



Ratified treaty no. 262, Documents relating to the negotiation of the treaty of July 27, 1853, with the Comanche, Kiowa, and Apache Indians. July 27, 1853

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RATIFIED TREATY NO. 262

DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JULY 27, 1853, WITH THE COMANCHE,
KIOWA, AND APACHE INDIANS

Kiowas & Apaches — July 27-1853

Treaty with Comanches

Kiowas & Apaches

1853

TREATY

BETWEEN

THE UNITED STATES

AND THE

CAMANCHE, KIOWA, AND APACHE INDIANS.



FRANKLIN PIERCE,

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 Atkinson, on the twenty-seventh day of July, A. D. one thousand eight hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian agent, and sole commissioner duly appointed for that purpose, and the chiefs and headmen of the Camanche, Kiowa, and Apache tribes or nations of Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Fort Atkinson, in the Indian territory of the United States of America, on the 27th day of July, Anno Domini, eighteen hundred and fifty-three, between the United States of America, by Thomas Fitzpatrick, Indian agent, and sole commissioner, duly appointed for that purpose, and the Camanche, and Kiowa and Apache tribes or nations of Indians inhabiting the said territory south of the Arkansas river.

ARTICLE 1. Peace, friendship, and amity shall hereafter exist between the United States and the Camanche and Kiowa, and Apache tribes of Indians parties to this treaty, and the same shall be perpetual.

ARTICLE 2. The Camanche Kiowa and Apache tribes of Indians do hereby jointly and severally covenant that peaceful relations shall likewise be maintained amongst themselves in future; and that they will abstain from all hostilities whatsoever against each other, and cultivate mutual good will and friendship.

ARTICLE 3. The aforesaid Indian tribes do also hereby fully recognise and acknowledge the right of the United States to lay off and mark out roads or highways—to make reservations of land necessary thereto—to locate depots—and to establish military and other posts within the territories inhabited by the

said tribes; and also to prescribe and enforce, in such manner as the President or the Congress of the United States shall from time to time direct, *rules and regulations* to protect the rights of persons and property among the said Indian tribes.

ARTICLE 4. The Camanche Kiowa and Apache tribes parties as before recited, do further agree and bind themselves to make restitution or satisfaction for any injuries done by any band or any individuals of their respective tribes, to the people of the United States who may be lawfully residing in or passing through their said territories: and to abstain hereafter from levying contributions from, or molesting them in any manner; and so far as may be in their power, to render assistance to such as need relief, and to facilitate their safe passage.

ARTICLE 5. And whereas the United

States of America have by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners, held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression, therefore the Comanche and Kiowa and Apache tribes of Indians parties to this treaty do hereby solemnly covenant and agree to refrain in future from warlike incursions into the said Mexican provinces, and from all depredations upon the inhabitants thereof; and they do likewise bind themselves to restore all captives that may hereafter be taken by any of the bands, war parties or individuals of the said several tribes from the Mexican provinces aforesaid, and to make proper and just compensation for any wrongs that may be inflicted upon the people thereof by them either to the United States or to the republic of Mexico as the President of the United States may direct and require.

ARTICLE 6. In consideration of the foregoing agreements on the part of the Comanche and Kiowa and Apache tribes parties to this treaty—of the losses which they may sustain by reason of the travel of the people of the United States through their territories—and for the better support, and the improvement of the social condition of the said tribes—the United States do bind themselves, and by these presents, stipulate to deliver to the Comanche, Kiowa, and Apache tribes aforesaid, the sum of eighteen thousand dollars per annum for and during the term of ten years next ensuing from this date, and for the additional term of five years, if, in the opinion of the President of the United States, such extension shall be advisable;—the same to be given to them in goods, merchandise, provisions or agricul-

tural implements, or in such shape as may be best adapted to their wants, and as the President of the United States may designate and to be distributed amongst the said several tribes in proportion to the respective numbers of each tribe.

ARTICLE 7. The United States do moreover bind themselves in consideration of the covenants contained in the preceding articles of this treaty to protect and defend the Indian tribes parties hereto, against the committal of any depredations upon them and in their territories by the people of the United States for and during the term for which this treaty shall be in force, and to compensate them for any injuries that may result therefrom.

ARTICLE 8. It is also stipulated and provided by and between the parties to this treaty that should any of the Indian tribes aforesaid violate any of the conditions provisions or agreements herein contained, or fail to perform any of the obligations entered into on their part then the United States may withhold the whole or any part of the annuities mentioned in the sixth article of this treaty from the tribe so offending until in the opinion of the President or the Congress of the United States proper satisfaction shall have been made, or until persons amongst the said Indians offending against the laws of the United States shall have been delivered up to justice.

ARTICLE 9. It is also consented to and determined between the parties hereto, that the annuities to be given on the part of the United States, as provided in the 6th article of this treaty, shall be delivered to the said Indian tribes *collectively*, at or in the vicinity of Beaver creek, yearly, during the month of July in each year, until some other time and place shall have been designated by the President of the United States, in which event the said Indian tribes shall have due notice thereof, and the place of distribution which may be selected shall always be some point within the territories occupied by the said tribes.

In witness whereof the said Thomas Fitzpatrick Indian agent and sole commissioner on the part of the United States, and the undersigned chiefs and headmen of the Camanche and Kiowa and Apache tribes or nations have hereunto set their hands at Fort Atkinson in the Indian territory of the United States this twenty-seventh day of July A. D. eighteen hundred and fifty-three.

THOMAS FITZPATRICK,
Indian Agent and Commissioner on behalf of the United States.

B. GRATZ BROWN, Secty.
R. H. CHILTON.
B. T. MOYLERO.

WULEA-BOO	his x mark	(Shaved Head) chief Camanche
WA-YA-BA-LOS-A	his x mark	(White Eagle) chief of band
HAI-NICK-SEU	his x mark	(The Crow) do
PARO-SA-WA-NO	his x mark	(Ten Sticks) do
WA-NA-RE-TAH	his x mark	(Poor Cayotes Wolf) do
KA-NA-RE-TAH	his x mark	(One that Rides the Clouds) chief of the southern Camanches
TO-HAVE-SEEN	his x mark	(Little Mountain) chief Kiowas
LI-LANK-KI	his x mark	(Sitting Bear) war chief
TAH-KA-EH-BOOL	his x mark	(The Bad Smelling Saddle) headman
CHE-KOON-KI	his x mark	(Black Horse) "
ON-TI-AN-TE	his x mark	(The Snow Flake) "
EL-BO-IN-KI	his x mark	(Yellow Hair) "
SI-TAH-LE	his x mark	(Poor Wolf) chief Apache
OH-AH-TE-KAH	his x mark	(Poor Bear) headman
AH-ZAAH	his x mark	(Prairie Wolf) "
KOOTZ-KAH	his x mark	(The Cigar) "

Witness

B. B. DAYTON
GEO. M. ALEXANDER
T. POLK
GEO. COLLIER 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 twelfth day of April, one thousand eight hundred and fifty-four, advise and consent to the ratification of its articles, with amendments thereto proposed, by a resolution in the words and figures following, to wit:

" IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
" April 12, 1854.

" *Resolved*, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Fort Atkinson, in the Indian territory of the United States of America, on the 27th day of July, Anno Domini 1853, between the United States of America, (by Thomas

Fitzpatrick, Indian agent, and sole commissioner duly appointed for that purpose,) and the Camanche, and Kiowa, and Apache tribes or nations of Indians inhabiting the said territory south of the Arkansas river, with the following amendments:

" Article 5. Strike out the following words:

" " And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians, and to maintain the peace and security of the said provinces against all such hostile aggression; therefore."

" Article 5, line 18, strike out the word 'said.'

" Add the following as a new article:

" ARTICLE 10. It is agreed between the United States and the Camanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefit of said Indians, it shall be discretionary with the President, by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose.

" Attest:

ASBURY DICKINS, *Secretary.*"

And whereas the amendments proposed by the Senate in their resolution of April twelfth, eighteen hundred and fifty-four, above recited, were duly presented for consideration to the chiefs and headmen of the said tribes of Indians in council assembled, and were, in said council, accepted, ratified, and confirmed in manner following, to wit:

We the undersigned chiefs headmen and braves of the Camanche, and Kiowa, and Apache tribes of Indians, parties to the treaty concluded at Fort Atkinson, on the 27th day of July, Anno Domini 1853, having had fully explained to us the amendment made to the same by the Senate of the United States on the 12th day of April 1854, which is in the following words, viz:

"AMENDMENTS.

" Article 5: strike out the following words:

" And whereas the United States of America have, by late treaty stipulations entered into with the Republic of Mexico, obligated themselves to protect and defend those provinces of the said republic which lie contiguous to the boundaries of the United States, from the depredations of the various Indian tribes dwelling within the jurisdiction of the United States, and to enforce a restitution of all Mexican prisoners held and retained by the said Indians; and to maintain the peace and security of the said provinces against all such hostile aggression; therefore.

" Article 5, line 18, strike out the word 'said.'

" Add the following as a new article:

" ARTICLE 10. It is agreed between the United States and the Camanche, Kiowa, and Apache tribes of Indians, that, should it at any time hereafter be considered by the United States as a proper policy to establish farms among and for the benefits

of said Indians, it shall be discretionary with the President by and with the advice and consent of the Senate, to change the annuities herein provided for, or any part thereof, into a fund for that purpose."—Do hereby accept and consent to the said amendments to the treaty aforesaid, and agree that the same may be considered as a part thereof.

In testimony whereof we have hereunto set our hands and affixed our seals this 21st day of July, A. D. 1854.

CAMANCHES.

TO-CHE-RA-NAH-BOO	(Shaved Head)	his x mark
WA-YA-BA-TO-SA	(White Eagle)	his x mark
HY-NACK-SEW	(Crow)	his x mark
TY-HAR-RE-TY	(One who runs after Women)	his x mark
PARA-SAR-A-MAN-NO	(Ten bears)	his x mark

KIOWAS.

TO-HAN-SEN	(Little Mountain)	his x mark
SA-TAN-KA	(Sitting Bear)	his x mark
KO-A-TY-KA	(Wolf outside)	his x mark

Executed in presence of

AQUILLA F. RIDGELY, *Assistant Surgeon U. S. A.*

A. H. PLUMMER, *Bvt. 2d Lt. 6th Infy.*

PAUL CARREY.

JOHN KINNEY, *U. S. Interpreter.*

H. E. NIXON, *Clerk.*

I certify that the foregoing amendments to the treaty of 27th day of July, 1853, was read and explained to the chiefs, and that they consented to and signed the same on the 21st day of July, 1854.

J. W. WHITFIELD,
Indian Agent.

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 twelfth day of April, eighteen hundred and fifty-four, accept, ratify, and confirm the said treaty.

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

***** Done at the city of Washington, this twelfth day of February,
** L. S. ** Anno Domini, eighteen hundred and fifty-four.

FRANKLIN PIERCE.

By the President:

W. L. MARCY, *Secretary of State.*

Sept. 17-1861 Aug 31/63

Upper Sioux L. 570

A. Cumming
St Louis Nov 19. 53

Transmits Annual report of Agent Fitzpatrick, for this year, treaty made by him with the Comanches, Kiowas and Apache tribe, of Indians and Senales amendment to Treaty of Fort Saramie, duly ratified.

Refugee Lodge

Rec'd Nov 26. 53

~~Ans'd~~ 4 29. 53

Ans'd
Treaty sent by Secy Interior
by 21 Dec 53. CW

Per:

Office Sup't. Indian Affairs
Lans. November 19. 1853

I have the honor to transmit the annual report of Agent Thomas Fitzpatrick for the year—the treaty made by him as Commissioner, under the instructions of the Department with the Comanches, Kiowas & Apaches; and the Senate's amendment, duly ratified, to the treaty of Fort Laramie of 17 September 1851.

Very respectfully I am Dr

D. May. 50th Inst.

J. W. M. M. M. M.
John W. M. M. M.

Mon. Geo. W. MacGregor
Com. of Ind. Affr.

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7-27-53

Report.
(W. Platte) C 570. (183.)

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Saint Louis Missouri
Novr 19th 1853.

Mr.

Pursuant to instructions from the Department of the Interior of May 5th 1853 designating me as Commissioner over the part of the United States to negotiate treaties with the Crows, Sioux and other Indian Tribes of the Arkansas, and to obtain the assent of the Indians within my agency, parties to the "Treaty of Laramie" to the amendment made thereto by the Senate of the United States, and to procure transportation for the articles designed for those tribes I at once proceeded to the discharge of the duties specified and would now respectfully submit the following report.

~~Notwithstanding the effort~~
which was made by the Commissioner of Ind Affs at Washington to ensure their early arrival at this point the goods intended for the Prairie & Mountain Tribes were delayed long after the time at which I was notified they would be in Saint Louis, by low water in the various rivers. As no contracts for transportation could be properly made upon the Western frontier until their safety was ascertained

and their delivery certain I was precluded by that delay from soliciting public bids for their carriage to the several places of distribution, and forced to make the best arrangement the emergency admitted of. The distances were very far: the season very much advanced; and the amount of transportation required very large in consequence of the increased proportion of ammunition and provisions. It was known ~~too~~ that at Kansas the facilities for making contracts of this nature were very uncertain owing to the departure of the traders, and the immense herds of cattle which during the spring had been driven off to California from that vicinity. Moreover it was absolutely necessary in order to avoid jeopardizing the success of the whole business that no further detention should be encountered and the utmost possible despatch ensured. Under these circumstances, most fortunately, a responsible person was found, who had the requisite wagons and teams at hand, and who entered into bonds and contracted for the carriage from Kansas, at the same price which to had cost the Government during the two last years. The result was equally fortunate. The goods provisions and ammunition were delivered at the appointed times and places safely and in good

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conditions, and were retained in secure custody till my arrival at the respective points.

After completing the foregoing preparations, and after seeing every thing assortet, and the trains started on their several routes I proceeded to visit the wild tribes of Indians ranging south of the Arkansas river; leaving Kansas Mo on the 20th of June 1853. Previous to my departure however messengers were despatched to notify them of the wishes of the Government of the United States to form treaties with them, and requesting an interview at or in the vicinity of Fort Atkinson. Through the aid and assistance of Br Major Chilton who was in command of that post at the time the messages were received by the different tribes contemplated and were complied with. Upon reaching that place I found the greater part of the Comanche and Kiowa nations already assembled a short distance above the fort, and also a large number of the Apaches near by. Others were daily arriving, and after waiting some time in order that hunting and war parties might return to the villages the customary preliminaries for holding Council with the Indians were arranged. At first almost insurmountable difficulties presented themselves in the distant and suspicious

bearing of the Chiefs, and the utter impossibility of obtaining any interpreters who understood their intricate languages. But little intercourse had ever existed between them and the white race and that usually of the most unfriendly character. Whenever and wherever a meeting had occurred upon the vast plains they inhabit, it had been one not of traffic but of plunder and bloodshed or else of defeat and animosity. At that time too, they were congregated on the extreme border of their territory - they were ignorant of the proposals to be made to them - suffering from a scarcity of game and consequently impatient, watchful, jealous, reserved and haughty. There were no traders among them who could facilitate an interview - no one who could speak a syllable of the English tongue none present in whom mutual confidence could be reposed, and the "sign language" that common to all the wild tribes of the west while it might answer the purposes of barter could not be relied upon in matters of so much importance, and delicacy. Thus although nothing could exceed the correctness of their behavior at the moment yet nothing was more uncertain than their intention and action in the end. At last however by inducing one or two of the Head Chiefs to bring forward some of their Mexican prisoners in whom

they could place reliance, and through the medium of the Spaniards a channel of communication was opened, and by often repeating the interpretations through different persons, was in some degree perfected. An Arapahoe brave was also found who had been a resident amongst the Comanches and by him the same repetitions were likewise made to them and by them to the Apaches and Kiowas. The substance of what was said was again further impressed by means of signs as before alluded to, and in this manner a full understanding of what transpired was finally arrived at on both sides. It was only necessary to reverse this process to be enabled perfectly to comprehend the remarks and wishes and feelings of the Indians themselves, and this in itself afforded the best guarantee that no misinterpretation had occurred. Their replies were intelligent, and often contained forcible remonstrances, against propositions which had been submitted to them. The council lasted for several days, and after a most protracted negotiation, and not without some hesitation on the part of one or two of the more Southern bands of the Comanches a treaty was at length concluded between the United States and the three tribes before mentioned which I have the honor herewith to submit.

The latitude of my instructions from the Department of the Interior in regard to provisions to be incorporated into this Treaty was a source of continual embarrassment. The few leading features suggested were easily attained, but on the other hand there were many very important and useful stipulations which might give rise to distrust, and interrupt friendly intercourse; yet which were so necessary that it would have been highly improper to have omitted them. The mere acknowledgement of a "right of way" through their country was readily conceded because it had been long enjoyed; but upon the subjects of military posts, and reservations of land, and hostilities against the Republic of Mexico they were found to be far more tenacious. It is believed however that the views of the Government have been substantially carried out and that the Treaty will be found to contain every provision which was contemplated, so far as could be gathered either from the letter or from the general tenor of my instructions. It embraces covenants on the part of the Comanches, Kiowas, and Apaches to cultivate and maintain peace amongst themselves, and toward the citizens of the United States who may be passing through or residing amongst them. It recognizes and acknowledges the rights of the

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Government to lay off roads and highways of every description - to make reservations of land adjacent thereto - to locate depots for railway purposes - to establish military and other posts - and to prescribe all rules and regulations necessary to protect the right of persons and property in their respective territories. It further obligates the three Tribes to make restitution or satisfaction for any injuries done to the people of the U.S. - to abstain from all hostilities whatsoever against the provinces of Mexico - to restore all captives that may hereafter be taken therefore - to make ample renumeration for any trespasses hereafter committed upon the same, unless done in self-defence - and to deliver up to the officers of justice all offenders against the laws of the land. - On the part of the United States, in consideration of a strict compliance with the foregoing agreements, there is guaranteed to the three Tribes collectively an annual payment of \$18000.00 for the period of Ten Years, subject to an extension of Five Years longer if it shall appear advisable to the President. The Treaty further provides the manner, time, and place of the delivery of the annuity - the right of the Government to withhold the same in cases of

any infraction of its articles - and the obligation
of the Government to protect them in all their just
rights and privileges.

It is unnecessary here to enlarge upon the
most of the foregoing stipulations on the part of
the Indian Tribes, inasmuch as their property and
advantages must be apparent upon a bare perusal.
Those however which relate to the location of posts
and army depots, and to reservations while they were
not conceded without some reluctance may be
worthy of some remark. There is a decided aversion
amongst all the wild tribes of Indians to the es-
tablishment of military settlements in their midst.
They consider that they destroy timber - drive off the
game - interrupt their ranges - excite hostile feelings
and but too frequently afford a rendezvous for
worthless and trifling characters. Their efficacy
too for ensuring the security of the country is
perhaps overrated. As at present existing although
under the command of excellent and efficient
officers who are always zealous in the performance
of their duties, yet so small is the force usually
at their disposal, that they maintain their own
position in the country more by the courtesy
of the Indians than from any ability to cope
with the numbers that surround them. Instead

of serving to intimidate the red man - they rather create a belief in the fubleness of the white man. In fact it must be at once apparent that a skeleton company of infantry or dragoons can add but little to the security of five hundred miles square of territory. Nor can the great highways to Utah and New Mexico be properly protected by a wandering squadron that parades them once a year. Indeed the experience of the last few years would show that while emigrants who relied on such defences have often lost their lives; those who were more vigilant and trusted to their own arms for safety have only lost their animals. But although such military posts are viewed with distrust, and irritate the feelings of the Indians, and although of very doubtful benefit at last; yet, inasmuch as the Government may wish to extend the system, it was deemed advisable to insist upon that provision of the Treaty and it was accordingly incorporated. Yet, having done so, I feel it incumbent upon me at the same time & for the reasons stated to urge upon the Government the propriety either of increasing the forces at such places, or else of abolishing such posts altogether. Our relations with the wild tribes of the Prairies & Mountains resolve themselves into a simple alternative. The policy must be either an Army, or an Annuity.

Either an inducement must be offered to them greater than the gains of plunder, or a force must be at hand able to restrain and check their depredations. Any compromise between the two systems will be only productive of mischief, and liable to all the miseries of failure. It will beget confidence, without providing safety. It will neither create fear or satisfy avarice, and adding nothing to the protection of trade and emigration will add everything to the responsibilities of the Government!

The same objections which operated to a greater or less degree against military locations also induced them to oppose the reservations of lands by the United States for depots and roads. But in view of the fact that at no distant day the whole country over which those Indians now roam must be peopled by another and more enterprising race, and also of the consideration that the channels of commerce between the East and the West will eventually, in part at least, pass through their country it was regarded as incumbent to provide as far as practicable for any action the Government might see proper to take upon that subject. Already the idea of a great central route to the Pacific by railway has become deeply impressed upon

the public mind, and while many courses are contemplated, two of them at least are designated as passing through this section of Country. Should the results of Explorations now in progress determine it thus, the acknowledgement contained in this clause of the Treaty may be found of inestimable value. It will afford all the concession necessary for locations, preemptive reservations & settlements, and avoid besides the enhanced cost of secondary treaties with these tribes. Moreover, it will open a rich vein of wealth in what is now a wilderness, and that too without additional public burden. In this aspect therefore these concessions cannot but be regarded as absolutely fortunate.

The chief difficulty which occurred in negotiating the present Treaty was not, however, presented in the article embracing the foregoing points, but in that which contemplates a cessation of all hostilities against the neighbouring Provinces of Mexico, and the restoration of prisoners hereafter captured. For a long period these tribes have been in the habit of replenishing their caballadas of horses from the rich valley's pasture lands which border upon the Rio Grande. Yearly incursions have been made by them far into

the interior of Chihuahua and Durango, and they but seldom return without having acquired much plunder as well as many captives from the defenceless inhabitants of these country. The name of the "Comanche" and "Apache" has become a byword of terror even in the villages and beneath the city walls of those fertile provinces. The consequences of their expeditions are two-fold for while they serve to sharpen the appetite for pillage & ravage they also tend to keep up the numbers of the tribe. The large herds driven off produce the former result, and the prisoners captured contribute to the latter. The males thus taken are most commonly adopted into the tribe, and soon become the most expert leaders, war parties, and the most accomplished of marauders. The females are chosen as wives, and share the duties, and the pleasures of the lodge. In fact so intermingled amongst these tribes have the most of the Mexican captives become, that it is somewhat difficult to distinguish them. They sit in council with them - hunt with them - go to war with them, and partake of their perils and their profits, and but few have any desire to leave them. Upon this account the chiefs of the nations refused

positively and distinctly to entertain any proposals or make any treaties having in view the delivery up of those captives now dwelling amongst them. They stated very briefly that they had become a part of the tribe - that they were identified with ^{them} in all their modes of life - that they were the husbands of their daughters, and the mothers of their children and they would never consent to a separation. Nor could any persuasion or inducement move them to abate this position. All that could be accomplished was to make a provision for the future. Nevertheless it is trusted that the covenants contained in the 5th Article of this treaty, pledging them to abstain hereafter from all incursions and invasions upon the States of Mexico, will meet with the approval of the Government and answer the ends aimed at. And as this provision was not consented to by them without much deliberation, so it is believed that it will be honestly carried out, at least if any true inference can be drawn from their subsequent conduct. They at once manifested a zeal to fulfill it in the spirit and the letter of the Article. No sooner was the agreement decided upon than runners were sent off to the South to recall all the war parties that had recently
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Started in that direction. Application was made also by both the Kiowas and Comanches for letters of safe conduct for one or two of their Chiefs who departed at once, and alone, for the neighboring States of Mexico in order to confirm friendly relations there, and to give assurance to the authorities of Chihuahua, Chihuahua and New Mexico that they were no longer enemies. These facts give great weight to the conviction that they were sincere in their professions and that thus the obligations of the Government of the United States under the 11th Article of the Treaty with the Republic of Mexico will be carried out so far as is at present practicable. Further than this nothing could be done, and nothing but a war of extermination will ever accomplish and that while it would be opposed to all the dictates of humanity, would also, in regions where footsteps leave no trace, and where no fixed habitations afford an object of attack, prove to be an utter impossibility.

So far as concerns the engagements made upon the part of the United States it will be perceived that they are such only as naturally flow from relations of peace with those under their jurisdiction, and from the precedents heretofore

set in similar treaties. Being instructed to negotiate upon the basis of an annual payment in goods and provisions in return for the rights and privileges conceded it has been my endeavor to reduce the amount as low as a sense of justice would authorize, and to conform the time of duration to that indicated by the amendment made by the United States Senate to the Treaty of Laramie upon this subject it may be well to remark also that the annuity of \$18 000.00 guaranteed to the Comanches Kiowas and Apaches collectively is only about one third of the sum provided for like purposes by the treaty concluded with the Sioux, Cheyennes, Crows and other tribes of the north, whereas the extent of country occupied by the former is nearly if not quite equal to that claimed by the latter. This sum too while it is by no means extravagant will if judiciously expended be ample sufficient ^{to supply} their wants of those things which they have not in abundance amongst them. The distribution of a similar amount which was taken out by me this year as "treaty presents" fully satisfied their desires. And in the future should it even tend to create desires which they do not now feel, it will only be the means of promoting trade between them and our own citizens, and

thus introduces the first elements of civilization among them. When therefore an attentive consideration is paid to the many benefits resulting to the people of the United States and to the influences likely to be exerted upon the Indians themselves, from the stipulations of this Treaty it is thought with confidence that the annuity mentioned will neither be regarded as too large in amount, or as unprofitably directed. The tribes with whom it has been concluded have ever been ~~considered~~^{looked upon} as the most formidable of all those who inhabit the interior of the Continent, and the damage often done in a single season to the traders of Santa Fé would now than equal the payment contemplated. If it shall be the means of remedying this grievance alone a great good will have resulted; ~~and~~ - more than an equivalent have been obtained. And that it will do so there is every reason to believe, as well from the numbers who assented, as from the disposition manifested by them both then, and since. Of those present at the Treaty the most numerous were the Comanches, and next in force the Kiowas. Of the former the "Yamparicks" - the "Pootsuntickers" - and the "Hoese" three of the largest bands in the nation were there en masse, together with delegations from some of those

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more remote from the lines of travel. All the principal
chiefs of the Kiowas became parties to the Compact, and
pledged themselves individually to enforce its fulfilment
by their braves and young men. See reference to
the Apaches it is proper to state that they are
a large fragment who have separated from that
portion of their tribe residing in New Mexico, and
must not be confounded with them. Still they
form ~~a~~ ^{an} extensive and warlike band. They
^{upon the waters of the Canadian and}
~~range south of the Arkansas river~~ in the same
great plains that are inhabited by the Comanches
and often join them in committing depredations.
There were represented in full, and gave every token
of sincerity in their dealing, and an intention to adhere
to the terms of the Treaty. Thus it will be seen
that it embraces all those Indian tribes south
of the Arkansas river from whom any thing
was to be apprehended and so far carries out
the instructions transmitted to me. If it shall meet
with the approval of the President and be confirmed
and ratified by the Senate I am persuaded that
it will contribute much to the security of life and
property in the far west. If otherwise - if it shall
prove to be objectionable and a failure to comply
with its promises issued, then it would be infinitely
better had the attempt never been made.

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The foregoing remarks connected with and explanatory of the several Articles which seemed to require comment will be sufficient to place the Department fully in possession of all the information requisite to a just appreciation of what has been done in the performance of this portion of the duty assigned me. Upon mere matters of detail I have only one suggestion to add. It is that the locality designated as the one selected for distributing future annuities, ("Beaver Creek") will be found I fear too difficult of access to answer the purpose, and as authority is given to the President, by the 9th Article, to choose a more suitable point, it would be better and more convenient for transportation to name some place on the Arkansas.

Having concluded the negotiations with the Comanches Kiowas and Apaches, and having delivered to them the Treaty Presents sent out for that purpose I left Fort Atkinson on the 2nd day of August and proceeded to meet the Cheyennes and Arapahoes upon the South Fork of the Platte river. Following up the Arkansas to the "Pueblo" my course led through rich alluvial bottom lands rank with vegetation and spiced heavily with Cottonwood near the margin of the stream. Fine soils prevail in these low grounds, and on the high table lands a short-

but nutritious grass affords excellent grazing, and will cause this country to be some day much prized for pastoral purposes. Leaving the Arkansas at the mouth of the "Fontaine qui boiles" and tracing along the base of the mountains - passing under Pikes peak and winding around the ranges that shut in the South Park - crossing the "great divide" that extends even to the Missouri - the descent travelled down one of the many small streams that unite and form the South Platte. The topography of this region presents many interesting features. Shallow valleys, a mild temperature ~~even in winter~~, large growths of timber and immense water power may be numbered among its advantages. These together with an abundance of small game render it the favorite resort of the Indians during the winter months, and enables them to subsist their animals even in the severest seasons. Indications of mineral wealth likewise abound in the banks of the water courses, and the gorges and canons from which they issue, and should public attention ever be strongly directed to this section of our territory, and free access be obtained the inducements which it holds out, will soon people it with thousands of citizens and cause it to rise up speedily into a flourishing mountain state.

Arriving in the vicinity of St Vrain's old fort

Chas F. Mabie

a large portion of both the Cheyenne and Arapaho nations were found encamped along the banks of the South Platte anxiously awaiting the distribution of their annuities. But as it was necessary that as many should be present as possible, in order ratify the alterations made in the Treaty of Laramie by the U.S. Senate, before any issue of goods took place a delegation of some ten or twelve day was incurred in sending messengers to bring them in, and in gathering intelligence of their movements. Even then it was found impracticable to collect the whole of the Cheyenne Tribe, as one large band had gone off in the direction of the Sweetwater, and could not be expected to return within a month. But the advancing season and delays already encountered forbade the idea of remaining such a length of time, and accordingly the proposed modification of the Treaty of Laramie was opened to those assembled. Here no difficulties of interpretation occurred, and after explaining the object and purport of the amendment first to the chiefs and Headmen and afterwards to the two nations in full council it was readily assented to by all. The signatures of the Chiefs were then appended by them as acknowledgment.

to a "form" of that amendment transmitted to me for the purpose, and were witnessed in like manner by those present on the occasion. That "form" is herewith returned to the Department. It was desired that those who had signed as parties to the original treaty should also join in consenting to the present modification. Some have done so - others are dead - one or two were absent. The signatures attached however are those of the recognized chiefs of the nations, and of the braves of greatest influence and authority. The delivery of the goods, provisions, and ammunition allotted to them then took place, and the Indians soon separated on their respective hunting grounds.

Directing my course from this point to Fort Laramie, and passing through a country much broken in parts yet rarely sterile, I reached there about the tenth day of September. The Sioux had chosen that place ~~and~~ to receive their annual payment, and accordingly I found them in full attendance. Something of bad feeling was however prevalent amongst them in consequence of a recent difficulty which had taken place between one of their villages, and the troops of the garrison. The particulars of the affair have no doubt been already reported to the

proper authority) through another channel, and it
is needless to repeat them. Several Indians were
killed by the troops, and many threats of retaliation
were made by the band to which the deceased
belonged, but whether any other line of conduct than
that pursued could have been safely pursued by
the officer in command is very doubtful. Owing
to the irritation under which the Indians labored
from this cause the Council which was held to
consider of the amendment to the "Treaty of
Saramie" was constantly interrupted by the
story of their grievances, and by applications
for redress. They stoutly insisted upon the
immediate removal of the post from amongst
them, saying that when first placed there they
were told it was for their protection, "but now
the soldiers of the Great Father are the first to
make the ground bloody". At length one or two
of the headmen went so far as to decline having
any thing more to do with treaties, but after an
Explanation from Captain R. Garnett U.S.A. of the
reasons which induced his action, and the provocation
which had been given they became somewhat
pacified, and the immediate subject of the Council
was resumed. No further opposition of a serious
character was experienced, and their consent to

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the modifications of the Treaty was finally given. It was acknowledged and signed by them in the same form" with that of the Cheyennes and Arapahoes and duly witnessed by the officers of the post. The supplies which had been forwarded to that point were then divided proportionably between the several bands, and by them distributed amongst the lodges. The slight interruption of friendly feeling gradually gave way, and I had the satisfaction of witnessing a much more amicable spirit manifested before my departure than at my arrival. During this interview with the Sioux two companies of Rifles under the command of Captain Van Buren U.S.A. were encamped in the vicinity of the Fort, and least any accidental disorder should arise I requested him to remain until the termination of negotiations which request was cordially complied with, the Sioux, Cheyennes and Arapahoes being the only tribes of Indians within my Agency who were parties to the Treaty of Laramie, and their adhesion to the Amendment passed by the United States Senate having been obtained, nothing more remained to be done in this respect. Accordingly after a short stay at the fort during which time some minor matters relating to my agency business chiefly engaged attention, I returned, by the

way of Fort Kearney to Kansas and thence to
Saint Louis where I arrived on the 9th day of
November 1853. —

In concluding this report concerning
transactions running through a period of five
months, and involving the welfare of several large
tribes I cannot refrain from touching upon one
or two topics nearly connected with the present
condition of those Indians, and with the future
development of the widely extended country they
inhabit. What may be their destiny and what
may be its eventual growth in power and wealth
are problems which human foresight can never
scarcely solve. If the same laws are to prevail
which have up to this time operated in all
likelihood the former will be dark, while the
latter though very brilliant will be far removed.
The Indians will perish before the land thrives.
Indeed examples of all of their race who have
preceded them on the continent would point to
a condition of poverty, of humiliation, of extinction
as the natural result of the foster policy of our
Government. The associated remains of great

tribes who hover in patches upon the borders of Missouri
 and Arkansas are evidences that cannot be ignored.
 But must it always be thus? Must the same system
 which has resulted so unfortunately heretofore be
 pursued remorselessly to the end? Must that course,
 of removals from place to place, and successive
 contractions of territory, and perpetual isolation
 which has thus far been fraught with such enormous
 expense be likewise applied to the nations of the
 interior? The single tribe of the Socks & Foxes have
 been three times removed, and have cost the Government
 many millions of dollars, besides the expenses of a war.
 The Seminoles present another instance in point, and
 are not such precedents alarming in their application
 to the policy of the Government in regard to the
 Indians of the Prairie and Mountain and of the
 great Basin? Such reflections and inquiries must
 force themselves upon the mind of every one who
 feels an interest in that country, and the latter
 while easy to be propounded are most difficult to
 answer. The present however is the time for action
 if any action at all is to be taken upon the subject.
 With the tribes south of the Arkansas - the Comanches
 Kiowas and Apaches we have now for the first
 time opened an intercourse, and with those north
 of that stream - the Sioux - Cheyennes - Crows and

others of the Missouri our relations are of only two years standing, and have as yet assumed no permanent shape. Those still further west are yet ~~without~~^{beyond} the pale of treaties. Without militating therefore against what has been done heretofore, everything may be done hereafter. It is the beginning of the contact between the red and the white races in those distant regions, although the effects of that contact are even now becoming visible. The fact, startling as it may appear was made manifest in my recent visit that the Chayunes and Arapahoes and many of the Sioux are actually in a starving state. They are in abject want of food half the year, and their reliance for that scanty supply, in the rapid decrease of the buffalo, is fast disappearing. The travel upon the roads drives them off or else confines them to a narrow path during the period of emigration, and the different tribes are forced to contend with hostile nations in seeking support for their villages. Their women are pinched with want and their children constantly crying out with hunger. Their arms moreover are unfitted to the pursuit of smaller game, and thus the lapse of a few years presents only the prospect of a gradual famine. Already under the pressure of such hardship they are beginning to gather around the few licensed

traders of that country, acting as herdsmen, runners interpreters, living upon their bounty, while others adopt most immoral methods with their females to eke out an existence. The same fate too ultimately awaits the tribes adjacent to New Mexico and Texas, and that will in all probability be hurried on with frightful rapidity owing to the unsheltered nature of the country. These facts are disagreeable to contemplate yet the description does not equal the reality. But when these facts are considered in connection with the question of extending the same system of exclusion and limited ranges, over those Indians which has prevailed in respect to the decayed remnants of tribes on the border of the States they become something more than disagreeable. It will be seen that to leave them as they now are would be inhumanity and that to isolate them in small strips of territory when they cannot subsist, under surrounding circumstances upon the large lands they now occupy, would be only to deliver them over to the ravages of disease in addition to the miseries of famine. If penned up in small secluded colonies they become hospitalwards of cholera and small pox and must be supported at an immense annual cost to the government. If no alteration is effected in their present state the future has only starvation in store for them. The former would ensure a gradual decline - the

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latter a speedy extinction, and if the question of their welfare alone were involved the one course is as objectionable as the other. In these remarks however I would not be understood as casting censure upon the government for a policy which has its foundation rather in the traditions of the Indian Bureau than in any cold reason, but only as directing attention to the bad consequences that must arise if longer persisted in. After mature reflection therefore upon the difficulties which must embarrass any line of policy that can be traced out having the improvement of the Indians in view, and judging from the experience of many years passed amongst them I am constrained to think that but one course remains which promises any permanent relief to them or any lasting benefit to the country ~~they inhabit~~ in which they dwell. That is simply to make such modifications in the "Intercourse Laws" as will invite the residence of traders amongst them, and open the whole Indian territory to settlement. In this manner will be introduced amongst them those who will set the example of developing the resources of soil of which the Indians have not now the most distinct idea -

who will afford them employment in pursuits congenial to their nature - and who will accustom them imperceptably to those modes of life which can alone secure them from the miseries of pauperism. Trade is the only civilizer of the Indian. It has been the precursor of all civilization heretofore, and it will be of all hereafter. It teaches him the value of other things beside the spoils of the chase, and offers to him other pursuits and excitements than those of war. All obstructions to its freedom therefore only operate injuriously. The present "intercourse laws" too so far as they are calculated to protect the Indians from the evils of civilized life - from the sale of ardent spirits, and the prostitution of morals, are nothing more than a dead letter - while so far as they ~~do~~ contribute to exclude the benefit of civilization from amongst them they can be and are strictly enforced. While the few licensed traders within my agency comply scrupulously with all the requisitions of those laws - the great numbers who are constantly passing through this section of country on their way to the ^{California & Oregon} Pacific States pay no regard to such restrictions - traffic without license - furnish liquor to the Indians - and render all efforts to regulate intercourse a mere farce. Under such circumstances it seems unwise to subject these tribes to the vices, without introducing the virtues.

and advantages we ourselves enjoy. The effect of so removing the barriers that now oppose the residence of our own citizens among them, as to afford the inducements of pre-emption to settlers would I am satisfied be every way productive of good to the Indians themselves, and would at the same time yield to the hands of industry and enterprise a large and valuable territory, that now serves only as a disconnecting wilderness between the States of the Pacific, and Atlantic slopes. The Indians would soon lose their nomadic character - forget the relations of tribes, and while some would rise to prosperity - and affluence - the larger portion would perhaps assume that position and adopt those modes of life common to so many of the inhabitants of New Mexico. And this while it would avoid the cruel necessities of our present ^{towⁿ extinction} policy, would make them an element in the population and a shaper in the prosperity of that country.)

The custom of "extinguishing the Indian title" as it is called has in many instances heretofore prevailed as a preliminary step to any settlement by the white man. But I confess that I cannot even allude to it without offering some reasons which seem to me to render it an objectionable course. In the first place it renders necessary that every system

of removals and of congregating tribes in small parcels of territory that has contributed so injuriously upon them who have been already subjected to it. It is the legalized murder of a whole nation. It is expensive - vicious - inhuman, and producing those consequences and these alone - the custom being judged of by its fruits should not be persisted in.

Again too, and assuredly in the present instances the "title" is nothing more than the title of migration. Scarcely a single tribe of those before named now occupies the territory held and claimed by it fifty years ago. The Sioux coming from the north have driven off the Arapahoes the Cheyennes and the Pawnees, and they in turn have encroached upon more southern tribes. It is a moving claim - a constantly shifting location - a vagabond right and at best only amounting to the privilege of occupancy and not to that of exclusive. If it is thought proper to recognize such rights it is all well and good and just; but it does not therefore follow that the government cannot recognize in its own immediate citizens the same common privileges of domicil and residence which it concedes to wandering nations of savages. The like force of reasoning which constitutes admission of their claim to dwell where they now are - compels admission of the rights of other subjects of the United States to dwell there also. No sense of wrong

interposes against it - no feeling of humanity checks it - nothing but the restrictions of an "intercourse law which has become a grievance to both races hinders it. Their migratory process has given to these Indian nations no "title" to exclude to exclude others, and to prevent them from joining in the example they have set. Neither does the nature of their occupancy itself add any strength to such a notion as that of exclusive right. They wander over vast tracts in search of game, claiming perhaps as their own wherever they have passed. In this manner they take their possession, and while no importance can be attached to their hunting excursions, they acquire "title" in no other manner, and it seems almost an abuse of language to dignify it with that name, except in cases where it has been ~~so~~ expressly confirmed by treaty stipulations specific on that point. Regarding therefore the carelessly received opinion about the "extinguishment of the Indian title" as based upon false ideas of what that title is, and how it originates, and believing that the continuance of such a practice will be not less injurious to the Indians, than dictatorial in accomplishment,

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I cannot avoid stating candidly the objections which exist to its extension, ~~recent~~ ~~now~~ ~~now~~ of
The foregoing observations have been called forth too by the fact that opposition might arise on that score to any action on the part of the Government calculated to induce settlement in what is now known as the "Indian Territory". But even so objections of that sort posse now find that they really do - the emergency calling for some such modification is so great - the condition of the Indian tribes so forlorn the travel through their country so extensive - and the operation of the intercourse restrictions so ineffectual for any good that it would be only consulting the welfare both present and future of the Indians themselves to amalgamate them. This can be done only in the manner stated, and this presents the only remedy that holds out any hope of permanent relief to the tribes of the Interior both from the evils of concentration, and the horrors of famine - and of the rapid development of the wealth and resources and capacities of a widely extended domain.

These views are respectfully submitted to the consideration of the Department, as touching interests confided to its keeping, and

if they shall cause attention to be directed to
the subjects presented, they will have answered
the desired end. In regard to the matters
referred in this report I have to add that
if the Treaty concluded with the tribes of the
Arkansas shall be approved - the earliest
possible efforts should be made to forward
the annuities provided, in order that they
may arrive here in season for shipment, and
also to suggest the propriety of appointing a
separate and distinct Agent for those tribes.
The additions made by this Treaty to the duties
to be performed within my agency render it
impossible that one person can attend to them
all and at the same time give that attention
to each which the interest of the service demands.
I trust therefore that the suggestion will be
complied with.

I have the honor to remain

Your Obedient

To

A. G. Thompson

Sup Ind Affairs Adm

Thomas Fitzpatrick

Ind Agt

Upper Platte & Arkansas

2-57D

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mark

Mundans ^{of} ~~for~~ Centres
Rockpit she ^{is} ~~in~~ ^{his} ~~mark~~ push
She ^{is} ~~in~~ ^{his} ~~mark~~ main ^{is} ~~in~~ ^{his} ~~mark~~ ps,

Aniekanas
Kumtuhi ^{is} ~~in~~ ^{his} ~~mark~~ span
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11/18/1988

Articles of a Treaty made and concluded at
Fort Laramie in the Indian Territory, between A. H. Mitchell
Superintendent of Indian Affairs and Thomas Fitzpatrick,
Indian Agent, - Commissioners specially appointed and au-
thorized 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 Dah-co-tahs, Cheyennes,
Arapahoes, Comanches, Gros-Ventres, Mandans and
Arikaras; parties of the second part, on the seventeenth day
of September A.D. One thousand eight hundred and fifty
one.

Article 1st The aforesaid nations-parties to this treaty,
having assembled for the purpose of establishing and confirm-
ing peaceful relations among themselves, do hereby covenant and
agree to abstain in future from all hostilities whatever against
each other; - to maintain good faith and friendship in all
their mutual intercourse, and to make an effective and
lasting peace.

Article 2nd 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 3rd In consideration of the rights and privi-
leges acknowledged in the preceding article, the United
States bind themselves to protect the aforesaid Indian
nations against the commission of all depredations.

Military, and other Posts within their respective territories.

Article 3rd. 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 4th. 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, or the people of the United States, whilst lawfully residing in, or passing through their respective territories.

Article 5th. 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 Lakota nation—commencing at the mouth of White Earth river, on the Missouri river—thence in a south-westerly direction to the forks 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 Ventre, Mandan, and Sioux Nation. Commencing at the mouth 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 - thence from the mouth of Powder River in a south-easterly 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 Assinaboin Nation. Commencing at the mouth of Yellowstone river, - thence up the Missouri river to the mouth of Muscle-shell river, - thence from the mouth of Muscle-shell river in a south-easterly direction until it strikes the head waters of Big dry Creek, - thence down that Creek to where it empties 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 Muscle-shell river, - thence up 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 in the Yellowstone, - thence up Powder River to its source, - thence along the main range of the Black Hills

the mouth of Muscle-Shell river, - thence up the Missouri river to its source, - thence along the main range of the Rockey Mountains, in a southerly direction to the head waters of the northern source of the Yellow-Stone river, - thence down the Yellow-Stone 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 Comanche Nation. Commencing at the mouth of Powder River on the Yellow-Stone, - 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 Yellow-Stone river, thence down the Yellow-Stone 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 spring of the

Santa Fe road, - thence in a north westerly 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 thereby 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 trapping over any of the tracts of country hereinbefore described.

Article 6th. The parties of the second part to this treaty, having selected principal or Head Chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said Chiefs and their successors during good behaviour.

Article 7th. In consideration of these 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 condition, the United States bind themselves to deliver to the said Indian nations the sum of Fifty thousand dollars per annum for fifty years in provisions, merchandise, domestic animals and articles, that in their judgment, in most proportion 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 8th. It is understood and agreed that should any of the Indian nations cease to be a party to this

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 8th. 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 R. R. Mitchell and Thomas Fitzpatrick Commissioners as aforesaid, and the Chiefs, Head men, and Braves parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

R. R. Mitchell

Thomas Fitzpatrick
Commissioner

In presence of

A. B. Chambers Doctor.

J. Cooper Col^t U. S. Army

N. H. Chilton Capt. 1st Drago.

Thomas Duncan Capt. 1st Drago.

Tho. G. Rhett Brt. Capt. R. M. R.

W. G. Elliott 1st Lt. R. M. R.

Sicis.

Mah tre what his you when

Mah kah tre mark yah

Bd. vlon kah mark tanga

mark

W. Campbell Interpreter for Sioux
John S. Smith Interpreter for Cheyennes
Robert McCrum Interpreter for the Crows
A. Anderson Interpreter for Assiniboin & Gros Ventres
Francis St. Etie Interpreter for Arapahores
John Grizelle Interpreter for the Arapahores
B. Gratz Brown
Robert Campbell
Edward S. Chouteau

Mah Kapah ^{his} gi gi
Mah tre sah ^{mark} ti ah's
Mah matalah ^{his} mi hanstah
mark

Chayennes
Wah ha nist ^{his} salla
Wist li te ^{mark} gibz
Mahk koh ^{his} me ien
Wah Kah yon ^{his} am es
mark

Arapahores
Be oh li aum ^{his} x sah
Mah mi tsah ^{his} tsah il
Beh Kah jay ^{his} tsah es
mark

Crows
Arra in n ^{his} tsash
Ahahit pit tsah ^{his} tsah es
mark

Assiniboinnes
Mah tre nist ^{his} ko
Zoo tsah kich ^{his} nan
mark

Gros Ventres
Nockit pit she tsah ^{his} pish
She tsah man ^{his} ps,
mark

Arickasses
Koun tsuh ^{his} han
Bi atch tah ^{his} gitah
mark

Arickasse

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1887
1887

~~W~~ 1st Senate Resolution
April 12th 1854.

Ratifying a Treaty, made
at Fort Atkinson, July 27, 1853
by Thomas Fitzpatrick, Commissioner,
and the Comanche, Kiowa
and Apache Tribes of Indians,
with an amendment.

Sent to State Department
for promulgation
Feb 8th 55

Referred to Mr. Cramm
of Indian Affairs.

Approved by
Drs. of Ind. April 13th 54

Rec'd April 13th 54

see Letter to A. C. Cramm May 1st 54

Sent up to Leg. Ist. with report 2^d May 55

D

In Executive Session Senate of the United States,

April 12^o 1854.

Resolved, (two-thirds of the senators present concurring)
That the Senate advise and consent to the ratification of
the Articles of a Treaty made and concluded at Fort Atkinson,
in the Indian territory of the United States of America, on the
27^o day of July, Anno Domini, 1853, between the United
States of America (by Thomas Fitzpatrick, Indian Agent
and sole Commissioner, duly appointed for that purpose)
and the Comanche, and Kiowa and Apache tribes, or
nations of Indians inhabiting the said territory south of the
Arkansas river. with the following
Amendments:

Article 5. Strike out the following words: -

"And whereas the United States of America have,
by late treaty stipulations entered into with the
republic of Mexico, obligated themselves to protect
and defend those provinces of the said republic
which lie contiguous to the boundaries of the
United States from the depredations of the various
Indian tribes dwelling within the jurisdiction
of the United States, and to enforce a restitution
of all Mexican prisoners held and retained by the
said Indians; and to maintain the peace and
security of the said provinces against all such
hostile aggression: Therefore"

Article 5. line eighteen, strike out the word "said"

Add the following as a new article:-

Article X.

It is agreed between the United States and

the Comanche, Kiowa and Apache
tribes of Indians, that should it at
any time hereafter be considered by
the United States as a proper policy
to establish farms among and for
the benefit of said Indians, it shall
be discretionary with the President
by and with the advice and consent
of the Senate, to change the annuities
herein provided for, or any part thereof,
into a fund for that purpose.

Attest,

Abraham Brinkins

Secretary