

Laws and Treaties Atkinson & O'Fallon Trade and Intercourse Treaty of 1825

The first major treaties made with tribes in this region were made in 1825. A group under Indian Agent Benjamin O'Fallon and General Henry Atkinson traveled up the Missouri to the Yellowstone with nine keelboats and a large military escort, making treaties with the Teton, Yankton, and Yanktonai Dakota, Cheyenne, Mandan, Hidatsa, and Arikara. In these treaties the Indians acknowledged the supremacy of the United States, which in turn promised them its protection. The Indians agreed not to trade with anyone but authorized American citizens. They also agreed to the use of United States law to handle injury of American citizens by Indians and vice versa. On July 18, 1825. The Ankara signed the Atkinson and O'Fallon Treaty. (Schulenberg, 1956, p.101).

THE 1851 TREATY AT FORT LARAMIE

In 1851, a tribal delegation of Mandan, Hidatsa, and Sahnish accompanied Father Pierre-Jean DeSmet to Fort Laramie to hold council with representatives of the government of the United States. White Wolf represented the Mandan, Four Bears represented the Hidatsa, and Iron Bear the Sahnish. Colonel M. Mitchell and Major Fitzpatrick represented the government. The boundaries of the Mandan, Hidatsa, and Sahnish territory were set-aside in the 1851 Fort Laramie Treaty: Commencing at the mouth of the Heart River; thence up the Missouri to the mouth of the Yellowstone River; thence up the Yellowstone to the mouth of Powder River, thence in a southeasterly direction to the headwaters of the Little Missouri River, thence along the Black Hills to the headwaters of the Heart River; thence down the Heart River to the place of the beginning. (11 Stats., p.749, in Kappler, 1972, p. 594, Article 5).

This was the largest treaty council ever held. More than ten thousand plains Indians from the Lakota, Cheyenne, Arapaho, Crow, Mandan, Sahnish, Assiniboine, and Gros Ventres (Hidatsa) nations attended. In exchange for fifty thousand dollars a year for fifty years, the nations agreed to allow the United States to construct roads and military posts through their country. The tribes also established the boundaries of their territories and agreed to maintain peaceful relations with one another and with the United States. Several tribes, including the Mandan, Gros Ventres (Hidatsa), Crows, Blackfeet, and some bands of the Cheyenne and Arapahos, accepted reservations. (O'Brian, 1989, p.141).

Following the Fort Laramie Treaty of 1851, the government established several forts along the Missouri. In 1864 the cavalry was sent to Fort Berthold and remained there until 1867 when they moved to Fort Stevenson, 18 miles down

river. The establishment of forts brought numerous groups up river by steamboat—twenty to thirty steamboats stopped at Like-a-Fishhook Village every summer. By 1869, the railroad had reached the territory of the Mandan, Hidatsa and Sahnish, a bustling economic center for the region. By 1871, federal Indian policy shifted radically for several reasons. An act of Congress in 1871, "Provided that no treaties shall hereafter be negotiated with any Indian tribe within U.S. as an independent nation or people. "Thereafter all Indian land cessions were achieved by act of Congress or by executive order. Indian societies were being transformed radically from a combination of forces -U. S. Army troops stationed at posts near Fort Berthold after 1864, Indian agency personnel resided on the reservation after 1868, and day schools were opening on reservations as early as 1870.

AGREEMENT AT FORT BERTHOLD 1866

As more settlers poured into the west, the government, pressured by the railroads and settlers for more land approached the tribes to cede additional lands. On July 27, 1866, the Arickara (Sahnish) signed an agreement by which they granted such rights-of-way to territories east of the Missouri, and were to receive in return an annuity of \$10,000 for the next twenty years. When the treaty was presented for ratification, Congress added an addendum onto this agreement, including the Mandan and Hidatsa in its terms and provided for cession of a tract of land on the east bank of the Missouri roughly forty by twenty-five miles. (Kappler, 1904-41, report. ed. 1971, Vol. 2, pp. 1052- 56).

These lands, which were well below the villages of where the Mandan, Hidatsa and Arikara were in 1866, although no longer continuously occupied by them, continued to be used for hunting purposes. In addition, these lands contained ancient burial sites, and like many cultures considered the area as sacred ground. Congress, however, pressured by the railroad companies, was unwilling to recognize the tribes claim to these lands and the treaty was never ratified. (Meyer, 1977, p. 111).

EXECUTIVE ORDER OF 1870

The Fort Berthold Reservation was established under the Executive Order of 1870. In the late 1860's the Mandan, Hidatsa and Arikara (Sahnish) complained of their wood supply dwindling by whites cutting timber on their lands and selling it to passing steamboats. When the chiefs complained to Washington, a Captain Wainwright, officer at Ft. Stevenson, met with the chiefs. They consented to the establishment of a reservation that included most, if not all of the territory claimed by them at Fort Laramie. (Meyer, p. 112).

Because the Sioux had claimed possession of a parcel of the land in question the previous year, the Government took off the southern boundary of the Mandan, Hidatsa and Sahnish territories. The southern boundary of the reservation became a straight line from the junction of the Powder River from the Little Powder River to a point on the Missouri River four miles below Fort Berthold. In order to accommodate the villages then occupied by the Mandan, Hidatsa and Sahnish, the United States Government included a strip of land east of the Missouri River. These provisions became legal in the Executive Order of April 12, 1870. (See map on p. 14).