



1-1904

Executive Order of 1870 (Kappler)

Charles J. Kappler
Senate Committee on Indian Affairs

Ulysses S. Grant
President of the United States

Samuel A. Wainwright
US Army

Ely S. Parker
Commissioner of Indian Affairs

Jacob D. Cox
Secretary of the Interior

[How does access to this work benefit you? Let us know!](#)

Follow this and additional works at: <https://commons.und.edu/indigenous-gov-docs>



Part of the [American Politics Commons](#), [Indigenous, Indian, and Aboriginal Law Commons](#), [Indigenous Studies Commons](#), [Law and Politics Commons](#), [Military History Commons](#), [Native American Studies Commons](#), [Political History Commons](#), and the [United States History Commons](#)

Recommended Citation

Ulysses S. Grant, "Executive Order of 1870," *Indian Affairs. Laws and Treaties*, ed. Charles L. Kappler (Washington, D.C.: Government Printing Press, 1904), 1:881-883. <https://commons.und.edu/indigenous-gov-docs/163/>

This Executive Order is brought to you for free and open access by the Elwyn B. Robinson Department of Special Collections at UND Scholarly Commons. It has been accepted for inclusion in US Government Documents related to Indigenous Nations by an authorized administrator of UND Scholarly Commons. For more information, please contact und.common@library.und.edu.

58TH CONGRESS, }
2d Session. }

SENATE.

DARTMOUTH
COLLEGE
LIBRARY
} DOCUMENT
} No. 319.

INDIAN AFFAIRS.

LAWS AND TREATIES.

Vol. I.

(LAWS.)

Compiled to December 1, 1902.

COMPILED AND EDITED

BY

CHARLES J. KAPPLER, LL. M.,

CLERK TO THE SENATE COMMITTEE ON
INDIAN AFFAIRS.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.

108029

NORTH DAKOTA.

Fort Berthold Reserve.

[Occupied by Arikara, Grosventre, and Mandan; area, 1,382½ square miles; established by unratified agreement of September 17, 1851 and July 27, 1866, and act of March 3, 1891 (26 Stat., 1032).]

HEADQUARTERS, FORT STEVENSON,

September 25, 1869.

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

I had an interview with the chiefs of the three tribes, and read the communication from the Commissioner of Indian Affairs, forwarded to me from the commanding general of the department, with which they seemed much pleased. I proposed to them the following reservation, with which they seemed much pleased. I proposed to them the following reservation, with which they were satisfied: From a point on the Missouri River 4 miles below the Indian village (Berthold), in a northeast direction 3 miles (so as to include the wood and grazing around the village); from this point a line running so as to strike the Missouri River at the junction of Little Knife River with it; thence along the left bank of the Missouri River to the mouth of the Yellowstone River, along the south bank of the Yellowstone River to the Powder River, up the Powder River to where the Little Powder River unites with it; thence in a direct line across to the starting point 4 miles below Berthold. The Indians desired that the reservation should extend to the Mouse River, but in view of a railroad passing over that country I did not accede to their wish. They seemed to comprehend my reason for not doing so, and were satisfied. I have endeavored in this proposed reservation to give them land enough to cultivate and for hunting and grazing purposes. I inclose a sketch of the proposed reservation.

Very respectfully, sir,

S. A. WAINWRIGHT,

Captain Twenty-second Infantry, Commanding Post.

Bvt. Brig. Gen. O. D. GREENE,

Adj. Gen. Dept. of Dakota, St. Paul, Minn.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, D. C., April 2, 1870.

SIR: I have the honor to transmit herewith a letter of Capt. S. A. Wainwright, Twenty-second United States Infantry, commanding post at Fort Stevenson, Dak., dated September 25 last, indorsed respectively by the commanding officer of the Department of Dakota and by the assistant adjutant-general of the Military Division of the Missouri, and forwarded by the Adjutant-General of the United States Army to this office, relative to setting apart of a reservation for the Arickaree, Gros Ventre, and Mandan Indians.

This has been the subject of correspondence before between Maj. Gen. Winfield S. Hancock, commanding Department of Dakota, and this office.

General Hancock, in a letter dated near Fort Rice, Dak., July 21, 1869, addressed to Bvt. Maj. Gen. George L. Hartsuff, assistant adjutant-general, Military Division of the Missouri (copy of which has been furnished by direction of Lieutenant-General Sheridan to this office), states that the Arickaree, Gros Ventre, and Mandan

Indians, among others, complain "that whites came on their land at Berthold and cut wood for sale to steam-boats. They want this stopped. They are willing that boats should go and cut all they want, but do not want strangers to come and sell their wood while they are starving; they want to cut and sell it themselves."

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

By letter dated August 16 last General Hancock was informed by this office that by the treaty concluded at Fort Laramie October 17, 1851, which was not ratified, but was amended by the Senate, and the stipulations as amended fulfilled by the Government, the following are given as the boundaries of a reservation for the Gros Ventres, Arickarees, and Mandans, viz: Commencing at the mouth of Heart River; thence up the Missouri to the mouth of Yellowstone River; thence up the Yellowstone to the mouth of Powder River; thence southeast to the headwaters of the Little Missouri River; thence along the Black Hills to the head of Heart River, and down said river to the place of beginning.

A subsequent treaty was concluded with these Indians at Fort Berthold July 27, 1866. This makes no provision in regard to a reservation. The Indians, parties to the same, grant to the United States the right to lay out and construct roads, highways, and telegraphs through their country, and they cede to the United States "their right and title to the following lands, situated on the northeast side of the Missouri River, to wit: Beginning on the Missouri River, at the mouth of Snake River, about 30 miles below Fort Berthold; thence up Snake River in a northeast direction 25 miles; thence southwardly, parallel to the Missouri River, to a point opposite and 25 miles east of old Fort Clarke; thence west to a point on the Missouri River opposite the old Fort Clarke; thence up the Missouri River to the place of beginning."

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

It is proper here to state that the reservation as proposed by Captain Wainwright is a part of the country belonging to the Arickaree, Gros Ventre, and Mandan Indians, according to the agreement of Fort Laramie, with the addition of a strip of land east of the Missouri River from Fort Berthold Indian village to the mouth of Little Knife River, as shown by the inclosed diagram; and I therefore respectfully recommend that an order of the Executive may be invoked, directing the setting apart of a reservation for said Indians as proposed.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. J. D. Cox,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., April 12, 1870.

SIR: I have the honor herewith to lay before you a communication dated the 2d instant, from the Commissioner of Indian Affairs, together with the accompanying papers, reporting the selection by Captain Wainwright, Twenty-second Infantry, of a reservation for the Arickaree, Gros Ventre, and Mandan Indians, and respectfully recommend that the lands included within the boundary lines of said reserve be

set apart for those Indians by Executive order, as indicated in the inclosed diagram of the same.

I have the honor to be, sir, your obedient servant,

J. D. Cox, *Secretary.*

The PRESIDENT.

WASHINGTON, D. C., *April 12, 1870.*

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

U. S. GRANT.

EXECUTIVE MANSION, *July 13, 1880.*

It is hereby ordered that all that portion of the Arickaree, Gros Ventre, and Mandan Reservations set aside by Executive order dated April 12, 1870, and known as the Fort Berthold Reservation, and situated in the Territories of Dakota and Montana, respectively, lying within the following boundaries, viz, beginning at a point where the northern forty-mile limit of the grant to the Northern Pacific Railroad intersects the present southeast boundary of the Fort Berthold Indian Reservation; thence westerly with the line of said forty-mile limit to its intersection with range line, between ranges 92 and 93 west of the fifth principal meridian; thence north along said range line to its intersection with the south bank of the Little Missouri River; thence north-westerly along and up the south bank of said Little Missouri River, with the meanders thereof to its intersection with the range line between ranges 96 and 97 west of the fifth principal meridian; thence westerly in a straight line to the southeast corner of the Fort Buford Military Reservation; thence west along the south boundary of said military reservation to the south bank of the Yellowstone River, the present northwest boundary of the Fort Berthold Indian Reservation; thence along the present boundary of said reservation and the south bank of the Yellowstone River to the Powder River; thence up the Powder River to where the Little Powder River unites with it; thence northeasterly in a direct line to the point of beginning, be and the same hereby is, restored to the public domain.

And it is further ordered that the tract of country in the Territory of Dakota, lying within the following-described boundaries, viz, beginning on the most easterly point of the present Fort Berthold Indian Reservation (on the Missouri River); thence north to the township line between townships 158 and 159 north; thence west along said township line to its intersection with the White Earth River; thence down the said White Earth River to its junction with the Missouri River; thence along the present boundary of the Fort Berthold Indian Reservation and the left bank of the Missouri River to the mouth of the Little Knife River; thence southeasterly in a direct line to the point of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the Arickaree, Gros Ventre, and Mandan Indians, as an addition to the present reservation in said Territory.

R. B. HAYES.

EXECUTIVE MANSION, *June 17, 1892.*

It is hereby ordered that the following-described lands, situated and lying in the State of North Dakota, namely, all that portion of township 147 north, range 87 west, lying north of the Missouri River, in the State of North Dakota, not included within the Fort Stevenson