



Fort Laramie Treaty of 1851 (Horse Creek Treaty)



Leading Up to the Treaty

Since 1846, fur traders, Indian agents, mountain men, missionaries and former U.S. Superintendent of Indian Affairs, Thomas Harvey, had been pushing for a conference to negotiate rights of passage through American Indian lands for westward-bound emigrants. The encroaching European American population was competing with American Indians for available resources, and the number of reprisals by both sides was mounting. Harvey argued that “a trifling compensation for this right of way” would secure the Indian’s friendship.

Early in 1851, the Congress of the United States authorized holding a great treaty council with Plains Indians to assure peaceful relations along the Overland Trails.

Fort Laramie was chosen as the meeting place and various Indian tribes were invited to come by September 1st. More than 10,000 Plains Indians (men, women and children) gathered to sign the treaty causing the location to move to Horse Creek since Fort Laramie could not accommodate the crowd. Hence the popular name of Horse Creek Treaty instead of the official Fort Laramie Treaty.

Arrangements for the treaty were made more difficult due to a number of issues including: a cholera outbreak on the steamboat bringing supplies; delays with the 27 supply wagons bringing food to the treaty site; reduced overall funding for the treaty; a military escort cut from 1,000 to 300 men; and, while en route, the Cheyenne attacked and killed two Shoshone warriors.

The treaty outlined the rights and responsibilities of both the American Indians and the U.S. Government. Never before had so many American Indians assembled to parley with the white man. This was perhaps history’s most dramatic demonstration of the Plains tribes desire to live in peace.

Horse Creek Treaty Site

The tribes had been invited to assemble at Fort Laramie, but a shortage of forage for their thousands of horses caused the parley to be moved downstream. Because some tribes had been at war for generations, most Indian camps were widely spaced out to minimize contact. Horse Creek is located approximately 30 miles east of Fort Laramie at the mouth of Horse Creek on the North Platte River, just east of the present day Wyoming-Nebraska border. Near the treaty grounds is the site of the first Red Cloud Agency, established for the Oglala Sioux in 1871.

Indian Tribes Present

Oglala Sioux	Assiniboin	Arapaho	Shoshone (attended though not invited)
Brule Sioux	Mandan	Crow	Arikara
Cheyenne	Gros Ventre	Hidatsa	Snake
			Rees

The Comanche, Kiowa and Apache refused to attend.

U.S. Government Representatives

Thomas Fitzpatrick (Fur trader and Indian Agent to the Sioux) appointed by the President
David D. Mitchell (Superintendent of Indian Affairs at St. Louis) appointed by the President
Jesuit Father Peter De Smet (beloved “black robe” who worked 50 years among the Indians)
Jim Bridger (Mountain man and explorer)
John C. Fremont (surveyor and explorer)
About 300 soldiers were present to help keep the peace, down from the 1,000 requested

Treaty Signers

The Fort Laramie Treaty of 1851 (Horse Creek Treaty) was signed on September 17, 1851. Signing on behalf of the United States were David D. Mitchell and Thomas Fitzpatrick, both appointed and authorized by the President of the United States. Signing for the Indian nations were 21 chiefs, including: White Antelope (Cheyenne), Little Owl (Arapaho), Big Robber (Crow) and Conquering Bear (Sioux). Chiefs from the Assiniboin, Mandan, Gros Ventre and Arikara also signed. The Shoshone traveled over 400 miles but were not asked to sign because they were not from the Plains.



Horse Creek Treaty Articles (original language and spelling)

Articles of a treaty made and concluded at Fort Laramie, in the Indian Territory, between D. D. Mitchell, superintendent of Indian Affairs, and Thomas Fitzpatrick, Indian agent, commissioners specially appointed and authorized by the President of the United States, of the first part, and the chiefs, headmen, and braves of the following Indian nations, residing south of the Missouri River, east of the Rocky Mountains, and north of the lines of Texas and New Mexico, viz, the Sioux or Dahcotahs, Cheyennes, Arrapahoes, Crows, Assinaboines, Gros-Ventre, Mandans, and Arrickaras, parties of the second part, on the seventeenth day September, A. D. one thousand eight hundred and fifty-one.

Article 1: The aforesaid nations, parties to this treaty, having assembled for the purpose of establishing and confirming peaceful relations amongst themselves, do hereby covenant and agree to abstain in future from all hostilities whatever against each other, to maintain good faith and friendship in all their mutual intercourse, and to make an effective and lasting peace.

Article 2: The aforesaid nations do hereby recognize the right of the United States Government to establish roads, military and other posts, within their respective territories.

Article 3: In consideration of the rights and privileges acknowledged in the preceding article, the United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty.

Article 4: The aforesaid Indian nations do hereby agree and bind themselves to make restitution or satisfaction for any wrongs committed, after the ratification of this treaty, by any band or individual of their people, on the people of the United States, whilst lawfully residing in or passing through their respective territories.

Article 5: The aforesaid Indian nations do hereby recognize and acknowledge the following tracts of country, included within the metes and boundaries hereinafter designated, as their respective territories [*The remaining elements of Article 5 describe the respective territories for the Sioux or Dahcotah Nation; the Gros Ventre, Mandans and Arrickara Nations; the Assinaboine Nation; the Blackfoot Nation; the Crow Nation and the Cheyenne and Arrapahoe Nations.*]

Article 6: The parties to the second part of this treaty have selected principals or head-chiefs for their respective nations, through whom all national business will hereafter be conducted, do hereby bind themselves to sustain said chiefs and their successors during good behavior.

Article 7: In consideration of the treaty stipulations, and for the damages which have or may occur by reason thereof to the Indian nations, parties hereto, and for their maintenance and the improvement of their moral and social customs, the United States bind themselves to deliver to the said Indian nations the sum of fifty thousand dollars per annum for the term of ten years, with the right to continue the same at the discretion of the President of the United States for a period not exceeding five years thereafter, in provisions, merchandise, domestic animals, and agricultural implements, in such proportions as may be deemed best adapted to their condition by the President of the United States, to the distributed in proportion to the population of the aforesaid Indian nations.

Article 8: It is understood and agreed that should any of the Indian nations, parties to this treaty, violate any of the provisions thereof, the United States may withhold the whole or a portion of the annuities mentioned in the preceding article from the nation so offending, until in the opinion of the President of the United States, proper satisfaction shall have been made.

In testimony whereof the said D. D. Mitchell and Thomas Fitzpatrick commissioners as aforesaid, and the chiefs, headmen, and braves, parties hereto, have set their hands and affixed their marks, on the day and at the place first above written.

Treaty Ratification

This treaty, as signed, was ratified by the Senate on May 24, 1852, with an amendment changing the annuity in Article 7 from 50 to 10 years, subject to acceptance by the tribes. Assent of all tribes except the Crows was procured and in subsequent agreements this treaty was recognized as in force. The treaty was never published as ratified in the U. S. Statutes at Large; consequently, there has been some discussion concerning its validity.

Post Treaty

With the exception of hostilities following the Grattan Massacre in 1854, tribes along the trail remained relatively peaceful until the War of 1864. After that date, the white's demand for land pressured the Sioux, Cheyenne and Arapaho into warfare, ending the hope for peace.

One of the more troublesome aspects of the treaty was the intention of the U. S. Government to hold each tribe responsible for any attacks on American settlers that occurred within their assigned territories. This soon emerged as a major stumbling block in efforts to secure peace.

The Federal Government promised to protect Indian resources and tribal hunting grounds from depredations by white settlers moving west along the Oregon Trail. This was one of the many promises made in this treaty by the Federal Government that was never kept.

The U. S. made only one payment, thus breaking the treaty they had fought so hard for. The treaty was redone in 1868 as the "Fort Laramie Treaty of 1868".

Present Treaty Site

The Horse Creek Treaty Roadside Marker is located one mile west of Morrill, Nebraska, on Highway 26. Beyond the treeline about 2 ¾ miles in front of the marker, Horse Creek flows into the North Platte River. There the treaty was signed on September 17, 1851.

