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**Ratified Indian Treaties
1722-1869**



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RATIFIED INDIAN TREATIES 1722-1869

On the 16 rolls of this microfilm publication are reproduced ratified Indian treaties, 1722-1869, with related papers; a chronological list of the treaties; and indexes by place and by tribe. (The list and indexes include a few entries dated as late as 1883.

Negotiation of formal treaties with the Indians by the United States Government followed a custom established by Great Britain and the colonial governments. Indian treaties were made by the Continental Congress and by the Congress of the Confederation and were continued under the Constitution adopted in 1789. The form for such treaties and the U.S. procedure for putting them into effect were the same as for treaties with foreign nations. The treaties required ratification by the Senate and had the same status, force, and dignity as agreements with sovereign nations. This practice of according full treaty status to agreements with Indian tribes was discontinued by an act of Congress of March 3, 1871 (16 Stat. 566), which forbade further recognition of Indian tribes as nations or independent powers and prohibited further treaty negotiations with them. The act did not abrogate existing treaties.

From 1789, treaties were negotiated by special commissioners acting for the President and under the supervision of the Secretary of War. In 1824 the Secretary of War established the Office of Indian Affairs as a separate agency within the War Department. By an act of March 3, 1849 (9 Stat. 395), the Office of Indian Affairs was transferred to the newly established Department of the Interior, and the function of negotiating Indian treaties was assigned to the Secretary of the Interior. The last treaty was made with the Nez Percés on August 13, 1868, and ratified by the Senate on February 16, 1869. Treaties ratified by the Senate were deposited in the Department of State.

Treaty provisions relate to many subjects. The most important purpose of many of the treaties was to extinguish Indian title to land. Typically the Indians agreed to

reduce their land holdings or to move to an area less desired for white settlement. Often they were compensated for their land and property by lump sum or annuity payments of money, or by payments in services or commodities. The services included the establishment of schools and mills and the furnishing of blacksmiths, farmers, and other skilled workers to assist the Indians. Sometimes the Indians were guaranteed special rights, such as hunting and fishing privileges in ceded lands. Some treaties provided for the allotment of land to individual Indians and for the dissolution of tribes. Other common subjects of treaty provisions were the cessation of hostilities and maintenance of peace, the status of tribes as dependent nations, criminal and civil jurisdiction, control of tribal affairs, regulation of trade, claims of and against Indians, and rights-of-way across Indian lands.

Following the ending of formal treaty-making with Indian tribes, agreements were made, often similar in substance to treaties. These were approved by both houses of Congress, instead of by the Senate alone. There is no segregated series of these agreements.

This series of Indian treaties and related papers is arranged chronologically by date of signing of the treaty, and the treaties are numbered in that order. On the envelope containing each treaty is a label giving name of tribe, date, date of ratification, place of treaty, and, occasionally, added information. Each envelope has been filmed before the treaty and other records it contains. The first seven treaties are copies. The first original treaty is that of September 17, 1778, with the Delaware Indians. Usually the accompanying papers consist of the Presidential proclamation of the treaty (with which the treaty is often fastened in order to incorporate it as part of the proclamation), the resolution of ratification by the Senate, and printed copies of the treaty (duplicates have not been filmed). Sometimes there are copies of messages from the President to the Senate, copies of messages or letters of instruction to the treaty commissioners, journals and correspondence of the commissioners, and copies of other correspondence concerning the treaty. In a few cases the original treaty is missing.

The records reproduced in this microcopy are part of the records in Record Group 11, United States Government Documents Having General Legal Effect. Other records concerning the negotiation and ratification of treaties and concerning unratified treaties are in Record Group 46, Records of the United States Senate; Record Group 48, Records of the Office of the Secretary of the Interior; and Record Group 75, Records of the Bureau of Indian Affairs. National Archives Special List No. 6, List of Documents Concerning the Negotiation of Ratified Indian Treaties, cites documents in various series of records of the Bureau of Indian Affairs and of the Indian Division of the Office of the Secretary of the Interior. Some of these documents have been reproduced by the National Archives as Microcopy No. T-494.

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