THE MENOMINEE TREATY AT THE CEDARS, 1836

LOUISE PHELPS KELLOGG

So far as known the Menominee Indians have always had their habitat in what is now Wisconsin. When the French discoverers floated down the pellucid waters of Green Bay they found a tribal group at the mouth of the river, ever since called by their name the Menominee, and throughout the three hundred years of Wisconsin history the Menominee Indians have dwelt in this vicinity. Ethnologists believe that they were a branch of the great Algonquian family, which in the centuries of pre-history were slowly pushing westward from the Atlantic coast plains. Possibly the ancestors of the Menominee came southward from the great northern plains stretching out toward the Arctic, but if so all memory of such origin seems lost. The Menominee legends center around the southern shores of Lake Superior and the northwestern shore of Green Bay. Even their name must have come to them while residing in the rice-filled waters of streams in Michigan and Wisconsin, for in the vernacular Menominee means people of the wild rice or as the French translated it *les folles avoines* (foolish oats).

It would be aside from our purpose to trace the history of the Menominee from the time of their discovery to the treaty of 1836. Suffice it to say that as a rule these tribesmen were friendly to the white invaders, that they welcomed their successive rulers — French, British, and American with good will, and that it was their boast — not strictly true, however, — that their tomahawk had never been raised against their white brethren. As faithful allies of the British they took part in the War of 1812 and at its close signed in 1817 a treaty of amity and friendship with the American nation. It was on soil that had belonged to the Menominee that the first American post in Wisconsin was built at Fort Howard and thenceforward they were ready to join in the activities of their new American allies. Their complaisance went so far that they welcomed into their midst a migratory group of Indians from New York state

— Oneida, Brothertowns, and Stockbridges, whom the white people of New York wished to push from their borders. These eastern Indians made much trouble for the Menominee, and it was in connection with these difficulties that treaties were made previous to that of 1836.

At the famous Prairie du Chien gathering of 1825, called by the government to put an end to the intertribal quarrels and to arrange definite boundaries between tribal regions few Menominee were present. The final adjustment of the boundaries between the Menominee and their neighbors, the Chippewa and Winnebago, was left therefore until the treaty of 1827 at Butte des Morts. Then in 1831 several Menominee chiefs were escorted to Washington to see their Great Father, the President and to make him a cession of their lands. It was at this time that the tribal chiefs made a statement of their claims to Wisconsin lands, stretching from Milwaukee River to the Eau Claire, from Escanaba to the Fox-Wisconsin portage.[1] The government never granted the validity of these claims; nevertheless they embodied them in the first article of the treaty of 1831. These boundaries conflicted on the east with those of the Potawatomi, in west and central Wisconsin with the tribal homes of the Sioux and the Winnebago and as such they were bought out by the government in successive treaties. The treaty of 1831 at Washington ceded to the United States all the Menominee tract from Green Bay to the Milwaukee River, east of a line from Fond du Lac to the headwaters of the Milwaukee. The Potawatomi claims to the region west of Lake Michigan were settled at the Chicago treaty in 1833.

For this great cession of eastern Wisconsin the Menominee received a mere pittance. For that portion, which they assigned to the New York Indians they were granted $5,000 a year for four years. For all the rest of this great tract they received $6,000 a year for twelve years, with an immediate purchase of $10,000 worth of provisions, clothing, etc. These may seem considerable sums, but when divided among the nearly 3,000 members of the tribe the amount per person was insignificant. The government attempted to prepare the Menominee for an inde-

---

[1] See Section one of Treaty of 1831 in Charles J. Kapler, *Indian Treaties*, (Washington, 1904) 319. In 1929 Peter La Motte, a Menominee chief made a map, showing these claims and presented it to the author of this article.

pendent life by arranging for the tribe a demonstration farm. This farm was established at the place where Lake Winnebago empties into the lower Fox. Five farmers dwelt there and five housewives to teach Indian women domestic economy. (Was not this the first home economics school in Wisconsin?) A mill was built and a miller employed to run both a saw and grist mill. The lumber was to be used to build homes for the Menominee and when they were settled they were to be furnished with horses, cows, hogs, and sheep. Their children were to have a school, taught by competent instructors. All these methods were expected to be so efficacious that "in four years [it is] to be hoped their hunting habits may cease and their attention be turned to pursuits of agriculture."[2]

The optimists of the Treaty of 1831 counted without a deep knowledge of Menominee character. All this welfare work was of very little use to them, and they highly resented having their own money spent on such an establishment. As one of their chiefs said at the treaty of 1836: "We don't want schools, we don't care to have our children learn to read." The whole benevolent plan was regarded as a scheme for a number of white people to make money out of the Indians' funds and to build up an establishment of no use to the tribesmen. Oshkosh, the head chief, had not attended the treaty at Washington; he and his party grumbled loudly at the foolish provisions Grizzly Bear had been entrapped into signing. Meanwhile Grizzly Bear died and there were few to defend the treaty which he was instrumental in signing. The annuities were too small to be of much benefit to the hungry, idle mob of Indians with "hunting habits;" their neighbors, the Winnebago and Chippewa, had larger annuities. They wanted to sell more land and have more ready money.

This was the situation as far as the Menominee were concerned when Wisconsin Territory was organized in July, 1836. The new territorial governor, Henry Dodge, was an old Indian fighter; he had, moreover, a respect and liking for his Indian wards and a desire to do them justice. Upon taking office Dodge was informed that Indian affairs for the entire territory were under his charge; he was also instructed to purchase additional land from such tribes as were willing to sell, and in so far as

[2] Text of the treaty, Kapler, *Indian treaties* 323.

possible to persuade the Indians to cede all their Wisconsin territory and to remove west of the Mississippi River. This was in accord with President Jackson's policy of Indian removals, then in full swing for the tribesmen of the southern states.

In the meanwhile Oshkosh and Silver at the annuity payment of 1835 had told their Indian agent that they were ready to consider selling land north and west of Lake Winnebago; this offer was reported to the Indian commissioner. He was told it was "as fine a body of lands as ever were offered for sale; the purchase will be of inconceivable value to the settlement and prosperity of this territory."[3] Cass, then secretary of war, had sent a special agent all through the Indian country to listen to grievances and to report on conditions. Cass's confidential agent told him that the Menominee were ready to sell[4] and Cass in March, 1836 gave the President to understand that the Indians near Green Bay were disposed to make a cession and suggested their removal beyond the Mississippi. Cass was well-acquainted with the resources of Wisconsin and knew it was only a matter of time when this new territory must be a white possession open for the settlement of the great mass of emigrants pouring in from the East and from Europe. Dodge was therefore ordered to see about the Menominee matter at once.

Aug. 16, 1836 Dodge wrote a friend at Washington that he was leaving his home, not far from Dodgeville, on the following day, expecting to treat with the New York Indians while the Menominee were assembling. "I will be on the ground," he wrote, "to watch the course of events and the currents and counter currents that I may have to contend with."[5] Among these currents and counter currents must be considered the influence of the principal settlers of Green Bay, several of whom were allied by birth or marriage with the Menominee tribe. Aug. 3 Louis Grignon wrote his brother Augustin: "It appears certain that a treaty is about to be held here for which Governor Dodge is or will be the sole commissioner, but as yet all

---

[3] Gen. George M. Brooke to Commissioner Elbert Herring. Indian Office Files. Oct. 21, 1835.

[4] Report of Edmund Brush to Lewis Cass. Indian Office Files, Dec. 29, 1835.

[5] *Annals of Iowa,* III Series, Vol. iii, 384.

is obscure; we do not know when it will take place. As the season is advanced it is supposed that it will be very soon."[6]

Among the few Americans at Green Bay were Colonel George M. Boyd, Indian agent, who had been transferred from Mackinac four years before and Henry S. Baird, a young lawyer seeking fame and fortune in the new territory. The former attended the treaty in his official capacity; the latter was chosen secretary for the commission. It was doubtless they who suggested the place for the conference at a site on Fox River just below Grand Chute, known as The Cedars. This site is directly opposite the modern town of Kimberly, on section 20, town 21 north, range 18 east. This may have been the place mentioned by Stambaugh in his "Report on the Quality and Condition of Wisconsin Territory, 1831." "The scenery is very fine at this place [Grand Chute] and indeed along the whole course of the river. Some distance below the Chute there is a bold prominance at an angle in the river, which overlooks seventy miles of the rapids, which present an interesting and beautiful spectacle."[7]

The site at the Cedars was chosen not only for its prominence, but also for its convenience. Most of the Menominee lived east and north of it. If the appointed place were above Grand Chute they would be obliged to portage all their canoes and possessions. Any place lower down stream would be too accessible to white settlements and to the whisky-shops among them. Runners sent out to all the villages and camps along the Menominee, Oconto, and Wolf rivers summoned the tribesmen to the council. They began arriving late in August and Governor Dodge came in on the morning of August 26.[8]

One is tempted to let imagination play about the scene — the constant arrival of the canoes with their human freight, chiefs and warriors clothed in their best ceremonial finery, gaudy with barbaric ornament, their scalp locks greased and erected into towering panoplies for eagle feathers, upon their chests necklaces of bear's claws and wampum, mingled with the presidential medals given to those of the chiefs who had visited

---

[6] Translation of the French original in Wis. Hist. Library. Wis. MSS. 38B2.

[7] *Wis. Hist. Colls.*, xv, 417.

[8] Letter of John Lawe to his daughter Rachel, dated at the Cedars, Aug. 28, 1836. "Governor Dodge arrived here the day before yesterday morning." Wis. MSS. 5C14.

Washington. Excited women, children, and dogs ran hither and thither, wigwams were quickly erected, fires built, kettles hung, and all the incidents of savage life at its heightened moments unrolled before the spectators. Most of the visitors were too familiar with these incidents to be impressed. Prominent traders both French and American gathered from east and west. Among these we note Joseph Rolette from Prairie du Chien; Louis and Augustin Grignon, grandsons of Charles de Langlade; John P. Arndt, the taverner of Green Bay; John Lawe and the younger Porlier, also pioneers of this region; Charles R. Brush, Sam Ryan, newcomers to the territory; Joseph Jourdain the settlement blacksmith. While striding among these white men were army officers from Fort Howard, Brigadier General George M. Brooks and Lieutenant Robert E. Clary.[9] Two young Menominee half-breeds, Charles A. Grignon and William Powell, were sworn in as interpreters, both having Menominee mothers and speaking the language with ease. Other half-breeds were there also to obtain their share of the purchase money, and their influence upon their relatives, the chiefs, was one of the "currents and counter-currents" with which Dodge had to contend. There were also present eight missionaries of various denominations, who with the traders were anxious to see the treaty signed, although from different motives. The former desired to have their charges removed from the neighborhood of the whites, and so encouraged them to sell. The traders hoped to secure payment for debts long due them from their Menominee customers. N. G. Bean wrote to John Lawe, at the beginning of the negotiations: "You are the Father of the Nation [that is, its chief trader], they won't sign without your approval. Your joint efforts should procure something handsome to be equally divided."[10]

Dodge soon found that stubborn opposition would be put up to any scheme of removal to the west of the Mississippi, so he quickly abandoned all such suggestions and set himself to obtain the most land on the best terms that could be secured. He appreciated the value of what the Indians had to sell and the importance of treating them fairly. As he wrote to a friend: "The growth of our Territory is so intimately connected with

---

[9] Signatories to the treaty in Kapler, *Indian Treaties,* 465-466.
[10] Wis. MSS. 507.

our Indian relations, that I view it as a matter of the first importance to do the Indians ample justice in all our treaty stipulations. A little Indian difficulty would greatly impede the settlement of the country, and experience has given us some useful lessons on this subject as to the expense of Indian wars."[11] In other words a treaty, at almost any price, was *cheaper* than a war.

The council opened Monday morning, Aug. 29 at ten o'clock.[12] Dodge reminded the chiefs of a clause in the treaty of 1831 by which they were to hold the land north and west of Fox River until such time as the President should deem it expedient to extinguish the title when the Indians promised to surrender it immediately. This proviso took the Menominee aback. Oshkosh and his fellow chiefs protested that they had never made such an agreement. Dodge thought it best to waive this proposition and to allow the chiefs to make their own proposals as to bounds and price. Wednesday, Aug. 31, Oshkosh offered all their lands east of Wolf River, which he estimated at three millions of acres. Dodge then asked for something on Wisconsin River to comprise pine timber needed by the new settlers for building. A grant was made of twenty-four miles in length, three miles each side of the river, comprising in all eight townships. Dodge estimated that the whole grant would be "upwards of four million acres." What they asked for this property footed nearly $2,000,000, which Dodge could by no means allow. He scaled down the annuities demanded from $80,000 to $23,500 annually for twenty years, made the traders agree to cut their claims in half, appropriated $80,000 for the half-breeds and promised salt, tobacco and clothing to be furnished at the annual payments, which brought the total sum agreed upon to somewhat more than $700,000. This was one of the largest amounts paid up to this time for an Indian cession. Dodge would gladly have given more, knowing the value of what the Indians sold; but he was certain that larger payments would imperil the ratification of the treaty by the United States Senate.[13] The traders, concluding that "half a loaf was better than no bread," and that there was danger that the nego-

---

[11] *Annals of Iowa,* III Series, vol. iii, 386.

[12] "Journal of the Proceedings" in Indian Office Files. Negotiations in Henry S. Baird's writing in Wis. MSS. 73C.

[13] *Annals of Iowa,* III Series, vol. iii, 386.

tiations would be broken off, urged the chiefs to sign. So on Sept. 3, only six days after opening the conference the principal chiefs "touched the pen," Dodge, Baird, and Boyd appended their signatures and the treaty of the Cedars was made. The next February the Senate ratified it and the following year the Menominee prepared to abandon their village homes, theirs from time immemorial, on the lower Fox, the Oconto, the Menominee, and to establish new homes west of Wolf River, between there and the Wisconsin.

The treaty of 1836 with the Menominee was remarkable for several reasons. In the first place it was noted for dispatch — the Indians gathered, their ceremonial speeches were made, propositions were discussed and agreed to in less than a week. This was, perhaps, because there was but a single commissioner and he well-versed in his duties, acquainted with the Indians, their traders, their relatives and friends, as well as with the nature of the ceded territory. Secondly, this treaty was noted for its fairness, practically all parties were satisfied with its provisions and its results. Lastly, it was remarkable for its effect on the growth of Wisconsin Territory. Today great cities stand on this Indian cession — most of Oshkosh, all of Neenah, Menasha, Appleton, North Kaukauna, Oconto, and Marinette in Wisconsin, Menominee and Escanaba in Michigan owe their origins to the treaty of the Cedars. On the Wisconsin River, also, Wisconsin Rapids, Stevens Point, Mosinee, and Wausau stand on the strip ceded to the government in 1836.

The carrying out of the provisions of the treaty occupied some time. In 1837 commissioners were appointed to take testimony regarding the traders' claims. From this report many interesting bits of early Wisconsin history may be gleaned.[14] Jacques Porlier testified that he began trading with the Menominee in 1796; Peter Powell had been for twenty-five years one of their traders; Louis Grignon had had twenty-nine years' contact with this tribe; John Lawe had not only traded with them since 1810 but had fed them, clothed them, cared for them in a hundred ways. The commissioner chosen by the President to pay the claims of the mixed-breed Menominee was John W. Edmonds of Indiana. "He will have," wrote Dodge, "a delicate and difficult task." He came to Green Bay in the summer of

[14] Indian Office Files; photostats in Wis. Hist. Library.

1837 and paid most of the claims at the time of the payment. The sums seem to have amounted to three to four hundred dollars per person. We have an account of the payment of that year from the pen of James M. Boyd, son of the Indian agent, who was present on that occasion.[15] The tribe was to have been paid on Lake Poygan, but the money came so late in the year that the party stopped at Grand Chute and called the Indians there. Like most such payments it had its ludicrous and tragic incidents and one may seriously question whether the annuities were not more harmful than helpful to the Menominee. In one respect they played an important share in the fiscal history of the territory. Money was scarce on the frontier, and the coin brought by the government agents for the Indians created a circulating medium which aided the new commonwealth to tide over the difficult days of the panic of 1837. So far as the white dwellers in Wisconsin were concerned the treaty of 1836 and its effects were of great importance to their progress. For the Menominee the treaty of 1836 still stands as a landmark in their dealings with their "great Father" for justice, fairness, and a recognition of their rights.

---

[15] MS. in Wis. Hist. Library. File 577.