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**Estimate – Negotiation of treaties with Indian tribes. Letter from the Commissioner of Indian Affairs, communicating, in compliance with a resolution of the House, estimates, &c., for negotiating treaties with certain Indian tribes of the plains and in Minnesota**

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ESTIMATE—NEGOTIATION OF TREATIES WITH INDIAN  
TRIBES

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LETTER

FROM THE

COMMISSIONER OF INDIAN AFFAIRS,  
COMMUNICATING,

*In compliance with a resolution of the House, estimates, &c., for negotiating treaties with certain Indian tribes of the plains and in Minnesota.*

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APRIL 11, 1860.—Referred to the Committee of Ways and Means, and ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, April 9, 1860.*

SIR: In compliance with the request contained in a resolution of the House of Representatives of the United States of March 26, 1860, in the following words, viz: "*Resolved*, That the Commissioner of Indian Affairs be requested to make an estimate of the amount that will be required to make a treaty of peace, amity, &c., with the Kioways, Comanches, and other Indians, who roam near the Arkansas river, west of the one hundredth degree west longitude; with the Arapahoes and Cheyennes, located below the south fork of the Platte river; with the Sioux and other Indians of the plains, to be concentrated for the occasion at Deer creek, a tributary of the Platte river; and also for a treaty with the Red Lake Chippewas, and the Indians of the Red river, in the State of Minnesota, for the extinguishment of their title to lands in that State," I have the honor to submit the following estimate of amounts that will be necessary in the negotiation of the treaties alluded to:

For the purchase and transportation of provisions and presents, and to meet the necessary expenses in negotiating a treaty with the Kioways, Comanches, and other Indians, who roam near the Arkansas river, west of the one hundredth degree west longitude, numbering, as near as can be estimated, 11,000 souls..... \$100,000

For the purchase and transportation of provisions and presents, and to cover the expenses necessary to make a treaty with the Arapahoes and Cheyennes, located below the south fork of the Platte river, their aggregate number being about 3,500 souls.....	\$35,000
For the purchase and transportation of provisions and presents, and to meet the expenses requisite to effect a treaty with the Sioux and other tribes of Indians of the plains, to be concentrated for the purpose at Deer creek, a tributary of the Platte river, said tribes numbering, in the aggregate, about 8,000 souls.....	80,000
For the purchase and transportation of provisions and presents, and to meet expenses necessary in negotiating a treaty with the Red Lake and Red River Chippewas, in the State of Minnesota, for the extinguishment of their title to lands in that State, said Indians numbering about 2,000 souls.....	10,000

*Provided*, That the goods purchased in 1858 for the Yanctonnais band of Sioux, the reception of which was declined by them, may be used in the negotiations with the said Chippewas of Red lake and Red river.

In submitting these estimates I would respectfully call attention to the enclosed copies of communications to this office from Agents Bent and Twiss, within whose agencies all the Indians referred to in the resolution (except the Chippewas of Red lake and Red river) are located. From the tenor of these communications, the great importance of consummating the treaties referred to at an early day will be plainly perceived. By the negotiation of a treaty of peace and amity with the Kioways, Comanches, and other nomadic bands that roam near the Arkansas river, west of the 100th degree west longitude, and their concentration upon suitable reservations, the lives and property of the emigrants passing over the great thoroughfare from Kansas to Santa Fé will be preserved and protected; while similar treaties with the Arapahoes, Cheyennes, the Sioux and other Indians of the plains will tend to vastly decrease, if not entirely prevent, the perpetration of those frequent massacres, and depredations upon property, that are now so justly complained of in the regions of Pike's Peak, and upon the great overland routes to our Pacific States and Territories.

Referring to my annual report of 26th November last, (extract herewith,) I would again earnestly direct attention to the great importance of securing protection to the citizens of Minnesota and others using the route down the valley of the Red River of the North, as the almost only available channel of commerce, in the transportation of supplies to and of peltries from the trading posts of the northwest. This protection and security can alone be afforded through the medium of treaty stipulations with the Chippewas of Red lake and of the Red river; and therefore the endeavor should be made, at no distant day, to put such stipulations into practical operation.

In conclusion I deem it proper to remark that, although the foregoing estimates, taken in the aggregate, appear large, it is (with the exception of the Chippewas of Red lake and Red river) only at the

rate of \$10 per head; and it is well ascertained by past experience that treaties cannot be consummated with the wild roving tribes of the far west for a less sum per capita.

Very respectfully, your obedient servant,

A. B. GREENWOOD,  
*Commissioner.*

Hon. WM. PENNINGTON,  
*Speaker of the House of Representatives of the United States.*

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*Extract of the annual report of the Commissioner of Indian Affairs of  
November 26, 1859.*

I would respectfully call your attention to the considerations presented in the reports of the agent for the Mississippi Chippewas and the superintendent for the northern superintendency, in favor of a treaty with the Red Lake Chippewas and the Indians of the Red River of the North, for the extinguishment of their title to the lands which they own in that region, embracing, it is estimated, some thirteen thousand square miles. These lands, though remote, are represented to be fertile and valuable. They lie between our northern settlements in Minnesota and the boundary line between us and the British possessions. The extension of our settlements in that direction has been stimulated and accelerated by the important and valuable commerce which has sprung up with the considerable population on the other side of the line, and which, for the benefit of our citizens, is entitled to protection and safe transit through the country of those Indians, but which cannot be given to it while the lands remain theirs. The importance of this route as channel of commerce is seen in the fact that the Hudson's Bay Company now transport over it the supplies required for their numerous trading posts in the northwest. The Indians in question are not under treaty pledges and obligations, without which they cannot, of course, be brought under the necessary control, and subjected to our modified reservation policy. The negotiation of a treaty with them would, therefore, seem to be required, as well for their benefit and welfare as for the protection and advancement of the interests of our own citizens.

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*Letter from the Commissioner of Indian Affairs to W. W. Bent, agent  
for the Indians on the upper Arkansas.*

DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, March 17, 1860.*

SIR: Representations have been made to the department respecting the Indians within your agency, particularly in relation to the Comanches and Kioways, to the effect that the former of said tribes, particularly that portion of which "Buffalo Hump" is chief, are constantly making incursions into the State of Texas and that portion of

the territory east of the one hundredth degree of west longitude, and committing depredations upon the property of the settlers. The Kioways are also charged with hostility to the United States on account of their having attacked and murdered persons having charge of the United States mail ; and they are reported as being guilty of the murder of certain parties, emigrants to "Pike's Peak."

You, as the agent of the tribes referred to, and having resided among them for a great length of time, are presumed to have had every opportunity of informing yourself in regard to their character and conduct, and their disposition towards the citizens of the United States ; and, in order that the department may be properly advised in relation to the representations to which reference is had, I have to direct that you report to this office all the facts within your knowledge in connexion with the acts particularly charged against the Comanches and Kioways, together with any other information you may be able to communicate in regard to these tribes.

Very respectfully, your obedient servant,

A. B. GREENWOOD,  
*Commissioner.*

W. W. BENT, Esq.,  
*United States Agent, Upper Arkansas.*

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No. 35.

*Annual report of W. W. Bent to Commissioner of Indian Affairs.*

St. Louis, October 5, 1859.

At the moment of my return from an official visit to the Indian tribes within the agency under my control, I submit my report to the department. The limits of territory assigned by the treaty of Laramie to the Cheyenne and Arapahoe tribes is defined by a meridian line passing from the Santa Fé crossing of the Arkansas, running north to Laramie ; thence ascending by the channel of the North Platte to the Red Buttes ; thence south along the mountain foot in which Chugwater, Cache à la Poudre, and the western affluents of the South Platte have their sources, and including the streams descending from Pike's Peak to the Arkansas river, and by the channel of said Arkansas to the beginning point.

This country is very equally divided into halves by the South Platte. A confederate band of Cheyennes and Arapahoes, who are intermarried, occupy and claim exclusively the half included between the South Platte and the North Platte.

A similar confederated band of the same people distinctly occupy the southern half, included between the South Platte and Arkansas rivers.

These latter also frequent and claim the region south of the Arkansas river, between it and the Raton mountain, which last territory, formerly a part of New Mexico, is not occupied or claimed by any other tribe. I had a full and satisfactory interview with the Cheyenne and Arapahoe Indians on the 16th of August, and on the 15th of September last I submitted to them the wish of the department that they

should assume a fixed residence and occupy themselves in agriculture. This they at once received with favor, and declared with great unanimity to be acceptable to them. They expected and ask that the department shall supply them with what is necessary to establish themselves permanently.

Being Buffalo Indians, they require dwelling-houses to be constructed for them, where they may elect to fix their reserved districts. They desire to have a treaty with the government without delay, at a very early day of the coming spring season. They ask for pay for the large district known to contain gold, and which is already occupied by the whites, who have established the county of Arapahoe and many towns. They further ask annuities in the future for such lands as they may cede and relinquish to the government.

They ask to select their reserved lands where the choice of their people may designate, expressing a preference for the region between the Arkansas river and the Raton mountain, embracing the Fontaine qui Boville and Purgatory creeks.

The Cheyenne and Arapahoe tribes scrupulously maintain peaceful relations with the whites and with other Indian tribes, notwithstanding the many causes of irritation growing out of the occupation of the gold region and the emigration to it through their hunting grounds, which are no longer reliable as a certain source of food to them.

These causes precipitate the necessity of immediate and sufficient negotiations for the safety of the whites, the emigrant roads, and the Indians. Regulations, strictly enforced, are essential in the granting of licenses to trade with the Indians. All trade, except by licensed traders, ought to be prevented. No agent should have power to grant any license outside of his specific jurisdiction. Full power to prevent violations of the United States laws, and promptly punish such as may occur, should be given to the agents.

In case that these Indians should elect to remain, as at present, separated into two distinct bands, a favorable country, at present most frequented by them, exists between the Cache à la Poudre and Chugwater.

The Kioway and Comanche Indians have for two years appeared in full numbers and for long periods upon the Arkansas, and now permanently occupy the country between the Canadian and Arkansas rivers. This is in consequence of the hostile front opposed to them in Texas, by which they are forced towards the north, and is likely to continue perpetual.

These I encountered on my return, at the mouth of Walnut creek, on September 16, to the number of 2,500 warriors. They signified to me their desire for peace, which up to that time they have continued to preserve in the presence of the United States troops.

So soon, however, as the latter withdrew to Fort Riley the Comanches assumed a threatening attitude, which resembles the prelude of predatory attacks upon the unprotected whites now at all seasons passing and repassing by the Santa Fé roads in great numbers. I consider it essential to have two permanent stations for troops, one at the mouth of Pawnee Fork and one at the Big Timbers, both upon the Arkansas river. A smothered passion for revenge agitates these Indians, perpetually fomented by the failure of food, the encircling

encroachments of the white population, and the exasperating sense of decay and impending extinction with which they are surrounded.

To control them it is essential to have among them the perpetual presence of a controlling military force. The Comanches have acquainted me with their intention to remain during the winter upon the Arkansas river, and ask that their annual supplies may be hereafter delivered to them in this direction. I recommend that immediate and prompt negotiation be entered upon with them, as the present time is propitious, their condition especially favorable, and their temper tractable.

There are in each of these tribes a few half-breeds, the children of white men intermarried with the Cheyennes and Arapahoes, for whom these tribes desire to make suitable reservations and provisions. The prominent feature of this region is the recent discovery and development of *gold* upon the flanks of the Great Cordillera and its spurs protruding out over the great plains. I estimate the number of whites traversing the plains across the centre belt to have exceeded sixty thousand during the present season. The trains of vehicles and cattle are frequent and valuable in proportion; post lines and private expresses are in constant motion. The explorations of this season have established the existence of the precious metals in absolutely infinite abundance and convenience of position.

The concourse of whites is therefore constantly swelling, and incapable of control or restraint by the government. This suggests the policy of promptly rescuing the Indians and withdrawing them from contact with the whites, as the element capable of such immediate management as may anticipate and prevent difficulties and massacre. I repeat, then, as the suggestion of my best judgment, that immediate and sufficient steps be taken to assemble and finally dispose of these particular tribes of Indians, viz:

The Kioway and Comanches, the Cheyennes, and the Arapahoes, by reducing them, under treaties and arrangements, to become agricultural and pastoral people, located within specific districts, judiciously selected and liberally endowed, to which they shall be restricted, and the white men excluded from among them. These numerous and warlike Indians, pressed upon all around by the Texans, by the settlers of the gold region, by the advancing people of Kansas, and from the Platte, are already compressed into a small circle of territory, destitute of food, and itself bisected athwart by a constantly marching line of emigrants. A desperate war of starvation and extinction is, therefore, imminent and inevitable unless prompt measures shall prevent it.

W. W. BENT, *U. S. Indian Agent.*

The SUPERINTENDENT OF INDIAN AFFAIRS.

## No. 33.

*Annual report of Thomas S. Twiss to Commissioner of Indian Affairs.*

UNITED STATES INDIAN AGENCY, UPPER PLATTE,  
*Deer Creek, Nebraska Territory, August 16, 1859.*

SIR: The undersigned, United States Indian agent of the Upper Platte, begs leave respectfully to make to the honorable the Commissioner of Indian Affairs a special report on the present condition and aspect of affairs in the Indian country, in relation to the wild tribes of the prairies and the mountains, embraced within the limits of the Upper Platte agency.

In submitting these views for your information and guidance in the conduct and policy of our intercourse with these tribes, I am animated solely with a desire to prevent their utter extinction, and also to preserve and strengthen those peaceful relations now happily subsisting between these nomadic tribes and the United States government, and to present, for your grave and careful consideration, facts and certain conditions of things, now in process of rapid development, the clear and obvious tendency of which is to interrupt, in a very short period of time, this state of repose and tranquillity, and involve the scattered white population in all of the horrors and calamities of an Indian war.

The facts to which I would call your attention are simply these, viz: The state of the Indian mind among the wild tribes is one of extreme suspicion in all matters relating to the preservation of game, their only means of subsistence; and when it disappears the Indian must perish. Hence it has happened that in some parts of the prairie country the Indians have stopped white people, and even United States topographical parties, when they have endeavored to penetrate to their hunting grounds, and have turned them back pretty roughly, too, for fear that the buffalo would be destroyed or scared away, and never return again. The Indians entertain a superstitious belief that the buffalo will not return to the same place again where he may have scented the white man. This is all a fallacy, of course, and it is only stated as a fact to show the bias of the Indian mind, and its tendency and readiness to adopt error, and to cling to it persistently and perseveringly. The Indian is not sufficiently enlightened to know any better. However that may be, it is clearly evident that the buffalo is rapidly disappearing from his usual feeding grounds; and for the truthfulness of this statement I appeal to the evidence, derived from observation and experience, of every white man who may have resided in the Indian country or travelled over the great emigrant trail during the last six years. This noble game no longer covers the valleys of the North Platte and its tributaries and makes the prairie appear black, as formerly, as far as the eye could scan the horizon; but is found, in small bands only, on the Republican and Loup Fork, L'eau qui Court, White river, Cheyenne Water, and the Yellowstone, very far distant for the tribes of Indians of this agency. The smaller game, the antelope and deer, is found along the foot-hills of the mountains,



while the elk and the mountain sheep flee to their more distant peaks to escape from the white man's rifle.

I would state another fact bearing upon this question of the preservation of game, which in the most favorable seasons affords only a scanty and precarious supply of food, to show with what jealous care the wild tribes watch over it, and dread the ingress of strangers, who may be compelled to hunt this same game for food, and thereby cause it to diminish more rapidly than otherwise in the ordinary course of events. These wild tribes have heard that all of the Indian tribes to the eastward of them have ceded their lands to the United States, except small reservations; and hence, by an Indian's reasoning, in a few years these tribes will emigrate further west, and, as a matter of necessity, occupy the hunting grounds of the wild tribes, and cause thereby a rapid decrease in the number of buffalo. In combatting this idea, which has taken possession of the Indian mind, and is causing much irritation and excitement against both the whites and those tribes who have ceded away their lands, the Indian agent of the Upper Platte, in council with the chiefs of the Sioux tribes, in September last, was put down and most effectually silenced by one of the chiefs, by the following narration of facts and events, which are all comprehended in a very short period of time, within my own memory, as they date back only about thirty years.

The Sioux chief said: "When I was a young man, and I am now only fifty years old, I travelled with my people through the country of the Sac and Fox tribes to the great water, Minne Tonkah, (Mississippi,) where I saw corn growing, but no white people. Continuing eastward, we came to the Rock River valley and saw the Winnebagoes, but no white people. We then came to the Fox River valley, and thence to the Great Lake, (Lake Michigan,) where we found a few white people in the Pottowatomie country. Thence we returned to the Sioux country, at the Great Falls, (Iraira or St. Anthony,) and had a feast of green corn with our relations who resided there. Afterwards we visited the pipe clay quarry, in the country of the Yancton Sioux, and made a feast to the 'great medicine,' and danced the 'sun dance,' and then returned to our hunting grounds on the prairie. And now our 'father' tells us the white man will never settle on our lands and kill our game; but see! the whites cover all of these lands that I have just described, and also the lands of the Poncas, Omahas, and Pawnees. On the south fork of the Platte the white people are finding gold, and the Arapahoes and Cheyennes have no longer any hunting grounds. Our country has become very small, and before our children are grown up we shall have no more game."

The Sioux chief stated pretty accurately the condition of things now in process of rapid development, which threaten the utter extinction of the wild tribes, by destroying the game on which they depend for subsistence.

This great wave of emigration to the prairie west is moving onward with greatly increased velocity. It is beyond human power to retard or control it, nor would it be wise to do so even were it possible.

This process of development, this law of Anglo-Saxon progress, is a necessity and a consequence of, and flowing directly from, our free

institutions, which, in their strength, purity, and beauty, tend to stimulate and bring forth the vast resources of agricultural, mineral, and commercial wealth within the boundaries of our great empire.

Hence it is that the savage, the wild hunter tribes, must give way to the white man, who requires his prairie hunting grounds for the settlement and homes of millions of human beings, where now only a few thousand of rude barbarians derive a scanty, precarious, and insufficient subsistence; and where, by improved methods in agriculture, and an application of labor-saving machinery, these millions may be fed and clothed, and add yearly to our great staples and products of national and individual wealth.

I have stated thus briefly a few of the leading facts, and the condition of things, now in process of rapid development, as at present existing in the Indian country, and which have a tendency to irritate, excite, and exasperate the Indian mind, and fill it with alarm and jealousy to such a degree that an interruption to our friendly relations with the wild tribes may occur at any moment.

With a view to allay this excitement, calm this irritation, and to remove all cause or source of uneasiness, alarm, or misapprehension in the future, I beg leave, respectfully, to make some suggestions, and offer some plans for your consideration, by the adoption of which, either in part or in whole, or in some modified form, or others similar to them, I feel confident in the opinion that these wild Indian tribes may be rescued from utter extinction, and in due time may be brought into such a state of domestication as to be in a condition to raise corn and support themselves by their own labor and industry.

It will require time to accomplish this very desirable and philanthropic object, in order to teach and instruct the Indian in the agricultural and mechanical arts. It will, likewise, require an immediate appropriation, and the selection of faithful and competent servants to begin operations; for whatsoever is done, or intended to be done, should be commenced at once, or with as little delay as possible. In view of all the circumstances, and the difficulties surrounding the subject-matter, I would propose the following plan, viz:

1st. That the chiefs and principal men of all the wild tribes of the prairies and the mountains should be invited to a great council, at a point convenient, central, and neutral. The object of said council shall be to ascertain clearly the state, condition, and wants of the Indians, and when certain definite stipulations and agreements on the part of the United States shall be made with them: provided, always, and on this express condition, that they cordially agree to settle permanently on reservations, and devote themselves to labor for their own subsistence.

2d. In order to preserve the buffalo from destruction for a little time, and until such time as the Indian may have learned to raise corn, it is recommended that the privilege of trading with the Indians by a license granted to white persons be suspended from the year 1860, until such time thereafter as it may be deemed proper to restore it.

3d. That missionary and manual labor schools be encouraged by appropriating a limited sum annually.

4th. That a physician be employed to reside with each tribe permanently.

5th. That a blacksmith and carpenter, and one or more farmers, be appointed for each tribe, and continue in service at the discretion of the President of the United States. In regard to the necessity of holding a "great council," in which all of the wild tribes shall be represented and present, it may be stated that it is intended and proposed to prevent all jealousies and misconception on the part of the different tribes as to the views and wishes of the United States government, and to show that it is held for the benefit of all the tribes. Sufficient and ample time should be taken for mature and careful deliberation, and nothing essential should be omitted or hurried over. The Indian is a creature of forms and ceremonies, and in all of his business transactions acts slowly and with cautious deliberation. Every stipulation and agreement, therefore, should be carefully stated, and then written and read in council; and no promises made unless they are carried into effect forthwith, or initiatory steps begun, to prove to the Indians that everything is undertaken with earnestness and truthfulness.

It is necessary and important, according to the customs and habits of the Indians, that a present of suitable magnitude for the occasion, consisting of clothing and provisions, should be given to the chiefs and principal men who are assembled at the council, and that an annuity in provisions, clothing, and useful articles of prime necessity, for a certain number of years, at the discretion of the President, should be given to the tribes in proportion to their numbers. That in making provision for one or more farmers, blacksmith, carpenter, and physician on the reservation of each tribe, it is made with the express condition and understanding that unless the Indians will devote themselves to labor, and cultivate their several allotments of land, after a reasonable length of service as apprentices, these are all to be withdrawn, and the annuities terminated.

In consideration of the above stipulations, agreements, and promises duly performed on the part of the United States, the chiefs, for and in behalf of their respective tribes, shall cede to the United States all of their lands, except such reservations as each tribe shall designate, which shall be surveyed, and proper boundaries marked, at the expense of the United States.

With this very brief outline, which, I am aware, is crude and imperfect, I submit the grave and important questions involved to your serious and deliberate consideration, and request that you will be pleased to take such action in the premises as you may deem proper and best for all the parties at the earliest and most convenient time; for on this prompt and decisive action depend the lives and well-being of many thousands of your red children in these distant prairies and mountains.

I have the honor to be, sir, very respectfully, your most obedient servant,

THOMAS S. TWISS,  
*U. S. Indian Agent, Upper Platte.*

Hon. A. B. GREENWOOD,  
*Commissioner of Indian Affairs.*

*Agent Bent's letter to Commissioner Greenwood, in reply to inquiries of Commissioner's letter to him of March 17, 1860, respecting charges against the Indians in his agency.*

WASHINGTON CITY, D. C., *March 17, 1860.*

SIR: I have the honor to acknowledge the receipt of your letter of this date, informing me that representations had been made to the department implicating certain Indians within my agency in acts of depredation against the settlers in Texas and the territory east of the one hundredth degree of west longitude, and in the murder of parties carrying the mail and emigrants to "Pike's Peak."

The Comanches, or particularly that portion of the tribe of which "Buffalo Hump" is chief, are alleged to be obnoxious to the charges of depredations; and the Kioways are reported to be the Indians who committed the murders.

Agreeably to your direction, I have to report, in relation to the representations referred to, that, so far as the Comanches are concerned, I have had frequent interviews with "Buffalo Hump." He has been on the Arkansas river since the 1st of August last, and has not left that vicinity since that date. I left him at Bent's Fort on the 4th day of February, ultimo; and he then informed me that he and his whole band, comprising about sixty lodges, intended to remain in that country. The rest of the tribe were in the immediate vicinity, where they had been since the month of November last, and they intended to remain there during the summer.

"Buffalo Hump" stated to me frequently that he was friendly disposed towards the United States, and would never again raise his arm against any of the people; and that he was determined to submit to any punishment the government might deem proper to inflict, without any attempt at defence.

Respecting the charges of murder against the Kioways, I will state that, from reliable information communicated to me, the facts appear to be these: Three Indians had obtained liquor, and became intoxicated at "Walnut creek;" one of the three was a young chief named "Pawnee," a particular friend of the whites. The military had passed this place on their way to Fort Riley, and the Indians were discovered by the paymaster, who was there encamped; he immediately advised the commanding officer to the effect, that from his observation at the creek he apprehended an attack was premeditated by the Kioways, and suggested an immediate return of the troops to that point. They returned, and discovered the young chief "Pawnee," whom they took prisoner—the other two had escaped the night previous. The next morning, although held as a prisoner, he was allowed to have his horse; and after riding for some time among the soldiers, he took a direction from the camp. A young officer, who was also mounted, mistaking this movement as an attempt to escape, followed and commanded him to stop; "Pawnee," being ignorant of the object of the officer, and of the meaning of his language, continued his course; then, to frighten him into an obedience of his order to stop, the officer fired a shot from his pistol over the Indian's head;

still ignorant of the reasons for this act on the part of the officer, he rode on, when a second shot was discharged at him, which caused his death.

After this a mail party was attacked, and some of the emigrants to "Pike's Peak" murdered by Kioways.

For the fatal consequences to the Indian no blame should be attached to the officer, who was discharging what he conceived to be his duty; but the occurrence should be regretted, and regarded rather as one of those unfortunate casualties which are caused by misapprehension.

All the chiefs of the Kioways informed me that should the government determine to take any action with a view to their punishment, they would submit to be butchered, without making any effort at resistance; that they entertained no ill feeling towards the United States, but, on the contrary, were kindly inclined towards our citizens; and they deprecated in the strongest terms the attacks made upon the mail party and the emigrants, in which only four or five of their people were engaged.

As to the Comanche chief "Buffalo Hump," I would also state that I have knowledge of the fact of his having had an interview with the officer commanding the troops on the Santa Fé trace last year, I think in July or August, who gave the chief a document to the effect that he believed "Buffalo Hump" to be sincere, and that he was at that time behaving himself creditably, and that he intended to remain at peace with the citizens of the United States.

From what I have been able to learn in relation to the murders committed by the Kioways, I have every reason to believe that the attacks made upon the mail party and emigrants to "Pike's Peak" by the four or five young men of that tribe are solely attributable to the unfortunate killing of their chief "Pawnee," at Walnut creek, whose death they sought to avenge.

I will remark that the Comanche tribe of Indians, comprising about eighteen hundred lodges, averaging five to a lodge, number about nine thousand souls. The Kioways have four hundred lodges, and number about two thousand souls.

I would respectfully and earnestly suggest that steps be taken at an early day to meet these two tribes in council at some convenient point, with a view to making a treaty of amity with them, and for the purpose of concentrating them in a permanent locality, and recommend the selection of "Bent's Fort" as the most appropriate place; it being the most central point in their country, and the best adapted for the transaction of such business.

In the event that Congress should determine to make an appropriation to defray the cost of such a mission, the sum that would be required for the purchase and transportation of presents and provisions for the Indians, and to meet incidental expenses, I estimate at one hundred thousand dollars.

Very respectfully, your obedient servant,

WM. W. BENT,

*Agent for the Indians on the Upper Arkansas.*

Hon. A. B. GREENWOOD,

*Commissioner of Indian Affairs.*

*Proceedings of a council held September 18, 1850, by Agent Twiss, with Sioux, Arapahoe, and Cheyenne chiefs, at Deer creek, Nebraska Territory.*

UNITED STATES INDIAN AGENCY OF THE UPPER PLATTE,  
Deer Creek, N. T., September 18, 1859.

Proceedings of a council held this day with the following Sioux, Arapahoe, and Cheyenne chiefs, viz:

*Sioux chiefs.*—"Man Afraid of his Horses," "Bold Bear," "Sitting Bear," "Stabber," "Standing Elk," with twenty of the principal men, Ogalalab Yokpahs, Brulés, and Wasagahas bands.

*Arapahoe chiefs.*—"Little Owl," "Friday," "Cut-nose," "Medicine Man," "Black Bear," with thirty of the principal men.

*Cheyenne chiefs.*—"White Cow," "Big Wolf," "White Crow," with fifteen of the principal men of the Cheyennes.

Major Twiss, United States Indian agent, had Mr. Edward Clandes for United States interpreter on this occasion, and opened the council by addressing the chiefs and principal men in the following short speech:

"MY CHILDREN: Your 'Great Father' has seen proper to send me back to you after my visit to his council lodge last winter. He gave me a large present of annuity goods this year, which he promised you at the treaty of Fort Laramie. These I have distributed all along the great road from Fallen's Bluff to this place, wherever and whenever I found a camp of your lodges. Your people have been clothed and fed, and their hearts thereby made glad by the bounty and foresight of your Great Father. My children, your Great Father is pleased with you because you listen to my words, and keep away, and not mingle with the white people who are hunting for gold on the south fork of the Platte, and in the parts far away in the mountains. You have done well. The white men are settling in every part of your country. Your Great Father has ordered this year topographical parties through the Yellowstone country, and wills that you treat them well whenever you may meet them. He will send his white families to build houses and settle on farms in these valleys. He wishes that the whites plant corn and raise herds of cattle, where once you had plenty of buffalo. These are now all destroyed. My children, your Great Father directs me to say to you that as the buffalo and small game also are rapidly diminishing, what do you propose to do to gain subsistence when there is no longer any game for food, and prevent your old people and little children from dying by starvation? Will you labor like the white man, plant, hoe, and raise corn for food, or will you die with hunger? Reflect and counsel well together, and give me the result of your deliberations, which I will write down, and send by mail to your Great Father."

After deliberating among themselves, the chiefs and principal men of each tribe present signified to the United States interpreter that the chief, "Medicine Man," of the Arapahoes, was authorized to speak for all the Indians present in the council. The "Medicine Man" spoke briefly:

“FATHER: The words which you have given us from our Great Father are good; we listen to his advice. Our country for hunting game has become very small; we see the white men everywhere; their rifles kill some of the game, and the smoke of their camp fires scares the rest away, and we are no longer able to find any game. Our little children are crying for food; we are obliged to travel many days before we can find buffalo, and this too when the snow is deep, and the weather cold. It is but a few years ago when we encamped here, in this valley of Deer creek, and remained many moons, for the buffalo were plenty, and made the prairie look black all around us. Now none are to be seen, and we are obliged to go to the Yellowstone, ten days travel, and then find only a few, for the Crow tribe of Indians show hostile feelings towards us when we hunt there, oftentimes scaring away the game, and stealing our horses. Our old people and little children are hungry for many days, and some die, for our hunters can get no meat. Our sufferings are increasing every winter. Our horses too are dying, because we ride them so far to get a little game for our lodges. We wish to live. Our Great Father, and you too, our Father, for these five winters think for our good, and speak always kind and encouraging words, which make our hearts glad. We are willing that our people should plant and raise corn for food, and settle on small farms, and live in cabins. We ask our Great Father to help us until we can learn to labor like the white people. The Arapahoe tribe wish to settle on a reservation on the Cache la Poudre. The Cheyenne tribe will settle on Laramie river, above Fort Laramie. The Ogalalabs will settle on Horse creek in part, and another part on Deer creek, the present agency. The Brulés and Wasagahas will settle on White river. We request that our Great Father will supply us for a few years with a blacksmith, carpenter, farmers, physician, missionaries of the gospel, and teachers; seeds, agricultural implements and stock, and such annuity goods as our necessities may require. With this assistance and a good disposition on our part, we shall in a few years be able to raise corn and live like the white man, without any further aid from our Great Father. Father, we give all the rest of our country to our Great Father, except the reservations above named. It is no longer of any use to us, as nearly all the game has disappeared. We would ask our Great Father to permit us to hunt where the white man has not settled. Father, we wish our Great Father would order away these white traders, for they do no good to our people. Father, we ask you to write out what we desire, in the form in which our Great Father does business of this nature, and when it has been read and agreed to by us, we wish you to take it and lay it before our Great Father and his councillors in the great lodge at Washington. We know that you, who feel so much for us, will speak such strong words to the great council that our Great Father and his chiefs will take pity upon us, and grant us the request which we now ask, and which we believe to be the only one that will preserve us from extinction, and permit us to dwell for a long time on these beautiful prairie lands.”

The following draught of a treaty was then submitted and read by sections, and interpreted slowly and with great care to the chiefs; who

assented to all of the propositions contained therein, viz: Articles of agreement, stipulations, and promises made in convention, by the United States of the first part, with the Sioux, Arapahoe, and Cheyenne tribes, of the Upper Platte agency, of the second part, witnesseth:

#### ARTICLE I.

That for and in consideration of the several agreements, stipulations, and promises hereinafter mentioned, duly performed, on the part of the United States, the chiefs, headmen, and braves of the above-mentioned tribes of Indians agree to cede to the United States all of their lands within the following boundaries, except certain reservations hereinafter described, viz: Beginning at the mouth of White river in the Missouri, thence up the said White river to Cache Butte, and thence in a northwesterly direction to Bear Butte, on the north of the Cheyenne river, thence up said north fork of the Cheyenne to Pumpkin Butte; from thence to the Red Buttes on the North Platte, and thence up the same to its source; thence easterly along the dividing ridge that separates the waters of the Arkansas from the Platte to the one hundredth meridian, or the line drawn from old Fort Atkinson, on the Arkansas river, to the forks of the Platte; thence to the mouth of White river, the place of beginning, excepting as follows, viz:

1. A reservation on White river for the Brulé and Wasagahas bands of Sioux, not exceeding forty-five miles in length by ten miles in breadth, to be occupied and improved for agricultural purposes by the said Brulé and Wasagahas Sioux Indians.

2. A reservation on Horse creek, near its junction with Bear creek, twenty-five miles in depth by ten miles in breadth, to be occupied and improved for agricultural purposes by the Ogalalab band of Sioux Indians.

3. A reservation on Deer creek, the present Indian agency, beginning at a point two miles above its mouth in the North Platte, and extending thence to its source in the Black Hills to the south, and embracing all land on each side of said Deer creek, from the Muddy on the west to Box Elder on the east, to be occupied and improved for agricultural purposes by the Ogalalab band of Sioux Indians.

4. A reservation on the Laramie river, beginning at a point on said river five miles above Fort Laramie and extending to its source, and embracing all lands on each bank of said river to the distance of five miles, to be occupied and improved for agricultural purposes by the Cheyenne tribe of Indians.

5. A reservation on Cache la Poudre, a tributary of the south fork of the Platte, beginning at its mouth and extending to its source in the Black Hills, and extending five miles on each bank of said Cache la Poudre, to be occupied and improved for agricultural purposes by the Arapahoe tribe of Indians.

#### ARTICLE II.

In consideration of the foregoing cession, the United States agree to pay to the chiefs of the said above-named tribes of Indians for the



use of said tribes, parties to this convention, an annuity of one hundred thousand dollars, to be expended in the purchase of Indian goods, provisions, clothing, and articles of prime necessity, for a period of time at the discretion of the President of the United States, to be delivered on the reservations of each tribe respectively, and commencing in one year after the ratification of this convention.

#### ARTICLE III.

The United States also further agree to pay annually, for a period of time at the discretion of the President of the United States, the sum of fifteen thousand dollars for each of the above-named tribes of Indians, to be expended solely under the direction of the President, for the support of farmers, purchase of farm stock, agricultural implements and seeds; for support of blacksmith and carpenter, and purchase of iron tools; building workshops and dwelling-houses; fencing the lands under cultivation; for salary of a physician; for missionaries and teachers for the benefit of the above several tribes of Indians, on each of their respective above-mentioned reservations.

#### ARTICLE IV.

The United States further agree to pay ten thousand dollars, or so much as may be necessary, for the survey and marking the boundaries of the above-named reservations within two years; also to pay for the transportation and incidental expenses of the annuity goods, as stipulated in the second article, the sum of thirty thousand dollars annually, if so much be necessary.

#### ARTICLE V.

In the distribution of the annuities as specified in the second article of this convention, it is agreed that the following proportions shall be observed, being as near the ratio of the population of each tribe as can be determined, viz :

*First.* To the Arapahoe tribe, the sum of twenty thousand dollars.

*Second.* To the Cheyenne tribe, the sum of sixteen thousand dollars.

*Third.* To the Ogalalab tribe, of Sioux, the sum of forty thousand dollars.

*Fourth.* To the Brulé and Wasagahas tribe of Sioux, the sum of twenty-four thousand dollars.

#### ARTICLE VI.

The aforesaid Indian tribes, parties to this convention, do hereby agree and bind themselves to make restitution or satisfaction out of their annuities for any depredations or wrongs committed after the ratification of this convention by any band or individual of their people on the citizens of the United States whilst lawfully residing in or travelling through the above ceded country.

## ARTICLE VII.

It is stipulated that the country hereby ceded shall be held by the United States as Indian land until otherwise ordered by the President of the United States ; and it is also further agreed that the law regulating trade and intercourse with the Indian tribes shall remain in full force on the reservations above mentioned.

## ARTICLE VIII.

These articles of agreement and convention shall be binding and obligatory upon the contracting parties when ratified by the President and Senate of the United States.

A true copy of the proceedings of the council held this 18th day of September, 1859.

THOMAS L. TWISS,  
*United States Indian Agent, Upper Platte.*

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UNITED STATES INDIAN AGENCY OF THE UPPER PLATTE,  
*Deer Creek, N. T., September. 26, 1859.*

SIR : I respectfully beg leave to lay before you for consideration the proceedings of a council with the Sioux, Arapahoe, and Cheyenne tribes of Indians, of this agency.

It is, more properly speaking, the final result and closing session of many councils held with these tribes, from the 20th July to the 18th September, 1859, during the delivery and distribution of the annuity goods due under treaty stipulations.

On such occasions I seize every opportunity of holding talks with the chiefs and principal men, in order to gain their confidence, discover their wants, their dispositions and feelings towards the United States, and whether there exists any cause of irritation against the white men who are constantly coming into or passing through their country. During the councils of the present year the greatest good will and amity have been manifested towards the government and its people.

The appeals to me from the chiefs and principal men to save their people from starvation and certain death have been, on every occasion, in the form of supplication, prayers, and entreaties, but never in the shape of demands or threats.

The language has been that of suppliants, conscious of their weakness and utter inability to subsist upon these prairies, now that the game has disappeared, or affording but a scanty and very precarious supply of food, unless the Indian department of the government, in its kind and fostering care of the red race, will give that relief which the exigencies of the present day so urgently and imperatively demand.

They deprecate the idea of any hostile acts or depredations upon the property of whites, who are upon every mountain and in every valley of their country in search of gold. But they have not concealed from me that parties of Indians in pursuit of game and destitute of subsistence may, and probably will, kill the stock of the whites, to relieve the pressing demands of hunger. Any act of aggression of this nature may lead the whites to attempt a redress of their private wrongs; and if a collision should occur, by which blood is shed, the excitement and exasperation of the Indians will be such that the authority of the United States Indian agent will be powerless to restrain them or prevent them from massacring the whites wherever they may be found.

By a wise, prudent, and careful foresight, I trust that such a calamity may be averted; but I must confess, in all candor, that we, the residents of the Indian country, are reposing upon a volcano, which may burst forth and overwhelm us in ruin and devastation when we are all least aware of the danger.

I do not wish to be understood as intimating that there is any present serious apprehension of an Indian war. So far as my knowledge of the feelings or grievances of the Indians extends, the contrary is true. To-day they are placed in the attitude of the most cordial friendship. Nor do I wish, on the other hand, by asserting the possibility of an Indian war, to be classed among alarmists, panic-makers, or that class of prophets who are always foretelling disasters and calamities which never happen. My judgment and opinion are formed upon a pretty accurate knowledge of the habits, disposition, and passion for revenge of the Indian, and the lawless character of some of the gold-hunters; their often expressed desire, eagerness, and open boast to redress their own wrongs, whether real or imaginary, and to kill Indians, without showing any mercy, whenever any of these should commit depredations or rob white people.

It is not difficult to foretell what may happen if this condition and state of feeling continue in activity. It has been my constant aim and object to remove the Indians as far as possible from the country in which the gold-hunters are prospecting. Most fortunately, I have been highly favored in my efforts, in this part of the agency, by the herds of buffalo ranging far to the northward, on the Yellowstone and its affluents and the Cheyenne river.

To the eastward, on the Platte, between Cottonwood springs and the crossing of the south fork of the Platte, a large number of Indians are encamped, who kill buffalo on the Republican fork to the southward of them; and on the Loup fork to the northward of the Platte.

These camps are directly on the route to the gold mines of the South Platte; and as these Indians are in the habit of begging of all whites who travel along the road, and are sometimes insolent and threatening in their language when nothing is given to them, it is here that I apprehend danger from hostile aggression, especially if the supply of buffalo should fail in consequence of the great numbers that are killed by the whites. I have made most strenuous efforts to induce these Sioux Indians to remove to the northward, on the waters of the L'Eau qui Court, but without success. In view of all the circumstances and pressing exigencies by which I am surrounded, I

respectfully but most urgently request that the honorable Commissioner of Indian Affairs will maturely consider the state and condition of these wild tribes, and adopt that plan for their amelioration which may be deemed the wisest and best, both in regard to the well-being of these Indians and the economy of changing their present condition and roving habits, compared with the vast expenditure that would result in the event of an Indian war, which must come if some measures of relief are not adopted and carried into effect speedily. The time seems propitious to collect all these wild tribes on reservations, and to give aid and instruction as may be necessary to learn how to plant and raise corn for food, and live like the white man in fixed habitations.

It would be a measure of sound policy, in my opinion, to obtain the consent of the tribes on the Arkansas and Missouri rivers to a cession of their lands, except such reservations as may be necessary to be occupied and improved by them for agricultural purposes.

The draught of convention which is herewith annexed as part of the proceedings of the council is but an imperfect sketch, which requires a good deal of filling up in details. It is submitted for the reason that it conveys to you a brief outline of the principal wants, the hopes and the earnest wishes of the Indian tribes of the Upper Platte agency. They are rude, unpolished barbarians, but nevertheless possess many sterling virtues and a judgment which clearly points out to them the danger of their utter extinction, unless they become tillers of the earth.

They are wards of the government, and they appeal to the department of Indian affairs in the most humble and suppliant manner for relief and such assistance during a short period of time as will enable them to learn the white man's ways of raising corn.

The Indian chiefs, in council, requested me to take charge of these proceedings and go on to Washington this month, and obtain from the honorable Commissioner some decision or words of encouragement, that measures would be adopted to ameliorate and improve their present condition so soon as the best plan with its various details can be devised by the department of Indian affairs. It is not necessary, however, that I should appeal to you in person to give due consideration to the plan herein sketched out.

The explanations herewith submitted will enable you to form a correct judgment as to what plan should be adopted to afford relief, and place our relations with these tribes on a secure and permanent basis.

I have the honor to be, sir, very respectfully, your obedient servant,

THOMAS L. TWISS,  
*U. S. Indian Agent, Upper Platte.*

Hon. A. B. GREENWOOD,  
*Commissioner of Indian Affairs.*