2-18-1861

Treaty of Fort Wise, 1861

United States Government

Publication Statement
Original scans are housed at the National Archives.

Abraham Lincoln,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty was made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the hereinafter named Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized thereto by said tribes, which treaty is in the words and figures following, to wit:

Sealed

Articles of Agreement and Convention, made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord, one thousand eight hundred and sixty one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, viz:

Little Raven, Storm, Shave Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Name, (on the part of the Cheyennes.)

they being thereto duly authorized by said confederated tribes of Indians.

Article 1st. The said Chiefs and Delegates of said Arapahoe and Cheyenne tribes of Indians, do hereby cede and relinquish to the United States, all the lands now owned,

Penman

possessed or claimed by them, wherever situated except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas River, and extending, westwardly; along the said river to the mouth of Purgatory River; thence along up the west bank of the Purgatory river, to the northern boundary of the territory of New Mexico; thence west, along said boundary, to a point where a line drawn due South, from a point on the Arkansas River - five miles East of the mouth of the Huerfano River, - would intersect said northern boundary of New Mexico; thence due North, from that point on said boundary, to the Sandy Fork, to the place of beginning.

The Arapahoes and Cheyennes, being desirous of promoting settled habits of industry and enterprise amongst themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof, in severally, to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the tract of country, contained within the boundary above described, shall be set apart and retained by them for the purposes aforesaid.

According to an understanding among themselves, it is hereby agreed between the United States and the said tribes, that the said Reservation shall be surveyed and divided by a

Dash

line to be run due north from a point, on the southern boundary of New Mexico, fifteen miles west of the Purgatory River, and extending to the Sandy Fork of the Arkansas River, which said line shall establish the Eastern boundary of that portion of the Reservation to be hereafter occupied by the Cheyennes, and the Western boundary of that portion of said Reservation to be hereafter occupied by the Arapahoes.

Article 2nd: Out of the lands, so set apart and retained, there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of forty acres, to include, in every case, as far as practicable, a reasonable portion of timber and water; one hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the Agent, for the time being, of said tribes; and one hundred and sixty acres shall also be reserved, out of each division of the retained tract, for the establishment and support of schools for the education of the youth of the tribes. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible and so as to admit of a distinct and well defined exterior boundary, embracing the whole of them, and, any intermediate portions or parcels of land or water, not included in or made part of the tracts assigned in severalty.

Reading

All such intermediate parcels of land and water, shall be owned, in common, by the tribe occupying that portion of the reservation within the limits of which, said parcels of land and water may be included: but, in case of increase in the tribe, or other cause, rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute, and be known as, the Reservation of the Arapahoes and Cheyennes of the Upper Arkansas, and all laws which have been or may be passed by the Congress of the United States regulating trade and intercourse with Indian tribes shall have full force and effect over the same, and no white person, except as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation, without the written permission of the Superintendent of the Central Superintendency, or of the Agent of the tribes.

Article 3rd: The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose, shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon

Hall

shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the respective bands of Arapahoes and Cheyennes and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale or forfeiture, until otherwise provided by Congress. Prior to the issue of the Certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

Article 4th. In consideration of the foregoing cession, relinquishment and agreements and for the purpose of establishing the Arapahoes

and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes, in the quiet and peaceable possession of the said tract of land so reserved for their future home, and also their persons and property thereon during good behavior on their part. 2nd. To pay to them, or expend for their benefit, the sum of thirty thousand dollars per annum, for fifteen years; that is to say, fifteen thousand dollars per annum, for each tribe, for that number of years, commencing with the year in which they shall remove to and settle and reside upon, their said reservation - making four hundred and fifty thousand dollars, in annuities in the period of fifteen years, of which sums, the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what objects such expenditures shall be made, due regard being had, in making such determination, to the best interests of said Indians. He shall, likewise, exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm, and helpless orphans of the said Indians.

Their annuities may, at the discretion of the President of the United States, be discontinued

Shedah

entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition, in which case, such other provision shall be made for them as the President and Congress may judge to be suitable and proper.

3rd: It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals &c. referred to in this article, as also the cost and expense of breaking up and fencing land; building houses, store houses or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of four hundred and fifty thousand dollars to be paid to or expended for the benefit of the Arapahoes and Cheyennes, as annuities.

Article 5th: To provide the said Indians with a mill, suitable for sawing timber and grinding grain, one or more mechanic shops with necessary tools for the same, and dwelling houses for an Interpreter, Miller, Engineer for the mill, (if one be necessary) Farmers and the Mechanics that may be employed for their benefit, the United States agree to expend, therefor, a sum not exceeding five thousand dollars, per annum for five years; and it is agreed that all articles of goods and provisions, stock, implements, lumber machinery &c, referred to in this treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of the United States.

Spur

Article 6th: The Arapahoes and Cheyennes, of the Upper Arkansas, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for, respecting their improvement and civilization, and to that end, to induce all that are now separated, to rejoin and reunite with them. It is therefore agreed that as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement, and its advantages, and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for that purpose: Provided, however, That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

Article 7th: Should any further aid, from time to time, be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties, or articles of agreement and convention, and so much of said moneys as may

Miles

be required to furnish them further aid as aforesaid, shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress shall have full power to modify or change any of the provisions of former treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

Article 8th: All the expenses connected with and incident to the making of this agreement and the carrying out its provisions, shall be defrayed by the United States, except as otherwise herein provided.

Article 9th: It is agreed that all roads and highways laid out by authority of law shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States.

Article 10th: It is also agreed by the United States, that the annuities now paid to the Arapahoes and Cheyennes under existing treaties or articles of agreement and convention,

shall be continued to them, until the stipulations of said treaties, or articles of agreement and convention, relating to such annuities shall be fulfilled.

Brooks.

Article 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes, by the citizens of Denver City, and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government, to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and twenty five cents per acre.

Article 12th. This instrument shall be obligatory on the contracting parties, whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof the said Commissioner as aforesaid, and the said chiefs and delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

A. G. Boone U S Indn Agt & Commissioner
G. P. Culver Commr, Supert, Dept

(Over)

On the part of the Arapahoes

Ho-ha-ca-che	his × mark	or Little Raven
Ac-ker-ba-the	his × mark	or Storm
Che-ne-na-ete	his × mark	Shave Head
Na-na-sa-te	his × mark	Big Mouth

On the part of the Cheyennes

Mo-ta-va-to	his × mark	Black Kettle
Bo-ki-vokumast	his × mark	White Antelope
Ave-na-co	his × mark	Lean Bear
One-a-ha-ket	his × mark	Little Wolf
Na-ko-hais-tah	his × mark	Tall Bear
A-am-a-na-co	his × mark	Left Hand, or Namos

Robt. Wilson U.S. Interpreter
Robert Bent U.S. Interpreter
Witness to the signature
John S. Smith
Major Cavalry
R. P. Dawson Jr.
[illegible]

Fullerton

15

J. E. B. Stuart
1st Lt. 1st Cavalry

John White,
Clerk to the Indian signatures

PS

And it is further understood before signing the above Treaty that it was the particular request and wish of the Chiefs and Counsellors in General Convention in consideration of Robert Bent being one of their half breed tribe that he should have as a gift from the Nation Six Hundred & forty Acres of Land covering the Valey and what is called the Sulpher Spring laying on the North Side of the Arkansas River and about five miles below the Pawnee Hills and they wish the Genl Government to recognize and confirm the same

And that Jack Smith son of John S Smith who is also a half Breed of said Nation shall have Six Hundred and forty Acres of Land laying Seven miles above Bents old Fort on the North side of the Arkansas River including the Valey and point of Rock and respectfully recommend the Genl Govt to confirm ~~and~~ recognize the same

A G Boone Com & Ind Agt.

J. P. Culver
Comm & Spec Agent

all

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with an amendment, in the words and figures following, to wit:

In Executive Session

Senate of the U. S.
Aug 6th 1861.

Resolved (Two-thirds of the Senators present concurring) that the Senate advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Fort Wise, in the Territory of Kansas on the eighteenth day of February in the year of our Lord one thousand eight hundred and Sixty one, by and between Albert G. Boon and F. B. Culver, commissioners, on the part of the United States, and the following named Chiefs and Delegates, representing the Confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, Viz: Little Raven, Storm, Shave Head, and Big Mouth, (on the part of the Arapahoes) and Black Kettle, White Antelope, Lean-Bear, Little Wolf, Tall Bear, and Left Hand or Namos, (on the part of the Cheyennes) they being thereto duly authorized by said Confederated tribes of Indians, with the following

Amendment Viz:

Strike out the Eleventh Article in the following words.

"Art. 11.- In consideration of the kind treatment of the Arapahoes and Cheyennes by the Citizens of Denver City and the adjacent towns they respectfully request that the proprietors of said City and adjacent towns, be permitted by the United

States Government to enter a sufficient quantity of land to include said City and towns, at the minimum price of One dollar and twenty five cents per acre")

Attest

S. H. Forney.

Secretary.

And whereas the foregoing amendments having been fully interpreted and explained to the Cheifs and delegates of the Confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River in full Council Assembled on the [twenty-ninth day of October, one thousand eight hundred and sixty-one,] they did thereunto give their free and voluntary assent in the words and figures following, to wit:

We the undersigned Chiefs, Councilors head-men and delegates, representing the Confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River on behalf of said tribes now in full Council assembled having had fully explained to us the Amendment made on the 6th day of August 1861. by the Senate of the United States, to the treaty made and concluded on the eighteenth day of February in the year of our Lord, One thousand eight hundred and sixty one, by and between Albert G. Boon and F. B. Culver, Com=missioners, on the part of the United States And the following named Cheifs, Councilors and head-men of the Arapahoe and Cheyenne Confederated tribes of Indians,

viz: Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes) And Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand or Namos (on the part of the Cheyennes) they being thereto duly authorized by said Confederated tribes of Indians; which amendment is in the following words, Viz:

Strike out the Eleventh Article in the following words:—

("Art. 11.— In consideration of the kind treatment of the Arapahoes and Cheyennes by the Citizens of Denver City and the adjacent towns, they respectfully request that the proprietors of said City and ajacent towns be permitted by the United States Government to enter a sufficient quantity of land to include said City and towns, at the minimum price of one dollar and twenty five cents per acre.")

In testimony whereof, we have hereunto set our hands and affixed our seals this 29th day of October 1861

Signed

Witness, &c

On the part of the Arapahos

Als Boone agt Pe & Commissioner

Wm Otis Capt 4th Inf

J. M. Warner 2d Lieut 8th Inf

John H. Janeway Asst. Surg. U.S.A.

John S. Smith U. S. Interpreter

Ho-ha ca che	his + mark +	or Little Raven
Ae-ker ba the	his + mark +	or Storm
Che-ne na ste	his + mark	or Shave Head
Ma-na ca te	his + mark	or Big Mouth
(On the part of the Cheyennes)		
Me-tu-ra-to	his + mark	or Black Kettle
Vo-ski-vo-kamast.	his + mark	or White Antelope
Aov-na co	his + mark	or Lean Bear
Ohi-a-ha ket	his + mark	or Little Wolf
Na-ko hars tule	his + mark	or Tall Bear
Ans-a-na co	his + mark	or Left Hand or Namos.

Copy E 914

Amendment to Indian Treaty

Arapahoe &
Cheyenne

Aug 6th 1861.

Now, therefore, be it Known that I, Abraham Lincoln, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of August, one thousand eight hundred and sixty-one, accept, ratify, and confirm said Treaty, with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this 5th day of December, in the year of our Lord one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-sixth.

Abraham Lincoln

By the President:

William H. Seward,

Department of State,
Washington, August 12th 1861.

William P. Dole, Esq.
Commissioner of Indian Affairs.

Sir,

The enclosed "Articles of Agreement and Convention" between the United States and the Confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas River, and the ratification thereof by the Senate, with an amendment, striking out the eleventh article, has been sent to this Department by the Secretary of the Senate. But as it does not appear from the face of the paper that the amendment referred to,has been agreed to by the Indian tribes concerned, through their proper representatives, it is herewith sent to the Indian Office, in order that that requisite may be complied with.

I am, Sir,
Your obedient servant,
Frederic W. Seward
Assistant Secretary

#315.

Miscellaneous Letters - December 1861.

Recd 4. Decr.

Department of the Interior,

December 4th 1861.

Sir,

The Senate, at its last session, on the 6th August 1861, ratified the articles of agreement and convention between the U. States and the confederate tribes of Arapahoe and Cheyenne Indians, of the Upper Arkansas, with an amendment thereto, which amendment has been assented to by the said Indians, in due form, and transmitted to this Department by the Commissioner of Indian Affairs.

I have the honor to transmit, herewith, the Treaty, and Amendment thereto, with a view to the proclamation of the same.

I am Sir, Very respectfully,

Your Obt: Servant,

Caleb B Smith

Secretary.

Hon: Wm. H. Seward,

Secretary of State.

Miscellaneous Letters - April 1862.

Rec^{d} April 1.

Department of the Interior
Office Indian Affairs
April 1st 1862.

Sir.

In compliance with your request of this date, I transmit herewith six copies of the Treaty between the U. S. and the Arrapahoe and Cheyenne Indians of 18th February 1861, proclaimed last December

Very respectfully
Your Obtd. Servt.
Charles E. Mix,
Chief Clerk

W. Hunter Esq.
Chief Clerk
State Department.

#315.

Department of State,

Washington April 1, 1862.

Charles E. Mix, Esq.,

Chief Clerk, Indian Office.

Sir:

I request that you will be so good as to send, for the use of this Department, half a dozen copies of the Treaty between the United States and the Araphoe and Cheyenne Indians, of 18th February, 1861, proclaimed last December.

I am, Sir, your obedient servant,

W. Hunter, Chief Clerk.

#315.

ARTICLE 1st. The said Chiefs and Delegates of said Arapahoe and Cheyenne tribes of Indians, do hereby cede and relinquish to the United States, all the lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas river, and extending, westwardly; along the said river to the mouth of Purgatory river; thence along up the west bank of the Purgatory river, to the northern boundary of the Territory of New Mexico; thence west, along said boundary, to a point where a line drawn due south, from a point on the Arkansas river, five miles east of the mouth of the Huerfano river, would intersect said northern boundary of New Mexico, thence due north from that point on said boundary, to the Sandy Fork, to the place of beginning.

as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land

rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE 4th. In consideration of the

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

ARAPAHOE AND CHEYENNE INDIANS

OF THE

UPPER ARKANSAS RIVER.

CONCLUDED FEBRUARY 18, 1861.

RATIFIED, WITH AMENDMENT, AUGUST 6, 1861.

AMENDMENT ACCEPTED OCTOBER 29, 1861.

PROCLAIMED DECEMBER 5, 1861.

ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the hereinafter-named Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized thereto by said tribes, which treaty is in the words and figures following, to wit:

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ARTICLE 1st. The said Chiefs and Delegates of said Arapahoe and Cheyenne tribes of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas river and extending westwardly along the said river to the mouth of Purgatory river; thence along up the west bank of the Purgatory river to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas river, five miles east of the mouth of the Huerfano river, would intersect said northern boundary of New Mexico; thence due north from that point on said boundary to the Sandy Fork to the place of beginning.

The Arapahoes and Cheyennes, being desirous of promoting settled habits of industry and enterprise amongst themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the tract of country contained within the boundary above described shall be set apart and retained by them for the purposes aforesaid.

According to an understanding among themselves, it is hereby agreed between the United States and the said tribes

that the said reservation shall be surveyed and divided by a line to be run due north from a point on the northern boundary of New Mexico, fifteen miles west of the Purgatory river, and extending to the Sandy Fork of the Arkansas river, which said line shall establish the eastern boundary of that portion of the reservation, to be hereafter occupied by the Cheyennes, and the western boundary of that portion of said reservation to be hereafter occupied by the Arapahoes.

ARTICLE 2d. Out of the lands so set apart and retained there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of forty acres, to include in every case, as far as practicable, a reasonable portion of timber and water; one hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent, for the time being, of said tribes; and one hundred and sixty acres shall also be reserved out of each division of the retained tract for the establishment and support of schools for the education of the youth of the tribes. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned in common by the tribe occupying that portion of the reservation within the limits of which said parcels of land and water may be included; but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute and be known as the Reservation of the Arapahoes and Cheyennes of the Upper Arkansas; and all laws which have been or may be passed by the Congress of the United States regulating trade and intercourse with Indian tribes shall have full force and effect over the same, and no white person, except as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of the central superintendency, or of the agent of the tribes.

ARTICLE 3d. The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tract shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the respective bands of Arapahoes and Cheyennes, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE 4th. In consideration of the

foregoing cession, relinquishment, and agreements, and for the purpose of establishing the Arapahoes and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes in the quiet and peaceable possession of the said tract of land so reserved for their future home, and also their persons and property thereon, during good behavior on their part. 2d. To pay to them, or expend for their benefit, the sum of thirty thousand dollars per annum for fifteen years; that is to say, fifteen thousand dollars per annum for each tribe for that number of years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; making four hundred and fifty thousand dollars in annuities in the period of fifteen years, of which sums the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what objects such expenditures shall be made, due regard being had, in making such determination, to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. Their annuities may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper. 3d. It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals, &c., referred to in this article, as also the cost and expense of breaking up and fencing land, building houses, storehouses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of four hundred and fifty thousand dollars, to be paid to or expended for the benefit of the Arapahoes and Cheyennes as annuities.

ARTICLE 5th. To provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling houses for an interpreter, miller, engineer for the mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, the United States agree to expend therefor a sum not exceeding five thousand dollars per annum for five years; and it is agreed that all articles of goods and provisions, stock, implements, lumber, machinery, &c., referred to in this treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of the United States.

ARTICLE 6th. The Arapahoes and Cheyennes of the Upper Arkansas, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages; and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for that purpose: *Provided, however*, That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

ARTICLE 7th. Should any further aid from time to time be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties or articles of agreement and convention, and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

ARTICLE 8th. All the expenses connected with and incident to the making of this agreement and the carrying out its provisions shall be defrayed by the United States, except as otherwise herein provided.

ARTICLE 9th. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States.

ARTICLE 10th. It is also agreed by the United States that the annuities now paid to the Arapahoes and Cheyennes, under existing treaties or articles of agreement and convention, shall be continued to them until the stipulations of said treaties or articles of agreement and convention relating to such annuities shall be fulfilled.

ARTICLE 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre.

ARTICLE 12th. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Commissioner[s] as aforesaid, and the said Chiefs and Delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

A. G. BOONE,
U. S. Ind. Agt. and Commissioner.
F. B. CULVER,
Comr. and Specl. Agt.

On the part of the Arapahoes.

HO-HA-CA-CHE,	his x mark,	or Little Raven.
AC-KER-BA-THE,	his x mark,	or Storm.
CHE-NE-NA-E-TE,	his x mark,	Shave-Head.
MA-NA-CA-TE,	his x mark,	Big Mouth.

On the part of the Cheyennes.

MO-TA-VA-TO,	his x mark,	Black Kettle.
VO-KI-VOKAMAST,	his x mark,	White Antelope.

AVO-NA-CO,	his x mark,	Lean Bear.
O-NE-A-HA-KET,	his x mark,	Little Wolf.
NA-KO-HAIS-TAH,	his x mark,	Tall Bear.
A-AM-A-NA-CO,	his x mark,	Left Hand, or Namos.

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

Witnesses to the signatures:

JOHN SEDGWICK, *Major of Cavalry.*
R. RANSOM, jr., *Lt. of Cavalry.*
J. E. B. STUART, *1st Lt. 1st Cavalry.*
JOHN WHITE, *Clerk to the Indian signatures.*

P. S. And it is further understood, before signing the above treaty, that it was the particular request and wish of the Chiefs and Councillors in general convention, in consideration of Robert Bent being one of their half-breed tribe, that he should have, as a gift from the nation, six hundred and forty acres of land, covering the valley and what is called the Sulphur Spring, lying on the north side of the Arkansas river and about five miles below the Pawnee Hills, and they wish the general government to recognise and confirm the same; and that Jack Smith, son of John S. Smith, who is also a half-breed of said nation, shall have six hundred and forty acres of land, lying seven miles above Bent's Old Fort, on the north side of the Arkansas river, including the valley and point of rock, and respectfully recommend the general government to confirm and recognise the same.

A. G. BOONE,
Com. and Ind. Agt.
F. B. CULVER,
Comr. and Specl. Agt.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE U. S.,
August 6, 1861.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, viz: Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians, with the following amendment, viz:

Strike out the eleventh article, in the following words :

"ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and twenty-five cents per acre."

Attest : J. W. FORNEY, *Secretary*.

And whereas, the foregoing amendment having been fully interpreted and explained to the Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, in full council assembled, on the [twenty-ninth day of October, one thousand eight hundred and sixty-one,] they did thereunto give their free and voluntary assent in the words and figures following, to wit:

We, the undersigned Chiefs, Councillors, Head Men, and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, on behalf of said tribes, now in full council assembled, having had fully explained to us the amendment made on the 6th day of August, 1861, by the Senate of the United States, to the treaty made and concluded on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs, Councillors, and Head Men of the Arapahoe and Cheyenne confederated tribes of Indians, viz : Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians ; which amendment is in the following words, viz :

Strike out the eleventh article, in the following words :

"ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States Government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre."

In testimony whereof, we have hereunto set our hands and affixed our seals this 29th day of October, 1861.

Signed on the part of the Arapahoes.

HO-HA-CA-CHE,	his x mark, or Little Raven.
AC-KER-BA-THE,	his x mark, or Storm.
CHE-NE-NA-ETE,	his x mark, or Shave-Head.
MA-NA-CA-TE,	his x mark, or Big Mouth.

On the part of the Cheyennes.

ME-TU-RA-TO,	his x mark, or Black Kettle.
VO-KI-ROKAMAST,	his x mark, or White Antelope.

AVO-NACO,	his x mark, or Lean Bear.
OHI-A-HA-KET,	his x mark, or Little Wolf.
NA-KO-HARSTULE,	his x mark, or Tall Bear.
HANO-A-NA-CO,	his x mark, or Left Hand, or Namos.

Witness :

A. G. Boone, *Agt., &c., and Commissioner.*
Elmer Otis, *Capt. 4th Cav., Comdg.*
J. M. Warren, *2d Lieut., 8th Inf.*
John H. Janeway, *Asst. Surg., U. S. A.*
John S. Smith, *U. S. Interpreter.*

Now, therefore, be it known that I, Abraham Lincoln, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of August, one thousand eight hundred and sixty-one, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this fifth day of December, in the year of our Lord, one thousand eight hundred and sixty-one, and of the Independence of the United States the eighty-sixth.

[L. S.]

ABRAHAM LINCOLN.

By the President:

William H. Seward, *Secretary of State.*