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Article Title: The Great Indian Treaty Council of 1851

Full Citation: Burton S Hill, "The Great Indian Treaty Council of 1851," *Nebraska History* 47 (1966): 85 -110.

URL of article: [http://www.nebraskahistory.org/publish/publicat/history/full-text/NH1966Indian\\_Treaty\\_1851.pdf](http://www.nebraskahistory.org/publish/publicat/history/full-text/NH1966Indian_Treaty_1851.pdf)

Date: 5/18/2011

Article Summary: The Indian Treaty of 1851 created at Fort Laramie (sometimes known as the Horse Creek Treaty) proposed to make a firm and lasting peace between the visiting Indian nations and the United States and establish the right of the United States to make roads, and military and other posts within the Indian Territories. In addition, the United States agreed to protect the Indians from depredations of the whites and provide \$50,000 annual compensation to the tribes (later reduced to \$10,000 by the Senate). Also, the Indians were to select a Principal Chief to represent the nations, and Indian nation boundaries were established, as well as other stipulations. While many problems were solved by the treaty of 1851, there were problems which resulted in violence, warfare and future treaties as well.

#### Cataloging Information:

Names: Thomas Hart Benton, Thomas Fitzpatrick, Roger Jones, D E Triggs, Daniel P Woodbury, Bruce Husband, W F Sanderson, David D Mitchell, Chief Washaki, David Atchison, Percival G Lowe, Samuel Cooper, A B Chambers, Robert Campbell, B Gratz Brown, Horace Greeley, Robert H Chilton, Father De Smet, Alexander Culbertson, Jim Bridger, Great Father of Washington, Robert Meldrum, Painted Bear, Feather [a Cheyenne], Robert Campbell, Edmond F Chouteau, Frightening Bear [Mah-Toe-What-You-Whey] or Stirring Bear, Red Cloud, Man-Afraid-of-His-Horse, White Antelope, Red Skin, Rides the Clouds, Eagle's Head, Tempest, Friday, One Horn, Little Chief, Shellman, Watchful Elk, Goose, Millard Fillmore

Place Names: Oregon Trail; Rocky Mountains; Missouri; Fort Kearny; Platte River; Grand Island; Fort Leavenworth; Arkansas River; Platte River; Kansas River; Laramie; St Louis; Fort Mann; Cimarron Crossing; Fort Union; Yellowstone River; Fort Alexander; Powder River; Tongue River; Great Medicine Road of the White Man

Keywords: American Fur Company, Mounted Riflemen, Company G, Sixth Infantry, Company C, Mounted Rifles, Indian Affairs, Commissioner of Indian Affairs, Secretary of the Interior, Cheyenne, Arapaho, Kiowa, Apache, Commanche, Sioux, Snake, Arikara, Crow, Shoshone, Cheyenne, Gros-Ventres, Mandan, Dakota Nation, Blackfeet, *Five Years A Dragoon*, *Missouri Republican*, Assinaboin, Minnetari

Photographs / Images: Fort Laramie in 1849 from a Frederick Remington painting; Father Pierre De Smet welcomed by Indian friends; Shoshoni chief, Washaki; Colonel David D Mitchell, participant in the Fort Laramie Treaty Conference of 1851

## THE GREAT INDIAN TREATY COUNCIL OF 1851

BY BURTON S. HILL

**B**Y 1845 consideration was being given in Washington to the growing Indian trouble along the Oregon Trail.

So prominent had it become that President Polk emphasized the need of adequate protection for the western bound emigrants, and in his first annual message to Congress on December 2nd of that year, recommended: "That a suitable number of stockades and block house forts be erected along the usual route between our frontier settlement on the Missouri and the Rocky Mountains, and that an adequate force of riflemen be raised to guard and protect them on their journey."<sup>1</sup>

Following the President's recommendation, on December 30th Senator Thomas Hart Benton of Missouri, Chairman of the Military Affairs Committee, introduced an appropriate bill in the Senate. The following day a similar

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<sup>1</sup> LeRoy R. Hafen and Francis Marion Young, *Fort Laramie*, (Glendale, California, 1938) p. 137.

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bill was introduced in the House. When written into law, provision was made for a regiment of mounted riflemen comprising ten companies to patrol the western route. An appropriation of \$76,500.00 was allowed to mount and equip these units, and a sum not exceeding \$3,000.00 out of any moneys not otherwise appropriated, to defray the expenses of each military station or defense along the line of communications with Oregon. An additional sum, not exceeding \$3,000.00, was allowed to compensate the Indian tribes owning or possessing the ground upon which each station was to be located.<sup>2</sup>

Fort Kearny, on the Platte River near the head of the Grand Island, over two hundred miles up the trail from Fort Leavenworth was established in 1848.

A desirable location for the next military post came up for consideration. The advice of Thomas Fitzpatrick, once owner of Fort Laramie, and well known mountain guide, was sought. As one well acquainted with the Indian country his counsel was considered highly valuable, and in 1846 his appointment as Indian Agent for the tribes of the Arkansas, Platte, and Kansas Rivers was warmly welcomed. His appointment confirmed, he entered upon the responsibilities of his office without delay.<sup>3</sup> Along with a thorough knowledge of his territory, he knew the Indians there and they knew him. In all of the tribes he was acclaimed as "Broken Hand," because of a crippling wound suffered by the explosion of a rifle he was holding.<sup>5</sup>

"My opinion is," he wrote, "that a post at or in the vicinity of Laramie is much needed. It would be in the vicinity of the buffalo range, where all the most formidable Indian tribes are fast approaching, and near where there will eventually (as the game decreases) be a great struggle for the ascendancy."<sup>6</sup>

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<sup>2</sup> *Ibid.*, p. 138.

<sup>4</sup> LeRoy R. Hafen and W. J. Ghent, *Broken Hand*, (Denver, 1931) pp. 192, 193; Hafen and Young, *op. cit.*, p. 130.

<sup>5</sup> Hafen and Ghent, *op. cit.*, p. 71.

<sup>6</sup> *Ibid.*, p. 193. Hafen and Young, *op. cit.*, p. 139.

The Mexican War delayed the fort building project along the Oregon Trail, but the news of gold discovery in California resulted in new and vigorous preparations. This was to provide for the western trek which was surely to commence the following spring. It greatly increased the urgency for the completion of the chain of posts. Thus, in March of 1849 Army Adjutant General Roger Jones directed General D. E. Triggs, at St. Louis, to establish a second post at or near a trading station belonging to the American Fur Company. It was then generally known as Fort Laramie, on the level near the junction of the Laramie and North Platte Rivers.<sup>7</sup> At the same time, Lieutenant Daniel P. Woodbury, of the Corps of Engineers, was authorized to purchase the buildings of the station if he concluded that advisable. This he did, and immediately entered into negotiations with the owners. The transaction was completed on June 27th, but not without a thorough reconnaissance of the neighborhood to ascertain whether the site was suitable for a military post.

Since the lieutenant was able to report the availability of good pine timber, limestone, hay and dry wood, the conveyance was completed upon the payment of \$4,000.00 by the United States to Bruce Husband, agent of the American Fur Company. The first troops to garrison the newly purchased fort were companies A and E, Mounted Riflemen, and Company G, Sixth Infantry, with Major W. F. Sander-son, Mounted Rifles, in command. Company C, Mounted Rifles, consisting of two officers and sixty men, arrived on July 26th, and on August 12th the two officers and fifty-three men of Company G, Sixth Infantry arrived. The

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<sup>7</sup> Log-stockaded Fort William, named after William Sublette, dates back to 1834. Sold to the American Fur Company in 1836, it was rebuilt in 1841 and christened Fort John, presumably after John Sarpy, a stockholder, but it was generally known as Fort Laramie, located in what is now Goshen County, Wyoming. Fort Laramie was abandoned March 2, 1890. For many years after 1849 it was the focal point of all western activity. Fort Laramie National Historic Site is under the supervision of the National Park Service of the Department of the Interior. David L. Hieb, *Fort Laramie National Monument, Wyoming*, National Park Service Historical Handbook Series No. 20. (Washington D. C. 1954) pp. 1-5, 30.

garrison now complete went directly to work in the preparation of quarters for the men.

Since the amount paid for the improvements did not include the land upon which the fort was located, the ownership was found to be mainly in the Sioux, Arapaho and Cheyenne. The chiefs of these bands were sought and arrangements made for an assembly the following spring to effect the purchase. Whatever transactions might have taken place during the spring of 1850, it appears evident that no complete settlement was made until the fall of 1851 at the time of the treaty council.<sup>8</sup>

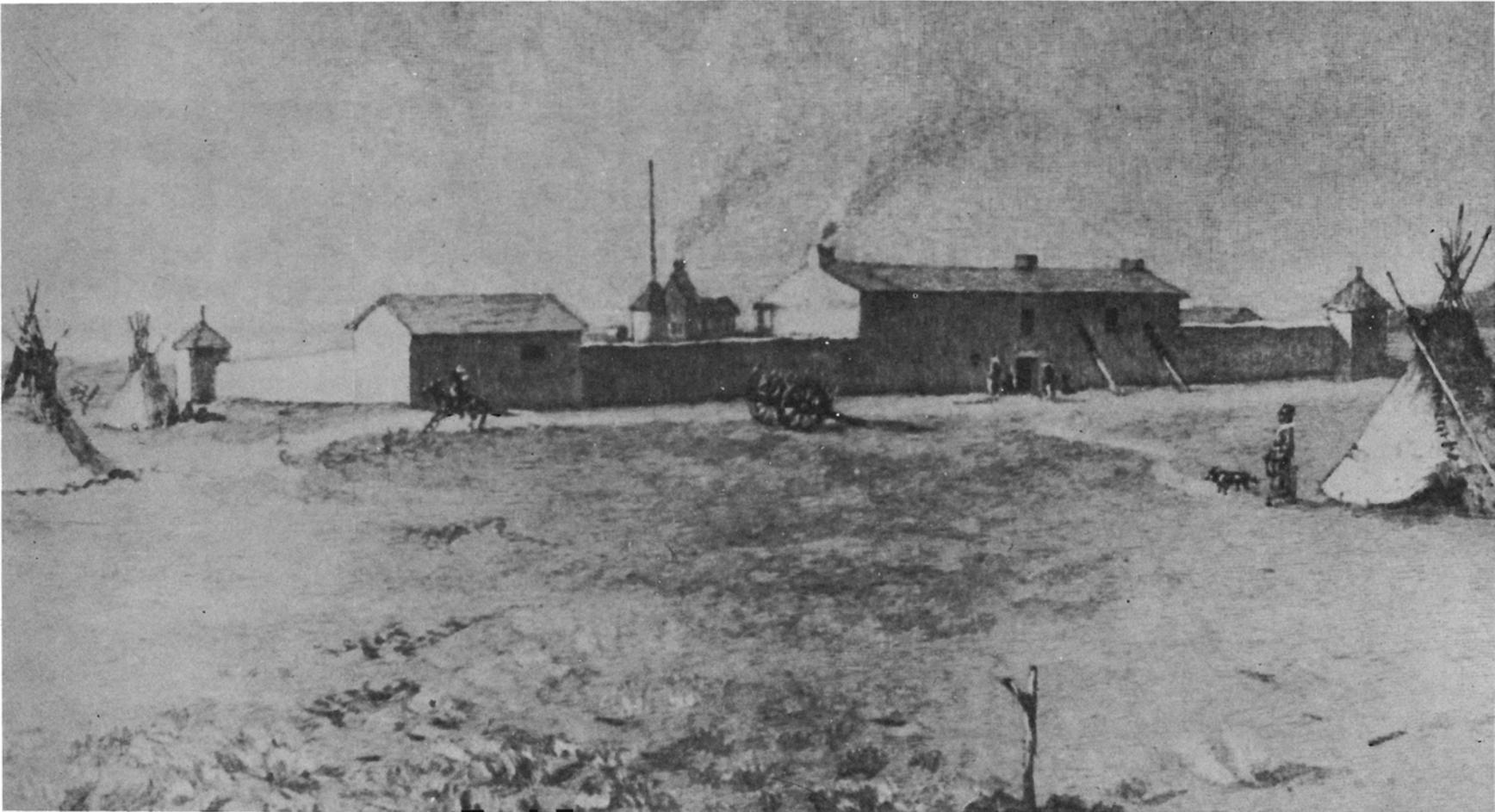
While Thomas Fitzpatrick agreed with the establishing of military posts along the Oregon Trail, he ardently contended that they were not being strongly enough fortified. This view he particularly applied to Fort Laramie. With less than 300 mounted troops he argued that the garrison would barely be able to defend itself, much less keep danger from the emigrants along the trail. He declared that not a single day passed in which the Indians, if so disposed, could not strip and deprive Fort Laramie, and all the other stations for that matter, of their entire resources. He affirmed that the personnel of these posts could be murdered; that their horses and stock could be driven off, and their structures left in ruin.<sup>9</sup>

From his long experience as a fur trapper and trader, and later as an Indian agent, he insisted that the Indians in the region around Fort Laramie were much more formidable than generally supposed. This lesson was yet to be learned in Washington, and was only learned at the cost of many lives and enormous expense. While realizing the strength of the different Indian nations, Fitzpatrick was convinced that an all-embracing treaty could be worked out with the more friendly, and even the less friendly tribes of the plains, if a great council could be held. Although Colonel David D. Mitchell, Superintendent of the Central

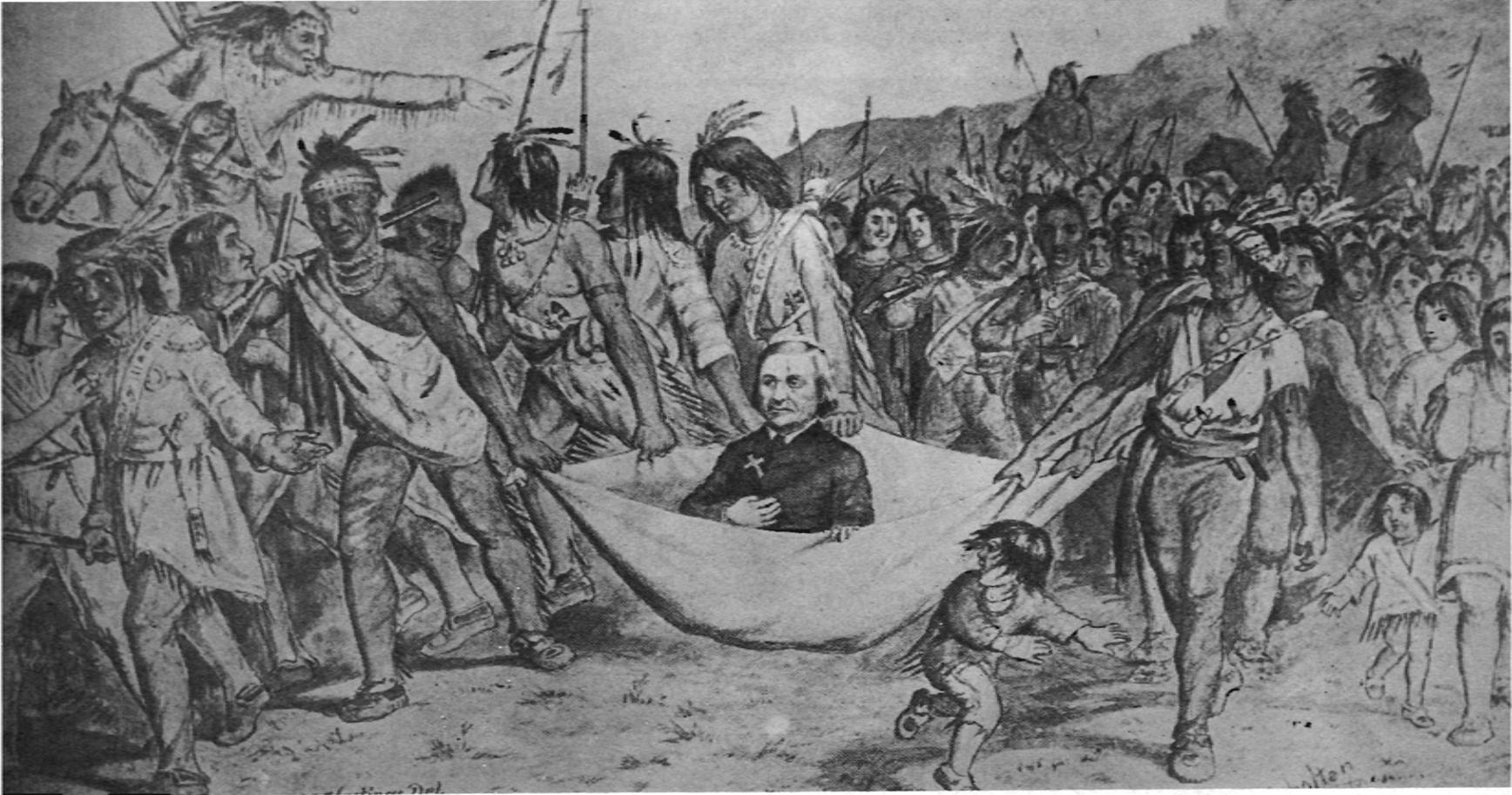
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<sup>8</sup> Hafen and Young, *op. cit.*, pp. 139-143.

<sup>9</sup> Thomas Fitzpatrick's Report to the Senate, November 24, 1851. Senate Documents, 1st., Session, 32nd., Congress.



Fort Laramie in 1849 from a painting by Frederick Remington.  
(Courtesy of the Wyoming State Historical Society)



Father Pierre De Smet welcomed by Indian friends.



Shoshoni chief, Washaki



Colonel David D. Mitchell, participant in the Fort Laramie Treaty  
Conference of 1851.  
(Courtesy of the Missouri Historical Society)

Superintendency Indian Affairs at St. Louis, was in accord with such a plan, he declared that his powers were limited, but urged Fitzpatrick to take the matter up with their superiors in Washington. This he did, and returned within a month carrying the promise of a preliminary \$5,000.00 for the purchase of presents, and with instructions to arrange for a treaty council during the summer of 1850; but, the forward progress was soon to be stopped.<sup>10</sup>

Even though the Commissioner of Indian Affairs and the Secretary of the Interior recommended it, so weighty a matter as treaty making was considered important enough to go before Congress. In March 1850 Senator David Atchison of Missouri introduced a bill into the Senate authorizing the expenditure of \$200,000.00 for the purpose of the treaty, however it failed to pass the House. For a time little progress was made, but when finally Fitzpatrick took the matter up with the Missouri delegation in Congress, a speedy victory was scored. An item of \$100,000.00 for expenses in connection with the plan was approved in the general appropriations act of February 27, 1851. Superintendent Mitchell and Agent Fitzpatrick were appointed commissioners to confer with the Indians. September 1, 1851 was selected as the date for the council, and Fort Laramie as the place.<sup>11</sup> With these matters settled, Fitzpatrick was assigned the task of relaying the information to the Indian tribes. To better accomplish his mission he purchased some goods for presents, and left St. Louis on April 22nd. It is believed that he was accompanied by his wife Margaret and infant son, Andrew Jackson.

In the vicinity of Fort Mann, near the Cimarron Crossing of the Arkansas River, then in ruins, he met small squads of red men with their families, who were urged to attend the council. Runners were sent out, and within two weeks there were numerous tipis of Cheyenne, Arapaho, Kiowa, Apache and Commanche erected in the area. When all were settled, a feast of bread, pork and coffee was

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<sup>10</sup> Hafen and Ghent, *op. cit.*, p. 217.

<sup>11</sup> *Ibid.*, pp. 217-224; Hafen and Young, *op. cit.*, pp. 178, 179.

served and presents distributed. The purpose of the council was then explained. The Cheyenne and Arapaho readily agreed, but the Commanche, Kiowa and Apache refused. They claimed that such a journey, with many horses and mules, would be too risky among the Sioux and Crow who were noted horse thieves.

After the feast and harangue, Fitzpatrick set out for Fort Laramie. He reached the Platte at a point probably near the present site of Julesburg, Colorado, where he was met by Corporal Percival G. Lowe in command of a detachment of the First Dragoons. Years later Lowe became the author of an interesting book entitled *Five Years a Dragoon*, in which he told of his meeting with the famous agent. Lowe was then escorting the Army Paymaster to Fort Laramie. From there he was scheduled to return to Fort Leavenworth, where he was to act as one of the escorts safeguarding Superintendent Mitchell and his party to the council. There is also a recital of this episode from the pen of Corporal Lowe.<sup>13</sup>

Included in the Mitchell party was Colonel Samuel Cooper, Adjutant General of the Army, and later to become Adjutant General of the Confederate forces. There was also Colonel A. B. Chambers, editor of the *Missouri Republican*, who was to act as secretary for the council. Robert Campbell, one of the original owners of Fort Laramie, then a leading St. Louis merchant, and B. Gratz Brown, a young lawyer, were present. Brown was selected to report the proceedings of the council for the *Republican*, and to serve as assistant secretary. He was later to become governor of Missouri, and afterwards vice-presidential candidate on the ticket with Horace Greeley. Fitzpatrick arrived at Fort Laramie on July 25th, but the Dragoon escorted Mitchell party did not appear until September 1st. In command of the escort was Major Robert H. Chilton.<sup>14</sup>

Father DeSmet, who had great influence with the Indian tribes, was urged to attend the council. He set out

<sup>13</sup> *Ibid.* pp. 224-227.

<sup>14</sup> *Ibid.* p. 227, 278.

from Fort Union, at the mouth of the Yellowstone, accompanied by Indian Agent Colonel Alexander Culbertson. They left on July 31st with a party of thirty-two, including members of the Assinaboin, Minnetari and Crow nations. Culbertson took two wagons of four wheels each, and two carts for the transportation of their provisions and baggage.

On August 11th, the party arrived at Fort Alexander where it remained for six days to rest the animals. This also would give time for the arrival of a barge belonging to the American Fur Company bringing some of their effects. On August 22nd the head of the Rosebud was left, and the mountains were crossed which separates it from the Tongue river. After crossing a chain of lofty mountains Lower Piney was eventually reached. Some eight miles further on the party came upon what Father DeSmet called a "lovely little lake." He thought it was about six miles long. In his honor the traveling company gave it the name Lake DeSmet.<sup>15</sup>

Powder River was gained on August 27th, and on September 2nd the Oregon Trail, known to the Indians as the Great Medicine Road of the White Man. Along the way was much forsaken camp equipment, including forks, knives and spoons. There was also the bleached bones of domestic animals, and everywhere a strange feeling of mystery and foreboding was striking. Yet, along the road the going was easy, and on September 10th Fort Laramie was reached.<sup>16</sup>

Nothing like the great council had ever been attempted; and, it is questionable whether a gathering of its kind has ever since been held. Indians from most of the

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<sup>15</sup> Lake DeSmet is located in what is now northern Johnson County, Wyoming, eight miles north of Buffalo and nineteen miles south of Sheridan. It is a well known recreation center. There is some belief that Father DeSmet passed near the lake in 1841. C. G. Coutant, *The History of Wyoming*, (Laramie, 1899), Vol. 1, 234, 235.

<sup>16</sup> Hiram M. Chittenden and Alfred T. Richards, *Life, Letters and Travels of Father Pierre-Jean DeSmet, S.J. 1801-1873*, (New York 1905), Vol. II, Ch. 3 tells the story of Father DeSmet's journey from Fort Union to Fort Laramie, and of the discovery of Lake DeSmet by his party.

tribes were on hand with their families. These included the Sioux, Cheyenne, Arapaho, Snake and Crow. The greatest number in attendance were the Sioux tribes. Before the council was over there were no less than 10,000 Indians, and perhaps as many as 12,000.

They assembled to confer with the whites covering the many problems vexing them at the time; to secure the white man's presents and assurances of a substitute for the rapidly vanishing herds of buffalo, deer and antelope. They were also concerned about the forage, usually in sufficient quantities, but being rapidly depleted by the livestock of the ever-coming emigrants whom they distrusted with a vigor that astonished and alarmed the whites. The continuous lines of covered wagons, with thousands of horses, mules and cattle, hourly passing along the Oregon Trail had desolated the neighboring areas. In addition to depleting the forage the emigrants slaughtered the game everywhere as they passed along.<sup>17</sup>

Upon arrival at Fort Laramie, Superintendent Mitchell became greatly disappointed that the wagon train bringing the presents would be at least two weeks late. He found that it had a slow start from the Missouri frontier. He knew that the Indians would be expecting presents, and that without them their response would probably not be very cordial. As it was, the commissioners had to rely on the distribution of some of their own supplies. They hoped with these they could at least convene the council and get negotiations under way.<sup>18</sup>

Every day Indians continued to arrive, to which little thought was given until it was learned that the Snake were

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<sup>17</sup> Hafen and Young, *op. cit.*, p. 177; Hafen and Ghent, *op. cit.*, p. 216.

<sup>18</sup> From this point forward our chief source respecting the Treaty Council has come from the *Missouri Republican*, a copy of which was loaned to us by the Library, University of Wyoming, Laramie, Wyoming. An account of the treaty was written for the *Missouri Republican* by Mr. B. Gratz Brown in November, 1851. Mr. Brown's account is among the library's collection of papers of the late Dr. Grace R. Hebard. Also see Hafen and Young, *op. cit.*, pp. 177-196. Hafen and Ghent, *op. cit.*, Ch. XVI.

approaching led by Chief Washakie. With this awareness tension quickly spread throughout the entire area. Everybody realized that some insignificant act could bring on trouble, and even start a fight. Fortunately, their arrival was preceded by Jim Bridger, master trapper, guide, one time part owner of Fort Laramie, and high among the mountain men. He was acting as their interpreter and able to get the head men of the Sioux and Cheyenne to understand that none of their people would be molested. With this assurance, the Snake came on very slowly and cautiously with Chief Washakie a short distance in the lead. They were dressed in their best, riding fine horses, and making a magnificent appearance as they came along.

In the absence of Major Chilton, Lieutenant Hastings became so alarmed by the extreme caution being taken that he had "boots and saddle" sounded. Just below was a large Sioux camp where more than ordinary concern was evident. As their hereditary enemy slowly approached, a few squaws howled in anguish for lost friends who had died in battle with these grim and imposing warriors. When the Snake reached the brow of the hill overlooking the nearby Laramie, and Chief Washakie commenced his descent, a Sioux sprang to his horse, bow and arrow in hand, and rushed towards the great leader. Coincidentally, a French interpreter, who had been watching this Sioux, also sprang to his horse and in a flash was off in pursuit. At this the Snake column stopped and set up a wild, defiant shout while Chief Washakie moved a few feet further and raised his gun with a contemptuous glower. Yet, before he had an opportunity to fire it the intrepid Frenchman reached the reckless Sioux, pulled him from his horse and disarmed him. Some time previous to this escapade the Snake chief had killed this Sioux warrior's father, in a surge of revenge he sought to kill the great man; but the Snake held their ground and the wild Sioux was led back to camp. This climaxed what might have brought about a serious situation. The Snake were well armed with guns and plenty of ammunition while the Sioux had only a few guns. They could not have defended themselves long, but while it lasted

the battle would have been a savage one. With order restored, the Snake set up their lodges near the tents of the dragoons and peace prevailed.

The next serious complication was the almost then completely diminished forage about Fort Laramie. The ponies of the Indians, numbering into the thousands, had so close-cropped the grass in the vicinity that a new location had become imperative. The area decided upon was a large open space thirty miles down the North Platte at the mouth of Horse Creek.<sup>19</sup> News of the move spread quickly throughout the Indian camps, and as quickly, preparations were made for the giant departure.

For the commissioners much planning was necessary, since provisions had to be assembled and transported to last two or three weeks. More than this, presents would have to be available at the new location for distribution among the Indians. Without presents the Indians would not assemble in council, and without council the great meeting would be a failure. There must be plenty of tobacco to smoke, sugar and coffee for refreshments, as well as blankets, beads and trinkets to pass around. When all of these difficulties were overcome, the immense cavalcade got in motion down the Platte along the much traveled and dusty Oregon Trail on September 4th.

Two companies of troops were in the lead, followed by the white dignitaries riding in carriages prepared for the occasion. Next came the heavy wagons loaded high with supplies, creaking slowly along, while all about were Indian villages on the move. The chiefs rode with some decorum, while the braves and boys dashed about displaying their horsemanship and working off surplus energy. In moving camp, as with all Indian drudgery, the labor was performed by the women and female children. The men and boys did nothing since they regarded it a disgrace to do any kind of work. After taking down the lodges the women hitched

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<sup>19</sup>The area in which the Treaty Council was held lies in what is now Scotts Bluff County, Nebraska, just east of Lyman, and not far from Morrill, Mitchell and Scottsbluff.

their horses to the travois, often termed "prairie buggies," and on them were placed their lodge skins, wicker framework and skin covering for shelter. Often dogs were harnessed to small travois carrying light articles. As each village got under way, the horses and dogs assumed a regular order of march which seldom was broken. If some foreigner did break into the line ahead, some of the dogs would set up a piteous howl until the proper order of succession was restored. Thus moving, the cavalcade stretched out for several miles sometimes almost hidden by clouds of dust both thick and stifling.

About three o'clock in the afternoon of the second day the council grounds were reached. Colonel Mitchell pitched his tent on the point formed by the junction of Horse Creek with the Platte. The military occupied the higher part of the plain, and the Snake Indians pitched camp to the east of headquarters. Major Fitzpatrick occupied a spot further up the creek with a number of traders and their families, while the Cheyenne were up the river beyond the creek. A portion of the Sioux encamped opposite the Mitchell headquarters across the Platte, and another portion settled down below the headquarters site. The Arapaho, Apache and other tribes were scattered in various directions. Care had been taken to place the troops between the camps of the Snake and the plains tribes, although there were only 270 soldiers while the Indian bands totaled more than 10,000. Yet, the troops had a quieting effect, especially for the control of minor differences; but in general, the peace of the council depended on good will. This seemed to grow as the tribes mingled.

On Saturday, a large band of mounted Sioux chiefs and braves, numbering nearly 1,000 came down the Platte. They marched in a solid column, four abreast, shouting and singing. In the center rode their principal chiefs carrying an old American flag which they said had been given to them by General Clark in the early days of his superintendency. After they had marched into camp the chiefs and braves formed a circle about Colonel Mitchell who gave

them some tobacco and vermilion. At the end of their visit the colonel informed them that he would expect to meet them in council on Monday at the firing of the cannon. Later in the day several hundred mounted Cheyenne rode over the hill to the camp in a manner similar to that of the Sioux and received the same presents and admonishment.

The 7th, being Sunday, the Indians were informed through their interpreters that it was the white man's "Medicine Day" and that the council would convene the following morning. However, the Cheyenne and Sioux women took advantage of the pause to erect a kind of amphitheater as a place for the council to meet. With remarkable skill they erected it in the center of the encampment out of lodge covers and poles, with an arbor in the middle for the commissioners, interpreters and head men of the Indians.

The afternoon was given over to feasts and visiting among the tribes. The Oglala Sioux were hosts to the Snake, and the Arapaho entertained the Cheyenne at a feast which was followed by dancing. Feasts and dancing took place in most of the other villages, while the drumming of the tomtom and the chanting of the revellers disturbed the sleep of the whites all the night through. Nothing was done to curtail the merriment since it fostered good will and raised hopes for a highly successful council.

On the break of day Monday the entire encampment was astir with eager preparations. In front of the Superintendent's tent a flag staff had been improvised by lashing three lodge poles together, and from it the stars and stripes were unfurled to the morning sun. At nine o'clock the cannon roared out the signal for assembling, and from all directions came the Indians of various nations towards the council circle. The first difficulty was an effort to observe Indian protocol by a recognition of the order of precedence of the tribes. Some tribes contended for preference because of their superior numbers; others because of their antiquity, and still others on account of their deeds

of daring. To summarily settle the question the Commissioner peremptorily assigned the position of each without respect to importance or rank. Even then some of the tribes had minor difficulties with question to precedence between the warrior bands, and with the rank of the respective chiefs and braves. It was soon learned that the question of rank was quite as important to the Indians as to many of the whites. These questions settled, each nation approached the common center with its own particular song or demonstration.

They came not decked out in paint and war regalia, but in their finest prairie styles often elegant and exquisite. The squaws were out in their richest costumes in an effort to display the rank of their husbands, or their wealth. In particular, the young women were in the forefront with their finery and genteel Indian society manners to attract the attention of the young men who were there to be attracted.

The council ground was a circle, along two-thirds of which had been erected skin lodges, while the remaining third was left open. In the arbor at the center sat Colonel Mitchell and Major Fitzpatrick. Colonel A. B. Chambers, editor of the *Missouri Republican*, and B. Gratz Brown, who was acting as secretary of the Council, came next. Then came the military officers, the interpreters and the white visitors. With the incoming crowd it was announced that only the head men of the various nations were expected to take seats within the circle. The other braves took places at the rear, usually behind their chiefs, and back of them were placed the women and children. The north and west of the open space was assigned to the Sioux, with the Cheyenne next, and the other tribes ranging around to the further end of the circle. Seven tribes were represented and others were on the way.

Superintendent Mitchell opened the meeting with a message of good will, which was carefully translated by the interpreters. He said he was present on important business, and wanted everything done in good faith. As evi-

dence of his good faith he proclaimed that they would smoke the pipe of peace, allowing only those whose hearts were free from deceit to touch the pipe. A large red pipe-stone calumet with a three foot stem ornamented with bright colored beads and hair was produced. The proper mixture of tobacco and kinnikinnick, which was the inner bark of red willow, was made up and put in the bowl. The interpreter of the Sioux then lighted the pipe and handed it to Colonel Mitchell, who took a few puffs and passed it to Major Fitzpatrick. In turn he passed it on to the Sioux chiefs, and by them to the chiefs next in the circle. The Indians smoked with great ceremony. The most common form was to point the pipe to the four corners of the compass, then up to the Great Spirit and down to the bad. To show the utmost degree of sincerity and truthfulness most of the smokers added an additional gesture for the particular occasion. This was done by drawing the right hand slowly along the stem from the bowl to the throat, which was symbolic of supreme good faith and the assurance of deep solemnity and reassurance. During the process of the smoking the young wife of Lieutenant W. L. Elliot, of the Mounted Rifles, came in and was received by the Commissioners. She was assigned a seat within the arbor, being the only white woman in the encampment. Her presence created an agreeable sensation throughout the assemblage. Upon receiving her, Colonel Mitchell remarked to the Indians that her presence with the white men gave them evidence of their peaceful intentions. It also supported confidence in their power to punish those doing any wrong.

At the close of the ceremony Superintendent Mitchell addressed the Council. He expressed pleasure with the manifestations of good faith, and explained that he and Major Fitzpatrick had been sent by the Great Father at Washington to make peace with the assembled tribes. It was true, he said, that the buffalo were becoming scarce, and that the emigrants' horses and cattle were eating up the grass; but, for these injuries the Great Father expected to compensate. He moreover manifested that the white men wanted unmolested passage over the roads lead-

ing westward, and the right to build military posts for their protection. The Great Father, he explained, desired each nation to select a chief who would be responsible for them. He further manifested that if they would agree to these terms an annuity of \$50,000.00 would be provided them for goods, merchandise and provisions, and that the term would be fifty years. In order that justice might be done he proposed that the Indian country should be divided into geographical districts bounded by such rivers, mountains and lines as would show what territory each nation could claim. In doing this it was carefully explained that it was not the intention to take any of their lands; to destroy their right to hunt and fish, or to pass over the country.

Superintendent Mitchell explained that the whites did not come as traders; that they had nothing to sell to the Indians, and that they did not want to buy anything from them. He made it plain that they did not want their lands, horses, robes, or anything they had, but only to advise with them and make peace for their own good. He revealed how anxious he was that representatives of each tribe would later on accompany Major Fitzpatrick to the white man's capital city. And, he was careful to make the point that a train of ox-wagons were on the way with supplies and presents for all. Major Fitzpatrick then spoke briefly. He advised that the Indians talk the matter over among themselves and mingle freely together. With that a number of the chiefs expressed pleasure at the prospects of peace and friendliness, and the meeting adjourned. Again there were feasts and dancing which continued on through the day and into the night.

Tuesday passed quietly. There was no joint meeting, but the tribes held their own councils and considered the Commissioner's proposals. As reported for the *Missouri Republican*, in the afternoon about one hundred young Cheyenne gave an exhibition of military maneuvers. They were painted and dressed in their war costumes for the occasion, and armed with guns, lances, and bows and ar-

rows. The manes and tails of their horses were colored, and on the sides of each mount were painted symbols of the owner's coups, his record of horses stolen, enemies slain and scalps taken. In their demonstration they would fire their guns, shoot their arrows, yell and charge, with the squaws and children singing and wailing in the background. The precision of their drills surprised the white soldiers, for at times their twisting and turning, and mingling of horsemen appeared to trample the footmen. Finally they formed a semicircle while one after another recounted the feats of his career. As many as twenty-five coups were counted off by the tomtom drummers for some of the braves.

The second session commenced on the 10th at nine o'clock with the raising of the flag and the firing of the cannon. On that day the Crow delegation arrived. A party headed by Robert Meldrum, the interpreter, went out to meet them and to escort them to the treaty grounds. They made a most favorable impression, although they had just finished an eight hundred mile journey with no opportunity to rest. Well mounted, they came down the plain singing their national songs with their two principal chiefs in front carrying a highly decorated pipe. Behind them followed a few squaws with their arms. When Colonel Meldrum met them the chiefs dismounted, made a short speech in reply to the colonel, and they smoked all around. They were then assigned to a camp ground, while the chiefs and principal men attended the council that morning. After they had been assigned a place within the circle, the chiefs of some of the other tribes presented them with the pipe, as a token of friendship smoked with them.

After all were settled the commissioners explained that this was the day for the Indians to respond to the proposals of the whites. Many of the head men of the different tribes spoke, and some at considerable length. Most of the expressions were favorable, but there were points upon which some took exception; and, some did not understand at all. Such was the case of Painted Bear, a Yankton, who said:

Father, this is the third time I have met the whites. We don't understand their manners or their words. We know it is all very good, and for our good, but we don't understand it all. We suppose the half breeds understand it, and we leave it to them to speak for us.

Contrary to the feeling of Painted Bear, Feather, a Cheyenne, said:

Great Father, and Father, I am glad to see so many Indians and whites meeting in peace. It makes my heart glad, and I shall be more happy at home. I am glad you have taken pity on us, and come to see us. The buffalo used to be plenty in our country, but it is getting scarce . . . As the sun looks down upon us—as the Great Spirit sees us, I am willing, Grand Father, to do as you tell me to do. . . .

Here the proceedings were interrupted by a Sioux Chief, one of the Black Feet band, who insisted upon being heard, and asserted:

Grand Father, you called me here from the Missouri river. I am here—my people are very poor and hungry—we have very little to eat. We have heard all you have said. Your words are very good, but we think we should have a hundred wagon loads of goods every year and more buffalo. We don't want the horses—we have plenty of horses. We want to see the goods.

Other speeches were made dwelling upon the poverty of the tribes and the scarcity of the buffalo. Several other Sioux head men spoke, but their speeches were begging pleas. They all were very poor and very hungry, and hoped that the goods would soon arrive.

Towards evening those present witnessed the arrival of Agent Culbertson, with Father DeSmet and their delegation of Assiniboin, Crow, Minnetari and Arikara Indians. DeSmet, whose influence was so great among all of the Indian tribes, reached the treaty grounds from Fort Laramie with Colonel Robert Campbell in his carriage. During his stay, not only was friendship and good will promoted, but in daily conferences many Indians were baptized, and listened to his words with rapt attention.

The 12th was largely devoted to a discussion of boundaries to be fixed for the various tribes. Since all of them claimed more than their neighbors would allow, it became

a difficult and trying task. There was little sentiment for fixing boundaries, but the job was vigorously tackled and accomplished by Fitzpatrick, Campbell and Bridger. These men knew every stream, mountain and trail in the vast territory. It was largely through their efforts that a territorial scheme was finally mapped out to the satisfaction of the tribes. Every day as the council went on a nearer approach was reached to a comprehensive agreement, although the wagon train failed to arrive. Its arrival would be that final great proof of the white man's sincerity. Yet, as the days rolled along so did the feasting and dancing; but, regardless, there was yet one most important matter to settle. It was the grievance of the Shoshone against the Cheyenne for the killing and scalping of two warriors when the two tribes met on their way to the council.

The Shoshone had observed a truce, but not a reconciliation. There had to be expiation of the offence and a symbolic covering of the bodies by gifts of blankets, or something else of equal value. This done the peace pipe could be smoked. To relieve the delicate situation the Cheyenne took the initiative and gave a feast for the Shoshone. Following the feast, the Cheyenne brought their presents of tobacco, blankets, knives, pieces of red and blue cloth, and other things, which were deposited in the center of a circle where the two scalps were also deposited. They were then returned to the brothers of the two victims, who were seated at the head of the circle between the chiefs of the respective nations. The brothers were solemnly assured that there had been no scalp dance and thereupon accepted the scalps. Deeply affected they embraced the murderers and received their gifts. After this an air of good feeling and friendship existed.

By the 17th the treaty was ready for signature. Some days previous the military escort of the Commissioners had moved their camp down the Platte River, two miles or so below where they first camped. The Commissioners continued their encampment as first established, although it would have been desirable for them and all others to have

moved. The grass had been eaten out, and the tramping of many persons over the sandy soil had made the prairie little short of an arid plain, from which the dust went up in immense clouds with every gust of wind. With each assembly, it did not require much to make it most offensive. However, in conformity with the wish of the Indians, and since they had endured it to this point, it was seemed advisable to remain; particularly, since no certain notice had been given of the time of the arrival of the train with the goods.

On the morning of the 17th the usual signals summoned the Council. The officers of the United States Army, together with the other gentlemen who were to be witnesses to the consummation of the Treaty, were present. To the various Indian tribes the objects of the Council had been communicated by the interpreters, and as they assembled, the attendance of young men, squaws and children was not so numerous as on former occasions. Those in attendance in council came with the gravity and dignity that ought to characterize such an occasion. When the Council opened, Colonel Mitchell explained the purpose of the assemblage to be the signing of the Treaty, as it had been prepared in conformity with previous agreement. He then read it to them sentence by sentence, and caused it to be fully explained by the different interpreters. At the instance of some of the Chiefs, portions of it were read several times for their better understanding. Every effort was made to give them the full import of each article. Since the Treaty remained subject to the ratification of the United States Senate, a full substance of the principal articles was reported, but the changes were only slight.

The preamble recited that it was a Treaty between D. D. Mitchell, Superintendent of Indian Affairs, and Thomas Fitzpatrick, Indian Agent, Commissioners especially appointed by the President of the United States, of the one 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 bound-

ary lines of Texas and New Mexico, namely; The Sioux or Dakota, Cheyenne, Arapaho, Crow, Assiniboin, Gros-Ventre, Mandan and Arikara, on the other part.

First: It recited that the object was to make a firm and lasting peace between the nations assembled, and for this purpose they covenanted to maintain faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

Second: That the Indian nations assembled recognize the right of the United States to make roads, military and other posts, within their respective territories.

Third: In consideration of the above recognition, the United States agreed to protect the Indians from depredations of the whites, after the ratification of the Treaty.

Fourth: The Indians agreed and bound themselves, after the ratification of the Treaty, to make restitution or satisfaction of all wrongs committed by any band or individual of their respective nations, on the people of the United States, while residing in, or passing through their territory.

Fifth: In this article, the Indian nations recognized certain boundaries, or lines, for the country claimed by them respectively. The lines were thus stated:

According to the treaty the territory of the Sioux, or Dakota Nation commenced at the mouth of the White Earth River on the Missouri; thence, up the South Fork of the Platte 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 the Heart River; thence, down Heart River to its mouth, and thence down the Missouri to the mouth of White Earth River.

The territory of the Gros-Ventres, Mandan, and Arikara nations was to commence at the mouth of Heart River; thence up the Missouri to the mouth of the Yellowstone River; thence up the Yellowstone to the mouth of Powder River; thence, from the mouth of Powder River,

in a southeasterly direction, to the head waters of the Little Missouri River; thence, along the range of the Black Hills to the head water of Heart River, and thence down Heart River to the place of beginning.

The treaty provided the Assiniboin nation a territory commencing at the mouth of the Yellowstone; thence, up the Missouri to the mouth of the Musselshell River; thence, from the mouth of the Musselshell, in a southeasterly direction until it strikes the head waters of Big Dry Creek; thence down that creek to where it empties into the Yellowstone, nearly opposite the mouth of Powder River, and thence down the Yellowstone to the place of beginning.

The territory of the Blackfeet Nation, residing south of the Missouri River, was to commence at the mouth of the Musselshell; thence, up the Missouri to its source; thence, along the main range of the Rocky Mountains in a southeasterly direction, to the head waters of the northern sources of the Yellowstone; thence, down the Yellowstone to the mouth of Twenty-five Yard Creek; thence, across to the head waters of the Musselshell and down the Musselshell to the starting point.

The territory allotted to the Crow Nation was to commence at the mouth of Powder River and the Yellowstone; thence, up Powder River to its source; thence, along the main range of the Black Hills and Wind River Mountains to the head waters of the Yellowstone—down the Yellowstone to the mouth of Twenty-five Yard Creek; thence, to the head waters of the Musselshell to the starting point.<sup>20</sup>

The territory of the Cheyenne and Arapaho was to commence at the Red Butte, or the place where the road leaves the North Fork of the Platte; thence, up the North

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<sup>20</sup> The western boundary for the Crows as given, "along the main range of the Black Hills and Wind River Mountains to the head waters of the Yellowstone", has long perplexed many students of the treaty. To them it appears that the Big Horn Mountains and not the Black Hills must have been intended since the Black Hills are too far to the east, and the Big Horns reach the headwaters of the Yellowstone. This situation has always confused the Indians and the whites alike.

Fork of the Platte to its source; thence, along the main range of the Rocky Mountains to the head waters of the Arkansas River, then down the Arkansas River to where the main Santa Fe road crosses it; thence, in a northwesterly direction to the Forks of the Platte, and up the Platte to the point of beginning.

It was further provided that in the making of the foregoing recognition and acknowledgement, the Indian nations did not abandon or prejudice any rights or claims they justly had to other lands; and, that they did not surrender the privilege of hunting, fishing, or passing over any of the tracts of country described in the treaty.

Sixth: The Indians recognized the selection of a Head, or Principal Chief for the nation, through whom all Government transactions could be conducted, and they bound themselves to respect and sustain him in that character.

Seventh: In consideration of the foregoing stipulations, and the damages which might occur by reason thereof, to the Indians—and for their maintenance, and for the improvement of their moral and social condition, the United States agreed to deliver to them fifty thousand dollars per annum, for fifty years, (reduced by the U. S. Senate to ten years) in provisions, merchandise, domestic animals and agricultural implements, in such proportions as were deemed best suited to their condition by the President of the United States, to be distributed in proportion to the population of the respective Indian tribes.

Eighth: This article provided that if either of the Indian nations violated any of the provisions of the treaty the President could withhold the whole, or any part of the annuities provided for in the treaty, until full satisfaction might be made.

Thereupon, the Treaty was signed by Commissioners Mitchell and Thomas Fitzpatrick, and afterwards the chiefs made crosses after their names, which had been written in by the secretary. The white witnesses then attached their signatures, among which were those of A. B. Chambers,

secretary, Colonel S. Cooper, R. H. Chilton, W. L. Elliot, Robert Meldrum, H. Culbertson, D. Gratz Brown, Robert Campbell and Edmond F. Chouteau. The council was ended, but not before a head chief of the Sioux had been elected for the Sioux.<sup>21</sup>

When Colonel Mitchell proposed that each nation should elect one chief upon whom the United States could rely to deal with the Sioux, the proposal did not meet with favor. These Indians insisted that no one chief could have any real authority except what backing his own prestige might afford. The Sioux were scattered over a wider territory than Texas, comprising seven grand divisions, each of which comprised seven tribes, and each of these seven or more bands. This made nearly 400 separate political units, all with covetous and ambitious leaders. No chief had the authority to punish, imprison or tax his people. Actually, there was no government at all, except during a tribal hunt or ceremony. Any leader who attempted to claim any real power over these proud tribesmen was simply inviting assassination.

When the Sioux spokesman declared that the chiefs could not select a head chief for the tribes, Colonel Mitchell informed him that the whites would have to select one. Thereupon, Mah-Toe-Wha-You-Whey, or Frightening Bear, as he was commonly known, or sometimes Stirring Bear, was the white man's choice. While taken by great surprise and being completely thunderstruck, he bravely accepted the appointment, having then been approved by the tribal chiefs. Frightening Bear, a popular man of between thirty-five and forty years of age, made an outstanding chief, admired and favorably looked up to by all the Sioux. While many prominent headmen had been overlooked, such as Red Cloud, later to become famous in the Powder River Country, and Man-Afraid-of-His-Horse, the Bear continued to

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<sup>21</sup> Charles J. Kappler, ed., *Indian Affairs, Laws and Treaties*, (Washington, D. C., 1904) II, 594-596. *Statutes at Large and Treaties of the United States of America*, XI, 749.

hold his difficult office always having the great respect of his people.<sup>22</sup>

The wagon train had not yet arrived, but there were assurances that it would soon make its appearance. Notwithstanding the scarcity of provisions, feasts were yet numerous and well attended; but, the grazing ground had become a barren plain. Even the slightest breeze lifted clouds of dust. Camp refuse was everywhere and the stench was becoming unbearable. To escape the filth the military moved two miles down the Platte, but the commissioners felt compelled to stay on, which they did. On the 20th, however, the long promised wagon train pulled into camp and formed a corral. Crowds quickly moved in, but distribution did not take place until the following day. When the wagons were unloaded there was a \$50,000.00 pile of merchandise for a throng of more than 10,000 Indians.

Each tribe was assigned a section of the area encircling the goods, and distribution began by the presentation of uniforms to the chiefs. The list of dignitaries, graded by rank, had been made up with great care and precision. The matter of rank was a most complex one to the whites. Major-Generals came first of course, followed by the brigadiers and then the colonels. To each was given a coat and trousers, with sword and medal. Without delay the new splendor was donned, but the moccasins were not replaced, nor the paint removed from the faces. When the long black haired chiefs came forth decked out in their gorgeously colored and epauletted uniforms, the sight was both ludicrous and pathetic; but, the Indians themselves were serenely grave. For good reasons the whites forbade any laughter.

Distribution was not completed until the following day with the head men of each tribe assisting in the work. Still, the behavior of the crowd was excellent and the re-

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<sup>22</sup> George E. Hyde, *Red Cloud's Folk*, (Norman, Oklahoma, 1937), p. 67.

cipients pleased. When the great task was at last over the villages began to move away in all directions and the whites were left to themselves. The Indians, yet gayly bedecked, formed a colorful cavalcade as they moved away. It was with a feeling of quiet elation that Fitzpatrick witnessed the closing of the tremendous drama, for the great council had been a huge success.

As an additional token and guarantee of good will and lasting peace, Agent Fitzpatrick took a delegation of eleven chiefs and head men to Washington. Of the Cheyenne there was White Antelope, Red Skin and Rides the Clouds; of the Arapaho, Friday, Eagle's Head and Tempest; and of the Sioux, One Horn, Little Chief, Shellman, Watchful Elk and Goose. On the way they visited St. Louis, where they were shown the sights of the city and given a banquet by the Catholic University. Upon arrival at Washington they called on President Fillmore at the White House. In full regalia the Indians squatted about on the carpet, while the President, his wife and daughters, together with a number of invited guests sat in the center of the room. A brief address was given by the President, and the chiefs were presented with medals and flags. In January of 1852 the delegation left Washington and returned to the plains of the west,<sup>23</sup> where ironically, the era of peace and comradery projected by the treaty was to be short lived. Almost immediately the Sioux engaged the Crow.<sup>24</sup>

In 1853 it became the humiliating duty of Thomas Fitzpatrick to visit the Indian tribes with tidings of a drastic revision in a portion of the treaty. The document as signed was ratified by the Senate with an amendment in Article 7 changing the annuity from fifty to ten years. Assent of all the nations except the Crow was finally procured, but Fitzpatrick had to leave the chiefs and headmen of the Sioux in a resentful and querulous mood.<sup>25</sup>

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<sup>23</sup> Hafen and Young, *op. cit.*, p. 196.

<sup>24</sup> Hyde, *op. cit.*, p. 65.

<sup>25</sup> *Ibid.* p. 71; Hafen and Ghent, *op. cit.*, p. 245.

Whatever the understanding may have been at the signing of the treaty, misunderstanding began to appear.<sup>28</sup> While many problems were solved by the treaty, and much lasting good done, there were yet to be Indian problems which resulted in much violence, warfare and future treaties.

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<sup>28</sup> Coutant, *op. cit.*, p. 318.