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## **Ratified treaty no. 344, Documents relating to the negotiation of the treaty of October 19, 1865, with Two Kettle's band of Sioux Indians. October 19, 1865**

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**RATIFIED TREATY NO. 344**

**DOCUMENTS RELATING TO THE NEGOTIATION OF THE  
TREATY OF OCTOBER 19, 1865, WITH TWO KETTLE'S  
BAND OF SIOUX INDIANS**



Two Kettles - Oct. 20, 1865

Copy of treaty with the  
~~Two Kettles~~  
~~Blackfoot~~ Sioux, at  
Fort Sully, October 19<sup>th</sup>

1865,

Certified



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**TREATY**

BETWEEN

**THE UNITED STATES OF AMERICA**

AND THE

**TWO KETTLES BAND OF DAKOTA OR SIOUX INDIANS.**

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CONCLUDED OCTOBER 19, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.

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*Two Kettles Band - Oct. 20, 1865*

*Two Kettles*

*Oct 20th 1865*





**ANDREW JOHNSON,**

**PRESIDENT OF THE UNITED STATES OF AMERICA,**

**TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:**

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Cha-tan-skah, (The White Hawk,) E-to-ke-ah, (The Hump,) and other chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, sup't of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians.

**ARTICLE FIRST.**

The Two Kettles band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government of the United States or its people.

**ARTICLE SECOND.**

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction, hitherto at war with each other, the Two Kettles band of Dakota or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.



## ARTICLE THIRD.

All controversies or differences arising between the Two Kettles band of Dakota or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

## ARTICLE FOURTH.

The said band, represented in council, shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of six thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That the said band so represented in council shall faithfully conform to the requirements of this treaty.

## ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the Two Kettles band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any part of the land claimed by the said band, for the purpose of agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and where twenty lodges or families of the Two Kettles band shall have located on lands for agricultural purposes, and signified the same to their agent or superintendent, they as well as other families, so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, also teachers, at the option of the Secretary of the Interior, when deemed necessary.

## ARTICLE SIXTH.

Soldiers in the United States service having killed Ish-tah-chah-ne-aha, (Puffing Eyes,) a friendly chief of the Two Kettles band of Dakota or Sioux Indians, it is hereby agreed that the government of the United States shall cause to be paid to the surviving widow of the deceased and his children, seventeen in number, the sum of five hundred dollars; and to the said tribe or band, in common, as indemnity for killing said chief, the sum of five hundred dollars, said payment to be made under the direction of the Secretary of the Interior.

## ARTICLE SEVENTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Two Kettles band of Dakota or Sioux, have hereunto set their hands, this nineteenth day of October, one thousand eight



hundred and sixty-five, after the contents had previously been read, interpreted and explained to the said chiefs and headmen.

NEWTON EDMUNDS,  
EDWARD B. TAYLOR,  
S. R. CURTIS, Maj. Gen'l,  
H. H. SIBLEY, Brig. General,  
HENRY W. REED,  
ORRIN GUERNSEY,

Commissioners on the part of the United States.

CHA-TAN-SKAH,

The White Hawk, his x mark, chief.

E-TO-KE-AH,

The Hump, his x mark, chief.

SHON-KAH-WAK-KON-KE-DESH-KAH,

The Spotted Horse, his x mark, chief.

MAH-TO-KE-DESH-KAH,

The Spotted Bear, his x mark, chief.

MAH-TO-TO-PAH,

The Four Bears, his x mark.

CHAN-TAY-O-ME-NE-O-ME-NE,

The Whirling Heart, his x mark.

MAH-TO-A-CHA-CHAH,

The Bear that is like him, his x mark.

TAH-HOO-KA-ZAH-NOM-PUB,

The Two Lances, his x mark.

MAH-TO-TON-KAH,

The Big Bear, his x mark.

TO-KE-CHI-WY-A,

He that Catches the Enemy, his x mark.

MAH-TO-NAN-GEE,

The Bear that Stands, his x mark.

SHON-KAH-DOO-TAH,

The Red Dog, his x mark.

CHON-NOM-PAH-PA-GE-NAN-KAH,

He that wears the Pipe on his head, his x mark.

TAH-SHON-KAH-MUZ-ZAH,

His Iron Dog, his x mark.

HO-PO-E-MUZ-ZAH,

The Iron Wing, his x mark.

CHAH-GE-LESH-KAH-WAK-KE-AN,

The Thunder Spotted Hoop, his x mark.

HAK-KAH-DOO-SAH,

The Fast Elk, his x mark.

WY-AH-TAH-TON-KAH,

The Big Nation, his x mark.

WE-KEE-PAH,

The One that Calls the Women, his x mark.

PA-JE-TO,

Green Grass, his x mark.

Chief CHON-KA-HAS-KA,

Stinking Dog, his x mark.

Chief PA-TA-SEA-WAH-BEL-LU,

White Cow Eagle, his x mark



Signed by the commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained, in our presence :

A. W. HUBBARD,  
M. C. 6th dist. Iowa.  
HEZ. L. HOSMER,  
Chief Justice of Montana Territory.  
CHAS. C. G. THORNTON,  
Lt. Col. 4th U. S. Vols.  
E. F. RUTH,  
Sec'y of Commission.  
O. D. BARRETT,  
Special Agent Ind. Aff.  
ZEPHIER RENCONTRE, his x mark,  
CHARLES DEGRE, his x mark,  
Interpreters.

The foregoing signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned.

Maj. A. P. SHREVE,  
Paymaster U. S. A.  
JOHN PATTEE,  
Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,  
March 5, 1866.

*Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the commissioners on the part of the United States and the chiefs and headmen of the Two Kettles band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following*

AMENDMENT:

Article 4, lines 4, 5, 6, and 7, strike out the following words, viz : "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,  
*Secretary.*

And whereas article seventh of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band :



Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,  
*Secretary of State.*



Lewisville - Oct. 20, 1865

Copy of treaty with the  
~~Swiss~~ <sup>Swiss</sup> Kettle  
~~Swiss~~ <sup>Swiss</sup> Kettle, at  
Fort Sully, October 19<sup>th</sup>

1865,

Certified



Copy

Articles of a Treaty Made and  
Concluded at Fort Sully in the Territory  
of Dakota by and between Newton Edmunds,  
Governor and Ex officio Superintendent of  
Indian Affairs of Dakota Territory, Edward  
B. Taylor Superintendent of Indian Affairs for the  
Northern Superintendency, Major General S. R. Curtis,  
Brigadier General N. S. Sibley Henry W. Reed  
and Orin Quernsey, Commissioners of the part  
of the United States, duly appointed by the  
President, and the undersigned, Chiefs  
and Head Men of the Two Kettle  
Band of Dakota or Sioux Indians.

Article First

The Two Kettle - Band of Dakota or Sioux  
Indians, represented in council hereby ac-  
knowledge themselves to be subject to the  
exclusive jurisdiction and authority of the  
United States, and hereby obligate and bind  
themselves individually and collectively not only  
to cease all hostilities against the persons and  
property of its citizens, but to use their influence  
and if requisite physical force to prevent other  
bands of the Dakota <sup>or Sioux</sup> Indians or other adjacent Tribes  
from making hostile demonstrations against  
the governments or people of the United States.

Article Second

Inasmuch as the Government of the United States  
is desirous to arrest the effusion of blood between  
the Indian Tribes within its jurisdiction hitherto at  
war with each other the Two Kettle -  
Band of Dakota or Sioux Indians, represented in  
council anxious to respect the wishes of the



Governments hereby agree <sup>and bind themselves</sup> to discontinue for the future all attacks upon the persons or property of other tribes, unless first <sup>assailed</sup> attacked by them, and to use their influence to promote peace everywhere <sup>in the region</sup> occupied or frequented by them.

Article Third All controversies or differences arising between the Two Kettle Band of Dakota or Sioux Indians represented in council and other tribes of Indians involving the question of peace and war shall be submitted for the arbitrament of the President or such person or persons as may be designated by him and the decision or award faithfully observed by the said Bands represented in council.

Article Fourth The said Bands represented in council shall withdraw from the routes overland already established or hereafter to be established through their country, and in consideration thereof and of their noninterference with the persons and property of citizens of the United States traveling thereon the government of the United States agree to pay the said Bands the sum of Six Thousand Dollars annually for twenty years, in such articles as the Secretary of the Interior may direct, provided that said Band so represented in council shall faithfully conform to the requirements of this treaty.

Article Fifth Should any individual or individuals or portion of the Band of the Two Kettle Band of Dakota or Sioux Indians represented in council desire hereafter to locate permanently upon any part of the lands claimed by the said Band for the purpose of agriculture or other pursuits, it is hereby



agreed by the parties to this treaty that such individuals or individuals shall be protected in such location against any annoyance or molestation on the part of white or Indians, and whenever twenty lodges or families of the Two Little Bands shall have located on lands for agricultural purposes and signified the same to their agents or Superintendent, and they as well as other families so locating shall receive the sum of seventy five dollars annually for five years for each family in agricultural implements and improvements, and when one Hundred lodges or families shall have so engaged in agricultural pursuits they shall be entitled to a Farmer and Blacksmith at the expense of the Government, and also a teacher at the option of the Secretary of the Interior when deemed necessary.

Article Sixth Soldiers in the United States Service having killed Ihtatachah neah (Puffing Eyes) a friendly Chief of the Two Little Bands of Dakota or Sioux Indians, it is hereby agreed that the Government of the United States shall cause to be paid to the surviving widow of the deceased and his children according in number the sum of five hundred dollars, and to the said Tribe or band in common as indemnity for killing said Chief the sum of Five Hundred dollars, said payment to be made under the direction of the Secretary of the Interior.

Article Seventh Any Amendment or Modification of this Treaty by the Senate of the United



States shall be considered final and binding upon the said Band represented in council as a part of this treaty in the same manner as if it had been subsequently presented and agreed to by the chiefs and head men of said Band.

In Testimony whereof, The commissioners on the part of the United States, and the chiefs and head men of the said two Kettle Band of Dakota or Sioux have hereunto set their hands this 21st day of October one thousand eight hundred sixty five after the contents had previously <sup>been</sup> read interpreted and explained to the said chiefs and head men.

Newton Edmunds  
Edward B Taylor

Commissioners on the part of the United States,

SR Curtis, - Maj Genl,  
H H Sibley, Brig Genl,  
Henry W Reed  
Orvin Guernsey

Chiefs with the Kettle Band

Char-tow-ka-w	The White Hawk	his Chief
E-to-ka-ah	The Hawk	his Chief
Shou-ka-w	lock Kow	the Spotted Horse
ka-de-ka-ka		his Chief
Mah-to-ka-de-ka	The Spotted Bear	his Chief
Mah-to-to-pah	The Four Bears	his Chief
Chaw-try-o-me-me-o-me-me	The Whirling Heart	his Chief
Mah-to-a-ah-ah	The Bear that is like him	his Chief
Tah-hoo-ka-gah-mow-pah	The two Laces	his Chief



Mah-to-tow Kah - The Big Bear <sup>his</sup> <sub>mark</sub>  
 To the Che way a - He that catches the enemy <sup>his</sup> <sub>mark</sub>  
 Mah-to-man-ge, - The One that Stands <sup>his</sup> <sub>mark</sub>  
 Shoukals doo take - The Red Dog <sup>his</sup> <sub>mark</sub>  
 Chow now pak - He that wears <sup>his</sup> <sub>mark</sub>  
 pa-ge-mankah - the pipe on his head,  
 Teh-shou-kah-mung-gah - His Iron Dog <sup>his</sup> <sub>mark</sub>  
 Ho-pa-a-mung-gah - The Iron Wing <sup>his</sup> <sub>mark</sub>  
 Chah-ge-lesh-kak - The Thunder Spotted Hoop <sup>his</sup> <sub>mark</sub>  
 Wak-ke-aw  
 Hak-kah-doo-sah - The Fast Elk <sup>his</sup> <sub>mark</sub>  
 Way-ah-tah-tow-kah - The Big Nation <sup>his</sup> <sub>mark</sub>  
 We-kee-pah - The one that calls the women <sup>his</sup> <sub>mark</sub>

Signed by the Commissioners on the part of the  
 United States, and by the Chiefs and Head  
 Men, after the treaty had been fully read,  
 interpreted and explained in our presence,  
 A. W. Hubbard, M.C. 6<sup>th</sup> Dist Iowa,  
 Wm. S. Horner, Chief Justice of Montana Territory  
 Chas. C. G. Thurston, Lt. Col. 4<sup>th</sup> US Regt  
 G. F. Rutt, Secy of Commission  
 O. D. Barrett, Special Agent Ind. Affairs,

Depphi <sup>his</sup> <sub>mark</sub> Rencontre }  
 Charles <sup>his</sup> <sub>mark</sub> Depphi } Interpreters,

True Copy from the original  
 G. F. Rutt, Secy of Commission