

Chapter One: Introduction

from

State and National Boundaries of the United States

by

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With the possible exception of oceans, boundaries are artificial, man-made divisions of geography. Many times their placement seems to make little sense and sometimes no sense at all. While boundary placement has produced some unusual configurations, it has nonetheless taken place with some basic principles in the minds of the decision makers. Boundaries in the United States are usually placed in reference to four major elements: watercourses, mountains, latitude, and longitude. River boundaries can be referenced to one of several different parts of the river. In some cases no part of a river is specified, and the watercourse is merely named. Byram Brook between New York and Connecticut is an example. A boundary can be in the middle of various parts of a watercourse, but the most common place designated for a boundary is the middle of the channel, as in the case of the Mississippi River. A river bank is another place for a boundary. For example, the New Hampshire-Vermont boundary is the west bank of the Connecticut River. A designation along a bank can be the high- or low-water line. A river can also be used as a reference. For example, a part of the Massachusetts-New Hampshire boundary is established as three miles north of the Merrimac River. The advantage of river boundaries is that they usually need no surveying. A disadvantage is that rivers don't always stay in the same place due to natural meandering and catastrophic events that alter the channel. Meandering is especially common in broad flood plains, with the Mississippi River and the lower Rio Grande being only two examples. Another disadvantage of rivers is that they tend to divide people who might have more in common with each other than with people on opposite sides of a mountain range, such as in Vermont and New Hampshire.

This book mentions middle of the river as a boundary for several different state boundaries. The context of the sources was not always clear whether middle of the channel or the physical middle of the river was the actual boundary.

Boundaries in lakes are usually along the center or deepest channel. The Great Lakes are good examples as the boundary follows the middle course of the lakes except for part of Lake Superior. Other water boundaries are made in sounds, such as the Long Island Sound, or in bays, such as the Bay of Fundy. A boundary in a bay is often referenced to certain features, such as the channel. The Maryland-Virginia boundary in the Chesapeake Bay which has an irregular course is marked by orange and white buoys. Bays are often used as harbors and are thus places of concentrated activity, making precise boundary placement important in the application of quarantine or health laws and laws pertaining to navigation, passengers, and fishing. Delaware and New Jersey have overcome these problems by allowing each state to exercise concurrent jurisdiction over the Delaware River and Bay.

Boundaries along a divide are where a boundary runs along land that separates river drainages, such as the northern boundary of Maine. A crest boundary, on the other hand,

generally follows the highest parts or summits or a range of hills or mountains, such as the North Carolina-Tennessee border. A crest line is not the same as a divide, as some rivers will erode the valleys far beyond the general crest line. Both crest and divide lines are very irregular. Crest and divide lines usually form good boundaries as they are usually located far from areas of concentrated human activity.

Latitude and longitude play major parts in United States boundaries as most states have at least a part of a boundary that is either a numbered parallel of latitude or meridian of longitude or one of these lines referenced to a local geographic feature, such as the confluence of the Owyhee and Snake Rivers which was used as a reference point for part of the Oregon-Idaho border. Latitude and longitude played a prominent part in boundaries of western states as Congress did not have a good understanding of natural features of the area, so placing boundaries along artificial lines was a convenient substitute. Three states — Colorado, Utah, and Wyoming — have borders consisting entirely of latitude and longitude lines. New Mexico has only a few miles of border along the Rio Grande is not a latitude or longitude line. Numbered meridians can be based on the Greenwich Meridian, such as the California-Nevada border, or on the Washington (D.C.) Meridian, such as the Kansas-Colorado border.

Colonial Boundaries

United States boundaries have come into being through several mechanisms. The boundaries of most eastern states stem from charters, patents, and grants from English kings. All Three of these documents usually defined boundaries, although often very vaguely, and established rights and privileges, including in some cases the right to form a government and to grant land. When the English kings were granting land in the New World, they had a very imperfect understanding of the geography of that area. Some of the grants referred to features that did not exist, and some grants overlapped each other.

Some of the early colonial charters were from sea to sea. Only six colonies claimed no western lands: Rhode Island, Maryland, New Hampshire, Delaware, Pennsylvania, and New Jersey. It was easy for English kings to grant land they did not own and had never seen. After 1763 the English colonies with sea-to-sea charters were limited in the west by the Mississippi River. The claim of Virginia was extensive, including the present states of Kentucky, West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. In the Treaty of 1783 Britain recognized the independence of the United States with its western boundary as the Mississippi River, the northern boundary roughly where it is today, and the southern boundary at the 31st parallel from the Mississippi River to the Chattahoochee River, then down that river to its confluence with the Flint River, then east to the head of St. Marys River, and then along that river to the Atlantic Ocean.

Treaty Boundaries

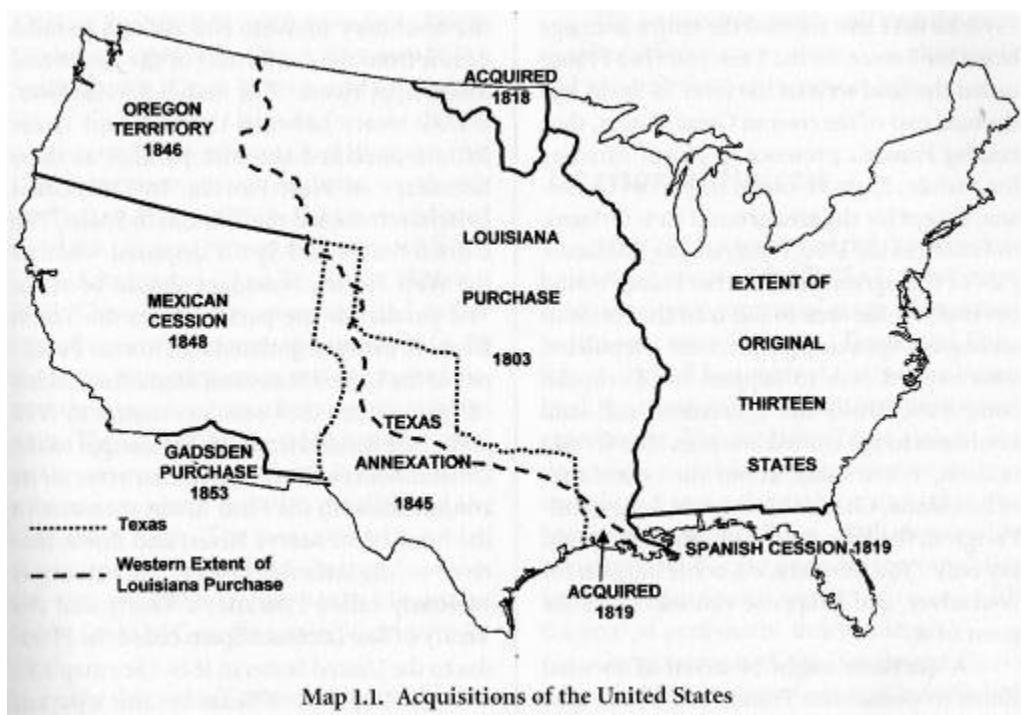
International treaties established boundaries with adjacent nations. They are the Treaty of 1763, Treaty of 1783,^{*} 1795 Pinck-Iney's Treaty, 1814 Treaty of Ghent, 1819 Adams-Onis Treaty, 1842 Webster-Ashburton Treaty, 1846 Oregon Treaty, and 1848 Treaty of Guadalupe Hidalgo. These treaties created international boundaries, some of which remain today as

^{*} The names used for the treaties of 1763 and 1783 are inconsistent in the sources. To avoid confusion, the two treaty names have been simplified to their dates.

boundaries between states after the United States acquired previously foreign soil. The treaties were frequently based on faulty maps and included wording that was unclear, facts that caused conflict necessitating careful negotiations to adequately define boundaries.

Purchase Boundaries

Some boundaries have been established by purchase, for example the Louisiana Purchase, Gadsden Purchase, and Alaska Purchase. The boundaries of the Louisiana Purchase were vaguely defined but were roughly the drainage basin of the Mississippi River and its tributaries west of the Mississippi River. The Alaska Purchase and Gadsden Purchase were more carefully defined, but the working out of those definitions and placing of lines on the ground, especially in the case of Alaska, took some time.



Growth of the U.S.

After the colonial era the new nation was not long satisfied with its vast expanse of land and acquired major chunks of new territory. In 1803 the United States bought the Louisiana Purchase from France, in 1818 it acquired a parcel north of the Louisiana Purchase, in 1819 it received Florida from Spain, in 1845 it annexed the independent Republic of Texas, in 1846 it established title to the Oregon Country, in 1848 it acquired the Mexican Cession by conquest and treaty, and in 1853 it acquired the Gadsden Purchase. (See map 1.1.) This completed the continental conterminous states. Additional United States accretions of land that became states were the 1867 purchase of Alaska from Russia and annexation of Hawaii in 1898.

The Louisiana Purchase doubled the size of the United States. René-Robert Cavelier, Sieur de La Salle, explored the Mississippi River in 1682 and claimed the entire drainage basin for France. In the Treaty of 1763 France ceded the land west of the river to Spain and the land east

of the river to Great Britain, thus ending France's presence in North America for a while. Spain re-ceded its part of Louisiana, except for the area around New Orleans, to France in the 1800 Treaty of San Ildefonso. Part of this agreement was that France would never allow the area to fall into the hands of an English-speaking government. Napoleon, who needed cash to support his European conquests, broke the agreement and sold Louisiana to the United States in 1803 for \$15 million. When asked about the boundaries of Louisiana, Charles Maurice de Talleyrand-Périgord, the French foreign minister, would say only "You have made a noble bargain for yourselves, and I suppose you will make the most of it."[†]

A question might be asked as to what claim to possession France had of the area called Louisiana? Discovering nations have generally assumed that they have the right to ownership of land they discover. France claimed the drainage of the Mississippi River by right of discovery; the United States bought this right. The United States and Great Britain reached an agreement in 1818 to extend their border from Lake of the Woods, along the 49th parallel to the Rocky Mountains. This brought into U.S. possession a tract of land north of the Louisiana Purchase that was not a part of that purchase because it drains to Hudson Bay and not the Mississippi River.

The next major acquisition of land was the Floridas. The area called Florida was originally bordered on the north generally by the 31st parallel, on the east by the Atlantic Ocean, on the west by the Mississippi River, and on the south by the Gulf of Mexico. The area was initially settled by Spaniards. In 1763 it was ceded by Spain to Great Britain which created the provinces of East and West Florida. (See map 5.3.) While it still had possession of the area, Great Britain extended the boundary of West Florida to a parallel drawn from the confluence of the Yazoo and Mississippi rivers. (See map 5.3.) However, a 1782 treaty between the U.S. and Great Britain specified the 31st parallel as their boundary in West Florida. In 1783 Great Britain retroceded the Floridas to Spain. The United States and Spain disputed whether the West Florida boundary should be at the 31st parallel or the parallel from the Yazoo River. A treaty negotiated by Thomas Pinckney of the United States and Manuel de Godoy of Spain settled the boundary matter in 1795 at the 31st parallel from the Mississippi to the Chattahoochee River, down that river to its confluence with the Flint River, then east to the head of St. Marys River, and down that river to the Atlantic Ocean. This treaty is variously called Pinckney's Treaty and the Treaty of San Lorenzo. Spain ceded the Floridas to the United States in 1819. (See map 1.1.)

The Republic of Texas became a part of the United States in 1845 due to U.S. citizens, mostly from the South, settling in the area and eventually becoming dissatisfied with Mexican government. (See map 8.15.) The Texans declared their independence from Mexico in 1835 and set up an independent government the following year. At first neither the United States nor Texas was in favor of annexation. People from the northern states feared that if Texas were admitted to the Union that it would become a slave state. Sectionalism was a hot topic in Congress during the late 1830s and 1840s. In the early 1840s, when the idea of annexation gained momentum, considerable negotiation took place to determine the boundaries of Texas. Texans wanted the state boundaries to be the same as those of the Republic, but U.S. officials would not agree to those boundaries. The federal government finally got Texas to agree to its current boundaries by buying the land it finally agreed to cede.

The Oregon Country was loosely defined as north of the 42nd parallel, south of 54 degrees 40 minutes (the southern tip of the Alaskan Panhandle), and between the Rocky Mountains and Pacific Ocean. (See map 10.12.) Spain, Russia, Great Britain, and the United States all had some claim to the area during its history. Spain relinquished its claim in a 1790 agreement with Great

[†] Edward S. Barnard, ed. *Story of the Great American West* (New York, 1977) p. 34.

Britain and with the United States in 1819. Russia abandoned its claim in separate agreements with the United States and Great Britain in 1824 and 1825. These latter two countries had earlier agreed to jointly occupy the area in 1818. By the 1840s joint occupancy was not as feasible, and the boundary issue became more poignant. The United States made a tenuous claim to the entire area, and Great Britain wanted a boundary along the 49th parallel and the Columbia River. The two countries settled the boundary in the 1846 Oregon Treaty at the 49th parallel from the Rocky Mountains to the Strait of Georgia east of Vancouver Island.

The Mexican Cession resulted from a war lasting from 1846 to 1848 that began because of a dispute over whether Texas ended at the Nueces River, as the Mexicans contended, or approximately 110 miles further west at the Rio Grande, as the U.S. contended. (See map 8.15.) U.S. forces provoked a war and consistently defeated the Mexicans in battle. The war was concluded by the Treaty of Guadalupe Hidalgo which resulted in the United States gaining more than 500,000 square miles and placing the boundary along the Rio Grande and the line shown in map 1.1, excluding the Gadsden Purchase. The cession included the future states of Utah, Arizona, Nevada, and California and parts of Colorado, New Mexico, and Wyoming.

The 1853 Gadsden Purchase was necessitated because the border with Mexico negotiated in the Treaty of Guadalupe Hidalgo was based on a faulty map and the United States did not get land as far south as it had expected. The purchase was needed to provide a suitable railroad route from the east to the west coast. The purchase consisted of 29,640 square miles of mostly scrubby desert. Mexico was willing to sell the land only because it needed the \$10 million the United States paid for it.

The annexation of Hawaii and the purchase of Alaska are explained in chapter 11 and need no further comment here.

Territorial Process

After the formation of the thirteen colonies most states added to the United States came through a territorial stage. Exceptions to this rule were Vermont, Texas, and California, who all laid some claim, real or imagined, to being independent republics upon entering the Union. Hawaii was also an independent republic at one point in its history, but it went through territorial status before entering the Union. With the possible exception of Texas, none of the republics formed by Europeans were constructed with the goal of permanent independence.

Congress passed the Northwest Ordinance in 1787, a document that established the procedures for bringing new areas into the Union. Territorial governments were set up at both the initiative of Congress and frontier settlers after the population in an area became at least 5,000 free inhabitants. Often agitation existed in the frontier areas to establish a government, and the Congress simply responded. These governments established a modicum of law and order to newly acquired areas. The federal government paid for all costs of a territorial government and appointed its officials except for a popularly elected legislature. After a territory met the population minimum of 60,000 free inhabitants, sometimes less, it became eligible for statehood. Whether or not an eligible area might enter the Union depended on national politics often surrounding the slavery issue and the tug of war between Democrats and Republicans because each party did not want to admit states which might send congressmen of the opposite party to the national capital. Another factor affecting statehood was that when an area entered the Union it assumed the responsibility for paying its own officials and other costs of governing itself. Territorial officials frequently did not want to levy taxes to enable them to assume these costs.

The upside of statehood, however, was that a state operated under its own constitution and had the right to elect and appoint its own officials.

Territories were temporary governments, and their area was often reduced in size, sometimes by the creation of a new territory and sometimes by the creation of a state. A few territories, Montana, Wyoming, and, Colorado being examples, entered the Union with the same boundaries they had as territories. No definite time period existed for territorial status; Minnesota was a territory for only nine years, whereas Dakota was a territory for twenty-eight years.

The U.S. Congress had the sole authority to determine territorial boundaries, and it did this without having a lot of information about the terrain it was partitioning. Once an area became a state Congress could no longer alter its boundaries unless it had the state's consent. A boundary question between a territory and a state was negotiated by the state and Congress. Boundaries between states are arbitrated by the U.S. Supreme Court, which has the final say. Two states can agree to adjust a boundary between them, but only with the consent of Congress. A few states have received sizeable chunks of land after becoming states: Ohio received the Toledo Strip, Nevada received land in the east and south, and Missouri received a triangle of land in its northwest.



Surveying

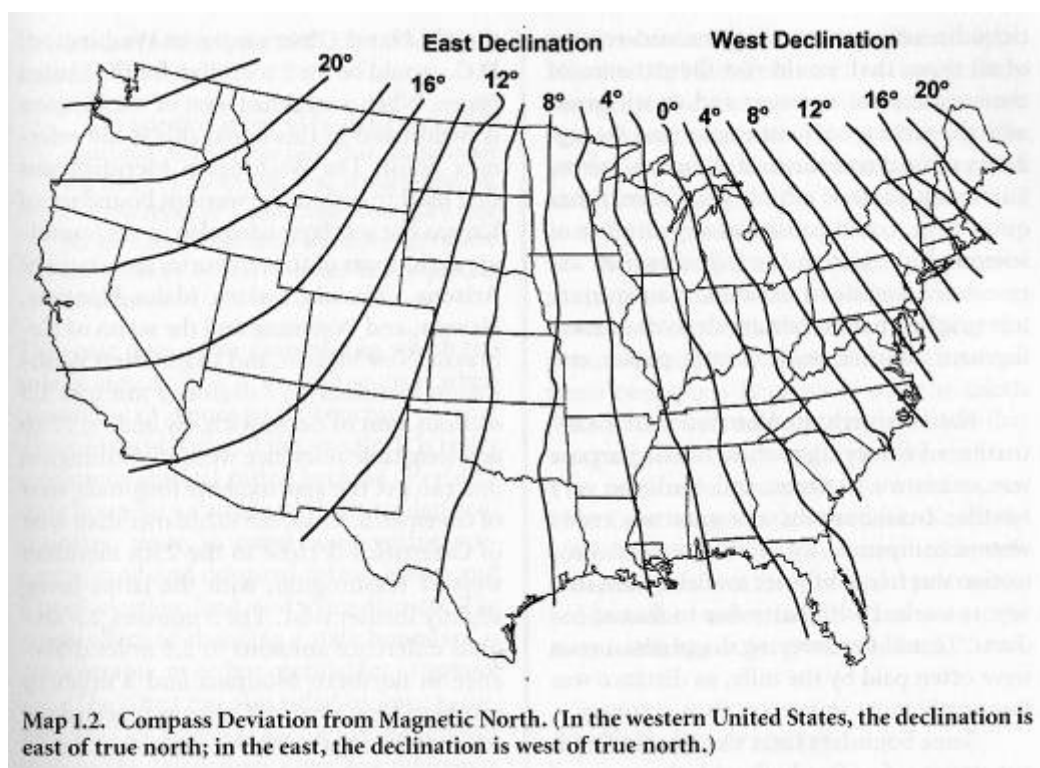
There are no lines on the ground to denote boundaries until someone marks them, and this is the domain of surveyors and their crews. Colonial-era surveyors had very rudimentary training, usually an apprenticeship under an experienced surveyor, and had little understanding of math and crude instruments. The Jacob's staff was commonly used for early surveys. This was a compass mounted on a one-legged staff that could be tilted as necessary to balance the compass needle. Sightings were made through thin wires mounted in dual forks. Surveyors used astrolabes for measuring celestial angles. Circumferentors were used for measuring vertical and horizontal angles. Handbooks supplied relevant geometrical and astronomical information. Land measuring was done with 66-foot chains consisting of 100 links with every tenth link being specially marked,

As time marched on, the education of surveyors became more sophisticated, and the quality and variety of instruments became much more refined with such instruments as the transit, better theodolites, and much more accurate compasses coming into use. The magnetic compass and chain were mainstays throughout the 17th, 18th, and 19th centuries when most state boundaries were being surveyed and marked. Steel measuring tapes were not used until around 1900.

Documents often are very clear as to where a boundary is to be located, as on a parallel or meridian for example, but determining where that line is on the ground is difficult. Surveyors calculated latitude by measuring the angle from the horizon of a specific star and calculating the observer's position from values in published tables. They determined longitude by measuring the time needed for Earth to rotate from Greenwich, England (or Washington, D.C., in some cases) to the observer's position — one hour equals 15 minutes of longitude. The need for accurate time was paramount for this calculation, and this was enhanced by the availability of the telegraph after the East and West Coasts were connected by telegraph lines in October 1861. Before the telegraph, chronometers were used but were unreliable especially after the rigors encountered in inclement weather and the rough use associated with a survey expedition. Before chronometers, longitude was determined by making lunar observations and their angular distance from specific stars and comparing this figure with published tables. The possibility for discrepancies is

apparent in determining both latitude and longitude, and this accounts for many of the deviations of boundaries from what they were meant to be and also for the fact that most boundary lines are not straight. Discrepancies could occur due to faulty equipment, faulty techniques, and even inaccurate tables.

Surveys using the compass caused many boundary inaccuracies. The compass needle was affected slightly by such things as daily, annual, and lunar variations and even by variations due to magnetic storms and static electricity in the compass glass. These, however, were minor compared to variation of the needle due to local deposits of iron ore that could greatly affect the needle. Another major problem stemming from compass use was due to the surveyor not knowing or not calculating properly the deviation of true north from magnetic north. (See map 1.2.) As the map indicates, this variation changes as one moves across the United States. For early surveys the deviation from magnetic north was not known at all for North America.



The use of the chain for measuring distances was another source of inaccuracies. The links in a chain would become worn over time from being dragged along rough ground. Some surveyors kept an unused chain with which to compare chains in use to ensure accuracy, but this was not always done. Another problem with chains was that their proper use meant that the chain should be kept horizontal when making a measurement. Some surveyors did not do this when making measurements along slopes, thus inducing inaccuracies that would be increased with steeper hills. Some surveyors used 33-foot half-chains in rugged terrain to assist in making accurate measurements.

Another problem was calculating a distance across a chasm, river, or lake. This had to be done using mathematical means, and not all surveyors, especially the early ones, were skilled in mathematics.

It must also be kept in mind that surveys were often done under very demanding conditions.

Steep mountains, deep ravines, thick forests, extreme cold and heat, rain, snow, fog, clouds, downed logs, brush, thickets, swamps, rivers, lakes, snakes, mosquitoes, ticks, horseflies, bees, chiggers, and vermin of all types that would test the patience of the most careful surveyor and wreak havoc with the accuracy of instruments and the legibility of field notes and astronomical tables. Surveying parties, which were sometimes quite large, could consist of any number of several workers from the following list: astronomer, engineer, axeman, transit man, topographer, barometrician, clerk, chainman, flagman, teamster, guide, hunter, packer, and cook.

Native Americans often resented the intrusion of surveying parties, whose purpose was unknown to them, and could be very hostile; consequently, a few survey crews were accompanied by military escort. Protection was frequently not available, and surveyors worked with haste due to fear of Indians. To add to surveying sloppiness, crews were often paid by the mile, so distance was frequently more important than accuracy.

Some boundary lines were marked with cut stones a few feet high with the name of the states indicated on the proper sides. But often boundaries were marked with less-enduring marks such as mounds of dirt or stones, sometimes with a wooden pole protruding from the top, or blaze marks on trees. The reader can readily recognize how ephemeral some of the boundary markings were as fire, heavy rains, and floods could easily and quickly obliterate the markings. Boundary markings were usually placed every mile or every five miles. Frequently, when a crew went to the field to continue a survey a few years later, they could not find the marks left by the previous crew and would simply have to begin at a place they figured was close to where the previous crew ended their work. To indicate just how indefinite some descriptions could be, one of the important state boundary references in the Cumberland Gap refers to “seven pines and two black oaks.”

When we think of longitude we usually think of degrees west or east of the Greenwich Meridian in England. In 1850, however, the U.S. Congress passed an act that provided that a meridian passing through the dome of the old Naval Observatory in Washington, D.C., would be the 0 meridian for the United States. When a meridian west of Washington is mentioned in this book, this is the reference point. The Washington Meridian was first used to denote the western boundary of Kansas but was later used also in the boundary definitions of the territories and states of Arizona, Colorado, Dakota, Idaho, Montana, Nevada, and Wyoming and the states of Nebraska, New Mexico, and Utah. The 0 Washington Meridian is 77 degrees 3 minutes 2.3 seconds west of Greenwich. By adding 77 to any longitude reference west of Washington one can get the approximate longitude west of Greenwich. Thus, the 102nd meridian west of Greenwich is close to the 25th meridian west of Washington, with the latter being slightly further west. The 3 minutes 2.3 seconds difference amounts to 2.3 miles difference in northern Montana and 3 miles in southern New Mexico. Congress repealed the act establishing the Washington Meridian in 1912.

The text mentions many “jogs” in state boundaries, but many more exist that are not mentioned that show up only on detailed maps. Most jogs are due to surveyors realizing they are no longer on the intended line, and not wanting to resurvey what they have already done, they simply move to what they deem the correct line and continue from there. Some jogs are due to surveyors beginning at a point with the intention of joining up with a previously surveyed line. Then when they encounter the existing line, they discover an adjustment is necessary to join the lines. Other causes of jogs are mentioned in the text.

Supreme Court Rulings

Knowing a few basic rulings of the U.S. Supreme Court will help in understanding boundary placement. The court has consistently ruled that it will not alter a boundary if “long acquiescence” by a state in its placement can be determined. The court in *Louisiana v. Mississippi*, 202 U.S. 1.53 (1906), stated,

The question is one of boundary, and this court has many times held that, as between the states of the Union, long acquiescence in the assertion of a particular boundary and the exercise of dominion and sovereignty over the territory within it should be accepted as conclusive.

This case cites other examples in which the rule it stated. This is the ruling even when plaintiffs can demonstrate conclusively that a boundary was placed incorrectly. It is really a commonsensical ruling because altering a state boundary also affects the boundaries of counties; cities, in some cases; voting precincts; civil and criminal jurisdictions; and school, election, land, and water districts. The ripple effect of changing a state boundary is considerable, as is the potential for litigation. The court has also ruled in *Iowa v. Illinois*, 147 U.S. 1 (1893), that for navigable rivers such as the Mississippi River any references to middle of the river means the middle of the main channel of the river. This is a much different understanding than a mathematical middle because the main channel can wander from side to side throughout the course of a river.

The court has also been consistent in ruling that sudden changes in river courses (avulsion) do not alter boundaries, but that gradual changes in the course of a river (accretion) do alter boundaries. The court stated in *Oklahoma v. Texas*, 260 U.S. 606 (1923),

It is settled beyond the possibility of dispute that, where running streams are the boundaries between states, the same rule applies as between private proprietors, namely, that when the bed and channel are changed by the natural and gradual processes known as erosion and accretion, the boundary follows the varying course of the stream; while if the stream from any cause, natural or artificial, suddenly leaves its old bed and forms a new one, by the process known as an avulsion, the resulting change of channel works no change of boundary, which remains in the middle of the old channel.

Some meandering rivers are the Mississippi, Missouri, Sabine, Red, and Rio Grande. Any changes in the course of a river that are man made do not alter a boundary. Although the law is clear on the distinction of avulsion and accretion, distinguishing between the two in practice is not always easy.

Some exceptions are made to the accretion and avulsion rule. In *Ohio v. Kentucky*, 444 U.S. 335 (1980), the court ruled that the general rule did not apply in a case between these two states because it was the north bank of the river and not the river itself that was named as the boundary between them. The applicable comment from that case: “The Court suggests that the Ohio-Kentucky boundary should not be determined by reference to previous river boundary decisions because the border in this case is not the river itself, but ... its northerly bank.”

Native Americans

Humans have been in North America for at least 10,000 to 12,000 years, possibly longer. They are usually called “Indians” because early Europeans thought they had reached India when they landed in the New World, and the natives would therefore be Indians. Natives do not figure directly in the formation of most U.S. boundaries. There are a few exceptions, such as in the Arkansas-Oklahoma border where the boundary of Indian lands became a boundary between states. The author feels, however, that Native Americans figure into this study in the sense that they occupied the land and had to be dealt with by the Europeans before settlement could occur and boundaries could be drawn.

The major European presences in the New World were by the Spanish, French, Dutch, and English, and they each dealt with the natives differently. All wanted to Christianize them because the newcomers considered the natives heathens based on their apparent backward lifestyle and the fact that they were not Christian. The Spanish, who treated the natives very harshly, also wanted to change native culture to be more Europeanlike. The Spanish used the natives essentially as settlers by requiring them to do the work of maintaining the Spanish presence in the New World. The French treated the Indians a lot better than other nations and had the least impact on native culture. With the exception of Christianization, the French treated the Indians as allies and accepted them as they were. Nonetheless, the French did enslave some Indians in the southern portion of the United States. The English and Dutch tried to change the culture of the Indians in their Christianizing efforts but were not dependent upon them to do the menial work of establishing settlements and extracting a living from the land as was the case of the Spaniards. The English and Dutch also expected the Indians to conform to European law, unlike the French who did not.

All of the newcomers depended on the natives as a workforce in the sense that the Indians were the principle source of furs that were an integral part of the English-Dutch-French colonial economy because the furs were in demand in Europe. The natives came to be dependent upon the Europeans for guns, shot, powder, pots, pans, blankets, and many other items introduced by the newcomers.

When the term “Native Americans” or “Indians” is used, it often implies a sameness. In fact the variety of the natives was extensive. A full range of body types was evident as well as skin color, with some being light and others being dark, and they spoke hundreds of different languages. Some lived a very nomadic lifestyle, moving from place to place as the seasons changed in search of new food and firewood sources. Some lived in well-established, year-round communities with an agricultural economy supplemented by the meat brought in by hunting parties. Some groups had complex social, economic, religious, and political institutions, and some had very few formal tribal institutions and little organization. Some were very aggressive and warlike; others thought fighting was anathema and were docile and gentle people. Some were bound into large confederations, such as the Iroquois, and some lived as discrete bands with little interaction with other groups.

Natives did not see themselves as a single people any more than the Europeans saw themselves as a homogeneous people. They saw themselves as Choctaws or Sioux and frequently didn't have any more use for other natives than they did for Europeans. In fact the natives often aligned themselves with the Europeans to fight their traditional enemies. Some Indian groups enslaved other Indians.

Many Europeans were conscientious about paying the natives for land; others had no uneasiness about displacing natives and taking their land. Many Europeans considered the

Indians heathens, and since the natives used their land mostly for hunting, fishing, and food gathering, the newcomers figured the natives didn't utilize the land properly and therefore had no right to it. Other Europeans took Indian land feeling they had already compensated them by giving them Christianity and civilization and could therefore take the land with impunity.

When Indians sold land to the Europeans, they had a very different idea in mind than did those who were buying the land. Natives did not have a concept of exclusive personal land use. Land was an area all members of a group could use; no one person "owned" any land. The community of natives had use of it only so long as they could defend it and keep other groups out. Much movement of native communities occurred because one group would displace another. When natives sold land to Europeans, the natives thought they were simply giving the newcomers the right to jointly use the land. Many native groups sold land to the newcomers because they wanted to make friends and have good relations with them. One reason for having good relations with the Europeans was to avoid conflict; another was the fact that natives came to rely on European goods.

Natives were sometimes given rum or whiskey in an effort to convince them to sell their land. Land speculators or traders would get the Indians drunk and then, when the natives' inhibitions were lowered, the Europeans would frequently get them to agree to give up or sell their land. The whiskey used in trading with Indians was devastating in its effects and simple in its manufacture. Two authors spoke of it this way:

Particularly disastrous to the Indian was the trader's "firewater" for which they had as little tolerance as they did to the diseases brought by whites. And trade whiskey was far worse than the liquors consumed by most whites. The trader's basic recipe called for one gallon of grain alcohol, three gallons of water, and a pound of chewing tobacco. To this might be added a variety of other ingredients such as red pepper, ginger, and black molasses, depending on their availability."[‡]

The U.S. government in its treaties frequently included a provision that involved payment for land taken. Sometimes this was in the form of other land to which the Indians would be moved and sometimes in material goods or foodstuffs. The goods and foods did not always get to the Indians because agents would appropriate the goods for themselves for resale. Sometimes the goods the natives received would be defective or poorly manufactured or spoiled.

Europeans gave some items that the Indians did not need — such as disease. Diseases introduced unknowingly by Europeans killed thousands of natives who had no natural immunity to them. Sometimes entire communities were killed, and often without the victims ever having seen a European. Smallpox was the big killer, but other deadly diseases were measles, malaria, typhus, and influenza. Stories exist of whites purposefully infecting blankets given to Indians with smallpox.

King George III issued a proclamation in 1763 setting a boundary generally along the Allegheny Mountains in an attempt to limit the westward expansion of the colonies and lessen the impact of the newcomers on native residents. This didn't work, as settlement soon expanded beyond the mountains. After American independence the U.S. government tried to deal with the natives by negotiating treaties with them and resettling them continually westward, trying to keep them away from the advancing Americans. This didn't work either, and the history of this

[‡] James C. Olson and Ronald C. Naugle. *History of Nebraska* (Lincoln: University of Nebraska Press, 1997), p. 49.

country is one of encroachment by white settlers, conflict with the natives, negotiation between the Indians and the federal government, and a resettlement of the natives into another area. This process always favored the whites over the natives. The federal government broke one treaty after another in its dealings with the natives.