherokee chief's son. To obtain this satisfaction, the Cherokee held in readiness a war party of twenty-five select warriors, most of whom were relatives of the deceased young brave. The objective of the group was to take a life in exchange for a life. Many more might be killed also, but this, it was declared, would be a matter for the Osage to decide. 89

In regard to their desire for peace between the Cherokee and the Osage, the Cherokee chiefs wrote to the Osage headmen that, if the latter acted in good faith in turning the guilty tribesman over to Colonel Arbuckle, as prescribed by the Treaty of 1818, the Cherokee people would honor the decision of the Great Father

88 Ibid., January 9, 1827.

in Washington. The Osage answer to this indicated their similar desire for peace and their sincerity in surrendering the 1822 killer of the chief's son. The Osage added that the Cherokee should demonstrate their good faith toward the Osage by capturing Dutch and submitting him to Arbuckle's custody. His fate, according to the Treaty of 1818, would also be decided by the President. If the Cherokee agreed to this, then the Osage also would abide by the decision of the Great White Father.

While this inter-tribal sparring continued, Arbuckle's prisoner escaped and in spite of the promises of the Osage chiefs, he was not recaptured, nor did Arbuckle feel that he would be. The Cherokee reaction to the escape and continued freedom of the fugitive was a demand for his immediate capture and execution. The Osage were advised by the Cherokee that although they were not opposed to further waiting on the President, the immediate surrender and death of the escaped killer of the Cherokee chief's son would win the hearts of the Cherokee people to the prospect of living at peace. The Cherokee also said it would be useless for the Cherokee to attend the council called for October if

90 "Cherokee Chiefs, John Rogers, Walter Webber, and George Duval to the Chiefs of the Osage Tribe," February 9, 1827, ibid. 461-462.

91 "Osage Chiefs to the Cherokee Chiefs," ibid., February 25, 1827, 462-463.

92 "Matthew Arbuckle to Edward G. W. Buttler, Acting Assistant Adjutant General, Western Department," March 26, 1827, ibid., 463-464.
their request were not honored before the appointed date. To prove to the Osage that they could trust the Cherokee offer of conditional friendship, this note was followed up by another which told of how a vengeance-seeking war party had been recalled and a promise was offered that no such incident would be allowed in the future. The olive branch was further extended by the Cherokee chiefs who stated that their hunting parties were starting on the fall hunt and that they wished to be treated as friends by the Osage.

For some reason, these letters did not reach the Osage headmen until they arrived at Fort Gibson on October 1, 1827 for a council announced by Superintendent Clark on June 15, 1827. Upon their arrival the headmen were told of the President's decision that because of the killing of an Osage by the Cherokee, Dutch, the two tribes were now considered on equal footing. The President called for an immediate peace council between the two tribes, declaring that their contest was "one merely for blood wherein the innocent are always the ones to suffer and in time only the extermination of the weaker would satisfy the vengeance motif.

This decision by the President and a subsequent refusal by the Cherokee to meet as ordered, plus the contents

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93 "Edward Duvall, Cherokee Agent, to John F. Hamtramck, Osage Agent, August 18, 1827, St. Louis Superintendency, 1827-1828.

94 Ibid., September 4, 1827.

95 "John F. Hamtramck to William Clark," November 1, 1827, ibid.

96 "James Barbour, Secretary of War, to General William Clark," May 21, 1827, ibid.
of the two letters reawakened and reaffirmed the hatred and mistrust which the Osage felt for the eastern intruders upon their homeland. They viewed the belatedly delivered Cherokee letters as a treacherous attempt by the Cherokee leaders to have their way concerning the killing in 1822 by making veiled threats, and by writing "harried and parasitical words of adulation." The Cherokee refusal to accept the decision of the President and to council for peace as ordered, the Osage declared, was evidence of "an insatiable thirst for Osage blood." 97 This claim was, to a degree justified during the weeks that followed as the Cherokee were charged with killing and capturing "a great many Osage." 98

In spite of their increased dislike for the Cherokee and irrespective of the serious outrages which that tribe committed against them during the last months of 1827, the Osage were not drawn into a war. On the contrary, they proceeded to make peace treaties with neighboring nations of Indians until they were virtually surrounded by friendly tribes. 99 In March, 1828, there had been no raids by the Cherokee in two months and they were reported as having not only accepted the decision of the President but also

97 Ibid., November 1, 1827.
99 "John F. Hamtramck to William Clark," January 13, 1828, St. Louis Superintendency, 1827-1828. They had made peace with the Choctaw, Delaware, Kickapoo, Shawnee, Peonia, and Sereca tribes and were in the process of treating with the Pawnee, Otto, Iowa, Kansa, and Sac tribes. Ibid.
as being ready to abide by the Treaty of 1822. This report proved to be correct. Except for isolated conflicts and an occasional threat of all-out violence, the Cherokee found it to their advantage in the years that followed to work through government channels in obtaining redress for the continued misdeeds of the other tribe. The Osage, meanwhile, made an honest attempt to abide by the various peace agreements into which they had entered. They succeeded at this for almost two years before their depredations increased to the point that they were once again viewed as the most troublesome redskins on the frontier. Their resumption of hostilities was characterized, however, more by petty thefts and mischievousness than by outright acts of violence. They were accused of such things as the stealing of horses, hogs, and furs; of living on and refusing to leave the lands of the Creek and Cherokee; and of sacking Harmony Mission. Unlike their misdeeds of earlier years, however, these were not the deeds of the nation in general but were the crimes of renegade tribesmen, strongly opposed by the several chieftains. For this reason, the Osage chiefs and their agent made an effort to reclaim, whenever possible, whatever was stolen and either return it or consent to a reduction.

100 "William Clark to Thomas L. McKenney," February 24, 1828, Territorial Papers, XX, 606-607.


of the annuity equal to the amount of an unrestored claim. As hoped, this arrangement helped to keep offended nations placated, but it also led to the general impoverishment of the tribe as a whole and consequently to an increasing number of depredations. This impoverishment plus a hard winter and the ravages of smallpox made 1831, a year of desperation for the Osage, and resulted in a greater number of offenses against their neighbors than had occurred for many years. The serious unrest which resulted had the effect of causing the tribe to lose favor even with its agents. Pierre L. Chouteau, normally their closest ally, who was reappointed Osage agent in June, 1830, was led to declare that the time had come for the Osage to realize that "their getting out of line would not be further endured without serious punishment" and that all stolen livestock must be either returned or paid for immediately. He informed the guilty bands that since he controlled the payment of the annuity he would withhold everything due them until completely satisfied of their repentance. The crux of the problem, he wrote, lay in the continued residence since the Treaty of 1825 of members of Clermont's band on Cherokee and Creek lands. Their forced


105 Ibid. Also, "William Clark to Thomas L. McKenney," June 9, 1830, St. Louis Superintendency, 1829-1831.

removal to the reservation proper, he insisted, was absolutely necessary if the Osage were to ever live peaceably with their neighbors. In an effort to achieve this, Chouteau sent messages to John Eaton, the Secretary of War; to William Clark, the Superintendent of Indian Affairs at St. Louis; and to Colonel Matthew Arbuckle, Commander at Fort Gibson, urging that a council be held at Fort Gibson for the purpose of settling the differences between the Cherokee, Creek, and Osage, and of arranging for the removal of Clermont and his people to the reservation. His correspondents offered their willing support and, as a result, the council was convened in May, 1831.

Chouteau and his fellow agents were pleasantly surprised at the response of the Osage to the demands made of them at the Fort Gibson meeting. They expressed a willingness to move and openly confessed their wrongdoing by surrendering their annuity "to pay for the wrongs they had committed against their neighbors." Because the guilty bands, especially Clermont's, were so cheerful and apologetic for their offenses, and because their families were going to suffer from the loss of the annuity payment, Chouteau and the other government representatives in attendance gave them food and other staples to the amount of $1,731.51.

Following the May 1831 council, the Arkansas Osage experienced a change of heart, causing their agent to labor intensely but vainly in an effort to have them removed to tribal lands. His project was made perplexingly difficult not only by the fact that the errant Osage numbered more than one-third of the nation but also because they had refrained from agreeing with the Treaty of 1825. Inasmuch as it had cost them their homeland, they preferred to ignore its removal clause and remain where they were. Chouteau, nevertheless, persisted in his efforts, not only because he desired thereby to establish peace but also because he felt the Creek and Cherokee tribes were ruthlessly taking an unfair advantage of the Osage. The two tribes were guilty, he declared, of taking every opportunity to make claims against the Osage for depredations, no matter who had committed them. "If a Creek Indian or negro kills a hog or steals corn," the agent declared, "the crime is charged to the Osage and as the Creek are devoid of all principle of honor they do not hesitate to claim compensation from the Osage although they know they are innocent." Chouteau felt that such was the case at the May 1831 meeting, at which time he wrote that the claims brought against his Indians by the Creek and Cherokee were both unjust and villainous and that the claimants did not "scruple to swear to the outlay was sustained by Agent Chouteau. He made immediate application for reimbursement but was denied satisfaction for a number of years.

greatest of falsehoods and if able will do so again." The loss of every stray animal from the Creek nation was charged to the Osage in spite of the fact that the Cherokee, Delaware, Shawnee, and other tribesmen were continually passing through the Creek area.

At this point in their history, the circumscribed nature of Osage lawlessness, plus the fact that the Cherokee and Creek were able to take advantage of them almost with impunity, was an indication of both their impoverished conditions and their greatly reduced status among the frontier tribes. They did put together a brief offensive in 1833, which resulted in some 300 warriors overrunning a Pawnee village and successfully taking 400 horses and the scalps of over 100 men, women, and children. This was, however, an isolated incident and proved to be nothing more than the last-gasp sword rattling of a waning power. The outrage was resolved the following year when Chief Walking River of the Little Osage and Chiefs Whitehair and War Eagle, of the Great Osage, met with government agents and the representatives of the Pawnee, and several other tribes to sue for peace. As satisfaction for their losses, the Pawnee were presented with a large part of the Osage annuity for 1834, and the

111 Ibid.


113 Henry Ellsworth, Federal Peace Commissioner, to Herbert E. Herring, Commissioner of Indian Affairs, December 3, 1833, Letters Received by the Office of Indian Affairs, 1824-1881, Western Superintendency 1832-1836, 105-108. Hereafter cited as: Western Superintendency.
council ended peacefully with the attending tribes agreeing to a solemn pact of friendship and non-aggression. With the successful consummation of this peace agreement, inter-tribal wars involving the major segments of the Osage nation ended. This condition evolved as a result of a general dissipation of the economic and military strength of the tribe and as a result of the increased isolation of the reservation bands. By this time, for the most part, the inter-tribal difficulties of the 1820's had been overcome and Indian encroachments on Osage soil were no longer apparent. Thus, the attention of the majority of the Osage turned toward upon economic survival, which meant that they must live in peace with the other tribes or suffer the loss of their much needed annuities, as well as the good graces of the federal government. A further significant factor in the new peace on the frontier was the steady influx, through 1838, of the Cherokee Indians, primarily from the state of Georgia. This, plus the more rapid adjustment of the eastern tribes to the ways of civilization, placed the Osage both numerically and economically at a disadvantage.

CHAPTER IV

The Trials and Treaties of the Thirties

As the decade of the eighteen-thirties progressed, the federal government played an increasingly larger role in the affairs of the Osage tribe. For some thirty-five years, the agents and superintendents had exercised considerable influence in their lives. As the Osage might decreased and the tribe slid into a state of increasing dependence upon federal protection and subsidy, local officials' power and influence over the Osage increased. Meantime, certain federal officials began to pay increasing attention to Indian affairs, including those of the Osage, because of their feeling that earlier transactions between the government and the tribe had been concluded to the disadvantage of the Indian. Evidence of this increasing official interest in the Osage is manifest in the three treaties negotiated during this period.

Treaty Negotiations during 1833

The first treaty session during this period was called for February 25, 1833, at the Grand Saline Post of Colonel Auguste P. Chouteau, located on the Neosho River. The government was represented by a special Indian commission headed by Montford Stokes, Henry L. Ellsworth, and John F. Schermerhorn. Pierre L. Chouteau was present to represent
the Osage. The Indians were delayed en route to the council and did not put in an appearance until March 1. Their arrival was accompanied by such inclement weather that by March 6, the rising waters of the Neosho necessitated moving the council site to the open plains. On the following day it was decided, because of a shortage of rations and the inclement weather, to adjourn to Port Gibson.1

On March 13, 1833, encouraged by the return of mild weather, 800 Osage gathered before the Fort to hear the words of their Great Father through the mouths of his representatives. Commissioner Stokes, who was also the Governor of Arkansas, addressed the assembled natives for several hours, explaining the purpose and plans for the council. He declared that he and his companions had come among their red brothers in answer to a message which was written in April, 1832, from the Osage chiefs to the President of the United States, asking that a tribal delegation be invited to Washington to discuss matters of "vital importance to them as a perishing nation."2 The Great Father, he explained, did not want to put his red children to the trouble of travelling all the way to the Capital City and for this reason he sent to them

1 "Journal of the proceedings of a council held by the U. S. Commissioners with the Osage Indians," Western Superintendency, 1832-1836, 271. Hereafter cited as: "Journal," Western Supt., 1832-1836.

2 "Pierre L. Chouteau to Lewis Cass, Secretary of War," April 6, 1832, Osage Agency, 1824-1841, 441-446. Along with his letter to Cass, Chouteau forwarded the Osage petition, urging that it also be adopted. The Indians were, he explained, very hard pressed as a result of having to surrender their annuity and because their hunting lands had been overrun.
the assembled commissioners who were authorized to answer their needs. 3

In their letter to the President, the chiefs had complained that they were not aware, when surrendering their land in 1825 that, except for the Shawnee and Comanche in the west, they were to be surrounded by eastern immigrant tribes. 4 Commissioner Stokes was directed to dispel the concern of the natives by announcing that it was the President's wish to spare the Osage the hardships resulting from their close association with the immigrant nations by granting them an opportunity to remove northward to a more desirable location adjacent to the normally friendly Kansas Indians. If, he assured his listeners, they would consent to the move which was proffered solely with the conviction that it would benefit them as a people, then, whereas heretofore they had held their land by treaty, they would in the future be granted a patent "which they will forever hold, not to be disturbed by either white or redmen." 5 Stokes


4 "Osage Chiefs to the President of the United States," April, 1832, Osage Agency, 1824-1841, 448-449. William Clark, who negotiated the Treaty of 1825, received the petition from Agent Chouteau and forwarded it to Secretary Cass with a note stating that the lands were turned over to the United States with no understanding as to their use except that the Indians were aware that the government was free to dispose of them as it might wish. "William Clark to Louis Cass," May 17, 1832, Osage Agency, 1824-1841, 442-443

5 "Journal," Western Supt., 1830-1836, 272. The inspiration behind the offer being made by Governor Stokes was not so altruistic as he would make it appear. There was in reality a move afoot to remove the Osage onto unused or unassigned lands near the Kansas, Ottawa and Shawnee Indians for the purpose of making room on the Osage lands for several
concluded by stating that the government would respond to an affirmative reply with many presents and a liberal annuity. The day's proceedings ended as Clermont announced that he would meditate until morning on what he had heard.

On Thursday, March 14, Commissioner Henry L. Ellsworth revealed that there was opposition to what he and his fellow commissioners were proposing. In his speech he attempted to reassure the Osage that the federal negotiators were among them as friends and not, as some whites might suggest, as land merchants who wished to defraud them. Those who might claim otherwise, he averred, "are either interested and advise you for their own corrupt purposes, or are destitute of principle and wish to make trouble." "Why should we harm you?" he asked, and went on to declare, "your Great Father who loves all his red children told us to do you justice and help you along. This is what your Great Father desires, and what we shall try to do." Having thus hopefully reassured his listeners, Ellsworth went on to portray a dire scene of things to come if the Osage did not follow his counsel. He

southern tribes. It was an awareness of this plan that caused Black Dog to comment that, if the government owed the other tribes something, then they should pay them with the much money the Great Father had, rather than with Osage land. Ibid., 310. Isaac McCoy, who, as a government surveyor, was much opposed to the move and helped to scuttle it, wrote that such a plan, if carried out, would deprive the Potawatomi, Miamie, Ottawa and other northern bands of suitable locations and "would frustrate the plans of Secretary Eaton which called for the reserving of that central trail of country for government purposes and as a seat of government for the Indian Territory." "Isaac McCoy to Lewis Cass," October 28, 1833, Osage Agency, 1824-1841, 525.

reminded them of the folly of Blackhawk in supposing that he could oppose the Great Father. His stubbornness had won for him the wrath of the Great Father who sent his soldiers to kill many and imprison the rest, among them Blackhawk and other chieftains. The Osage, he explained, must realize that the problem regarding their being surrounded by immigrant Indians would only get worse, as more and more eastern tribes suspended their efforts to live among the whites and sought refuge west of the Mississippi River. As their numbers increased, he warned, they would become more powerful and, commensurate with this growth, there would result a drastic decline in the kind and number of game animals available to the Osage, thereby leaving them to succumb to the ravages of sickness and hunger. In the face of these inevitable happenings the commissioner suggested "that something must be done or you and your children will starve and die. We are all sorry to find you so poor and needy - but if some change is not made in your mode of living and pursuits, we believe you will all perish."  

The answer to their dilemma, the Indians were informed, was that proposed by the President. When settled on the land to the north, which was said to be as good as or better than that they currently possessed, they would be aided in establishing a strong agricultural base for their economy, log cabins would be erected, and large numbers of cattle and hogs would be furnished them. The funds for all of this, plus the

7Ibid., 274-276.
cost of the removal, could come from their perpetual annuity which, if reduced to twenty years, would be of sufficient size to meet all their current and future needs. The Great Father, they were told, would protect them from the wild tribes with his "great many soldiers who can, in a short time, kill all the wild Indians that hunt his red children here." Ellsworth promised further that if the Osage were wise and accepted his advice then not only would they be able to ally themselves with the Kansas Indians and thereby be as powerful as the Cherokee and Creek nations but also the land they were to live on would "always belong to the red man - no white man can ever be permitted to live on or trade in it - except by permission." Their country, he assured them, would be protected and preserved from all who made them unhappy, be they white or red. Following this speech, at Clermont's request, the council adjourned until the following day.

On Friday, March 15, Commissioner Schermerhorn presented to the assembly a treaty which he and his associates had prepared. In it the commissioners proposed that the Osage exchange their land and agree to an alteration in their annuity payments. The government, in return, would

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10 *Ibid.*, 281. Article I required that the tribe surrender all land granted by the Treaty of 1825. Article II proposed that the Osage receive a quantity of land beginning at a point on the Neosho River sixty miles west of the Missouri State Line and extending North in a straight line to the Kansas Reservation. The northern boundary was to be the Kansas and Shawnee lands and the western, the twenty-third degree of longitude from Washington. A westerly line from
construct houses for and give oxen and farm utensils to the leading chiefs and encourage the tribe to gather in settlements and take up agricultural pursuits by furnishing each fifty families to do so with a white farmer to teach the white man's methods of farming, as well as stock and implements worth $2,000.00. The settlements were also to receive financial aid for the construction of blacksmith houses and shops, and the building of corn mills and sawmills sufficient to meet tribal needs. As in other treaties, Washington was to assume, for the last time, the cost of all claims against the tribe up to $5,000.00. Schermerhorn estimated that if the Osage adopted and followed the treaty plan the cost to the government would run in excess of $53,000.00.\(^{11}\)

Following the presentation and discussion of the treaty, the Indians withdrew and the sessions did not get underway again until five days later - Wednesday, March 20. Upon their return, the several chiefs and counselors informed the commissioners what the Osage thought of their proposals, based on their past experience with treaty making. First to speak was Black Dog, a sub-chief affiliated with Clermont's band, who declared that many promises had been made to his

the original point on the Neosho to the Arkansas River was to be the southern limit. The whole was to be marked and surveyed at the expense of the government and was to be the home of the Osage so long as they existed as a nation. Article VIII called for the abolition of all former annuities and in their place a single annuity of $10,000.00 to last for thirteen years at which time it would be reduced to $3,000.00 for seven years.

\(^{11}\)Ibid., 281-289.
people by the white men and that, to his knowledge, none had been kept. Thus, contrary to the sure word of the negotiators, the Indian had not benefited in the least from previous councils and treaties. Following Black Dog, Bele-gan-za, head counselor to Whitehair, expressed his feelings, stating that he was a part of the first Osage delegation to visit Washington in 1804, and had heard the Great Father say that the Indian would be made equal with the whites. The same promise was made on other occasions by men who professed to be the friends of the Osage, but those to whom the words were spoken, he said, were mostly dead. Of himself and many of those present, he declared, 

You see me - I don't look like a white man.
Look at my buffalo robe - I am still an Indian . . . You see all these old people sitting here - their wigwams were once on the Missouri River. They were born there but we listened to the advise of the Great Father and have left three towns on that account. Look at me, I am an Indian still although I have followed your advise.12

In the days that followed, one tribal leader after another declared his position relative to the treaty. At first a preponderant majority of those who spoke voiced opposition to any further commitments involving the loss of land. There were, however, some, and their number increased each day, who spiritlessly assented to the commission's terms. They acknowledged their poverty and helplessness and were willing to grasp at any avenue of escape from their desperate circumstances. One of their number was Blind Chief,

12 Ibid., 293-296.
the last of the Missouri chiefs, who pled, "Try and help us for we are very poor. Of all these nations around you, you have not seen such fine looking warriors as ours. We are your handsome children - take pity on us." And then, perhaps recognizing the futile stop-gap nature of the government's proposals, he cried,

You white people say we will be happy - I would sooner see it than hear talk of it. We are so poor that when our children die we have not a blanket to wrap them in. You are the cause of bringing other Indians round us who make us so poor. My Fathers, you say we will hereafter be happy. I wish you would tell us what is to make us happy.13

As the sessions progressed, the number of delegates favoring the treaty came to include everyone except those associated with or owing allegiance to Clermont and his people. The movement for acceptance was aided considerably when the Chouteaus, both Pierre the agent and Auguste the trader and interpreter, voiced their approval of what the government was offering. They also expressed strong disapproval of the negative position taken by the dissenters to the treaty and charged them with having foolishly listened to a half breed named Stephen, who was falsely leading them to believe that the government had no authority to remove the southern Osage from their village within the Cherokee and Creek reservations. When Clermont attempted to explain the presence of Stephen by explaining to the assembly that he was his nephew and had no voice in the band council, Auguste sat down and refused to interpret his words. At this point,

13Ibid., 298-300.
Commissioner Ellsworth arose and told the council, "Brothers, we believe you are taking bad advice. The man standing before you [Stephen] is giving it. He has told you untruths. We ask you to listen to your brothers, the Chouteaus, who have never deceived you . . ." As Ellsworth concluded his remarks, all the tribal leaders who favored the treaty declared themselves ready to go ahead without Clermont. The commissioners declined to act, however, stating that the tribe had to be united or the agreement would not be acceptable in Washington.

When the sessions resumed on March 26, Clermont indicated that he would move to the reservation but he continued steadfast in his opposition to the treaty. Rather than uselessly prolong the current negotiations, he requested permission for himself and Black Dog to travel to Washington where they wished to discuss their problems with the President. This request was answered with a flat refusal and he and Black Dog were told that, unless they submitted to the wishes of the government and the other tribal headmen, total responsibility for the unhappiness of all the tribe would rest upon their shoulders.

At this point the commissioners attempted a new strategy. Rather than push for a direct acceptance of the treaty by the dissidents, they instead asked them to sign the document with the reservation that they might thereafter visit the area to the north, and, if they were not pleased with the

14 Ibid., 304-310.
exchange lands, then the agreement would automatically be nullified. After some delay, Clermont and his lieutenants, Black Dog and The Fool, agreed to go along with this proposal provided the commission would allow a number of changes in several of the treaty articles. This compromise was readily assented to. The taste of victory rapidly changed from sweet to sour, however, when it was learned that the requested modifications amounted to numerous unacceptable alterations of the treaty. 15

After long deliberation, the commission reconvened the council on Thursday, March 28, and announced that the conference was at an end. They expressed regret that because of the petty jealousy of Clermont and his following, the Osage women and children must face starvation and unhappiness where otherwise they might have known great prosperity. Food supplies and medals bearing the likeness of the President were distributed and the natives were ordered to return to their homes.

In assessing their defeat, the commissioners felt that their plans had been sufficiently well prepared and that

15 Among the changes which Clermont asked for and the other Indians, including Whitehair, agreed to, were the following: In Article IV, leading warriors rather than just the chiefs were to receive oxen and carts and twelve rather than eight farmers were to be employed for ten or more years as needed and at government expense. In Article VIII, the annuity was to be $3,000.00 per year for twenty years plus the $7,000.00 from the Treaty of 1825, for a like number of years. In Article VII an additional $3,000.00 in claims was to be paid to Auguste Chouteau to cover Osage indebtedness at his trading post. In Article VI, in addition to the $10,000.00 provided for removal, an additional $4,000.00 was to be advanced as a sign of good faith. Ibid., 321.
by all odds success should have resulted. They had asked for and received the support of the Chouteaus, whose influence with the Osage had been considered so complete that the responsibility of obtaining the treaty was virtually placed in their hands. This tactic was necessary, they reported, because "it would have been difficult if not impractical to make a treaty against their opinion." They also arranged for a large number of infantry and rangers to be present at Fort Gibson while the treaty sessions were underway. It was believed that the natives would thereby be impressed with the power of the United States and show less will to resist. These and other tactics, plus the added advantage made possible by the destitute condition of the tribe, were not sufficient, however, to overcome the bitter opposition of Clermont and the complete lack of tribal leadership, a situation which produced a sharp rivalry between the heads of the main bands. In the end it was also concluded that they had been faced not only with the greed of the natives but also that of the Chouteaus who, it was felt, were greatly responsible for the added demands which brought an end to the council.

16 "The committee treating with the Osage Indians to Lewis Cass, Secretary of War," April 2, 1833, Osage Agency, 1824-1841, 516-517.

17 Ibid. During the negotiations, Auguste assured the commissioners that what the Osage would ultimately demand would be within reason. When their wishes came to light they were far beyond what the commissioners had been authorized to commit the government to. As for the rivalry between the tribal leaders, it was learned that Clermont's main objection to moving to the reservation was that the government insisted
The Treaty of 1835

In the years immediately following the breakdown in negotiations for the treaty of 1833, the general condition of the Osage Tribe continued to degenerate. By June, 1833, claims against them totalled in excess of $17,000.00. Most of this amount was owed to two tribes, the Creek, $5,000.00 and the Cherokee, $6,000.00. The remainder was demanded by whites who, like the Indians, often exaggerated their losses or made fraudulent claims.\(^\text{18}\) The already desperate condition of the Osage was made worse during the late summer of 1833, when the rampaging waters of both the Neosho and Verdigris Rivers reached a depth some ten feet above flood stage and completely overran their fields. The possibility of thousands of Indians having to face the winter months with only the

he live near Whitehair's village and he feared that Whitehair would attempt to dominate the whole nation, including Clermont's own band. "Montford Stokes and J. F. Schermerhorn to Lewis Cass," April 8, 1834, Osage Agency, 1824-1841, 578.

\(^{18}\)"Pierre L. Chouteau to Elbert Herring," June 5, 1833, ibid., 494. Chouteau was highly irritated because of the inaccuracy and falsity of some claims. One such was that of William J. Mills who asked a considerable sum for the loss of three horses, some bear bacon grease and pelts. The agent investigated the claim and found that Mills was a fugitive from justice who had killed an Indian farmer in 1832. He was, in the words of Chouteau, "a lazy good for nothing who fled without anything and could not have accumulated so much property so soon." Not only was he in debt to the Creek Indians and would, Chouteau charged, lie or steal to get money, but he and his two witnesses also "lived in Red River where most are outlaws, horse thieves, drunkards, and gamblers who for a small sum would swear to anything." Another claim was that of the settlers of Millar County, Arkansas Territory. Both Chouteau and the chiefs admitted that depredations had been committed there but not to the extent of $5,100.00. One settler especially, a Mr. Timmins, was asking $2,900.00 damages. This the Indians refused to pay, claiming that it was completely beyond reason.
hope of a successful fall hunt to save them from starvation caused Commissioner Montford Stokes, who was at Fort Gibson in the late fall of 1833, to ask the federal government to purchase at least 6,000 bushels of corn for the Osage, a "proud, lazy, improvident people" for whom he would not solicit aid except for the "unusual visitation of provi-

dence." 19

The commissioner's plea for the troubled nation, coming as it did late in the year, needed to be acted upon immediately if it were to benefit the Osage. In spite of this, however, the aid request became entangled in the inter-departmental red tape of the federal government and was finally shelved until a study could be made to determine just what the relation-

ship of the government to trans-Mississippi Indians should be in a situation such as that presented by the Osage. 20

According to all available evidence the tribe did not receive any aid during winter of 1833-1834. This meant that the months between the winter and spring hunts were much less comfortable than they would otherwise have been. It was their utter destitution, however, that at this time won to their cause the sympathy of many persons both in and out of govern-

ment. Two such converts were Montford Stokes and John F. Schermerhorn who, in a summary of Osage dealings with the United States, completely reversed the positions they


previously held relative to the treaty negotiations in 1833 by declaring themselves opposed to Osage removal and in favor of a crash program of federal aid for the tribe. Their examination of the three previous treaties which the Indians had contracted with the government convinced them that the red men had not only been cheated in the terms of the treaties but that the government had also failed to honor the few concessions that were made. In light of this and the currently distressful poverty of the tribe, the commissioners concluded that the Osage were in a tenable position to make a just claim on Washington for their subsistence and well-being. They called for a treaty which would cost the tribe nothing but would make available to each family a cow, a calf, hogs, and a cart, plus axes and hoes. Each was to have access to plows, horses, oxen, and a community flock of sheep. These and many other concessions must be made, the commissioners wrote, for the sake of peace and for the sake of humanity, otherwise the Osage, suffering as they were, would be exterminated. 21 Shortly after this report was filed, Hugh Ellsworth, another of the Indian commissioners, raised his voice in favor of just treatment for the tribe and when asked to do so by the Secretary of War he established in great detail the exact cost to the government of a treaty somewhat more liberal than the one proposed in 1833. 22

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21 "Montford Stokes and John F. Schermerhorn to Lewis Cass," April 8, 1834, ibid., 573-586.
22 "Hugh S. Ellsworth to Lewis Cass," May 24, 1834, ibid., 555-557.
as a result of these or of other reports, the idea of a treaty with the Osage was very much in the air throughout the year 1834.

In January, 1835, Colonel William F. Armstrong, Southern Superintendent of Indian Affairs and one-time agent to the Osage while they were a part of the Choctaw Agency from 1825-1827, joined with Montford Stokes at Fort Gibson and in a very few days obtained the consent of the leading Osage chiefs to a treaty with the United States. Except for the fact that it called for the nation to give up a thirty mile strip of land on the south side of their reservation for one of equal width on the north, the pact equaled the most liberal wishes of those demanding justice for the Osage. For the exchange of their land and a few other items, including a promise from Clermont's people and other off-reservation stragglers that they would move north within six months, the tribe was to receive a variety of compensations valued at more than one and a quarter million dollars. The concessions made to the red men varied from a $3,000.00 annuity claim dating back to 1825, and a new annuity of $30,000.00 a year for thirty years, to the organization of a police force made up of four companies of light horses, with one captain and

\[23\] In 1825, some forty mules were stolen from traders on the Santa Fe Trail by members of Whitehair's band. Although they were turned over to the military, they were all drowned while en route back to their owners. Clermont's people were, however, still blamed for the theft and $3,000.00 was withheld from their share of the 1825 annuity. This was one of the main reasons that Clermont resisted further treaty making. "Montford Stokes and J. F. Schermerhorn to Lewis Cass," April 8, 1834, ibid., 583-584.
eight warriors in each company, plus a cow, a calf, two hogs, one axe, one hoe, one plow, and gear for one horse for each family willing to try cultivating a patch of land.²⁴

When news of the Osage agreement reached him, Superintendent William Clark expressed deep satisfaction that such a treaty had at last been affected. In a letter to Secretary of War Lewis Cass he counseled, "Should the annuity of this treaty seem high to some, it should be remembered by them that but a few years ago they had ceded a large tract of land for almost nothing - so little that it would not have compensated them for the game they lost. I have frequently reproached myself for the part which I had taken in obtaining their country for a less sum than would be considered even at this day a twentieth part of its worth." Clark concluded by informing the Secretary that for whatever his opinion was worth, he felt that the treaty should be

²⁴"Synopsis of a Treaty with the Osages Concluded this 5th Day of January, 1835," ibid., 605-607. Since they came under the jurisdiction of Superintendent William Clark, Colonel Armstrong had no authority to arrange a treaty with the Osage. He reasoned, however, that inasmuch as he was conveniently meeting with the chiefs and counselors of the tribe for the purpose of settling the problems relative to depredation committed by their people against both Indians and whites living in the area of his jurisdiction and, since the solution he sought appeared to rest with the granting of a liberal treaty, he was justified in going ahead. He also noted that the Eastern Cherokee were pressing for more land. In winning from the Osage part of their reservation, he was thereby able to solve a problem for both tribes. He further justified what he had done on the grounds that the Osage, "the most wretched and lost ... of a noble people," had surrendered more to the policy of the government and yet had been less attended to and had received far less than the immigrant tribes from the East. "William F. Armstrong to Elbert Herring, Commissioner of Indian Affairs," January 6, 1835, ibid., 591-593."
immediately ratified. Colonel Armstrong also lobbied for ratification, strongly advising that without the help and security offered them in the treaty the Osage would continue to depredate against the immigrant Indians, who would retaliate as would also the government, and, in the end, the Osage, refusing to submit, would "crawl to the west, soured, and at the first opportunity reck [sic] vengeance on the Choctaw, Creek, and Cherokee as the complaining source of their problems and for whom they have no love." In answer to those who might oppose the liberal nature of the pact, Armstrong described in detail the treatment the Osage had received as compared to their antagonists from the east and then concluded, "I made them a liberal treaty not to maintain the peace of the frontier but because justice demanded the same." And to this he added, "Truth is mighty at all times, and it is not the less so because it comes from a man whose only cover is a buffalo skin - from such a source it is unanswerable."26

The Chouteaus and all the members of the Indian Commission joined Clark in urging that the Armstrong Treaty be ratified.27 The Secretary of War and the Commissioner of Indian Affairs, Elbert Herring, were not, however, of the same mind as the representatives in the field and opposed the

25 "William Clark to Secretary of War Lewis Cass," January 26, 1835, ibid., 601.

26 "William P. Armstrong to Elbert Herring," January 6, 1835, ibid., 592.

27 "Auguste P. Chouteau to Elbert Herring," February 29, 1835, ibid., 599.
treaty on the grounds that it was too expensive considering the little that the government had to gain. Another factor which may have influenced the decision to oppose the treaty was a report of scandal, fraud, and theft involving the members of the special Indian Commission and Colonel Auguste P. Chouteau, the Osage trader. The first charges were made by Matthew Arbuckle, Commander at Fort Gibson. In a long and detailed report, he accused Commissioners Schermerhorn and Ellsworth of conspiring with the trader Auguste Chouteau and other suppliers who dealt with the commission and several tribes of Indians to make excessive profits through over-charges and double and triple payments on single deliveries. Although certain in his own mind that these and other charges were true, Arbuckle was unable to produce any concrete evidence to support them and, therefore, the case against both commissioners had to be dropped and he was made to file a written apology to both of the accused.28

At the same time that Arbuckle was reporting the above, Schermerhorn was making similar accusations against the Secretary of the Commission, Colonel Samuel Stambough, and lesser charges against Governor Stokes. The Secretary, he wrote, was continually frustrating the efforts of the Commission because of his high-handed and independent dealings with individual chiefs and counselors. He refused to be counseled and when censored or crossed in any way he would write damaging and misleading reports to Washington concerning

the other members of the Commission. His rebelliousness, claimed Schermerhorn, led to much drunkenness and gambling which first occurred in private but later, after he was joined by Governor Stokes, became notoriously public and in the company of "all manner of traders and other white trash . . . and even Indians and breeds joined them." The situation grew so bad that Colonel Arbuckle finally threatened to lock up the two commissioners or turn them away from the post if they did not keep their activities within reason. 29

As a result of the Secretary's actions, his influence over Commissioner Stokes, and his flagrant accusations against the other members of the Commission, the group was, Schermerhorn admitted, held in high disregard by both whites and Indians alike. 30

As the months passed, the tribe's high hopes for the relief promised in the Treaty of 1835 reverted to despair as it became increasingly clear that Washington would not ratify the treaty. As was their custom, the Indians continued to depend on hunting and stealing as well as on some agriculture and gathering on a small scale as a means of obtaining a livelihood. Hunting and stealing were the most productive sources for the tribe but they also proved to be the root of considerable trouble. This was especially true during the years from 1836 to 1838.

29"John F. Schermerhorn to Elbert Herring," May 19, 1834, ibid., 596, 610.

30Ibid., 603.
The Osage War of 1837

In 1836 a hunting trip to the west involved a journey of several hundred miles into an area which was the common hunting ground of numerous tribes, not all of whom were friendly to the Osage. In addition, as the game diminished, the prospect of a successful hunt became increasingly uncertain. Since the survival of the tribe was at stake, and distance and time made a second effort prohibitive, the Osage continued, as an insurance measure, to send hunting parties into the areas of Missouri that traditionally had been their favorite hunting grounds. This practice had been followed for a number of years and brought little trouble as long as western Missouri was sparsely settled. As the number of settlers increased, however, so did the opportunities for corn, hog, horse, and cattle stealing. In time, the people living along the frontier complained to the government that they suffered greatly at the hands of the Osage who were "at times impudent and saucy . . . and what [animals] they do not kill, steal, or ruin, they make as wild as deer." In the fall of 1836, it was said that they departed from Missouri boasting "of living high off the land and bringing much hogs fat with them." This, the settlers claimed, "galled our hearts but we offered no manner of redress."31

Early in 1837, the Missourians threatened violence if the hunting and stealing forays continued. Because of this,

31"Jesse Sumners, George Douglas, Solomon Hogle, and others to Governor Lilburn W. Boggs," The Jeffersonian, January 6, 1838.
the military at Fort Leavenworth was ordered to keep the Osage west of the Missouri border. The Indians were informed of the ruling and warned that violations of it would result in serious chastisement for the guilty parties. The threats of the settlers and the directives of the military to the contrary, as the time for the fall hunt approached, several large parties of Osage were said to have started moving east, preparatory to undertaking their traditional hunt east of the Missouri Line.\textsuperscript{32} The already tense situation was further complicated by the news circulating throughout Missouri that the Indians approaching the border were hostile and numbered some 420 warriors who had boasted that if the settlers showed any resistance, they would "push with the knife." The whites, they were supposed to have said, had previously dealt only with cowards and would now have to deal with braves. The source of this information was a French trader named Paul M. Papin who also passed on the warning that the Osage were making "sweet talk" with the Creek and a number of other smaller tribes who were to join them on their move against the Missouri frontier.\textsuperscript{33}

Basing their actions on this kind of information, the Missouri state officials were not merely taking precautions to see that the Osage depredations of past years were not repeated but they were preparing for war as well. When word

\textsuperscript{32}"Colonel Stephen W. Kearny to Captain E. V. Sumner," October 28, 1837, Osage Agency 1824-1841, 701-702.

\textsuperscript{33}"Jesse Sumners and others to Governor Lilburn W. Boggs," The Jeffersonian, January 6, 1838.
reached Missouri Governor Lilburn W. Boggs that the Indians were coming. He directed that the state militia under General Samuel D. Lucas take the field, five hundred strong, against the intruders and either drive them from the state or exterminate them.\(^{34}\) Word of the Governor's action reached Fort Leavenworth on October 28, 1837. The commanding officer, Colonel Stephen W. Kearny, immediately ordered Captain E. V. Sumner to take ninety men and get between the state militia and the Osage hunters. The Indians, he was told, were to be kept out of the state and General Lucas was to be informed that, no matter how his orders read, the government of the United States did not require the services of his command in order to keep the peace and that under no circumstances were his men to enter Indian territory.\(^ {35}\)

As he undertook his assignment, Captain Sumner wrote to Lucas, asking that he avoid contact with the Osage and await him at Harmony Mission. From there, he suggested that the two of them could make a quick visit to the Osage towns and correctly determine the extent of tribal hostility. He

\(^{34}\)Ibid. In October, 1838, Boggs issued a second order of expulsion or extermination. On this occasion it involved members of the Church of Jesus Christ of Latter-day Saints, otherwise known as Mormons, living in several of the northern counties in Missouri. Conflict between Mormons and Missourians had been an open issue for some time before the Governor, besieged with reports of Mormon atrocities, declared that "the Mormons must be treated as enemies, and must be exterminated or driven from the state if necessary for public peace - their outrages are beyond all description." Leland H. Gentry, "A History of the Latter-day Saints in Northern Missouri," (unpublished Ph. D. dissertation, Brigham Young University, Provo, Utah, 1965). 419.

arrived at the Mission on November 2, and discovered that the militiamen had been there and had left, taking with them, as prisoners, five Osage women. The captives were the wives of white men, two of them having lived in the area for over fifteen years. The Captain shortly caught up with the group and was incensed at the sight of the helpless, frightened women being forced along by their sixteen armed captors. He later wrote of the incident, "I have no hesitation in saying that it was the most contemptible sight I ever yet saw, or expect to, in the course of my life." Sumner demanded and received the surrender of the five and immediately returned them to their home area. To secure the women against further molestation, he had them quartered in one of the outbuildings of a trading establishment run by an old trader, named Girand, and detailed a small party of soldiers to remain nearby.

Leaving the trading post, Captain Sumner hurried toward the Osage towns on the Neosho River. While en route he met General Lucas and explained his earlier encounter with the militia, commenting that he was sure that the General's subordinates had acted without orders, especially since the status of the squaws was such that they had as much right to be in the state as either he or Lucas. The latter answered that, on the contrary, his men were doing exactly as Governor Boggs had directed and this meant that every Osage was to be uprooted and forced across the line into Indian territory.

Sumner answered that his own orders were of a similar nature but this entitled neither him nor the General to act irresponsibly. Sumner then handed Lucas an official notice stating that "the services of the volunteers now in the field under your command are not required and have not been, to preserve the peace on this frontier." Following this formal rebuff, he informed the General of the measures he had taken to preserve the freedom of the five Osage women and explained that such precautions were called for not because of anything that Lucas might do, but because they were, he felt, a necessary protection "against any straggling party of his young men who unknowingly might cause difficulty." Certainly, he confided, it should not be necessary "to defend a few straggling squaws against a general officer . . . ."39

His visit concluded, Sumner continued on to the Osage villages unaccompanied by the General. Upon his arrival there he found that all the principal men were away on the hunt in buffalo country. The situation there, he wrote, "shows the folly of the report that the tribe was assuming a hostile attitude." Not a man was left in the villages with a hostile purpose, he reported, and thus "the assembling of the militia on the frontier was utterly unnecessary and

37 Ibid., 705-706.
38 "Captain E. V. Sumner to General Samuel Lucas," November 2, 1837, Ibid., 713.
39 "Captain E. V. Sumner to Colonel Stephen W. Kearny," Ibid., 707.
highly improper." He was further convinced of the correctness of this charge when, upon his return to Missouri, he responded to a claim being circulated that the Osage had crossed the lines in invasion force by making an extended search of the border and found in all only twenty braves, some of them accompanied by their families. He also discovered that several small groups of trespassers had been badly beaten by the militia before being escorted over the state line. In addition, he learned that against his advice and counsel, Lucas had unsuccessfully attempted to retake the native women who he had taken into protective custody.

It appears that not long after Sumner and the General parted company at the conclusion of their meeting on November 3, Lucas sent a group of his men to the site where the women were being held. The leader of the force, a Colonel John Wilson, presented Sergeant Hancock, who was in charge of the detail guarding the Indians, with a note which read: "The guard stationed at the house of Mr. Girand is hereby dissolved, by orders of Captain Sumner." It was signed S. D. Lucas, General. The Sergeant read and returned the directive stating that he could not obey it for he "did not know General Lucas from the Devil" and that the message was

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40 Ibid.

41 Ibid., 708. Also, "Isaac McCoy to [Indecipherable], November 13, 1837, ibid., 716. McCoy claimed to have firsthand knowledge of the beatings administered by Lucas' militiamen in the process of driving the Indians back into the Indian territory."
neither delivered by one of the Captain's men nor was it in his handwriting. Colonel Wilson responded by assuring him that he had been present during the conversation between General Lucas and Captain Sumner and had clearly heard the latter say that he desired Hancock to give the women over to Wilson and his men and then speedily rejoin him and the remainder of the company. When the Sergeant refused to believe these words another of the militia leaders declared that they would have their way by force if necessary, adding that it would be a pity to have to kill such a "spunky man" as Hancock. To this the latter replied, "I am not dead yet, and when I'm killed there will be some empty saddles in your party." After a moment's discussion, Wilson and his men rode off without any additional argument.

Just three days after it started, the Osage War of 1837, ended. By November 5, 1837, the militia headed east, having successfully cleared the western border area of 102 Osage. It was reported that over 600 Osage had entered the state to hunt but faced by a superior force the majority had fled and those that remained, although obviously hostile, surrendered without a fight. In the eyes of the federal military officers whose concern it was to maintain peace in the area, the overwhelming reaction of the state militia to the Osage hunting parties was rather excessive. The Commander at Fort

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42 "Sergeant M. Hancock to Captain E. V. Sumner," November 24, 1837, ibid., 716-720.
43 ibid.
44 The Jeffersonian, November 25, 1837.
Leavenworth, Stephen W. Kearny, reported to his superior, Brigadier General H. Atkinson, that the excitement against the Osage was "altogether unnecessary and the sending of the militia into the field by Governor Boggs has been productive of some mischief." He also suggested that, from what information he had received, the Missourians "went out under expectation of being paid by the general government in which they must and should be disappointed." The General agreed with Kearny and said so in a letter to Governor Boggs. He also asked the Governor to put a stop to all future disciplining of the Osage by either state or county militias. Such action, he informed him, was a federal responsibility, which should be carried out by Colonel Kearny, since both the Osage and the Missouri frontiers fell under his jurisdiction.

If the federal government was not pleased with the nature and success of the state's military assault on the Osage, there were those of the Missouri citizenry who were. The campaign was heralded throughout the state as a complete success and the number of troops involved was justified by the alleged threat of invasion and by the belief that the


46"Brigadier General H. Atkinson to Governor Lilburn W. Boggs," December 14, 1837, ibid., 713. Atkinson was further of the opinion that although a few straggling Osage had obviously killed or stolen the stock of the frontier inhabitants, the alarm and magnitude of the reaction of the state government was groundless having no basis in actual fact. "Brigadier General H. Atkinson to Brigadier General R. Jones, Adjutant General, Washington City," December 20, 1837, ibid., 714.
superior numbers facing them caused the natives to flee rather than fight.\textsuperscript{47} One group of settlers informed the Governor that they would not forget his dramatic response to their needs so long as "life's blood thrills through our veins," They went on to applaud his actions and to condemn those of Captain Sumner, who they accused of staying on the main travelled roads and of getting his information "from the lying inhabitants of Girand's trading post." Of his other activities they commented, "Now why Captain Sumner should protect full blooded Indians within the state and especially such abandoned Indian women as is kept about that Indian trading establishment . . . is more than we are able to comprehend."\textsuperscript{48}

In the end, the war, justified or not, did prove to be of some significance to Missouri. Despite the opinion of Colonel Kearny, the state was eventually reimbursed for all salaries and expenses resulting from the conflict.\textsuperscript{49} Furthermore, the episode marked an end to the determined efforts of the citizens of Missouri to rid their state of Indians. In 1808 it was estimated that over 20,000 Indians were living within the boundaries of the future state of Missouri. During

\textsuperscript{47}The Jeffersonian, November 25, 1837.

\textsuperscript{48}Ibid., January 6, 1838.

\textsuperscript{49}"William H. Otter to Charles E. Mix, Acting Commissioner of Indian Affairs," January 29, 1838, Letters received by the Office of Indian Affairs, 1824-1841, Neosho Agency, 1848-1858, 1219. Hereafter cited as: Neosho Agency. It was stated that although the Osage War was conducted by the executive of the state, the general government afterwards recognized the service that was performed by refunding to the state the amount expended.
later years they were all removed, including all or parts of the Sac and Fox, the Missouri, the Iowa, the Kickapoo, the Shawnee, the Delaware, and the Osage tribes. The Osage, however, continued to return to hunt, steal, and harass in the general area of Benton, Henry, Saint Clark, and Polk counties. By the end of 1837, they had all been escorted from the state and given to understand that the yearly forays to their old hunting grounds were over and that the military garrison at Fort Leavenworth was there to prevent any efforts to return.  

The Treaty of 1839

The expulsion of the Osage hunters from Missouri, plus a poor showing by those who journeyed onto the western plains, placed the already hard-pressed tribe in a most desperate situation as the winter of 1837-38 approached. Their condition was not helped by the fact that because of the resignation of Pierre L. Chouteau they were without an agent and had been for some six months. The extent of their dilemma was recognized by a number of individuals, among them Isaac McCoy and Colonel Matthew Arbuckle, Commander at Fort Gibson. Arbuckle urged the government to allocate emergency funds for the Indians and inquired whether, because of the urgency of


the situation, they would be allowed to receive supplies directly from Fort Gibson. Following a visit to the reservation in December, 1837, McCoy wrote a letter to the Commissioner of Indian Affairs in which he described in detail the condition of the nation and recommended that immediate relief be extended to the suffering red men. After a delay of several months, the government finally responded and in March, 1838, a directive was issued from the Office of Indian Affairs specifying that the Osage were to be provided with an immediate advance on their 1838 annuity and that 500 acres of land were to be plowed, seeded, and fenced at government expense.

In January, 1838, the Commissioner of Indian Affairs, C. A. Harris, appointed General S. P. Harris to be a special agent to the Osage. At the same time, Edwin James was named sub-agent to the reservation bands. Each of the new appointees was directed to go immediately to the Osage country. Harris arrived in St. Louis about the first of February and learned that many of the natives were starving and that some were at that time begging in the streets of the city. He also discovered that the Delaware, Comanche, and Creek tribes were threatening to ignore former peace agreements and end, once

and for all, the incessant depredating by the Osage. The Cherokee were of a like mind, but had been kept from joining and even leading the other tribes by the timely arrival of a federal force which drove a large number of Osage away from Cherokee soil.

Harris soon learned, however, that the real danger facing the Osage lay not with their grumbling and highly irritated red neighbors but, as was the case in 1837, with the white men living along the Missouri frontier. The charge was being circulated along the border that the Osage were once again intent on laying waste the western Missouri settlements. The chiefs and leading warriors were reported to have said that as soon as the grass measured six inches they would proceed to "run off all the white people and live high on their hogs and cattle." In early March, 1838, an incident occurred which allegedly confirmed the Osage threat. On the tenth, Agent Harris received the news of a battle fought on Missouri soil that resulted in the deaths of five Indians and the wounding of two whites. The settlers, he was informed, were "in arms and ready to take revenge, to destroy the whole nation . . . ." He further learned that without bothering to inquire into the incident the aroused


frontiersmen were gathering in groups along the border and were declaring that any Osage who dared to cross over would either be killed or whipped severely. As the days passed, the situation became increasingly inflammatory. Rumors were circulated to the effect that the Osage had amassed a force of over 1,000 warriors and were ready to move eastward and that two companies of soldiers sent out from Fort Leavenworth had found it necessary to call for reinforcements. In spite of the anxiety which accompanied these reports, however, the month of March passed without further conflict. By early April, the true nature of the situation began to come to light and the crisis atmosphere tended to dissipate.

It was discovered upon investigation that the original conflict which resulted in the sound to arms was mistakenly reported and that the report of an Osage offensive geared to the length of the spring grass was, if anything, no more than the boasting of a few individual braves. Colonel Kearny noted this following his return to Fort Leavenworth from a visit to the Osage villages. The rumors being circulated, he reported, were due to the actions of "some restless young men whom the chiefs cannot control." This, he said, posed no threat and had in no way necessitated a call for

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58 "Samuel P. Harris to Paul M. Papin," March 11, 1838, ibid., 805. Also, "Samuel P. Harris to Paul M. Papin," March 13, 1838, ibid., 796-798.

59 "William Clark to C. A. Harris," March 29, 1839, ibid., 762. Another report declared that the number of Indian warriors assembled for battle was in excess of 2,500. Ibid., April 7, 1838, 765.
reinforcements. Agent Harris visited the tribe and found the chiefs and counselors well disposed toward peace but in desperate straits economically. Such poverty, he observed, he had not imagined could exist. By mid-April it also came to light that the battle which cost the lives of several Osage and one white man was, Harris reported, "a ruthless miscarriage of justice." It was learned that some twenty natives had visited a Missouri village with the intent of trading for corn. Their request was denied and they were ordered from the settlement. On the following day it was reported that a band of Indians on a hog-killing spree was in the same area. It was immediately assumed that the spurned Osage were taking revenge and a group of whites proceeded to track them down and attack their camp. It was subsequently learned that the abused red men were in no way involved in the alleged hog killing.

In spite of the apparent crisis involving the Osage and their neighbors, both red and white, agent Harris busied himself from the beginning with his assignment. On March 7, 1838, he met with all the chiefs of the Great and Little Osage, except Clermont, and obtained their signatures

60 "Stephen W. Kearny to William Clark," April 11, 1838. ibid., 766.
Several days after this encounter, the Osage chiefs told their story to agent Harris and asked that they be allowed $150.00 as compensation for the unjust killing of their tribesmen. Harris replied that the amount was too much, especially since one of the white men was near death. "S. P. Harris to Paul M. Papin," March 14, 1838. Osage Agency, 1824-1841, 796.
or marks on a document which relinquished their claim to fifty-four sections of land in Missouri. The acreage had been reserved to the tribe under the terms of the Treaty of 1825 for the purpose of creating an Osage education fund. For the release, the tribe received $2.00 per acre, the total to be credited to the education fund. Shortly after his arrival, Harris also purchased oxen and numerous farming implements and saw to the hiring of suitable farmers and agricultural helpers, preparatory to the breaking up and planting of the 500 acres of prairie. By lack of foresight, however, Harris received funds to purchase and to hire but none for transportation. As a result he was marooned in St. Louis with his oxen and implements while awaiting a solution to his transportation problem. In the meantime, he continued his efforts to alleviate the economic crisis of the Osage. This he hoped to accomplish through delivery of both the 1837 and 1838 annuities. He discovered, however, that there was resistance to the standard policy of making payments in kind rather than in cash. Having his orders to proceed as stipulated in past treaties and believing that the traders had influenced the decision of the leading natives to demand cash, he refused to compromise and the Indians in turn refused the annuity.  

64 "Samuel P. Harris to C. A. Harris," March 29, 1838, ibid., 792-794. Also, ibid., April 23, 1838, 811.
By the end of April, Harris was forced to admit that his plans were moving a little behind schedule and two weeks later he wrote Commissioner Harris that he was in a state of complete despair. He confessed that his lack of experience in dealing with Indians had led to an untold number of errors. He believed, however, that his frustration resulted more from circumstances beyond his control, such as those inadvertently imposed by the government in not providing him with sufficient funds and the continued absence of Sub-agent James who had yet to put in an appearance on the reservation. In addition to the embarrassment caused by the shortage of finances, Harris was also vexed by the predicament in which his calling as a special agent had placed him. For example, the Arkansas band, after many years of refusing to do so, came to him and asked to be removed to the reservation. Since his commission did not include authority for this and since there was no agent to whom the matter could be referred, he was forced to state that he could not help them and that they would have to remain where they were. Not being a regular agent, he also found that the Osage traders and some military personnel with whom he had dealings were not respectful of

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James apparently arrived at his post around the first of May, 1838. The Indians were away on the hunt at the time and not knowing what was expected of him he wrote Commissioner C. A. Harris on June 4, and asked for instructions. The answer came back that he had been derelict in his duty and was ordered to report to Special Agent S. P. Harris. Upon contacting Harris, he was informed that his services were no longer needed. Feeling that he had been misunderstood and unfairly treated, James submitted his resignation and returned to his home in Council Bluffs, Iowa. "Edwin James to C. A. Harris," June 4, and July 28, 1838. Ibid., 850-855.
the authority which he did possess, thereby greatly complicating his work. Finally, his complete dilemma was made no less miserable by the fact that from the time he arrived among them the Osage proceeded to steal and beg him into a state of personal poverty.66

In spite of the above and other difficulties, Agent Harris was able to move ahead slowly with his agricultural project. By mid-June, 1838, he saw to the breaking and planting to corn of over 300 acres of prairie. He also had thirty-four Indian laborers and six white farm laborers in his employ. These efforts plus the successful delivery to the tribe of its 1837 and 1838 annuities were not, in Harris' opinion, sufficient to improve materially or permanently the Osage situation.67 For this reason he urged that an early, treaty council be called, to be held in Washington and attended by the leading Osage. He further observed that since the death of Clermont in May, 1838, there would be no problem in gaining the unanimous consent of the tribe to whatever treaty terms the government might propose.68

66"Samuel P. Harris to C. A. Harris," April 23, 1838, ibid., 812-815. Also, ibid., May 8, 1838, 816.

67At the time the annuity payments were made, the Osage also received credit for $5,100.00 to cover the cost of seed, farmers, laborers, and plowing. An additional $2,500.00 was allowed for the purchase of oxen, the same to be considered as part of the 281 cattle promised under the Treaty of 1825. Another $5,500.00 was made available for the payment of an agent and sub-agent and for additional expenses such as transportation. The total amount received was $29,500.00 in goods and services. "Captain E. H. Hitchcock to C. A. Harris," September 5, 1838, ibid., 825-826.

68"Samuel P. Harris to C. A. Harris," June 20, 1838, ibid., 820.
Authorities in Washington agreed that a council with the Osage should be held, though not in the Capital City. Pursuant with this decision, Colonel Matthew Arbuckle was appointed as commissioner, with instructions to negotiate a treaty favorable to the Osage. Accordingly, Colonel Arbuckle met with some forty-five chiefs and warriors of the tribe early in January, 1839. By January 11, an agreement was reached and the treaty was signed the following day. The terms of the new pact completely favored the Osage. They were not required to surrender any of their reservation but rather, were allowed additional compensation for lands ceded to the United States in the Treaties of 1808, 1818, and 1825. Among the more liberal concessions made by the government, were a $20,000.00 annuity for twenty years; hogs, cattle, and farming equipment, including wagons and carts, valued at $15,000.00; the building of grist and sawmills and houses for the chiefs; and the assumption of all tribal debts, including claims against the individual bands. In addition, a provision was made for the purchase of the lands retained in Missouri and Arkansas by the half breeds under the terms of the Treaty of 1825.

69 "Matthew Arbuckle to C. A. Harris," September 29, 1838, ibid., 740. The treaty outline which Arbuckle received called for the removal, at government expense, of the Arkansas Osage and an annuity allowance to the tribe of $15,000.00 a year for twenty years.

70 See Appendix I.

The Osage headmen were pleased with the treaty and asked that it be ratified without delay. In spite of past performances, they were highly optimistic about their chances of enjoying the full benefits of the pact even though its most significant rewards were in the areas of agriculture and eventual civilization. It was becoming increasingly obvious to some of the tribal leaders and to most of the half breeds that if they wished to survive they had little choice in the matter. They had to either become civilized or suffer because the annuity, although twice what it had been in the past, amounted to no more than $2.50 per year per individual. If the amount promised was paid in goods, its rewards were small; if in cash, it meant at best only temporary freedom from want and chance to reestablish credit with a local trader. The same view was generally held by numerous concerned individuals who pointed out that the only recourse for the Osage, if the decade of suffering and neglect which they had just experienced were not to be repeated, was for them to change to an agricultural society and to accept the ways of the white man.
The Osage and Their Agents - 1839-1849

In a letter voicing their acceptance of the 1839 Treaty, the Osage headmen chided the government for leaving them without an agent for almost three years. They urged that their old friend, Pierre L. Chouteau, who had aided them during the treaty sessions, be appointed and that the office be declared a full agency. "For the last few years," they wrote, "you have sent us several sub-agents: we do not want them - they have been no benefit to us but rather an injury." Chouteau, they wrote, said that he would return to the post if it were made a full agency as it had been before it was changed to a sub-agency - an act which had forced his resignation several years earlier. ¹

Chouteau's desire to regain the agency appointment was known as early as January, 1838, but he was passed by in

¹"Osage Chiefs and Warriors to J. R. Poinsett, Secretary of War," January 12, 1839, Osage Agency, 1824-1841, 909-910. Also, "Pierre L. Chouteau to the Honorable A. G. Harrison, member of the U. S. House of Representatives," January 14, 1838, Western Superintendency, 1837-1839, 747. The problem was and had been for many years one of salary. The full agent was only paid between $650.00 and $750.00 a year and a sub-agent received just one-half that amount. Chouteau had decided that he could do much better financially by trading full time with the western tribes than he could as a sub-agent to the Osage. Earlier agents and sub-agents had been faced with the same problem and had usually resolved it by living off the reservation and working as farmers, or at some other occupation, and making only periodic visits to the Indian villages.
favor of Edwin James, who never really began to function as agent before he resigned in July, 1838. In August, 1838, Robert S. Calloway, sub-agent to the Choctaw tribe at the Neosho Agency, was ordered to extend his services to the Osage tribe as well. This he did, but only in a most perfunctory manner. He arranged for the distribution of their annuities and saw to it that the blacksmith and farmer were paid, but he did not at any time visit the reservation, nor was he present at Fort Gibson when the Treaty of January 10, 1839, was formulated.

Congrave Jackson - 1839-1840

In spite of the plea made in his behalf by the Osage chiefs and warriors, Pierre L. Chouteau once again was passed over in April, 1839. At that time, Congrave Jackson was notified that, providing his bond was satisfactory, he would be appointed as a sub-agent for the Osage. By June 1, although he was still having trouble obtaining acceptance of his bond, he was ordered to make his way to the Osage country and assume the role of sub-agent until the matter could be cleared up. At the same time Jackson was also counseled


3"Joshua Pilcher, Superintendent of Indian Affairs, St. Louis Superintendency, to Congrave Jackson, Osage Sub-agent," April 6, 1839, St. Louis Papers, VII, 2. Both agents and sub-agents were required to post an acceptable bond before they could be granted a commission by the government.

4Ibid., June 1, 1839.
about the importance of settling among the Osage in order that he might devote full time and attention to meeting their needs and carrying out the provisions of the recent treaty. "A man willing to do this and one of energy and discretion" warned Superintendent Armstrong, "is an absolute must if the Osage are to be properly handled."

The aim of the government in the recent treaty, Armstrong advised, was to draw the tribe away from the chase by helping them to see the good life that could be won from the soil. His job, the agent was informed, was to fulfill the bountiful terms of the treaty both according to the wishes of the chiefs and as he observed the readiness of the people.

Jackson started out well enough by attempting to staff the agency as directed in the treaty. On July 1, 1839, he drew up a contract between himself and Charles Mongrain, a half breed, who was to serve as Osage interpreter for a salary of $300.00 per year. Later he hired John Lemon as blacksmith at a salary of $600.00 a year. Beyond these appointments and a few other minor acts, however, his successes as the Osage agent became fewer and fewer. As originally instructed, he consciously strived to fulfill the treaty's provisions at the earliest possible date. He soon discovered, though, that what appeared appealing and practical in print

5 "William Armstrong to T. Hartley Crawford, Commissioner of Indian Affairs," May 9, 1839, Osage Agency 1824-1841, 874.
7 "Contract between Charles Mongrain and Congrave Jackson," July 1, 1839, ibid., 923. Also, "Contract between John Lemon and Congrave Jackson," November 10, 1839, ibid., 924.
was often, in execution, diabolically unpleasant. This discrepancy was apparent in many of his actions as Osage agent. When, for example, he met with the tribe prior to delivery of the 1839 annuity, he discovered that his instructions - that the distribution be made to heads of families in order that everyone might gain an equal share rather than through the chiefs or to the individual towns - were objectionable to the tribal leaders, being contrary to their customs, and also were greatly resented by the traders. Jackson's unwillingness to compromise turned his charges against him and measurably reduced whatever influence he might otherwise have had.8

Another responsibility laid down in the Treaty of 1839 required the agent to meet with the half breed Osage who had been allowed to retain a section of land at the time of the removal of the tribe westward from Missouri and Arkansas in 1825. Jackson was to pay all legitimate claimants $1,280.00 for the title to their reservation. He proceeded to contract with the half breeds for their land shortly after he took office and all went well until it was discovered that, in his eagerness to please the natives, he failed to challenge their individual identity and soon was making duplicate and erroneous payments. This situation was completely out of control when word came from Washington

8"Congrave Jackson to T. Hartley Crawford," February 26, 1840, ibid., 949.
ordering a cessation of the further distribution of government funds. 9

Superintendent William Armstrong was aware of the problems Jackson was experiencing and felt that they were more than he was qualified to handle. In a letter to Commissioner T. Hartley Crawford, Armstrong explained that the task of winning the confidence of the Osage required a rare kind of man and this, he suggested, Jackson was not. Robert Calloway, the Neosho sub-agent, he felt, was more nearly qualified for effective work with the Osage. He went on to suggest that the two men could trade jobs, since the Neosho position was not a difficult one and could be handled easily by Jackson. Calloway, he felt, was capable of succeeding in the Osage experiment, and this was important since Armstrong was sure the government would not attempt it a second time if it ended in failure. 10

While the superintendent's recommendation was being considered, Jackson continued to work with the Osage and was soon faced with a further serious difficulty in fulfilling what appeared on the surface to be one of the most positive aspects of the treaty: the provision of livestock. When he attempted to deliver the livestock to the Osage in accordance with the 1839 agreement, he found that the chiefs would either refuse delivery, claiming that they had no way to


care for them - especially when away on the hunt - or else they would receive them but then sabotage the stocking program by indiscriminately slaughtering and feasting until the herds were depleted. 11 After observing the disastrous consequences which resulted when the provisions of the treaty were followed blindly, Jackson advised Commissioner Crawford that education should precede distribution and, henceforth, both livestock and farm implements should be delivered into the hands of a government-appointed farmer, hired to instruct the natives in their use and care. Under this program the remainder of the 400 cattle and 1,200 hogs committed to the tribe were to be delivered a few at a time over a period of several years. 12

In connection with his program for distributing the livestock, Jackson decided that it would be wise to delay delivery of the cattle until the chiefs' houses were completed and then make cattle available only to those families willing to settle on the reservation and cultivate the soil. In this manner, the agent felt that the natives would be won away from their dependence on hunting and be led to construct stable, year-round communities with a reliable agricultural base. Agent Jackson pursued this plan during the fall and

11 Ibid., August 7, 1839, 877-878.
12 Ibid. Also "Robert S. Calloway to William Armstrong," January 25, 1840, ibid., 995-996. Calloway pointed out the fallacy of furnishing livestock to people who lived off the flesh of animals. He also noted that it was even a greater fallacy to expect a people who believed that it was a disgrace for a man to work with his hands in the soil to turn directly to an agricultural way of life.
winter of 1839, but a lumber shortage defeated his best efforts and he was unable to complete a single house.

Finally, in January 1840, he decided that the sawmill provided by the treaty should be constructed first and the chiefs' houses next. This decision only complicated and delayed implementation of the treaty, however, for, as Robert S. Calloway, the Choctaw agent, pointed out, there were no streams in the area suitable as sites for a sawmill. Because of this, neither the sawmill nor the houses were constructed. In addition, no families were gathered to work the land near where the chiefs were to live, nor were any further livestock distributed as an inducement to the Indians to forsake the chase. When, therefore, he was finally transferred to the Great Nemaha Agency in November, 1840, Jackson's only material accomplishment among the Osage had been the completion of two blacksmith shops, so poorly constructed that his successor, Robert Calloway, reported them both useless and fit only to be abandoned.  

Robert S. Calloway 1840-1844

In conspicuous contrast to Jackson, Agent Robert S. Calloway came to the Osage post with considerable experience.


and success as an Indian agent. He had been indirectly associated with the tribe since his appointment to the Neosho Agency in 1835, and he had been directly responsible for the Osage from August, 1838, until Jackson took over in the spring of 1840. Both agencies had been assigned in 1839 to the Western Superintendency, headed by William Armstrong, who had used his influence to get the Osage appointment for Calloway.

Calloway, the new agent, was seriously handicapped from the beginning of his appointment by the fact that there was not, as there had never been, an official agency headquarters on the Osage Reservation. Earlier agents and sub-agents had either lived in one of the nearest frontier towns and made short, periodic visits to the various villages or, as in the case of the Chouteaus, they had made the nearest trading post or Fort Gibson their headquarters. Under the new treaty, this kind of haphazard attention to the needs of the tribe was insufficient. The amount of money, livestock, agricultural implements, and annuity goods being distributed, as well as the new emphasis on the domestication of the tribesmen, required virtually the full time attention of the Osage agent. For this reason, Calloway soon discovered that his responsibilities with the Osage were more than he could handle from the Neosho Agency headquarters some eighty miles south of the nearest Osage village. He decided not to move, however, until proper

agency buildings had been constructed and for this reason he was soon fighting an uphill battle to keep abreast of his responsibilities. When his first quarter reports were both overdue and incomplete, he cited as the reason the exorbitant amount of time required to travel to and from the reservation. He blamed the same difficulty for his lack of familiarity with the Osage and for his resultant carelessness which led to the payment of a number of fraudulent claims to half breeds for reservation lands in Missouri.

In spite of the travel handicap, Calloway was able to give some attention to the affairs of the agency during 1841. As a part of his regular duties, he provided for the completion of a blacksmith shop and the hiring of two blacksmiths and two assistants, and supervised the distribution of the annuity and treaty goods. Concerning the latter, he

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16 Ibid. Indian agents were required to make detailed quarterly reports to the Commissioner of Indian Affairs through the office of the local superintendent. Special attention was paid in these records to all financial transactions related to the agency.

17 From January to March of 1841, Calloway distributed $35,209.00 to half breed claimants. Nine of the twelve recipients in March went by the family name of Mongrain. It was eventually discovered that some of these were duplicate payments. Charles Mongrain signed the names of several reservees and received payments for others in his own name. There was no indication that he had any authority to do this or that the agent made any effort to stop him. It was further evident that no effort was made either by Calloway or his predecessor to correlate the names of those making claims with the list of reservees in the Treaty of 1825. "Report of Funds Distributed for Half Breed Reservations," Osage Agency, 1824-1841, 1059. Also, "L. B. Lewis, Second Auditor's Office, to T. Hartley Crawford," December 30, 1841, ibid., 1123; ibid., October 10, 1844, 519.

18 The 1841 annuity was in kind and consisted primarily of items associated with the hunt such as cloth, guns, powder,
reported that since Clermont's off-reservation band and the Little Osage refused delivery, all of the 200 cows and calves and 400 hogs provided by the treaty were given to Pahuska's or Whitehair's people who, in a few weeks, killed and ate them all.  

He further reported that no chiefs' houses were commenced during the year, nor were any of the mills built and that, the absence of mills notwithstanding, as stipulated in the treaty both a miller and an assistant had been hired by his predecessor and both had received a yearly salary.

During his periodic visits to the reservation, Agent Calloway observed that the illicit traffic in whiskey between the Osage and some of the settlers living along and just east of the Missouri Line was such that a large part of their annuity payment and a considerable portion of the treaty-derived stock and agricultural implements were being used to purchase alcohol at an exorbitant rate of exchange. Many families had removed to convenient locations near the whiskey houses and remained there the year round, "exchanging their ponies, guns, buffalo robes, and blankets for whiskey." He complained that "almost every house on our immediate border is a grog shop" and that he was able to "keep the whites out but I cannot prevent the Indians crossing the line . . . ."  

"The tribe as a whole," Calloway reported, "has drunk more

20 Ibid., 1119.
whisky (an ounce of which would kill the most poisonous snake) in the last three months than they have in the previous ten years." "I am determined," he concluded, "to put a stop to this drinking or I shall be made to acknowledge that I have deceived myself."

In an effort to make good his vow, Agent Calloway decided to attack the problem in two ways. He first counseled with the Indians concerning the delivery of the April annuity and successfully persuaded them that it would be to the advantage of the individual tribesman to receive his share from the head of the family to which he belonged, rather than from a chief. In past years, he charged, the tribal leaders had, taken the spring annuity funds into Missouri where they purchased few provisions but large quantities of whiskey.

As the second step in his plan, Calloway placed the annuity money that he had received in the hands of the traders and, in place of the $2.50 usually allowed, issued to the heads of families two coppers and a flint for each member of the tribe. He then explained that the traders present would exchange goods of equal value for the substitute medium. By following this course of action, paying the money to the traders rather than to the Indians, Calloway reported that he was able to cut down on the amount of liquor that normally would have been purchased following the distribution of the annuity.

22 Ibid., May, 1842, 99.

23 Ibid., September 17, 1842, 140. Also, "S. D. Bright to S. P. Linn, U. S. Senator," May 19, 1842.
Following this apparent success, the agent proceeded to discourage the presence and sale of alcohol along the Osage-Missouri border. One evening in May, 1842, he met with the blacksmiths and a number of natives to discuss the liquor question; upon his suggestion it was decided that an example should be made of the more flagrant whiskey peddlers. That same evening a sizeable group of Indians led by the blacksmith, John Mathews, visited the homes of two white men and with little difficulty and no real opposition knocked the heads out of eight barrels of firewater. 24

The repercussions which followed these initiatory steps in Calloway's campaign to enforce prohibition among the Osage were soon heard in both Washington and St. Louis. A petition signed by 137 citizens of Jasper County, Missouri, was sent to the President of the United States and a copy was mailed to the office of Missouri Senator, S. F. Linn. The Senator was asked to use his influence with the President and with Senator Thomas H. Benton in securing the removal of Robert Calloway as Osage agent. 25 Calloway was

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24 Ibid.

25 "Citizens of Jasper County, Missouri, to the President of the United States," May 19, 1842, ibid., 175-180, 185-192. The petition was initiated and forwarded by W. Samuel Bright and John Chenault, both of whom lived on the border and were accused by Calloway of running "whiskey houses." "Robert S. Calloway to T. Hartley Crawford," June 26, 1842, ibid., 108.
accused of sending a party of uncivilized Osage into the homes of two citizens of Jasper County where they destroyed eight barrels of whiskey, tied up two white men, frightened innocent women and children, and stole a gun, some trade goods and several sacks of cornmeal. The petitioners were, they said, aware of why the action was taken and were likewise opposed to the selling of alcohol to the Indians. They were, however, even more opposed to having a mob of uncivilized Indians enter the state simply on the whim of an agent whose unwise action could easily "plunge the frontier into the horrors of an Indian war." 26

Calloway was also charged with having purposely delayed paying the Osage annuity from February, 1841, until April of the same year in order that the agents of the American Fur Company might be present. It was also claimed that the actual payment was to the fur company and that the coppers and flints received by the natives were redeemable with the company representatives only and at whatever price they might set. Under these circumstances the Osage were not allowed to deal with their white neighbors from whom they could have received most of their supplies at one-half to one-fourth the cost imposed by the company. 27 Several sworn statements attached to the petition also declared that Calloway was opposed to any form of education

26 "Citizens of Jasper County, Missouri, to the President of the United States." May 19, 1842, ibid., 186.

27 Ibid., 203. The settlers claimed that they would have gladly sold corn to the Osage for 25¢ a bushel whereas the traders charged them $1.00.
for the Osage, even though a $69,000.00 fund was available for that purpose. Finally, the petition stated that the Indians were greatly disillusioned with the agent and were not only demanding his removal but were also threatening to kill him if he continued among them and persisted in paying the annuity to traders as he had recently done.  

In answer to these charges, Calloway set about gathering testimonials from both whites and Indians alike and forwarded them to the President and the Commissioner of Indian Affairs. In his own reply he admitted being responsible for the destruction of the whiskey and knowing that his act was illegal. He reasoned, however, that the end justified the means and that, at the time, his two chief accusers, W. Samuel Bright and John R. Chenault, had concurred in his thinking. They had "not only expressed in the warmest terms their approbation of the act but said that beyond doubt it would be generally approved." As for the accusation that thefts were committed and innocent bystanders were terrified, he answered that every precaution had been taken to avoid violence and that whatever stealing went on was done by a group of drunken Osage who left one of the houses shortly before his party arrived. He had personally seen to it that all the items taken were either returned or paid for.  

In conclusion, he explained that, if he could have anticipated

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28 Ibid., 204.
29 "Robert S. Calloway to T. Hartley Crawford," September 17, 1842, ibid., 81.
the extent and nature of the after-effects of his actions, he would never have taken them. He was, in addition, certain that most of the furor, although directed primarily at the violation of the Missouri State sovereignty, was secondarily the result of his having distributed the annuity in such a manner as to eliminate the settlers from sharing in the spoils of transient Osage affluency. His action, he averred, neither favored the American Fur Company nor defrauded the Indians, but rather, each family received its full share as its name was called, and its members were free to trade their coppers and flints at the fair rate of exchange with any one of a number of traders present.  

At Calloway's urging, Whltehair and thirty-four other chiefs and warriors sent a statement to the President which told of their good will toward the agent and said that if Calloway had enemies they were white and not red. The chiefs also stated that they understood and supported both his attempt to curtail the liquor traffic and his method of distributing the annuities. As for education, they informed the President that they had for some time declared their opposition to missionary schools and teachers and were grateful to their agent that he had not pressed the issue with them. This testimonial was attested to by a number of traders, including Edward S. Chouteau, the son of the former agent, and Paul M. Papin, the American Fur Company representatives.

30Ibid., 82.

31"Statement of Pahuska and Thirty-four Other Chiefs, Braves, and Headmen," August 30, 1842, ibid., 72-73.
The latter stated in an attached note that the charges involving unnecessary delays in the payment of the annuity, the exclusion of competitive traders, and the improper use of coppers and flints were completely untrue. Papin also noted that after thirty years' experience in the Osage trade he observed nothing amiss in the way the distribution of the annuity was handled in April, 1842.  

A group of 133 settlers living in Newton County, Missouri, also voiced their support of Calloway, stating that he had "done more to put down drunkenness amongst the Indians and to put down the evil ... of selling them Spiritious /sic7 Liquors than any man we have had to transact business with them." They went on to say that the settlers demanding his release were doing so with the hope of having one of their group replace him "so that they may have free scope to carry on their unholy traffick /sic7 to the great damage of the Indians and finally to the entire overthrow and destruction of the whole nation."  

When it became known that a petition favoring Calloway was being circulated, additional charges were made against him and forwarded to Washington. Among the accusations made at this time was a claim that several months after the whiskey spilling incident the agent himself purchased a quantity of alcohol which he gave to the Indians and "there commenced a drunken frolic which resulted in the death of one breed."

32 Ibid., Document III, 73.  
33 "To His Excellency John Tyler, President of the United States, from the Citizens of Newton County, Missouri," September 7, 1842, Ibid., 246-249.
such phenomena were said to be not the least uncommon. It was further alleged that the agent permitted the blacksmith Mathews to take illegal possession of an Indian's home and that for over a year Calloway had paid the smith a double salary by allowing him to work his Negro slave in the shop in place of the second smith, who had left the reservation. Meanwhile, the Indian boys who, under the terms of the treaty, were supposed to work as strikers or blacksmith helpers, were made to cultivate his fields.\textsuperscript{34}

John R. Chenault, one of the first to accuse Calloway, was subsequently boosted as his possible replacement. He declared that he only sought the office because he felt that the evil agent had to be replaced. He raised the charge that Calloway was encouraging the retention by Whitehair of a young captive white girl.\textsuperscript{35} He also averred that the agent tried to persuade Edward Chouteau to declare that the April annuity was paid in cash to the individual Osage and that Chouteau refused to do this. He revealed instead the fact


\textsuperscript{35}"John R. Chenault to Charles A. Wickliffe, Postmaster General, Washington City," September 16, 1842, \textit{ibid.}, 687-690. The white girl referred to was purchased from the Comanche by Whitehair for $130.00. The girl was apparently taken on the Texas border. She had no knowledge of her parents and could speak no English. Since Calloway had told Whitehair that he could not keep her, he was demanding a ransom for her freedom. The charge that Calloway was not willing to let her go free grew out of an attempt by Chenault and others to take the girl by force without paying for her. The agent resisted their efforts, fearing that if they succeeded serious trouble would result. "Robert Calloway to William Armstrong," June 15, 1843, \textit{ibid.}, 720-723.
that in return for past favors, Calloway had turned all the annuity funds over to Paul M. Papin, the head trader for the American Fur Company.  

At about this same time, September and October of 1842, Calloway received important support from a number of unsolicited sources. Western Superintendent William Armstrong reviewed the controversy in a letter to the Commissioner and then added his own opinion, suggesting that those opposing Calloway themselves either favored or were involved in the alcohol trade. Armstrong also complimented Calloway's plan to pay heads of families and to use coppers and flints instead of cash. Even though the goods to be purchased were cheaper in Missouri, he wrote, the natives were better served by the traders, since the settlers would have sold them whiskey rather than the goods they actually needed.  

The Secretary of War, John C. Spencer, following a review of all available information, decided that there was nothing in the charges to warrant the dismissal of the agent. He admitted that perhaps Calloway had acted unwisely but confessed that in like circumstances he would have done the same and he concluded by commending the agent and the Osage for their efforts in seeking a remedy to a great evil. A similar

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36"John R. Chenault to Charles A. Wickliffe," September 24, 1842, ibid., 718.


38Ibid., 46, 60. The thoughts of the Secretary of War were in the form of a note appended to the report made by Sgt. Armstrong to Commissioner Crawford.
attitude was expressed by Colonel Stephen W. Kearny, to whose attention the matter had been brought, as a security measure, in case the issue resulted in violence. Kearny cautioned the Commissioner against "placing any stock in the words of Missouri settlers on the frontier as they are for the most part whiskey-sellers who make a living by debauching Indians." There was, he concluded, nothing in the whole affair to get alarmed about. 39

At the end of 1842, Agent Calloway appeared to have weathered the storm of controversy. His annual report for that year reflected a confident and optimistic air. He declared himself free from any wrong-doing and affirmed his determination to continue to oppose the illegal sale of whiskey precisely as he had done during the previous year. He described his close working relationship with both the trader, Paul M. Papin of the American Fur Company, a man who he originally feared but presently respected, and with Chief Whitehair, whose past friendship was highly uncertain but now appeared secure. 40 As for the Indians themselves,


40"Annual Report of Osage Agent Robert Calloway," December, 1842, ibid., 51. In a preliminary report written August 1, 1842, Calloway described Whitehair as being a "bad man" because he was much opposed to the farming operations of his people. He had attempted to make a good example of the chief by having him live apart from the town where he was set up with a supply of farm utensils and fifty head of hogs. In a short time, however, he collected a few people about him and together they feasted on the herd of swine until it was depleted. At the time of the annuity distribution in April, 1842, Whitehair strongly opposed Calloway and made serious threats against him. By September, however, all was forgiven and he petitioned the President in Calloway's favor. Ibid., August 1, 1842, 47-48.
he reported that their situation needed to be much improved. Only a dozen families of Whitehair's and Clermont's bands were making any progress toward a settled way of life. The chiefs, he complained, did not encourage domestication, reasoning that there would be time for that once their houses were built and agricultural sites were established. No chief's homes were under construction by the year's end, nor were any of the mills. Because of a poor summer hunt and a scanty corn harvest, the food situation was also serious.

As the early months of 1843 passed, Agent Calloway's confident, optimistic air was shaken. One after another his professed allies of the previous year joined the opposition and agitated for his dismissal as Osage agent. The problem had its roots in the whiskey and annuity affair of the previous April, but other factors also contributed to the growing dissent. One factor derived from a situation arising in August, 1842. During that summer a group of Osage got together and decided to oust George Whitehair as chief of the Osage nation. As the movement began to crystallize,

Ibid., 50-51. A census role for the year indicated that there were 166 families of Little Osage and 426 Great Osage. The latter were divided into three groups with ninety-eight families under Black Dog, 106 under Clermont and 222 in Whitehair's village. Clermont's people had returned to the reservation in the fall of 1841. Part of the band under the leadership of Black Dog, a lieutenant of the old chief, Clermont, returned to the Verdigris and the land of the Cherokee in the spring of 1842. There was a total of 4,102 people in the nation consisting of 707 male and 684 female children under age ten, 1,195 males and 1,118 females between the ages of ten and forty, and 191 males and 207 females over forty. Families ranged in size from two to twenty with an average of about seven. "Census Role of the Osage Indians for 1842," ibid., 319.
the insurgent Indians sought and gained the support of their agent and on August 15, they petitioned Superintendent Armstrong for Whitehair's replacement by Shin-gah-wah-sah, whom they claimed was the choice of the whole tribe. Armstrong agreed to the change, but the decision was held up by Calloway when some of Whitehair's warriors objected to the fact that most of the opponents were members of Clermont's band. In time, the Agent's supportive role in the proposed coup was revealed and greatly agitated Whitehair and his loyal followers. The issue remained buried, however, until May, 1843, when Whitehair, taking advantage of Calloway's absence, expressed his contempt for the Agent by seizing the only buildings on the reservation, the home and the shop of the smith, John Mathews, and by ordering the occupants to leave Osage soil. Upon his return, Calloway felt determined to show people that he would not allow himself to be runover and insulted by the chief, "especially one so generally hated and despised by the nation . . . ." With this resolve, the agent, at the first opportunity, had all of Whitehair's belongings transferred back to his lodge and saw the smith once again in possession of the building. He then proceeded on the advise of the interpreter, a half breed named Mongrain.

42 "The Leading Chiefs and Braves of the Osage Nation to William Armstrong." August 15, 1842. ibid., 368.

43 "The Chiefs and Braves of Clermont's, Pahusha's, and Paw-ne-no-pushu's Bands to the President of the United States," June 1, 1843. ibid., 376.

44 "Robert Calloway to T. Hartley Crawford," June 2, 1843. ibid., 363.
to cut down a small orchard which surrounded the buildings. The desire of the chief to possess the trees was, he felt, the cause of this and other problems and their destruction, he declared, was absolutely justified.  

Shortly after he was denied the use of the smith's quarters and following the destruction of the trees, Whitehair met with a group of settlers headed by John R. Chenault and encouraged by their counsel and money, he undertook a journey to Washington to present his grievances to President John Tyler. He was provided by Chenault with a letter of introduction to Charles Wickliffe, the Postmaster General. In the letter, Chenault explained to the General, who had been his boyhood companion, the nature of the visit and reviewed for him the charges against the Osage agent. He then added that he had heard that the agent and the Osage blacksmith, John Mathews, were partners in a scheme to

45 Ibid. One of the structures was originally constructed by the protestant missionary, "Old Parson Dodge." When the mission was closed in 1834, he supposedly gave the property to the interpreter, Noel Mongrain, with the understanding that it not fall into the hands of Whitehair who was considered by the parson to be a bad person. Mongrain found that he could not take care of the place, so he allowed his brother to live there. Not long thereafter, while the latter was away on the hunt, Whitehair took possession and refused to move even though the brother threatened to kill him. He continued on the place until 1842 when he offered to move and let the building be used by the new smiths who were searching for a place to build a shop. After considerable remodeling, the old mission house was made into a suitable residence for the blacksmith. The other structure was the shop which Calloway had erected during his first year with the Osage. "Statement of Noel Mongrain," June 1, 1843. ibid., 369.

46 "John R. Chenault to Charles A. Wickliffe," May 20, 1843. ibid., 505.
defraud the government and the tribe of hundreds of dollars yearly by collecting the salaries of nonexistent employees, and by buying some cattle of the Indians at a low price and then driving many times the number purchased outside the reservation, where they were then sold to the great advantage of the two alleged culprits. Chenault stated that his interest in Whitehair's affairs did not stem from any selfish personal desires but from his wish to see justice done. The chief, he added, was travelling in the company of a Colonel George Douglas, who was himself well informed on all the issues surrounding the controversial agent. As "no gentleman in southwestern Missouri stands higher than Colonel Douglas . . . ." he advised, implicit confidence would, therefore, be placed in everything he had to say. Bearing this letter, the Washington-bound party was confident that its petition would be well received by the President. The travellers, however, had not reckoned with the weather. When

47Ibid. It was true that Calloway was well known to Douglas but for reasons unexplained by Chenault. Some years earlier the Colonel had presented to the government a large claim against the Osage. The claim had been admitted by the Osage and the request for reimbursement had been approved for payment. At this juncture, Calloway declared that the recognition of the claim came about by fraudulent means and, therefore, should not be honored. Douglas, according to the testimony of Edward S. Chouteau and others, had bribed a number of leading Osage to declare in claims council that they knew the Colonel's demands to be just. On these grounds only a small part of the original claim was allowed and the resultant enmity between the two men bordered on undisguised hostility. "Robert S. Calloway to T. Hartley Crawford," May 11, 1843, ibid., 359. Also, "George Douglas to T. Hartley Crawford," July 5, 1843, ibid., 399.
they reached St. Louis and the heat caused the Indians to refuse to continue, it became necessary to send the petition to Washington instead of delivering it in person.

The Osage complaint contained two main grievances. The first declared that the nation suffered greatly as a result of being part of the Western rather than the St. Louis Superintendency. With his headquarters at Fort Gibson in Arkansas, Superintendent Armstrong was said to be too far distant from them either to understand their problems or to meet their needs. In order for tribal representatives to counsel with him, they had to travel across Creek and Cherokee lands and this inevitably led to hostilities. Even more serious was the fact that their relative isolation made them subject to "the most outrageous injustices ever committed by an agent." Concerning this, the second grievance, they stated that "the nation desires that the present sub-agent, Mr. R. S. Calloway, should be removed or some serious outbreak will take place between him and the young men of the nation . . . . We believe . . . we can prove that he has availed himself of his position as our agent to speculate on us, and to cheat the government." 48

The petition further stated that under the terms of the treaty the tribe was to receive two blacksmiths and two strikers or helpers. The latter were to be either part or full bloods and were to learn the trade so that eventually they could become smiths for the tribe. In reality, however,

48 Osage Chiefs and Headmen to John Tyler, President of the United States," June 14, 1843. ibid., 501.
they had been given but one smith who used his eight-year-old son and a young Negro as helpers, even though a number of young Osage had been recommended to him. Calloway allowed this situation to exist, they said, and was thought to be profiting from it. They also alleged that the smith was guilty of using whiskey to buy hogs and other treaty articles and of making an outright theft of many cattle and hogs.

Calloway was charged with throwing the possessions of Chief Whitehair out of the chief's house and of cutting down a young orchard which surrounded it. For this act, the outraging of the orchard, the young men had to be restrained from killing him. For these and other offenses they asked that the agent be removed and that his replacement be Edward L. Chouteau, the son of the former agent, Pierre L. Chouteau and a nephew of their former trader Colonel Auguste P. Chouteau.  

When the news of Whitehair's intended visit to Washington became known on the reservation, a group of chiefs and braves representing all the reservation bands except the Little Osage met with Calloway and, through him, they directed a message to the President. The letter explained that, upon hearing of the chief's departure, the group made

49Ibid., 502-503. A second smith was hired in the spring of 1842 and subsequently made arrangements for the Negro boy to work in his place. The understanding was that he would be paid the regular smith's salary and would sublet the position to the Negro for $15.00 a month. The money was turned over to Mathews as the slave belonged to him.

50Ibid., 503.
inquiry to find out what his intentions were. Their investigation revealed that Whitehair had promised horses to several tribesmen if they would join him in his complaint against Calloway and John Mathews, the blacksmith. As for themselves, they claimed never to have heard a word of complaint against Mathews. They reported that he had quit the reservation about the middle of May and, the day after he left, Whitehair had once again seized the old mission property and ordered the new smith to leave Osage soil, declaring that his people were not farmers but hunters and had no use for blacksmiths. Calloway was away when this occurred. When he returned, he found that Whitehair was himself absent, so he met with Whitehair's band and heard their complaints of their chief's conduct. They lamented that "he was wrong and had been so all of his life"; and they agreed with the agent that the destroyed fruit trees had always been a source of envy in Whitehair and the nation was better off without them.

Shortly after he departed for Washington, Whitehair was said to have returned home long enough to collect his friends from among the nation. They numbered, his accusers averred, but a handful and few, if any, still lived on the reservation. They informed the President that the anticipated visit was completely unauthorized and no attention should be paid to it. "We do not care if he does not return," they wrote, "for he left home like a poor dog with his tail between his legs and we do hope our grandfather will send

51 "Statement of Twenty-one Chiefs and Braves of the Osage Nation," June 1, 1843, ibid., 373.
him back in the same way. Everyone asks, where is Pahuska gone? and what for?"\textsuperscript{52} The chiefs and braves concluded the message to the President by affirming their support of the agent and their ill feeling for Pahuska. The latter was, they said, hated by the whole nation and had always been "both a liar and a thief."\textsuperscript{53}

After the claims and counterclaims had been received in Washington and reviewed, the charges against Calloway were considered to be sufficiently genuine to warrant an investigation. On June 29, 1843, Commissioner Crawford directed D. D. Mitchell, St. Louis Superintendent, to go to the reservation and meet with all the parties concerned. This he did, arriving, after several months' delay, on September 12, 1843. During the intervening period, Calloway had moved to the reservation from his home at the Neosho Agency and had established an agency headquarters on the Neosho River about midway between the northern and southern boundaries on the extreme eastern side of the reserve. The agent noted that over two-thirds of the nation was located along the Neosho convenient to the agency buildings. The remainder, members of Clermont's and Paw-ne-no-pushnu's bands, were settled on the Verdigris near the southern boundary.\textsuperscript{54}

\textsuperscript{52}Ibid., 373-374.
\textsuperscript{53}Ibid.
\textsuperscript{54}"Robert Calloway to D. D. Mitchell, Superintendent of Indian Affairs, St. Louis Superintendency," September 1, 1843, St. Louis Papers, VIII, 101. Also, Appendix II.
Living for the first time among the Osage made little or no difference, however, in the amount of influence that he was able to exercise during the summer months of 1843. His annual report which came out on September 11 was a negative, dismal account of Osage weaknesses and failures during the previous twelve months. The condition of the Indians, the agent informed his superiors, was changed only in that they had consumed more whiskey in the last year than in all the years to that date. A partial cause of their liberal imbibing, he reported, resulted from a steam distillery, located near the southeastern border of the reservation and capable of producing five to seven barrels a day - an amount sufficient to supply some 100 retailers who catered to Indian buyers. In the face of almost total Osage indifference, he wrote, his own reputation as an enemy of the liquor traffic was meaningless, and the chiefs, who should have been his allies in the battle to stem the flow of alcohol into the reservation were, instead, the very worst offenders. In his desire to destroy the enemy he was, he noted, tempted to ask that the soldiers at Fort Scott, Kansas, be authorized to put down the flourishing bootleg business along the border. He hesitated to do so, however, since he felt that it would require the services

55In 1842, a code of laws was drawn up at the request of the tribe forbidding the bringing of whiskey into Osage country. The chiefs were to have been the judges and the braves were to be organized as a military police and both were to have enforced the code. The effort failed, however, since it never went beyond the planning stage. Ibid., 122.
of the complete military detachment at the post to accomplish the task and even then it would be incomplete unless the Cherokee and Potowatomi tribes were also restrained.\textsuperscript{56}

As to the domestication of the tribe, the report was equally disheartening. No more than twenty or thirty families broke the soil and planted crops in the spring and not even one-half that number bothered to construct fences. Much of the blame he attributed to Whitehair and to other chiefs who both discouraged and prevented the people from farming and frequently encouraged them to kill and eat the cattle, hogs, and even the few work-oxen they received. Concerning the 200 head of cattle and 400 hogs delivered during the preceding weeks he lamented, "if there is now one hoof of this stock left, I am not aware of it."\textsuperscript{57}

Such were conditions on the reservation when Superintendent Mitchell arrived to conduct his investigation. After a short delay, he successfully brought the leading disputants together and reviewed the charges that had been made. Those responsible for the accusations were challenged to come forward and substantiate them. Whitehair was the first to speak, declaring that his words "were not false nor malicious charges" but were statements of fact and if the agent or any of his friends dared say that they were not then he had ready many witnesses who could substantiate all

\textsuperscript{56} Ibid., 125. Fort Scott, Kansas was established as a military post in 1842 and became one of the main trading resorts of the Osage in the 1840's.

that he had said and written. Several other chiefs and headmen followed Whitehair and endorsed his words. Only one man of consequence stated otherwise and he said that he knew little or nothing about the truth of the charges. His position was that "he believed both Whitehair and the sub-agent were great rogues; and previous to their quarrel had managed to cheat the nation out of a large portion of their money. That he had exerted himself to produce a difficulty between them in order that they might expose each other's rascality." 58

In summarizing the complaints against Calloway, Mitchell found the agent guilty of all charges except that of being a partner to John Mathews, the "obnoxious blacksmith." Calloway's destruction of the orchard was described as a "wanton waste of property to which Calloway and the ex-blacksmith had no claim, irrespective of the rights of the chief . . . the sub-agent, to say the least, was guilty of a great error in judgment, in using such a novel mode of settling disputes." After due consideration, the superintendent concluded that Calloway's improper conduct plus a want of confidence and respect on the part of the Indians were certain to make him totally ineffective as the Osage agent. He remarked that his judgment might have been tempered somewhat if the agent had defended himself publicly but this Calloway had refused to do. 59
In a letter to Mitchell dated the day after the hearing, Calloway made a belated and not very successful attempt to present his side of the matter. He explained that having to reside some eighty miles from the Osage made it necessary for him to rely on the blacksmith, John Mathews, to conduct certain of the agency's minor affairs. Because of this, he said the smith's half breed son, William, and his young slave boy were hired as strikers. The breed, he explained although small and but thirteen years of age, spoke English, was very smart, and worked well with a part time gunsmith. Calloway's letter went on to say that the boys actually were paid but through Mathews, who, being responsible for them, saved their pay for them. In regard to the other charges, Calloway explained that he had been unfairly judged because of his association with Mathews whose actions he had not condoned as demonstrated by the fact that he had fired him at his first act of misconduct. Of the orchard affair, he wrote that it had been "magnified into a brutal outrage."

During the weeks following the investigation, Calloway made additional fruitless attempts to justify his actions and thereby retain the Osage post. He solicited numerous testimonials and statements from individuals which he hoped would strengthen his position and undermine that of the

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61Ibid.
opposition. Among those received, were a number which revealed a thread of conspiracy on the part of the Osage traders, especially those of the American Fur Company. It was reported, for example, that shortly after Superintendent Mitchell conducted his hearing, the traders Paul M. Papin, M. Girand, and Edward Chouteau were heard loudly and laughingly to boast of the successful manner in which they had controlled the proceedings, their intent being to keep Whitehair in power and to embarrass Calloway. This was necessary, they said, since it was known that "if Clermont and his people got in they would play hell and cut them all to pieces." These same men had declared their allegiance to Calloway just a few months earlier but had since aligned themselves with the Osage who favored Edward Chouteau as his replacement. The traders were, it was claimed, the real cause of the current unrest and would not be satisfied until "they had the whole nation under their thumb, including the agent."  

Calloway responded to this information with a letter to Superintendent Mitchell recounting the charges against

62 "Charles Mongrain, Lewis Mongrain, Henry Clemmins and others to Robert S. Calloway." October 7, 1843, ibid., 450.

63 Ibid., 451. Just a month before, September 6, 1843, Chouteau and Papin wrote to Mitchell himself, stating that the petitions circulated against Calloway were the work of "drinking worthless persons" who were mostly bootleggers and were so generally disrespected that no reliance should be placed in their words. The treaty and annuity payments, it was noted, had always been made with perfect fairness and to the total satisfaction of the Indians. "Edward L. Chouteau and Paul M. Papin to D. D. Mitchell," September 3 and September 6, 1843, ibid., 428-431.
him and pointing out how, in several instances, the hands and voices of the traders had been raised to his disadvantage. He complained that whereas these men had previously been "like lions in my defense," they presently interfered even in his private affairs and as a result of their misconduct, from "Papin down to the last breed in their control," his nerves were strained to the highest pitch. As an example of their meddling, he related how the traders had pressured a young breed into believing that he was a great fool if he did not demand the immediate return of some money which Calloway had borrowed from him. The agent, they had time and again told the lender, was not to be trusted and would soon leave the reservation and leave the brave to the ridicule of his wiser and richer friends. In the end, to Calloway's embarrassment, the Indian requested immediate repayment. Since the money had been spent for slaves, Calloway explained that he had been unable to comply and that because of the resultant excitement the word had reached Mitchell that he was openly defrauding the half breeds. He admitted to the superintendent that he had received the money, but declared that the deal had been completely honest. Besides, he concluded, if he had not taken the loan, for which he paid interest, then the men of the American Fur Company

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64 "Robert S. Calloway to D. D. Mitchell," October 10, 1843, ibid., 454-463. Calloway was surprised and unprepared for the dramatic change in the attitude of the traders. He felt that it stemmed from the unfounded belief that he had granted a license to another trading company. The truth of the matter was that the Superintendent and not he had signed the permit.
would have, long since, cheated the Indian out of every penny of it. 65

Two months passed and Calloway heard nothing except that the agency had been transferred to the jurisdiction of the St. Louis Superintendency. At this juncture he was miserably disheartened and resolved either to see himself cleared of the charges that had been made or quit his agency post. Pursuant to this decision, he wrote to Colonel A. H. Sevier, a member of the United States Senate, and presented in detail his side of the controversy. He told the Senator how in June, 1843, he had been approached by one A. M. Clymer about a license to trade with the Osage. Since the meeting had occurred on the reservation at a time when it was impossible to honor the request, he had given Clymer verbal authorization with the understanding that the petition would be recognized formally or rejected at a more opportune time. This action, he wrote, "brought on me the curses of the little French traders here (who are the agents of the American Fur Company at St. Louis) who could do nothing in an open and direct manner, but set all their friends, Chouteau etc. to work with the Indians." He accused them of sending Whitehair and some of his people on a trip to Washington, without the consent of the tribe. Although the group got no further than St. Louis, Calloway claimed that some friends of the trading company had written a letter to the President

65Ibid., 461. The money was borrowed from one of the half-breeds who received $1,280.00 for his reserve in Missouri.
over the signature of the chiefs in which they accused him of "many rascally things . . . or old charges which had long since been proven to be false . . . ." He accused Edward Chouteau, his father and others of bragging openly that they had affected the transfer of the agency to Mitchell's St. Louis Superintendency and that they were confident of Mitchell's assistance in accomplishing the appointment of the younger Chouteau to the office of Osage agent. Such boasting, Calloway wrote to Sevier, appeared to have some basis in fact, for when in September, 1843, Mitchell came to conduct his investigation he chose not to go to the agent's residence but stopped at the trading house where he brot /sic/ with him Major P. L. Chouteau of St. Louis and Edward, his son, and Major Graham the officer commanding at Fort Scott (an old drunken fool who has not perhaps drawn a sober breath for the last nine months), all of whom would go to hell to save this company." As the investigation took shape, Calloway saw the traders as masters of the situation and Mitchell as their willing dupe. Such Indians as they wished present were assembled and these in turn expressed themselves in the words of the traders. The principal men of Clermont's and Paw-ne-no-pushu's bands were not present at the council, having been, so Calloway claimed, purposely misinformed as to when it would be held. In addition, he

66 "Robert S. Calloway to Colonel A. H. Sevier, United States Senate," December 16, 1843, ibid., 640-642.
67 Ibid., 641.
wrote, Edward Chouteau was selected as the Council Secretary, and the interpreter was A. Baptiste, "a man they keep under a bribe of $300.00 per annum." Concerning the hearing itself, Calloway averred that he had not had the least chance of defense and that Mitchell had left in great haste, promising that he would await any evidence that might be forthcoming upon the return of Osage bands friendly to the agent. In spite of this assurance, Calloway wrote Sevier, Superintendent Mitchell had gone ahead and "reported (as his old trading friends have said he would) unfavorably without waiting for my explanations as promised."  

Agent Calloway further testified to the Senator that all the charges against him were false, except that he had authorized the destruction of an orchard which some of the settlers declared was worth fifty percent more after it was cut than it was before, and that he had been responsible for Whitehair's removal from the blacksmith's quarters. This was the same chief, he said, who, in spite of numerous offenses, remained in office against the will of the people only because the traders successfully kept him there with numerous bribes and threats. The real question is, Calloway wrote, "shall the Osage and their affairs be continued to be managed by a little French trader - assisted by a chief or chiefs of their own creation and for their own ... interest - who has long lived and ruled amongst them - or shall they be

70 Ibid.
managed by an agent of the government, assisted by chiefs who are the choice of the Osage people." These were things, he said, which it seemed impossible to make the department understand. There were, he declared, "so many little maneuverings that I almost doubt whether the Lord Himself could understand them unless he was personally present."\(^1\)

In conclusion, he charged Superintendent Mitchell with gross acts of favoritism in his dealings with the American Fur Company and accused the chiefs of continually defrauding the bulk of the people of their share of all annuities and treaty payments.\(^2\)

Calloway's final request of the Senator was that he use his influence either to absolve him of the many charges he had faced since June, 1842, or to have him released as Osage Agent. The latter came true almost immediately, though not as a result of Sevier's intervention. Toward the end of December, 1843, Calloway was informed of his dismissal, to become effective as soon as his replacement arrived on the reservation.\(^3\) Although the news of his termination was not unexpected, Calloway felt that a great wrong had been done him and for this reason he resolved to punish those whom he considered to be the source of his discomfiture. To this

\(^1\)Ibid., 643.

\(^2\)Ibid. A note appended to the letter indicated that Calloway's charges were referred to the Office of the Secretary of War with the suggestion that they be properly investigated.

\(^3\)"W. K. Harvey to T. Hartley Crawford," January 29, 1844, Ibid., 721.
end he ordered the traders, Paul M. Papin and M. Girand, to close up their trading house and leave the reservation. The expulsion of these two was followed by his revocation of the trading license of Pierre L. Chouteau.  

He was forced to these actions, he claimed, because of the willful interference of the traders in his own and the agency's affairs and because, contrary to agency regulations, Papin had set up his wares within thirty feet of the trading establishment of Ewing and Clymer and had incited the natives to acts of violence against the newcomers by telling the Osage that Ewing and Clymer were well known thieves come to rob Papin's red brothers and Papin himself of all their possessions.

Calloway's replacement Harold Carpenter, was named in January, 1844, but for some unreported reason, he never appeared on the reservation. At about the same time, Thomas H. Harvey was appointed to replace D. D. Mitchell as Superintendent of Indian Affairs at St. Louis, Missouri. When Calloway's letter reporting the expulsion of the American Fur Company traders reached him, Harvey directed Agent Carpenter to investigate the situation as soon as he arrived among the Osage. When it became apparent, however, that Carpenter was


not going to make an appearance, Superintendent Harvey decided to visit the tribe himself. By the time he arrived at the reservation in May, 1844, one John Hill Edwards had been selected in Carpenter’s place as Osage agent. The two men met at Fort Scott and soon familiarized themselves with the state of Osage affairs. They observed that the condition of the agency was “nothing to admire or approve of,” that the houses for the millers had been built in spite of the fact that the river was unfit for mills, and that the agency headquarters building which Agent Calloway had ordered constructed the year before was in such a poor state of repair that it was thought impossible that the new agent could make use of it. “I am confident,” Superintendent Harvey wrote, “that no agent could be induced to occupy it. Its location is inconvenient to the agency in a bottom that is said to be sickly and subject to overflow.” The only thing favoring the agency, Harvey noted, was the “noble and lofty bearing and generous hospitality of the natives.” Their young people were lively, sprightly, of intelligent

76 Thomas H. Harvey, Superintendent of Indian Affairs, St. Louis Superintendency, to T. Hartley Crawford,” January 23, 1844, and May 25, 1844, ibid., 590-592, 564.

77 Ibid., May 25, 1844, and July 25, 1844, 596-597, 685. The bill for the agency buildings was $3,347.23. Even Calloway thought this too high a price to pay and he recommended that it be reduced to $2,000.00. Commissioner Crawford agreed that no more than that amount should be expended and went on to reprimand Calloway for having initiated the project without permission from his office. The suggestion was also made by the agent, John Edwards, that the bidding on the agency buildings had been conducted in a fraudulent manner and should be investigated. “Thomas H. Harvey to T. Hartley Crawford,” May 27, 1844, ibid., 595.
counterenances and would, he believed, compare well with a
like number of youth in a white village. 78

Before he returned to St. Louis, Superintendent
Harvey inquired into the affairs of Robert Calloway, the
former agent. In addition to the charges already recounted,
he discovered upon examining the agency vouchers that the
agent had received $2,900.57 from the government which was
unaccounted for except for $290.00 in bills from the United
States Bank of Pennsylvania which Calloway had induced Agent
Edwards to take as a part payment on the deficit. "As
these bills are so depreciated as to be worthless," Harvey
stated, "I think Mister Calloway should not be allowed to
profit by the simplicity of his successor in receiving them." 79
A further question also came to light concerning Calloway's
dealings with several half breeds. The charge was made that
at the time he was acting for the government in purchasing
their reservations, he also acted for himself and purchased
several half breed tracts in his own name, giving a small
down payment and a note for the balance at ten per cent
interest, the whole to be paid within two years. 80

After Harvey left the Osage agency and returned to
the Superintendency headquarters at St. Louis, Edwards con-
tinued as agent for only a few days before he tendered his

78 "Thomas H. Harvey to T. Hartley Crawford," May 25,
1844, ibid., 596.

79 ibid., July 29, 1844, 619.

80 "John Hill Edwards to Thomas H. Harvey," July 5,
1844, ibid., 613. Also, "Thomas H. Harvey to T. Hartley
Crawford," May 25, 1844, ibid., 592.
resignation. He gave as reasons for quitting his ignorance of account-keeping, his age, his health, and his imperfect vision. Although he served the tribe for only a short time, Edwards became a friend of the Osage. On one occasion, in petitioning the government to help them because their fields had been destroyed by flood water, he said of his charges:

The Osage have been and still are an abased and illtreated /sic/ people, that they are destitute of those morals which adorn many of the other Indian tribes I shall not deny, but with all their errors, and faults, they still belong to the human family, and are under the jurisdiction, and protection of the humane government of the United States ... 81

Joel Crittenden 1844-1845

Although not officially appointed as such until September 18, 1844, Joel Crittenden became Osage sub-agent in late July, 1844 when Edwards left the post. 82 Like most of his predecessors, Crittenden was soon aware that his actions were closely watched and that his decisions were as likely to offend as to please. Almost his first act after reaching the reservation typified the dilemma of the average Osage agent. When he arrived and could find no place to live, he accepted an invitation from Edward Chouteau to stay at the trading post of the American Fur Company. As 81 "John Hill Edwards to T. Hartley Crawford," July 24, 1844, ibid., 625.

a result of this, the word soon circulated among the Indians that the agency was in the hands of the traders and that someone possessing as much "simplicity and credulity" as the new agent did not have a chance "among a people so notoriously treacherous as the traders . . . ." Crittenden also found that the Indians were often displeased with the kinds of goods they received as part of their annuity payment. Although it was not his responsibility, they blamed him when such useless items as spoons, knives, forks, and ready-made clothing were delivered. Having no use for such things, they either threw them away or traded them for whiskey.

During the eighteen months that he lived with the Osage as their sub-agent, Crittenden worked diligently, trying to fulfill some of the terms of the Treaty of 1839. Early in 1845, for example, he received bids and contracted for the building of twenty-one houses for the leading chiefs and braves of the tribe. All were completed as initially planned by the specified time, July 1, 1846. He also

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84 "Thomas H. Harvey to T. Hartley Crawford," October 7, 1844, Ibid., 630. Crittenden noted that the Osage had an unquenchable hunger for corn meal and would walk or go sixty or seventy miles to obtain it, but their love of whiskey was even greater and no matter what the obstacle, it could not be kept from them. "Joel B. Crittenden to Thomas H. Harvey," September 1, 1845, Ibid., 803.

85 "Thomas H. Harvey to T. Hartley Crawford," July 17, 1846, Ibid., 789. The original cost of the houses was set at $2,199.29 but was later increased to $3,000.00 as the chiefs decided that the full amount allowed by the treaty should be spent. This meant that the nine principal houses cost $200.00 each and had to be enlarged once they were
contracted with one William Barns for the construction of two school houses. Each was to be fifty by twenty feet in size and built according to specifications at a total cost of $2,500.00. One other significant Crittenden accomplishment was an exchange he arranged with Charles Mongrain, an Osage half breed. The latter was in possession of a piece of property located on high ground near water and timber and the main tribal villages. It also contained several structures, one a dwelling house ten by sixteen feet which was connected by a covered way to a second building eighteen by sixteen feet in size and to a third which was sixteen feet square. There were also two smoke houses, three corn cribs, and a barn; and all except the latter were in good repair. The government, on the other hand, possessed the agency building constructed by former agent Calloway. In addition to its completed. Each of the nine houses were eighteen feet square and the remaining twelve were sixteen feet square. All were built of logs no smaller than one foot at the smaller end, resting on firm stone pillars one foot high. The ceilings were eight feet high and the floors were of one and one-quarter inch oak or black walnut. The inside walls were mortared with lime and the two doors, the chimney, and the windows were well chinked. "Published Notice No. 1, Specifications for Building of Osage Chiefs' Houses," December 16, 1844, ibid., 778-779. In their finished state, the houses were well built and equipped and were located on high ground. Few chiefs would even try them, however, and those who did complained that the new dwellings were impossible to heat and difficult to keep clean. In addition, they were said to be too far from both water and friends and made the occupants feel as though they were locked up. For these reasons the homes were occupied for but a short time before they were vacated, stripped of all movable furnishings and left to the elements. Ponziglione "History of the Osage," 163.

86 "Agreement for the Building of Osage School Houses," August 6, 1845, ibid., 828-830. The contract price included two additional buildings, one adjacent to each school, which were twenty-eight by twenty-feet in size. The school houses were in part two stories high.
hazardous location, it was in poor repair with one chimney down, the other held up by ropes, and the floor completely rotted out. As it worked out, Mongrain agreed to exchange properties if he were allowed an additional $500.00. The exchange was proposed in February, 1845, and by the following November a signed quit claim deed was on its way to the Commissioner of Indian Affairs where final approval for the transaction was immediately obtained.

Samuel Bunch - 1846-1848

Joel Crittenden continued as Osage agent until December, 1865. He was succeeded in February, 1845, by General Samuel Bunch, who, even before he arrived on the reservation, incurred the ill will of most of the tribe by freely appointing smiths, interpreters, and strikers from among his non-Indian associates without consulting either the tribal leaders or the individuals being replaced. When he did arrive at the agency in May, 1846, Bunch further offended the Osage authorities by treating them as inferiors and by refusing to discuss the fact that he had filled agency

87 "Joel Crittenden to Thomas H. Harvey," February 14, 1845, ibid., 716-718.

88 "Thomas H. Harvey to William Midell, Commissioner of Indian Affairs," November 18, 1845, ibid., 809. Considering the number of hands the proposal had to go through it moved with unusual rapidity. This was especially true in light of the fact that it was not uncommon for a complaint or claim going through the same channels to take years before a negative or affirmative answer was received. It should also be noted that during the fall of 1845, the Osage Agency was changed from the St. Louis to the Western Superintendency and William Midell replaced T. Hartley Crawford as Commissioner of Indian Affairs.
positions in a manner which the natives felt was contrary to the treaty. In addition, he either brought with him or allowed to accompany him a number of white men who set themselves up as cut-rate traders and proceeded to do business throughout the nation. Included in the group was the former Osage blacksmith, John Mathews. Agent Bunch himself also bought and sold trade items. Such intrusions were resented not only by the Osage headmen, but also by the operators of the established trading firms.

It was the conviction of Bunch's detractors that the agent had surrounded himself with a number of unseemly characters who, with his cooperation and even participation in their questionable activities had turned the agency house into something of a grog-shop, a situation which encouraged drinking by both whites and Indians. As a result of these unpopular activities, Bunch had hardly assumed his post before government officials in Washington began receiving demands for his removal. One such demand grew out of a situation which developed in the spring of 1847. It was reported to Superintendent Harvey that Bunch, an alcoholic doctor named George

89 "Francis Michelle and Joseph Captain to William Midell," May 25, 1846, ibid., 888-889. Also, "Whitehair, Clermont, and Others to Thomas H. Harvey," May 20, 1846, Western Superintendency, 1840-1846, 791.

90 At that time the firm of W. G. and G. W. Ewing and Paul Chouteau, Jr. and Paul M. Papin, representing the American Fur Company, were the principal traders on the reservation. Western Superintendency, 1847-1851, 53.

Blake, referred to by the Indians as the second agent, a discharged soldier named Adams, and several others, among them a half breed named Lewis Mongrain, whom the natives claimed was subject to periods of total insanity, had spent several days during late February, drinking and lounging about the agency headquarters. During the time that they were so engaged, a specie box containing the Osage cash annuity for the previous year lay open and untended in a corner of the room until the disappearance of one of twelve bags each containing $1,000.00 was discovered.

An immediate search failed to find the missing bag on the premises or in the vicinity. Since Mongrain was the only person who had left the gathering and was, in fact, absent when the theft was discovered, Bunch and the others present agreed that he was the thief. Mongrain was shortly arrested by Bunch and subsequently taken by him to Little Rock, Arkansas, to stand trial. Soon after the agent's departure on March 24, 1847, with his prisoner, Superintendent Harvey sent word that he would be on the reservation within just a few days to make the annuity payment and asked that the agent be present with the funds he already had in his possession. Bunch's reply, which Harvey did not receive, stated that he would be away until after the trial, which was

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92 Ibid. Also, "A Journal of a General Council Held With the Osage Indian by Thomas H. Harvey, Superintendent of Indian Affairs," March 29, 1847, ibid., 140-144. At the request of the Osage, in February, 1846, the annuity was paid just once a year and was primarily in cash. "Thomas Harvey to William Midell," February 20, 1846, ibid., 858-859.
to be held on April 12. When, therefore, the Superintendent
arrived in late March he was unable to locate either the
agent or the money for the Indians' annuity. Since Little
Rock was only six days' travel distant, Bunch was asked
either to return or to make the money available, but he
refused to do either. 93

Several weeks passed and, even though the trial had
been postponed, Bunch did not put in an appearance at the
reservation. Because of this and the fact that Superintendent
Harvey would soon have to return to St. Louis, a scheme was
concocted by the traders, G. W. Ewing and Paul Chouteau,
which they claimed would relieve the situation to everyone's
satisfaction. According to Ewing's account, the traders
were prevailed on by the Indians and the Superintendent to
rescue them from their dilemma. Ewing at first refused,
claiming that he was disgusted with the whole concern,
having lost a great deal of money buying hides from the Osage
for a dollar each only to find that when he went to sell them
the price had dropped to as little as forty or fifty cents
each. Finally, however, he agreed, along with Chouteau, to
furnish the tribe with provisions worth one-third the value
of their cash annuity, or $4,000.00, at prices to be decided
upon in conference with the Superintendent and the chiefs.
Before the traders agreed to do this, however, they stipulated
that the chiefs must assign to them $5,000.00 to cover tribal
indebtedness during the past two years and, furthermore, that

93 "Thomas H. Harvey to William Midell," April 6, 1847,
ibid., 138.
for the remaining $3,000.00 as well as for the newly agreed on $4,000.00, the traders would issue cards or tickets worth $2.25 each and negotiable only at the two trading posts. When this arrangement was finally accepted, Ewing declared that it was achieved with the full knowledge and consent of the leading chiefs and Superintendent Harvey.\(^{94}\)

When the agreement subsequently became public and began to be enacted it met with vigorous opposition, especially among the half breed segment of the tribe. In a letter to the Secretary of War, W. S. Marcy, their spokesman reported for the dissenters that there was a point beyond which forbearance ceased to be a virtue and for them this point had been reached and passed.\(^{95}\) The roots of the trader's conspiracy to defraud the tribe went back, the dissidents complained, to the fall of 1846, when for some reason the October annuity which Agent Bunch had in his possession did not arrive before the tribe left on the hunt. At that time, the traders called the Indians together and suggested that the annuity be turned over to them when it arrived and, in the meantime, the door of the trading post would be open to the Osage to meet their needs, up to the value of the delayed species and goods. For a number of days, the half breeds declared, "persuasive arguments were made - most influential being that of the bribe which usually could not fail." To everyone's surprise,

\(^{94}\)"George W. Ewing to William Midell, Commissioner of Indian Affairs," June 21, 1847, ibid., 103-108.

\(^{95}\)"A. C. Chouteau, P. A. Chouteau, Markus Swiss, and others, to W. S. Marcy, Secretary of War," April 26, 1847, ibid., 36-41.
however, "the Chief (Whitehair) actually refused a bribe of $200.00 to effect the arrangement, a thing which perhaps he has never done in his life with perhaps that single exception." For this reason the tribe as a whole did not accept the offer, but many individual members did and these Indians were heavily indebted to the traders by the following spring.

In their letter to Secretary Marcy, the half breeds maintained that when Superintendent Harvey called the tribe together in April, 1847, Ewing, Chouteau, and their associates immediately set to work on the chiefs and, using their hatred for Bunch and the promise of his release as a lever, the traders succeeded in obtaining the chief's approval of a plan guaranteeing them the sum of $5,000.00 to cover Osage indebtedness, while the remaining $7,000.00 was to be received in goods through the use of tickets. This part of the arrangement, the breeds reported to the Secretary of War, caused the traders much trouble since "the chiefs would not understand what they were getting at until their bribe was raised to the last dollar." The half breeds were angered by the agreement, they said, not only because their money was being used to pay someone else's debts, but also because of the rejection of their request to be represented and included in the arrangement and thereby to receive part of the $5,000.00 in lieu of

96 Ibid., 36.
97 Ibid., 38.
money and goods owed to them by many of the full bloods.

"Do you ask," they inquired of the Secretary of War, "why we did not stand up in council for our rights? We answer that a cat in hell without a claw on its feet would have as good a chance as ourselves in these cases." One could not, they wrote, turn to Harvey as he was either a party to the scheme or was "too dull to see through it." Besides this, he looked on the mixed bloods as "a poor drunken set of worthless dogs." Even if such were true, they complained, "he should be the last to condemn us." 99

The greatest irony of all, the half breeds reported, was the government's belief that the agent and the superintendent managed Osage affairs, when actually the key figure was Paul M. Papin, trading agent for the American Fur Company, who controlled miller, blacksmith and interpreter appointments and had even boasted of being responsible for the removal of former Osage agent Robert Calloway. The breeds reminded Secretary Marcy that the latter was "bye the bye ... the best agent they /the Osage/ ever had, one that knew his duty and performed it regardless of consequences and whom the Osages would like much to see returned." 100

The half breeds concluded their message to Marcy by stating that the aim of the government to civilize and to Christianize the Osage was and would remain visionary unless

98 Ibid., 39.
99 Ibid.
100 Ibid., 40.
some definite changes were wrought in the way tribal affairs were being handled. It was necessary, they said, that the representatives of the American Fur Company, "who have dictated everything said by the Osage in council for many years," be removed from the nation. The Superintendent, whom they felt was either a dupe or willing tool of the company, should be replaced as should Agent Bunch. Even though their counsel appeared a bit harsh, they summarized, if it were heeded, then all would be well; otherwise, "you may hear from the Osage after a little in a manner that may be less pleasing." 101

Several other groups also voiced their objection to the arrangement with the traders. One such wrote to the President and, after describing their view of what had taken place, they asked that in the event that the government would not aid them in righting this great wrong which they were being forced to endure, then they wished to "be sent to Mexico to fight the Mexicans as the young men are very resentful of the chiefs." 102

Agent Bunch extended his absence from the reservation until the latter part of May, 1847. 103 In a letter to

101 Ibid., 40-41.

102 "Osage Chiefs and Braves to the President of the United States," May 19, 1847, Ibid., 327.

103 "A Journal of a General Council Held With the Osage Indians by Thomas H. Harvey, Superintendent of Indian Affairs," March 29, 1847, Ibid., 143. Upon his return Harvey learned that the annuity funds reportedly taken by Lewis Mongrain were found by the chief of the Big Hill band in the shack of the ex-soldier, Adams. The bag and its contents were claimed by Doctor Blake, the agent's close associate.
Commissioner Midell written after his return, he reported what had taken place while he was away and placed the blame for everything on Superintendent Harvey. The latter, he claimed, stayed on the reservation but a few days and then returned to St. Louis, leaving the tribe at the mercy of the traders and a few unprincipled chiefs, one of whom, George Whitehair, had written to Midell and registered a number of complaints against the Agent. Of these charges, Bunch wrote that they were base and false and were written by a man who was a willing tool in the hand of the traders. In his own defense, he forwarded to the commissioner a letter he had received from The Pool, a principal brave of Clermont's band. In it, The Pool told of how "George Whitehair through the influence of the traders and their bribes has swindled us out of our annuity money for two years . . . ." If the chief, he went on, "wants to rob his little suffering children of their money to put it in the mouth of his rich traders he can do so." "Nevertheless," he concluded, "it makes my heart feel very bad when I hear my little children crying in the town with hunger, it makes

who told the chief that the white man stole the money from the guilty breed. Mongrain himself remained incarcerated in Little Rock, experiencing one delay of his case after another because of a lack of witnesses. His counsel, although convinced of his innocence, finally advised him to plead guilty in order to shorten his sentence. It was reasoned that he would have continued in jail indefinitely if he had not pleaded guilty. "John M. Richardson, Osage Sub-agent, to William Midell," April 29, 1848, ibid., 273. Richardson believed that Adams was the thief and he asked for an opportunity to prove it.

I think about what is given to us in our treaties with the United States and then robbed of their benefits by our chiefs and placed in the hands of rich traders. 105

In spite of both his denials of the charges made against him and a few weak efforts to prove his case, the curtain was about to be rung down on Samuel Bunch as sub-agent for the Osage. As early as April, 1847, a note from President James K. Polk and another from the Secretary of War, W. L. Marcy, were sent to William Midell, the Commissioner of Indian Affairs, suggesting that as a result of Bunch's unpopularity with the Osage and because of a number of charges alleging gross misconduct on his part, it would be best to replace him at the earliest convenience. 106 The Commissioner acted on the suggestion in June, 1847, by ordering an investigation of the Osage agency by the office of the Western Superintendency. With the death of Superintendent William Armstrong the following month, however, the directive was not acted upon. 107 Commissioner Midell again set the inquiry into motion in August, 1847, when he petitioned the Secretary of War for permission to have a member of his, the Commissioner's staff, William Devereaux, conduct the investigation and take custody

105 "The Fool, Principal Brave of Clermont's Band to General Samuel Bunch," May 21, 1847. ibid., 22-23.

106 "James K. Polk, President of the United States, to William Midell," and "W. L. Marcy, Secretary of War, to William Midell," April 30, 1847. ibid., 240, 243.

107 Western Superintendency, 1847-1851, 53. Also "William Midell to William Armstrong," June 17, 1847, Osage Agency, 1847-1874, 73. The agency was reassigned to the Western Superintendency in June, 1847.
of all federal funds in the possession of Agent Bunch. The requested authority was immediately granted and Devereaux was soon on his way to Springfield, Missouri, in search of the Osage agent. He contact Bunch there on September 26, but the agent would neither discuss the problems of the agency nor surrender the agency funds and account books. After several days of haggling, Bunch finally agreed to follow Devereaux onto the reservation with the 1846 annuity payment. Devereaux objected to this and insisted that they go directly to the bank where the money was on deposit. After some delay this was accomplished and the reason for Bunch's hesitancy was immediately apparent. The $12,000.00 originally entrusted to him had never been deposited in full. The amount on hand at the time was $9,979.00 and this included $100.00 deposited by the agent upon their arrival at the bank. Devereaux also discovered that both Bunch and his bond holder, E. O. McKenney, were financially insolvent. In the face of these discoveries, Bunch agreed to resign and Devereaux reported to Midell that there was little hope of regaining the missing funds.

From Springfield, the special agent travelled to the Osage reservation, where he spent six weeks conducting an inquiry into what had been going on at the agency during the


109 "William Devereaux, Special Osage Agent, to William Midell," October 2, 1847, ibid., 51-52. Also, "Samuel Bunch to William Midell," November 12, 1847, ibid., 31. In this letter Bunch tendered his resignation.
previous year. Included in the several reports he filed were charges against Bunch ranging from insubordination to the taking of bribes and stealing. It was alleged that most of the agency funds furnished to him had been used for his personal expenses, that he withheld $1,000.00 of the 1845 annuity to cover the cost of a quantity of corn donated to the tribe that year by charitable organizations, and that at a council of the Osage chiefs and counsellors he had declared "if I am not King of the Jews, I mean to be a King anyhow and the chiefs shall do as I direct in all cases."\(^{110}\)

It was also stated that he spent most of his time on his own farm in Missouri and that in his absence Doctor Blake took charge, signing the reports and directing the affairs of the agency. Of Blake, Devereaux learned that he was a drunkard and was altogether unfit to be allowed on Indian lands, and that, among other things, he was accused of once finding a stray mule which he did not return to its owner, but rode it instead to Fort Scott where he lost it in a card game.

In the same game he also lost all his clothing and eventually returned to the agency dressed only in his boots and a borrowed coat.\(^{111}\)

John M. Richardson - 1848-1850

The successor to Samuel Bunch as Osage sub-agent was John M. Richardson who was appointed to the position.

\(^{110}\)"William Devereaux to William Midell," November 2, and November 24, 1847, ibid., 58, 65.

\(^{111}\)Ibid., November 24, 1847, 65.
January 10, 1848. When Richardson arrived at the reservation to take possession of the agency property he found that the former agent had left for Tennessee and that he had no intention of returning, even though his commission made him legally responsible for all agency funds and properties until they were officially delivered into the hands of his successor. 112 Although somewhat handicapped due to Bunch's absence, Richardson, nevertheless, went about his duties and by May, 1848, was boasting of having achieved some success with the tribe. When he arrived at his post the Osage reservation was, he reported, "infested, overrun with vendors of whiskey, horse thieves, and other low base characters, practicing the meanest frauds on the Indians in order to swindle them out of their property and the Indians were constantly engaged in drunken revels, making it extremely dangerous for whites to be among them." These low characters, he declared, had been run out the territory and "by the greatest vigilance the Indians have been stopped from the use of whiskey." 113 Richardson's main problem at that time, he said, was with a number of chiefs who had been convinced by the traders that they had the power to determine who should receive and who should be relieved of agency appointments. Whereas he found most of the Osage to be easy to handle, the chiefs, as typified by this group, were an exception. The majority of them, he stated, were "low, selfish, vicious.

112 "John M. Richardson to William Midell," January 10, 1848, ibid., 361.
113 Ibid., May 23, 1848, 399.
and corrupt men capable of selling the best and dearest rights of their people for little remuneration. For $25.00 they would ask for the appointment of anyone no matter how the people felt." In spite of the threat they posed to the welfare of the tribe, Richardson declared that he had established an influence over the people which was never before equalled and because of this, should they be faced with such a decision, the rank and file would take his side against any chief. The government, he concluded, could rely on its agents in situations similar to his own to make all appointments and know without reservation that such a commission would not be misused and that the Indians, with the exception of a few hired and bribed chiefs, would stand unitedly with them.114

John M. Richardson continued as the Osage sub-agent through June, 1849. In January, 1850, his replacement, Major Andrew Dorn, a sub-agent of the Neosho Agency, was assigned to look after the needs of the tribe and he did so until April, 1850, when one Henry Harvey another short-term occupant of the Osage post was appointed to the position.115 According to the available records, Harvey was barely settled on the reservation before his office and the agency it was a part of were both dissolved by a Congressional Act

114Ibid., 398.

115"Edward L. Chouteau to Henry Harvey, Osage Sub-agent," April 27, 1850, ibid., 593-594. Also, "John Richardson to Orlando Brown, Commissioner of Indian Affairs," June 25, 1851, ibid., 641.
of February 27, 1851. At this time, the St. Louis and Western Superintendencies were also dissolved and the Osage became a part of the Neosho Agency under the general supervision of the Southern Superintendency. 116

By this period, 1850, the Osage nation appeared to be more closely knit and unified than had been the case in any earlier period of its history. Except for an occasional group of stragglers or dissidents, all of the Osage bands were on the reservation, located in seventeen primarily autonomous villages scattered along the Neosho and Verdigris valleys. The first Great Osage town or village, tracing from the southeast to the northwest, was located on Owl Creek about eight miles from the mouth of the Neosho River. The next town northward was at the present site of Chanute, Kansas, and five miles beyond were two Little Osage towns. Further up the valley was Nantze Waspe at the place where Shaw, Kansas, was later established, and ten miles further west, just four miles from the Osage Mission was Pahuska - George Whitehair's main village. Other towns in the Neosho valley were: Brian's town on Flatrock Creek, about five miles east of Pahuska, Beaver's town, eight miles to the southwest on Hickory Creek; and further along the valley, on the west side of the river, Little Town at a site which was later within the city limits of present day Oswego, Kansas. In the Verdigris valley, about ten miles above the confluence of the Fall and the Verdigris Rivers was the town of Chief

Little Bear. Not far away were Chetopa on Chetopa Creek, Elktown on Elk Creek and, at the site subsequently occupied by the city of Independence, Kansas, was Big Hill Town on Big Hill Creek. Further down the valley were three closely situated towns named after their respective chiefs: Tally, Black Dog, and Clermont. The Osage half breeds were scattered all along the Neosho Valley with some concentration near the agency headquarters and the Osage Mission and Manual Labor School.  

117Ponziglione, "History of the Osage," 172. Also, Appendix II.
CHAPTER VI

Prelude to Removal

The Winds of Change

The situation facing the Osage as a result of the administrative changes occurring in the spring of 1851, which resulted in the amalgamation of the Osage and Neosho agencies and the transfer of the local authority further away from the seat of the Osage Tribe, was resented by most of the tribesmen. In a letter to the Commissioner of Indian Affairs, Whitehair and a large number of chiefs and braves voiced their bitter disapproval, stating that their needs had never been properly attended to by the government and that with the new turn of events, although further degeneration had not seemed possible, conditions actually had worsened for the Osage. "Our people," they wrote, "are going in haste out of patience. Men and women and children go half naked, some have no blankets to rap [sic] themselves in. The feelings of shame has struck us because of the treatment of the government." The cause of all this, they continued, was largely the fact that as a part of the Neosho Agency their problems were no longer special, but were grouped with those of the other tribes assigned the agency. Their former agent, miller, blacksmith, interpreter, and gunsmith had all been dismissed and they were presently
being served in these capacities by men who did not know them and who did not live among them. They described their new interpreter, for example, as being a half breed Osage who had married into and lived among the Cherokees. Under such circumstances, they said, he was of no use to the Osage tribe.¹

In addition, the half breed Osage organized and protested the unjust manner in which they felt they were being treated. Their situation was bad enough, they complained, when, as a result of having moved from their farms in Bates County, Missouri, they settled on the reservation only to discover that the full bloods were in many ways harder to live among than whites. Even with the agent present, they had a difficult time preventing the full bloods from killing their cattle and hogs and stealing their corn. With the agent living apart from them, among the other tribes of the agency - the Quapaw, the Seneca, and the Shawnee - they were shown no mercy by the Osage full bloods. They had, they said, complained to the agent and written to the superintendent, but from the former they gained no satisfaction and from the latter no answer. Both were far from the reservation and their visits to the nation were said to be like those of angels, "few and far between."²


The mixed bloods explained that for nearly half a century, in spite of the almost continuous bungling and mismanagement of Osage affairs by agents of the federal government, the tribe had maintained a friendly relationship with the United States. During this time, they declared, the great extent of their country had been obtained by the United States government "for a mere song," while at the same time the appeals of their suffering people had gone unheard and unnoticed by federal officials. Still the nation remained at peace. "But things," they wrote, "(if we may so express ourselves) have sadly changed for the worse in the last twelve months." For this reason, they threatened, if positive improvements were not soon forthcoming then serious consequences would result. "The Osage," the government was reminded, "are a proud and haughty people and they cannot and will not brook the idea of being attached to other tribes and those tribes to have their agent residing among them seventy-five miles from their country." The situation was especially untenable since, in the minds of the Osage, their agent's abuse of his right to fill agency positions fell beyond what his predecessor had done. While most of the appointees had been misfits, appointed because they were favorites or relatives of the agent, those imposed on the tribe during the previous year were men no more fit for their jobs than "the wildest Osage Indian in the nation."^{3}

577-580. The letter was sent by Phelps to Commissioner Lea with a note suggesting that perhaps some kind of reply ought to be sent.

^{3}Ibid., 581-583.
In the face of conditions made unbearable for the breeds by the disregard of their property rights by the full bloods and by the increasing abuse heaped on them by the government, they lamented that under the circumstances they saw little or no chance of ever bettering themselves. "Our people," they explained, "are yet ignorant and hostile to civilization and prevent us from doing anything to gain our object." On the other hand, the faulty program of the government was pictured as robbing them of both the opportunity and the incentive to achieve. For example, the mills which had been built in order to advance the Osage along their path toward civilization had been entrusted, they claimed, to totally incompetent white men, and the one not destroyed by fire the previous year was in such a bad state of repair that it was "impossible to get boards enough to make coffins for our dead much less to build houses with." 4

In an effort to find a way out of their dilemma, the half breeds wrote to the President, saying they desired to organize themselves into a distinct community, oriented exclusively toward an agricultural way of life. They wished to adopt a form of government which would meet their needs while being sufficiently flexible to include any full bloods who might desire to become a part of their society. The reorganization was desired, they wrote, "not only to improve our moral condition but also that of our people . . . ." 5

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4 "To His Excellency Millard Fillmore, President of the United States, from Leaders of the Osage Half Breed Community." February 23, 1852. ibid., 588.

5 Ibid.
Except for the replacement of their much despised agent, W. I. Marrow, by Neosho sub-agent Andrew S. Dorn, the complaints of the Osage went unheeded. As a consequence, in November, 1852, a group of chiefs and braves of Whitehair's and Black Dog's bands informed the Superintendent that they wished to talk with the President and let him know their feeling relative to the unfulfilled promises of the government. Their people, they declared, were just as savage and uncivilized as they had been when they first saw the white man. Their association with whites had cost them most of their land and had won for them nothing. If the existing condition must continue and they were not to be helped to become civilized like the Cherokee, Choctaw, and Chickasaw, then they wished to be left alone to go their own way. The President, they said, had placed them on land that was so barren of game, timber, and fertility that "the Great Spirit seems to have been angry and frowned on it," while all around them, except to the west, the country was rich and full of timber. It appeared, they lamented, that if the past and present were any indication of what the future held, they had nothing more to look forward to than a continued life of savagery on the harsh lands in the West. The tribe's hopelessness and

6"Theodore S. Drew, Southern Superintendent of Indian Affairs, to George W. Manypenny, Commissioner of Indian Affairs," June 22, 1853. Ibid., 703.

7"Minutes of a Meeting Between the Osage Chiefs and Braves and Southern Superintendent John Drennen," November, 1852, ibid., 616-618. Chief Whitehair died January 27, 1852. Although he had two brothers, his cousin was named chief. One brother, Gratamantz, called the Wild One, rebelled when he was not made chief and, therefore, was forced to
frustration were expressed by Black Dog, son of old Chief Black Dog, who addressed the Superintendent at some length, reiterating the Osage demands that their delegation be allowed to visit the President and that unfulfilled commitments in former treaties be honored. He concluded his message by pleading that, if the Superintendent could not assure these things that he at least give them some kind of promise to take back to the people, so that their visit to him would appear successful.  

The unhappiness of the Osage was intensified during the next two years by actions of the federal government. In 1853, the United States concluded a treaty with the Comanche tribe which conceded them a yearly annuity, thereby ruining the Osage trade relationship with the Comanche. Up to this time, the two tribes had been accustomed to exchange Osage annuity goods for Comanche horses and mules. The stock was sold in Missouri by the Osage and, for both, it had been a profitable venture. Convinced that their Comanche trade had been destroyed by the newly established government annuity, leave the tribe. According to the priest, Mary Paul Ponziglione, Gratamantz went onto the plains and somehow succeeded in capturing and taming a prairie wolf. He then returned home and told the people that the Great Spirit had given him "powerful magic." The next day he entered the town of Pahuska with the wolf at his heels. Although the other natives feared and hated him, they decided that they had better humor him and accordingly he was made chief. He died in March, 1861, and Little Whitehair, the brother of George Whitehair, succeeded him. The latter was described as being good and honest, although sickly. Ponziglione, "History of the Osage," 196, 207, 310.

8 "Minutes of a Meeting Between the Osage Chiefs and Braves and Southern Superintendent John Drennen," November, 1852, Neosho Agency, 1848-1858, 619.
the Osage, in order to obtain an equivalent tribute of their
own, began to harass and rob white traders and settlers who
came on or near their reservation. The Comanche treaty was
followed in 1854 by the organization of the Kansas Territory
which contained the whole Osage reservation within its
borders. The agitation caused by the Osage depredations was
intensified after territorial status was granted and was
also accompanied by an increased demand by white citizens
for the settlement of reservation lands and the removal of
the tribe beyond the frontier.

George Manypenny, the new Commissioner of Indian
Affairs, was sensitive to the developing situation, having
been kept abreast of it by the Osage agent. In early 1854
Manypenny ordered Osage Agent Dorn to learn the attitudes of
the individual tribesmen in regard to the sale of all or
part of their land and to advise him what course the govern-
ment should follow in negotiating with the tribe. Dorn's
response, received in May, 1854, said that the Osage were

\[\text{Foreman, 267-268. White squatters started coming}
\text{onto the reservation in large numbers during the spring of}
\text{1853, and took up acreage about where they pleased. Follow-
\text{ing the Comanche treaty, a younger brother of George White-
\text{hair, Tel-cio-anca, organized a group of braves and went}
\text{among the trespassers, forcing them to pay a tax or have}
\text{their fields and houses burned and their cattle killed. The}
\text{whites put up with this until they were strong enough in}
\text{numbers to defend themselves. Ponziglione, "History of the}
\text{Osage," 207.}}\]

\[\text{10 In December, 1853, Agent Dorn met with the Osage}
\text{Chiefs and informed them that they must either sell their}
\text{lands or be placed under territorial rule. He found them}
disposed to negotiate and informed Manypenny of this.}
\text{"Andrew Dorn to George Manypenny," December 1, 1853, Neosho}
\text{Agency. 1848-1858, 702.}\]
ready to sell a fifty square mile section on their best land located along the eastern border of the reservation. The Osage had asked the agent to arrange a council and were at that time awaiting his reply.\textsuperscript{11} When by early July the government had not responded, the several bands moved to the plains for the summer hunt. They returned in September but were forced to disband almost immediately as they were being ravaged by smallpox. When they regrouped again in April, 1855, to receive their annuity payment, they had lost many of their members by death. The death count reached an estimated 300 before the disease was curtailed by a mass vaccination program undertaken by a Doctor Edwin R. Griffith, who sought out the scattered segments of the tribe and inoculated over 2,000 Osage.\textsuperscript{12}

Even though a year passed without a reply from Washington, Dorn remained optimistic about the possibility of negotiating with the Osage. In December, 1854, he requested of the government that 100 soldiers be present for the opening of the Treaty Sessions, believing that such a show of strength would impress the savages. Jefferson Davis, the

\textsuperscript{11}Ibid., May 20, 1854, 703. Also, ibid., April 4, 1854, 728-729.

\textsuperscript{12}Ibid., May 10, 1855, 896-897. Also, ibid., July 18 1855, 907; "Doctor Edwin R. Griffith to Andrew Dorn," June 30, 1855, ibid., 909. The Osage had been plagued with the smallpox for many years and this, coupled with an outbreak of the black measles in 1852, and cholera in 1853, had taken a heavy toll of lives. Their request for a doctor during that and previous years had been ignored even though their agents had, on occasion, strongly petitioned the government in their behalf. "Andrew Dorn to George Manypenny," June 15, 1853, ibid., 638. Also, Ponziglione, "History of the Osage," 202-203.
Secretary of War, denied Dorn's request, stating that the government forces were already over-committed in the west. In spite of the refusal and the apparent indifference of his superiors in Washington to the idea of a council, the agent continued to solicit permission to convene one. The Osage, he wrote, were completely destitute and, therefore, could probably be persuaded to concede what the government wished. The agent also noted that sentiment favoring the opening of all Kansas for settlement was running strong not only in the territory but also throughout the remainder of the union.

Agent Dorn's logic and persistence eventually won for him the consent of the Commissioner to negotiate with the Osage for all their land except a 640,000 acre strip west of the Verdigris River along the southern border of Kansas. The price to be paid was 25¢ an acre. He expected to accomplish his task in January, 1856, but, because of personal illness and an extended period of rainfall, he was not able to begin until May 5, 1856.

When the negotiations finally got under way, the Commissioner's proposition was immediately challenged by M. Girand, who had formerly traded with the Osage as a representative of the American Fur Company and his brother-in-law, War Eagle, who was a leading brave in the band formerly headed by George Whitehair. Girand, the agent reported to

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13"Jefferson Davis, Secretary of War, to Robert McClelland, Secretary of Interior," January 6, 1855, Neosho Agency, 1848-1858. 933.
14"Andrew Dorn to George Manypenny," June 20, 1855, ibid., 903-905.
15Ibid., March 6, 1856, 981-982.
the Commissioner, had a large claim against the tribe and was fearful that he would not be compensated for it in the treaty. He desired, therefore, to defeat the proposed treaty, in the belief that a delegation would then be called to Washington in which War Eagle would take a key part and endeavor to provide for himself and his friends. With this end in mind, the anti-treaty party led by War Eagle ignored Dorn's proposals and offered instead to cede the northern one-half of the reservation for 50¢ an acre. As they expected, the agent refused to consider their offer and this led to a stalemate, lasting about ten days. At the end of that time, Dorn took the liberty of varying from his instructions by agreeing to allow the tribe to retain a strip of land twenty miles wide extending west of the Verdigris River to a boundary to be determined later. He also allowed for a 160-acre reservation within the ceded area for each half breed, and, in addition, extended from ten to twenty years the period during which the government would furnish the tribe a blacksmith and a gunsmith.

All of the chiefs and tribesmen present except War Eagle and his friends, Dorn claimed, were highly pleased with the new proposals. In the face of the majority's favorable response, the dissenters offered to alter their demands. When this persuaded no one, they declared that no treaty agreement could be arrived at without their approval and withdrew.

16 Ibid., May 16, 1856, 986.
17 Ibid., 987-988.
from the council. They also declared that vengeance would be sought on any band which thereafter became a party to a pact concluded without their participation. This threat, the agent reported, had its desired effect as, one after another, those favoring the treaty withdrew their support and departed from the council grounds. Finally, only the Little Osage and Clermont's and Tally's bands of the Great Osage remained. Even though they were willing to go ahead, their numbers were too few, Dorn reported, to be considered as representing the will of the people. There were, at the time, six principal Osage bands. Five of them – the Little Osage, Big Hill's Band, Whitehair's Band, Tally's Band and Clermont's Band – were located along the Neosho River while Black Dog's people continued to reside on the Verdigris in Cherokee territory.

The failure of Agent Dorn to come to an agreement with the Osage in 1856 was of some significance, since during the remainder of the decade the government made no further attempts to negotiate with the tribe and, in consequence, the twenty-year annuity period provided for in the Treaty of 1839 expired. As it became obvious that this would happen, Agent Dorn made several unsuccessful attempts to obtain all the remaining goods and services which the treaty guaranteed to the tribe. An inquiry into the exact status of the 1839

18Ibid., 989. In 1859, the tribe was said to number 1,955 males and 1,812 females. It had two schools, one for boys with seventy-two Osage students attending and the other for girls with sixty Osage students. Both were Catholic and they and the reservation were served by three priests, eight lay men, and eleven nuns. Osage property was valued at $350,000.00. "Andrew Dorn to A. B. Greenwood, Commissioner of Indian Affairs," July 18, 1859, Neosho Agency, 1859-1860, 68-69.
treaty provisions revealed that the following were still due the Osage: 446 cows and calves, 1,200 breeding hogs, 700 plows, 800 sets of horse gear, 600 oxen, 400 hoes, and an undetermined number of wagons. The tribe also made an $18,000 claim against the salaries of one miller and his assistant, who the government had promised but had failed to send and for part of the salary for a second miller and his helper, who were on the reservation during seven of the eleven years that the treaty provided for. The failure to obtain all the items due them is reflected in a letter written January 12, 1860, in which Agent Dorn informed the Commissioner of the sore displeasure of the Indians at the expiration of the treaty while many of its provisions still remained unmet.

The Osage hardships resulting from the loss of their annuity came at a time when they were gradually being encircled by forces less dramatically evident but of greater future significance than the hunger, nakedness and other deprivations they were experiencing. In 1861, the admission of Kansas to the union was followed by increased demands for the opening of Osage lands for settlement. Railroad companies and private speculators were also present to capitalize on

19 "Andrew Dorn to George Manypenny," October 16, 1856, Neosho Agency, 1848-1858, 855-858.


the plight of the Indians and to gain an advantage over future settlers on the Osage reserve. During the same year, 1861, the Civil War was felt on the Osage Reservation with considerable effect.

Intruders on Osage Lands

In years past the Osage had often been troubled by the encroachment of both whites and Indians onto their lands. On earlier occasions the process of confiscation characteristically had progressed from a quiet occupation of an insignificant acreage to an eventual, militant demand for a treaty of cession. By the time this point was reached, the hard-pressed Indians were often as eager for the resultant treaty as were those who would dispossess them. It was, therefore, a somewhat typical situation which the Osage faced during the late 1850's and early 1860's. The number of squatters on their land had increased steadily after the organization of the territory of Kansas in 1854 until, by 1859, there were a number of small but well-established communities extending from one to as many as fifteen miles inside their northern boundary. The settlers, there at the indulgence of both the government and the Osage, grew increasingly offensive in the eyes of the Indians, as their game-killing and timber-cutting began to affect the well-being of the Osage tribe. Initially, the Osage showed their displeasure through acts of violence. When these measures did not

improve the situation, they demanded the squatters' departure from the reservation.

In April, 1859, the Osage Agent, Andrew Dorn, took their case to the Superintendent of Indian Affairs, adding his voice to their demand for the intruders' removal. Few of the latter, he wrote, were first-rate citizens but they were "in the main villains and outlaws from Kansas, . . . the size of the reserve makes it an ideal refuge for such people." The settler problem had reached its present dimensions, Dorn claimed, because his superiors had ignored his many letters calling their attention to the manner in which several New York Indian Tribes were being ruthlessly dispossessed of their assigned lands along the northeast border of the Osage reserve. Since the Indians' individual titles were not registered the white settlers moved onto and took possession of any useful land they coveted. When the small reserve was, for the most part, taken up, settlers continued to invade southward, claiming all the while that

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23 Ibid.

24 Ibid., June 16, 1859, 183. In 1838, the New York tribes, consisting of the Brothertown, the Stockbridge, the Seneca, the Cayuga, the Tuscarora, the Saint Regis, the Munsee, the Oneida, and the Delaware, were granted a twenty-seven mile wide tract of land located between the Osage land on the south and the Miami reserve on the north. See Appendix II. One of many New York Indian complaints in the Neosho Agency File is the deposition of a Mrs. Anna Williams, who charged that on July 17, 1859, a group of six white men told her that she must either leave her land or suffer bodily harm. That night she watched from the home of a neighbor as her cabin was burned down. The next morning, one of the group of six men took possession of her property and proceeded to erect a cabin there. Her neighbors were similarly threatened, being informed that they would be killed if they did not leave the area. Neosho Agency, 1859-1860, 202.
they were within the New York reserve. In 1859, when the government established the southern boundary of the New York reservation, it was discovered, as the Osage had insisted for several years, that large numbers of settlers were living on Osage lands far south of the line. When informed of their untenable position within the reservation and of the Osage demand for their removal, the squatters declared themselves innocent of any wrongdoing and petitioned the government to obtain from the Osage a one-hundred-mile strip off the east end of their reserve and to open the area for settlement and pre-emption.

Although the Osage no longer looked with disfavor on the prospect of selling part of their reserve, they were disturbed that the influx of whites onto it continued unabated in the absence of an equitable agreement for reimbursement and in the face of their acute awareness that it was Osage and not New York Indian soil that was being usurped. On February 26, 1860, Agent Dorn informed A. B. Greenwood, Commissioner of Indian Affairs, that the number of white squatters was increasing daily in spite of his and the Indians' protests. Pointing to the sad plight of the scattered and destitute New York tribes, he wrote, "In my humble judgement if the government intends to protect the Osage Indians in their reserve agreeable to treaty stipulations, delay is

25"Petition of Eighty-six settlers from Allen County, Kansas Territory, to Jacob L. Thompson, Secretary of the Interior," September, 1859. Ibid., 248-251.
dangerous." After several months, Dorn was instructed to distribute a notice among the white intruders informing them that they must leave the reservation immediately or suffer removal by a military force. The only result of this effort to help the Osage, the agent later reported to the Superintendent of Indian Affairs, was that the best citizens among the settlers left the reserve while those having no respect for law remained. He concluded that, since it was better to have a combination of good and bad intruders rather than all bad, no further demands should be made unless the government was prepared to make good the threat of forced removal.

The government made no additional efforts during 1860, and most of 1861, either to reduce the number or stem the influx of settlers on Osage lands. The Indians resigned themselves to the situation with the hope that a treaty would soon be arranged. Their chiefs had met in council with Agent Dorn in March, 1860, and had agreed to the sale of the east end of their reserve. This offer was extended to Southern Superintendent William G. Coffin, who visited the nation in June, 1860. Coffin in turn urged the Commissioner of Indian Affairs, William P. Dole, to immediately implement

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26"Andrew Dorn to A. B. Greenwood, Commissioner of Indian Affairs," February 26, 1860, ibid., 297-298. In July, 1860, the New York Indians were legally deeded their 320 acre tracts of land in accordance with the Treaty of 1838. They were unable to take possession, however, since the land was already occupied by whites, who refused to leave unless the Indians paid them exorbitant prices for improvements they had made.

27"Andrew Dorn to Elias Recter, Superintendent of Indian Affairs, Southern Superintendency," July 11, 1860, ibid., 552-553.
treaty negotiations for the sake of the Osage who were in extreme poverty, for the benefit of the citizens of Kansas who wished to expand onto Osage lands, and for the purpose of thwarting the suspected designs of one J. B. Chapman of Lawrence, Kansas, who had appointed himself guardian of the Osage. Aided by several half breeds and a white man who had married into the tribe, he was working to organize the Osage politically and to arrange for a treaty favorable to the tribe. If Chapman's treaty proposal were to take effect, Coffin attested, "the Indians and the government will be swindled and this man and his pals will clean up."28

J. B. Chapman lived and worked among the Osage for several months prior to Superintendent Coffin's June, 1861, visit and continued his stay until September, 1861, when government authorities directed him to leave the reservation. During the time that he dwelt among the Osage, Chapman was instrumental in the organizing of an independent tribal council which agreed to the adoption of a constitution and the selection of Charles Mongrain as the governor or "Chief Magistrate of the Nation." A legislative body and president of the tribal council were also selected. Charles

28"William G. Coffin to William P. Dole, Commissioner of Indian Affairs," June 17, 1861, ibid., 620. Chapman was a promoter who desired to obtain a right-of-way across Osage lands for the purpose of building a railroad line. In 1858, he established a settlement called Osage City on the Neosho River, some five or six miles south of the northern Osage boundary. When pressured by the agent to do so, he vacated the settlement and relocated outside the reserve near the Humboldt River at a site he called Mautau. "Andrew Dorn to A. B. Greenwood, Commissioner of Indian Affairs," July 18, 1859, ibid., 86. Also, "J. B. Chapman to A. B. Greenwood," August 26, 1860, ibid., 279.
Mongrain, Commissioner Dole was informed, was, in Chapman's opinion, "one of the most talented men in the State of Kansas," and with proper educational opportunities would be the most gifted man in the United States. Mongrain was not given to many words, Chapman went on, but when he did speak, at times only after hours of deliberation, "he means and knows what he says." This was the man, Chapman declared, to whom the Commissioner must go rather than to the several chiefs, if a treaty with the Osage were to be concluded.²⁹

Several months after his selection by Chapman and his followers, Mongrain issued a written proclamation which he addressed "to all those who are trespassers on the lands of the Osages. And to whomever it may concern." In it, he declared that the Osage had no role to play in the Civil War between the states and, for this reason, the nation was highly resentful of the fact that

organized bands of individuals belonging to no regular military army on either side have alternately invaded the territory of the Osage nation and by force have taken some of the Osage citizens prisoners and have forced them to accompany these robbing bands to our neighboring villages (as in the case of Humboldt) by means of which many of the Osage citizens have been implicated . . . .

He described how the accused Osage tribesmen had been branded by the trespassers as outlaws and had been forced to flee without the benefit of a trial. Because of the tribesmen's displacement, the loss of their property, and the

suffering of their families, Mongrain declared, "I most earnestly warn all intruders, trespassers, and others not citizens of the Osage nation, in accordance with the constitution and laws of citizenship to leave the nation immediately." In order that peace might prevail and the lives of offending whites might be spared, Mongrain asked the President of the United States to see to the prompt evacuation of "certain U. S. Citizens, who are breathing vengeance against the lives of innocent Osage, who never injured them in any manner whatever." The Osage Governor concluded by warning all unauthorized persons of the danger of settling on Osage lands, since "self preservation, national and relative ties are the first laws of nature, and the friends of those exiled will seek their protection and avenge their absence." The Osage and the Civil War

Charles Mongrain's threatening statements on this occasion were directed primarily toward individuals who had come into Osage country as a result of circumstances brought on by the Civil War. The Osage had not been greatly affected by the war until the summer of 1861 but, in the months that followed, the Osage country was visited by an assortment of raiders and unruly troops, both northern and southern. In

30 "Proclamation of Governor Charles Mongrain, Chief Magistrate of the Osage Nation," December, 1861. ibid., 638-639.

31 Ibid., 640.
the wake of their coming and going, hogs and cattle were indiscriminately slaughtered and property was destroyed. One of the first such groups came from Missouri and crossed Osage country enroute to Humboldt, Kansas. The raiders reportedly were led by John Mathews, the former Osage blacksmith who was at this time operating a small trading post on the reserve. Apparently a number of Osage joined the raiders before they reached and looted the city of Humboldt, Kansas, on September 8, 1861. The mob assembled the following day at the Osage Manual Labor School and would perhaps have sacked it and the adjacent mission and convent had Mathews not prevailed upon them not to do so. A short time after this incident the Osage towns along the Neosho River were invaded by a band of Kansas Home Guards, who, in consequence of information stating that Mathews and Whitehair had been parties to the Humboldt affair, killed the trader and burned his home and trading post and destroyed the village of the chief.33

32 Ponziglione, "History of the Osage." 320-321. The new Osage Agent, Peter P. Elder, who replaced Agent Dorn in April, 1861, fled the reservation in July, 1861, when word was received that in his absence an armed band of secessionists appeared at the agency headquarters in search of the "Abolitionist Agent." The agency was left in the care of the resident farmer for the Quapaw while Elder made his home at Fort Scott. "Peter P. Elder to H. B. Branch, Superintendent of Indian Affairs, Central Superintendency," July 27, 1861, Neosho Agency, 1859-1861, 611-612. Agent Elder's fears and subsequent desertion of his post were both viewed as being without proper justification and in June, 1862, he was instructed to stop complaining about the inadequacies of his agency and return to it immediately. "William G. Coffin to William P. Dole," June 10, 1862, Neosho Agency, 1862-1865, 43.

33 Albert Castel, A Frontier State at War: Kansas, 1861-
As the war progressed, 200 Osage who desired to fight for the north were organized into a company and were made a part of the Kansas Volunteers. In addition, a large but indeterminate number joined the Cherokee, Creek, and other southern tribes in support of the confederacy. The Osage who supported the northern cause were primarily full bloods while those favoring the south were mostly half breeds. The former proved not to be good soldiers. For the most part, they refused to be disciplined and insisted on taking their wives and children along with them. After a while most of them grew tired of their brief engagement in military life and left for a buffalo hunt. This broke up the company and as a result, by April, 1863, all the Osage in the service of the North, with the exception of a few half breed scouts, were discharged and ordered back to the reservation. Those allied with the South continued in their active support of the rebel armies. Although the Osage may have fallen from the sight of their willingness to
the good graces of northern partisans, as a result of their failure as members of the Kansas Militia, they made up for their shortcoming a few months later in one of the grisliest battles of the Civil War.

In May, 1863, a small, fourteen-man hunting party of Osage led by a half breed named Alex Biette, encountered a somewhat larger group of rebel soldiers. As they had been instructed to do by northern military personnel, the Osage accosted the intruders and demanded that they surrender their guns and accompany them to Humboldt, Kansas, as their prisoners. The southerners replied to the Osage demand by shooting one of the braves. In the running battle which followed, the whites were chased some fifteen miles before the appearance of a large number of Osage reinforcements brought them to bay in a place later known as Rebel Creek. Realizing that further resistance was useless, the southerners displayed a white flag as a sign of their willingness to surrender. This display was ignored by the hyper-excited Osage, who fell upon the rebel soldiers, scalping, beheading, and otherwise mutilating all of them except two, who managed to escape. The dead soldiers were stripped of their possessions and left to the buzzards. Among the dead were four captains, a major, a lieutenant colonel and three full colonels. On the body of one of the colonels, papers were

found indicating that the group was bound for New Mexico and Colorado, for the purpose of enlisting in the service of the south all the rebel sympathizers they encountered. 36

When word of the battle had spread, the Osage in the party were acclaimed heroes and they were showered with gifts of the horses, guns, clothing, and other possessions of their victims, medals bearing a likeness of the President, and some $3,000.00 worth of various kinds of goods. In addition, complete amnesty was offered to all members of the tribe who had continued actively to support the South. These were urged to "join with their loyal brethern in protecting the frontiers, running down bushwackers and ridding the country of rebels . . . ." 37 This battle and subsequent desertion of the Southern cause by many of those who previously had joined it, concluded the active participation of the Osage in the Civil War. Although tribal leaders did organize a kind of home guard, as called for during the period by the federal government, the extent and nature of its activities are not shown in available records.

36 Ibid.

37 "William G. Coffin to William P. Dole," June 11, 1865, Neosho Agency, 1862-1865, 269-270, 298. A fair number of Osage half breeds stayed with the South until the end of the war. This action later brought considerable discredit to the tribe and was used as justification for attempts which were made to prevent all who fought for the South from receiving special reservation grants under the Treaty of 1865. "Thomas Murphy, Superintendent of Indian Affairs, Central Superintendency, to Nathaniel G. Taylor, Commissioner of Indian Affairs," August 7, 1868, Neosho Agency, 1868, 313-317.
The Treaty of 1865 and Subsequent Difficulties

When William G. Coffin, Superintendent of the Southern Superintendency, visited the Osage reservation in June, 1863, following the celebrated victory over the rebel forces, he learned from the exultant Osage chiefs that the tribe desperately needed a treaty which would rescue them from dire economic circumstances and from the increasing oppression and insults heaped upon them by white settlers. It was their wish, Coffin reported to Commissioner Dole, to sell a twenty-five by fifty mile strip of land on the east end of their reserve for 50¢ an acre and a twenty mile strip along the north side for 25¢ an acre. He was certain, however, that if the proper approach were made, the northern section could be increased in width to twenty-five miles and the land on the east could be had for 25¢ rather than 50¢ an acre.

The Treaty of 1865 was initiated in 1863, and ratified by the Senate in January, 1867. It was supposed to have been accepted by the Osage at Canville, Neosho County, Kansas, in September, 1865. Since, however, the main body of the Osage were located near Fort Smith, Arkansas, it was actually negotiated there on September 29, 1865, rather than at Canville. 


"William G. Coffin to William P. Dole," June 11, 1863, Neosho Agency, 1862-1865, 270. Also, ibid., July 16, 1863, 283. Coffin informed Dole in April, 1862, and again in November, 1862, of the complete willingness of the Osage to conclude some kind of treaty at the earliest possible date. On both of these occasions he advised the Commissioner that the Bureau could decide the terms and that a treaty should be negotiated. Ibid., April 5, 1862, 27-28, and November 16, 1862, 97. On April 10, 1862, Commissioner Dole was informed by the chief that they had met and remained in council for six weeks with the understanding that the government intended to conclude a treaty. They expressed disappointment that such had not proved to be the case and said they
On August 9, 1863, Whitehair and Little Bear wrote to Commissioner Dole, stating their wish "to sell to the United States of America, thirty miles by twenty-five of the southeast corner of our reserve, then one-half of said reserve on the north for $1,350,000.00, which shall draw six per cent interest to be paid as hereafter provided." This proposal was so advantageous to the United States, being very similar to that suggested by Coffin, that Commissioner Dole decided to go himself to negotiate with the Osage. His decision to make the journey west was also influenced by the fact that the Superintendent, William G. Coffin, and the Agent, Peter P. Elder, had differed sharply as to which of them had the right to meet with the Osage to negotiate the treaty.

were, therefore, desirous of sending a delegation to Washington to "inquire directly of our Great Father . . . why it is that the Osages have been called together time after time for seven years to hold a treaty and sell a portion of our lands, but . . . get no satisfaction of what the government wants to do." Osage Chiefs and Warriors to William P. Dole, April 10, 1862, ibid., 31.

40 "Osage Chiefs, Whitehair and Little Bear to William P. Dole," August 9, 1863, ibid., 300-301. A note written by Charles Mongrain and appended to the bottom of the letter indicated that this may have been a private effort on the part of these two chiefs to negotiate a treaty. Mongrain advised the Commissioner that the people would allow the chiefs to negotiate only in a general council.

41 The relationship between the two men had been unhealthy since the time that Elder had hastily left the reservation in July, 1861, when he heard that southern sympathizers were looking for him. As the months passed, he refused to return to the agency. Coffin threatened to replace him with another agent. Elder in turn complained that Coffin was unrealistic in his demands and that he knew less about the needs of the Osage agency than Elder did about heaven. "Peter P. Elder to William P. Dole," May 16, 1862, ibid., 131.
The treaty council was arranged for August 20, 1863, but was delayed until August 26, as Dole was unable to reach the appointed site until that time. When the session finally got under way, Dole proposed that the government purchase a twenty-five mile by forty mile section in the southeast corner of the reserve for $200,000.00 to be placed in trust at five per cent interest. "I have two reasons for this purchase," he wrote. "First, I want the land for other Kansas tribes, and second, the Indians are paupers now and must have their money anyway or starve." He further suggested that the government be allowed to take in trust the north half of the Osage reserve, "to be sold for their benefit as the Sac and Fox and other tribes dispose of their lands." He could easily purchase all the land he desired for 25¢ an acre, he claimed, but he was certain the Senate would not ratify such an agreement. Since the passage of the Homestead Act, he noted, the Congress had not been inclined to purchase land from the Indians only to have to give it over to whites.

After two days of explaining the proposals he had previously outlined to the tribal representatives, Dole confessed to the Acting Commissioner, Charles E. Mix, that he was meeting with little success. The Indians could not understand the trust issue and declared that they wished to make an outright sale and thereby gain earlier possession of the sale price. The tribe wished to make a gift of one section

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42 "William P. Dole to Charles E. Mix, Acting Commissioner of Indian Affairs," August 29, 1863, ibid., 300-301.

43 Ibid.
of land to the Osage Manual Labor School, in return for services rendered to the tribe since 1847. The tribe also wished the school officials to be allowed to purchase two additional sections if they desired. The Commissioner was of the opinion that the government would reject each of these proposals, but he was not able to convey this to the Indians. 44

On August 31, 1863, Dole reported the successful conclusion of the treaty negotiations. He had been forced to accept the article reserving from one to three sections of land for the Osage Manual Labor School, while the Indians had agreed to place in trust a twenty-mile strip along their northern border with the understanding that it would be sold for no less than $1.25 per acre. The problem of available money was overcome when Dole agreed to the purchase of a thirty mile strip along the east end of the reservation for $300,000.00 which was to be placed in trust at five per cent interest. 45

44 Ibid. Also, Ponziglione, "History of the Osage," 364-365. The Reverend Ponziglione recorded that although President Lincoln cancelled the donation clause the Indians still insisted that it remain. Later, it finally became a part of the Treaty of 1865, over the signature of President Andrew Johnson.

A full year passed and in the summer of 1864 the Osage still had not received any information as to the government's view of the treaty. By September, 1864, the chiefs were demanding that they be allowed to visit the president to present their case directly to him. Commissioner Dole had promised them such a trip in August, 1863, and, fearful that the delay in action on the treaty meant that they were in some way being cheated, they became even more anxious to make the journey. In addition, the Osage spring and summer hunts had not been successful that year and the belief that they would shortly be moving from their present homesites had discouraged the tribe from doing whatever planting and cultivating they might otherwise have undertaken. Because of these circumstances and the delay of the $15,000 annuity, the Osage were desperately eager for ratification of the treaty.

In spite of the reminders by the agent, the superintendent, and the Osage, an additional nine months passed before the tribe was informed that the treaty would not be ratified and the amended agreement was returned to them. The most notable changes in the returned document stipulated that the land grant to the Osage Manual Labor School be cancelled and that the tribe had no claim on all income beyond $300,000 from the sale of the ceded lands and that any surplus would go into an Indian Civilization Fund, from

which all the tribes in North America would benefit. It also stipulated that the Osage should pay the cost of having the trust lands surveyed and that they should receive an average of 25% an acre when those lands were sold. The Indians rejected all these proposals except the one referring to the civilization fund - later they claimed that they had not understood this clause. 47 The Osage countered the government's demands by asking once again that all the land offered be sold to the United States for $1.25 an acre. In addition, they asked for a provision that the diminished reserve would be sold at the same minimum price if and when the Osage desired to move away from the state; and, in case they decided to move, they asked that Catholic missionaries be allowed to accompany them. The Osage then returned the treaty and their counter proposals to the Commissioner of Indian Affairs, who sent it to the Secretary of the Interior in June, 1865, with the request that he study it and submit a compromise version to the Indians and to the United States Senate. The treaty, as reworked by the Secretary, was signed by the Osage at Fort Smith, Arkansas, in September, 1865. The signed document was forwarded to the President in March, 1866, with the request that he submit it to the Senate.

This was done and Senate ratification followed on January 21, 1867.48

The only significant changes in the treaty from the time the Osage first accepted it in 1863 until its ratification in 1867 were the provisions for the civilization fund and the eventual sale of the diminished reserve, to be followed by the tribes removal from Kansas. In the event of the latter, at least fifty per cent of the proceeds from the trust lands sale was to be used for the purchase of new land for the Osage. It was also stipulated that representatives of the Catholic Church were to be allowed to accompany them should they move from Kansas.

While the treaty was under discussion, migration of white settlers onto the reserve had accelerated noticeably. In January, 1866, George C. Snow, who replaced Peter P. Elder as Osage agent in March, 1865, reported counting 1,500 squatter families already located on various parts of the diminished reserve.49 Shortly thereafter Snow asked for troops to aid in keeping the peace and removing the settlers.

48 "D. N. Cooley, Commissioner of Indian Affairs, to James Harlan, Secretary of the Interior," March 17, 1866, Neosho Agency, 1866-1867, 20-21. Also, U. S. Statutes, XIV, 687, and Appendix II. It should be noted that the treaty made no allowance for the State School Lands, nor was the settlement, pre-emption, or occupation of the east end of the reserve to be allowed until the President should declare it open for entry.

49 "George C. Snow, Osage Agent, to Southern Superintendent Elijah Sells," January 22, 1866, Neosho Agency, 1866-1867, 181. The squatter problem was already of such proportions that he mentioned the possibility of obtaining a twenty mile wide strip of land just south of the Kansas border and having the Osage move directly to it rather than remain on the diminished reserve.
He wrote that he might as well "try to dam the Big Muddy with a teaspoon as to stop the tide of immigration at the proper place." He had also, he reported, recently received a letter from Little Whitehair in which the old chief warned that unless something was done to remove the settlers peaceably his young men would drive them out by force. He and his people had recently returned from an unsuccessful winter hunt to find their lands and towns along the Verdigris River had been taken over by whites who, in the absence of the Indians, had cut and hauled off the timber, destroyed a number of homes, and allowed their livestock to eat off all the grass in the area. In a report to Southern Superintendent Elijah Sells, who replaced William G. Coffin in April, 1865, the Reverend John Schoenmakers of the Osage Manual Labor School supported Whitehair in this charge that the whites had moved illegally into the heart of the Verdigris River area and had acted with extreme improvidence. He concluded that it would be a practical impossibility to remove the two thousand squatters then on Osage land without considerable violence.

Superintendent Sells requested of the Commissioner of Indian Affairs that troops be stationed near the reservation to maintain the peace and directed that a notice be

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50 Ibid., March 6, 1866, 185.
51 "Whitehair, Principal Osage Chief, to George C. Snow," February 23, 1866, ibid., 186.
52 "Reverend John Schoenmakers to Elijah Sells," April 1, 1866, ibid., 206.
posted warning all intruders to leave Osage lands within twenty days or be ejected. To see that the directive was enforced, he asked that the War Department be instructed to use whatever means were necessary to clear the reservation of undesirables. Permission to circulate notices warning the squatters to leave the reservation was soon received, but Agent Snow was reluctant to go ahead with their publication, not only because he feared that notification would meet with little success but also because he feared the act would be used by the settlers to win support for their effort to clear Kansas of its Osage inhabitants. The Governor of Kansas, Snow reported to Sells, had already authorized a survey of Osage Lands which, when finished, would completely eliminate the tribe from Kansas soil. He complained he could not understand why the federal government tolerated such treatment of its wards, the Osage, and why it allowed settlers on Osage lands not due to be surrendered until six months after the treaty was ratified. In answer to Snow's complaint, Superintendent Sells replied that the Indian Bureau would not pay any attention to Governor Samuel J. Crawford's survey, that the ease with which Snow had already partially cleared the reserve was an indication that his fears were overstated, and that he himself had long since

53 "Elijah Sells to Commissioner D. N. Cooley," March 23, 1866, ibid., 188.

54 "George Snow to Elijah Sells," April 25, 1866, ibid., 209. In spite of his grumbling and complaining, Snow admitted that he was able to clear the diminished reserve for a short time of most of the settlers.
learned that it was unwise to complain about those in higher positions of authority. Snow was advised to defer judgment, be patient, and seek to conciliate rather than provoke the displeasure of the Indians.\textsuperscript{55} This rebuke by Sells resulted in an obvious decrease in the number of complaints received by the Office of Indian Affairs from the reservation during the following year.\textsuperscript{56}

\textsuperscript{55}"Elijah Sells to George Snow," May 1, 1866, ibid., 211. All of Snow's available correspondence during the year from May, 1866 to May, 1867, dealt with the finalization of the treaty and the manner in which the annuity should be delivered and spent. No mention at all was made of the squatter controversy.

\textsuperscript{56}Another problem that arose during this period which Agent Snow said "caused more trouble among the Osage than any other one thing," centered on the actions of a young man named Joseph Paw-ne-no-pashe and his supporters, mostly young men, who wanted to make him the head chief of the Osage. Joseph had been raised at the mission and could read, write, and speak English. The number of men supporting him was not great, Snow reported, but they were influential enough to render all the regular chiefs nearly powerless. "George C. Snow to William Byers, Superintendent of Indian Affairs, Southern Superintendency," December 31, 1866, ibid., 349. Among his adherents were the chief counselors of the Clermont, Big Hill, Whitehair, Little Bear, and Black Dog bands. These men wrote to the President and asked that Joseph be made chief in place of the aging Whitehair. "Osage Chiefs and Headmen to President Andrew Johnson," October 11, 1866, ibid., 359. The problem was referred back to Agent Snow who closed the matter as far as the government was concerned with his report that all the established Osage chiefs bitterly opposed Joseph and that he and his adherents' letter to Washington was their appeal from his (Agent Snow's) negative decision on their petition. Snow informed the Commissioner that he would have arrested Joseph and his followers long since if a sufficient military force had been available to do so. As it was, he had been forced to buy them off. "Whitehair," Snow's report concluded, "is the legal head chief of the nation and it would not do for an agent to appoint a chief contrary to their hereditary customs." "George C. Snow to William Byers," December 29, 1866, ibid., 357-358. Chief Whitehair died in December, 1869, and Joseph became head chief.
In May, 1867, Snow once again called the attention of his superiors to the fact that the diminished reserve was being overrun with squatters beyond his capacity to handle them. "When one is ordered to leave and does so," he complained, "five take his place." Several times Snow asked for instructions as to what he should do; when no answer was received by July, 1867, he again wrote to the Commissioner and declared that if it was really the desire of the government to keep peace between the whites and the Indians why could not "the Indian Department take a few minutes' time in answering my letter . . . . This is the third and last time I have asked for these instructions." He then requested that his inquiries be reviewed in order that their importance might be appreciated. A few months later he still had not been given authority to act and, when he approached some of the settlers who were "still crowding on the lands," they threatened him with "Crawford's Militia" and said that they would not put up with his interferences. With this they proceeded to occupy the best lands on the reserve, especially the choice camping grounds along the Verdigris River.

While Agent Snow was defending the rights of his Indian wards, many Kansans were just as busy attempting to

57 "George C. Snow to Nathaniel G. Taylor, Commissioner of Indian Affairs," May 24, 1867, Neosho Agency, 1866-1867, 640.
58 Ibid., July 23, 1867, 684.
59 Ibid., October 16, 1867, 796.
implicate the Osage in an Indian uprising which was allegedly taking place primarily along the southwestern frontier. In June, 1867, Brigadier General Harrison Kelly, the Commander of the Kansas Militia for the 4th District, reported to the Governor, Samuel J. Crawford, that the citizens of Wilson and Labette Counties, located in southeastern Kansas on the Osage-ceded lands, were asking for guns and ammunition in order that they might organize and defend themselves against the many outrages committed by the Osage. In addition to stealing of horses, cattle, and other property, the Indians were charged with the brutal murder of a Dr. John Appleby of Labette County. Kelly also charged that a large portion of the tribe had gone to join the Comanche, with the intent of returning with them as their allies in driving the white settlers out of the country. The citizens of the area, Kelly told Governor Crawford, had no one else to turn to except the Osage agent and it was a well-known fact that he had no control at all over the Osage.

Shortly after he received this report, Governor Crawford wrote to Kansas Senator Edmund G. Ross, stating that the Indian problem was daily growing worse and that a general uprising appeared to be in the offing. The

60 Harrison Kelly, Brigadier General, Kansas State Militia, 4th District, to Governor Samuel J. Crawford," June 20, 1867, Ibid., 153.

61 Ibid.

counsel of agents and traders to the contrary, he continued, the Indians were not peaceably at home, but for months past had been murdering and scalping along the frontier. Five hundred citizens were said to have been killed in recent years, he said, the latest being two men and a boy scalped, another "boy wounded and a woman assaulted and left for dead with a hatchet in her head . . . ." In the face of such atrocities, the Governor went on, if peace commissioners rather than an armed force were sent out one could judge the future by the past, which was to say to the Indians, "go on with the war and we will pay you a premium for all you do, we will pay you a reward for the scalps you take." He expressed his distaste for such a course of action by declaring, "In the name of God and Humanity I do earnestly protest such a policy. If congress fails to take action, I shall be compelled to declare all the Indians in Western Kansas invaders, outlaws, murderers, and force will be used to drive them out of the state."  

63 Ibid.  
64 Ibid., 3-4. Crawford was protesting what was known as the peace policy for dealing with Indians. It had its inception in 1849 when the Office of Indian Affairs was transferred from the War Department to the Department of the Interior and a policy was adopted which encouraged peaceful co-existence with and the civilization of the Indians. The work of treating with the Indians, of removing them to reservations, and of otherwise pacifying them with gifts and substantial annuities was viewed by Kansans and westerners in general as being the brainchild of easterners who understood neither the west nor the Indians. In 1865, the Topeka, Kansas newspaper, The Commonwealth, exemplified this antagonism by calling for the replacement of the peace policy with a show of force which the Indians would understand and by branding it as a program which lacked any measure of humanity, justice, or reason. The Commonwealth, September 5, 1865.
In an effort to make good his threat - at least in regard to the Osage - Governor Crawford organized four companies of militia near the diminished reserve and ordered their captains to consider carefully all settlers' claims against the Osage and, in those cases where they appeared to be justified, to send or lead armed troops to demand prompt satisfaction. If the natives refused to comply, all Indian property thereafter encountered should be confiscated until the amount of the claim was obtained plus a liberal allowance for the soldiers. Such high-handedness, Agent Snow objected to Commissioner Taylor, was completely without justification. The Osage, he averred, had not been on any war party and the Governor's action would only cause a great deal of trouble and tend to encourage further settlement on the reserve. The Indians were still peaceable, Snow reported, even though they felt threatened and were frightened at the Governor's attempt to provoke them to war.

When the Osage chiefs returned from their summer hunt in late August, 1867, they learned that they were charged with having allied themselves with the wild tribes in the West for the purpose of driving the whites from the ceded lands. They immediately assured the Commissioner that this was not true and that they desired nothing more than the removal of those persons who were residing illegally on the remainder of their lands. Otherwise, they desired, they said - as

66 Ibid., September 5, 1867, 700.
had always been true of the Osage nation - to be closely allied with the government of the United States. 67

The Treaty of 1868

Not long after the Osage were accused of stealing and murdering and joining with the western tribes, Superintendent Thomas Murphy of the Central Superintendency, to whose jurisdiction the Neosho Agency had been transferred in October, 1867, suggested a new treaty to effect the removal of the tribe from Kansas to the Indian Territory. The move was necessary, he said, because of the continued encroachments of whites who gave no heed whatsoever to directives from the Indian Department and who were only slightly more attentive to the commands of military personnel. The existing situation, he pointed out, held out little hope for an Osage victory since state authorities were sustaining the settlers in their illegal actions. The Osage chiefs, well aware of the invincible odds facing them, wished to meet with the President of the United States in Washington for the purpose of surrendering their Kansas land. 68

67"Osage Chiefs to Nathaniel G. Taylor," September 1, 1867, ibid., 859. As for charges that they were guilty of stealing much livestock, the chiefs answered that whenever the stock of white men was found among their own they endeavored to return it. On the other hand, many of their own animals had been taken by whites and never returned.

68"Thomas Murphy, Superintendent of Indian Affairs, Central Superintendency, to Charles E. Mix," November 15, 1867, ibid., 463-465. In anticipation of a positive response to their expressed desire to negotiate most of the chiefs prepared to spend the winter on Medicine Lodge Creek in south-central Kansas. They were hopeful that they would receive an invitation to go to Washington as soon as the weather permitted.
On December 10, 1867, Senator Edmund G. Ross of Kansas proposed such a meeting in a letter to Secretary of the Interior Orville H. Browning. Ross said that on a recent visit he had with the Osage people, he had found them eager to move. He was convinced, he said, that they were not yet civilized and would not be for some time. In their present condition, he wrote, the Osage were retarding the growth of the state and were a source of never-ending friction to their white neighbors. Under these circumstances, he advised, it would be best for all concerned if the Osage were removed and if their land, "the best in all the state, with a uniformly mild genial climate," were made available to the many immigrants who were eager to possess it.69

The request made by Senator Ross that the Osage be allowed to negotiate a new treaty met with the approval of the Commissioner of Indian Affairs and the Secretary of the Interior. Browning, however, noted that such a visit although of considerable importance, would cost a great deal of money and there was none available for it unless Congress appropriated some. Since this was unlikely, the Secretary stated that although the Osage would be allowed to make the visit, they must do so at their own expense.70 With this, the tribal leaders who previously had anticipated the journey


to the capital city with undisguised joy, now underwent a complete change of heart. One after another they began to back out of the plan. Some used the excuse that a great many whites were amassed at the border, just waiting for the leadership of the nation to depart on the journey eastward before they moved onto the diminished reserve. Little Whitehair, the Chief of Whitehair's band, withdrew, "saying that he would not be dragged down to Big Hill Town to a council and he had no land to sell." The truth of the matter was, Agent Snow reported, that everyone wanted to go but not at his own expense, especially since the treaty to be negotiated would benefit the white people far more than the Osage.

When word of the Osage withdrawal reached him, Secretary Browning organized a special commission to go to the Indians. The commission members, headed by Nathaniel G. Taylor, Commissioner of Indian Affairs, were named on April 3, 1868, and were instructed to meet with the tribe in the Verdigris Valley between the dates of April 20, 1868 and May 10, 1868. Detailed instructions were also given.

71 "George Snow, Osage Agent, to Thomas Murphy," February 16, 1868, Ibid., 221.
72 Ibid., February 25, 1868, 233.
73 Ibid.
74 "Orville H. Browning to Nathaniel G. Taylor," April 3, 1868, Ibid., 152-154. Commission members were: Nathaniel G. Taylor, Commissioner of Indian Affairs, Thomas Murphy, Superintendent of Indian Affairs, Central Superintendency, Albert Y. Bone, Special Commissioner for Location and Lands, George C. Snow, Indian Agent, John C. Cox, Chief Clerk to the Commissioner of Indian Affairs, and Alvin N. Blackledge, Secretary of the Commission. Ibid., April 2, 1868, 152.
concerning the need for proper provisions and presents, and arrangements were made for an impressive military escort, for ambulances, and for many colorful flags. 75 Finally, the leaders of the Cherokee tribe were contacted and their consent obtained for the purchase of 600,000 acres of their land in the Indian Territory as a new home for the Osage. 76

With the preliminaries out of the way, the commissioners traveled to the reservation and established their base camp at Drum Creek Springs, near the confluence of Drum Creek and the Verdigris River in Montgomery County, Kansas. Shortly thereafter, on May 14, 1868, the first official session was held. During the course of the meeting the Reverend Peter MacVickar, Superintendent of the Common Schools of the State of Kansas, met with the commissioners and asked that the treaty contain a provision which would reserve sections 16 and 36 to the state for school purposes. Following this, a letter from Kansas congressman Sidney Clarke was read to the assembled group. Clarke advised the commissioners that the 8,000,000 acres which the

76 Ibid., April 3, 1868. Also, "General Ulysses S. Grant to Orville H. Browning," April 11, 1868, ibid., 119. The gift list for the Osage included such items as "125 fancy military suits, 10 dozen military hats (cord and tassel), 125 fancy wool shirts, 2,000 lbs. tobacco, 100 lbs. best Chinese vermilion, 100 lbs. assorted paints and blue and white beads," "Thomas Murphy to Nathaniel G. Taylor," April 6, 1868, ibid., 245.

77 Parsons, 22. Also, Kappler, II, 947. Because of their participation in the Civil War on the side of the South, the Cherokee, in a treaty negotiated in 1866, had been made to agree to the surrender of much of their land in the Indian Territory.
Osage were about to surrender would attract thousands of home seekers and should be made available to them, if not as homesteads, then at the cost of $1.25 per acre. He was not, he informed them, opposed to the purchase of the land by a railroad company, provided a line was run through the area and settlers were able to make purchases at government prices. He also stated that those settlers who had taken up land following the ratification of the last treaty in 1867 should be provided for in the new agreement.

On the following day, the MacVickar and Clarke proposals were reviewed briefly before being filed away to await further consideration. The second matter on the agenda involved a visit from Charles W. Blair, President of the Missouri, Fort Scott, and Santa Fe Railroad Company, who proposed to the commission that his company be allowed to purchase one-third of the Osage lands at the same price per acre as the rest was to be made available to the Leavenworth, Lawrence, and Galveston Railroad. If his request were honored, he said, he and his associates would support the treaty; otherwise they would do all they could to defeat it. The committee was not easily stampeded, however, and Blair was told only that his request would be considered. His offer did, however, raise the possibility that some definite decisions had been made, other than those avowed by the government, relative to the treaty. Information originally


78 Ibid., 4.
given to the commissioners stated that they were to approach the treaty negotiations completely uninstructed. As Blair pointed out, however, an agreement had apparently been arrived at previously, allowing all the Osage property to be sold to the Leavenworth, Lawrence, and Galveston Railroad, contrary to the Treaty of 1865. The President of that company, William Sturgis, was said to have been present when the 1868 treaty was being negotiated. 79

When the meetings resumed May 17, a letter from Charles Blair was read to the commissioners in which he asked that the Osage Lands be offered for sale to the highest bidder. On behalf of his own company, he was authorized to offer $2,000,000 which the line would guarantee in any manner the government wished. His company's road would, he assured the commissioners, cross the Osage lands from east to west. All terms and conditions of the treaty, such as securing the rights of the half breeds and of the settlers and making reasonable provisions for school lands, would be accepted without qualification. If this offer were not found acceptable, he concluded, he would still do as he originally had suggested: that is, share the land with the Sturgis Company on a two-thirds, one-third basis. 80

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79 Parsons, 23. Parsons charged that the Leavenworth, Lawrence, and Galveston Line, as originally proposed, would miss the Osage reserve by twenty miles. He also noted that arrangements were made with James F. Joy and his concern for the Leavenworth, Lawrence, and Galveston to become a part of the Joy Line as soon as the treaty was ratified.

80 Charles W. Blair, President of the Missouri, Fort Scott, and Santa Fe Railroad Co., to Nathaniel G. Taylor.
second time there was no recorded discussion or consideration of Blair's proposal.

On May 18, 1868, Commissioner Taylor addressed the Indians in the first meeting the Osage attended. During his introductory remarks, he reminded them of their decline as a nation in the face of rapidly changing times. If they were to survive in the midst of a white society, he declared, they must learn to live from the soil and with their fellow men. Taylor concluded, that since they were not ready to do either the one or the other, that their only choice was to move beyond the reaches of civilization where they would have more time for a gradual adjustment. To accomplish this, he advised, they should leave the state where the Governor was the immediate ruler and move to the Indian Territory where their Great Father held sway. Once they were settled in their new home, he promised, the people of Kansas, who were troublesome and bad and were the chief cause of sadness among the Indians, would no longer interfere with them. With this benefit in mind, the President had set aside for them an abundant land to the south where his red children could cultivate and build, and - when they were ready, the commissioner assured them - they should have a state of their own with equal representation in Washington. To achieve this paradise, however, the Osage must sell their lands for not less than $1,500,000, less the cost of purchasing and removing to their new homesite. Once they were settled,
their Great Father would show his appreciation by aiding them to build an agency house, a physician's residence, blacksmith houses, and individual homes. In addition, Taylor continued, the President would give them $30,000 to make up for promises which had not been kept under the Treaty of 1839, and profits from the sale of acreage within the ceded land tract along the east end of the reservation would be channeled into a school fund, rather than into the unpopular civilization fund. 81

On May 20, 1868, Commissioner Taylor read the completed treaty to the Indians and, after thoroughly discussing it with the chiefs, asked them to go to their lodges and meditate on what they had heard. He added that once they had accepted it he had "a little something to make your hearts glad in the shape of presents." Among the notes recorded that day there was a message to Charles W. Blair which stated that his letter had been received and considered but that, for various unexplained reasons, his propositions were not acceptable.82

General Blair sent another letter to the commissioners on May 21. In it he reassured them of the good faith of his company and, as evidence of this, he proposed several bonds

81 House Doc. 310, I, 8-9. Taylor also mentioned that the half-breeds would have special rights guaranteed them, that the chiefs and councilmen would receive a yearly salary, and that each individual settling on a piece of land would receive some special compensation.

ranging from $50,000 to $100,000. In addition to reading and filing this letter, the commissioners went one step farther and formulated a preamble, or resolution, which would in effect terminate all further inquiries by Blair and his company. When completed, the missive stated that the commissioners were responsible for drawing up a treaty that would promote the interest of the United States, the people of Kansas, and the Osage Indians. It was, therefore, their combined opinion that the Leavenworth, Lawrence, and Galveston Railroad would eventually pass through the heart of the Indian Territory, the future home of the Osage, bringing to that tribe close connection with the rest of America, and thereby securing and promoting the public interest. The company, the resolution continued, had already constructed, equipped, and begun operation on thirty miles of railroad lines and unquestionably would continue to grow. In light of this, it was resolved that "in the proposed treaty with the Osages, the said Leavenworth, Lawrence, and Galveston Railroad shall be permitted to purchase said lands upon conditions and under such restrictions as the commission may in said treaty stipulate."

On the day following the issuance of this resolution, the Indians were given an opportunity to speak. Some thirteen chiefs and headmen took advantage of the occasion. None of them were concerned about the railroad, but all raised

83"Charles W. Blair to Nathaniel G. Taylor." May 21, 1868, ibid.

84House Doc., 310, I, 10-11.
doubts as to the value of a treaty, in view of their past experiences. The same promises, the commissioners were reminded, had been made in connection with previous agreements, and almost none of them were ever kept completely. Protection, money, and assistance all meant nothing, the chiefs lamented, if the government could not be trusted.

In answer, Taylor replied that past treaties which had not worked out should be looked on as bad bargains. The same, he told them, could happen in any trade. Was not all this, he asked, being compensated for by the many outstanding and favorable features of the new treaty? The Osage, he said, were to receive a new and even better home, plus a large $75,000 lifetime annuity which "will line your pockets with gold." After all that had been done to make them happy, Taylor informed his listeners, the heart of the Great Father would be sad if his children did not accept his treaty. If his feelings were injured by a rejection of the treaty, there could be no further distribution of provisions and no further aid in settling their problems with the western tribes and no further protection from the settlers who would continue to throng about and occupy their homes.\(^{35}\)

\(^{35}\)Ibid., 17-18. These last threats were of some significance to the tribe, since they had suffered repeated attacks from bands of plains Indians throughout the early months of 1868. Many of their people were killed and hundreds of horses were stolen by the marauding Indians. Most of the losses were encountered while they were on the hunt and, as a result, they returned almost empty handed. For these reasons, they had been forced to turn to the government for aid. As a result of the unusually fast and generous response of federal officials, the tribe received large quantities of beef, flour, corn meal, coffee and sugar during the months of March and April, 1868. "George
That the chiefs were not moved by Commissioner Taylor's threats and promises was evident the next day when the Osage offered to sell an additional five mile strip on the north side of their reserve for $1.00 an acre and to exchange the remaining twenty-five miles for land in the Indian Territory. Taylor's answer to their offer was blunt. Two-thirds of their remaining land, he told them, would be expensive even at 5¢ an acre, and, of that which remained, only a small amount along the stream beds was worth as much as $1.25 an acre. Did they not know, he asked, that just a few years back the nation of Russia had sold a tract "larger than Missouri, Arkansas, and Kansas for less than 2¢ an acre." To the offer of a land exchange, he answered with the comment that, with that much land and no money except for the income from the trust lands, they would soon starve. On the other hand, he argued, "what your Great Father wishes is to give you as much land as you will want for all time to come ... I am not trying to cheat you and would not if I could ... and I advise you that the proposition we have offered you is the best you can get. You are full grown men, take my proposition and think of it again." 86

When the chiefs returned the next day, May 24, 1868, they refused to place their marks on the treaty when told

86 Ibid., 20-21
by Taylor to do so. The Commissioner reacted by ordering a closed session to be attended only by the tribal leaders and the members of the commission. After a brief discussion the headmen admitted their willingness to sign but said they were hesitant to do so for fear of those people who did not wish to accept the treaty. Superintendent Murphy responded by telling them that, if they were real men, they would go ahead. But they continued to hesitate.

With each subsequent session, it appeared to observers that the treaty was about to be defeated. For this reason, on May 26, General Blair renewed his $2,000,000 offer and asked that he be permitted to talk with the chiefs and perhaps break what appeared to be a deadlock in the negotiations. His proposal was casually denied by Commissioner Taylor, who confidently assured the General that the Osage would come to terms within a day or two. As he predicted, the chiefs, headmen, counselors, and braves, numbering more than 100, returned to the May 27th session and, in spite of threats and angry expressions by their fellow tribesmen, signed the treaty.

As word of the commission's success spread and the terms of the treaty became known, they were greeted with undisguised disapproval in both official and public circles. In a movement spearheaded by Congressman Sidney Clarke of Kansas, the House of Representatives undertook to expose the treaty as an example of "political humbuggery" by discovering

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87 Ibid., 24.
what elements had inspired its unprecedented give-away character. To accomplish this, a special resolution was directed to President Andrew Johnson on June 9, 1868, requesting that he inform the House by what authority and for what reasons the lands of the Great and Little Osage were transferred into the possession of the Leavenworth, Lawrence, and Galveston Railroad Company rather than being ceded directly to the United States. The resolution suggested that the whole transaction was a contravention of the laws and policies of the United States.

President Johnson's answer to the House inquiry came through the office of the Secretary of the Interior, Orville H. Browning, who informed the members of the House Committee on Indian Affairs that he was not certain that the Osage land had been ceded to the railroad and, if it had been, he was not aware that this was illegal. The government, he wrote, had acted in accordance with a March 5, 1863, Act of Congress which called for the eventual removal of the Osage from Kansas after extinguishing their title to all lands within the state. The special commission had been organized.

88 Ibid., 26. Also, Congressional Globe, 40 Cong. 2 Sess., Pt. IV, pp. 3259-3261. One old chief, Wah-she-sho-she, declared, "I wish to put it in a paper that the Osage country is a place for the white people to come and steal." Another, Joseph Paw-ne-no-pashe, declared that rather than protect the Osage as provided in earlier treaties, the commission came instead with threats and demands for more land. Parsons, 31.

89 "Special Resolution of the House of Representatives to the Honorable Andrew Johnson, President of the United States," June 9, 1868, House Doc., 310, I. 27.

90 U. S. Statutes, XII, 772-774.
the Secretary continued, only after considerable public pressure had been brought to bear on the President and, to the Secretary's knowledge, members of the commission were guilty of no wrongdoing. 91

On June 15, 1868, the President, in answer to a request that finalization of the treaty be delayed until all records pertinent to it had been made public, stated that the treaty had been sent to the Senate prior to receipt of the House request. He did, however, forward a statement from the Secretary of the Interior certifying that all available information on the treaty had that day been sent to the House. The statement also revealed the fact that no special instructions had been given to the commission and, so far as the Secretary knew, no propositions had been made to the commission by the Leavenworth, Lawrence, and Galveston Railroad Company. 92

On July 13, the Committee on Indian Affairs was still pursuing its investigation and the President was asked to direct the Secretary of the Interior to surrender the complete record of the treaty proceedings. The requested information was forwarded to the impatient congressmen accompanied by an explanation that the records had been but recently received and that the delay was not, as the House suggested, a matter of information withheld by Nathaniel G. Taylor, the


Commissioner of Indian Affairs. As had previously been the case, however, the documents forwarded to the House did not contain any information relative to the role played by representatives of the Leavenworth, Lawrence, and Galveston Railroad Company, nor were any statements enclosed which explained the rejection of competitive offers for the land.

Following a lengthy discussion of the information made available to them, members of the House Committee on Indian Affairs reported that it was their opinion that the treaty had been prepared in Washington before the sessions at Drum Creek began and that its terms had been settled before it was discussed with the Osage. Of the treaty itself, the report declared that the $1,500,000 promised to the Indians for the land was secured only by the bond of the railroad company. Although the treaty provided that residents of the trust lands who, at the time the treaty was signed, occupied "square quarter sections" would be allowed 160 acres at the government price, the committee pointed out that, since the lands were but recently surveyed, no occupant was legally settled and all would, therefore, lose out. The report also reviewed the refusal of the commission to consider the bid of the Missouri, Fort Scott, and Santa Fe Railroad Company. It further commented on the fact that the area was

93 "Nathaniel G. Taylor to Orville H. Browning," July 16, 1868, ibid., II, 2.

large enough to endow two or three roads and it did not appear that the Leavenworth, Lawrence, and Galveston survey would locate the rail line anywhere near the Osage reserve. For these reasons, plus the feeling that the Indians had been unduly persuaded and because the state schools had not been provided for, the members of the committee resolved that the treaty was an outrage on the rights of the Osage and the people of Kansas, and that its "objects, terms, and conditions and stipulations were not within the treaty making power, nor authorized by congress, or any laws of the land." On these grounds, they concluded that the treaty should be condemned. 95

While the congressional investigation was underway, other voices were raised in opposition to the treaty. Emotions ran particularly high in the state of Kansas, where the Governor, Samuel J. Crawford, and most of the state's newspapers joined Congressman Clarke in an attempt to expose the monstrous "land steal" being perpetrated by the Office of Indian Affairs and William Sturgis, President of the Leavenworth, Lawrence, and Galveston Railroad Company. Except for their varying degrees of vehemence, however, the statements by all opponents of the arrangement resembled those in the report of the House Committee.

The complaints of the Indians, on the other hand, brought out somewhat different views of the treaty. The Osage were not, for example, bothered by the fact that their

land had perhaps fallen into the hands of a large corporation, or that the settlers and the state of Kansas were thereby placed at a distinct economic disadvantage. Their concern centered on the belief that, if they had refused to negotiate or had held out longer, they might have received considerably more money. The reason that they had done neither, they said, was that extreme threats and undue pressures had been applied by members of the commission to extract from them their approval of the treaty. It was in this vein that several of the leading chiefs addressed the president of the United States in a letter written shortly after the treaty sessions were concluded. Although all the chiefs had signed the pact, they all claimed to have done so because of being threatened with extermination if they refused.  

According to the chiefs and to several other accounts, at the time that tribal representatives were resisting the blandishments of the commission and demanding $1.25 an acre plus the exchange of their remaining lands, a pair of braves arrived at the council with two scalps said to have been taken during a recent attack against a band of Arapahoe. Directly thereafter, a white man appeared who claimed that one of the scalps was that of his brother who had been killed a few days earlier by an Osage war party on Big Walnut Creek in Cowley County, Kansas. In spite of a claim by the Indians that the charges were not true, as news of

96 "Whitehair, Hard Rope, and others to the President of the United States," June, 1868, Indian Pamphlets, V. 4.
the event began to circulate the large number of whites who had gathered to observe the treaty proceedings became enraged and a massacre appeared certain. At this point, Commissioner Taylor took charge and quieted the angry whites by telling the Indians that, because of the murder, they had lost all claim to their lands, and that they could redeem themselves only by agreeing to negotiate on commission terms and by promising to deliver up the killers. If they refused to cooperate, he threatened, they would receive no compensation whatever for their land and the protection of the government would be withdrawn, leaving them to the mercy of the angry whites. The chiefs thus found themselves backed into a corner and agreed to sign rather than lose all their lands and perhaps their lives as well.97

The excitement caused by the treaty continued throughout 1868 and 1869. Although the opposition to it and the evidence against it were most formidable, there were, nevertheless, enough influential individuals favoring it that serious debate continued throughout 1869. Both of the senators from Kansas, Samuel C. Pomeroy and Edmund G. Ross, favored the treaty and Ross especially worked for its acceptance. Ross wrote to President Ulysses S. Grant on April 6, 1869, urging its ratification and claiming that no

97Ibid. Also, Parsons, 38-41, Ponziglione, "History of the Osage," 346; The Fort Scott Monitor, July 8, 1868; "Sidney Clarke to Ely S. Parker, Commissioner of Indian Affairs," August 10, 1869, Neosho Agency, 1868-1869, 756-757. The chiefs claimed that they were also told that the $30,000 due on former treaties would not be paid if they did not sign.
threats or undue influence had been used, that the Indians were eager to accept the agreement as it stood, and that the Osage wished to move into Indian Territory on their way home from the winter hunt. The Senator's statement was signed by forty headmen and braves, chief among them being Joseph Paw-ne-no-pashe, who, following Little Whitehair's death a few months later, would become governor of the nation. 98 Two weeks later, on April 21, 1869, Ross reported on the treaty in the Senate and recommended that it pass in an amended form. The revisions he proposed did not alter the document, in the Indians' view, but asked instead that not one but six railroads be allowed to use the Osage lands and, secondly, that section sixteen or its equivalent be given to the state for educational purposes. 99

98 Parsons, 88. Sidney Clarke was also aware of what Ross was claiming and, therefore, conducted his own survey concerning the "wishes of the tribe in regard to the railroad and of the treaty now before the Senate." He discovered that the signatures on the treaty were obtained by the use of threats and bribes made by the commissioners and by speculators who were present. The latter, he claimed, had as great a hand in the corrupt proceedings as did the commissioners. The Indians, he concluded, wished to have the treaty withdrawn in order that they might sell all their land as provided in the Treaty of 1865. "Sidney Clarke to Ely S. Parker," August 10, 1869, Neosho Agency, 1868-1869, 756-759.

99 "Ely S. Parker to Enoch Hoag, Superintendent of Indian Affairs, Central Superintendency," May 6, 1869, Neosho Agency, 1868-1869, 783. The six railroads were The Leavenworth, Lawrence, and Galveston, The Atchison, Topeka, and The Santa Fe, The Missouri, Fort Scott, and Santa Fe, The Union Pacific (Southern Branch), The Leavenworth and Topeka, and The Lawrence and Neosho Valley.
In response to the claims of Senator Ross that the Indians had been treated fairly and were desirous of seeing the treaty ratified, the Commissioner of Indian Affairs, Ely S. Parker, directed Enoch Hoag, Superintendent of the Central Superintendency, to discover, as best he could, the real desires of the Osage relative to the treaty. After conducting the census and distributing the annuity, Hoag proceeded to ascertain the feelings of the Osage in regard to the sale of their land. After long and careful deliberation, he determined that although the Osage were divided on the subject, the majority were opposed to the treaty on the grounds that it had been unfairly obtained and that their lands were being purchased at a fraction of their real value. It was, nevertheless, the feeling of all the tribe, except for a few half breeds, that whether the treaty was accepted or not they wished to leave Kansas as soon as practicable.

The Treaty of 1868 remained on the Senate calendar until it was withdrawn by President Ulysses S. Grant on February 4, 1870. His reasons for ending the controversy were consistent with those posed by Congressman Clarke and other opponents of the measure. The treaty, it was affirmed, went contrary to public policy in that it proposed selling Indian lands directly to a corporation. It was further determined that under its terms the Indians were not

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100 "Enoch Hoag to Ely S. Parker, Commissioner of Indian Affairs," October 11, 1869, ibid., 805-808. Hoag was made Central Superintendent April 22, 1869. His assignment marked the official beginning of what became known as the Quaker Policy.
justly dealt with, both in the manner that the treaty was
obtained and in the price to be paid for the land. 101

101 Ibid., 806-809. Also, James D. Richardson, A Compi-
lation of the Messages and Papers of the Presidents (Washing-

Following the defeat of the Treaty of 1868, or as it was more
often known, the Sturgis Treaty, the controversy shifted
to the ceded lands which had been sold to the government in
1867 though not open for settlement, pre-emption, or home-
stead until the President so specified, U. S. Statutes, XIV,
687-693. The settlers ignored this stipulation and began
moving by the hundreds onto the ceded lands, joining the many
squatters already located there. Though illegal, their actions
were virtually unopposed until the owners of two railroad com-
panies entered the picture by laying claim to much of the
ceded lands. This action was made possible by an act of Con-
gress passed in March, 1863 (U. S. Statutes, XII, 772-774),
which granted land to the state to aid in the construction of
railroads. Another act passed in 1866 (U. S. Statutes, XIV,
289-291), allowed the Missouri, Kansas, and Texas Railroad the
same rights as were granted the Leavenworth, Lawrence, and
Galveston Company under the Act of 1863. Thus, when the
Treaty of 1865 was amended before its ratification in 1867,
so as to recognize both of these acts, both railroads were
in a position to claim alternate sections for ten miles along
each side of their proposed lines which were to run through
the ceded lands. When the claim was subsequently made in
1869, and the settlers contested it, the railroads were im-
mediately sustained in their demands by both Interior Secre-
tary Orville H. Browning and Attorney General William M.
Evarts. The case was argued in 1871 before Interior Secre-
tary Columbus Delano who also opposed the settlers. The lat-
ter argued that the railroad had no claim on the Osage lands
since both acts were passed before the Indians surrendered
possession. It was contended that the two acts dealt only
with public lands and the Osage lands were private until,
as guaranteed in the Osage Treaty of 1839, the Indians should
cede or sell them to the Government. The latter, the settlers
contended, did not occur until January, 1867, and the treaty
validated at that time by the Senate could not be made retro-
active to include the earlier acts. Milton W. Reynolds, "The
Ceded Lands: Who Owns Them" Kansas Magazine, IV (July-October,
1873), 238-239. Also, Leavenworth Daily Times, September 3,
1874. A test case instituted by the settlers in 1870 went
against them. On December 17, 1873, Congress was memorialized
to pass a bill which would authorize the government to grant
title to the settlers independent of the railroads. The bill
was introduced and under consideration when, in October, 1874,
a judgment was rendered which ordered the railroad patents
cancelled. A subsequent appeal was denied and the land rights
of the settlers was thereby recognized. Annie H. Abel,
"Indian Reservations in Kansas and the Extinguishment of
Their Title," Kansas Historical Collections, VIII (1903-
04), 107-108.
CHAPTER VII

The Removal of the Osage to Indian Territory

A Case for Removal

Pressure directed toward the purchase by the government of all remaining Osage lands began building up before the withdrawal of the Sturgis Treaty. Congressman Sidney Clarke and the members of the Kansas legislature argued that the social and economic development of the state was greatly hampered by the continued presence of the Indians. Members of the Office of Indian Affairs began urging Congressional action as early as February, 1868. They feared for the well-being of the Osage and viewed their complete removal from the state as the only means of alleviating their impoverished condition and rescuing them from further abuse at the hands of the squatters. The citizens of Kansas, anxious to take permanent possession of the Osage lands, told Sidney Clarke with considerable urgency, "We want this land to make homes. Let us have it." Amid this mounting pressure, the Osage were suspended in a limbo of uncertainty and inattention. They were unable

1 Parsons, 163.


3 "A. A. Stewart, Montgomery County, Kansas to Sidney Clarke," March 16, 1870, as cited in Parsons, 167.
to go on their traditional summer and fall hunts because of the continued presence of hostile Indians to the west, and what remained of their reserve was rapidly disappearing under the claim stakes of hundreds of squatters. On June 24, 1868, less than a month after the signing of the Sturgis Treaty, Agent Snow informed Superintendent Murphy that the Osage situation was a desperate and potentially explosive one. Because of their allegedly having killed the two white men during the "Last days of the Drum Creek treaty council," he wrote, "the people on or near their lands are made to believe by speeches delivered by so-called leading men and newspaper articles that those Indians have no rights which should be respected by white men." As an outgrowth of such declarations, Snow reported that the Osage were treated as enemies by members of the white communities who not only took their land and timber but also stole many of their horses and mules. Under these conditions, he exclaimed,

peace cannot long endure and I would earnestly but respectfully ask in the name of suffering humanity and in the name of innocent women and children whose warm blood may soon be dripping from the tomahawk and scalping knife, in the hands of these savages; that something be done at once to prevent these Indians from starving and to stop this high-handed stealing from them that we may have peace on the border."

The hostile attitude of many of the citizens of Kansas toward the Osage due to the Drum Creek incident was shared by their Governor, Samuel J. Crawford, and expressed clearly and openly by him in a heated statement written

to Thomas Murphy, Central Superintendent of Indian Affairs, in June, 1868. Responding to the refusal of the two Indians to change their story and noting that they were supported in their denial by their fellow tribesmen and by members of the Bureau of Indian Affairs, Crawford declared that anyone who would believe the stories of the two braves, who he said had been selected as scapegoats by the remainder of the guilty tribesmen, could hardly be classed as reasonable or sane. It was impossible, he wrote, to have mistaken "the whites for Arapahoes, or otherwise the killing would not have been followed by the scalping and the severing of the heads and the mutilation of the bodies of the victims."

There was, the Governor continued, a long record of outrages placed to the score of the Osage and he felt that it was high time that the record should be concluded. "I shall be glad," he stated, "if this last and most revolting of their atrocities, perpetrated almost in the presence of the treaty making power, shall be instrumental in causing the bloody account to be closed." He averred that it was not his desire to war upon the tribe, but that the settlers, who for years had been harrassed and plundered and been forced to stand idly by while their stock was driven off and members of their families were butchered by the Osage, had a right to see justice done. On these grounds, plus the fact that as Governor it was his duty to "preserve the peace, defend the people, and punish the lawless," he was determined to furnish the
settlers with arms and ammunition, "sincerely hoping that 
there will be no occasion for their use." 5

When he received Crawford's communication, Superin-
tendent Murphy immediately wrote to Commissioner Taylor in 
Washington, informing him that the Governor would have to 
be watched carefully. He reviewed the content of the 
Crawford letter and added:

The prejudice against the Indians and in favor 
of the settlers, as indicated in the enclosed 
letter, is entertained by nine-tenths of the 
citizens of Kansas and the only salvation for 
these Indians is that their treaties now pend-
ing before the United States Senate shall be 
speedily ratified and they be moved from Kansas 
to the Southern Indian Country at the earliest 
day practicable.6

As the months passed, the complaints of both whites 
and Indians increased. The Osage continued to be charged 
with widespread stealing and plundering and of making threats 
against the settlers in an effort to collect a tax from 
those living on the diminished reserve.7 The Indians, mean-
while, being deprived of the opportunity to hunt and being

5 "Governor Samuel J. Crawford to Thomas Murphy," 
June 4, 1868, Neosho Agency, 1868-1869, 269-272. The two braves 
were confined in Lawrence, Kansas, until October 13, 1868, when 
they were taken before the U. S. District Court in Topeka, 
Kansas. The two were brought before the judge and immediately 
discharged on the grounds that the court had no jurisdiction 
over them. They returned to the reservation the following 
day. "Thomas Murphy to Charles C. Mix," October 13, 1868, 
ibid., 600.

6 "Thomas Murphy to Nathaniel G. Taylor," June 8, 1868, 
ibid., 273-275. The "Southern Indian Country" had reference 
to the Indian Territory located in what is present day 
Oklahoma. See Appendix II.

7 Marvin H. Garfield, "Defense of the Kansas Frontier," 
Kansas Historical Quarterly, I (1831-1832), 471. Also, 
recipients of an annuity amounting to only $2.07 per person, were, as Lieutenant Colonel M. V. Sheridan reported in December, 1868, in a destitute condition, having "no bread-stuffs of any kind and no property to trade for any." They would, he wrote, last out the winter only by raiding the white settlers and settlements. It was for this reason, he said, that they continued to antagonize the frontier and to counter trespasses and abuses by whites, which ranged from horse stealing to taking possession of the Indian's own corn fields and timber lots and not allowing them to set foot on either. As more and more people arrived and stayed, the squatter community grew increasingly bold and refused to submit to any further land tax or rental. When asked to withdraw, the whites declared that they would do so only if the government used force, but that even then they would return as soon as the troops were withdrawn. By June, 1869, the residents of Cowley County, which was well within the diminished reserve, were so entrenched in their position that they demanded the presence of troops on the reservation to protect them from the Osage who, they said, were guilty of arrogantly stealing and burning their property and of confiscating their claims.

8"Lieutenant Colonel M. V. Sheridan to John M. Schofield, Secretary of War," December 1, 1868, Senate Ex. Doc. 40 Cong., 3 Sess., (1360), No. 40, 1.

9"George C. Snow to Thomas Murphy," May 1, 1869, Neosho Agency, 1868-1869, 917.

10Garfield, Kansas Historical Quarterly, I, 471-472.
By March, 1870, Montgomery County, most of which was within the diminished reserve, had a population of over 8,000 white people. Isaac Gibson, who became the Osage Agent in July, 1869, reported that as the number of whites increased so did their anger and aggressiveness. He noted that when the Indians returned from their fall hunting expedition, they found settlers living on their lands, having invaded their corn caches and cabins, cut up and hauled off their timber, and nearly destroyed one of their villages. When asked to leave or else pay rent, the intruders replied by threatening the lives of the Indians and by either ignoring or insulting the Osage agent. As the days and weeks passed, the offensive and often violent actions of the squatters increased. Agent Gibson reported as typical incidents the experience of one brave who was driven from his cabin by an axe-wielding white and of another who was induced

71 "Isaac T. Gibson, Osage Agent, to Superintendent Enoch Hoag," January 9, 1870, House Ex. Doc., 41 Cong., 2 Sess., (1418), No. 179, p. 1-3. By May, 1867, complaints against Agent Snow had begun arriving at the Bureau Offices in Washington. The first to express their dissatisfaction were the half breed members of the Osage community. The agent, they informed the Secretary of the Interior, "is a man whom we never see; he never comes among us; and is of no use to either Indians or Half Breeds." Their rights, they said, had been continuously disregarded and the agent, even though the offenses had been brought to his attention, was of no help to them at all. "Peter Perrier and Other Half Breeds to the Secretary of the Interior," May 13, 1867, Neosho Agency, 1866-1877, 488. On May 29, 1867, a petition was received by Secretary Browning signed by eight chiefs and 162 warriors. It called for the release of Agent Snow on the grounds that he kept them ill-informed on matters related to tribal government and because he failed to supervise the disbursement of the annuity and thereby allowed gross inequities to occur. "Osage Chiefs and Braves to Orville H. Browning, Secretary of the Interior," May 29, 1867, ibid., 845.
to take a settler in as a partner, only to find after a short absence that he had been dispossessed by the white man who threatened him with death should he attempt to retake his property. "There is no language used among friends," Gibson exclaimed, "that fully describes the meanness and ingratitude of some of these settlers, at least I am ignorant of the terms."12 He recorded a similar impression some months later when, on April 9, 1870, he appeared at a gathering of settlers to speak to them concerning the rights of the Indians. His audience, he stated, "appeared as a crowd of angry wicked men - many or most of them wanting to take my life."13

Many of the settlers, Agent Gibson was convinced, were intent on provoking the Osage in the hope that their retaliatory acts would justify their extermination by the Kansas militia. Gibson reported that squatters were said to boast openly of just such provocation and that in the event that violence should erupt and their actions should require concealment, they had organized themselves into a club and established rules for self-protection.14 In fairness to all the squatters, however, both Gibson and Hoag admitted that those who had formed the club and acted as a "ruthless gang," intent on dispossessing, stealing, molesting, and


13"Isaac Gibson Diary," April 9, 1870, as cited in Parsons, 158.

aggravating, were in truth a minority whose violent acts were resented by the more peaceful settlers. There were, in fact, so the Secretary of the Interior was informed, at least 1,000 families who had settled along the Verdigris River Valley at the invitation of the leading Osage. In return for a $3.00 a year tax which they willingly paid, they were allowed to live unmolested on their claims, in anticipation of the eventual removal of the tribe from the state. It was asserted that, even at the time of the trouble with "some lawless scoundrels," peaceful immigrants were being encouraged by tribal leaders to settle on the reserve. When federal troops were finally ordered into the reservation they were under strict orders to see that the law-abiding squatters experienced no loss or hardship as might result from an immediate removal. It would be better, the instructions read, to leave them in peace unless or until the Osage demanded their withdrawal.

In spite of some instances of peaceful coexistence, the complaints of the Osage, their agent, Isaac Gibson, and Central Superintendent Enoch Hoag were considered by the Secretary of the Interior to be of sufficient merit to


16 "Alexander H. Baird, Elk City, Montgomery County, to Jacob D. Cox, Secretary of the Interior," March 26, 1870, Neosho Agency, 1870-1871, 47.

17 "E. D. Townsend, Adjutant General of the United States, to General John Pope, Commanding General, Department of the Missouri. Fort Leavenworth, Kansas," October 12, 1870, ibid., 42.
justify not only sending a detachment of troops to aid the agent in protecting the tribesmen against further abuses but also extending an invitation to Osage leaders to visit Washington to present their grievances to the President. Although the tribal leaders had for some time eagerly petitioned for both these actions and although they were convinced that in them lay the solution to their problems, neither measure, as things turned out, proved to be of significant value. In the case of the invitation, the main body of the tribe had left for the summer hunt before it reached them, so their agent was invited to travel to the capital in their stead. As for the troop allocation, the soldiers arrived among the Osage in February, 1870, but the officer in charge refused to act until Washington clarified Agent Gibson's authority to direct their activities. When the situation was finally clarified and the troops were ready to function, they were faced with so many restrictions and obstructions that their efforts failed to produce the desired results. "On the frontier of Kansas," it was reported, "so many suits have been brought against officers in the courts, for acts which seemed so necessary for them to perform and which were legitimate in every respect, that they now feel timid about acting unless their instructions are definite."

"It is only a few days ago," the officer commanding the troops

18 "Jacob D. Cox, Secretary of the Interior, to Ely S. Parker, Commissioner of Indian Affairs," April 2, 1870, ibid., 372.

19 "Enoch Hoag to Ely S. Parker," June 7, 1870, ibid., 265. Also ibid., June 16, 1870, 269.
declared, "that I had to stand a heavy suit for driving a set of thieves and scoundrels out of the Indian Territory." He further observed that during the last three years nearly every officer along the frontier had been hauled before the courts in Topeka on one or more occasions for arresting individuals who were actively violating the rights of the Indians or were engaged in selling whiskey to Indians or soldiers, or both.20

A Treaty of Removal - The Act of 1870

In the midst of the military and civil confusion which existed on the reservation, the long awaited legislation authorizing the purchase of the remaining Osage lands and the removal of the tribe to Indian Territory was passed by Congress as sections twelve and thirteen of the Indian Appropriation Bill.21 The two passages made provision for the Osage to leave Kansas and settle on a single tract of land in Indian Territory. The area selected was to contain at least 160 acres for each member of the tribe. Their trust and diminished reserve lands were to be opened for settlement and were to be offered for sale at no less than $1.25 per acre. The proceeds from such sales as might result were to pay for removal and settlement costs and for the cost of

20"Lieutenant General P. H. Sheridan to Military Headquarters, Missouri Division, Chicago, Illinois," July 18, 1870, ibid., 23-24. In his own case, Sheridan claimed that he was only able to retain his freedom and avoid a heavy fine by using "the utmost vigilance to catch and hold by force the witness necessary to vindicate me."

surveying both tracts. Any surplus proceeds beyond these two expenditures were to be held by the government in a savings fund with the tribe receiving five per cent interest. An additional $30,000 was to be granted in lieu of the unfulfilled portions of the Treaty of 1839. The 1870 agreement specified that this sum be expended for agency buildings, blacksmith's dwellings, a warehouse, a blacksmith shop, a school house, a church, and a saw and grist mill.²²

Immediately upon the passage of the bill, Agent Gibson was directed to select and mark out a new home for the Osage. He was to obtain the Indians' approval of the area he selected and arrange for them to meet with the Board of Indian Commissioners at an agreeable location in the Indian Territory.²³ On August 2, 1870, the Board, headed by Vincent Colyer, received orders to proceed to the Territory and there meet with Agent Gibson and the Cherokee and Osage tribes, to obtain the consent of both for the proposed move. The Cherokee, the commissioners were cautioned, were to receive no more than 50¢ an acre for the land they were to release to the Osage.²⁴

The commissioners, along with Hoag and Gibson, spent four days viewing the new reservation site which Gibson had

²²Ibid.


²⁴"Ely S. Parker to Vincent Colyer and the President's Board of Indian Commissioners," August 11, 1870, ibid., 521-522.
selected. Impressed with what they saw, they made a favorable report to the Osage chiefs in August, 1870, when they convened with them at Drum Creek in Montgomery County, Kansas. The Osage, however, had already visited the area and found a large number of settlers living there. At the Drum Creek Council they insisted that they would neither negotiate concerning the land in question nor move to it until all white squatters had been removed. The manifest determination of the Indians drew an immediate reaction from the members of the commission. Hurriedly, they communicated with Washington and learned that orders had already been issued that military forces were to be used to clear the Indian Territory of unauthorized whites. By two weeks later, sufficiently large numbers of the squatters had been uprooted and driven away as a result of sweeping operations by Captain J. S. Poland and his men that the Osage consented to negotiate with the commissioners.

25 "Vincent Colyer to Jacob D. Cox," August 29, 1870, ibid., 527.

26 "William T. Sherman to General John Pope," August 6, 1870, ibid., 525. Shortly after the passage of the Indian Appropriations Bill, when it became obvious that the Osage would be moving southward, Captain John N. Craig, Cherokee Agent, informed the Office of Indian Affairs that a large number of United States Citizens had migrated south and had settled along both sides of the 96th Meridian, having formed communities, citizens' leagues, and a provisional government. Parsons, 217-218.

27 "Report of the Board of Indian Commissioners," September 10, 1870, ibid., 541. Captain Poland first distributed a notice which explained to the settlers concerning the Indian Territory that according to Article 27 of the Cherokee Treaty of 1877, "all persons not in the military service of the United States, nor citizens of the Cherokee Nation, are
The new treaty sessions, which opened in late August, began making serious headway during the second week of September, 1870. On September 10, negotiations were preceded by a question and answer period conducted by Enoch Hoag. The Indians, seeking positive reassurance that they would not be plagued by squatters in the future as they had been in the past, asked Hoag to explain how the plans of the government would guarantee them this freedom. He began his answer by reviewing what the government had recently proclaimed and accomplished relative to the squatter problem and ended by giving his personal assurance that he would do all in his power to "have every white settler removed from your new home in accordance with the treaty and order of government." The remainder of the Osage questions concerned the annuity payments and other money matters relating to current as well as former treaties. The Indians indicated that they were satisfied with Hoag's replies to their questions but to be sure that they were not forgotten, they insisted that all his promises be put in writing and made a part of the removal agreement. For this reason, the statement the tribal leaders eventually signed contained assurances that the government would protect the Osage from future intrusions on prohibited from coming into the same." All who were trespassers as here defined were to leave immediately under their own power, or suffer removal by force. Neosho Agency, 1870-1871, August 26, 1870, 526.

28"Report of the Board of Indian Commissioners," September 10, 1870, ibid., 541. Some 3,000 Indians were present. All segments of the tribe were represented at some time during the final four days of the council.
their lands by squatters; that the chiefs and councilors would have direct control over a portion of their funds, and that the tribe would be allowed to hunt buffalo on the western plains.\(^\text{29}\) In the days that followed, one tribal leader after another arose to speak of his pleasure at the firm commitments of the government and the bright prospects for the Osage reflected in sections twelve and thirteen of the Indian Appropriation Bill. The other commissioners were as eloquent as Hoag in describing the values of what the government had proposed. Vincent Colyer contrasted the new agreement with the railroads' offer in 1868. The owners of the railroads, the Osage were reminded, had been unwilling to pay more than 19\(^\text{\textdollar}\) an acre, whereas the government was offering the tribe five times that amount. In addition, Colyer declared, "if the railroad company had burst up, the Indians would have gotten nothing. The Great Father said this was not right. The Indians are my children, and I must take care of them. The government said we will buy their lands. The government will not burst."\(^\text{30}\) On September 14, 1870, with only a few breeds dissenting, the tribe made final acceptance of sections twelve and thirteen of the Indian Appropriations Bill.\(^\text{31}\)

\(^{29}\)Ibid., 552-553.

\(^{30}\)Ibid., 542.

\(^{31}\)"Vincent Colyer to Jacob D. Cox," September 14, 1870, ibid., 391. The officer in charge of the military detachment assigned to the council said of the event: "I have the honor to report that the Osage Indians in council at this place, camp on Drum Creek, near Liberty, Kansas, have consented to
With the way seemingly cleared for their removal, it appeared that the Osage had only to decide on the site within the new territory which they wished to occupy and with the aid of a $50,000 advance by the government on sale funds from their trust lands - to make the move to the south. But, almost from the day that the treaty was accepted, the Osage began to be beset by one obstacle after another. The first disappointment occurred shortly after the departure of the commissioners for Washington. The fall annuity and the gifts, traditionally presented at the conclusion of a treaty, were delayed until after all the proceedings were formally completed. When the gifts and annuity were finally distributed, the Indians were dismayed and angered to discover that the gift and annuity items provided by the commissioners were of an inferior quality, and were, for the most part, not usable. It was further discovered that funds to buy the annuity and gift articles were to be deducted from the $50,000 appropriated to cover cost of the

Sections 15 and 16 of the Indian Appropriation Bill which provides for the sale of all their lands in this state and their removal to the Indian Territory." "D. H. Murdock, First Lieutenant, 6th U. S. Inf., to the Adjutant Post of South East Kansas," September 17, 1870, ibid., 38. In all, six groups signed the statement of removal. They were the Big Hill, the White Hair, the Black Dog, the Half Breed, the Clermont, and the Beaver bands. The tribe at that time numbered some 3,145 persons. Parsons, 248.

32 "Enoch Hoag to Ely S. Parker," October 5, 1870, ibid., 319. The $50,000 had been promised the Osage in connection with the negotiations for their removal in September, 1870. Hoag asked that $35,000 of the amount be placed at his disposal in order that he could aid the tribe through the winter and see to their removal in the spring.
removal, and that unreasonably high prices had been paid for the inferior goods.  

In October, 1870, anticipating a general exodus of the tribe to the south the following year, a group of Osage travelled to the Indian Territory to approve the site Agent Gibson had recommended. The location measured sixty miles from east to west along the southern border of Kansas by sixteen and two-thirds miles from north to south and was situated half and half on either side of the ninety-sixth meridian. After the Osage had approved the site, a delegation accompanied by Isaac Gibson met with a delegation of Cherokee to determine the price to be paid for it. The Osage and their agent were informed by the Cherokee at the outset of the conference that the land they wanted was not for sale and that it would be necessary for the tribe to make a selection from the west side of the ninety-sixth meridian. The Cherokee then informed the Osage that, regardless of what site they selected, the price per acre would be $1.25, instead of the 50¢ price the government had agreed to underwrite. After a long and fruitless debate, the Osage returned to their reserve, having exhausted every

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33 "Isaac Gibson to Columbus Delano, Secretary of the Interior," January 12, 1871, ibid., 574-575. Gibson pointed out, as an example, that 200 imitation Mexican blankets which were purchased at $6.50 a pair, were previously rejected as being of such inferior quality as to be worthless.

34 "Isaac Gibson to Enoch Hoag," October 1, 1871, ibid., 489-490.

35 Ibid., December 5, 1870, 354-356.
reasonable and peaceable means of reaching an agreement with
the "heartless and avaricious . . . Cherokee." "I am ready."

Gibson wrote upon his return from the Cherokee Council,

to make war on their government in a peaceable manner — they are desperately civilized, know
how to raise corn and other feed about as well as the Osage do, but they are utterly unfit to
carry on a government and the sooner the United
States government takes the starch out of them
the better it will be for their civilization
and for affiliated and neighboring tribes of
Indians.

Because of a natural streak of meanness, the Cherokee, he
complained, had kept him from getting a good start on several
Osage mills and agency buildings.36

As a result of the adamant position of the Cherokee,
Gibson and a delegation of Osage selected a second site follow-
ing a survey which supposedly pinpointed the location of the
ninety-sixth meridian. During January and February, 1871,
some Osage began moving into the selected area thirty miles
west of their original selection and equal to it in longitude
and total area.37 Gibson began the construction of mills
and agency buildings in the Caney or Little Verdigris River
Valley adjacent to the ninety-sixth meridian. He soon found,
however, that he would not be able to complete them without
considerable difficulty. All the timber land in the area
where he had hoped to construct his buildings was held by
Cherokee and Delaware and numerous white settler claimants,
who refused either to sell the needed timber or to surrender

36Ibid.

37"Isaac Gibson to Ely S. Parker," December 16, 1870.
ibid., 363. Also, ibid., February 25, 1871, 678-679.
the land and move on east of the meridian. 38 Gibson's difficulty was complicated by the fact that some members of the tribe objected to the location of their new reservation, complaining that even its best soil was rocky and poor and that they were located too far away from the buffalo herds. 39

As news of these conditions reached the members of the tribe living in Kansas, they were greatly dismayed. Having already surrendered their homes to go on the winter hunt, they decided to remain on the western plains and send word to the agent that they would not enter the Indian Territory until the situation there was corrected. 40

In spite of these problems, Gibson proceeded with his plans to establish the new agency. By May 5, 1871, a school teacher had been hired, the mill was in operation, the agency buildings were nearly completed, and an unspecified number of acres had been planted in crops. At this juncture, Agent Gibson was informed that the January, 1871, survey was in error. A second survey revealed that the ninety-sixth meridian was three miles west of the location previously marked. As a result, all of Gibson's buildings and improvements

36 Ibid. Also, Appendix II.
39 "Wa-sha-ba-wa-tanka, Third Chief of the Little Osage, to Enoch Hoag," February 7, 1871. Ibid., 670. The chief repeated his complaint April 5, 1871, in a letter to Commissioner Parker. He asked that he be invited to Washington to express the misgivings of most of the tribe relative to the situation in the Indian Territory. "Wa-sha-ba-wa-tanka, to the Commissioner of Indian Affairs," March 5, 1871. Ibid., 883-885.
40 Ibid., March 6, 1871, 606. Gibson offered the Cherokee 25 cents an acre for the new location. They continued to demand $1.25.
were lost and the Osage chiefs suspended all further expenditures of tribal funds.

During the summer of 1871, Agent Gibson's attention was directed to the growing numbers of white settlers entering the reserve which had been re-located west of the corrected ninety-sixth meridian. By October, 1871, he reported that he had successfully curbed the flow of people onto the Osage lands, but had been able to do very little about the 3,000 or more who had already established themselves there and refused to move. The situation came to a head when a group of squatters took possession of a well-situated Indian village and threatened to fight the owners when they returned from their fall hunt. Having failed to achieve his goal without force, Gibeon called on the military who cleared the reserve of virtually all white intruders. The forceful expulsion of the squatters proved effective except for many persistent "professional squatters, a people who move when forced to do so but return at the first opportunity."

These people, Gibson reported, waited just across the Kansas line until the troops left and then began filtering back onto Osage lands. To cope with this situation he asked for

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41 "Enoch Hoag to Ely S. Parker," May 29, 1871, ibid., 736, 740. Also, "Isaac Gibson to Ely S. Parker," June 12, 1871, ibid., 747-750. Insult was added to injury when the Cherokee, in addition to claiming all his improvements, were carrying on a thriving business selling whiskey to the hapless Osage.

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\(^41\) "Enoch Hoag to Ely S. Parker," May 29, 1871, ibid., 736, 740. Also, "Isaac Gibson to Ely S. Parker," June 12, 1871, ibid., 747-750. Insult was added to injury when the Cherokee, in addition to claiming all his improvements, were carrying on a thriving business selling whiskey to the hapless Osage.

permission to organize a company of Osage police, who would be assigned to clear the reserve of both squatters and whiskey peddlers, white and Indian, and then maintain the peace by curtailing violations - a policy preferable to allowing violations to accumulate until, as in the past, wholesale and sometimes violent action was required to correct the situation. The expense, he noted, would not be great while the advantages would be many. Gibson's recommendation was received with little enthusiasm, however, and was not acted upon since it was learned that a detail of troops large enough to cope with the violations would be assigned to the agency as long as the Osage agent deemed necessary.

By June, 1872, most of the Osage had resettled within the prescribed area in the Indian Territory. Their reserve was situated between the border of Kansas to the north, the ninety-sixth meridian to the east, and the Arkansas River to the south and west. This area was secured to the Osage by an Act of Congress on June 5, 1872. Finalization of the


44 "Ely S. Parker to Enoch Hoag," July 22, 1872, ibid., 142.

45 U. S. Statutes, XVII, 228. Also, Appendix II. The agency headquarters was located at a site called Deep Ford. Big Hill's band was settled on Salt Creek near the Arkansas River. Black Dog and Big Chief were settled with their bands on Hominy Creek, as also were some of the half breeds. The remainder of the latter were located on Bird Creek and along the Little Verdigris River in Caney Valley. The Whitehair and Beaver bands were near the center of the reservation and the Little Osage were on Salt Creek. "Isaac Gibson to Enoch Hoag," April 17, 1872, Neosho Agency, 1872-1874, 83-85.
purchase of the land from the Cherokee, however, did not take place until a year later. Because of the persuasive ability of two Cherokee half breeds, Clement N. Vann and William P. Adair, the Osage were persuaded to consent to pay the $1.25 per acre demanded, but their agent and the Washington Bureau would not authorize it. After much debate, the decision was finally passed upwards to President Grant, who ruled that a compromise between the 25¢ offered by Agent Gibson and the $1.25 demanded by the Cherokee would be fair. Thus, on September 27, 1873, the price was set at 70¢ an acre and the purchase was concluded.  

The Plight of the Osage Half Breeds

The Treaty of 1865 granted an eighty acre headright within the trust lands located along the northern half of the reservation to those half breeds who the chiefs of the tribe designated as having been loyal to the United States during the Civil War. These were also to be granted preference in the selection and purchase of an additional quarter section, should they desire to do so.  

By October, 1867, a list containing the names of twenty-six such half breeds and a description of the land to which they desired to take title was forwarded to Washington by the Osage agent. With this

46 "Edward P. Smith, Commissioner of Indian Affairs, to Columbus Delano," September 27, 1873, Neosho Agency, 1872-1874, 293-295.

information went a letter from Agent Snow, stating that many of the desired sites were currently in the possession of white men who refused to vacate, even though the Indians had lived on and improved their claims prior to the date of the 1865 treaty. 48

The list was received by Commissioner Taylor who found that the majority of the tracts described did not conform to the plats of survey, and that in some cases the amount of land requested was greater than the treaty allowed. He therefore forwarded the papers to Superintendent Murphy with a notation that all necessary action would be taken once they were corrected and returned to his office. 49 Murphy visited the reservation in August, 1868, and made the necessary corrections according to the survey, in spite of what he described as the organized opposition of the whites, who did not want to see the land patents granted to the half-breeds. 50

The list was returned to the Office of Indian Affairs in August, 1868, and remained there until June 15, 1869, when it was sent on to the General Land Office with the recommendation that patents be granted. 51 For some unclear reason the

48 "George C. Snow to Charles E. Mix." October 11, 1867. Ibid., 511-513.


50 "Thomas Murphy to Nathaniel G. Taylor." August 7, 1868. Ibid. 313.

51 "Jacob W. Cox to Ely S. Parker." June 15, 1869. Ibid.
directive remained at the Land Office for another year without being acted upon. George Snow, who was replaced by Isaac Gibson as the Osage agent in July, 1869, visited the Land Office in Washington the following year and with some effort discovered that the half breed papers had been "pidgeonholed" and that the patents would not be issued at all unless something were done to force the issue. Whatever the cause of the delay, the patents were issued by the Commissioner of the General Land Office on June 18, 1870, and were received and granted by Superintendent Hoag also in June, 1870.

The difficulties experienced by the mixed bloods, from the time the request was made until the patents were granted, resulted in the expulsion of most of them from their claims while the remainder were threatened continuously and their lands were denuded of timber. Such things apparently were not prevented by the authorities and therefore were necessarily endured by the breeds because, without the patents, they had no evidence of legal claim to the soil. They, their agent, and others, supposed that once title to the land had been granted their problems would be solved. For this

52 "Isaac Gibson to Ely S. Parker," March 16, 1870, Neosho Agency, 1870-1871, 212. There may have been no connection between the two events, but the Sturgis Treaty or the Treaty of 1868 was withdrawn on February 4, 1870, and the patents were issued on June 18, 1870.

reason. Agent Snow informed Superintendent Murphy on May 10, 1869, that he was writing for the fourth and, he hoped, the last time to discover the status of the Osage half breed headrights. The long delay, he declared, had cost the waiting mixed bloods nearly all of their timber and had led them to conclude that the government had violated its contract with them. The half breed interpreter, Louis Chouteau, also made an inquiry to Superintendent Parker saying that the government had no choice but to act immediately to restore them to their land and prevent further destruction of their timber. The Reverend Schoenmakers, Superintendent Murphy, and others made similar representations to officials but all to no avail, for, as matters turned out, they were erroneous in their belief that the patents would establish so sound a legal claim that the white squatters would hesitate to violate it.

Following the granting of the patents in June, 1870, and the passage several weeks later of the Indian Appropriations Bill, arrangements were made for the Osage to meet with the President's Board of Indian Commissioners to obtain their acceptance of sections twelve and thirteen of the Appropriations Bill. In making preparations for the meeting the commissioners discovered that, since they had received title to the land they occupied, many of the mixed bloods were now

54 "George Snow to Thomas Murphy," May 10, 1869, ibid., 925.
55 "Louis Chouteau to Ely S. Parker," November 23, 1869, ibid., 803.
reluctant to sell their improved holdings for the suggested
$1.25 an acre, when similar claims were selling at a price
from $12.00 to $15.00 an acre. Still others were determined
not to sell under any circumstances and indicated that they
would not agree to the treaty unless they were allowed to
remain where they were and file on a quarter section, like any
other settler. The commissioners felt that the demands of
the breeds were just and, therefore, they arranged a meeting
for mid-August, 1870, between them and the prominent citizens
of the nearby town of Independence, Kansas, for the purpose
of eliciting a mutual understanding concerning the wishes
and future rights of the Osage. 56

On the day preceding the meeting, August 25, 1870,
each of the Independence citizens selected to meet with the
Indians laid the necessary foundation to secure pre-emption
rights on the claims of an equal number of half breeds.
These steps were taken with the expectation that, as a con-
sequence of their conference, the Indians would give up any
plan to remain in Kansas. As the proceedings commenced,
however, the whites' previous day's activities came to light
and the half breeds whose claims were about to be seized
"were so enraged that they would listen to no proposition,
declaring that men who were capable of doing what they had

56"Special Report to the President's Board of Indian
cited as "Special Report," Neosho Agency, 1870-1871. It was
felt by some members of the commission that the Osage were
dragging their feet due to the influence of railroad agents
who were actively striving to defeat the possible treaty.
"Report of the Board of Indian Commissioners," ibid., 559-
560.
done could not be depended upon to carry out any agreement that they might consent to make. 57 When the news of the Osage flareup and the reason for it reached the surrounding towns, a meeting of all the settlers on the Osage reservation was called by a number of leading citizens for the purpose of pledging the white community to a guarantee of full protection to the Osage in whatever course they might pursue. 58 The meeting was held and, as a result, the settlers promised to pay the half breeds for all their improvements at a price to be established by an impartial committee of three white men and three Indians. The money for the claims was to be paid after the validation of the improvements and the signing of the treaty. 59 The second part of the settler's statement guaranteed full protection to any member of the tribe who chose to remain in Kansas as a settler. 60

On the basis of this show of good faith by the whites, the government commissioners advised the Indians to accept unconditionally the provisions of the Act of Congress and to place full trust in the word of the Independence area settlers. The mixed bloods, however, continued to insist that the whole proposal was unreliable and that, once the bill had been signed, they would be as lambs going to the slaughter.

57 Ibid., 504.

58 "Joseph Kemp to Vincent Colyer," August 31, 1870, Ibid., 528.


60 Ibid.
commissioners answered that they would pledge their own influence with the government to see that those desiring to remain in Kansas were protected in their rights and compel the squatters then on the reservation to make good their promises. On the strength of this assurance most of the half breeds signed the bill and thirty individuals, including several full bloods, made manifest their decision to remain on their land and become citizens of Kansas.  

Within three months of the signing of the treaty, eighteen of the Indian settlers were so persecuted that they abandoned their improvements and joined the main body of the tribe in the Indian Territory. The twelve remaining Osage, Isaac Gibson reported, like those who gave up, were severely persecuted, having their claims jumped, their houses burned, their stock killed or driven off, and they themselves were beaten or otherwise mistreated. The declarations of the whites at the time the half breeds were induced to accept the "Congress Bill" had proved, Gibson declared, to be nothing more than a great swindle. Both he and the Indians, he wrote, had gone to the "committee of distinguished settlers . . . appointed to see that they were protected" and begged for help, only to be confronted with the attitude that, "The Osages have signed the Bill and we have got the land, let the half breeds go to hell."  

61 "Isaac Gibson to Vincent Colyer," December 24, 1870, Neosho Agency, 1870-1871, 545.
62 Ibid., 496, 546-548.
Considering the fact that the government was spending yearly millions of dollars to civilize the Indians, Agent Gibson found it difficult to understand "why it is that these demons in human shape [the settlers] are allowed to thwart all their efforts in that direction." He proposed that Congress be induced to pass an act which would immediately secure to those Osage who were still in Kansas their claim to a quarter section of land. A better or more noble act, he concluded, could not be enacted. 63 Commissioner Colyer responded to Agent Gibson's letter with a call for immediate action by the military to restore the rights of the half breeds. "Justice," he declared, "demands it." Only in this manner, he went on, could the government "speedily make good the promises of your commissioner necessarily given to secure such great benefits to those who have so wickedly disregarded theirs made to these helpless wards of the government." 64

In spite of an act passed March 3, 1871, which secured to each breed his right to a quarter section of land, Agent Gibson informed Interior Secretary Parker on April 4, that "the system of atrocious persecutions from the settlers ... continued with increased violence" into the early spring. By that time only ten Indian settlers remained and five of them were ready to rejoin the tribe. Gibson gave it as his opinion

63 Ibid., 549-550. One half breed, Jacob Moster, Gibson informed Colyer, was driven from his home in mid-January without food or extra clothing and was so severely beaten with a revolver butt that he soon died of his injuries and exposure. "Isaac Gibson to Vincent Colyer," January 28, 1871, ibid., 594-595.

that if no help was forthcoming, the remaining Osage might as well abandon their claims. This, he concluded, would be best even though "they say they will have no courage to work any more elsewhere if they are forced to lose their labor here." 65

By August 31, 1871, in the absence of Federal intervention, the few Osage left in Kansas were still striving to have their lands secured to them. 66 Their number decreased to five by May, 1872, as a result of the purchase of several of their claims by the half breed Augustus Captain. Shortly thereafter, three others sold out their claims to white men and removed to Indian Territory. 67 On December 3, 1872, the last breed of record, Frank James, sold his quarter section to J. C. Dougherty for $1,200.00. Of this amount he received $130.00 in cash, $4.00 in corn, $100.00 in flour and two horses worth $200.00. The balance of $766.00 was received in the form of a note. However, because of his habitual intemperance, having sold one of the horses for $6.00 and spent $100.00 for alcohol on the day that he received his money, he was declared incompetent by a local judge and the sale was suspended. The situation was finally resolved when Enoch Hoag was made his guardian and the sale was allowed to go

65 "Isaac Gibson to Ely S. Parker," April 4, 1871, ibid., 720.

66 "A. C. Fordham, Acting Chief Clerk, Office of the Superintendent of Indian Affairs, Lawrence, Kansas, to D. R. Clum, Acting Commissioner of Indian Affairs," August 31, 1871, ibid., 794.

It appears, therefore, that by 1873, except for Augustus Captain, who had succeeded in increasing his holdings, all of the Osage mixed bloods had found it necessary to rejoin the Tribe and settle, contrary to their earlier desires, in the Indian Territory.

CHAPTER VIII

In the Promised Land

From Poverty to Riches

By the close of the year 1872, the circumstances in which the Osage found themselves were considerably improved over those of twelve months before. The agency records indicate the presence among the tribe of a physician, a gunsmith, a blacksmith, a farmer, a mason, a clerk, a shoe and harness maker, an engineer, a carpenter, and a Sawyer. The annuity for 1873 was for $50,000 or $15.00 per person, plus an additional $40,000 for the operation of the agency.¹ In February, 1873, a bid was let for the construction of a school house, a chapel, an agent's house, a warehouse, an office, and houses for the doctor and the blacksmiths. The total cost of the buildings was $21,600. These facts and figures indicate that in spite of a reluctance or inability on the part of many settlers to pay for lands they took up on one of the three divisions of what was once the Osage reservation in Kansas, a rather substantial number were meeting their obligations.² By November, 1872, from the

¹"Annual Report of the Osage Agency," January 10, 1873, Neosho Agency, 1872-1875, 334-335. Also, "Isaac Gibson to Enoch Hoag," October 1, 1872, ibid., 156. The Agent was paid $1,500.00 a year in 1872.

²According to the original agreement, the settlers were to pay for their one hundred sixty acres within one year's
diminished reserve and trust lands alone, the Osage had credited to them by the government $1,453,356.76. This amount was the net return to the tribe after deductions for survey costs and other administrative expenses. 3

In July, 1874, Agent Gibson's request for funds during the last half of the year amounted to $213,781. Included in this sum were the salaries of two additional physicians, an assortment of assistants in various professions, a millwright, a shoemaker, numerous carpenters, fifty laborers, extra supplies worth $85,000 and the cost of fifty milk cows. 4

Six months later, however, it became necessary to suspend all unnecessary services and require a twenty-five per cent salary cut for all agency employees. These measures were ordered when Agent Gibson made a request for $50,000 to cover bills which had accumulated after his 1874 budget was exhausted. 5 In calling for the cutbacks, Superintendent Hoag

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3 "Willis Drummond to H. R. Clum, January 7, 1873, ibid., 963.
4 "Isaac Gibson to Enoch Hoag," July 1, 1874, ibid., 1210-1212.
noted that the Osage were kept from their fall and winter hunts by a Cheyenne and Comanche uprising in the west and by the fear that their presence in Western Kansas might intensify an already critical situation which had developed following a clash in August, 1874, between an Osage hunting party and a group of Kansas militia. As a result of the conflict, the Indian hunters lost all the meat and hides they had gathered during the summer months. In consequence of this loss and the subsequent directives which disallowed additional hunting expeditions during 1874, the tribe suffered a serious economic setback. As Hoag went on to point out, in 1873 the tribe earned approximately $75,000 from the sale of buffalo robes and an assortment of furs. In addition, the value of the meat and tallow obtained by the Indians was estimated at $30,000. As a result of these losses, the Osage were poorer by nearly $100,000 at the end of 1874 and it was this situation which helped to create the deficit in the 1874 budget. 6

By the end of 1875, the tribe's financial situation had improved greatly and the reports of the agent which summarized the progress of the Osage during their years of residence in the Indian Territory, show evidence of progress among both full bloods and mixed bloods. Under Gibson's direction the agency administration itself had been organized and had developed to a substantial degree. At the close of the year, the reservation had a large school house.

6Ibid., December 26, 1874, 665.
residences for the agent, the physician, the blacksmith, and the farmer, three trading posts, a blacksmith shop, a wagon shop, a sawmill, a grist mill, and a number of other structures. The reservation was divided into three areas, or stations, each with a station superintendent and a blacksmith, and two of the three had trading posts. Near the three stations and the agency headquarters, there was a total of 274 fenced acres under cultivation and 415 acres planted primarily to apple trees, peach trees, and grape vines. Among the Indians, the number of acres under cultivation, in addition to squaw patches, increased from 436 to 1,637 acres for the mixed bloods, and 156 to 993 acres for the full bloods. The number of tribesmen having houses rose from thirty-two to fifty-nine among the mixed bloods and from four to thirty-six among the full bloods. The latter also had 163 still under construction. There were sixty-seven half breed families raising hogs and twenty-seven raising cattle in 1875, whereas the respective figures had been thirty-eight and twenty in 1872. There were 154 full blood families with hogs and seven with cattle, as compared to fifty-two with hogs and no cattle three years earlier. Ponies were owned by only thirty half breed families, while 455 full bloods owned 8,042. There were 280 half breeds who spoke English and 125 who could read and write. Among the full bloods, only forty spoke English and only fourteen could read and write. The figures for both were almost the same as in 1872. The number of school children increased during the period from thirty-five to fifty-two for the half breeds and from none to fifty
for the full bloods. Finally, the number of half breeds wearing white men's clothing increased from ten to 145, while the number of full bloods rose from six to thirty-six. 7

Agent Gibson attributed the overall progress of the tribe to the fact that the larger amount of money available to the tribe made it possible to aid the Indians in their improvements and to pay them a salary in cash, food, or other supplies according to the amount of work performed. Under this system of double pay, all of the adult males of the tribe were encouraged to work and the needs of civilization were thereby expedited. 8 Some of the full bloods of the tribe, however, refused to participate, maintaining that they should not have to work for money that already belonged

7 "Statistical Report of the Osage Indians: Showing Their Lineage and Progress in Civilization Since 1872." Osage Agency, 1875, 56. In reflecting back over the years which followed the sale of their land in Kansas and their resultant affluence in the Indian Territory, the Reverend Mary Paul Ponzigilone recalled how the Osage changed from a poor people whose needs were few, having one and sometimes no agent and very little additional help, to a nation with $9,000,000 to its credit and an array of agents, sub-agents, secretaries, commissioners, sheriffs, police, doctors, and farmers who gave the agency headquarters the appearance of a regular town. Under the new situation, he wrote, "The Osages are like orphans, and all these useless employees are like guardians fattening on their treasury, while quite a number of families of these good people are not only in destitution, but are suffering real need." "Mary Paul Ponzigilone to the Reverend Father," Woodstock Letters, XI (July 1, 1882), 280-281.

8 "The Seventh Annual Report of the Superintendent and Agents of the Central Indian Superintendency," (Lawrence, Kansas: Journal Steam Book and Job Printing House, 1876), 5-7, 18-25. Hereafter cited as "Seventh Annual Report," Central Supt. During the year 1875, the agency personnel and the 3,000 plus Osage listed on the tribal roles were responsible for raising 72,000 bushels of corn, 19,200 bushels of wheat, 1,025 bushels of beans, and 6,560 bushels of potatoes.
to them. During the summer of 1875, when they were once again told that they could not undertake a hunting expedition, the Osage were forced to subsist almost entirely on government rations and "injury was added to insult when the new regulation was added which [also] required labor in payment for rations." The rebellious full bloods were able to ignore the government work requirement as long as they could depend on the hunt. When that source of supply was closed to them, however, they were forced to submit, but not without voicing their displeasure, saying they had not authorized the federal authorities to so expend their money, charging them twice for their sustenance.

The already hostile feelings of "the wild and ignorant full bloods," Agent Gibson reported, were influenced in their course by a number of influential half breeds, principal among whom were two Cherokee, Clement N. Vann and William P. Adair, who had been associated with the tribe for a number of years. These two, Gibson claimed, made visits to

9 Ibid., 19-24.
10 Ibid., 27.
11 Ibid. William P. Adair and his partner Clement N. Vann approached the Osage following the signing of the Sturgis Treaty and offered to use their influence in obtaining its defeat. After several rejections by some tribal leaders and in spite of their being totally rejected by the agent and superintendent, a contract was secretly signed by several of the chiefs which stated that in case the treaty were defeated the two Cherokee were to receive one-half of whatever the tribe eventually obtained beyond the amount promised by Sturgis and his associates. Following the withdrawal of the treaty by the President and the acceptance of the articles of removal by the Osage in 1870, the contract was returned by Vann to the Governor of the tribe with the
the reservation and wrote letters to disaffected Osage for
the purpose of ridiculing them for their labors, "telling
them that their agent had no authority to purchase supplies
for them, but that it was his duty to give them their money
in hand, so they could do what they pleased and have white
men and other Indians do their work." One of the worst
evils among the Osage, Gibson declared, was the unprincipled
character of many of the tribal leaders. These were men, he

comment that he and Adair had done nothing to bring about the
defeat of the agreement. "Statement by 214 Chiefs and Braves
to the Osage Tribe," February, 1873, Neosho Agency, 1870-
1871, 768-773. In 1873 the two Cherokee presented their
claim, asking for one-half of the Osage increase, but for
$230,000. They reminded the Indians that their expenses
while representing the interests of the tribe were great and
that the sum requested would leave them only a small amount
after influential members of Congress were paid the money
promised to them in return for their support. On December 14,
1874, Governor Joseph Paw-ne-no-pashe and chiefs Black Dog,
Hard Rope and twenty-six other chiefs and braves met with
Vann and Adair and signed a statement confirming the contract
with the two Cherokee and asking that the government allow
them the full amount of their claim. "Chiefs and Braves of
the Osage Tribe to Commissioner Edward P. Smith," January
13, 1875, Osage Agency, 1875, 339-340. Other members of the
tribal leadership, who previously had opposed the payment
of such a large amount, stated that the services of the two
should be recognized, but not by such an exorbitant sum.
In answer to their wish, and after reviewing the case, the
Secretary of the Interior, Columbus Delano, authorized the
payment of $50,000 to the claimants as compensation in full
for their services. "Enoch Hoag to Edward P. Smith,"
December 26, 1874, Osage Agency, 1847-1874, 665. From 1875
through 1878, Vann and Adair continued to press for the pay-
ment of the remaining $180,000. On June 7, 1878, the House
Committee on Indian Affairs, after carefully reviewing the
case presented as the majority opinion the view that the
claim was justified and should be paid. The minority re-
port strongly objected, charging that Vann and Adair used
bribes to gain the support of many leading Osage and that
whatever service they may have performed had been fully com-
penated for in the $50,000 already awarded. House Report,
45 Cong., 2 Sess., (1830), No. 914, pp. 1-9. The case was
still undecided in May, 1880. At that time the Commissioner
of Indian Affairs also recommended to the House that the
wrote, who were completely corrupted by their exposure to individuals such as Vann and Adair. 12

The charges made by Gibson against the two Cherokee were partly in answer to earlier allegations which they had brought against him. Some months back, in June, 1875, they had represented a segment of the Osage nation in voicing opposition to the agent and in calling for his immediate release. 13 This was the latest of a number of recorded communications dating back to November, 1873, in which they assisted the Osage in the formulation of complaints against their agent. 14

Another problem which confronted Gibson and involved the Osage concerned his being the first appointee to the post of Osage agent following the introduction of the peace policy, or, as it was otherwise known, the Quaker Policy, of President Ulysses S. Grant. 15 His coming to office coincided with

claim be paid. House Report, 46 Cong., 2 Sess., (1937), No. 1519, p. 1. The claim continued to be mentioned throughout the 1880's and early 1890's by the two claimants and later by their heirs, but no evidence has been found to indicate that all or part of the remaining $180,000 was ever paid.


13 "Edward P. Smith to William C. Adair," July 2, 1875, Osage Agency, 1875, 959. Commissioner Smith informed Adair that his office did not in any way recognize him "as representing the Osage either as agent or attorney and you will please hereafter cease your interference with the affairs of that agency in any form whatever . . . ."

14 "Osage Chiefs to the President of the United States," November 15, 1873, Neosho Agency, 1872-1875, 266-268.

the removal of the Osage from Kansas and, in conjunction there-
with, with their removal from the direct influence of the
Catholic Church. The many secular problems facing Gibson,
such as the selection and price of a proper home site, the
unabated conquest of Osage land by determined squatters, and
the proper allocation of large sums of tribal money, were
joined by a religious question involving the traditional at-
tachment of many of the Osage to Catholicism as opposed to
the Protestant background and philosophy of Quaker Gibson.

Under the terms of the Treaty of 1865, the Osage had
been promised that, should they eventually desire to forsake
their home in Kansas for one further south, the Catholic
missionaries would be allowed to accompany them. This promise
was reaffirmed in the Sturgis Treaty of 1868. In 1869,
however, a new administration, a new treaty, and a new
Indian policy were introduced and the promises of 1865 and
1868 were generally ignored by everyone except a large number
of Indians and the administrators of the Osage Manual Labor
School and their superiors. These two groups, the Cherokee
half breeds and the representatives of the Catholic Church,
comprised a voice of protest which grew into a source of
considerable difficulty for Agent Gibson.

16The provision was contained in the Eighth Article of
the Treaty of 1865, and in Article Nine of the Sturgis Treaty
of 1868. The latter stipulated "that the Osage Indians being
sensible of the great benefits they have received from the
Catholic Mission and being desirous to have said Mission go
with them to their new homes," made provisions to that end.
"Charles Ewing, Commissioner of Catholic Indian Missions, to
Columbus Delano," October 19, 1874, Osage Agency, 1847-
1874, 661.
From the earliest days of his appointment, Gibson was accused of being too dictatorial and of interfering in the affairs of the tribe. "He has never treated us like free men," they complained, "... but like children or something worse. We think an agent should try to prove himself a friend and not a master - we have not been used to it and are not willing to submit to it." Evidence of his desire to dictate and interfere, it was claimed, was seen in his efforts to have Joseph Paw-ne-no-pashe, who had become Head Chief following the death of Little Whitehair in December, 1869, replaced by "his pet," the interpreter Alexander Beatt. On election day the people gathered, as was the Osage custom, at an erect pole which was placed in the ground and named after the man whom they favored for the position being contested. On this occasion, all of the voters except four gathered at the pole named after Chief Joseph.

The results of the election constituted a strong rebuke to Agent Gibson's activities as they impinged on tribal politics and also on the spending of Osage funds.

17 "Wah-te-in-kah, Chief Councilor of the Little Osages to the President of the United States," November 15, 1872, ibid., 266-267.

18 Ibid., 268. Mary Paul Ponziglione, who knew him well, reported that when Joseph became the principal Osage Chief he went wild and became "the scourge of the border lands," taking four wives and many scalps. Following Joseph's death from smallpox, Ponziglione said, "would to God Joseph had always followed the advice given him by the Father; if so, how much happier he might now likely be." Ponziglione, "History of the Osage," 294, 315.
From the time of their arrival in the Territory, Joseph and other tribal leaders had charged Gibson with having expended Osage monies unwisely. This was thought to be true especially on the two occasions when, after numerous expensive improvements had been made, the Osage were forced by the Cherokee to move before they were allowed to settle on a permanent reservation. With the rising dissatisfaction, there came also a demand for greater tribal autonomy in the accessibility and expenditure of the growing reserve fund resulting from the land sales in Kansas. Various proposed schemes, all of which circumvented or excluded Gibson, called for the selection of Osage officials who would control part or all of the tribe's finances. It was argued that the Osage leaders were more aware of tribal needs and could expend the funds more appropriately and advantageously than could a stranger. This was especially true, it was charged, in the case of Agent Gibson, "who beyond doubt is doing all that he can to control the Osage funds to his personal advantage in more ways than one." It was maintained that Gibson's desire to retain control of the agency was so extensive that those who expressed dissent to his policies were forced to mail

19Ibid. Also, "Osage Chiefs to President Ulysses S. Grant," August, 1873, ibid., 1031-1032.

20"Augustus Captain to Edward P. Smith," March 31, 1874, ibid., 1062. Also, "Isaac Gibson to Edward P. Smith," March 18, 1874, ibid., 1113-1114.

duplicate copies of their criticism when corresponding with government officials out of a fear that the agent was destroying all such mail. The second copy was, therefore, forwarded through the office of the Cherokee agent. 22

In conjunction with their demand for increased access to the wealth of the tribe, the Chiefs filed two petitions with the Office of Indian Affairs which involved the expenditure of a substantial part of the tribal funds. The first petition was for the payment of the $230,000 claim of William P. Adair and Clement N. Vann as compensation for their efforts in effecting the defeat of the Treaty of 1868. 23 The second petition dealt with a request by the Osage leaders, asking that they be allowed a voice in deciding which religious organization should administer their educational

22 "Osage Chiefs to President Ulysses S. Grant," August, 1873, ibid., 1037.

23 See Chapter VIII, Footnote 11. Agent Gibson opposed both of the above measures, plus the request that the finances of the tribe be turned over to local authorities. In the case of the Vann-Adair claim, he rallied the opponents of the measure and had them forward their own petition to Washington, denouncing the whole scheme as an attempt by some bribed chiefs and the two Cherokee half breeds to defraud the tribe of many thousands of dollars beyond what the two claimants deserved. The original recognition of the claim, Gibson wrote, was obtained when Vann and Adair forged the names of fourteen of the alleged signers on the petition. Their swindle, he concluded, had proved to be "the best of its kind, and a government with proper laws and faithful men to execute them should consign these presumptuous villains to the penitentiary for life." "Osage Chiefs and Braves to the Honorable Commissioner of Indian Affairs," March 16, 1874, ibid., 1301. Also, "Seventh Annual Report," Central Supt. 22. Vann and Adair denied Gibson's statements, charging instead that he obtained signatures for the counter petition by threatening and frightening the Indians. "Clement N. Vann to Edward P. Smith," September 6, 1873, Neosho Agency, 1872-1875, 1073.
program. The second petition received more formal expression in October, 1873, in a letter from the Reverend John Schoenmakers to the Commissioner of Indian Affairs, which said that the Osage were begging for the establishment of a Catholic School among them and that "in their despair both breeds and leading full blood Indians have resolved to send their children to our schools at Osage Mission . . . ." He would, he wrote, do all in his power to help the Osage but in order to begin plans for expanding the schools, it would be necessary for the government to agree to a cost per child payment to the school of $150.00 a year instead of the $73.35 previously charged.

As the months passed, the Osage made repeated requests for Catholic control of education on the reservation and Reverend Schoenmakers made repeated requests for more money and for additional students. In time, the controversy was entered into by Charles Ewing, Commissioner of Indian Missions for the Catholic Church, who, on October 19, 1874, wrote Secretary of the Interior Columbus Delano to demand immediate action on petitions the Great and Little Osage had presented to his office which, for some unexplained reason, he said, had received no response. Further unwarranted delay, he asserted, would place in jeopardy

24"Osage Chiefs to President Ulysses S. Grant," August 1873, Neosho Agency, 1872-1875, 1037.

25"John Schoenmakers to the Commissioner of Indian Affairs or the Secretary of the Interior," October 21, 1873, ibid., 1006.
the "liberties guaranteed to all men by our Constitution, and, to these Indians, by special treaties . . . ." 26 Ewing reminded the Secretary that in March, 1874, a delegation of Osage, headed by their Chief, Joseph Paw-ne-no-pashe, visited Washington and "without suggestions or assistance drew up and addressed to Honorable Assistant Secretary Cowen" a petition expressing the unanimous sentiments and wishes of the entire nation that their former missionary, Father Schoenmakers and those associated with him in his missionary and educational labors among the Osage be permitted once again to work with the tribe. They further stated that the Osage were indebted to the missionaries for all they knew of Christianity and civilization and that, since being separated from them they had made little or no advancement in either area. "Religion among the whites," the petition concluded, "is a matter of conscience and voluntary choice. . . . why should it not be so among the Osages? Give us we beseech you, our own choice in this matter." 27

Secretary Cowen, Ewing asserted had promised to present the Osage petition to the President and obtain an immediate answer. On the following day, however, he claimed that their agent, Isaac Gibson, forced them to leave Washington and, at the same time, Ewing declared, their petition was removed from the files of the Interior Department. Following the


27Ibid., 659.
return of the delegation to the reservation, Ewing stated, the Council of the Great and Little Osage reaffirmed the "earnest desire and sincere wish of the whole Osage nation in asking the return of their Catholic Missionaries."  

Commissioner Ewing forwarded to Secretary Delano the minutes of that Council meeting, as well as copies of several additional petitions which the Osage had mailed to the Secretary, or to the Commissioner of Indian Affairs, during the two previous years. In view of the sentiment expressed in these documents and their recognition in the Treaties of 1865 and 1868, Ewing concluded that there cannot now remain a doubt in your mind as to the Catholicity of the Great and Little Osage Indians . . . . The petition of a defenseless people for simple justice at the hands of a great government, is the strongest appeal that my head or heart can conceive . . . you must give this agency to the Catholic Church, or you publish the announcement that President Grant has changed his policy, and that he now intends to force that form of Christianity on each Indian tribe that he may think is best for each.  

The Commissioner's request for the return to the Catholic Church of the complete Osage program for religious and secular training, like Schoenmakers' plea for additional funds, had a cool reception both in Washington and locally. Agent Gibson took the position that all parents who desired to send their children to the Osage Manual Labor School in Kansas should do so, but not at the cost specified by

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28 Ibid., 659.
29 Ibid., 660-611.
Schoenmakers. He suggested instead that the amount allowed for the education of each child be increased to $125.00 a year, insisting that even at that amount the proprietors of the school would still realize a handsome profit.\textsuperscript{30} Situated as they were near the railroad and being possessors of a large and productive farm which the church "acquired from the Osage at a nominal price and mostly improved by Osage labor, it would," he felt, "show no great deal of generous feeling toward the Osage to be satisfied with present rates."

Gibson also noted that, aside from their many complaints and apparent agitation, "no chief or leading man [full blood\textsuperscript{7} patronized the school and this is indicative [sic\textsuperscript{7}] of the little interest shown in the 20 year effort of the Catholics to civilize and educate the Osage and this in spite of the work of many teachers, missionaries, and priests."\textsuperscript{31}

Because of their unfavorable attitude toward the Catholic institution, Gibson stated, a number of leading tribesmen had prevailed upon him to establish an on-reservation school. In accordance with their wishes, construction of the building was started in March, 1873, and completed the following December. When the new institution opened its doors for instruction in January, 1874, there were twenty-three Osage children in the Catholic school in Kansas. By March, 1875, Gibson reported that the figure was reduced to eleven breeds and orphans while his own school enrollment

\textsuperscript{30}"Isaac Gibson to Edward P. Smith," March 4, 1875, Osage Agency, 1875, 94.

\textsuperscript{31}Ibid.
grew to thirty-four breeds and fifty-four full bloods. With the Osage school well established and flourishing, he saw no reason to allow the Catholics to enter the reservation for any purpose other than to conduct occasional religious services for their people. Encouragement of the latter would continue, he pointed out, even though the priests took advantage of every opportunity, both openly and in private confession, to convince the students that the agent and his associates were heretics and, therefore, unfit to have the care of children.

In answer to charges that the Catholic children attending the reservation school did so at the expense of their conscience and that many others were turned away from the Kansas school because of lack of funds, Gibson claimed that both assertions were false and that "it is not the Osages who want the Catholic School and missionaries but it is the Catholics who want the Osages, the ignorant Osages with their vast resources . . . ." In this, he declared, the Catholics were acting on their honored watchword, "the end sanctifies the means." He was in favor, Gibson concluded,

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32 Ibid., 95.
33 Ibid., 96.
34 Ibid. Officials in Washington turned down a request by Charles Ewing for the transfer of the agency to the Catholic Church. They did, however, approve Gibson's recommendation that the Manual Labor School be allowed $125.00 a year for each student. The amount of money allocated for the year beginning in the fall of 1875 was based on the eleven students in attendance as of May of that year plus a reasonable increase, raising the anticipated total to forty-five. As a result of the efforts of the priests and missionaries during the summer, forty-seven students were enrolled.
of increasing the cost per student allowance to the Catholic school because he wanted to "remove all imaginary grounds for complaint," even though he knew the additional funds would produce an increased effort by the Catholics to obtain Osage children while "traducing the agent and protestant employees and retarding in every possible manner the progress of an enlightened and intelligent civilization. But if they are permitted to do their worst we will do our best and confidently leave results to providence."35

during the last quarter of 1875 and the number increased to eighty-three by January, 1876. At this point a crisis arose when Schoenmakers asked for an additional $31.25 per quarter for each student above the forty-five originally budgeted for. When Commissioner of Indian Affairs Edward P. Smith refused to provide additional funds, a position concurred in by the Secretary of the Interior and the local Superintendent of Indian Affairs, Schoenmakers threatened either to close the school or send home seventy-two of the Osage children. He changed his mind, however, and asked that at least $25.00 per student be allowed, since he had already spent $1,000.00 to purchase clothing for them. This plea also was refused both by the Secretary of the Interior and the Osage Council. The latter was asked to make up the necessary funds out of the Osage Annuity but it refused to do so. As matters turned out, Schoenmakers was forced to get by with the amount appropriated and he, in turn, reduced the number of students to fifty-three during the second quarter of 1876.

"Isaac Gibson to Edward P. Smith," January 28, 1876, Osage Agency, 1876, 429. Also, "William Nicholson, Superintendent of the Central Superintendency, to John Schoenmakers," March 3, 1876, ibid., 448; Ibid., March 7, 1876, 450-451; "John Schoenmakers to William Nicholson," March 6, 1876, ibid., 650; Ibid., March 10, 1876, 656; "Charles Ewing to Zachariah Chandler, Secretary of the Interior," April 8, 1876; ibid., 141-143; "William Nicholson to J. O. Smith," June 1, 1876, ibid., 221.

35"Isaac Gibson to Edward P. Smith," March 4, 1875, Osage Agency, 1875, 96. Mary Paul Ponziglione, in commenting on the Catholic loss of jurisdiction over the Osage, expressed sorrow that since that time, only a very few of the tribesmen who had once been good Christians bothered to attend Mass. Since falling under the care of the Protestants he stated, "they have forgotten all our good advices." He
While Gibson was impugning the motives of the representatives of the Catholic Church in their aggressive drive to win control of the government program for educating the Osage, he was in turn being accused of gross neglect of his charges. It was alleged that many Osage were suffering for want of food and other necessities because they would not cooperate with the vengeful schemes of their agent.\(^{36}\) After numerous Indians, both individuals and groups, had written to President Grant to protest the actions of their agent, in May, 1875, the Osage Council brought formal charges against him. They wrote that as "helpless Indians whose only weapon is truth and justice" they were concerned that their agent was withholding the truth from the President in order that he might keep hidden the fact that he was making a great deal of money from his office and that the Osage were being callously abused by him. They asked, therefore, that he be released as their agent for the following reasons:

1) He was constantly interfering with their choice of religion by frustrating their demands for Roman Catholic priests and missionaries to head up the church and the schools on the reservation.

went on to point out, however, that some good had been accomplished as evidenced by the fact that none of them had become Protestants. "Mary Paul Ponziglione to the Very Reverend Father O'Neil," Woodstock Letters, IV (December 31, 1881), 111-118.

\(^{36}\) Mary Paul Ponziglione, "Origin of the Osage Mission" Woodstock Letters, IV (1876), 68-69. Ponziglione also accused the agent of using all manner of allurements and seductions to get both breeds and full bloods to attend Protestant services. When these did not work, he would release them from their jobs or persecute them in some other way, Ponziglione said.
2) He acted contrary to tribal laws and customs by claiming the right to approve laws and disband the council as though he were the chief. This he did because he was afraid the council would expose his fraudulent acts.

3) He consistently refused to show his account books to council members for fear they would expose his defrauding of the tribe.

4) He favored certain traders over others and attempted to force the Osage to deal only with his friends.

5) He was extremely partial in his method of distributing annuities, always favoring his pets to the disadvantage of the remainder of the tribe.

In July, 1875, the principal chief, Joseph Paw-ne-no-pashe, and 180 tribesmen made similar charges to Secretary of the Interior Delano. At the same time, Commissioner Edward P. Smith received two letters of complaint from William P. Adair. The first was accompanied by a copy of the Osage Memorial and recommended that an immediate investigation should be made. Claiming that he was an attorney for the Osage and on the basis of certain information in his possession, he said, he felt that it was his duty to ask that no further funds be placed in Gibson's hands. In the second letter he reviewed the charges against the agent and mentioned once again the need for an investigation into his accounts before any further funds were entrusted to him. "Such,"

37 "Osage Council to President Ulysses S. Grant," May, 1875, Osage Agency, 1875, 1125-1128.

38 "Joseph Paw-ne-no-pashe and the Chiefs and Braves of the Osage Tribe to the Secretary of the Interior," July 6, 1875, ibid., 1277-1278.

39 "William Adair to the Honorable Edward P. Smith, Commissioner of Indian Affairs," July 1, 1875, ibid., 11-12.
he stated, "would do no one injury whose desire is for justice. And if Gibson is truly the worthy person his office demands then he should welcome such an investigation." Following the receipt of these letters a committee was appointed to act as a special commission to investigate the Osage Agency. 41 Before the committee had time to begin its inquiry, however, Agent Gibson spoke out in his own defense in a letter written September 1, 1875, to Commissioner Smith. He declared that the many corrupting influences on the reservation - namely the disappointed traders, the would-be contractors, the Cherokee half breeds, and the discharged employees - had joined forces with "the Roman Catholic Interest, which has been assiduously at work for months past among the Osage, manufacturing and circulating through the press the grossest libels on the management of this agency . . . ." The reservation must be cleared of these elements, he warned, or the Osage would necessarily have to "be abandoned to their rapacious greed." Those half breeds, he said, who were "shouting the loudest for Catholic priests, are the leaders in procuring the fraudulent claim, of Vann and Adair and the full bloods who are doing the same thing, are the wildest and most insolent of the tribe . . . ." The preference of these elements for the Roman Catholic Church was, 

40 Ibid., July 2, 1875, 13-14.

41 "H. F. Hawkes, Director, The Chicago Relief and Aid Society to Edward P. Smith," August 2, 1875, ibid., 401. Hawkes indicated in his letter that the committee was composed of himself, W. W. Van Voorhes of Athens, Ohio, Henry S. Neal of Ironton, Ohio, and E. C. Kemble as Chairman and Secretary of the Commission.
gibson noted, because its practices were so much like their own heathenish customs. The governor, chiefs, counselors, and others who were advocating his removal were doing so, he claimed, because the priests and Vann and Adair had led them to believe that under a new agent they would receive larger cash annuities and be excused from having to work for what they received. In opposition to this view, he wrote, was a class of half-breeds and full bloods who were honest, loyal, advanced in civilization, and "do not want Roman Schools." The contest, he concluded, pitted "Catholics, corruption, and wild Osage against the Bible, honesty, and civilization."  

The commission assigned to investigate the affairs of the tribe met during the last week of September and the first week of October, 1875. At the conclusion of a series of long and detailed hearings, it was reported that none of the eighteen charges brought against Agent Gibson were fully sustained. Since mistakes had been made and numerous misunderstandings had arisen, however, the majority of the commissioners recommended that Gibson pursue a more flexible and conciliatory policy toward those of the tribe who disagreed with his views. He was directed to shape his plans for civilizing the Indians so as not to split the nation and, to this end, to be more conservative in the expenditure of tribal funds. Since the Indians objected to his having


43 Ibid., 23.
cattle on the reserve, he was told to discontinue the practice. Much of the disturbance on the reservation was, the commissioners felt, due to Gibson's having been derelict in using the means at his disposal to keep the reserve free of unauthorized persons guilty of illegally advising and counselling the tribe in paths contrary to Osage laws and to Indian Department policies. Finally, the Commissioners directed that the agent should avoid any sectarianism and should allow complete religious freedom at the Osage School.

In a dissenting minority report, Commissioner Neal wrote, "The testimony clearly shows that no religious sectarianism has ever been or is likely ever to be taught in the agency schools. I see no occasion, therefore, for any advice being given Mr. Gibson on this subject." He went on to explain that in his view the investigation brought nothing to light that merited reprimand of the agent. Gibson's record during his six years in office, Neal averred, shows as few mistakes and irregularities as the most careful of public officers would be likely to commit." To dismiss the agent, he concluded, would be the same as removing a bulwark between the Osage and those who desired to rob and plunder them, and would be disastrous to whatever prospects existed for the eventual civilizing of the tribe.

Shortly after the government investigators submitted their report, John J. Ingalls, United States Senator from


Kansas, informed the Commissioner of Indian Affairs that in view of their findings he felt that it would be advisable for the Commissioner to direct the Society of Friends to submit the name of a suitable replacement for Gibson. "I believe," he wrote, "it would be the best course for all concerned and that it is the only method by which serious trouble can be avoided." The same request was made on November 14, 1875, by Joseph Paw-ne-no-pashe. He insisted that the agent was causing all the tribe's troubles by refusing to recognize him as the leader of the Osage and by working instead through men who were not the choice of the tribe, but were loyal to Gibson and were "willing to do his dirty work." "Now we want help . . . to get a new man; for if this man stays," he declared, "there will be great trouble among the Osage." In view of continued opposition to him, Gibson was released as Osage agent in January, 1876, and Cyrus Beede was appointed to take his place. The new agent arrived at the reservation on February 21, 1876, to take over the affairs of the agency from Gibson. Sometime between his February 21 arrival and March 21, Senator Ingalls was notified that Isaac Gibson was still at the agency and had not surrendered the books and papers in his possession to Beede. In a letter to

46 "John J. Ingalls, United States Senator, to Edward P. Smith," October 20, 1875, Osage Agency, 1875, 588.

47 "Joseph Paw-ne-no-pashe, Governor of the Osage, to Superintendent Enoch Hoag," November 14, 1875, ibid., 494-495.

48 "Edward P. Smith to Cyrus Beede, Osage Agent," January 27, 1876, Osage Agency, 1876, 213.

49 "Cyrus Beede to Edward P. Smith," April 5, 1876, ibid., 556.
Commissioner Smith, Ingalls stated that to his knowledge Gibson's continued presence among the Osage was "detrimental and obnoxious to the interests of the tribe" and that he should be ordered to desist from taking any further part in the affairs of the agency and to leave without delay.  

A copy of Ingalls' note was sent to both Agent Beede and to ex-agent Gibson. The former, who was asked to report on the matter, wrote that Gibson was still at the agency engaged in closing the accounts and that no problems existed as a result of his being there. Gibson reacted to the Senator's statements with the observation that he was not anxious for the controversy between him and his enemies to continue and that the time for denying falsehoods was past. He had assumed, he said, that those in a position to do so would have supported him, but since his removal had been arranged to appease those rapacious enemies of truth and right and civilization I have no heart to deny any crimes, or misdemeanors, imputed to me, nor have I any disposition to resist the issuing of an order for my ejection from the Indian Country, indeed it would be a fitting and appropriate conclusion to my experience of the last few months to be ordered out, and it might perchance be the thing that would convert those blackmailers and thieves to ways of peace and virtue . . . .

50 "John J. Ingalls to Edward P. Smith, Commissioner of Indian Affairs," March 21, 1876, ibid., 330.

51 "Cyrus Beede to Edward P. Smith," April 5, 1876, ibid., 556.

52 "Isaac Gibson to William Nicholson, Superintendent of Indian Affairs," April 17, 1876, ibid., 841-849.
The Osage Outbreak of 1874

While Agent Gibson was having his soul tried by the several forces contesting for control of the Osage and their tribal funds, the Indians themselves were undergoing serious but familiar difficulties. For several years following their removal to the Indian Territory, the Osage ceased to be a threat to the peace and prosperity of the Kansas frontier. Although reports of depredations committed by members of the tribe continued to be received, they were far fewer in number than was the case in earlier years. One reason for the comparative quiet was that some agricultural success and the accumulation of funds from the sale of their Kansas lands made the Osage less dependent on hunting for their sustenance and they were, therefore, not faced with dire circumstances should one of their hunts prove unsuccessful. In the spring of 1874, however, a situation began taking shape which was to greatly alter the relative quiet of the previous three years.

An indication that trouble was brewing was contained in a message dated April 1, 1874, from Superintendent Enoch Hoag to Thomas A. Osborn, the Governor of Kansas. The superintendent complained of thefts by some white settlers which he feared would lead to serious trouble if not curbed immediately.53 The nature of the alleged offenses were

53"Enoch Hoag to Thomas A. Osborn, Governor of the State of Kansas," April 1, 1874, Correspondence File of the Governors of Kansas, 1873-1877 - Indians, Kansas State Historical Society, Topeka, Kansas. Hereafter referred to as Governor's File.
explained by an accompanying letter from John D. Miles, Agent for the Cheyenne Indians. Agent Miles reported that thirty-eight horses and five mules had recently been stolen from his Indians. The livestock were traced into the area of the whites' Medicine Lodge Creek settlements in south-central Kansas, at which point the Cheyenne were turned back, being told that the animals were not there. Miles felt that their frustration in failing to retrieve their property, plus the general demoralization resulting from the illegal sale of alcohol to the tribe by Kansans, could possibly result in a serious outbreak during the coming months.

At the end of May, Miles' fears seemed to be substantiated by a report from Dodge City which declared that the Cheyenne and other frontier tribes had united and were determined to clear the territory of whites. The same information in The Wichita Eagle contained news of an alleged murder and mutilation June 18. Word was also received of several other victims of Indian outrages who were either dead or wounded. One such happening was reported by a group of citizens living in Medicine Lodge, Barber County, Kansas. They informed the Governor that the county was being raided by Indians who had scalped a farmer named Keim and stolen a number of horses from the village of KIowa. Two days later,

54 "John D. Miles, to Enoch Hoag," March 23, 1874, ibid.
55 The Wichita Eagle, June 25, 1874.
56 "Citizens of Medicine Lodge, Barber County, to Governor Thomas A. Osborn," June 17, 1874. George W. Martin, (comp.), "Osage Troubles in Barber County, Kansas, 1874, Correspondence Between the State Government and the Interior Department - Testimony Relative to the Killing of Four Osage Indians," (Topeka, 1875), 3.
on June 19, 1874, the Governor received a second letter from Medicine Lodge, stating that not one but three men had been killed and their horses stolen. Another incident which was reported in The Wichita Eagle told of a surveying party which claimed to have lost considerable stock to "those beautiful savages that Uncle Sam is feeding." The communication ended by stating, "As yet we have preserved our scalps. How long we will be permitted to enjoy that luxury remains to be seen." Under the caption "Later" was another release which declared that matters on the southern border were very dark, that five men had been killed on the Medicine River; and that the settlers at Medicine Lodge, Barber County, were calling on the Governor for help and were erecting defenses.

On June 23, 1874, the Governor received a telegram which reported the happenings at Medicine Lodge and requested an immediate shipment of food and supplies. On the same day word was received from one D. L. Payne of Wichita, who informed the Governor that a bona fide uprising existed along the southern border. He also enthusiastically offered the Governor his services, declaring "you know my reputation

57"M. W. Sutton, B. P. Ayers, and Jacob Swank, Citizens Committee of Medicine Lodge, Kansas, to Governor Thomas A. Osborn," June 19, 1874, ibid.

58The Wichita Eagle, June 25, 1874.

59Ibid.

60"Citizens of Medicine Lodge, Kansas, to Governor Thomas A. Osborn," June 23, 1874, Governor's File.
as an Indian fighter and hunter . . . send me out and I will bring back hair." 61

From June 5 to June 22, Captain C. B. McLellen of the 6th Cavalry travelled throughout the southern part of the state. His written report of the 23rd stated that he had seen no Indians but that he had observed many traders going south into the Indian Territory without any apparent sign of fear. 62 On June 24 and 25, General John Pope, Commander at Fort Leavenworth, wired the Governor that a cavalry unit sent to Medicine Lodge had informed him that to all appearances the fears expressed by the settlers were exaggerated. It was also stated that they were unable to confirm the alleged murders. 63

C. C. Bemis, a resident of Hutchinson, Reno County, sent a telegram to the state house on June 25, which confirmed the General's message. Bemis reported that people from the southern part of the county were stampeding into Hutchinson without any apparent reason. 64 In a letter mailed to the Governor on the same day, Bemis wrote that he had just received word from Medicine Lodge that all was well.


63 "General John Pope to Thomas A. Osborn," June 24, 1874 and June 25, 1874, Governor's File.

64 "C. C. Bemis to Thomas A. Osborn," June 25, 1874, ibid.
there except that they wanted rations badly. "I do not know," he concluded, "but they are rather trying to keep up the excitement in the hope of getting them."65

The torrent of claims and counter-claims continued. On July 7, Osborn received a wire informing him that five government traders had been killed while en route to deliver gifts and supplies to the Indians.66 On the same day General Pope telegraphed a report of many patrols active in the reportedly hostile areas and renewed his charge that few of the atrocity stories reaching the ear of the Governor were true.67 Having been requested by the Governor to investigate the reported deaths of the five government traders, the General replied that they were not employed by the government and were in the Territory illegally. If such people were to obtain protection, he wrote, they would have to come out of the Indian Territory to receive it.68

An article in The Wichita Eagle on July 9, 1874, drew attention to the problem. Under the caption "The Red Devils

65Ibid., June 25, 1874. The charge that the settlers of Kansas were purposely causing an Indian War was not new to that frontier. The claim was made time and again in connection with the alleged Osage Outbreak of 1874. Many of the settlers themselves were not hesitant to declare that government rations which were available to local militiamen on active duty were practically their only source of food supplies during that year.

66"M. R. Cordiero, Wichita, Sedgwick County, to Thomas A. Osborn," July 7, 1874, ibid.

67"John Pope to Thomas A. Osborn," July 7, 1874, ibid.

68Ibid., July 8, 1874.
on the Warpath - Bloody Work in the Indian Territory," the story declared that wild and savage bands of Indians were turning the Indian Territory and southern Kansas into a blood bath. The settlers were cautioned to be careful and, if nothing else, whenever possible, they were to keep posted by the Texas cowboys in the area, who would know better than anyone else if the Indians were about to go on the warpath. The article also contained the comment that the country was full of rumors which grew worse in proportion to the distance between their source and the scene of the activity.\(^69\)

As a result of the many conflicting reports reaching Topeka, the Adjutant General, C. A. Morris, accompanied by twenty members of the state militia, made an inspection tour of several southern Kansas counties. In spite of a July 14 report, which stated that 600 hostile Osage were camped within forty miles of Medicine Lodge, Morris reported upon his return that he had seen nothing to indicate that the Osage or any other tribe had recently been in the area.\(^70\)

The war fears of southern Kansans were tempered by an article in *The Wichita Eagle* encouraging them to return to their homes, from which they unwisely had fled. It was admitted that a few hostile bands were still at large but said it was felt that these could easily be handled by the cavalry.

\(^{69}\) *The Wichita Eagle*, July 9, 1874.

It was generally believed that the scare was over, the Eagle reported. 71

At this point there was a marked change in much of the material written in newspapers and by citizens concerning the state of affairs in the counties along the southern border of Kansas. As the feared Indian threat began to dissipate, there developed a decided interest in discrediting the ability of the federal troops to protect the lives and interests of the settlers. The emphasis was shifted from fear of what the Indians were doing to what they might do. Because of the great uncertainty in regard to the Indians' probable course of behavior and because the government troops were limited as to the number of areas they could protect at any one time, an increasing number of proposals suggested that local, or county, militia units be ordered into active duty. One of the first citizens to suggest this was T. G. Gassett of Osborne County. Although his own residence was so positioned as to allow no reasonable cause for alarm, he strongly encouraged the use of local personnel rather than federal troops, whom he described as being stupid and negligent, and "no terror to the Indians." 72 During the period from July 18 to August 7, the Governor received one message after another from citizens and citizens' committees throughout the southern part of the state. By far the majority, however,

71 The Wichita Eagle, July 16, 1874.

72 "T. G. Gassett to Thomas A. Osborn," July 21, 1874, Governor's File.
were written by or in behalf of citizens living in or near Medicine Lodge in Barber County, and practically all of them expressed the following theme: the people have no confidence in the United States troops; the people must be reassured by mobilization of the local militia; and the state can better afford the cost of activating a county militia than it can afford to risk the depopulation of southern Kansas.73

A plea typical of those received by Osborn was that of William P. Hackney, who stated that it was not the threat of danger that bothered the people but the discomfort that came from feeling themselves unprotected in case of danger. Such insecurity, he informed Governor Osborn, would only diminish if citizens of southern Kansas were allowed to organize companies of local militia. "One company of men organized at this point," he noted, "would do more to restore the confidence than a half dozen companies of U. S. Forces, who may be ordered elsewhere at any moment . . . ." He told the Governor that even though the Indians appeared to have settled down, they were always dangerous and, as Governor, he could hardly justify himself in case additional people were killed by saying that he wished to save the expense of ordering the local militia into active service." The Barber County Militia, Hackney concluded, should be activated immediately.74

73Letters and telegrams dated July 21, 1874 to August 7, 1874, from citizens of Kansas to Governor Thomas A. Osborn. Ibid. Also, Martin, 3-7.
74"William P. Hackney to Governor Thomas A. Osborn," July 22, 1874. Also, Martin, 6-7.
By July 24, 1874, the people of Barber County were reported to be in an ugly mood as rumors were circulated to the effect that two teamsters had been killed about forty miles south of Medicine Lodge and that the Governor still had no intention of activating the local militia. Pursuant to this information, they decided that the militia should be authorized without the Governor's blessing and that one C. M. Ricker should receive a Captain's commission at the hand of the Reno County sheriff and be placed in charge of the Barber County militia.75 This was done and the Governor informed of what had taken place. One week later, Osborn received a telegram from Captain Ricker requesting rations for his men who were "compelled to be on active duty and not one pound of coffee or bacon in Medicine Lodge."76 On this, as on earlier occasions, the Governor made no response to the communication from the citizens of Barber County. In the days that followed, however, a series of events transpired which produced a complete change in the behavior of the chief executive.

On August 5, 1874, an unidentified band of Indians, about fifteen in number, were pursued by troops from Fort Dodge into the area of Medicine Lodge where they split up and their trail was lost. On the same evening, an army

75Martin, 7-8. Also, "Captain C. M. Ricker, Commander, Barber County Militia, to C. A. Morris," July 24, 1874, Adjutant General's File.
76"C. M. Ricker to Thomas A. Osborn," August 1, 1874. Governor's File.
scout stationed near Kiowa in Barber County reported seeing several parties of Indians and followed one of them to discover that a large number had congregated at a point about fifteen or twenty miles from Medicine Lodge. On August 6, S. J. Shepler and his son, passing through the area where the Indians were located, observed their encampment at close range. Although they were allowed to proceed unharmed, they received a strong impression that the Indians had hostile intentions toward someone. All of these events reportedly were brought to the attention of Captain Ricker and the citizens of Medicine Lodge. On August 7, 1874, Ricker informed the Adjutant General that the number of reports being received which pointed to the presence of a band of hostile Indians in the area prompted him to take a company of twenty-five men on a scouting expedition. After travelling a distance of about fifteen miles, he located some forty or fifty Osage. As he and his men approached their camp, six of the Indians, so he recorded, came forward with their bows strung and their rifles and pistols cocked. In the meantime, the remainder of the party formed battle lines on a distant hill. Suddenly three of the first group, who "refused to understand English and throw down their weapons,"

77 "Captain J. W. Morris to C. A. Morris," August 17, 1874, Adjutant General's File. Captain Morris conducted an investigation of the problems in Barber County and came up with this account of what occurred.

began firing directly at the militia, while the other three tried to stampede the horses. Having no alternative, Ricker's men returned the fire and "had an exciting time for a few moments." The troops followed the fleeing Osage only a brief distance fearing the arrival of Indian reinforcements. Upon their return to the camp site, Ricker reported, the militiamen discovered the bodies of five dead Osage, an assortment of camp gear, a large quantity of dried meat, and a goodly number of horses and mules, the latter in excellent condition. Ricker concluded his report with a request for flour and other supplies with which to feed his men and their families to whom they were obliged to issue rations.79

Captain Ricker's version of the brief conflict was extensively reported in the press and this led to a verbal dissection of the Osage, with Superintendent Enoch Hoag and Agent Isaac Gibson branded as murderers because they, being aware of the evils that the Indians had intended, had made no effort to stop them.80 The Osage, the press declared, were responsible for at least twenty recent murders and were not only viewed as the most cowardly and treacherous of all the plains Indians, but were also thought to be in need of a good beating at the hands of the Kansas militia.81

79"C. M. Ricker to C. A. Morris, Adjutant General," August 7, 1874, Martin, 9.

80The Commonwealth, August 9, 1874.

81Ibid. One newspaper contained the observation that the place where the five Osage were killed was the same spot where the Osage had killed a white man fourteen years earlier. The soil there, so some believed, having been made
During the weeks following the encounter, the events were described in many newspapers and official reports and documents, all of which agreed that the Indians were at fault and were justly punished. Among the letters received by Governor Osborn was one written August 11, 1874, by Captain S. M. Tucker of the Sedgwick County Militia. In it Tucker reviewed the Ricker incident and then made an extended plea in favor of the right of the people of Barber County to state aid. This was due them, he advised, not only because they were a frontier people on official war-time alert, but also because immediate aid was necessary for their survival and if they were not helped they would be forced to leave the land and this should not be allowed no matter what the cost. A majority of the people of southern Kansas, he declared, were demanding that the citizens of Barber County who had lost their crops to drought and grasshoppers be furnished with the food and supplies they needed. The latter, he said, could be partially achieved if they were allowed to sell the stock and camp gear taken from the Indians on August 7. The Captain closed his argument with a reminder to the Governor that there was a good deal of complaining going around which was hurting him politically and that although wet by the blood of the honest Swede was divinely chosen as the field for the white man's victory and the Indian's defeat. The Wichita Eagle, August 14, 1874.
the opposition ticket was not very popular at the time, the circumstances then existent could easily change that. Another missive of special interest was one sent by the Adjutant General to Governor Osborn. In his note the General acknowledged that the militia under Ricker had not been officially ordered into service. This, he said, should be done now in order that they might draw rations and continue their effort to drive the Indians out of the state. Governor Osborn, who as late as August 10 had refused either to activate the militia or to send supplies, now proceeded to do both. On the 14th, the Barber County Militia was officially activated, retroactive to August 7, and on August 20, word was sent to Ricker that supplies were on the way.

Irrespective of the nature of his reasons for finally coming to the aid of the unfortunate people in Barber County, Osborn was not satisfied with intelligence reaching his office from there. On the 19th of August he wired a reprimand to Ricker following the receipt by his office of information that the Captain had been using his command to intimidate the local civil authorities. Such activity, the Governor said, must cease immediately or the militia would be

82 "Captain S. M. Tucker, Commander, Sedgwick County Militia, to Thomas A. Osborn," August 11, 1874, Adjutant General's File.

83 "C. A. Morris to Thomas A. Osborn," August 14, 1874, ibid.

84 "C. A. Morris to J. W. Morris," August 20, 1874, Governor's File. Also, "Receipt for supplies sent to Captain C. M. Ricker," August 21 and August 28, 1874, Adjutant Governor's File.
At the same time Captain S. M. Tucker of the Sedgwick County Militia was ordered to investigate all the facts associated with the August 7 killing of the four Osage Indians. This was necessitated, he was told, by seriously conflicting reports about the event.

For some time following the Barber County incident, rumors of an impending war circulated throughout the state. On August 20, 1874, an article in *The Commonwealth* revealed that information received from Arkansas City by way of Wichita indicated that the Osage had declared war on the State of Kansas and the frontier was, therefore, in great danger. The declaration stated that Mahlon Stubbs, a former Kaw Indian Agent, recently had returned from the Osage reserve with a report that the Indians were beyond the control of their agent and were preparing for all-out war. An editorial comment in *The Commonwealth*, stated that the Osage declaration for war was sufficient to fill one with unspeakable satisfaction "to contemplate in our mind's eye the thorough drubbing they are about to receive." It was further stated that if ever a set of sneaking "cutthroats and chronic horse thieves deserved a lesson, it is this same tribe of Osage."

Additional information was given indicating that

85"Thomas A. Osborn to C. M. Ricker," August 19, 1874, Governor's File.

86"C. A. Morris to S. M. Tucker," August 19, 1874, Governor's File.

87*The Commonwealth*, August 20, 1874.

88Ibid.
the Governor had ordered an alert for all counties in the danger area and that a battalion of top men could readily be assembled which could cope with all the might and power of the Osage nation. "Let it be known that they declare war," the article concluded, and an offensive campaign will be inaugurated at once. The militia will march upon their reservation, take possession of their squaw camps, and compel a fight. If the Osages do not then rue the day they declared war we are sadly out in our reckoning /sic/. We are glad this tribe has at last shown its hand, and that the dangerous illusion that they were a peace loving community of savages is at last effectually dissipated by this overt and unmistakable act.\(^9\)

On the basis of the information he had received, which by his own admission was conflicting, and the alleged words of Mahlon Stubbs as recorded in The Commonwealth, Governor Osborn informed President Ulysses S. Grant that a state of war existed on the Kansas frontier and asked for federal support.\(^90\) Osborn also wired a request to Secretary of War, William W. Belknap, for 2,000 carbines and 100,000 rounds of ammunition, asking that they be billed to the State of Kansas.\(^91\) The subsequent reply from the War Department expressed regret, but stated that, because of a

\(^89\)Ibid.

\(^90\) Thomas A. Osborn to Ulysses S. Grant," August 21, 1874, Governor's File. The Secretary to the President, Levi P. Lucky, wired an answer to the Governor in August 27, which stated that all necessary aid would be sent as the situation warranted it. "Levi P. Lucky to Thomas A. Osborn," August 27, 1874, ibid.

similar unpaid charge, dating from 1873, his request would not be honored.  

While the Governor was attempting to obtain outside help for his problem with the Osage, General Pope informed him that the war reports were highly doubtful and that even if they were true, he felt competent to handle the situation. Superintendent Hoag, who had conferred directly with Mahlon Stubbs, sent a telegram to Edward P. Smith, Commissioner of Indian Affairs, informing him that Stubbs had said the Indians were not on the warpath but that they were on the reservation, quietly waiting to see if their version of the August 7 affair would be heard. On August 24, Hoag and Stubbs met with the Governor and explained to him the Indians' version of what happened in their confrontation with Ricker. They also delivered a message from the tribal leaders, asking that their livestock and camp gear be returned within ten days time. In answer to this request Osborn informed his visitors that he would not be told by the Indians what to do and stated that, if they were truly interested in showing their good faith, they would all return to the reservation and, if they could, prove that they were innocent of any wrongdoing.

92 Fort Scott Monitor, August 26, 1874.
93 "General John Pope to Thomas A. Osborn," August 23, 1874, Governor's File.
95 Fort Scott Monitor, August 25, 1874.
The Indians' version of the encounter on August 7, 1874, came to light in rather piece-meal fashion. Agent Gibson reported to Hoag that on August 12, 1874, a tired and half-starved band of Osage, composed of men, women and children, came to his headquarters on the reservation. The Indians told him of how they were camped in southern Kansas while returning to the reservation from their annual summer hunt. While preparing to break camp during the forenoon of August 7, they had observed from a distance a group of about forty white men on horseback. As the strangers neared their camp, they intercepted two braves who had gone to water their horses. After a brief consultation, the strangers were seen to disarm both the Osage. Two other tribesmen who also had been watering their horses were stopped and, after shaking hands all around, they too were disarmed. Several other Osage, not being apprehensive of danger, approached the group and were disarmed, before one called to the remainder of the band to hold back. At this point, a number of the captive Indians freed themselves and ran for safety at which time the militiamen commenced firing. Four of those who had been detained were killed and two of them, it was later discovered, were scalped. Having lost all their camping equipment, a large number of horses, and most of their food, including their recently acquired supply of meat, the Indians headed for the agency office, arriving there five days later. They told Gibson that they had fired no shots, since they had only two old muzzle loaders left in their
possession. A letter from Governor Paw-ne-no-pashe and Chief Hard Rope to Enoch Hoag confirmed in almost every particular the Indians' report to Agent Gibson which he forwarded to Superintendent Hoag.

Shortly afterwards, Agent Gibson appointed a three-man commission to investigate the affair and discover if the Indians were telling the truth. Headed by Mahlon Stubbs, the group travelled to Medicine Lodge where, in Captain Ricker's absence, they met with Lieutenant William Moseby and some of the men who claimed to have participated in the August 7 clash with the natives. When Stubbs mentioned that trouble might result from the killing of the Osage, one of those present was said to have remarked, "That is just what we want; let them come, as that is the only way we have to get grub." The commissioners observed that the residents of Medicine Lodge were in a constant state of alarm, claiming that Osage were seen near there daily. After an extensive tour of the region, however, the three-man investigation committee concluded that there was not one Indian within a one hundred mile radius of the settlement. When Stubbs mentioned this conclusion, he was told that two farmers in Medicine Lodge had seen Osage near their farms.


97 "Governor Joseph Paw-ne-no-pashe and Chief Hard Rope, to Enoch Hoag," August 13, 1874, ibid., 1228-1230.

the area had held the same opinion until several days back when Indians ran off four of their horses. Having learned their error, the farmers were even then preparing to move into Medicine Lodge. In conversation with one of the farmers, the commissioners learned that the only evidence that Indians had driven off their horses was a red belt, two moccasins, a number seven boot track and the word of the other farmer, who claimed that he had seen four of the thieves. They were dressed, he said, in buckskin and had long hair. This description, the commissioners felt, described any number of the militiamen themselves. Stubbs concluded his report to the agent with the observation that the Barber County settlers, in destitute condition, were keeping the Indian excitement alive in order to keep the militia on active duty and thus receive supplies from the state. This assessment of the economic status of the settlers was confirmed by an article which appeared September 3, 1874, in The Commonwealth. The article said that the people of Barber County were out of everything, including "money, credit, shoes, jobs, and tobacco." Grasshoppers and drought had taken their crops, game was scarce, and skunk hides were worth only 15¢ each. The article also noted that skunk oil was worth something, since "many use it for gravy, they say it sops bully." 99

99 Ibid., 95.

100 The Commonwealth, September 3, 1874.
When the Gibson and Stubbs reports were made public, Captain Ricker felt called upon to restate his version of the happenings of August 7. In a letter to the Adjutant General accompanied by several affidavits from his men, he said that the number of horses they had taken was forty-five, all of which were of "inferior quality and small value." The Indians, he said, "were on a marauding, if not a murdering expedition," and there was no question but what they were the murders of a farmer named Keim and two other white men on June 16, 1874. Finally, he pointed out that the militia had gone directly to where they knew the Indians were camped and, as they drew near, he had ordered his men to await him in a ravine while he alone advanced toward the natives. As he approached, one of them had come out to meet him in a most hostile manner, followed by eight or ten others. Four of these he partially disarmed before one turned to the remainder of the band and ordered them to fire. This the Indians did and as a result they drew return fire from the concealed company.

In the weeks that followed, the state officials and the newspaper editors and reporters continued to accuse the

101 "Captain C. M. Ricker to Colonel C. A. Morris," September 10, 1874, Martin, 10-11. The accounts given by other members of the militia differed with one another as well as with the two recorded by Ricker. None of them agreed that the Captain went out alone. They all differed as to the number and manner in which the Indians approached them. There was no agreement as to whether or not the Indians fired first or if they fired at all. Some saw nothing special in their appearance. One said that one horse and one brave were painted. Two witnesses stated that almost all the men and horses were painted for war. Martin, 48-64.
Osage of being responsible for the Barber County controversy, and for other acts of violence as well. One article in *The Commonwealth* contained a statement accusing the redmen of being a "lazy, indolent people," nine-tenths of whom were "pagan warriors and murderers." Their young men were said to grow up with a lust for "throat cutting and scalping," creating thereby a "perpetual carnival of assassination."

The problem, the writer of the article concluded, would not be resolved until the last of them were on their way to their happy hunting grounds. The *Wichita Eagle* contained a statement that there was no need to inquire any longer as to who was the aggressor. The guilty Osage, it was observed, were deserving of terrible punishment and "the sooner the better and the Kansas boys are the ones to do it." 102

Throughout the months of August and September, Superintendent Hoag tried unsuccessfully to arrange for a joint inquiry into the questionable events of August 7. At first, the Governor showed interest but kept putting him off. Eventually, however, he refused even to recognize Hoag's petitions. When this point was reached, Hoag called on the office of the Commission of Indian Affairs for a special investigation. A number of investigators immediately were appointed and they spent much of the month of October going over the accumulated documents and conducting interviews with people involved in the incident. When finished with their

102 *The Commonwealth*, September 17, 1874.

103 *The Wichita Eagle*, September 3, 1874.
investigation, the group concluded that the testimonies of the white men conveyed confusion and a series of half truths. The aggressors they concluded were the ambitious whites and, since they were not at the time a part of a recognized military unit, their killing of the Osage amounted to acts of murder rather than of war. It was suggested by the investigators that, if justice were to be done, the participants ought to be tried on these grounds. Realizing that this was not likely to occur, however, they asked that at least the Indians' confiscated property be returned to its owners. The federal government was also asked to indemnify the Osage for their severe losses.104

On December 13, 1874, Governor Osborn received a copy of the report filed by the federal investigators. He was asked to give special attention to the charge that the militia acted without authorization and to the request for the return of the livestock and goods taken as spoils following the rout of the Osage party.105 Osborn did not respond directly to the report until January 16, 1875. In the meantime, he stated in his annual message to the Kansas Legislature that the citizens of the state had suffered beyond the rightful demands of forebearance from the hostile acts of the Indians. Patience in the matter, he wrote, "had almost been reduced to an extinct virtue." Blaming the Osage for most of the murders committed during the past year, he

104 "Outrages," Sixth Annual Report, 89-93.

105 "Columbus Delano, Secretary of the Interior, to Governor Thomas A. Osborn," December 7, 1874, Governor's File.
declared that evidence to convict them of such was "almost conclusive." In a letter to Secretary Delano on January 16, he affirmed his stand on the matter by declaring, among other things, that the government was completely in error in its defense of the Osage. His own investigations, he contended, proved their guilt beyond doubt. As for the stock and goods which the militia had confiscated, he informed the Secretary that they already had been sold or otherwise disposed of.

In spite of Osborn's obvious unwillingness to re-examine the question of the August 7 encounter, the Interior Secretary was just as determined to reopen it. On July 13, 1875, Delano forwarded to the governor a copy of a letter from the Commissioner of Indian Affairs, Edward P. Smith, which detailed the history of the whole affair, referred to the testimonies of fifteen actual witnesses to the event which branded the deed as "cold blooded murder followed by theft and robbery," and expressed the personal disgust of the Commissioner at the failure of the state and federal governments to do justice to the obviously wronged party. The silent, unresponsiveness of the Governor was also a source

106 S. W. Wilder, Annals of Kansas (Topeka, 1886), 640-641.

107 "Governor Thomas Osborn to Columbus Delano," January 16, 1865, Martin, 13. The Governor ordered two separate investigations into the killing of the Osage. The two did not agree, but each was similar to one of the Ricker accounts and both defended the theme that the Osage were the aggressors and deserved all that they received. "J. W. Morris to C. A. Morris," August 17, 1874, Adjutant General's File. Also, "Captain Lewis Hanback to Major H. T. Beman, Assistant Adjutant General," August 24, 1874, Martin, 32-43.
of irritation to him. Secretary Delano appended a note to the letter in which he expressed his conviction that "the act of the Kansas militia was a wanton and unprovoked outrage." 108

Governor Osborn did not react immediately to the correspondence from the Interior Secretary and the Commissioner of Indian Affairs, except to ask that the statements of the several witnesses be sent to him. 109 Finally, on September 11, 1875, he wrote a long and detailed reply, answering the charges of the Secretary and others who had opposed his stand in the case of the Osage Outbreak of 1874. Recalling Delano's letter of July 13, the Governor stated that he was responding to it because he recognized the "important source from which that communication emanated . . . ." He was willing, he said, to review the whole issue with the Secretary. He confessed that he never believed that fifteen respectable citizens would have testified as claimed by the Commissioner in his July 13 letter. After receiving the testimonies forwarded by the Commissioner and learning the names of those who were supporting the government's case, he discounted them, declaring that over one-half of the individuals involved were so despicable as to have been dropped from the rolls of the militia shortly after the August 7 incident. He further explained the content of his own investigations and reported

108 "Columbus Delano to Thomas A. Osborn," July 13, 1875, Governor's File.

the testimony of witnesses who defended the militia. He then declared that it was the right of the settlers to act in self defense, no matter what the circumstances. The gradual withdrawal of federal troops from along the border of southern Kansas had, he maintained, made such self defense increasingly necessary. It was, he said, only natural for Ricker and his men to have reacted as they did when set upon by the savages. Besides this, he declared, it was the policy of the state government that all Indians found in the state were to be treated as hostiles and enemies at war.\footnote{110}{Ibd., September 11, 1875, 22-25.}

The Governor passed lightly over the charge that the militia had acted as a mob rather than a legally sanctioned body and said the company "was ordered into active service to date from the day on which, as shown by the report, it had performed actual service in the field, to wit, August 7." He also ignored the obvious inconsistencies in the first and second reports made by Captain Ricker and his associates. His only comment on the matter was that all the affidavits he received clearly disproved the findings of Enoch Hoag and his commission members and others who had been authorized to investigate for the government.\footnote{111}{Ibid.} Toward the end of his letter the Governor stressed the view that all aborigines who left their reservations for any reason whatsoever did so at the risk of being killed. Citizens living along the frontier, he allowed, could not be required to "institute judicial
investigations respecting the status of Indians found roaming in their midst." Because of this, he insisted, it was "high time that they understood that they can trespass upon the state only at their peril." 112 The letter ended with an offer to pay the Osage claim for damages if, in exchange, the federal government would recognize the service the state had performed in subduing this and other rebellious tribes of Indians during the last ten years by paying into its coffers the amount of $300,000. The Governor concluded by stating, "I appeal to you as head of the department having charge of Indian Affairs, to recommend that Congress make provision for this act of justice." 113

For Governor Osborn, the case of the Osage Outbreak of 1874 was closed. That he emerged the victor was attested to by at least one faithful citizen, C. L. Hubbs, who sent hearty congratulations for a job well done. "Should the future," he wrote, "develop more 'Osborns' and less 'Smiths' the Indian problem would be no problem at all." There were

112 Ibid., 28. This reasoning was used even though the Osage were told by their agent that they should undertake their annual hunts in the spring and summer of 1874, and in spite of the fact that before December 31, 1874, an Indian could leave a reservation for any specified destination with verbal consent only. After that date it was necessary that he be accompanied by a responsible white man. "Isaac Gibson to J. W. Smith, Special Commissioner," September 20, 1874, "Outrages," Sixth Annual Report, 92. Also, "Edward P. Smith to Enoch Hoag," December 8, 1874, Governor's File.

113 Martin, 28-29.
few people, so said Mr. C. L. Hubbs, in all southern and western Kansas who did not endorse the views and actions of the Governor.114

As the year 1875 came to a close, so also did the Kansas phase of Osage history. As in the year 1837, when they were forcibly and with finality given to understand that the borders of Missouri were no longer open to them under any circumstances, so also did they have forced on them the stark awareness that the borders of Kansas were likewise closed to them. They were to live as unwelcome neighbors on their reservation in the Indian Territory. The citizenry of Kansas was free of the Osage and free it would remain.

114"C. L. Hubbs to Thomas A. Osborn," October 26, 1875. Governor's File.
The history of the Osage Indians during much of the eighteenth and nineteenth centuries typifies the eroding effects on many North American Indian Tribes of the white man's culture, which tended over the years to overrun, dilute, and to a degree supplant their own. The purpose of this study was not to represent the Osage as uniquely different from other tribes, but rather to depict them prior to and after prolonged contact with the alien culture of the white man. The work is, in effect, a study of white-Indian relations.

The Osage were somewhat distinctive in the sense that they were originally a large and powerful tribe - some estimates place the tribal population during the late eighteenth century at between 6,000 and 8,000. Their prowess as warriors, their fierceness in battle, and their early acts of violence against their neighbors, both white and red, led to a general feeling of fear, dislike, and distrust of them among white men and other Indians who had dealings with them. In spite of these traits, however, the Osage refrained from waging open warfare against the governments which exercised jurisdiction over them. When at various times they surrendered parts of their domain, it was by treaty and by mutual agreement and not as a result of defeat in battle.
In the course of their history, the Osage were treated as partners in trade by the French; they were bought off, threatened, and warred against by the Spanish; and they were treated as a sovereign power, as an object of charity, and as a ward of the government by the United States. While under the influence of the French and the Spanish for a period of some one hundred thirty years, they were introduced to many instruments of change, such as firearms, alcohol, numerous trade items, and the horse. It was during their association with the United States, however, that the most significant changes, affecting the social, economic, political, physical, and psychological aspects of the Osage environment, resulted.

The early implementation by the United States of a program to govern Indian affairs was characterized by a recognition of the independence and the numerical strength of the Indian tribes which resulted in part in their being treated as sovereign nations to be dealt with through treaties. Firm statements as to their rights and to the inviolate nature of their borders were declared as part of national policy. Peace and friendship were in the interest of and were sought by the young nation. As the years passed, however, a transition occurred in the course of which the United States grew in strength and size and the Indian tribes became more of a nuisance than a threat and government policy for dealing with them, even though retained in much of its original form, became increasingly impractical and its enactment increasingly hypocritical.
As typified by its relationship with the Osage, the government attempted to honor the demands for national expansion and at the same time maintain a humane relationship with the Indians. As the land area beyond the white frontiers decreased however, so also did tribal resources, especially as they involved the Indian's means of obtaining a livelihood. Inevitably, either the demands of the settlers for land or the rights of the Indians, as stipulated in treaties and other agreements with the government, had to be sacrificed. As time and again the latter became a casualty, the Indians were forced into a state of dependence to which federal officials responded with acts of charity and, where previously the Osage had been treated as a sovereign nation, the government eventually became a significant factor in determining the internal affairs of the tribe.

With the organization of the Bureau of Indian Affairs in 1841, the reduction of the Osage was thereafter handled by representatives of that office. Prior to that time, dealings with the Osage were handled by the War Department through the governor of the Territory of Missouri and a local agent. In 1824, the St. Louis Superintendency was also organized and the Osage agency was assigned to it. A Commissioner of Indian Affairs was named in 1832. He was assisted in the field by area superintendents and local agents who, in fact, became the real voice of governmental authority among the Indians.

The failure of the Bureau of Indian Affairs to serve the Osage well resulted not only from inaction and bad faith
on the part of its representatives, but also from Osage unreadiness for the kind of civilization and conformity being forced upon them. The general goal of the federal government was to see the Osage peacefully settled on adequate acreage and engaged in the cultivation of the soil and other domestic pursuits. Treaty stipulations provided for this and treaty commissioners, Indian agents, white farmers, and various Christian missionaries encouraged the Osage to change to the agrarian way of life, suggesting that it was their only alternative to eventual extinction. Although the tribal leaders from time to time assented to the wishes of the white men, very little real progress toward agrarianization was made until 1875, when the Osage were settled on their permanent reservation in the Indian territory. Prior to that time, because the basic nature of the Osage was unchanged, treaty stock frequently was slaughtered indiscriminately and eaten, the government provided mills went unused, the specially constructed chief's houses were left vacant, and agricultural implements, wagons, harnesses and other items were ignored or were withheld by the agent or superintendent.

By the close of the period under consideration, the years prior to 1876, the Osage were settled on a 1,470,934.44 acre reservation located along the present northern border of Oklahoma. The site formerly had been claimed by the Osage, until 1825, when they ceded it to the United States along with 10,880,000 additional acres in the same state and substantial acreage in Kansas, Missouri, and Arkansas. From the
time of their first treaty with the United States in 1808, until they were settled on their permanent home site in 1871, the Osage nation surrendered to the onrushing white civilization approximately 83,080,000 acres of land by 1826, and an additional 8,935,726.73 in 1865 and 1870. Although they received what was recognized as just compensation for their lands ceded in the treaties of 1865 and 1870, it appears that for each five acres ceded before 1826, the Osage received one penny.

Beginning in 1808, the surrender of the Osage domain entered its first stages. From this point on the significant facts of their history deal with what took place with the Osage themselves and only indirectly with the means by which they had been dispossessed. The small price per acre received in 1808, 1818, and 1825, did not greatly affect the course of Osage history but the use to which the ceded land was put was of considerable influence.

The settlement of their surrendered land by whites and by increasing numbers of Indian tribes immigrating from east of the Mississippi River did not seriously confine or restrict the Osage geographically; but in the process of dealing with the federal government, of being placed in contact with undesirable neighbors, and of seeing the wildlife, the basis of their economy, slaughtered to a level of near extinction, the Osage found themselves so overwhelmed that to escape the conquest of both their cultural and their physical selves, they had to move westward. With each subsequent move, however, they were pursued by these same
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elements of civilization until, by early 1830’s, they had moved as far west as the Neosho and Verdigris Rivers - to a reservation they expected to be theirs permanently in what eventually became the southern one-quarter of the State of Kansas.

By the beginning of this, the Kansas period of their history, the Osage were a broken and increasingly docile people. As a result of many years of fruitless warring with neighboring tribes and of devastating attacks of smallpox and cholera, their numbers were measurably decreased and their capacity and will to exert themselves in ways formerly characteristic were greatly reduced. By this time their subsistence economy had shifted almost completely from the taking of deer and other wildlife to the chase of the buffalo in the distant west. Their agricultural pursuits remained meager, at best, and their seasonal successes or failures in the hunt, more than ever before, determined whether they would feed or famish during the intervening periods. At the time of these changes, the arm of the federal government concerned with Indian Affairs came to encircle them and, by 1840, following a generous treaty in 1839, the Osage pride was so seduced by the pangs of physical want, faulty leadership, and a taste for alcohol that they came to an ever increasing degree of dependence upon the government.

During the next thirty years, the Osage, except for a brief moment of glory during the Civil War and the continued
interest shown them by Catholic missionaries, who, in spite of relatively little success in evangelizing them, remained diligent in their educational services to the tribe, were a virtual nonentity in terms of power, influence, or respect among either the white or the Indian population. During this period, their land drew the attention of white settlers and speculators, who indiscriminately settled upon and took possession of it. The ensuing pressure to surrender the land, plus the loss of their annuity payment in 1859, and their inability to secure a livelihood either from the hunt or from the soil, caused the Osage leaders to enter into negotiations for the sale of their land in 1865, 1868, and 1870. The agreement concluded in 1865 and ratified in 1867 provided for the cession to the United States of a fifty mile wide tract on the east end of the Osage reserve in exchange for $300,000 and provided for the eventual sale to settlers at $1.25 an acre of the northern one-half of their remaining land. The diminished reserve, located in south-central Kansas, was to be their home until such time as the tribe desired to move into the Indian Territory.

The Treaty of 1868 provided for the sale of all Osage lands to the Leavenworth, Lawrence, and Galveston Railroad Company for $1,500,000. After considerable debate, it was withdrawn in February, 1870. This action was taken by President Ulysses S. Grant for the reason that the treaty was thought to be contrary to public policy in that it proposed selling Indian lands directly to a corporation and
because it was felt that the Osage had not been fairly dealt with, both in the manner the treaty was obtained and in the price to be paid for the land.

By the time the question of the Treaty of 1868 had been resolved, the Osage were in very dire circumstances. Their lands, even their village sites and corn patches, were being overrun by settlers and the presence of hostile tribes in the West had precluded their going on their traditional summer and fall hunts. These conditions resulted in widespread stealing and plundering by many Osage and in increased demands for their removal by the settlers who also became increasingly aggressive.

At the height of the controversy which was taking place on the diminished reserve, the long-awaited legislation authorizing the purchase of the remaining Osage lands and the removal of the tribe to the Indian Territory was passed by Congress as sections twelve and thirteen of the Indian Appropriations Bill of 1870. This act and the treaty of acceptance which followed signified for the Osage the release of the last of their original domain and their removal from Kansas, but not the end of their struggle for the right to co-exist with their white neighbors. White settlers preceded them onto their new homeland and defied all measures to clear them off the reservation, short of removal by force. Even after federal soldiers finally were called in by the beleaguered Osage Agent, Isaac Gibson, many hard core claimants re-entered the reservation as soon as the troops were withdrawn.
When the Osage left Kansas for the Indian Territory they did so not as an independent or sovereign nation, as they once were recognized as being, but as wards of the United States government. The extent of their dependence on the federal government for their well being is illustrated in a number of incidents which occurred following their removal. For example, the Cherokee, from whom they were purchasing their new reserve, forced onto them a land area inferior to that originally promised, and set a price for it which was two and one-half times the amount originally asked. At first, the Osage Chiefs resisted but then they agreed to pay the higher price and would have done so, except for their agent and the Commissioner of Indian Affairs, who won from President Grant a decision which set the price at 70¢ an acre. In another example, when the Osage were finally settled west of the ninety-sixth meridian, the large numbers of settlers crossing over from Kansas were met with threats and with occasional acts of violence, but in the main, with a cry for federal intervention. And in 1874, when an Osage hunting party was driven from the State of Kansas and the tribe was threatened with extinction, the chiefs again turned to Washington for protection and redress. In this case, as in earlier instances, the resultant federal intervention benefited the tribe to a considerable degree but at the price of individual freedom.

By the year 1876, the Osage nation had been reduced from one of the most significant tribes of Indians in the area
of the Mississippi River drainage to a band of only 3,000 full and mixed bloods on a reservation purchased from their traditional enemy, the Cherokee. By this date their laws, their schools, their religion, and their money were all regulated by representatives of the federal government, while the Indians themselves, although economically better off than at any time in their history, were confined to their reservation, turning their backs on the Osage past and submitting to the white man's way of life. The Osage were, as was written of the American Indian some years earlier, "... ruined by a competition which they had not the means of sustaining. They were isolated in their own country, and their race only constituted a little colony of troublesome strangers in the midst of a numerous and dominant people."¹

OSAGE LANDS CEDED 1808-1825

TREATY OF 1808

TREATY OF 1818

TREATY OF 1825

1 Based on illustrations in Fister and Labadie, 181.
Appendix II

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