JONATHAN CARVER’S FOOTPRINTS: THE CARVER LAND GRANT CASE OF 1825 AND THE IMPACT OF AMERICAN INDIAN POLICY

DEPARTMENT OF HISTORY

HISTORY 489 SEMINAR:
DR. JOHN W.W. MANN

COOPERATING PROFESSOR:
DR. OSCAR CHAMBERLAIN

SARA FALCH
MAY 13, 2008
CONTENTS

ABSTRACT .................................................................................................................. 3
SUMMERWIND ............................................................................................................. 4
JONATHAN CARVER .................................................................................................. 7
THE CARVER LAND GRANT ....................................................................................... 11
SAMUEL ANDREW PETERS AND THE CARVER LAND GRANT ....................... 15
PETERS GOES WEST ................................................................................................. 17
AMERICAN INDIAN LAND POLICY ........................................................................ 21
THE TREATY OF PRAIRIE DU CHIEN .................................................................... 34
CONCLUSION ........................................................................................................... 36

APPENDIX

I. THE CARVER GRANT ............................................................................................. 39
BIBLIOGRAPHY .......................................................................................................... 40

ILLUSTRATION

I. CARVER LAND GRANT MAP ................................................................................. 12
Abstract

The case of the Jonathan Carver land grant has a long and complicated history. While most historians have covered the history of the Carver land grant they have failed to see the importance of how American Indian land policy influenced the dissolution of the Carver land grant case in 1825. The scope of the paper will cover Carver’s history, his exploration of Wisconsin and Minnesota Territory from 1766 to 1768 and his reception of a land grant from a band of the Dakota Nation. The scope focuses on what happened with the deed after Carver’s death, particularly focusing on Reverend Samuel Andrew Peters’ involvement and attempts to get the Carver land grant ratified by Congress. More importantly the paper will draw focus to American Indian land policy and its important role in the Carver land grant case. In particular the paper will focus on what land policies the Committee on Private Land Claims used in the final ruling on the Carver claims case in addition to other laws prior to 1825 that would invalidate the Carver land grant.
Summerwind

Today, most Wisconsinites overlook Jonathan Carver as historical figure in Wisconsin history. Carver’s spirit is more recognizable for haunting a property in northeastern Wisconsin which the man had no physical claim to when he explored this state in 1766. Located in Land O’Lakes, Wisconsin on West Bay Lake are the remnants of a great manor called Summerwind. The first owner of the house was “…Robert P. Lamont, Secretary of Commerce under Herbert Hoover.” The tales of ghostly happenings at Summerwind began with Lamont in 1916 and continued into the 1980s. The house had a history of being able to “change dimensions”, there were tales of “voices in empty rooms,” gunshots were heard and ghosts seen inside the house. Lamont had tried to fend off the ghosts with a gun. After the Lamonts left the residence the ghostly activity quieted for the following owners of the house but it resumed in the 1970s. In particular, while the Hinshaw family occupied the residence they had many different paranormal experiences. They claimed activity ranging from appliances turning on by themselves to a full figure apparition of a ghostly woman. The two adults, Ginger and Arnold, suffered the most from the ordeal and the family was forced to leave the house.¹

Ginger and Arnold left the house after having mental breakdowns; Ginger had even attempted suicide. Her father, Wolfgang (Raymond) von Bober, subsequently purchased Summerwind mansion. At first Bober did not even believe his own daughter’s claims of “spirit” activity.² However, Bober would have the most famous claim of ghostly activity in

¹ Chad Lewis and Terry Fisk. *The Wisconsin Road Guide to Haunted Locations* (Eau Claire: Unexplained Research Publishing Company, 2004), 160-163. Quotation from page 160. Lewis and Fisk give a brief but very nice history of Summerwind Manor, and previous owners such as the Lamonts and Hinshaws and their experiences, etc. Also see Tom Hollatz’s *The Haunted Northwoods*, pages 4 to 35. Hollatz gives more information about people who still visit Summerwind who claim to have had more recent ghost experiences on the property. Hollatz also provides inaccurate information about Jonathan Carver and did not rely on any scholarly sources for his research.

² Wolfgang von Bober., *The Carver Effect: A Paranormal Experience*. (Harrisburg: Stackpole Books, 1979), 14, 21-22. Bober’s book gives specific insight to his dealings with Jonathan Carver’s ghost; he even dedicates the book to Jonathan Carver. However, Bober’s research about Carver is also inadequate because he dates
Summerwind when he made “contact” with the ghost of Jonathan Carver, the 18th century explorer of West-Central Wisconsin. Bober claimed through “dreams, trances, Ouija board and automatic writings,” he was able to communicate with Carver and “…that the ghost of Carver requested his help.” Bober claimed to have a very interesting experience when it came to communicating with Jonathan Carver. After his daughter put him in a hypnotic trance he received visions in which he saw a black metal box buried in the basement of Summerwind a box containing Jonathan Carver’s land grant, purportedly given to him by a band of the Dakota. After this vision Bober experienced more strange occurrences that involved “communicating” with Carver’s spirit through an Ouija board. Carver told the Bober family to find the box in the base of the house. The family searched for but did not find Carver’s “black box.” The mansion burned down in the 1988 but there are a number of people who still see the house as a major site of paranormal fascination in Wisconsin.

Who was Jonathan Carver and what was this “deed” his ghost apparently wanted back? In the historical field, most accounts of the creation of the state of Wisconsin include details about Jonathan Carver, his exploration of Wisconsin territory and the land deed. Many scholars have researched Jonathan Carver extensively, trying to figure out if his famous land deed was real or merely a great piece of historical fiction. One scholar even claims that the deed was “…a swindle by which unwary investors might be deceived.” In the quest for the true history of the Carver land grant, historians have overlooked or made little reference to how American Indian
policy influenced the deed. The Carver land grant case took place much later, after Carver’s death in 1780, but his role is nonetheless important. The land grant was influenced by American Indian policy because of Reverend Samuel Andrew Peters and the Carver heirs who brought the deed to Congress’ attention after the Revolutionary War. They understood there was somewhere between 12,000 square miles and 12,000,000 acres of prime Wisconsin real estate by the area covered by the deed and within their grasp off which they could make a considerable fortune.

This land grant played a more important role in because it was a great example of American Indian land policy at work. The leading scholar in the study of Jonathan Carver and the Carver grant is John Parker, who has compiled resources such as *The Journals of Jonathan Carver with Related Documents, 1766-1770*. Most of this information is also contained in his speech, *Jonathan Carver’s Dream of Empire*. Other scholars who have studied this case history include Milo M. Quaife, an important Wisconsin historian, who wrote *Jonathan Carver and the Carver Grant*, and Edward G. Bourne with his controversial analysis of Carver’s works in *The Travels of Jonathan Carver*. The most recent analysis of Carver’s writings has been compiled by Norman Gelb who edited a version of *Jonathan Carver’s Travels Through America, 1766-1768: An Eighteenth-Century Explorer’s Account of Uncharted America*. American Indian land policy has a very large historiography. For the purposes of the paper the historiography has been narrowed to scope of the paper from 1766 to 1825 with emphasis on American Indian land

---

7 There are many scholars, John Parker, Milo M. Quaife, Louise Phelps Kellogg, etc. who usually all reference one article by Edward Bourne “The Travels of Jonathan Carver,” in which Bourne highlights the impossibility of Carver writing his books but instead copying other authors. For a more concise history of this argument, one may turn to Forrest G. Riley’s *An Explanation of Jonathan Carver’s Writings*, a capstone paper where the author highlights Bourne’s and other scholars’ points about Jonathan Carver’s materials

8 Alice E. Smith. *The History of Wisconsin Part I: From Exploration to Statehood*. William Fletcher Thompson, ed. (Madison: State Historical Society of Wisconsin, 1973), 65. Also Jonathan Carver, *Jonathan Carver’s Travels Through America 1766-1768: An Eighteenth-Century Explorer’s Account of Uncharted America*, Norman Gelb, ed. (New York: John Wiley & Sons Inc., 1993), 47. Gelb reports that the Carver claim is 12,000 square miles and Smith reports it to be as big as 12,000,000 acres. These are the only two scholars who have given data as to the size of the land grant even though the numbers do not match each other.
policy that would pertain to the land grant itself. The main sources for the historiography of American Indian Policy has been narrowed to scholarship from Francis Paul Prucha’s *The Great Father: The United States and the American Indians, Volume One* and *American Indian Policy in the Formative Years: The Indian Trade and Intercourse Acts of 1780-1834*, Felix S. Cohen’s *Handbook of Federal Indian Law: With Reference Tables and Index* and Ronald N. Satz, *Chippewa Treaty Rights: The Reserved Rights of Wisconsin’s Chippewa Indians in Historical Perspective*, supplemented by other scholarship. Most scholars have not put the Carver Land Grant case and American Indian Land policy together even though it is a clear example of how this policy shaped the Wisconsin frontier.

**Jonathan Carver**

Jonathan Carver was born on April 13, 1710 in Weymouth, Massachusetts, and later moved to Connecticut during his early childhood. Carver came from a respected family and received a formal education that allowed him to add reading and writing to his resume, which would be helpful for his future profession as an explorer. In 1746 at the age of thirty-six he married his first wife, Abigail. By the time Carver was fifty-three he had seven children. Scholars have found some evidence that during Carver’s first marriage he was a shoemaker by profession and then enrolled in the army in 1755. A combination of military experience in the French and Indian War and another added profession of map-making set the stage for Carver’s

---


10 Parker, introduction to *Journals*, 3.

11 Ibid., 3-6. Parker explains there is only some scraps of evidence that point to Carver being a shoemaker but nothing concrete that can prove that was his profession before joining the military.
career as an explorer.\textsuperscript{12} In his journals, Carver explained that after the war he “wishd [sic] for an oppertunity [sic] of serving my king & [sic] country, being for some time out of employ was very desirous for an oppertunity [sic]of being employed in some business whereby I might be useful in making some further discoveries in these new acquisitions.”\textsuperscript{13} Land speculators, and explorers in particular wanted the opportunity to explore the new Northwest Territory, now Michigan, Wisconsin, and Minnesota, because it was largely unfamiliar to the British and their colonists at the time.\textsuperscript{14} The colonists were curious about what was “west” of where they were living but none had gone so far as to explore the area. Carver wanted to explore new territory and he would soon get the chance. It is believed during this time Carver became more interested in land speculation and map-making, he increasingly “separated” from his family even though they may have still heavily relied on him for financial support.\textsuperscript{15}

Carver was one of the few who explored the new territory and made very detailed notes in his journals and books. Carver’s journey began on May 20, 1766 in Boston. He arrived at Michilimackinac, located in what was at the time upper Michigan Territory, on August 28 of that same year. Major Robert Rogers employed Carver and Carver’s job was to take thorough notes and draw subsequent maps about his journey. Carver made copious notes about everything he encountered on his trip including vegetation, animal life, potential resources and detailed notes about Native American tribes.\textsuperscript{16}

Carver was genuinely interested in uncovering as much information as he could regarding the tribes. The first tribe he met in Wisconsin were the “Ottoways”(Ottowa), who according to

\begin{enumerate}
\item[12] Gelb, introduction to \textit{Travels Through America}, 7. Gelb gives a complete history of Rogers and Carver’s history together and why Carver was chosen to accompany him on this expedition.
\item[13] Parker, introduction to \textit{Journals}, 57-58. Also see page 14 for more information as to Parker’s summary of Carver’s willingness to join the Rogers expedition.
\end{enumerate}
Carver were located by Little Detroit which was near Green Bay, Wisconsin. While venturing on Carver met the Winnebago now known as the Ho-Chunk located on an island in Winnebago Lake, followed by an encounter with the “Menominis” or the “rice people” as Carver interpreted. The “Saugies” (Sauk) and “Ottigaumies” (Fox) tribes came across Carver while he was traveling along what is the present day Wisconsin River. Finally Carver ventured into what he called “Naudowessee” territory which he identified as being near Lake Pepin. Carver ended up spending the winter of 1766 with the “Naudowessee” tribe but scholarship today indicates that these people were actually a band of the Dakota Sioux. Carver described his meeting with this particular band of Dakota as a pleasant experience:

From the chiefs I met with the most friendly and hospitable reception which induced me, as the season was so far advanced, to take up my residence among them during the winter. To render my stay as comfortable as possible, I first endeavoured to learn their language. This I soon did, so as to make myself perfectly intelligible, having before acquired some slight knowledge of those Indians that live on the back of the settlements; and in consequence met with every accommodation their manner of living would afford. Nor did I want for such amusements as tended to make so long a period pass cheerfully away. I frequently hunted with them; and at other times beheld with pleasure their recreations and pastimes which I shall describe hereafter.

The relationship between Carver and the tribe was friendly and Carver was able to participate or learn about particular ceremonies specific to that band. Carver took extensive notes about every aspect of the Dakota lifestyle he was able to observe. His personal journal and his book *Travels Through the Interior Parts of North America, 1766, 1767 and 1768*, also make note of the tribe’s religious views, ceremonies, government, etc. Even though Carver makes extensive note of this particular band of Dakota in his books and journals they, play a more significant role in Carver’s

---

18 Ibid., 90. The reader should note that both Parker and Gelb note that it was the band of the Dakota Sioux tribe that spent an extensive amount of time with. While most scholars use Carver’s name for the band I will continue to use Dakota because it is the proper name for the tribe today. However, for purposes of the paper I will continue to use “Naudowessee” and its various spellings, when directly quoting from a document. These two terms will therefore be used interchangeably throughout the paper.
history. This particular band granted Carver a large piece of land in Wisconsin which is part history, part anomaly and part speculation.

There are some parts about Carver’s life and documentation of Wisconsin and Minnesota territory that have left scholars wondering if Carver was truthful in his documentation. Scholars such as Quaife and Parker argue that Carver did not come up with the idea to explore and find a northwest passage alone. They point out it was really Rogers’ idea but believe Rogers could not leave Fort Mackinac and then “…Jonathan Carver arrived on the scene. Almost immediately Rogers engages him to lead an exploring party to the westward and outfitted him with provisions for the journey.” Therefore, Carver is taking credit for something he did not come up with himself. Rogers was a prestigious military man with the ambition to become famous by locating a northwest passage. His temporary solution for not being able to leave his post to explore was to hire Carver to do the exploration for him. This is important because Carver’s involvement with Rogers as his employee does not always come across in his writings because of a scandal involving Rogers after Carver’s return from exploration. However, Rogers was a key element to Carver’s exploration. According to these scholars, with Rogers’ financing and ideas, Carver was able to explore westward while mapping the territory along the way.

---

20 Quaife, Jonathan Carver, 7.
21 Ibid. Also Parker, introduction to Journals, 14. Gelb, introduction to Travels Through America, 15-17 and Gregory and Cunningham, West Central Wisconsin, 96. All of these author’s give credit to Rogers for coming up with the idea to explore the territory for the Northwest Passage and Carver was the one who got to carry out Rogers’ dream.
The Carver Land Grant

Although there were disagreements among scholars about Carver’s work, most agree that Carver did spend the winter of 1766 to the spring of 1767 with a band of the Dakota; this is supported by Carver’s journals and books. According to books published after his death in 1780, Carver received a land grant from the Dakota on May 1, 1767. The original copies of his journals have no entry for May 1, but the second version of his journals included an entry on May 1, 1767 which describes a council held by the Dakota in a cave and exchanges between Carver and the leaders of the tribe. Further editions include this exchange between the Dakota leaders and usually in an appendix, the land grant given to Carver. The grant states two chiefs named Hawanopawjiatin and Otohtongoomlisheaw gave Carver and his heirs the following portion of land:

from the fall of St. Anthony, running on the east banks of the Mississippi, nearly south-east, as far as the South end of Lake Pepin, where the Chippeway river joins the Mississippi, and from thence eastward five days travel, accounting twenty English miles per day, and from thence north six days travel, at twenty English miles per day, and from thence again to the fall of St. Anthony, on a direct straight line.

22 Quaife, Jonathan Carver, 10. Carver’s journal and book publications are the object of scholarly ridicule and dispute. Parker explains that Carver was not accurate when it came to calculating distance, and that some of his calculations were incorrect in his introduction to Carver’s journals on pages 51 to 56. Also see footnote number seven for more information about the discrepancies about Carver’s works. Some scholars have presented evidence that Carver did not actually write what he saw but instead copied off others who had ventured into the Northwest Territory before him. For more information see Quaife’s article, in particular page ten. Whether or not this is true is the subject of much debate, but most scholars do recognize that Carver did indeed make the trip to the Northwest Territory.

23 Carver, Journals of Jonathan Carver, 116-118. This is John Parker’s compilation of Carver’s Journals, of which there are four different versions. He has inserted different versions to make one complete version of the journal account. One should also take note of how this was accomplished in Parker’s preface to the book. Even in Parker’s compilation which includes an account from May 1, 1767 from version two there is still no mention of the deed. The author of this paper has also looked at photo static copies of Carver’s original journals available at Minnesota Historical Society and saw no evidence of any entries being made on May 1, 1767. Jonathan Carver Collection, 1759-1770. MSS 900040620. Special Collections and Archives. Minnesota Historical Society. St. Paul, MN.

According to Quaife’s description, the land grant included “…most of the northwestern corner of the present state of Wisconsin.” Historian John G. Gregory has put the grant into map format.

---

25 Quaife, Jonathan Carver, 11.
This alleged land grant would become the subject of much controversy in the years following Carver’s death. Those who stood to benefit from the ownership of this massive tract of land called it a legitimate Indian treaty, but many others would brand Carver and his heirs as land speculators looking to profit at the expense of both Indian tribes and the United States government.

During Carver’s lifetime land speculation was a common profession because of the growing curiosity about what was lying to the west. Land speculation was important because of the increasing population density on the eastern seaboard. As historian Bernard Bailyn explains the profession was essential because,

Land speculation was everyone’s work and it affected everyone, for it was a natural and rational response of two fundamental facts of American life: the extraordinarily low ratio of people to arable land, and the strong likelihood that the ratio would change quickly and radically as the population grew.  

Changing population and general curiosity played a large role in the success of Carver’s explorations because people were wondering what was beyond the territory they had already mastered. As Parker explains, Carver embodied the “expansionist” point of view but this was a problem because “an expansionist western policy presented difficulties for Britain. Before the mid-18th century her American interests were largely commercial rather than territorial.”

Carver’s exploration and land grant is an expression of the general growth in the expansionist point of view and interest in land speculation.

Land speculation and expansionism aside the real matter comes down to the legitimacy of the Carver grant. On one hand the Carver grant was legitimized by some because of certain rights that were reserved by the tribe. There were stipulations placed within the deed for the

---

28 Parker, introduction to *Journals*, 11.
Native Americans and their land rights. The two chiefs made sure they had reserved hunting and fishing rights in the territory they ceded to Carver. According to the text of the deed, the tribe did as follows: “…reserving for ourselves and heirs the sole liberty of hunting and fishing on land not planted or improved by said Jonathan, his heirs and assigns.” This was a common clause in most land treaties made with tribes. The reasoning for the inclusion of this clause was perhaps to legitimize the claim so Carver could have it later ratified by the King. After Carver’s death in 1780, his heirs and Reverend Samuel Andrew Peters presented the land grant to Congress in 1806, it was able to take the land grant seriously because of this clause.

There were discrepancies about the physicality of the deed itself. There is no evidence in Carver’s original journal or the first version of *Travels* he received the land grant. When the land grant issue was later decided on in 1825, Congress made note of the absence of any physical evidence the deed existed and that it was not mentioned in the journal itself. If one had been made chief of a tribe in 1767 and was then granted a large piece of land one could perhaps conclude that they would mention the matter more than one time in their personal journal. It is unclear why Carver made no mention of the land grant in the first version of his journals or publications.

After exploring the Middle West for two years, Carver went to England in 1769 to have his book about his explorations published. According to his physician Dr. John Coakley Lettsom, supposedly Carver did try to get this land grant ratified by the King. There is a lack of any evidence Lettsom’s claim is true. Before Carver died in 1780 he left the deed to his second

---

31 Carver, *Travels in Wisconsin*, 345-347. This Appenda is Lettsom’s account of Carver’s attempt to get the land grant ratified by the King of England.
wife, Mary and their daughter Martha. Martha would struggle to obtain the deeds from the seven children from Carver’s first marriage because they had more clout in the land grant case. She would still try to make her own claims on the land grant but would be unsuccessful. Reverend Samuel Andrew Peters was the only person to come close to getting the Carver grant ratified.  

**Samuel Andrew Peters and the Carver Land Grant**

Samuel Andrew Peters emerged to claim Carver’s land twenty-six years after Carver’s death. He was one of the most influential and controversial people involved in the Carver land grant. Scholars have not paid much attention to Peters’ own history, but rather focused on his involvement and influence in the land grant case. Peters was an Episcopalian minister who had lived in the colonies and fled to England before the Revolutionary War. Peters claimed, according to a letter published in one of the later editions of Carver’s *Travels*, he met Carver in 1774 in England. Historically scholarship has found that this meeting is improbable. Parker concludes Peters became involved after, “…Samuel Harrison of Chittenden, Vermont, who was related by marriage to one of Jonathan Carver’s American granddaughters, took it upon himself to establish the rights of Carver’s heirs to the land grant.” Harrison then communicated to Peters in London, seeking his help, “…to take up the search for the original deed.” Peters was seventy years old when he became involved in the Carver land grant case. Despite his old age he saw a chance to take himself from a modest lifestyle to one of extravagance.

The controversy surrounding the deed haunted Peters and the Carver heirs. Around the time Peters became involved with the deed and made it his goal to seek its ratification by

---

32 Quaife, *Jonathan Carver*, 9-16. This source gives a full account of Carver’s journey to England and his accomplishment of publishing the first edition of *Travels*. This also introduces a variety of other people involved in the Carver land grant scandal.
33 Parker, introduction to *Journals*, 48.
35 Parker, introduction to *Journals*, 48, quotation from this source. Also Gelb, introduction to *Travels Through America*, 49 and Quaife, *Jonathan Carver*, 14.
Congress, Carver had ninety-eight heirs who were all looking for a piece of the wealth. The heirs had their own troubles with the land grant. They sold it one time in 1794 to a Mr. and Mrs. Houghton but it was later “returned” to the heirs and they eventually gave it to Peters. The reason given for the return was the fact that “Houghton never paid the purchase money to the heirs, who seem to have continued to consider themselves as entitled to the property.”

Peters faced obstacles in attempting to cash in on the land grant. First there was Congress. According to Parker, “The land grant was worthless if it was not certified by the government in whose territory it lay, and Peters was aware of this.” In 1806 Congress made it difficult for Peters by not immediately ratifying the treaty. Congress wanted evidence this deed was real and not a hoax perpetrated for Peters’ personal gain. When Peters brought this case in front of Congress, he in turn set up another road block in his path to get the Carver land grant ratified. Congress insisted that Peters have the treaty verified by the Dakota band. This must have been a hard pill for him to swallow because not only did he not have the means to visit the tribe he also did not like American Indians. Before Peters was able to get funding for his trip there were others who exposed his “get rich quick” scheme. Some of the Carver heirs tried to expose his plan but this never deterred the seventy-year-old man from trying to get what he really wanted: the ratification of the Carver land grant and the money from the sale of such a large piece of land.

---

37 Ibid.
38 Parker, introduction to Journals, 49. Also Carver, Travels in Wisconsin, 355-356, Gregory and Cunningham, West Central Wisconsin, 73-74. Quotation from: Quaife, Carver Grant, 15.
39 Parker, introduction to Journals, 48. Also see Carver, Travels in Wisconsin, 355-356. In the ‘Appenda’ there are full details about the Carver heirs and their first sale of the deed, or, for a nice summary see John G. Gregory and Cunningham’s West Central Wisconsin, on pages 73-75.
40 Quaife, Jonathan Carver, 15-16
Peters Goes West

The Carver heirs did not completely give up on their father’s land grant. In a petition to Congress, Samuel Harrison represented the oldest Carver son, Rufus, in hopes the deed would be ratified. According to the petition, they felt that, “In order not only that Government may be assured and tested in Capt. Carver’s Heirs and of course there can be no necessity for the Government of the United States to Repurchase the Same from the Indians.”

Nothing came of the petition on behalf of the Carver heirs to have the land grant ratified. According to Quaife the Carver heirs were unable to send representatives to Dakota Territory to have the deed ratified. So the Carver heirs turned the deed over to Peters to seek ratification by the tribe in 1806. Peters was determined to accomplish his goal of ratification. In 1806 he received a letter from Samuel Harrison that was encouraging. In the letter Harrison wrote,

I had before formed a similar opinion. For although there does exist a Law making void all contracts made for land between white persons and Indians, I cannot discover any law forbidding a white person getting evidence to confirm a contract made previous to such law. And the woods are free and both civilized and savage may there have protection.

Peters claimed “Between 1807 and 1812…he sent four representatives to the Falls of St. Anthony to obtain Indian approval of the deed.” All of the trips failed for various reasons. Even though Peters did not possess the original manuscript or even a copy of the deed he began to sell

---

42 Quaife, Carver Grant, 16.
44 Parker, introduction to Journals,, 49. And Gelb, introduction to Travels Through America,, 49.
portions of the land.\footnote{Parker, introduction to \textit{Journals.}, 49-50. Many scholars agree that Peters never owned an original copy of the deed and it was a part of his fraudulent scheme.} In fact, prior to Peters’ full involvement, in 1805, Dr. John Coakley Lettsom claimed no deed was ever discovered. In a letter to a Mr. Gravner, Lettsom wrote that,

> During Mrs. Carver’s [sic] life I saw a paper of half a sheet with marks said to be those of the Indian Chiefs at the foot of a grant of Land and after Mrs. Carver’s [sic] death I searched every lodging where she had been and the place where she died without being able to find the least vestige of paper or cloaths not even any certificate of her having been married to Capt. Carver unfortunately I rarely saw her out of a state of intoxication.\footnote{John Coakley Lettsom to Mr. Gravner, January 15, 1805, William H. Bell Collection,1775-1876. One should note that this is the second Mrs. Carver. Jonathan Carver married again upon his arrival in England and produced one more child with this woman. She and Lettsom were present at Carver’s death bed in 1780. Also Quaife, \textit{Jonathan Carver}, 13. He explains Lettsom’s discovery that the document was now missing.}

Not having an original copy of the grant did not stop Peters; he continued his efforts to obtain ratification, but in the mean time he needed to find a way to get to the Dakota to verify the grant as Congress wished. Funding the trip to Indian Territory was an expensive venture for the poor minister.\footnote{Parker, introduction to \textit{Journals}, 49. Also Quaife, \textit{Jonathan Carver}, 18-19.} Peters had a solution to his financial problems. To make his trip to “Indian Country” he used the un-ratified treaty to his advantage. Since the Carver heirs gave him all the rights to the Carver grant he began to sell the land to finance the trip. That way verification would be achieved and the land these new investors held would be valid in the eyes of the government. In 1815 one such investor was Nesiah Bliss. He purchased 500,000 acres from Peters’ sale of the land grant. Bliss gave Peters 1, 500 dollars to help fund Peters trip to Dakota Territory. Bliss had to give Peters an additional fifty percent of any profit he earned from the land that he sold. There are multiple sources that cite this was the basic scam that Peters used to finance his trip.\footnote{Memorandum of and Agreement between the Rev. Samuel Peters LLD and Nesiah Bliss. August 1, 1815. William H. Bell Collection,1775-1876. Memorandum of and Agreement between the Rev. Samuel Peters LLD and Benjamin Conner. August 1, 1815. William H. Bell Collection, 1775-1876. Also Parker, introduction to \textit{Journals}, 49; Quaife, \textit{Jonathan Carver}, 17-19 and Gelb, introduction to \textit{Travels Through America}, 49-50. All of the authors make mention of Peter’s scam to get money to verify the deed but most use Benjamin Connors as a major example of the general outline of Peters’ financial scam.}
After some time Peters was able to receive more financing for his adventure to the Middle West. The Carver heirs began to accuse Peters of never owning the original land grant, which was later proven to be true. In 1817 there was light shed on the entire plot. The heirs wanted to uncover the truth about the land grant and felt it was appropriate to visit the Dakota themselves instead of relying on Peters. As Parker has found, two of Carver’s great-grandsons, King and Gunn, ventured out to visit the Naudowessie band, and “At the Falls of St. Anthony the Sioux who met King and Gunn denied the grant was authentic, or that any chiefs named Hawnopawjatin and Otohtongoomlisheaw had existed among them.” One would think this would put a stop to all of the chaos surrounding the deed but it failed to slow down the eighty-three-year-old Peters. 49 He was determined to get the land grant ratified and was willing to visit the tribe himself to get the proof he needed.

After receiving significant funding for his trip Peters left for Dakota Territory. He did record his trip and there is an indication in his journal he was rather bitter towards American Indians. They were standing between him and thousands of dollars that would put him in good stead for the rest of his life. Peters “…set out from New York, in June, 1817, to visit Red Wing and Lefei, two chiefs residing near the Falls of St. Anthony.”50 He spent the majority of June and July traveling to the outer reaches of “civilization.” He complained of the “gnats and muskeetoes.”51 He viewed the tribes with disdain and felt they lacked “civilization” although there were some exceptions on his way to Prairie du Chien. One of the greatest joys he expressed in his journal was seeing, “a school master with him by which means they have a good chance to

49 Parker, introduction to Journals, 50. Also Quaife, Jonathan Carver, 20. Quaife also notes that Major Long was present on this trip with Carver heirs and he is also mentioned in the Case of Dr. Samuel Peters document.
50 House Committee, Case of Dr. Samuel Peters, 1.
51 Samuel Andrew Peters, Diary Entry, July 13, 1817. William H. Bell Collection, 1775-1876.
civilize the wild Indians and Christianize their Children as it is the rendezvous place of the Indians to trade with the Americans.”

By the time he arrived at Prairie du Chien on August 30, 1817 Peters was living outside the comforts of he was accustomed to on the east coast. October proved to be trying for Peters. In his journal he wrote, “I have seen but one young bear and tasted of venison once since I left you. I wish we have fewer Indians, mullatoes, musketoes, and gnats. I wish to see a [illegible] and a clergyman with a school master fixed in this village of morality.” This is a bit ironic. One would think perhaps Peters would have had a better opinion of the people with the power to make him a very rich man. Peters saw only the accepted stereotypes of American Indians held by most ministers and missionaries in this time period. He saw “potential” for the children and the women to be “Christianized” but he felt,

none of the Indians can be Christianized – if they could be civilized to one degree. Drunkenness and hatred of labour and also their dominion over squaws superior to the tyranny exercised by White People over African Slaves to labour only for their Masters (ease and Luxuries) – will never permit them to become good and tender husbands to their squaws. Their pride and Laziness are fixed by their habit and their Education – they scorn to kindle a fire and would sooner freeze and starve than cook or cut a slab of wood for their squaws or light a pipe for them.

Peters opinion aside he was there to verify the deed. According to Parker, Peters never made it past Prairie du Chien because he was not allowed access to Indian Territory. His records show very little about what he did while he waited for permission to visit Red Wing and Lefei. According to Quaife the permission to enter Indian Territory “never came, and after nine

---

52 Samuel Andrew Peters Diary Entry, July 29, 1817. William H. Bell Collection, 1775-1876.
53 Samuel Andrew Peters, Diary Entry, October 18, 1817 from Prairie du Chien. William H. Bell Collection, 1775-1876. For a complete summary of how Peters traveled to the northwest, see Milo M. Quaife’s *Jonathan Carver and the Carver Grant*, pages 22 to 24 for more information.
54 Samuel Andrew Peters, Diary Entry, October 18, 1817 from Prairie du Chien. William H. Bell Collection, 1775-1876.
55 Parker, introduction to *Journals*, 50.
months’ sojourn Peters set out, in May, 1818, on the wearisome journey back to New York.⁵⁶ Although Peters never received verification from Lefei and Red Wing this would not stop him from trying to make a fortune from the land grant. However, American Indian Land policy would hinder any prospect of Peters’ dream of a fortune.

**American Indian Land Policy and the Carver Grant**

American Indian land policy has its roots in controlling the sale of land between white settlers, land speculators and tribes. The history of this policy dictates only the federal government could make land transactions with tribes and all private individuals would be punished for making land deals with tribes. The British government made it their prerogative to have all Indian affairs under its control, even though colonies placed their own regulations on private land deals with tribes during Carver’s lifetime. As historian Felix Cohen explains,

> By the middle of the eighteenth century, eight other colonies had laws forbidding such purchase unless approved by the constituted authorities. The effect of such laws was to eliminate conflicts of land titles that otherwise resulted from overlapping grants by individual Indians or tribes, to protect the Indians, in some measure, against fraud, and to center in the colonial governments as a valuable monopoly.⁵⁷

The colonies had their own agenda about land policy, but there were already overlying rules applied by the British government that dictated the land exchange policy with tribes. The British government’s Proclamation of 1763 defined Indian Territory and did not allow for any white encroachment.⁵⁸ This would later be a major factor in deeming the Carver grant invalid. Under British control there were certain stipulations as to how treaties were to be made:

1. that both parties to the treaty are sovereign powers; 2. that the Indian tribe has a

---

⁵⁶ Parker, introduction to Journals, 48 and Samuel Andrew Peters Journal from Prairie du Chien, Sept. 21 1817 to February 21, 1818. William H. Bell Collection, 1775-1876. There are some indication of marriages and other duties he preformed as a minister but there are no specific details. There may be little detail because there were points during the trip that Peters was ill. Quote from: Quaife, *Jonathan Carver*, 23.


transferable title, of some sort, to the land in question; and (3) that the acquisition of
the Indian lands could not safely be left to individual colonists but must be controlled
as a governmental monopoly.\textsuperscript{59}

Individual land sales were forbidden because at least one party did not have any sovereign
authority. This was later the platform for the federal government’s future stipulations for land
purchases from tribes. After the defeat of the British in the Revolutionary war, the new American
government stipulated it was the only body allowed to negotiate land treaties with the tribes.\textsuperscript{60}
Congress repeatedly tried to stop any white settlement in Indian Territory including the few new
states trying to extend their territory. Instead Congress had to acquire more territory from the
tribes to make room for the white settlers.\textsuperscript{61}

The reality was “By the end of January 1786 the American government had dictated to
the Indians of the Old Northwest three treaties, all of which were based on the philosophy that
the land to the Mississippi was American by right of conquest and that the United States could
automatically draw boundary lines which would allow for American expansion.” \textsuperscript{62} This in turn
allowed for more settlement to the west but the government still did not want individual citizens
to make land deals with the tribes, or allow any past land deals to go through. A general rule of
government policy was: “In land sales that were made by treaty the United States was generally
the purchaser, but in a few cases States or private individuals were designated as purchasers of
land sold.” This did not occur often.\textsuperscript{63} The Carver heirs and Peters wanted to be one of the few s
who were granted claims, but there were too many laws stacked against them.

In 1790 Congress passed the first of the Trade and Intercourse Acts. The first one

\textsuperscript{59} Cohen, \textit{Handbook of Federal Indian Law}, 47.
\textsuperscript{60} Reginald Horsman. \textit{Expansion and American Indian Policy: 1783-1812}. (Michigan State University
\textsuperscript{61} Horsman, \textit{Expansion}, 10.
\textsuperscript{62} Horsman, \textit{Expansion}, 23.
allowed only fur traders into Indian Territory and “…it struck directly at current frontier
difficulties. To prevent the steady eating away of the Indian country by individuals who privately
acquired lands from Indians, it declared such purchases invalid unless made by public treaty with
the United States.” In 1793 Congress passed the second Trade and Intercourse act which set up
additional penalties for anyone who trespassed into Indian Territory. The 1793 act set in place
punishments for the sale of tribal land, such as a “$1,000 fine and imprisonment for twelve
months for anyone who settled on Indians lands or surveyed or marked boundaries on such lands
with views of settlement.” When the Carver heirs sold their land grant to Mr. and Mrs.
Houghton in 1794 the previous Trade and Intercourse acts would have applied. Verification from
the government would have been required to make the sale valid which would have been
impossible because the Carver Grant would have been null and void under the 1793 act and the
punishment would apply to the Carver heirs. Other Trade and Intercourse acts passed in 1796
but only to start government trading houses in Indian Territory rather than adding more
restrictions on private individuals making land deals with tribes. The Trade and Intercourse
Acts of 1790 and 1793 included stipulations which would have voided any actions the Carver
heirs took to have the grant verified if the land sale with the Houghtons had not fallen through.
Instead the following Trade and Intercourse act of 1802 should have put a hold on Peters’ claim
case. In 1802 a more stable law than the previous Trade and Intercourse Acts and became the
“…basic law governing Indian relations until it was replaced by a new codification of Indian
policy in 1834.” The 1802 act set up a permanent boundary line between whites and tribes, and
set up rules for violating trade laws in Indian Territory and the subsequent punishments for any

---

64 Francis Paul Prucha, The Great Father: The United States Government and American Indians, 90.
65 Ibid., 110.
66 Carver, Travels in Wisconsin, 355-356. See footnote 38.
67 Francis Paul Prucha, ed. “Establishment of Government Trading Houses, April 18, 1796,” Documents of
United States Indian Policy 2nd ed. (Lincoln: University of Nebraska, 1990), 16-17.

The boundary line set up by the 1802 Act could only be adjusted if the government made treaties with tribes to acquire more lands.\footnote{Prucha, “Trade and Intercourse Act, March 30, 1802,” \textit{Documents}, 17.} More importantly in relation to the Carver grant, the Trade and Intercourse Act of 1802 stated the following,

Sec. 12. \textit{And it further be enacted,} That no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation, or tribe or Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered in the pursuant to the constitution: and it shall be a misdemeanor in any person not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any Indian lands by them held or claimed, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months.\footnote{Ibid., 19.}

The 1802 act should have immediately voided Peters’ claims case when he brought the Carver grant before Congress in 1806. Up until this point there were several laws that would have invalidated the Carver grant but no nullification of the grant occurred because there was some element that Congress took the grant and Peters seriously to a degree. Or the simple fact that the laws about American Indian land policy and it may have been a simple oversight on the part of Congress. During that time period, Congress was having a lot of trouble containing white settlement. The government felt that no matter what they did to establish boundary lines and lands reserved for tribes, “…it was a common belief in the American government that the pressure of white population would always make the Indians willing to sell.”\footnote{Horsman, \textit{Expansion}, 102.} These laws would have invalidated the grant had it been presented to the proper channels of government. Instead Peters’ case begins in 1806 and ends in 1825 when more and more American Indian land policy
was added to make the Carver land grant invalid. There were still important issues that the Committee on Private Land Claims had to take into consideration about the Carver land grant case as it was evident Peters was not going to give up his attempt to have them verify the grant without clear justification.

Peters’ unwillingness to give into failure is evident in Congressional records, which most scholars studying the Carver land grant have overlooked. These records are the key to finding the influence of American Indian Policy in this case. The final report in the Peters’ land grant case was filed January 28, 1825 by the Committee on Private Land Claims. Peters never kept or even had an original copy of the Carver land grant. Congress reported he had “a copy of the alleged deed to Captain Carver, unaccompanied, however, by ordinary proofs of verity.”

In the report Peters also claimed he had met with Lefei and later Red Wing at Prairie du Chien, both of whom were related to the original chiefs, Hawnopawjatin and Otohtongoomlisheaw. Peters claimed both of the relatives agreed to also verify the deed and that when Red Wing had visited Prairie du Chien, along with him came three women “…each about 80 years of age, who asserted they knew Captain Carver, and were at the Great Cave when the Sachems made him the grant, and that it is called ‘Carver’s Land;’ wherefore, the petitioner prays that his title may be confirmed.”

There are no witnesses mentioned for this meeting and there are no documents recovered to verify this meeting had occurred. Peters never mentions any meeting with the Dakota in his journals. While Congress believed Peters’ statements about his meeting with Lefei and Red

---

72 House Committee. *Case of Dr. Samuel Peters*, 2.
73 Ibid., 1-2. Also Gregory and Cunningham, *West Central Wisconsin*, 76.
74 Gregory and Cunningham, *West Central Wisconsin*, 67 and 81.
Wing, it doubted the veracity of the deed itself since an original copy could not be produced.\textsuperscript{75} When considering the Carver land grant case the Committee on Private Land Claims kept two questions in mind: “1\textsuperscript{st}. Did the Indians, represented to be Chiefs of the Naudowissie tribe, execute the deed under which the petitioner claims? 2d. Assuming the fact that they did, is the Government of the United States bound to ratify the claim?”\textsuperscript{76}

The Committee on Private Land Claims had to carefully answer the questions they faced regarding the validity of the Carver deed. When debating the Carver land grant Congress considered the legal problems presented by both British and American treaty policy. Colonel Henry Leavenworth and Josiah Meigs, the Commissioner of the General Land Office prior to 1825, were able to provide answers to the Committee’s questions. Although the final ruling by Congress was also based on the fact there was no solid evidence to back up Carver’s claim, Congress took into consideration the other party involved with the grant, the Dakota tribe. In a five-year span, from 1807 to 1812, Peters sent out four failed missions to meet with the tribe and he had claimed he had met with them himself in 1817, but this was not enough for Congress.\textsuperscript{77} In the 1820s, Meigs and Leavenworth provided information that restated all major arguments against Peters’ case. The matter of the land grant case had become such an issue that information reached the desk of President James Monroe. The influence of American Indian policy on the land grant begins with a letter from Leavenworth dated July 28, 1821 to Meigs, in which he explained the differences between the bands of the Sioux nation and gave reasons as to why it would have been impossible to have given Carver any land.

\textsuperscript{75} House Committee, \textit{Case of Dr. Samuel Peters.}, 2. – They cited the fact that Dr. Lettsom lost the deed, however, Lettsom himself claims that Carver’s second wife lost the deed.

\textsuperscript{76} House Committee, \textit{Case of Dr. Samuel Peters.}, 4. Also Gregory and Cunningham, \textit{West Central Wisconsin}, 76.

\textsuperscript{77} Parker, introduction to \textit{Journals}, 49.
Only a few historians have used these materials in the current study of the Carver land grant case. Specifically historian John G. Gregory used Leavenworth’s letter to Meigs as a main source of evidence for his explanation of the Carver land grant case, but failed to look at other pieces of American Indian land policy that would invalidate the claim. This may be because some scholars feel perhaps the government documents speak for themselves. Leavenworth’s observations are still critical to note because the letter shows specific reasons that Congress used to invalidate the Carver land grant. From 1821 to 1822 it is plausible Leavenworth showed his concern for the well being of the Dakota and their land rights. Leavenworth’s reasons pointed to the possibility of Peters’ claim to be a hoax. Leavenworth’s letter provided specific reasons as to why the Carver grant did not exist. 78

The first reason Leavenworth provided was the tribe would never give away land on the “east side” of the Mississippi as the land grant claims. In the letter Leavenworth explained after meeting with the tribe, he discovered there were two bands, one of which he called the “Sioux of the Plain” and the other band he called the “Sioux of the River.” These distinctions were important because their territories and livelihoods were very different. According to Leavenworth this was one of the major reasons why the grant was invalid. In his 1821 letter he stated the Sioux of the River lived a nomadic lifestyle and maintained that lifestyle by “…hunting and fishing, and usually move from place to place by water, in canoes, during the summer season, and travel on ice in the winter, when not on their hunting excursions.” Leavenworth also noted the Sioux of the Plain “…subsist entirely by hunting, and have no canoes, nor do they know but little about the use of them” and “They reside in the large Prairies

---

west of the Mississippi, and follow the Buffaloe” for their survival.” Leavenworth reasoned since the “Sioux of the Plain” followed the buffalo they would never have come near the falls of St. Anthony and therefore they “have never owned land on the east side of the Mississippi.” This led him to conclude they could never have “sold” any such land since they never “owned” it. Instead the land on the east side of the Mississippi was considered Ojibwe Territory or one could argue, Santee Sioux Territory. Congress took Leavenworth’s letter to Meigs into serious consideration since he discerned the improbability that the Dakota had never given away any land because it simply was not within their normal territorial boundaries. The final government report illustrated Congress also consulted another military opinion from a Major Long and the journal he kept while visiting the upper Mississippi region. Long’s conclusion was no one in that area remembered the land grant and he believed Carver was never even there.

Continuing in his refutation of the grant’s validity, Leavenworth stated the two bands of Sioux he encountered “have no knowledge of any such chiefs [Hawanopawjiatin and Otohtongomlisheaw] as those who have signed the Grant to Carver.” Along with the claims of falsehood about the names the tribes pointed out to Leavenworth that, “They say that the Indians “never received any thing for the land, and they have no intention to part with it without consideration.” Leavenworth made note that any manipulation to the Dakota Territory by an outside party had to reimburse the tribe. An example Leavenworth gave was about French fur traders who felled timber on tribal land to make a raft and later had to pay the tribe for taking the

81 Ronald N. Satz. Chippewa Treaty Rights: The Reserved Rights of Wisconsin’s Chippewa Indians in Historical Perspective, (Madison: Wisconsin Academy of Sciences, Arts and Letters, 1991), 1. For a full account of where the Ojibwe were located historically and where they are located today this is an excellent source. The area given actually goes into Minnesota but further north than the Sioux territory described by Carver grant.
82 House Committee, Case of Dr. Samuel Peters, 5.
timber.\textsuperscript{84} Leavenworth came to conclusion this tribe would have definitely bartered over this land grant with Carver instead of giving it away. Leavenworth may have not considered the Carver grant stipulated for the tribe to hunt and fish on the tract unless an heir of Carver had built something on a particular part of the plot.\textsuperscript{85} The final conclusion Leavenworth made is there is no deed from either band of the Sioux tribe and if there was, the tribe would have insisted on compensation for the loss of land if the land had been a part of their territory.\textsuperscript{86}

Leavenworth’s letter was regarded by Josiah Meigs, who was commissioner in the General Land Office, to be an important document that provided evidence concerning the legality of the Carver grant. Meigs saw the grant as “unfounded and of no validity.”\textsuperscript{87} Even if Meigs accepted the land transaction had occurred between the Dakota and Carver, Carver was “the only white person” present among the Dakota from 1766 to 1767, and he was granted “100 miles square of land, on the east side of the Mississippi; between the falls of St. Anthony and Lake Pepin.”\textsuperscript{88} Meigs found more evidence the Carver grant was invalid prior to the formation of American Indian policy. Meigs wrote,

By the Proclamation of the King of Great Britain, dated October 1, 1763, the purchase of lands from the Indians is prohibited in the following terms, viz: “We do strictly enjoin and require, that no private person do presume to make any purchase from the said Indians, of any land reserved to the said Indians within those parts of the colonies, where we have thought proper to allow settlements, but if at any time, any of the said Indians should be inclined to dispose of the said lands, the same shall be purchased only for us, in our name, at the same public meeting or assembly of the said Indians, to be held for that purpose, by the Governor or commander in chief of our colony respectively, within they shall lie.”\textsuperscript{89}

Meigs brought into question the validity of the land grant under British Indian policy which later

\textsuperscript{84} Ibid., 8-9.
\textsuperscript{85} See Carver, \textit{Travels in Wisconsin}, 339-340. Also: Appendix A.
\textsuperscript{87} Josiah Meigs to President James Monroe and the 17\textsuperscript{th} Congress. February 8, 1822. \textit{Message from the President}, 8. Also, Gregory and Cunningham, \textit{West Central Wisconsin}, 81-82.
\textsuperscript{88} Ibid., 7. Also Gregory and Cunningham, \textit{West Central Wisconsin}, 81-82.
\textsuperscript{89} Ibid.
became the precedent for American Indian policy. Meigs stated, “The same correct proclamation of October 7th, 1763, has been invariably adhered to by the United States, and was ably supported by their ministers, during the negotiation at Ghent, in 1814, particularly in note September 26th, addressed to the British commissioners.”90 The “negotiation at Ghent” Meigs is referring to is the Treaty of Ghent which “had ended the British right to trade with the Indians, and in 1816 Congress had prohibited foreigners from trading with the Indians in the territory of the United States.”91 Meigs revealed even without the Ghent treaty Carver was still “in direct violation of the rules and regulations of his own government, [Britain] and in any court under that government [the land grant] would have been judged null and void.”92

The Treaty of Ghent included British traders in the exclusion of trade in Indian country. American citizens in the Trade and Intercourse Act of 1802 were not allowed to trade in Indian Territory defined by the boundary lines without a specific license in place.93 Even though Meigs was correct in his assumption that Carver was a British subject in 1767, it would be impossible to tell what side Carver would have taken during the Revolutionary war. Meigs considered Carver a British subject and therefore any land deal he made was invalid under British law.

These federal regulations made it all the more imperative Peters be able to get the tribe’s verification of the Carver grant. Peters had no luck receiving verification of the deed before the war of 1812, and after the ratification of the Treaty of Ghent in 1814 his chances worsened. There was precedent to consider because the government had made and continued to make law after law prohibiting the sale of land between tribes and private individuals, British or not. And

90 Ibid.
91 Prucha. The Great Father, 83.
92 Josiah Meigs to President James Monroe and the 17th Congress. February 8, 1822. Message from the President, 7.
93 Prucha, “Trade and Intercourse Act of 1802,” 17-21 and “Exclusion of British Traders,” Documents, 28. On page twenty-eight, Prucha describes specifically that this is “An act supplementary to the act passed on the thirtieth of March, one thousand eight hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.”
since the Carver heirs would have been the rightful heirs they would have been subject to all American laws again making the deed null and void.

Meigs had gathered enough evidence to prove the Carver land grant invalid. Peters was not willing to accept Meigs’ evidence against the grant. He wrote to Meigs with his reasons as to why the Carver land grant was a valid claim in the Northwest Territory. Peters claimed he had met with Lefei, the son of one of the chiefs who had signed the land grant, and Red Wing, the nephew of the other chief, both of whom had given Carver the grant in Prairie du Chien in 1817. Peters claimed meeting the two current chiefs and “three aged squaws,” who were alive at the time of the deed and remember it. Peters claimed this was “sufficient proof of the validity of the Deed to Carver they will grant the Petition of Carvers heirs in the year of 1806, to the benefit of the United States without purchasing the Indian title and then Dr. Peters will return to Mont Lefei and endeavor to settle the Colony of Petersylvania.” It was a part of his plan to note to Meigs “The United States will not have to purchase of the Indians If the deed given to Carver is deemed valid of Congress,” because the Carver grant had already accomplished that goal for them.  

Peters wrote to Meigs again a few days later, hoping Meigs would be persuaded to see his side of things. He claimed the Dakota had given him and the Carver heirs full authority to take control of their property and Meigs should review his documentation and take his side. Peters may have felt that Meigs would be able to influence Congress and even President James Monroe to his side of the case. Peters told Meigs that he,

“perceive[d] the present members of Congress and the Executive are nearly all different from those in 1806. And were not acquainted with the doings of President Jefferson and Senate on Carvers claim and the Petition of his heirs in 1806, which accounts for Mr. Monroe not complying with the requisition of the House of Representatives in January

1822 for all the documents in the public offices touching Carvers claim. 95

Peters was clearly not ready to give up. Meigs on the other hand was not swayed by any of Peters’ arguments.

Peters tried to justify his claims to Meigs and eventually to Congress, but there were even more reasons Congress found that the land grant was in violation of American Indian policy by 1825. 96 First the Committee on Private Land Claims believed “The policy which dictated the British Proclamation of 1763, is unexceptionable. By that measure, all private persons were interdicted the liberty of purchasing lands from the Indians. The indulgence of such a privilege, it has been ascertained, conduced to serious difficulties.” 97 Therefore, the members of the committee believed even if Carver did make up the land grant he still had no right to do so as a private citizen under the British proclamation of 1763. Secondly the congressional report stated that:

By the treaty of 1783, which terminated the Revolutionary war, Great Britain ceded to the United States a vast extent of territory in the North west, to which the Indian title has not been extinguished. The legality of the cession has never been doubted, nor, indeed, can it be. As the “Carver Grant” is situated within our limits, as defined by the treaty, we are in the same situation in relation to it in which was the British Government. The petitioner [Peters] shows, that Carver solicited a ratification of his claim – this is conclusive evidence that he himself believed defective. …Certainly it is a claim, the acknowledgement of which, by this Government, is not founded in right. 98

The government interpreted the land grant to have transferred over responsibility from the British government to the United States government after 1783. Since the British government was unable to verify the grant in any way, it was then null and void in the new territory claimed by the United States. If the British government remained in control of the Northwest Territory,

96 House Committee, Case of Dr. Samuel Peters, 10-18. These pages contain a question and answer session that Congress held with Samuel Andrew Peters, in which Peters gives full account of his belief and actions surrounding the Carver land grant.
97 Ibid. 5
98 Ibid.
the Carver grant would have been a violation of British law concerning land sales between private individuals and tribes.

Thirdly Congress pointed to a specific case in American Indian policy, which they believe nullified the Carver land grant indefinitely. Johnson vs. McIntosh which was decided by the Supreme Court in 1823, and concerned, “…two claimants to the same piece of land, one of whom had received the title directly from the Indians, the other by a patent from the government.” Congress said the Johnson vs. McIntosh case represented the government’s stance on the issue, via Justice John Marshall’s ruling:

…while different nations of Europe respected the rights of the natives, as occupants, they asserted the ultimate dominion to be in themselves, and exercised the power to grant the soil while in possession of the natives. These grant have been understood by all, to convey the title subject to the Indian right of occupancy. This government has always acted on the same principle. While it recognized the Indian right to occupancy, it claimed the fee; and the treaties by which we have acquired the possession of such extensive regions of the country involve this principle. The consideration paid, appears to be intended merely as an equivalent for the peaceable surrender of possession.

The court ruled on the side of McIntosh because he had obtained the rights to the Indian land with the government consent. As stated previously, Congress was weary of any private individuals obtaining Indian land rights, but a certain few, like McIntosh, were the exception to the rule. However, one does have to consider he did have government patent to acquire the land. Using the case as the basis for their ruling the Committee on Private Land Claims in 1825 rejected the Carver claim. Carver, his heirs and Peters had received this land without any government recognition or a patent the Carver land grant was invalid because it violated the many policies and treaties the government had set up to stop individual land sales. On January

---

99 Prucha, American Indian Policy in the Formative Years, 185.
100 House Committee, Case of Dr. Samuel Peters, 5.
101 Prucha. “Johnson and Graham’s Lessee v. William McIntosh 1823,” Documents, 35. And Prucha, American Indian Policy in the Formative Years, 185-186.
102 Ibid.
28, 1825 the deed was declared null and void. This was Peters’ last attempt to get the land grant ratified. He was ninety when the case was rejected; he died in 1826, a year later.\textsuperscript{103} The Committee on Private Land Claims report and dismissal of the Carver Grant did not stop the Carver heirs from trying to benefit from it.\textsuperscript{104}

\textbf{The Treaty of Prairie du Chien of 1825}

Once Congress had dismissed the Carver land grant case there were new matters that had to be taken care of in what would eventually be the Wisconsin territory. The Treaty of Prairie du Chien was negotiated and finalized on August 19, 1825. This treaty was important in opening the gateway for treaties with one of the largest tribes in Wisconsin, the Ojibwe. The Treaty of Prairie du Chien also helped pave the way for more white encroachment into the territory which included most of the Carver tract. This allowed the acquisition of tribal lands after they had been taken away by the treaties with the government. The Treaty of Prairie du Chien in 1825 was the foundation for what was to become the state of Wisconsin.

The Prairie du Chien treaty had two main goals. The first was to dissolve any conflict between the Dakota and the Ojibwe tribes. They had been warring for more than one hundred years over territorial claims. According to the treaty, “The United States of America have seen with much regret, that wars have for many years been carried on between the Sioux and the Chippewas, and more recently between the confederated tribes of Sacs and Foxes, and the Sioux.”\textsuperscript{105} The government’s solution to the problem: split up the tribes with fixed territorial boundaries,

\begin{quote}
In order, therefore, to promote peace among these tribes, and to establish boundaries among them and the other tribes who live in their vicinity, and thereby to remove all
\end{quote}

\textsuperscript{103} Parker, introduction to \textit{Journals}, 51.
\textsuperscript{104} Parker, introduction to \textit{Journals}, 51.
causes of future difficulty, the United States have invited the Chippewa, Sac, and Fox, Menominie, Ioway, Sioux, Winnebago, and a portion of the Ottowa, Chippewa and Potawatomie Tribes of Indians living upon the Illinois, to assemble together, and in a spirit of mutual conciliation, to accomplish these objects;\footnote{Prucha, “Treaty of Prairie du Chien, August 19, 1825,” Documents, 42.}

At the treaty conference, “a spectacular gathering of some one thousand members of the different tribes, the experienced commissioners (William Clark and Lewis Cass) drew what boundary lines they could and postponed for future negotiations problems that could not be solved on the spot.”\footnote{Francis Paul Prucha, American Indian Treaties: The History of a Political Anomaly, (Berkley, Los Angeles and London: University of California Press, 1994), 141.} Thus the government paved the way for future treaties in Wisconsin territory. Peace between the Dakota and the Ojibwe was not reached during this time, but “Even though the treaties of the 1820s had little immediate impact on the Chippewas, they set the stage for later negotiations that did have far reaching effects.” These effects included Indian Removal treaties under President Jackson in the 1830s, and the following treaties with the Ojibwe: 1837 Pine Tree Treaty, 1842 Copper Treaty and the 1854 Treaty which placed the Ojibwe on Reservations. All of these treaties allowed for major white intrusion onto Ojibwe lands.\footnote{Satz, Chippewa Treaty Rights, 9.} In the 1820s the amount of white settlers and land speculators in Wisconsin had increased significantly.

After the Treaty of Prairie du Chien the territorial boundaries were perfectly drawn for the onset of white settlers. The federal government’s policy gave little regard to Indian rights to such territory, seeing as how “progress” had to be achieved and “Land was of supreme importance, outweighing all other considerations in the matter of white-Indian relations.”\footnote{Prucha, American Indian Policy, 139.} There were laws enacted in the 1790’s stated that Indian Territory would not be overwrought with white settlers but they failed to safeguard Indian rights. White settlement was overpowering, “The laws and proclamations were explicit, and there were repeated instances of
vigorous action to drive off illegal settlers. Yet, in the long run, the settlers nearly always won out.” Treaties with tribes had tried to ward off illegal settlers: “The federal government was sincerely interested in preventing settlement on Indian lands only up to a point, and it readily acquiesced in illegal settlements when they had gone so far as to be irremediable. The basic policy of the United States intended that white settlement should advance and the Indians withdraw.” 110

After the treaty of Prairie du Chien more whites ventured into Wisconsin Territory to settle, though it was a very slow process.111 Land speculation increased as more settlement increased in the area. “Nationally, it was estimated that 8 million of the 13 million acres of public lands sold in 1835 – much of it in the Old Northwest – went to speculators rather than settlers.”112 Unfortunately for Carver, his heirs and Peters were not among those who profited immensely from these sales. In 1825 the tribes of Wisconsin also lost their territorial claims with the Treaty of Prairie du Chien.

**Conclusion**

For now historians have forgotten about Jonathan Carver the explorer; remembering instead a ghost searching for a land grant in Vilas County, Wisconsin. Jonathan Carver’s exploration of the Wisconsin territory was important for the British understanding of territory they had just claimed. History has failed in realizing how important the Carver land grant case was in considering American Indian land policy overall. Historians have overlooked an important chapter in the Carver land grant case of 1825: the influence of American Indian Land policy. Instead they have focused on the grant itself and Carver’s own history, but have dismissed the importance of Federal Indian Law and how it impacted the decision of the

---

110 Prucha, *American Indian Policy*, 186. See chapter ‘Intruders on Indian Lands,’ Prucha gives many examples of how the government tried to remove white settlers usually in the southeast.
112 Ibid., 177.
Committee on Private Land Claims. Clearly there were many different laws passed by Congress that would have invalidated the claims case, but the grant has not previously been put in that context. Historians should take into account how much influence Colonel Leavenworth and Josiah Meigs held. A few historians have given Meigs and Leavenworth the credit they deserve, but their input has usually been left out of the commentary on and the influence they had on the Peters claim case. Leavenworth’s commentary on the differences between the bands of the Dakota and their territorial bounds was important evidence for Congress. Meigs’ letter, was important not only because he was able to take that information and bring it to the government’s attention but also cites laws that would make the land claim invalid. Meigs cited specific treaties and laws that made the land grant invalid; the Committee was able to take that information and apply laws that invalidated the Carver grant. By looking at several different discrepancies where the grant had violated land policy, the Committee on Private Land Claims was able to reject the Carver grant based on the fact it was a violation of laws set in place to punish those who had made individual land sale or trade with Native American tribes.

The Carver Land Grant Case of 1825 is an example of land speculation. Peters and the Carvers heirs were willing to stop at nothing to see a profit from this mysterious land grant made in 1767 by an eccentric character of the 18th century. There has been an interesting history compiled about the Carver grant but nothing has been said about American Indian land policy. American Indian land policy is a very broad topic but there were specific laws that applied to the Carver grant scholarship has overlooked, as Congress had done in 1806 when Peters first brought up the case. Congress did not bring up important references to American Indian land policy and its influence on the Carver grant until 1825 when the claim was rejected. Congress did base their decision on the fact there was not any physical evidence and until now scholarship has only
explored this avenue of the land grant. American Indian land policy showed even if the deed had been verified, it was unable to hold up against any policy that the government had put in place.
Appendix I

For the reader I have included a copy of Carver’s deed. This is taken from the 1838 version of Jonathan Carver’s *Travels in Wisconsin*, the third London edition of his book with additions of Dr. John Coakley Lettsom, pages 339-340.

“To Jonathan Carver, a chief under the most and mighty and potent George the Third, King of the English and other nations, the fame of whose courageous warriors have reached our ears, and has been more fully told us by our good brother Jonathan aforesaid, whom we rejoice to see come among us, and bring good news from his country. We, chiefs of the Naudowessies, who have hereto set our seals, do by these presents for ourselves and heirs forever, in return for many of the present, and other good service done by the said Jonathan to ourselves and allies, give grant, and convey to him the said Jonathan and to his heirs and assigns for ever, the whole of a certain tract or territory of land, bounded as follows: (viz.) from the fall of St. Anthony, running on the east banks of the Mississippi, nearly South-east, as far as the South end of Lake Pepin, where the Chippeway river joins the Mississippi, and from thence eastward five days travel, accounting twenty English miles per day, and from thence north six days travel, at twenty English miles per day, and from thence again to the fall of St. Anthony, on a direct straight line. We do for ourselves, heirs, and assigns for ever, all said lands, with all the trees, rocks, and rivers there in, reserving the right for ourselves and heirs the sole liberty of hunting and fishing on land not planted or improved by said Jonathan, his heirs and assigns which we have affixed our respective seals at the great cave, May the first, one thousand seven hundred and sixty-seven.

Hawnopawjatin – “turtle seal”
Otohtongoomlisheaw – “snake seal”
Bibliography

Primary


Government Documents


Secondary


