



# CASTOR CANADENSIS

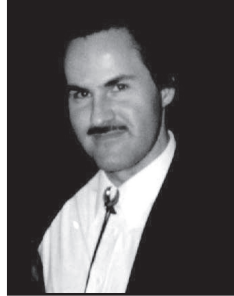
Newsletter of the Jedediah Smith Society • University of the Pacific, Stockton, California

SPRING 2009

## Senator Thomas Benton and the American Fur Trade

By Professor Aaron Woodward

In the 1820's and 30's, independent fur traders had a formidable ally in the person of Missouri Senator Thomas Hart Benton, Chairman of the Senate Committee on Indian Affairs, known for such personal idiosyncrasies as carrying dueling pistols, and using them on such people as Andrew Jackson, and brushing himself with a stiff horsehair brush, "because sir, the Roman gladiators did it, sir."<sup>1</sup> Due to his efforts, Congress passed a law on 6 May 1822 abolishing government trading posts among the Indians:



'An Act to abolish the United State's [*sic*] trading establishment with the Indian tribes'<sup>2</sup>

This gave independent American fur traders their greatest opportunity yet to gain wealth and power.<sup>3</sup> The government did, however, decide to regulate private enterprise and reserved the right to issue licenses through a new law passed in 1824, sometimes known, "The Fur Trade Law". This law established commissioners and sub-agents who would work to oversee private trading companies through licensing and telling private fur traders where they could and could not go: "that it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places."<sup>4</sup>

Once again, Senator Benton took a key role in the passage of this legislation. In remarks on the Senate floor, Benton carefully explained the necessity of each and every section of the bill:

1. To regulate commerce with the Indians was a power granted to Congress by the Constitution. So far as our own citizens were concerned, they could be regulated by law, but so far as the Indians are concerned, it must be done by treaty. We have treaties with all the tribes on this side of the Mississippi and with some on the other but none with the remote tribes ... the bill proposes an appropriation of \$10,000 to defray the expenses of holding those treaties. With those who admit the importance of the object to be accomplished, the amount of this appropriation can furnish no objection.
2. To locate the traders. This is a provision repeatedly recommended by both United States agents and traders. It will

put an end to many dissensions among the traders and secure to the Indian the fullest and fairest market for the barter of his furs and peltries, By confining the traders to particular spots, designated by agents, all trespasses upon Indian grounds will be effectually prevented.

3. The appointment of two sub-agents subordinate to the principal agent on the Upper Missouri. This measure is recommended on the score of economy and from a conviction that the views of the government would be better promoted in that remote quarter, by active subagents subordinate to a principal than by several agents, independent of each other.
4. To advance a military post to the Upper Missouri, the number of troops intended for this service is four companies. The committee have been careful to ascertain the expense of movement. Document 56 will show their correspondence with the War Department in which this number is deemed sufficient and the expense is estimated at \$13,100.<sup>5</sup>

Benton, however, did not get his way on the issue of a military post on the Upper Missouri. Other senators feared the costs of such an enterprise, while some, like Senator Holmes of Maine, thought that "a single post would be altogether inadequate to the contemplated object. A line of posts would be necessary, which would involve the country in great expense. He adverted to the question of our right to invade the Indian territory with an armed force. We have the power to do it, but he denied the right ...." Senator Mills drew a sharp response from Benton with the following comments:

He [*Mills*] reverted to the policy of this Government towards the Indians; to the character of our treaties with them and the tenure by which they hold their lands. When we are at war with these Indian nations, we have undoubtedly a right to march our troops into, and take possession of their country.... He [*Mills*] thought the Indians were already sufficiently restricted in their rights without intrenching upon those which they possess. They have as good a right to carry their furs to the British as any other traders.... Mr. Benton replied, ... he said the question was not, whether we shall prevent the Indians from selling their furs to whomsoever they please but whether we shall prevent British traders from coming into our own territory to trade with the Indians.<sup>6</sup>

Despite Benton's vociferous objections, the provision for a military post on the Upper Missouri was not included in the final bill signed by the President. One can speculate that if this post had been created, and created earlier, perhaps fur traders in South Dakota and the Upper Missouri (like Jed Smith and Ashley) may have had a safer experience.

Benton was also a staunch believer that the British were behind many of the problems and setbacks suffered by American

fur traders in the '30's and 40's. He was the chief advocate for providing government protection for American fur traders in the Upper Missouri/South Dakota areas. He made extended remarks on the state of the fur trade while debating the 1824 fur trade law that would impose licensing on traders and exclude foreigners without passports from United States territory:

Mr. Benton said that the provisions it contained [referring to the proposed 1824 law] were bottomed upon the fact that foreigners instigated the Indians on the Upper Missouri to kill and pillage American citizens. To prevent these outrages, and save the fur trade to our own citizens, it was necessary to exclude these foreigners wholly from the dominions of the United States. As the Chairman of the Committee which reported the bill, it became his duty to sustain the views it presented; and in so doing he would recall to the recollection of the Senate that, from the day of our independence, the frontiers of the United States have been constantly harassed by the machinations of foreigners among the Indians within our own boundaries .... The treaty of '94 ... left to British subjects the fatal privilege of entering our territories and trading with our Indians. The use which was made of this privilege is known to all America. Everywhere the British traders were engaged in poisoning the minds of the Indians and inciting them to war and hatred against the Americans. A circular speech was composed, and sent among all the tribes in which the Great Spirit was made to declare the British and Indians were his own children and the Americans the children of the Evil Spirit -- 'that they grew from the scum of the great waters when it was troubled by the Wicked Spirit, and the froth was driven into the woods by a strong East wind.' .... A plan was immediately projected to occupy with a military force all the commanding positions on the frontiers of the Northwest .... But the Upper Missouri was left in the hands of the British .... In the Spring and Summer of 1823, hostilities broke out on the Upper Missouri. General Ashley was attacked by the Arikaras and lost twenty-six men, killed and wounded.<sup>7</sup>

Benton's remarks hereafter, addressed the Arikara outrages and the reasons for it. Although, he concluded that the Hudson's Bay Company was probably not involved, he insisted the British traders were responsible for many of the Indian attacks and hostilities in the fur trade and on the Missouri River:

The British companies, now united under the Hudson's Bay, have an inducement to expel American traders from the country beyond the Mandan villages. It is the richest fur region in the world, they have possession of it at present and every consideration of interest and every feeling of cupidity impels them to drive competitors away.... Previous to the war, the Sioux Indians, trading with the British on the Upper Missouri annually came across the Missouri River in the region of the Council Bluffs, waylaid American traders, robbed them, and compelled their voyageurs to carry the furs and peltries thus acquired to Prairie du Chien, where they were sold to British traders! In plain English, the Sioux then performed for the British on the lower Missouri, the service which the Blackfeet are now rendering them on the upper waters of that river. Mr.

Benton stated this fact upon the authority of the late Governor Lewis and read a passage from Lewis and Clark's Journal (vol. 2, page 442) which confirmed it. He laid particular stress upon it because the Sioux continued these depredations as long as British traders continued on the Upper Missouri .... The true cause of their hostility being shown, the question is, upon the means of putting an end to these outrages and preserving the fur trade within the United States to American citizens.<sup>8</sup> [sic]

Benton also stated that he thought that the most important provision in the envisaged bill was the fourth article that proposed to establish a military base on the Upper Missouri:

He knew that, both Houses of Congress some years before, had decided against such an establishment, but the facts were not known then, which are now communicated -- facts which show that we must surrender the fur trade within our own limits to the Hudson Bay Company, or protect our traders by the advance of a military post .... I say that interest, policy and justice require the American fur traders to be protected by their Government .... Justice requires this protection to the West.<sup>9</sup>

Benton's political advocacy for fur trappers was an essential component for the advance of American law and power throughout the Upper Missouri. He was, as he repeatedly showed throughout his life, a man of personal and political courage.

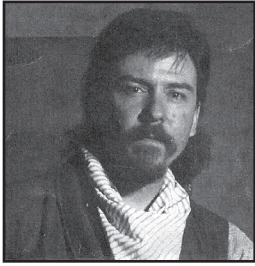
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Portions of this article are taken from Professor Woodard's book, "*Soft Fur and Iron Men-A History of the Fur Trade in South Dakota and the Upper Missouri*" (Montgomery Alabama, E-Booktime Publishing, 2006) available at: [www.e-booktime.com](http://www.e-booktime.com)

#### End Notes

- <sup>1</sup> John F. Kennedy, Profiles in Courage (New York, Harper,1956), p.86.
- <sup>2</sup> Statutes at Large, An Act to Abolish the United States trading establishment with the Indian tribes, 17th Congress Sess. I, Ch.54, 6 May 1822, p.679.
- <sup>3</sup> Leroy Hafen, Mountain Men and the Fur Trade (Glendale CA, Arthur H. Clark Company,1965) Volume I, pp.32-34.
- <sup>4</sup> Statutes at Large, An Act to enable the President to hold treaties with certain Indian tribes and for other purposes,18th Congress, Sess. I Ch.146, 25 May 1824, Sec. 4, pp.35-36.
- <sup>5</sup> Remarks by Senator Thomas Hart Benton, Made on the Senate floor commenting on the proposed bill "An Act to enable the President to hold treaties with certain Indian tribes and for other purposes", 18th Congress, "History of Congress", under Section entitled "Indian Fur Trade", 29 March 1824, pp.431-435. Located online at <http://memory.loc.gov/ammem/hlawquery.html>
- <sup>6</sup> Remarks by Benton and other United States Senators, 9 April 1824, op.cit.35, pp.506-508.
- <sup>7</sup> Remarks by Senator Thomas Hart Benton, made on the floor of the Senate commenting on the proposed bill for regulating the fur trade, 18th Congress, "History of Congress", Under section entitled 'Indian Fur Trade', 29 March 1824, pp.431-445, located online at <http://memory.loc.gov/ammem/hlawquery.html>
- <sup>8</sup> Ibid.
- <sup>9</sup> Ibid.

## The Mountain Man Saddle



Excerpts from  
“*Wyoming Leather, 1860 -1930*”  
by Roger Blomquist , PhD

Saddles in the West came to America by two separate routes: through the East Coast and up from New Spain/Mexico. The smaller English saddle originally came to the colonies from England and from that saddle the American South developed the “plantation saddle.” These two saddles were “gentlemen’s” saddles and used for traveling, pleasure and colonial warfare. The larger Western saddle came first to New Spain/Mexico with Cortez, through Texas and migrated all the way up to Canada.

The saddle of the mountain man most likely evolved from many different sources - the Native American Indian influence; the plain, wooden, saw buck packsaddle that was usually covered with thick robes, as well as the saddle designs from the East Coast and Mexico.

Wyoming could easily be considered the “Saddle Crossroads of the North American Continent.” Why? Because Wyoming borders the Plains and Rocky Mountains geographically; it was the meeting place of many different saddle styles from east to west and south to north, and most of the historical innovations happened here from its earliest days of discovery to railroad construction.

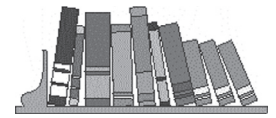


*Roger Blomquist, PhD, historian and saddlemaker, completed his PhD in 2007 at the University of Nebraska in North American Frontier History. His thesis was on the Cheyenne saddle. He made a replica of a mountain man saddle for the Museum of the Mountain Man, Pinedale, Wyoming.*

*Courtesy Museum of the Mountain Man*

## Book Review

Jacket Review by  
UOP Professor W.R. Swagerty, PhD



**Barbour, Barton. *Jedediah Smith: No Ordinary Mountain Man*. Norman, OK University Press. 2009.**

Since Dale L. Morgan’s 1953 masterful biography of the short but eventful life of Jedediah Strong Smith, new documents and fresh ways of interpreting known sources have at last been integrated into this welcome addition to the library of mountain man biography. Barbour’s Jed Smith is both a man to admire for his skills as explorer, entrepreneur, and leader of men; and one to question for cultural multi-ethnic West of Hispanics, Indians, British, and mixed-race peoples. “Pious, humanistic, and bigoted,” Smith’s nine active years from 1822 to 1831 spanned the rapid rise of the Rocky Mountain fur trade, a life Barbour describes as “comet-like or meteoric, burning briefly but ever so brightly.” Demythologizing Smith with new evidence and sound inference, *No Ordinary Mountain Man* leaves some aspects of Smith’s life unsolved but puts to rest many stereotypes of Smith and his companions, “American history’s most rambunctious hyper-individualists—the mountain men.” ...

[Professor Swagerty continues his own thought on Jedediah:]

*The man [Jedediah Strong Smith] was an American original, to be sure, but not one that I personally consider very successful among all mountain men and fur trade personnel. Bart has a higher opinion of him than I. His short active years in the fur trade of nine years pose a serious issue given the average of fifteen that I found among 300 or so in my study of the aggregate back in 1980. His ethnocentrism and outright racism disturb me, even in the context of the 19th century norms and values. He was a great explorer and mapmaker and could have been the best mapmaker for the gov., at the time had they taken advantage of his knowledge and skills at observation. As a leader of men he was also successful, but as a diplomat and as a tourist on foreign soils, he was a dismal failure, indeed a lesson to us all what “not to do.” Among Indians he was as unsuccessful as one can be; consider the number of encounters that he experienced and the end result of his 1831 confrontation.*

## CAPT’N SAYS

Apology to Joe Molter. His Fort Vancouver article footnotes can be obtained by contacting the office for a copy or by going to our website at [www.jedediahsmithsociety.org](http://www.jedediahsmithsociety.org)

Sorry Joe!

¾ of our 147 paying members, a record 94 have renewed. Also thanks to those who became Sponsors, Patrons, and Endowment support.

Be aware this is your last Castor Canadensis if your name is highlighted pink and dues have not been received by May 1, the list purging date.

Please send check to JSS for \$22.00 each and lunch selection before April 17 for the Spring luncheon at Ironstone, Murphys. Dr. West expects to have her new book available. There may also be a surprise member in attendance.

Eric Jung’s 2006 talk, has been revised and will be printed later this year.

**In Memorial** ~ Jim Hutchins locator of the Jedediah letter found recently in National Archives passed at age 83. ~

A drunk driver recently killed Greg Hawley of the Arabia Museum, Kansas City MO. Condolences to all.



## More Capt'n

Welcome the returning Scouters and also the following new members: CSU San Bernadino, Special Collections; Dennis Running, Belmont NC; Don Woodruff, Valencia CA Phil Lowell, Santa Rosa CA; Roger Williams, New Breen OH; and Jack Felt, Alexandria VA.

At the April 25 Annual Meeting we will elect leadership for 2009. Gordon Martin, President, Bob Shannon, Vice President, Amanda Cottrell, Secretary; and the Class of 2012: Mary Drachler, Bainbridge NY; Gordon Martin, Stockton CA; Bob Shannon, Stockton CA; James E. Smith, Helena MT.

Thanks to guest author Aaron Woodard for submitting the featured article. Aaron is a Professor at Killian Community College, Souix Falls SD We welcome submission of appropriate articles from members and non members to be edited for length and APA publication standards.

Eric Jung with hiking companions have corrected and revised his 2006 paper presented at Ironstone. It will be published soon, as the Golden Anniversary Fur Trapper # 3.



# SPRING LUNCHEON 2009



**IRONSTONE WINERY**  
Murphy's California  
Saturday, April 25, 2009  
Gather: 11:30 • Lunch: 12:00



*Dr. Naida West and  
Book Three of the Trilogy Rest for the Wicked 1893 - 1910*

Select from: Roasted Pork Loin with Tropical Fruit Salsa, Calaveras Chicken or Vegetarian  
Price: \$22.00 Wine Bar No Host

Reservation, Selection and Payment required in advance. *No walk ins.*  
BEFORE April 17 to Dr. Clover, 8366 Mediterranean Way, Sacramento 95826

### Help our membership grow.

Send name and address of friends, teachers and others who you would propose for membership. The office will send an invitation, brochure, and application to prospects.

Jedediah Smith Society  
University of the Pacific  
8366 Mediterranean Way  
Sacramento, California 95826

Dues will expire Jan 1<sup>st</sup>

