BLACKFOOT CLAIM.

TREATIES, ACTS AND ORDERS.

JOHN G. CARTER.
WASHINGTON
D.C.
"BLACKFOOT CLAIM."

ACTS AND ORDERS CITED.

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UNRATIFIED TREATY OF 1865. (FORT BENTON) COPY ON FILE.

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ACT OF APRIL 15, 1874. 16 STAT. AT L. 28.
EXEC. ORDER AUGUST 19, 1874. I KAPPLER, 2ED. 856.
EXEC. ORDER APRIL 13, 1875. I KAPPLER, 2ED. 856.
EXEC. ORDER JULY 13, 1880. I KAPPLER, 2ED. 856.

ACT OF MAY 1, 1888. 25 STAT. AT L. 113.
ACT OF JUNE 10, 1896. 29 STAT. AT L. 350.

FLATHEAD TREATY OF 1855. 13 STAT. AT L. 975.
NEZ PERCE TREATY OF 1865. 13 STAT. AT L. 987.
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TREATY OF FORT LARAMIE WITH SIOUX, ETC., SEPT., 17, 1851. UNRATIFIED.

11 Stat.L. 749; 2 Stat. 3d Ed., 594; Note: This Treaty as signed was ratified by the Senate with an amendment changing the annuity in article 7 from fifty to ten years, subject to acceptance by the tribes. Assent of all tribes except the Crows was procured (see Upper Platte C., 570, 1858, Indian Office) and in subsequent agreements this treaty has been recognized as in force.

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D.D. Mitchell, superintendent of Indian Affairs, and Thomas Fitzpatrick, Indian agent, commissioned specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dacotahs, Cheyennes, Arrapahoes, Crows, Assiniboin, Gros Ventres, Mandans, and Arickarees, parties of the second part, on the seventeenth day of September, A.D. one thousand eight hundred and fifty-one.

ARTICLE 1. The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations among themselves, do hereby covenant and agree to abstain in future forever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

ARTICLE 2. The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

ARTICLE 3. In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

ARTICLE 4. The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States whilst lawfully residing in or passing through their respective territories.

ARTICLE 5. The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories, viz:

The territory of the Sioux or Dacotah Nation, commencing the mouth of the White Earth River, on the Missouri River; thence in a south-westerly direction of the fork of the Platte River; thence up the north fork of the Platte River to a point known as the Red Butte, or where the road leaves the river; thence along the range of mountains known as the Black Hills, to the head-waters of Heart River; thence down Heart River to its mouth; and thence down the Missouri River to the place of beginning.

The territory of the Gros Ventres, Mandans, and Arickarees Nations, commencing from the south of Heart River; thence up the Missouri River to the mouth of the Yellowstone River; thence up the Yellowstone River to the mouth of Powder River in a southeasterly direction, to the head-waters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and thence down Heart River to the place of beginning.

The territory of the Assiniboin Nation, commencing at the mouth of Yellowstone River; thence up the Missouri River to the mouth of the Moccas-shell River; thence from the mouth of the Moccas-shell River in a southeasterly direction until it strikes the head-waters of Big Crazy, thence down that creek to where it enters into the Yellowstone River, nearly opposite the mouth of Powder River, and thence down the Yellowstone River to the place of beginning.
The territory of the Blackfoot Nation, commencing at the mouth of the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction, to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-shell River, and thence down the Muscle-shell River to the place of beginning.

The territory of the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head-waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.

The territory of the Cheyennes and Arapahoes, commencing at the Red Butte, or the place where the road leaves the north fork of the Platte River; thence up the north fork of the Platte River to its source; thence along the main range of the Rocky Mountains to the head-waters of the Arkansas River; thence down the Arkansas River to the crossing of the Santa Fe road; thence in a northwesterly direction to the forks of the Platte River, and thence up the Platte River to the place of beginning.

It is, however, understood that, in making this recognition and acknowledgment, the aforesaid Indian nations do not hereby abandon or prejudice any rights or claims they may have to other lands; and further, that they do not surrender the privilege of hunting, fishing, or passing over any of the tracts of country herebefore described.

ARTICLE 6. The parties to the second part of this treaty having selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be concluded, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

ARTICLE 7. In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions, merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to be distributed in proportion to the population of the aforesaid Indian nations.

ARTICLE 8. It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until, in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D.P. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

D.P. MITCHELL
THOMAS FITZPATRICK
Commissioners.

MAH-TOR-WHA-YOU-WHEY, his X mark,
MAH-KAH-TOR-ZAH-ZAH, his X mark.
TREATY OF FORT LARAMIE WITH SIOUX, ETC., SEPT., 17, 1861, UNRATIFIED.

Sioux:

BEL-O-TON-KAH-TAN-CA,
NAH-KA-PAH-GI-GI,
MAK-TOE-SAHE-BI-CHIS,
MEH-WHA-TAH-MI-HAUS-KAH,
WAH-HA-MIC-SATTA,
VOEHT-TI-TOR-SETZ,
NAHK-KO-ME-LEEN,
OKH-KAH-Y-WH-CUM-EST,

Cheyenne:

WAH-HA-MIC-SATTA,
VOEHT-TI-TOR-SETZ,
NAHK-KO-ME-LEEN,
OKH-KAH-Y-WH-CUM-EST,

Arrapahoes:

BE-AN-TE-A-SAH-SEN,
MACH-MI-DAH-NEH-IT,
BEH-KAH-JAY-BETH-SAHE-ES,
ARAA-TU-RI-SASH,
BOH-CHEPIT-SEH-CHI-ES,

Crow:

MAH-TOE-WIT-KO, Crazy Bear
TOE-TAH-KE-EHR-NAH,

Assiniboines:

MACH-PIT-SHI-TOR-PIS,
SHE-OK-MANT-HO,
KOUH-MEH-TI-SHAN,
BI-ATCH-TAH-WITCH,

Mandans and Crees Ventres:

NOCHE-PIT-SHI-TOR-PIS,
SHE-OK-MANT-HO,

Arikarees:

In the presence of:

A.B. CHAMBERS, Secretary.
S. COOPER, Colonel, U.S. Army.
R.H. CHILTON, Captain, First Dragoons.
THOMAS DUNCAN, Captain, Mounted Riflemen.
THOS. G. RHETT, Brevet Captain R.M.R.
W.L. ELLIOTT, First Lieutenant, R.M.R.
C. CAMPBELL, Interpreter for Sioux.
JOHN S. SMITH, Interpreter for Cheyennes.
TREATY OF FORT LARAMIE WITH SIOUX, ETC., SEPT., 17, 1861. UNRATIFIED.

In the presence of-

ROBERT MELDRUM, Interpreter for the Crows.
H. CULBERTSON, Interpreter for Assiniboines and Gros Ventres.
FRANCOIS L'ETALIE, Interpreter for Arickarees.
JOHN PIZELLE, Interpreter for the Arrapahoe.
B. GRATZ BROWN.
ROBERT CAMPBELL.
EDMOND F. CHOUTEAU.

Revision of Indian Treaties 10-19-5 20-19.
Referred to do. do 856.
Note 11 Stat. 949.
II. Hapgood 1st 5-94 and note.
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Leonard Ely 10-11-95 27.
"BLACKFOOT CLAIM."

I.

THE RATIFIED TREATY OF 1855.

(II Stat. at L., pp. 657-662.)

TREATY WITH THE BLACKFOOT INDIANS. October 17, 1855.

FRANKLIN PIERCE,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a treaty was made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the Territory of Nebraska, on the seventeenth day of October, in the year one thousand eight hundred and fifty-five, between A. Cumming and Isaac L. Stevens, commissioners on the part of the United States, and the Blackfoot and other tribes of Indians, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the council ground on the Upper Missouri, near the mouth of the Judith River, in the Territory of Nebraska, this seventeenth day of October, in the year one thousand eight hundred and fifty-five, by and between A. Cumming and Isaac L. Stevens, commissioners duly appointed and authorized, on the part of the United States, and the undersigned chiefs, headmen, and delegates of the following nations and tribes of Indians, who occupy, for the purposes of hunting, the territory on the Upper Missouri and Yellowstone Rivers, and who have permanent homes as follows: East of the Rocky Mountains, the Blackfoot nation; consisting of the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians. West of the Rocky Mountains, the Flathead nation; consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Perce tribe of Indians, the said chiefs, headmen and delegates, in behalf of and acting for said nations and tribes, and being duly authorized thereunto by them.

ARTICLE I. Peace, friendship and amity shall hereafter exist between the United States and the aforesaid nations and tribes of Indians, parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The aforesaid nations and tribes of Indians, parties to this treaty, do hereby jointly and severally covenant that peaceful relations shall likewise be maintained among themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual goodwill and friendship. And the nations and tribes aforesaid do furthermore jointly and severally covenant, that peaceful relations shall be maintained with and that they will abstain from all hostilities whatsoever, excepting in self-defence, against the following named nations and tribes of Indians, to wit: the Crowe, Assiniboin, Crees, Snakes, Blackfeet, Sans Arc, and Amou-e-pa-pas bands of Sioux, and all other neighboring nations and tribes of Indians.

ARTICLE 3. The Blackfoot nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within the lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the Mussel Shell River, thence to the mouth of Twenty-five Yard Creek, thence up the Yellowstone River to its northern source, and thence along the main range of the Rocky Mountains,
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THE RATIFIED TREATY OF 1855.

in a northerly direction, to the point of beginning, shall be a common hunting-ground for ninety-nine years, where all the nations, tribes and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing, and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any other way exercise exclusive rights within ten miles of the northern line of the common hunting-ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof.

PROVIDED, That the western Indians, parties to this treaty, may hunt on the trail leading down the Muscule Shell to the Yellow Stone; the Muscule Shell being the boundary separating the Blackfoot from the Crow territory.

AND PROVIDED, That no nation, band or tribe of Indians, parties to this treaty, nor any other Indians, shall be permitted to establish permanent settlements, or in any other way exercise, during the period above mentioned, exclusive rights or privileges within the limits of the above-described hunting-ground.

AND PROVIDED FURTHER, That the rights of the western Indians to a whole or a part of the common hunting-ground, derived from occupancy or possession, shall not be affected by this article, except so far as said rights may be determined by the treaty of Laramie.

ARTICLE 4. The parties to this treaty agree and consent, that the tract of country lying within the lines drawn from Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscule Shell River, thence down said river to its mouth, thence down the channel of the Missouri River to the mouth of Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot nation, over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty. Subject, however, to the provisions of the third article of this treaty, giving the right to hunt, and prohibiting the establishment of permanent villages and the exercise of any exclusive rights within ten miles of the northern line of the common hunting-ground, drawn from the nearest source of the Muscule Shell River to the Medicine Rock Passes, for the period of ninety-nine years.

PROVIDED ALSO, That the Assiniboins shall have the right of hunting, in common with the Blackfeet, in the country lying between the aforesaid eastern boundary line, running from the mouth of Milk River to the forty-ninth parallel, and a line drawn from the left bank of the Missouri river, opposite the Round Butte, north, to the forty-ninth parallel.

ARTICLE 5. The parties to this treaty, residing west of the main range of the Rocky Mountains, agree and consent that they will not enter the common hunting-ground, nor any part of the Blackfoot territory, or return home, by any pass in the main range of the Rocky Mountains to the north of the Hell Gate or Medicine Rock Passes. And they further agree that they will not hunt, or otherwise disturb the game, when visiting the Blackfoot territory for trade or social intercourse.

ARTICLE 6. The aforesaid nations and tribes of Indians, parties to this treaty, agree and consent to remain within their own respective countries, except when going to or from, or whilst hunting upon, the "common hunting-ground", or when
visiting each other for the purpose of trade or social intercourse.

ARTICLE 7. The aforesaid nations and tribes of Indians agree that citizens of the United States may live in and pass unmolested through the countries respectively occupied and claimed by them. And the United States is hereby bound to protect said Indians against depredations and other unlawful acts which white men residing in or passing through their country may commit.

ARTICLE 8. For the purpose of establishing travelling thoroughfares through their country, and the better to enable the President to execute the provisions of this treaty, the aforesaid nations and tribes do hereby consent and agree, that the United States may, within the countries respectively occupied and claimed by them, construct roads of every description; establish lines of telegraph and military posts; use materials of every description found in the Indian country; build houses for agencies, missions, schools, farms, shops, mills, stations, and for any other purpose for which they may be required, and permanently occupy as much land as may be necessary for the various purposes above enumerated, including the use of wood for fuel and land for grazing, and that the navigation of all lakes and streams shall be forever free to citizens of the United States.

ARTICLE 9. In consideration of the foregoing agreements, stipulations, and cessions, and on condition of their faithful observance, the United States agrees to expend, annually, for the Piegan, Blood, Blackfoot, and Gros Ventres tribes of Indians, constituting the Blackfoot nation, in addition to the goods and provisions distributed at the time of signing this treaty, twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President, at his discretion, may from time to time determine; and the superintendent, or other proper officer, shall each year inform the President of the wishes of the Indians in relation thereto: PROVIDED, HOWEVER, That if, in the judgement of the President and Senate, this amount be deemed insufficient, it may be increased not to exceed the sum of thirty-five thousand dollars per year.

ARTICLE 10. The United States further agree to expend annually, for the benefit of the aforesaid tribes of the Blackfoot nation, a sum not exceeding fifteen thousand dollars annually, for ten years, in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children, and in any other respect promoting their civilization and christianization: PROVIDED, HOWEVER, That to accomplish the objects of this article, the President may, at his discretion, apply any or all the annuities provided for in this treaty: AND PROVIDED, ALSO, That the President may, at his discretion, determine in what proportions the said annuities shall be divided among the several tribes.

ARTICLE 11. The aforesaid tribes acknowledge their dependence on the government of the United States, and promise to be friendly with all citizens thereof, and to commit no depredations or other violence upon such citizens. And should any one or more violate this pledge, and the fact be proved to the satisfaction of the President, the property taken shall be returned, or, in default thereof, or if injured or destroyed, compensation may be made by the government out of the annuities. The aforesaid tribes are hereby bound to deliver such offenders to the proper authorities for trial and punishment, and are held responsible in their tribal capacity, to make reparation for depredations so committed.