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Appropriations for Crow Indians. Letter from the Secretary of the Interior, transmitting estimates required to fulfil treaty stipulations with the Crow Indians

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APPROPRIATIONS FOR CROW INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Estimates required to fulfil treaty stipulations with the Crow Indians.

JANUARY 12, 1869.—Referred to the Committee on Appropriations and ordered to be printed

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 11, 1869.

SIR: I have the honor to transmit herewith a letter of the 9th instant from the Commissioner of Indian Affairs, submitting with the accompanying papers an "estimate of appropriation required for fulfilling treaty stipulations with the Crow Indians, under treaty of May 7, 1868, for the fiscal year ending June 30, 1870," amounting to \$39,030, to which the favorable consideration of Congress is respectfully invited.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, Washington, D. C., February 9, 1869.

SIR: In the regular estimate of appropriations required for this office for the fiscal year ending June 30, 1870, which estimate is now before Congress, there is no estimate made to enable the department to carry out the provisions of the ninth article of the treaty of May 7, 1868, with the Crows.

By reference to said treaty (copy herewith) it will be seen that the ninth article provides that certain clothing, &c., shall be furnished the Indians, and that the estimate of this office for the articles therein named is to be based on a census of the Indians. At the time said regular estimate was transmitted to your department no census of the Crows had been received at this office, consequently no estimate could then be made.

I am now in receipt of a communication (copy herewith) from Hon.

James Tufts, acting governor and *ex officio* superintendent of Indian affairs for Montana Territory, dated November 23, 1868, submitting a census of said tribe of Indians and an estimate of the different articles named in said ninth article of the treaty with the Crows that will be required for the next fiscal year.

An estimate of appropriations required to carry out the provisions of said ninth article has therefore been made based upon said census. I enclose the same herewith, and respectfully request that it be laid before Congress for the action of that body.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE CROW TRIBE OF INDIANS—CONCLUDED MAY 7, 1868—RATIFICATION ADVISED JULY 25, 1868—PROCLAIMED AUGUST 12, 1868.

ANDREW JOHNSON, PRESIDENT OF THE UNITED STATES OF AMERICA,
To all and singular to whom these presents shall come, greeting:

Whereas a treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W. T. Sherman, Brevet Major General William S. Harney, Brevet Major General Alfred H. Terry, Brevet Major General C. C. Augur, John B. Sanborn, and S. F. Tappan, commissioners on the part of the United States, and Che-Ra-Pee-Ish-Ka-Te, Chat-Sta-He, and other chiefs and headmen of the Crow tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Laramie, Dakota Territory, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Crow Indians, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their

agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they refuse wilfully so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating, or because of his violating, the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit: commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone river; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employés of the government as may be authorized to enter upon the Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will, and do hereby, relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

ARTICLE III.

The United States agrees, at its own proper expense, to construct on the south side of the Yellowstone, near Otter creek, a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not exceeding eight thousand dollars.

ARTICLE IV.

The Indians herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make

said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and as long as peace subsists among the whites and Indians on the border of the hunting districts.

ARTICLE V.

The United States agrees that the agent for the said Indians shall in the future make his home at the agency building; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same, as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Crow Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property, as between Indians, and on all subjects connected with the government of the Indians on said reservations and the internal police thereof as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every

thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

ARTICLE IX.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservation herein provided for, on the first day of September of each year for thirty years, the following articles, to wit:

For each male person, over fourteen years of age, a suit of good, substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks.

For each female, over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall, annually, detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years,

who shall have removed to and settled permanently upon said reservation, and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good, well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

ARTICLE X.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XI.

No treaty for the cession of any portion of the reservation herein described, which may be held in common, shall be of any force or validity as against the said Indians unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in Article VI of this treaty.

ARTICLE XII.

It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN, *Lieut. Gen.*

WM. S. HARNEY,

Bvt. Maj. Gen. and Peace Commissioner.

ALFRED H. TERRY, *Bvt. Maj. Gen.*

C. C. AUGUR, *Bvt. Maj. Gen.*

JOHN B. SANBORN.

S. F. TAPPAN.

ASHTON S. H. WHITE, *Secretary.*

CHE-RA-PEE-ISH-KA-TE, Pretty Bull,	his + mark.	[SEAL.]
CHAT-STA-HE, Wolf Bow,	his + mark.	[SEAL.]
AH-BE-CHE-SE, Mountain Tail,	his + mark.	[SEAL.]
KAM-NE-BUT-SA, Black Foot,	his + mark.	[SEAL.]
DE-SAL-ZE-CHO-SE, White Horse,	his + mark.	[SEAL.]
CHIN-KA-SHE-ARACHE, Poor Elk,	his + mark.	[SEAL.]
E-SA-WOOR, Shot in the Jaw,	his + mark.	[SEAL.]
E-SHA-CHOSE, White Forehead,	his + mark.	[SEAL.]
— ROO-KA, Pounded Meat,	his + mark.	[SEAL.]
DE-KA-KE-UP-SE, Bird in the Neck,	his + mark.	[SEAL.]
ME-NA-CHE, The Swan,	his + mark.	[SEAL.]

Attest:

GEORGE B. WILLIS, *Phonographer.*
 JOHN D. HOWLAND.
 ALEX. GARDNER.
 DAVID KNOX.
 CHAS. FREEMAN.
 JAS. C. O'CONNOR.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION,
 SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Crow Indians of Montana Territory, made the seventh day of May, 1868.

Attest:

GEO. C. GORHAM,
Secretary.
 By W. J. McDONALD,
Chief Clerk.

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereunto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twelfth day of August, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER,
Acting Secretary of State.

OFFICE SUPERINTENDENT INDIAN AFFAIRS,
Virginia City, Montana, November 23, 1868.

SIR: In obedience to your instructions, dated September 7, addressed to the superintendent of Indian Affairs, Montana Territory, requesting a census of the Crow tribe of Indians, and an estimate of the articles required under the 9th article of the treaty of May 7, 1868, I have the honor to submit the following:

The census taken shows the whole amount of the tribe to be as follows:

Men.....	520
Women.....	745
Boys.....	349
Girls.....	339
Total.....	1,953

The census was commenced by going to each lodge and making an actual count of the members living therein. After visiting 103 lodges the minds of the Indians became impressed with a superstitious belief that all was not right and that such proceedings would bring sickness among them, and prevented a completion of the census in that manner. It was afterwards completed by calling the heads of families together and ascertaining the numbers from them. It is impossible to give the ages, but it is believed the classification is sufficiently accurate for the practical end desired. Those classed as girls and boys are reckoned under the ages of 12 and 14 years.

Upon the foregoing data I have based the following estimate, as per article 9th of the treaty:

For the males over 14 years of age,	520 coats.
	520 hats.
	520 pairs pantaloons.
	520 flannel shirts.
	520 pairs woollen socks.
For the females over 12 years of age,	745 flannel skirts.
	745 pairs woollen hose.
	8,940 yards calico.
	8,940 yards cotton domestics.
For the males under 14 years of age,	2,094 yards heavy flannel.
	2,094 yards Osnaburg or ticking.
	349 hats.
	349 pairs socks.
For the females under 12 years of age,	2,034 yards heavy flannel.
	2,034 yards Osnaburg or ticking.
	678 yards calico.
	339 pairs woollen hose.

The above estimate is based upon the actual number of Indians in the census. It may be proper, however, to increase the quantity of goods and clothing, in order to be able to furnish the chiefs with an extra allowance and satisfy the wants of any straggling Crows that may not have been included in the census.

Very respectfully, your obedient servant,

JAMES TUFTS,

Acting Governor and ex officio Sup't Indian Affairs.

Hon. N. G. TAYLOR,

Commissioner of Indian Affairs, Washington, D. C.

Estimate of appropriations required for fulfilling treaty stipulations with the Crow Indians, under treaty of May 7, 1868, for the fiscal year ending June 30, 1870.

The first of thirty instalments to supply male persons over 14 years of age with a suit of good, substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and woollen socks, per 9th article, treaty of May 7, 1868, for the fiscal year ending June 30, 1870.....	\$10,000
For first of thirty instalments to supply each female over 12 years of age with a flannel skirt, or the goods necessary to make the same, a pair of woollen hose, 12 yards of calico, and 12 yards of cotton domestics, per 9th article, treaty of May 7, 1868, for the fiscal year ending June 30, 1870.....	5,000

For first of thirty instalments to supply the boys and girls under the ages named such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each, per 9th article, treaty of May 7, 1868, for the fiscal year ending June 30, 1870.....	\$4,500
For first of ten instalments to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper, the sum of \$10 for each Indian roaming, (1,953 souls,) per 9th article, treaty of May 7, 1868, for the fiscal year ending June 30, 1870.....	19,530
	39,030
	39,030