

THE FAILED WATAB TREATY OF 1853

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On August 6, 1853, after five years of complaints, “repeated solicitations,” and delays, 32 Winnebago chiefs and headmen in Minnesota Territory signed a treaty with the United States government in which they exchanged their unsatisfactory Long Prairie reservation for land to the south on the Crow River. When this controversial Watab Treaty was drastically amended in Washington, the Winnebago rejected it, thus making it one of the nation’s many unratified Indian treaties. The Winnebago were then moved, instead, to southern Minnesota, only to be unfairly forced out of the state in the hysteria that followed the 1862 Dakota conflict.

Historians to date have given unratified treaties only cursory attention. Yet, these documents invariably entailed

The 1853 Watab Treaty, a four-page document bearing the signatures of Minnesota Territory’s governor Willis A. Gorman, Indian agent Jonathan E. Fletcher, and the marks of 32 Winnebago chiefs and headmen; oval portrait of treaty signer Baptiste Lasallier (center) posed with new agent Charles H. Mix (right) and a natty Indian supply merchant from New York, 1857.

Yet, these documents invariably entailed serious, sustained negotiations between Indian and U.S. officials attempting to address issues important to both parties. Furthermore, as historian Francis Paul Prucha has observed, failure to ratify a treaty caused “considerable confusion and hardship.” The story of the failed Watab Treaty is a significant chapter in the history of the Winnebago (Ho-Chunk) people and the new Minnesota Territory. Its complications and reversals illustrate the powerful interplay of national, local, and personal political interests, the negotiation skill of Winnebago leaders who sought a better home for their people, the maneuverings of private citizens who stood to gain or lose mightily by the treaty, and the rapidly changing landscape of Minnesota Territory, where pressure to take Indian land for white settlement proved to be unstoppable.¹

When Minnesota became a territory in 1849, political careers, economic livelihoods, and the region’s future growth and prosperity were closely linked to Indian issues. Indian contracts and annuity payments brought in significant sums of money, and the Indian trade, including illicit alcohol, promised lucrative gains to risk takers. The prospects of acquiring valuable Indian lands and timber held no less attraction. Thus, the Winnebago desire to exchange the Long Prairie reservation for one nearer growing white settlement became caught up in the larger political and economic issues of the new territory.

It is not certain how much of this the Winnebago leaders understood, but it is clear that they were aware of some of it. Key individuals such as Winneshiek, Little Hill, and Big Canoe (also known as One-Eyed Decora and Decora), had long experience with the Americans and a sense of how far they could push government officials and traders in trying to achieve their goals. Yet they did so with some risk. Intermarriage, tribal factionalism, and the appointment of “paper chiefs” by traders and government agents had weakened traditional leadership. Both Winneshiek and Little Hill, in fact, were paper chiefs. Additionally, the Winnebago were indebted to traders who often wielded influence on government officials and on Winnebago affairs as well. The trust that the Winnebago placed in these individuals could be—and was—used against the tribe’s best interests.²

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The immediate origins of the abortive Watab Treaty may be found in Winnebago dissatisfaction with the Long Prairie reservation to which they had reluctantly removed in 1848. The larger context involves even earlier displacements. The Winnebago, a Siouan-speaking people, are apparently native to the area that became Wisconsin. Their cultural development was much influenced by their long residence near Algonquian cultures. They traditionally lived in semipermanent villages and followed a seasonal subsistence economy of horticulture (corn, beans, squash), hunting, fishing, and gathering (including cranberries and wild rice). They were accustomed to the rolling open prairies, woodlands, lakes, marshes, small streams, and major rivers of south-central Wisconsin and northwestern Illinois. The Black, Fox, Wisconsin, and Rock Rivers flowed through their country, and the Mississippi marked its western edge. These river systems not only provided food but also a means of travel, communication, and contact with traders.³

From the late seventeenth through the early nineteenth centuries the fur trade brought cultural changes, including factionalism and a growing threat to the Winnebagos’ sense of community. They experienced a major division in 1728 during the Fox wars with the French. By the early 1800s they were fragmented into some 40 small, dispersed, and somewhat autonomous villages with a population estimated to be between 3,000 and 4,000 people. A smallpox epidemic in 1834 reduced their numbers by at least one-fourth; an 1848 census listed 2,531 Winnebago in 21 bands. Growing pressure on them to cede their lands and leave Wisconsin led to treaties in 1829, 1832, and 1837. The latter treaty, which many Winnebago considered fraudulent, resulted in more factions and permanent tribal division between the so-called treaty and nontreaty, or “disaffected,” bands. Thus, by the 1840s the Winnebago faced not only diminished community cohesion but also serious challenges to their accustomed way of life.⁴

Under the terms of the treaties of 1832 and 1837 the Winnebago had agreed to move to an area west of the Mississippi River in northeastern Iowa and southeastern Minnesota called the Neutral Ground. However, members of the nontreaty bands either refused to leave Wisconsin or, when removed, returned there, prompting increasing protests from settlers. This behavior, along with growing pressures to open the Neutral Ground to white settlement and conflict with the nearby Sac and Fox Indians, led to another treaty in 1846. In it the Winnebago ceded the Neutral Ground in return for the U.S. government’s agreement to “purchase and give to the said Indians, as their



Men and women in a Winnebago village, probably 1850s–60s

home . . . a tract of country north of St. Peter's [Minnesota] and west of the Mississippi Rivers, of not less than eight hundred thousand acres, which shall be suitable to their habits, wants and wishes; *Provided*, Such land can be obtained on just and reasonable terms."⁵

Unable to secure appropriate land from the Dakota, the United States in 1847 purchased from the Ojibwe a tract between the Mississippi, Crow Wing, Long Prairie, and Watab Rivers in what is now central Minnesota. The Winnebago agency, the administrative headquarters where annuities would be paid and business matters conducted, would be located 23 miles inland from the Mississippi River at Long Prairie. Removal there in 1848 resulted in a division among the treaty-abiding faction of Winnebago. Eight of the 19 bands that ultimately left the Neutral Ground settled at the Long Prairie agency, while 11 bands took up residence along the Mississippi River on Watab Prairie in the southeastern corner of the reservation, just north of present-day Sartell. It appears that the latter group expressed the most dissatisfaction with Long Prairie and early on sought a land exchange that would lead to the 1853 Watab Treaty.⁶

The Long Prairie area had been selected by Henry M. Rice, an influential trader whom the Winnebago had asked to choose their new lands. Winnebago agent Jonathan E. Fletcher glowingly described the resources

of the area and observed that it was "the best location which could be procured for them west of the Mississippi river." Indian Commissioner Orlando Brown concurred, and both men noted the good crop land, forests, and lakes of the region. Many years later, Rice recalled that "Long Prairie was a good country and had [the Winnebago] been properly cared for they would have remained; but for personal motives they were induced to exchange it. . . . Wisconsin was always the region they desired, and it is doubtful if the generation of that day would have ever been content elsewhere."⁷

On the contrary, from the moment the Winnebago arrived at Long Prairie their dissatisfaction became evident, and many began returning south to Wisconsin or Iowa. This movement generated increasing consternation and complaints from settlers living on the east side of the Mississippi River from Sauk Rapids south to Prairie du Chien. Other Winnebago began hunting south of their reserve in the Crow River area in what, until 1853, was Dakota land, causing occasional trouble between the tribes. Some Winnebago crossed to the east side of the Mississippi River above Anoka and remained there on ceded and surveyed land, in part because annuity payments were sometimes made at that location and, in 1852, as Territorial Governor Willis A. Gorman reported, because of "their fear of the Chippeways." Their presence there, what previous

governor Alexander Ramsey termed their “constant inebriety,” and other behavior of the younger male adults increased settler indignation and contributed to a bad reputation that disturbed Winnebago leaders.⁸

Agent Fletcher attributed much of the disaffection with Long Prairie to the bands at Watab Prairie but also acknowledged that game was not as plentiful as expected. He did not consider this a valid objection, however, believing that they would not “abandon the chase and depend on agriculture for subsistence, until they are compelled by necessity to do so.” Commissioner Brown said that “only a portion of the more idle and worthless of the tribe” were dissatisfied and that the Winnebago left Long Prairie because “sufficient measures have not been adopted to secure their comfort”—not because of its location. Luke Lea, who succeeded Brown as Indian commissioner in July 1850, concurred, adding that discontent with Long Prairie stemmed “less from any well-grounded objection to the country, than from their own reckless disposition and vagrant habits.”⁹

Yet location clearly *was* the key factor in Winnebago objections to Long Prairie. While the continual movement of small groups off the reservation was a highly visible, physical sign of their dislike, the Winnebago also expressed their dissatisfaction in words reported in territorial newspapers and official correspondence. The land was not, as ordered in the 1846 treaty, “suitable to their habits, wants, and wishes,” wrote Governor Ramsey, repeating their complaints to his superiors in Washington. It was “not a country of their own selection” but one on which they were “forced to settle without their voluntary consent.” They objected to the climate and topography of the area, as well, and the almost total absence of familiar prairie lands. The *Minnesota Chronicle and Register* quoted Na-ha-ke-kah, who said that the land was too “timbered” and “overgrown with trees and undergrowth . . . and very different from the more open country” they were used to. The *Minnesota Pioneer* printed Waukon’s complaints that people were impoverished and hungry because the country lacked game and was “fit for nothing but frogs, reptiles, and musquitoes [*sic*].” At the July 1849 annu-



Territorial Governor Alexander Ramsey,
from an 1850 daguerreotype

ity payment, Big Canoe reminded Governor Ramsey that the latter had seen the country and knew what it was like. The *Minnesota Democrat* reported that the scarcity of game “engendered disease and caused death” to such an extent that “the survivors became so prejudiced against their country that nothing could induce the majority of them to remain within its limits.” As late as the 1970s, Winnebago oral tradition described Long Prairie as “too far north and . . . too sandy . . . to raise crops.” In sum, as Indian Commissioner George Manypenny told his superiors in 1853, the Winnebago contended that “an open country, such as they formerly lived in, is essential to their comfort and existence.”¹⁰

In addition, the Winnebago disliked the agency’s distant location 23 miles inland from the Mississippi River, which was important for trade, subsistence, and communication. Agent Abram Fridley, who had replaced Fletcher in 1851, observed that nearly all settlers who knew the Winnebago understood their attachment to the river and believed that they would not remain in a location lacking direct access to it. The Winnebago also objected to the reservation’s distance from Wisconsin. Their ties to that area remained powerful, largely because relatives and friends still lived there but also, Fletcher noted, because the Indian’s “attachment to the home of his childhood, and his reluctance to abandon to a stranger’s keeping the graves of his fathers is proverbial.” Finally, the issue of security also concerned the Winnebago. While federal and territorial officials intended that the Winnebago reservation at Long Prairie serve as a buffer between the Ojibwe and Dakota, the Winnebago had had occasional disputes with both, and in the spring of 1853 they feared a major Ojibwe attack. They also worried about becoming involved in conflicts between the two as had happened with the Sac and Fox and the Dakota in the Neutral Ground.¹¹

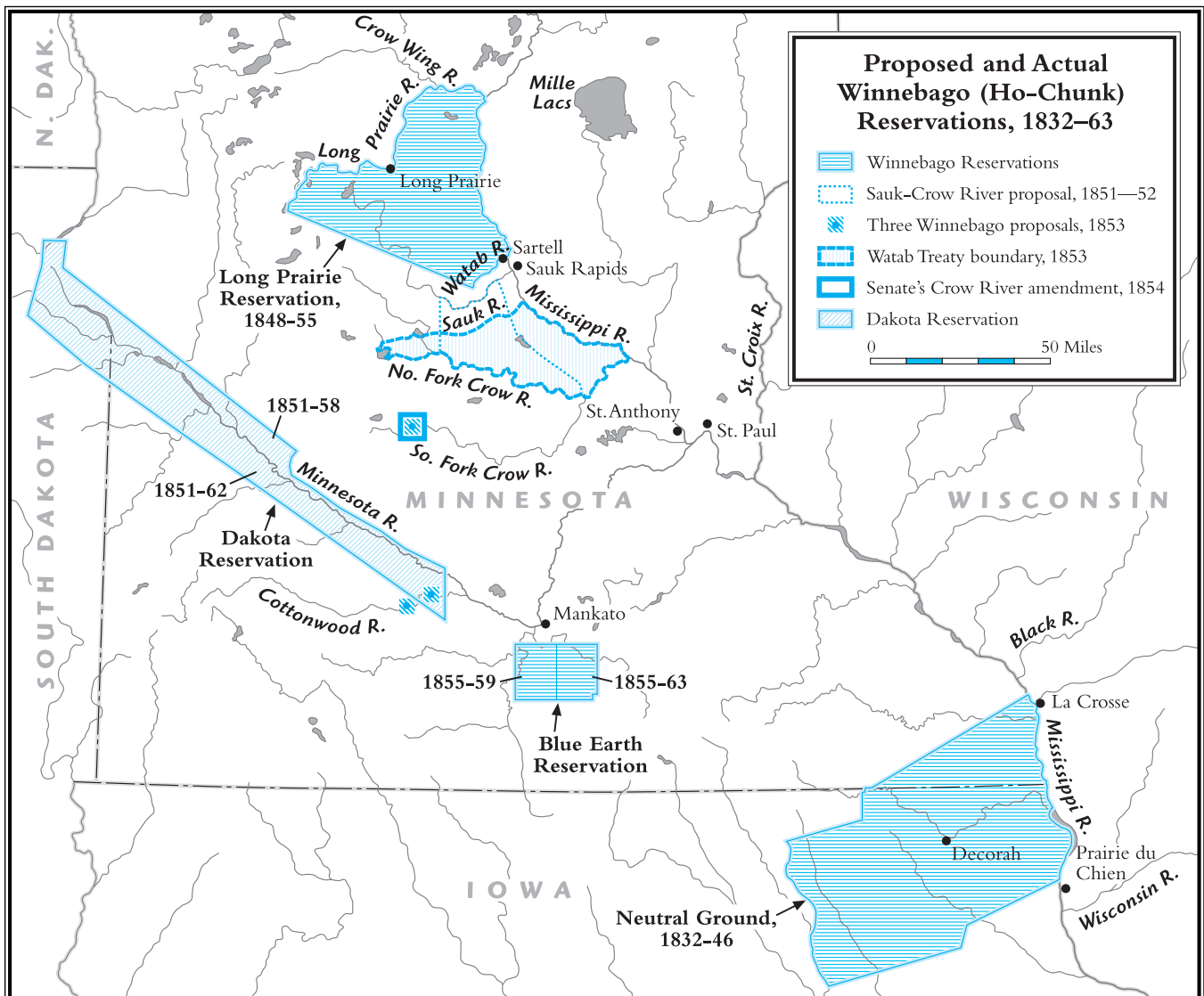
Several other motives propelled the Winnebago quest to relocate. The removals, resulting factions, and fragmentation into smaller and more mobile bands scattered from Long Prairie to Wisconsin, Iowa, and along the Missouri River in present-day southeastern Nebraska had contributed to a diminished sense of

community. Many Winnebago feared continued disintegration and hoped to reunite the nation by bringing the scattered bands together in one location. Also aware of and disturbed by the image many settlers held of them as “vagabond savages,” “worthless,” and inebriated, the Winnebago wanted to keep their young men under control and avoid further trouble. They also believed that the government’s 1846 promise of an acceptable permanent home should be honored. Winnebago leaders hoped and believed that a new location, favorable to most of their people, could achieve these goals.¹²

THE 1846 TREATY PROVISION for land “north of [the Minnesota River] and west of the Mississippi, of not less than eight hundred thousand acres” guided the search

for a new location. Various sites within this vast area would be proposed by both parties, but the two most prominent in discussions were the Crow River area and more southerly land near the Minnesota River. Both had prairie environment and, until 1853, belonged to the Dakota.

The Winnebago also considered land southwest of the Missouri River. The 1837 treaty had provided funds for exploring that region, and by 1849 some 200 Winnebago lived in the vicinity of the Great Nemaha Agency of the Ioway, Omaha, Otoe, Sac, and Fox in the southeast corner of what is now Nebraska. From the 1830s to the 1850s various individuals, including traders David Olmsted, Sylvanus B. Lowry, and Henry M. Rice and some Winnebago leaders, as well, had proposed



removal to that region. This would re-emerge as a key issue in 1854. Whether along the Missouri River or in Minnesota, the Winnebago desired prairie areas with access to rivers, land good for hunting and agriculture, and proximity to other Siouan-speaking peoples.¹³

The first official efforts toward their goal appear to have begun in late 1849 when Little Hill, official tribal orator and head of the agency or “school” band, and Wawkanhawkaw, a band chief, approached Indian agent Fletcher for permission to visit Washington to inquire about a land exchange and about monies due them. Fletcher told them they could not go without an invitation and that, in any event, the Indian Office would not entertain their proposal. Later, in March 1850, a large delegation of Winnebago chiefs visited Territorial Governor and Superintendent of Indian Affairs Alexander Ramsey in St. Paul to complain about Long Prairie. They stressed their poverty and their inability to hunt “for fear of the guns of our enemies.” Big Canoe, an old band chief, complained, “I do not understand why we should be taken from a good country and placed in a bad one.” In a letter to the Indian Office, Ramsey acknowledged Winnebago complaints about Long Prairie and their desire for an agency on the Mississippi but opposed the latter because it gave too easy access to whiskey, which could be sold just across the river, off the reservation. Ramsey did, however, suggest that if the government intended to keep the Winnebago at Long Prairie, it, or perhaps the Winnebago, should purchase from the Dakota the strip of land between the Watab and Sauk Rivers. This would give them “a much better country than they now possess.” Although he asked Indian Commissioner Brown to give the issue “early attention,” no action followed.¹⁴

Ramsey’s suggestion did not involve a land exchange. The first documented reference to that issue occurred in 1851 when the Winnebago proposed to trade Long Prairie for an adjoining location of about 500,000 acres immediately north of the Crow River. They authorized Abram Fridley, their new agent, to negotiate the exchange for them, but negotiation and delays related to ratification of two key Dakota treaties prevented government action on the Winnebago request. In the summer of 1851 at Traverse des Sioux and Mendota, the Dakota had ceded the Crow River region and southern and western Minnesota to the U.S. government, except for a small reserve along both banks of the Minnesota River.¹⁵

In January 1852 Winnebago leaders again met with Ramsey in St. Paul. Decora (probably Big Canoe), described by Ramsey as “the oldest and most respectable chief of his tribe,” informed the governor that the

Winnebago desired an area north of the Crow River, with it serving as the southern boundary and the eastern boundary no closer to the Mississippi than the forks of the Crow. Fridley urged Ramsey to support the proposal and recommended the prairie area between the Sauk and Crow Rivers. He thought removal to that location would protect the interests of the territory, save the government trouble and expense, and provide a more suitable place for “these children of the prairies.” Fridley feared that unless they were allowed to move, “a majority of the tribe will continue to lead their present vagrant life to the great annoyance of the entire northwestern frontier.” He had heard that the Winnebago bands along the Missouri and in Iowa and Wisconsin desired to return and “settle permanently with their brethren” if the proposed exchange occurred. Thus, he wrote, “the safety of the frontier settlers as well as the welfare of the Indians require that a new home should be assigned them.”¹⁶

Ramsey also supported the exchange, noting that removal could be effected without government expense because the proposed location adjoined the Long Prairie reserve. He believed that the Winnebago would be “content” with the land, since they had chosen the location, and he advised the Indian Office that “it would be policy to gratify them.” The governor also thought that the Crow River area would remain distant enough from white settlement for many years. He further suggested that, if the Winnebago were removed, the Long Prairie agency could be used for the Menominee or for the Ojibwe, who could all be moved west of the Mississippi. Some white settlers, Ramsey guessed, might object to transferring land recently taken from the Dakota to another group of Indians.¹⁷

Indian Commissioner Luke Lea took the proposal under consideration. He hoped that any approved land exchange could be completed in the spring of 1853 without cost to the government. Nonetheless, he cautioned that an exchange should not be attempted “unless the scattered fragments of the tribe can be thereby brought together, and all settled contentedly in their new homes.” With 1852 an election year and the Dakota treaties still at issue, no official authorization was forthcoming.¹⁸

By early 1853 events began to move more rapidly. Territorial legislators and a number of Minnesota residents drafted a memorial to Washington requesting that the Winnebago “be granted their desire for a country between the Crow and Sauk rivers, some distance west of the Mississippi River.” Ramsey again urged Lea to give early approval to the Winnebago request, noting that they constantly questioned him

about it and “confidently expect” the exchange to occur. Henry H. Sibley, the territorial delegate to Congress, also urged the Indian Office to support the Winnebago’s request: “They are unanimous in their desire to have set apart for them as their future home, a portion of the prairie region a little south of their lands and more remote from the Mississippi River, as better suited to their conditions and wants.”¹⁹

The political terrain was shifting, however. The 1852 presidential election had brought in a Democratic administration and, after March 1853, new appointments in a number of important posts. President Franklin Pierce named George Manypenny commissioner of Indian affairs and Willis A. Gorman territorial governor and superintendent of Indian affairs for Minnesota. He also replaced agent Fridley, reappointing Jonathan Fletcher. In Minnesota Territory in 1853, citizens elected a new territorial legislature. Henry Rice replaced Henry Sibley as congressional delegate. Both men were Democrats but sharp political rivals who held dissimilar views on the Winnebago issue. Sibley had wanted the question settled so that all Winnebago—including those living in Wisconsin and Iowa—could be located in one place, and he urged the commissioner to take action. Rice opposed the Crow River exchange but supported removal to the Minnesota River area.

Within a week of Gorman’s arrival in mid-May 1853, some Winnebago met with him to reiterate their complaints about Long Prairie and reaffirm their request for a land exchange. Gorman asked them to submit a written proposal. In his correspondence with the Indian Office, Gorman noted the support of the territorial legislature and other residents for the land exchange. For Gorman, the “cause of peace and humanity,” the good of the tribe, and the “quiet of the Territory” demanded that the transfer occur. He sought to pressure the Indian Office, indicating he had promised that the government would reply in 30 days. To Gorman, “a promise made to an Indian must be kept or they lose confidence.”²⁰

Commissioner Manypenny supported the idea of a land exchange and on June 10, 1853, received authorization from the secretary of the interior to carry it



Willis A. Gorman, Minnesota’s second territorial governor, about 1865

out. Manypenny attributed this decision to the impossibility of keeping “a majority of them upon [their reservation],” their “pressing and constant solicitations,” and promises made. Noting the urgency of the situation, he authorized Gorman and Fletcher to negotiate an agreement with the Winnebago in the form of articles of convention, which would speed the process, bypassing some preliminary steps in Congress. The boundaries of the new reservation were to be clearly defined and, if at Crow River, the eastern boundary was to be located, ideally, no less than 70 miles from the Mississippi River; if necessary, it could be set “not . . . less by any means” than 25 miles from the river. Manypenny also approved an alternative: extend-

ing the Long Prairie reservation south to the Sauk River. The Winnebago were to be told that they would pay all of their own removal expenses. It seemed that Winnebago persistence and their appeal to the government to honor its word had succeeded.²¹

GORMAN DID NOT RECEIVE the authorization and instructions to proceed until June 23. Two days earlier, in the presence of Rice, trader Lowry, and agent Fletcher, Gorman had held a council with the Winnebago near the mouth of the Rum River (present-day Anoka), at which they presented their formal proposal to “cede, sell and transfer” to the United States all prior land claims in exchange for “a country not to exceed 20 miles square,” to be selected from one of three locations, identified in order of preference. The first two, land along the Cottonwood River adjacent to the Dakota reservation or land within the lower end of the Dakota reserve, recalled their earlier interest in a location near the Minnesota River. The third choice, “high on the southern main branch of the Crow River,” represented a modification of their earlier request to be north of that river. The last two locations were more consistent with the 1846 treaty provision, and curiously, none would place the Winnebago near the Mississippi River. Gorman told the Winnebago that he thought the government would not support their first choice. Nonetheless, they authorized him to negotiate the exchange. An exploring party of several Winnebago,

Lowry, and a Dakota guide left in early July to survey the lands proposed by the Winnebago to help them decide on the most favorable area.²²

Gorman forwarded the proposals to the Indian Office for review on June 23, remarking that the Winnebago “will be happy and contented if their wishes can be gratified.” Although he now had to wait for the Indian Office reply and Lowry’s exploration report, he anticipated, prematurely, having “all done and the Indians removed by the first of August.”²³

Gorman did not hear from the Indian Office, however, until late July. As he expected, Manypenny rejected the two Minnesota River locations because of white settlement there and because officials considered the Dakota reservation to be temporary. Manypenny reaffirmed the suitability of the Crow River location. Lowry’s exploring party had “reported favorably,” and Gorman thought the land exchange would be made on “favorable terms” for the government. The treaty council now could proceed.²⁴

TREATY NEGOTIATIONS BEGAN

on August 3, 1853, on the Watab Prairie, within the Long Prairie reservation, across the Mississippi from the village of Watab near present-day Sartell. The official minutes indicate that all Winnebago chiefs (15 are named) and headmen met in council with Gorman and Fletcher. Winneshiek, the head chief, and Little Hill, tribal orator, were principal speakers for the Winnebago, and Gorman spoke for the United States. Two interpreters and five other Americans witnessed the treaty. Gorman managed to keep traders, who made several attempts to include debt payments in the treaty, out of the negotiations. Since Winneshiek represented the bands residing at Watab Prairie and Little Hill those at the Long Prairie agency, the treaty-abiding group of Winnebago seemed to be in accord on the land exchange. Although by this time traditional clan roles had shifted and lost some

importance, the Winnebago still appeared to grant some authority in treaty matters to members of the earth clans, since Winnebago speeches referred to “land chiefs.” Winneshiek belonged to the Thunder clan, which traditionally provided civil leaders who served as mediators and speakers for their people. Little Hill was a member of the Buffalo clan.²⁵

Gorman opened the council with a review of recent events that had led to the negotiations. He sought to ensure that the Winnebago understood the government’s position on the land exchange, especially that “referring to the limited approach to the Mississippi.” He then presented the government’s three alternatives: extending the current reservation south to the Sauk River; trading for an area “high up” on either fork of the Crow River; or exchanging for land on the north fork of the Crow River, no closer than 25 miles to the Mississippi and not below the forks. The latter two

options seemed to leave some room for compromise with the earlier Winnebago proposals. Gorman argued that the Crow River area was more valuable to the Winnebago than Long Prairie and that the government had made its offer because of the good will “of your great father.” “This is your treaty,” he told them.²⁶

Winneshiek requested time to discuss the proposals. The next day he began with a speech that may have been intended to flatter or appease Gorman by its seeming deference to the belief of white superiority and paternalism. Winneshiek observed that the “Great Spirit above” had made both red and white man but had not made the red man equal to the white. However, seeing “our inability to protect ourselves,” he had made the white man the Winnebago’s “father and protector. . . . Our maker . . . saw our troubles and provided for them by sending you here to talk to and care for us.”

Having said that, he rejected Gorman’s proposals. Contrary to their own original proposals,

Tribal orator Little Hill, photographed at Whitney’s Gallery, St. Paul, 1860s



the Winnebago now demanded land on the Mississippi River. Winneshiek, reaffirming that the Long Prairie land “was worthless to us,” stressed that they wanted the prairie below the forks of the Crow River and “no miles” between them and the Mississippi: “We want to come to that river.” He expressed his faith in Gorman’s ability to relieve their troubles. Little Hill made the same point, emphasizing that the Winnebago “have been more obedient to [the president] than his other children.” He reminded Gorman that “our Great Father never removed any of his red children so far as he has the Winnebago and that he never allows his red children to take a step backwards.” Little Hill said that they desired the country between the Sauk and Crow Rivers, including its mouth, and “we want no reserve between us and the Mississippi. We want no white folks there.” Perhaps reflecting the interests of the bands they represented, Winneshiek and Little Hill proposed locations that were neither similar to each other nor consistent with what the Winnebago had requested in late June—a location “high up on the southern main branch of the Crow River.” They did, however, agree on proximity to the Mississippi River. What led them to the decision is not clear, but trading interests are suspect.

Gorman should not have been surprised. Lowry’s exploration report had warned that, given the Winnebagos’ “strong attachment” to the Mississippi, no location “within striking distance” of the river would keep them from it, and only the use of military force would “compel them to remain on the lands assigned them.”²⁷

Gorman nevertheless objected to the Winnebago proposals, reminding them that the government could neither give them more than 500,000 acres nor a location within 25 miles of the Mississippi. As instructed by Manypenny, he reminded them of the government’s 1852 promise to the Stockbridge Indians (who had already been removed from New York to Wisconsin) of land at the mouth of the Crow River. Gorman countered by claiming that the proposed Crow River land, above the forks, would become more valuable with time, especially if a right-of-way for a proposed railroad, which he was to secure in the treaty, were reserved through that area. Fulfilling his instructions from Washington, he reiterated that the Winnebago would receive no money for Long Prairie, including the value of improvements. In addition, while not a condition of the negotiations, he told them that the president would like them to agree to a 50-year limit on annuities. Gorman also advised the Winnebago that they must adopt more white customs “or your race will diminish every year.”²⁸

Other Winnebago then spoke, reflecting some disagreement. Not all wanted to leave Long Prairie or



Winneshiek (second from left) and other Winnebago photographed at Fort Snelling by B. F. Upton for Martin’s Gallery of Indian Portraits, St. Paul, 1860s. The man third from left is thought to be Waukon Decora.

were reluctant to do so. Baptiste Lasallier, a mixed blood, objected to other Winnebago leaders being willing to “throw away this land” through exchange rather than selling it to the government. He realized that a railroad would increase the value of the Crow River reservation but rejected Gorman’s argument that Long Prairie was less valuable, since it had extensive stands of timber. He concluded, however, that since he was “not a brave or a hunter . . . or a land chief I suppose I will agree to do what the rest do.”

No records of Winnebago discussions outside the treaty council exist to assist in determining the basis for the arguments, comments, and positions the leaders expressed. Most likely, discussion represented the diverse perspectives among the Winnebago, including the interests of mixed bloods, those who had little direct contact with settlers, those with closer connections or more in debt to certain traders, those more amenable to cultural adaptation, those who resisted cultural change, those more dependent on hunting and annuities for their livelihood than others, and those with closer connections to government officials.

The Winnebago and Gorman finally reached agreement on Saturday, August 6, 1853. Contrary to



Baptiste Lasallier, wearing an assortment of Indian and Euro-American garb, 1850s

Gorman's instructions, the treaty provided land fronting the Mississippi River. Gorman told the Winnebago that he only agreed because he came to realize they had been promised a country suited to their "wants and wishes" in the 1846 treaty and that he knew they would not be satisfied without it. While he expressed doubt that the president would approve the exchange, he had yielded to Indian agent Fletcher on the boundary issue. Some months later the Winnebago chiefs stated that Gorman and Fletcher "saw proper to give us the country at the *mouth* [*their emphasis*] of Crow River and on the Mississippi where we have since been living."²⁹

THE WATAB TREATY, formally "Articles of Convention between the United States and the Winnebago Tribe," is a relatively brief document of six articles. Article two set forth the new reservation, estimated to contain about 500,000 acres, "beginning at the mouth of the Crow River, thence up the Mississippi River with its meanders to the mouth of Clearwater River, thence up said river to its head, thence directly west until the line comes to Crow River, thence down said Crow River to the place of beginning." The Winnebago had one year in which to move. Those who did not move and reside there permanently would be prohibited from receiving annuities.³⁰

The Winnebagos' persistence had paid off. They had prevailed and obtained a favorable tract of land. At the treaty signing, Winneshiek observed that "the Great Father did not want to give us the Minnesota Country but has given us our last choice and allowed us to place our council fires again on the Mississippi." Little Hill also indicated Winnebago satisfaction, saying that their wishes had been granted: "We have not been deceived." In Gorman's view, the Winnebago were "much pleased."³¹

Gorman forwarded the treaty and other documents to the Indian Office on September 9. Anticipating objections, he defended the boundaries of the Crow River reservation. Not only would the government gain valuable acreage, including some "excellent and extensive pineries" and "more than 60 miles on the Mississippi," but the new location would save all land-transportation costs. Locating the agency, farms, and school on the Mississippi would allow the agent better opportunity "to check [Winnebago] roaming habits, redress their wrongs, and suppress the liquor traffic more effectively." It also would give people with grievances prompt access to the agency and, since the bands would never stay away from the Mississippi, was the "best safeguard" for both whites and Winnebago. Additionally, the true location of the rivers dictated

that the 25-mile limit could not be imposed. Gorman also pointed out that the land exchange would accomplish the government's expressed desire to provide a satisfactory home for all Winnebago and thus "stop their running over the country between Wisconsin, Iowa, Missouri, and Minnesota." The governor feared that unless the Winnebago were satisfied with a "new country," the "tribe will be broken in fragments and they will become mere wanderers and vagabonds." He reported that the Winnebago were "delighted and pleased beyond measure" with the Crow River area.³²

With the treaty concluded, more Winnebago from Long Prairie came to join those already residing in the Crow River area. Pending approval of the treaty, Gorman allowed them to remain because the area "abounds with game, wild rice, etc." According to Fletcher in September 1853, only about 300 Winnebago were at Long Prairie, a few at Watab, and the rest "hunting on the Crow river, which, since the late treaty with them, they consider as their home."³³

WINNEBAGO HOPES FOR a final home, however, would soon be dashed. Opposition to the Watab Treaty quickly emerged from most of the territorial press and a large number of citizens, including some who earlier had favored the treaty. Gorman had naively anticipated only some possible "silly opposition" from traders who had tried and failed to get debt payments written into the treaty. Indeed, in his August 12 report to the Indian Office, the governor had noted that "so far as we have heard" settlers east of the Mississippi across from the new reservation "are perfectly satisfied with this exchange." He would soon hear otherwise, and his initial strong support for the treaty would erode in the ensuing months of political fallout.³⁴

In St. Paul the *Minnesota Pioneer* reported that the Watab Treaty was opposed by "individuals, by settlements, by counties, by the Territory," except for a few so-called Indian traders who stood to gain from annuity payments "in their neighborhood." Most territorial legislators and, in particular, residents of Hennepin County and St. Anthony led the opposition, which also stemmed from their economic rivalry with St. Paul, the seat of government. In addition, some residents of the area opposite the Long Prairie reservation, fearing lost business opportunities, did not want the Winnebago removed. The territorial newspapers, aligned with either the Democratic or Whig Parties, added a partisan dimension to the debate over the treaty, even as they unanimously denounced it.³⁵

Opponents urged withdrawal of the treaty, maintaining that the Crow River area had a "vast agricultural

and commercial advantage” and that Winnebago presence would, in the words of Democratic legislator Joseph R. Brown, place them in “a location decidedly injurious to the prosperity of the Territory, and destructive to the interests of many individuals and communities of our citizens.” The *St. Anthony Express*, a Whig paper, charged that not only Gorman but the people of St. Paul had consorted to throw “every obstacle in the way of the progress and prosperity of the Upper Mississippi.” James M. Goodhue, editor of the Democratic *Minnesota Pioneer*, refuted those charges and contended that everyone wanted to keep the Winnebago from the Mississippi. In his relatively mild criticism of the treaty, he reminded his readers that the Winnebago annuities and other agency purchases brought in more than \$100,000 to the territory, which would be lost if the bands moved elsewhere. At the same time, it was “desirable that the faith of our Government should never be broken with the Indian tribes within the limits of the Territory.” If keeping the Winnebago on the Mississippi was “necessary to a faithful fulfillment of a sacred promise,” they should remain on the river. Much of the trouble between the whites and Indians he attributed to “unprincipled liquor dealers,” but this was no reason why “the faith of the government, pledged to the Indians, should be violated.”³⁶

At first, Gorman defended the treaty and urged the Indian Office that “the exchange made *ought by all means be confirmed.*” He warned that failure to do so would mean that the Winnebago be “disintegrated forever, and must become shortly mere wandering trespassers, without hope for all future time.” He discounted the opposition as “very insincere,” motivated by “party purposes,” and coming from those traders and speculators who had failed to get debt payments written into the treaty. “They don’t want to lose the distribution of the large Indian annuity . . . yet they want them off the Mississippi river so they can get full access to the timber of its banks.” Fletcher concurred and denounced objections as “groundless.” He complained of the “fickleness” of business interests that earlier had supported the land exchange and then were the “loudest against it.” Indeed, Fletcher alleged a plot on the part of “a few individuals instigated by their own interest” to secure the Crow River location and then oppose it, not to benefit the Winnebago but “to control the details of the treaty for their own benefit.” He argued that the people of St. Anthony, the most vocal treaty opponents, would gain from it, since the profits from transporting and distributing annuities would remain and valuable timber resources to supply the area’s sawmills would be opened up. He thought the Winnebago

would be “greatly disappointed and dissatisfied” if the treaty failed to be ratified.³⁷

Sometime between late September 1853 and early January 1854, Gorman changed his mind. Political considerations undoubtedly played a major role. According to some legislators, the issue of treaty ratification had been “considered paramount to all others by a large portion of the electors” in the 1853 election. When the new territorial legislature convened in January 1854, Hennepin County representative Hezekiah Fletcher and councilmember Joseph Brown, now the editor to the *Minnesota Pioneer*, indicated their intent to ask Congress to reject the Watab Treaty. In an open letter to Gorman, area legislators contended that the treaty “places Indians sustaining the worst character for drunkenness and other evil and disorderly propensities of any in our territory” on already partially settled land, too near the “most flourishing settlements.” This location “would become surrounded by white settlements,” in the “natural course of events would lead to disagreements and probably bloodshed” and, in a few years, force another removal. They also feared that people who had settled around Lake Minnetonka and elsewhere in the “good faith” belief that the area, part of the Dakota cession of 1851, would remain free of Indian population, would abandon their homes. In *Pioneer* editor Brown’s view, this would “retard the settlement and thoroughly destroy the business prospects of [Hennepin] county.”³⁸

Soon after the legislature convened, Gorman told a number of legislators of his change of heart and his willingness to ask the Indian Office to withhold the treaty. He did inform that office, however, that he believed the opposition to ratification would embarrass both Fletcher and himself and lead to complaints that “must continue a source of embarrassment and discontent among the Indians.” On the other hand, now that the Winnebago chiefs had “full knowledge of the efforts to defeat the Treaty,” Gorman felt “confident” that he and Fletcher could get the Winnebago “now to accept a Country further off the Mississippi River or to extend their old line down to Sauk River and be satisfied.” The only obstacle would be certain “interested persons” who might persist in having the Winnebago “continue their discontent” until money to “pay old debts” was secured.³⁹

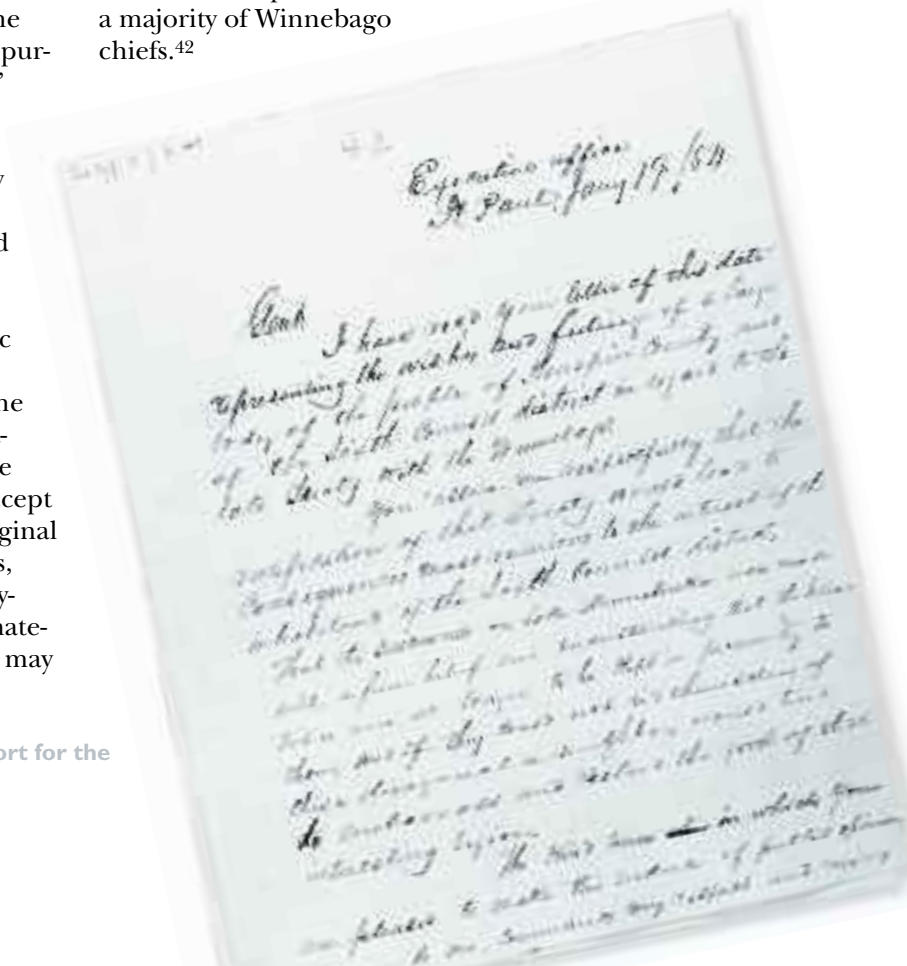
It is clear that Gorman (and Fletcher) never fully supported the Crow River location that they had accepted at the treaty council. But did they have ulterior motives? While Gorman initially argued for ratification, did he know full well that the Senate would not approve the treaty? This failure would allow him to save

face with the Winnebago, then secure the location that the government favored and thus bolster his diminishing political support at home. There is no clear evidence that this was the case. Even though Gorman seemed not to have anticipated the extent of local opposition—he had only been in the territory since mid-May—he had warned the Winnebago that the president would likely not agree to a location bordering the Mississippi. In a letter to the legislature, later published in the *Minnesota Pioneer*, Gorman claimed that if he had earlier been made aware of the opposition by other than “street rumor,” he would not have recommended ratification. He also noted that it was not unusual for legislative and public opinion to change, as it had since the last election. Historian William W. Folwell’s conclusion that Gorman’s change of views came with “a fuller knowledge of the situation” seems valid.⁴⁰

Agent Fletcher’s role seems more questionable. Gorman stated that he had agreed to the Crow River location on Fletcher’s advice. Although the Indian agent favored the “liberal” offer to extend the Long Prairie reservation to the Sauk River and regretted that the Winnebago did not accept it, he thought they should be satisfied that the government was “not disposed to oppress or wrong them.” Yet, in March 1854 several Winnebago leaders accused Fletcher of doing all he could to prevent them from securing a “home of our choice in Minnesota.” He had deviated from the commissioner’s orders, they claimed, “only for the purpose of defeating our wishes and killing the treaty.” Still, Fletcher too can probably be absolved of wrongdoing. Gorman, as might be expected, defended the agent, saying that he was “actuated by the purest and most honorable motives.” In the end, there simply is no evidence that Fletcher stood to gain from the exchange.⁴¹

The complicated treaty events reveal the workings—if not the motives—of political and economic interests attempting to influence the government’s Winnebago policy. The imbroglio also points out the uneasy state of Winnebago politics. Fletcher had favored extending the Long Prairie reservation to the Sauk River yet apparently persuaded Gorman to accept the new Crow River location. The Winnebagos’ original proposals (drafted in Fletcher’s, Gorman’s, Lowry’s, and Rice’s presence) did not identify a location anywhere on the Mississippi, yet that is what they ultimately demanded. There is no evidence of who or what may

have persuaded the chiefs, especially Winneshiek and Little Hill, to change their minds. If Fletcher had influenced them, this might explain the chiefs’ later allegations of betrayal. But it seems more likely that Rice and Lowry would have been the persuaders. Rice at the time was seeking election as territorial delegate to Congress and may have cynically welcomed the treaty as a weapon in his campaign. Henry Sibley, whom Rice defeated, noted that Rice was “bitterly hostile” to Gorman and that the unpopular treaty had aided Rice’s electoral victory. Trader Lowry’s involvement is also suspect. While prospects for ratification of the Watab Treaty in Washington looked dim, it seems that Lowry initiated a private meeting with selected Winnebago chiefs on March 24, 1854, at Joseph Brown’s house. An outcome of the meeting was a letter from the Winnebago to the Indian Office alleging Fletcher’s betrayal and requesting removal to the Missouri River area. Lowry probably wrote that letter, even if some of the sentiments were those of the Winnebago. The letter was sent through Rice, who asked Indian Commissioner Manypenny to give the request his “serious consideration.” Fletcher later claimed to prove that five of the chiefs whose marks were on the letter had not been present, and Little Hill admitted that he and others at the meeting agreed that Lowry should sign those names. Those present did not constitute a majority of Winnebago chiefs.⁴²



Gorman’s letter to the legislature rescinding his support for the Watab Treaty

IN THE MEANTIME, the Watab Treaty lay in limbo in the Indian Office. Manypenny knew of the opposition to it but delayed a decision while pondering whether the objections were sufficient cause to reject it. In December 1853, however, he informed the secretary of the interior that he opposed the treaty because giving the Winnebago access to the Mississippi was an “unwise choice.” Their past, “replete with instances of demoralization and ruin, arising from contact with vicious whites,” and frequent complaints “against their depredations and annoying presence” made it unlikely that continued closeness to white settlements would “revolutionize the Indian.” Thus, “the further removed [the Winnebago] are from the Mississippi the better.”⁴³

By early March 1854 the Indian Office had become fully aware of the nature and extent of the opposition in Minnesota Territory and of Gorman’s request to have the treaty withdrawn. Manypenny concluded that the proposed exchange of land “would, in many respects, be an improper location” for the Winnebago. Instead he recommended amending the treaty by assigning the Winnebago a location on the south fork of the Crow River which was, he said, “nearly the same” as the Winnebagos’ original “third and last choice.”

The Watab Treaty was submitted to the Senate Committee on Indian Affairs on April 10, 1854, but did not come up for consideration by the full body until June 19. It was ratified after the Senate replaced the original Crow River tract with Manypenny’s amendment of “a square of twenty miles high up on the southern main branch of Crow River, and measured from the center of Red Cedar Island Lake, embracing two hundred and fifty-six thousand acres,” and adding a second option, “or within the Sioux reservation [on the Minnesota River] . . . with the consent of said Indians.” The Senate next forwarded the treaty to President Pierce for action but then asked him to return it and re-referred it on



Territorial delegate Henry M. Rice striking a heroic pose

July 10 to the Committee on Indian Affairs. On July 21 the Senate further amended the treaty by adding a new article authorizing the president to assign the Winnebago a tract of land of the same size “southwest of the Missouri River or elsewhere” if the Indians preferred. This latest action must have been in response to the Winnebagos’ March 24 request and to Rice’s influence. Totally disregarding the agreement reached by Winnebago and territorial negotiators at Watab Prairie almost a year earlier, the amended treaty provided the Winnebago with the choice of three different locations. None of them were on the Mississippi, but each the Winnebago themselves had at some time proposed.⁴⁴

The amended, ratified treaty now required Winnebago approval before the president could proclaim it in effect. The events that led them to reject it can be pieced together with some certainty. The Winnebago were kept informed of the treaty’s progress in Washington, if not always by disinterested parties. They knew, probably

through Rice, that the Indian Office disapproved the Crow River site, and this had led to their March 1854 request for a Missouri River location. Gorman, Fletcher, and Rice knew by May 1854 that the Watab Treaty, with the Indian Office’s proposed amendment, had been sent to the Senate for ratification. Whether any of them informed the Winnebago of this development, or of the additional Senate amendments at the time, is not known. Little Hill claimed that Fletcher did not tell them until November 1854, but they likely learned of it much earlier. In September 1854 the Indian Office sent Gorman various documents, including the July 21 Senate resolution “advising and consenting” to the treaty as amended and an assent form. This latter document, indicating that the Winnebago “hereby accept and consent to the said amendments,” was to be presented to the chiefs for their signature at the annuity payment at Watab Prairie in November. Gorman for-

warded these papers to Fletcher and informed the Indian Office that he did not know “whether the amendments will meet with their concurrence or not.” He would find out in early December 1854 that the Winnebago refused to sign, thus rendering the treaty null and void.⁴⁵

WHY DID THE WINNEBAGO reject the Watab Treaty? Perhaps the Dakotas’ rejection of their own amended 1851 treaty and their successful request to remain on the Minnesota River reservations set forth in the two original treaties “until the Executive shall deem it expedient otherwise to direct” gave the Winnebago hope that they, too, could prevail. Traders’ influence on at least some of the leaders also seems to have played a hand. When Little Hill presented Fletcher with the Winnebago decision, he noted “their Great Father” had returned the treaty with some changes that would give them “another and a smaller country.” Therefore, they “could not take hold of this treaty and sign it as it now is.” While they would not object to the smaller amount of land, they did want \$200,000 to account for the difference in value of the two locations. This money was to help them pay their own removal expenses, contribute to their subsistence after removal, “and for other purposes.” Since Little Hill stated that his people had met with their traders the previous night, Gorman, probably correctly, saw this request for funds as “the result of the influence of interested persons.”⁴⁶

Little Hill made two other proposals: The Winnebago wanted to remove to “the mouth of Muddy Creek [the Great Nemaha River] southwest of the Missouri River,” and they wanted to go to Washington to see the president about the land exchange. Since that location was named in one of the amendments, it would appear that the Winnebago were, in fact, agreeing to the treaty. This contradiction aroused Fletcher’s earlier suspicions that the Winnebagos’ March letter and request to move to the Missouri River were not representative of larger tribal wishes. He thus asked each chief what he wanted to do and reported that a “majority of the chiefs in reply expressed an unwillingness to remove there.”

Still, the Winnebago response to the amended treaty seems contradictory. Perhaps these apparent contradictions reflect disagreements among Winnebago leaders and their factions. In any event, their rejection left the Winnebago with the Long Prairie reserve, which was unacceptable to all of them as a permanent home. If a majority of chiefs did not accept the amendments, and a majority did not want to locate along the Missouri River, and a majority did not want to remain at Long Prairie, what did they want?

Although each of the locations offered in the amended treaty had, at one time, been Winnebago proposals, their situation had changed during the protracted treaty-making process. The Crow River tract did not give the desired access to the Mississippi River. The alternative of land within the Dakota reservation required Dakota consent, and by late 1854 the Winnebago may have believed that such a location would not be a permanent home for them, or, for that matter, the Dakota. Similarly, a tract of land “southwest of the Missouri River or elsewhere,” while attractive to some, no longer seemed a viable option.⁴⁷

WHAT OF THE WINNEBAGO people during the treaty-making years? They had experienced hardship, hostility, and uncertainty while at Long Prairie, especially during the controversy over the Watab Treaty. After rejecting it, most Winnebago seem to have continued their familiar patterns of life, including using the Crow River area for hunting and other purposes. Annuity payments were made on the old reservation, but the Winnebago remained in scattered and mobile bands. Agent Fletcher estimated in 1854 that about 1,480 Winnebago (out of about 2,561) lived on the Long Prairie reservation, a reported 208 were along the Missouri River, about 200 near the Root River in southeastern Minnesota, and the rest scattered in Wisconsin and Iowa. He believed that the population was “diminishing” and noted their “unsettled state.” Many had moved to the Crow River area in anticipation of the treaty’s ratification. School attendance at Long Prairie had dropped considerably, fewer crops were planted, and the physician for the Winnebago noted a general decline in their health.⁴⁸

Gorman described as “unhappy and discontented” those Winnebago “not permanently remaining at Long Prairie.” Rice, too, noted the “unsettled condition” of the Winnebago, who were “roaming thro’ the filled parts of the territory . . . annoying the whites” and almost always “in a destitute condition.” The increasing resentment of settlers along with renewed threats from the Ojibwe contributed to a growing anxiety about the future. Above all, the Winnebago sought to prevent further disintegration of their already small, separated bands. Even before the Senate acted, Winnebago leaders had expressed their fear that if there was “no alternative but to return to the country about Long Prairie. . . . our people will be scattered, and the council fires of . . . the Winnebagos will burn no more.” In the face of this drastic possibility—and yet, perhaps, to prevent it—they rejected the amended Watab Treaty.⁴⁹

Winnebago leaders quickly followed up this rejection with efforts to secure another exchange. By early



Men and women, Indian and Euro-American, at the Winnebago agency building in Blue Earth County, about 1860

1855 various interests, including those of Rice, were at work to bring the Winnebago to a location in southern Minnesota near the area that had been their first choice in 1853. On February 27, 1855, a delegation of 10 Winnebago, including Winneshiek, Little Hill, and Baptiste Lasallier, signed a treaty exchanging Long Prairie for a smaller tract of land south of the Dakota reservation and east of the Blue Earth River near the Minnesota River. All 19 of the Winnebago bands from the Long Prairie reservation then moved to Blue Earth County and were reported to have “quietly and contentedly settled down. . . and devote themselves to the cultivation of the soil.”⁵⁰

THE EVENTS SURROUNDING the aborted Watab Treaty demonstrate the complex interconnections of Indian and non-Indian people in territorial Minnesota. The protracted negotiations provide insight into Winnebago politics and the influential role played by trader

interests. They reveal sometimes contradictory motives and both the paternalism and the concern of various government officials responsible for Winnebago affairs. Equally important, the treaty process indicates the active and central role that the Winnebago played in Minnesota territorial history. It is clear that the Winnebago were not fully in charge of these events affecting their future. The trust they placed in some of their old friends was betrayed. Still, their leaders endeavored to articulate and pursue goals they believed would ensure the future of their people. Their rejection of the greatly altered Watab Treaty provided an opportunity to secure a more desirable tract of land that might have helped them accomplish those goals. Sadly for the Winnebago, their new location did not become their permanent home. Indeed, hardship, confusion and separation continued to accompany the Winnebago, who were removed from the state in 1863 in the aftermath of the Dakota War. □

AFTER THE TREATY OF 1855

THE WINNEBAGO FARMED successfully on the fertile land of their new Blue Earth reservation near the Minnesota River in the southern part of the state. By all official accounts, they seemed to be pursuing the assimilationist path that the government wanted of them. In 1859 the tribe agreed to sell half of its land to finance improvements on the rest.

Winnebago men enlisted in the Union army during the Civil War, but this loyalty did nothing to protect the tribe when the Dakota War of 1862 broke out. In its aftermath, the Winnebago, who did not participate in the conflict, were forced to give up their reservation and move to an undesirable parcel of land on Crow Creek in South Dakota. Only about 1,400 of the approximately 1,900 survived the winter march west, and many more quickly fled the new reservation—an estimated 1,350 had disappeared by the summer of 1863. While some joined bands of Sauk or Iowa or the nontreaty Winnebago in Wisconsin, about 1,200 followed Crow Creek to the Missouri River and began living among the Omaha Indians in present-day Nebraska. In 1865 the arrangement was formalized when the Winnebago signed a treaty exchanging the hated Crow Creek reservation for land in what had been the northern part of the Omahas' reserve.

In 1975, the Winnebago Agency house in Blue Earth County, all that was left of the farm-and-village complex, was placed on the National Register of Historic Places. By then it had served as a stagecoach stop and hotel before becoming a private residence. On the evening of April 15, 1986, the deteriorating 131-year-old brick structure was set ablaze in a firefighters' training exercise that eradicated the last physical vestige of the Minnesota reservation years.

According to the last available federal census, 592 Winnebago (Ho-Chunk) lived in Minnesota in 1990. The Winnebago Tribe of Nebraska has 3,736 enrolled members according to its community profile (<http://mnisose.org/profiles/winnebago.htm>), and the Ho-Chunk Nation of Wisconsin includes some 5,000 members (<http://www.glitc.org/hochunk.htm>).

Sources: Nancy Lurie, "Winnebago," in *Handbook of North American Indians*, 15: 699–700; Laura Weber, "Wins and Losses: The National Register of Historic Places in Minnesota," *Minnesota History* 55 (Fall 1997): 317.

NOTES

1. The number of unratified Indian treaties is in question, although a list of 150 compiled at the National Archives gives some idea. The most extensive published discussion of the Watab Treaty is a five-page summary in William W. Folwell, *A History of Minnesota* (St. Paul: Minnesota Historical Society, 1956), 1: 478–82. See also Francis P. Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 517, 519.

The Wisconsin Winnebago, descended from the "nontreaty" bands, have officially become the Ho-Chunk, a name derived from the word *Hochungra*, translated as either "people of the original voice" or "the big fish people." The Nebraska Winnebago, whose ancestors are described in this article, have retained the name Winnebago; see "The Cranberry People," pamphlet produced by Ho-Chunk Historic Preservation Department, Black River Falls, WI, n.d.; Nancy Lurie, "Winnebago," in *Handbook of North American Indians*, ed. Bruce Trigger (Washington, D.C.: Smithsonian Institution, 1978), 15: 706.

2. Robert Bieder, *Native American Communities in Wisconsin, 1600–1960* (Madison: University of Wisconsin Press, 1995), 96–97, 105, 138–41. Indian agent Jonathan Fletcher appointed Winneshiek, a hereditary band leader, as "head chief"; Mark F. Diedrich, comp., *Winnebago Oratory* (Rochester, MN: Coyote Books, 1991), 62. As far as can be determined, of the 19 band chiefs who removed to Long Prairie, all but two—Little Hill and Baptiste Lasallier—were hereditary chiefs.

3. Bieder, *Native American Communities*, 14–17; Lurie, "Winnebago," 692–93.

4. The 1848 census figure did not include nontreaty Winnebago in Wisconsin or elsewhere; Nancy O. Lurie, "Check List of Treaty Signers by Clan Affiliation," *Journal of the Wisconsin Indians Research Institute* 2 (June 1966): 50; Bieder, *Native American Communities*, 57, 92–95; Lurie, "Winnebago," 693, 697–99. For other population estimates, see Henry R. Schoolcraft, ed., *Historical and Statistical Information Respecting the History, Condition, and Prospects of the Indian Tribes of the United States* (Philadelphia: J. B. Lippincott, 1851–57), 1: 498, 6: 691, 704–05.

5. Lurie, "Check List," 50; Lurie, "Winnebago," 697–99; George E. Fay, comp., *Treaties Between the Winnebago Indians and the United States of America, 1817–1856*, Museum of Anthropology Miscellaneous Series, no. 1 (Greeley: Colorado State College, Apr. 1967), n. p.; Diedrich, *Winnebago Oratory*, 62.

6. Winnebago Agent Annual Report, in Abram Fridley to Alexander Ramsey, Sept. 22, 1851, U.S. Office of Indian Affairs, Minnesota Superintendency, Letters Received, microfilm copy of National Archives records in Minnesota Historical Society (MHS), St. Paul (hereinafter MSIA, LR or LS [Letters Sent]). Fridley observed that the Winnebago at Long Prairie were "almost a distinct tribe" from those on the Mississippi. N. H. Winchell, *The Aborigines of Minnesota* (St. Paul: Pioneer Co., 1911), 570, claims influence of "whiskey sellers" in the "schism."

7. Jonathan Fletcher, St. Peter's (Winnebago) Agency Report, Oct. 4, 1848, in 30th Cong., 2d sess., *Executive*

Documents, 1848-49, serial 537, p. 459-60; Orlando Brown to Senator G. W. Jones, Feb. 23, 1850, Office of Indian Affairs, Letters Sent, microfilm copy of National Archives records, MHS (hereinafter OIA, LS or LR [Letters Received]); Henry Rice to Moses Paquette, Oct. 14, 1887, quoted in "The Wisconsin Winnebagoes," *Wisconsin Historical Collections* 12: 407. Folwell argued, correctly, that Rice "was responsible" for the land exchange; *A History of Minnesota*, 1: 482n33. See also Willis Gorman to George Manypenny, Aug. 17, 1855, MSIA, LR. Fletcher was appointed Winnebago agent in the 1840s while the bands were living in Iowa. He served until May 1851 and was reappointed in 1853. By mid-1850 the Winnebago had become increasingly unhappy with his actions, causing some band leaders to fear for his life; Orlando Brown to Alexander Ramsey, Apr. 15, 1850, 31st Cong., 1st sess., *Reports of Committees*, serial 585, p. 20.

8. *Minnesota Democrat*, Aug. 17, 1853, p. 2; Ramsey to Luke Lea, May 3, 1852, and Gorman to Manypenny, June 1, 1853, both MSIA, LS. The Winnebago usually requested permission to hunt in the Crow River area.

9. J. E. Fletcher, Annual Report, Winnebago Agency, 1849, in U.S. Office of Indian Affairs, *Report of Commissioner of Indian Affairs, 1849-50*, 100; Brown to Jones, Feb. 23, 1850; Brown to Ramsey, Apr. 15, 1850.

10. Ramsey to Luke Lea, Jan. 29, 1852, MSIA, LS; *Minnesota Pioneer*, Aug. 2, 1849, p. 2; *Minnesota Chronicle and Register*, June 3, 1850, p. 2; interview with Felix White in Joseph H. Cash and Herbert T. Hoover, ed., *To Be An Indian: An Oral History* (1971; reprint, St. Paul: Minnesota Historical Society Press, 1995), 58; Manypenny to R. M. McClelland, June 7, 1853, copy in MSIA, LR; *Minnesota Democrat*, Aug. 17, 1853, p. 2; *The Original Vegetation of Minnesota*, map by Francis J. Marschner, Department of Agriculture, 1930, redrawn and published by North Central Forest Experiment Station, St. Paul, 1974. See also W. H. Bruce to Orlando Brown, Mar. 22, 1850, in *Reports of Committees*, serial 585, p. 25.

11. Bieder, *Native Communities*, 17-18; W. G. Ewing to Thomas Ewing, June 9, 1850, Nicholas Boilvin to Orlando Brown, Jan. 21, 1850, Bruce to Brown, Mar. 22, 1850—all OIA, LR; Fletcher, Annual Report, Winnebago Agency, in *Report of Commissioner of Indian Affairs, 1854*, 57; Manypenny to McClelland; David Gilman to Alexander Ramsey, Oct. 29, 1851, Col. F. Lea to Ramsey, Nov. 4, 1851, Abram Fridley to Ramsey, Nov. 8, 1851, J. B. S. Todd to Ramsey, Apr. 19, 1853—all MSIA, LR; Gorman to Manypenny, May 20, 1853, June 12, 1853, MSIA, LS; "Wisconsin Winnebagoes," 409. Fletcher's 1854 report, p. 58, noted the claim that some Winnebago wanted to be on the Mississippi because of the ready availability there of alcohol but cited Winnebago efforts to suppress "the whiskey traffic." He blamed "white neighbors . . . [who] encourage and sustain the introduction and sale of intoxicating liquors among them."

12. Bieder, *Native American Communities*, 135-38, 142, 145-50; Diedrich, *Winnebago Oratory*, 68-69, 74; Fridley to Ramsey, Jan. 24, 1852, MSIA, LR; Abram Fridley, Report from Winnebago Agency, Sept. 9, 1852, 32d Cong., 2d sess., *Senate Documents*, serial 658, p. 342; Report of Work of Commission for

the Watab Treaty, Aug. 12, 1853, Documents Related to the Negotiation of Ratified and Unratified Treaties with Various Tribes of Indians, 1801-69, OIA, National Archives and Records Administration microfilm, roll 8, copy in author's possession (hereinafter Unratified Treaties); Gorman to Manypenny, June 23, 1853, MSIA, LS; Winnebago Statement, June 21, 1853, OIA, LR. Various territorial residents and government officials wanted similar results; see, for example, Henry Sibley to Manypenny, Apr. 1, 1853, OIA, LR.

13. In 1851 Ramsey claimed that the Winnebago wanted to be sent there, and Fletcher referred to five unsuccessful attempts by the Indian Office to get the Winnebago to "consent to remove southwest of the Mo. River"; Thomas Ewing to Orlando Brown, Jan. 21, 1850, cited in Robert A. Trennert, *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-51* (Philadelphia: Temple University Press, 1975), 156; Fridley to Lea, Mar. 24, 1852, Abram M. Fridley and Family Papers, MHS; Alexander Wilkin to Millard Fillmore, Jan. 7, 1852, copy enclosed in Lea to Ramsey, Feb. 25, 1852, and Lea to A. H. H. Stuart, Feb. 6, 1852, both in MSIA, LR; Fletcher to Brown, Jan. 2, 1850, and Ramsey to Brown, May 27, 1850, MSIA, LS; Fletcher to Gorman, July 25, 1854, OIA, LR.

14. Fletcher to Brown, Jan. 2, 1850, Ramsey to Brown, May 27, 1850; *Minnesota Pioneer*, Mar. 20, 1850; Diedrich, *Winnebago Oratory*, 10.

15. Fridley, Report from Winnebago Agency, 342.

16. The origin of the Crow River proposal cannot be determined. Fridley's motives in support of it are unclear; however, continued movement of the Winnebago off the reserve created many problems for the agent. Fridley, Report from Winnebago Agency, 342; *Minnesota Democrat*, Jan. 7, 1852, p. 3; Ramsey to Lea, Jan. 29, 1852, MSIA, LS; Fridley to Ramsey, Jan. 24, 1852, MSIA, LR; Fridley to Ramsey, Mar. 24, 1852, Fridley papers.

17. Ramsey to Lea, Jan. 29, 1852; Ramsey, Report from Minnesota Superintendency, Oct. 26, 1852, serial 658, p. 333-34.

18. Luke Lea, *Report of the Commissioner of Indian Affairs*, Nov. 30, 1852, 32d Cong., 2d sess., *Executive Documents*, serial 673, p. 296.

19. Here and below, Ramsey to Lea, Jan. 19, 1853, MSIA, LS; Sibley to Manypenny, Apr. 1, 1853, OIA, LR; Folwell, *History of Minnesota*, 1:478-79.

20. It is not clear how well informed Gorman was about Indian issues before he arrived, for he had previously represented Indiana in Congress. His support for the exchange was influenced by the legislative petition and Ramsey's and Fridley's letters favoring it. The issue shortly became more pressing with the threat of a major conflict erupting between the Winnebago and Ojibwe. Gorman to Manypenny, May 20, 1853, June 12, 1853, MSIA, LS; Gorman to Sixth Council District, Jan. 19, 1854, printed in Minnesota Territory, *Journal of the House of Representatives, 1854*, 59, and *Minnesota Pioneer*, Jan. 26, 1854, p. 3, copy also in Records of Territorial Governor—Willis Gorman, Minnesota Territorial Archives, MHS.

21. Manypenny to McClelland; McClelland to Manypenny, June 7, 1853, copy in MSIA, LR; Manypenny, *Annual Report of the Commissioner of Indian Affairs*, 33rd Cong., 1st sess., *Executive Doc-*

uments, serial 710, p. 245; Manypenny to Gorman, June 11, 1853, MSIA, LR. Ramsey erroneously estimated the distance from the forks of the Crow to the Mississippi to be about 70 miles.

22. Gorman to Manypenny, June 23, June 24, Sept. 9, 1853—all MSIA, LS; Winnebago Statement, June 21, 1853, OIA, LR; *Minnesota Democrat*, June 29, 1853, p. 2. An area of about 256,000 acres, this would be considerably smaller than the Long Prairie reserve. How much influence Rice (who had picked Long Prairie), Lowry, and Fletcher had on the Winnebago choice of locations is not known, but it is unlikely that they were just onlookers.

23. Gorman to Manypenny, June 23, 24, 1853.

24. The exploring party returned in early July and informed Gorman who, in turn, informed the Indian Office. The formal report was not written until August 1, and a re-dated copy was included with the treaty documents; [Treaty with the Winnebago Indians], *Senate Executive Documents and Reports*, 33rd Cong., 1st sess., Document 22, Apr. 10, 1854, p. 6, 19-21, microfiche copy, University of Minnesota Law Library, Minneapolis; Report of Exploring Party of S. B. Lowry to Gorman, Sept. 1, 1853, Unratified Treaties; Manypenny to Gorman, July 19, 1853, MSIA, LR; Gorman to Manypenny, June 24, 1853, MSIA, LS.

25. Report of Work . . . Watab Treaty, Aug. 12, 1853, Unratified Treaties. The treaty contains the signatures of 17 chiefs and 15 headmen.

Eight of the Winnebago spoke at least once, but Winneshiek and Little Hill spoke a combined total of nine times. Other speakers included Captain Jim, Baptiste Lasallier, Prophet, and Big Canoe; Minutes of the Council held at Watab, Aug. 3-8, 1853, Unratified Treaties; Lurie, "Checklist," 50; Diedrich, *Winnebago Oratory*, 10-11. For a description of the proceedings see *Minnesota Democrat*, Aug. 24, 1853, p. 2. The council did not include representatives of the nontreaty bands in Wisconsin. To this day the Winnebago remain geographically and, to a significant extent, culturally separated.

26. Here and two paragraphs below, Report of Work . . . Watab Treaty, Aug. 12, 1853, Unratified Treaties. In his own report to the Indian commissioner, Gorman described the Crow River options as "a country between the Sauk and Crow Rivers, 25 miles from the Mississippi" and "a country in the forks of the Crow River, not coming below the forks." Although Manypenny's instructions had stated a preference for a location 70 miles from the Mississippi, the governor did not mention this to the Winnebago, perhaps because he knew that it was based on erroneous geographic information. Little Hill admitted that not all Winnebago would stay at Crow River if they secured that location.

27. Report of Exploring Party of S. B. Lowry, Unratified Treaties (also Aug. 1 copy); Gorman to Sixth Council District. Lowry recommended a location on the north branch of the Crow or between its source and that of the Sauk River since it was less desirable for white settlement but "adapted [to] the former habits of the Winnebago." How much attention Gorman paid to Lowry's advice is unclear, since he was one of the traders whom Gorman wanted to exclude from the treaty process.

28. Here and below, Minutes of Council, Unratified Treaties.

29. The formal signing ceremony occurred on Monday, August 8; there was no Sunday meeting. Minutes of Council, and Report of Work . . . Watab Treaty, Aug. 12, 1853, both in Unratified Treaties. Gorman soon thereafter expressed his belief that the government, in the 1846 treaty, had "pledged [its] honor and solemn faith" to give the Winnebago a suitable home; Gorman, Report to Commissioner of Indian Affairs (CIA), Sept. 14, 1853, 33rd Cong., 1 sess., *Executive Documents*, serial 710, p. 296-97; Winnebago chiefs to Manypenny, Mar. 24, 1854, OIA, LR, excerpted in Diedrich, *Winnebago Oratory*, 79. Although Fletcher had favored extending the reservation to the Sauk River and warned the Winnebago that they would have trouble with settlers and would be forced to move to the Missouri River, he played a key role in securing the agreement. At the treaty signing, Winneshiek told a story, using metaphors of little birds and animals, about some of their money that seemed to disappear before they received it. He also pointed out that "beavers" were stealing their timber.

30. Articles of Convention between the United States and the Winnebago Tribe, Aug. 6, 1853, and Minutes of Council, both in Unratified Treaties. The government reserved the right to locate the Stockbridge "at and north of the mouth of the Crow River and on the Mississippi" on unspecified acreage. Other articles affirmed that the Winnebago would pay their own cost of removal; apply the income from the sale of improvements at Long Prairie to similar efforts at Crow River; and reserve to the United States a one-mile-wide railroad right of way. The treaty also gave the president discretion, with approval of the Winnebago, to change "appropriations of any particular fund from one object to another."

31. Minutes of Council, Unratified Treaties; Fletcher, Report of Winnebago Agency, Sept. 10, 1853, and Gorman, Report to CIA, serial 710, p. 296-97, 309.

32. Report of Work . . . Watab Treaty, Aug. 12, 1853, Unratified Treaties; Gorman, Report to CIA, 297.

33. It was not certain whether the fall annuity payment would be made in that location. Gorman to Manypenny, Aug. 11, 1853, MSIA, LS; Fletcher, Report, Sept. 10, 1853, p. 309.

34. Report of the Work . . . Watab Treaty, Aug. 12, 1853, Unratified Treaties; Folwell, *History of Minnesota*, 1:479-81.

35. *Minnesota Pioneer*, Aug. 18, 1853, p. 2, Jan. 26, 1854, p. 2; Fletcher to Manypenny, Sept. 10, 1853, OIA, LR. The day after the treaty signing Henry Sibley wrote that various people were "enraged at this action" of Gorman in deviating from his instructions. He accurately predicted that if the "obnoxious" treaty stayed as it was, there would be "petitions, etc. from all parts of the country." Henry Sibley to A. C. Dodge, Aug. 7, 1853, and Sibley to Rice, Feb. 1, 1854, Henry Hastings Sibley Papers, microfilm edition, R[oll] 30 F[rame] 711, R 31 F 21, MHS.

36. *Minnesota Pioneer*, Aug. 17, 1853, p. 2, Jan. 26, 1854, p. 2; *St. Anthony Express* and *The Minnesotian*, quoted in *Minnesota Pioneer*, Aug. 18, 1853, p. 2.

37. Gorman, Report to CIA, serial 710, p. 296-98; Fletcher to Manypenny, Sept. 10, 1853, OIA, LR; Carol J. Olson, "A History of the Winnebago Tribe" (master's thesis, University of South Dakota, 1973), 83-84. Gorman, in his 1853 report,

claimed that Abram Fridley, who as former Indian agent had supported the exchange, now opposed it because of “a new and different administration.” In early January 1854, trader Lowry wrote Henry Rice, criticizing Gorman’s comments, attacking his “imputations of such motives as those ascribed” to the treaty opponents, and claiming that the governor “must have known” when he wrote his report that “there were not more than ten citizens of Minnesota who approved the new location”; Lowry to Rice, Jan. 10, 1854, MSIA, LR.

38. Legislators to Gorman, Jan. 19, 1854, printed in Minnesota Territory, *House Journal, 1854*, 57-58, and *Minnesota Pioneer*, Jan. 26, 1854, p. 3, also in Records of Territorial Governor—Willis Gorman; *Minnesota Pioneer*, Jan. 26, 1854, p. 2.

39. Gorman to Sixth Council District; Gorman to Manypenny, Feb. 5, 1854, MSIA, LS. For more on the political context, see correspondence for 1853-54 in the Henry Sibley and Henry M. Rice and Family Papers, MHS. Much of the politicking had to do with Gorman’s investigation of Ramsey’s and Sibley’s roles in the 1851 Dakota treaties. In his letter to the territorial legislature, Gorman argued that this investigation left him little time “to inquire into the practical results” of the Watab Treaty.

40. Folwell, *History of Minnesota*, 1: 481. Some critics contended that Gorman changed his mind for purely political reasons. Some suggested that he only wanted to gain the support of Joseph Brown and the *Pioneer*, offering in return a share of the public printing contract. Others claimed that he wanted to undermine the influence of the Rice faction of the Democratic Party. (Rice, recently elected territorial delegate to Congress, opposed the treaty.) *The Pioneer*, Jan. 26, 1854, p. 2, however, argued that Gorman changed his mind “as soon as he became convinced of the justness of the complaints of the people.” Gorman’s shift apparently satisfied the opposition, at least publicly, since the local press dropped the issue after February.

41. Gorman to Sixth Council District; Fletcher to Manypenny, Sept. 10, 1853, OIA, LR; Winnebago Chiefs to Manypenny, Mar. 24, 1854; Fletcher, Report, Sept. 10, 1853, p. 309.

42. Winnebago Chiefs to Manypenny, Mar. 24, 1854; Fletcher to Gorman, July 25, 1854, OIA, LR; Rice to Manypenny, Apr. 17, 1854, letter book 2, Rice papers; Gorman, Report to CIA, 296-97; Sibley to Lewis Cass, Dec. 22, 1853, R 30, F 755, Sibley papers.

43. Here and below, George Manypenny, *Annual Report of the Commissioner of Indian Affairs*, 33rd Cong., 2d sess., *Executive Documents*, serial 746, p. 213; Manypenny to McClelland, Dec. 21, 1853, Mar. 30, 1854; [Treaty with the Winnebago Indians], 6, 19-21; Folwell, *History of Minnesota*, 1: 481.

44. The Senate also added a new Article Seven which linked a change in how annuities might be expended with any future government policy for establishing farms for the Winnebago and assigning their lands in severalty; U.S. Senate, *Journal of Executive Proceedings* 9 (Dec. 6, 1852-Mar. 3, 1855): 336-38, 346, 348, 363.

Gorman was in Washington during most of April, trying with Little Crow to resolve issues surrounding the Dakota treaties of 1851. Whether he had private conversations with Manypenny about the Watab Treaty is unknown, but given the controversy in Minnesota and the similar situation that had

brought Little Crow to Washington, it is likely the subject came up. On the Dakota treaties, see Gary Clayton Anderson, *Little Crow: Spokesman for the Sioux* (St. Paul: Minnesota Historical Society Press, 1986), especially 58-73.

45. Gorman to Fletcher, May 18, 1854, MSIA, LS; Charles E. Mix to Gorman, Sept. 14, 1854, Unratified Treaties; Gorman, Report to Manypenny, Sept. 30, 1854, 33rd Cong., 2d sess., *Executive Documents*, serial 746, p. 256; Fletcher to Gorman, Oct. 6, 1854, MSIA, LR; rough draft of assent to Senate’s amendments to Watab Treaty (1854), OIA, LR; Folwell, *History of Minnesota*, 1: 482.

It is not clear why Gorman waited until Jan. 24, 1855, to inform the Indian Office of the Winnebago decision. He may have been waiting for them to formulate plans for their future or for the territorial legislature to convene. It seems certain, however, that the Indian Office knew of the decision before then. Rice had written that office earlier in January, noting that “nothing definite has been accomplished” regarding a “permanent location,” and he urged that a delegation be invited to Washington; Rice to Manypenny, Jan. 5, 1855, OIA, LR.

46. Here and below, Fletcher to Gorman, Dec. 4, 1854, OIA, LR; Gorman to Manypenny, Jan. 24, 1855, MSIA, LS; Anderson, *Little Crow*, 69-72. Little Hill’s speech is as described by Fletcher, not in the orator’s own words. Fletcher included in his letter to Gorman a certified statement, signed by two interpreters, of the accuracy of the Winnebago chiefs’ reply to the amendments and to the question of removal to the Missouri River.

47. It seems unlikely that the other original provisions of the treaty caused its rejection. Acreage became a factor since the proposed reservation was about 700,000 acres smaller than Long Prairie. This led, in part, to the demand for the \$200,000. Yet the Winnebagos’ own proposals had called for “a square of 20 miles”—about 256,000 acres. Rice to Manypenny, Mar. 31, 1854, OIA, LR.

48. Fletcher, Annual Report, and F. Andrews, physician’s report, 1854, in *Report of Commissioner of Indian Affairs*, p. 56-57, 59-60.

49. Gorman, Report, serial 746, p. 256-57; Rice to Manypenny, Jan. 5, 1855, and Winnebago Chiefs to Manypenny, Mar. 24, 1854, OIA, LR. Had the Winnebago accepted the amended Watab Treaty, it is highly doubtful that the move would have fostered reunification with the Winnebago who remained in Wisconsin and elsewhere. Nor did their new location in southern Minnesota have that effect.

50. Treaty with the Winnebago, 1855, in Fay, comp., *Treaties*, n.p.; George Manypenny, *Report of the Commissioner of Indian Affairs*, Nov. 26, 1855, 34th Cong., 1st-2d sess., *Executive Documents*, serial 840, p. 323; Certification of receipt of annuities, Dec. 31, 1855, MSIA, LR. Creation of the new reservation displaced a number of white land claimants, causing controversy to again surround the Winnebago. The issue became caught up in territorial politics involving Rice and Gorman; see Gorman to Manypenny, Aug. 17, 1855, OIA, LR.

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