

THE RELATIONS BETWEEN THE UNITED STATES GOVERNMENT  
AND THE TETON SIOUX INDIANS FROM 1868-1890

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AND THE TETON SIOUX INDIANS FROM 1868-1890

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## PREFACE

In preparing this thesis an effort has been made to discover the facts pertaining to the relations that existed between the United States government and the Teton Sioux Indians from the period of the great westward migration in 1868 to their eventual subjugation and settlement on comparatively small reservations in 1889.

The Teton Indians were the most powerful and possibly the most warlike of any tribe west of the Mississippi River. Many pages of American history are filled with accounts concerning the conquest of the country inhabited by these Indians. In this work the subject has been treated with the idea of discovering the viewpoint of the Teton Indians, and the basic points of friction between them and the advancing line of civilization.

In the onward march of civilization it was inevitable that a nation of people as large as the Teton group should be forced to give way, and also that their subjugation could not be brought about without much strife and suffering on the part of the contending parties. The aim has been to develop an accurate and unbiased account of events as they transpired in this titantic struggle that developed as these two civilizations came to grips in a life and death struggle for existence.

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## INTRODUCTION

In preparing this work the purpose has been to present an impartial account of the relations which existed between the Teton Sioux Indians and the United States government during the period from 1868 to 1890. No attempt has been made to argue either side of the case; rather a presentation of the facts as contained in authentic records has been the sole objective.

A series of treaties was signed in 1868 with the Teton and other Plains Indians in an effort to terminate the bloody wars which had been in progress since the heavy westward migration had begun. The plan as carried out in treating the subject was, first, to outline briefly the development of the governmental policy in handling Indian problems to 1868, in order that a better understanding of the relations with the Indians from 1868 to 1890 might be had; second, to review the causes of trouble with the Teton Sioux immediately preceding the treaty of 1868, and to trace the activities of both parties to the treaties in pursuance of treaty provisions up to the period of the Black Hills War; and, third, to deal with the Teton's part in the war, trace provisions of settlement, and show the progress of the Tetons under government supervision through the allotment period to 1890.

The development of the topic has been on a chronological basis. An effort has been made to proceed from

cause to effect in logical sequence in treating the relations which existed between a highly specialized government on the one hand and the untutored Indian on the other. Every effort has been made to arrive at the truth by consulting available original records such as American State Papers, "Indian Affairs," House and Senate Documents; United States Statutes at Large; Kappler's Indian Affairs, Laws and Treaties; Annual Reports of the Commissioner of Indian Affairs; Annual Reports of the Board of Indian Commissioners; Record of Engagements With the Hostile Indians Within the Military Division of the Missouri from 1868 to 1882; Report of the Commission Appointed to Investigate Red Cloud Agency; and special works such as the Personal Memoirs of Nelson A. Miles; Memoirs of William T. Sherman; and the writings by others who were contemporary to this period.

## CHAPTER I

### THE DEVELOPMENT OF THE INDIAN POLICY TO 1868

The relationship of the United States to the Indian had its beginning in colonial times. When the European arrived he was confronted with the problem of successfully dealing with the Red Men. This problem was rendered more difficult because it was a conflict of two radically different civilizations. Consequently there developed a conflict of the nature that inevitably comes when a stronger civilization is brought into contact with a weaker and primitive but warlike people.<sup>1</sup>

The colonists, being so scattered in their settlements, found it necessary to live peaceably with the Indians, or to provide adequate defense for the outlying colonial settlements.<sup>2</sup>

The government not only had the problem of protecting the whites against Indian attacks, but one of protecting the Indians and their hunting grounds from white encroachments.<sup>3</sup> The idea of protecting the Indians originated partly

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<sup>1</sup>Clarence Walworth Alvord, "British Occupation of the Illinois Country, 1763-1765," in Illinois Historical Collection, X, xxxix; P. L. Haworth, The United States in Our Times, 1865-1920, 102.

<sup>2</sup>Alvord, op. cit., xxxvi; L. Farrand, Basis of American History, 134.

<sup>3</sup>George Manypenny, Our Indian Wards, 15; Clarence Walworth Alvord, The Illinois Country, 1763-1818, I, 250.



from a selfish motive, since good relations with the Indians were necessary for profitable trade.<sup>4</sup> The earliest practices of the English colonists in dealing with the Indians had been to make treaties with them as individual nations, to purchase their lands, and to encourage them to move west.<sup>5</sup>

About the time of the French and Indian War there developed the idea of transferring the management of Indian affairs from the colonies to the control of the central government or to the Crown.<sup>6</sup> In 1755 the government took over the political control of the Indian and appointed two superintendents to have charge of the different nations.<sup>7</sup> In 1761 the purchase of Indian lands was taken out of the hands of the colonists and placed under the control of the central government.<sup>8</sup>

In 1763 the King of England issued a Royal Proclamation to safeguard the Indian lands from encroachments by the whites.<sup>9</sup> The proclamation declared the unorganized territory between the Allegheny Mountains and the Miss-

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<sup>4</sup>Manypenny, op. cit., 33; Alvord, "British Occupation of the Illinois Country, 1763-1765," Illinois Historical Collection, I, 36.

<sup>5</sup>Manypenny, op. cit., 42-43; Alvord, The Illinois Country, I, 247.

<sup>6</sup>Manypenny, op. cit., 41, 44.

<sup>7</sup>Ibid., 40-42.

<sup>8</sup>C. E. Carter, "Observations of John Stuart," American Historical Review, XX, 815.

<sup>9</sup>William MacDonald, Documentary Source Book of American History, 116; Alvord, "British Occupation of the Illinois Country, 1763-1765," Illinois Historical Collection, X, xxxviii.

issippi River was to be reserved for the Indian. No land grants were to be given to the white settlers, but licenses for trading with the Indian could be obtained.<sup>10</sup>

North America was to be divided into two districts, the Ohio being the dividing line between the two.<sup>11</sup> Each district was under the control of an agent or superintendent appointed by the King. The superintendent for the northern district was to have three deputies to assist in the administration of Indian affairs, and the southern district only two. There was also appointed by the king a commissary, an interpreter, and a smith, to act under the orders of the superintendent in each district.<sup>12</sup> The agents or superintendents were to conduct all public affairs relative to the Indians; to supervise Indian trade; to visit Indian posts once a year inquiring into conditions there; and to work in any way, without outside interference, to keep peace with the Indians.<sup>13</sup> These superintendents, in reality, exercised no authority over the Indians, but acted only as ambassadors.

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<sup>10</sup>Clarence Walworth Alvord, "Genesis of the Proclamation of 1763," Michigan Historical Collection, XXXVI, 20 ff; William MacDonald, Documentary Source Book of American History, 116.

<sup>11</sup>Loc. cit.; Alvord, The Illinois Country, I, 256.

<sup>12</sup>"Dabbadie to the Minister, June 29, 1764," Illinois Historical Collection, X, 271, footnote 1; Alvord, The Illinois Country, I, 252, 256.

<sup>13</sup>Ibid., 255, 257; "Plan for Imperial Control of Indian Affairs, July 10, 1764," in Illinois Historical Collection, X, 274 ff.

They observed the trend of events, negotiated treaties, and endeavored to adjust disputes between the Indians and the border settlers.<sup>14</sup> The superintendents soon found out that the chief complaints of the Indians were caused by encroachments on their lands.<sup>15</sup>

The above plan, which was begun in 1764, soon proved to be very expensive, and in 1768 Indian trade was again placed under the control of the separate colonies.<sup>16</sup>

On July 2, 1775, a resolution was passed by the Continental Congress providing that commissioners be appointed to superintend Indian affairs on behalf of the colonists. There were to be three divisions or departments of Indians, the northern, middle, and southern, over which were placed commissioners whose duties were to make treaties and keep peace with the Indians.<sup>17</sup>

After the Colonies broke with England, the Articles of Confederation provided that the United States should have sole and exclusive right and power to regulate trade and manage all affairs with the Indians, not members of any state, provided that the legislative right of any state, within its

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<sup>14</sup>Laurence F. Schmeckebier, The Office of Indian Affairs, Service Monographs of the United States Government, No. 48, 12.

<sup>15</sup>Max Farrand, "Indian Boundary Line," in American Historical Review, X, 785.

<sup>16</sup>C. E. Carter, "Observations of John Stuart," in American Historical Review, XX, 816; Alvord, The Illinois Country, I, 258.

<sup>17</sup>James Duane, "Indian Department Defined, July 12, 1775," in Journal of the Continental Congress, II, 175.

own limits, be not infringed or violated.<sup>18</sup>

There were eight treaties made with the Indian tribes during the Confederation Period.<sup>19</sup> As the Confederation was weak in conducting other affairs, so was it weak in dealing with the Indians. Individuals and states ignored the Confederation's right to deal with the Indian tribes.<sup>20</sup> By 1785 so many encroachments had been made on the Indians' lands that a proclamation was issued forbidding all persons from making settlements on or purchasing lands belonging to them.<sup>21</sup>

For some time after the treaty of 1783 had formally recognized the independence of the United States, relations with the Indians remained unsatisfactory.<sup>22</sup> Animositities kindled in former wars were not forgotten. Congress attempted several times to form a firm policy, but there seemed to have developed a greater uncertainty about Indian affairs than before 1763.<sup>23</sup>

The War Department was established August 7, 1789, headed by a Secretary for the Department of War, who was given

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<sup>18</sup>Schmeckebeier, Office of Indian Affairs, 15.

<sup>19</sup>American State Papers, "Indian Affairs," I, 1-10.

<sup>20</sup>Manypenny, Our Indian Wards, 52-55.

<sup>21</sup>"A Proclamation" in the handwriting of James McHenry, Monday, September 22, 1783, in The Journal of the Continental Congress, XXV, 602; Manypenny, op. cit., 57.

<sup>22</sup>Ibid., 60.

<sup>23</sup>Farrand, "Indian Boundary Line," in American Historical Review, X, 789.

all duties pertaining to Indian affairs.<sup>24</sup> They remained under the control of this department until 1849, at which time they were transferred to the newly established Department of Interior.<sup>25</sup>

The question of transferring Indian affairs to the care of the latter department had been much debated in Congress and by the public.<sup>26</sup> Officers of Indian administration seem to have welcomed the transfer because there appeared to be more elasticity of action than under the inherently dictatorial policies of the War Department.<sup>27</sup>

The first appropriation for Indian service was made on August 20, 1789 for "defraying the expense of negotiating and treating with the tribes."<sup>28</sup> On September 11, 1789, the policy of making the governor of territory ex-officio superintendent was adopted.<sup>29</sup> The first act governing intercourse with the Indian tribes was passed July 22, 1790, which provided that the President would have the right to regulate trade with the Indians, but no trade was to be

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<sup>24</sup>United States Statutes at Large, I, 49; C. J. Kappler, compiler, Indian Affairs, Laws and Treaties, I, 7.

<sup>25</sup>United States Statutes at Large, IX, 395.

<sup>26</sup>Ibid., I, 54-57; Register of Debates in Congress, 22 Cong., 1 Sess., 988.

<sup>27</sup>Congressional Globe, 30 Cong., 2 Sess., 680.

<sup>28</sup>United States Statutes at Large, I, 54.

<sup>29</sup>Ibid., 28.

allowed except under license from the government.<sup>30</sup>

On November 6, 1792, Washington advised Congress of the necessity of tranquility on the frontier and alleged the breaking of treaties and aggressions of the white settlers was the principal cause of hostilities. He recommended the employment of qualified and trusty persons to reside among the Indians as agents in order to preserve peace. He also indicated that the civilization of the friendly Indians was essential for carrying on successful trade.<sup>31</sup>

It was recommended that agents reside in the principal Indian towns, with adequate compensation to help promote peaceful relations.<sup>32</sup>

On December 8, 1795, the Treaty of Grenville was negotiated, by which hostilities were to cease, peace was to be established and friendly intercourse was to take place between the United States and the Indians. A definite boundary line was at last established between white and Indian lands, but the United States was to have free passage by land or water through the Indian country.<sup>33</sup> If any whites settled in the Indian land they were to be put out of the

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<sup>30</sup>United States Statutes at Large, I, 137.

<sup>31</sup>James D. Richardson, compiler, Messages and Papers of the Presidents, I, 125.

<sup>32</sup>American State Papers, "Indian Affairs," I, 142-143.

<sup>33</sup>Ibid., 242.

protection of the United States. All treaties made with the Indians since 1783 that conflicted with the new treaty became void.<sup>34</sup>

On April 18, 1796, a law was passed authorizing the President to establish trading houses at such posts and places on the western and southern frontiers, or in the Indian country, as he should judge most convenient for the purpose of carrying on a liberal trade with the several Indian nations. These trading houses were to supply goods to the Indians and to furnish them a fair market price for their goods.<sup>35</sup>

Until 1806 these trading posts were under the supervision of the purveyor of public supplies, but a provision was then made for a superintendent of Indian trade.<sup>36</sup> This system was never put on a statutory basis, as the act was only temporary and the trading houses were abolished in 1822.<sup>37</sup>

The control of Indian affairs was under the direction of the Secretary of War until 1849.<sup>38</sup> It was he who

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<sup>34</sup>American State Papers, "Indian Affairs," I, 242-243.

<sup>35</sup>Schmeckebler, Office of Indian Affairs, 27; American State Papers, "Indian Affairs," I, 14.

<sup>36</sup>United States Statutes at Large, II, 402; American State Papers, "Indian Affairs," I, 765.

<sup>37</sup>United States Statutes at Large, III, 679.

<sup>38</sup>Frederick Logan Paxson, History of the American Frontier, 502-503.

appointed the superintendent who in turn was in complete control of Indian trade from 1806 to 1822, at which time the office of Indian Trade Superintendent was abolished. To replace this office there was created the Bureau of Indian Affairs on March 11, 1824. The personnel consisted of the head of the Bureau, a chief clerk, and one assistant.<sup>40</sup>

The first Commissioner of Indian Affairs was appointed by the President on July 9, 1832, upon the authorization of Congress.<sup>41</sup> This new act did not introduce any new principles of organization but abolished some of the older superintendencies and agencies which were no longer well located.<sup>42</sup> The governors of the territories who had also been superintendents kept their duties in most instances.<sup>43</sup>

The acquisitions in the Louisiana Territory had brought many Indians under federal control and added more problems to the Indian relations. The government, by treaty, had given the Indians exclusive occupancy of certain lands, but it was unable to protect adequately the Indians from white intruders.<sup>44</sup> Not only did the border settlers encroach on the Indians, but the government neglected to observe the

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<sup>40</sup>United States Statutes at Large, I, 68.

<sup>41</sup>Ibid., IV, 564.

<sup>42</sup>Loc. cit.

<sup>43</sup>Ibid., IV, 735.

<sup>44</sup>Senate Documents, "Emigration of the Indian," 1 Sess., 23 Cong., 770; United States Statutes at Large, II, 283.



treaties with them.<sup>45</sup> Officers robbed them of their annuity, money, and goods which were necessary for their living.<sup>46</sup>

The Indians were becoming fairly well reconciled toward the government when the Civil War came on and many were forced to take part. The war brought one hardship after another upon the Indians; and after the war, the people were reduced in number by disease and hardships caused by the war; also, new treaties had to be made between the tribes and the federal government after 1865.<sup>47</sup> The same general conditions existed between the United States and all the Indian tribes, but relations were modified in respect to many of them by treaty stipulations and acts of Congress. Because of these modifications varying in each case the subject became complicated, and it was difficult to subject the Indians to a uniform policy.<sup>48</sup>

With respect to policy the Indians were divided into classes; those with whom the government had treaties by which it was bound, and those who were governed by treaty stipulations, giving the government freedom in pursuing such

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<sup>45</sup>Senate Documents, "Indian Removals," 1 Sess., 23 Cong., 70, 91; Henry Adams, History of the United States of America, VI, 70.

<sup>46</sup>Ibid., 73; Senate Documents, "Indian Removals," 1 Sess., 23 Cong., 264.

<sup>47</sup>United States Statutes at Large, XIV, 799-809.

<sup>48</sup>Annual Report of the Commissioner of Indian Affairs, 1865, 3.

policy as circumstances rendered expedient.<sup>49</sup> Treaties were of different kinds; some of amity by which the United States paid annuities in money, provisions, or goods; and others that paid annuities and recognized the title to tracts of land, described by certain bounds, giving the Indian undisputed possession. Sometimes this land was held in severalty and other times in common.<sup>50</sup> In case the United States had no treaties with the Indians, the government only tried to impress upon the Indians the necessity of maintaining friendly relations with the whites, and assuring them that acts of violence would be sure to draw upon them severe chastisement.<sup>51</sup> The Indian not only objected to the reservation idea, but objected to the constant encroachment on these reservations by the whites.<sup>52</sup>

The method of controlling the Indians that had developed to 1865 and which was in force at that time, was a continuation of the superintendency system as was started in colonial times.<sup>53</sup> All the business pertaining to Indians was under the jurisdiction of the Bureau of Indian Affairs, which was directed by a Commissioner of Indian Affairs.<sup>54</sup> Since

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<sup>49</sup>Annual Report of the Commissioner of Indian Affairs, 1866, 9.

<sup>50</sup>Ibid., 1860, 4.

<sup>51</sup>Loc. cit.; United States Statutes at Large, XVIII, 147.

<sup>52</sup>Ibid., 1869, 5-6.

<sup>53</sup>Ibid., 1867, 387 ff.

<sup>54</sup>Loc. cit.; United States Statutes at Large, XVIII, 147.

1849 the Bureau had been placed in the Department of Interior.<sup>55</sup> Subordinate to the Commissioner of Indian Affairs were the Superintendents, each overseeing a definite territory which was known as a superintendency.<sup>56</sup> In 1867 the Indian service consisted of eighteen major divisions, fourteen superintendencies and four independent agencies.<sup>57</sup> The independent agencies were directly responsible to the Commissioner of Indian Affairs at Washington.<sup>58</sup> Superintendencies were subdivided into agencies, the number of agencies being decided by the size of the territory comprising the superintendency and the Indian population of the superintendency concerned.<sup>59</sup> Superintendencies were established by the Secretary of Interior, and the boundaries were established in accordance with the number and location of Indians in given territories and by considering logical geographical boundaries.<sup>60</sup>

One of the chief obstacles facing the government was the necessity of making various revisions in the federal government's policy toward the Indians.<sup>61</sup> Discontent was

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<sup>55</sup>United States Statutes at Large, IV, 564.

<sup>56</sup>Ibid., IX, 587.

<sup>57</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 387 ff.

<sup>58</sup>United States Statutes at Large, I, 68.

<sup>59</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 378.

<sup>60</sup>United States Statutes at Large, IV, 736.

<sup>61</sup>F. W. Seymour, The Story of the Red Man, 288.

widespread at this time among the Indians for various reasons. They had become accustomed to settling their problems according to their own desires during the period of governmental preoccupation by the Civil War.<sup>62</sup> When governmental interest and power was again manifested after the close of the war it naturally resulted in much dissatisfaction among the Indians. The chartering of the Union Pacific Railroad in 1862, was another cause of irritation from the standpoint of the Indians.<sup>63</sup> It made it necessary for the Indians to be divested of at least, right of way privileges through their favorite hunting grounds.<sup>64</sup> On account of the eased transportation problem for the average settler, more rapid encroachment of the whites on the Indians' territories and rights resulted.

These conditions to which the Indians objected, resulted in such widespread trouble that Congress was prompted on March 3, 1865, to pass a resolution which provided for a committee to investigate the Indian tribes with regard to their treatment by military and civil authorities.<sup>65</sup> The

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<sup>62</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 3; E. E. Sparks, National Development, 1870-1885, 274.

<sup>63</sup>G. A. Forsyth, "A Frontier Fight," Harpers Magazine, June, 1895, 42.

<sup>64</sup>Hubert Howe Bancroft, History of Nevada, Colorado, and Wyoming, XXV, 713.

<sup>65</sup>Senate Reports, 39 Cong., 2 Sess., Doc. 166, 3.

committee report, dated January 26, 1867, was as follows:

(1) The Indians everywhere, with the exception of the tribes within the Indian territory, are rapidly decreasing in numbers from various causes; by disease, by intemperance, by wars, among themselves and with the whites; by the steady and resistless immigration of white men into the territories of the West, which, confining the Indians to still narrower limits, destroys the game, which in their normal state, constitutes their normal means of subsistence; and by the irrepressible conflict between a superior and inferior race when brought in the presence of the other....

(2) The committee are of the opinion that in a large majority of cases Indian wars are to be traced to the aggression of lawlessness of white men, always to be found on the frontier, or boundary line between savage and civilized life. Such is the statement of the most experienced officers of the army, and all of those who have been long conversant with the Indian affairs....

.....

(5) As the best means of correcting these abuses and ameliorating those evils, the Committee recommends the sub-division of the territories and states wherein the tribes remain, into inspection districts of five and the appointment of five boards of inspection....<sup>66</sup>

On account of the determined resistance which was being put up by the Indians against the encroachment of the whites in their many lines of endeavor, Congress created a special committee to ascertain the alleged reasons for Indian acts of hostility, and in their discretion, under the direction of the President, to make and conclude with the said bands or tribes such treaty stipulations, subject

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<sup>66</sup>"Condition of the Indian Tribes," in Report of the Joint Special Committee Appointed Under Joint Resolution of March 3, 1865, to the Senate of the United States, January 26, 1867, 2-10.

to the Senate, as might remove all just causes of complaints, and establish security for persons or property along lines of railroads then being constructed to the Pacific and other thoroughfares of travel to the western territories, and such as would most likely insure civilization for the Indians and peace and safety for the whites.<sup>67</sup>

The committee, to expedite dealings with the Indians, was divided into two divisions. One of these divisions went to the south while the other went among the Sioux.<sup>68</sup> Owing to displeasure on the part of the Indians because the government had opened a road from Ft. Laramie to Bozeman through their country, known as the Bozeman Trail,<sup>69</sup> they refused to meet the commission until the demand made by the Indians that the government troops be removed from the trail be complied with by the government.<sup>70</sup> This condition amply represents the prevailing psychology extant among the Sioux at this time. It represents a clash between two diametrically opposed civilizations.<sup>71</sup> On the one hand the Indian was striving desperately to cling to his lands

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<sup>67</sup>United States Statutes at Large, XV, 17.

<sup>68</sup>William T. Sherman, Memoirs of General William T. Sherman, II, 434.

<sup>69</sup>Grace Raymond Hebard and E. A. Brininstool, The Bozeman Trail, II, 254; United States Statutes at Large, XV, 635.

<sup>70</sup>Annual Report of the Commissioner of Indian Affairs, 1868, 271.

<sup>71</sup>Congressional Globe, Pt. I, 2 Sess., 41 Cong., 7.

in order that he might continue to pursue the existence which gave him the most pleasure and most nearly met his needs in surroundings which were peculiar to his native habitat. On the other hand, he was opposing the march of a civilization, whose impelling force was generated by a people with greater numbers than his own; and which was destined to wear down his savage resistance.<sup>72</sup> General Pope very amply described the situation in 1865, when he said:

The first demand of the Indian is that the white man shall not come into his country; shall neither kill nor drive off the game upon which his subsistence depends; and shall not dispossess him of his lands. How can we promise this with any hope of fulfilling the promise unless we prohibit immigration and settlement west of the Missouri River? So far from being prepared to make such engagements with the Indians, the government every day is stimulating immigration. Where, under the circumstances, is the Indian to go? It is useless for the government to think of undertaking to subsist large bodies of Indians in remote and inaccessible districts. Whatever may be the right or wrong of the question, our past experience in America reveals, for the most part, that the Indian must be dispossessed. The practical question to be considered is how the inevitable can be accomplished with the least inhumanity to the Indian. My duty as a military commander requires me to protect immigration, United States mail, and all the settlements.<sup>73</sup>

It would seem therefore, that regardless of concessions which the government made in order to bring the Indians to treat with them, the die was cast beforehand with regard to the ultimate fate of the Indians.<sup>74</sup> No practical men

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<sup>72</sup>Frederick Logan Paxson, The Last American Frontier, 340.

<sup>73</sup>J. R. Perkins, Trails, Rails, and War, The Life of General G. M. Dodge, 179 f.

<sup>74</sup>Ibid., 180.

seriously entertained the thought at that time, that the Indian could long be left in possession of his land over which the tide of the white man was trying to flow.<sup>75</sup> In the ensuing period, results of attempting too rapidly to change the Indian to civilized ways, with all the attendant evils, will be noted.

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<sup>75</sup>Congressional Globe, Pt. I, 2 Sess., 41 Cong., 7.



## CHAPTER II

### THE TREATY OF FT. LARAMIE AND ITS AFTERMATH, 1868-1876

In dealing with the relationship with the Teton Indians, as carried on by the United States government, it is necessary to identify the term "Teton" in order to avoid confusion with the other numerous Sioux tribes. Various references are made to the Siouian family of Indians, some refer to them as the Dakotah, some refer to them as Sioux. The word "Dakotah", in the Sioux language signifies an "alliance." The word Sioux appears to be a French corruption of the word "Nadowaysioux" the Ojibway name for the Dakotas which means "enemies".<sup>1</sup> The word Sioux did not appear in the Dakota's language, consequently they were not pleased to be identified by that name.<sup>2</sup> More correctly applied the word Sioux appears to be a name applied to many tribes having a common origin and similiar languages. The word "Dakotahs" designates seven of the Sioux tribes that are closely related.<sup>3</sup>

The term "Teton" is the name applied to one of the seven Dakota tribes. The Tetons, in turn, are subdivided into the following bands: the Ogallalla, Minneconjou,

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<sup>1</sup>E. D. Neil, The History of Minnesota, 51.

<sup>2</sup>J. H. Bradley, "History of the Sioux," in Contributions to the Historical Society of Montana, IX, 29.

<sup>3</sup>Doane Robinson, "Outline of South Dakota's History," in Collections of the Historical Society of South Dakota, II, 15; Neil, op. cit., 227.

Uncapapas, Sans Arcs, Two Kettle, Brules, and Blackfeet. These names appear under various spellings. The name Ogallalla is spelled Ogalala, and Ogallala. The Uncapapas are sometimes referred to by some writers as the Miniconjous. The Brules are often referred to as Upper and Lower Brules, or Northern and Southern Brules, and at times simply Brules, this designating the territory in the Missouri Country which they occupied.<sup>4</sup> The spelling in this work will follow that as first given unless quotations are being cited. In that case the exact spelling of the work cited will be used.

The Tetons originally migrated west from Minnesota across the Missouri River after they had been attacked by the Crees and their allies near the head of the Mississippi River.<sup>5</sup> As the Tetons moved west they began to divide into the various groups such as the Brules, Ogallallas, etc. This westward advance of the Tetons was led by the Ogallallas; who were the first Sioux to pass west of the Missouri River, the first to reach the Black Hills, and the first to turn south toward the Platte River.<sup>6</sup>

It was during this migration from Minnesota across the Missouri River that the Tetons developed from poor people

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<sup>4</sup>Frederick Webb Hodge, editor, Handbook of the American Indian, 578-579; American State Papers, "Indian Affairs," I, 712-715.

<sup>5</sup>George E. Hyde, Red Cloud's Folk, A History of the Oglala Sioux Indians, 3.

<sup>6</sup>Ibid., vii.

on foot to seven powerful tribes of mounted Indians.<sup>7</sup> It appears that the retreat of the Sioux from the headwaters of the Mississippi River out on to the buffalo plains was brought about by the Crees and their allies being armed with guns which they had secured from their contacts with the French traders in Canada. Thus they were able to dislodge the Sioux who were then poor people and unmounted.

In one of the first complete statements with regard to these Indians the following reference was made by agent Hansen at Crow Creek Agency:

...The Indians under my charge comprise what are termed the Dacotas or Sioux.... The Lower Brules, Two Kettle, Minneconjous, Sans Arcs, Blackfeet, Ogalallas, and Uncpapa bands number in the aggregate about 13,500 persons. They are distinguished from the other bands of Sioux by the title "Tetons", and claim all the unceded portions of the Sioux country west of the Missouri country...."<sup>8</sup>

For years these Indians had been crowded by the gradual encroachment of the whites upon their territory until they moved west and south of the Missouri River.<sup>9</sup> After the migration to the buffalo country these Teton Sioux had been comparatively free from the destructive effects of the activities of white men until roads were opened up to permit travel to the gold fields of California and to the rich

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<sup>7</sup>Hyde, Red Cloud's Folk, vii.

<sup>8</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 227.

<sup>9</sup>S. R. Riggs, "Journal", in South Dakota Historical Collection, XIII, 339.

farming regions of Oregon.<sup>10</sup> This road, known as the Old California Trail, followed up the Platte River to Ft. Laramie, across to Ft. Bridger, and there forked, one branch going south by the Great Salt Lake and across the present state of Nevada to California; the other branch going north to Oregon by the way of Ft. Hall on the Snake River.<sup>11</sup>

When the first contacts came between the settlers and the Tetons, the Indians were definitely peaceably disposed.<sup>12</sup> However, they became uneasy as the great flow of immigrants to the west increased. Buffalo herds were driven out of their customary grazing grounds and game in general was thinned in the region through which these great highways passed.<sup>13</sup>

Some idea as to the volume of travel may be had from the following account of travel along the Old California Trail as given in the diary of Sergeant Clark:

Aug. 17, 1865...arrived before sundown five miles below Julesburg, on bank of South Platte River. Camped for night. Hundreds of wagons along the river--ox trains, mules, horse trains, and pony trains in abundance; everything looks lively and brisk.

Aug. 19- Marched at five a. m....met 315 wagons today, making, since leaving the crossing at Julesburg, 615 in number, and with what were camped

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<sup>10</sup>Publication of Nebraska Historical Society, XX, 214.

<sup>11</sup>Hebard and Brininstool, The Bozeman Trail, II, 307; Emerson Hough, The Passing of the Frontier, 90-91.

<sup>12</sup>Manypenny, Our Indian Wards, 16-17.

<sup>13</sup>Ibid., 145.

around that post, about one thousand.

Aug. 20- Sunday. Remain in camp today. About 175 wagons passed along today.

Aug. 21-...Met 280 wagons going west today.

Aug. 22-...Met General Dodge and staff...250 wagons passed today.

Aug. 26-...Large train of Mormans camped along side of us at noon.

Thus was the invasion of the West, the paradise of the Indians, continued. Little wonder that the Red Man imagined that the East was being rapidly depopulated.<sup>14</sup>

In 1860 the Pony Express connecting the North with California, during the Civil War period, was inaugurated, which necessitated more men being strewn across the plains.<sup>15</sup> 1862 saw the chartering of the Union Pacific Railroad, which was destined to further aggravate the relations between the Teton Indians, who live solely by the chase, and the vanguard of American civilization that was pushing west into their country.<sup>16</sup> As the rails moved west, hunting both for sport and to supply the market, further depleted the buffalo herds.<sup>17</sup> All these developments tended to continually "fan the flame" of discontent which already existed among the Indians and resulted in their taking steps to protect themselves and their hunting grounds.<sup>18</sup>

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<sup>14</sup>Hebard and Brininstool, The Bozeman Trail, I, 58.

<sup>15</sup>Alexander Majors, Seventy Years on the Frontier, 182.

<sup>16</sup>Annual Report of the Commissioner of Indian Affairs, 1870, 11.

<sup>17</sup>Hyde, Red Cloud's Folk, 61-62; Annual Report of the Commissioner of Indian Affairs, 1867, 231-232.

<sup>18</sup>Ibid., 233.

...In the spring of 1865 three powerful tribes of Indians controlled the country north of the Platte River, along which the Union Pacific was to be built, and they were banded together to oppose further advance into their country.

First, there was the dominant nation of the Sioux whose tribes were scattered from the Platte to the head of the Powder River and north to the Yellowstone. North and west of them were many lesser tribes, with whom they were at war most of the time. They were the Snakes, Crows, Blackfeet, Pebans, Little Robes, and Groants.<sup>19</sup>

The threatening situation existing on the plains with regard to the future action of these Indians was one that required, if successfully managed, very skillful handling on the part of the government.<sup>20</sup> The Civil War closed in 1865, which released still more men who were anxious, in many cases, to join the floating population of 250,000 which was already on the plains.<sup>21</sup>

This westward movement at the close of the Civil War thus resulted in increased friction with the Indian.<sup>22</sup> Civilized man could not resist the temptation of invading the hunting grounds which were so rich in agricultural and mining possibilities.<sup>23</sup>

...The government was faced with the problem of going on or backing out. The old treaties had

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<sup>19</sup>Perkins, Trails, Rails, and War, 177.

<sup>20</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 238-239.

<sup>21</sup>T. L. Livermoore, Number and Losses of the Civil War, I, 22, 63-64.

<sup>22</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 2.

<sup>23</sup>Perkins, op. cit., 18.

sufficed when no great lines of immigration and no great transcontinental railroad pushed through the Indian country.

But with the close of the Civil War the social order of the country expanded immediately; great throngs of homeseekers were astir; the tide had set in. It mattered not that the Commissioner of Indian Affairs claimed that the Indians and whites were officially at peace; it was inevitable that the strife go on.<sup>24</sup>

Just what policy to pursue in the face of this new situation was of momentous concern because upon that policy depended not only millions of dollars in expenses of army, and property destroyed, but the lives of hundreds of innocent people as well as soldiers who might be called upon to subdue the protesting Indians.<sup>25</sup>

The following report gives an insight in the conditions as they had developed to, and existed in 1867:

Our Indian relations have assumed a new and interesting aspect. The steady approach of immigration to the grounds heretofore devoted to the chase, and the rapid progress of railroads pointing toward the Pacific and traversing the country over which the Indians from time immemorial have roamed, imperiously demand that the policy of concentrating them upon reservations should, whenever possible, be adopted. Until recently there was territory enough to supply the demands of the white race, without unduly encroaching upon the districts where the Indians subsisted by hunting. This condition of things no longer exists...The Indians are in a position of possession of a vast tract of country, abounding in precious metals or rich in sources of agricultural wealth. These invite the enterprise of

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<sup>24</sup>Perkins, Trails, Rails, and War, 180.

<sup>25</sup>Annual Report of the Commissioner of Indian Affairs, 1864, 216-218.

the adventurous pioneer, who, in seeking a home and fortune is constantly pressing upon the abode of the Red Man.

By an inevitable law, two races, one civilized and the other barbarous, are being brought face to face. The obligations which rest upon the government extends to both. Each is justly entitled to protection. Our duty requires us to devise a system by which civilization, with its attendant evils or blessings, may be fostered and extended, and at the same time protection be secured to the tribes.

.....  
 A consideration of the proper policy to be pursued in respect to the wild tribes presents more difficult questions. As long as they cling to their nomadic habits, and subsist by hunting and fishing, encroachments upon their hunting grounds--and it does not seem possible to prevent it--will necessarily lead to hostilities, and a devastation of frontier settlements.<sup>26</sup>

The gravity of the problem and the great responsibility resting upon the government, if justice were to be given to both sides, is well set forth in the above statements.

A fact not to be overlooked is that the question of rights from the standpoint of the Indians and the whites was such, that if either group pursued what they considered to be their lawful rights, they were directly opposing that which the other group considered their just rights.<sup>27</sup> As a consequence the idea was being advanced that the only way to satisfactorily settle the difference was to segregate the Indians from the whites by setting aside large reservations upon which whites were absolutely forbidden to enter under any circumstances, except officers of the government on

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<sup>26</sup>Annual Report of the Commissioner of Indian Affairs, 1867, i.

<sup>27</sup>Hyde, Red Cloud's Folk, 105.



official business.<sup>28</sup>

Treaties signed at Ft. Sully, as authorized by the government in the fall of 1865,<sup>29</sup> contained the clause which resulted in the development of a new war with the Indians, generally known as Red Cloud's War. They provided for the opening of a new road through the best hunting territory of the Teton Sioux, later known as the Bozeman Road.<sup>30</sup> The commissioners who negotiated the treaties at Ft. Sully, compiled a list of all the hostile Sioux and announced, some say falsely, that they had completed treaties with all the recently hostile Sioux under Red Cloud.<sup>31</sup> What really happened was that some of the leading chiefs refused to sign, accused Commissioner Taylor of deceiving them, and abruptly left for the camp on Powder River declaring they would fight any whites who came into the country.<sup>32</sup> The government, by trying to make treaties with the Indians, and at the same time give the whites a new road to Montana, had straddled the issue and thus precipitated one of the bloodiest of all the Sioux Wars.<sup>33</sup>

It was during this time that the Fetterman Disaster,<sup>34</sup>

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<sup>28</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 2.

<sup>29</sup>Hyde, op. cit., 153; Kappler, Indian Affairs, Laws and Treaties, II, 883-887, 896-908.

<sup>30</sup>Ibid., 883.

<sup>31</sup>Hyde, op. cit., 136.

<sup>32</sup>Annual Report of the Commissioner of Indian Affairs, 1868, 31.

<sup>33</sup>H. B. Carrington, Absaraka, Land of Massacre, 36-45.

<sup>34</sup>Ibid., 200-210.

the Wagon Box fight,<sup>35</sup> the Hay Field Fight,<sup>36</sup> and other bloody battles were fought in the Powder River country around Ft. Phil Kearney located on the Little Piney. Thus it became necessary for the government to act, and proceedings were started which resulted in the treaties of 1868 being signed.<sup>37</sup>

By Act of July 20, 1867, Congress authorized the President to appoint a Commission to investigate the causes of trouble between the various bands of Plains Indians and in general try to quiet the situation that existed on the plains.<sup>38</sup> As stated by the Commissioner of Indian Affairs in 1867, the real mission was to find out the reasons for acts of hostilities, negotiate treaties to remove just causes of complaint, secure public thoroughfares through parts of their territory, and select reservations for Indians east of the Rocky Mountains.<sup>39</sup>

This commission consisted of General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, Hon. N. G. Taylor, Commissioner of Indian Affairs, Hon. J. B. Henderson, chairman of the Senate Committee

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<sup>35</sup>Hebard and Brininstool, The Bozeman Trail, II, 39-87.

<sup>36</sup>Ibid., 159.

<sup>37</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998, 1006.

<sup>38</sup>United States Statutes at Large, XV, 17.

<sup>39</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 4.

on Indian Affairs, and Messers. S. F. Tappan and John B. Sanborn.<sup>40</sup>

The commission proceeded up the Platte River to Ft. Laramie, met the Crows, but failed to make a treaty with them, and were sent word by the Teton bands of Sioux that they would be in the next spring.<sup>41</sup> Red Cloud, the defiant chief of the Ogallallas steadfastly refused to come in until his demands that the Bozeman Road through the Powder River country be closed and the forts C. F. Smith, Phil Kearney, and Reno, be abandoned. He sent messengers stating that his aim was to save the Powder River valley, the only hunting ground left to his nation.<sup>42</sup>

In April, 1868, he again agreed to confer with the commission at Ft. Laramie, though he did not appear before them until November of that year, and then only when he was assured that his former protests should be recognized--that there should be no invasion of his cherished hunting grounds east of the Big Horn Mountains.<sup>43</sup> He affixed his signature on the 6th of November 1868.<sup>44</sup> On March 2 of that year, the President of the United States had given orders to abandon the three forts in the Powder River country east of the Big

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<sup>40</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 4.

<sup>41</sup>Hafen and Young, Ft. Laramie, 385.

<sup>42</sup>Annual Report of the Commissioner of Indian Affairs, 1868, 31; Hebard and Brininstool, The Bozeman Trail, II, 254.

<sup>43</sup>Ibid., 361.

<sup>44</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998, 1006.

Horn Mountains, namely; Smith, Kearney, and Reno. However, owing to a lack of transportation facilities the abandonment of the three forts on the Bozeman Trail was not carried out until summer.<sup>45</sup> The exact date is not shown in the War Department records, though it is known to have been between the first and the seventh of August.<sup>46</sup>

As soon as the forts were abandoned by the troops, the Indians set them on fire, Phil Kearney being set fire by Old Little Wolf before the soldiers were out of sight.<sup>47</sup>

The commission had a two fold purpose in mind when it signed the Treaty of Laramie in 1868 with the various bands of Tetons and other Sioux bands. It hoped to restore some measure of peace, and also begin to accomplish something definite in the way of placing the Indians on reservations,<sup>48</sup> a policy mentioned earlier in this work as one which was pursued by the government after the Civil War, and which was also recommended by those who were in positions which enabled them to know that correct handling of the Indians entailed.<sup>49</sup>

The Treaty of Laramie, the name given to the above

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<sup>45</sup>Hebard and Brininstool, The Bozeman Trail, II, 254.

<sup>46</sup>Loc. cit.

<sup>47</sup>Grace Raymond Hebard, Washaki and Defense of Settlements of the Northwest, 117; Manypenny, Our Indian Wards, 199.

<sup>48</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 5.

<sup>49</sup>Ibid., 2.

series of treaties signed in 1868, provided that the Teton Sioux should have a reservation described as follows:

Commencing on the east bank of the Missouri River where the forty-sixth parallel of North latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the north 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 west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts same, thence due east along said parallel to the place of beginning....<sup>50</sup>

This being exactly all the present state of South Dakota west of the Missouri River.

Article XVI of the Treaty of 1868 contained some of the provisions that were to react as "dynamite" in the future as far as the relations of the government, the people living on the frontiers contiguous to the Tetons and other Sioux country, and the occasional travelers of the plains were concerned. It provided that:

The United States hereby agrees and stipulates that the country north of the North Platte River and east of the summits of the Big Horn Mountains, shall be held and conceded to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of Sioux nation, the military posts now established in the territory, in this article

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<sup>50</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998.

named, shall be abandoned, and that roads leading to them, and by them to the settlements of the territory of Montana, shall be closed.<sup>51</sup>

It will be noted that the treaty had recognized two different assignments of lands for the use of the Indians, namely, the reservation proper and the unceded lands, which were to be kept free from trespassers in order that the Indians might have game to hunt.<sup>52</sup> It was in the going of the Indians to these unceded lands to hunt where so much of the future dissatisfaction was to arise.<sup>53</sup> Notations to this effect will be made later.

The closing of the hunting grounds to white settlers was a signal victory for the Teton Sioux, however, it was a decided blow to the settlers of Montana Territory,<sup>54</sup> and opinions as to the wisdom of the policy were at wide variance. Charles E. Mix, in discussing arguments used by the whites, spoke as follows:

The plea of "manifest destiny" is paramount and the Indian must give way, though it be at the sacrifice of what may be as dear as life itself. If the incentives to build up for himself and family a pleasant home are not provided for by his condition and prospects, he becomes discontented or indifferent as to his future welfare, and if he does not really retrograde makes no advance. Evidently the remedy for these evils lies in securing to the Indians a permanent home in a country exclusively set apart for them, upon which no whites or

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<sup>51</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998.

<sup>52</sup>Ibid., 998-1006.

<sup>53</sup>Manypenny, Our Indian Wards, 211-212.

<sup>54</sup>Annual Report of the Commissioner of Indian Affairs, 1867, i.

citizens except government agents and employees, shall be permitted to reside or intrude....<sup>55</sup>

General Sherman believed that "the motives of the Peace Commissioners were human, but there was an error in judgment in making peace with the Indians the last fall. They should have been punished...."<sup>56</sup> Thus the military was represented in its opinion.

The pioneer had his champion in John Hunton who had lived at Ft. Laramie most of the time since 1867. He stated that by the terms of the Treaty of 1868, no whites were allowed to enter the territory north of this river. At the same time, the Indians were allowed to meander at will to the south of the North Platte, stealing the white man's cattle and milch cows, but the arm of the law reached out to the white man if he dared attempt to rescue the stolen stock by crossing the river into the country north of the Platte. If the white man intruded into the Indian's country he was arrested by soldiers from Ft. Fetterman and placed in jail awaiting trial.<sup>57</sup>

With regard to the opinion of General G. M. Dodge, he said the government never kept a single important treaty with the Indians; that some groups seeking land or minerals, or both, had always managed to circumvent

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<sup>55</sup>Annual Report of the Commissioner of Indian Affairs, 1867, 1f.

<sup>56</sup>Hebard and Brininstool, The Bozeman Trail, II, 258.

<sup>57</sup>Ibid., 1f.

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treaties; and that the Sioux Wars, resulting in the Custer Massacre, could have been avoided, either by concluding the Indian campaign launched as early as 1865 or by the government living up to the treaty negotiated by the Sherman-Harney Commission of 1868.<sup>58</sup>

While on the campaign of 1865 General Dodge decided to let the Indians have the Big Horn Mountains. It was at this time that he made up his mind that the Union Pacific Railroad should be built far south of the Ft. Laramie country, provided a pass could be found. The inherent right of the Indians to the Big Horn country helped him to his decision.<sup>59</sup>

Regardless of the division of opinions, the commission carried its work to completion by securing the signatures of the leading chiefs of the various bands of Tetons and other Sioux to the treaty.<sup>60</sup>

In addition to specifying the boundaries as previously indicated, the treaty provided that heads of families might take up to 320 acres of land for own use, which land was not to be held in common after having been selected as long as it was cultivated; that schools would be provided for children between the ages of six and sixteen, and that one school-house should be provided for each thirty children who could

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<sup>58</sup>Perkins, Trails, Rails, and War, 193; Manypenny, Our Indian Wars, 255-257.

<sup>59</sup>Perkins, op. cit., 187.

<sup>60</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998-1004.



be induced to attend school; that at least \$100 worth of seed and farming implements should be furnished the first year; that clothes and money for a period of thirty years, \$10 to hunters and \$20 to those who stayed on the land and tried to farm, be given; that meat and flour was to be furnished in the amount of one pound of each per Indian per day for the first four years; that the right to permanently occupy lands outside the reservation be given up; that objections to the building of the Union Pacific Railroad be withdrawn; and that no treaty for cession of the reservation would be recognized as valid unless signed by at least three fourths of the Indians occupying the said territory.<sup>61</sup>

The treaty was executed on the part of the Brule band of the Teton Indians at Ft. Laramie, Dakota Territory, on the twenty-ninth day of April, 1868.<sup>62</sup> The Ogallalla band executed the treaty at Ft. Laramie on May 25, 1868, however, all of the chiefs and headmen did not sign then, notably among them was Red Cloud, the great Ogallalla leader.<sup>63</sup> The Minneconjou executed the treaty at Ft. Laramie on May 26, 1868. Thirteen men signed, and two more signed at Ft. Laramie the previous day, which made a total of fifteen signers.<sup>64</sup> On November 6, 1868, there were some of the chiefs of the

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<sup>61</sup>Kappler, Indian Affairs, Laws and Treaties, II, 998.

<sup>62</sup>Ibid., 1003.

<sup>63</sup>Ibid., 1004.

<sup>64</sup>Ibid., 1005.

Ogallalla and two men from the Brules who ratified the Treaty of Ft. Laramie. Among these signers was Red Cloud.<sup>65</sup> The Sans Arcs, Blackfeet, Two Kettle, and Uncpapa bands of Teton Indians also ratified the treaty in 1868,<sup>66</sup> Red Cloud and his followers were not induced to sign until the soldiers were well out of the Powder River country, as shown above.<sup>67</sup> The treaty was ratified by the Senate on February 16, 1869, and proclaimed on February 24, 1869.<sup>68</sup>

It should be noted that the various bands were not on reservations, but were roaming over the vast territory, and thus it took time and patience to get the individual chiefs in to sign the treaty. Some of the bands later signed the treaty at Ft. Rice on the Missouri River instead of at Ft. Laramie.<sup>69</sup>

The Peace Commission of 1867-68 had succeeded in bringing about peace, but the treaties which it signed were not favored by the Lower House, even though it had no part in its ratification, and as a consequence, in 1870, it failed to appropriate funds for carrying out provisions of the treaty.<sup>70</sup> A compromise was finally reached by which \$2,000,000

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<sup>65</sup>Kappler, Indian Affairs, Laws and Treaties, II, 1006.

<sup>66</sup>Ibid., 1006-1007.

<sup>67</sup>Ibid., 1006.

<sup>68</sup>Ibid., 998, 1006.

<sup>69</sup>Manypenny, Our Indian Wards, 210.

<sup>70</sup>House Executive Documents, 3 Sess., 40 Cong., 82.

was appropriated "to enable the President to maintain peace among, and with the various tribes, bands and parties of Indians, and to promote civilization among the said Indians."<sup>71</sup>

Another reason for some of the trouble in carrying out treaties during this period, was the division of opinion as to the correct place to locate the Bureau of Indian Affairs, whether in the Department of Interior or in the War Department.<sup>72</sup>

Since Ft. Laramie wasn't in the bounds of the reservation as given by the treaty, the Indian agent J. P. Cooper was informed by the commandant at Ft. Laramie, that the Indians could no longer come there to trade.<sup>73</sup> It must be remembered that there were certain Indians of the several Teton tribes — who refused to come in and sign the treaty of 1868.<sup>74</sup> The leader of this group was the renowned Sitting Bull. He championed the cause of the Indians who did not want to bind themselves to live on a reservation. They are generally referred to as the Northern Sioux. These Indians were the Huncpapas and some of the outlaw Indians from other tribes who had deserted them and attached themselves to Sitting Bull.<sup>75</sup>

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<sup>71</sup>United States Statutes at Large, XVI, 40.

<sup>72</sup>Annual Report of the Commissioner of Indian Affairs, 1868, 8-14.

<sup>73</sup>Ibid., 251.

<sup>74</sup>Hebard and Brininstool, The Bozeman Trail, II, 254.

<sup>75</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 4-5.

In accordance with the provisions of the Treaty of 1868, most of the Teton Sioux moved to the confines of the reservation, but some of them were loathe to settle down on the big Dakota reservation and were prone to wander about outside the tract which had been reserved for them.<sup>76</sup> Another situation which caused friction was the fact that Ft. Laramie had for so long been the trading place of the Tetons that they were slow to give it up. Red Cloud asked the government to locate their trading post at Laramie in 1870.<sup>77</sup> The government, however, was desirous of having the Indians as far away from the main traveled roads as possible in order to prevent clashes with the whites, so that it refused the request for such modification of the treaty.<sup>78</sup>

President Grant, gave a great deal of attention to the administration of Indian affairs, for he came into office soon after these treaties were signed. He felt that military men would be better administrators than political appointees.<sup>79</sup> When sixty-eight officers were ordered to report in 1869 for assignments to positions in the Indian service<sup>80</sup> certain Congressmen thought this was taking away their patronage

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<sup>76</sup>Annual Report of the Commissioner of Indian Affairs, 1870, 384.

<sup>77</sup>Ibid., 325.

<sup>78</sup>Ibid., 386.

<sup>79</sup>Richardson, Messages and Papers of Presidents, VII, 38.

<sup>80</sup>Sherman, Memoirs, II, 436.

rights.<sup>81</sup> Accordingly, a law was passed July 15, 1870, which provided that army officers would lose their commissions immediately upon accepting civil offices.<sup>82</sup>

When Grant's plan was defeated by this measure he asked certain religious organizations to make recommendations for the filling of vacant superintendency and agency posts. The Quakers were the first called upon to make recommendations and thus the policy became known as the "Quaker Policy".<sup>83</sup> This policy was suggested in a bill which was defeated in 1867.<sup>84</sup> However, Grant was sure that the Senate could not refuse to confirm men suggested by these religious organizations. In 1872 the agencies were divided between fourteen religious organizations.<sup>85</sup> This policy of nominating men by religious groups was discontinued in the early eighties.

The next step in President Grant's policy was the appointment of a Board of Indian Commissioners. This Board of Indian Commissioners was appointed in 1869, in order that the affairs of the Indians might be more successfully looked after. They were to have the responsibility of assisting in the administration of Indian affairs, especially in the capacity of inspectors.<sup>86</sup>

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<sup>81</sup>Sherman, Memoirs, II, 437.

<sup>82</sup>United States Statutes at Large, XVI, 319.

<sup>83</sup>Sherman, op. cit., 437.

<sup>84</sup>Schmeckebier, Office of Indian Affairs, 518.

<sup>85</sup>Ibid., 55 footnote.

<sup>86</sup>Annual Report of the Commissioner of Indian Affairs, 1877, 9.

According to the report of the Commissioner of Indian Affairs, 1869, the board was "to cooperate with the administrative departments in the management of Indian Affairs," and consisted of the following men: William Welsh, of Philadelphia; John V. Farwell, Chicago; George H. Stuart, Philadelphia; Robert Campbell, St. Louis; William E. Dodge, New York; E. S. Tobey, Boston; Felix R. Brunot, Pittsburg; Nathan Bishop, New York; and, Henry S. Lane, Indiana. Welsh was made chairman and Brunot secretary.<sup>87</sup>

The powers of the Board of Indian Commissioners were changed by acts of Congress. By an act of July 15, 1870, the board was directed to inspect all goods purchased and given the "...power to appoint one of their members as secretary, who shall be entitled to such reasonable compensation as the board may designate."<sup>88</sup> By an act of May 17, 1882, the Board was left with only the "...power to visit and inspect agencies and other branches of Indian service, and inspect goods purchased for said purpose."<sup>89</sup>

This first commission was composed of men whose honesty and integrity of character were above reproach.<sup>90</sup> In their first report to the President they asserted that:

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<sup>87</sup>Annual Report of the Commissioner of Indian Affairs, 1869, 44.

<sup>88</sup>United States Statutes at Large, XVI, 360.

<sup>89</sup>Ibid., XXII, 70.

<sup>90</sup>House Executive Documents, 42 Cong., 2 Sess., No.1, iii.

While it cannot be denied that the government of the United States, in the general terms and temper of its legislation, has evinced a desire to deal generously with the Indians, it must be admitted that the actual treatment they have received has been unjust and iniquitous beyond the power of words to express.

.....  
 The history of the government's connections with the Indians is a shameful record of broken treaties and unfulfilled promises.<sup>91</sup>

Through arrangements made with the Board of Indian Commissioners, Red Cloud and twenty other Indians were taken to Washington, sixteen other men besides Red Cloud and four women. It was decided that the Indians must take the train for Washington at Pine Bluffs, forty miles east of Cheyenne,<sup>92</sup> on account of hostilities on the part of the people of Cheyenne who might attempt to harm the Red Cloud party if it tried to board the train there.<sup>93</sup> The visit was attended by many unpleasant events for the Indians, however, they were duly impressed with the power and numbers of the whites, and became aware of the futility of continued resistance.<sup>94</sup>

After the Washington visit the Board of Indian Commissioners visited the Indians, and in a conference held at Ft. Laramie with Red Cloud on October 5, 1870,<sup>95</sup> Red Cloud complained that white men had been going north of the Platte in

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<sup>91</sup>Annual Report of the Commissioner of Indian Affairs, 1869, 47.

<sup>92</sup>Ibid., 1870, 324.

<sup>93</sup>Hyde, Red Cloud's Folk, 175.

<sup>94</sup>Annual Report of the Commissioner of Indian Affairs, 1870, 325.

<sup>95</sup>Ibid., 385.

violation of their treaty, that whites were going along the Old California Trail, said that he had been promised traders and that he wanted his trading post about ten miles east of Ft. Laramie on the south side of the Platte. He also asked for ammunition and the privilege of trading for it.<sup>96</sup>

The council reassembled on the 6th and was continued several hours, the subjects being the same generally as the day before. The position of the Commission was a difficult one, for we could not but feel that the Indians were technically correct in their claim about the Old California Road, (see sixteenth article of the treaty,) and that it would be impossible to convince them that their request in regard to the trading post was not reasonable, even if ourselves convinced....<sup>97</sup>

The parting with the Indians was very peaceful and the Indians expressed every confidence the Indian intended to keep the peace.<sup>98</sup>

Thus the trouble with regard to a definite location of an agency continued. Even though it was impossible for them to reach an agreement as to the location of the agency, the treaty Indians remained true to the treaty.<sup>99</sup> There were, however, some Indians who were in the hostile camps and who never came in. It should be kept in mind that portions of all the different tribes of the Teton and other Sioux Indians were peaceful and others were hostile. In the territory of the Cheyenne River agency there were about six thousand

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<sup>96</sup>Annual Report of the Commissioner of Indian Affairs, 1870, 386.

<sup>97</sup>Loc. cit.

<sup>98</sup>Ibid., 387.

<sup>99</sup>Ibid., 1871, 526.



Indians, and only a very small portion of them ever came to the agency.<sup>100</sup>

In 1871 J. W. Wham was appointed United States Special Indian Agent to the Sioux under Red Cloud, and proceeded directly to Ft. Laramie. There he met the principal chiefs of the Ogallallas, Minneconjous, and Brules of the Teton Sioux. In the ensuing conversations he attempted to get an agreement as to a definite location for the Red Cloud agency. The Indians were determined to have an agency on the south side of the Platte which was in direct violation of the treaty of 1868. It had been decided however, to give them an agency on the north bank of the Platte somewhere east of Ft. Laramie. Mr. Wham wanted the agency on the north side of the river in order to keep the Indians well away from the whites.<sup>101</sup> The white traders knew of the plans to keep them away, so they informed the Indians that the reason the agency was desired on the north side of the river was to enable the whites to get in better position to take the Black Hills.<sup>102</sup> When Mr. Wham, the special agent, tried to get the Indians to agree to an agency at Raw Hide Creek, which was in the direction of the Black Hills about forty miles north of Ft. Laramie, the Indians steadfastly refused. Accordingly he decided

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<sup>100</sup>Annual Report of the Commissioner of Indian Affairs, 1870, 529.

<sup>101</sup>Ibid., 1871, 698.

<sup>102</sup>Loc. cit.

to withhold rations until they became reasonable.<sup>103</sup> After hunger took its toll, the chiefs and headmen met in council on the 29th day of June, 1871, and decided on the location of Red Cloud Agency thirty-two miles east of Ft. Laramie on the north side of the Platte, and asked that the agent occupy it as soon as possible and begin to issue rations.<sup>104</sup> The agency was opened there on August 3, and thus after five months Mr. Wham was on the north side of the Platte and ready to resume his work rationing the Indians.<sup>105</sup>

It was a violation of the treaty with these Indians to have an agency or any permanent place of occupation outside of the big reservation allotted to them,<sup>106</sup> but owing to the feeling among them, it was decided to let them have an agency there on the Platte and slowly move them north.<sup>107</sup>

All went well until a train loaded with provisions for Spotted Tail and his band at Whetstone Agency arrived at Ft. Laramie. A request for an Indian escort was made to Spotted Tail and his agent, Mr. Washburn, who were in Ft. Laramie at the time. Spotted Tail refused to have anything to do with it in as much as it was a violation of the solemn pledge

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<sup>103</sup>Annual Report of the Commissioner of Indian Affairs, 1871, 698.

<sup>104</sup>Ibid., 699.

<sup>105</sup>Ibid., 700

<sup>106</sup>Hyde, Red Cloud's Folk, 193.

<sup>107</sup>Annual Report of the Commissioner of Indian Affairs, 1871, 700.

of the whites never to enter their territory. While the matter was undecided, agent Washburn and Spotted Tail started for the agency, but Quick Bear waited a day and asked that the train of supplies be held until he could go to the agency and get permission for a wagon train to bring the goods in, or get a positive refusal. This was granted and eight days were given for him to get an answer.<sup>108</sup> When Quick Bear failed to return on time, the supply contractors asked for a military escort, and received an order from the Post Commander at Ft. Laramie for the escort as requested. Richard Smith, then in charge of the Red Cloud agency addressed a note to the officer in charge at Ft. Laramie stating that an Indian war would surely result if an attempt was made to escort the supplies across the Indian country to the Whetstone Agency with soldiers. He said that the Indians were unanimously opposed to the sending of supplies across the Indian reservation from the vicinity of Ft. Laramie, and that Spotted Tail would not be able to protect him with all his forces. He also stated that the chiefs at Red Cloud were pleased with the treatment by the government, but that according to them an Indian war would surely result if the army were used in an attempt to cross the reservation with a supply train. He suggested that some change be made in the interest of peace.<sup>109</sup>

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<sup>108</sup>Annual Report of the Commissioner of Indian Affairs, 1871, 700.

<sup>109</sup>Ibid., 701.

On August 10, the same day that this communication was sent to Laramie, Agent Smith forwarded a telegram to the Commissioner of Indian Affairs, stating that Spotted Tail wanted his supplies delivered to him on the North Platte River, and that Spotted Tail would not furnish an Indian escort to the interior of the reservation. <sup>110</sup>He asked earnestly, that some change be made in order that a general Indian war might be averted. A telegram stating in effect the same thing was also sent to the Commissioner of Indian Affairs by Major E. W. Crittenden, Commander at Ft. Laramie. In reply Major Crittenden received the following telegram:

Washington, D. C.  
August 11, 1871

Major E. W. Crittenden,  
Commanding:

Have requested suspension of orders relative to escort. Await further instruction. Send copy to Red Cloud Agency.

H. R. Clum,  
Acting Commissioner.<sup>110</sup>

The Indians at Red Cloud agency became subdued when they received their telegram. They expressed the opinion that the Great Father really intended to keep his promise to the Indians.<sup>111</sup> In a few days they were informed that their country would not be invaded and that Spotted Tail would receive his supplies at Red Cloud Agency. In the meantime

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<sup>110</sup>Annual Report of the Commissioner of Indian Affairs,  
1871, 701.

<sup>111</sup>Ibid., 701-702.

Spotted Tail had arrived with 465 lodges to await the arrival of his goods before going on to the Republican River in Nebraska for a buffalo hunt.

About the 10th of September the annuity goods began to arrive for distribution to Spotted Tail's Brules. These goods often were the source of trouble as they could easily be traded to unscrupulous white traders for whiskey.<sup>112</sup> This supply of goods to the Brules consisted of the following: 2 cases of blue cloth, 3 cases of scarlet cloth, 9 cases of print, 8 cases of blue drilling, 21 cases of camp kettles, 4 cases of thread, 250 cases of coats, 250 cases of pants, 1500 hats, 48 dozen axes, 98 dozen butcher knives, 2450 pairs of blankets, 17 bales of canvas (duck), 20 bales Stark A. Brown domestic, and comprised the entire amount of annuity goods received for the Whetstone Agency. They received liberal allowances for food and liberal supply of ammunition at the same time.<sup>113</sup> The Brules proceeded to the Republican River country for their buffalo without any escort.<sup>114</sup>

The Tetons were so determined to keep their large reservation free from white intrusion that they never even permitted

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<sup>112</sup>Hyde, Red Cloud's Folk, 192.

<sup>113</sup>Annual Report of the Commissioner of Indian Affairs, 1871, 702.

<sup>114</sup>Loc. cit.

agent Wham to ride into the country north of the agency.<sup>115</sup>

They enjoyed a good buffalo hunt on the Republican River and then went into camp during a very severe winter; however, before winter was over they ran out of meat and helped themselves to neighboring herds of cattle.<sup>116</sup>

The Humanitarians thought they would turn these "wild" Tetons into farmers in four years when they started their plan of agency feeding in 1868. Yet in 1871 after three years had passed, these Indians had not even learned the basic factor of farming and considered it a degrading occupation.<sup>117</sup>

In the winter of 1871 and 1872 the Red Cloud Agency was quiet. Most of the wild bands being located either on the Republican Fork or in the Powder River country. Fur trade that winter was poor, and even buffalo robes were growing scarce. However, whiskey was going across the frozen Platte to be traded for annuity goods. Squaw men established ranches across the river, where they could easily trade whiskey for blankets, bacon, flour, and clothing. When the Indian sobered up, they complained to the agent of needing food and clothing, thus bringing up another problem to be settled by the Indian agent.<sup>118</sup>

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<sup>115</sup>Hyde, Red Cloud's Folk, 190; Annual Report of the Commissioner of Indian Affairs, 1871, 703.

<sup>116</sup>Hyde, op. cit., 193.

<sup>117</sup>Ibid., 194; Annual Report of the Commissioner of Indian Affairs, 1871, 703.

<sup>118</sup>Hyde, op. cit., 195.

Mr. Wham had been appointed at the suggestion of the Episcopal Church. He was disillusioned with regard to the Tetons and no longer believed like the eastern Humanitarians that the Tetons were gentle people who could be managed if kindly treated. Therefore, in January, 1872, he was quietly removed and another Episcopalian, Dr. J. W. Daniels, was appointed in his place.<sup>119</sup>

Mr. Daniels began efforts to move the agency northeast into the reservation which had been set aside for the Sioux. The Indians admitted it would be better to move away from the Platte where they could not get whiskey.<sup>120</sup> In August, while the wild bands were out, Daniels packed up the Red Cloud Agency and moved about seventy five miles northeast to the White River, the site on the river being selected by the Indians.<sup>121</sup>

In 1872, J. C. O'Conner reported the Tetons at Grand River Agency peaceably disposed;<sup>122</sup> T. M. Koues reported the Cheyenne River Agency Indians which consisted of Two Kettle, Minneconjous, Sans Arcs, and Blackfeet bands of the Tetons, divided. One group was friendly to the treaty while the others stayed away with the hostiles.<sup>123</sup> The

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<sup>119</sup>Hyde, Red Cloud's Folk, 196.

<sup>120</sup>Annual Report of the Commissioner of Indian Affairs, 1872, 268.

<sup>121</sup>Hyde, op. cit., 201; Annual Report of the Commissioner of Indian Affairs, 1872, 269.

<sup>122</sup>Ibid., 261.

<sup>123</sup>Ibid., 262.

hostiles were more numerous than the friendlies and only visited the agency in considerable numbers in the spring. He reported that they were becoming more favorable, but they were alarmed over the construction of the Northern Pacific Railroad.<sup>124</sup>

At this time all of the Teton Indians were located at five different agencies, the Upper Missouri or Crow Creek Agency, on the east side of the Missouri; The Grand River Agency at the mouth of the Grand River; the Whetstone Agency (so called because of its location at first, at the mouth of the Whetstone River) located on the White River about 225 miles west of the Missouri; and Red Cloud Agency, first located on the Platte about thirty-two miles below Ft. Laramie and in August 1872, moved to the White River in Nebraska.<sup>127</sup> These Indians numbered about 22,000 in the aggregate, and had twenty five million acres in the reservation set aside by the treaty of 1868.<sup>128</sup> Besides these agency Indians there was a considerable band of hostiles under Sitting Bull and Black Moon in the Powder River country.<sup>129</sup> With the exception of the main band of Ogallallas at the

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<sup>124</sup>Annual Report of the Commissioner of Indian Affairs, 1872, 262.

<sup>125</sup>Ibid., 263.

<sup>126</sup>Ibid., 259.

<sup>127</sup>Ibid., 45.

<sup>128</sup>Loc. cit.

<sup>129</sup>South Dakota Historical Collection, II, 400.



Red Cloud Agency and the hostiles, as mentioned above, the Teton were on the reservation in 1872. A few of the Indians at each of the agencies were learning about farming, but the majority of them were still "breech-clout" Indians, disinclined to labor for a living.<sup>130</sup>

In 1872 the non-treaty Indians near Ft. Peck, Montana, were visited by three commissioners, Honorable B. R. Cowen, Assistant Secretary of Interior, N. T. Turney, and J. W. Wham. They reported the Indians were under the leadership of Sitting Bull and had committed many depredations. These commissioners reported that there were three thousand Teton in the Powder River country that year. They did not visit Sitting Bull's camp personally, but communicated with him. Sitting Bull, that summer, had intended mainly to make war on the Crows, but said that he would come in to the fort that fall to treat "if he could find any truthful white men."<sup>131</sup> They reported 6,000 miles of travel without escort wthough this hostile Indian country without being harmed as proof of the friendly disposition of the Indian.<sup>132</sup> B. R. Cowen, in his report of personal observations, said they consoled these Indians as soon as possible with regard to the military expedition under Colonel Baker that was accompanying the

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<sup>130</sup>Annual Report of the Commissioner of Indian Affairs, 1872, 46; Hyde, Red Cloud's Folk, 200.

<sup>131</sup>Annual Report of the Commissioner of Indian Affairs, 1872, 459.

<sup>132</sup>Ibid., 460.

engineers of the Union Pacific into the Black Hills.<sup>133</sup>

The railroad question had not become serious until 1871, when the engineers of the Northern Pacific decided that the practicable route of the road lay up the south bank of the Yellowstone through the country of the "wild Tetons."<sup>134</sup> These wild Indians had the sympathy of Red Cloud and the other Tetons who had signed the treaty of 1868 because this violated it. Without obtaining the consent of the Indians, the government permitted the railways to be perfected south of the Yellowstone and provided strong military escorts to protect the surveyors.<sup>135</sup> Also Ft. McLean, Ft. Abraham Lincoln, Ft. Keogh, and Ft. Ellis were established to protect the line.

The year 1871 went without an open break, but in 1872, Major E. M. Baker was attacked by several hundred Sioux and Cheyennes on August 14 near Prior's Fork in southern Montana.<sup>136</sup> Numerous fights occurred between the railroad builders and the Indians. In March 1873, Rev. John P. Williamson and Dr. J. W. Daniels were sent out to discuss the railroad question with the Indians. On account of the scarcity of food in the Yellowstone country the Indians were found in

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<sup>133</sup>Annual Report of the Commissioner of Indian Affairs, 1872, 461.

<sup>134</sup>South Dakota Historical Collections, II, 401.

<sup>135</sup>Report of the Secretary of War, 1871, I, 27; Sheridan, Personal Memoirs, II, 36.

<sup>136</sup>Ibid., 33.

the vicinity of Red Cloud Agency. On May 9, 1873, a council was called at the agency. The Indians said "they would be glad to hear from the 'Great Father' ", that they did not want to fight a war, and that they did not want the railroad and the white men in their country. They did not hesitate to assure the department that there would be no combined resistance to the construction of the Northern Pacific. They had neither food nor ammunition to fight a war.<sup>137</sup> So far as the agency Indians were concerned they were indignant because the Northern Pacific had trespassed on their country under the protection of the military, though they were not sufficiently interested in the matter to be thoroughly aroused, and, had they not suffered greater violations of their treaty rights, it is probable that they would have acquiesced in the matter.<sup>138</sup>

The raids along the Northern Pacific for two or three years led General Philip Sheridan to believe he could control the Indians better by establishing a military post in the Black Hills.<sup>139</sup> Accordingly, General Terry at Ft. Abraham Lincoln was directed to organize a reconnaissance expedition into the Black Hills, under George A. Custer, in the spring of 1874.<sup>140</sup> Such an enterprise was a direct violation of

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<sup>137</sup>South Dakota Historical Collections, II, 402-403.

<sup>138</sup>Ibid., 406.

<sup>139</sup>Ibid., 407.

<sup>140</sup>Report of General Sheridan to Secretary of War, 1874, 24.

the treaty of 1868.<sup>141</sup> On July 1, 1874, Custer left Ft. Abraham Lincoln with 1200 men and proceeded southwest where he reached the Belle Fourche fork of the Cheyenne River on July 18. On the 20th they crossed the river and entered the Black Hills. Custer went into ecstasy in his report on the beauties of the country as well as giving out the report that gold was discovered. He stated that gold was found in several places.<sup>142</sup> This report was given to the press on the evening of August 12.

The United States was less than one year away from "Black Friday", and news of gold was welcome. Active preparation began at once to go to El Dorado. Two lines of access were available. One by way of the Union Pacific to Sydney, Nebraska, and overland to the Hills; the other, by Missouri River to Ft. Pierre, thence overland. On the afternoon of the 13th, the citizens of Yankton assembled a mass meeting and began to advertise Yankton as the gateway to the new gold field. Flaming posters showed the way by Yankton, palacial boats to Ft. Pierre, thence overland to the Black Hills.<sup>144</sup> General Sheridan wired General Terry in command of the Dakota department to prohibit whites enter-

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141House Executive Documents, 43 Cong., 2 Sess., No.32,  
147. 142Report of the Board of Indian Commissioners, 1876, 15.  
143South Dakota Historical Collections, II, 414.  
144Ibid., 415.

ing the Black Hills. A party was immediately assembled at Yankton to hasten to the Hills to spy out the best lands.<sup>145</sup>

In spite of the military a few people succeeded in reaching the diggings and came out with exaggerated stories. Those who remained there were promptly removed and avenues leading to the Hills were carefully guarded. The Indians behaved very well. The government have them assurance that the public would be kept away from there until a treaty could be made to purchase the Hills. The Indians thought the government would guard their interest. According to the Commissioner of Indian Affairs these reports of gold were grossly exaggerated; they were corrected, yet some whites went on and were driven back by the Indians. He stated that no greater evil could come to the Sioux than the demoralization incident to an attempt to dispossess them of their country.<sup>147</sup>

In spite of the discouragement on the part of the government, stories continued to filter through concerning the riches of the Black Hills. In March 1875, the President directed another order to be issued excluding all whites from the Sioux reservation.<sup>148</sup> In the meantime, preparations went steadily on for mining. The Black Hills Transportation Company at Sioux City, showed by its books that from April 7

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<sup>145</sup>South Dakota Historical Collection, II, 415.

<sup>146</sup>Ibid., 416.

<sup>147</sup>Hubert Howe Bancroft, Nevada, Colorado, Wyoming, XV, 774.

<sup>148</sup>Ibid., 775.

to May 7, 1875, over three hundred men, forty wagons, and a pack train had left that point for the mines, and about two hundred men had gone from Yankton and other points.<sup>149</sup> During this time the government had decided that it must purchase the Black Hills or fight for them. It accordingly appointed a commission consisting of William B. Allison, Alfred H. Terry, A. Comingo, Samuel D. Hinman, G. P. Beaubias, A. G. Lawrence, and William H. Ashby, to treat with the Tetons for the purchase of the mining rights in the Black Hills.<sup>150</sup> This commission was appointed by the Secretary of Interior June 18, 1875. The committee met at Omaha August 26, and proceeded to Ft. Laramie. On September 4, they moved to Red Cloud Agency in an effort to meet the Indians in council. The commission was undecided as to the best way to proceed since the treaty of 1868 provided no lands should be relinquished without a three fourths majority of the Indians signed. It was therefore decided to attempt to get mining concessions and whatever other concessions they might be able to arrange.<sup>151</sup>

So confident was the Secretary of Interior concerning the purchase of mining rights from the Indians that he had previously permitted an expedition into the Black Hills

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<sup>149</sup>Bancroft, Nevada, Colorado, Wyoming, XV, 775.

<sup>150</sup>South Dakota Historical Collections, II, 416.

<sup>151</sup>Ibid., 417.

led by W. P. Jenny, of the School of Mines of New York City, in an effort to gauge the authenticity of the reports of Custer and also the reports of miners concerning the richness of deposits.<sup>152</sup> His expedition had an escort of six companies of cavalry and two of infantry under the command of Colonel R. I. Dodge.<sup>153</sup> He reported that the miners poured in by the hundreds and gave him great assistance in prospecting the country.<sup>154</sup> While his report was not as fanciful as that of General Custer, it still added something to what had already been done in establishing the fact that gold existed in the Black Hills over a wide area.<sup>155</sup> At this time a meeting was held early in January at Cheyenne, Wyoming, for the purpose of organizing a citizens' company in order to explore the Big Horn Mountains.<sup>156</sup>

During this time things had not gone so well with the Commission headed by William B. Allison, which had gone to the Sioux in an effort to purchase mining rights in the Black Hills. When runners had gone out earlier in the summer to ask the Indians to come to a council they had delegated Spotted Tail to go to the Black Hills and inform himself of the discoveries of gold that had actually been made. Accordingly,

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<sup>152</sup>Hafen and Young, Ft. Laramie, 368.

<sup>153</sup>South Dakota Historical Collections, II, 416.

<sup>154</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 181.

<sup>155</sup>House Executive Documents, No. 51, 44 Cong., 1 Sess., 12.

<sup>156</sup>Bancroft, Nevada, Colorado, and Wyoming, XV, 775.

he visited the Black Hills, and in a businesslike way inspected the workings and obtained all the information possible from the miners and W. P. Jenny. When the council, in which all the Tetons were represented, assembled on the White River eight miles from Red Cloud agency on September 20, 1875, he appeared well informed as to the value of the land the white men wanted.<sup>157</sup>

The Indians made exorbitant demands concerning the price they wanted for the Black Hills. Some asked as much as seventy million.<sup>158</sup> Negotiations dragged on and finally on the 28th of September, Spotted Tail asked the commissioners to put in writing what they proposed to do.<sup>159</sup> They offered to pay \$400,000 lease annually for the Black Hills lying between the north and south fork of the Cheyenne River and extending as far west as the 104 meridian or pay \$6,000,000 for outright relinquishment of the Black Hills by the Indians. They also proposed to buy a right of way in the Big Horn country at \$50,000 a year payable in cows and farming implements, for a road to Montana. The Black Hills country, if leased, could be relinquished by a two years' notice on the part of the government. The country would then revert to the Indians.

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<sup>157</sup>South Dakota Historical Collections, II, 417.

<sup>158</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 183.

<sup>159</sup>South Dakota Historical Collections, II, 420.



The conference ended September 29. The commissioners reported that no agreement could be made in the Indian country in the presence of large bodies of Indians and without presents. It also reported that the Indians placed a price on the land far above anything the government could possibly consider.<sup>160</sup>

The failure of the commission to reach any agreement left both parties in desperate circumstances.<sup>161</sup> Military opposition to miners entering the Black Hills was withdrawn and venturesome men poured into them. By March 1, 1876, there were 11,000 men in Custer City alone. The Indians could see nothing before them but the loss of their reservation and their final expulsion.<sup>162</sup> Crazy Horse, American Horse, Gall, Black Moon, and Sitting Bull were still supporting themselves in the Powder River country as they had most of the time. They arrived at the conclusion that the time had come when they must make a desperate and formidable stand for their rights.<sup>163</sup>

Despite the seriousness of the situation the Commissioner of Indian Affairs reported that there had been less trouble during 1875 than in many previous years. He also stated that a general Indian war could never occur again in the United States, but went on to say that it would probably be found

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<sup>160</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 184.

<sup>161</sup>South Dakota Historical Collections, II, 421.

<sup>162</sup>Report of the Board of Indian Commission, 1876, 11.

<sup>163</sup>South Dakota Historical Collections, II, 421.

necessary to compel the northern non-treaty Sioux to settle down at some designated point, and that, he said, might occasion conflict between them and the soldiers.<sup>164</sup>

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<sup>164</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 4-5.

### CHAPTER III

#### VANQUISHING THE TETONS, 1876-1890

After the failure of the Sioux Commission of 1875 to negotiate a lease of mining rights in the Black Hills from the Teton Indians, the government was left in a very embarrassing position. The government had bound itself by the treaty of 1868 to protect the great Sioux reservation from encroachments by the whites, and further pledged that if white men disregarded the Indians it would use the army to protect them and would also permit the Indians to use force to drive out the invaders.<sup>1</sup> However, the whites were now in the Black Hills, and were disregarding all warnings, even the President's Proclamation.<sup>2</sup> On the other hand, the Indians believed that the Black Hills were to be taken by force regardless of their natural or treaty rights, and in support of their views they noticed that immediately all military opposition to the occupancy of the Black Hills by the miners was withdrawn and that men were pouring into the Black Hills from every direction.<sup>3</sup> The situation was thus desperate for both the whites and the Indians.

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<sup>1</sup>Hyde, Red Cloud's Folk, 247; Kappler, Indian Affairs, Laws and Treaties, I, 171.

<sup>2</sup>Richardson, Messages and Papers of the Presidents, VII, 322, 352, 401; Hyde, op. cit., 247.

<sup>3</sup>South Dakota Historical Collections, II, 421.

The Sioux Commission in their report to the Commissioner of Indian Affairs made a series of seven recommendations as to what should be done.<sup>4</sup> Among other things suggested was that the government should take the initiative in dealing with the Indians, pass the laws which would be best for them, then let it be known definitely that sufficient force would be used to make them obey.

On November 9, 1875, E. C. Watkins, United States Indian Inspector, submitted a communication to the Commissioner of Indian Affairs relative to certain wild and hostile bands of Sioux Indians in Dakota and Montana that came under his observation during a recent tour through their country.<sup>5</sup> For some unaccountable reason both General Sheridan and General Crook were in Washington at the same time E. C. Watkins was there. While these three were in conference with President Grant it was advised by the Indian inspector that the Indians should be whipped into subjection by a winter campaign.<sup>6</sup> Since the idea of a winter campaign had been advocated as the original policy of General Sheridan, some writers believe that the Generals, Sheridan and Crook, had decided upon a winter campaign previously and had arranged with E. C. Watkins to advocate

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<sup>4</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 199.

<sup>5</sup>Record of the Engagements With Hostile Indians Within the Military Division of the Missouri from 1868-1882, Lieutenant P. H. Sheridan Commanding, 57; Manypenny, Our Indian Wars, 301.

<sup>6</sup>Record of Engagements, 50; Eighth Annual Report of the Board of Indian Commissioners, 1876, 15.

such in his report in order to support their views.<sup>7</sup> At any rate the reasons given by the inspector were stated with great force in his report.<sup>8</sup> For some reason the reports of the local Indian agents which were dispersed on the Upper Missouri and in Montana did not agree with the condition of things as stated by Inspector Watkins.

The Commissioner of Indian Affairs deliberated for three weeks on the inspector's report, and on November 27, 1875, submitted the report to the Secretary of Interior with the recommendation that it be referred to the Secretary of War for consideration and for such action as General Sheridan might deem best.<sup>9</sup> On November 29, 1875, the Secretary of Interior transmitted the note with Inspector Watkin's report to the Secretary of War, but expressed no opinion. On the 3rd of December the Secretary of Interior informed the War Department that he had instructed the Commissioner of Indian Affairs to notify the hostile Sioux residing outside their reservation and away from any agency, that they must remove themselves to the reservation on or before January 31, 1876.<sup>10</sup> Failure to comply with this

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<sup>7</sup>Manypenny, Our Indian Wards, 303; Hyde, Red Cloud's Folk, 250.

<sup>8</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 37; Eight Annual Report of the Board of Indian Commissioners, 1876, 15.

<sup>9</sup>Ibid., 15; Annual Report of the Commissioner of Indian Affairs, 1875, 38; Manypenny, op. cit., 304.

<sup>10</sup>Loc. cit.; Annual Report of the Commissioner of Indian Affairs, 1876, xv.

demand would result in the sending of soldiers to bring them in.<sup>11</sup> Thus the advice of Mr. E. C. Watkins and the desire of General Sheridan had been adopted as the policy of the Indian Department.<sup>12</sup> Accordingly, on December 6, 1875, the Commissioner of Indian Affairs, in pursuance of orders from the Secretary of Interior issued a letter of instructions to the agents at Red Cloud, Spotted Tail, Lower Brule, Crow Creek, Cheyenne River, Standing Rock, Devil's Lake, and Ft. Peck agencies asking them to communicate to Sitting Bull and other hostile Indians the requirements that the government had made that they move within the boundaries of reservations by the 31st of the next month.<sup>13</sup>

In the early part of the winter of 1875-76 many of the Indians had gone to the hunting grounds by permission of their agents on account of the scarcity of rations.<sup>14</sup> Runners were sent to these Indians as soon as instructions from the Commissioner of Indian Affairs reached the various agents.<sup>15</sup> The runners sent out from Cheyenne River Agency on the 22nd of December were not able to return until February 11, 1876.<sup>16</sup> It does not appear that any of these runners were able to

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<sup>11</sup>Record of Engagements, 57.

<sup>12</sup>Ibid., 50.

<sup>13</sup>Annual Report of the Commissioner of Indian Affairs, 1876, xv.

<sup>14</sup>South Dakota Historical Collections, II, 422.

<sup>15</sup>Eight Annual Report of the Board of Indian Commissioners, 1876, 16.

<sup>16</sup>South Dakota Historical Collections, II, 423.

return by the deadline for moving in by the Indians.<sup>17</sup> The runner from Cheyenne River stated that the Indians received the word cheerfully but said they could not return until early in the spring owing to the severity of the winter.<sup>18</sup> Some authorities contend that the Indians should not have been expected to move during the severe winter weather, pointing out Sheridan's report of November 25, 1876, in which he stated, that owing to the severity of the early winter the army was forced to suspend operations.<sup>19</sup> Others contend that the Indian moved regardless of the weather and that the Indians had no intention of coming in.<sup>20</sup>

Regardless of opinions the Secretary of Interior notified the Secretary of War on February 1, that the Indians had failed to come in and that the military authorities might take what action they deemed advisable to reduce the Indians to subjection.<sup>21</sup>

The general contention was that there was no relation between the Black Hills trouble and the sudden decision to force the wandering Indians to come in to the agencies, but the Indians had been guaranteed the right to roam by the treaty

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<sup>17</sup>Ibid., 423; Annual Report of the Commissioner of Indian Affairs, 1876, xv.

<sup>18</sup>Loc. cit.; Record of Engagements, 65.

<sup>19</sup>South Dakota Historical Collections, II, 423; Record of Engagements, 65.

<sup>20</sup>Hyde, Red Cloud's Folk, 251.

<sup>21</sup>South Dakota Historical Collections, II, 423; Eighth Annual Report of the Board of Indian Commissioners, 1876, 21.

of 1868.<sup>22</sup> However, it was intended to make an example of the hostile Indians which in turn would tend to subdue the agency bands, and this it was hoped, would break down the stubborn resistance of the agency Indians and cause them to cede the Black Hills.<sup>23</sup> Such a move would subdue the Sioux, please the public, and gain the Black Hills at a nominal cost. The excuse for ordering the Indians was the report of the Indian inspector E. C. Watkins, as cited above.<sup>24</sup>

General Sheridan immediately consulted with Generals Terry and Crook and ordered them to proceed against the hostiles.<sup>25</sup> Crook was to move north from Ft. Laramie against the Indians. Terry's column was to come to the Powder River country from Ft. Abraham Lincoln on the Missouri River, while General Gibbon's command was to move in from Ft. Ellis in Montana. This would put a three directional movement by the military all converging on the Indians in the Big Horn and Powder River country.

On March 1, 1876, General Crook started out on the old Bozeman Trail at the head of an expedition amounting in all to 803 men.<sup>26</sup> He proceeded by Fts. Reno and Phil Kearney into the disputed Indian country. Thus the Sioux War of 1876,

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<sup>22</sup>Kappler, Indian Affairs, Laws and Treaties, I, 171.

<sup>23</sup>Hyde, Red Cloud's Folk, 250.

<sup>24</sup>Loc. cit.; Annual Report of the Commissioner of Indian Affairs, 1877, 14.

<sup>25</sup>Hafen and Young, Ft. Laramie, 270; Manypenny, Our Indian Wars, 307.

<sup>26</sup>Ibid., 423; Report of General Sheridan to Secretary of War, 1876, 28 ff.



otherwise known as the Black Hills War, got under way. ✓

Crook first struck the camp of Crazy Horse where he was defeated, after which he withdrew to Ft. Fetterman.<sup>27</sup> With the coming of spring, war began in earnest. The Indians proceeded to carry out their plans of making a combined resistance against the whites. Their intention was to assemble a vast army of warriors along the eastern part of the Big Horn Mountains, and when conditions were right, sweep down upon the Black Hills and drive out the invaders.<sup>28</sup> General Sheridan resolved to proceed against these wild Indians cautiously and with a well laid plan.<sup>29</sup> He ordered three distinct columns of troops, as previously stated, to move to a common center.<sup>30</sup> Crook started out with forty seven officers and one thousand three men from Ft. Fetterman where he had retired after his previous defeat by Crazy Horse, and on the 17th of June, while descending the Rosebud River, he again came upon a large force of warriors under Crazy Horse. Crook was aiming at their village but these bands had come boldly out to attack Crook's command. The fight lasted all day and owing to the roughness of the terrain it was impossible for Crook to accurately estimate the number of Indians but he decided the number and quality of

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<sup>27</sup>J. B. Bourke, On the Border With Crook, 270-282; Record of Engagements, 1876, 58-59.

<sup>28</sup>South Dakota Historical Collections, II, 424.

<sup>29</sup>Annual Report of the Commissioner of Indian Affairs, 1877, 14-17.

<sup>30</sup>South Dakota Historical Collections, II, 424.

the enemy required more men than he had, and being already encumbered with wounded he returned to his train on Goose Creek on the 19th of June and sent back for reinforcements.<sup>31</sup>

While General Crook was meeting these reverses General Terry was moving west from Ft. Abraham Lincoln near Bismark, and General Gibbon was moving east where his scouts had located Indians in the vicinity of the Little Big Horn.<sup>32</sup> Had Crook not been defeated in the Battle of the Rosebud on June 17, and forced to retire, Custer and his men might have been saved on the 25th of June.<sup>33</sup> However, since General Crook had been forced to retire, Crazy Horse had speedily retired with his forces to join those of Black Moon and Sitting Bull on the Little Big Horn.<sup>34</sup> Thus while General Crook was lying in camp and timidly awaiting reinforcements General Custer and his men rode to their death against these combined Indian forces.<sup>35</sup>

General Gibbon had camped on the north side of the Yellowstone and his scouts had gone on east where they met General Terry at the mouth of the Rosebud.<sup>36</sup> At this point General Terry had dispatched Custer with the 7th cavalry to scout up the Rosebud and across west to the Little Big

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<sup>31</sup>Record of Engagements, 60.

<sup>32</sup>Ibid., 51; Hafen and Young, Ft. Laramie, 372.

<sup>33</sup>South Dakota Historical Collections, II, 425.

<sup>34</sup>Loc. cit.

<sup>35</sup>Record of Engagements, 61.

<sup>36</sup>Ibid., 52.

Horn, thence down the stream.<sup>37</sup> General Terry proceeded on up the Yellowstone to a point opposite the mouth of the Big Horn where he ferried General Gibbon's troops across the river and moved up the Big Horn to the south intending to unite with Custer on the 26th.<sup>38</sup> It was while General Custer was coming down the Little Big Horn that he met his fate on the 25th of June.<sup>39</sup> At that time General Crook's command was out of commission after the defeat of the 17th on the Rosebud by Crazy Horse.<sup>40</sup> Generals Terry and Gibbon, coming up the Big Horn, did not reach the site of the battle until June 27.<sup>41</sup>

General Terry and General Gibbon withdrew to the mouth of the Big Horn to await reinforcements and at the same time attempted to open communications with General Crook.<sup>42</sup> Exchange of intelligence between Generals Crook and Terry revealed that their experiences had been very similiar;<sup>43</sup> each had been repulsed by the Indians and now both were awaiting reinforcements.<sup>44</sup> While General Sheridan was rushing reinforcements into the Indian country to the beleaguered forces,<sup>45</sup> the Indians had

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<sup>37</sup>Record of Engagements, 52-53.

<sup>38</sup>Loc. cit.; South Dakota Historical Collections, II, 426.

<sup>39</sup>Record of Engagements, 56-57, 61-66.

<sup>40</sup>Ibid., 54-55.

<sup>41</sup>Ibid., 57; South Dakota Historical Collections, II, 426.

<sup>42</sup>Record of Engagements, 57-58; Manypenny, Our Indian Wards, 310-311; Hafen and Young, Ft. Laramie, 374.

<sup>43</sup>Record of Engagements, 58.

<sup>44</sup>Hafen and Young, op. cit., 375.

<sup>45</sup>Record of Engagements, 58.

scattered in search of food.<sup>46</sup> In the meantime, General Sheridan had demanded and received control of the principal agencies on July 26, 1876.<sup>47</sup> He later decided to disarm and dismount all agency Indians lest they be drawn into the hostilities.<sup>48</sup> The flight of the Indians from the agencies<sup>49</sup> induced the Interior Department to accede to the wishes of the War Department that the principal agencies be placed under the military.<sup>50</sup>

The Indians never seemed to be able to think in terms of following up defeats. They would win a great victory and then instead of following up their advantage, they were ready to quit, celebrate, or do whatever else that might appeal to their fancy.<sup>51</sup> After the battle of the Little Big Horn the Indians scattered.<sup>52</sup> Some started to the Big Horn Mountains for lodge poles. Soon the time arrived for the autumn eastward move and away they went, passing the Custer battlefield, hunting on the Rosebud, then crossing to the Tongue River. Some of the warriors went up the Rosebud and "paid their respects" to Crook by shooting up the camp and attempting to steal his horses.<sup>53</sup>

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<sup>46</sup>Record of Engagements, 58.

<sup>47</sup>Hyde, Red Cloud's Folk, 279.

<sup>48</sup>Record of Engagements, 58-59.

<sup>49</sup>Ibid., 58.

<sup>50</sup>Ibid., 60.

<sup>51</sup>South Dakota Historical Collections, II, 425; Hyde, op. cit., 275.

<sup>52</sup>Loc. cit.; Manypenny, Our Indian Wars, 311; Hafen and Young, Ft. Laramie, 375; South Dakota Historical Collections, II, 437.

<sup>53</sup>Hyde, op. cit., 274; Record of Engagements, 61-65.

General Crook broke camp on August 4, after having received reinforcements, and moved toward the Black Hills.<sup>54</sup> At Slim Buttes General Crook had a fight with Crazy Horse which was indiciative.<sup>55</sup>

In the meantime stragglng bands of Indians were slipping into the agencies. Accordingly, Sheridan carried out his plan of dismounting and disarming the four great agencies.<sup>56</sup> On the 26th and 28th of October, General Terry successfully took the arms and ammunition as well as ponies away from the Indians at Standing Rock and Cheyenne River agencies.<sup>57</sup> General Crook came in to Red Cloud agency where he discovered that General McKenzie had seized the arms and ponies of Red Cloud's band.<sup>58</sup> He then proceeded to disarm the Indians at Spotted Tail agency<sup>59</sup> where it was said that Indian wars of any magnitude were over.<sup>60</sup>

Colonel Nelson A. Miles now entered in the campaign.<sup>61</sup> He drove Sitting Bull into Canada where on February 11, 1877, the Canadian Northwest Mounted Police reported that Sitting Bull with 109 lodges of Sioux had crossed the international

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<sup>54</sup>Record of Engagements, 60.

<sup>55</sup>Ibid., 60-61.

<sup>56</sup>Ibid., 67-74.

<sup>57</sup>South Dakota Historical Collections, II, 437; Annual Report of the Comaissioner of Indian Affairs, 1877, 52.

<sup>58</sup>Record of Engagements, 63-64; Hyde, Red Cloud's Polk, 284, 290; Manypenny, Our Indian Wards, 311.

<sup>59</sup>Record of Engagements, 64.

<sup>60</sup>Manypenny, op. cit., 312.

<sup>61</sup>Record of Engagements, 61.

line. Later they reported that he was joined by about one hundred more lodges.<sup>62</sup> Colonel Miles, in May 1877, helped effect the surrender of Crazy Horse at Red Cloud Agency.<sup>63</sup>

In the meantime, General Gibbon had gone back to Montana.<sup>64</sup> General Terry, as mentioned above, had returned to Ft. Abraham Lincoln. From there he went to Standing Rock and Cheyenne River agencies, and General Crook had gone in, as mentioned above, to Red Cloud and Spotted Tail agencies.<sup>65</sup>

While the military campaigns were in progress new laws with regard to the Indians were being considered. On August 15, 1876, an act was passed which stipulated that no annuities should be paid to hostile Sioux;<sup>66</sup> and that the Sioux must accept a new reservation as follows: Beginning on the north line of the state of Nebraska at the intersection of 103 meridian, thence up that meridian to the Cheyenne River, thence down the Cheyenne River to the fork, thence up the north fork to the intersection of the 103 meridian, thence north on that meridian to the Cannon Ball River, and down the Cannon Ball to its mouth, thence down the Missouri River to the north line of Nebraska, thence west on that line to the point of beginning.<sup>67</sup>

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<sup>62</sup>Record of Engagements, 77; Hyde, Red Cloud's Folk, 276.

<sup>63</sup>Annual Report of the Commissioner of Indian Affairs, 1877, 17; Record of Engagements.<sup>67</sup>

<sup>64</sup>Ibid., 70.

<sup>65</sup>Ibid., 64.

<sup>66</sup>Eighth Annual Report of the Board of Indian Commissioners, 1876, 11.

<sup>67</sup>Kappler, Indian Affairs, Laws and Treaties, I, 169.

All other lands outside this reservation including the Black Hills and Powder River country were to be absolutely ceded forever to the government. The treaty also provided that three roads might be built through the reservation to the Black Hills and that the government was to provide the Indians with a definite ration. These rations were to be continued until the Indians were able to support themselves. No rations were to go to school children unless they attended school. It was provided that no rations would be given until they signed the treaty--to be starved until the land was ceded.<sup>68</sup> The Indians agreed to locate at a place on the Missouri River where it would be convenient to receive rations, or go to the Indian Territory.<sup>69</sup>

Congress also provided for a commission to secure the signature of the Indians to the treaty. On August 24, the following men were commissioned: George W. Manypenny, Columbus, Ohio, Chairman; Henry C. Bullis, Decorah, Iowa; Newton Edmunds, Yankton, Dakota Territory; Bishop Henry B. Whipple, Fairbault, Minnesota; A. G. Boone, Denver, Colorado; A. S. Gaylord, Washington, D. C.; General H. H. Sibly,

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<sup>68</sup>Annual Report of the Commissioner of Indian Affairs, 1876, xv; Eighth Annual Report of the Board of Indian Commissioners, 1876, 11.

<sup>69</sup>Annual Report of the Commissioner of Indian Affairs, 1877, 225-226; Kappler, Indian Affairs, Laws and Treaties, I, 171; Eighth Annual Report of the Board of Indian Commissioners, 1876, 13; United States Statutes at Large, XIX, 254.

St. Paul, Minnesota; Dr. G. W. Daniels, St. Peter, Minnesota.<sup>70</sup>

Instead of assembling a general council, as was done in 1875, only the chiefs and headmen of each tribe were consulted, and the tribes were met separately.<sup>71</sup> The provisions of the treaty of 1868, that the signatures of three-fourths of the tribal men were necessary to cede the lands, was completely ignored.<sup>72</sup>

The treaty was signed at Spotted Tail agency, September 23, 1876; at Red Cloud agency, September 26, 1876; Cheyenne River agency, October 16, 1876; Standing Rock agency, October 11, 1876; Crow Creek agency, October 21, 1876; and Lower Brule agency, October 24, 1876.<sup>73</sup>

During this time the government was trying to solve the problem of illegal entrance into the Black Hills by miners in 1875, they also encountered unforeseen trouble from another quarter. Nebraska became a state in 1867 and in 1868 the government had signed the series of treaties with the Indians herein above referred to, and in all the treaties had reserved to the Indians hunting rights on any land north of the Platte River in Nebraska and also by the same treaties

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<sup>70</sup>Kappler, Indian Affairs, Laws and Treaties, I, 171; Eighth Annual Report of the Board of Indian Commissioners, 1876, 13; United States Statutes at Large, XIX, 254.

<sup>71</sup>Eighth Annual Report of the Board of Indian Commissioners, 1876, 12.

<sup>72</sup>Ibid., 14.

<sup>73</sup>Ibid., 12.



had extended the hunting grounds to the hunting grounds on the Republican River country in extreme southwestern Nebraska.<sup>74</sup> This was done without the consent of the sovereign state of Nebraska.<sup>75</sup> Consequently, on February 4, 1875, the Nebraska legislature passed a joint resolution protesting the right of the United States to make such grants of the land to the Indians and lodged demands against the government as follows:

Be it resolved by the Senate and House of Representatives of the State of Nebraska, that we call upon the general government and demand that it shall immediately remove from within the boundaries of the state of Nebraska, the Indians who have been brought into our state and located at or about said agencies without the consent of the state, and, also, that it take steps to derogate the pretended hunting and other rights claimed to have been given said Indians in the said treaty.<sup>76</sup>

The United States government accordingly negotiated treaties with the Indians of Red Cloud and Spotted Rail agencies for the relinquishment of hunting rights in Nebraska. These treaties signed at Spotted Tail and Red Cloud agencies June 23, 1875, provided that all hunting rights in the state of Nebraska be surrendered for the sum of twenty five thousand dollars. The right to retain the country north of the divide, which was on the south side of the Niobrara River, and west of the one hundred meridian in the state of Nebraska for future use and occupancy was retained. This treaty was to be binding on all

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<sup>74</sup>Kappler, Indian Affairs, Laws and Treaties, II, 1002.

<sup>75</sup>"Land Systems and Land Policies in Nebraska," in Publications of the Nebraska State Historical Society, XXII, 13.

<sup>76</sup>"Session Laws of Nebraska," loc. cit.

of the Teton Sioux.<sup>77</sup> The land where the agencies were located was not surrendered until September 23, 1876. By this treaty they gave up all their claims in the state of Nebraska. On October 27, 1877, the Indians finally departed from Nebraska soil.<sup>78</sup>

After the Indians had signed the treaty in 1876 for the relinquishment of the Black Hills territory, straggling bands of the hostiles continued to filter in to the agencies. Captain Bourke estimated that a little under 4,500 Indians surrendered at Red Cloud and Spotted Tail agencies in the spring of 1877.<sup>79</sup>

After Sitting Bull had gone to Canada, Crazy Horse was the only chief of importance who remained away from the agency. Colonel J. W. Mason induced Spotted Tail to go to Crazy Horse and prevail with him to come in and save the Sioux much suffering. In February 1877, Spotted Tail with two hundred and fifty picked men started on a peace mission to Crazy Horse's camp.<sup>80</sup> He contacted the Indians and induced them to come in. Spotted Tail returned on April 6, and on April 14, one hundred and five lodges reached Spotted Tail agency. On May 5, 1877 Crazy Horse with one hundred forty-six lodges, three hundred warriors,

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<sup>77</sup>Annual Report of the Commissioner of Indian Affairs, 1875, 179.

<sup>78</sup>Publications of the Nebraska State Historical Society, XXII, 14; Annual Report of the Commissioner of Indian Affairs, 1878, 36.

<sup>79</sup>Hyde, Red Cloud's Folk, 292.

<sup>80</sup>Ibid., 289.

between 1,100 and 1,200 other Indians and 2,500 ponies marched into Red Cloud agency singing, and surrendered to General Crook at nearby Camp Robinson.<sup>81</sup> Only fifty-one lodges of Minneconjous under Lame Deer remained at large. They were attacked a few days later by Colonel Nelson A. Miles. Lame Deer was killed, the pony herd and camp equipment was captured.<sup>82</sup> This band remained at large until September when they surrendered at Spotted Tail agency. Inspector E. C. Watkin's idea of sending out a few soldiers to chase the wild Indians in was thus ended. It had lasted eighteen months and had brought untold sufferings and hardships on both sides.

Crazy Horse was never able to reconcile himself to the broken treaty of 1868 and developed a sulking revengeful attitude after coming in.<sup>83</sup> He lost his power among the Indians and was killed at Camp Robinson in 1877 where he had been placed after having attempted to break away from the agency at Red Cloud with a group of Indians for a buffalo hunt on the Big Horn.<sup>84</sup>

The final chapter of the Black Hills War was written in 1881 with the surrender of Sitting Bull and his hostiles from Canada. They began arriving at Ft. Peck agency in Montana in

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<sup>81</sup>Record of Engagements, 67; Hyde, Red Cloud's Folk, 292; J. F. Finerty, War-Path and Bivouac, 294.

<sup>82</sup>Record of Engagements, 68.

<sup>83</sup>Loc. cit.

<sup>84</sup>Finerty, op. cit., 295-296; Hyde, op. cit., 296-298; Record of Engagements, 68.

the fall of 1880. It was impossible for the agent, Mr. W. S. Porter to govern them with the force he had, consequently they began demanding rations and causing trouble at the agency.<sup>85</sup> On January 2, 1881, Major Ilges, after exhausting all peaceable means, was compelled to attack the hostile camp.<sup>86</sup> One hundred men and two hundred women and children were captured.<sup>87</sup> The Indians began deserting Sitting Bull and surrendering to the authorities.<sup>88</sup> Sitting Bull himself surrendered at Ft. Buford on July 20, 1881, and the war was over.<sup>89</sup>

During the summer of 1877 the agents had been prevailing with the Indians to move to some other place on the Missouri River, in accordance with their treaty of 1877, in order that they might receive their government supplies. The recently returned hostile Indians were still suspicious and hard to manage. Just as their chiefs had talked them into moving their agencies to new locations on the Missouri River, the killing of Crazy Horse on September 5 occurred, and all their agencies were thrown into wild confusion. A break by some of the wild bands back to the Rosebud and Powder River country was narrowly averted, and the Indians flatly refused to carry out the contemplated move to the new agency locations. Winter

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<sup>85</sup>Annual Report of the Commissioner of Indian Affairs, 1881, 122.

<sup>86</sup>Record of Engagements, 98.

<sup>87</sup>Loc. cit.

<sup>88</sup>Finerty, War-Path and Rivouac, 394; Record of Engagements, 96.

<sup>89</sup>Ibid., 99.

was coming on, food was scarce, and the government had piled up the new supplies on the Missouri at the mouth of the Yellow Medicine Creek to await the arrival of the Indians.<sup>90</sup> After all efforts had failed Red Cloud and some of the principal chiefs demanded to negotiate directly with the President. So they immediately started to Washington where they met President Hayes in the executive mansion, September 26, 1877. There they received the promise that if their people would go to the Missouri for the winter they might choose any place they desired for an agency the next spring provided it was within the boundary of the reservation as provided in the treaty of 1876. When Red Cloud returned he had a copy of the President's promise with that part carefully marked with blue pencil.<sup>91</sup>

Armed with this promise the Indians consented to move and on October 27, 1877, a caravan consisting of about 4,600 Indians, two companies of cavalry, one hundred twenty transportation wagons, 2,000 head of beef cattle, together with employees and traders took up the line of march from the old Red Cloud agency in Nebraska, following White Earth River two hundred and fifty miles, then north twenty miles to Yellow Medicine and down that stream thirty miles to the Missouri where they arrived November 25, 1877.<sup>92</sup>

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<sup>90</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 36.

<sup>91</sup>Hyde, Red Cloud's Folk, 299.

<sup>92</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 37.

The Spotted Tail agency broke camp at the same time and was following a parallel course to the Missouri, being off to the right of the Red Cloud agency group as they moved in a general northeasterly direction toward the Missouri. The dust from the Spotted Tail agency was visible from the traveling column of the Red Cloud agency. The hostile Ogallallas of Crazy Horse's band as well as the recently hostile Minneconjous and Sans Arcs were traveling with Spotted Tail and his agency. After they had traveled some seventy-five miles, some 2,000 warriors made a wild break from Spotted Tail's band and came pouring over the bluffs into the marching columns of the Red Cloud agency. It was Crazy Horse's old band under the leadership of Big Road. They were making a wild break for freedom and used all their persuasive powers to induce the Red Cloud people to go with them. They also carried with them the remains of Crazy Horse which they used in an effort to madden the Indians.<sup>93</sup> The commander of the two companies of cavalry had the good sense to keep the units back and let the Indians quarrel among themselves.<sup>94</sup> Dr. James Irwin, the agent, quietly advised the Indians not to leave and at the same time gave a liberal quantity of rations to Crazy Horse's former people. After the wildest excitement, in which a break was narrowly averted, the Indians departed

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<sup>93</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 37.

<sup>94</sup>Hyde, Red Cloud's Folk, 301; Record of Engagements, 98.

into the badlands. They made good their escape and joined Sitting Bull in Canada. However, they were not happy, and in a few years gradually drifted back and surrendered to the United States soldiers.<sup>95</sup>

The Indians of the two agencies spent a miserable winter in 1877 and 1878 at their new location on the Missouri River. Supplies were late in arriving. There was a shortage of timber and the water was strongly alkaline at the new agency at the mouth of the Yellow Medicine.<sup>96</sup> The Red Cloud Indians went into camp about sixty miles southwest of the agency which was the only place they could spend the winter.<sup>97</sup>

According to his promise, the President allowed the Ogallallas to pick a site for the new agency far up the White River on Big Clay Creek. It was as far away from the Missouri as they could get without going back into Nebraska where they had left the previous fall. The Spotted Tail agency people had chosen the South Fork of the White River, their agency to be located on the Rosebud.<sup>98</sup>

The Commission of 1878 consisted of Colonel D. S. Stanley, J. M. Haworth, and Reverend A. L. Riggs. It was appointed

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<sup>95</sup>Hyde, Red Cloud's Folk, 300.

<sup>96</sup>Ibid., 302.

<sup>97</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 37.

<sup>98</sup>Ibid., 156.

to examine the lands the Indians had selected for agency sites. It reported that the Indians had selected the best sites in the entire region.<sup>99</sup> Mr. James Irwin, the agent for the Red Cloud agency, said that the land selected was the best on the reservation but that it was second grade land.<sup>100</sup> The South Fork of the White River and Big Clay Creek both had their sources in the sand hills which gave an abundance of clear water free from alkali. There was sufficient timber on the tributaries of these streams for all agency buildings though it would require much hard work owing to the location of the timber. The valley ranged from one quarter to one mile wide and was suited to the raising of cereal crops. The country away from the streams was excellent for grazing purposes.<sup>101</sup> This move in 1878 was the last one for the people of Red Cloud and Spotted Tail agencies. The Ogallalla's new agency was known as Pine Ridge, while the Brule's new home was known as the Rosebud agency.<sup>102</sup>

In the incredible short time of ten years these Indians had been transformed from wild Indians subsisting very largely on the spoils of the chase, to agency Indians depending almost wholly upon the government for support.<sup>103</sup> In the report of

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<sup>99</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 157.

<sup>100</sup>Ibid., 38.

<sup>101</sup>Ibid., 156-160.

<sup>102</sup>Ibid., 159; Hyde, Red Cloud's Folk, 303.

<sup>103</sup>House Executive Documents, I Sess., 47 Cong., 84-85; Annual Report of the Commissioner of Indian Affairs, 1878, 158.



the Sioux Commission of 1878 the following statement is made:

We think these Indians fully realize their own condition. Their country, the Sioux Reservation, is comparatively poor in soil and pasturage; no equal extent of territory east of the Rocky Mountains could be laid off so deficient in natural resources. The game is almost entirely gone, the living wild creatures of the Sioux Reservation would not feed its Indian population one week. The Sioux tribes have lost all the resources of their savage life, they have ceased to live as Indians without having made one single step toward being civilized men. They realize this themselves, and they now only need proper help.... Surely they merit everything possible for their preservation and elevation to a place in human society. These Indians fully comprehend how much valuable territory they have given up, and while they believe they are entitled to a living in consideration of their sacrifices, the thinking serious men among them deprecate the idea of being paupers.<sup>104</sup>

The Sioux Commission further recommends that the power of the chiefs be broken down among the Indians in the interest of harmony among them, that the Indians be taught to live apart in order to be able to better use the land of the reservation, and also insisted that no time be lost in establishing courts to protect the Indians in accordance with the treaty of 1876.<sup>105</sup>

After locations were made for the two new agencies hereafter to be known as Pine Ridge and Rosebud agencies, the Teton Sioux, until 1889 when slight changes were made, were located as follows: Blackfeet, Minneconjous, Sans Arcs, and

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<sup>104</sup>Annual Report of the Commissioner of Indian Affairs, 1878, 158-159.

<sup>105</sup>Ibid., 160.

Two Kettle at the Cheyenne River, or old Whetstone Agency; the Lower Brule Sioux were located at the Lower Brule agency; the Ogallallas were located at Pine Ridge (Red Cloud) agency; Minneconjou, Ogallalla and Upper Brules were located at the Rosebud (Spotted Tail) agency; and, the Blackfeet and Unc-papas were located at Standing Rock agency.<sup>106</sup>

The Indian agents were nominated at the various reservations by the following denominations: Cheyenne River, Lower Brules, Pine Ridge, and Rosebud agencies by the Episcopal Church; Standing Rock agency by the Catholic Church.<sup>107</sup>

At this time recommendations began to appear for laws to be passed which would discourage and eventually eradicate the practice of polygamy. In 1879 the Commissioner of Indian Affairs wrote as follows:

In my last annual report I recommended the enactment of a law to prevent polygamy, which prevails in almost every tribe, and to provide for legal marriages among the Indians. I can do no better than repeat that recommendation here. An act of Congress should provide for wholesome and proper marriage laws for Indian tribes. The agent should be required to marry all the Indians cohabiting together upon the various reservations, giving them a certificate of such marriage; and after the beginning of the next year, no Indian should be permitted to marry more than one wife. White men cohabiting with Indian women should be compelled either to marry them or quit the reservation.<sup>108</sup>

Again in 1881, the Commissioner of Indian Affairs recommended

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<sup>106</sup>Annual Report of the Commissioner of Indian Affairs, 1879, 219.

<sup>107</sup>Loc. cit.

<sup>108</sup>Ibid., xiii.

that: "the importance of the enactment of a law to prevent polygamy and to provide for legal marriage among the Indians is self apparent."<sup>109</sup> He reiterated the recommendation of his immediate predecessor that the necessity and propriety for such legislation be laid before Congress at its next session.<sup>110</sup> In 1886 the report was made that a large portion of the heads of families were living with their women married only according to their Indian customs. The tie was not considered sacred, neither did it hold the parties together whenever the man, by caprice or because of fancy to another chose to sever it. Complaints of women to the agents because they had been discarded were common. A horse was generally the amount of damage they wanted.<sup>111</sup>

The question of white man marrying Indian women was dealt with by an act of Congress of August 9, 1888. It provided that no white man, not otherwise a member of any tribe of Indians might thereafter acquire any rights to any tribal property, privilege or interest, by marrying into any tribe in the United States or its territories other than the Five Civilized Tribes.<sup>112</sup>

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<sup>109</sup>House Executive Documents, I Sess., 47 Cong., 82; Ibid., 2 Sess., 50 Cong., 30, 92, 154, 48, 56, 63.

<sup>110</sup>Annual Report of the Commissioner of Indian Affairs, 1881, lxix.

<sup>111</sup>Ibid., 1886, 102.

<sup>112</sup>Ibid., 1888, 340; House Executive Documents, 2 Sess., 50 Cong., 153.

In the same year Mr. H. D. Gallagher, agent at Pine Ridge reported that the practice of buying and selling wives continued to a considerable extent.<sup>113</sup> The wives were considered a part of the husband's chattel property to be kept as long as he pleased and to be turned adrift if he so desired. That was often done even when the wife had numerous offsprings to support. To remedy that practice the agent had asked the police to bring to the office immediately all persons assuming marriage relations where the wife was purchased or stolen.<sup>114</sup> If no impediment existed the agent explained to them the nature of their new relations, the obligation it imposed upon them, then gave them to understand they were legally married, and then and there he performed the ceremony as impressively as possible and dismissed them with advice. He stated that the number of applications to be married in due form was increasing as a result of stressing the more strict regard for marriage obligations.<sup>115</sup> Even at this late date there were no record of marriages.<sup>116</sup> In 1889 the Sioux at Pine Ridge were reported to be continually evidencing a higher regard for marriage rights.<sup>117</sup> The practice of polygamy was falling into disgrace

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<sup>113</sup>House Executive Documents, 2 Sess., 50 Cong., 48, 152.

<sup>114</sup>Ibid., I Sess., 47 Cong., 48.

<sup>115</sup>Annual Report of the Commissioner of Indian Affairs, 1888, 48-49.

<sup>116</sup>Ibid., 154.

<sup>117</sup>Ibid., 1890, 154; House Executive Documents, I Sess., 47 Cong., 48.

and numerous families of that kind at the Lower Brule agency had broken up of their own accord.<sup>118</sup> In 1890 no regulations had been passed by the government to prevent polygamy among the Indians, even though the practice was rapidly falling into disrepute among the Sioux<sup>119</sup> it was still widely practiced by other Indians.<sup>120</sup>

In the matter of courts for regulating the Indians' problems the government was not as late in providing them as it was in providing for marriage regulations as discussed above.<sup>121</sup>

As early as 1877 the need of courts was becoming apparent. Bishop Hare, in his annual report dated September 11, 1877, stated that civilization had loosened the bonds which held together and regulated Indian society in its wild state, and that it had failed to give them law and justice to replace these broken tribal bonds.<sup>122</sup>

The Commissioner of Indian Affairs outlined rules for a court to be known as the Court of Indian Offenses,<sup>123</sup> and these plans were given the official approval of the Secretary

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<sup>118</sup>House Executive Documents, I Sess., 47 Cong., 87; Ibid., 2 Sess., 50 Cong., 34; Annual Report of the Commissioner of Indian Affairs, 1890, 136.

<sup>119</sup>House Executive Documents, I Sess., 47 Cong., 87;

<sup>120</sup>Annual Report of the Commissioner of Indian Affairs, 1890, 32, 182, 253.

<sup>121</sup>Lewis Merian and Associates, The Problem of Indian Administration, 47.

<sup>122</sup>Annual Report of the Commissioner of Indian Affairs, 1883, xi.

<sup>123</sup>House Executive Documents, 2 Sess., 50 Cong., 158.

of Interior on April 10, 1883.<sup>124</sup> These rules prohibited the sun-dance, scalp-dance, war-dance, polygamy, theft, etc., and provided for the organization at each agency of a tribunal composed of Indians empowered to try all cases of enfractations of the rules.<sup>125</sup> There was no law providing for the establishment of a Court of Indian Offenses, however it was organized under the general provisions of laws which gave the Department of Interior supervision of the Indians.<sup>126</sup> Printed copies of the rules were sent to the various United States Indian agencies, except the Five Civilized Tribes, with instruction to the agents to nominate the judges provided therein.<sup>127</sup> Many of the agents found it difficult to organize these courts on account of the difficulty of inducing Indians to act as judges.<sup>128</sup>

This court worked with varying degrees of success among the Teton Sioux Indians. The court at Pine Ridge did not work because of the manner in which they tried to secure judges.<sup>129</sup> In the absence of money to hire Indian judges the act provided that the three senior officers of the Indian police should serve in that capacity without extra compensation.<sup>130</sup> The

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<sup>124</sup>Annual Report of the Commissioner of Indian Affairs, 1883, xiv.

<sup>125</sup>Ibid., xv.

<sup>126</sup>Ibid., 1885, xxi.

<sup>127</sup>Ibid., 1883, xv.

<sup>128</sup>Ibid., 42.

<sup>129</sup>House Executive Documents, I Sess., 47 Cong., 48.

<sup>130</sup>Annual Report of the Commissioner of Indian Affairs, 1884, 41.

police declined to serve as judges since they received only eight dollars per month as officers. And inasmuch as serving as judges would make them more unpopular and further endanger their lives, they felt the risk was not justified.<sup>131</sup>

At Standing Rock agency the Court of Indian Offenses was organized in October 1883. A captain, lieutenant, and a private of the United States Indian police force were appointed as judges.<sup>132</sup> They were all full-blooded Indians and the agent stated that the court was giving entire satisfaction in 1884.<sup>133</sup>

No Court of Indian Offenses was established at Rosebud agency in 1884 on account of the lack of available men to serve as judges.<sup>134</sup> In 1885 a Court of Indian Offenses was established at the Cheyenne River agency and was working very satisfactorily.<sup>135</sup> However, they were still unable to have a Court of Indian Offenses established at Pine Ridge on account of continued refusal of the Indians to serve without pay.<sup>136</sup> The agent at Standing Rock by this time reported that the court there had become an important factor at the agency.<sup>137</sup> Regular

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<sup>131</sup>Annual Report of the Commissioner of Indian Affairs, 1884, 41; House Executive Documents, I Sess., 47 Cong., 48.

<sup>132</sup>Ibid., 63.

<sup>133</sup>Annual Report of the Commissioner of Indian Affairs, 1884, 57.

<sup>134</sup>Ibid., 47.

<sup>135</sup>Ibid., 1885, 18.

<sup>136</sup>House Executive Documents, I Sess., 47 Cong., 48; Annual Report of the Commissioner of Indian Affairs, 1885, 37.

<sup>137</sup>Ibid., 56; House Executive Documents, I Sess., 47 Cong., 63.

semi-monthly sessions of the court were held, where all offenders were brought by the police for trial, and cases impartially decided in the court. The decisions of the judges were, in every instance, sustained by the better class of Indians and usually accepted by the transgressor as just and proper.<sup>138</sup>

In 1886 the Cheyenne River agency was reported to be very efficient.<sup>139</sup> In 1888 the Court of Indian Offenses' status at the five great Teton reservations was as follows: At the Cheyenne River reservation the court was very popular and was rendering just and impartial decisions.<sup>140</sup> At the Crow Creek agency there was no court organized, however it was classed as desirable.<sup>141</sup> The failure to have a court at the Crow Creek reservation was due to the refusal of the Indians to serve as judges without pay.<sup>142</sup> The Pine Ridge agency still had no court organized,<sup>143</sup> however the agent reported that the number of crimes equaled about one-third the number that would have occurred in a white settlement of the same population.<sup>144</sup> The Rosebud agency also had no court because competent Indians had

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<sup>138</sup>Annual Report of the Commissioner of Indian Affairs, 1885, xxii.

<sup>139</sup>Ibid., 1886, 53.

<sup>140</sup>House Executive Documents, I Sess., 47 Cong., 92.

<sup>141</sup>Ibid., 130.

<sup>142</sup>Annual Report of the Commissioner of Indian Affairs, 1888, 31.

<sup>143</sup>House Executive Documents, I Sess., 47 Cong., 48.

<sup>144</sup>Annual Report of the Commissioner of Indian Affairs, 1888, 48.



refused to serve without compensation.<sup>145</sup> The Standing Rock agency court was well organized and very popular. It held regular bi-weekly sessions.<sup>146</sup> Persons guilty of "Indian offenses" were brought before the court for trial. Minor disputes were also adjudicated. During the year forty-nine cases had been handled and not one had asked for an appeal to any higher authority.<sup>147</sup>

In 1890 there were still no courts at Rosebud and Pine Ridge agencies. The people at Pine Ridge agency were so unaccustomed to civilized ways and so new in the arts of civilization that it had been impossible to find Indians to serve as judges. Mr. H. D. Gallagher, agent at Pine Ridge, felt that all judges should be full-blood Indians whom he felt could trust. Since he was unable to find such full-blood Indians to be trusted with the responsibilities of judgeship, he advised against the establishment of a court at Pine Ridge in 1890.<sup>148</sup> The Crow Creek agency had been able to organize a court in 1888 after Congress had appropriated money for payment of judges,<sup>149</sup> however, the court only functioned eight months in 1888 owing to a shortage of money.<sup>150</sup> In 1890 the court at Crow

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<sup>145</sup>House Executive Documents, I Sess., 47 Cong., 56.

<sup>146</sup>Ibid., 63.

<sup>147</sup>Loc. cit.

<sup>148</sup>Annual Report of the Commissioner of Indian Affairs, 1890, 52-53.

<sup>149</sup>House Executive Documents, I Sess., 47 Cong., 30, 154.

<sup>150</sup>Annual Report of the Commissioner of Indian Affairs, 1889, 136.

Creek agency was meeting weekly and its work was of a highly satisfactorily nature.<sup>151</sup> In 1890 no court had been established at the Rosebud agency for the same reason that they had failed to organize one at Pine Ridge, namely that they were unable to find responsible Indians to serve.<sup>152</sup> Thus in 1890 the Pine Ridge and Rosebud agencies were the only ones that did not have courts established under the supervision of Indian judges for the settlement of their problems.<sup>153</sup>

A good idea of the work carried on by these Indian courts may be gained from the following excerpt from the report of Mr. A. P. Dixon, agent at Crow Creek agency in 1890:

Big Mane, chief judge, fifty-one years of age; appointed January 21, 1889; served one year. John Desomit, forty-eight years of age; appointed January 21, 1889; served one year and one month. Easel Star, forty-four years of age; appointed January 21, 1890; served one year and one month. The Commissions appointing these judges expired February 28, 1890. The general character of the judges was good; they do not speak English but wear citizens dress and conform to the white man's ways; they use their influence in favor of allotments of land, education of children and progress in civilization. There were eighteen individuals tried by the court during the last fiscal year as follows: two for wife beating; one was confined in jail for six days, and the other for thirty. One for destroying government property; imprisoned for two weeks at hard labor. One for breach of promise; made to pay a horse. One for assault and battery; not guilty. Four for stealing girls; to made to marry, one made to pay a horse, and one not guilty. Five for being intoxicated on the reservation, four deprived of rations for thirty days, one confined in the guard house

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<sup>151</sup>Annual Report of the Commissioner of Indian Affairs, 1890, 63.

<sup>152</sup>Loc. cit.

<sup>153</sup>House Executive Documents, I Sess., 47 Cong., 48.

for four days. One for cutting a cow with a hatchet; fined five dollars.<sup>154</sup>

After the settlement of the Rosebud and Pine Ridge agencies the Teton Sioux were not troubled again with the vexatious problems associated with the government's efforts to have them give up their lands until 1889. By the act of March 2, 1889, the question was again raised of ceding part of the Sioux Reservation. The purpose of the bill was to divide a portion of the reservation of the Sioux nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, and other purposes.<sup>156</sup> Twenty-five thousand dollars was provided to defray expenses of a commission for putting the law into effect.<sup>157</sup> Hon. Charles Foster, Fostoria, Ohio; Hon. William Warner, Kansas City, Missouri; and Major General George Crook, United States Army were appointed by the president as members of the commission to negotiate with the Sioux. The act provided that it should not become effective unless accepted by the Teton Sioux according with Article XII of the Treaty of Laramie signed in 1868.<sup>158</sup> Article XII of the Treaty of Laramie provided that

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<sup>154</sup>Annual Report of the Commissioner of Indian Affairs, 1890, 48.

<sup>155</sup>House Executive Documents, I Sess., 47 Cong., lxxviii.

<sup>156</sup>Kappler, Indian Affairs, Laws and Treaties, I, 328-340; United States Statutes at Large, XXV, 899; Annual Report of the Commissioner of Indian Affairs, 1889, 20.

<sup>157</sup>Ibid., 21; House Executive Documents, I Sess., 47 Cong., xxxix.

<sup>158</sup>Ibid., lxxiv; Annual Report of the Commissioner of Indian Affairs, 1889, 458.

at least three fourths of the Indians residing on the reservations had to sign the treaty for the cession of land.<sup>159</sup> Thus before the act of March 2, 1889 could go into effect three fourths of the Indians had to concur.

The act gave new boundaries to Standing Rock, Cheyenne River, Pine Ridge, Rosebud, and the combined Lower Brule and Crow Creek agencies.<sup>160</sup> The result was the cession to the whites of all the land west of the Missouri River between the Rosebud and Cheyenne River agencies to the one hundred and second meridian and a strip of land north of Pine Ridge agency to the north boundary of the reservation which lay between the one hundred second and one hundred third meridian.<sup>161</sup>

The exact legal description given to each one of the above mentioned reservations by the act was as follows:

Pine Ridge Reservation: Beginning at the intersection of the one hundred and third meridian of longitude with the northern boundary of the state of Nebraska; thence north along said meridian to the South Fork of Cheyenne River, and thence down said stream to the mouth of Battle Creek; thence due east to White River; thence down White River to the mouth of Black Pipe Creek on White River; thence due south to said north line of the state of Nebraska, thence west on said north line to the place of beginning.<sup>162</sup>

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<sup>159</sup>Annual Report of the Commissioner of Indian Affairs, 1889, 458; Kappler, Indian Affairs, Laws and Treaties, II, 1002.

<sup>160</sup>House Executive Documents, I Sess., 47 Cong., 361.

<sup>161</sup>South Dakota Historical Collections, II, 466, map; Annual Report of the Commissioner of Indian Affairs, 1890, 553.

<sup>162</sup>Kappler, Indian Affairs, Laws and Treaties, I, 328.

It also provided for a strip of land five miles by ten miles along the south side of Pine Ridge reservation in the state of Nebraska.<sup>163</sup>

Rosebud Reservation: Commencing in the middle of the main channel of the Missouri River at the intersection of the south line of Brule County; thence down said middle of main channel of said river to the intersection of the ninety-ninth degree of west longitude from Greenwich; thence west along said parallel to a point due north to the mouth of Black Pipe Creek; thence down White River to a point intersecting the west line of Gregory County extended north; thence south on said extended west line of Brule County to the intersection of the south line of Brule County extended west; thence due east on said south line of Brule County extended to the point of beginning in the Missouri River, including entirely within said reservation all islands, if any, in said river.<sup>164</sup>

Standing Rock Reservation: Beginning at a point in the center of the Missouri River, opposite the mouth of the Cannon Ball River; thence down said center of the main channel to a point ten miles north of the mouth of the Moreau River; including also within said reservation all islands, if any, in said river; thence due west to the one hundred and second degree of west longitude from Greenwich; thence north along said meridian to its intersection with the South Branch of Cannon Ball River, also known as Cedar Creek; thence down said South Branch of Cannon Ball River to its intersection with the main Cannon Ball River, and down said main Cannon Ball River to the center of the main channel of the Missouri River at the place of beginning.<sup>165</sup>

Cheyenne River Reservation: Beginning at a point in the center of the main channel of the Missouri River, ten miles north of the mouth of the Moreau River, said point being the southeastern corner of the Standing Rock Reservation; thence down said center of the main channel of the Missouri River, including also entirely within said reservation all said islands, if any, in said river, to a point

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<sup>163</sup>Annual Report of the Commissioner of Indian Affairs, 1889, 449.

<sup>164</sup>Ibid., 1890, 449; Kappler, Indian Affairs, Laws and Treaties, I, 328-329.

<sup>165</sup>Ibid., 328.

opposite the mouth of the Cheyenne River; thence west to said Cheyenne River, and up the same to its intersection with the one hundred and second meridian of longitude; thence north along said meridian to its intersection with a line due west from a point in the Missouri River ten miles north of the Moreau River; thence due east to the place of beginning.<sup>166</sup>

Lower Brule Reservation: Beginning on the Missouri River at Old Ft. George; thence running due west to the western boundary of Presho County; thence running south on said western boundary to the forty-fourth degree of latitude; thence on said forty-fourth degree of latitude to western boundary of township number seventy-two; thence south on said township western line to an intersecting line running due west from Ft. Lookout; thence eastwardly on said line to the center of the main channel of the Missouri River at Ft. Lookout; thence north in the center of the main channel of the said river to the original starting point.<sup>167</sup>

Crow Creek Reservation: The whole of township one hundred and six, range seventy; township one hundred and seven, range seventy-one; township one hundred and eight, range seventy-two; township one hundred and nine, range seventy-one, and all except sections one, two, three, four, nine, ten, eleven, and twelve of township one hundred and seven, range seventy, and such parts as lie on the east or left bank of the Missouri River, of the following townships, namely: Township one hundred and six, range seventy-one; township one hundred and seven, range seventy-two, township one hundred and eight, range seventy-three; township one hundred and eight, range seventy-four; township one hundred and eight, range seventy-five; township one hundred and eight, range seventy-six; township one hundred and nine, range seventy-three; township one hundred and nine, range seventy-four; south half of township one hundred and nine, range seventy-five, and township one hundred and seven, range seventy-three; also the west half of township one hundred and six, range sixty-nine, and section sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-two and

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<sup>166</sup>Kappler, Indian Affairs, Laws and Treaties, I, 329. Annual Report of the Commissioner of Indian Affairs, 1889, 449-450.

<sup>167</sup>Ibid., 450; Kappler, op. cit., 349.

thirty-three, of township one hundred and seven, range sixty-nine.<sup>168</sup>

According to the above legal description the six Teton Sioux reservations were located approximately as follows: Standing Rock Reservation was located on the west side of the Missouri River. About three fourths of the territory of the reservation was in northern South Dakota and the remainder extended over into North Dakota with the Cannon Ball River serving as the north boundary. The agency buildings were located on that portion of the reservation which lay in North Dakota. The reservation extended approximately one half the distance from the Missouri River west to the western boundary of the states of North and South Dakota. The Cheyenne River Reservation lay directly south of Standing Rock Reservation on the west side of the Missouri River. The Cheyenne River formed the southern boundary, and it extended the same distance west as did Standing Rock Reservation. The south boundary of the reservation was approximately in the middle of the state of South Dakota from north to south. The Rosebud Reservation had the Missouri River as its east boundary, the White River as its north boundary, the northern line of the state of Nebraska as its south boundary, and the Pine Ridge Reservation formed the western boundary. The Pine Ridge Reservation lay directly west of the Rosebud Reservation. It had the White River as its

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<sup>168</sup>Annual Report of the Commissioner of Indian Affairs, 1889, 450.

northern boundary, and the northern line of the state of Nebraska as its southern boundary, it extended west to the one hundred-third meridian. The Rosebud and Pine Ridge Reservations taken together extended from the Missouri River about four-fifths of the distance to the western boundary of South Dakota. The Crow Creek and Lower Brule Reservations were on the Missouri River between the Cheyenne River and the Rosebud Reservations. Crow Creek was on the east side of the Missouri River and the Lower Brule Reservation was on the west. These reservations were greatly reduced from their former size as provided by the treaty of 1876. From 1868 to 1890 three great reductions had been made in the territory held by the Teton Sioux, one in 1868, one in 1876, and one in 1889.<sup>169</sup>

In addition to defining the reservations as given above the Act of March 2, 1889 also provided that the Indians as soon as sufficiently civilized, might hold the land in severalty instead of in common.<sup>170</sup> Each head of a family was to receive three hundred and twenty acres, each single person over eighteen, one-fourth of a section, each orphan child under eighteen, one-fourth of a section, and to each other

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<sup>169</sup>Maps showing the territory and reservations of the Teton Sioux may be found in the following: Map showing treaty of 1868, Annual Report of the Commissioner of Indian Affairs, 1875, front of book, opposite title page; map showing Teton territory after the Black Hills were relinquished in 1876, Ibid., 1888, following 491; map showing territory as reduced by acceptance of Act of March 2, 1889, in Ibid., 1889, opposite 818.

<sup>170</sup>House Executive Documents, I Sess., 47 Cong., xxxviii.



person under eighteen then living, or that might be born prior to a presidential order directing the allotment of the land of any reservation, one-eighth of a section.<sup>171</sup> In case of a shortage of land, the land on said reservations were prorated in accordance with the provisions of the act.<sup>172</sup> The act also provided for the granting of rights of way for railroads,<sup>173</sup> the construction of highways through the reservation, the maintenance of schools, the application of the law of descent to the Indians, as it existed in the states or territories, and that all non-conflicting provisions of previous treaties with the Tetons should remain in force, and that all conflicting provisions of previous treaties should be void after the acceptance of the Act of March 2, 1889 by three-fourths of the Tetons.<sup>174</sup> An unusual provision was section twenty-seven. It provided for the appropriation of twenty-eight thousand two hundred dollars to enable the Secretary of Interior to pay certain individuals among the Tetons for their ponies which had been taken away from them by the authorities of the United States government in 1876, or during the latter part of the Black Hills War.<sup>175</sup>

In reviewing the twenty-eight year period from 1868 to 1890 and the relations that transpired during that time be-

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<sup>172</sup>Kappler, Indian Affairs, Laws and Treaties, I, 330.

<sup>173</sup>House Executive Documents, I Sess., 47 Cong., xlvi, xvii; United States Statutes at Large, XXV, 889.

<sup>174</sup>Kappler, op. cit., 330-339.

<sup>175</sup>Annual Report of the Department of Interior, 1899, 477-478.

tween the United States government and the Teton Sioux Indians, it appears that a just historical verdict as to the responsibility of either side in bringing about the unpleasant events, would indicate that justice was on both sides, and that therein lay the secret to the tragic years. Each side tended to form judgements based upon their own race's customs, traditions, and ideas of simple justice. From the standpoint of the Indians they were justified in fighting stubbornly contending always for the lands over which their ancestors had held sway. On the other hand they were uneducated and were easy prey to white agitators.

Misunderstandings as to the meanings of treaties were common for which neither side could justly be said to be to blame. After the treaty of 1868 the Indians never distinguished between the right to hunt on and the right to permanently occupy certain lands. Thus they were at once accusing the whites of violating the treaty and also violating it themselves. The government officials were in the difficult position of attempting to deal justly with the Indians and at the same time satisfy the desires of white pioneers for more cheap land. Although they were severely criticized for continually demanding more reductions in the areas assigned to the Indians by various treaties, it is doubtful if any party or group could have held a large block of territory solely for the Indians as the critics of the Indian Bureau wanted to have

done. On the other hand it cannot be said that the government was as serious as it might have been in the protection of the Indians' interests in the invasion of their territory, especially in the instance of the Black Hills War. There can be no doubt that the encroachment of the whites was a violation of the treaty and that the Indians were unduly coerced by the government in being made to give up the Black Hills country. The facts indicate that the Indians stood on their treaty rights and that war was made against them for so doing. Thus while wrongs were committed it is doubtful if the actual situation could have been handled otherwise. Authorities in charge were faced with an inevitable situation brought about by the march of events. Progress came into direct conflict with conditions which the Indians hoped would remain static. The weaker civilization was thus inevitably forced to give way to the stronger civilization. As expressed by one writer "they fought a fight they could not win." No doubt there was a great deal of unfair dealings carried on by officials, however there were many conscientious officials who did all in their power to protect the Indians.

At times the Indians tended to be overbearing in their demands and thus lost the sympathy of many of the people with whom they had dealings. Many people, who at a distance read accounts of the mistreatment of the Indians and were thoroughly in sympathy with them, changed their minds when

they came into closer contacts with the savages. Mr. Wham, the Episcopal agent at Red Cloud agency, was a good example. Thus, conceding that right existed on both sides the standards of the two civilizations were so radically different that one could not come in contact with or absorb the other without provoking a great amount of suffering, hardships, and maltreatment in both the subjugation and the ensuing readjustment period. Therefore, while the facts of history are clear, and no doubt indisputable wrongs were committed against the Indians, it is doubtful if those of us who are in a position to look back so easily and criticize those who were in power could have done better had we been faced with the actual situation ourselves.

A realistic attitude therefore, in the light of historical facts, seems to indicate that even though the Indians were subjugated and many wrongs were done, it was a necessary and an inevitable step in the development and progress of our country.

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