

their right of conquest, having in 1822 wrested the land from the Crows and from that time regarded it as their territory. The Dakotas considered the Heart River as the northern limit of their domain on the Missouri and this line projected west to the Yellowstone, thence up the Yellowstone to the Big Horn and down the Big Horn range to the Platte as their western limits. This claim, not coming in / ⁴⁰¹ conflict with any white interest, was not disputed until 1871, when the surveyors for the Northern Pacific railroad, after several reconnoissances of this region, determined that the practicable route for their road lay up the south bank of the Yellowstone, through the country claimed by the wild Tetons.

Immediately the Unpcapas made a vigorous protest and active hostilities were resumed. In this contention the wild Indians had the active sympathy of Red Cloud and all the Tetons who had joined in the treaty of Laramie, which claimed that the building of the railroad south of the Yellowstone was in direct violation of the treaty which stipulates, that the country "north of the North Platte River and east of the summits of the Big Horn Mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same, or, without the consent of the Indians first having been obtained, to pass through the same." It will be observed that the provisions of the treaty does not define the northern limit of the country so reserved, which the Indians earnestly maintained extended to the Yellowstone River, and which contention on their part could not be successfully refuted. Nevertheless, without obtaining the consent of the Indians or in any manner treating for it, the government permitted the railway to be perfected south of the Yellowstone and provided strong military escorts to protect the surveyors, and forts were established; at the crossing of the Missouri, Fort McLean, afterwards Fort Abraham Lincoln, Fort Keogh on the Yellowstone, and Fort Ellis near Bozeman, to protect the line. Eighteen hundred and seventy-one, however, passed without an open rupture. By the middle of the

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