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Letter of the Secretary of the Interior,  
communicating an estimate of appropriations  
required for fulfilling treaty stipulations with the  
northern Cheyenne and northern Arapaho Indians  
under Treaty of May 10, 1868

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LETTER  
OF THE  
SECRETARY OF THE INTERIOR,  
COMMUNICATING

*An estimate of appropriations required for fulfilling treaty stipulations with the northern Cheyenne and northern Arapaho Indians under treaty of May 10, 1868.*

JANUARY 19, 1869.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., January 19, 1869.*

SIR: I herewith have the honor to transmit a copy of a communication, dated the 18th instant, from the Commissioner of Indian Affairs, together with the estimate, therein submitted, of the appropriations required for fulfilling treaty stipulations with the northern Cheyenne and northern Arapaho Indians, under treaty of May 10, 1868, for the fiscal year ending June 30, 1870, to which the attention of Congress is respectfully invited.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. BEN. F. WADE,  
*President pro tem. United States Senate.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 18, 1869.*

SIR: I enclose, herewith, to be laid before Congress for its action, an estimate of appropriations required for fulfilling treaty stipulations with the northern Cheyenne and northern Arapaho Indians, under treaty (copy herewith) made with them by the Indian peace commission, May 10, 1868, for the fiscal year ending June 30, 1870.

The peculiar provisions of this treaty render it almost impossible to make a proper estimate under it. Every effort has been made, however, to make the estimate as near right as it can be made under the circumstances.

Superintendent H. B. Denman, in his annual report for the year 1867, (see annual report of Indian Office, 1867, page 268,) reports that there are 100 lodges of the northern Cheyennes, and 60 lodges of the northern Arapahoes, averaging six souls to the lodge. This makes the whole number of both bands amount to 960 souls, which is the basis of the estimate.

The amount asked for the construction of a school-house, \$5,000, is the same as that fixed in the treaty with the Kiowas and Comanches, and other treaties made by said peace commission.

The item for clothing will allow about \$10 for each person, which it is believed will not be too much; and that for the purchase of other articles, \$9,600, is based upon the number of persons in the two bands,—nine hundred and sixty (960)—and the amount allowed for each person roaming, viz.: ten (\$10) dollars. There may be as many as 50 that will engage in agriculture before the expiration of the next fiscal year; but as it is impossible to ascertain or determine how many, if any, will do so, I have not considered it necessary to ask for a sufficient amount to allow twenty (\$20) dollars to any member of the tribes.

The item for flour and meat is fixed as follows, viz.: nine hundred and sixty (960) persons, by the terms of the treaty, will require three hundred and fifty thousand four hundred (350,400) pounds of flour, and a like quantity of meat for the year. It is estimated that the flour, delivered at the agency, will cost at least seven cents per pound, and that meat of almost any kind will cost not less than twelve cents per pound, delivered on the ground. Taking this estimate as correct, and the amount required to purchase subsistence will be \$66,576, the same as in the estimate.

There may be as many as 50 members of these bands who will, during the next year, engage in agricultural pursuits. They should, whenever they wish to commence farming, be furnished with the cows and oxen agreed to be delivered to them at that time. I have, therefore, asked for \$10,000 for this purpose.

It is thought the sum asked for pay of employes requires no explanation; and in regard to the item of transportation I would say that by the second article of said treaty the Indians may go to either of three reservations, or they may divide and some go to each of the three. Should they all go to the reservation near Fort Randall, it might not cost \$6,000 to transport the clothing, &c., that is to be purchased for them; but if they go to either of the others, or if they separate and a portion go to each of the reservations, the amount asked for will not be sufficient.

The item under the ninth article is fixed, and no explanation is therefore deemed necessary to be made respecting it.

Very respectfully, your obedient servant,

N. G. TAYLOR, *Commissioner.*

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

*Estimate of appropriation required for fulfilling treaty stipulations with the northern Cheyenne and northern Arapaho Indians, under treaty of May 10, 1868, for the fiscal year ending June 30, 1870.*

For construction of school-house, per 4th article treaty May 10, 1868.....	\$ 5,000 00
For first of 30 instalments for purchase of clothing, per 6th article treaty May 10, 1868, for the fiscal year ending June 30, 1870.....	10,000 00
For first of 10 instalments, to be expended by the Secretary of the Interior (\$10 for each Indian roaming, 960 souls) in the purchase of such articles as from time to	

time the condition and necessities of the Indians may indicate to be proper, per 6th article treaty May 10, 1868, for the fiscal year ending June 30, 1870.....	\$9,600 00
For the first of four instalments to furnish said Indians with flour and meat, per 6th article treaty May 10, 1868, for the fiscal year ending June 30, 1870.....	66,576 00
For the purchase of cows and oxen, per 6th article treaty May 10, 1868.....	10,000 00
For salary of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, per 7th article treaty May 10, 1868, for fiscal year ending June 30, 1870.....	7,700 00
For first of three instalments to be expended in presents to the 10 persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year, per 9th article treaty May 10, 1868, for fiscal year ending June 30, 1870.....	500 00
For insurance and transportation of goods, &c., for the northern Cheyenne and northern Arapaho tribe of Indians, for fiscal year ending June 30, 1870.....	6,000 00
Total.....	<u>115,376 00</u>

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE NORTHERN CHEYENNE AND NORTHERN ARAPAHOE TRIBES OF INDIANS, CONCLUDED MAY 10, 1868; RATIFICATION ADVISED JULY 25, 1868; PROCLAIMED AUGUST 25, 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 tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General William 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 Wah-toh-nah, Bah-ta-che, and other chiefs and headmen of the Northern Cheyenne and Northern Arapaho tribes 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 tenth 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 Northern Cheyenne and Northern Arapahoe 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 wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse 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 Indians, parties to this treaty, hereby agree to accept for their permanent home some portion of the tract of country set apart and designated as a permanent reservation for the Southern Cheyenne and Arapahoe Indians by a treaty entered into by and between them and the United States, at Medicine Lodge creek, on the — day of October, 1867, or some portion of the country and reservation set apart and designated as a permanent home for the Brulé and other bands of Sioux Indians, by a treaty entered into by and between said Indians and the United States, at Fort Laramie, D. T., on the 29th day of April, 1868. And the Northern Cheyenne and Arapaho Indians do hereby relinquish, release, and surrender to the United States all right, claim, and interest in and to all territory outside the two reservations above mentioned, except the right to roam and hunt while game shall be found in sufficient quantities to justify the chase. And they do solemnly agree that they will not build any permanent homes outside of said reservations, and that within one year from this date they will attach themselves permanently either to the agency provided for near the mouth of Medicine Lodge creek, or to the agency about to be established on the Missouri river, near Fort Randall, or to the Crow agency near Otter creek, on the Yellowstone river, provided for by treaty of the 7th day of May, 1868, entered into by and between the United States and the said Crow Indians, at Fort Laramie, D. T.; and it is hereby expressly understood that one portion of said Indians may attach themselves to one of the aforementioned reservations, and another portion to another of said reservations, as each part or portion of said Indians may elect.

#### ARTICLE III.

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 reservations 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 "Northern Cheyenne and Arappahoe 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 IV.

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 V.

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 needed.



## ARTICLE VI.

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 reservations 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 estimates 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 tribes 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 well broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

## ARTICLE VII.

The United States hereby agrees to furnish annually to the Indians who settle upon the reservation a 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 VIII.

No treaty for the cession of any portion of the reservations herein described, which may be held in common, shall be of any force or valid.

ity 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 a 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 hereinafore provided.

ARTICLE IX.

It is agreed that the sum of five hundred dollars annually for three years, from the date when they commenced 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,  
*Lieutenant General.*

WM. S. HARNEY,  
*Brevet Major General United States Army.*

ALFRED H. TERRY,  
*Brevet Major General.*

C. C. AUGUR,  
*Brevet Major General.*

JOHN B. SANBORN,  
S. F. TAPPAN,  
*Commissioners.*

Attest:

ASHTON S. H. WHITE, *Secretary.*

Wah-tah-nah,	Black Bear.	his x mark.	[SEAL.]
Bah-ta-che,	Medicine Man.	his x mark.	[SEAL.]
Oh-cum-ga-che,	Little Wolf.	his x mark.	[SEAL.]
Ichs-tah-en,	Short Hair.	his x mark.	[SEAL.]
Non-ne-se-be,	Sorrel Horse.	his x mark.	[SEAL.]
Ka-te-u-nan,	The Under Man.	his x mark.	[SEAL.]
Ah-che-e-wah,	The Man in the Sky.	his x mark.	[SEAL.]
We-ah-se-vose,	The Big Wolf.	his x mark.	[SEAL.]
Ches-ne-on-e-ah,	The Beau.	his x mark.	[SEAL.]
Mat-ah-ne-we-tah,	The Man that falls from his horse.	his x mark.	[SEAL.]
Oh-e-na-ku,	White Crow.	his x mark.	[SEAL.]
A-che-kan-koo-eni,	Little Shield.	his x mark.	[SEAL.]
Tah-me-la-pash-me,	or Dull Knife.	his x mark.	[SEAL.]

Attest:

GEORGE B. WILLIS, *Phonographer.*

JOHN D. HOWLAND.

ALEX. GARDNER.

DAVID KNOX.

CHAS. FREEMAN.

JAS. C. O'CONNOR.

And whereas the same 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 northern Cheyenne and northern Arapaho [e] Indians, made the tenth 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 twenty-fifth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the independence of the United States of America the ninety-third.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*