



Ratified treaty no. 371, Documents relating to the negotiation of the treaty of May 10, 1868, with the Northern Cheyenne and Northern Arapaho Indians. May 10, 1868

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RATIFIED TREATY NO. 371
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF MAY 10, 1868, WITH THE NORTHERN CHEYENNE
AND NORTHERN ARAPAHO INDIANS

Done May 10-1868

Treaty with Northern
Cheyenne & Arapahoes

10th May 1868

Recorded Page 419

Copy

Draft of a Treaty
with the
Northern Cheyenne
Indians
and
Northern Arapaho
Indians
Made the tenth day
of May 1868. at Fort
Laramie,
D.S.

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 hun-
dred and Sixty eight, by and between the
undersigned Commissioners, on the part
of the United States, and the undersigned
chiefs and head men of and representing
the northern Cheyenne and Northern
Arapahoe Indians; they being duly
authorized to act in the premises

Article 1. 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 author-
ity 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 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 & 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 therfor

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 Northern Cheyenne and Arapahoe
Indians 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 per-
manent home for the Brûlé and other
Bands of Sioux Indians by a treaty
entered into by and between said Indians
and the United States at Fort Laramie
D.S. on the 29th day of April 1868, and
the Northern Cheyenne and Arapahoe
Indians do hereby relinquish, release
and surrender to the United States
all right, claim and interest in and to
all territory outside the two reser-
vations 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 that
they will not build any perma-
nent homes outside of said res-
ervations, and that one year from
this date, they will attach them-
selves permanently either to the
Agency provided for near the
mouth of Medicine Lodge Creek
or to the Agency about to be estab-
lished on the Missouri River near
Fort Randall, or to the Crow Agency
near Otter Creek on the Yellow
Stone River, provided for by treaty
of the seventh day of May 1868, en-
tered into by and between the United
States and said Crow Indians at
Fort Laramie D. C. And it is hereby
expressly understood that one por-
tion of said Indians may attach
themselves to one of the aforemen-
tioned 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 exclusive possession of the person selecting it, and 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.

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 exclusive possession of the person selecting it, and 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 & Arapahoe 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
reservations, and they, therefore
pledge themselves to compel their chil-
dren, 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 stip-
ulation 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 re-
side among said Indians, and
faithfully discharge his or her
duties as teacher. The provisions
of this Article to continue for twenty
years.

Article V. When the head of a family or lodger, 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 of 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 woolen clothing consisting of coat, hat, pantaloons, flannel shirt and a pair of woolen socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen 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 woolen 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 dol-
lars ~~shall~~ be annually appro-
priated 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 in-
dicate 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 attend}
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 reser-
vation herein described ^{and commence}

farming, one good American Cow, and
one well broken pair of American
Cobs within sixty days after such
lodge or family shall have so set-
tled upon said reservation.

Article VII. The United States
hereby agrees to furnish annually
to the Indians who settle upon
the reservation a physician, Teach-
ers, Carpenter, Miller, Engineer,
Farmer and Blacksmith, as herein
aforesaid, and that such ap-
propriations 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 reserva-
tions 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

wonderstood 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 hereinbefore provided.

Article IX. 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 judgement of the Agent, may grow the most valuable crops for the respective year.

W. T. Sherman

Lt Gen'l

Wm S. Harney

Bvt Maj Gen. U.S.A.

Alfred H. Terry

Bvt Maj Gen

C. C. Augur

Bvt Maj. Genl

John B. Sanborn

S. F. Tappan

Attest

Ashton S. N. White
Secretary

Wah-tah-Nah ^{his} mark Black Bear (seal)
Bah-Ta-Che ^{his} mark Medicine Man (seal)
Oh-kumqa-Che ^{his} mark Little Wolf (seal)
Icks-Tah-Er ^{his} mark Short Hair (seal)
Tou-Ke-Te-Be ^{his} mark Sonell Horse (seal)
Ma-Ke-U-Nau ^{his} mark The Under Man (seal)
Ah-Che-E-Woh ^{his} mark The man in the sky (seal)
He-Ah-Se-Wose ^{his} mark The Big Wolf (seal)
Ches-Ke-On-E-Ah ^{his} mark The Bear (seal)
Mat-Ah-Ne-We-Tah ^{his} mark The man that fall from his horse (seal)
Oh-E-Na-Ple ^{his} mark White Crow (seal)
Ah-Che-Kaw-Koo-Eui ^{his} mark Little Shield (seal)
Tah-Mee-La-Pash-Me ^{his} mark Dull knife (seal)

Attest

Geo. B. Willis Photographer
John D. Howland
Alex. Gardner
David Knox
Chas Freeman
Das C. O'Connor