"BLACKFOOT CLAIM"

THE RATIFIED TREATY OF 1855.

Nor will they make war upon any other tribes, except in self-defense, but will submit all matters of difference between themselves and other Indians to the government of the United States, through its agent, for adjustment, and will abide thereby. And if any of the said Indians, parties to this treaty, commit depredations on any other Indians within the jurisdiction of the United States, the same rule shall prevail as that prescribed in this article in case of depredations against citizens. And the said tribes agree not to shelter or conceal offenders against the laws of the United States, but to deliver them up to the authorities for trial.

ARTICLE 12. It is agreed and understood, by and between the parties to this treaty, that if any nation or tribe of Indians aforesaid, shall violate any of the agreements, obligations, or stipulations, herein contained, the United States may withhold for such length of time as the President and Congress may determine, any portions or all of the annuities agreed to be paid to said nation or tribe under the ninth and tenth articles of this treaty.

ARTICLE 13. The nations and tribes of Indians, parties to this treaty, desire to exclude from their country the use of ardent spirits or other intoxicating liquor, and to prevent their people from drinking the same. Therefore it is provided, that any Indian belonging to said tribes who is guilty of bringing such liquor into the Indian country, or who drinks liquor, may have his or her proportion of the annuities withheld from him or her, for such time as the President may determine.

ARTICLE 14. The aforesaid nations and tribes of Indians, west of the Rocky Mountains, parties to this treaty, do agree, in consideration of the provisions already made for them in existing treaties, to accept the guarantees of the peaceful occupation of their hunting-grounds, east of the Rocky Mountains, and of remuneration for depredations made by the other tribes, pledged to be secured to them in this treaty out of the annuities of said tribes, in full compensation for the concessions which they, in common with the said tribes, have made in this treaty.

The Indians east of the mountains, parties to this treaty, likewise recognize and accept the guarantees of this treaty, in full compensation for the injuries or depredations which have been, or may be committed by the aforesaid tribes, west of the Rocky Mountains.

ARTICLE 15. The annuities of the aforesaid tribes shall not be taken to pay the debts of individuals.

ARTICLE 16. This treaty shall be obligatory upon the aforesaid nations and tribes of Indians, parties hereto, from the date hereof, and upon the United States as soon as the same shall be ratified by the President and Senate.

In testimony whereof the said A. Cumming and Isaac I. Stevens, commissioners on the part of the United States, and the undersigned chiefs, headmen, and delegates of the aforesaid nations and tribes of Indians, parties to this treaty, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. Cumming. (L.S.)
Isaac I. Stevens. (L.S.)
THE RATIFIED TREATY OF 1855.

Piegans.

NEE-TI-NER, or "the only chief," now called the Lame Bull, his X mark. (L.S.)

MOUNTAIN CHIEF, his X mark. (L.S.)

LOW HORN, (1876 Canadian) his X mark. (L.S.)

LITTLE GRAY HEAD, his X mark. (L.S.)

LITTLE DOG, his X mark. (L.S.)

BIG SNAKE, (on loud voice) acted as announcer of treaty his X mark. (L.S.)

THE SKUNK, his X mark. (L.S.)

THE BAD HEAD, (1876 Canadian) his X mark. (L.S.)

KITCH-EPONE-ISTAH, his X mark. (L.S.)

MIDDLE SITTER, Gros Ventre his X mark. (L.S.)

Bloods.

ONIS-TAY-SAY-NAH-QUE-IM, his X mark. (L.S.)

THE FATHER OF ALL CHILDREN, his X mark. (L.S.)

THE BULL'S BACK FAT, 1876 Canadian his X mark. (L.S.)

HEAVY SHIELD, 1876 Canadian his X mark. (L.S.)

NAH-TOSE-ONISTAH, (Medicine Calf) 1876 Canadian his X mark. (L.S.)

THE CALF SHIRT, 1876 Canadian his X mark. (L.S.)

Gros Ventres.

BEAR'S SHIRT, his X mark. (L.S.)

LITTLE SOLDIER, his X mark. (L.S.)

STAR ROBE, his X mark. (L.S.)

SITTING SQUAW, sitting Women of Gros Ventres his X mark. (L.S.)

WEASEL HORSE, his X mark. (L.S.)

THE RIDER, his X mark. (L.S.)

EAGLE CHIEF, his X mark. (L.S.)

HEAP OF BEARS, his X mark. (L.S.)

Blackfeet.

THE THREE BULLS, 1876 Canadian his X mark. (L.S.)

THE OLD KOOTOMAIS, his X mark. (L.S.)
"BLACKFOOT CLAIM."

THE RATIFIED TREATY OF 1855.

Blackfoot.

POW-AH-QUE, his X mark. (L.S.)

CHIEF RABBIT HUNTER, his X mark. (L.S.)

Nez Percé.

SPOTTED EAGLE, his X mark. (L.S.)

LOOKING GLASS, his X mark. (L.S.)

THE THREE FEATHERS, his X mark. (L.S.)

EAGLE FROM THE LIGHT, his X mark. (L.S.)

THE LONE BIRD, his X mark. (L.S.)

IF-SHUN-NEE-WUS, his X mark. (L.S.)

JASON, his X mark. (L.S.)

WAT-TI-WAT-TI-WE-HINCK, his X mark. (L.S.)

WHITE BIRD, his X mark. (L.S.)

STABBING MAN, his X mark. (L.S.)

JESSE, his X mark. (L.S.)

PLENTY BEARS, his X mark. (L.S.)

Flathead Nation.

VICTOR, his X mark. (L.S.)

ALEXANDER, his X mark. (L.S.)

MOSES, his X mark. (L.S.)

BIG CAUCE, his X mark. (L.S.)

AMBROSE, his X mark. (L.S.)

KOOTLE-CHA, his X mark. (L.S.)

MICHELLE, his X mark. (L.S.)

FRANCIS, his X mark. (L.S.)

VINCENT, his X mark. (L.S.)

ANDREW, his X mark. (L.S.)

ADOLPHE, his X mark. (L.S.)

THUNDER, his X mark. (L.S.)

Piegan.

RUNNING RABBIT, his X mark. (L.S.)
"BLACKFOOT CLAIM."

THE RATIFIED TREATY OF 1855.

Piegans.

CHIEF BEAR, his X mark. (L.S.)
THE LITTLE WHITE BUFFALO, his X mark. (L.S.)
THE BIG STRAW, his X mark. (L.S.)

Flathead.

BEAR TRACK, his X mark. (L.S.)
LITTLE MICHELLE, his X mark. (L.S.)
FALCHINAH, his X mark. (L.S.)

Bloods.

THE FEATHER, his X mark. (L.S.)
THE WHITE EAGLE, (1876 Canadian) his X mark. (L.S.)

Executed in presence of -----

JAMES DOTY, Secretary.
ALFRED J. VAUGHN, Jr. (Agent to Piegans.) in behalf of W.T. Hamilton - Agent for Blackfeet.
E. ALM. HATCH, Agent for Blackfeet.
THOMAS ADAMS, Special Agent Flathead Nation.
R.H. LANSDALE, Indian Agent Flathead Nation.
W.H. TAPPAN, Sub-Agent for the Nez Perces.
JAMES BIRD, :
A. CULBERTSON, : Blackfoot Interpreters.
BENJ. DEROCHE, :
BENJ. KISER, his X mark, :
Witness, JAMES DOTY, : Flat Head Interpreters.
GUSTAVUS SCHON, :
W. CRAIG, :
DELAWARE JIM, his X mark, : Nez Perce Interpreters.
Witness, JAMES DOTY, :
A CREE CHIEF, (BROKEN ARM,) his mark.
Witness, JAMES DOTY,
A.J. HUEMEKORG, :
JAMES CROCKE, :
E.S. WILSON, :
A.C. JACKSON, :
CHARLES SHUCETTE, his X mark.
CHRIST. P. HIGGINS, :
A.H. ROBE, :
S.S. FORD, Jr.

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 fifteenth day of April, eighteen hundred and fifty six, 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,
THE RATIFIED TREATY OF 1855.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

April 15, 1856.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded between the United States and the Blackfeet and other tribes of Indians, at the council ground on the Upper Missouri River, October seventeenth, eighteen hundred and fifty five.

Attest: ASBURY DICKINS, Secretary.

Now, therefore, be it known, that I, FRANKLIN PIERCE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one thousand eight hundred and fifty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fifth day of April, A.D. one thousand eight hundred and fifty-six, and of the independence of the United States the eightieth.

(L.S.)

FRANKLIN PIERCE.

By the President:

W.L. MARCY, Secretary of State.
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1865.

TREATY BETWEEN THE UNITED STATES AND THE BLACKFOOT NATION OF INDIANS, NOVEMBER 16, 1865.

Articles of Agreement and Convention made and concluded at Fort Benton in the Territory of Montana on the 16th day of November in the Year of our Lord 1865, by and between Capt. W. H. Low, Special Commissioner duly appointed and authorized, and THOS. FRANCIS MEACHER, Acting Governor of Montana, associate, on the part of the UNITED STATES, and the Chiefs, Head Men and Delegates representing the several tribes of Indians of the Blackfoot Nation, they being duly authorized for said purpose by their respective tribes.

WITNESSETH:

ARTICLE I.

Perpetual peace, friendship and amity shall hereafter exist between the United States and the Blackfoot Nation and Tribes of Indians parties to this treaty.

ARTICLE II.

The said Blackfoot Nation and Tribes of Indians, do hereby mutually, jointly and severally promise and agree, that they will maintain peaceful and friendly relations toward the whites, that they will in future abstain from all hostilities whatsoever against each other, and cultivate mutual good will and friendship, not only among themselves but toward any other tribe or tribes of Indians that may dwell upon the reserved lands, as in Article third described and set forth, or adjacent thereto.

ARTICLE III.

We the Chiefs, Head Men and Delegates of the Blackfoot Nation of Indians, consisting of the Piegan - Blood - Blackfeet and Gros Ventres Tribes, as hereinafter signed by us, being by our respective Tribes theretofore authorized and directed, do hereby cede and relinquish to the United States, all the lands, now or at any time hereafter claimed or possessed by them, whereon situated, particularly all those lands described in the third and fourth articles of the Treaty made between the United States, and the said Blackfoot Nation and other Tribes of Indians, dated October 17, 1855, except all that portion of country described as follows, namely: commencing at a point where the parallel of 45 degrees north latitude, intersects the dividing Ridge of the main chain of the Rocky Mountains, thence in an easterly direction to the nearest source of the Teton River - thence down said river to its junction with the Missouri River, thence down the Missouri to its mouth with the Missouri River, thence due north to the 49th parallel of north latitude - thence west on said parallel to the main range of the Rocky Mountains - thence southerly along said range to the place of beginning, which said last described tract or portion of country, is hereby reserved to, and set apart for the use, occupancy, possession and enjoyment of the said Blackfoot Nation of Indians; excepting, and it is hereby provided, and agreed that in the event of a treaty being made by the United States with the Crow or other Tribes of Indians, whereby it may be stipulated, that the Crow or other tribes shall remove to, and live on the lands hereinafter described, and reserved to the use and benefit of the said Blackfoot Nation, said tribe, or tribes shall be permitted to do so, and shall be treated in all respects by the Blackfoot Nation, as owners in common with them of said lands, and entitled to all privileges and benefits thereto pertaining, the same in all respects, as though they were parties to this treaty; and they hereby further agree that within one year from and after the ratification of this treaty by the President and Senate of the United States, to remove to,
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1865.

and thenceforth remain upon said lands, described and set apart for their use and occupancy as aforesaid.

ARTICLE IV.

The said Tribes of Indians, parties to this Treaty, hereby consent and agree that the better to enable the President of the United States to execute the provisions of this treaty and to facilitate the objects thereof, roads of any and every description, military posts - bridges and lines of telegraph - houses for agencies, mission schools - farm shops, mills, and stations, may be built upon or across said reservation, out of any materials therein found, and permanently occupy and use as much land as may be necessary or convenient for the various purposes above enumerated, including the use of wood for fuel, and land for grazing, and any and all roads and lines of communication of all lakes, rivers and streams of water, shall be forever free, and unobstructed, to the citizens of the United States; and the United States are hereby bound to protect said Indians against depredations and other unlawful acts, which white men, travelling, or passing through said reservation may commit.

ARTICLE V.

No white person unless in the employment of the United States or duly licensed to trade with said Indians on said reservation, or members of the families of such persons shall be permitted to reside in or make settlement upon any part of said tract or portion of country, so reserved and set apart as aforesaid; nor shall said Indians sell, alienate, or in any manner dispose of any portion thereof, except to the United States.

ARTICLE VI.

To aid in preventing the evils of intemperance it is hereby stipulated and agreed, that if any of the Indians, or half-breeds, belonging to either of said tribes, shall procure for, or sell to any Indian, or half-breed, of said Nation or Tribes, any intoxicating liquor, their proportion of the tribal annuities, shall be withheld from them, for at least one year, and they shall also for every such offense, be liable to be proceeded against individually, and tried and punished under the intercourses laws, or any other laws of the United States applicable to such offenders the same as white persons.

ARTICLE VII.

The said Nation, and Tribes of Indians, parties to this treaty, hereby acknowledge their dependence upon the United States, and their obligation to obey the laws thereof, and they further agree and obligate themselves, to submit to, and obey said laws, and all other laws which shall be made by Congress for the preservation of the peace and safety of the nation, and they agree to exact themselves to the utmost of their ability, in enforcing all the laws under the direction of the Superintendent of Indian Affairs or Agent thereof, and they pledge and bind themselves to preserve friendly relations with the citizens of the United States and to commit no injuries to or depredations on their persons or property. They also agree, to deliver to the proper officer or officers of the United States, all offenders against the treaties, laws or regulations of the United States, and to assist in discovering, pursuing and capturing such offenders, who may be within the limits of the country hereby reserved to, and set apart for the use, and occupancy of the Blackfoot Nation, and Tribes of Indians, whenever required to do so, by said officer or officers.

And the said Nation, and Tribes of Indians, agree that they will not make war upon any other tribes, or bands of Indians, except in self defense, but will submit all matters of difference between themselves, and them, to the Government of the United States for adjustment and will abide thereby.

And if any of the said Indians, parties to this treaty, commit
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1885.

depredations upon any other Indians within the jurisdiction of the United States, the same rule shall prevail, in regard to compensation, as in cases of depredations against citizens of the United States.

ARTICLE VIII.

In consideration of the foregoing agreement, stipulations, cessions, and undertakings, and on condition of their faithful observance by the said tribes of Indians, parties to this treaty, the United States, agree to expend for the Piegan, Blood, Blackfoot and Gros Ventres Tribes or Bands of Indians, constituting the Blackfoot Nation, in addition to the goods and provisions, distributed at the time of signing this treaty, Fifty Thousand Dollars annually for twenty years after the ratification of this treaty by the President and Senate of the United States, to be expended in such useful goods, provisions and other articles, as the President, at his discretion, may from time to time determine, provided; and it is hereby agreed, that the President may annually expend as much of said sum of $50,000. as he shall deem proper, in the purchase of stock animals, agricultural implements - in establishing, and instructing in agricultural and mechanical pursuits such of said Indians as shall be disposed thereto, and in the employment of mechanics for them in educating their children - in providing necessary and proper medicines, medical attendance, care for and support of, the aged, infirm or sick of their number - for the helpless orphans of said Indians and in any other respect promoting their civilization, comfort and improvement. Provided, further, that the President may, at his discretion, determine in what proportion the said annuities shall be divided among the said several tribes; except, and it is herein provided and agreed, that the Gros Ventres, speaking a different language from the other tribes, comprising the Blackfoot Nation, that their portion of the aforesaid annuity, shall be Twelve Thousand Dollars annually.

And the United States further agree, that in addition to the Fifty Thousand Dollars of annuities above stipulated to be paid, to pay annually to each of the principle Chiefs of each of said four tribes, a sum not exceeding $200.00, (or in the aggregate $8,000.) in money or supplies, so long, as long as their respective tribes remain faithful to their treaty obligations; Provided further, that the President may discriminate in the distribution of the aggregate amount of said money or supplies in favor of such Chiefs as shall by their fidelity to treaty obligations show themselves most worthy of favor.

ARTICLE IX.

The half-breeds of the tribes, parties to this treaty, and those persons citizens of the United States, who have intermarried with Indian women, of said tribes, and continue to maintain domestic relations with them, shall not be compelled to remove to said reservation but shall be allowed to remain undisturbed upon the lands herein ceded and relinquished to the United States, and shall be allowed, each to select from said ceded lands (not mineral), 160 acres of land, including as far as practicable their present homestead, the boundaries of said lands, to be made to conform to the United States surveys, and when so selected the residents of the United States shall issue to each of said persons so selecting same, a patent for said 160 acres, with such restrictions on the power of alienation, as he in his discretion, may see fit to impose; and until such patent shall issue, there shall be no power of alienation of said land, by any person for whose benefit such selections are herein authorized to be made.

ARTICLE X.

On account of their long residence, liberality, and valuable faithful services, in keeping the peace between the Government and the Blackfoot Nation of Indians, there shall be granted to the following named white residents in fee simple, out of the lands hereby ceded, and relinquished to the United States, as follows, namely, to Baptist Champagne, one section of 640 acres of land Benjamin Derocha, one section of 640 acres of land Charles Schucette, one section of 640 acres of land
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1865.

George Steele, one section of 640 acres of land
Maloom Clark, one section of 640 acres of land,
said land to be selected by themselves, within six months after
the ratification of this treaty by the President and Senate of the
United States, out of any lands (not mineral) so ceded and relinqu-
ished as aforesaid, in whole, half or quarter sections, not includ-
ing within their boundaries any land legally claimed, held and im-
proved by any person or citizen of the United States. And in further
consideration aforesaid, there shall be granted to T.C. Imoda,
Superior of St. Johns Mission, (a religious and charitable institu-
tion) and to his successor or successors to said office, in trust for
the use and benefit of said mission, so long as the same shall be,
and remain a religious and charitable institution, on section of
640 acres of land (not mineral), including and covering the land
where their said mission is now located.

ARTICLE XI.

It is understood and agreed by and between the parties to this
treaty, that if any of the tribes of Indians, parties hereto, shall
violate any of the stipulations, agreements or obligations herein
contained; the United States may withhold for such length of time
as the President and Congress may determine, any portion or all of
the annuities agreed to be paid to such Nation or Tribes under the
provisions of this treaty.

ARTICLE XII.

The annuities of the aforesaid Indians shall not be taken to
pay the debts of individuals but satisfaction for deprivations com-
mited by them shall be made by them in such manner as the President
may direct.

ARTICLE XIII.

This treaty shall be obligatory upon the respective Tribes of
Indians parties hereto from the date hereof, and upon the United
States as soon as the same shall be ratified by the President and
Senate.

IN TESTIMONY WHEREOF the said CAD E. UPPSON, Special Commissioner
and THOS. FRANCIS MEGHHER, Acting Governor of Montana and Superin-
tendent of Indian Affairs associate on the part of the United States,
and the undersigned Chiefs, Head Men and Delegates of the Blackfoot
Nation and Tribes of Indians, parties to this treaty, have heretunto
set their hands and seals at the place and on the day hereinbefore
written.

CAD E. UPPSON (SEAL)
THOS. FRANCIS MEGHHER (SEAL)

Piegans.

LITTLE DOG his X mark, (SEAL)
BIG LAKE his X mark, (SEAL)
MOUNTAIN CHIEF his X mark, (SEAL)
WHITE ELK his X mark, (SEAL)
BIRD CHIEF his X mark, (SEAL)
LITTLE WOLF his X mark, (SEAL)
BOY CHIEF his X mark, (SEAL)
HEAVY RUNNER his X mark, (SEAL)
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1865.

**Piegan.**

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**Cree Ventres.**

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<tr>
<td>ONE WHO TAKES AN ARM IN THE MOUNTAIN</td>
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**Bloods.**

- THE BULL'S BACK FAT 1876 (SEAL)
- THE FATHER OF ALL CHILDREN 1876 (SEAL)
- THE DOG WITH A WHITE STRIPE 1876 (SEAL)
- THE WICKED OLD MAN (SEAL)
- ONE WHO GOES WITH THE BEARS 1876 (SEAL)
BLACKFOOT CLAIM.

UNRATIFIED TREATY WITH THE BLACKFOOT NATION OF INDIANS OF 1865.

Bloods.

THE BANK
ONE THAT LIKES THE GOODS
BULL WOLF
HIND BULL

his X mark, (SEAL)
his X mark, (SEAL)
his X mark, (SEAL)
his X mark, (SEAL)

Executed in the presence of:

L.E. Munson, Secretary
George Steele
Neil Howie
H.E. Kennerly
H.D. Upham
E.W. Carpenter
Malcom Clark
Ben Deroche, Interpreter
Joseph Kipp, Interpreter
Charles Schucette, his X mark, Interpreter

Witness:

L.E. Munson
E.W. Carpenter
Neil Howie
Baptiste Champaigne, his X mark, Interpreter

Witness:

L.E. Munson
E.W. Carpenter
Neil Howie
Charles H. Carson
Jas. J. Hill
BLACKFOOT CLAIM.

PAPERS RELATING TO THE UNRATIFIED TREATY OF 1865 WITH BLACKFOOT.


Department of the Interior.
Office of Indian Affairs.
April 13, 1866.

Hon. Jas. Marlan,
Sey. of the Interior.

Sir:

I have the honor to transmit herewith for such action as you may deem proper, the original copy of the treaty made with the Blackfoot Indians November 14, 1865 by late Agent Upson in connection with Acting Governor Magrath of Montana.

Congress appropriated last year (see Page 359, Statutes at Large, 1865, pamphlet edition), the sum of $25,000 for the purpose of making a treaty with these Indians and instructions were sent to Agent Upson by my predecessor, under date of March 31, 1865. These instructions will be found at Page 250, Annual Report of this office for 1865. A copy of this treaty reached this office last Fall and has been furnished to the Commissioners who are about to visit the upper Missouri for their information. By the treaty herewith, the Indians agree to maintain peace with the whites and with each other and with the other tribes of Indians. They cede to the U.S. all the lands reserved to them by the treaty of 1865 except that portion lying north of the Teton, Marias and Missouri Rivers and west of a line drawn northward from the mouth of Milk River. They agree that if the treaty shall be made to recover to U.S. officers all offenses against the laws and if any of their bands violate the treaty their annuities may be withheld. The United States agrees to protect the Indians from losses by whites and to exclude from the country all whites except Government employees or traders, to expend $30,000 annually for 30 years for them (of which the Gros Ventres are to have $18,000 annually) for beneficial purposes, as well as goods - to pay each principal chief a salary of $300, as long as his band observes the treaty — to give patents to certain whites and half-breeds named for their lands — and that the annuities are not to be taken to pay the debts of Indians.

The treaty to be obligatory upon the Indians from its date, and upon the United States from its ratification.

Agent Upson died at Sacramento, California, March 28, 1866 while on his way eastward, not having made any special report upon the subject of the treaty. Its provisions follow closely the instructions furnished to him and but for other advice from the territory, this office would certainly be disposed to recommend its ratification, as proving much good to the Indians as well as to the whites. But from various unofficial sources it seems certain that the Indians, very soon after the treaty was made, broke out into hostilities, not only among themselves, but with the whites, and that many outrages were committed by them, under what provocation there are no means of knowing, until (at the latest dates) something very like actual war was in progress between the whites and Indians.

As early as Jan. 1, Agent Upson was at Virginia City in the southern part of Montana, on his way east. Through Hon. J. Upson, M.C., we have copies of letters from H.B. Upson at Fort Benton on May 9th and May 20th, from which it appears that at the first mentioned date the Gros Ventres were about Milk River, inclined to keep the peace, but that the Piegan were hostile, and committing murders and depredations upon whites, also upon the Crows and Gros
PAPERS RELATING TO THE UNRATIFIED TREATY OF 1865 WITH THE BLACKFOOT.

Vantres, and paying no attention to the treaty stipulations. The Bloods are also spoken of as hostile, and the Gros Ventres complain that they were compelled to keep quiet, and allow themselves to be plundered.

By Mr. Upham's letter of Feb'y 2nd, it appears that the Gros Ventres had rataken some of the horses from the Piegans and the latter were preparing for war on a big scale.

Since the above date, a letter, herewith enclosed, has been received from Acting Governor Meagher, under date of Feb'y 31, 1865, from which, and the papers enclosed therein, it appears that that office had called for a force of volunteers to move against the Indians, and it is probable that war is in progress.

It is unfortunate for the service that a separate treaty had not been made with the Gros Ventres, as that band appears to have kept their faith; but a new treaty can be made with that band by the Commission about to ascend the Missouri, and I suggest that special instructions be prepared to that end.

I also transmit herewith a letter from Acting Governor Meagher, dated Dec. 14, 1865, giving information as to the making of the treaty, and the impressions then entertained as to its value and probable effect.

In view of the facts which appear to be well established that the other bands of the Blackfoot Nation have violated the treaty obligation upon them from the time when it was made - I cannot recommend its ratification, but submit the papers for your consideration and for such directions as you may see fit to give in the premises.

Very respectfully, your obedient servant,

(signed) D.W. COLLEY,
Commissioner.
PAPERS RELATING TO THE UNRATIFIED TREATY OF 1865 WITH BLACKFOOT.

Indian Office Files: Treaty jacket. Blackfeet, 1865. Indorsement: Montana 16332. Acting Governor Montana, Virginia City, MT Dec 14, 1865. Reports proceedings on negotiating a treaty with the Blackfoot Indians and an attempt to make one with the Crows also the impropriety of making one with the Sioux. Relative to change of Flathead Agency in location and Agent. Appointment Superintendent, Indian Affairs, recommendation Agent Upson, also appointment Commission to investigate depredation claims. Sent to Secretary with report April 13, 1866. Received at the Department Feb. 19, 1866. Map tube 163, Map 93, Drafting Division.*

*This is an error. The correct reference is tube 93, Map 163. (Copy of this Map is in our Blackfoot Files. See book containing maps.

Executive Office, Territory of Montana
Virginia City,
December 14, 1865.

To the Honorable,
The Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

Sir:

I have the honor to inform you that I returned here the afternoon of the 9th inst., from Fort Benton whither I had gone to assist Major Upson in his negotiations of a treaty with the Indians of the Blackfoot Nation, which treaty we have as Special Commissioners for that purpose been instructed and authorized to make.

The instructions given in this instance to Major Upson left him at liberty to associate the ex officio Superintendent of Indian Affairs in this Territory in the negotiation of the treaty as the convenience of that officer in view of the distance he would have to travel to Fort Benton from the Executive Residence of the Territory might dictate.

Governor Edgeron in committing to me the charge of the Territory on his departure for the United States, having expressed a desire that I should attend the treaty council, it was with much pleasure that I undertook the journey and took part in the negotiation.

Major Upson having already forwarded to the Office of Indian Affairs a report of the proceedings at Fort Benton together with a copy of the treaty concluded there with the Black Foot Nation it appears to me I have in this communication little more to do than give a summary of those proceedings and submit to your consideration the two or three suggestions which have occurred to me in connection with them.

Indeed the outline of these proceedings given in our local papers which outline I have the honor to enclose renders it almost superfluous on my part to do more than respectfully direct your attention to it, this outline being quite correct as far as it goes and sufficiently explicit for the proper understanding of the main features of the treaty and the spirit in which it was accepted.

The Black Foot Nation was fully represented on the occasion although the Black Foot tribe appeared in the presence of one chief only and all the hostile Bloods were absent. These two tribes retired sometime ago beyond our line into the British possessions and have been living there ever since.

It strikes me forcibly that Indian tribes who voluntarily abandon their lands seeking shelter and protection in a foreign country cease to be essential parties to any treaty which the United States previous to their emigration might have held it necessary to conclude with them.

So far beyond our line have the Blackfeet thrown themselves it was
FIND impracticable to bring them to the treaty council at Fort Benton, the messengers dispatched to them for that purpose by Major Upson having been forcibly halted by the Kootenay Indians within British possessions and compelled to return to the fort without having even seen the Blackfeet who were reported by the Kootenay to be away back toward the Frazer River.

The hostile Blackbeads having murdered eleven whites on the Marias River last spring where they were peacefully employed cutting hay for the fort, have not been seen nor heard of this side of the British line since that massacre took place.

The Pierson and Crow Venters were on the ground in full force and with the friendly Bloods who camp and hunt with the Piersons displayed an encampment on the Teton and Missouri of over a thousand lodges.

These Indians appear to me to be most peaceably disposed and their chiefs with an intelligent readiness assent to the stipulations of the treaty and subscribed their names to the instrument.

Nevertheless I am satisfied they will continue more or less vexatiously to annoy the whites by stealing horses belonging to the latter and horse stealing is accounted rather an heroic exploit by the best of these Indians and the habit has become so inveterate with them that until some of the thieves are severely punished I much fear it will not be relinquished.

Wisely anticipating the necessity that must in the course of a few months dictate a treaty with the Crows for the cession of their lands extending as these lands do from the south bank of the Missouri to the eastern and southern boundary of our Territory, Major Upson with my full concurrence dispatched messengers to the Yellowstone to bring in these Indians with the view of obtaining their consent to a treaty similar to that submitted to the Blackfoot Nation.

Their horses giving out after six or seven hard day's riding, these messengers had to return without the Crows, although the latter were encamped not much over half a day's ride from the point at which the former had to turn back to the fort. Of this fact, however, the messengers were not made aware until one of them reached Helena three weeks after when the Captain of an expedition which had been exploring a wagon route to the mouth of the Musselshell informed him of it.

That it is more than expedient such a treaty with the Crows should be made as speedily as possible, must be conceded in view of the urgent fact that hundreds of miners and others desirous of locating farms and laying out towns are even now passing down into the great valley of the Yellowstone and into the country beyond the junction of the Gallatin with the Missouri.

As for the Sioux and their allies and accomplices, it is my clear and positive conviction that they will never be reduced to friendly and reliable relations with the whites but by the strong and crushing hand of the military power of the Nation.

I have in my communication to the Secretary of State, taken the liberty of expressing this conviction and on the strength of it have requested him to obtain from the War Department a competent cavalry force for this Territory. I trust that you will see fit to approve of this application which I have urged in my twofold capacity as Acting Governor and Superintendent of Indian Affairs, and that in the proper quarter you will furnish me with your sanction.

The communication from your office of the 28th of September last notifying Governor Edgerton that Major Hutchins, Agent for the Flat Heads, had been relieved and that Mr. Augustus H. Chapman had been appointed in his stead was forwarded to Major Hutchins on the 4th of this month.

I had intended to visit the Flat Head Agency on my return from Fort Benton but the same communication having informed me that this agency had been transferred to Idaho I relinquished the intention of going so, but with the pleasure I have of passing the capital of Montana than the capital of Idaho and accessible from the former by an excellent road involving an easy journey on horseback of six days at most, I respectfully suggest that the transfer referred to be revoked.

Following up this suggestion I consider it my duty to the Department to advise the appointment of a special superintendent for this Territory. Separated from one another as the Indian Agencies are in
Montana by one, two and three hundred miles and more, it is impossible for the Governor or Acting Governor of the Territory to acquit himself in an efficient and satisfactory manner of the duties pertaining to the superintendency as well as those pertaining to the governorship at one and the same time.

Should the Department concur with me on this point, it would afford me sincere gratification to hear of Major Upson being appointed to the superintendency which has devolved on me as Acting Governor of the Territory. Thoroughly conversant with the business of the position, intelligent, conscientious, active, resolute and experienced I feel convinced that in this newer and higher office, he would regulate the affairs and discharge the obligations of the superintendency with great credit to himself, decided advantage to the different agencies committed to his supervision, and with perfect satisfaction to the Department.

Having instructed Major Upson to proceed with the Fort Benton treaty to Washington as speedily as possible, so that it may be ratified at an early date this winter I shall leave to him the duty of communicating any further information the Department may desire to receive in relation to the matters contained in this dispatch.

I close, therefore, with one other suggestion which I earnestly trust will be cordially approved and acted upon with promptitude by the Department.

Several parties in Montana, merchants, freighters, traders, farmers, and other settlers and business men have sustained grievous damage at the hands of the Indians located in this Territory and incurred heavy expenses in resisting their hostilities. It would be but just it seems to me to have a commission appointed to investigate the claims arising out of these expenditures and losses and award such compensation as may be deemed equitable, the same to be made good by the United States, no protection whatever having been afforded the people of Montana by the United States Government against the Indians up to this late hour.

Major Upson and United States Judge Manson would I am satisfied render perfect justice to all parties concerned were they empowered to act on this commission and it is with the fullest confidence in the careful industry, sound judgment and firm integrity of these gentlemen that I cordially recommend them for such appointment to the most favorable consideration of the Department.

I have the honor to be, most faithfully,
Your obedient servant,

(signed) THOMAS FRANCIS MEAGHER
Secretary and Acting Governor, Territory of Montana.

(Photostatic copy of the treaty map of 1865 is carried in our files.)