

SURVEY OF LANDS FOR CHEYENNE AND ARAPAHOE INDIANS.

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LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Estimates of appropriations for survey of lands for benefit of the Cheyenne and Arapahoe Indians.*

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JANUARY 16, 1868.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., January 16, 1868.*

SIR: I have the honor to transmit herewith a copy of a letter dated the 14th instant, from the acting Commissioner of Indian Affairs, submitting an "estimate of appropriations required for surveying exterior of boundaries of selections of land to be patented in fee simple to certain persons named—related by blood to the Cheyennes and Arapahoes—under the provisions of the fifth article of the treaty with the Cheyenne and Arapahoe Indians, concluded October 14, 1865, or so much thereof as may be necessary for such service."

A copy of the Cheyenne and Arapahoe treaty above referred to is herewith transmitted.

I respectfully invite the favorable consideration of Congress to the subject.

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. SCHUYLER COLFAX,

*Speaker of the House of Representatives.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., January 14, 1868.*

SIR: I have the honor to acknowledge the receipt by reference from you on the 20th ultimo of a letter addressed to you by General John B. Sanborn, dated the 17th ultimo, requesting that patents may issue for selections, described in his letter, to the half-breeds, entitled under the fifth article of the Cheyenne and Arapahoe treaty of 1865, (see pamphlet laws, second session 39th Congress, treaties, page 143,) and upon which you direct a report of the views of this office. In reference to the same I would respectfully say that I doubt the practicability of having patents issue in the absence of surveys.

In your letter to this office of October 23, 1867, you authorized this office to direct Colonel Albert G. Boone to make the survey of the exterior boundaries of the tracts for these half-breed selections. A draught of a letter to him, in accordance with the instructions in your letter of the 23d of October last, was prepared on the 25th of the same month, but the question of funds to defray the expenses of such surveys was raised, and the letter was not sent to Colonel Boone. He being present in this city, the draught of letter was shown to him, and he has treated the draught as a letter received by him, and has addressed a letter to this office in reply thereto, dated the 20th ultimo, copy herewith, from which you will observe that he estimates the amount that Congress should be requested to appropriate for these surveys at \$4,000.

It is important that these treaty stipulations should be carried into effect without delay. The Union Pacific railway, eastern division, will probably pass through the reservations from which these selections are to be made, and if the lands are not previously patented to the half-breeds, trouble will probably arise, and they will fail to secure the land they desire. I therefore respectfully recommend, in case you should concur with this office in the view that it is impracticable for patents to issue in the manner suggested by General Sanborn, that you request of Congress an appropriation of the sum of \$4,000, in order that Colonel Boone can proceed to make the half-breed selections, in accordance with the terms of the treaty.

A form of estimate is herewith enclosed, and the letter of General Sanborn is also herewith returned. It is provided in said fifth article of the treaty of 1865 that said lands shall be selected from the reservation established by the first article of the Arapahoe and Cheyenne treaty of February 18, 1861, (see Stats. at Large, vol 12, p. 1163.) In view, therefore, of the fact that many of the half-breeds entitled to selections under said treaty are settled and have made valuable improvements upon the lands they desire to have patented to them, as there may be delay in the appropriation for the survey of these selections, during which time the railway company referred to may procure legislation granting them lands on the reserve from which these half-breed selections are provided by treaty to be made, I respectfully recommend that the President be requested to direct that this reserve be withdrawn from sale until these selections are made.

Very respectfully, your obedient servant,

CHARLES E. MIX,  
*Acting Commissioner.*

Hon. O. H. BROWNING,  
*Secretary of Interior.*

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WASHINGTON, D. C., *December 20, 1867*

SIR: I have the honor to acknowledge the receipt of a letter from you dated the 25th day of October, 1867, appointing me a special agent of the Indian department to make selections of lands for the individuals of Indian blood, related to the Cheyenne and Arapahoe tribes, to which they are entitled under the provisions of the treaty of the 14th October, 1865, fifth article thereof.

I accept the commission as such special agent, and respectfully invite the attention of the honorable the Commissioner to the necessity that exists for the necessary funds to enable me to enter upon, prosecute, and accomplish the survey of the lands that may be selected by the parties respectively named in the treaty referred to.

After due consideration of the subject referred to, I am of the opinion that

Congress should be requested to appropriate for the expenses incident to the service required under your instructions the sum of four thousand dollars, (\$4,000,) or so much as may be necessary for the purpose.

Owing to the reluctance generally manifested by persons employed to labor in the Indian country, in consequence of apprehended danger, I believe that the surveys of the lands in question can be more speedily accomplished if a small military escort be furnished by the War Department to accompany the parties in the field, and I therefore request that such escort be asked for.

Very respectfully, your obedient servant,

ALBERT G. BOONE.

Hon. N. G. TAYLOR,  
*Commissioner of Indian Affairs.*

Estimate of appropriation required for surveying exterior boundaries of selections of land to be patented in fee simple to certain persons named—related by blood to the Cheyennes and Arapahoes—under the provisions of the fifth article of the treaty with the Cheyenne and Arapahoe Indians, concluded October 14, 1865, or so much thereof as may be necessary for such service.....	<u>\$4,000 00</u>
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EXPLANATION OF THE FOREGOING ESTIMATE.

For survey of exterior boundaries of thirty-one selections of one section each for persons related to the Cheyennes and Arapahoes by blood, as provided for in the fifth article of the treaty concluded with said tribes October 14, 1865, (pamphlet laws, second session 39th Congress, treaties, p. 143,) 124 miles, at \$15 per mile.....	\$1,860 00
Estimated amount to be expended for payment of necessary parties to accompany surveyor; for camp equipage and transportation; provisions and other necessary articles, and to provide for marking the boundaries of said selections with conspicuous and enduring monuments.....	<u>2,140 00</u>
	<u>4,000 00</u>

JANUARY 14, 1868.

*Treaty between the United States of America and the Cheyenne and Arapahoe tribes of Indians, concluded October 14, 1865. Ratification advised, with amendments, May 22, 1866. Amendments accepted November 10 and 19, 1866. Proclaimed February 2, 1867.*

ANDREW JOHNSON, 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 the camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and Moke-ta-ve-to, (Black Kettle,) Oh-to-ah-ne-so-to-wheo, (Seven Bulls,) Oh-has-tee, (Little Raven,) Oh-hah-mah-hah, (Storm,) and other chiefs and headmen of the Cheyenne and Arapahoe tribes of Indians, on the part of said Indians,

and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and the undersigned, chiefs and headmen of and representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized by their respective tribes to act in the premises.

#### ARTICLE I.

It is agreed by the parties to this treaty, that hereafter perpetual peace shall be maintained between the people and government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other, and with all other Indians who sustain friendly relations with the government of the United States. For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by Indians on friendly terms with the United States, against the tribe or tribes, or the individual members of the tribe or tribes, who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints through their agent to the President of the United States, and thereupon an impartial arbitration shall be had, under his direction, and the award thus made shall be binding on all parties interested, and the government of the United States will in good faith enforce the same. And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons, members of their tribe, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

#### ARTICLE II.

The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter be designated by the President of the United States for that purpose, viz: commencing at the mouth of Red creek or Red fork of the Arkansas river; thence up said creek or fork to its source; thence westwardly to a point on the Cimaron river, opposite the mouth of Buffalo creek; thence due north to the Arkansas river; thence down the same to the beginning, shall be, and is hereby, set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as they may from time to time agree to admit among them, and that no white person, except officers, agents, and employés of the government, shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages: *Provided, however,* That said Indians shall not be required to settle upon said reservation until such time as the United States shall have extinguished all claims of title thereto on the part of other Indians, so that the Indians parties hereto may live thereon at peace with all other tribes.

The Indians parties hereto, on their part, expressly agree to remove to and

accept as their permanent home the country embraced within said limits whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, such written consent in all cases specifying the purpose for which such leave is granted, and shall be borne with them upon their excursions as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employes, and citizens of the United States as their sufficient safeguard and protection against injury or damage in person or property by any and all persons whomsoever.

It is further agreed by the Indians parties hereto that when absent from their reservation they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the government of the United States; that they will not, while so absent, encamp by day or at night within ten miles of any of the main travelled routes or roads through the country to which they go, or of the military posts, towns, or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages; and that henceforth they will, and do hereby, relinquish all claims or rights in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country bounded as follows, viz: beginning at the junction of the north and south forks of the Platte river; thence up the north fork to the top of the principal range of the Rocky mountains, or to the Red Buttes; thence southwardly along the summit of the Rocky mountains to the headwaters of the Arkansas river; thence down the Arkansas river to the Cimarrone crossing of the same; thence to the place of beginning; which country they claim to have originally owned, and never to have relinquished the title thereto.

#### ARTICLE III.

It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article, in pursuance of the stipulations thereof, said Indians shall be, and they are hereby, expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs which lies between the Arkansas and Platte rivers; and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving the reservation thereby provided for: *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns and villages, shall be in full force as to the occupancy of the country named and permitted by the terms of this article: *Provided further*, That they, the said Indians, shall and will at all times during such occupancy, without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile bands of Indians whatsoever.

#### ARTICLE IV.

It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by article 2 of this treaty, such roads or highways as may be deemed necessary; and may also establish such military posts within the same as may be found necessary in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now, or may from time to time be, prescribed by the President and Congress of the United States for the protection of the rights of persons

and property among the Indians residing upon said reservation; and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however,* That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as in the judgment of the Congress of the United States may be deemed just and proper.

#### ARTICLE V.

At the special request of the Cheyenne and Arapahoe Indians, parties to this treaty, the United States agree to grant, by patent in fee simple, to the following named persons, all of whom are related to the Cheyennes or Arapahoes by blood, to each an amount of land equal to one section of six hundred and forty acres, viz: To Mrs. Margaret Wilmarth and her children, Virginia Fitzpatrick and Andrew Jackson Fitzpatrick; to Mrs. Mary Keith and her children, William Keith, Mary J. Keith, and Francis Keith; to Mrs. Matilda Pepperdin and her child, Miss Margaret Pepperdin; to Robert Poisal and John Poisal; to Edmund Guerrier, Rosa Guerrier, and Julia Guerrier; to William W. Bent's daughter, Mary Bent Moore, and her three children, Adia Moore, William Bent Moore, and George Moore; to William W. Bent's children, George Bent, Charles Bent, and Julia Bent; to A-ma-che, the wife of John Prowers, and her children, Mary Prowers and Susan Prowers; to the children of Ote-se-ot-see, wife of John T. Sickles, viz: Margaret, Minnie, and John; to the children of John S. Smith, interpreter, William Gilpin Smith, and daughter, Armama; to Jenny Lind Crocker, daughter of Ne-sou-hoe, or Are-you-there, wife of Lieutenant Crocker; to ——— Winsor, daughter of Tow-e-nah, wife of A. T. Winsor, sutler, formerly at Ft. Lyon. Said lands to be selected under the direction of the Secretary of the Interior, from the reservation established by the first article of their treaty of February 18, A. D. 1861.

#### ARTICLE VI.

The United States being desirous to express its condemnation of, and, as far as may be, repudiate the gross and wanton outrages perpetrated against certain bands of Cheyenne and Arapahoe Indians by Colonel J. M. Chivington, in command of United States troops, on the twenty-ninth day of November, A. D. 1864, at Sand creek, in Colorado Territory, while the said Indians were at peace with the United States, and under its flag, whose protection they had by lawful authority been promised and induced to seek, and the government being desirous to make some suitable reparation for the injuries then done, will grant three hundred and twenty acres of land by patent to each of the following named chiefs of said bands, viz: Make-tah-vey-e to, or Black Kettle; Oh-tah-ha-ne-so-weel, or Seven Bulls; Alik-ke-home-ma, or Little Robe; Moke-tah-vo-ve hoe, or Black White Man; and will in like manner grant to each other person of said bands made a widow, or who lost a parent upon that occasion, one hundred and sixty acres of land, the names of such persons to be ascertained under the direction of the Secretary of the Interior: *Provided,* That said grants shall be conditioned that all devises, grants, alienations, leases and contracts relative to said lands, made or entered into during the period of fifty years from the date of such patents, shall be unlawful and void. Said lands shall be selected under the direction of the Secretary of the Interior within the limits of country hereby set apart as a reservation for the Indians parties to this treaty, and shall be free from assessment and taxation so long as they remain

inalienable. The United States will also pay in United States securities, animals, goods, provisions, or such other useful articles as may, in the discretion of the Secretary of the Interior, be deemed best adapted to the respective wants and conditions of the persons named in the schedule hereto annexed, they being present and members of the bands who suffered at Sand creek upon the occasion aforesaid, the sums set opposite their names, respectively, as a compensation for property belonging to them, and then and there destroyed or taken from them by the United States troops aforesaid.

#### ARTICLE VII.

The United States agree that they will expend annually during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior for the time being, will best subserve their wants and interests as a people, the following amounts—that is to say, until such time as said Indians shall be removed to their reservation, as provided for by article 2 of this treaty, an amount which shall be equal to twenty dollars per capita for each person entitled to participate in the beneficial provisions of this treaty; and from and after the time when such removal shall have been accomplished, an amount which shall be equal to forty dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: one-third thereof during the spring, and two-thirds thereof during the autumn of each year. For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is two thousand eight hundred, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated for that purpose by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

#### ARTICLE VIII.

The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

#### ARTICLE IX.

It is further agreed that all arrears of annuities which have accrued or may accrue under the provisions of former treaties, prior to the ratification of this treaty, shall be paid to said Indians as soon as practicable, and that upon such ratification such former treaty shall thenceforth be abrogated and of no binding force or validity.

In testimony whereof, the said commissioners as aforesaid, and the undersigned chiefs and headmen of the confederated tribes of the Arapahoes and Cheyennes

of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year first hereinbefore written.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
THOMAS MURPHY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]
JAMES STEELE,	[SEAL.]

*Commissioners on the part of the United States.*

MOKE-TA-VE-TO, or Black Kettle, head chief,	his x mark,	[SEAL.]
OH-TO-AH-NE-SO-TO-WHEO, or Seven Bulls, chief,	his x mark,	[SEAL.]
HARK-KAH-O-ME, or Little Robe, chief,	his x mark,	[SEAL.]
MOKE-TAH-VO-VE-HO, or Black White Man, chief,	his x mark,	[SEAL.]
MUN-A-MEN-EK, or Eagle's Head, headman,	his x mark,	[SEAL.]
O-TO-AH-NIS-TO, or Bull that Hears, headman,	his x mark,	[SEAL.]

*On the part of the Cheyennes.*

OH-HAS-TEE, or Little Raven, head chief,	his x mark,	[SEAL.]
OH-HAH-MAH-HAH, or Storm, chief,	his x mark,	[SEAL.]
PAH-UF-PAH-TOP, or Big Mouth, chief,	his x mark,	[SEAL.]
AH-CRA-KAH-TAU-NAH, or Spotted Wolf, chief,	his x mark,	[SEAL.]
AH-NAH-WAT-TAN, or Black Man, headman,	his x mark,	[SEAL.]
NAH-A-NAH-CHA, or Chief in Everything, headman,	his x mark,	[SEAL.]
CHI-E-NUK, or Haversack, headman, his x mark,		[SEAL.]

*On the part of the Arapahoes.*

Signed and sealed in the presence of—

JOHN S. SMITH, *U. S. Interpreter.*

W. R. IRWIN,

O. T. ATWOOD, } *Secretaries.*

S. A. KINGMAN, }

D. C. McNEIL.

E. W. WYNKOOP.

BON. H. VAN HAVRE.

J. E. BADGER.

W. W. RICH.

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 twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

*May 22, 1866.*

*Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the commissioners on the part of the United States and the chiefs and headmen of and representing the confederated tribes of Ar[r]apaho[e] and Cheyenne Indians of the Upper*



Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

## AMENDMENTS.

1. Article 2, page 3, after the word "tribes," at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them, as soon as practicable, to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.*

2 At the end of article 5 insert the following words: *Provided, that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*

3. Article 6, page 8, lines 4 and 5, strike out the words "by Colonel J. M. Chivington, in command of United States troops."

4. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty, all former treaties are hereby abrogated.*

Attest:

J. W. FORNEY, Secretary.

And whereas the foregoing amendments having been fully explained and interpreted to the undersigned chiefs and headmen of the Arapahoe and Cheyenne Indians, they did, on the tenth day of November, one thousand eight hundred and sixty-six, on behalf of their respective tribes, give their free and voluntary assent to said amendments, in the words and figures following, to-wit:

Whereas the Senate of the United States, in executive session, did, on the 22d day of May, A. D. 1866, advise and consent to the ratification of the treaty between the commissioners on the part of the United States, and the chiefs and headmen of and representing the confederated tribes of Ar[r]apaho[e] and Cheyenne Indians of the Upper Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

## AMENDMENTS.

1. Article 2, page 3, after the word "tribes," at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.*

2. At the end of article 5 insert the following words: *Provided, that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*

3. Article 6, page 8, lines 4 and 5, strike out the words "by Colonel J. M. Chivington, in command of United States troops."

4. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty all former treaties are hereby abrogated.*

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned chiefs and headmen representing the confederated tribes of the Ar[r]apahoe and Cheyenne Indians of the upper Arkansas river, we do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, on this 10th day of November, 1866.

OH-HAS-TIE, or Little Raven, head chief.	his x mark.
OH-HAH-MAH-HAH, or Storm.	his x mark.
AH-NAH-WAT-TAN, or Black Man.	his x mark.
CHIE-E-NUK, or Haversack.	his x mark.
NAH-A-NAT-CHA, or Round Chief.	his x mark.
NAH-KIN-NE-HA-NA, or Yellow Rabbit.	his x mark.

*On the part of the Ar[r]apahoes.*

MOKE-TO-VE-TO, or Black Kettle, head chief.	his x mark.
HARK-KA-O-ME, or Little Robe.	his x mark.
MOKE-TAH-VO-VE-HO, or Black White Man.	his x mark.
MUN-A-MEN-EK, or Eagle Head.	his x mark.
MAK-STE-A, or Big Head.	his x mark.
NAH-A-STO-KE, or Bear Killer.	his x mark.
VOH-IS-TO, or White Buffalo.	his x mark.

*On the part of the Cheyennes.*

JOHN S. SMITH, *U. S. Indian Interpreter.*  
 CHAS. BOGY, *Special U. S. Indian Agent.*  
 F. W. OLMSTED, *Secretary.*  
 W. R. IRWIN, *Special U. S. Indian Agent.*  
 D. A. BUTTERFIELD.  
 WM. MATHEWSON.  
 E. W. WYNKOOP, *U. S. Indian Agent.*

And whereas by the terms of a treaty concluded at the council ground on the Little Arkansas river, in the State of Kansas, on the seventeenth day of October, one thousand eight hundred and sixty-five, between the United States and the Apache, Cheyenne, and Arrapahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Arrapahoe Indians, and in article second of said treaty said Apaches are included in the several terms, stipulations, and agreements of the present treaty of the fourteenth of October, one thousand eight hundred and sixty-five, between the United States and the Cheyenne and Arrapahoe tribes of Indians; and whereas the amendments with which the Senate advised and consented to said treaty of the fourteenth of October, one thousand eight hundred and sixty-five, on the twenty-second of May, one thousand eight hundred and sixty-six, having also been fully explained and interpreted to the undersigned chiefs and headmen of the said Apache tribe of Indians, they did, on the nineteenth day of November, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the 22d day of May, A. D. 1866, advise and consent to the ratification of the treaty between the commissioners on the part of the United States and the chiefs and headmen of and representing the confederated tribes of Ar[r]apahoe and Cheyenne Indians, of the upper Arkansas river, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

#### AMENDMENTS.

1. Article 2, page 3, after the word "tribes," at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes*

a reservation, no part of which shall be within the State of Kansas, and cause them, as soon as practicable, to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.

2. At the end of article 5 insert the following words: *Provided, that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*

3. Article 6, page 9, lines 4 and 5, strike out the words "by Col. J. M. Chivington, in command of United States troops."

4. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty all former treaties are hereby abrogated.*

And whereas by the terms of a treaty concluded at the council ground, on the Little Arkansas river, in the State of Kansas, on the 17th day of October, 1865, between the United States and the Apache, Cheyenne, and Ar[r]apahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Ar[r]apahoe Indians; and whereas it is provided by article 2 of said treaty that "the several terms, stipulations, and agreements to be done and performed on the part of the United States for and with the said Cheyenne and Ar[r]apahoe tribes of Indians, and by the said Cheyenne and Ar[r]apahoe tribes of Indians for and with the United States, by the provisions of said treaty of October 14, 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Ar[r]apahoe and Apache Indians, and on their part shall be done, observed, and performed to, with, and for the United States, in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Ar[r]apahoe, and Apache Indians;" and whereas the Senate of the United States, in executive session, did, on the 22d day of May, A. D. 1866, advise and consent to the ratification of the said treaty between the United States and the Cheyenne and Ar[r]apahoe Indians, made and concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with certain amendments fully hereinbefore set forth; and whereas the same have been fully interpreted and explained to the undersigned chiefs and headmen of the Apache tribe of Indians, we, the said chiefs and headmen, do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, this the 19th day of November, A. D. 1866.

MAH-VIP-PAH, or the Wolf Sleeve, chief.	his x mark.
KARN-TIN-TAH, or the Crow, chief.	his x mark.
BA-ZHE-ECH, or Iron Shirt.	his x mark.
NAHN-TAN, or the Left Hand, chief.	his x mark.
DA-ICH-I-CHE,	his x mark.
or the One who approaches his enemy.	

Signed in the presence of—

JOHN S. SMITH, *U. S. Interpreter.*

WM. MATHEWSON.

F. W. OLMSTED.

CHAS. BOGY, *Special U. S. Indian Agent.*

W. R. IRWIN, *Special U. S. Indian Agent.*

Now, therefore, be it known, that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty of the fourteenth of October, one thousand eight hundred and sixty-five, with the amendments as aforesaid.

In testimony whereof I have hereto signed my name, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of February, in the year of our Lord one thousand eight hundred and sixty-seven, and of the independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*