

# Ratified treaty no. 340, Documents relating to the negotiation of the treaty of October 14, 1865, with the Lower Brule band of Sioux Indians. October 14, 1865

Washington, D.C.: National Archives, October 14, 1865

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RATIFIED TREATY NO. 340

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF OCTOBER 14, 1865, WITH THE LOWER

BRULE BAND OF SIOUX INDIANS

Lower Brule Sweet with the Lower Brule Sweet, with the hade at Front Sully Dot Och 14 to 1865 Certified

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attacks show the persons or property if ather tribes, fully first apaled by them, and to use theistaft over to pro-- mote feece longshere we the region a casped or Article This all controversies or differences, aring between the frequented by them. Love Brile Bud of Dakete er Sion, represented Wantel, sugares to despet the timber of the from the tobe of Suche, woolv bug the question of person or was shall be submit ted for the arbitrament of the live dat, want peron, or person, as may be designated by lung and the decision or award furtifully observed by the said Band, represented in Council, Article Fourth The said Band, suprestated in Coursel, while forthedrow for the mile greeland, slowedy states how through their a. Try, already established, or hereafter to be established Through Their Country, and in Counter - ation thereof, and of their an wherference with The persons and property of alongs of the United States pavelling Theren, the government of the Muted States agree to fry to the said band, the sum of Ship Thous - pad dollars, annually for twenty years, in anal atticle as the Secretary of the Galerion, may direct - Por elect that said Band, or represented in Courtil, shall fullfully conform to the require = ments of this treaty Article Sifts Should any bedividual, or bedinded, or proting of the Sover Brule Bad of Dakotus or Strong, represated in Council, desire hereafterto locale hermanently upon any part of the lands claimed by

other presents, it is hereby agreed by the further to this treaty, that so ale fudio dool & shall be protected in man location, against any amonganes or surlestation on the fast of white or Theling, It is hereby agreed, upon the fast of the Goo. emment of the United State, that the said Bud of Lower Briles, shall beate a a fernament 18 ervation at or hear the month of the White hive to halide Fort Soland Twenty mile in a trought fine along the Mybour Otiver, and ten mile is depth, and that upon the actual ac aprins of not les than fifty lodge a famele, of sad reservation, and Their engaging for Manally in agricultural and other Kindred for sub, the Government of the United States, that the on a grew to furnish at its own cost, The sum of twenty five dollars, for each and every, lodge, or family, as lugaged, as a common find, to be expended in Street, agricultural, and other huplements, and general improvements, as shall be directed by the Secretary of the Bleving the and our to be furnished annually for five yours, It being bedestood, That the end Street, leg. reallist and offer implements shall be and remain the property of the United State to be hed and huployed for the exclusive berefit of the lodges or families so located, aid in two Core to be sold, a abendace by the fact back or any member thereof, and the Mules State, further lugage to luplay, at its own cost a Blackson the Farmer, for the benefit of the said bedges or families

The Martin States, seserve the right to Constant a road or roads, Through the said reservation No bolite person atten then Officers light or luployes of the Muted State, shall be from the to go on, or remain on the said reservation, when previously admitted as a member of the sende had according to their lineges Whenever the Secretary of the Siterior may so direct Othook for the Mistrotion. of the said 19thed, may be affect on the sad perervatur Withele Sevalt, The la dersegred Chief of the Brules hereby farther agree, that should the Thos Wille Bad of the Dakole or Slowy Buding, be located afforming them, they will Therfully allow them to do so, and also agree that the liplayed de cared to the Boules, may be used also for the joint beaufit of the gaid Sho Ketiles, at the discretion of the government, Article light they quadret or modefeation of this treaty by the State of the Mented States, shall be andled fuel and bunding lefon the said Dand, re presented in Council, as a part of the treaty, in the same manner, as of it had been pilequetty for sected are agreed to by The Chief and Itend Men of said 12ad, In testinony whereof the Comme prones a the past of the United States, and the Chiefs and Hend Men of the said Lower Porale Back

of Datola or story, have hereunto pet theis had, this fourteenthe day of October. The thousand, light hundred and fight five, after the contests had pressonly been read, laterfroled and explaned to the said Shefs and Itend - Men Mewton Edminds Single State of the Solly State S Muy-gah-wy ah tay, The how Nation high Tah-ton Kab-wak Kon Medecine Bull high Ma- Div\_ we - chek Tay The me who Kled the White Puffel Bugg highark his She- o- tehe Kal . Sittle Phersant mark Ma- saw - man- need White Buffelo Cow 3 his that walks 3 music Signed by the dumapowers on the part of the Muted State, and by the Chief ad Had Men, after the treaty had been fully read laters preted and applamed, in our preses WW Stubband Sellesti

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### TREATY

BETWEEN

## THE UNITED STATES OF AMERICA

AND THE

LOWER BRULE BAND OF DAKOTA OR SIOUX INDIANS.

ONCLUDED OCTOBER 14, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.



#### 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 fourteenth 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 Muz-zah-wy-ah-tay, (The Iron Nation,) Tah-ton-kah-wak-kon, (Medicine Ball,) and other chiefs and headmen of the Lower Brulé 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 Lower Brulé band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Lower Brulé 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 Lower Brulé band of Dakotas 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 Lower Brulé band of Dakotas 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 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 Lower Brulé band of Dakotas or Sioux, represented in council, desire hereafter to locate permanently upon any part of the lands 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.

#### ARTICLE SIXTH.

It is hereby agreed upon the part of the government of the United States, that the said band of Lower Brules shall locate on a permanent reservation at or near the mouth of the White river, to include Fort Lookout, twenty miles in a straight line along the Missouri river, and ten miles in depth; and that upon the actual occupation of not less than fifty lodges or families of said reservation, and their engaging permanently in agricultural and other kindred pursuits, the government of the United States agree to furnish at its own cost the sum of twentyfive dollars for each and every lodge or family so engaged, as a common fund, to be expended in stock, agricultural and other implements and general improvements as shall be directed by the Secretary of the Interior; the said sum to be furnished annually for five years. It being understood that the said stock, agricultural and other implements shall be and remain the property of the United States, to be used and employed for the exclusive benefit of the lodges or families so located, and in no case to be sold or alienated by the said band or any member thereof; and the United States further engage to employ at its own cost a black-smith and farmer for the benefit of the said lodges or families.

The United States reserve the right to construct a road or roads through the

No white person, other than officers, agents or employes of the United States, shall be permitted to go on or remain on the said reservation, unless previously admitted as a member of the said band according to their usages.

Whenever the Secretary of the Interior may so direct, schools for the instruction of the said band may be opened on the said reservation.

#### ARTICLE SEVENTH.

The undersigned chiefs of the Brulés, hereby further agree that should the Two Kettles band of the Dakota or Sioux Indians be located adjoining them, they

will cheerfully allow them to do so, and also agree that the employes secured to the Brulés may be used also for the joint benefit of the said Two Kettles, at the discretion of the government.

ARTICLE EIGHTH.

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 Lower Brulé band of Dakota or Sioux, have hereunto set their hands, this fourteenth 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, Brigadier General, HENRY W. REED, ORRIN GUERNSEY,

Commissioners on the part of the United States.

Chiefe.

MUZ-ZAH-WY-AH-TAY, The Iron Nation, his x mark. TAH-TON-KAH-WAK-KON,

Medicine Ball, his x mark.

PTA-SON-WE-CHAK-TAY, The One who Killed the White Buffalo Cow, his x mark.

SHE-O-TCHE-KAH, Little Pheasant, his x mark. PTA-SAN-MAN-NEE

White Buffalo Cow that Walks, his x mark. CHON-TAY-O-KIT-E-KAH,

The Brave Heart, his x mark. TAH-O-PEE,

The Wounded Man, his x mark. WAG-AH-MO-AH-WIN,

The Gourd Ear Rings, his x mark. E-CHAP-SIN-TA-MUZ-ZAH,

The Iron Whip, his x mark. Chief Soldiers.

ZE-TE-KAH-DAN-SAP-PAH,

The Blackbird, his x mark. WAH-HAH-CHUNKI-E-UN-KA.

The Shield that Runs, his x mark. MUCK-A-PEE-E-CHASH-NAH,

The Cloud that Rattles, his x mark. IS-TO-O-PEE,

The Wounded Arm, his x mark. MIN-DO-TON-KAH-CHE-KAH,

The Little Partisan, his x mark. WAH-MIN-DEE-SHON-TON-KAH.

The War Eagle with Large Feathers, 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.

S. S. CURTIS,

Maj. 2nd Colorado Cav., Bvt. Lt. Col. W. S. Woods,

Surgeon U. S. Vols.

E. F. RUTH,

Sec'y to Commission.

R. R. HITT,

Rep'r of Com'n.

ZEPHIER RENCONTRE, his x mark,

CHARLES DEGRE, his x mark,

Interpreters.

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 United States of America, by their commissioners, and the chiefs and headmen of the Lower Brulé 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 no[n]-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY, Secretary.

And whereas article eighth 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.