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## **Ratified treaty no. 348, Documents relating to the negotiation of the treaty of October 20, 1865, with the Yanktonai band of Sioux Indians. October 20, 1865**

Washington, D.C.: National Archives, October 20, 1865

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**RATIFIED TREATY NO. 348**  
**DOCUMENTS RELATING TO THE NEGOTIATION OF THE**  
**TREATY OF OCTOBER 20, 1865, WITH THE YANKTONAI**  
**BAND OF SIOUX INDIANS**

Yauktonais - Oct. 20, 1865.

Copy

Meeting with the Yauk-  
tonais, made at Fort  
Sally, Oct 20<sup>th</sup> 1865

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

YANKTONAI BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 20, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.

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*Yanktonai - Oct. 20, 1865.*

*Yanktonai*

*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 twentieth 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 M'Doka, (The Buck,) Mah-to-wak-kouah, (He that runs the Bear,) and other chiefs and headmen of the Yanktonai 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, superintendent 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 Yanktonai band of Dakota or Sioux Indians.~~

ARTICLE FIRST.

The Yanktonai 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 requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government 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 Yanktonai band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first attacked 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 Yanktonai band of Dakota or Sioux Indians, 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 shall be 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 the said band the sum of thirty dollars for each lodge or family, 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 Yanktonai band of Dakota or Sioux Indians represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that such individual shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the Yanktonai band shall have located on lands for agricultural purposes, and signified the same to their agents 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, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

## ARTICLE SIXTH.

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 Yanktonai band of Dakota or Sioux Indians, have hereunto set their hands, this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

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

*Chiefs.*

M'DOKA,  
 or The Buck, his x mark.  
 MAH-TO-WAK-KOUAH,  
 He that Runs the Bear, his x mark.  
 SHON-KAH-WE-TE-KO,  
 The Fool Dog, his x mark.

*Chief Soldiers.*

TAH-CHONK-PEE-SAPPAH,  
 The Black Tomahawk, his x mark.  
 WAH-DOO-TAH-WAK-KEAN,  
 The Red Thunder, his x mark.  
 TON-KON-HA-TON,  
 The Rock with a Horn, his x mark.

*Chiefs.*

TWO BEARS,  
 Mato-non-pa, his x mark.  
 WHITE BEAR,  
 Ma-to-sea, his x mark.  
 BONE NECKLACE,  
 Ho-hoo-non-pee, his x mark.

*Soldier.*

DOG CLOUD, his x mark.

## In presence of—

HEZ. L. HOSMER,  
 Chief Justice of Montana Territory.  
 S. S. CURTIS,  
 Bvt. Lt. Col. U. S. V.  
 A. W. HUBBARD,  
 M. C. 6th Dist. Iowa.  
 E. F. RUTH,  
 Secretary of Commission.  
 R. R. HITT,  
 Reporter of Com'n.  
 ZEPHIER RE[N]CONTRE, his x mark,  
 CHARLES DEGRES, his x mark,  
 Interpreters.

THE MAN THAT RUNS IN HIS TRACKS,  
 O-yea-ke-pa, his x mark.  
 THE MAN SURROUNDED,  
 Na-je-om-pee, his x mark.  
 THE MEDICINE WHITE MAN,  
 Wa-se-che-wa-kon, his x mark.  
 THE MAN THAT STIRS,  
 Skin-ich-e-a, his x mark.  
 FAST WALKER,  
 Mon-ne-loo-sa, his x mark.  
 RED BULL,  
 Taw-ton, his x mark.

The foregoing signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned on the 28th and 29th Oct., 1865, at Fort Sully.

Maj. A. P. SHREVE,  
Paymaster U. S. A.  
JOHN PATTIE,  
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 made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States and the *Upper Yanktonai band of Dacotah* [Dakota] or Sioux Indians, with the following

AMENDMENT:

Article 4, lines 4, 5, and 6, 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 sixth 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.*



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 H H Sibley, Henry W Reed, and Orrin Georgey Commissioners on the part of the United States, duly appointed by the President and the said Chief & Head Men of the Yanktonai Band of Dakota or Sioux Indians

Article First

The Yanktonai 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 & property of its citizens but to use their influence and if requisite physical force to prevent other bands of Dakota Indians or other adjacent Tribes from making hostile demonstrations against the Government of people of the United States

Article Second

In as much 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 Yanktonai Band of Dakota or Sioux Indians represented in council, anxious to respect the wishes of the Government hereby agree to discontinue for the future all attacks upon the persons or property of other tribes unless first attacked by them, and to use their influence to promote peace every where in the region occupied or frequented

by them

### Article Third.

All controverting or differences arising between the Yanktonai Band of Dakota or Sioux Indians 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 shall be 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 own interference with the persons and property of citizens of the United States travelling thereon the Government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family 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 Yanktonai Band of Dakota or Sioux Indians represented in council desire hereafter to locate permanently upon any lands claimed by said band for the purposes of agriculture or other similar pursuits it is hereby agreed by the parties to this Treaty, that such individuals shall be protected in such location against any annoyance or molestation on the parts of whites or Indians and whenever twenty lodges or families of the Yanktonai band shall have located on lands for agricultural purposes and signified the same to

their agents or superintendant 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 as also Teacher at the option of the Secretary of the Interior, whenever deemed necessary.

### Article Sixth

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 Yanktonai band of Dakota or Sioux Indians have herewith set their hands this Twentieth day of October Eighteen Hundred and Sixty five after the contents had previously been read interpreted and explained to the Chiefs & Head men.

Newton Edmunds

Edward B. Taylor

S. K. Curtis Maj. Genl.

H. H. Sibley Brig. Genl.

Henry W. Reed

Orrin Gurnsey

	M-Doka. or the Buck	his mark
Chiefs	Mah-to-wak-kow-ah- He that runs the Bear	his mark
	Shon-kah-we-te-ko- The Fool Dog	his mark
Chief Soldiers	Sah-chonk-pee-sap-pah The Black Tomahawk	his mark
	Wah-doo-tah-wak-ke-an The Red Thunder	his mark
	Tow-kou-ha-ton The Rock with a horse	his mark

In Presence of

Alex. Gosmer Chief Justice of Montana Territory

B. S. Curtis Brig. Gen. U.S. V.

A. W. Hubbard

M. C. 6th Dist. Iowa

E. F. Ruth Secretary of Commission

R. K. Witt Reporter of Com<sup>rs</sup>

Zephier	his mark	Recontre	} Interpreters
Charles	his mark	Degres	