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A MEMORANDUM OF LEWIS CASS:

Concerning a System for the Regulation of Indian Affairs

Edited by FRANCIS PAUL PRUCHA AND DONALD F. CARMONY

LEWIS CASS, as governor of Michigan Territory and *ex officio* superintendent of Indian affairs from 1813 to 1831, was one of the most influential men in the formulation of American Indian policy. His long tour of duty on the Michigan frontier brought him into continual confrontation with the Indian tribes of the Old Northwest, both as potential enemies to be feared and as miserable human beings to be succored and civilized. From his experience he began early to distill principles for dealing with the Indians which he believed would guarantee the fulfillment of obligations that each race owed to the other and thus provide the tranquility on the frontier that was necessary for American development.¹

One of Cass's most careful statements on Indian affairs is the document printed here, which was written during his first years at Detroit. Cass referred to it as a "memoir" when he forwarded it to the Secretary of War on November 29, 1816, and spoke of it as the "result of my reflections" on the "general subject of our Indian relations."² The memoir had been long in the making. As early as July 2, 1815, Cass had written to the

Acting Secretary of War, "I shall have the honour in a few days of submitting to you my ideas upon the subject of Indian affairs generally, and of the course which appears necessary in this Country to adopt towards them."³ He spoke again of the proposed paper on July 7, but two weeks later he informed the War Department that so much of his time was engaged in visits from the Indians that he had to put the project aside.⁴ He continued to write frequently to the War Department and advanced his views piecemeal with vigor and considerable success, until finally, at the end of 1816, he managed to pull together his ideas into a comprehensive proposal of policy and procedures.

¹ A brief assessment of Cass's Indian policy appears in Francis Paul Prucha, *Lewis Cass and American Indian Policy* (Detroit, 1967), the Lewis Cass Lecture for 1966. For Cass's career, see Frank B. Woodford, *Lewis Cass, The Last Jeffersonian* (New Brunswick, New Jersey, 1950), and Andrew C. McLaughlin, *Lewis Cass* (Boston, 1891).

² Clarence E. Carter (ed.), *The Territorial Papers of the United States* (26 vols., Washington, 1932-1962), X: 671.

³ *Ibid.*, 557.

⁴ *Ibid.*, 562-563, 573-574.

"Although more voluminous than I could have wished," he wrote half apologetically in submitting the document, "the facts are rather glanced at than considered." Indeed, he runs quickly through a broad array of topics. He speaks of the duties of the Americans to civilize the Indians and to pay them annuities, asserting that the acceptance of the principle of private property by the Indians is the point at which civilization must begin. He draws heavily on the experience of the British and proposes to meet these rivals with their own techniques in winning the friendship of the Indians. He urges the exclusion of the British traders and reliance instead on American enterprise, but most of all he emphasizes the necessity of freely distributing presents to the Indians. He ends with a few remarks on the organization of the Indian Department. The document is logically organized and written with clarity and force. Through it all runs a tone of high urgency but suffused nevertheless with a deep confidence that peace and justice will prevail without obstructing the advance of the American people. It at once evinces a concern for the Indians and a proud nationalism, which was a mark of the age and region in which Cass lived.

Two copies of Cass's memoir exist today. The original, the one sent to the Secretary of War late in 1816, is now in the Ayer Collection in the Newberry Library, Chicago (Ayer NA 601). It is a 37-page manuscript written on double sheets of paper roughly 8 x 10 inches in size and at one time bound together in booklet form at the left margin. It was written apparently by a clerk and carries no heading, date, or signature. A copy of the memoir, which shows only minor variations, is in the letterbook maintained by Cass at his Detroit headquarters.⁵ The document printed here follows the original in the Ayer Collection.⁶

F.P.P.
D.F.C.

⁵ Records of the Michigan Superintendency of Indian Affairs, Letters Received and Sent, I: 354-389, in Record Group 75, National Archives.

⁶ Grateful acknowledgement is made of permission to publish the document granted by Dr. Lawrence W. Towner, Director of the Newberry Library.

A SYSTEM FOR THE REGULATION OF INDIAN AFFAIRS⁷

In the formation of a system for the regulations of Indian Affairs, a preliminary enquiry into the ultimate objects to be attained becomes necessary. The anomalous situation, which in a political view they occupy, compels us to ascertain with precision how far we ought to interfere in their internal affairs, and what duties we have a right to expect from them.

The performance of our obligations to them and of theirs to us is the object, for which an Indian Department is organized. The best method of effecting this is the object of a system for the Government of that Department.

Without entering into any metaphysico political disquisition upon the natural rights of the Indians, their relative situation with respect to us, and the uniform practise of all nations with whom they have been brought into contact since the discovery of this Country, and a continued succession of treaties have ascertained with sufficient precision the mutual obligations, which attach to them and to us.

CIVILIZING THE INDIANS

I. Our first and principal duty is to reclaim them, as far as practicable, from the savage situation, in which they are placed, and to impart to them as many of the blessings of civilized life, as their manners and customs and inveterate prejudices will permit.

1. Perhaps it will be found on a retrospection, that we have heretofore entered upon this subject with more zeal than judgement; and that our want of success may be attributed to means ill chosen and ill directed, rather than to any difficulty in the object itself.

⁷ The title and subtitles have been supplied by the editors. In the text periods have been substituted for dashes at the ends of sentences and inserted where necessary, the numbers marking paragraphs have been regularized in form, and superior letters have been dropped down to the line. Otherwise the vagaries of spelling, capitalization, punctuation, and paragraphing in the original have been followed as exactly as possible. The spacing of the original manuscript has been somewhat modified and standardized.

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Courtesy Chicago Historical Society

Lewis Cass, governor of Michigan Territory, from a daguerreotype taken by an unknown daguerreotypist probably between 1850 and 1855.

In the report of Mr. Crawford to the Senate last winter, is disclosed with much judgement and ability the point at which Indian civilization must commence.⁸ This is in separate and individual property.

So long as there is a community of property among them, so long will they have no stimulus for exertion and no expectation of reaping the reward of their Labour.

In nations, whose advancement in civilization has far exceeded the Indians, this common enjoyment of property has never failed to palsy individual exertion, unless its effects have been counteracted by religious enthusiasm.

Among the Indians general obligations are ill defined and badly enforced. Individual rights are consequently little respected. They have in fact no government. The authority of their chiefs is personal, and not official. If any able enterprising man rises up among them, he never fails to collect round him a considerable party, and to direct their movements to any object of public or private importance. Such a man was the late Tecumseh, who without any hereditary or elective right, by his talents and ambition, and above all, by his disinterestedness, succeeded in the establishment of a formidable coalition. Personal property from causes sufficiently investigated by speculative writers upon this subject is first exclusively appropriated to individual use.

And in fact it is impossible to conceive, that any society can exist without the possession of personal property. Although this right is acknowledged among the Indians, yet its violation is never punished by the collected will of the nation. If personal property is stolen, the owner has no redress but by its recapture, and no hope of preventing a repetition of the injury, but by promptly inflicting personal punishment upon the offender. The redress of injuries is consequently in all cases the act of the Individual injured, and the measure of the punishment is determined by the will of the party, and his power of inflicting it.

⁸ See report of Secretary of War William H. Crawford to the Senate, March 13, 1816, *American State Papers: Indian Affairs*, I: 26-27.

In a society thus organized, destitute alike of moral power and of physical strength, there is no passion sufficiently active to counteract their natural indolence, their improvident habits, and that attachment to the chase, which has prevailed in every Country.

The Indians are now prevented from the permanent occupation and cultivation of land as well from the uncertainty of its tenure, resulting from a defect in the organization of their society, as from its probable cession at no distant day to the United States. So long as Individuals are in the immediate occupation of a tract of land, it is not probable they will be dispossessed by other Indians. Should the attempt be made, it would be a trial of personal strength, in which the weaker party would relinquish with his life all pretensions to the contested property.

But the gradual cession of their Country to us, without the reservation of any part for those, who may have improved it, furnishes the most serious obstacle to all attempts at gradually meliorating their condition. I am convinced if a system were adopted and fully made Known to them, of reserving in all future treaties of cession such tracts as Individuals may have cultivated, to them and to their heirs, its beneficial result would soon be apparent.

The considerations upon this subject are numerous but as they would lead us too far into detail, I will dismiss them.

2. The employment of various mechanicks to do for them such work, as their agricultural labours may require will greatly aid in the accomplishment of this important object. But I have already in my letters to the War Department of — and — stated my ideas so fully upon this subject, that there is no necessity for recapitulating them here.⁹

⁹ On June 2, 1816, Cass wrote from Detroit to Secretary Crawford, urging that "a saddler, a carpenter, a Cooper, a wheelwright, a Tailor and an Armourer be employed at this place to make such articles of various kinds as the necessity and comfort of the Indians may require." He argued at some length in support of his proposal. Carter (ed.), *Territorial Papers*, X: 648-649. On August 17, 1816, Cass wrote again to Crawford, furnishing an estimate of costs for hiring mechanicks. Records of the Michigan Superintendency of Indian Affairs, Letters Re-

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3. Much must also be left to the direction of the agents and subordinate officers. They ought to have it in their power by a timely distribution of presents to reward the industrious and to excite the emulation of others.

But after all if we expect an immediate and striking result, we shall be disappointed.

Any change must be the consequence of a well digested system maturely considered, and long and steadily pursued. The manners and customs, the views and objects of a whole body of people can only be altered slowly and silently. Whatever shocks their prejudices will be resisted. We must convince them, that we are labouring for their advantage, before we can expect their confidence, and this conviction must be the result of a long course of experience.

In all cases, if the experience of the past is not applied to the purposes of the future, we shall in vain expect any permanent improvement. In looking back upon the attempts which have been made in relation to this subject, it is to discover the errors in the plan and the consequent causes of failure in the execution.

It has at different periods, since the settlement of this Country been a favourite object with many philanthropick individuals and also with our Government to educate the Indians. Schools and colleges variously endowed have been founded, and many young Indians have been sent to them, in the hope of developing their moral and mental qualities. The experiment has been always unsuccessful and has shown that Individuals thus educated have added to the vices of savages, all that in civilized life should be avoided. It is a common remark upon the frontier, confirmed by repeated observation, that an Indian who can read and write is generally the greatest rascal of his tribe.

If an Indian be taken sufficiently early in life and educated at one of our Schools, he may unquestionably be fitted for the enjoy-

ment of our society. But in that event, he must become a stranger to the land of his fathers.

He will be utterly incapable of relishing the wild independence, and all that gives zest to savage life. He will be as unfit for promoting any plan of Indian improvement, as a white person similarly educated. But in fact I have never known or heard of an Indian, upon whom even this experiment had succeeded. They have been withdrawn from their friends at too late a period, after inveterate habits had given a permanent direction to their feelings and pursuits. As soon as they have been liberated from the restraints of discipline, they have abandoned with alacrity the temptations of civilized life, they have returned to their friends and connections, and entered with zeal upon the career before them.

What possible practical purpose can be obtained by thus teaching the Indians? Of what possible use is classical learning and the various species of knowledge, which the vast repositories of human learning contain, to them? In this instance misled by a false analogy we begin at the wrong end. We furnish the young Indian with what his fellows of the forest cannot appreciate and do not want.

Our object ought to be gradually to lead the Indians by a proper course of measures to feel the want of our arts. They will then be disposed to learn, and having learned, they will be able and willing to apply their knowledge for the benefit of others.

But to teach them by a long laborious education, what when taught is perfectly useless, is as unphilosophical as an attempt to discover a remedy for a disorder which has no existence.

I strongly suspect that all our efforts, which have been directed to this object have been guided by the same improper analogy to our wants, and to our means of supplying them.

Among the Indians the women are the Labourers. They till the ground and perform the various duties which are required. The men do little besides hunt. We have attempted to introduce the loom and the spinning wheel among them, and unless other steps precede the introduction of such a measure we shall

ceived and Sent, I: 301-302, in Record Group 75, National Archives. See Crawford to Cass, July 2, 1816, in Carter (ed.), *Territorial Papers*, X: 658, and Crawford to Cass, September 23, 1816, in Michigan Superintendency, Letters Received and Sent, I: 315-316.

always fail. The Indian himself indolent, and arbitrary must be taught the value of his own labour, before he will consent to take the hoe from the hands of his wife and dismiss her to a sedentary employment.

The first step in the progress of improvement is to convert the wandering savage into a settled man by giving him notions of exclusive property, and by ensuring to him the enjoyment of it.

All other means are but nostrums and we shall certainly meet the usual fate of empyrichs if we rely on them.

PAYMENT OF ANNUITIES

II. Our second duty to the Indians is the payment of their annuities. As this is the result of an express conventional agreement, it is sufficiently defined by the instruments themselves.

The annuities due by treaties to the Indians within the agencies under the Superintendence of the Governor of this Territory are

To the Wyndotts	1400
To the Wyandots, Munsees, and Delawares and such of the Shawnese and Senecas as reside with the	
Wyndotts	1000
Delawares	1500
Shawnese	1000
Miamis including the Eel river & Weas who are Miamis	4250
Ottawas	1800
Chippeways	1800
Potawatomies	1900
Kickapoos 1400, if the grant by the Treaty of Vincennes, of December 9, 1809, was in addition to that by the Treaty of Fort Wayne of Sept 30th 1809, but if the latter was intended to confirm the former then the annuity to the Kickapoos	1000
It is certain by an examination of the treaty a very doubtful question	13750
Making in the whole	or 14150*

* Editor's note: Curiously, Cass appears to have miscalculated the totals. The totals should read \$15,650 and \$16,050.

DISTRIBUTION OF PRESENTS

III. Our third duty is the distribution of suitable presents among them.

That branch of this subject, which relates to the effects, calculated to result from such a distribution, I shall consider in another place. I shall here examine those duties only, which are imposed upon us by moral principles.

Prior to the discovery of this Country by the Europeans, its aboriginal inhabitants were in the undisturbed possession of it. For two centuries our increasing settlements have been pushing the Indians before them, and circumscribing the territory within which their game abounded. The manner in which these acquisitions have been made will seldom bear a rigid scrutiny. Sometimes the result of fear and at others of various circumstances, which have influenced their decisions, it is a notorious fact, that the fair unbiassed wishes of the Indians have not been expressed in a treaty of cession for many years. The fairest portion of their Country they have abandoned and the chase now affords them a scanty and precarious subsistence. The supply of game is very limited and it is every day decrsd. Under these circumstances the Indians have, a moral right to expect assistance from us and this expectation has been encouraged by our conduct towards them. Since the establishment of the national Government provisions have always been gratuitously distributed to them, and more recently goods to a considerable amount have been given. Without these annual gratuities, it is difficult to conceive how they could support and clothe themselves. And even with all this assistance, their condition is wretched, their wants increasing, their feelings disponding and their prospects dreary.

These are the principal duties which as a political society we owe to the Indians.

Our other obligations to them such as restraining our Citizens, punishing these who injure them &c. need not here be considered. They are sufficiently secured by the existing laws, and require no new provision to ensure their observance.¹⁰

¹⁰ The Indian trade and intercourse act of March 30, 1802, provided punishments for whites illegally

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MAINTAINING PEACE

The correlative obligations which are due from the Indians to us are,

To remain at peace with us.

A. The events of the last war have proved that the Indians are formidable enemies. When used as light troops, for which service they are admirably adapted, they can annoy an advancing force or destroy a retreating one.

The time has long since expired when their hostility could threaten our existence. Nor is it probable that a general confederacy will ever again be formed to oppose us. The prophet with a considerable band of malcontents is on the opposite shore restless and discontented, but he has little chance of reaping any thing except disappointment from his intrigues.¹¹ Were we certain that the present peace with England would be permanent, the friendship, or the enmity of the Indians in a political point of view would be perfectly indifferent. But we have no right to expect such a result. And as the time may and probably will arrive when their friendship will be important, it is better to secure it while it may be secured.

In the consideration of this branch of the subject relating to the continuance of peace as the obligations and the advantages are in fact mutual it is proper to examine, what are the causes which it is most probable will prevent peace from being durable, and which have a tendency to lead to hostilities, with a view, as far as it can be done to counteract them.

entering the Indian Country and for crimes committed by them against friendly Indians. *United States Statutes at Large*, II: 139-146. For a discussion of these provisions, see Francis Paul Prucha, *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts, 1790-1834* (Cambridge, Massachusetts, 1962), chapters VII and VIII.

¹¹ The Prophet and Tecumseh were probably twin brothers of the Shawnee tribe. In the years preceding the War of 1812 they gained considerable prominence for their activities in central Indiana. While Tecumseh sought to organize a confederation of tribes to protect the Indians from the advancing settlers, the Prophet urged his fellow red men to renounce American ways and return to traditional tribal life. Both men had frequent contacts with and were influenced by the British. Tecumseh lost his life fighting with the British at the Battle of the Thames in 1813. The Prophet migrated west after the War of 1812 and died in Kansas during the 1830's.

1. The principal source of Indian jealousy is the anxiety we discover to get possession of their land. Their feelings upon this subject are fostered and their sensibilities quickened by the arts made us[e] of by the English agents.

The considerations connected with this subject are too palpable to require much elucidation. As the natural progress of our settlements cannot be prevented, as no sound politician would seriously propose that the present Indian boundaries should be a barrier to our expanding population and as there is no American Citizen, who does not anticipate with pride the day when civilization and improvement will be coextensive with the limits of the republic the idea cannot for a moment be entertained that cessions of land will not hereafter be required of the Indians. The only palliative is to render the propositions as little offensive as possible by postponing the requisitions of land till it is wanted for the purposes of sale and settlement, by reserving tracts for such Indians as have or will cultivate them, and by giving a consideration more like an equivalent for the value of the property than that which has heretofore been given.

2. The second obstacle to the permanent continuance of peace is the influence acquired by the British Agents, which has been uniformly exerted to hostile and insidious purposes. This influence has been the result of a combination of circumstances skilfully seized and adroitly used.

As this influence is productive of effects important in our Indian relations, it is proper to examine it somewhat in detail, with a view to destroy or at least to circumscribe it.

INFLUENCE OF BRITISH TRADERS

1. One principal source of this influence has been the facility with which British traders have been admitted into the Indian Country. The consequences of this improvident treaty stipulation have been seriously felt.¹² Every

¹² Article 3 of the Jay Treaty, signed November 19, 1794, specifically permitted British citizens to enter the United States to trade with the Indians. Hunter Miller (ed.), *Treaties and Other International Acts of the United States of America* (Washington,

British trader admitted into the Indian Country is in fact a British Agent. They systematically seize every opportunity of poisoning the minds of the Indians.

There is no doubt but they report every occurrence of any importance to their Indian Department.

And the Indians are taught to consider our Government as their enemies and the British Government as their friends. And this course is pursued and these impressions made at all times, when the Indians are sober and when they are drunk, at business or at play.

As our obligation by treaty to admit these traders has expired, the continuance of the privilege must be a question of policy, in the solution of which the advantages and disadvantages should be weighed.

I have no means of knowing what effect the abolition of this privilege might have upon our relations with the British Government. I shall not therefore examine that branch of the subject.

But facts are not wanting to enable us to form a correct estimate of it, as a question of internal policy. Foreigners are permitted to trade with the Indians because it is apprehended, they will not be supplied with goods without this admission. This apprehension must be founded in a belief that there is a want of enterprise or of Capital in the American merchants or a want of native or naturalized citizens sufficiently skilled in the details of the business to conduct it advantageously.

That there is no want of enterprise will not be asserted by any person acquainted with our national character. That there is no want of Capital is the universal opinion of every person in this quarter acquainted with the demand for Indian goods and the means of supplying it. That there is a want of neither enterprise

nor Capital is demonstrated by the fact, that there are merchants in this place [Detroit], who would undertake to supply the whole demand were there no foreign competition. Our merchants cannot compete with the British for two reasons.

(1). The first is that much the larger portion of the goods introduced by foreign traders into the Indian Country are Smuggled. Facts which I have recently learned justify the belief, that this business has been extensively followed during the last year in the Country about Lake Superior and strongly indicate the propriety of establishing a military post upon its borders.

(2). The second reason why the American trader *ceteris paribus*, cannot succeed against the British trader is on account of the feelings and opinions of the Indians, and in consequence of the clannish disposition evinced and the spirit of opposition displayed by their traders to ours. After having passed the boundaries of civilization and entered the interminable forests, which are the patrimony and the habitation of the Indians, the American trader finds himself almost beyond the protection of the American Government, and the British trader feels that its laws and its penalties are of little importance compared with the favour and protection of the Indians. The disclosures which Lord Selkirk has recently made by the seizure of the North west company's papers proves what little restraint is furnished by moral principles and legal penalties in opposition to the temptations and opportunities of Indian trade.¹³

Were the foreign trader once excluded the American merchant could successfully embark in this business. Smuggling to the great advantage of the revenue would then be checked

1931), II: 246. The Treaty of Ghent, December 24, 1814, did not renew the privilege, and on April 29, 1816, Congress passed a law which provided that no license to trade with the Indians could be given to noncitizens. The act, however, gave the President discretionary authority to permit such licenses if the public interest required it. *United States Statutes at Large*, III: 332-333. The President, in fact, granted such authority to Cass and to some of his agents in 1816. Prucha, *American Indian Policy in the Formative Years*, 78-79.

¹³ Lord Selkirk, whose settlement on the Red River had been destroyed by the North West Company in 1815, retaliated by a seizure, under authority of the government, of the North West Company post of Fort William on Lake Superior. Seizure of papers at the post gave Selkirk evidence of the North West Company's malefactions. For a well-documented account of the affair see John Perry Pritchett, *The Red River Valley, 1811-1849: A Regional Study* (New Haven, 1942), chapter XVII; see also John Morgan Gray, *Lord Selkirk of Red River* (London, 1963), chapter 6.

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and the feelings of the Indians having little to excite them would subside into a state of comparative tranquility.

The experiment is certainly worthy of trial. The evils of the present system have been long felt and acknowledged. Were there an absolute unqualified prohibition against the introduction of foreign goods into the Indian Country I have no doubt whatever but the wants of the Indians would be supplied with as much ease and certainty as they are at present. Were this my own opinion only, I should hesitate in giving it in such unqualified terms. But it is the universal impression in the Country. And even should it be possible all those best qualified to judge are in an error, and that experience will hereafter prove we must still look to foreign capital and enterprize to conduct this important branch of National commerce, still nothing will be lost by the experiment. When the fact becomes apparent and the pressure is felt, this capital can then be introduced under such limitations as experience may suggest.

But under the present system we encounter evils which are certain for advantages which are doubtful. I am inclined to think it will be difficult immediately to procure a sufficient number of native or naturalized citizens to conduct this trade. But this is a subject of little importance.

Those persons whose services are required in a direct communication with the Indians and whose qualifications can be acquired only by a long residence among and intimate acquaintance with them are generally Canadians of French descent and connected by blood and identity of feelings and interest with the Indians.

These engagees are not the persons from whom we have any thing to apprehend. To them all governments are equally indifferent. The impressions which they receive they will communicate. If they are in the employment of British traders we may expect, that they will promote the views of the British Government. Were they in the employment of our traders, they would be equally zealous in advocating our Interest. And if the British traders were excluded from this commerce, all these persons would be employed by American traders. In proportion as their hab-

its and education fit them for this they unfit them for all other business. They consequently would engage with ardor were the ties, which connect them with foreign influence once severed, and were it, as it then would be a question between entering into the employment of the American trader or relinquishing all prospect of employment in their favourite pursuits.

An error appears to have prevailed with respect to these persons, which has probably had some influence in the establishment of the present system.

The immediate charge of the business of trade and employment of the capital require qualifications totally different from those, which are required to conduct the communication with the Indians.

Any man of business and enterprize is fully competent to superintend the former, while the latter requires people whose characteristic features are strongly marked by long residence among the Indians. The former are the men, who should be American citizens, who possess or who can receive from those who do possess the necessary capital, who will enter the Indian Country to superintend the Indian trade, who will employ these engagees as Interpreters and assistants, and who will thereby be enabled to direct their exertions and influence to objects favourable to our views and interest. There can be no doubt but persons enough of this description may be found who will gladly embark in this undertaking, and there is as little, that they will be able to employ as many Canadian engagees as the exigencies of the trade may require.

The present is a fortunate moment for making this experiment. Lord Selkirk's expedition has destroyed the complicated machinery of the North west company. The outfits of the summer were but partially made, and the returns of the spring will be equally partial. A large portion of the engagees are out of employment, and that systematic organization, which has been the result of many years, observation and experience has received, I trust, an incurable wound.

BRITISH INDIAN DEPARTMENT

2. The second source of British influence

is the number and qualifications of the persons in pay by their Indian Department.

Without entering into any consideration of the propriety of following their example in this respect, the fact is unquestionable, that their liberality has procured them the attachment of a great number of persons extremely well qualified to guide the feelings of the Indians.

They have generally made it a principle to employ every active young man, speaking the Indian language and acquainted with their manners and customs, more particularly if, as often happens they are connected by blood or marriage with the Indians.

It is a fact well ascertained during the war, that a number of influential chiefs were in the direct employment and pay of the British Indian Department.

I merely state these facts without observation to assist in forming a correct opinion upon this subject.

BRITISH DISTRIBUTION OF GOODS

3. Another source of their influence will be found in the prodigal and gratuitous distribution of goods to the Indians. How far we ought to imitate their example will hereafter be considered. It is sufficient that this distribution is here enumerated as one of the causes, to which their influence may be attributed. Its consequences are too direct and palpable to require much consideration. The Indians notwithstanding their constitutional and habitual indisposition to exertion as the means of acquiring property, and notwithstanding their improvident waste of it, when impelled by their passion for gaming and their appetite for spirituous liquors are yet venal and avaricious.

The British have gratified them in this important point and the consequences, which have resulted require no elucidation.

BRITISH-AMERICAN RIVALRY

Activity and energy have been given to these and to other secondary causes, which it is not now important to enumerate by the manner in which the British Indian Department is organized and its business conducted. Their Department is military in its

constitution, the Agents, and Interpreters have certain provincial rank and are subject to martial law.

The consequences of this arrangement are that an esprit du Corps is created, and continued, that the energy of military discipline ensures the prompt execution of an order, and that its execution is a matter not only of duty but of pride.

The officers of the Department are also more respected by the Indians. With all barbarous nations, the most respectable employment is that of the warrior. As the Indians see the officers of the British Indian Department in uniform, they confound them with the regular military force, and transfer to the former a part of the respect which they entertain for the latter.

The operation and the direction of these causes have given to our rivals the advantages they possess over us in the affection of the Indians, and the direction of their moral powers and application of their physical strength. That these have been exerted, to purposes equally revolting to humanity, injurious to us, and incompatible with the amicable relations which have generally subsisted between the United States and Great Britain cannot be doubted. The intrigues, which they have carried on since the peace among the Indians and the unerring indications which have been given of a revival of the old system, one of which is the immense distribution of arms, which took place at Drummonds Island, before Green Bay was occupied as a military post, demonstrate that we shall be compelled to counter the same evils which we have heretofore felt though in a much less degree.¹⁴

The elevation of our national character by the splendid events of the late war, has produced an emotion not less descisive among

¹⁴ Drummond Island, just off the eastern tip of the Upper Peninsula of Michigan, was the site of a British military and trading post, to which the Indians flocked for presents. The boundary commission, determining the line between the United States and Canada in 1822, awarded the island to the United States, but the British post was not turned over to the United States until November 14, 1828, at which time the British moved to Penetanguishene, near the head of Georgian Bay.

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the Indians, in proportion to their means of information, than among the civilized nations of the Old World.

National energy, brilliant achievements, and splendid acts of heroism never fail to add that moral strength to the force of a republic, which sheds a never dying lustre upon the fairest pages of history.

It would probably be unjust to attribute the whole conduct of the British Indian Department to the British authorities either colonial or at home. That Department is composed of men with strong prejudices, with contracted views, with scanty means of information and of a limited education. They probably pursue a course, which was prescribed long since, without accomodating their conduct to the important changes, which have since occurred. This course is also in unison with all their prejudices and feelings. Another motive unquestionably is to magnify the importance of their Department in the eyes of the Government. To continue their power, emoluments and patronage. It is for these reasons, that body and form are given to every idle Indian report. That wampum and messages are continually passing from village to village. That one abortive plan succeeds to another. But it will all have no effect to disturb the general tranquillity. The Indians are convinced of our superiority, and this conviction of theirs furnishes for us a surer ground of confidence, than papers, treaties and hollow professions. No appearances in this quarter indicate, that it would be possible to array a general Indian confederacy against the United States. Were it possible the Prophet would make the attempt. But as it is, he will probably endeavour secretly to cross the [Detroit] River, and escape to the interior of the Country, where his movements will be guided by circumstances or directed by instructions from the British Indian Department.

MEASURES FOR PRESERVING PEACE

Having shewn those connections between the Indians and British, which might probably tend to interrupt our peaceful relations with the former, and the most politick method of dissolving those connections, I shall proceed to point out those measures, the adoption

of which will give strength to the motives which now contribute with the Indians to the preservation of peace.

1. The first is the rigid performance of the two duties, which are first enumerated and enforced in this memoir.

2. The second is to restrain our Citizens from injuring them in their persons and trade, and from trespassing upon or taking possession of their lands.

This duty is so obvious and the method of enforcing or punishing a breach of it so clearly pointed out by law as to require no additional observations.¹⁵

3. The third measure proper to be adopted with a view to ensure the continuance of peace is the distribution of presents to the Indians.

POLICY IN DISTRIBUTION OF PRESENTS

Those moral considerations, which in the relative situation of the Indians and of the United States render it a duty for us to distribute presents to them have been already introduced. Super added to these considerations are motives of policy, which it is necessary now to examine.

1. Whatever has a tendency to conciliate the minds of the Indians and to render less unpleasant those obnoxious circumstances in our intercourse with them, which cannot be removed, will have a powerful effect in continuing our existing relations with them. The importance of presents in this point of view is too striking to require any particular illustration. Moral duties as such carrying with them no obligation and paper barriers in the form of treaties being utterly insufficient to restrain them, we can address ourselves to their hopes or their fears only, with any reasonable expectation of a favourable result. To depend upon the latter and to employ force to effect what can be obtained with greater certainty, celerity and economy by other

¹⁵ The encroachment of settlers on Indian lands was clearly prohibited by the trade and intercourse laws, which set up procedures for punishing violators. See Prucha, *American Indian Policy in the Formative Years*, 144-147.

means, would be equally impolitick and invidious.

2. The distribution of presents by us becomes necessary because it is resorted to by the British Government. The efficacy of this process does not depend upon any speculative notions. Its advantages have been tested by many years experience. In politicks as in war, our treaties must be regulated in some measure by those of the party, with whom we are to contend. If they distribute largely and we nothing we must expect, that this system combined with other favourable circumstances, which they are provident to foresee and adroit to seize, will give them as heretofore a preponderance in the Indian Councils.

The use which they were enabled during the late war to make of this preponderance I need not consider, and I cannot calculate the expenditure of blood and treasure, which it cost us. A timely and vigilant attention to our Indian relations, with a view to the establishment of a system which shall prevent the recurrence of similar consequences is equally dictated by humanity and policy.

3. The distribution of presents is required in order to secure the attachment of influential Chiefs. The Government of the Indians, if it deserves that name, is a Government of opinion. Their tribes generally resolve themselves into separate villages with little dependence upon each other. Some Chief who has succeeded in obtaining influence among them is at the head of each village.

But his feeble authority is seldom if ever directly exerted. All questions are submitted to the decision of the whole, and the influence of the chief is felt without being seen. They are extremely sensitive upon these subjects, and the least attempt to control them is a general signal for abandoning a Chief, so unwise as to make it.

This authority to be useful and permanent must be silently and unobtrusively exerted by giving a proper direction to the opinions of individuals, and by appearing to follow at the general councils, where important questions are discussed and determined.

The amount of annuities, which are annually distributed to each tribe is too small

to produce any perceptible effect. They are besides divided among the different villages in proportion to their numbers and are considered the property of the whole, to a fair proportion of which each individual is entitled. The chiefs receiving the same share that falls to the lot of any other individual, are unable by a proper distribution and by a display of disinterestedness to ensure the attachment of the rest.

Not so with presents. These being granted by us without compensation, are received by them without offence however distributed. We have therefore the opportunity of presenting to the principal Chiefs, whose friendship and services are important to us, valuable means of strengthening and securing their influence.

This policy so natural in itself and so certain in its result has not been overlooked by the British. They have frequently by this mode of distribution gained the disaffected and confirmed the wavering. The Shawnese Prophet has in this manner been an important instrument in their operations.

For the last year the selection of Individuals, to whom presents should be made, has been entrusted to him. He has thus become the point of union, to which all the Indians in their interest must look. This personal influence is of course vastly augmented, and this added to his imposture or fanaticism and their credulity will render him dangerous whenever he effects, as he undoubtedly meditates, his escape into the interior of the Indian Country.

4. The distribution of presents is necessary to prevent the Indians from committing depredations upon the property of our Citizens.

I have already stated, that the annuities, which the Indians receive are individually of little importance. Three thousand Six hundred dollars, the amount of the annuities to the ottawas & chippeways to be divided among Six thousand persons reduces the share of each to a pittance scarcely worth accepting. The Potawatamies annuity is proportionally less, as the number of that tribe is much greater. And even the Wyndott, which is larger in proportion to the number of the nation than any other would not if fairly

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divided, give three dollars to each person. These facts shew how slender are the ties of interest, depending upon the receipt of their annuities, which connect the Indians to us. In the consideration therefore of any act either national or Individual the annuities would not be taken into their estimate. Their Security or hazard would not furnish motives sufficiently powerful to influence the decision of one man in the Nation.

The greatest injuries which our Citizens have to apprehend from the Indians are the stealing of their horses and the destruction of their cattle and provisions. It is in this way, that we have been and shall be brought into contact with them. These aggressions exasperate our people. They commit injuries in their turn and the minds of both are prepared for hostilities. When an Indian leaves our settlements, for it is then the injury is done, if a favourable opportunity occur of stealing a horse and taking him off with a quantity of provisions, the temptation is strong and whether he will yield to it is a matter of calculation. The boundless forest is before him, in every part of which he is at home, where it is difficult to pursue and almost impossible to overtake him. Even if his trail can be followed any distance, which is very doubtful, he uniformly upon these expeditions, continues upon his horse, till he rides him down, long before which the most persevering and experience[d] woods man losses [sic] all traces of his route and abandons the pursuit in despair. Such is almost uniformly the result of all efforts to overtake an Indian, who has committed any injury upon our frontier.

This country is peculiarly liable to these misfortunes. Its settlements are so weak and scattered that the whole Territory is in fact a frontier, exposed to every kind of Savage insult and injury. The immense number of Indians, who make their annual visits to this place and to Malden,¹⁶ bring a succession of individuals ever ready to seize the opportu-

ities, which are offered. It is generally easy to ascertain, who the persons are committing these injuries, although very difficult to prove it. In fact any thing like proof, in the legal acceptation of the word, is wholly unattainable. There is therefore no civil remedy for the injured party, even if process could be served upon the offender, and if he were possessed of property to satisfy the judgement. And for the same reason no punishment can be inflicted upon him, and no example be held out to others. It is problematical also whether the proof in most cases will justify the subtraction of the amount of the injury from the annuity due to the nation. But the distribution of presents furnishes in these cases a powerful restraint upon the predatory disposition of the Indians. If they know, that the village to which they belong will receive no presents, till every injury committed by any individual of it is redressed, they feel that committing them will be a direct loss to themselves and to their nearest connections. They find that a horse will afford a very inadequate compensation for the property, which will be withheld from them. And even if these considerations do not restrain particular Individuals, they are sufficiently powerful to ensure the attention of the collected will of the villages. They guarantee the restoration of the stolen property with promptitude and certainty. And this too when that object could be effected by us in no other way than the display and perhaps the use of actual force.

5. The distribution of presents is necessary to give dignity, influence and importance to the Agent, and attention to his representations.

The Agent is the representative of his Government. Through him the demands of the United States are made and to him the Indians look for a redress of all their injuries. They are little in the habit of abstraction. They do not and cannot withdraw their attention from the visible objects before them, to those which are remote and invisible. They identify the agent with the Government, and as the former is respected, so will the latter be. An Agent without the means of administering to any of their wants is also without the means of procuring their attachment and respect.

¹⁶ Malden, a British post across the Detroit River about 20 miles south of Detroit, served as a center for British influence with Indians from the United States, who visited the place to receive presents and advice.

A moments reflection will convince us how important it is, that the Indians should be accustomed to respect their Agent.

His personal influence thus comes in aid of his official duty, and with a people among whom personal influence supersedes all other obligations. He is thus enabled to procure attention to his representations upon the subject of peace, in the request for land, in the requisition of stolen property, in the repression of individual injuries, in the demand with a view to the punishment of particular offenders, in his attempts to watch the progress of national feeling among the Indians themselves, and to counteract the intrigues of foreign commissaries, and in the immense variety of duties, which every day produces.

If it is important that the Agent should possess this influence, it is necessary to give him the means of acquiring it. This can be effected in no other mode than by the distribution of presents.

Without this power the Agent is a perfect cypher whose situation is useless to his Government, irksome to himself and contemptible to the Indians.

AMOUNTS AND MANNER OF DISTRIBUTING PRESENTS

It is necessary next to examine, what amount shall be annually distributed in presents to the Indians, how these presents shall be distributed and how they shall be accounted for.

So far as respects our Indian relations this [Detroit] is the most important point in the union.

A great majority of all the Indians in the immense country west of us, able to bear arms, visit this place and Malden at least annually. Many of them much oftener. It is impossible to approximate to any thing like certainty upon this subject, and I shall merely therefore state my opinion, which has been heretofore communicated to the War Department, which was originally formed by induction from a vast variety of particulars, and which has been amply confirmed by past experience.

In Goods.

I think that the sum of twenty thousand dollars should be distributed at this place, and five thousand at each of the agencies

composing this general Superintending Department, being the agencies at Michillimackinac, at Chicagou, at Green Bay at Fort Wayne and Mr. Johnson's agency.¹⁷

In provisions

When the Indians visit our posts, if they are not fed by the Government they will furnish themselves with provisions by stealing. They are utterly unable to purchase. In the estimate made by me to guide Majr. Genl. Macomb in his requisition upon the contractor, I stated the daily demand at this place to be three hundred and thirty three rations, and one half of that amount at Michillimackinac, Green Bay, Chicago, and Fort Wayne, making a total of 1000 rations required as the daily issues upon this frontier.

It is a rule here that no Indian shall draw more than three days rations.

It is thought allowing him one day's rations on his arrival, one day to transact his business, and one day to commence his return is as little as can be issued. And even with this limitation, their demands are importunate and not easily resisted.

The daily average of Indians at this post during the year probably exceeds four hundred.

The next question is in what manner these presents shall be distributed.

1. A distribution en masse would destroy the effect intended to be produced. The only possible reason, which can be given in favour of it, is the want of a proper check upon the issuing officer. If the whole amount of the presents is given at once certificates can be procured from disinterested persons of the fact, to serve as vouchers upon the settlement of the accounts. On the contrary it may be apprehended, that the daily issues of small presents will preclude the possibility of any other evidence, than that of the officer himself. I trust on examination this difficulty may be easily removed.

The issues of presents in bulk would throw them into the possession of a comparatively small number of Indians. The great body of

¹⁷ John Johnston was the agent at the Indian Agency at Piqua, Ohio.

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them can never be collected at one time. Of course those who attend would be overstocked, while those who are prevented from attending would have nothing.

Such a procedure would prevent us from rewarding particular Individuals and from procuring the attachment of influential Chiefs.

If the whole body of the nation were collected, any other distribution than that of equality would be so obnoxious, as to be productive of more injury than advantage. The offer by us to distribute the presents unequally would be a source of discord and jealousy, and most probably would be rejected by the favoured individuals, their fear of the consequences outweighing their attachment to property.

But when presents are distributed to Individuals as they arrive, the measure of distribution is left to us, without causing any sensibility in others.

2. The distribution in bulk would soon leave the Indians as destitute as before the receipt of the goods. Their improvidence is proverbial and their appetite for spirituous liquors is inordinate. A large portion of the goods, which are given them as annuities are exchanged for whiskey. The law of this Territory in addition to those of the United States provides sufficient penalties against this traffic. But its mutual temptations for the purchaser and seller are so strong as to lead them in many ways to elude the laws.

The amount of the annuities to any one tribe although small in proportion to its number appears when collected to be an inexhaustible fund. At the issuing of the annuities, which took place here in bulk in September last, the Indians seriously represented to me that they were tired of receiving and wanted no more.

It is true the amount issued far exceeded that at any former time, because the annuities due for the five years past were given to them. But even with this consideration in view, the anecdote is strikingly characteristic of Indian improvidence.

3. By issuing to individuals as they arrive and as their want require, their eyes and their imaginations are not bewildered, with what to them appears like an inexhaustible

fund. Besides it is well known, that clothing given them late in the fall and in the winter is preserved with much more care than when it is given to them in the spring or summer. In the former case their immediate wants urge them to the preservation of the property.

In the latter the winter is distant and the temptation strong and the heedless savage sacrifices all to his invincible propensity for drink.

In the beginning of winter the greatest quantity of presents are issued. Individuals can then come, but the body of the tribe collectively could not. There are various considerations connected with this subject, which I have not now time to examine. It is that in the whole circle of Indian relations, about which I have the least doubts. In fact the slightest experience in the practical part of Indian Affairs is sufficient to convince any man, that the distribution of presents to the Indians in bulk would be useless to us and injurious to them.

The practise of the British Indian Department furnishes us with an example proper to imitate in the method of accounting for presents.

At this place any alteration of the present plan would be injurious. This was submitted to the War Department in September 1814 and there approved.¹⁸ In the settlements of the accounts, I trust it will appear, that as many checks are provided as the nature of the service requires.

But at the remote posts, where there is only one officer in the Department, it becomes necessary to make some other provision.

The British plan is simple and efficacious. The officer of the day at the post is required by a standing military order to attend at

¹⁸ Cass had printed in Detroit a set of "Regulations for the Indian Department," a two-page broadside dated September 15, 1814, which prescribed in detail the procedures for distributing presents and keeping accounts on them. Copies of the regulations are in the Burton Historical Collection of the Detroit Public Library and in the Clements Library at the University of Michigan, and it has been reproduced in facsimile. Cass received approval of the regulations in a letter from the Secretary of War, October 24, 1814, Carter (ed.), *Territorial Papers*, X: 495.

the Indian store house at stated hours and to witness the delivery of all presents. He then signs the entry in the book of the person, who issues, which is his voucher on settlement. This plan if adopted by the War Department would be found adequate to all the purposes of checking the issues, and supersede the necessity of directing that presents shall be issued in bulk, which I am certain would be a very injurious requisition.

ORGANIZATION OF THE INDIAN DEPARTMENT

The other general duties of the Indians, I need not now consider. The subject has already led me too much into detail. The duties which they owe us with respect to the selling of their lands, and refraining from foreign connections have received a sufficient incidental discussion for all the purposes of this enquiry.

The only remaining branch of this subject relates to the organization of the Indian Department, and from my experience I am inclined to think, that with one essential and some minor alterations, the present system is as good as we shall easily obtain. I consider that the mode of direct communication between the Agents and the Indians, and of transacting the ordinary affairs of the agency cannot be improved.

The communication between the Agent and the Government, and between the former and the Superintendent requires to be better defined and understood. The War Department must now be troubled with an immense multiplicity of details, which could better be considered upon the spot. Although the Agents

are in some respects subject to the control of the Superintendent, still this power being undefined is exercis[ed] with much care and delicacy.

If the Agents were instructed to communicate with the Superintendent only, the burthen upon the War Department would be lightened, to the great advantage of the publick.

I should propose that a sum equal to the compensation of the Agent, Interpreters and Mechanicks, and the probable contingent expenses be specifically appropriated by the Department to meet the expenses of each Agency. The general routine of duty at each agency is sufficiently understood. No instructions upon that subject are necessary. It is in extraordinary cases only that the agents require specifick directions to guide them. Applications for this purpose should be made by them to the Superintendent.

If from a view of the whole subject or from a Knowledge of the wishes of the Government, he can give the necessary instructions, the matter can be there determined. If not resort ought by him to be made to the Government. This plan is perfectly simple and would be attended with no difficulty. The agencies are at present insulated points in the Indian Country, connected together only by their mutual responsibility to the War Department. The Department is remote, the communication slow, and the necessary details not always sufficien[tly] understood there, nor fully explained by the Agent. The principal is perfectly analagous to the beautifu[l] simplicity, which in theory prevails in military arrangements, and I have no doubt it would be found useful and efficacious.