RATIFIED TREATY NO. 346

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF OCTOBER 20, 1865, WITH THE SANS ARC

BAND OF SIOUX INDIANS

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SANS ARCS BAND OF DAKOTA OR SIOUX INDIANS.

Sans Arc - Oct. 20, 1865
Sans Arcs
October 20th 1865

CONCLUDED OCTOBER 20, 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 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 Wah-mun-dee-o-pee-doo-tah, (The War Eagle with the Red Tail,) Cha-tau-'hne, (The Yellow Hawk,) and other Chiefs and Headmen of the Sans Arcs 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 Sans Arcs band of Dakota or Sioux Indians.

Article First.

The Sans Arcs 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 Sans Arcs 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 Sans Arcs band of Dakota or Sioux 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 route 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 Sans Arcs 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 individuals 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 Sans Arcs band shall have located on land 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; 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 Sans Arcs 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,
HENRY H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

WAH-MUN-DEE-O-PEE-DOO-TAH,
The War Eagle with the Red Tail, his x mark.
CHA-TAU-'HNE,
Yellow Hawk, his x mark.
SHON-KAH-WE-TE-KO,
The Fool Dog, his x mark.

Chief Soldiers.

CHAN-TAY-MAH-TO,
The Bear's Heart, his x mark.
TAH-KO-KO-KE-PISH-NEE,
The Man that Fears Nothing, his x mark.
NUP-CHE-UNK,
The Nine, his x mark.
MAH-TO-NUK-KAH,
The Bear's Ears, his x mark.
CHAN-DESH-KAH-SAPPAH,
The Black Hoop, his x mark.
ZE-TE-KAH-NAH-SAPPEE,
The Bird Necklace, 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:

HEZ. L. HOSMER,
Chief Justice of Montana Territory.
S. S. CURTIS,
Bvt. Lt. Col. U. S. V.
E. F. RUTH,
Sec'y of Commission.
W. S. WOODS,
Surgeon U. S. Vols.
C. S. MORRISON,
O. E. GUERNSEY,
CHARLES DEGRE,
his x mark, Interpreter.
Chief CROW FEATHER,
Con-ge-we-a-ka, his x mark.
GRAY HAIR,
Pa-he-sa, his x mark.
RED HAIR,
Pa-he-sha, his x mark.
THE SHIELD EAGLE,
Wa-chan-ka-wam-ba-lee, his x mark.
BLACK BEAR,
Ma-to-sapa, his x mark.

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 con-

sent 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 5th, 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 chiefs and headmen of the Sans Arcs 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 [SEAL.] year 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.