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### Government policy toward the principal Indian nations of Montana, 1851–1873

Dexter S. Fee

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GOVERNMENT POLICY  
toward the  
PRINCIPAL INDIAN NATIONS  
of  
MONTANA, 1851 - 1873

by

Dexter S. Fee

(B.S., Whitman College, 1929)

Presented in partial fulfillment of the re-  
quirement for the degree of Master  
of Arts.

State University of Montana

1934

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## INTRODUCTION

This thesis concerns the government policy toward Montana Indians. It would be possible to treat this subject extensively and without limitations of dates. For the purpose of this thesis, however, the writer has selected arbitrary date limits. The earliest date recognized for this study is 1851 and the relationship of the government with the Montana Indians is traced only as far as 1873. However, the first chapter deals with the background, and in this, problems of the government and the Indian in and relating to the regions west of the Mississippi are discussed, although the dates for such events precede 1851 by several years.

Before 1851 the government had developed no policy toward Indians residing within the present limits of Montana. Great territorial acquisitions during the late eighteen forties and movements for a Pacific railroad during the early eighteen fifties necessitated the formation of a definite policy toward the great plains Indians. These great plains sections in which the Indians felt freedom to move about unchallenged or unmolested by the whites included the area west of the Mississippi and east of the Rocky Mountains. By 1851, plans to build railroads, land hunger that so long had actuated settlement, and desire for gold, all motivated many whites to crowd into the territory so long regarded by the Indian as his domain. The discovery of gold in California probably was the immediate stimulus that gave this impulse of the whites sufficient power

to make the date 1851 significant for the purpose of this thesis. At that time aggressive and determined bands of white moved steadily westward and created a problem for the government that commanded steadily increasing attention from that time forth. Hence 1851 is a significant date for beginning the study of the relationship of whites and Indians.

The date 1873 is chosen as the stopping place in this study for the reason that by the year 1873 the government had enunciated a general reservation policy, and the drift of the Indian was thereafter toward these restricted areas.

7 Montana in 1851 was not a well defined area. The treatment of the Indians is with reference to nations and tribes that roamed regularly over the area of the present state. Indians mentioned in this study are those of pure Indian blood or of mixed blood, associated together in tribal relations or recognized as members of groups classified by name or title as Indian nations. The following specified Indian nations are treated in this study: The Flathead confederacy, composed of the Flatheads proper, Kutenais, and Pend d' Oreilles; the Blackfeet confederacy, composed of Blackfeet proper, Bloods and Piegians; the Crows, organized into two bands, the Mountain and River divisions.<sup>1</sup> Other tribes and nations will be considered in this thesis only as their relations with the government

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1. The spelling of Indian tribal names is based upon F.W.Hodg Handbook of American Indians North of Mexico, (2v. Washington 1912).

affected the government policy toward the Flathead, Blackfeet, and Crow Indian nations.

The term "government" in this thesis is used with reference to the federal bureau and general federal agencies that dealt with the Indians. It includes the Indian Bureau, a subsidiary agency of the Department of the Interior. Congress and the President also contributed to the administrative control of the Indians and are recognized, therefore, as a part of the government to which allusion is made in the title. The policy of territorial government in Montana is mentioned only to the extent that it affected the policy of the national government.

The term "policy" for the purpose of this thesis indicates management, administration, or procedure based primarily on temporary or material interest rather than on higher principles; a settled or definite course or method adopted or followed by the government or an individual representative of granted authority.

The treatment of the subject, government policy toward Montana Indians, calls for a selection of materials rather than an all-inclusive discussion of the relations of whites and Indians that formerly occupied or still occupy the present area of Montana. The purpose is to trace the relationship of the government to the Indians, including significant stages or periods of development in the association of whites and Indians. Most of the incidents treated are designed to show how the in-

cidental contacts of whites and Indians, the impositions of government control and authority, at first casually expressed, finally developed into an established policy of governmental restriction and control over Montana Indians.

It will be shown that by 1873 the government had finally established by legislation and executive orders a general reservation policy, designed to restrict the previously free-roving Indian bands to reservation areas or to the trails leading thereto. It is recognized, however, that the establishment of the governmental restrictive policy was delayed in its realization in part, at least, well beyond 1873. However, it will be shown that the policy once established tended to direct the Indians steadily toward the designated reservations.



## CHAPTER I

### OFFICE OF INDIAN AFFAIRS AND THE POLICY OF CONSOLIDATION OF TRIBES WEST OF THE MISSISSIPPI

The act of August 7, 1789, which created the Department of War, gave to that division of administration general supervision over Indian affairs.<sup>2</sup> The act of July 9, 1832 created the office of Commissioner of Indian Affairs and made the individual holding that position responsible to the Secretary of War.<sup>3</sup> Provision was made by the act of June 30, 1834 for the organization of the Indian Bureau.<sup>4</sup> This law stipulated, also, that the Commissioner of Indian Affairs would be the chief officer of the Indian Bureau. The act of March 3, 1849 organized the Department of the Interior and ordered that the supervision of Indian Affairs be transferred to that branch of the government.<sup>5</sup> The present executive organization of the Indian Bureau was in large measure determined by the acts of 1832, 1834 and 1849. Today the national government has a department of Indian Affairs responsible to the Secretary of the Interior and controlled by the Commissioner of Indian Affairs.

The act of June 30, 1834 provided also for the local administration of Indian policies.<sup>6</sup> According to this law, the area contained in the United States and its territories was

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2. United Statutes at Large, I, p. 49. Hereinafter cited as U. S. S. L.

3. U. S. S. L. IV, p. 564.

4. Ibid., p. 735-739.

5. Ibid., IX, p. 395.

6. Ibid., IV, p. 729-735.

divided into various superintendencies, the executive officer in each being the Superintendent of Indian Affairs. This individual was responsible for proper intercourse with the Indians under his jurisdiction. The superintendencies in turn were divided into agencies and sub-agencies. The work of the Indian agent was highly important. He reported on claims made for injuries inflicted by Indians on whites or whites on Indians. He compiled lists of Indians to whom rations were to be issued, and was accountable for the payment of government annuities to chiefs of Indian tribes. The agent was responsible for the settlement of inter-tribal disputes and the supervision of local educational development. In addition to these and other duties, he shared a few with the superintendent, such as issuance and revocation of licenses to traders and the negotiation of treaties upon instruction from the Department of War and after 1849 from the Department of the Interior.<sup>7</sup>

The "face to face" relationships between representatives of the government and the Indians were largely assumed by the agents and sub-agents. These officials were under the immediate jurisdiction of the superintendents whose policies in turn were, to a great degree, regulated by the Commissioner of Indian Affairs. The latter official was responsible to the

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7. U. S. S. L., IV., p. 735-739. See also Cong. Globe. 34 Cong. 3 sess., p. 475. The duties of Indian superintendents and agents were stated in the act organizing the department of Indian Affairs, June 30, 1834.

Department of the Interior. The President, of course, exercised general supervisory control over all Indian affairs of the United States and its territories. He proclaimed all treaties ratified by the Senate, concurred with the Senate in the appointment of officers in the department of Indian Affairs, and often issued executive orders for the establishment of Indian reservations. <sup>8</sup>

From the inauguration of the government under the Constitution down to 1830 few attempts were made to segregate Indian population. But with the increase in number of states east of the Mississippi, the idea of a permanent home for the Indians in the territory to the west became a definite part of the government's Indian policy. On May 28, 1830, Congress passed the Removal Act. <sup>9</sup> This legislation provided for Indian occupation of lands west of the Mississippi which had not been organized as states or territories. The Indians were to be removed to districts where their title was to remain "forever" secured. As a result of this act a series of treaties followed, the purpose being to extinguish Indian title to lands east of Mississippi and establish Indian title to lands west thereof.

In the midst of the removal process, the necessity for a more satisfactory method of regulating intercourse with the

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8. U. S. S. L. IV, p. 735-739.

9. Alban W. Hoopes, Indian Affairs and Their Administration with Special Reference to the Far West, 1849-1860, (Philadelphia, 1932), p. 7.

various Indian nations was recognized. Consequently, Congress passed the famous Indian Intercourse Act of June 30, 1834.<sup>10</sup> In addition to the provisions mentioned in a preceding paragraph, the Intercourse Act gave definite boundaries to Indian Territory. The area "... west of the Mississippi except the States, Missouri and Louisiana or the Territory of Arkansas... or any territory in which Indian title had not been extinguished...." was to be reserved for the Indians.<sup>11</sup> The act stated that no one but Indians was to trap on Indian lands, and that intruders in these areas could be removed.<sup>12</sup> The law took firm action against the sale of liquor to Indians and stated a very severe penalty for the violation of this provision.<sup>14</sup> The Indian Intercourse Act had an important bearing on the policy of the United States toward the Indians for many years to come.

The treaties negotiated in the eighteen thirties to consummate the removal policy resulted in the so-called "permanent Indian frontier" from the Great Lakes to Texas, west of the states of Arkansas and Missouri, and later Iowa Territory.<sup>15</sup> Removal was completed about 1840.

The "permanent Indian frontier" remained an actuality only during the eighteen forties. Great territorial acquisitions in 1846 and 1848 caused a wide-spread invasion of Indian country.

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10. U. S. S. L. IV, p. 411-412.  
 11. Ibid, p. 729-735.  
 12. Ibid, p. 729.  
 13. Ibid, p. 730.  
 14. Ibid, p. 732.  
 15. Hoopes, op. cit. p. 8. See also F. L. Paxon, History of the American Frontier, 1763-1893, (Boston and N.Y.), map, p. 280.

The land to remain in the possession of the Indians became a vast highway over which the emigrant traveled. It was at this time that the government's policy toward the Indians of the great plains area began to take form. How could the government keep faith with its removal policy and at the same time furnish protection to the whites who wished to pursue their way to California and Oregon? The great treaty at Fort Laramie was an attempt to solve this problem. In 1851 Indian Country was surrounded by rapidly growing settlements, and it was evident that the borders of the territory would eventually be totally disregarded. The first step in the process resulting ultimately in the complete abrogation of Indian land title between the Missouri River and the Rocky Mountains was the Fort Laramie Treaty, September 1, 1851.

## Chapter II

TREATY AT FORT LARAMIE, 1851 - - GROWTH OF  
EXPANSIONIST MOVEMENTS

Orlando Brown, Commissioner of Indian Affairs, in his report of November 30, 1849, said:

" . . . It has been deemed . . . advisable to take measures to bring about a proper understanding with the Indians, which will secure their good will, and prevent collisions and strife among them, by obligating each tribe to remain as much as possible within their respective districts of country, and providing that, where disputes or difficulties occur, they shall be submitted to the government, and the Indians abide by its decision. Instructions have . . . given to hold a treaty with the different tribes, making provision for the accomplishment of these objects, and stipulating . . . for the unrestricted right of way through their country, for their good conduct toward our emigrants, and for the destruction of game unavoidably committed by them, they shall be allowed a reasonable compensation annually . . . ." <sup>16</sup>

Mr. Brown's report expressed adequately the attitude of the government toward the plains Indians at the beginning of the movement which was to end in the disruption of the "permanent Indian frontier". He and other men writing on the question viewed the necessity of a treaty tending toward the pacification of the Indian nations residing in the great plains area. Only by a treaty could the government fulfill in any measure its obligations to the Indians and at the same time insure safe traveling conditions to those seeking new homes in California and Oregon.

Commissioner Brown's plan for holding a treaty with the

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16. Report of Brown. 31 Cong. 1 sess. V 3, (ser 570), H. Ex. Doc. 5, pt. 2, p. 943.

great plains Indians was supported by D. D. Mitchell, Superintendent of Indian Affairs at St. Louis (Central superintendency). Mitchell in 1850 promised the Indians under his jurisdiction that the government would compensate them for game, grass, and timber destroyed by the whites and during the same year arranged for the introduction of a bill into the Senate authorizing the President to hold a treaty of friendship with the various prairie and mountain tribes.<sup>17</sup>

The bill proposed that \$200,000 be appropriated for expenses connected with the treaty. The slavery question held up action on this legislation until February 27, 1851, when the sum of \$100,000 was appropriated for "expenses in conducting treaties with the tribes of the prairies."<sup>18</sup> Three months later Thomas Fitzpatrick and D. D. Mitchell were designated to carry the objects of the appropriation into effect.<sup>19</sup>

Previous to September 1, 1851, the date set for the Fort Laramie Treaty, Fitzpatrick and Mitchell took measures to insure the attendance of as many Indians as possible. The tribes commenced to gather at the council grounds as early as July, and when the proceedings opened, the Indians represented numbered from eight to twelve thousand according to various estimates.<sup>20</sup>

17. Report of Mitchell, September 14, 1850. 31 Cong. 2 sess. V. 1, (ser 595), H. Ex. Doc. 1, p.47-48

18. U. S. S. L. IX, p.572.

19. Hoopes, *op. cit.* p.203.

20. Report of Mitchell, October 25, 1851. 32 Cong. 1 sess. V. 2, pt. 3, (ser 636), H. Ex. Doc. 2, pt. 3, p.325.

Mitchell reported the feeling excellent during the eighteen day encampment. <sup>21</sup> The more important treaty provisions agreed upon were as follows: The United States was given the right to establish roads through Indian Country; the Indians agreed to maintain peaceful relations among themselves and with the United States; the government consented to give presents in restitution for damages to Indian land and resources; the government guaranteed the Indians an annuity of \$50,000 payable in annual installments for a period of fifty years; the government defined the territory of each tribe or nation concerned in the treaty. <sup>22</sup> Mitchell laid special emphasis on the latter provision in his report of the negotiations at Fort Laramie. He said:

"The laying off of the country into geographical or rather national domains, I regard as a very important measure, inasmuch as it will take away a great cause of quarrel among themselves, and at the same time enable the government to ascertain who are the depredators, should depredations hereafter be committed." <sup>23</sup>

The Fort Laramie Treaty made definite territorial allotments to several Indian nations and tribes roaming over the present area of Montana. The boundaries of Crow territory were as follows;

". . . commencing at the mouth of the Powder River on 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 River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head-waters of the Musclev-

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21. Report of Mitchell, November 11, 1851, Ibid,p.289.

22. Ibid.p.289-290.

23. Ibid,p.290.



Shell River; thence down the Muscle-Shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth." 24

Though the Blackfeet were not represented at the Fort Laramie Council a territory was designated by the treaty as Blackfeet country. The boundaries of this area were as follows:

". . . commencing at the mouth of the Muscle-Shell River; thence up the Missouri River to its source; thence along the main range of the Rocky Mountains, in a southerly direction to the head-waters of the northern source of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence across to the head-waters of the Muscle-Shell River, and thence down the Muscle-Shell River to the place of beginning." 25

Other tribes and nations given territorial allotments in the Fort Laramie Council were the Assiniboines, Gros Ventres, Mandans, Arikaras, Sioux, Cheyennes, and Arapahoes. 26

The treaty was provisionally ratified by the Senate on May 24, 1852. 27 This act specified that the annuity payments would be made for a period of ten years instead of fifty years. The law stated also that if the signatory tribes were unwilling to accept this amendment the treaty would not be binding on either party (the government or the Indians.) All tribes and nations party to the treaty except the Crows ratified this amendment. 28 The government, however, considered itself under obligation to make annuity payments to all Indians who had participated in the negotiations at Fort Laramie and

24. C. J. Kappler, Indian Affairs; Laws and Treaties, (2v., Washington, 1904), II, Treaties, p.595. See map, Appendix A. It is suggested that the reader follow this map closely in a study of all Indian territorial allotments and reservation boundaries.

25. Ibid. See map, Appendix A.

26. Ibid. p.594-595, See map, Appendix A.

27. Hoopes, op. cit., p.204.

28. Kappler, op. cit., Footnote p.594.

appropriated money regularly to carry the provisions of the treaty into effect. <sup>29</sup>

A. J. Vaughan, agent in the Upper Missouri area, in his annual report dated September 20, 1853, indicated that the tribes under his jurisdiction had remained at peace with one another and with the whites since the Fort Laramie Treaty. <sup>30</sup> "Many of these tribes", said Vaughan, "who have been warring against each other for years, and with whom the utmost hostility existed, have been at peace since the treaty at Fort Laramie." <sup>31</sup> Vaughan expressed the hope that a similar arrangement could be made with the Blackfeet. According to Vaughan, these Indians were "the terror to all the tribes. . . ." of the Upper Missouri agency, the Sioux alone excepted. <sup>32</sup> He advocated the formation of a definite government policy toward the Blackfeet.

"I look upon it as all-important, and truly desirable for peace . . . that a treaty similar to the one made at Fort Laramie be made with the Blackfeet and Gros Ventres . . . I sincerely hope that an effort will be made on the part of the government to effect this truly desirable object, for on that depends the future peace and prosperity of the Sioux and all other tribes under my charge." <sup>33</sup>

Action on this suggestion was taken two years later when

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29. Kappler, op. cit., II, Footnote, p. 594.

30. Report of Vaughan, 33 Cong. 1 sess. V 1, (ser 710), H. Ex. Doc. 1, pt. 1, p. 352.

31. Ibid.

32. Ibid.

33. Ibid., p. 357.

Isaac I. Stevens negotiated a treaty with the confederated tribes of the Blackfeet.

A clause in the Fort Laramie Treaty had given the government the right to establish roads through Indian Country. Each succeeding year after 1851, however, revealed an increasing interest in the movement for a Pacific railroad. Any northern or central route for such a railroad was barricaded by Indian Country, and by 1853 a very insistent demand arose that the Indian Country be organized as a territory. On February 2, 1853 a bill was introduced in the House by William A. Richardson providing for the territorial organization of a large part of Indian Country. Richardson advocated that the new territory be called Nebraska and that every encouragement be given to whites who wished to settle in the area.<sup>35</sup> The bill passed the House on February 10, 1853.<sup>36</sup> The proposed legislation met considerable opposition in the Senate, but Stephen A. Douglas, whom modern scholars refer to " . . . as primarily a railroad statesman . . ." <sup>37</sup> supported the bill with his customary eloquence. In answer to John Bell of Tennessee who had said that the creation of Nebraska Territory would violate government obligations to the Indians, Douglas spoke as follows:

"The object of the bill is to create a line of territorial government extending from Missouri and Iowa to Utah and Oregon. In other words, it is to form a line of territorial governments extending from the Mississippi valley to the Pacific ocean . . ."<sup>38</sup>

Mr. Douglas then proceeded to read a clause of the bill that pertained to the status of Indians in the proposed territory.

35. Hoopes, op. cit., p. 217.

36. Cong. Globe, p. 28 Cong. 2 sess. p. 41.

37. Paxson, op. cit. p. 434.

38. Cong. Globe. v. 32. Cong. 2 sess. p. 1116.

" . . . nothing in this act contained shall be construed to impair the rights of persons or property not pertaining to Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians; or to include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits of jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of the Territory of Nebraska." 39

In commenting on this section of the Richardson bill Mr.

Alban W. Hoopes, a present day authority on Indian affairs, has said:

"One need only glance at the history of the years immediately following the organization of Nebraska and Kansas to see how feeble and ineffective such a provision was. 'The right of person or property now pertaining to the Indians of said Territory' were to remain unimpaired 'so long as such right shall remain unextinguished by treaty.' As a matter of fact squatters ruthlessly encroached upon Indian lands, and treaties were made by which such encroachments were recognized as a fait accompli." 40

By a vote of twenty-three to seventeen, the Richardson bill was tabled by the Senate. On the same day (March 3, 1853), the Indian Appropriation Act was passed. According to the provisions of this law the sum of \$50,000 was appropriated" . . . to enter into negotiations with the Indian tribes west of the states of Missouri and Iowa for the purpose of securing the assent of said tribes to the settlement of the citizens of the United States upon the lands claimed by said Indians, and for the purpose of extinguishing the title of said Indian tribes in whole or in part to said lands. . . ." 41

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39. Cong. Globe, 32 Cong. 2 sess., p. 1116.

40. Hoopes, op. cit., p. 220.

41. U. S. S. L. X, p. 238.

George Manypenny, Commissioner of Indian Affairs, was instructed to make a visit to the tribes concerned. He did so during the winter of 1853 and 1854. No treaties were made with the Indians of Kansas or Nebraska at the time of Manypenny's visit, but it was agreed that the Indians would send delegations, "properly empowered to negotiate treaties, to Washington in the spring of 1854."<sup>42</sup> Between the years 1854 and 1861 a series of these agreements were concluded. No representatives of tribes and nations residing within the present limits of Montana were sent to Washington during the period mentioned. The labor of negotiating treaties with these Indians was delegated by Manypenny to Isaac I. Stevens whose success in attaining this object will be discussed in later chapters.

The final debates on the organization of Kansas and Nebraska did not occur until the spring of 1854 when the Dodge-Douglas bill was substituted for the Richardson bill.<sup>43</sup> An amendment of the proposed Dodge-Douglas legislation was signed by the President on May 30, 1854.<sup>44</sup> The newly created Kansas-Nebraska Territory included the unorganized area between the thirty-seventh and fortieth parallels and between the fortieth and forty-ninth parallels.<sup>45</sup> Only the land south of the thirty-seventh parallel and east of the hundredth

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42. Hoopes, op. cit., p. 221.

43. Ibid. The territorial organization of Kansas as well as Nebraska was provided for in the Dodge-Douglas bill.

44. Ibid., footnote.

45. F. W. Hodder, Outline Historical Atlas of the United States, (Boston, 1921), Instructions, p.VII.

meridian remained as Indian Territory.<sup>46</sup>

The organization of Nebraska Territory has an important bearing on Indian affairs in Montana. That part of the present state east of the mountains was at one time within the limits of above-mentioned territory. The treaty at Fort Laramie was in the main a peace treaty. Attempts were made at this time to establish friendly relations among the Indians, and between the Indians and the whites. The purpose of the council was to protect the whites who were pursuing their way across the plains to California and Oregon, not to break up the "permanent frontier" which was to remain "forever" in the possession of the Indians. The Kansas-Nebraska Act and the Indian Appropriation Act, however, were responsible for the establishment of a different policy. The Indian frontier was broken down; Indian Country was opened for white settlement. Thus in the space of three years the policy of the government toward the Indians of the plains underwent a definite change. The way was paved for the great treaty-maker, Isaac I. Stevens, who laid the foundations for a policy which resulted ultimately in the abrogation of Indian land title in the area extending from the Upper Missouri River to Puget Sound.

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46. Hodder, op. cit., Instructions, p. VII.

## Chapter III

## STEVENS COMES WEST--GRADUAL DEVELOPMENT OF POLICY

On March 2, 1853, Washington Territory was created.<sup>47</sup> The territory included "... all of Oregon north of the Columbia river from its mouth to its intersection with the forty-sixth parallel, and thence due east along that parallel to the main range of the Rocky mountains."<sup>48</sup> Isaac I. Stevens was appointed Governor and Superintendent of Indian Affairs for the newly established territory on March 21, 1853.<sup>49</sup> At the same time he was granted a request by the War Department to explore and survey the northern route for a Pacific railroad. Thus upon the assumption of his duties, Stevens was responsible to three Departments of the Federal government. As Governor of Washington Territory, he was accountable to the State Department. As Superintendent of Indian Affairs in the newly organized territory, his policies were controlled by the Interior Department. As leader of a government surveying expedition, he was under the jurisdiction of the Department of War.<sup>50</sup>

Stevens was born in Massachusetts in 1818. He received a West Point education and was graduated at the head of his class. During the Mexican War he served as a lieutenant of

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47. U. S. S. L., X., p. 172.

48. Hodder, op. cit., Instructions, p. VII.

49. Hoopes, op. cit., p. 100.

50. Ibid.

engineers and impressed his cohorts as a man of great ability.<sup>5</sup> In all of his dealings, Stevens was noted for his integrity and activity. It was because of these qualities that Stevens was successful in his work among the Indians, his experience in such endeavors previous to his appointment as an Indian superintendent being very meager.

In his letter of instructions to Stevens, George Manypenny, Commissioner of Indian Affairs, advocated that a definite policy be formulated toward the Indians residing along the path of the proposed railroad survey. He stated that the character of information on Indians in Washington Territory had been "... unsatisfactory and vague ...." and requested Stevens to secure exact information on the following points:

1. The number and names of the several tribes, and their particular and general locality;
2. The number of each separate tribe or band, and the probable number of warriors in each;
3. Their general character and disposition whether warlike and unfriendly or the reverse;
4. Their present relations with the white inhabitants and the Hudson Bay Company;
5. Whether any conventional arrangements, and if so of what character, exist between them and our citizens;
6. The number of agents and sub-agents that will be necessary for the proper management and intercourse with them;
7. The points at which agencies and sub-agencies should be established;

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51. Hoopes, op. cit., p. 100.



8. The tribe or tribes that should be embraced in the agency or sub-agency;
9. The number of interpreters and other employees that will be necessary;
10. The amount that will probably be required for the creation of the necessary agency buildings and fixtures;
11. The amount that will probably be required per annum for contingent expenses;
12. The amount requisite to provide annually such small presents as it may be expedient to make to the Indians, to conciliate them;
13. The amount that will be necessary to expend annually in provisions, to be given to the Indians visiting the superintendents or agents on business;
14. What alterations, if any, it may be requisite and proper to make in the present law regulating trade and intercourse with Indian tribes so as to better adapt it to the conditions and circumstances of white and Indian population there.<sup>52</sup>

In the same letter Manypenny authorized Stevens to make similar investigations of Indian tribes residing east of the mountains. He said:

"I have been informed that you have been assigned the duty of exploring a route for a railroad from the sources of the Mississippi river to Puget Sound; and that you will necessarily, in performance of the duty, pass through the region of country lying north of the Missouri river in Minnesota and westward to the Rocky mountains. It is deemed expedient, from this fact, to authorize you, after your arrival in that region, with the view of securing from the tribes there the information desired on the foregoing points, to appoint some suitable person as special agent, who, being charged with that duty, may be assigned to such a position east of the Rocky mountains . . . . Should you deem it advisable to negotiate treaties of peace and friendship with any of the tribes you . . . chance to meet . . . you will consider yourself authorized to do so."<sup>53</sup>

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52. Manypenny to Stevens, May 9, 1953. 33 Cong. 1 sess. V I, (ser 710), H. Ex. Doc. 1, pt. 1, p. 454-455.

53. Ibid., p. 455-456.

Thus was Stevens assigned the task of establishing contact with the Indian tribes occupying the area he was to survey. Manypenny realized the necessity of a general pacification of these tribes on the basis of the Fort Laramie Treaty. It was to be the business of Stevens to inaugurate a definite government policy toward the Indians of that great area lying north of the Missouri and between the sources of the Mississippi and Puget Sound.<sup>54</sup> Manypenny was interested especially in putting an end to the encroachments of the wild tribes of the Blackfeet nation who have proven themselves a constant threat to the peace of the plains. Since the Blackfeet had not participated in the negotiations at Fort Laramie, it became the duty of Stevens to carry on the work begun in 1851, and to establish in an all-inclusive treaty feelings of amity between the Blackfeet and their neighbors.

Stevens lost little time in preparation for his great task. He left Washington May 9, 1853, and arrived at St. Louis on May 15.<sup>55</sup> There he met Alexander Culbertson, who had been for twenty years the chief agent of the American Fur Company. During that time he had won and kept the entire confidence of the Indians.<sup>56</sup> Stevens immediately appointed Culbertson a

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54. For the purpose of this thesis particular attention will be paid to the work of Stevens as Superintendent of Indian Affairs for Washington Territory, and as a negotiator of treaties with certain tribes east and west of the Rocky Mountains.

55. Hoopes, op. cit., p. 101.

56. Hazard Stevens, Life of Isaac Ingils Stevens by His Son. (2v. Boston and New York, 1900), I, p. 347. Culbertson's wife was a full-blood Indian of the Blackfeet nation.

special agent for the Blackfeet.<sup>57</sup> From St. Louis the party went to St. Paul and from there to Fort Union, the latter being situated near the present Montana-North Dakota border.

Stevens' first important council with Indians residing in the Upper Missouri area occurred on July 27, 1853, when he and Culbertson conferred with a large group of Assiniboines. In accordance with the Fort Laramie Treaty, the yearly allotment of presents and provisions was distributed to one band of these Indians. "At Mr. Culbertson's invitation," said Stevens, "I embraced the opportunity to be present, in order to prepare myself for my own duties as superintendent." The conduct of the Assiniboines made a very favorable impression on Stevens. "Mr. Culbertson," said Stevens, "who has for several years assisted in the distribution of annuities . . . informs me that six years ago they were notorious for their thieving and vicious propensities. Probably a thousand visited our camp on the day I allude to, but I have yet to learn that the most trifling article has been missed."<sup>58</sup> The contact that Stevens made with the Assiniboines served to increase his confidence in the treaty-making policy of the government.

The party split on August 8, Stevens taking the northern route and Lieutenant Donelson taking the Milk River route.<sup>59</sup>

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57. Hazard Stevens, *op. cit.* I, p. 347.

58. Report of Stevens, August 8, 1853. 33 Cong. 1 sess. VI, (ser 710), *H. Ex. Doc. I, pt. 1*, p. 457. Culbertson temporarily replaced Vaughan.

59. *Ibid.*

Stevens arrived at Fort Benton about a month later. Before meeting in council any of the tribes of the Blackfeet nation, Stevens submitted to Manypenny a request that he (Stevens) be empowered to negotiate a treaty with these Indians and their neighbors at the earliest possible date. He said:

"The time is now favorable for action. The Indians are in a proper state of mind; and I would suggest the holding of a council of the tribes east and west of the mountains next summer (1854), consisting of commissioners to be appointed by the government, and the chiefs and braves of the tribes north of the Missouri, and immediately west of the mountains, to wit: Gros Ventres, Blackfeet, Piegans, Flatheads, and Kootenais. There is no doubt a general pacification of the tribes could be brought about on the basis of the treaty of Laramie."<sup>60</sup>

In this same letter Stevens urged that Congress appropriate \$30,000 to pay for the expenses of the council.<sup>61</sup>

Further preparations for the treaty were made between September 8 and September 21. On the former date, Stevens directed Lieutenant Mullan to visit the Flathead camp on the Musselshell River about one hundred miles south of Fort Benton. In his letter of instructions to Mullan, Stevens said:

". . . The great duty I place in your hands is to carry from me a message of the great father to the Flatheads; assure them that the great father appreciates their services and understands their merits. That he will hereafter protect them from the incursions of the Blackfeet and other Indians east of the mountains and make them live as friends. That he will send to them each year certain articles which they most need. That a faithful and intelligent agent shall live among them. Speak of your

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60. Stevens to Manypenny, September 9, 1853. 33 Cong. 1 sess. V. 1, (ser 710), H. Ex. Doc. I, pt. 1, p. 461.

61. Ibid.

own duties, and of your occupation of the St. Mary's post.

"I want to meet the prominent Flathead chiefs and braves at the St. Mary's village<sup>62</sup> at the close of the present month, and I rely upon your energy and tact to induce them to accompany you to that point.

"It is my determination to bring the tribes north of the Missouri, and these west of the mountains, into a general council at this point next year, and to make a lasting peace between all the tribes of the Indians not included in previous arrangements. Dwell on this in the Flathead camp.

"You understand well the general character of the Flatheads. The best Indians of the mountains or plains--honest, brave, docile--the need only encouragement to become good citizens.

. . . . .

"I want to build up anew the village of St. Mary's. Let the Flatheads understand I am their friend--and one who will join hands with former friends for their good. No labors will be more sweet than those which will enable me to place in permanent homes in the beautiful valley (Bitter Root) those interesting children of the mountains."<sup>63</sup>

This letter can well be considered the overture of a definite government policy toward the Flatheads. What degree of success attended Stevens' efforts to improve the condition of the Flatheads? This question will be answered in subsequent discussion.

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62. St. Mary's mission was established by Father De Smet in the Bitter Root Valley on September 24, 1841. Due to the incursions of the Blackfeet the mission was abandoned and leased to John Owen, November 9, 1850. Lieutenant Mullan made winter quarters a few miles above St. Mary's village during the winter of 1853.
63. Stevens to Mullan, September 8, 1853. 33 Cong. 1 sess. V. 1, (ser 710), H. Ex. Doc. I, pt. 1, p. 462-463.

Stevens held a council with the Piegans, Blackfeet proper, and the Bloods on September 21, 1853.<sup>64</sup> At this time he spoke of the necessity of peace with all neighboring tribes and talked of the advantages of a treaty. On the same day he directed Culbertson to go to Washington and there advocate a government policy toward the Indians of the Northwest based on the findings of the expedition. In conference with government officials, Culbertson was requested to lay particular emphasis on the following suggestions and recommendations:

"The time is ripe for a decisive course, and you are instructed to devote your energies to urging upon the department and upon Congress the making of an appropriation in the deficiency bill to defray the expenses of a council to be held at this point (Fort Benton) next year. To this council should be invited the Gros Ventres, the Piegans, the Bloods, the Blackfeet, and the Indians west of the mountains, with whom these three latter tribes are at variance.

. . . . .

"I doubt not . . . we shall be completely successful in our undertaking. . . We have only to bear witness to what we know, and bring our convictions home to the minds of important men, and the council will be held and those tribes will become the children of the great father, other words wards of the government."<sup>65</sup>

While at Fort Benton, Stevens attempted to develop a practical application of a theory that the Blackfeet could be made a peace-loving nation of Indians if induced to farm their lands. He proposed that a farm school and agency be estab-

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64. Report of Stevens, September 21, 1853, ee Cong. 1 sess. V. 1, (ser 710), H. Ex. Doc. I, pt. 1, p. 459.  
 65. Stevens to Culbertson, September 21, 1853. 33 Cong. 1 sess. V. 1, (ser 710), H. Ex. Doc. I, pt. 1, p 463-464.

lished among the Blackfeet.<sup>66</sup> Indian farms had succeeded in localities where the projects had been thoroughly tested. Journeys among the Piegans, Blackfeet proper, and Bloods had convinced James Doty, a man in accordance with Stevens' ideas, that the organization of a farm school and agency would meet with the enthusiastic support of the various tribes of the Blackfeet nation.<sup>67</sup> The employees necessary for the agricultural school and agency were an interpreter, a man to instruct the Indians in agricultural methods, a blacksmith, and three laborers. The amount required for the construction of agency buildings was \$12,000.<sup>68</sup> "A treaty with these Indians and establishment of an agency and farm school in their country," said Doty, "will do much toward changing them from a warlike and nomadic to a peaceable and agricultural nation."<sup>69</sup>

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66. Report of Stevens, September 16, 1854. 33 Cong. 2 sess., (ser. 746), H. Ex. Doc. I, pt. 1, p. 413. The locality of the Blackfeet was given by Stevens as follows: "By line beginning on the north where the 50th parallel crosses the Rocky Mountains; thence south to the headwaters of the Milk river, down said river to the Missouri, up the Missouri to the mouth of the Judith to its source; thence to the Rocky Mountains, and north along their base to the place of beginning." (*Ibid.*, p. 402) "The country between the Missouri and the headwaters of the Yellowstone," said Stevens, "is unoccupied. It is the great road of the Blackfeet warriors to and from the Crows, Flatheads, and Snakes. It is also the hunting ground of the Flatheads, and the Indian tribes generally of Washington Territory . . . ." (*Ibid.*)

67. *Ibid.* p. 414.

68. *Ibid.* These estimates were based on the reports of James Doty.

69. *Ibid.* p. 415. Doty estimated the total population of the Blackfeet nation as 9,170. *Ibid.* p. 402. In this estimate, however, he erroneously classified the Gros Ventres as linguistically akin to the Bloods, Blackfeet proper, and Piegans.

Doty was delegated by Stevens to remain among the Blackfeet and immediately after the council of September 21, Stevens resumed his journey westward. After crossing the Rockies, Stevens came into contact with the Flatheads, Pend d' Oreilles, Spokanes, Coeur d' Alenes, and other western tribes.<sup>70</sup> Stevens was particularly impressed by the friendly attitude of the Flatheads. These Indians had expressed a desire to Mullan, who had conferred with them earlier, that an agent live among them. Thus could they be furnished with agricultural tools and derive protection from the Blackfeet incursions. Stevens informed certain chiefs and headmen of the Flatheads of his desire to reward them for their willingness to conform to the wishes of the government. He spoke also of his proposal to bring the various tribes east and west of the mountains together in a general council.<sup>71</sup>

The Flatheads at the time of Stevens' visit numbered about three hundred fifty, many of their people having been killed by the Blackfeet.<sup>72</sup> They possessed about 1,000 American cattle introduced previously by Father De Smet. They had also sixteen log houses, and many of the tribe possessed small patches of wheat and other farm products. These Indians were noted for their bravery, and they boasted that five Blackfeet would run from one Flathead. It was the custom of the tribe to make two hunts annually across the moun-

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70. Report of Stevens, September 16, 1854, op. cit., p.415-428.

71. Ibid. p. 415.

72. Ibid.



tains. The Flatheads took these trips in the spring and usually returned in mid-winter. They were accompanied on these excursions by the Pend d' Oreilles, Spokanes, Coeur d' Alenes and Nez Percés. The chief of the Flatheads was Victor, a man who zealously protected the rights of his people, but was sincere in his friendship for the whites. The Catholic missionaries had done excellent work among the Flatheads. By their endeavors the members of the tribe had been induced to lay aside their pagan dogmas and to announce their belief in Catholicism.<sup>73</sup> Mullan, during his visit among the Flatheads, had expressed great amazement in seeing these supposedly savage people lift their hands in prayer to the one God. The desire of these Indians to maintain a friendly and co-operative disposition toward the whites was a source of great satisfaction to Stevens. He advocated that the government make immediate provision for protecting the Flatheads from the incursions of other Indians and from whites who invaded their territory. "Should their country become a thoroughfare of travel," said Stevens, "they . . . should be protected from their enemies." He spoke in favor also of the creation of a Flathead agency. ". . . The extinction of buffalo, and other game will render some new mode of subsistence an object of proper care on the part of the government. An agency should be established at Hell Gate."<sup>74</sup>

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73. Report of Stevens, September 16, 1854, op. cit., p. 415-416.

74. Ibid. p. 417.

Stevens found similar conditions among the Pend d' Oreilles and Coeur d' Alenes. In a speech to the latter tribe he said:

"I am glad to see you and to find that you are under such good direction. I have come four times as far as you go to hunt the buffalo, and have come with directions from the Great Father to see you, to talk with you, and to do all I can for your welfare. I see cultivated fields, a church, houses, cattle, and fruits of the soil, the work of your own hands. The Great Father will be delighted to hear this, and will certainly assist you. Go on; and every one will be well clothed. I have had talks with the Blackfeet, who promise to make peace with all the Indian tribes. Listen to the Good Father, and to the good brothers who labor for your good."<sup>75</sup>

Stevens arrived at Olympia, the capital of Washington Territory, on November 25, 1853. His contacts with various tribes in Nebraska and Washington Territories had convinced him that the following policy should be adopted toward the Indians residing in these areas:

"The great end to be looked to is the gradual civilization of the Indians . . . ."<sup>76</sup>

"It is obviously necessary that a few reservations of good lands should be set apart as permanent abodes for the tribes. These reservations should be large enough to give each Indian a homestead, and land sufficient to pasture their animals, of which land they should have the exclusive occupation, the location and extent of these reservations should be adapted to the peculiar wants and habits of the different tribes. Farms should be attached to each reservation, under the charge of a farmer competent fully to construct the Indians in agriculture, and the use of tools.

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75. Report of Stevens, September 18, 1854, op. cit., p. 425. In 1844 Fathers De Smet and Hoecken established a mission among the Lower Pend d' Oreille (Kalispel) Indians. The mission was moved in 1854 to its present site at St. Ignatius. By 1853 the Coeur d' Alenes as well as the Upper and Lower Pend d' Oreilles had received many benefits from their contacts with the Catholic Fathers.
76. In this connection Stevens pointed with pride to the successful efforts of the Catholic Fathers to civilize the Coeur d' Alene and Pend d' Oreille Indians.

"In making the reservations it seems desirable to adopt the policy of uniting small bands under a single head. The Indians are never so disposed to mischief as when scattered, and therefore beyond control. When they are collected in large bands it is always in the power of the government to secure the influence of the chiefs, and through them manage the people."<sup>77</sup>

In the spring of 1854 Stevens returned to Washington, D.C. While there he presented the details of the Indian situation before the proper government officials. Congress was eventually moved to action. On July 31, 1854 the sum of \$45,000 was appropriated "for the expenses of negotiating treaties with and making presents of goods and provisions to Indian tribes in the territory of Washington." In the same act the sum of \$80,000 was appropriated "for the expenses of holding a council with, and making presents of goods and provisions to the Blackfeet, Gros Ventres, and other wild tribes of Indians, immediately within or adjacent to the eastern boundary of Washington Territory."<sup>78</sup>

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77. Report of Stevens, September 16, 1854, op. cit., p. 455-456.

78. U. S. S. L., X, p. 330.

## Chapter IV

## FLATHEAD AND BLACKFEET COUNCIL, 1855

After successfully concluding his negotiations with Congress, Stevens set out for Olympia, Washington Territory. Immediately upon his arrival at Olympia, he made final preparations for his work among the Indians. On December 7, 1854, he organized a "Commission to hold Treaties with the Indian Tribes in Washington Territory and the Blackfeet Country."<sup>79</sup> The personnel of this group consisted of "James Doty, secretary; George Gibbs, surveyor; H. A. Goldsborough, commissary; and Frank Shaw, interpreter."<sup>80</sup>

In a letter to Manypenny dated December 21, Stevens recommended that the treaty with the Blackfeet be negotiated the following summer. He spoke of the necessity of shipping goods and provisions to be used in that council by April 15. ". . . I am strongly of the opinion that to insure the expeditions transportation of the goods to Fort Benton, a steamer should be employed to go to that point."<sup>81</sup> He used the following arguments to substantiate this belief:

"It is not supposed by anyone that the Department can send up Keel boats except at ruinous expense. The interests of the Fur Companies trading in the Missouri are a considerable degree antagonistic to

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79. Hoopes, op. cit., p. 103.

80. Ibid.

81. Stevens to Manypenny, Washington W 469/1855 (Typewritten copy).

those of the Govt., and no doubt they will oppose the employment of a Government Steamer with a view of transporting to the Indians goods in their boats at exorbitant rates and it is believed that any connection with these companies will be prejudicial to the interests of the Department and the Indians."<sup>82</sup>

Had this good advice been heeded, it is possible that much of the inefficiency and dishonesty that attended annuity deliveries during the later years would have been avoided.

On December 22, 1854, Stevens submitted to Manypenny an itemized list of anticipated expenditures for the Blackfeet Council. The more important items of his estimate were as follows: Expenses of superintendent Cumming and party from St. Louis, \$2,000; expenses on treaty grounds, \$3,000; cost of sending Indian delegation to Washington, D. C., \$10,000; charter of steamer for the transportation of goods, provisions, and officers from St. Louis to Fort Benton, \$15,000; cost of goods and provisions, \$40,000.<sup>83</sup> These along with other items of expense brought the total estimated cost of the proposed council to \$80,000, the amount provided for the purpose by Congress in the Appropriation bill of July 31, 1854.<sup>84</sup>

On December 28, Manypenny wrote to Secretary of the Interior McClelland and suggested that Stevens; Joel Palmer, Superintendent of Indian Affairs in Oregon Territory; and

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82. Stevens to Manypenny, Washington W 469/1855 (Typewritten copy).

83. Blackfoot Council, Estimated expenses, Washington, W 467/1855 (Typewritten copy).

84. Ante, p. 27

Alfred Cumming, Indian Superintendent at St. Louis (Central superintendency) be appointed as commissioners "to negotiate the treaties with the Indian tribes bordering upon the Territories of Washington and Oregon."<sup>85</sup> "The principal objects to be attained by the negotiations and presents," wrote Manypenny to the commissioners on May 3, 1855, "are . . . the establishment of well defined and permanent relations of amity with all the most numerous and warlike tribes in that remote region of country, both between the Indians and the United States, and between the tribes as among themselves."<sup>86</sup> "But even at this eleventh hour," says Hoopes in his account of the negotiations preceding the Blackfeet council, "uncertainty and inefficiency seem to have held the Office of Indian Affairs in inaction at a time when action should have been the order of the day."<sup>87</sup> The War Department was apparently willing and anxious to deal with the Indian question in its own way. The civilian officials, on the other hand, wished to adopt the program laid down by Stevens. ". . . As this office has not been appraised what measures have been matured or are maturing by the War Department with reference to the

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85. U. S. D. I., OIA., Report Book 8, p. 218-219. Quotation from Hoopes, op. cit., p. 112.

86. Manypenny to Palmer and Stevens, 34 Cong. 1 sess. V. 1, (ser 840) H. Ex. Doc. I, pt. 1, p. 530. For reasons that are not altogether clear Palmer refused to serve on this commission.

87. Hoopes, op. cit., p. 112.

tribes upon our frontiers," wrote Manypenny to Stevens on March 17, 1855, ". . . I have to direct you to take no further steps with respect to the assembling of the Indians at the point proposed for a General Council."<sup>88</sup> On April 2, however, Manypenny was able to inform Stevens "that a requisition for \$10,000 had been made for the expenses of holding a Council with the Blackfeet, Gros Ventres, and other wild tribes of Indians, etc., per act of July 31st, 1854."<sup>89</sup> The bickerings between the Interior and War Departments caused such a delay in the final authorization of the council that the success of Stevens' program was seriously threatened.

On the morning of June 16, 1855, the Stevens party composed of twenty-two persons began its long, arduous journey from the Walla Walla Valley to the country of the Flatheads. It was Stevens' purpose to negotiate a treaty with the Flatheads, Pend d' Oreilles, and Kutenais. The party arrived safely a month later and, after a preliminary consultation with the three head chiefs, Victor of the Flatheads, Alexander of the Pend d' Oreilles, and Michelle of the Kutenais, the proceedings of the council were opened.<sup>90</sup>

The feeling of the Indians toward the commissioners during the eight-day council, July 9 to July 16, was on the

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88. U. S. D. I., OIA., Letter Book 50, p. 455-456. Quotation from Hoopes, op. cit., p. 112.

89. U. S. D. I., OIA., Letter Book 50, p. 194-195. Quotation from Hoopes, op. cit., p. 115.

90. Hazard Stevens, op. cit., II, p. 87-82.

whole, quite friendly. The tribes, however, objected strenuously to any attempt of the government to remove them from their lands. It was mainly the realization that the government would offer them a degree of protection from the constant incursions of the Blackfeet that prompted the assembled chiefs to listen to Stevens at all.

Stevens proposed that the Flatheads, Pend d' Oreilles, and Kutenais were all to unite on one reservation, either in the Bitter Root Valley or on the Horse Plains and Jocko River in Pend d' Oreille country. Chief Victor was unwilling to go into Pend d' Oreille country; Alexander did not wish to move to the valley; Michelle stood with Alexander. Neither Victor nor Alexander objected to the others' coming to his home, but both refused to leave their own ancestral domains.<sup>91</sup>

The discussions dragged on. Some of the Indians could see little reason for an additional acknowledgment of confidence in Stevens. After his visit among them in 1853 the Blackfeet had continued their depredations.<sup>92</sup> The docile, friendly attitude of the Flatheads had seemed only to encourage the Blackfeet to intensify their hostility toward the Indians west of the mountains. During the council great jealousy was exhibited especially between Victor and Alexander. Victor regarded himself as the virtual head chief of the Flathead nation (Flatheads, Pend d' Oreilles, and Kutenais).

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91. Stevens, op. cit., II, p. 82-84.

92. Ibid. p. 84.



Alexander was willing to recognize this claim of Victor's only on the condition that the latter induce his people to move to the proposed Horse Plains reservation. Finally Stevens agreed to arrange to survey both the Bitter Root Valley and the Horse Plains area. It was further agreed that if the government found the valley better suited for reservation purposes, the Pend d' Oreilles and Kutenais would remain at the mission (Horse Plains country) and the Flatheads would continue to reside in the valley; if, as the result of the survey, the Horse Plains reservation should prove more satisfactory, the Flatheads, Kutenais, and Pend d' Oreilles all would make their homes in this area.<sup>93</sup>

According to the final provisions of the treaty a greater part of what is now western Montana was ceded by the Indians to the government, approximately 25,000 square miles of territory being obtained.<sup>94</sup> No whites were to be allowed to settle on the Horse Plains reservation, nor were whites to make their homes in the Bitter Root Valley above Lo Lo Fork, until the survey had been accomplished.<sup>95</sup>

The boundaries of the land cession were as follows:

"Commencing on the main ridge of the Rocky mountains at the forty-ninth (49th) parallel of latitude, thence westwardly on that parallel to the divide between the Flat-bow or Kootenay along said divide to the one hundred and fifteenth degree of longitude, (115) thence in a southwesterly direction to the divide between the

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93. Stevens, op. cit., II, p. 88.

94. Ibid. p. 91.

95. Kappler, op. cit., II, p. 725.

sources of the St. Regis, Borgia, and Coeur d' Alene Rivers, thence southeasterly and southerly along the main range of the Bitter Root Mountains to the divide between the headwaters of the Koos-koos-kee river and of the southwestern fork of the Bitter Root River, thence easterly along the divide separating the waters of the several tributaries of the Bitter Root River from the waters flowing into the Salmon and Snake Rivers to the main ridge of the Rocky Mountains, and thence northerly along said ridge to the place of beginning."<sup>96</sup>

The reservation boundaries were defined in Article 2:

"Commencing at the source of the main branch of the Jocko River; thence along the divide separating the waters flowing into the Jocko to a point on Clarke's Fork between the Camish and Horse Prairies; thence northerly to, and along the divide boundary on the west the Flathead River, to a point due west from the point half way in latitude between the northern and southern extremities of the Flathead Lake; thence on a due east course to the divide whence the Crow, the Prune, the So-ni-el-em and the Jocko Rivers take their rise, and thence southerly along said divide to the place of beginning."<sup>97</sup>

Article two provided also that Victor be designated as the head chief of the Flathead confederacy. It further stipulated that certain friendly tribes of Washington Territory not parties to the Flathead Treaty could make their homes on the Horse Plains reservation.<sup>98</sup>

Provision was made for the survey of the Bitter Root Valley above Lo Lo Fork in article seven:

"It is, moreover, provided that the Bitter Root Valley, above the Loo-lo Fork, shall be carefully surveyed and examined, and if it shall prove, in the judgment of the President, to be better adapted to the wants of the Flathead tribe than the general

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96. Kappler, op. cit., II, p. 722. See map. Appendix A.

97. Ibid. See map. Appendix A.

98. Ibid.

reservation, provided for in this treaty, then such portions of it as may be necessary shall be set apart as a separate reservation for the said tribe. No portion of the Bitter Root Valley, above the Loo-lo Fork shall be opened to settlement until such examination is had and the decision of the President made known."<sup>99</sup>

In consideration of the land cession the government agreed to the signatory tribes the sum of \$120,000. The money was to be appropriated in the following manner:

"For the first year after the ratification hereof, thirty-six thousand dollars, to be expended under the direction of the president, in providing for their removal to the reservation, breaking up and fencing farms, building houses for them, and for such other objects as he may deem necessary. For the next four years, six thousand dollars each year; for the next five years, five thousand dollars each year; for the next five years, four thousand dollars each year; and for the next five years, three thousand dollars each year."<sup>100</sup>

Thus did the treaty obligate the government to make annual payments to the Indians of the Flathead confederacy for a period of twenty years after the ratification of that agreement.

Other provisions of the treaty were as follows: Salaries of five hundred dollars a year for twenty years to be paid to the three head chiefs; these individuals were to be provided also with ten acres, fenced, and ploughed; schools,<sup>101</sup> mills,<sup>102</sup> hospitals, and shops<sup>103</sup> were to be furnished and kept in repair by the government for twenty years; the United

<sup>99</sup>. Kappler, *op. cit.*, II, p. 725. See map. Appendix A.

<sup>100</sup>. *Ibid.* p. 723.

<sup>101</sup>. This was to be an agricultural and industrial school

<sup>102</sup>. A flouring-mill and a saw-mill.

<sup>103</sup>. Blacksmith shop, plow-makers shop, and carpenter's shop.

States guaranteed the Indians the right to fish, hunt, and gather roots, and pasture stock on vacant lands; the Indians were to be allowed for improvements on land ceded; roads could be built through the reservation; any Indian guilty of drinking liquor or bringing it onto the reservation would have his annuities withheld ". . . for such a time as the President may determine";<sup>104</sup> none of the provisions of the treaty were to be obligatory on either contracting party until the same shall be ratified by the President and Senate of the United States.<sup>105</sup>

Before leaving the council grounds Stevens appointed R. H. Landsdale as agent for the Flathead confederacy and W. H. Tappan as sub-agent. Landsdale made an extensive examination of the Horse Plains reservation and of the Bitter Root Valley during the summer of 1855.<sup>106</sup>

On July 18, 1855, two days after the completion of negotiations at Council Grove, Stevens and his party resumed the march to Fort Benton. Joel Palmer, as we have seen,<sup>107</sup> had decided that his presence was more necessary in Oregon than among the Blackfeet. The proceedings at Fort Benton, therefore, were left in the hands of Stevens and Cumming. A treaty commission was formally organized on August 14. Stevens and Cumming were to serve as commissioners, Doty as secretary,

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104. Kappler, *op. cit.*, II, p. 724-725.

105. *Ibid.* p. 725. The material in this paragraph was drawn from *Ibid.* p. 723, 724, 725.

106. Isaac I. Stevens, Narrative and Final Report of Explorations for a Pacific Railroad, (Washington, 1860), Book I, XII, p. 220.

107. *Ante*, footnote, p. 30

Kennedy, who had accompanied Cumming, as assistant secretary.<sup>108</sup> Later, additional officers were appointed. Thomas Adams and A. J. Vaughan, were to serve as reporters. "The interpreters were James Baird, A. Culbertson, and M. Roche, for the Blackfeet; Benjamin Kiser, C. Schon, for the Flatheads; William Craig, Delaware Jim, for the Nez Percés."<sup>109</sup> Tribal delegations of Piegans, Bloods, Blackfeet, Gros Ventres, Flatheads, Upper Pend d' Oreilles, Kutenais, and Nez Percés had assembled at Fort Benton before the arrival of Stevens. Some had made their way to the council grounds two months before the beginning of the negotiations.<sup>110</sup> But again inefficiency in the government supervision of Indian affairs threatened the success of Stevens' labors. Stevens had urged previously that a government steamer be chartered for the purpose of transporting Indian annuities and goods to the council grounds.<sup>111</sup> Instead, Cumming was given a free hand to authorize a fur trading company to assume full responsibility for the transportation of the goods. A steamboat carried annuities as far as Fort Union where the cargo was discharged and placed in small boats. The journey from Fort Union was long and difficult, the boat carrying the goods and provisions being towed by a force of men who walked along the bank of the river. On the first of October the annuities were still somewhere

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108. Stevens, op. cit., II. p. 95. Doty deserves much of the credit for the establishment of the Blackfeet farm.

109. Ibid. p. 114, 115.

110. Hoopes, op. cit., p. 113.

111. Ante, p. 28-29.

between Fort Union and Fort Benton.<sup>112</sup> Stevens had taken with him only enough supplies for his own party; and, realizing that treaty negotiations without goods and presents for the Indians were impossible, decided to move the council from Fort Benton to the junction of the Judith and Missouri Rivers, about one hundred miles eastward. There the goods would be met much sooner than otherwise.<sup>113</sup> The move was made, and on October 11 the goods were received at the mouth of the Judith River.<sup>114</sup> The council was formally opened on October 16, 3,500 Indians being in attendance.<sup>115</sup>

The major tribes of the area with the exception of the Crows were well represented at the council. Tappan and Thomas Adams had been delegated by Stevens to visit the Crow chiefs and insure their attendance, but the Indians could not be found.<sup>116</sup>

The council lasted only three days. In spite of a very evident friction between the two commissioners, Stevens and Cumming,<sup>117</sup> the negotiations were carried out to the satisfaction of all concerned.

Article one of the treaty provided for the maintenance of peace between the signatory tribes and the citizens of the United States. The second article provided that the signatory tribes should remain at peace, not only with one another,

<sup>112</sup>. Stevens, op. cit., II, p. 95-96.

<sup>113</sup>. Hoopes, op. cit., p. 113.

<sup>114</sup>. Ibid.

<sup>115</sup>. Ibid.

<sup>116</sup>. Stevens, op. cit., II, p. 112.

<sup>117</sup>. Ibid., p. 118.

but also with the non-signatory tribes such as the Crows, Assiniboines, and Sioux. The only land cession in the treaty was designated in article three:

"The Blackfeet Nation consent and agree that all that portion of the country recognized and defined by the treaty of Laramie as Blackfoot territory, lying within lines drawn from the Hell Gate or Medicine Rock Passes in the main range of the Rocky Mountains, in an easterly direction to the nearest source of the MuscleShell river, thence to the mouth of Twenty-Five Yard Creek, thence up the Yellowstone River to its northern source, and thence along the main range of the Rocky Mountains, in a northerly direction, to the point of beginning, shall be a common hunting ground for ninety-nine years, where all the nations, tribes, and bands of Indians, parties to this treaty, may enjoy equal and uninterrupted privileges of hunting, fishing, and gathering fruit, grazing animals, curing meat and dressing robes. They further agree that they will not establish villages, or in any way exercise exclusive rights within ten miles of the northern line of the common hunting ground, and that the parties to this treaty may hunt on said northern boundary line and within ten miles thereof."<sup>118</sup>

Article four reserved a certain territory for the Black feet:

"The tract of country lying within lines drawn from the Hell Gate or Medicine Rock Passes, in an easterly direction, to the nearest source of the Muscle Shell River, thence down said river to its mouth, thence down the channel of the Missouri river to the mouth of the Milk River, thence due north to the forty-ninth parallel, thence due west on said parallel to the main range of the Rocky Mountains, and thence southerly along said range to the place of beginning, shall be the territory of the Blackfoot Nation over which said nation shall exercise exclusive control, excepting as may be otherwise provided in this treaty."<sup>119</sup>

The United States agreed ". . . to expend annually, for the Piegan, Blood, Blackfoot, and Gros Ventre tribes of

118. Kappler, *op. cit.*, II, p. 736. See map. Appendix A.

119. *Ibid*, p. 737. See map. Appendix A.

Indians . . . twenty thousand dollars, annually, for ten years, to be expended in such useful goods and provisions, and other articles, as the President may from time to time determine . . . ."120 The government further agreed to ". . . expend annually, for the benefit of . . . the tribes of the Black-foot nation, a sum not exceeding fifteen thousand dollars annually, for ten years in establishing and instructing them in agricultural and mechanical pursuits, and in educating their children and in any other respect promoting their civilization and Christianization."121

The treaty provided also ". . . that citizens of the United States" could "live in and pass unmolested through the countries respectively occupied and claimed by the Indians." The United States agreed to protect the Indians ". . . against depredations and other unlawful acts which white men residing in or passing through their country may commit."122 The signatory tribes agreed that the United States could ". . . construct roads . . . establish lines of telegraph and military posts within . . . the countries respectively occupied and claimed by them."123 The usual provision against intoxication or the introduction of ". . . ardent spirits . . . ." was incorporated into the treaty.124

Final negotiations were concluded on October 17. The

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120. Kappler, op. cit., II, p. 738.

121. Ibid. p. 738.

122. Ibid. p. 737.

123. Ibid.

124. Ibid. p. 738.



next three days were spent in the distributions of presents and in preparations for departure.

The government acted rapidly in its consideration of the Blackfeet Treaty, ratification being accomplished on April 15, 1856. The treaty was proclaimed by the President ten days later.<sup>125</sup>

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125. Kappler, op. cit., p. 736. The Flathead Treaty was not ratified until March 8, 1859. This failure to fulfill government obligations without considerable ~~delay~~ was a source of considerable irritation to the Indians concerned.

Chapter V  
INDIAN AFFAIRS, 1856-1862

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During the administration of Franklin Pierce, 1853-1857, fifty-two treaties were negotiated with Indian tribes throughout the United States and its territories.<sup>126</sup> These treaties extinguished Indian title to 174,184,710 acres. About 52,000,000 acres had been relinquished to the government in ratified treaties and about 122,000,000 acres<sup>127</sup> in treaties which by 1857 were still unratified. During the six year period from 1851 to 1857 the average annual expenditure for Indian service was \$2,625,932.61, a total for the period of \$15,755,593.87.<sup>128</sup>

The labors and responsibilities of the Indian Bureau were by 1851 increasing with startling rapidity. This enlargement or extension of departmental duties may be attributed principally to the growth of the West. The four year period from 1853 to 1857 is notable for the rapid increase of white settlement in the new territories, Washington, Oregon, Utah, New Mexico, Kansas, and Nebraska and in the new states, Texas and California. Thus became more apparent the necessity of colonizing or isolating Indian tribes

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126. Report of R. McClelland, Secretary of the Interior, November 29, 1856. 34 Cong. 3 sess. V. 1, (ser 893), H. Ex. Doc. I, pt. 1, p. 185

127. Ibid

128. Ibid

within limits suitable to their numbers. Lands in the west were rapidly being opened for settlement and measures had to be taken to secure for the whites adequate protection from Indian depredations. At the same time the government ". . . attempted to do ample justice to the Indians, and leave no room for the complaint that they had been overreached by the white man."<sup>129</sup>

The groundwork of the government's policy toward the Indians residing within the present area of Montana was laid by the Treaty at Fort Laramie, 1851 and the Flathead and Blackfeet Treaties, 1855. All three of these treaties were exemplifications of the national policy in evidence from 1851 to 1857. The attempts to fulfill government obligations contracted at Fort Laramie, Council Grove, and at the junction of the Judith and Missouri Rivers were attended by a fair degree of success in some cases but by failure and disappointment in others.

The immediate results of the Blackfeet Treaty were on the whole quite gratifying to the parties concerned. In the spring of 1853 the Gros Ventres openly announced their intention to annoy the whites as much as possible. After

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129. McClelland, op. cit., p. 185.

the treaty, however, they caused no trouble and showed a disposition to conform to the wishes of the government.

In fact they expressed a desire to be instructed in agricultural pursuits.<sup>130</sup>

In 1856, the Piegans, formerly the most warlike division of the Blackfeet nation, announced their intention of remaining at peace with their neighbors and with the whites.<sup>131</sup>

Less than ten days after signing the treaty the Bloods organized war parties and attempted to influence the other tribes of the Blackfeet to follow their example. The latter effort, however, met with no success. As a result, the hostile demonstrations of the

Bloods ceased almost immediately.<sup>132</sup> The signatory tribes of the Blackfeet Treaty had promised to remain at peace with their Indian neighbors who had not entered into the negotiations. As a result of the treaty, the Blackfeet seemed inclined to maintain peaceful relations between themselves

and the Crows.<sup>133</sup> Terrible Indian hostilities in Washington and Oregon broke out in October, 1855 and lasted until June, 1856. The signatory tribes of the Blackfeet Treaty refused all participation in these wars. ". . . Conflicts of war and rapine", said Commissioner Manypenny in

130. Report of E. A. C. Hatch, Blackfeet agent, July 12, 1856. 34 Cong. 3 sess. V. 1, (ser 893), H. Ex. Doc. I, pt. 1, p626

131. Ibid

132. Ibid

133. Report of A. J. Vaughan, agent, Fort Union, September 10, 1856. 34 Cong. 3 sess. V. 1, (ser 893), H. Ex. Doc. 1, pt. 1, p633

his annual report, dated November 22, 1856, "have given place among them (Blackfeet) to the exchange of horses, peltry, and other articles of . . . commerce."<sup>134</sup> During the same year (1856) Governor Stevens reported Dr. Landsdale, agent for the Flatheads as saying:

"They (Flatheads) have faithfully observed the terms of their treaty with the Blackfeet and the Blackfeet have been faithful likewise on all occasions. They have shown the strongest proof of friendship toward the whites and of confidence in the government."<sup>135</sup>

Other post-treaty conditions, however, were not so encouraging. Agent Hatch declared that it was impossible to induce the Indians of the Blackfeet nation to become more economical in the destruction of game. He said: "They annually destroy much more game than they require to subsist and clothe themselves."<sup>136</sup>

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134. Report of Manypenny. 34 Cong. 3 sess. V. 1, (ser 893), H. Ex. Doc. I, pt. 1, p. 558.

135. Report of Stevens, Superintendent of Indian Affairs, Washington Territory, August 31, 1856. 34 Cong. 3 sess. V. 1, (ser 893), H. Ex. Doc. I, pt. 1, 744. Landsdale overlooked one incident in his report that should be mentioned at this time. Immediately after the Blackfeet Council, twenty-two horses were stolen from Francis Saxa, a Flathead, and John Owen's interpreter. Saxa reported that the depredators had been Blackfeet. S. Dunbar and P. C. Phillips, ed. The Journals and Letters of Major John Owen, 1850-1871 (2v. N. Y. 1927), II, p. 168-169.

136. Report of Hatch, op. cit., p. 627.

The Crows, though not a signatory nation in the Blackfeet Treaty, actively participated in the negotiations at Fort Laramie; consequently, annuity payments were due them. In 1856, A. J. Vaughan, agent at Fort Union, reported that he had experienced considerable difficulty in making deliveries of Crow annuities. He said:

" . . . They had felt every disposition to listen to their Great Father, and to carry out the provisions of the treaty. . . but. . . had been repeatedly told by white men visiting their country, that those of them who wished to die had only to visit Fort Union and receive their presents, as these contained the germ of small pox and other diseases, and if they partook of them certain death would insue." 137

137. Report of Vaughan, op. cit.p.631-632. During the years 1853, 1854, 1855, Vaughan had experienced similar difficulty in delivering goods and provisions to the Crows. In 1853 the Crows journeyed to Fort Union and there waited the arrival of their annual allotment of annuities. Finally they became short of provisions and had to leave. On leaving Fort Union they contended that the government "... should deliver them their presents in their own country . . . ." The territory occupied by the Crows was four hundred miles from Fort Union and in order to obtain their annuities the Crows had to pass through the territories of the hostile Sioux and the Blackfeet. Vaughan's attempts in 1853 to locate the Crows after they had left Fort Union failed. Consequently these Indians did not receive their 1853 annuities. (Report of Vaughan, September 20, 1853, op. cit.p.355)

After being attacked by a party of Blackfeet, Vaughan succeeded in delivering the 1854 allotment of presents to the Crows, he landed the goods at Fort Sarpy on the Yellowstone and immediately dispatched runners 250 miles distant in search of the Crows. After the chiefs and principal men of the nation were assembled Vaughan attended to the distribution of annuities.

The Crows had apparently become convinced by this and other propaganda that no white man was their friend. Such a situation made the work of an agent among these Indians extremely difficult. Vaughan advocated that the government establish a separate agency for the Arikaras, Gros Ventres, Mandans, Assiniboines, and Crows, arguing that ". . . no agent can possibly control or make favor-

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137. (cont.) Report of Vaughan, October 19, 1854. Office of Indian Affairs, Washington, D. C. Photostat copy.)

Delivery of Crow annuities was not made in 1855 "... in consequence of the great risk and danger from numerous war parties of the Sioux on the Yellowstone river...." Various attempts to reach Crow country failed. On May 3, 1855 seven men in the employ of P. Chouteau, Jr., and Co. started from Fort Union to Fort Sarpy. During the journey they were attacked by a war party of the Sioux; two men were seriously wounded, and the whole party was stripped of its arms, ammunition, and clothing. On August 23, the usual outfit of trade for the Crow post had proceeded a short distance up the Yellowstone "...when the hunters for the boat, who were out in quest of game were driven back to the boat." They immediately returned to the post. No further attempt to deliver goods to the Crows was made in 1855. (Report of Vaughan, September 12, 1855). Office of Indian Affairs, Washington, D. C. Photostat copy.)

able impression upon the Indians under his charge unless he  
 is in their midst to confer with them often. <sup>138</sup> The agency  
 supervised by Vaughan extended over such a vast territory  
 that it was difficult if not impossible for him to do ample  
 justice to one tribe. The Crows were attempting to live  
 up to the stipulations of the Fort Laramie Treaty but were  
 often either unable or unwilling to receive their annuity  
 payments because of the failure of their agent to make suf-  
 ficient contacts with them. <sup>139</sup>

Vaughan's arguments in favor of dividing the Upper  
 Missouri agency were substantiated by A. H. Redfield, his  
 successor. In his annual report dated September 9, 1857,  
 Redfield said:

"To remedy the difficulty, the agent should after re-  
 maining a month or two at Fort Union...and after  
 thoroughly completing his business...be furnished  
 a boat and men enough to manage it and assist him,  
 and then descend the river slowly and leisurely,  
 and see and converse with the Indians, spending as  
 much time with the Indians as he finds necessary  
 or useful." 140

He went on to say that such labors could not be accom-  
 plished without the establishment of a separate agency.  
 Only in this way could the Indians develop a feeling of  
 confidence toward the agent who labored with them.

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138. Vaughan, op. cit., p. 636.

139. Ibid

140. Report of Redfield, 35 Cong. 1 sess. V. 2, (ser 942),  
H. Ex.Doc. 2, pt. 2, p. 421



There was, indeed, an urgent necessity for closer supervision of affairs pertaining to the Crow nation. Agents rarely made contact with them; annuities often failed to reach them; and they were constantly subjected to the incursions of the Sioux in the country reserved for them by the Fort Laramie Treaty. The government seemed unable to offer the Crows any degree of protection  
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from these depredations.

The most serious failure of the government to cope successfully with the Indian problem in the years following the treaty period arose in connection with the administration of the Flatheads. The period from July, 1855, to March 1859, was one of distress and uncertainty for these Indians. The dilatory tactics adopted by the Senate in its consideration of the Flathead Treaty retarded the payment of annuities and made remote the fulfillment of government promises. Dr. Landsdale, Indian agent for Washington Territory, urged the immediate adoption of some other means of dealing with the Flatheads should the Senate refuse to confirm agreements made  
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in the Flathead Treaty. In his report dated September 22,

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141. The Blackfeet treaty of 1855, as we have seen, had one beneficial effect on the Crows. Immediately after the treaty, hostilities between the two nations decreased in number.

142. Landsdale's report concerning the Flatheads. 35 Cong. 1 sess. V. 1, (ser 919), S. Ex. Doc. 2, pt. 1, p. 665.

he said:

"So long a period has elapsed since the council and treaty of July, 1855 . . . that some of the leading men now think that their sale of land to their Great Father . . . should not be considered binding on them without they should be consulted."143

Landsdale regarded the government's policy of non-ratification with great bitterness, saying:

"And here the undersigned must be allowed to express his decided opinion of the governmental policy in relation to the tribes west of the Rocky Mountains and their wild neighbors of the Missouri as being wrong and reprehensible. To the ignorant mind of the Flatheads at least, it would seem to present a glaring exemplification of the insane policy of rewarding enemies and punishing friends. Friendly people of the west are treated with for their lands and other privileges; these treaties are unconfirmed for almost two years, perhaps finally rejected, while their wishes are disregarded and their wants ignored. The treaty with the wild Blackfeet tribes, a people traditionally hostile to the whites, and not regarding either cessions of land, except for roads and forts is ratified at once . . . full appropriations are made, and large presents given; while our old friends of the west . . . stand by, see all these transactions, and are expected to maintain their old friendship . . . ." 144

In 1856 John Owen was appointed special agent for the Flatheads, Landsdale's time being well occupied by affairs in western Washington and Oregon during the Indian wars of

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143. Landsdale, op. cit., p. 666.

144. Ibid. p 666-667.

1855 and 1856.<sup>145</sup> Owen's correspondence<sup>146</sup> during his six years of service in the above capacity reveals many interesting facts concerning the government's policy toward the Flatheads and other western tribes. Owen was well equipped for his work as Flathead agent. He had lived among these Indians since 1850 at which time he had purchased St. Mary's mission and had begun the construction of a fort that was to bear his name.<sup>147</sup> His contacts with the Flatheads from 1850 to the time of his appointment as their agent inspired him with a sympathy toward their problems and caused him to gain a perspective "...of the natural rights of the aborigines, or the rights they had acquired through official negotiations with his fellow white man."<sup>148</sup>

Though the work of Owen as Indian agent was at times referred to by his superiors as inefficient and notoriously corrupt, there is evidence that his labors met the general approval of the Indian Bureau. This evidence is substantiated by the fact that "...his authority was twice enlarged, and extended over additional tribes."<sup>149</sup>

145. Landsdale, op. cit., p. 669.

146. The Journals and Letters of Major John Owen, 1850-1871, Edited by S. Dunbar and P. C. Phillips, (2v., N. Y., 1927).

147. Ibid, I, p. 12

148. Ibid

149. Ibid. Owen was given authority over the Indians of the Cayuse District, Washington Territory on November 17, 1858 (Ibid, II, p. 187). On March 2, 1861, Superintendent of Indian Affairs for Washington Territory, E. R. Geary, appointed Owen as one of the three agents of the territory. (Ibid, II, p. 249)

Much of the Indian Bureau's criticism of Owen was occasioned by Owen's hostility toward the corrupt features of the government's Indian policy. Owen's policy has been described as follows:

"To the Indians themselves--as he himself admits--he was of necessity urbane, kindly, and plausibly apologetic in times of their disappointment and shabby treatment even though his real sentiments, as set forth in his reports to Nesmith and others, contain no such qualities.

.....

"He repeatedly points out the abuses to which the Indians had been subjected....He took an advanced early stand in favor of supplying the western Indians with excellent livestock, plows, other farming implements, and like permanent improvements instead of the inconsequential goods sent to him for distribution to them, and which were sent in spite of his differing requisitions and at exorbitant cost. The policy he thus advocated was finally adopted, and today the Flathead nation, on its reservation, is far advanced in the manner urged by Owen seventy years ago." 150

Before undertaking a detailed study of the Indian policy of John Owen it will be necessary to give brief consideration to Indian affairs in Oregon and Washington Territories during the years 1857 and 1858. The act of March 3, 1857 abolished the old Washington and Oregon superintendencies and placed Indians of both territories

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150. Owen, op. cit., I, p. 12.

under the jurisdiction of a single superintendency.<sup>151</sup> The first superintendent under the new arrangement was James Nesmith who was appointed to that position on March 18,<sup>152</sup> 1857.

For a while Nesmith and his assistants were able to maintain peaceful relations between the whites and the Indians. By May, 1858, however, the Spokanes, Palouses, Cayuses, Coeur d' Alenes, and Yakimas, all showed evidences of hostility.<sup>153</sup> On May 16, a party of 1200 Indians composed of Spokanes, Coeur d' Alenes, and Yakimas met a force of troops commanded by Colonel E. J. Steptoe near the Spokane river.<sup>154</sup> Steptoe and the tribal chiefs held a conference at this point and for a time it appeared that no conflict would ensue. On May 17, however, the Indians attacked the troops, killing five men and wounding thirteen.<sup>155</sup> Most of the Indians of eastern Washington Territory continued their depredations on white settlers during the summer of 1858. The climax of the war occurred on September 1 when Colonel George Wright defeated the Indian allies. Seventeen Indians were killed in this battle, and no loss to the whites was re-

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151. U. S. S. L. XI, p.185

152. George W. Fuller, A History of the Pacific Northwest, (New York, 1931), p.242

153. Hoopes, op. cit. p.127

154. Ibid.

155. Ibid., p.128

156  
 ported. By January, 1859, peace once more reigned within  
 the limits of the Oregon and Washington superintendency. 157

The most important result of the Indian war of 1858  
 lay in the government's authorization of the construction  
 of a military road from Fort Benton to Walla Walla. The  
 Indian disturbances of 1855 and 1856 had convinced the gov-  
 ernment of the necessity of establishing a military post in  
 Walla Walla. 158 After the defeat of Colonel Steptoe, it  
 became apparent that more soldiers were needed to protect the  
 white settlers in Washington Territory from Indian depreda-  
 tions, and it became equally obvious that some route of tra-  
 vel was necessary between the Missouri and Columbia Rivers.  
 Steamboats were in use on both of these rivers at this time  
 and by connecting the heads of navigation on these waterways  
 troops could be transported to the scene of Indian hostili-  
 ties with a minimum of expense and difficulty. 159 In De-  
 cember, 1858, John Mullan laid the matter before the War De-  
 partment and the military committee. 160 Stevens, then a  
 delegate to Congress from Washington Territory ". . . ever  
 active in those movements that tended to develop the country,

156. Hoopes, op. cit., p. 128.

157. Ibid

158. Captain John Mullan, U. S. A. Report on the Construc-  
 tion of a Military Road from Walla Walla to Fort Benton,  
 (Washington, 1863 ), p. 8.

159. Ibid, p. 7-8

160. Ibid, p. 9

had already prepared the way for a favorable action ...." In March, 1859, Congress appropriated \$100,000 for the construction of a road "...from Fort Benton to Walla Walla . . . ." <sup>161</sup> Mullan was appointed by the War Department as the engineer to carry into effect the objects of this appropriation. The road, finally completed in 1862 at a cost of \$230,000, <sup>162</sup> became one of the most important highways of travel in the Northwest. Its opening came just at the time of the great rush of gold seekers, first to the eastern part of Washington Territory and later to Montana Territory.

John Owen figured prominently in the Indian war of 1858 and was a constant aid to Mullan during the construction of the military road. In July, 1858, he journeyed to Fort Colville, Washington Territory, and there attempted to promote peaceful relations between these Indians and the whites. <sup>163</sup> His report of this council was instrumental in prompting civil and military authorities in Washington Territory to adopt a vigorous prosecution of the war against the Indians. Owen was anxious to do his part in putting an end to Indian hostilities because he was fearful of the results of such conflicts on the Flatheads. In a letter to Nesmith

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161. Cong. Globe 36 Cong. 1 sess, p. 2087

162. Fuller, *op. cit.*, p. 316

163. Owen to Nesmith, July 11, 1858. Office of Indian Affairs, Washington, D. C. (Photostat copy).

dated July 6, 1858, Owen said:

"God send that the present dissatisfaction may not reach the Flatheads. Messengers have already been sent, requesting them to join in the common cause of exterminating the white tribes.."164

The Flatheads remained at peace, however, and when Owen returned to their country during the summer of 1858, they were delighted to see him, rumors having come to the Indians that Owen had been robbed, and the members of his party scalped.<sup>165</sup> Victor, the chief of the Flathead confederacy, assured Owen at this time that the Flatheads wished to maintain their friendly relations with the whites. Owen purchased for these Indians certain useful articles, such as ammunition, tobacco, knives, pans, and a few shirts. Nesmith had previously authorized Owen ". . . to make them some presents not exceeding in amount one thousand dollars."<sup>166</sup> The Flatheads were also in need of a blacksmith (none having been provided for them by the government) to mend their traps, guns, kettles, and axes. Owen engaged one who happened to be in the country who agreed to work for the In-

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164. Owen, op. cit., II, p. 183.

165. Owen, op. cit., II, p. 184.

166. Ibid., p. 185--Due to the fact that their treaty had not been ratified, the Flatheads received no annuities.



dians, keep their plow in condition "...and do anything in his line for them at the rate of five hundred dollars a year. This amounted to monthly salary of \$41.66--a sum that Owen thought rather reasonable since "...he was also willing to take his axe when there was no work in the shop and make rails for their fields...." <sup>167</sup> The blacksmith agreed also to assist the Indians "...in plowing and attending their crops." <sup>168</sup> Owen reported that some of the Indians were anxious to farm." . . . All they require," said Owen, "is a little assistance and encouragement to put their wishes in force." <sup>169</sup>

After resting a few days at the agency, Owen left for Fort Benton with a party of Flatheads who wished to be present at the delivery of the Blackfeet annuities, and settle some outstanding claims between the two nations. "Myself and party," said Owen in a letter to Nesmith, dated May 31, 1859, "were kindly received by the United States Indian agent, Colonel Vaughan; and the Indians with me returned with glad hearts, and much pleased with their visit and liberal benefaction bestowed upon them ...by the noble and generous-  
<sup>170</sup> hearted agent." Within the space of a year, however, rela-

167. Owen, op. cit., II, p. 185.

168. Ibid

169. Ibid

170. Owen to Nesmith, Office of Indian Affairs, Washington, D. C. (Photostat copy)

tions between Owen and Vaughan and between the Flatheads and the Blackfeet were not so friendly. The causes of this change of feeling will be enumerated in subsequent discussion.

After returning to the Flathead agency, Owen organized a small party and began a journey to Fort Hall where he intended to visit the Snake Indians. While at Fort Hall he decided to visit Salt Lake City for the purpose of presenting the Indians a team of cattle, a plow, and wagon. He gave them permission also to sow grain in his own field. "They (Flatheads) are very desirous to be assisted in farming," wrote Owen to Nesmith. "Buffalo are growing scarce, and they see very plainly that they will have to depend on something else besides the hunt for their subsistence." The ratification of the Flathead Treaty on March 8, 1859, by no means solved the problems confronting John Owen in his work as agent. In a letter to E. R. Geary, of the Oregon and Washington superintendency, dated August 16, 1859, Owen gave the following picture of affairs at the Flathead agency:

"The Indian is becoming daily More and More unsettled Some of them alarmingly So. But a few years [ago] We had but one Common Emeny the Blackfeet. They are Now quiet and Enemies have grown out of former friendly tribes.<sup>172</sup> Numerous causes have brought about the present State of Affairs. The Indian is Naturally alarmed at the inroads Made by the White Man into their country. They Say we Will all be Swallowed up by the

172. Owen is here referring to certain tribes in eastern Washington Territory, principally Snakes and Bannacks, Shoshones.

White tribe. What is to become of us, roads are being made through our Country.<sup>173</sup> Our Game is growing Scarce. Many promises have been made us (Flatheads) by the agents of our Great Father None of Which have been complied with. Many such Complaints are daily Made. In fact it is Common Camp talk. I shall do my utmost to quiet their fears. I have assured them that their Great Father has listened to them. That the treaties Made by Gov. Stevens have at last been confirmed<sup>174</sup> and Next Year they May look for their Annuities and Everything promised them in the treaty. They Say we are Now to wait another Year. May be we will be disappointed again. Let Me here suggest that Every Step Necessary should be taken to urge ... Congress the Necessity of appropriations being made as Early as possible for carrying out the treaty stipulations ... Do not let us try the patience of these Indians any longer. Their Confidence in the promises of Govt. officials is already on the wane. Should we Shake it to the foundation I tremble for the result."<sup>175</sup>

During the spring of 1859 Owen was successful in encouraging a number of Flatheads to cultivate lands in the Bitter Root Valley. By August of that year there were over one hundred acres of wheat and potatoes under fence.<sup>176</sup> Owen expressed the hope that he be authorized immediately to establish the Flathead farm provided for in the treaty. "Such a step," said Owen, "would have a great tendency to

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173. Probably referring to the Mullan Road.

174. Treaties with several tribes of Washington Territory were ratified on March 8, 1859.

175. Owen, *op. cit.*, II, p193. Geary was appointed Oregon and Washington superintendent on April 2, 1859.

176. Ibid.

Conciliate the Indians and Would Convince them of the  
 honest intentions of the Govt. toward them.<sup>177</sup> Owen re-  
 commended also that the Flathead annuities<sup>178</sup> be placed  
 on a steamer and shipped up the Missouri. By doing  
 this Owen believed that the government would avoid con-  
 siderable expense. The American Fur Company charged the  
 government ten and three-fourths cents a pound for trans-  
 porting goods from St. Louis to Fort Benton. The latter  
 place was less than three hundred miles from Fort Owen.  
 If the goods were sent from the Pacific coast there was  
 a possibility that the government would subject itself  
 to a rate of one hundred dollars a ton for goods shipped  
 from Vancouver to Walla Walla. By choosing this route Owen  
 said that the government would be forced also to pay pro-  
 hibitive rates for the transportation of annuities through  
 the mountainous territory between Walla Walla and the Bit-  
 ter Root Valley.<sup>179</sup> On October 15, 1859, Owen made a fur-  
 ther suggestion to Geary concerning the forthcoming payment

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177. Owen, op. cit., II, p. 194.

178. According to the provisions of the treaty, the first  
 installment of Flathead annuities was due one year  
 after the ratification of that instrument.

179. Ibid

of Flathead annuities.<sup>180</sup> He advocated that not over \$15,000 of the \$36,000 due the Flatheads as their first installment be invested in presents and that a greater portion of that \$15,000 be spent in the purchase of blankets, cloths, heavy cotton, amunition, tobacco, tin ware, and other useful articles.<sup>181</sup> He recommended, also, that \$10,000 of the \$36,000 be invested in livestock and that the remaining \$11,000 "... be kept as a fund to be invested from time to time in such things as the Indians Mostly require for their promotion and advancement in the Social Scale of life."<sup>182</sup> Owen regarded it as extremely unwise to give the Indians the sum of \$36,000 the first year and then provide for them the sum of \$6,000 per year during the subsequent four year period.<sup>183</sup> ". . . The difference Would be so great," said Owen, "it would in My opinion be difficult to Make the Indian understand . . . ."

By October, 1859, Mullan had made considerable progress in the construction of the Walla Walla-Fort Benton

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180. Owen, op. cit., II, p. 198.

181. Ibid.

182. Ibid.

183. Ibid.

road. It is difficult to determine the real attitude of the Flatheads toward this project. They undoubtedly realized that the completion of the road would threaten their right to hold exclusive title of lands in the Bitter Root Valley. In a letter to Geary dated October 10, 1859, Owen said that many of the men employed by Mullan had expressed to him their intention of settling in the valley. "White Settlers are coming in and others are daily Expected," said Owen.<sup>184</sup> The Indians naturally raised serious objections. They called Owen's attention to article 11 of the Flathead Treaty which supposedly prevented the whites from settling in the area south of Lo Lo Fork until a survey of that territory was made by the government. The survey had not been accomplished but whites were making their homes in the valley anyway. In spite of the fact that the construction of the Mullan Trail was in large measure a contributing cause for the invasion by the whites of the Flathead territory, these Indians seemed inclined to co-operate with Mullan in bringing his project to a successful conclusion. In his report concerning

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184. Owen, op. cit., II, p. 195. The construction of the Mullan Trail exercised another effect detrimental to the best interests of the Indians. In 1860 Owen experienced considerable difficulty in finding men willing to work as farmers or mechanics at the meager salary stipulated by the Indian Bureau when Mullan paid his employees as high as one hundred and twenty-five dollars a month. (Owen to Geary, May 28, 1860. Ibid., p. 211).

the building of the road, Mullan described the following incident:

" . . . I proceeded to the Bitter Root Valley and held a talk with these Indians (Flatheads), whose disposition toward myself had always been friendly. The necessity of getting my supplies from Fort Benton, and the condition of my own animals, compelled me to lay my wants before the Flatheads. I told them I needed one hundred and seventeen horses, with pack saddles, and from fifteen to twenty of their men to accompany Mr. Sahon across the mountains. They promised me a reply the next day, when they would send me as many sticks as they had men and horses to furnish.

"The next morning their Chief, Ambrose, came to Fort Owen, where I was a guest, with one hundred and thirty-seven sticks, each representing a horse or man. Such nobleness of character as is found among some of the Flatheads is seldom seen among Indians; and I here record to their credit that I never had a want but which, when made known to them, they supplied, and that they always treated myself and my parties with a frank generosity and a continuous friendship."<sup>185</sup>

This incident is illustrative of the willingness of the Flatheads to conform to the wishes of a government official who had on all occasions shown a sincere desire to do what he could to better their condition. It is indicative also of the degree of co-operation that the government could procure from the Flatheads should the former choose to live up to its obligations.

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<sup>185</sup>. Mullan, op. cit., p. 21

In his letter to Geary of October 10, 1859, above cited, Owen reported an appointment made by him and subject to the approval of the department of H. M. Chase as agent for the Kutenais and Pend d' Oreilles.<sup>186</sup> These Indians were located about sixty miles north of Fort Owen and Owen deemed it a necessity that a local agent should live among them and keep him informed of their movements.<sup>187</sup> Early in the year 1860 reports reached Owen that the Blackfeet had renewed their depredations on the Pend d' Oreilles.<sup>188</sup> He immediately despatched a communication to Vaughan, agent for the Blackfeet, asking him to look into the matter and do what he could to re-establish friendly relations between the tribes. In this letter, dated March 10, 1860, Owen said:

"Where does the fault lie? Can Not the Evil be remedied? The particulars are Yet Not my possession. Each party will have its own story. Prompted as I am Col by the dictates of humanity and Justice due the injured party I am Strongly in favor of Summarily punishing the aggressors and would ask your hearty cooperation in the Matter. It places us here in a very alarming Condition. Since the treaty of /55 We have Slumbered in Safety. The former predatory Visits of Your Indians ceased and Now to have them again threatened and by parties too receiving handsome annuities from the Govt., and bound by Sacred treaty Stipulations is intolerable.

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"It will be a happy Moment in My Life if by any

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186. Owen, op. cit. II, p. 196.

187. Ibid.

188. Owen to Geary, March 10, 1860, Ibid., p. 202.



assistance of Mine the past friendly relations can be reestablished and peace and quiet once More restored."189

This letter reveals Owen's sincere interest in promoting conditions of amity between the tribes under his jurisdiction and those east of the Rocky Mountains. It reveals also a lack of faith in the annuity system as applied to such predatory bands as the Blackfeet. The only way to produce any permanent peace in the mountains and on the plains, said Owen, was to establish a military post at some central point in eastern Washington Territory. He spoke in favor of locating such a post at Fort Owen.<sup>190</sup> "This valley, said Owen, "is the receptable . . . of fugitives from justice and they Make it their Special study to Cater to the Vices of the Indian thereby ingratiating themselves and Enlisting their Sympathies and poisoning their Minds and Subverting the Wishes and Views of the Dept." "Law is impotent", continued Owen. "The agent Without protection and assistance can do Nothing."<sup>191</sup>

During the spring of 1860 Owen organized a party ". . . consisting of two practical farmers and one Mill Wright . . ." and journeyed to the Jocko plains for the purpose of choosing a location for the mills, agency buildings, and farm provided for in the Flathead Treaty.<sup>192</sup> He found at the mouth

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189. Owen, op. cit., II, p. 203.

190. Ibid., p. 202.

191. Ibid.

192. Ibid., p. 201.

of Jocko canyon a natural mill site where a twenty foot waterfall could with little trouble be utilized."<sup>193</sup> "A fine grove of timber . . . ." was in its immediate vicinity. He located a prairie plateau about a mile and a half below the mill site. He reported that this prairie contained several hundred acres of fertile land that could easily be irrigated ". . . with Small tributaries of the Jocko."<sup>194</sup> Owen stated that this plain was also satisfactory for the raising of stock, the winters of the region being very mild. At approximately the same time he examined the conditional reservation south of the LoLo Fork in the Bitter Root Valley. He reported that this region, as well as the Jocko area, was well suited to the wants of the Flatheads.<sup>195</sup>

Owen was determined to give these Indians all the help he could in starting a Flathead farm. He secured the services of two men who promised to instruct the Indians in the planting and cultivation of wheat.<sup>196</sup> In March, 1860 Owen anticipated that some ten or fifteen acres would be fenced and utilized for the purpose of raising the above-mentioned product.<sup>197</sup>

By April, 1860 other provisions of the Flathead Treaty promised fulfillment. In April of that year the annuity

193. Owen, op. cit., II, p. 201.

194. Ibid., p. 202.

195. Ibid., Owen intimated that the Flatheads would never leave the Bitter Root Valley until forced to do so.

196. Owen to Geary, March 25, Ibid., pp. 203-204.

197. Owen to Geary, Ibid., p. 204.

goods guaranteed the various tribes of the Flathead confed-  
 eracy were on their way to the agency. <sup>198</sup> The department  
 followed Owen's suggestion that the goods be shipped via  
 Fort Benton, and in May, 1860 sent instructions to A. J.  
 Vaughan, Blackfeet agent, ordering him to store the same  
 until either the Oregon-Washington superintendent or the  
 Flathead agent authorized their shipment to Fort Owen. <sup>199</sup> On  
 May 23 Geary directed Owen to purchase a train of pack mules  
 or Indian ponies to be used as a means of transporting Flat-  
 head annuities from Fort Benton to the agency during the en-  
 suing two years. <sup>200</sup> At the same time he instructed Owen to  
 erect the saw-mill provided for in the treaty and put it in-  
 to operation as early as possible. Geary recommended that  
 the materials necessary for the construction and equipping  
 of the saw-mill be purchased immediately. <sup>201</sup> The treaty had  
 also promised the Flatheads a resident physician. Early in  
 1859 Owen had appointed Dr. James A. Mullen to fill this po-  
 sition. Confirmation of that appointment was made by the  
 Indian Bureau in the spring of 1860. <sup>202</sup>

Other provisions of the treaty, however, showed by 1860  
 little chance of immediate fulfillment. In May, Owen was

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198. Commissioner Greenwood to Geary, April 7, 1860, Owen,  
opocit., p. 204.

199. Orders to Vaughan, Signature not given, Ibid., p. 205.

199. Geary to Owen, Ibid., p. 206.

201. Ibid., p. 207.

202. Owen, Ibid., p. 208.

advised by his superior officer, Geary, to postpone the erection of the industrial school and the employment of teachers for such an institution. Authorization for complying with this provision of the Flathead Treaty though "expected" had not at the time been given by the Commissioner of Indian Affairs.<sup>203</sup> At the same time Geary instructed Owen to postpone the erection of the grist-mill. "On account of the great difficulty and expense of transporting the necessary machinery from this Side of the Continent (Pacific coast)," said Geary to Owen, ". . . I deem it best that you defer its construction until next year when the materials can be brought up the Missouri to Fort Benton."<sup>204</sup> Geary also informed Owen that provision was made by Congress for the salary, house, and farm of only one chief of the Flathead nation. According to the treaty these benefits were to be received by all three of the tribal chiefs. Geary intimated, however, that appropriations would be made by a future session of Congress for the complete fulfillment of this provision of the treaty.<sup>205</sup>

The Flathead annuities arrived at Fort Benton on about the first of July, 1860.<sup>206</sup> Owen immediately sent the pack train he had organized in accordance with Geary's orders to Fort Benton with the intention of transporting the

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203. Owen to Geary, Owen, op. cit., II, p. 207.

204. Ibid.

205. Ibid.

206. Ibid.

goods to the Flathead agency. In a letter to Owen dated August 25, Vaughan acknowledged the arrival of the pack train but announced his determination to hold the goods at Fort Benton until receiving further instructions from Superintendent Geary. The summer and early fall passed and still no word came from Geary. Consequently no attempts were made by Vaughan to deliver the annuities of the Flatheads. This situation was a source of great irritation to Owen who realized that the Indians' patience with the government was well nigh exhausted. In a communication to Vaughan that expresses his usual frankness in his correspondence with government Indian officials, Owen said:

"So gross a blunder as You had committed Either through Ignorance or design in Not turning over the property belonging to My agency on My official order is inexcusable and Can not in My humble opinion be Committed with impunity when So heavy an Expense is incurred to the Dept. in having Empty trains running between the two points."<sup>207</sup>

Owen reported Vaughan's behavior to Geary and demanded immediate action by the government in behalf of the Flatheads.<sup>208</sup> Vaughan did not receive his orders from Geary until the middle of October, and the annuity goods were finally delivered at the Flathead agency on about November 1.<sup>209</sup>

Though Vaughan probably was conscientious in his belief that

207. Owen to Vaughan, September 1, 1860, Owen, op. cit., II, p. 220

208. Owen to Geary, September 2, 1860, Ibid., p. 221.

209. Owen to Geary, November 7, 1860, Ibid., p. 228.

he was following instructions in holding the annuities at Fort Benton for over three months, there is evidence to show that Owen, as well as Superintendent Geary, was empowered to demand the shipment of these goods to Flathead country. The department's letter to Vaughan of May 9, 1860 had said: "You will therefore store . . . the goods . . . at your agency and hold them Subject to the demand . . . of the Supt. of . . . Ind. affrs. in Oregon or those of the Flathead agt. . . ." <sup>210</sup>

Regardless of the interpretations placed by Vaughan and Owen on these instructions, the fact remains that the Indians were forced to suffer for causes they could not understand. It made little difference to the Indians whether or not Vaughan honestly believed that he was justified in holding their annuities. It was perfectly evident to them that they had received no goods from the government in accordance with the treaty of 1855, but they were not interested particularly in the motives or the reasons prompting Vaughan to postpone the fulfillment of government promises. Such dilatory tactics served only to provoke the Indians and to reduce their confidence in the government.

✓ The goods were by no means suited to the wants or needs of the Flatheads. Of the \$36,000 due these Indians as the first installment of their annual annuity payments, \$25,000 were invested in the purchase of such products as coffee,

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210. Ante, p. 67

rice, hard bread, blankets, flannels, and shawls. No building material was shipped, nor were the Indians provided with sufficient quantities of such articles as plows, wagons, and other farming utensils; tools for the carpenter and blacksmith shops; and machinery for the grist-mill.<sup>211</sup> Of these articles, the government sent ". . . a few hand saw augers, drawing knives, and gimblets a sufficient quantity in themselves to stock a half dozen shops."<sup>212</sup> Six plows, and a few hoes, forks, sickles, and scythes constituted the farming utensils. In a letter to Geary which condemned the government's choice of goods, Owen said:

"How far will six plows go toward furnishing several hundred Indians. If the Department will keep the Hard bread, rice, and Coffee at home and encourage the Indian in farming, I will make myself responsible for the result. The Flatheads are not a barbarous people. They know very well that the lands they sold are not to be paid in hard bread and the like. Assist them in producing a change in their herd of horses by purchasing them some American brood mares and a few hundred heifers. The Indians will be better pleased and infinitely more benefitted. The Anxiety of the Dept. to ameliorate the condition of the Indians is thwarted. Their advancement in the scale of social life is not promoted in the shipment of trash . . . ."213

Upon careful examination of the goods Owen found that the blankets sent were of an inferior quality, the shawls

211. Owen to Geary, May 25, 1860, Owen, *op. cit.*, II, p. 210.

212. *Ibid.* This information was gained by Owen after a study of the government invoice sent about six months before the arrival of the goods.

213. *Ibid.*, pp. 210-211. Similar complaints were made by Vaughan concerning the quality of Blackfeet annuities.

and flannels miserable, flimsey things of no earthly use, the coffee nearly all damaged, and the cloths some one hundred and seventy-five yards short the amount stipulated in the government invoice. <sup>214</sup> Owen stated that he could have purchased all of these goods at Portland for one-third the amount spent by the department.

The cost of transporting to Fort Owen the annuities due the Flathead nation set the agency in arrears to the extent of \$10,000. <sup>215</sup> Owen attributed this deficit to Vaughan's refusal to act promptly in the delivery of Flathead annuities. <sup>216</sup>

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214. Owen to Geary, Owen, op. cit., II, p. 231.

215. Ibid, p. 230.

216. "In Supt. Geary's letter of instruction of May, 1860, I was clearly designated by him as the person authorized to receive the annuity goods. My intentions were Exhibited to Agent Vaughan, He, however, contended that his instructions were from Supt. Robinson (Central superintendency) who shipped the goods from St. Louis Would not warrant him in turning them over to Me unless upon St. Geary's direct order on him to that Effect.

"The consequence was that the Pack train Numbering some Eighty animals returned without loading and that the Men were Kept under pay until I could send an Express to the Supt. for further orders in the premises.

"The season was far advanced when the Express ret'd with the required order. Snow was already making its appearance on the MTS. The train could Make but one trip and that Not with safety. I was therefore compelled to employ such transportation as could be obtained in the Country for which you will see by referring to My account rendered to the 16<sup>th</sup> May last that I have incurred an outlay of \$8229.80 all of which could have been saved to Dept. had the goods been promptly turned over when the train first reached Fort Benton Early in August." (Owen to B. F. Kendall, September 2, 1861, Owen, op. cit., II, p. 262) Kendall had been appointed Superintendent of Indian Affairs in Washington Territory shortly before this letter was written.



Owen divided the annuity goods into three equal portions, intending to present each tribe of the Flathead nation with one of these allotments. The Kutenais were away on a hunt so he withheld their share of the goods.<sup>217</sup> The Flatheads and the Pend d' Oreilles were not ". . . pleased with their annuities."<sup>218</sup> They felt that many of the articles provided them were of little or no use and that other goods more adapted to their wants could have been purchased.

During the year 1861, Owen made considerable progress in his attempts to establish a farm for the Flatheads. One hundred and fifty acres were fenced, plowed, sowed, and planted.<sup>219</sup> Out of the \$11,000 still due the Flatheads in the first installment of their annuity payments, Owen purchased three hundred cattle and presented a hundred of these to each tribe of the Flathead confederacy during the fall of 1861.<sup>220</sup> During the same year he erected on the Jocko reservation a store house, a double dwelling for farmers and assistants, a blacksmith shop, a millwright shop, and a dwelling house for the millwright and party.<sup>221</sup>

Such improvements were not made, however, without an attendant increase in the liabilities of the agency. Owen

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217. Owen to Kendall, September 12, 1861, Owen, op. cit., II, p. 263.

218. Ibid., pp. 262-263.

219. Ibid., p. 263.

220. Ibid., p. 264. See also Kendall to Owen, October 5, 1861. Ibid., p. 268.

221. Owen to Kendall, September 1, 1861. Ibid., p. 264.

did everything he could to liquidate the debt. He sold the pack train which he had purchased in August 1860 for the purpose of transporting Flathead annuities from Fort Benton to Fort Owen. He arranged for a sale of part of the annuities guaranteed to the Kutenais who had shown no disposition to abide by the regulations of the treaty.<sup>222</sup> He cut down the salaries of agency employees, and worked for sixteen months as agent without any remuneration from the government.<sup>223</sup> Before Owen turned over the administration of the Flatheads to his successor, Charles Hutchins, none of the employees at the agency were receiving payment for their services.<sup>224</sup>

Had the government accorded Owen the degree of cooperation he so well deserved, he undoubtedly would have been unwilling to resign his position as Flathead agent on December 1, 1862.<sup>225</sup> The growing financial difficulties confronting the agency, the increasing severity of attacks made on Owen by his superior officers, the refusal of these men to incorporate into government policy any of Owen's suggestions for improvement in the administration of the Flatheads, all were determining factors in Owen's desire to discard his "official

222. Owen to Kendall, November 20, 1861, Owen, *op. cit.*, II, p. 264. "The Kootenay tribe," said Owen, "reside north of the line and ignore the treaty."

223. Owen to Hale, August 29, 1862, *Ibid.*, p. 280. Calvin H. Hale became Washington superintendent in 1862.

224. Owen to Hale, September 6, 1862, *Ibid.*, p. 281.

225. Owen to Hale, December 1, 1862, *Ibid.*, p. 283.

garb" and lay it down "without regret."<sup>226</sup> I would not go through the same ordeal again," said Owen five months before his resignation," and discharge the same duties, . . . under the same circumstances for double the salary."<sup>227</sup>

Owen was a true friend of the Indians. His policy exemplified by his work as agent may be summarized as follows: (1) he advocated that the Indians be supplied with goods of value and permanent utility; (2) he recommended the prompt and efficient fulfillment of government obligations to the Indians; (3) he emphasized the necessity of co-operation between the officers of the Indian Bureau; (4) he insisted upon a high standard of character in his choice of associates at the Flathead agency, demanding that such employees refrain from the consumption and sale of liquor, gambling, and the keeping of Indian women as concubines;<sup>228</sup> (5) he developed the Indian policy inaugurated by Isaac I. Stevens by laying the foundations for the ultimate civilization and domestication of the Indians under his jurisdiction.

It is to be much regretted that the government did not encourage Owen to continue his work at the Flathead agency. Had Congress and the officials in the Indian Bureau worked with Owen in establishing the government policy toward the

226. Owen to Hale, December 1, 1862, Owen, *op. cit.*, II, p. 283-284.

227. Owen to Kendall, August 16, 1862, *Ibid.*, p. 278.

228. He tried to enforce these restrictions on all whites living in close proximity to the Indians.

Flatheads suggested by him, much subsequent difficulty in the administration of these Indians would have been avoided.

The balance of this chapter is concerned with the study of Indian affairs east of the Rocky Mountains during the period of Owen's service among the Flatheads. Aside from the annual payment of annuities to the Blackfeet little was done from 1855 to 1857 to carry out the provisions of the treaty with these Indians. In 1858, however, Agent Vaughan directed his attention to the selection" . . . of a suitable point for the location of the farm guaranteed to the Indians by the treaty."<sup>229</sup> He made a thorough examination of the territory about Fort Benton and finally selected a point in the valley of the Sun River" . . . as the one most inviting for agricultural purposes."<sup>230</sup> He made arrangements for the immediate erection of" . . . suitable buildings and the necessary enclosures for stock . . . ." and announced his determination" . . . to spare neither labor or expense to test fully its (land's) adaption for farming purposes . . . ."<sup>231</sup> Vaughan desired, also, to induce certain Catholic fathers to reside among the Blackfeet. "At the earnest solicitation of the Indians, and my own urgent request," said Vaughan in

29. Report of A. J. Vaughan, Blackfeet agent, September 10, 1858. 35 Cong., 2 sess., v. 1, (ser 997). H. Ex. Doc. 2, p. 430.

30. Ibid., The agency was also established at this point.

31. Ibid.

his annual report of 1858, "the Fathers . . . consented and promised to establish a mission and school near the Indian farm . . . ." <sup>232</sup>

Very little change in the "conduct and condition" of the Blackfeet was noticeable from September, 1858 to July, 1859. <sup>233</sup> The older members of the tribes still adhered to their determination to abide by the treaty and the younger ones continued ". . . to make occasional excursions in quest of horses and scalps." <sup>234</sup> Due to continued drouth in the Sun River area, conditions were unfavorable for agriculture. In order to make farming a success at the Blackfeet agency, Vaughan ". . . made an examination of the valley and stream above the farm with the purpose of ascertaining the practicability . . . of irrigating the fields during seasons of drouth . . . ." <sup>235</sup> There is no evidence to show that the proposed mission and school to be conducted by church Fathers from Saint Mary's mission were established by 1859. <sup>236</sup> Though attempts, as we have seen, were made to instruct the Blackfeet the rudiments of agriculture, a purpose largely frustrated by a dry season, and though the annuities for the year,

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232. Report of Vaughan, *op. cit.*, p. 431.

233. Annual report of Vaughan, July 24, 1859. Office of Indian Affairs, Washington, D. C. (Photostat copy.)

234. *Ibid.*, Serious hostilities, as we have seen, broke out between the Blackfeet and Pend d' Oreilles.

235. *Ibid.*

236. Vaughan had stated in his annual report of 1858 that the mission school would be established "in the early spring" of 1859.

1859 arrived with gratifying promptness, there was as yet no real progress made toward the civilization of the Blackfeet.

Vaughan continued his service as Blackfeet agent until April 22, 1861. The next individual to hold this office was Luther L. Pease who resigned in less than a year's time. Little change in the condition of the Blackfeet was noticeable during the administration of H. W. Reed, the successor of Pease.<sup>237</sup> In his annual report of 1862, Reed stated that the Blackfeet quite generally showed a willingness to cooperate with the government, but continued to live almost entirely upon the products of the chase--a mode of living constantly becoming more precarious. The opening of gold mines in Washington and in the newly established territory of Dakota was instrumental in bringing thousands of new settlers into the hunting country of the Indians. Buffalo were rapidly decreasing in numbers, and the danger of widespread starvation among the Indians became more apparent. William Jayne, the first Superintendent of Indian Affairs for Dakota Territory, was alarmed by the situation. He said:

"This fact should induce the Indian Department to wean the Indian from his predatory habits, to teach him to rely upon the cultivation of the soil instead of the

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237. The act of March 2, 1861, created Dakota Territory with boundaries including that part of Nebraska north of the forty-third parallel and west of the newly admitted state of Minnesota. The Blackfeet, Crows, Assiniboines, Arikaras, Crees, and certain branches of the Sioux family were all placed under the control of the Superintendent of Indian Affairs for Dakota Territory.

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fruits of the hunt."

Agent Reed, however, was doubtful of the practical value of the farm on Sun River. In a criticism of this government experiment, he said;

"The Indians do not seem to have received any very encouraging benefits from farming . . . . Indeed, but one, as I learn, viz, Little Dog, the head chief, has tried practical farming at all, and he . . . without much success. His farm, of some eight or ten acres, was some four miles below the government farm, so that of course, it was difficult for him to get aid and support . . . I think, however, he would try again . . . could he be sufficiently encouraged."<sup>238</sup>

In 1862 report of J. A. Vaill gave a rather black picture of conditions at Sun River. The farm had been flooded during the spring of the above year, and nearly all the crops destroyed. Only five of sixty acres of corn escaped the ravages of the flood; no potatoes or garden products survived.<sup>240</sup> It seemed that the elements combined with a display of indifference toward the project on the part of the Indians, and a certain degree of mismanagement on the part of those in charge, in making the success of the Blackfeet farm difficult of accomplishment.

The greatest weakness in the government's supervision of affairs at the Blackfeet agency from 1856 to 1862 lay in

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238. Report of William Jayne, October 8, 1862. 37 Cong. 3 Sess., v. 2, (ser 1157.) H. Ex. Doc. I, p. 320.
239. Report of Reed, October 1, 1862. 37 Cong. 3 Sess., v. 2, (ser 1157.) H. Ex. Doc. I, p. 324.
240. Report of Vaill, October, 1862. 37 Cong. 3 Sess. v. 2, (ser 1157.) H. Ex. Doc. I, p. 325.

its willingness to rely solely upon private organizations for the delivery of annuities. Stevens' desire that the government charter a steamer carrying presents and goods to the Indians was unfulfilled, and apparently such organizations as P. Chouteau, Jr., and Company were to continue indefinitely to make provisions for the housing and care of agents and the transportation of Indian annuities--functions supposedly under the exclusive jurisdiction of the Indian Bureau. An identical situation existed at the Upper Missouri agency. ". . . The government agent is entirely dependent upon the resident traders for everything," said A. H. Redfield in his 1858 report. He continued as follows:

". . . He (the agent) could not get through the country, nor perform his duties, without their friendly assistance and co-operation. The dignity of the government, the independence and usefulness of the agent, however, all require that this should not be so any longer."<sup>241</sup>

Though the amendment to the Fort Laramie Treaty (date 1852) made provision for the payment of annuities to the signatory tribes and nations for a period of only ten years after the completion of negotiations at Fort Laramie in 1851,<sup>242</sup> Congress after 1861 continued to appropriate funds for this pur-

241. Report of Redfield, September 1, 1858. Office of Indian Affairs, Washington, D. C. (Photostat copy).

242. Ante, p. 9. According to the amendment, the President was given the authority to continue the payment of annuities for five years after the elapse of the ten-year period. Annuities were paid the signatory tribes of the Fort Laramie treaty until 1866. Report of the President of the Indian Peace Commission, January 7, 1868. 40 Cong. 3 Sess. v. 2, (ser 1366), H. Ex. Doc. I, p. 492.



pose. Annuity payments, therefore, were made to such Indians as the Crows, Assiniboines, Sioux, Mandans, and Arikaras after the ten-year period, 1851-1861. For the best interest of the Indians of the Upper Missouri agency, however, there was need for the development of a more definite government policy. (1) There was need of a sufficient and permanent military force in the heart of Indian country. Thus could the Sioux be kept in order and could protection be given to the bands that wished to conform to the policy of the government. Thus also could travel through the country be rendered safer and could the labors of agents be rendered more efficient and more highly respected. (2) There was a necessity for a new treaty with all the Indians under the jurisdiction of the Upper Missouri agency. In this agreement the rights, duties, and interests of the Indians, and the requirements of the government should be clearly defined and fully understood. This treaty should also make provision for annuity payments of a size worthy of acceptance by the Indians, and schools for the Indians which would lay particular em-

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243. The Crows invariably had to pass through the territory of their most formidable enemies, the Sioux, in order to receive their annual allotment of annuities. The amount of goods and provisions given these Indians each year was so small and the danger of travelling to the place of delivery was so great that the Crows often chose to go without their annuities. This policy of the government which forced the Crows to enter a country of their enemies to obtain goods, few in number and in no degree suited to their needs was labeled by Brigadier-General Reynolds as ". . . an evidence of gross stupidity and carelessness on the part of those . . . responsible." (W. F. Reynolds, Report on the Exploration of the Yellowstone River, Washington, 1868), p. 17

phasis on agricultural instruction. (3) It was imperative that the Upper Missouri agency be divided. Agency houses should be built and agents should be rendered independent of private organizations. Depots of goods and provisions should be kept at the agencies and distributed as the necessity of the Indians required. All of the goods should not be delivered at once. Much waste and extravagance attended such a policy. (4) By 1862 it was evident that white traders or settlers could not live in Indian country without exercising a bad effect on the Indians. In dealing with this problem the government had the choice of two policies. Either it could follow the suggestion made by Agent Redfield in 1858,<sup>244</sup> of excluding from Indian country all whites except government officers and employees, or it could recognize the fact that Indian lands were destined to be settled by large numbers of whites and institute a policy which would tend toward the confinement of Indians on smaller areas of land.

The year 1862 marks the close of a period in the history of government relations with Montana Indians. The policy in evidence from 1856 to 1862 can best be defined as an attempt to fulfill government obligations contracted in the Fort Laramie Treaty of 1851 and in the Flathead and Blackfeet Treaties of 1855. No development or particular change in policy during the "post treaty period" is noticeable. Neither did the

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244. Redfield, op. cit.

government's attempt to fulfill obligations contracted in 1851 and 1855 meet with any degree of success. Inefficiency, mismanagement, and lack of co-operation between agents and officers of the Indian Bureau made more remote the completion of Stevens' program for the civilization of the various mountain and plains tribes conferred with during his railroad survey. Though the Blackfeet Treaty had, down to 1862, succeeded in its primary object, that of producing peaceful relations between the whites and the Indians, little was accomplished from 1856 to 1862 in the fulfillment of other provisions in the agreement. Practically no interest had been shown in the Blackfeet farm. The Indians still wandered over vast areas of land, pursuing the buffalo and relying almost entirely upon the fruits of the chase. The primary object of the Flathead Treaty, that of land acquisition with the view of colonizing the Indians on a reservation, showed no promise of realization by 1862. The most powerful tribe of the Flathead confederacy still remained in the Bitter Root Valley and showed no disposition to move to the Horse Plains reservation. The foregoing discussion on conditions at the Flathead agency during the administration of John Owen has revealed the success, or rather lack of success, that attended the efforts of the government to comply with other provisions of the Flathead Treaty. It is the opinion of this writer that the government would have escaped much subsequent

difficulty in its administration of Montana Indians had Stevens' program been given a fair trial.

Other men may have understood the Indians better, but in his dealings with the aborigenes, Stevens displayed an honesty and efficiency that worked to the best interests of both the government and the Indians. It is not the purpose of this paragraph to imply that all men who worked among the Blackfeet, Flatheads, and the various tribes of the Upper Missouri agency during the period immediately following the years of Stevens' service were dishonest and inefficient. One can point with pride to the sincere endeavors of such men as Owen, Vaughan, and Redfield to improve the condition of Indians under their jurisdiction. These men, however, often failed to receive the proper degree of support from their superior officers. Therein lay the principal difficulty confronting the government in its attempt to complete the program inaugurated by Stevens.

It is fitting to close this chapter with the words of Stevens. In the hope of exonerating his treaty-making policy, he said:

"I trust the time will come when my treaty operations of 1855--the most extensive operations ever taken and carried out in the latter days of our history--I repeat, I trust the time will come when I shall be able to vindicate them, and show that they were wise and proper, and that they accomplished a great end. They have been much criticized and very much abused; but I

have always felt that history will do these operations justice. I have not been impatient as to time, but have been willing that my vindication should come to the end of a term of years. Let short-minded men denounce and criticize ignorantly and injuriously and let time show that the government made no mistake in the man when it placed in the great field of duty as its commissioner to make treaties with Indian tribes.\*<sup>245</sup>

A study of the events from 1856 to 1862 has convinced this writer that had the Crows attended the council near Fort Benton, and had the Indian Bureau and Congress seen fit to execute faithfully the provisions of the Stevens treaties, much strife and misunderstanding between the principal Indian nations of Montana and the government would have been avoided.

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245. Isaac I. Stevens, Narrative and Final Report of Explorations for a Pacific Railroad, (Washington, 1860), XII, Book I, p. 209.

Chapter VI  
GOVERNMENT POLICY DURING THE LATTER YEARS OF THE  
CIVIL WAR PERIOD

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Events of national and local importance during the early sixties served to produce a spirit of unrest among the Indians of the plains and mountains. Much of this disquietude was occasioned by the great Civil War. The Indians understood little of the nature of the conflict, but there is evidence to show that Confederate sympathizers in British possessions encouraged the plains Indians to adopt a policy of nonconformity with the policy of the United States government. Of more serious consequence, annuity payments due the Indians were often delayed and in many cases were deficient in quantity. As the war continued, prices rose, money shrank in value, and the funds used in the purchase of annuities could not acquire the amount of goods possible under normal conditions. The Indians regarded the decrease in the size of annuity payments as an evidence of bad faith on the part of the government. Another cause of unrest among the Indians was the great migration of gold seekers to the newly discovered mines in eastern Washington Territory. From 1860 to 1862 thousands of whites passed through regions reserved for the Indians on their way to the mines, killing buffalo, destroying grass, and in other ways arousing in the

Indian an antagonism toward all whites.<sup>246</sup> The problem of supervising the Indians of the plains became increasingly complex after the great Sioux outbreak in Minnesota during the summer of 1862.<sup>247</sup> The Sioux were gradually driven westward, and eventually crowded into the Upper Missouri region. By the summer of 1863, the various tribes of the Sioux under the jurisdiction of the Upper Missouri agency had been inspired by their kinsmen from Minnesota to declare war against the government and on all whites passing through their country.

Samuel N. Latta, Upper Missouri agent, was faced with a critical situation. Tribes friendly to the government, such as the Mandans, Arikaras, and Gros Ventres, maintained their neutrality but were forced to seek protection from the Crows who rather indifferently favored the cause of the government. According to Latta, these Indians could easily be induced to join the Sioux in a great effort to banish the whites from what they conceived to be their country.<sup>248</sup> The need of a more adequate military force in the Upper Missouri region became increasingly apparent. Whites residing in and

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246. Many of the gold seekers, as we have seen, passed over the Mullan Trail. This was a source of some alarm to the Blackfeet, Flatheads and the other tribes and nations residing in the areas traversed by the road.

247. On August 18, 1862, the Indians around New Ulm rose in rebellion against the whites, and in the course of three days killed over 1000 people.

248. Report of Latta, September 27, 1863. 58 Cong. 1 sess. V. 3, (ser 1182), H. Ex. Doc. I, p. 281.

passing through the country were in constant danger as long as the Indians remained in a restless and warlike mood.

During the year 1863, the tribes under the supervision of the Blackfeet agent showed similar hostile tendencies. In a letter to the Indian commissioner, dated January 14, 1863, Agent Reed said:

"The Piegans and Gros Ventres . . . have for the past year no communication of a friendly nature.

"The Gros Ventres have not come near to receive their annuities, and seem disposed to disregard their treaty obligations especially toward the Piegans, while the Piegans clamor against the Gros Ventres and demand that they be forced to make reparations for the raids they have already committed, and cease for the future, or they must settle their differences themselves . . . which of course means a general war."<sup>249</sup>

Reed requested Commissioner Dole to urge upon the War Department the necessity of stationing troops at various points along the Missouri. "Perhaps you are hardly aware," said Reed to Dole, "of the difficulties existing in that country." "We have," continued Reed, "from Fort Randal to Fort Benton, a distance of some eighteen hundred miles . . . not a single military post, not a civil officer of the army, indeed no authority or government of any kind--except one or two Indian agents."<sup>250</sup>

The Upper Missouri agent, Letta, was even more insistent than Reed in his demand for military protection. On March 7, 1863, he wrote to Dole as follows:

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249. Reed and Labarge, Harkness and Company to W. P. Dole, Commissioner of Indian Affairs. 38 Cong. 1 sess. V. 3, (ser 1192), H. Ex. Doc. I, p. 283.

250. Ibid., p. 282.



". . . Last year (1862) some five or six hundred emigrants passed up this river (Missouri) to the gold mines of Washington Territory, as also a large number overland from St. Paul;. . . it may be expected a large number will this season attempt to pass through this Sioux country in the same way. . . . I would, therefore . . . urge you the necessity of furnishing at least two military companies to accompany the boat in charge of government . . . annuity goods."<sup>251</sup>

Latta urged that the military companies be established permanently at Arikara village and ". . . thus save from destruction those few friendly Indians, and at the same time give protection to emigrants by river or overland."<sup>252</sup>

The requests of Reed and later those of Latta apparently bore fruit. Secretary of War, Edwin M. Stanton, authorized the sending troops during the spring of 1863 for the protection of the Upper Missouri region.<sup>253</sup> When Reed and his assistants began their long journey to Fort Benton from St. Louis with the annual supply of annuities for the Blackfeet, they were accompanied by a party of some thirty soldiers as far as St. Joseph, Missouri. It was hoped that this military force with an addition of at least seventy soldiers would accompany the party during the balance of the trip. Orders from the War Department to advance the troops past St. Joseph failed to come in, however. Reed's comments concerning this situation were as follows:

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251. Latta to Dole, 38 Cong. 1 sess. V. 3, (ser 1162), H. Ex. Doc. I, p. 285.

252. Ibid.

253. Dole to J. P. Usher, Secretary of the Interior, January 26, 1863. 38 Cong. 1 sess., (ser 1162), H. Ex. Doc. I, p. 285.

"We had every reason . . . to expect at least 100 . . . to accompany us, but we cannot get a man. There are some four companies of infantry . . . here, and some three at Fort Randall, besides any amount of cavalry, and hardly an Indian for some hundred miles of this, and yet they have no 'orders' and, of course, they can do nothing for us.

"We have some \$70,000 worth of goods (Indian) beside other interests; we have about thirty passengers, including two women and one or two children . . . . Major Latta is to deliver some \$35,000 worth of goods right in the midst of the country said to be possessed by hostile Indians; and yet, not allowed even thirty soldiers to go along to help protect us and our goods."<sup>254</sup>

Partly as a result of the failure of the government to supply Reed with a military escort, the Blackfeet annuities for 1863 failed to reach the Indians. Reed's party arrived at the mouth of the Yellowstone, but due to the fact that the hostile Sioux ". . . were all through the country, so that no company could go either with a boat or by land, with safety except under concert--it was thought not only advisable, but the only course, to stow away the goods and leave them . . . at Fort Union."<sup>255</sup> Reed never returned to Fort Benton in his official capacity as Blackfeet agent. No successor to Reed was appointed until near the close of the year, 1863.<sup>256</sup>

The above incident is a revelation of the inefficiency that attended the efforts of military and civil officials to

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254. Reed to Dole, June 11, 1863. 38 Cong. 1 sess. V. 3, (ser 1182), H. Ex. Doc. I, p. 287.

255. Reed to Dole, August 16, 1863. 36 Cong. 1 sess. V. 3, (ser 1182), H. Ex. Doc. I, p. 290.

256. Letter of Commissioner of Indian Affairs, John Collier, to writer, February 10, 1934.

co-operate in working out an Indian policy. For the protection of Indians who wished to remain on friendly terms with the whites; for the protection of Agents Reed and Latta who were intent on making annuity deliveries in spite of hostile demonstrations of the Sioux and Blackfeet, it was necessary that the government establish a military force in the Upper Missouri region. The War Department, however, was not only unwilling to station troops in this area, but evidenced no intention of furnishing a military escort to Reed and Latta, who in the process of fulfilling government obligations to the tribes of the Upper Missouri, were forced to subject themselves to the possibility of Indian attack. As a consequence of the failure of military and civil authorities to work together on this occasion, the hostilities of the Sioux were in no way diminished, and the Indians ordinarily friendly with the whites were disgusted with the government's failure to deliver their annuities; they were ready to join the Sioux in their war against "the hated pale-faces."

In the meantime events were occurring within the present boundaries of Montana that necessitated a radical change in government Indian policy. A great gold strike was made in the sands of Grasshopper Creek in July, 1862. A mining camp grew up at this point which soon became the thriving city of Bannack. During the following spring another bonanza was discovered at Alder Gulch, and near this location a

settlement was founded that later became Virginia City.<sup>257</sup> Claims were staked at Alder Gulch very rapidly, and within a year Virginia City had a population of over 10,000. In a comparatively short time other rich gold discoveries were made at Last Chance Gulch, later Helena; Confederate Gulch, located within thirty miles of Helena; Silver Bow, near the present site of Butte; and at Diamond City, the first county seat of Meagher County.<sup>258</sup> Settlers poured into the present area of Montana very rapidly after these gold discoveries. The desire to acquire the yellow metal was the chief motive prompting whites to make their homes in this region, but there were other incentives that need to be mentioned. Many whose homes and means of livelihood had been destroyed by the Civil War came west to gain a fresh start. Many came from the border states, especially Missouri, hoping thereby to avoid taking issue in the conflict.<sup>259</sup> Then, there were law-breakers, criminals, and deserters who in their desire to escape punishment established residence in the mining camps of the west where few of the agencies of law-enforcement were at work.

With the advance of the mining frontier into the eastern part of Washington Territory, and the western part of

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257. Granville Stuart, Forty Years on the Frontier, (2v., (Cleveland, Ohio), I, p. 247.

258. Ibid., II, p. 26, footnote; p. 31, footnote; p. 138, footnote.

259. During the early sixties, a fair proportion of the settlers in the Bitter Root Valley were Missourians.

Dakota Territory, there was need of a government closer at hand than Olympia or Yankton. Consequently, an act was passed on March 3, 1863, which created Idaho Territory.<sup>260</sup>

The present areas of Montana, Idaho, and Wyoming were included in this territory.<sup>261</sup> The gold discoveries of 1863 and the resultant increase in population, however, necessitated a further centralization of government control. There was a growing demand for the establishment of Montana as a separate territory. Congress was moved to action and approximately a year after the discovery of gold at Alder Gulch, Montana Territory was created, with boundaries corresponding exactly to those of the present state. The date for this legislation was May 26, 1864. Sidney Edgerton, former Chief Justice of Idaho Territory, was appointed by President Lincoln as Governor of Montana Territory and ex-officio Superintendent of Indian Affairs.

The settlement and territorial organization of Montana made more difficult the satisfactory solution of the Indian problem. The great gold discoveries of 1862 and 1863 were made in the heart of the common hunting ground reserved for the signatory tribes of the Blackfeet treaty for a period of ninety-nine years. The first two capitals of Montana

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260. Hodder, op. cit., Instructions p. VII.

261. Ibid.

Territory, Bannack and Virginia City, the latter by 1865, ". . . incorporated and putting on regular city airs . . . ." <sup>262</sup> were located on the common hunting ground. With the increase of white population in this area, it soon became apparent that the Indians were to enjoy the "uninterrupted privileges of hunting, fishing . . . gathering fruit . . . ." within the boundaries of that territory for less than ten years instead of the anticipated ninety-nine years. By 1864 it was apparent that the government would have to inaugurate a policy which would tend toward the confinement of Montana Indians on smaller areas of land. Earlier treaties had made huge territorial allotments to such Indian nations as the Crows and Blackfeet. The whites were never to make settlements within these areas. Even before the organization of Montana as a territory, however, most of the nine pioneer counties <sup>263</sup> had been formed within the limits of the present state. The natural anticipation of the legislators who drew the laws creating these counties was that whites would settle and occupy them. Parts of each of these same nine political divisions were composed of lands previously allotted to the Indians. Thus arose an irreconcilable contest of claims. Since the whites were apparently in Montana to stay, the only solution to the problem lay in the

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262. Stuart, *op. cit.*, II, p. 20.

263. The nine pioneer counties were: Missoula, Beaverhead, Deer Lodge, Madison, Choteau, Jefferson, Gallatin, Big Horn, and Edgerton.

further segregation and domestication of the Indians. With this fact in mind, the First Legislative Assembly, in a Memorial to the Secretary of the Interior, requested that the Indian Bureau authorize the making of a treaty which would extinguish Indian title to lands held by certain tribes and nations in Montana Territory.<sup>264</sup> The Memorial referred particularly to the lands held by the Crows and Snakes. The former nation had been granted exclusive title to the Yellowstone Valley, an area explored by James Stuart in 1863 for the purpose of locating mineral deposits.. Though the Stuart party made no discoveries of importance during this expedition, the curiosity of settlers in Montana Territory was aroused. They were firm in their convictions that further explorations in the Yellowstone Valley would reveal deposits of gold. The Snakes had been a source of trouble to the miners in the vicinity of Bannack and Virginia City. For the above reasons the Memorialists of the First Legislative Assembly were insistent in their demand that the government abrogate Crow and Snake title to lands in Montana Territory. It is obvious to the writer, however, that the Memorialists were in favor of a policy which would tend toward the cancellation of all Indian land title in Montana Territory. "Only a small fragment of land embraced within

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264. Laws of Montana Territory, First Legislative Assembly, 1864, (Virginia City, 1866), p. 721.

the boundaries of this territory," they said, "is open for settlement."<sup>265</sup> The obvious implication was that only by segregating all Montana Indians on smaller areas of land could Montana Territory reach its full stage of development. The policy of the government toward the various tribes and nations of Montana after the creation of Montana Territory can best be summarized as an attempt to facilitate the concentration of Indian population on lands limited in extent. Only in this way could the whites escape the horrors of Indian massacres and could the Indians avoid a never-ending contact with unscrupulous whites who refused to consider their rights.

The spirit of restlessness among the Blackfeet that attended the Sioux outbreaks in 1863 was greatly increased as a result of the gold discoveries. Thousands of whites invaded their territory in search of gold; their right to follow the chase on the common hunting ground was seriously threatened; and it seemed to them that the government was doing little to fulfill its obligations contracted in the Stevens treaty of 1855. Further difficulty resulted from the failure of an agent to reside among them for a period of eighteen months,<sup>266</sup> Reed having left the agency in quest of Blackfeet annuities in the spring of 1863. Reed, as we

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265. Laws of Montana Territory, First Legislative Assembly, (Virginia City, 1866), p. 721.

266. Report of Gad E. Upson, Blackfeet agent, September 1, 1864. 38 Cong. 2 sess. V. 5, (ser 1220), H. Ex. Doc. I, p. 437.



have seen, was unable to return to Sun River. Upon the assumption of his duties as Reed's successor, Gad E. Upson was faced with the problem of pacifying the Indians. He found ". . . affairs at the agency in a most deplorable condition."<sup>267</sup> Though actual conflict had not broken out between the Blackfeet and the whites, he reported that the various tribes of the nation ". . . were inclined to war and open hostilities . . . ." <sup>268</sup> The failure of the Blackfeet annuities to reach Fort Benton on the previous year was to them evidence ". . . that the government was unable, or did not in good faith intend to carry out treaty obligations . . . ." <sup>269</sup>

Upson was greatly disgusted with the previous management of the Blackfeet farm. He reported that ". . . the property had been mostly disposed of to pay the debts of the farm, the buildings were in a dilapidated condition, showing signs of neglect and decay . . . ." He reported also that ". . . many of the farming implements were disposed of . . . ." and that ". . . everything showed gross neglect . . . ." <sup>270</sup> Ten days after Upson's arrival at the agency he removed the man in charge of the farm and gave J. A. Vaill <sup>271</sup> the position with instructions to ". . . re-

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267. Upson, op. cit., p. 437.

268. Ibid.

269. Ibid.

270. Ibid., p. 438.

271. Vaill served as farmer during the administration of Reed until the latter journeyed to the east in quest of Blackfeet annuities.

pair the building and farming implements, build a stock corral, prepare the land for cultivation, and safely secure and protect all property on the farm. . . ."272 These sincere efforts to make the farm a success came to naught. The crops were ruined by heavy spring rains. Again, as in 1862,<sup>273</sup> "Mother Nature" proved herself no friend to the Blackfeet farmer.

On May 9, 1864, Upson with a party of eight men left for Fort Union to make arrangements for obtaining the Blackfeet annuities left there in 1863. He arrived at his destination ten days later and after inspecting the annuities waited for the goods due the Blackfeet in 1864. The steamer carrying these annuities reached Fort Union on June 13, and then, with Upson and his party on board, continued the journey to Fort Benton. Everything went well until the steamer attempted to navigate some rapids about one hundred and seventh-five miles from Fort Benton. Repeated efforts to pass the rapids failed, and after discharging the passengers and annuities on the banks of the river, the steamer returned to Fort Union. On July 4, Upson was picked up by a steamer commanded by Captain Lebarge, an employee of a Missouri River transportation company. Upson fully expected that Lebarge would have the Blackfeet annuities of 1863 on

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272. Upson, op. cit., p. 439.

273. Ante, p. 79

board but this hope failed of realization. The goods had been left at Fort Union.<sup>274</sup> Agent Upson was highly incensed at this failure to fulfill government obligations to the Indians. He said:

"This failure is an outrage of the most flagrant character, and in my opinion demands the most thorough investigation without fear or favor."<sup>275</sup>

Upson urged that the government assume full responsibility for the delivery of annuity goods instead of assigning to private organizations the task of bringing the goods to Indian country.

Eventually Upson was successful in placing in the hands of the Blackfeet the 1864 allotment of goods, but there is no evidence to show that the 1863 annuities were ever delivered. Regardless of the cause, delay in the issuance of annuities was a source of friction between the Indians and the government. In order to insure the establishment and continuance of confidence in the government policy, it was very necessary that goods and provisions be distributed promptly.

Actual hostilities broke out between the Blackfeet and the whites in December of 1864 and continued intermittently during the following year. Unfriendly demonstrations began when a party of whites had all their horses

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274. Upson. op. cit., p. 440.

275. Ibid. Lebarge had contracted the delivery of the 1863 annuities. Upson's trip to Fort Union was made to speed up the process of delivery

stolen by a group of Bloods. The whites followed the Indians, and after killing two of them and wounding a third, they regained their stolen property. Hostilities were renewed in April, 1865, when the Bloods stole forty horses belonging to whites living in the vicinity of Fort Benton. In retaliation a group of whites, on the night of May 22, ". . . while under the influence of liquor, . . . attacked a party of Bloods . . . killing three of them."<sup>276</sup> This act excited the Bloods to a frenzy of indignation. On May 25, a group of these Indians brutally murdered ten whites who were at that time cutting logs on the Marias River. The Bloods also caused trouble at the Blackfeet farm. On May 10, a group of these Indians made away with every horse and mule on the farm and appropriated at the same time numerous agricultural implements. This incident convinced Agent Upson that the Sun River experiment could not succeed. He discharged the Blackfeet farmer, nailed up the houses, and recommended that the property be sold.<sup>277</sup> "Farming for the Indians of this country," said Upson, "is effectually 'played out' under the present system."<sup>278</sup>

The Stevens treaty with the Blackfeet expired in 1865. Occasional hostilities and a growing spirit of unrest among

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276. Report of Upson, October 2, 1865. 39 Cong. 1 sess. V. 2, (ser 1248), H. Ex. Doc. I, Appendix, p. 695.

277. Ibid., p. 697.

278. Ibid.

the principal tribes of the Blackfeet prompted the government to authorize an early renewal of this treaty. On March 24, 1865, Agent Upson was instructed by W. P. Dole, Commissioner of Indian Affairs, to negotiate a new Blackfeet treaty. The provisions to be incorporated in the proposed treaty were as follows: The Blackfeet nation was to relinquish to the United States all territory north of the Teton and Missouri Rivers; for twenty years after the ratification of the proposed agreement the United States was to make an annual payment of \$50,000 to the Blackfeet; acknowledgment was to be ". . . made by the Indians of their dependence upon the United States, and obligations to obey the laws thereof . . . ."; the Indians were to agree to exert themselves to the utmost ". . . in enforcing such laws, under the direction of the superintendent or agent."<sup>279</sup>

The annuities were to be ". . . expended in the purchase of stock animals, agricultural implements, . . . in the employment of mechanics for them (Blackfeet), and in supplying them with clothing and provisions . . . ."<sup>280</sup>

It was believed that the proposed treaty would do away with many causes of contention between the Blackfeet and the whites.

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279. Instructions to Agent Upson, as to treaty with Blackfeet. 39 Cong. 1 sess. V. 2, (ser 1248), H. Ex. Doc. I, p. 435.

280. Ibid.

Agent Upson and Acting-Governor Thomas Francis Meagher<sup>281</sup> negotiated the treaty on December, 1865. All tribes of the Blackfeet were represented. A majority of the Bloods and Blackfeet proper, however, were at the time far to the north and took no interest in the proceedings.<sup>282</sup>

The treaty failed to bring peace. In fact, negotiations at Fort Benton seemed to be a signal for a renewal of hostilities on a larger scale than ever before. The Blackfeet proper, Piegans, and Bloods organized war parties and committed depredations on the whites almost immediately after the various tribal delegates had signed the treaty. The only Indians represented in the negotiations who remained friendly to the whites were the Gros Ventres.<sup>283</sup>

As a result of the outbreak of Blackfeet hostilities in 1865, the government found itself under no obligation to ratify the treaty. The instrument was never even sent to the Senate.<sup>284</sup> It was recommended, however, that a special treaty be made with the Gros Ventres since they had announced their intention to conform with the wishes of the government.

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281. Governor Edgerton had gone to the East on official business during the summer of 1864.
282. Report of Meagher, ex-officio Superintendent of Indian Affairs for Montana Territory, December 14, 1865. 39 Cong. 2 sess. V. 2, (ser 1284), H. Ex. Doc. I, p. 196.
283. Report of D. N. Cooley, Commissioner of Indian Affairs, October 22, 1866. 39 Cong. 2 sess. V. 2, (ser 1284), H. Ex. Doc. I, p. 40.
284. Ibid., p. 13.

Upson and Meagher were authorized to arrange a separate treaty with these Indians but the Commissioners "found it impracticable" to negotiate with the Gros Ventres until the Blackfeet had been pacified.<sup>285</sup>

By 1865 there was an urgent need for a special treaty with the Crows. The increasing number of white settlers in the Yellowstone Valley resulting from the gold discoveries and the formation of Montana Territory caused Acting-Governor Meagher and other prominent citizens in Montana Territory to advocate the formation of a new government policy toward these Indians. In a letter to Commissioner Dole, dated December 14, 1865, Meagher made the following proposals concerning the Crows:

"Wisely anticipating the necessity that must, in the course of a few months, dictate a treaty with these Crows for the cession of their lands--extending as these lands do from the south bank of the Missouri to the eastern and southern boundaries of our Territory--Major Upson with my full concurrence, dispatched messengers to the Yellowstone to bring in these Indians with the view of obtaining their consent to a treaty similar to that submitted to the Blackfeet nation.

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"That it is more expedient such a treaty with the Crows shall be made as speedily as possible, must be conceded in view of the urgent fact that hundreds of miners and others desirous of locating farms and laying out towns, are even now passing down into the great valley of the Yellowstone and into the country beyond the junction of the Gallatin and the Missouri."<sup>286</sup>

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285. Cooley, op. cit., p. 13.

286. Report of Meagher, op. cit., p. 196-197. See map, Appendix A.

Action on the above suggestion was not taken for some time. Part of the next chapter is devoted to a discussion of the formation of a new government policy toward the Crows, a policy exemplified in the creation of a special agency for these Indians and in the Crow land cession of 1868.

Little change in the conditions of the Flathead nation was evident from 1862 to 1865. The various tribes still maintained peaceful relations with the whites, although by 1865 cases of horse-stealing were more frequent.<sup>287</sup> In 1865 the tribes of the Flathead nation still relied upon the chase for the chief part of their subsistence, and they continued to make annual hunting expeditions into the buffalo ranges east of the mountains. These excursions were always accompanied with considerable loss, many of their horses being stolen by the Crows and Blackfeet.<sup>288</sup> In return, the Flathead tribes often made hunting excursions occasions for pillaging horses and killing outlying parties of the enemy.<sup>289</sup>

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287. Report of Charles Hutchins, Indian agent, Idaho Territory, January 27, 1865. 39 Cong. 2 sess. V. 2, (ser 1248), H. Ex. Doc. I, p. 429. In 1865, due to the impression that Boise City was more accessible to the Flathead reservation than Virginia City, the local administration of the Flatheads was placed under the jurisdiction of the Idaho superintendency. The agency was re-transferred to the Montana superintendency during the following year.

288. Ibid., p. 431.

289. Ibid.



Most of the tribes, however, showed decided improvement in their attention to the cultivation of the soil. Upon the delivery of the 1865 allotment of annuities, the Indians were especially ". . . gratified with the large number of ploughs and other agricultural tools they obtained."<sup>290</sup> The number of Indian farms grew rapidly during the period 1862 to 1865. The Indians adopted the plan of farming in severalty ". . . each owning his little patch and enjoying the benefits of his personal labors."<sup>291</sup> It was estimated that the Flathead tribes had in cultivation during the spring of 1865 about 2,000 acres.<sup>292</sup> Agent Charles Hutchins reported that the Flatheads proper had become by 1865 quite proficient as farmers.

In 1865, the Pend d' Oreilles lived on the reservation about sixteen miles northwest from the agency.<sup>293</sup> The Kutenais made their winter quarters on the north end of Flathead Lake, just outside the borders of the reservation.<sup>294</sup> The Flatheads proper still resided in the Bitter Root Valley above Lo Lo Fork.<sup>295</sup> Hutchins was quite bitter in his denunciation of the government's failure to remove

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290. Hutchins, op. cit., p. 430.

291. Ibid., p. 431.

292. Ibid., p. 431.

293. Ibid., p. 430.

294. Ibid.

295. Ibid.

the latter tribe to the reservation. He said:

"As I have previously informed your office, I am of the opinion that the Flatheads should be removed to the general reservation. Many citizens have settled in the Bitter Root valley on the lands conditionally reserved for the Flatheads and the remunerative prospects for the farmer will cause that valley to be soon wholly occupied, despite the conditions guaranteed by the treaty, thus shutting the Indian within the bounds of his present small fields, and preventing the extension of his farm, at the same time subjecting him to the evils of . . . intercourse with the whites. If they were proceeded with rightly, no inconvenience will attend their removal, but it would be an injustice to compel them to vacate their improvements without adequate compensation."<sup>296</sup>

An agency school was established at St. Ignatius mission on August 26, 1863. The chief officer of instruction was Father Urbanus Grassi, who received in payment for his services the sum of \$1800 annually. It was intended that the school would offer instruction in agriculture and at the same time train ". . . the Indian youth in the elementary branches of human knowledge."<sup>297</sup> The labors of the teachers at the mission school, however, extended only to the latter branch. The experiment proved to be a dismal failure. Attendance was extremely irregular, and as the result of thirteen months of instruction and expense to the government of over \$2,000, the Fathers had been unable ". . . to make a single Indian learn the letters of the English alphabet."<sup>298</sup>

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296. Hutchins, op. cit., p. 431.

297. Ibid., p. 424.

298. Ibid., p. 425.

Consequently, Hutchins ordered the discontinuance of the school. He then advocated the establishment of a school conducted by the Fathers at St. Ignatius mission designed primarily for industrial and agricultural education. In connection with the administration of the proposed school, Hutchins made the following suggestions to Commissioner Dole:

" . . . Of course, success in the matter depends entirely upon the tutors . . . . I am of the opinion that the missionaries resident among these tribes are better calculated to be successful in that capacity than any others that could be selected. . . . But in such an appointment an obstacle intervenes which I conceive to be within your province to obviate. If the Fathers assume this charge, they will require that the school will be at their missionary establishment, and as the treaty provides that the reservation school shall be located at the agency, I could not direct any expenditure there unless duly authorized by your office."<sup>299</sup>

Hutchins regarded the soil at the agency as very unsatisfactory for agricultural purposes, and therefore urged that the farm and industrial school be established at St. Ignatius mission. He also announced his intention of making the proposed school self-supporting. He said:

"After the first expenses of such establishment are paid, I have no doubt the school would be self-sustaining. The products of the school farm would be sufficient for the sustenance of the scholars . . . . This system can be inaugurated without application to the government for additional funds."<sup>300</sup>

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299. Hutchins, op. cit., p. 426.

300. Ibid., p. 425-426.

Commissioner Dole refused to authorize the creation of such a school until the Flathead farm was opened and put into successful operation. He brought out the following points in support of his views:

"If a manual labor school were now started, I am convinced that at present prices prevailing in your Territory for clothing, provisions, etc., that funds now applicable to educational purposes would prove entirely inadequate, to the support of the children for any considerable portion of the year . . . . I therefore conclude that it is impracticable to open the school until the farm is **opened** and stocked, and the necessary buildings and **improvements** made . . . .

"It is not considered advisable that any further expense be incurred by you for educational purposes."<sup>301</sup>

This letter reveals two very important facts concerning government policy toward the confederated tribes of the Flatheads. (1) In spite of the sincere desire of John Owen to establish a Flathead farm during the period of his service as agent from 1856 to 1862, the government in 1865 was still making plans for the opening of this agricultural school. (2) The government was apparently unwilling to make the necessary appropriations for the establishment of an industrial school among the Flatheads. Thus did another provision of the Stevens treaty show little promise of fulfillment.

It was found by sad experience that the Flatheads showed little interest in the "elementary branches of human

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301. Dole, op. cit., p. 428.

knowledge." If the government did not intend to provide for the agricultural and industrial education of the Flatheads, in what manner did it hope to civilize these Indians and to develop in them qualities of good citizenship? The attempts of the Indian Bureau to avoid a wasteful expenditure of government money often resulted in the non-fulfillment of treaty obligations. Agent Hutchins was willing to do what he could in providing means for a type of education of real benefit to the Flatheads, but these efforts were blocked by an over-cautious Indian Commissioner who placed the interests of the government above those of the Indians.

Chapter VII  
INDIAN HOSTILITIES, 1866-1871--THEIR EFFECTS ON  
GOVERNMENT POLICY

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In 1865, the government ordered the survey of a new wagon road connecting Fort Laramie with the gold mines of Montana. It was planned that part of the trail would pass through the Powder River area ". . . the heart of the finest hunting grounds possessed by the Sioux."<sup>302</sup> The great Ogallala Sioux chief, Red Cloud, sometimes referred to as the "Red Napoleon of the Plains,"<sup>303</sup> declared that the above plan would result in the extinction of game in the Powder River country and that he and his people would never consent to such depletion of their means of livelihood. During the fall of 1865, a council was proposed to Red Cloud to effect if possible some peaceable settlement whereby the proposed road could be constructed, but he forbade the Sioux to enter into any such negotiations and refused to attend the council. In June, 1866, another council was proposed, and Red Cloud attended. During the negotiations he made no secret of his

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302. Paxson, op. cit., p. 492. See also Grace Raymond Hebard and E. A. Brininstool, The Bozeman Trail, (2v. Cleveland, 1922), II, p. 177. In 1864, James Bridger and John M. Bozeman had led wagon trains of emigrants from Fort Laramie to Virginia City. No serious objections were raised by the Sioux until the government authorized the survey of the Bozeman Trail.

303. Hebard and Brininstool, op. cit., II, p. 177-178.

opposition to any attempt on the part of the government to invade Sioux territory.<sup>304</sup> In a speech directed particularly to Colonel H. B. Carrington, one of the commissioners, Red Cloud said:

"You are the white eagle who has come to steal the road. The Great Father sends us presents and wants us to sell him the road, but the white chief comes with soldiers to steal it, before the Indian says yes or no. I will talk with you no more. I and my people will go now and we will fight for the last hunting ground of my people."<sup>305</sup>

*pan-Indian*

In the meantime Red Cloud had made arrangements for the formation of "a confederation of all tribes east of the Rocky Mountains and north of the Arkansas river,"<sup>306</sup> his purpose being to instill in all plains Indians a common hatred of the "white invaders." The following is an account of Red Cloud's endeavors to organize his forces:

"His emissaries were to be found wherever there were Indians. They were in the camps of the Chippewas; with the Crows and the Blackfeet; south among the Cheyennes and Arapahoes; west with the Shoshones. There was no tribe of Indians too small or too insignificant to escape the attention of this wily chief, whose purpose was to form a confederation of all tribes and sweep the white man from the face of the earth. His was to be a war of extermination. At one time he had twenty thousand under his personal command."<sup>307</sup>

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304. Hebard and Brininstool, op. cit., II, p. 178.

305. Ibid.

306. Stuart, op. cit., II., p. 60.

307. Ibid.

The Blackfeet were easily induced to lend aid to Red Cloud's policy of extermination. Attempts in 1866 to re-establish friendly relations between the Blackfeet and the whites were far from successful. From December 1, 1866 to July 25, 1866, the Bloods, Blackfeet proper, and Northern Piegians were in a state of open warfare against the whites and showed no disposition to conform to the wishes of the government. Only the older chiefs and headmen of the Lower Piegians and the Gros Ventres abided by the provisions of the treaty of 1865 and remained at peace.<sup>308</sup>

On April 22, 1866, a party of Northern Piegians burned the agency buildings at Sun River. No measures were taken during the year to rebuild the agency house or to cultivate the farm. Such steps were not considered advisable until the government should see fit to station troops in the Sun River area.<sup>309</sup> Acting-Governor Meagher requested that the government supply a cavalry force for the protection of Montana Territory, arguing that the Indians hostile to the whites would "never be reduced to friendly and reliable relations except by the strong and crushing hand of the military power of the nation."<sup>310</sup>

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308. Report of Hiram D. Upham, deputy agent for the Blackfeet, July 25, 1866. 39 Cong. 2 sess. V. 2, (ser 1284), H. Ex. Doc. I, p. 203.

309. Annual report of George B. Wright, Blackfeet agent, August 30, 1866. 39 Cong. 2 sess. V. 2, (ser 1284), H. Ex. Doc. I, p. 204.

310. Report of Meagher, op. cit., p. 197.



The government took measures to insure the fortification of the Bozeman Trail, Forts Kearney and C. F. Smith being established in 1866,<sup>311</sup> but no action was taken on Meagher's suggestion that a cavalry unit be detailed permanently in Montana. Disgusted with the dilatory tactics of the government, Meagher decided to organize his own army.<sup>312</sup> On February 10, 1866, he issued a proclamation calling for five hundred mounted volunteers to act as a sort of vigilance committee for protection against Indian depredations.<sup>313</sup>

In the meantime Colonel Carrington, who had been delegated to build a line of forts along the Bozeman Trail, had settled into winter quarters at Fort Kearney. Upon being informed that a wood train was surrounded by hostile Sioux, Carrington on December 21, 1866, authorized Colonel William I. Fetterman to lead a party to the scene of the conflict. Fetterman was instructed to relieve the wood train but not to pursue the Indians any great distance from the fort.<sup>314</sup> Apparently Fetterman proceeded without due caution for he was soon trapped by a large body of Sioux. He and his party of eighty men were killed.<sup>315</sup>

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311. Paxson, op. cit., p. 492. Another post on the Bozeman Trail, Fort Reno, had been built in 1865.

312. H. H. Bancroft, History of Washington, Idaho, and Montana, 1845-1889, (San Francisco, 1890), p. 694.

313. Report of Hiram D. Upham, February 2, 1866. 39 Cong. 2 sess. V. 2, (ser 1284), H. Ex. Doc. I, p. 197.

314. Hebard and Brininstool, op. cit., I, p. 306.

315. Ibid., II, p. 179-180.

*Fetterman  
Mansfield*

After the Fetterman disaster certain groups of hostile Indians entered the Gallatin Valley and committed depredations on the settlers. Considerable alarm existing among the whites of that area, Governor Meagher again requested that the government provide adequate military protection for Montana.<sup>316</sup> The only troops available for military service in the Gallatin Valley were a regiment commanded by Major Clinton and located at Camp Cook.<sup>317</sup> Upon Meagher's request that troops be sent to the beleaguered area Clinton replied that he had not the power to station troops in an area beyond his immediate control.<sup>318</sup> In the meantime, mass meetings were held in Virginia City for the purpose of organizing a Montana militia, the vigilance committee formed by Meagher in 1866 not being equipped for effective military service. On April 24, 1867, Meagher issued a proclamation calling for six hundred mounted men for three months' service. It was hoped that during this period the government would be able to provide Montana with the necessary military protection. Meagher's plan was to send each company of this voluntary militia to Bozeman as soon as adequate provision was made for its organization. The people of Gallatin Valley pledged the subsistence of the troops in the field of operation. The equipping of the soldiers was dependent upon

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316. Bancroft, op. cit., p. 699.

317. Ibid.

318. Ibid.

private contributions. The merchants of Virginia City, Helena, and Bannack largely assumed the latter obligation.

On May 7, steps were taken to find a suitable place for a fort in the Gallatin Valley. The spot selected was located eight miles east of Bozeman. A picket fort was also established at Bridger Pass.<sup>319</sup> Interest in Meagher's militia, however, was short lived. Few companies ever reached the Gallatin Valley and no attempt was made to carry on any definite campaigns against the Indians.

Just when the whole project seemed doomed to failure, General Sherman ordered Colonel William H. Lewis to proceed to Montana ". . . and to inquire into the Indian situation and to ascertain the measure of defense required." As a result of this action means were provided for the equipping of eight hundred volunteer troops until regular soldiers could be sent to take their places.<sup>320</sup>

The summer of 1867 passed with no serious encounters with the Indians. An incident occurred on the night of July 1, however, which deprived Montana of its military leadership. While enroute to Camp Cook Acting-Governor Meagher fell overboard from the steamer and was drowned.<sup>321</sup>

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319. Bancroft, op. cit., p. 701. The immediate incentive for Meagher's proclamation was the murder of John M. Bozeman, April 21, 1867. Stuart says that the Indians responsible for this outrage were probably some renegade Blackfeet who had been expelled from the tribe. Stuart, op. cit., II, p. 64.

320. Bancroft, op. cit., p. 702.

321. Stuart, op. cit., II, p. 66.

Meagher, though an able organizer and notable for his ability to inspire the loyalty of his regiments, was surely no friend of the Indian. His policy in no way was directed toward the gradual civilization of the Indian and his campaigns against the Blackfeet, though temporarily subduing them, failed to bring about their permanent pacification.<sup>322</sup> The endeavors of Meagher to quell Indian disturbances, however, had an important bearing on government policy. It was largely through his campaigns that the attention of the government was called to the necessity of a more careful supervision of Indian affairs in Montana Territory.

Green Clay Smith, having returned to Montana about the time of Meagher's death, immediately took over the functions performed by his predecessor and reorganized the militia under the regulations of the army.<sup>323</sup> The war against the Indians continued with renewed vigor. After some fighting, with losses on both sides, there came the knowledge that the Indian Bureau was at last aroused to action and was ready to attempt peaceful negotiations with the hostile tribes.

Actuated by a general spirit of unrest prevalent among most of the plains tribes, Congress had in 1865 created a Committee on the Condition of Indian Tribes.<sup>324</sup> As a result

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322. Memorial of Legislative Assembly of Montana relative to a proposed treaty with the Blackfeet, December 24, 1867. 40 Cong. 2 sess. V. 1, (ser 1349), H. Ex. Doc. 38, p. 2.

323. Bancroft, op. cit., p. 703.

324. Paxson, op. cit., p. 504.

of the findings of this group a "Peace Commission" was created.<sup>325</sup> On July 20, 1867, N. G. Taylor, Commissioner of Indian Affairs; John B. Henderson, Chairman of the Committee on Indian Affairs in the Senate; John B. Sanborn; and S. F. Tappan, were appointed as Peace Commissioners.<sup>326</sup> Later, certain military officials such as Generals W. T. Sherman, William S. Harney, Alfred H. Terry, and C. C. Augur were appointed as additional members of this commission. The act of July 20, 1867, appropriated \$300,000 for the subsistence of friendly Indians and \$150,000 for expenses contracted in carrying on the work of the commission.<sup>327</sup> The act provided also that if the commission should fail to bring peace, four thousand volunteers would be accepted for military service in a war against the tribes who refused to conform to the policy of the government.<sup>328</sup>

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325. Report of Charles E. Mix, Acting Commissioner of Indian Affairs, November 15, 1867. 40 Cong. 2 sess. V. 3, (ser 1326), H. Ex. Doc. 1, pt. 2, p. 4.

326. Ibid. The creation of the Peace Commission caused a suspension of military operations in Montana, and the volunteers organization was disbanded by the end of October, 1867. At this time two companies of regulars were stationed near Bozeman. The cost of the volunteer campaign was \$1,100,000. These charges were referred to Congress for payment. Congress took action in 1872, but the amount actually appropriated for the purpose of reimbursing the citizens of Montana who contributed funds to the cause was only \$515,325. Stuart, op. cit., II, p. 67.

327. Public Laws of the United States, Ed. by George P. Sanger, (Boston, 1868), p. 17.

328. Ibid.

The work of the Peace Commission would in itself be an excellent topic for an original investigation. This thesis will consider only the degree of success attending the labors of its organization among the Indians of Montana. The objects for the establishment of the Peace Commission were as follows:

1. "To remove, if possible, the causes of war;
2. "To secure as far as practicable frontier settlements and the safe building of railroads to the Pacific;
3. "To suggest or inaugurate some plan for the civilization of the Indians."<sup>329</sup>

The commissioners were also authorized to establish a policy whereby the Indians east of the Rockies could be collected ". . . at some early day . . . on one or more reservations, and with that view it was made . . . their . . . duty to examine and select a district or districts of country having sufficient area to receive all Indian tribes . . . not now residing on permanent reservations under treaty stipulations . . . ." It was required that these reservations should have sufficient arable or grazing lands to enable the tribes placed on them to support themselves. ". . . they should be so located as not to interfere with established highways of travel and contemplated railroads to the Pacific Ocean."<sup>330</sup>

Two points were named for assembling the Indians, the

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329. Report of the Indian Peace Commission, January 7, 1868. 40 Cong. 3 sess. V. 2, (ser 1366), H. Ex. Doc. I, p.486.  
 330. Ibid., p. 486-487.

first at Fort Laramie, September 13, and the second at Fort Larned, Kansas, October 13. The hostile Indians in the northern plains area were to come to Fort Laramie; those in the southern plains area were to meet commissioners at Fort Larned. The date for the conference at Fort Laramie was later postponed until November 1 due to the fact ". . . that the northern Sioux . . . were waging war on the Powder River . . . and . . . would not be able to meet us (the commissioners) . . . at the time indicated."<sup>331</sup>

It was not until April, 1868, however, that the Commissioners were able to begin negotiations with the Sioux. On the 29th of that month Sherman, Harney, Terry, Augur, and the civilian members of the commission, Taylor, Henderson, Sanborn, and Tappan concluded a treaty with the ten bands of the Sioux. The Arapahoes were also represented at the council.<sup>332</sup> The treaty defined Sioux territory as follows:

". . . commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same, thence along the low water mark along side east bank to a point opposite where the northern line of the state of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude . . . thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place

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331. Report of the Indian Peace Commission, January 7, 1868, op. cit., p. 489-490.

332. Kappler, op. cit., II, p. 998.

of beginning."<sup>333</sup>

This reservation was to be the permanent home of the Sioux. Thus were these Indians given the unrestricted right to exploit the rich hunting area demanded by Red Cloud in 1866. It was provided further that only tribes friendly to the Sioux could enter the reservation,<sup>334</sup> and it was stipulated that the Sioux were to be allowed to hunt in Crow territory as far as the Big Horn Mountains.

Before signing the treaty, Red Cloud demanded the evacuation by the government of all forts which had been erected in the Powder River country, and the abandonment of any further attempts to build a wagon road through Sioux territory. The commissioners agreed to these stipulations, and immediately authorized the closing of the Bozeman Trail.<sup>335</sup> Everything considered, the Fort Laramie Treaty of 1868 was a complete victory for the Sioux. Granville Stuart has given the following criticism of this agreement:

"There was no possible excuse for such a treaty with these Indians. They were not being driven from their homes or ceding large tracts of territory to the whites. To the contrary they were

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333. Kappler, *op. cit.*, II, p. 998. See map, Appendix A. Only a small part of Montana was included in this vast Sioux reservation. Parts of the present states of Nebraska, Wyoming, North and South Dakota, however, were allotted to the Sioux in this treaty. It is important to remember that only the Indians friendly to the Sioux were allowed even temporary residence in this territory.

334. *Ibid.*

335. Hebard and Brininstool, *op. cit.*, II, p. 181.



themselves interlopers. They were the Sioux who had been driven out of Minnesota in 1863 . . . and as a reward were receiving a section of country rich in agricultural and mining resources, as large as the present state of Montana, and were promised the protection of the United States government. . . . They were furthermore to be provided with arms and ammunition, food and clothing that they might be the better prepared for their marauding parties against the white settlers and their Indian neighbors."<sup>336</sup>

In the government's desperate attempts to establish peace on the plains, it undoubtedly allowed certain elements of unfairness to creep into its policies. In a sense, the Fort Laramie Treaty rewarded the enemies of the government and punished its friends. The commissioners acting under the authority of the government showed a disposition to yield to the demands of the Sioux who "within a fortnight" after signing the treaty renewed their depredations on the whites.<sup>337</sup> The Crows as a nation had never entered into a war against the whites, but the Fort Laramie Treaty gave to the Sioux certain rights that were denied to Crows. Government authorization for the invasion of Crow territory by the Sioux was given, but no such privileges were allowed those of the Crow nation who wished to hunt on Sioux lands.<sup>338</sup>

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336. Stuart, op. cit., II, p. 74-75.

337. Ibid.

338. Friendly tribes could enter the reservation if "...they (the Sioux) be willing" and should "...the United States consent...." The natural implication of this provision was that the Crows could neither settle nor hunt upon this reservation, the Crows not being considered by the Sioux as "friendly Indians." The treaty made the further stipulation that the Sioux yet reserved "...the right to hunt on any lands north of the North Platte and on the Republican Fork of the Smoky Hill River..." Kappler, op. cit., II, p. 1002. This region was in Crow country.

A week after negotiations were completed with the Sioux, the commissioners concluded a treaty with the Crows.<sup>339</sup> This agreement provided for the relinquishment of a large part of Crow territory.<sup>340</sup> The boundaries of the new Crow reservation were as follows:

" . . . Commencing where the 107th degree of longitude . . . crosses the south boundary of Montana Territory; thence north along said mid channel of the Yellowstone River where it crosses the southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel . . . to the place of beginning. . . ." <sup>341</sup>

The Crows relinquished all claim to territory north of the Yellowstone and south of the Montana boundary.

The treaty guaranteed the establishment of an agency among the Crows:

" . . . He shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians. . . . In all cases of depredations on person or property, he shall cause the evidence to be taken in writing and forwarded . . . to the Commissioner of Indian Affairs. . . ." <sup>342</sup>

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339. Properly speaking the treaty of May 7, 1868 was with the Mountain Crows. The River Crows for a time lived on the Gros Ventre reservation, but later joined their kinsmen on the reservation south of Yellowstone.
340. A treaty was made with the Crows in 1866 at Fort Union which secured a right of way up the valley of the Yellowstone and ceded a tract of ten miles square at each station along the route. The treaty was never ratified. Report of D. N. Cooley, Commissioner of Indian Affairs, October 22, 1866. 40 Cong. 3 sess., V. 2, (ser 1366), H. Ex. Doc. I, p. 146. President Lincoln had signed the charter for the Northern Pacific railroad on July 2, 1864.
341. Kappler, *op. cit.*, II, p. 1008. See map, Appendix A.
342. *Ibid.*, p. 1009. The agency was to be located on the south side of the Yellowstone near Otter Creek.

The Indians promised to remain at peace with the whites:

"The Government of the United States desires peace . . . . The Indians desire peace, and they hereby pledge their honor to maintain it."<sup>343</sup>

The government agreed to make annual deliveries of annuities at the agency house for a period of thirty years. According to the provisions of the treaty, these annuities were to be paid in goods rather than in money. The following articles were to be presented to the Indians each year:

"For each male person, over fourteen years of age, a set of good substantial clothing. . . . For each female, over twelve years of age, cotton goods as may be needed to make each a suit. . . together with a pair of woolen hose. . . ."<sup>344</sup>

Similar requisitions were to be made to Indian children. The usual stipulations in regard to the education of Indian children were incorporated into the treaty:

"In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them that are or may be, settled on said agricultural reservation; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school. . . . The United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach them elementary branches of an English education, shall be furnished. . . and faithfully discharge her duties as a teacher. The provisions of this article are to continue for twenty years."<sup>345</sup>

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343. Kappler, op. cit., II, p. 1008.

344. Ibid., p. 1010.

345. Ibid.

Provision was made also for encouraging the Crows to till the soil:

"If a head of a family. . .shall desire to commence farming, he shall have the privilege to select. . .a tract of land within said reservation, not exceeding three hundred and twenty acres in extent. . .which tract shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it, and his family, so long as he or they may continue to cultivate it.

. . . . .  
 "When the head of a family. . .shall have selected lands. . .he shall be entitled to receive seed and agricultural implements for the first year in value one hundred dollars, and for each succeeding year. . .for three years. . .he shall receive seed and implements. . .in value twenty-five dollars per annum."<sup>346</sup>

The provisions of the Crow Treaty were in no wise as generous as those in the Sioux Treaty of April 29. The latter agreement demanded no land cessions on the part of the Sioux, while the former stipulated that the Crows were to surrender to the government a greater part of the area reserved for their use in the Fort Laramie Treaty of 1851. In some respects, however, the Crows were gainers by this apparently ruthless treaty. Though deprived of much of their territory, they were provided for the first time with a

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346. Provision was made also for the appropriation of ten dollars annually to each "roaming" Indian and twenty dollars to each Indian engaged in agriculture. This money was to be used in the purchase of "necessities" that the individual Indian would from time to time require. Kappler, op. cit., II, p. 1010.

resident agent, who was to devote his attention exclusively to their welfare. For the first time adequate provision was made for the regular delivery of Crow annuities in Crow territory.

The Crow Treaty marks the genesis of a definite government policy toward these Indians. They were no longer allowed to wander over the vast areas north of the Yellowstone and south of the Montana boundary, but by remaining in this territory allotted to them in the treaty, they were guaranteed certain coveted rights and privileges. The Sioux, still remaining aggressive, finally became adjusted to government control only through long and painful conflict. Their forces were decimated by the whites before they learned the lesson readily learned by the Crows, that it was more profitable for them to retire quietly within the limits of an established reservation.

Shortly after the conclusion of negotiations with the Sioux and Crows at Fort Laramie, a representative of the Peace Commission, Major William J. Cullen, conducted a series of councils with the plains Indians residing north of the Yellowstone River and east of the Rocky Mountains. He concluded a treaty with the Blackfeet proper and the Piegiens on July 3. A similar instrument was negotiated with one hundred and sixty Bloods and Blackfeet proper on September 1. The principal stipulations of these treaties were identical

to those incorporated in the unratified Blackfeet treaty of 1865. The Blackfeet nation was to relinquish to the United States all territory north of the Teton and Marias Rivers; the sum of \$50,000 annually for a period of twenty years was to be expended by the government for the purpose of providing the Blackfeet with stock, agricultural equipment, clothing, and instruction in industrial arts; the Blackfeet acknowledged their dependence upon the government and agreed to cease all depredations on whites and on other Indians.<sup>347</sup> Cullen treated with the River Crows on July 15, and the Gros Ventres on July 13. As a result of these treaties, the tribes were placed together on a single reservation and an agent was appointed to look to their welfare. Eventually most of the River Crows were moved to the Crow reservation.<sup>348</sup>

347. Report of Cullen, September 2, 1868, 40 Cong. 3 sess. V. 2, (ser. 1366), H. Ex. Doc. I, p. 681. See also discussion of the proposed Blackfeet treaty, 1856, Ante, p. 101. In 1867, a Memorial from the Legislative Assembly of Montana had urged the government to draft a treaty with the Blackfeet providing for the removal of these Indians to a reservation. 40 Cong. 2 sess. V. 1, (ser. 1349), H. Miss. Doc. 38, p. 1-2.
348. Due to the non-ratification of the treaty with the River Crows, these Indians received no benefit from the government. Some of the River Crows later moved to the Crow reservation, and there received a share of annuities guaranteed the Crows in the treaty of May 6, 1868. On July 15, 1870, Congress appropriated \$30,000 to the River Crows and the same amount to the Gros Ventres. This amount in each case was ". . .to be expended for . . .provisions. . .instruction in agricultural and mechanical pursuits. . .and in any other respect to promote their civilization, comfort, and improvement. . ." Public Laws of the United States, Edited by George P. Sanger, 41 Cong. 2 sess., 1869-1870. (Boston, 1870), p. 344-349. The same act appropriated \$50,000, (the annual payment provided for in the treaty of September 1) to the Blackfeet proper, Piegans, and Bloods.

None of the above treaties were ratified, the Blackfeet proper, Bloods, and Piegans having showed no willingness to cease their depredations.

Thus were ended the labors of the Peace Commission so far as Montana was concerned. A measure of success was accorded the second and third objects for the formation of the commission. Some progress had been made "in securing of frontier settlements <sup>349</sup> in Montana. The Yellowstone Valley had been opened for the whites as a result of the removal of the Crows to the area south of the Yellowstone River. The treaty of May 7 made provision also for "the safe building of a railroad to the Pacific." <sup>350</sup> The same document inaugurated a plan "for the civilization" <sup>351</sup> of the Crows. It was the primary object for the formation of the commission, that of removing if possible the causes of war, <sup>352</sup> which failed utterly of realization. The Sioux, as we have seen, renewed their war against the whites two weeks after signing the treaty of April 29; the Blackfeet resumed their hostility toward the government with such fervor that the Senate refused to ratify not only agreements made with them in 1868, but refused as well to ratify the treaties concluded with the comparatively friendly tribes, the Gros Ventres and the River

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349. Ante, p.118.

350. Ante, p.118.

351. Ante, p.118.

352. Ante, p.118.

rows.

After a long period of investigation the Peace Commission reported that the Indians as a class were not to be blamed for the hostilities. The policy toward the Indians in practice had been uniformly unjust, and the only attention given to the Indian had been for the purpose of obtaining his lands.<sup>553</sup> The commissioners recommended a new policy for the government in order to insure peace, and accelerate the process of civilizing the Indians. The principal recommendations were the following: (1) that the intercourse laws of 1834 be revised; (2) that the Indians at peace should be placed under the control of the Interior Department and those at war under the control of the War Department; (3) that all Indian offices should be vacated February 1, 1869, and only men of proven ability re-appointed, the remainder of the offices being filled with carefully selected men; (4) that governors of the territories should not be ex-officio superintendents of Indians affairs, because they neglected the Indians' welfare to please the whites; (5) that only the regular army should be used to fight the Indians, for the state territorial troops were apt to start

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553. Report of Indian Peace Commission, January 7, 1868. 40 Cong. 3 sess. V. 2, (ser. 1366), H. Ex. Doc. I, p. 492.



an unjust war;<sup>354</sup> (6) that dishonest traders should be kept off reservations; (7) that more power should be given to the military authorities to remove all whites trespassing on Indian lands; (8) and that the President should appoint an agent to inspect the Indians' condition and report directly to the President.<sup>355</sup>

The plans of the Peace Commission for improving the government's management of the Indians was complicated by the contentious attitude of the Department of War and the Department of the Interior. Each department was convinced that the welfare of the Indians would be better assured by being granted unhampered authority over Indian affairs. Each argued logically and convincingly that the department advancing the argument should be granted management of the Indians. The military department relied on the early statement of John Mullan "the hand that rewards should be the hand that punishes."<sup>356</sup> The Department of the Interior cited the all-too ready tendency of the military to punish without ample consideration of issues involved. In greater

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354. In this connection the Commission criticized very severely the action taken by Meagher in organizing a volunteer militia in Montana. "This regiment would have involved us in an almost enterminable war with the Crows, but for the timely intervention of the military authorities." Indian Peace Commission, op. cit., p. 409.

355. Raymond L. Welty, "The Indian Policy of the Army, 1860-1870", The Cavalry Journal, Reprint in XXXVI, p. 376. See also Report of Indian Peace Commission, op. cit., p. 507-510.

356. Mullan, op. cit., p. 50.

detail the arguments of each may be stated as follows:

The Department of War contended--

1. That the government control of Indian affairs was peculiarly and characteristically hampered in efficiency by a system of executive patronage, savoring of graft and incompetence. This was their strongest argument and in all probability one all too often justified.

2. That an agent who held a commission in the army would honestly distribute annuities, and, if implicated in any questionable practices, he would be court-martialed, and, upon conviction, be dismissed from service; whereas, in the case of civilian management, such agent could easily attribute his removal to politics and thus escape the condemnation of public opinion.

3. That it would be more economical for army officers, already on salary and in the field, to act also as Indian agents.

4. That it was for the interest of the Indians for the Indian trader system to be abolished and to be replaced by government trading houses under army control and discipline. Through this the unwise and unauthorized sale of arms and munitions to Indians could be controlled or avoided.<sup>357</sup>

5. That the term of service of army officers was usually much longer than that of civilian agents and thus continuity

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357. Welty, op. cit., p. 375.

of policy for the government in relation to Indians could be better assured by appointment of army officers as agents. Also, fewer official scandals occurred in army life than in civilian posts.

6. That the treaty system, theretofore almost synonymous with government Indian policy, was ineffective, unwisely administered, and too often granted as a reward for troublesome attacks and raids with attendant gifts. "It is," declared General John Pope, "a common saying with the Sioux that whenever they are poor and need powder and lead, they have only to go down to the Overland routes and murder a few white men and they will have a treaty to supply their wants."<sup>358</sup>

The arguments in favor of civil control were enunciated most clearly by Commissioner of Indian Affairs, N. G. Taylor in his annual report of 1868. He said:

1. ". . . The prompt, efficient, and successful management and direction of our Indian affairs is too large. . . and important a burden to be added to the existing duties of the Secretary of War.  
 . . . . .
2. "The 'transfer', in my judgment, will create a necessity for maintaining a large standing army in the field.  
 . . . . .
3. "Our true policy toward the Indian tribes is peace, and the proposed transfer is tantamount, in my judgment, to perpetual war.  
 . . . . .

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358. Commissioner of Indian Affairs, Annual Report for 1865, p. 197. Quot. from Ibid., p. 371.

4. "Military management of Indian affairs has been tried for seventeen years and has proved a failure, and must, in my judgment, in the very nature of things, always prove a failure.  
 . . . . .
5. "It is inhuman and unchristian, in my opinion, leaving the question of economy out of view, to destroy a whole race by such demoralization and disease as military government is sure to entail upon our tribes.  
 . . . . .
6. "The conduct of Indian affairs, is in my judgment, incompatible with the nature and objects of the military department.  
 . . . . .
7. "The transfer to the War office will be offensive to the Indians, and in the same proportion injurious to the whites.  
 . . . . .
8. "The peace commission, after full examination of the whole question. . . recommended that the Indian affairs should be placed, not in the War office, but upon the footing of an independent department or bureau.<sup>359</sup>  
 . . . . .
9. "The methods of military management are utterly irreconcilible with the relation of guardian and ward.  
 . . . . .
10. "The transfer will, in my opinion, entail upon the treasury a large increase of annual expenditure.  
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359. The commission at first advocated that the Interior Department continue its jurisdiction over Indians not at war with the United States and that the War Department be given supervision over hostile Indians. Later they recommended that an independent department be established for the administration of Indian affairs. F. L. Paxson, The Last American Frontier, (New York, 1910) p. 298.

11. "The presence in peaceful times of a large military establishment in a republic always endangers the supremacy of civil authority and the liberties of the people."<sup>360</sup>

"Why talk of the transfer," said Taylor, "as if the simple turning over of a bureau from one department to another would magically cure all the defects of this branch of service."<sup>361</sup> Taylor concluded his arguments with the recommendation that Congress take upon itself the task of improving Indian service. ". . .Strengthen where there is weakness, . . .purge and purify if there is rottenness; . . .punish if there is crime; concentrate power for promptness and efficiency." "All this could be accomplished," said Taylor, "without transferring the functions of civil government to military organization."<sup>362</sup>

"Both the military and civilian partisans," says Paxson, in his Last American Frontier were ". . .prone to believe that his favorite branch of the service was honest and wise, while the other was inefficient, foolish and corrupt."<sup>363</sup> ". . .Both," continues Paxson, ". . .failed to see that in the earliest phase of the policy, when there was no friction, and consequently little fighting, the problem was essentially

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360. Report of Taylor, November 23, 1868. 40 Cong. 3 sess., V. 2, (ser. 1366), H. Ex. Doc. I, p. 467-473.

361. Ibid. p. 474.

362. Ibid.

363. Paxson, op. cit., p. 343.

civilian; that in the next period, when constant friction was provoking wars, it had become military; and that finally, when emigration and transportation had changed friction into overwhelming pressure, the wars would again cease."<sup>364</sup>

It is evident that "the peace policy" administered by the Department of Interior, had many faults, but it is equally apparent that the administration of Indian affairs could not be accomplished satisfactorily by the army. The army was a fighting machine that treated Indian depredators ". . . as enemies rather than as petty criminals or drunken murderers."<sup>365</sup> Instead of an army in the areas subject to Indian hostilities, there was need of an adequate police system, whose function would be to punish individual Indians or tribes for failure to comply with the wishes of the government. The satisfactory solution of the Indian problem rested not in the transfer of the Indian Bureau to the War Department. Only by an improvement in the administration of "the peace policy" could the government hope to better in any permanent way its supervision of the Indians.

Though the War Department was never given supervision of the Indian Bureau, the demands of that department for such control were instrumental in developing a sentiment favorable to improved relationships between the government and

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364. Paxson, op. cit., p. 343..

365. Paxson, History of American Frontier, 1763-1793, (Boston and New York, 1934), p. 504.

the Indian nations. The contentions of the two departments of government had revealed conditions that aroused the government agencies to a desire for reform. The recommendations of the Peace Commission, combined, with the revelations incidental to the debates between the War Department and Department of the Interior, had aroused a general public interest in the welfare of the Indians and created a public demand for improved conditions.

In order to promote the efficiency of the Bureau, Congress on April 10, 1869, approved of an act appropriating ". . .two millions of dollars. . .to enable the President to maintain peace among and with tribes, bands, and parties of Indians; to promote their civilization; bring them, when practicable, upon reservations, and to relieve their necessities and encourage their efforts at self-support."<sup>366</sup> The President was authorized also to ". . .organize a board of commissioners, to consist of not more than ten persons, selected from among men eminent for their intelligence and philanthropy, to serve without pecuniary compensation, and who, under his direction, shall exercise joint control with the Secretary of the Interior, over the disbursement of this large fund."<sup>367</sup> The men appointed to serve on this board (Board of Indian Commissioners) were: George H. Stuart, William Welsh, W. E. Dodge, E. S. Tobney, John B. Farwell, Robert Campbell,

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366. Report of E. S. Parker, Commissioner of Indian Affairs, December 23, 1869. 41 Cong. 2 sess. V. 3, (ser. 1414) H. Ex. Doc. I, pt. 2, p. 446.

Felix Brunot, Henry S. Lane, and Nathan Bishop.<sup>368</sup> The commissioners met in Washington, May 26, 1869, and Welsh, chairmen, and Brunot, secretary.<sup>369</sup> The board then divided into three committees ". . .for the purpose of visiting the Indian agencies and reservations."<sup>370</sup> These were as follows:

1. "The northern, comprising all Indians in and east of Nebraska and Dakota, was allotted to the care of William Welsh, J. V. Farwell, E. S. Tobey.
2. "The southern, comprising all Indians in and south of Kansas, to Felix R. Brunot, Nathan Bishop, and Honorable William E. Dodge.
3. "Western division, to Robert Campbell, George H. Stuart, and Honorable H. S. Lane."

On June 29, Welsh resigned his office as president of the Commission and Brunot was elected to succeed him.<sup>371</sup> Farwell was then chosen as secretary. Vincent Colyer was given a position on the board early in July, and immediately was sent on a visit of inspection to the tribes of the Pacific coast. In its report of November 23, 1869, the commission made several suggestions and advocated certain definite changes in government policy.

1. The Indians, said the commissioners, should be collected upon reservations, and there taught the advantages of

368. Report of E. S. Parker, December 25, 1869, *op. cit.*, p.446.

369. Report of Board of Indian Commissioners, Pittsburg, November 23, 1869. 41 Cong. 2 sess. V. 3, (ser. 1414), H. Ex. Doc. I, pt. 3, p. 487.

370. Ibid.

371. Ibid., p. 488.



individual ownership of property ". . .and should be given land in severalty, as soon as it is desired by any of them." In this connection the commissioners urged that the Indians receive every encouragement to take up farming as a profession.

2. The treaty system should be abandoned; the legal status of uncivilized Indians should be that of wards to the government; the payment of money annuities should be done away with ". . .for the reason that such payments encourage idleness and vice to the injury of those whom it is intended to benefit."<sup>372</sup>

3. Schools should be established and encouragement should be given by the government to missions who have opened schools among the Indians.

4. A reversal of the policy ". . .of taking the goods of peaceable and industrious Indians and giving them to the vicious and unruly, should be insisted on."<sup>373</sup>

5. Every means of the government should be employed to render settlement and industrious habits on reservations attractive since ". . .experience has shown that this is the best mode of inducing the Indians to settle upon their reservations."<sup>374</sup>

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372. Report of Board of Indian Commissioners, November 23, 1869, op. cit., p. 492.

373. Ibid.

374. Ibid.

6. The commissioners urged also that the government insure ". . .the honest and prompt performance of all treaty obligations. . . . There should be no further delay in the erection of the promised dwellings, school houses, mills, etc." <sup>375</sup>

7. Lastly, they advocated the establishment of tribunals who should try offenses committed by ". . .Indian, negro, or white. . . ." <sup>376</sup>

Though the demand of the military officials for the control of the Indians was never gratified and though the establishment of the Board of Indian Commissioners in a sense represented a triumph of the peace party over the army, there is distinct evidence of better feeling and a higher degree of co-operation between civilian and military officials after 1869. The administration of Indian affairs by the Department of the Interior, on the whole, showed a marked improvement after the creation of the Board of Indian Commissioners.

Formal statement of the new Indian policy was given by President Grant in his first annual message to Congress, December 6, 1869. He said:

"The building of railroads, and the access there-  
by given to all the agricultural and mineral

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375. Report of Board of Indian Commissioners, November 23, 1869, op. cit., p. 492.

376. Ibid.

regions of the country, is rapidly bringing civilized settlements into contact with all the tribes of Indians. No matter what ought to be the relations between such settlements and the aborigines, the fact is they do not harmonize well, and one or the other has to give way in the end. A system which looks to the extinction of a race is too horrible for a nation to adopt without entailing upon itself the wrath of all Christendom and engendering in the citizen a disregard for human life and the rights of others, dangerous to society. I see no substitute for such a system, except in placing all the Indians on large reservations, as rapidly as it can be done and giving them absolute protection there. As soon as they are fitted for it they should be induced to take their lands severally and to set up Territorial governments for their own protection. . . ."<sup>377</sup>

Grant was obviously an adherent of the peace policy toward the Indians. He had no sympathy with the wish of the army to crush the Indian with the strong military forces of the government. Rather he wished to adopt toward the Indians a kind and friendly interest in their salvation.

Grant's proposal that Indian population be concentrated on reservations met with quite general approval. Even army men recognized the wisdom of such a policy. In his report of November 1, 1869, Lieutenant-General Sheridan said:

"Although there have been numerous depredations in . . .all departments, still the condition of Indian affairs is much better than last year. The policy of reservations adopted by the Indian Department is, in my judgment, the only policy that will put an end to Indian murders and depredations. . . ."<sup>378</sup>

377. James D. Richardson, A Compilation of the Messages and Papers of the Presidents, (8 v., Washington, 1898), VII, p. 39.

378. Report of Sheridan, 41 Cong. 2 sess, V. 1, (ser. 1412), H. Ex. Doc. I, pt. 1, p. 37. President Grant had made public his views concerning the reservation policy before his arrival message to Congress in 1869.

Two years after the erection of the Board of Indian Commissioners Congress took steps to do away with the Indian treaty system which had been in vogue for ninety years. During this period three hundred and seventy treaties had been negotiated with these "domestic dependent nations". The whole system was very unsatisfactory. The Indians who were party to a treaty often did not understand the document and consequently felt no obligation to fulfill its stipulations. In all such negotiations, the Indians had been regarded as independent nations by the government, but in reality were dependent upon the United States. In fact, the legal status of the Indian under the treaty system was hard to define. On March 3, 1871, Congress passed an act providing that ". . . no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be here invalidated or impaired."<sup>379</sup> The act of March 3, is important for it clarified the relationship between the Indian and the government. After 1871 all Indians in the United States were classified definitely as wards of the government. The Indian Bureau was no longer a great foreign office which negotiated treaties with sup-

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379. U. S. S. L., XVI, p. 566.

posedly autonomous Indian nations. After 1871 this office functioned exclusively as an agency working toward the civilization and domestication of "our Indian wards." ✓

The section of this chapter just concluded is concerned with the relationship of the government toward the Indians of all the West. The balance of this chapter is given to a consideration of the government policies in relation to the Indians of Montana specifically. This discussion concerns government relations with Montana Indian nations during the period immediately preceding the inauguration of the new reservation policy in Montana and reveals the evils of the local and national administration that the Indian Bureau hoped to eradicate by an application of the new policy to the needs of the Montana Indians.

During the years 1866 to 1871, there probably was no <sup>PH</sup> better example of mismanagement and inefficiency in Indian service anywhere in the United States than at the Flathead agency. The Flathead nation continued to maintain friendly relations with the government during the Indian wars of the late sixties. Only on rare occasions did these Indians commit any depredations on the whites, and their activities were confined mainly to horse stealing. Granville Stuart speaks of an incident occurring in the summer of 1867 that reveals the desire of a certain powerful and influential Flathead chief to remain at peace with the whites. A party of Flatheads camped in the vicinity of Camp Meagher (Gallatin

valley) stole some horses from a nearby ranch. Captain Campbell, in charge of a group of Montana volunteers, collected a squad of soldiers, entered the Indian camp, and recovered the horses. The Indian mainly responsible for stealing the horses had gone to parts unknown; but promptly upon his return, the Flathead chief surrendered him to Captain Campbell. The man implicated would have been pardoned by the Captain, had not the chief wished him to die. Consequently, he was hanged in the presence of the other Indians.<sup>380</sup>

This incident was typical of the desire of the Flatheads to conform to government wishes and remain at peace with the whites. Nevertheless, government agents quite consistently from 1866 to 1872 refused to reveal by any action, an appreciation of the co-operative disposition of the Flathead nation.<sup>381</sup> J. J. McCormick, special Indian agent for the Flatheads, in his annual report dated August 31, 1868, stated that his predecessor, J. W. Wells, had taken with him ". . . all copies of quarterly reports, property returns, and all papers and memoranda relating to the business of the Agency. . . ." Agent McCormick reported further that Wells had been wasteful of government money. X

Affairs of the Flathead agency showed no improvement after McCormick assumed control. W. J. Cullen, special agent

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380. Stuart, op. cit., II, p. 66.

381. Report of McCormick, 40 Cong. 3 sess. V. 1, (ser. 1366.), H. Ex. Doc. I, p. 668-669.

for Montana Territory, visited the agency in 1868, and found things in such a bad state of repair that he promptly advised the dismissal of McCormick. Cullen's report gives some illuminating facts, concerning the failure of the government to fulfill its obligations to the Flatheads. He said:

"Everything looks dilapidated and seems fast going to ruin. The agency building, now occupied by the farmer, is a small frame house. . .and very much dilapidated. The mess house. . .is an old log building, which was erected several years ago by Major John Owen, and was never designed for anything more than a mere temporary concern. The roof of this building has fallen into such a state of decay as to afford little shelter from either rain or snow. The barn. . .is without a roof, save for a few boards. . . . The blacksmith and carpenter shops are pretty good buildings, but the former is entirely without iron, and the latter without nails. . . . The grist and saw mills are good buildings. . .but are lying idle on account of the mill-dam having been swept away. The dam . . .has not yet been rebuilt. The farm, cultivated for the employees, contains something over a hundred acres. . . . Upon taking a careful inventory of farm property, we found it to consist of two yokes of work-oxen, two old worn out horses . . .two milch cows borrowed from the mission of St. Ignatius. . .three old wagons torn apart, four old broken ploughs, together with a few antiquated hoes, picks, shovels, etc."<sup>382</sup>

There is evidence that the conduct of McCormick as Flathead agent was no freer from reproach than that of Wells, his predecessor. In the summer of 1868 the Flathead agency was in debt to the extent of \$30,000. Cullen reported that most of this debt was in the shape of vouchers issued by

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382. Report of Cullen, August 22, 1868. 40 Cong. 3 sess., V. 1, (ser. 1366), H. Ex. Doc. I, p. 677.

agents. Over \$25,000 of this sum had been issued by Agent McCormick who claimed ". . .that he had never received any money and that it had cost him this sum...to keep up the expenses of the agency."<sup>383</sup>

Much inefficiency and oftentimes downright dishonesty was occasioned by the annuity deliveries to the Flatheads. The following incident is typical of the graft premeating this branch of government service among the Flatheads. The allotment of goods for the year 1868 was shipped from Fort Benton by George Wright, Blackfeet agent.<sup>384</sup> These annuities supposedly consisting of fifteen bales of blankets arrived at the Flathead agency. Upon an examination of the goods, it was found that the bales had been opened and that one hundred thirteen blankets were missing.<sup>385</sup> Apparently the blankets were stolen during the journey from Fort Benton to the Flathead agency. There is no evidence to show that the government ever made any effort to replace these goods. Thus were the Flatheads deprived of annuities not because of any display of enmity toward the whites, but because of the failure of the government to fulfill its obligations.

Cullen visited Fort Owen in August, 1868. While there

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383. Report of Cullen, August 22, 1868, *op. cit.*, p. 677.

384. These goods according to Mr. Cullen, could have been shipped at a price of eight to ten cents a pound.

"Mr. Wright, in a spirit of extended liberality, contracted these at twenty cents per pound."

385. *Ibid.*, p. 678.



he held a conference with various Flathead chiefs. The latter complained bitterly of the failure of the government to comply with the provisions of the Stevens treaty. "The Flatheads," they said, ". . . had received annuities but five years since the treaty."<sup>386</sup> Even during this period, the annuities were provided in deficient quantities. No hospital or school had been built for them; the mills in the Jocko Valley were inaccessible to them; no houses had been constructed for their chiefs. In his report to N. G. Taylor, Commissioner of Indian Affairs, Cullen made the following recommendations concerning the Flatheads:

". . . If the provisions of the Stevens treaty were faithfully carried out, I have little doubt that the Indians could be induced to remove to their reservation in the Jocko Valley. The improvements for their chiefs and headmen should be first made. . . then it would be well to make a treaty with them, by which they should receive a liberal compensation for the improvements made by them in the Bitter Root Valley. Whatever may be given them on this account should be judiciously expended for the purchase of stock, farming tools, etc., to enable them to carry on farming upon a large scale on their reservation. The Flatheads have about fifty farms under cultivation where they are, and have made considerable progress in the act of farming. The miller at Fort Owen, where they have their flouring done, told me that the wheat raised by the Indians was of the better quality. . . than that grown by their white neighbors. Now, if these people could have \$35,000 or \$40,000 expended in the purchase of stock, farm implements, seeds, etc. . . . I think that they could be brought to see that they would be infinitely better off upon their reservation than where they are."<sup>387</sup>

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386. Report of Cullen, August 22, 1868, op. cit., p. 678.

387. Ibid., p. 680.

Cullen's investigation of conditions at the Flathead agency was coincident with the national movement for reform in the administration of Indian affairs and immediately preceded the inauguration of Grant's reservation policy. Though agent reports and requests of Montana citizens from 1869 to 1871 were filled with recommendations for the improvement of government service among the Indians of the Flathead nation and for means of accomplishing the removal of the Flatheads proper to the Jocko reservation, such recommendations are not important for the purpose of this thesis.<sup>388</sup> There is

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388. In 1869 General Alfred Sully who had been appointed Superintendent of Indian Affairs for Montana Territory, proposed a treaty which would establish a reservation for the Flatheads in the Bitter Root Valley and would thereby deprive over two hundred white settlers of their farms. These citizens immediately petitioned the Senate not to confirm this treaty if it should be negotiated. In their Memorial, the citizens urged that those of the Flatheads who had not made improvements on the land be removed to the Jocko reservation. Sully concurred with this recommendation and made the further suggestion that the government pay the Indians for their removal. Bancroft, op. cit., p. 706-707, footnote. On February 4, 1869, The Montana Legislative Assembly addressed a Memorial to Congress urging that steps be taken to remove the Flatheads to the Jocko, ". . .The Bitter Root Valley," they said, "contains several hundred of industrious white settlers, who are engaged in agriculture, manufacturing, and mining. . . . There are at this time about 350 of the Flathead tribe of Indians residing in said valley; . . .their habits and customs are so different from those of the whites, it is found to be impossible for the two races, to live on amiable terms; . . .therefore we. . .memorialize your. . .body that a commissioner be appointed to treat with said Indians for their removal to the reservation. . .in the Jocko Valley." 40 Cong. 3 sess., (ser. 1385), H. Miss. Doc. 41.

no evidence to show that the government made any attempt to act on these suggestions until November 14, 1871, when President Grant ordered the removal of the Flatheads from the Bitter Root Valley.<sup>389</sup> A detailed discussion of the "new policy" toward the Flatheads is reserved for the next chapter.

Affairs at the Blackfeet agency were by 1869 rapidly approaching a crisis. The chiefs and headmen of the various Blackfeet tribes were complaining bitterly against the government for the non-fulfillment of treaties negotiated with them in 1868 by special agent Cullen. The country south of the Teton River, ceded to the government in the above agreements, was surveyed and rapidly occupied by white settlers. In this particular alone were the treaties being recognized by the government. Bad feeling between the Indians and the government was intensified when on July 17, 1869, two whites were killed by Indians of an unknown tribal affiliation. In retaliation, a party of whites murdered four Piegans ". . .two of them notoriously bad Indians, one a harmless old man, and the other a boy. . . ." <sup>390</sup> F. D. Pease, Blackfeet agent in 1869, expressed the fear that these hostilities would lead

389. Report of J. A. Garfield, Commissioner for the removal of the Flatheads, November 15, 1872. 42 Cong. 3 sess., V. 1, (ser. 1560), H. Ex. Doc., I, pt. 5. p. 495.

390. Report of F. D. Pease, Blackfeet agent, August 10, 1869. 41 Cong. 2 sess. V. 3, (ser, 1414), H. Ex. Doc. I, pt. 3, p. 742.

to conflict of a serious nature between the Piegans and the whites. In fact, he anticipated a declaration of war by all tribes of the Blackfeet nation unless the government make provision for furnishing them with ". . .their customary annuity goods. . . ."391

Hostilities did ensue, but luckily they failed to involve to any extent all of the Blackfeet tribes. Only did the Piegans engage in open conflict against the whites. At the time of the outbreak of the so-called Piegan War, there were only two hundred men stationed at the different posts in Montana Territory.<sup>392</sup> The citizens of Montana Territory applied to Superintendent of Indian Affairs, Alfred Sully, for further military protection. They demanded the right to form a volunteer militia (as they had done during the administration of Meagher) if the War Department was not able to provide a sufficient number of troops to defend the territory. Sully promptly reported the situation to the Commissioner of Indian Affairs and soon the military force in Montana was greatly increased.

A campaign against the Piegans was launched during the winter of 1870. The only engagement of any consequence occurred when Colonel A. M. Baker with a force of about four hundred troops surprised a camp of Piegans on the Marias river

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391. Report of Pease, August 10, 1869, op. cit., p. 743.

. 392. Report of Alfred Sully, Superintendent of Indian Affairs, for Montana Territory, September 20, 1870. 41 Cong. 3 sess. V. 1, (ser. 1449), H. Ex. Doc. I, pt. 4, p. 655.

and killed one hundred seventy three men, women, and children. Hundreds of Indians were captured; (later released) three hundred horses and all winter supplies belonging to the Indians were appropriated by the soldiers.<sup>393</sup>

The Piegan massacre had two important effects. First of all, the policy of the army toward the Indians of Montana was for the time being largely discredited. Colonel Baker and his men were reviled by the press, by advocates of the peace policy, and by many of the same settlers who had demanded an increase in the government allotment of troops for Montana Territory. Superintendent Sully, because of his affiliation with the army, was subjected to a storm of criticism. There is evidence to show that these attacks were a source of some embarrassment to him, for in his annual report of 1870 he avoided any mention of the details of the battle. He limited his account of Colonel Baker's victory to a single, terse statement: "A campaign was made in mid-winter against the Piegans, and a small camp of these Indians were attacked by the troops."<sup>394</sup>

Baker's campaign against the Piegans, however, facilitated the operation of Grant's reservation policy among the Blackfeet. A terrible small pox epidemic broke out among the various tribes of the Blackfeet in 1870 and this together with the punishment accorded the Piegans discouraged the

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393. Bancroft, op. cit. p. 708.

394. Sully, op. cit., p. 655.

Blackfeet from making any warlike demonstrations for a period of three years. These tribes were by the spring of 1870 ". . . anxious for peace and settlement with the government."<sup>395</sup> They expressed a willingness to retire to the area north of the Marias and Missouri Rivers and there make their homes on lands reserved for them by the United States. Sully in 1870 urged that the government adopt a more systematic policy toward the Blackfeet. In his report to the Commissioner of Indian Affairs he advocated the adoption of the following program:

"I think it would be well if some person were sent out by the government with power to arrange matters amicably with these Indians, and, above all, to designate the future boundaries of their reservation. No attempt has been made toward inducing these Indians to cultivate the soil, and I do not know if they could be induced at present to turn their attention to farming. They are ignorant and superstitious, and very much addicted to intoxication, and they are encouraged in this vice by a class of citizens who carry on the whiskey trade in spite of all my efforts to stop it. By designating the boundaries of the reservation and preventing citizens from going on it, and Indians from leaving it, by the use of troops is the only effectual means I know to prevent this evil . . . ."<sup>396</sup>

Though no attempts were made by the government to remove the Blackfeet to a reservation until 1873, some improvement was noticeable in conditions at the Blackfeet agency by 1871. J. Armitage, who began his duties as Blackfeet agent April 1, 1871, co-operated with J. H. Vaill, the successor of Superintendent Sully, in producing a marked improvement in the

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395. Sully, op. cit., p. 655.

396. Ibid.

government policy toward the Blackfeet. Work was begun on the reconstruction of the agency buildings which were described by Agent William B. Pease in 1870 as ". . .in dilapidated condition."<sup>397</sup> Mr. Armitage also took steps toward cultivating a Blackfeet farm, no attempts having been made to instruct the Indians in agriculture since the abandonment of the Sun River farm in 1865.<sup>398</sup> About seventy-five acres were planted with ". . .wheat, oats, barley, potatoes. . .besides a large stock of garden vegetables. . . ."<sup>399</sup> It was hoped that the crops produced at the Blackfeet farm would furnish the Indians with food for the winter and would ". . .open their eyes to what a little work during a few months of the year will do toward their comfort in winter."<sup>400</sup> Superintendent Vaill reported that the above example was not lost to the Indians. "They are very anxious indeed to have houses built for them next year and proper provision made that they may farm for themselves."<sup>401</sup>

During the same year (1871) work was begun on the construction of a school house for Blackfeet children. Superintendent Vaill sent Armitage the lumber necessary for the

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397. Report of Pease, September 12, 1870. 41 Cong. 3 sess., V. 1, (ser. 1449), H. Ex. Doc. I, pt. 4, p. 661.

398. Ante, p.100.

399. Report of J. A. Vaill, September 15, 1871. 42 Cong. 2 sess., V. 3, (ser. 1505), H. Ex. Doc. I, pt. 5, p. 828.

400. Ibid.

401. Ibid., p. 829.

erection of this building; a teacher was engaged; and Armitage reported that ". . .prospects indicate an attendance of about sixty scholars."<sup>402</sup>

The greatest improvement, however, was made in the suppression of the liquor traffic. Superintendent Vaill was convinced ". . .that the bottom of all Indian troubles and depredations in this Territory (Montana) was whiskey."<sup>403</sup>

In spite of the warnings of his friends that "his course would not do; that the whiskey trade always had been carried on and was part of the legitimate business of the Territory; and that a continuance of his course would arouse an opposition that he could not possibly stand under,"<sup>404</sup> Vaill continued his war on the liquor traffic and secured the conviction of two men guilty of selling whiskey to the Indians. Both men were sentenced to a term in the penitentiary.<sup>405</sup> At the same time ". . .some hundred robes and other furs were seized and condemned by the courts for violation of the intercourse laws."<sup>406</sup> Vaill reported that such ". . .convictions were not without their effect on the east side of the mountains

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402. Report of Armitage, September 1, 1871. 42 Cong. 2 sess., V. 3, (ser. 1505), H. Ex. Doc. I, pt. 5, p. 845.

403. Report of Vaill, op. cit., p. 825.

404. Ibid., p. 826.

405. Ibid.

406. Ibid.



and at Fort Benton. "Fort Benton," said Vaill, "is the hot-bed and stronghold of the whiskey trade, and the starting point of nine-tenths of the Indian mischief in the Territory."<sup>407</sup>

Other Indian superintendents in Montana Territory had attempted rigid enforcement of the Indian intercourse laws, but Vaill's conviction of the men found guilty of selling liquor to the Indians was the first instance of its kind in the history of the territory.<sup>408</sup> To make the occasion especially unique, these men had been sentenced on the basis of evidence presented by Indians.<sup>409</sup> Vaill's conscientious interest in the welfare of the Indians and his war on illicit traffic in goods and liquor were important milestones in the history of government policy toward the Indians of Montana.

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F. D. Pease, agent for the Crows, said in his annual report of August 31, 1871, that the Crows had willingly confined themselves to the reservation provided for them in the treaty of May 1868.<sup>410</sup> "They have conducted themselves well in all respects toward the whites; have committed no depredations whatever. . . ."<sup>411</sup> Occasionally they made ". . . hunting excursions on unoccupied lands ceded by them to the

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407. Report of Vaill, op. cit., p. 826.

408. Ibid.

409. Ibid.

410. Report of Pease. 42 Cong. 2 sess., V. 3, (ser. 1505), H. Ex. Doc. I, pt. 5, p. 834.

411. Ibid., p. 833-834.

government, returning quite regularly, however, for provisions and such assistance as it provided for them. . . ." <sup>412</sup>

The Crows were well satisfied with their annuities, but they complained that the government had not fulfilled all of the provisions of the treaty. The payments of ten dollars each year to each migratory Indian and twenty dollars each year to each Indian engaged in agriculture had not been made. Neither had the government provided each Indian who had moved to the reservation and commenced farming ". . .one good American cow, and one yoke of oxen. . . ." <sup>413</sup> The Crows were very anxious ". . .that the above-mentioned funds should be applied to the purchase of American cows and brood mares. . . ." <sup>414</sup> The Crow reservation was undoubtedly ". . .the most favorable stock-growing country on the American continent." <sup>415</sup> Pease earnestly concerned with the request of the Indians and urged further that they be provided with beef cattle. Since the territory occupied by the Crows was rapidly becoming destitute of game, the only economical and satisfactory method of obtaining the necessary supply of meat was through the raising of stock.

The Crows complained also that the whites instead of

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412. Report of Pease, op. cit., p. 834. The term "unoccupied" refers to land not settled by the whites.

413. Ibid.

414. Ibid.

415. Ibid.

being compelled to leave the reservation were coming on it  
". . .by the hundreds, killing and driving the game. . .des-  
troying the best of their grazing country by bringing into  
the country herds of cattle and horses; roaming at will from  
one end to the other; searching for gold and silver mines, of  
which the mountainous portion of this reserve seems to be  
well supplied. . . ." <sup>416</sup> Pease reported that it was due  
principally ". . .to this great thirst for gold. . ." that he  
was unable to protect the rights of the Crows. <sup>417</sup> He spoke  
of the necessity of surveying the 6,000,000 acres contained  
in the reservation and thus establish definite boundaries  
to Crow territory. Until this was done it was utterly impos-  
sible to keep miners and prospectors from exploring the Crow  
country. <sup>418</sup> In view of the fact that many gold-seekers had  
by 1871 made more or less permanent settlement in the area  
between the Big Horn and Yellowstone Rivers, Pease advocated  
that the government purchase this portion of the Crow reser-  
vation. It seemed to him that such a transaction would be  
a source of satisfaction to all parties concerned. The In-  
dians agreed that it was to their interest to sell, but no  
attempt was made at this time to reduce the size of Crow terri-  
tory. <sup>419</sup>

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416. Report of Pease, op. cit., p. 834.

417. Ibid.

418. Ibid., p. 835.

419. Ibid.

By 1871 all the River Crows except about twenty lodges had made their homes on the Crow reservation.<sup>420</sup> The latter Indians remained in the Gros Ventres territory and were under the supervision of the agent at Fort Browning.<sup>421</sup> Those of the River Crows who had moved to the reservation obtained subsistence ". . .in the shape of flour, beef, and such other assistance as is provided by the government, whenever they were in need of it."<sup>422</sup> The treatment accorded these Indians was so liberal that they expressed a strong desire to locate on the reservation permanently and live with their kinsmen, the Mountain Crows.<sup>423</sup>

In order to carry out farming operations at the agency on a more extensive scale than had been done previously, agent Pease during the spring of 1871 contracted ". . .for 800 rods of irrigating ditch and the breaking of 75 acres of land."<sup>424</sup> Eventually the contractors succeeded in placing more than one hundred acres under cultivation, and in constructing an irrigation ditch large enough to afford sufficient water for all farming and gardening purposes.<sup>425</sup> About three miles of fencing ". . .to enclose farm, garden, and hayfield. . ." <sup>426</sup> were completed in 1871; also, about one

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420. Report of Pease, op. cit., p. 836.

421. Report of A. J. Simmons, special agent for Milk River agency, August 31, 1871. 42 Cong. 2 sess., V. 3, (ser. 1505), H. Ex. Doc. I, pt. 5, p. 846.

422. Report of Pease, op. cit., p. 836.

423. The Mountain Crows in 1871 numbered about twenty seven hundred. The population of the River Crows during the same year was about fourteen hundred.

424. Ibid., p. 838.

425. Ibid.

426. Ibid.

hundred fifty tons of hay were cut. In order to encourage the Indians to till the soil, Pease arranged for the erection of twenty-five double houses, with the dimensions of twenty-four by sixteen feet, to be inhabited by Indians who had announced their intentions to become farmers. By August 31, 1871, twenty-one of these structures had been completed.<sup>427</sup>

Little progress was made in the educational development of the Crows until 1871. On April 25 of that year J. H. Aylsworth was appointed teacher at Crow agency. Upon his arrival ". . .there was no school, nor any trace of one."<sup>428</sup>

"Many of the Indians," said Mr. Aylsworth in his first report, ". . .have just gone out for their spring hunt, so that comparatively only a small proportion of the children remained at the agency."<sup>429</sup> In commenting on his efforts

to educate the Crow children, Mr. Aylsworth said:

". . .I commenced operations and soon had the satisfaction of seeing them become interested in trying to learn. Others have come in school from time to time, until of late the average attendance has reached 32 to 34. About 9 learned the alphabet, and 3 to read the simple lessons of Hildard's First Reader."<sup>430</sup>

Both Aylsworth and Pease urged that the government provide the means for educating the Crows along industrial and

427. Report of Pease, op. cit., p. 837.

428. Ibid., p. 837.

429. Report of Aylsworth, September, 1871. 41 Cong. 2 sess., V. 3, (ser. 1505), H. Ex. Doc. I, pt. 5, p. 839.

430. Ibid.

agricultural lines. "In addition to the school now in operation," said Pease, "a building for manual labor and boarding school is very much needed."<sup>431</sup> Aylsworth concurred with this opinion when he said: "The importance of establishing. . . some kind of manual labor school, in which agricultural and mechanical labor might be combined with book knowledge cannot be overestimated."<sup>432</sup>

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431. Report of Pease, op. cit., p. 839. 1878, 48 Cong. S.  
432. Report of Aylsworth, op. cit., p. 839. Pt. 2, p. 154

## Chapter VIII

## GENESIS OF THE NEW RESERVATION POLICY

The new reservation policy was formally inaugurated in Montana by an executive order of November 14, 1871 providing for the removal of the Flatheads from the Bitter Root Valley, and by an act of Congress dated May 16, 1872 appropriating five thousand dollars to pay expenses contracted in carrying the Presidential order into effect.<sup>433</sup> The act of May 16 provided further that the surveyer-general of Montana Territory arrange for a survey of the Bitter Root Valley in the area above LoLo Fork, and that the lands be opened for white settlement.<sup>434</sup> Provision was made on June 5 for the payment of \$50,000 to the Flatheads which was intended to compensate them for improvements on land in the Bitter Root Valley and for the inconvenience attending their removal to the Jocko.<sup>435</sup> Early in the same month (June, 1872) James A. Garfield was appointed by Secretary of the Interior, C. Delano, to arrange for the removal of these Indians to the Jocko reservation.<sup>436</sup>

Garfield arrived at Virginia City on August 16. At this time he found that a committee of citizens from the Bitter

433. Cong. Globe. 42 Cong. 2 sess, p.3543

434. Ibid.

435. Report of James A. Garfield, commissioner for the removal of the Flatheads, November 15, 1872. 42 Cong. 3 sess. V. I, (ser 1560) H. Ex. Doc. I, Pt. 5, p.496

436. Ibid. p. 494.

Root Valley had visited Governor Potts and had reported"... that the white settlers in the valley were apprehensive of hostilities from the Flatheads and from the Nez Percés a thousand of whom were then encamped near Hell Gate.<sup>437</sup> Garfield was told also that meetings of citizens"...had been called for the public defense at Missoula, at Aetna, and at Corvallis, and that a militia company, of about one hundred strong had been enrolled at each of these places."<sup>438</sup> Governor Potts had been requested to issue arms and ammunition"...and to urge the President to establish a cavalry post...somewhere in the valley for the better protection of the inhabitants."<sup>439</sup> It was represented also that the Flatheads would not leave the valley"...and that the Nez Percés had agreed to aid them in resisting the proposed removal."<sup>440</sup> Signs of hostility between the Flatheads and the white settlers in the Bitter Root Valley increased when a Virginia City newspaper called upon "...the governor and the citizens to answer these alleged threats of the Indians by force, and to drive them out of the valley."

There is evidence to show that the Flatheads were exasperated with the government because of its delay in fulfilling the provisions of the Stevens treaty. There is no indication, however, that the Flatheads were in a particularly

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437. Garfield, op. cit., p. 494

438. Ibid.

439. Ibid.

440. Ibid.



dangerous mood. The representations of the citizens that the Flatheads were ready and anxious for war; that they were prepared to resist by an armed force any attempts to remove them to the Jocko were probably excellent examples of an hysteria that was likely to affect people exposed to the possibility of an Indian attack. Garfield "... was inclined to believe that much of the apprehension was groundless"<sup>441</sup> and in a report to the Secretary of the Interior dated August 17, he suggested that "...perhaps the representations were partly the result of a desire to secure a military post in the valley."<sup>442</sup> Fearing that the distribution of arms among the whites would seriously interfere with an attempt to arrange a peaceable removal of the Flatheads, Garfield requested Governor Potts to accompany him to the Bitter Root Valley "...in order that he might use his discretion and authority in reference to arming the citizens."<sup>443</sup>

Garfield left Virginia City on August 17. He reached Helena the next evening, and on the morning of August 19, accompanied by Mr. Vaill, Superintendent of Indian Affairs, began the long journey to the Bitter Root Valley. Mr. Claggett,

441. Garfield, op. cit. p. 494

442. Ibid. From the conversation of citizens visiting Garfield in Missoula, it soon became apparent to the commissioner that the chief anxiety of settlers in the valley "...was to secure the establishment of a military post, and that the market which would thus be afforded for their home products was really a matter of greater consideration than protection from hostile Indians."

443. Ibid.

the territorial delegate to Congress joined the party at Deer  
444  
Lodge.

Garfield, Vaill, and Claggett arrived at Fort Owen two days later. Arrangements were made immediately for a confer-  
ence with the chiefs of the tribe to be held on the morning of  
August 22. In this council the Flatheads were represented by  
"...Charlot, first chief; Arlee, second chief; and Adolf, third  
chief, together with a large number of the principal men of  
the tribe."<sup>445</sup> These Indians almost unanimously opposed the  
proposal that the Flatheads be removed from the Bitter Root  
Valley. Their principal objections were as follows:

"It seemed to be their understanding that they had never  
given up the Bitter Root Valley... :

.....

"The chiefs admitted that, under the provisions of the eleventh article, (Stevens treaty, July 16, 1855) it was left in the power of the president to determine whether the Bitter Root Valley, above the LoLo Fork should be reserved as the permanent home of the Flatheads. But they insisted that by that article the President was required to have the Bitter Root Valley carefully surveyed and examined, and, if it should be better adapted to the wants of the Flatheads, then it would be made a permanent reservation. They insisted that such a survey and examination should have been made immediately after the ratification of the treaty, but that it had never been done at all. That for seventeen years no steps had been taken in regard to it, and they considered the silence of the Government on this subject an admission that the valley was to be their permanent home."<sup>446</sup>

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444. Garfield, op. cit. p. 494

445. Ibid.

446. Ibid.

They complained also that the schoolmasters, blacksmith, carpenters and farmers promised them in the treaty of 1855 had never been sent to the Bitter Root Valley. White settlers, they said, had crowded into the valley until they had succeeded in greatly out-numbering the Indians. This was due in part to the "...friendly disposition of Victor, the late chief of the tribe, who permitted many white men to settle in the valley, and in several instances invited them there."<sup>447</sup> After 1867, however, the number of settlements increased "...with-<sup>448</sup> out the invitation or consent of the tribe."

Garfield closed the council with the request that the chiefs accompany him to the Jocko reservation and there discuss its adaptability to the wants of the Flatheads. Commissioner Garfield's party and the principal chiefs arrived at the agency on August 23. Garfield's description of conditions at the agency as he found them is a revelation of the government's inefficiency in administering affairs pertaining to the Flathead nation. He said:

"For the large sums of money annually appropriated to the agency since its establishment ..there is but little to show. nThree-fourths of an acre in garden, one acre in potatoes, less than five acres in oats, and about eighteen acres in wheat; only about twenty-five acres in crops are the total results of agriculture at the agency. One energetic farmer could along have accomplished much more in the same length of time. "The saw-mill and flouing-mill were burned in 1869, and were not restored until a few months since. The saw-mill had just gone in operation when I arrived ...and the flouing-mill was not yet completed.

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447. Garfield, op.cit. p. 494

448. Ibid.

"Neither the blacksmith-shop nor the carpenter shop has a sufficient set of tools, and some of the employees provided for by the treaty, and appropriated for by Congress were mere boys, whose chief function seemed to be to sign the pay roll and draw their pay.

.....

"It is a disgrace to the government that in so beautiful and fertile valley there should not long ago have been several hundred acres of crops, and such evidences of thrift and industry as to have attracted the Flatheads rather than repelled them."<sup>449</sup>

Two days were spent by the commissioners and chiefs in examining the agency buildings, mill, and fields in the Jocko Valley. Another conference was held with the chiefs "...and the whole subject was carefully gone over."<sup>450</sup> During this interview the tribal leaders raised the objection that the \$50,000 appropriated by the act of June 5, 1872 was insufficient compensation for their loss of the Bitter Root Valley "...and the improvements already made."<sup>451</sup> They all appeared to entertain a deep-seated distrust in the promises of the government, fearing that they should lose the Bitter Root Valley and fail to receive even the compensation promised them by the government.<sup>452</sup>

Desiring to complete his negotiations with the Flatheads as rapidly as possible, Garfield drew up a contract bearing the date of August 27 and presented it to the chiefs.<sup>453</sup>

There is evidence to show that Garfield never expected all

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449. Garfield, op. cit. p. 497

450. Ibid.

451. Ibid.

452. Ibid.

453. Ibid.

of the headmen of the tribe to sign this agreement. He was, however, anxious to persuade a majority of the chiefs to agree to the government's proposal.<sup>454</sup> The principal stipulations of the contract were as follows:

1. The government agreed to erect "...sixty good and substantial houses, twelve feet by sixteen each... in the vicinity of the agency on the Jocko reservation. These buildings were to be used as homes for the Indians. The houses used by the first, second and third chiefs of the Flatheads were to be double the size of those mentioned above.
  2. The Superintendent of Indian Affairs for Montana Territory agreed to deliver six hundred bushels of wheat to the Flatheads "...the same to be ground into flour without cost to said Indians; and delivered ...during the first year after their removal...."
  3. The Superintendent of Indian Affairs promised to furnish the Flatheads with a sufficient number of agricultural implements for the cultivation of their lands.
  4. The government in accordance with the act of June 5, 1872, agreed to pay the Indians the sum of \$50,000 in ten annual installments.
  5. Any Flathead, twenty-years of age or the head of a family, actually residing on and cultivating land in
454. Garfield, op. cit. p 497

the Bitter Root Valley, was permitted to remain in the valley provided that he abandon all tribal affiliations.

6. The chiefs promised to move the Flathead tribe to the reservation and make this territory their permanent home as soon as the houses provided for them in the first clause of this agreement were constructed.<sup>455</sup>

The chiefs were requested to indicate their attitude toward the question of removal by signing or refusing to sign the above agreement. Garfield reported that Arlee and Adolph signed the contract "...and said they would do all they could to enforce it."<sup>456</sup> Charlot, however, refused to sign.

Though Garfield did not mention the fact in his report to the Indian Commissioner, Charlot left the council soon after Adolph and Arlee had placed their signatures on the agreement.<sup>457</sup> From that time forward, he refused any further participation in the negotiations. The copy of the agreement forwarded to the Indian Commissioner gave good evidence of the fact that Charlot was thoroughly out of sympathy with the government's proposal to remove the Flatheads, for Charlot's

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55. Garfield, op. cit. p. 499-500. Those who decided to sever their connections with the Flathead tribe and cultivate lands in the Bitter Root Valley were, of course, not obligated to observe the last clause of the agreement.

56. Ibid.

57. Stuart, op. cit. II, p. 91

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signature was not on the document. The agreement as printed, however, carried the name of Charlot as chief signer.<sup>459</sup>

The culpability of Garfield in connection with this fraud is open to question. Garfield definitely stated in his report that Charlot did not sign the treaty. There is evidence, however, which shows that Garfield, in his desire to speed up the process of Flathead removal, became party to the movement that misrepresented Charlot's attitude toward the proposed agreement. In a letter to Vaill dated August 27, 1872 Garfield said:

"In carrying out the terms of the contract made with the chiefs of the Flat Heads for removing that tribe to the Reservation (Jocko), I have concluded, after full consultation with you, to proceed with the work as though Charlot had signed the contract. I do this in the belief that when he sees the work actually going forward he will conclude to come here <sup>with</sup> the other chiefs and keep the tribe unbroken."<sup>460</sup>

The legality of the Garfield agreement has long been a debatable question. Whether or not the contract would hold in court of law, however, is a conjecture not pertinent to this study. The chief importance of the agreement lies in the fact that through its provisions the government definitely inaugurated a program for the removal of the Flatheads to a reservation. This policy was not accomplished without con-

458. The signatures were witnessed by such notables as William H. Clagget; D. L. Swain, Judge Advocate of the United States army; W. F. Sanders; J. A. Vaill; and B. F. Potts.

459. L. B. Palladino, S. J., Indian and White in the Northwest, (Lancaster, Pa., 1922), p. 66. See also Garfield op. cit., p. 500

460. Garfield to Vaill. Quotation from Palladino, op.cit. p. 88

siderable difficulty. In fact, Charlot and his followers refused to move to the reservation for nearly twenty years after the date of the Garfield Agreement. <sup>461</sup> Nevertheless, agreement marks the genesis of the reservation policy in Montana, and the drift of the Indians thereafter was steadily toward these designated areas.

Provision for the removal of the Flatheads was followed by an executive order of President Grant, July 5, 1873, which

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461. In his annual report of 1873, D. Shanahan, Flathead agent, stated that Arlee and Adolph, second and third chiefs respectively, had promised that they and twelve or fourteen families would move to the reservation. (Report of Shanahan, September 8, 1873. 43 Cong. 1 sess. V. I, (ser 1601), H. Ex. Doc. I, pt. 5 p.619) Evidence showed that their removal was accomplished in 1874. (Bancroft, op. cit., p.707, footnote.) Charlot and a few of his followers, however, remained in the Bitter Root Valley. Because of Charlot's unwillingness either to move to the reservation or to remain in the valley as a citizen, the second chief, Arlee was designated by the government as head chief of the Flathead nation. By 1880 few Flatheads aside from Charlot and his immediate following had refused to make their homes on the reservation. In 1883, Senator G. G. Vest and the Honorable Martin Maginniss, were sent to look into the grievances of Charlot and his band. Upon investigation the commission reported that: (1) Part of Charlot's tribe had been removed without his consent; (2) He was removed of his rights as head chief, being set aside for Arlee; (3) his name was placed on an agreement which he had refused to sign, (Palladino, op. cit., p, 89). Later Charlot was called to Washington. There he stated his causes of complaint against the government and acknowledged no intention to abide by its wishes. He returned to the valley but soon found conditions so unbearable that he finally decided to move to the reservation. Charlot and his followers left the Bitter Root and made their homes in the Jocko Valley in 1891.



set aside a reservation for the Blackfeet nation, Gros Ven-  
tres, and River Crows in the area north of the Missouri River.

With the consumation<sup>462</sup> of this order, the Blackfeet withdrew  
to limited areas and thereafter were restricted to assigned  
reserves.<sup>463</sup>

The boundaries of the reservation were as fol-  
lows:

"Commencing at the northwest corner of the Territory of  
Dakota, being the intersection of the forty-ninth parallel  
of north latitude and the one hundredth and fourth meri-  
dian of west longitude; thence south to the south bank  
of the Missouri river; thence up and along the south  
bank of said river to a point opposite the mouth of Med-  
icine or Sun River, as far as practicalbe, to the sum-  
mit of the main chain of the Rocky mountains; hence along  
said summit in a northerly direction to the north boun-  
dary of Montana; hence along said north boundary to the  
place of beginning, excepting and reserving therefrom  
military reservations."<sup>464</sup>

The removal of the Blackfeet to a reservation was an  
event of importance both to the Indians and to the government.  
With no defined reservation limits for the Blackfeet, the work  
of an agent among them was extremely difficult. "...When any  
objective ends were obtained," said William I. Ensign in his  
annual report of 1873, "their accomplishment has been under  
disadvantage of which the fact of no regularly defined reser-

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462. Act of Congress, April 15, 1874. See Appendix A.

463. The event causing the President to take this action was  
a renewal of Blackfeet hostilities, in the spring of  
1873. With the removal of these Indians north of the  
Missouri, they ceased their predatory activities and  
showed a disposition to conform with the policy of  
the government.

464. Kappler, op.cit. I, p. 855

vation having been established was the sole cause."<sup>465</sup> The inauguration of the reservation policy was largely responsible for the ultimate domestication and civilization of the Blackfeet.

The reservation policy in regard to the Crows was in a large measure crystalized as a result of the treaty of May 7, 1868. However, steps were taken in 1873 which resulted ultimately in the further concentration of Crow population. As early as February 4, 1869 a Memorial was sent from the Montana Legislature which asked reconsideration of the Crow Treaty. The rights of citizens in the Yellowstone Valley, they said, were threatened by the huge allotment of land given the Crows in the above-mentioned treaty.<sup>466</sup> They demanded that the Crows be forced to relinquish all claims to lands in the Yellowstone Valley. No action on this suggestion was taken by the government until March 3, 1873 when a commission was appointed to negotiate with the Crows for the cession of a portion of their reservation.<sup>467</sup> In taking this action the government was motivated by the request of the Montana Legislature and by a desire to clear the Yellowstone Valley of all Indians likely to oppose the construction of the Northern

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465. Report of Ensign, September 1, 1873. 43 Cong. 1 sess. V. 3, (ser. 1601), H. Ex. Doc. I, pt. 5, 620

466. Memorial from the Montana Legislature. 40 Cong. 3 sess. (ser 1385) H. Miss. Doc. 41.

467. Report of Board of Indian Commissioners, 1873. 43 Cong. 1 sess. V. 3, (ser 1601), H. Ex. Doc. I, pt. 5, p.387

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Pacific railroad. An agreement was concluded with these  
Indians on August 16, 1873 which provided for the cession of  
their entire reservation (6,270,000 acres) and the establish-  
ment of a new reserve in Judith Basin. 469

Congress refused to ratify this agreement, however, and  
the Crows were allowed to remain in the Yellowstone Valley.  
The Crow Treaty of 1868 had laid the foundation for the con-  
summation of the reservation policy, but it was not until Con-  
gress definitely refused to ratify the agreement of 1873 that  
the Crows were given the right to retain lands held by them  
in the area south of the Yellowstone. That the government  
failed or refused to make the changes sought is an element of  
good faith shown by the government to the Crows. The Crows,  
traditionally friendly and adaptable to the demands of the  
government, were allowed to remain at that time on lands  
previously allotted to them. That the Crows later were, by  
new provisions of law, removed to a reservation area further  
east, and that the reservation first re-established was later  
reduced in area is outside the limits of this study.

In the 1873 report of C. Delano, secretary of the Inter-  
ior, recognition was given to the establishment of a definite  
reservation policy for the Indians. "The so-called peace  
policy," said Delano, "sought first to place the Indians up-  
on reservations as rapidly as possible, where they could be

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468. Board of Indian Commissioners, op. cit., p. 385

469. Ibid. p. 387

provided for in such manner as the dictates of humanity and Christian civilization require."<sup>470</sup> The Secretary argued that the Indians, placed upon reservations, removed from the frontier settlements, would be more apt to refrain from the outrages and wrongs that so often characterized the frontier Indians. He expressed the purpose of instructing the Indians in agriculture, and such other pursuits as are incident to civilization. Improvements were proposed in the methods of safeguarding supplies to be shipped for the Indians, so that cause of discontent might be removed. Help of the various religious organizations in securing the co-operation of the Indians with the government<sup>471</sup> was to be sought. Schools for the Indians and their children were to be maintained through the co-operation of Christian agencies. The new policy according to Delano had "for its main object and aim the restraint and elevation of the wild tribes of the frontier through firm but kind treatment." "That progress," continued the Secretary, "has been made in the establishment of that policy ...is shown by the increased interest in educational matters, a growing willingness on the part of the Indian to engage in industrial pursuits, a desire for the divisions of lands, and an increase of stock and farm products."<sup>472</sup>

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470. Report of Delano, October 31, 1873. 43 Cong. 1 sess. V. 3, (ser 1601), H. Ex. Doc. I, pt. 5, p. III.

471. Ibid. p. IV.

472. Ibid. p. III.

The reservation policy was by 1873 clearly established. A progressive development in the creation of an attitude of government toward the problems of the Indians had eventuated. The Indians had lost the freedom to roam unchallenged over the plains. They, like the whites, were obliged to follow trails or established highways, and to leave unmolested fences and fields of the settlers. They came more and more to see the necessity of observing the white man's laws. That his liberties were circumscribed thereby is the penalty he was obliged to accept for the favors granted him. At least within his reservations his rights were clear. There he worked or idled as he felt inclined. His reservation was his sanctuary. This the white man had granted to him and to it he returned, accepting it with the stoical calm that has characterized him.

### SUMMARY

Prior to 1851 the government had made treaties with many of the Indian nations. These early treaties, except for the one made at Fort Laramie in the present state of Wyoming, were not of especial permanent significance. They were instruments designed to establish good will and friendship. The Indian problem was not acute prior to 1851. Most aggressive Indian nations resided west of the Mississippi River; relatively few whites resided in that territory or sought residence there.

By 1851, whites in steadily increasing numbers crossed the Mississippi River and either attempted to settle in the plains regions or to push across the mountain ranges to the western coast territories. Indians regarded these territories as theirs, treaties having given them the right to this assumption. The new era called for the establishment of government agencies, who represented the power of the government and undertook to direct and care for the Indians of specified regions. These agents for the most part were well-intentioned, but many were untrained, uncultured, and careless in the business transactions with and for the Indians.

Steadily, the increasing settlements of the west aggravated the Indians of those regions. They resented the white encroachments and attempted by craft, theft and circumvention to gain advantage where power failed them. In Montana the

Indian nations, like in other western states near or contiguous thereto, challenged the white man on occasion, but little by little retreated before the increasing might of the white settlers and their military protectors. Federal government and territorial authority combined to push back the Indians. More and more, the game supply on which the Indians largely depended was depleted by the white settlers. Thus were the sufferings and grievances of the Indians increased.

The government developed the philosophy that the lands of the West no longer should be regarded as rightfully the property of the Indians, but that of the whites, who wished this land for settlement. The Indians became, in their regard, mere wards of the government, whose interests should be protected by the government in the assumption that they were incapable of participating in any effective way in their own government. Under this assumption, the Indians steadily were pushed back and were granted gifts, allowances and annuities, that should serve for their needs. Finally the government devised a reservation policy designed to give residence to the Indians of Montana and other regions. With the definite establishment of this policy, this study is concluded.

The whites were interested in developing new homes in the West. It was easy to convince themselves that the Indians had

no rights to these territories which the whites were bound to respect. The Indians, obliged to retreat before the might of the government, gradually accepted the security of the reservations and the control of an apparently beneficent government. Montana was settled only by the gradual recession of the Indians before the white prospector, farmer and ranchman. That the Indians lost what seemed to them their rightful heritage in Montana was as regrettable as it was inevitable. White domination of the lands of the nation was the natural consequence of a white man's government. On the whole the Indians have been cared for with what is generally regarded as ample attention. That they have lost their aggressive power, have become docile and lacking in the color and courage of the early plains Indians is also regrettable but inevitable.



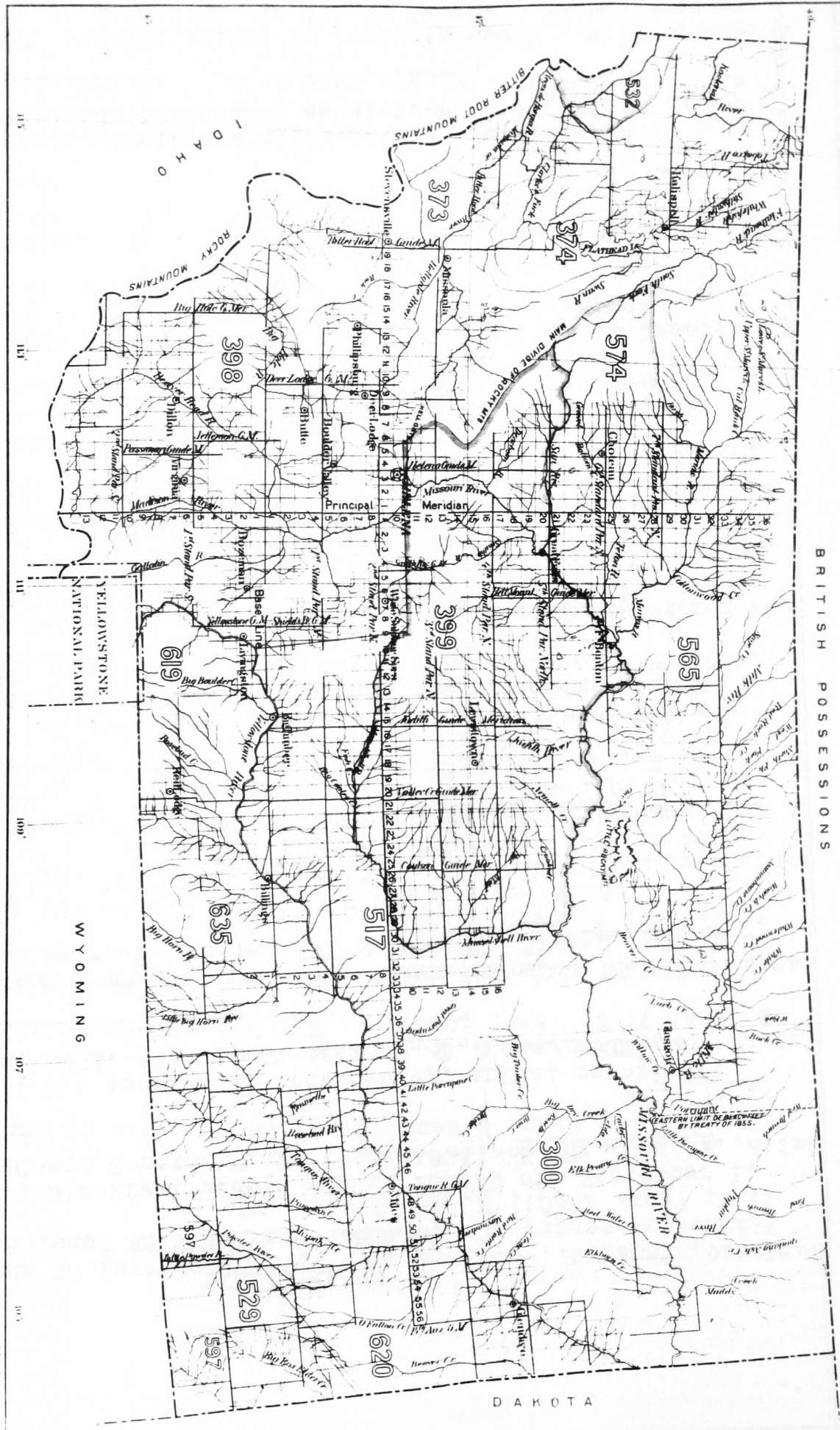
APPENDIX A

C. C. Royce, Indian Land Cessions in the United States, Eighteenth Annual Report of Bureau of American Ethnology, part 2, 1896-1897, Washington, 1899.

1. Treaty at Fort Laramie, September 17, 1851
  - a. Assiniboines
    1. Territory - - 300
  - b. Sioux
    1. Territory - - 529, 620
  - c. Crows
    1. Territory - - 517, 619, 635
  - d. Blackfeet
    1. Territory - - 398, 399
2. Flathead Treaty, July 16, 1855
  - a. Reservation - - 374
  - b. Land cession - 373
3. Blackfeet Treaty, October 17, 1855
  - a. Common Hunting Ground - - 398
  - b. Territory of Blackfeet - 399, 565, 574
4. Crow Treaty, May 7, 1868
  - a. Reservation - - 635, 619
  - b. Land cession - 517
5. Executive Order, April 12, 1870
  - a. 529 designates area not included in reservation for Arikaras, Gros Ventres, and Mandans.
6. Memorandum, 1871
  - a. Land cession of Methows, Kutenais, Pend d' Oreilles, Colvilles, and other Indians - - 532
7. Blackfeet Agreement, April 15, 1874
  - a. Gros Ventres, Piegans, Bloods, Blackfeet proper, and River Crows placed on reservation in accordance with Executive order of July 3, 1873 - - 565
  - b. Land cession - - 399
8. Executive order, November 16, 1874
  - a. Blackfeet ceded - - 597
9. Agreement September 12, 1876
  - a. Sioux, Northern Cheyennes, and Arapahoes ceded all claim to a portion of their reserve - - 597

10. Executive Order, July 13, 1880
    - a. Part of reservation for Arikaras, Mandans, and Gros Ventres - - 620
  11. Crow Agreement, June 12, 1881
    - a. Land cession - - 517
  12. Act of Congress, July 10, 1882
    - a. Crow reservation
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BRITISH POSSESSIONS



MONTANA 1  
SCALE 45 MILES TO 1 INCH

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