

The Kanza Reservation 150 Years Ago

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(This is the 16th in a series of monthly articles by Ron Parks about the Kanza Indians and Council Grove 150 years ago.)

A Suitable Country for the Kanzas

“We regard the so-called Kaw treaty an outrage upon the people of Morris county,” proclaimed the Morris County Republican platform in November, 1859. “This treaty is a direct attempt to ROB the settlers of their hard earnings, for the benefit of an Administration of speculators and land swindlers.”

The Republicans had set their sights on a disgruntled constituency: hundreds of squatters illegally occupying the 20-mile-square Kanza Reservation in the upper Neosho River valley. One month earlier, the Democratic administration of President James Buchanan negotiated a treaty with the Kanzas diminishing the tribe’s land to the southwest one-third of the original reservation.

Although the treaty stipulated the remaining two-thirds of the reservation was soon to be made available through a sealed bid process, the “settlers” were outraged that the new treaty recognized the Kanzas as the rightful owners, gave no legal credence to the whites’ land claims, and made no provisions for compensating the squatters for their “improvements” such as crops, fences, houses, and outbuildings.

On October 22, just 17 days after the Kanza chiefs put their X’s on the Greenwood Treaty, a “Squatter Meeting” was held in Council Grove for the purpose “of taking some measure to prevent the ratification of the recent Treaty.” A Resolution Committee including Thomas S. Huffaker was appointed “to get up petition to the President of the United States, setting forth the facts of the case.”

The arguments contained in the unanimously adopted petition legitimizing the settlers’ claims to the Kanza Reservation had appeared as early as May, 1857, in various public forums. The number and fervor of these petitions and newspaper declamations increased through November, 1860, when an amended Kanza Treaty more amenable to the settlers’ interests was ratified by the U. S. Senate.

A brief summary of these justifications and commentary on their legitimacy follows:

1. The Kanza Treaty of 1846 located the tribe’s reservation west of the Council Grove Reservation.
2. Overlaying the north three-eighths of the four hundred-square-mile Kanza reservation was 150 square miles of the original Shawnee Indian Reservation. This overlap caused unwitting emigrants to settle on the Kanza Reservation.
3. Settlers on the Kanza Reservation made their claims in accordance with the instructions of Kanza Indian agents Whitfield and Montgomery.

4. A Seth Eastman map certified as correct in 1854 by Commissioner of Indian Affairs George Manypenny “got up expressly for the guidance of settlers” located the Kanza Reservation west and south of Council Grove and off of the Santa Fe Road.

The Treaty of 1846. The Treaty of 1825 granted the Kansas a reservation thirty miles wide, beginning immediately west of present-day Topeka, extending west to a never-established-point near the current Kansas-Colorado border. The 1846 treaty ceded the eastern 104 miles of this reservation to the U. S. government, an area comprising two million acres, its western line located near present-day Salina, Kansas.

Article Five contained an important qualifier: If the authorities determined that there was an insufficiency of timber on the remaining Kanza Reservation west of this line, then the President of the United States would “cause to be selected and laid off for the Kansas a suitable country, near the western boundary of the land ceded by this treaty, which shall remain for their use forever.”

The settlers’ advocates seized on the phrase “near the western boundary of the land ceded,” as proof that the Kanza Reservation belonged sixty miles or so west of Council Grove. However, this prescription was unworkable.

For the Kansas to establish their permanent villages near today’s Salina would have delivered the overmatched tribe into the jaws of their implacable enemies. Two powerful and hostile tribes, the Pawnees and the Cheyennes, claimed this area as their buffalo-hunting grounds. Throughout the 1850s and 1860s, the Cheyennes in particular inflicted tremendous loss of life and property on the Kansas, and in so doing greatly diminished the latter tribe’s ability to successfully hunt the diminishing herds of buffalo in central Kansas.

In 1846, the U. S. government was unable to protect the Kansas in this location. The western boundary of ceded land was over 140 miles from the nearest military post, Fort Leavenworth. Lines of communication and supply between the Office of Indian Affairs and its Kanza charges, poor under any circumstances, would have been impossible to maintain. And it is likely that the government would have been unable to find an agent willing to serve in such an isolated and precarious position.

So measures were taken by the Indian Office to procure “a suitable country” for the Kansas. Agent Richard Cummins and the Kanza chiefs selected a tract in the upper Neosho Valley, a well-timbered area long familiar to the Kansas as being within their hunting domain.

On July 17, 1847, Cummins described the boundaries of the new reservation: “To commence at a point ten miles due north of the trading house of Boone and Hamilton and the Government Blacksmith shop both of which are on the banks of Council Grove Creek at the crossing of the Santa Fe road [site of Council Grove]; from thence due west five miles to corner; thence due south twenty miles to corner, thence due east twenty miles to corner; thence due north twenty miles to corner; thence due west fifteen miles to the place of beginning.”

On October 18, 1847, the Commissioner of Indian Affairs recommended this reservation to the Secretary of War as the most "suitable country" for the Kanzas. On November 6, 1847, President James K. Polk approved the boundaries as written by Cummins. Contrary to later claims by settler spokesmen, ample legal authority and documentation existed defining the boundaries of the Council Grove Reservation.

Shawnee Purchase. In 1847, the U. S. government did, in fact, mistakenly establish the northern three-eighths of the Kanza Reservation on land already reserved for the Shawnee tribe. And this land became available for pre-emption in 1854, the Shawnee title having been extinguished. The southern boundary line of this "Shawnee Purchase" crossed east-west about two miles north of Council Grove.

The question is how many people actually settled on the Kanza Reserve between July, 1854, when the territory came open for settlement, and December 2, 1856, when a survey of the reservation's boundaries was certified, this receiving widespread newspaper coverage. And further, how many of these "settlers" made their claims on the reservation because they thought they were on the "Shawnee Purchase" lands?

Exact numbers are difficult to establish. The March 1855 census listed 86 people in the Council Grove area, 13 of these Black slaves. In 1862, the government compiled a list of people settling on the nine-by-fourteen mile "Diminished Kanza Reserve" prior to December 2, 1856. Despite the government's promise to compensate these settlers for their "improvements," only 23 claimants were identified.

The fact is that through 1856 immigration into this region, then considered Southwest Kansas, was a mere trickle. That changed in the spring of 1857, when disregarding the boundaries clearly defined by the 1856 survey, immigrants flooded onto the Kanza Reservation, establishing their homes in the well-wooded and watered valleys, the most desirable of which lie south of the Shawnee Purchase lands.

Misled by Agents. On July 19, 1856, seventeen citizens appeared before justice of the peace Arthur I. Baker to accuse Kanza agent John Montgomery and his predecessor, J. W. Whitfield, of misdirecting them to settle on the Kanza Reservation. Among these accusers were longtime Council Grove area residents Thomas Sear Huffaker, Emanuel Mosier, and Charles Columbia. Both Huffaker and Mosier swore they accompanied Montgomery when the agent made claims for himself inside the reservation boundaries.

The evidence is strong in support of the accusations against Montgomery. And it is probable that Whitfield, too, had approved a few early settlements on the reservation. Like almost all Kansas Territory officials, including the first territorial governor, Andrew Reeder, both agents harbored ambitions in the promising arena of Kansas land speculation.

Although it is likely that both agents yielded to the temptation to tell prospective settlers, especially well-connected ones like Huffaker, what they wanted to hear, it is also just as likely that Huffaker, Mosier, Baker and others knew the actual reservation boundaries but found it to their advantage to collude with the agents in the misinformation process about the same.

Eastman Map. This controversial map, compiled by Seth Eastman, published in 1854, and certified as correct by Indian Commissioner George Manypenny on August 5, 1854, does contain flaws. For example, it shows a gap between the southern boundary of the Shawnee Reserve and the northern boundary of the Kanza Reservation.

But in reference to positioning the Kanza Reservation relative to such features as Council Grove, the Neosho River, and the Santa Fe Road, the map is a fairly accurate representation of the actual location of the reservation. Taken as evidence, the extant map is solid refutation of the settlers' often-repeated allegations that the 1854 Eastman map misled them to establish claims within the reservation's boundaries.

In July, 1858, future U. S. Senator Preston Plumb traveled by horseback through the Kanza Reservation, exultantly witnessing "Where, one year ago, there were but few settlers, and little or no improvement, there is now a large population, highly cultivated farms, and comfortable dwellings." Plumb concluded that the Kanzas' "illegal claim will doubtless be set aside, and the settlers, allowed to pre-empt the land."

Plumb's cocksureness was commonplace among his contemporaries, the righteousness of their position buttressed by the four arguments outlined above. In each argument, the settlers' presumed innocence rested on exploitation of the ambiguity of the situation, be it a map, agent instructions, treaty interpretations and so forth.

But the weakness of their position is that on December 2, 1856--the date of the certification of the government survey--all ambiguity about the Kanza Reservation boundaries ended. From that point on everyone knew exactly where the Kanza Reservation was, so that when they "settled" on this land, they knew they did so outside the law. And yet at least 90% of the settlers occupying the Kanza Reservation 150 years ago came onto the reservation after December, 1856.

Finally, we should consider what the most knowledgeable people--the Indians, traders, government officials, and missionaries--had literally put on the ground in the years following the 1846 Treaty. Why, if the Kanza Reservation was actually located several miles west of Council Grove, did the Kanzas establish their villages within a ten-mile radius of Council Grove, licensed Kanza traders Boone and Hamilton and Chouteau establish their posts in Council Grove in 1847, the government build the Kaw Mission in Council Grove in 1850, and the agent establish his agency in Council Grove in 1855?

The four arguments we have examined are, it seems, mostly irrelevant to the actual events. If these particular ambiguous situations had not existed, others would have been invented to supply the rhetorical arsenal justifying an invasion of Kanza land. Paul Wallace Gates says it best in his book, *Fifty Million Acres*: "Disregard of Indian rights was traditional on the frontier, and it did no violation to settlers' ethics to intrude on Indian lands, whether trust, allotments, or reserves."

Sources: *Kansas Press* (Council Grove), 10-31-59, 11-7-59, 12-12-59; *Letters Received by the Office of Indian Affairs from the Kansas Agency*, 56-61 (especially Manypenny's 5-9-56 letter); LROIA-KA, 62-64; Kansas Territorial Census, District 8, 1855; *Treaty of 1846*; *Kansas in Maps* by Robert Baughman, p. 26; *Kansas News* (Emporia), 7-24-58.