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Documents relating to the negotiation of ratified and unratified treaties with various tribes of Indians, 1801-1869: introduction and ratified treaties, 1801-1826. 1960

Washington, D.C.: National Archives, 1960

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Microcopy No. T-494

DOCUMENTS RELATING TO THE NEGOTIATION OF RATIFIED AND
UNRATIFIED TREATIES WITH VARIOUS TRIBES OF INDIANS, 1801-69

(Record Group 75, Records of the Bureau of Indian Affairs)

Roll 1

INTRODUCTION AND RATIFIED TREATIES

- 1801-26



THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION
WASHINGTON: 1960

INTRODUCTION

The documents that are reproduced on these ten rolls of microfilm are from among the records of the Bureau of Indian Affairs (Record Group 75) that relate to the negotiation of ratified Indian treaties, 1801-1869, and unratified Indian treaties, 1821-1869. The Bureau of Indian Affairs, at some undetermined time in the past, segregated these documents from the main series of letters and other papers received by the Bureau in Washington from the various Indian agencies and treaty commissioners and maintained them in separate files known as the "Ratified Treaty File" and the "Unratified Treaty File."

These documents include instructions to the treaty commissioners, council proceedings, reports of the commissioners, and letters explanatory of or otherwise relating to the treaties, and, in some cases, duplicate originals or copies of the treaties. The original treaties, that were sent to the President and were usually by him submitted to the Senate of the United States for ratification, were, if ratified, sent, like any other treaty with a foreign power, to the State Department for promulgation; and were then retained by that Department. They are now in the National Archives, in Record Group 11, entitled "General Records of the United States Government."

The basis grouping of documents in both "Ratified Treaty File" and the "Unratified Treaty File" is by treaty, and the basic arrangement is in chronological order according to the date each treaty was signed. Within the file for each specific treaty, the documents are also in most cases arranged in chronological order. The ratified treaties, which were deposited in the Department of State, were arranged in chronological order and numbered in sequence shortly before they were transferred to the National Archives. This series of numbers is now applied also to the files relating to ratified treaties in the records of the Bureau of Indian Affairs. There was no such numbering system used in the arrangement of the "Unratified Treaty File."

The first ratified treaty to be numbered in this fashion by the Department of State was a treaty of August 14, 1722, with the Five Nations (No. 1) and the last treaty numbered under the system was the treaty of August 13, 1868, with the Nez Perce Indians (No. 374). After 1869 no further treaties with Indian tribes were negotiated by the United States Government, and in 1871 a bill was passed by Congress ending treaty making with the Indians and substituting the practice of making ratified agreements. (16 Stat. L., 566).

Included on these rolls of microfilm are documents relating to ratified treaties 30 to 374, which were negotiated between 1801 and 1868. Documents relating to the negotiation of earlier treaties that were among the records of the office of the Secretary of War on November 8, 1800, were destroyed by a fire in the War Department on that date. An index to ratified Indian

treaties, 1722-1869, which was prepared in the Department of State and is now available for use in the Foreign Affairs Branch of the National Archives, includes references to pertinent documents in the records of the Department of State (Record Group 59). The index also indicates the location of treaties that are not included in Record Group 11, and lists references to various printed sources such as the American State Papers. The papers of the Continental Congress, also in the Foreign Affairs Branch, include documents concerning the conduct of Indian affairs during the operation of the Congress, 1774-1789. The part of this microfilm relating to the negotiation of ratified Indian treaties (Rolls 1 to 7) should be used in conjunction with Special List Number 6, List of Documents Concerning the Negotiation of Ratified Indian Treaties, 1801-1869, (Washington: The National Archives, 1949), which lists the most important documents in the records of the Bureau of Indian Affairs (Record Group 75) and the records of the Office of the Secretary of the Interior (Record Group 48) relating to each treaty. However, only documents marked by an asterisk (*) in Special List Number 6 were in the segregated Ratified Treaty file and consequently are included on this microfilm. Copies of Special List Number 6 are available upon request to the Exhibits and Publications Branch of the National Archives. Documents in this Special List not marked with an asterisk are to be found in various other locations throughout the files and can be examined in the searchrooms of the National Archives, or reproductions of them can be provided upon request.

In addition to documents relating to the negotiation of ratified Indian treaties, rolls 8 to 10 also include documents relating to treaties that were negotiated but not ratified by the Senate. Other documents relate to treaties that were negotiated but not sent to the Senate because of objections raised by the Bureau of Indian Affairs or elsewhere within the Executive Branch of the Government. There are also documents relating to a few treaties between two or more Indian tribes to which the United States, although an interested party, was not a signatory. The same basic type of documentation is available for unratified treaties as for those which were ratified, but these unratified treaties are not covered by Special List Number 6.

The principal types of documentation in the segregated treaty files include:

- 1) Instructions issued by the Secretary of War, the Secretary of the Interior, and by the Commissioner of Indian Affairs to the persons responsible for the actual negotiation of the treaty. These instructions outline the basic provisions which the government wished to have included in each treaty, granted authority to the commissioners to carry on the actual negotiations, and outlined the limits of this authority.

- 2) Records of treaty council proceedings maintained by the treaty commissioners and forwarded to the appropriate officials in Washington after the conclusion of the treaty negotiations. These documents consist of minutes of meetings, speeches of both Indians and the treaty commissioners, and journals reporting in narrative form the course of the negotiations. Some of these documents appear to have been prepared during the actual course of the negotiations while others appear to have been prepared after the end of the treaty negotiations from notes taken during the sessions. In either case, the proceedings constitute the most important single type of documentation relating to Indian treaties currently available for research purposes. There is a great variety in their format and contents. Some are very full; others are summary in character.
- 3) Correspondence concerning the treaty from the beginning of negotiations until the transmittal of the treaty to the Senate for ratification, if it was submitted to that body.

Several treaties between the United States Government and various Indian tribes are not represented on these rolls of microfilm by separate documents. Sometimes several treaties grew out of the same negotiations and are covered by the same documents, in which case cross-references will indicate the treaty file in which the relevant documents are to be found. For other treaties only one or two of the expected types of documents mentioned above are to be found. Sometimes these missing documents are to be found elsewhere. In other cases they are missing altogether. In many cases they were perhaps never made. Time could not be taken to carry out the research needed to explain missing items without unduly delaying the completion of this microfilm of what is there.

A target or reference sheet is included on this microfilm for each treaty. It contains the number of the treaty, the date it was signed, and the Indians involved. In addition, for treaties not represented on this microfilm by one or more documents, the target sheet indicates by means of cross references, the location when known of other documents that are pertinent to the negotiation of the treaty. Special List Number 6 will indicate to the user of this microfilm those documents not filmed relating to ratified treaties that are to be found in the records of the Bureau of Indian Affairs (Record Group 75) or in the records of the Indian Division of the Office of the Secretary of the Interior (Record Group 48).

This microfilm includes only those documents which are now maintained in the segregated "Ratified Treaty File" and the "Unratified Treaty Files." Hundreds of other documents, both basic and peripheral in nature, are located among other series of records such as the letters received and

letters sent by the Secretary of War relating to Indian affairs 1800-1849; the letters received and letters sent by the Office of the Secretary of the Interior, 1849-1869, and the letters received and letters sent by the Commissioner of Indian Affairs 1824-1869. There is information relating to the implementation of provisions of treaties in the "Special Files" and "Special Cases" and many other series created by the Bureau of Indian Affairs. Other useful documents can be found in the records of the United States Senate (Record Group 46) including the group of Presidential messages and related papers concerning Indian treaties, both ratified and non-ratified, which are arranged by Congress under the heading "Presidents' Messages - Indian Relations," and the General Records of the United States Government (Record Group 11). The last record group includes, in addition to the extant original Indian treaties, certain related papers such as the Senate and Presidential ratifications and proclamations, and, in some cases, copies of messages of the President to Congress regarding treaties, journals, correspondence, and letters of instruction to the various treaty commissioners.

Persons interested in Indian treaties should also be familiar with the following publications:

- 1) Charles J. Kappler (ed.) Indian Affairs: Laws and Treaties, volume 2, (Washington: United States Government Printing Office, 1903);
- 2) American State Papers, Class II, Indian Affairs. (Washington: Gales and Seaton, 1832) 2 volumes;
- 3) Felix S. Cohen, Handbook of Federal Indian Law. (Washington: United States Government Printing Office, 1945); and
- 4) C. C. Royce, "Indian Land Cessions in the United States," Eighteenth Annual Report of the Bureau of American Ethnology, (Washington: United States Government Printing Office, 1899).

The annual volumes in the series, Writings on American History, each of which includes an index, serve as a useful bibliographical aid in locating articles and monographs relating to Indian treaties and their negotiations. The recently published Index to the Writings on American History, 1902-1940, is a master index to the volumes mentioned above. Volumes in the same series covering the years since 1940, with the exception of the volumes covering the period of World War II which have not been published, have self-contained indices. These volumes should be available for reference use in any large public or university library.

FOR INFORMATION CONCERNING RATIFIED TREATIES

NOS. 1 - 29

SEE THE INTRODUCTION TO THIS MICROFILM