



4-12-1870

## Executive Order of 1870

Ulysses S. Grant  
*President of the United States*

George L. Hartstuff  
*Assistant Adjutant General, Military Division of the Missouri*

Samuel A. Wainwright  
*Twenty-Second Infantry*

Ely S. Parker  
*Indian Affairs*

Jacob D. Cox  
*Department of the Interior*

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Headqrs. Mil. Div. of the No.

Chicago, Ill., Novr. 27/69.

Respectfully forwarded to the  
Commissioner of Indian Affairs,  
through the Adjutant General of  
the Army.

In absence of the  
Lieutenant General Comdg.

G. S. Hartcup  
Adjutant General.

EB

4 Enclosures.

Adjutant General's Office.

Washington, Decem. 1. 1869.

Respectfully forwarded to the  
Commissioner of Indian Affairs.

Ed. George

494

Dec 5

12.5

E. D. Tompkins

Adjutant General.



Comdy. Post

\* A manifest error; for "above" read "below."

Wm. of W. W. W.

Capt. Engineer.

17th May 1861



See note

\* above; Butthold; the Indians desired that the Reservation should extend to Mouse River, but in view of a Railroad passing over that Country I did not accede to their wish, they seemed to comprehend my reasons for not doing so, and were satisfied, I have endeavored in this proposed reservation to give them land enough to cultivate and for hunting and grazing purposes; I enclose a sketch of the proposed reservation

Very Respectfully Sir  
T. A. Munnigh

Case 22<sup>d</sup> Infit



Wyo. A. 1869  
1663. Nov 1869

Fort Johnson, Wyo.  
Sept. 25. 1869

Wardright J. A.  
Capt. J. D. D. Sully.  
Comd.

Has consulted the best guides and obtained all available information in addition to his own examination in regard to a reservation for the Arictarces, Trois Rivières and Mandan Indians.

Has had an interview with the chiefs of the three tribes, and read the communication from the Commissioner of Indian Affairs forwarded to him from the Comd. Genl. of the Dept.

Has proposed to these Indians a reservation commencing four miles above the Indian Village, Berthold, & Eschres Reservation, and says the Indians are satisfied with it.

Encloses sketch of the proposed reservation.

Recd. also Nov. 29. 69.  
Recd. (Wyo. Dept.) Nov. 27, 1869.

Head Qrs. Wyo. Militia  
Dr. Paul Wright 1869

Nov 14, 1869

These papers are respectfully forwarded with the suggestion that they be sent to the Commissioner of Indian Affairs. What the Indians propose to yield, would seem to be to our advantage to acquire, at the expense of what they ask in return.

Wm. F. Hancock

Major Genl. Comd.

Commissioner of Indian Affairs  
Land

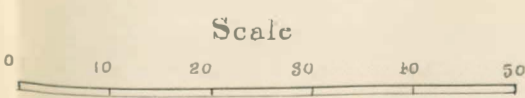


Reservation of  
Gros Ventres, Arickarees & Mandans. Treaty of  
Oct. 1<sup>st</sup> 1861 (not ratified)

Lands ceded by Indians.  
Treaty of July 27<sup>th</sup> 1866.



*Handwritten notes in red ink:*  
Not in the map  
see also map



Office of Eng<sup>rs</sup>  
Head Quarters Dept of Dakota  
M. King Draughtsman



Restoration of  
the Fort. Jackson & Mouton. Group of  
Oct. 1st 1861 (restored)

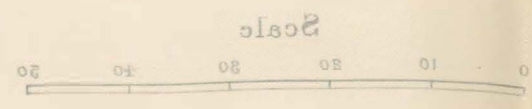
Boundaries of Indian  
tribes of July 1st 1861.



U.S. Army  
No. 1158  
H. B. Keith

John M. May

1863



Office of Capt.  
John Mouton, Dept. of War



Copy

Department of the Interior  
Office of Indian Affairs  
Washington D.C. April 2<sup>d</sup> 1870.

Sir:

I have the honor to transmit herewith a letter of Capt. S. A. Wainwright, 22<sup>nd</sup> U.S. Infantry, Commanding Post at Fort Stevenson, Dakota Territory, dated September 25<sup>th</sup> last, endorsed respectively by the commanding officer of the Department of Dakota and by the Assistant Adjutant General of the Military Division of the Missouri and forwarded by the Adjutant General of the U.S. Army to this office, relative to setting apart of a reservation for the Arickaree Gros. Ventre and Mandan Indians.

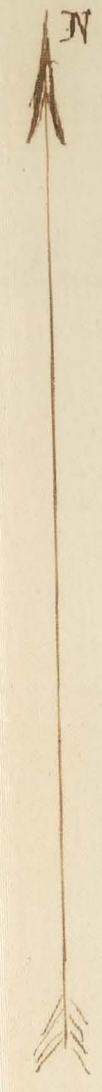
This has been the subject of correspondence before between Major General Winfield S. Hancock, Commanding Department of Dakota and this office.

General Hancock in a letter dated near Fort Rice D.T. July 21. 1869, addressed to Breve Major General Geo. S. Kearsuff, Assistant Adjutant General Military Division of the Missouri — copy of which has been furnished by direction of Lieutenant General Sheridan to this office states, that the Arickaree, Gros Ventre and Mandan Indians among others complain "that whites come on their land at Berthold and cut wood for sale to steamboats. They want



Handwritten notes in red ink, possibly a date or reference number, located in the top left corner of the map.

Handwritten notes in red ink, possibly a date or reference number, located in the top center of the map.



Handwritten notes in red ink, possibly a date or reference number, located in the middle left of the map.

Sketch of  
Proposed Reservation  
For  
Arikaree, Mandan  
and  
Gros Ventre Indians

(Prepared Sep. 25<sup>th</sup> 1869)  
(Report to Sec. April 2, 1870.  
President's order April 12.  
Letter of transmittal " 13.)



H. Bethold, A 567 (49)  
J. 1155-20

W. 75. A. 1869  
"Am. An. 1869"



1663 in case of

St. Louis River

Proposed line of Reservation



A 567

Sketch of  
Proposed Reservations  
for  
Arikara, Mandan  
and  
Gros Ventre Indians

(Report of 1869)  
Report to Sec. of War, dated 2/18/69  
Reservations of the Arikara,  
Mandan and Gros Ventre Indians



Indian

Department of the Interior.

Washington, D.C. April 13th 1870.

Sir:

I return, herewith, the papers communicated to the Department, in your letter of the 2nd instant, on the subject of a Reservation selected by Captain Mainwright, 2nd Infantry, commanding Fort Stevenson, for the Arickarees, Gros Ventres and Mandans.

The ~~same~~ was laid before the President on the 12th instant, and I now enclose his order, of same date, setting apart the reservation referred to

The Commissioner  
of Indian Affairs



to, in accordance with the recom-  
mendation of the Department.

You will take the necessary  
action to carry the order into effect.

Very respectfully,  
Your obedient servant,  
J. N. Cox.  
Secretary.



Ex. Ord. April. 12. 1870.

H. Berthold 1155-70  
Interior Department A. 567 69

April 13. 1870.

Returns papers submitted with  
Office report of 2d Dist., rel. to  
setting apart reservation for Arickarees,  
Gros Ventres & Mandans, as per letter  
of Capt. Mannwright, Andg. St. Heronson,  
with order of President for setting  
apart said reservation.

See letter to Adjut. General U.S.A.,  
with enclosures, April 19. 1870.

Came to Commr. Genl. Land Office  
April 19. 1870.

(Spec. File "E.")

Land attend 9/45





Indian  
Department of the Interior.

Washington, D.C. April 12<sup>th</sup> 1870.

Sir:

I have the honor, herewith, to lay before you a communication, dated the 2nd instant, from the Com'nr of Indian Affairs, together, with the accompanying papers, reporting the selection, by Captain Vainwright, 2<sup>d</sup> Infantry, of a reservation for the Arickance, Gros Ventre and Mandan Indians, and respectfully recommend that the lands, included within the boundary lines of said Reserve, be set apart for those Indians by Executive order, as indicated in the enclosed Diagram of the same.

To the President,



Department of the Interior

Same.

I have the honor to be, Sir,

Your obedient servant,

J. S. Brown  
Secretary

Let the lands indicated in the accompanying diagram, be set apart as a Reservation for the Arickaree, Gros Ventre and Mandan Indians, as recommended in the letter of the Secretary of the Interior, of the 12th instant.

Washington D.C. 7  
April 17 1870. 2  
J. S. Brown



(H Berthold) 1155-70

(Ex. Order hereon)



U.S. CONGRESS  
No 2 Fort Stevenson.

September 23<sup>rd</sup> 1869

Brig. Genl. O. S. Greene

Adjt. Genl. Dept. of Dakota

St. Paul. Minn

Sir

I have the honor to report that I have consulted the best guides and obtained all available information in addition to my own examination as far as it was practicable in regard to a reservation for the Arickaree, Gros Ventre and Mandan Indians.

I had an interview with the Chiefs of the three tribes, and read the communication from the Commissioner of Indian Affairs forwarded to me from the Commanding General of the



Department, with which they seemed  
much pleased, I proposed to them  
the following reservation with which  
they were satisfied

\*  
e note

\* From a point on the Missouri  
River four miles <sup>\*</sup> above the Indian  
village (Berthold), in a N.E. direction  
three miles, (so as to include the wood  
and grazing around the village), from  
this point a line running so as to  
strike the Missouri River at the junction  
<sup>Little</sup> of Knife River with it, thence along  
the left bank of the Missouri River to  
the mouth of the Yellowstone River,  
along the south bank of the Yellowstone  
River to the Powder River up the Powder  
River to where the Little Powder River  
unites with it, thence in a direct line  
across to the starting point, four miles



are given as the boundaries of a reservation for the Gros Ventres, Arickaras and Mandans, viz:—

Commencing at the mouth of Horse River:—thence up the Missouri to the mouth of Yellowstone River:—thence up the Yellowstone to the mouth of Powder river; thence south east to the headwaters of the Little Missouri river; thence along the Black Hills to the head of Horse River; and down said river to the place of beginning.

A treaty was concluded with these Indians at Fort Berthold July 27<sup>th</sup> 1866—This makes no provision in regard to a reservation. The Indians, parties to the same, grant to the United States the right to lay out and construct "roads, highways and telegraphs through their country" and "they cede to the United States their right and title" to the following lands "situated on the North East side of

9



1663 Mo also 2069

" the Missouri River, to-wit: Beginning on  
 " the Missouri river, at the mouth of Snake  
 " river, about thirty miles below Fort Berthold  
 " thence up Snake river in a north-east  
 " direction twenty five miles; thence south-  
 " wardly parallel to the Missouri River  
 " to a point opposite and twenty five  
 " miles east of old Ft. Clarke, thence west  
 " to a point on the Missouri river, <sup>opposite to old Ft. Clarke, thence</sup> to the  
 " place of beginning"

This treaty has never been rat-  
 -ified, but appropriations have been  
 made by Congress in accordance with  
 its provisions.

There are no treaty stipulations  
 with these Indians, relative to a reser-  
 -vation for them, which have been ratified.

Very Respectfully  
 Your Obedient Servant

*A true copy*  
 R. Chandler. (sgd) E. Parker  
*acty assi ad...* Commissioner

Major General Winfield Hancock  
 Commanding Department of Dakota  
 Saint Paul, Minnesota 10

Copy of  
 1663 Mo also 2069  
 up the Missouri river



*Copy*

Department of the Interior  
Office of Indian Affairs  
Washington D.C. August 16<sup>th</sup> 1869

General,

This office has been furnished by  
direction of Lieutenant General Sheridan,  
with a copy of a letter, dated near Fort  
Pine, D.T. July 21<sup>st</sup> 1869, addressed by you  
to Brevet Major General Geo. S. Washburn,  
Assistant Adjutant General, Military  
Division of the Missouri, relative to the  
Arickarces, Gros Ventre, and Mandan Indians  
in which you state,

\* \* \* \* \*

" They also complain that whites  
" come on their land at Berchob and  
" cut wood for sale to steamboats. They  
" want this stopped. They are willing that  
" boats should go and cut all they want  
" but do not want strangers to come and  
" sell their wood, while they are starving

7



"They want to cut and see it themselves"  
and that you said to them "that in  
"regard to their wood I (you) did not  
"know whether they had a reservation  
"or not" and you further say:-

x x x "I have instructed the Command-  
"ing Officer at Stevenson to examine the  
"country about Birchbush and to recom-  
"mend what portion should be set off for  
"them. His report I will forward when re-  
"ceived. I think they should have a  
"reservation sufficiently large for them  
"to cultivate, to procure fuel and hunt  
"on, if possible without encroaching too  
"much on the public lands."

Relative to this subject I  
have the honor to state as follows for  
your information, viz.

By the treaty concluded at Fort  
Sarassee October 17<sup>th</sup> 1801, which was not  
ratified, but was amended by the Senate  
and the stipulations as amended ful-  
-filled by the Government the following



" this stopped. They are willing that boats should  
 " go and cut all they want, but do not want strangers  
 " to come and sell their wood, while they are starving  
 " they want to cut and sell it themselves."

General Hancock further states in the letter above referred to, that he did not know, whether those Indians had a reservation or not and that he has instructed the Commanding officer at Ft. Stevenson, to examine the country about Berthold and to recommend what portions should be set off for them.

By letter dated Aug. 16. last, General Hancock was informed by this office that by the treaty concluded at Fort Laramie Oct. 17. 1857, which was not ratified, but was amended by the Senate and the stipulations as amended fulfilled by the Government, the following are given as the boundaries of a reservation for the Gros. Ventros, Arickaras and Mandans, viz: commencing at the mouth of Heart river; - thence up the Missouri to the mouth of Yellowstone river, thence up the Yellowstone to the mouth of Powder river, thence south east to the head waters of the Little Missouri river, thence along the Black Hills to the head of Heart river and down said river to the place of beginning.

A subsequent treaty was concluded



with these Indians at Fort Berthold July 27. 1866 - This makes no provision in regard to a reservation. The Indians, parties to the same, grant to the United States the right to lay out and construct roads, highways, and telegraph through "their country" and they cede to the United States "their right and title to the following lands situated on the North East side of the Missouri river to wit: Beginning on the Missouri river, at the mouth of Snake river, about thirty miles below Fort Berthold, thence up Snake river in a north east direction twenty five miles, thence southwardly parallel to the Missouri river to a point opposite and twenty five miles east of old Fort Clarke, thence west to a point on the Missouri river opposite the old Fort Clarke, thence up the Missouri river to the place of beginning"

This treaty has never been ratified, but appropriations have been made by Congress in accordance with its provisions. There are no treaty stipulations with these Indians relative to a reservation for them, which have been ratified.

It is proper here to state, that the reservation as proposed by Capt. Wainwright is a part of the country belonging to the



Arickaree Gros Ventre and Mandan Indians  
 according to the agreement of Fort Laramie  
 with the addition of a strip of land east  
 of the Missouri river from Fort Berthold  
 Indian Village to the mouth of Little Knife  
 river as shown by the enclosed diagram  
 and I therefore respectfully recommend that  
 an order of the Executive may be issued,  
 directing the setting apart of a reservation  
 for said Indians as proposed

Very Respectfully  
 your obt. servant  
 (signed) E. S. Parker  
 Commissioner

Leon J. D. Cox  
 Secretary of the Interior.



with J. 1155-70.  
74 Berthel D.



6-18-26

Treaty of Oct. 1, 1861 referred to  
must be a mistake, an ex  
haustive search of the records  
fails to divulge any such treaty

Simpson



St. Berthold as by  
Capt. Genl. W. S. A.  
(See J. 1 Dec 11 '69  
(Ex. Ord. file))

Forwards letter by  
Capt. S. C. Wainwright  
relating to his selec-  
tion of a Decoration  
for the Comanches,  
Garo Mentez and  
Manlan Indians,  
with endorsements  
and enclosures

Rec'd Dec 24 '69  
See report to Secretary  
April 2<sup>nd</sup> 1870.

and 9/208



April 12, 1870

Fort Berthold  
J-1155/70

Encl. of 4/13/70

11 pieces

( )  
Fort Berthold Res'n

Arickarees, Gros  
Ventre, and Mandan