

CHEYENNE AND SIOUX INDIAN RELATIONS
ALONG THE OREGON TRAIL
1841 - 1858

by

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CHAPTER I

INTRODUCTION

Somewhere along the Oregon Trail the emigrants to Oregon and California were likely to have some contact with the Northern Cheyenne and the Teton Sioux, or more properly, perhaps, the Teton Dakota. Sometimes they were seen near Fort Kearny in which vicinity they had pursued the hated Pawnees. More often were their villages sighted near the forks of the Platte River, or they were seen moving toward Fort Laramie; proud, haughty, dignified and graceful as they rode along. A few of them were quite likely to visit the camp to buy, beg, or steal provisions; particularly sugar, coffee, tobacco, and liquor.

Perhaps the emigrants would pass an Indian village being erected by the squaws surrounded by naked children and innumerable dogs, while the men were engaged in the hunting, upon which their livelihood depended. If the hunters were successful in killing a few buffalo, the squaws would be kept busy preparing the meat that was not eaten at the time of the kill. Almost every part of the buffalo was used for food except the bones and hoofs.¹

1. George Bird Grinnell, The Cheyenne Indians, I, 256.

The Indian diet, however, consisted of the other animals of the region, including some rodents and reptiles as well as their semi-domesticated dogs.¹ Should the hunters be unsuccessful, the village would be moved to another region where game was more plentiful.

A practice of the Indians upon which the emigrants frequently remarked was that of placing their dead upon scaffolds in a tree. The body was wrapped in a blanket and usually covered by tanned buffalo robes. The personal property of the dead such as a cup, moccasins, knives, and various other things were placed upon the body for use in the land of the spirits.²

During the first quarter of the nineteenth century the Cheyenne Indians ranged along the upper Platte River. When Bent's Fort was built on the Arkansas in Colorado, a large part of the tribe decided to make their headquarters on that river. These became known as the Southern Cheyenne, while the rest continued to live along the upper Platte.³ This geographic distinction in the tribe was recognized in the Treaty of Laramie, according to which the territory of the Southern Cheyenne was to be between

1. Grinnell, op. cit., I, 6.
2. Alonzo Delano, Life on the Plains and Among the Diggins, 68.
3. Handbook of American Indians, 1, 252. Edited by Frederick Webb Hodge.

the Platte and the Arkansas.¹ The Cheyenne copied many of their manners, dress, and ceremonies from the western Sioux. Some of them were accustomed to associate and intermarry with the Oglala Sioux, and these were sometimes called Cheyenne Sioux.²

The Cheyenne men were described by Father De Smet as usually being tall, straight, and vigorous. He remarked that "the neighboring nations consider these Indians the most courageous warriors of the prairies."³

L. V. Loomis described the Cheyenne in the entry in his journal of May 25, 1850:

To Day we saw several indians of the Shian tribe the first we have seen since we crossed Loupe fork of Platte, this tribe is mutch more manly, and have more of the appearance of the whiteman than, the Omahaw's or Pawnee's they are a large and noble looking Indian, quite active and inteligant, not mutch addicted to begging, there is on the opposite side of the river [North Platte] from our camp, quite a large town of this tribe of Indians.⁴

During the period involved in this study the Cheyenne were usually allied with the powerful Teton Sioux, who, like them, were nomads of the first order and subsisted

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1. Indian Affairs: Laws and Treaties, II, 441. Edited by Charles J. Kappler.
 2. Hodge, op. cit., 1, 252.
 3. Life, Letters, and Travels of Father Pierre-Jean De Smet, S. J., I, 212. Edited by H. M. Chittenden and A. T. Richardson.
 4. A Journal of the Birmingham Emigrating Company, 22-23. Edited by E. M. Ledyard.

almost entirely upon the spoils of the chase. The Teton Sioux numbered more than twelve thousand in 1842, which was approximately four-sevenths of the population of the Dakota nation.

The Tetons were divided into various bands among which the Brulé, Oglala, Sans Arcs, Blackfoot, Miniconjou, Two Kettle and Hunkpapa are the most important. Of these, the Brulé suffered most from contact with the emigrants since they were nearest the trail. The Miniconjou, Blackfoot, and Hunkpapas were very difficult bands with which to deal. In speaking of them in 1854, the Indian Agent, Alfred J. Vaughn, said:

They are continually warring and committing depredations on whites and neighboring tribes, killing men and stealing horses. They even defied the Great Father, the President, and declare their intentions to murder indiscriminately all that come within their reach. They of all the Indians are the most dreaded on the Missouri.¹

Although the Tetons now and then extended their range north of the Missouri, they generally roved over the prairie country of what is now southwestern Dakota, northern Nebraska, eastern Wyoming, and northeastern Colorado. In 1850 the Oglala roamed between the North and South forks of the Platte. However, when boundaries were defined in the Laramie Treaty the territory of the Sioux was

1. Report of the Commissioner of Indian Affairs, (1854), 295.

not to extend south of the North fork of the Platte.¹

The emigrants were almost unanimous in their description of the Sioux as tall, well proportioned, athletic and brave. They "are universally conceded to be of the highest type, physically, mentally and probably morally, of any of the western tribes."² The women, too, were conceded by some of the whites to have been better formed than the other Indian women and, according to white standards, quite pretty.

E. A. Tompkins, who went from New York to California in 1850, wrote in his diary:

We now find ourselves among the Sioux tribe of Indians, they are very numerous indeed and by far the noblest of all the tribes of North American Indians. Many of their squaws have a right to claim some pretension to beauty.

. . . the Sioux are apparently far superior in all the characteristics that dignify an Indian race. They are brave, warlike, magnanimous, proud, and dignified in their bearing.³

Custom and tradition played a large part in the government of these tribes. Personal fitness and popularity were more important factors than heredity in determining the chieftainship. Descent played scarcely any part, but when it did, it was from father to son. The authority of the chief was far from absolute since he could do very little without the approval of the council. It often

1. Kappler, op. cit., II, 441

2. Hodge, op. cit., I, 377.

3. Owen C. Coy, The Great Trek, 136.

happened that the Indian agent, trader, and Indians each recognized a different man as chief of the band. Furthermore, any individual Indian who had earned a reputation as a leader would recruit a war party. It was these individuals that the chiefs could not always control.¹

The relations of the United States Government with the Indians was until 1824 in the hands of a clerk in the War Department. During that year an Indian Bureau was established within the Department. Eight years later, the Office of Indian Commissioner was created. In the Act of June 30, 1834, Congress established a Department of Indian Affairs within the War Department, and provided a superintendent for all the Indian country not within the bounds of any state or territory west of the Mississippi River, who was to reside at St. Louis.²

In this same year an Intercourse Act was passed providing that no person could trade with the Indians unless he secured a license from the Commissioner of Indian Affairs, Indian agent, or sub-agent. There was to be no trade in liquor.³

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1. Hodge, op. cit., 1, 378.
 2. "Administration of the Indian Office", Report of the Joint Commission to Investigate Indian Affairs, Municipal Research, No. 65, (September, 1915), 13.
 3. James C. Malin, Indian Policy and Westward Expansion, 16.

As the years went by, Indian relations in the West became more complicated, necessitating the establishment of more superintendencies, agencies, and sub-agencies. The officials were political appointees, and were too often unworthy of their responsible positions. Many of them, however, were sincerely interested in the welfare of the Indians. The agents and sub-agents were in closest contact with the Indians, and their functions were similar to those of ambassadors and counselors representing the authority of the United States Government.

In 1849 the Department of Indian Affairs was removed from the Department of War to the Department of Interior, and the military authorities were replaced by civil officials.¹ Indian hostilities, however, necessitated the retention of soldiers in the Indian country, and during times of crises this would frequently result in divided authority and friction between the two agencies of the Government.¹

1. "Administration of the Indian Office", loc. cit.

CHAPTER II

THE MIGRATION TO OREGON, 1841-1848

The Indian country, that vast stretch of territory west of the line of settlement, was almost unknown to the white man save for the trappers, traders and missionaries who had pursued their occupations throughout the region, becoming familiar with its mountains, rivers, and deserts. The "Great American Desert" myth and the difficulties of further westward movement had resulted in the bend of the Missouri being the apex of the western line of settlement.

The inhabitants of these wild domains knew the white man as trader and trapper. While there was no love between Indian and white, each had learned certain elements of respect for the other. Usually there was little friction between the two, but by 1841 the Cheyenne and Sioux had gradually become more and more hostile to the whites, and during that year made several attacks on parties of white trappers.¹ One of these was a rather severe engagement in August with a party of trappers under the command

1. John C. Fremont, "A Report on an Exploration of the Country Lying between the Missouri River and the Rocky Mountains on the Line of the Great Platte Rivers", Senate Executive Document, 27 Cong., 3 sess., No. 243 (March 1, 1843), 37, Serial No. 416.

of Henry Fraeb (Frapp) of Saint Louis.

The first emigrant train across the prairies owes the stimulus that set it in motion to John Bidwell's desire to settle in California. The little company of men, women, and children organized at Sapling Grove where John Bartleson was chosen captain. As none of these emigrants was familiar with the plains, it was fortunate that the missionary party of Father Pierre De Smet, piloted by Thomas Fitzpatrick, was going west at the same time. At the crossing of the Kansas a permanent organization was effected by re-electing Bartleson captain and choosing Fitzpatrick for guide.¹

This first emigrant train experienced Indian scares, buffalo stampedes, storms of wind and rain, in addition to the difficulties of the road itself; the same problems many parties that came after them were to face. After weeks of travel, the train reached Soda Springs on Bear River, where it divided, thirty-two emigrants moving toward Oregon and the other half going to California. Father Pierre De Smet and Thomas Fitzpatrick left for the land of the Flatheads. Such was the beginning of a trek which was to see thousands follow during the forties; some for economic gain, some for adventure, and others to satisfy patriotic zeal. The movement was to bring the white man into a much closer relationship to the wild tribes of

1. W. J. Ghent, The Road to Oregon, 51.

the prairies.

The year 1842 saw two parties on the plains. One of these was the emigrant train of Dr. Elijah White and Lansford W. Hastings. When this party left Fort Laramie, guided by Fitzpatrick, an Indian war party followed it. The chief had lost some relatives in a fight with a party of trappers and had sworn, therefore, to kill the first whites that crossed his path. These Indians overtook the emigrant party near Independence Rock, but they dare not attack the train openly. The emigrants suddenly came upon a large Indian village. The party was completely in the hands of the Indians, and had it not been for the influence of Fitzpatrick, the emigrants all would have perished. Fitzpatrick persuaded the chiefs to let the party proceed unmolested, but the whites were sternly assured that the path was no longer open and that any party of whites found upon it would be destroyed.¹

The other party on the plains was a topographical corps under Lieutenant John Charles Fremont. This expedition was gathering information relative to the route to Oregon. Fremont reported that a great drought had dried up the springs. A plague of grasshoppers added to the destruction of the grass and the Indians reported that their people were nearly starved to death as a consequence.

1. Fremont, op. cit., 38.

This situation and the trouble with trappers caused the Indians to be in a quarrelsome mood so that there was great danger from scattered war parties. This caused some alarm among Fremont's group. "I found that a number of my party had become so much intimidated, that they had requested to be discharged at this place," he wrote at Fort Laramie.¹

Experienced mountain men, Jim Bridger and Kit Carson, told Fremont that the Indians were in a dangerous frame of mind. Some of the older Indians advised him that the young men were seeking revenge and there was danger that a war party, thinking he was carrying ammunition to the enemy, might attack before finding out the nature of the expedition. Before setting out, Fremont secured the services of an interpreter and took the precaution of leaving behind Henry Brant and Randolph Benton who were nineteen and twelve years of age, respectively.

The attention of the country was directed to the west and the settlement of Oregon by certain western senators, among whom was Lewis F. Linn of Missouri, and by the Fremont expedition. As early as 1838 Senator Linn advocated the establishment of stockades and military roads along the western routes for the protection of the emigrants. Each year, until his death in 1843, he introduced a bill

1. Fremont, op. cit., 38.

or drew up a resolution for that purpose.¹

Others took up the demand for protection of the emigrants wishing to go to Oregon. On July 2, 1842, the St. Louis Republican carried an editorial in regard to the Fremont expedition, in which the editor wrote: "Since the attention of the country has been directed to the settlement of the Oregon Territory . . . the importance of providing . . . a safe and easy communication from the western boundary of Missouri to the Columbia River has been universally admitted."²

In the fall of that same year the Secretary of War suggested the importance of a chain of military posts from Council Bluffs westward. "If we intend to maintain the territories on the Pacific belonging to us," he said, ". . . we must occupy them, and we must establish a communication with them other than that of a five months' voyage by sea at a particular season of the year." He would protect the emigrants by the use of military force.³

Early in the next year Marcus Whitman made his famous overland journey to Washington where he urged the

1. James C. Malin, Indian Policy and Westward Expansion, 36.
2. St. Louis Republican, (July 2, 1842). Quoted in Niles' National Register, LXII, 276.
3. "Report of the Secretary of War", House Executive Document, 27 Cong., 3 sess., No. 2 (Nov. 26, 1842), 186, Serial No. 418.

establishment of posts to facilitate travel to Oregon. In March of 1843, Fremont recommended Fort Laramie as a military post, in which he suggest some of the problems and functions of such a post.

If it is in contemplation to keep open the communications with Oregon Territory, a show of military force in this country is absolutely necessary, and a combination of advantages renders the neighborhood of Fort Laramie the most suitable place, on the line of the Platte, for the establishment of a military post. It is connected with the mouth of the Platte and the upper Missouri by excellent roads, which are in frequent use, and would not in any way interfere with the range of the buffalo, on which the neighboring Indians mainly depend for support. It would render any posts on the Lower Platte unnecessary; the ordinary communication between it and the Missouri being sufficient to control the intermediate Indians. It would operate effectually to prevent any such coalitions as are now formed among the Gros Ventres, Sioux, Cheyenne, and other Indians, and would keep the Oregon road through the valley of the Sweet Water and the South Pass constantly open.¹

The "Great Emigration" of 1843 faced the long trek across the plains with rumors of Indian hostilities warning of great danger. They were "also assured that the Sioux would be much opposed to the passage of so large a body through their country..."² Jesse Applegate records the danger they felt that the Sioux might bother the animals, and mentions that the corral might be used for protection. The company was divided into two columns at the

1. Fremont, op. cit., 44-45.

2. Jesse Applegate, A Day with the Cow Column, 3.

Big Blue to facilitate travel, but because of the Indians the two columns stayed within supporting distance of each other and did not separate until after reaching Independence Rock.

Although the Sioux were hostile toward the whites, some of the white men were no less so in their treatment of the Sioux. Overton Johnson wrote that while out hunting buffalo the party came across a lone Sioux Indian, who fled at first, but seeing that he could not escape, stopped. A trader who knew the language spoke to him. "He was very much frightened when he saw that we knew he was a Sioux, expecting to be killed on the spot." When he was asked where his company was, he said that there were three hundred of them three miles away. "We turned to go away, when the Trader observed that we ought to kill him; but the rest of us objected and he was overruled." The whites left him and traveled swiftly to the train "thinking it not very safe to be in the neighborhood of three hundred Sioux." When the story was told at the encampment, Johnson records that the traders "joined in exclaiming against us for not killing him."¹

In spite of dire forebodings the nearly one thousand persons who crossed the plains in 1843 had little Indian trouble. Peter Burnett recalled later that ". . . we had

1. Overton Johnson and William H. Winter, Route Across the Rocky Mountains, 20. Edited by Carl L. Cannon.

no war with the Indians, and no stock stolen by them."¹

He suggests in the following extract several possible reasons for their immunity from Indian attacks:

In traveling up the South Fork Platte we saw several Indians, who kept at a distance, and never manifested any disposition to molest us in any way. They saw we were travelers through their country, and would only destroy a small amount of their game. Besides, they must have been impressed with a due sense of our power. Our long line of wagons, teams, cattle, and men on the smooth plain, and under the clear skies of the Platte, made a most grand appearance. They had never before seen any spectacle like it. They, no doubt, supposed we had cannon concealed in our wagons. A few years before a military expedition had been sent out of Fort Leavenworth to chastise some of the wild prairie tribes for depredations committed against the whites. General Bennet Riley, then Captain Riley, had command, and had with him some cannon. In a skirmish with the Indians, in the open prairie, he had used his cannon, killing some of the Indians at a distance beyond rifle-shot. This new experience had taught them a genuine dread of big guns.²

During 1843 and 1844 the Indians spent much time in inter-tribal conflicts. The Sioux regarded themselves as lords of the plains, and were resolved to annihilate the weaker tribes.³ The fact that they could raid the semi-civilized tribes with impunity made them haughty and

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1. Peter H. Burnett, Recollections and Opinions of an Old Pioneer, 99.
 2. Ibid., 113-114.
 3. "Report of Agent Daniel Miller", House Executive Document, 28 Cong., 1 sess., No. 2 (Aug. 18, 1843), 409, Serial No. 439.

insolent. Much of the trouble was caused by the excessive use of liquor which Mexicans and Americans brought from Santa Fe and sold to petty traders who peddled it among the Sioux and Cheyenne.¹

There was no hostile feeling toward the emigrants on the part of the tribes in 1844, but some small parties became insolent and violent toward the whites. Especially was this true of bands of young men which the chiefs could not always control. The young Indians on hunting or war parties, anxious for plunder and scalps, would attack any party weaker than they. The absence of any military force made them indifferent to any possible consequences, and the competition among the traders rendered them less dependent on the good treatment of any one white trader or company.²

In order to keep the number of these local and, more or less, incidental hostilities at a minimum, three detachments of dragoons made wide circuits in the Indian country, visiting Indian towns and distant regions, exhorting the tribes to maintain peace among themselves, and impressing them with the power of the United States by the

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1. "Report of Supt. D. D. Mitchell", House Executive Document, 28 Cong., 1 sess., No. 2 (Aug. 18, 1843), 409, Serial No. 439.
 2. "Report of Supt. Thomas H. Harvey", Senate Executive Document, 28 Cong., 2 sess., No. 2 (Oct. 8, 1844), 433, Serial No. 463.

exhibition of military force.¹ In this same year Superintendent Thomas H. Harvey of St. Louis suggested a strong garrison be built which would "insure a peaceful and respectful deportment to the whites."²

The volume of migration in 1845, when approximately three thousand persons traveled the Oregon route, alarmed the Indians, who complained of the destruction of game and the disregard of their rights. Joel Palmer recorded the attitude of an Indian chief at Fort Laramie, as follows:

A long time ago some white chiefs passed up the Missouri, through his country, saying they were the red man's friends, and that as the red man found them, so would he find all other pale faces. This country belongs to the red man, but his white brethren travels through, shooting the game and scaring it away. Thus the Indian loses all that he depends upon to support his wives and children. The children of the red man cry for food, but there is no food. But on the other hand, the Indian profits by the trade of the white man. He was glad to see us and meets us as friends. It was the custom when the pale faces passed through this country to make presents to the Indians of powder, lead, &c. His tribe was very numerous, but the most of the people had gone to the mountains to hunt. Before the white man came, the game was tame, and easily caught with the bow and arrow. Now the white man has frightened it, and the red man must go to the mountains. The red man needed long guns.³

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1. "Report of the Major General Commanding the Army", Senate Executive Document, 28 Cong., 2 sess., No. 2 (Oct. 8, 1844), Serial No. 463.
 2. "Report of Supt. Harvey", loc. cit., 433.
 3. "Palmer's Journal of Travels over the Rocky Mountains, 1845-46", Early Western Travels, XXX, 58. Edited by R. G. Thwaites.

The Indians regarded the game as much theirs as the land, yet there was an almost continual tide of travel over the plains which destroyed the grass, and frightened the buffalo herds. On the other hand, the emigrant was frequently hard pressed by Indian beggars, who if not satisfied, would rob and kill. Joel Palmer wrote one day in his journal:

The Indians were very annoying on account of their thieving propensities, but if well watched, they seldom put them into practice. Persons should always avoid rambling far from camp unarmed, or in too small parties; Indians will sometimes seek such opportunities to rob a man of what little effects he has about him; and if he attempts to get away from them with his property, they will sometimes shoot him.¹

W. H. Winter, on his return from Oregon in 1845 mentioned that the group he was traveling with was glad to be joined by another company before entering the country "inhabited by a powerful, warlike, and hostile tribe of Indians, the Sioux." On June 22, 1845, they came to the camp of a trader by the name of Vasques, and the famous "Peg Leg" Smith, "the former of whom had left his trading house for fear of the Sioux and Shians."²

On May 18, an expedition under Colonel Stephen W. Kearny started from Fort Leavenworth to march through the country of the Sioux and Cheyenne to the South Pass. The

1. "Palmer's Journal", loc. cit., 261.

2. Johnson and Winter, op. cit., 148.

primary purpose of the expedition was to overawe the Indians and to secure their respect for the Government. Therefore, when they arrived at Fort Laramie, Colonel Kearny held a council with the tribes, among whom were the Sioux and Cheyennes, and told them that the road over which the dragoons were traveling must not be closed by the Indians and that the white people who used it must not be molested. He addressed them in these words:

Sioux: I am glad to see you. Your great father has learned much of his red children, and has sent me with a few braves to visit you. I am going to the waters which flow towards the setting sun. I shall return to this place, and then march to the Arkansas, and then home. I am opening a road for the white people, and your great white father directs that his red children shall not attempt to close it up. There are many whites now coming on this road, moving to the other side of the mountains; they take with them their women, children, and cattle. They all go to bury their bones there, and never to return. You must not disturb them in their persons or molest their property. Should you do so, your great father would be angry with you, and cause you to be punished.¹

Later, Chief Bull Tail made a reply:

If my people will be good to the whites, they will find that the presents they are about to receive will often come. Father, this does very well, and pleases me. What you have told me I am glad of from my very heart. All you

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1. "Abstract of journals kept by Lieut. Turner adjutant 1st dragoons and Lieut. Franklin, Top. Eng. during an expedition performed in the summer of 1845, by five companies of the 1st dragoon under the command of Colonel S. W. Kearny", Senate Executive Document, 29 Cong., 1 sess., No. 1 (Sept. 15, 1845), 214-215, Serial No. 470. For a more picturesque version of this talk as told by trader Bisonette, see Johnson and Winter, op. cit., 153-154.

have told me is very good. I have found a father. We will no longer think of dying, but will live. I remember the words you have this day spoken to us. My people shall do as I say.¹

After all had finished speaking, the Indians were presented with colored cloth, blankets, tobacco, knives, mirrors, and other articles designed to please them. In order to make the proceedings more impressive, Colonel Kearny determined to take advantage of their superstitions. William Winter thus describes the proceedings:

The dragoons with all military show were paraded, and a field piece rolled out on the prairie. The Colonel then proclaimed to the chiefs and braves, and to all the Indians assembled, that he was about to inform the Great Spirit of their promise, and call him to witness the covenant which they had made. He bade them look up and listen. A sky-rocket rose in the air, and darting away on its mission, had almost buried itself in the bosom of the sky, when it burst, flashed in the heavens, reported to the Great Mysterious, resolved itself again into its airy form, and the errand was accomplished. Another, and another; three of the fiery messengers arose in succession into the presence of the Great Spirit, and announced to him, that the Sioux and Shians had entered into a solemn covenant with a chief of the white people, to be their friends, and to respect forever their lives and property.²

Colonel Kearny believed that a military expedition similar to the one that he led, should be made every two or three years. He believed that such a policy would be less expensive than establishing military posts in the

1. Turner and Franklin, op. cit., 215.

2. Johnson and Winter, op. cit., 152-153.

Indian territory, and more efficacious. The dragoons "would serve to keep the Indians perfectly quiet, reminding them of . . . the facility and rapidity with which our dragoons can march through any part of their country, and that there is no place where they can go but the dragoons can follow; and as we are better mounted than they are, overtake them."¹

Colonel Kearny also suggested that the Indians would be benefited and the peace of the country more easily secured if the whole Indian country were under martial law. Renegade white men and Indian half-breeds found it too easy to evade the civil law.²

Although the number crossing the plains was greatly reduced in 1846, yet the travel was almost continuous. Colonel Kearny's council did not solve any of the problems between the emigrant and the Sioux. Agent I. P. Moore reported in 1846:

The Indians of the Platte complain bitterly of the passage of the Oregon emigrants through their country; and also of the wanton destruction of game, the firing of the prairie and other injuries. They say they should be compensated for the right of way, and the emigrants restricted by law, or the presence of a military force,

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1. "Report of a Summer Campaign to the Rocky Mountains", Senate Executive Document, 29 Cong., 1 sess., No. 1 (Sept. 15, 1845), 212, Serial No. 470.
 2. Ibid., 212.

from the unnecessary destruction of game.¹

Notwithstanding the complaints, few emigrants feared Indian attacks. Letters of emigrants to newspapers make little or no mention of Indian trouble. They were strung along the trail without organization, foolishly perhaps, for there was the ever present danger of an attack on a small party.²

On May 19, 1846, Congress authorized the establishment of military posts along the road to Oregon. Three thousand dollars was appropriated to defray the cost of construction of each; two thousand dollars each to purchase the ground for the forts from the Indians; and seventy six thousand five hundred dollars for mounting and equipping a regiment of Mounted Riflemen to consist of companies of sixty-four privates each.³

When the war with Mexico shifted the regiment of Mounted Riflemen to duty in that war, five companies of volunteers were ordered raised in Missouri to establish military stations on the route to Oregon.⁴ This "Oregon battalion of mounted volunteers" under the command of

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1. Senate Executive Document, 29 Cong., 1 sess., No. 1 (Sept. 21, 1846), 292, Serial No. 493.
 2. Niles' National Register, LXX, 272, (May 18, 1846).
 3. United States Statutes at Large, (1851), IX, 13.
 4. St. Louis Republican, quoted in Niles' National Register, LXXII, 370, (Aug. 14, 1847).

Colonel Ludwell E. Powell, wintered in 1847 near the present Nebraska City, Nebraska, before going to Grand Island where a fort was to be erected.¹ On October 28, 1848, Colonel Powell and his regiment were relieved by two companies of the Mounted Riflemen under Major Charles F. Ruff who proceeded to build Fort Kearny.²

A description of the fort soon after it was built was written by David Dewolf while on his way to California:

... we traveled this day up the valley of the Platte we passed Fort Kearny this was formerly a trading post among the Indians. It contains in & about the fort about 20 huts. they are built out of the turf or sod of the prairie which they spad up in blocks about three feet square & then lay them up in coarses with the grass side down leaving places for doors and windows. the (y) make the roof water proof by covering them with brush and the turf. the (y) make quite a novel appearance. There is a building now in process for a hospital which will be a good building when finished. The place is handsomely situated about one-half mile from the river there is stationed about one hundred and twenty soldiers here to protect the Emigrants from the Indians.

In the meantime the Indians were restless. The Sioux were especially active against the border tribes and their escapades endangered the lives of emigrants. The report

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1. The March of the Mounted Riflemen, 13-14. Edited by Raymond W. Settle.
 2. Ibid., 13-14.
 3. "Diary of the Overland Trail and Letters of Captain David Dewolf", edited by Edwin E. Cox, Illinois State Historical Society Transactions, No 32, (1925), 190.

of Commissioner W. Medill takes cognizance of the problem:

For the more effective protection of our citizens emigrating to Oregon, and of the Omahas, Ottoes, Poncas, and other weak tribes in the vicinity of the Sioux, on the Platte, and Missouri rivers, it may be advisable to establish a small military post somewhere near the mouth of the Platte, which, in connexion with that to be established near Grand Island, on that river, would, no doubt, effectually prevent such occurrences in the future.¹

During 1847 and 1848, however, few attacks were made by the Indians on the whites, yet they were a source of great annoyance. Riley Root tells that the company in which he was traveling reached the Platte on the sixteenth of May, 1848, where the day before the Sioux had raided the Pawnees. The Sioux harassed the train until an Indian trader by the name of Richards arranged a council with them. The editor tells the story with a touch of humor, interspersed with extracts from Root's journal:

On our approach "we found them seated in a semicircular form, with their two chiefs, Whirlwind and Badwoon, in the center, with the American flag erected within and in front of the chiefs, ready to receive us." After mutual pledges of friendship were exchanged, the Indians indicated to the sadly outnumbered Caucasians that something more substantial than oratory was necessary to convince them of the white man's deep affection for the Indian--especially the Sioux Indian. "Accordingly they spread their robes and blankets on the ground within the half circle", upon which the dutiful emigrants "bestowed their gifts of flour, corn-meal, bacon, and every such thing." With appreciably lightened loads, but now rid of the Sioux, the company

1. Senate Executive Document, 30 Cong., 1 sess., No. 1 (Nov. 30, 1847), 143, Serial No. 503.

proceeded onward up the Platte . . .¹

On August 11, 1848, Agent Fitzpatrick submitted a report recommending the establishment of another fort on the Oregon Trail to be garrisoned by five hundred mounted men commanded by a man thoroughly familiar with the character and habits of the Indians.²

Thus the relations between the white men and Indians during the period of the great migration of Oregon was characterized by each being irritated by the other, but not to the extent of causing hostilities of any great importance. The Indian did feel that the whites were imposing upon his rights, and as the volume of migration grew larger, he became ever more apprehensive. It too frequently happened, however, that the dissatisfaction on the part of the wild tribes was caused by renegade white men traveling through the country who felt no obligation to any one, Indian or white.

On the other hand, almost every train had to run the gauntlet of incessant begging, petty annoyances, and the constant danger of theft. Citizens demanded that the government take steps to eliminate these annoyances and to keep incidental hostilities at a minimum. Toward this end

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1. Edward Eberstadt, "The Journal of Riley Root", California Historical Society Quarterly, X, (Dec., 1931), 399.
 2. LeRoy R. Hafen and W. J. Ghent, Broken Hand: The Life Story of Thomas Fitzpatrick, 209.

the government sent expeditions to scour the plains and to hold talks with the Indians, and incidentally to distribute a few presents. These efforts were followed by the plan of establishing forts in the Indian territory.

Fort Kearney was established in 1848, and the next year saw a regiment of mounted riflemen leave Fort Leavenworth for Fort Laramie by way of Fort Kearney. Upon reaching Fort Laramie they converted the old Indian trading post into the second military station along the route to Oregon. The regiment then proceeded to Fort Hall, escorting a large number of emigrants along the route.¹ Thus the policy of locating forts along the emigrant routes across the continent was put into effect along the Oregon Trail before the thousands left the comfort of their homes for the gold fields of California.

1. "Report of the Secretary of War", 31 Cong., 1 sess., No. 1 (Nov. 30, 1849), 94-95, Serial No. 549.

CHAPTER III

THE CALIFORNIA GOLD-SEEKERS AND THE INDIANS
1849-1851

No entirely new problems entered into the relations between the whites and the Indians of the plains in 1849. However, the vast increase in the number of emigrants who traveled through the territory which the Indians regarded as their own, and the lack of sympathy for the moral and legal rights of the Indians increased the magnitude of the problems already in existence.

This increased migration profoundly disturbed the economic welfare of the Indians by driving the animals from their normal habitats and needlessly destroying and wasting the game upon which the Indians subsisted. When the migration first commenced, the trains were sometimes detained for hours by great herds of buffalo crossing the trail. John C. Fremont describes the elk, antelope, and deer in abundance along the Big Vermilion and the Big Blue Rivers in 1842. He wrote that buffalo were "swarming in immense numbers over the plains, where they had left

scarcely a blade of grass standing".¹

But such was not the case in 1849. Then, hunters usually had to go miles from the road to find game because the animals had learned not to frequent the lanes of travel.² George W. Read, while in the same locality as that described by Fremont, and at the same time of year, saw no buffalo and scarcely any other game.³ In the previous year Major Osborne Cross wrote regarding game in this same general locality:

At this season of the year buffalo are always seen on the Little Blue . . . , but the immense emigration that had already gone on would no doubt drive them from the vicinity of the road and cause them to become very wild. The few deer I had met with thus far were extremely shy and showed the effect the emigration had produced already in passing this spring.⁴

Not only was the economic life of the Indians affected adversely by the movement of game to safer sections,

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1. John C. Fremont, "Exploration to the Rocky Mountains", Senate Executive Document, 27 Cong., 3 sess., No. 243, (March 1, 1843), 18, Serial No. 416. Lansford W. Hastings also mentions the great number of buffalo in this section in 1842. Owen C. Coy, The Great Trek, 50-51.
 2. Howard Stansbury, Exploration and Survey of the Valley of the Great Salt Lake of Utah Including a Reconnaissance of a New Route Through the Rocky Mountains, 34.
 3. George W. Read, A Pioneer of 1850, 52.
 4. The March of the Mounted Riflemen as Recorded in the Journals of Major Osborne Cross and George Gibbs and the Official Report of Colonel Loring, edited by Raymond W. Settle, 50.

but the depletion of the supply was unnecessarily increased by a great amount of waste. Many of the emigrants took only the choice parts of the animals, leaving the rest of the carcass for the wolves. Hunters rode far from the wagons in search of game, who, after a successful hunt, could manage to bring in only a small part of the meat. This entry of May 21, 1850, in Thomas Woodward's diary is fairly typical: "We killed more than we wanted besides trowing a great quantitie away."¹

This selfish attitude is illustrated in this excerpt from the journal of Major Cross:

This evening (May 22) our camp was visited by a Sac Indian who was dressed as is customary among the tribe, with a red blanket and head ornamented with feathers. He soon presented me a paper which had been given him by the sub-agent, the purport of which was to request emigrants passing this way to make the Indians a small present for the use of their wood which they had complained of having been destroyed by the emigrants. He also made quite a talk about the grass which the animals consumed, and appeared to be fully impressed with the idea that they were entitled to some compensation for it. We gave him something to eat and sent him off very soon after, evidently disappointed and much displeased at not having received money

It is surprising why those employed with Indian tribes are disposed to humor them, as is often the case, with erroneous impressions If these people really deserved some compensation for the wood used, which was of itself too absurd to think of for a moment, it was a proper

1. Thomas Woodward, "Diary while Crossing the Plains", Wisconsin Magazine of History, XVII, (March, 1934), 353. This destructive hunting was frequently characteristic of the Indians also.

subject to lay before the Indian department.¹

If this was the attitude toward a tribe of Indians whose hunting rights were definitely guaranteed to them by the government of the United States, and whose rights were constantly violated by the trespassing of thousands over their lands, it can hardly be doubted that the rights of the wild tribes, which depended in a larger measure upon justice, would be of little concern to the emigrants.

In addition to this interference with the source of the Indians' livelihood, these emigrants brought death from cholera. An epidemic of this dread disease had reached western Missouri about the time of the spring migration of 1849. The number of deaths from cholera on the Oregon Trail that year has been estimated at from four to five thousand white persons.² During that summer more than three hundred Cheyennes were reported to have died of it.³

The Indians were even more helpless than the whites in preventing the fatal ravages of this, and other, diseases. Captain Stansbury tells of an Indian girl, ill with the cholera who was abandoned by the tribe and left

1. The March of the Mounted Riflemen, 40-41.

2. Ibid., 34.

3. The Weekly Tribune (Liberty, Mo.), September 14, 1849.

to her fate in a burial lodge.¹ The Sioux, in order to stop the spread of smallpox, have been known to burn to death those of the tribe who contracted the disease.²

Some of the Sioux believed that the cholera epidemic was deliberately introduced by the whites for the purpose of annihilating them more quickly.³ This conviction was the cause of a tragedy in the vicinity of Scott's Bluffs. A young Indian had seen his father, mother, brother, and wife die of the cholera. Upon the death of the last, he moved from his lodge determined to kill the first white man he should chance to meet. This person happened to be a former sergeant-major in the Oregon Battalion, by the name of McDowell, whom the Indian shot. The other Indians immediately executed the half-crazed youth who was willing to suffer death for his deed.⁴

Superintendent D. D. Mitchell took cognizance of this situation in part of his annual report of 1851:

In addition to their other misfortunes, hordes of emigrants passing through the country seem to have scattered death and disease in all directions. The tribes have suffered much from the smallpox and cholera, and perhaps still more from venereal diseases. The introduction of all

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1. Stansbury, op. cit., 143-144.
 2. Kimball Webster, The Gold Seekers of '49, 54.
 3. "Report of D. D. Mitchell", Report of the Commissioner of Indian Affairs, (1851), 49.
 4. The Weekly Tribune (Liberty, Mo.), September 14, 1849.

these evils they charge, and I suppose justly, upon the whites.¹

The Sioux and Cheyenne continued to raid the Pawnees sporadically and these war parties would occasionally attack a small party of whites. On June 2, 1849, Israel F. Hale recorded in his diary, "It is reported that three or four men have been killed by the Indians, which prevented our men from venturing far from the train to hunt buffalo".² But there were far more rumors of depredations than the facts could verify.

Vinton M. Fratelles tells of an interesting visit from the Cheyenne not far from Fort Laramie in 1849. While resting near the bank of the Platte River they saw a large body of Indians "who came sweeping down a gentle sloping hill east of us. When they first appeared, they were about three quarters of a mile from us, and as they were mounted upon excellent chargers, they came with the rapidity of an arrow".³ The emigrants quickly gathered the mules and fastened them to the wagons. Then the undaunted men formed a line in front. The Indians halted about a rod and a half away, where their actions seemed

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1. "Report of D. D. Mitchell", loc. cit., 324.
 2. Israel F. Hale, "Diary of a Trip to California in 1849", Society of California Pioneers, Quarterly, (June, 1925), II, No. 2, 71.
 3. Vinton M. Fratelles, "Sufferings of Overland Emigrants to California in '49", The Overland Monthly, LXII (Oct., 1913), 346.

menacing indeed. After priming their guns "they would then throw their guns to their shoulders, aim toward us, then slowly lower them. Many placed their arrows to their bow-strings, their lances in rest--and were wetting the ends of their arrows with their mouths, that they might not slip too quick from the finger and thumb." In spite of this warlike appearance, perhaps because of the intrepidity of the whites, the Indians decided to be friendly and presented a certificate of friendship which had been given them by the commandant at Fort Laramie.¹

Francher Stimson tells of an incident that further illustrates the guarded attitude of some emigrants toward the Indian. While encamped on the Platte the train was visited by two Indians. Having heard of depredations against the whites, some of the group thought that the two Indians might be spies. The emigrants treated the Indians politely, but when they started to leave, the whites insisted that they spend the night within the camp. The next morning, after feeding them well, the company released them. Stimson adds these words, "Later on we became better acquainted with our red brothers of the plains, and whenever this incident was alluded to it seldom failed to provoke a broad smile".²

1. Pratelles, loc. cit., 346.

2. Francher Stimson, "Overland Journey to California by the Platte in 1850", Annals of Iowa, 3rd series, XIII, (Oct., 1922), 409f.

One common source of irritation to the traveler throughout the Indian country, which sometimes led to bad feeling, was the attempts of the Indians to beg and steal from the trains. Many emigrant journals testify to the adeptness of the Indian, especially the Pawnees, at stealing horses.¹ Sometimes the Indians demanded tribute for passing through their land. Mrs. Sarah Royce tells of an experience in which hundreds of Indians ranged themselves along both sides of the road demanding the payment of a certain sum per head for every emigrant passing through their country. The men of this particular company refused, informing the Indians that if they attempted to stop them, the whites would open fire with all their rifles and revolvers. Mrs. Royce describes the climactic moment:

Revolvers, knives, hatchets, glittered in their [the emigrant's] belts; rifles and guns bristled on their shoulders. The drivers raised aloft their long whips, the rousing words "Go 'long Buck"--"Bright!"--"Dan!" were given all along the line, and we were at once moving between long but not very compact rows of half-naked redskins; many of them well armed; others carrying but indifferent weapons; while all wore in their faces the expression of sullen disappointment, mingled with half-defiant scowl that suggest the thought of future night attacks, when darkness and thickets should give them greater advantage. For the present, however, they had evidently made up their minds to let us pass and we soon lost sight of them.²

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1. Woodward, loc. cit., 354.
 2. Mrs. Sarah Royce, A Frontier Lady, 13.

After hearing the rumors of Indian depredations, which were plentiful on the frontier, many emigrants, no doubt, were filled with consternation at the sight of a feathered headdress and paid the demanded sum.

The occasional incidents of murder and robbery during this period that were told caused some of the emigrants to expect trouble. "Much trouble is also anticipated by many from some of the western tribes of Indians, who are said to be hostile to the whites", wrote Kimball Webster.¹

While traveling between Fort Kearny and Fort Laramie, David Dewolf wrote to his wife that the company had been expecting some trouble "but they have not troubled us yet but the Californians not all fared so well for some have been robbed and some have been killed".²

The diaries of the period, with few exceptions, indicate that, in general, peaceful relations existed with the Cheyenne and Sioux, in spite of the Indians' many grievances. A letter written by a soldier in September, 1849, said:

We were visited a few days since by two hundred Cheyennes and Sioux, who danced a little, stole a little, eat a great deal, and finally went on their way rejoicing. These Platte Sioux, by the way, are the best Indians on the prairies. Look at their conduct during the past summer.

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1. Webster, op. cit., 44.
 2. David Dewolf, "Diary and Letters of the Overland Trail, 1849", Illinois State Historical Society Transactions (1922), 191.

Of the vast emigration, which rolled through their country this year, not a person was molested, not an article stolen. Such good conduct deserves reward.¹

Thomas Woodward, emigrant in 1850, wrote in his diary on May 24:

We are Now In the Sioux and Cheyane Nation and has Past to day 3 of There villages Containing from 1000, to 1500 inhabitants as usual swarming with lean half starved Wolfish looking Dogs and naked children There wigwams generally are good and Round covered with Buffalo hide They slip Themselves into Them like going into a sack But the men and squaws Dress in There way and according to There Costume Better Than any other Nation of Indians that I have seen and Indeed Take Them altogether They are a Noble looking Nation of Savages We encamped for The night Close to The largest of The villages I went up and Remained amongst Them till after 10 oclock. There was over six Hundred of Them They were Dancing Runing Jumping squabbling like as if hell itself had Been Turned Loose They are verey civil The only Danger is their getting To (o) kind with you to Try to get Their hands into your Pocket to Take out any Thing There is in it.²

Joseph Price recorded in 1850:

as to Indians I donot believe that we have been in the least danger as yet We are now in the country of the Sioux they say they are entirely friendly We have seen 4 viliges of them some distance back they ware on the South Side of the river came in I suppose to trade with the emigrants.³

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1. Nebraska State Historical Society Publications, XX, (1922), 214. Also LeRoy R. Hafen and Francis Marion Young, Fort Laramie and the Pageant of the West, 144.
 2. Woodward, loc. cit., 354.
 3. Joseph Price, "The Road to California", edited by John Marshall, The Mississippi Valley Historical Review, XI, 251, (Sept., 1924).

Later, he adds:

as it respects Indians there is no danger I seen 5 or 6 on Sweet water last week the first that I have been in speaking distance of since we left the Iowa Mision.¹

A tragedy that focused attention upon Indian dangers on the northern plains was the murder of two Fort Hall mail carriers between Fort Laramie and Fort Kearney. The deed was thought by some to have been committed by the Pawnees in Sioux territory for the purpose of causing the Sioux trouble with the government.² In an editorial in The Weekly Tribune, after this event had taken place, but which was probably more directly caused by the depredations of the Pawnees and Apaches, the suggestion was made that a large force of dragoons be called out in the spring and that they be kept constantly in motion along the trails to California and Oregon, and that more military posts should be established along the route to afford rallying points for troops, traders and emigrants. "Our interests are too great", it continued, "the lives of our citizens are too dear, to be sacrificed for the mere consideration of what it will cost to protect them."³

That the Sioux and Cheyenne did not show greater hostility toward the emigrants may have been due to several

1. Price, loc. cit., 251.
2. Webster, op. cit., 44.
3. December 21, 1849.

factors. During these years the large numbers of emigrants made caution not as essential as it was in former years. While near Ash Hollow, C. W. Smith wrote in his Journal of a Trip to California: "Companies of emigrants have encamped all around us, and should the Indians make an attack upon us, at least two hundred men could be gathered in ten minutes",¹

While riding near Courthouse Rock by the North fork of the Platte, on Monday, June 18, 1849, George Gibbs notes:

I could not help reflecting upon this change which had come over this scene within a short year, its extraordinary causes and possible results. There were two of us, an artist from Boston [William Henry Tappan²] and an ex-lawyer from New York, hunting the picturesque among the hills of the North Fork of the Platte River with only one pistol between us, and that probably beyond discharging--miles distant from the great road, encountering only an occasional emigrant, and yet as free from danger as if we had been in Suffolk County or among the hills of Bergen. The country we were riding over was the war ground of the Sioux, where twelve months since men went only armed and in bodies sufficient to insure protection. The explanation was the line of white wagons which covered yonder road--the end who is to foretell?³

Probably a more potent factor in preventing hostilities between the Indians of the northern plains and the emigrants was that the Indians believed that they would receive compensation for the interference of the emigrants.

1. Page 35.
2. March of the Mounted Riflemen, 320.
3. Ibid., 320.

Indian agents under instruction from Superintendent Mitchell, had implied that the government would act generously toward them. Thomas Fitzpatrick, agent on the Upper Platte, and Arkansas, reported that the Indians were repeatedly told by the travelers that their "Great Father" would soon reward them liberally for the right of way, the destruction of game, timber, and grass, as well as for any kindness shown Americans passing through their country.¹

Superintendent D. D. Mitchell and Thomas Fitzpatrick urged that a general council of all the wandering tribes of the plains be held. Mitchell pointed out that the United States had no formal treaty which the Indians felt called upon to observe. Therefore, they looked upon any depredations committed against the whites as perfectly legitimate warfare and as justified in retaliation for the destruction of game, grass, and timber by the emigrants.²

On August 1, 1849, Superintendent Mitchell told Fitzpatrick to go to Washington and urge the plan of a general council. Fitzpatrick did, and was back in a month with the promise of a preliminary five thousand dollars for

1. "Report of Agent Fitzpatrick", Indian Affairs, (1850), 55.
2. "Report of Superintendent Mitchell", Indian Affairs, (1849), 1070.

presents and with instructions to arrange for a council during the summer of 1850.¹ That winter Fitzpatrick visited with the Sioux and Cheyenne, as well as with the other tribes in his agency, testing their reactions to the proposed general council.²

In the meantime efforts were being made by Superintendent Mitchell and Commissioner Luke Lea to secure the necessary appropriation from Congress.³ The Commissioner urged upon the Secretary of State the necessity for the treaty, adding:

These Indians [the wild tribes of the prairies] have long held undisputed possession of this extensive region, and, regarding it as their own, they consider themselves entitled to compensation not only for the right of way through their territory, but for the great and injurious destruction of game, grass and timber committed by our troops and emigrants.⁴

Congress moved slowly, but finally appropriated funds for a council held at Fort Laramie on September 1, 1851. D. D. Mitchell and Thomas Fitzpatrick were the commissioners for the government. Practically all of the plains

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1. LeRoy R. Hafen and W. J. Ghent, Broken Hand: The Life Story of Thomas Fitzpatrick, 217.
 2. "Report of Agent Fitzpatrick", Indian Affairs, (1853), 51.
 3. "Report of Superintendent Mitchell", Indian Affairs, (1850), 47.
 4. "Report of Commissioner of Indian Affairs", Indian Affairs, (1850), 41.

tribes were represented, there being approximately ten thousand Indians gathered together. Because of insufficient grass around the Fort, the Council was moved to the mouth of Horse Creek, some thirty-six miles away.¹

The success of the Council depended upon the ability of the commissioners to get the tribes to work together in friendship. This often required very delicate handling for even though the Indians were promised that they would be safe, they did not take anybody's word for it and came armed for battle.² Adam B. Chambers, the editor of the Daily Missouri Republican, wrote to his paper:

This morning soon after the cannon was fired the various tribes and bands commenced assembling in the place prepared for the Council. The first difficulty was the order of precedence of the Tribes. About this there was so much stickling and contrariety of claims as at court dinner, or between the officers of the army on a public occasion. Some tribes contended for precedence because of their numbers, others for their deeds of daring. This was summarily settled by the commissioner peremptorily assigning positions to each, without respect to that important term "rank". Then some of the tribes had minor difficulties in settling the question of precedence between the various bands, and the personal rank of the respective chiefs and braves.³

The Council provided a wonderful spectacle with dancing, ceremonies, story-telling, preaching, baptizing, and

1. Hafen and Young, op. cit., 179.

2. Ibid., 179.

3. The Jefferson Inquirer, October 11, 1851.

numerous dog feasts. Father Pierre De Smet describes the Council:

During the eighteen days the Great Council lasted the union, harmony, and amity that reigned among the Indians were truly admirable. Implacable hatreds, hereditary enmities, cruel and bloody encounters, with the whole past, in fine were forgotten. They paid mutual visits, smoked the calumet of peace together, exchanged presents, partook of numerous banquets, and all the lodges were open to strangers.¹

An interesting incident is described by De Smet:

The Snake Indians had scarcely quitted the Rocky Mountains to repair to the Great Council than they were pursued and attacked by a party of Sheyennes² who killed two of their men and carried away their scalps. The Sheyennes must pay or "cover the body" which is a satisfaction required by the savages on such occasions, before they can accept the calumet of peace, or smoke it together. On this day the principal braves of the Sheyenne nation and forty warriors of the Shoshones, were assembled.³

After many lengthy orations and a feast, the Cheyenne brought presents for the Shoshone braves. The scalps of the two victims were exposed and then returned to their kin, who were solemnly assured that the "scalp dance" did not take place. With the conclusion of this ceremony, all hatred was forgotten and a wild celebration lasted far

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1. Rev. P. J. De Smet, Western Missions and Missionaries, 101.
 2. Adam B. Chambers, editor of the Daily Missouri Republican, describes the Cheyenne as "saucy and unscrupulous" just prior to the Council. Nebraska State Historical Society Publications, XX, (1922), 235.
 3. De Smet, op. cit., 106.

into the night.

Between social functions the chiefs of the various tribes had been considering the terms of the treaty submitted by the commissioners. After they were fully discussed and understood by the chiefs, the treaty was signed on the seventeenth day of September. The principal provisions of the treaty are as follows: (1) Peace was to be maintained between the Indians and whites; (2) the Indians recognized the right of the United States to establish roads and military posts in Indian territory; (3) depredations committed by either Indians or whites were to be punished and restitution of property was to be obligatory; (4) boundaries for the different tribes were fixed, but all had the right to hunt and fish over all the territory; (5) the United States undertook to pay the Indians \$50,000 in goods for a term of fifty years, such annuities to be withheld in whole or in part from any tribe violating the treaty.¹

This treaty was ratified by the Senate on May 24, 1852, with an amendment that the annuities be paid for only fifteen years instead of fifty years. The Sioux, Cheyenne, and Arapahoe ratified the amendment in 1853, but the others did not. Nevertheless, the government considered itself bound by the treaty, at least in so far as

1. Indian Affairs: Laws and Treaties, II, 440-441.
Edited by Charles S. Kappler.

the annuities were concerned.¹

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1. James C. Malin, Indian Policy and Westward Expansion, Bulletin of the University of Kansas Humanistic Studies, (1921), 91.

CHAPTER IV

SECURITY UNDER THE LARAMIE TREATY
1851-1856

The immediate object of the Treaty of Laramie was to provide for the security of the emigrants while they were traveling overland through the Indian country. Few persons acquainted with the character and circumstances of the Indian would expect a complete compliance with the terms of the Treaty. No one believed that the ancient tribal rivalry, and with it the danger to innocent white travelers, could be so easily ended. The opportunities of the "Great Medicine Road of the Whites"¹ were too great to be disregarded by a people who regarded stealing as a virtue and killing as a pleasure. Charles Larpenteur expressed this view in these words:

Anyone who has the least knowledge of Indian character ought to know that they are not capable of keeping such a peace. Of course, any Indian, for the sake of presents, will say "How" to any proposition made to him; but after that, what assurance have you to rely upon that this Indian will comply with the stipulations of the treaty? None at all. You may say

1. Life, Letters and Travels of Father Pierre-Jean De Smet, S. J., edited by H. M. Chittenden and A. T. Richardson, II, 672.

that, if he does not comply, he shall forfeit a part of his annuities. But if you make him forfeit his annuities it will be worse; for, although this will have been explained to him, he will think he had a right to do as he did. He will say that his young men had no ears; that he did all in his power, but could not control them; and still think himself entitled to the annuities. He will surely find some excuse.¹

Although there is much truth in the above statement, the facts are that the Indians observed the terms of the Treaty during 1852 while the emigrants violated its provisions with impunity. Notwithstanding the obligation of the government to protect the Indians, the mountain and prairie tribes continued to suffer from emigrants who passed through their country, destroying their means of support and scattering death and disease among them.² Most of the journals, such as one kept by Richard Hickman, are far more concerned with the cholera epidemic than with Indian dangers.³ James Akin, who crossed the plains in 1852, does not refer to any Indian difficulties in his journal. On the contrary, he shows that members of the party did not feel a great need for protection by mentioning that they did not stay together.⁴ The fact that the

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1. Charles Larpenteur, Forty Years a Fur Trader on the Upper Missouri, II, 420. Edited by Elliot Coues.
 2. "Report of Supt. D. D. Mitchell", Report of the Commissioner of Indian Affairs, (1852), 357.
 3. Richard O. Hickman, "An Overland Journey to California in 1852", edited by Paul C. Phillips, The Frontier, IX (March, 1929), 542-560.
 4. The Journal of James Akin, Jr., edited by Edward Dale.

Indians were not troublesome may not have been due altogether to the Laramie Treaty. Ezra Meeker recalls that, although the Indians resented the intrusion of the emigrants, their attitude was one of expecting pay for the privilege of using their land, grass and game.¹

Most of the Indians continued to observe the terms of the Treaty of Laramie through the spring of 1853 in spite of the continued white migration and the consequent loss of game. Many of the tribes of the upper Missouri, who had been warring for years, remained at peace. Trains that left early in the spring of that year faced no greater danger from the Indians than the pilfering of the Pawnees and the importunities of some of the Sioux and Cheyenne.²

On March 10, 1853, George Belshaw, who brought a train from Lake County, Indiana to Oregon, wrote to his brother that he had heard a report of depredations committed by the Indians; "but it always comes out false. Men start to sell their shooting implements. I don't feel anyways alarmed".³

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1. Ezra Meeker, and Howard R. Driggs, Ox-Team Days on the Oregon Trail, 43.
 2. "Report of Agent Alfred D. Vaughn", Indian Affairs, (1853), 352.
 3. "Belshaw Journey, Oregon Trail, 1853", edited by Gwen Castle, Oregon Historical Quarterly, XXXII, (Sept. 1, 1931), 223.

As spring was about to turn into summer, the Sioux became alarmed at the volume of migration over the Oregon Trail. The Indians began to annoy the emigrants by becoming more insistent beggars and by stampeding and stealing the animals belonging to the trains. The wanton destruction of the buffalo and the loss of friends and relatives by cholera, measles, and smallpox, which the Indians still believed were brought by the whites, could suffice as an explanation for the hostility toward the emigrants that summer.¹

On the fifteenth of June, 1853, a band of Sioux captured the ferryboat near Fort Laramie. When Sergeant Raymond was attempting to recover it, one of the Indians fired at him and hit the boat. When the incident was reported, the commander of the Fort, Lieutenant Richard B. Garnett, sent some soldiers under Lieutenant Hugh B. Fleming to get the Indian who had shot at the Sergeant. Should the Indians not be willing to give the offender up, Fleming was instructed to take several prisoners by force, if necessary.²

When Lieutenant Fleming arrived at the Indian encampment, the Indians refused to surrender the guilty one.

1. "Report of Agent Alfred D. Vaughn", Senate Executive Document, 33 Cong., 1 sess., No. 1 (Sept. 20, 1853), 359, Serial No. 690.

2. Eugene Bandel, Frontier Life in the Army, 1854-61, 23-24. Edited by Ralph P. Eriber.

Therefore, Fleming marched his soldiers into the camp, whereupon the Indians retreated to a ravine back of the camp and began to shoot at the soldiers. The soldiers retaliated and killed three Indians, wounded three, and took two prisoners back to the Fort.¹

The effect that this incident with the Sioux had upon the emigrants can be gleaned from the following entry of June 16 in George Belshaw's journal:

Just as I camped one or two wagons, news came from the fort [Laramie] that the Indians had fired on the sergeant. We went and reported the same to the commanding officer, and ordered the soldiers to go and take the chief prisoner. But when the soldiers got there the Indians would not be taken, and went to firing at the soldiers. The soldiers then commenced upon them and killed five and wounded two more. The Indians then took to the hills. I corralled all the wagons and called out 16 men till 12 o'clock, for guards, and 16 more for morning guards. I then ordered every man to load every gun and revolver and lie in the corral with their guns beside them and be ready at a moments notice. But the red chaps did not come. We could have given them 100 shots without reloading.²

A few days later Belshaw recorded:

On account of the soldiers killing the Indians at the fort, I have to buckle on my belt of pistols and knife when I go ahead to choose a camping place, for fear of the redskins.³

Dr. Thomas Flint mentions in his diary that the Indians bothered the stock of the train and in an attack

1. Bandel, op. cit., 24.
2. Belshaw, op. cit., 228.
3. Ibid., 229.

killed one of the members, James Force. Farther along the trail they were threatened by the Arapahoes.¹

Although the train in which Agnes Stewart was traveling was on the plains at the time, she does not mention having heard of any trouble at the Fort with the Indians.² It is likely that the women crossing the plains were not always told tales that would frighten them, particularly when so many of the stories proved to be false.

When Agent Thomas Fitzpatrick arrived at Fort Laramie in September, 1853, to distribute the annuities to the Sioux, he found a bitter feeling toward the whites. The Indians wished to have the Fort removed from their midst. It was only after Capt. R. Garnett explained the reason for the action of Lieutenant Fleming that the Indians were pacified and accepted their annuities from the government.³

Throughout the remainder of 1853, and the greater part of 1854, the Sioux made no outright retaliation, but harbored a spirit of revenge toward the whites, while the Cheyenne began to be troublesome, attempting near the crossing of the North Platte to force each party passing

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1. "Diary of Dr. Thomas Flint", Historical Society of So. California, Annual Publications, XII, 3, (1923) 53-127.
 2. "The Journey to Oregon-- A Pioneer Girl's Diary", edited by Claire Warner Churchill, Oregon Historical Quarterly, XXIX, (March, 1928), 77-78.
 3. "Report of Agent Fitzpatrick", Indian Affairs, (1853), 367.

them to pay tribute. O. H. Cogswell, who had crossed the plains from Salt Lake, furnished the basis for this report:

The Indians along the whole route are now more insolent than ever, and will fleece the emigrants whenever and wherever they can, and if that is not possible will steal from them; Mr. C. had two first mules stolen from him. The mail party going out last time beyond Fort Laramie, were surrounded by this same band of Indians of which we have been speaking, and made to yield to their wishes. The commandant at Fort Laramie says he would go out and punish them, but that his party of infantry could not reach them, and if they were to come up to them, could not pursue them. Such is the position of things on that route.¹

Probably the fact that Cogswell had some mules stolen made the picture seem a little darker to him than the facts warranted.

Nancy A. Hunt in a personal narrative wrote that some emigrants of 1854 did not have trouble, but "we always treated the Indians well and with respect, and they never molested us at any time". The members of the train would feed the Indians when they came begging, but showed them, at the same time, a display of guns and ammunition. Sometimes the emigrants slept with their weapons by their beds.² When Col. Steptoe stopped at Fort Laramie on his way to Oregon, he talked to some of the Sioux, after which he reported that they affected a great friendship for the

1. The Weekly Tribune (Liberty, Mo.), June 9, 1854.

2. Nancy A. Hunt, "By Ox-team to California", The Overland Monthly, LXVII, (April, 1916), 317-326.

whites. This was only a short time before the massacre of Grattan and his men near there.¹

On August 18, 1854, a cow belonging to a Mormon emigrant was captured and killed by one of a band of Sioux who were encamped below Fort Laramie awaiting Agent Whitfield and their annuities. There are several versions of this affair. According to Bandel, the Sioux shot at the emigrant, but missed. Then with the second arrow he killed the cow.² The Latter Day Saints' Journal-History of August 19, 1854, states that the cow became frightened and ran into an Indian camp where she was left; some of the Indians killed and ate her.³ In any event, the emigrant reported the incident to Lieutenant Fleming at the Fort in order to put in a claim for his cow. Later that same day, the chief of the Brulé tribe in which the Indian was living, Chief Bear, came to the Fort and reported the incident to Lieutenant Fleming, and offered to give up the offender. Accordingly, on the nineteenth, Fleming sent Second Lieutenant John L. Grattan with twenty-nine enlisted men to bring in the Indian.⁴

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1. "Report of the Secretary of War", 34 Cong., 1 sess., No. 1 (Nov. 22, 1855), 155, Serial No. 841.
 2. Frontier Life in the Army, 1854-61.
 3. LeRoy R. Hafen and Francis M. Young, Fort Laramie, 221.
 4. "Report of Major Winship", House Executive Document, 33 Cong., 2 sess., No. 63 (Sept. 1, 1854), 5, Serial No. 788.

The Sioux encampment was situated on the North fork of the Platte River, between a trading house of the American Fur Company and that of a trader, Bordeau, which were five and eight miles, respectively, from Fort Laramie, following the Oregon route down the Platte. The Oglala and Miniconjou Sioux were nearer to the Fort than were the Brulé, and it was in the camp of the Brulé that the guilty Indian was hiding. These camps stretched approximately two miles along the road and the river. In order to reach the camp of the Brulés, Lieutenant Grattan had to pass all of these camps.¹

When the soldiers arrived at the Brulé camp, Chief Bear would not, or could not, give up the offender. One version of the story is that when the Indian was asked to give himself up he said: "I am alone; last fall the soldiers killed my two brothers; this spring my only relation died. I have a gun with plenty of powder and balls, a bow and a quiver full of arrows, and the soldiers will have to kill and then take me."² Lieutenant Grattan had told his men "that the Indian he was about to demand must be taken, if not freely given up, at all hazards, even if he (Gratten) died in the effort".³ While Grattan was holding a

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1. "Report of Major Winship", loc. cit., 5.
 2. "Letter of L. B. Dougherty to Major John Dougherty", (Aug. 29, 1854), The Weekly Tribune, (Oct. 6, 1854).
 3. "Statement of Mr. Obridge Allen", House Executive Document, 33 Cong., 2 sess., No. 63 (Sept. 1, 1854), 9, Serial No. 788.

council with the chief men, the Indians began to gather until they numbered approximately fifteen hundred. Nobody knows who fired first, the soldiers or the Indians. When the soldiers fired, the Indians fell flat on their faces, and the balls passed harmlessly over their heads. Before the soldiers could reload they were killed by the knives and arrows of the Indians. The only soldier who escaped died of his wounds three days later. Chief Bear was the only casualty among the Sioux.¹

After the massacre, the Indians attacked the trading houses nearby and secured the annuities that had been stored within. Then they threatened to attack Fort Laramie. An interesting, if not wholly accurate, account of what took place within the Fort is told by Lewis Bissell Dougherty:

There were not more than fifty soldiers at the Fort. Eight of these were killed eight miles south with the beef cattle, ten were at the farm ten miles north, twelve were with Lieut. Grattan. One man was sent to each camp to bring men in during the night, leaving a few in the Fort.² Not knowing what the Indians intended to do we were in a sorry plight. The commanding officer, in fact the only officer left, ordered every one to sleep in the old traders' fort.

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1. For an account of this episode that is sympathetic with the Indians, see Geo. W. Manypenny, Our Indian Wars, 157-158. George Bird Grennell, The Fighting Cheyenne is not complimentary to Lieutenant Grattan.
 2. Dougherty is inaccurate regarding the numbers of men. Agent Whitfield says ten men were in the Fort. Indian Affairs, (1854), 306.

This was a strong place. It was a high thick wall of sun-dried brick built in a square with loop holes all around to shoot from, with diagonal extensions to prevent any one from standing under the port holes on the outside.

We all slept in this adobe for weeks.¹

The Grattan Massacre was the signal for general Indian defiance and depredation. One of the worst of these was an attack by the Brulé Sioux on the Salt Lake mail stage. The mail party, which left Fort Laramie, consisted of the mail agent, Jameson, and James Wheeler, Thomas Hackett, and a passenger by the name of Kinkaid. They had just reached a small creek that ran into the Platte when they were fired upon by a band of Indians concealed in the grass. At the first fire every one in the mail wagon was either killed or badly wounded, except Kinkaid. He had been shot with arrows and struck with the butt of a gun, but was not mortally wounded. The Indians secured ten thousand dollars in gold and scattered the mail in all directions. A soldier, who was out wolf-hunting, found Kinkaid. He was attracted to the spot by the movement of the wolves toward the locality of the massacre.²

Those Indians who had been guilty of attacking the whites tried to enlist all the other Indians in a general war. The Indians were defiant, insulting, and threatening

1. "Experiences of Lewis Bissell Dougherty", edited by Ethel M. Withers, Missouri Historical Review, XXIV, (July, 1930), 554.
2. The Saint Louis Weekly News, December 13, 1854.

to destroy any white person found on the plains. "I assure you that my situation here, as well as that of all the traders and their men, at present is perilous in the extreme", wrote Agent Vaughn from Fort Pierre.¹ At the same time Agent Whitfield wrote of the Cheyenne and Sioux:

The great majority of the Indians in this agency have no respect for the government; they think that Uncle Sam is a weak old fellow and could be easily overcome, and they have good reasons for coming to that conclusion. Nearly every party of emigrants that pass through their country have to pay their way with sugar and coffee; knowing this every train furnish themselves with an ample supply. The military posts located in this agency are perfect nuisances. The idea that one company of infantry can furnish aid and protection to emigrants who pass through this agency, is worse than nonsense. They can protect themselves no further than their guns can reach; they have no effect upon the Indians so far as fear is concerned; neither respect nor fear them; and as to protecting the traveller on the road, they are of no more use than so many stumps. There are no roads in the United States that need protection so badly as the north Platte and Arkansas roads.²

On December 6, 1854, the Saint Louis Weekly News carried the following editorial regarding the Indian situation which reflects the attitude of the western citizens:

The frequent repetition of these infernal atrocities by savages shows that the red devils are enraged with the whites, and determined to wage an inhuman system of unrelenting hostility against them.

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1. "Report of Agent Alfred J. Vaughn", Indian Affairs, (1854), 296.
 2. "Report of Agent John W. Whitfield", Indian Affairs, (1854), 303.

Under these circumstances it becomes the urgent duty of the Government to provide more effectually for the security of its pioneer children and inflict on their blood-thirsty enemies such an example of terrible and summary vengeance as will force them into peace and submission.

After suggesting that pioneers, rather than soldiers, be used to chastise the Indians, the editorial continues:

Indeed so inefficient are regular troops against Indians that those now stationed on the plains need protection themselves and it would not be amiss to send a force of Indian fighters to their succor.

A meeting held at Independence, Missouri, petitioned Congress to authorize a corps of at least two regiments of frontiersmen to be raised in the borders of Iowa, Missouri, and Arkansas to chastise the Indians. "It is the work for the hardy men of the frontier;" read the petition, "men inured to the trials and dangers of prairie and mountain life; men acquainted with the wiles of the savage and able to cope with him in his own art".¹

Indeed, Secretary of War Davis suggested to President Pierce the employment of a volunteer force to cooperate with the regular troops. He recommended that authority be asked of Congress to call into service three thousand volunteers for a period of not longer than eighteen months²

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1. The Saint Louis Weekly News, December 26, 1854
 2. "A Report of the Secretary of War on the Subject of Indian Hostilities", Senate Executive Document, 33 Cong., 2 sess., No. 22, (Jan. 15, 1855), 2, Serial No. 751.

President Pierce sent a message to the Senate and House of Representatives suggesting the employment of volunteer troops to meet a special demand.¹ A bill was introduced to that effect, but was later modified and attached to the army appropriation bill, approved March 3, 1855, which carried a provision for an additional two regiments of infantry and two regiments of cavalry, organized as in the existing force.²

During the spring of 1855 many Indians of the plains pillaged, robbed, and threatened the other Indians who wished to receive their annuities. From the firm of Ward and Guerrier, seven miles from Fort Laramie, came word that the Indians drove off sixty-five head of horses from the trading-house, and that they "do not consider any property safe on this river, or lives either, any longer, as the Sioux we think have commenced their war on the traders, as well as the soldiers."³

The Saint Louis Weekly News carried this item on March 31, 1855:

The Indians seem to be on the verge of rising everywhere. The movement is not confined to one or two tribes, but extends to all the plains, and in the mountains.

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1. Senate Journal, (January 18, 1855), 138, Serial No. 745.
 2. United States Statutes at Large, X, (1855), 639.
 3. Hafen and Young, op. cit., 237.

The savages are on the roads, around the forts, and gathered in hostile swarms about the settlements.

The Indians were not fulfilling the terms of the Treaty of Laramie; therefore it seemed that the effort put forth by the Indian agents was largely wasted. Yet the picture was not completely black. These depredations in the spring of 1855 were, in a large measure, the manifestation of discontent. In many cases they were acts of desperation caused by their destitute situation. The Indians had suffered a great deal during the winter of 1854-1855. Since there were few buffalo, they were forced to look elsewhere for sustenance. The easiest way to get food and horses was to beg and steal. Such activities would often result in frays with their intended victims. To make matters worse, nearly all the prairie tribes were suffering from smallpox.

Although the depredations were general, by no means were all the Indians involved. Agent Vaughn could report in 1855 that since the Laramie Treaty the Assinaboins had committed no depredations either upon neighboring tribes or upon the whites. Before the Treaty they were the foremost in the van of thieves and robbers, and were very annoying at all trading posts.¹ Thomas S. Twiss, the Indian agent on the upper Platte, was confident that a great

1. "Report of Agent Alfred J. Vaughn", Indian Affairs, 1855, 394.

many of the Indians in his agency were not guilty of these murders and robberies. In order to separate the hostile from the friendly Sioux, he fixed the North Platte as the boundary between them. All the Indians who had engaged in the murder of the mail party in November, 1854, or who had committed any depredations against the whites, were to remain on the north side of the Platte. Twiss tried to secure the cooperation of the friendly tribes in this plan.¹

Contrary to the wishes of the civil Indian authorities, the military authorities decided to send General William S. Harney at the head of a punitive expedition against the Sioux. General Harney was ordered to establish a military post near Fort Pierre, and to start the expedition from Fort Laramie and Fort Kearney. On September 3, 1855, he decided to attack a band of Brulé Sioux under Little Thunder, who were camped on Blue Water River on the north side of the Platte. The General reported the gist of his talk with Little Thunder, which took place just before the battle started.

. . . A parley ensued between their chief and myself, in which I stated the causes of dissatisfaction which the government felt toward the Brules and closed the interview by telling him that his people had depredated upon and insulted

1. "Report of Agent Twiss", Indian Affairs, (1855), 400.

our citizens whilst moving quietly through our country; that they had massacred our troops under most aggravated circumstances, and that now the day of retribution had come; that I did not wish to harm him personally, as he professed to be a friend of the whites; but that he must either deliver up the young men, whom he acknowledged he could not control, or they must suffer the consequences of their past misconduct, and take the chances of a battle.¹

The result of the attack on Little Thunder struck terror among the bands of the Sioux. Eighty-six Indians were killed as the cavalry charged into their fleeing ranks. After the battle, Harney continued his demonstration against the Indians, leading his men to Fort Pierre without encountering any hostile bands. The Sioux sent delegates to General Harney begging for peace. During the first week in November the General told the Indians that he wanted ten of the principal men of each band of the Sioux to come to see him in one hundred days. If they would listen to him and do as he said, then he would make peace with them.² This was the basis for the Council at Fort Pierre, March 1, 1856.

The action of General Harney against the Sioux has been subject to some criticism. Commissioner Manypenny and Superintendent Cummings believed that the expedition was unnecessary. Commissioner Manypenny was bitter in his

1. "Report of General Harvey", House Executive Document, 34 Cong., 1 sess., No. 1, (Sept. 5, 1855), 49, Serial No. 841.

2. The Jefferson Inquirer, December 13, 1855.

castigation of General Harney's attack on Little Thunder's band of Sioux, describing that band as "an innocent band of Sioux, who were nowise involved in the sad affair with Lieutenant Grattan's command".¹ Then too, General Harney was criticized for killing some of the Indian women at Blue Water.² A few years later the Mormons sang a song that began:

Squaw killer Harney's on the way
Duda duda day,
The Mormon boys for to slay
Du duda day.³

On the other hand, although Little Thunder himself may have been innocent, and although his band was not engaged in any hostile activities,⁴ there is no doubt that some of the members of his band had been involved in the Grattan Massacre, as well in murders and depredations committed upon emigrants, and in the mail stage robbery.⁵ Among the papers found with the Indians were the way-bills of the mail which they had captured.⁶ Besides, Little

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1. George W. Manypenny, Our Indian Wards, 159.
 2. Ibid, 159.
 3. William Clark, "A Trip Across the Plains in 1857", Iowa Journal of History, XX, (April, 1922), 200.
 4. Had he been engaged in hostilities, the Indian women and children would not have been with the men.
 5. "Report of General Harney, loc. cit.", 51.
 6. The Jefferson Inquirer, Sept. 29, 1855.

Thunder, if he were peaceful, should have had his band on the south side of the Platte River in accordance with the order of Agent Twiss.

CHAPTER V

PEACE WITH THE SIOUX; CHEYENNE DIFFICULTIES
1856-1858

After the attack upon Little Thunder's band, General Harney let the Sioux understand that he was more than willing to fight and that therefore peace or war depended upon their attitude toward him. This psychology, together with the poor economic situation of the Indian, caused the Sioux to desire to conclude an agreement with Harney. Accordingly, on March 1, 1856, all the bands of the Teton Sioux, except the Oglala, were represented at the Council with the Sioux Indians at Fort Pierre. The Oglalas were prevented from attending by Agent Twiss, who objected to the peace negotiations being conducted so largely by the military authorities.

There was a lack of harmony between the Office of Indian Affairs and the War Department during these years. The civil authorities protested against some of the actions of the army, and the army detested the "milk-and-water" orders from Washington to try to conciliate the Indian before beginning hostilities.¹ Consequently, when

1. Robert M. Peck, "Recollections of Early Times in Kansas Territory", Kansas State Historical Society, Transactions, (1903-1904), 496.

Agent Twiss began to interfere with his plans, General Harney ordered Colonel William Hoffman, commandant at Fort Laramie "to restrict him [Twiss] in his intercourse with the Cheyennes and Arapahoes, and to inform him he was to have nothing to do with the Sioux".¹ Peace negotiations, therefore, were carried on without the presence of Agent Twiss and the Oglala Sioux.

This Council at Fort Pierre is significant in that the principal Indian problems were so well presented in the negotiations. One of these problems was that of fixing responsibility for depredations and for the control of offenders. The greatest number of depredations upon travelers along the Trail took place between Fort Leavenworth and Fort Kearney, which was Pawnee territory. Since the Sioux were hostile to the Pawnee, they would organize war parties annually to be sent against them. These war parties would molest the whites and attempt to lay the blame upon the Pawnees. Therefore, General Harney told the Sioux that they must not go into the country of the Pawnees. Article IV reads:

The Sioux must make peace with the Pawnees; and the Cheyennes and the Arapahoes will be obliged to do the same. Their war parties must not hereafter do down into the Pawnee country, or be found anywhere near the big road on the

1. Quoted in A. W. Hoopes, "Thomas S. Twiss, Indian Agent on the Upper Platte", Mississippi Valley Historical Review, XX, (Dec., 1933), 358.

Platte: if they do, the chiefs of the bands to whom these war parties belong will be required to report the fact immediately to the commander of the nearest military post, that he may send and bring them back and punish them. Should the chiefs neglect to do this, the whole band will be punished.¹

The appointment of chiefs showed the necessity of fixing responsibility for the actions of the group. Too many times the chiefs selected by the Indians had no real authority. Sometimes the traders made chiefs to suit their own nefarious purposes. Consequently, it often happened that when the chiefs were asked about a depredation they found it easy to say that their young men "had no ears" and could not be controlled. General Harney asked that each band choose one chief and stated that the Indian selected would be the only one recognized by the authorities. Of these the Treaty said:

The chiefs must compel their bands to obey them; if they cannot do so, the General will assist them to enforce their commands. After this, it will be no excuse for a chief to say that he is not able to make his band obey him. He must report the fact at once to the nearest military officer, who will have it enforced. The chiefs will be held responsible for the good conduct of their bands.²

Another source of trouble with the Indians could be traced to the action of some traders or those who obtained employment with the licensed trader. Agent Twiss

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1. "Council with the Sioux Indians at Fort Pierre", House Executive Document, 34 Cong., 1 sess., No. 130, (March 1, 1856), 15, Serial No. 859.
 2. Ibid., 5.

spoke of these as fugitives from civilization, saying:
 "They are addicted to all of the lowest and most degrading
 vices and soon learn the language sufficiently to teach
 the Indians lessons in their own school of depravity".¹
 If the agent attempted to stop their dastardly schemes,
 the white men would hold talks with the Indians for the
 purpose of making them discontented with their agent.
 This problem was called to the attention of President
 Franklin Pierce by Jefferson Davis:

Traders, irresponsible either through
 property or character, and often bound to our
 government by no sentiment or tie of allegi-
 ance, roaming about among the Indians to trade
 with them in their hunting and trapping grounds,
 with every opportunity to sell them deleterious
 articles, and to receive property acquired in
 marauding expeditions, present, it is believed,
 the most fruitful source of the degradation of
 the Indian, and of his hostility to the white
 man.²

These renegade white men would trade whisky to the
 Indian which was in violation of the law. Sometimes they
 would sell ammunition thereby endangering the lives of all
 with whom the Indians came in contact. Then too, fraudu-
 lent claims were preferred against the Indians at the
 time that annuities were paid. Sometimes the agent him-
 self was not adverse to increasing his reward by engaging
 in dishonest distribution of goods.³

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1. "Report of Agent Thomas S. Twiss", Indian Affairs,
 (Sept. 12, 1856), 639.
 2. "Council with the Sioux Indians", loc. cit., 9.
 3. Ibid., 7.

In order to attempt to rectify this condition, General Harney was instructed to tell the Indians that traders must remain in the immediate vicinity of the military posts, and that the annuities which were to be restored to the Sioux would be always distributed from a military post. Also, the trade in horses and mules was to be stopped since it encouraged the young men to steal.

Probably the most significant problem dealt with the economic condition in which the Indians found themselves. The fact that the food supply had decreased and that the chase no longer furnished the necessities of life led the Indians to listen to the suggestion that they raise stock and cultivate the soil. The mere suggestion was about the only thing that was done at this time.

Other provisions to which the Indians agreed were:

That all Indians who have committed murders or other outrages upon white persons, shall be delivered up for trial to the commander of the nearest military post.

That all stolen property of every description in the hands of any Indian shall be restored to its rightful owner; for which purpose the chiefs must be responsible that it is taken without delay to the nearest military post.¹

The United States on its part agreed to restore the annuities to the Sioux and to try to protect the Indians from the impositions of the whites. The Treaty said that "all whites found in their country or passing through it, who may commit any offense against them or their property,

1. "Council with the Sioux Indians", loc. cit., 6.

may be taken up by them, no greater violence or force being used than may be necessary, and delivered at the nearest military post, to be proceeded against according to our laws".¹ General Harney knew well that the Indian too often had just grievances against practices of the white man.

Another interesting feature of the Council was the proposal of General Harney to initiate a system of tribal police or Indian soldiers. These soldiers were to be clothed, fed, and armed by the Government. It is interesting to note that Agent Twiss thought so highly of this idea that in the summer of 1856 he organized a force of Indian soldiers to help maintain order in his agency. The appointments were made for one year, and the soldiers were constantly on duty. The Indians seemed to like the plan, calling the soldiers the "peace party" as opposed to "war party". The duties of these soldiers in Twiss' agency were to maintain order at the time of distributing annuity goods; to keep their fellows from robbing and killing white people; and to maintain order and peace within the camp.²

On July 21, 1856, President Pierce recommended that

1. "Council with the Sioux Indians", loc. cit., 7.
2. "Report of Agent Twiss", Indian Affairs, (Sept. 1, 1859), 512.

Congress appropriate \$100,000 to enable the Government to execute the stipulations of the Treaty.¹ Although the Treaty was never ratified, the Government did attempt to observe the terms. It was two years, however, before an appropriation of \$72,000 was made, an amount insufficient to carry out all the intentions of the Treaty.²

A. W. Hoopes summarizes the views of most of the civil Indian authorities regarding the Treaty in these words:

A glance will show that the above articles were virtually unenforceable. They show the white man's desire for peace on the plains; also his ignorance of tribal organization and of the deadly animosity of Indian feuds. Nomadic tribes could not easily be prevented from frequenting poorly guarded emigrant trails where there were excellent chances of finding stray cattle and horses. Very few chiefs were ever able to make their young men obey. Honor and glory could best be won in battle--whether against whites or Indians mattered little. Taking all things into consideration, the wonder is not that the Treaty of Fort Pierre was eventually broken, but that, despite the weaknesses, peace with the Sioux was fairly well maintained for several years.³

Almost before peace was established with the Sioux, serious trouble with the Cheyenne began. In April, 1856, a party of Cheyennes rode in to trade at the post near the Upper Platte bridge. It had been reported to the officer in charge that these Indians had four stray

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1. Senate Journal, (July 28, 1856), 483, Serial No. 809.
 2. "Report of Agent Twiss", Indian Affairs, (Sept. 1, 1859), 502.
 3. Hoopes, op. cit., 359.

horses in their possession. Accordingly, the Indian who had these horses, as well as several other Indians, was called in. They were told that they must give up the horses, but that the Indians would be paid for finding and herding them. The Indians agreed, but at the time of delivery there were only three horses brought in. The Indians declined to give up the fourth horse on the ground that they had possessed it a long time and that it had been found in a different part of the country from where the other three had been found. The command then seized three of the Cheyenne, but while the soldiers were attempting to put them in irons, two of them broke away. One of them was shot before he could make good his escape. The relations of the Indian held, Wolf Fire by name,¹ fled to the Black Hills while the entire band left their lodges and property and retreated to the Arkansas to unite with the Southern Cheyenne. Wolf Fire was taken to Fort Laramie and incarcerated although no one believed him guilty of any offense whatsoever.²

The above incident served as a stimulus for grievous depredations by the Cheyenne. In May, 1856, a party of twelve men under a man by the name of Phillips was robbed and a cow belonging to him was shot by Cheyenne Indians

1. George Bird Grinnell, The Fighting Cheyenne, 107.

2, "Report of Agent Twiss", Indian Affairs, (Sept. 12, 1856), 650.

near Big Sandy. Early in June Cheyenne and Arapahoe Indians attacked an emigrant train near the Little Blue, killing one man and wounding another. These incidental depredations were followed in the fall by a series of murders and pillaging.¹

In the latter part of August, 1856, a large war party of Cheyenne started north to make an incursion into the territory of the Pawnees. While they were encamped below Fort Kearney, near the road, their supply of tobacco ran low. When they saw the mail wagon coming, two of the Indians decided to ask the driver for some. It is thought that when the driver of the mail wagon saw the Indians, he became alarmed and shot at them. The Indians retaliated by shooting arrows at the driver, one of which struck him in the arm. When the older men of the band heard the shots, they rushed to the road, stopped the young Indians from shooting, and chastised them.²

Upon hearing the story, a story that was no doubt greatly embellished by the wounded mail carrier, a detachment of forty-one men under Captain G. H. Stewart started in pursuit of the Cheyennes. The troops soon came across a camp that had been abandoned only a few hours before. Using some Sioux Indians for guides, the soldiers pursued

1. Hoopes, loc. cit., 361.

2. "Letter of Agent Twiss relative to the massacre near Fort Kearney", Indian Affairs, (Sept. 25, 1856), 650.

the Indians. In a few hours the troops found them encamped on the edge of a thick grove. The command was immediately divided so as to charge the camp from two directions. The Indians, who made no resistance whatsoever, were quickly scattered by the troops, ten of them being killed and eight or ten badly wounded. It has been stated that some of the Indians threw down their bows and arrows when they saw the soldiers and held out their hands in a gesture of friendship. In spite of this, the soldiers fired at them. It is rather significant that despite there being more than three score Indians in the party, Captain Stewart reported, "I have lost no men, and not a wound was received."¹

In any event, when it became generally known that the troops had killed some of the Indians, the old chiefs could not restrain the war parties. One band of eight attacked a small party of whites encamped near Cottonwood Fork, killing one woman, and taking a small child captive.² Another band of thirteen attacked a small train belonging to A. W. Babbitt, Territorial Secretary of Utah, while it was encamped on the north side of the Platte, about thirty

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1. "Report of the Secretary of War, (Stewart to Capt. H. W. Wharton)", Senate Executive Document, 34 Cong., 3 sess., (August 27, 1856), 108-109, Serial No. 876.
 2. "Report of Agent Twiss", Indian Affairs, (September 25, 1856), 651.

miles from Fort Kearney. The Indians killed two men and one child, wounded another man and carried off a Mrs. Wilson, the mother of the murdered child. Mrs. Wilson was soon killed by the Indians because she could not ride and so keep up with them.¹ When Lieutenant Wheaton's company from Fort Kearney arrived at the scene of the depredations, they found the bodies of the two white men and the child slightly covered up and the property of the train recently removed. This had been done by a party of Omahas, who were taking the property to Bellevue.²

After the attack on his train, Babbitt went to Fort Kearney. One week later he left that post for Salt Lake in spite of the remonstrances of the military authorities. One hundred and twenty miles from the Fort, the Indians attacked Babbitt and his companions. They killed all three, buried the light carriage in which the white men were riding, and carried off Babbitt's trunk which contained his money, papers, and clothing.

Other depredations were continued into the late summer and early fall. Captain H. W. Wharton reported to Colonel S. Cooper in September, 1856: "These Indians are now openly hostile, and there is no possible safety in

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1. "Report of Agent Twiss on the Massacre near Fort Kearney", Indian Affairs, (September 25, 1856), 650.
 2. "Report of the Secretary of War (Stewart to Wharton)", loc. cit., (Dec. 1, 1856), 107-108.

travelling through this country, except with a large and well-armed force; all small parties will doubtless be sacrificed".¹

It was unfortunate that the War Department was unable to prevent these depredations. Jefferson Davis wrote in December of 1856:

The evils resulting from the hostility of the Cheyennes . . . were anticipated by the department, and in accordance with the recommendations of General Harney, it was proposed to have sent out last spring the first regiment of cavalry, with a view to chastise these Indians for past offenses, and otherwise to impress upon them the necessity of future good conduct.²

In July, 1856, General Harney had ordered Colonel E. V. Sumner to patrol the Oregon route. Owing to the demand for troops in Kansas, however, such an expedition was rendered impossible at the time.

As early as September Agent Twiss was busy trying to secure peace with the Cheyenne. During the latter part of that month a Council was held during which the chiefs acknowledged that the Indians had done wrong and asked for pity, "for they could not control the war party when they saw their friends killed by the soldiers after they had thrown down their arrows and begged for life". Twiss demanded that the chiefs pledge that none of their people go near the great road, or injure the whites in any way, and

1. "Report of the Secretary of War", loc. cit., (Sept. 8, 1856), 110.

2. "Report of the Secretary of War", loc. cit., (Dec. 1, 1856), 111.

that the Cheyenne be friends with neighboring tribes.

Twiss stated that his object in adopting this lenient policy toward the Cheyenne was principally to protect the lives of small parties of travelers along the road. He wrote to Superintendent Alfred Cumming:

I well knew that it was in the power of these Indians, by sending out small war parties, to massacre all of these white parties, with no possible chance of even a few escaping. These parties are defenceless, and generally neglect every precaution of safety. At this season of the year there are many of them on the road, going to or returning from the States. In order to save the lives of these I have adopted the only course which duty and humanity and the pressing exigencies of the times pointed out to me. If I shall fail the responsibility will rest on me alone. But it shall not be said of me that I made no effort to shield and protect the innocent upon this long trail from the repetition of the horrors and terrible calamities that burst forth near Fort Kearney.¹

The Cheyenne refused to promise to surrender a white woman and child, whom they had taken prisoners, unless the Indian held prisoner at Fort Laramie, Wolf Fire, were restored to the tribe. They did promise, however, that they would treat the prisoners with kindness and humanity. During the Council held in October the boy was surrendered, the woman having previously made her escape with a topographical party in the vicinity.²

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1. "Letter of Agent Twiss", Indian Affairs, (Sept. 25, 1856), 652.
 2. "Letter of Agent Twiss", Indian Affairs, (Oct. 13, 1856), 653.

Twiss believed that the old chiefs had succeeded in subjecting the war party to their authority. A council of the band had enacted a law that any war parties who attempted to leave the village on Pole Creek would be killed. On October 15, forty-two chiefs assembled at the Upper Platte Agency and a general cessation of hostilities was agreed upon. As a result of Twiss' work the Cheyenne were peaceful during the remainder of 1856 and the early part of 1857.¹

The Cheyennes spent the winter on Solomon Creek where they heard rumors of an impending expedition to chastise them. They "were uneasy and felt that they were not safe. It seemed to them that the white people wished to fight them, and many whose relations had been killed were angered by the injuries done to the tribe. Criers kept haranguing the camp telling what had happened and the Indians talked much about these difficulties".²

These rumors did not prove to be groundless. In spite of the objections of the civil authorities, the War Department determined to send Colonel E. V. Sumner at the head of an expedition to chastise the Cheyenne. The plan of campaign is recalled by a member of the expedition, Robert M. Peck:

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1. Hoopes, loc. cit., 361.
 2. Grinnell, op. cit., 112.

Our Cheyenne expedition was to be divided into two commands. Four companies of the First Cavalry, commanded by Major John Sedgwick, were to proceed by way of the Santa Fe road and upper Arkansas river to the foot of the mountains, unless the Cheyenne were sooner found; thence over to the South Platte and down that river till meeting Colonel Sumner's command, which, consisting of the remaining two companies of the First Cavalry and four of the sixth infantry, were to go from Fort Leavenworth to Fort Kearney thence on to Fort Laramie, and then back across the South Platte to form a junction with Sedgwick. If the hostiles had not been found by either command in this time, a pack-mule expedition was to be fitted out by the two commands united, to scour the country between the South Platte and Arkansas in search of them.¹

Needless to say, the separated companies failed to find the Cheyenne, who were between them. When the company had united on the South Platte, Colonel Sumner took provisions for about twenty days and started through the Indian country with pack-mules. Several weeks later the expedition found the trail of the Cheyenne. On July 29 they came upon approximately three hundred Cheyenne drawn up in battle array on Solomon's fork of the Kansas River. Colonel Sumner describes the event as follows:

The cavalry were about three miles in advance of the infantry, and the six companies were marching in three columns. I immediately brought them into line, and, without halting detached the two flank companies at a gallop to turn their flanks, (a movement they were evidently preparing to make against our right), and we continued to march steadily upon them. The Indians were all mounted and well armed, many of them had rifles and revolvers and they stood with remarkable boldness, until we charged

1. Peck, loc. cit., 486-487.

and were already upon them, when they broke in all directions, and we pursued them seven miles. Their horses were fresh and very fleet, and it was impossible to overtake many of them. There were nine killed in the pursuit, but there must have been a great number wounded. I had two men killed, and Lieutenant J. E. B. Stuart and eight men wounded"¹

There have been several explanations given for the sudden flight of the Indians. Some of the men in the fight believed that when the soldiers drew their sabers, "the sight of so much cold steel seemed to cool their ardor".² A plausible explanation is given by Agent R. C. Miller who said that their medicine man had told them if they dipped their hands in the small lake nearby and then held them up, the balls from the soldiers' guns would fall harmlessly at their feet. Accordingly, when Colonel Sumner came upon them, he found them in battle formation and moving forward chanting their war song. The charm was suddenly broken when Colonel Sumner gave the order to charge with sabers.³

On the last day of July, the expedition came upon the principal village fourteen miles from the scene of the battle. The Indians had fled, leaving their lodges and

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1. "Report of Colonel E. V. Sumner", Senate Executive Document, 35 Cong., 1 sess., (August 9, 1857), 96, Serial No. 920.
 2. Peck, loc. cit., 497.
 3. "Agent R. C. Miller to Supt. J. Harverty", House Executive Document, 35 Cong., 1 sess., (October 14, 1857) 435, Serial No. 942.

property behind. The troops destroyed everything and continued the pursuit.

Soon afterward the Sumner expedition against the Cheyennes was brought to an end. Although the Indians had been defeated and had lost their village and property, they were not subdued. Some of them threatened to join the Kiowas in an attack upon the whites. Most of them, however, went north vainly endeavoring to get other Indians to join in attacks against the United States. As far as the Sumner campaign is concerned, it "can be regarded only as an utter farce. It chastised a few Indians; embittered the feelings of many, and failed to overawe any".¹

During the next few years the Cheyenne and Sioux remained at peace with the whites, in spite of their apprehensions regarding the future. The Sumner campaign marked the end of an episode in their relations with the whites. The problems now became those of using the land for settlement, rather than problems involved in migration across the territory. The Indians had heard of the cession of the lands by the tribes farther east, and the prairie tribes reasoned that those tribes would emigrate farther west and thereby decrease the buffalo supply more rapidly. They saw thousands who had only the right to pass through

1. Hoopes, loc. cit., 363.

the country, take possession of the land, open mines, build towns, establish farms, and construct roads. The Indians wanted peace, not because of any expedition against them, but because they began to realize that "it was useless to contend against the white man, who would soon with his village occupy the whole prairie".¹

In spite of the unjust actions of the white settlers, the Indians remained quiet, and the journey along the Oregon Trail could now be made by individuals in comparative safety from Indian attacks.

1. "Report of Agent Miller", Indian Affairs, (August 17, 1858), 450.

CHAPTER VI

SUMMARY

The relations between the Sioux and Cheyenne Indians and the emigrants before the Treaty of Laramie in 1851 may be characterized as fairly amicable in spite of mutual irritations. The Indians were at first surprised and then alarmed at the volume of migration through their territory. This alarm was due to the continual destruction of the game, grass and timber; and the widespread epidemics of measles, smallpox and cholera. Many small fights occurred; yet there was no general movement against the whites, and most of the hostile acts that did occur resulted from the desire of the young men to "score a coup."

On the other hand, few emigrant trains escaped the nuisance of Indian visits with their consequent begging and stealing, and there was usually danger for any small party which wandered too far from the trail. These incidental hostilities resulted in the demand that the Government afford protection for the emigrant. The efforts of the Government in this direction, however, were almost ludicrous. By 1850 only three military posts had been established by the Government along the trail that was

almost two thousand miles long and these posts were never adequately garrisoned. Dragoons sent out to scour the plains may have impressed the savages at times with the power of the United States, but such lessons were soon forgotten and, therefore, had to be frequently repeated. More protection was supplied by the emigrants themselves and by the very size of the migration. The good will of the Indians was partially secured by promises of subsequent material rewards, which the Government saw fit to fulfill in the Treaty of Laramie.

After the Treaty of Laramie the Indians remained true to their obligations to remain at peace and not molest the whites. This state of things continued until the month of August, 1854, when it was interrupted by the Grattan massacre, an event which was at least partly due to the folly of the military authorities. The series of Sioux depredations that followed were brought to a close by another massacre, that of Little Thunder's band by the expedition of General Harney.

No sooner had peace been established with the Sioux than serious trouble with the Cheyenne began. The series of depredations by them in the neighborhood of Fort Kearney can be traced back to the episode of the Four Horses near the crossing of the North Platte. In order to protect small parties on the plains from being attacked by the angry Cheyennes, Agent Twiss arranged for a council with

the Cheyenne at which time peace was agreed upon. In spite of this Colonel Sumner was ordered to lead an expedition against the Indians, which was, on the whole, not very successful, but did possibly have a quieting effect upon them as both the Sioux and Cheyenne remained peaceful during the remainder of the period under consideration.

In the last analysis, the history of the Indian relations with the whites during this period is the old story found wherever the white man went. Whether the Indians fought or whether they made a treaty, they eventually forfeited their rights and lost their territory.

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