

*Treaty between the United States of America and the Sissiton and Warpeton Bands of Dakota or Sioux Indians; Concluded February 19, 1867; Ratification advised, with Amendments, April 15, 1867; Amendments accepted April 22, 1867; Proclaimed May 2, 1867.*

ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING : Feb. 19, 1867.

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of February in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy and William H. Watson, Commissioners, on the part of the United States, and Gabriel Renville, Wamdiupiduta, Tacandupahotanka, and other Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit :

Preamble.

Whereas it is understood that a portion of the Sissiton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely perilled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sissiton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the northwest, where they still remain ; and

Whereas Congress, in confiscating the Sioux annuities and reservations, made no provision for the support of these, the friendly portion of the Sissiton and Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites ; and

Whereas the several subdivisions of the friendly Sissitons and Warpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence : therefore,

A treaty has been made and entered into, at Washington city, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners, on the part of the United States, and the undersigned chiefs and headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, as follows, to wit :

Contracting parties.

Friendly relations.

ARTICLE I. The Sissiton and Warpeton bands of Dakota Sioux Indians, represented in council, will continue their friendly relations with the government and people of the United States, and bind themselves individually and collectively to use their influence to the extent of their ability to prevent other bands of Dakota or other adjacent tribes from making hostile demonstrations against the government or people of the United States.

Cession of right to construct wagon-roads, railroads, mail stations, and telegraph lines.

ARTICLE II. The said bands hereby cede to the United States the right to construct wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that *that* may be selected by authority of the government, said lands so claimed being bounded on the south and east by the treaty line of 1851 and the Red river of the North to the mouth of Goose river, on the north by the Goose river and a line running from the source thereof by the most westerly point of Devil's lake to the Chief's Bluff at the head of James river, and on the west by the James river to the mouth of Mocasín river, and thence to Kapeska lake.

Boundaries.

Permanent reservation set apart.

ARTICLE III. For and in consideration of the cession above mentioned, and in consideration of the faithful and important services said to have been rendered by the friendly bands of Sissitons and Warpetons Sioux here represented, and also in consideration of the confiscation of all their annuities, reservations, and improvements, it is agreed that there shall be set apart for the members of said bands who have heretofore surrendered to the authorities of the government, and were not sent to the Crow Creek reservation, and for the members of said bands who were released from prison in 1866, the following described lands as a permanent reservation, viz. :

Boundaries.

Beginning at the head of Lake Travers [e], and thence along the treaty line of the treaty of 1851 to Kapeska lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie [s], and thence passing north of Skunk lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.

Reservation.

ARTICLE IV. It is further agreed that a reservation be set apart for all other members of said bands who were not sent to the Crow Creek reservation, and also for the Cut head bands of Yanktonais Sioux, a reservation bounded as follows, viz. :

Boundaries.

Beginning at the most easterly point of Devil's lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne river; thence down said river to a point opposite the lower end of Aspen island, and thence on a direct line to the place of beginning.

Reservations to be apportioned in tracts of 160 acres to, &c.

ARTICLE V. The said reservations shall be apportioned in tracts of (160) one hundred and sixty acres to each head of a family, or single person over the age of (21) twenty-one years, belonging to said bands, and entitled to locate thereon, who may desire to locate permanently and cultivate the soil as a means of subsistence: each (160) one hundred and sixty acres so allotted to be made to conform to the legal subdivisions of the government surveys, when such surveys shall have been made; and every person to whom lands may be allotted under the provisions of this article who shall occupy and cultivate a portion thereof for five consecutive years shall thereafter be entitled to receive a patent for the same so soon as he shall have fifty acres of said tract fenced, ploughed, and in crop: *Provided*, [That] said patent shall not authorize any transfer of said lands, or portions thereof, except to the United States, but said lands and the improvements thereon shall descend to the proper heirs of the persons obtaining a patent.

Tracts to conform to legal subdivisions.

Patents, when to issue, effect of.

ARTICLE VI. To enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse reservation for the year 1867, three hundred and fifty thousand dollars; for the year 1868, two hundred and fifty thousand dollars; for the year 1869, one hundred thousand dollars; for the year 1870, fifty thousand dollars; and thirty thousand dollars annually thereafter; and to enable the Indians on said reservation to return at once to their agricultural habits and life, and be enabled to cultivate a crop the coming season, the expenditures set forth in the schedule hereunto attached, shall be made at as early a day as possible.

ARTICLE VII. An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be (500) five hundred persons located permanently upon the Devil's Lake reservation, there shall be an agent, or other competent person, appointed to superintend the agricultural, educational, and mechanical interests of said Indians, and thereafter there shall be expended to aid said Indians in their agricultural improvements and civilization, for the first year, one hundred thousand dollars; for the second year, two hundred thousand dollars; for the third year, one hundred thousand dollars; for the fourth year, fifty thousand dollars; and thirty thousand dollars annually thereafter.

ARTICLE VIII. All expenditures to be made upon said reservation[s] (except as per schedule aforesaid) shall be made for the agricultural improvement and civilization of the Indians upon the respective reservations, in such manner as the President of the United States shall direct, but no issue of goods, provisions, groceries, or other articles, (except houses, which will be provided for Indians and mixed-bloods entitled to locate on the respective reservations as they advance in agriculture,) shall be made to Indians or mixed-bloods on either reservation, unless it be made in payment of labor performed, or to be performed, or for produce delivered: *Provided*, That when persons on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from the supplies provided for said bands.

ARTICLE IX. As it is contemplated that the agent will supply the Indians and mixed-bloods with clothing, provisions, &c., in payment for labor, as provided in Article VIII., and it being desirable that no encouragement be afforded them to rely upon the chase as a means of subsistence, no person will be permitted to trade upon either of the reservations nor within the limits of the land claimed by said bands, as designated in the second article of this treaty; and it is also agreed that no person, not a member of said bands, parties hereto, whether white, mixed-blood, or Indian, except persons in the employ of the government, or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE X. It is further agreed that the said bands, parties to this treaty, will guarantee the safety of travel, of the transportation of the mails, supplies, &c., the protection of mail stations and property connected therewith, upon the lands claimed by them as before specified, and the safety of the frontier settlers of Minnesota and eastern Dakota from trespass by hostile or unfriendly Indians; said safety of travel and transportation and protection of mail stations and property to extend over any rout[e] across the lands claimed by said bands as hereinbefore set forth.

ARTICLE XI. To enable said Indians to make good the guarantee above specified, the President of the United States will cause the selection and appointment of a suitable person, satisfactory to the Indians here represented, who shall organize not less than two hundred and fifty members of said bands for service as scouts. The person so selected shall command and control the operations of said scouts, under such regulations,

Expenditures on reservations for benefit of the Indians.  
See *post*, p. 509.

Agent at Lake Traverse, and other agents.  
See *post*, p. 509.

Expenditures to be made for the agricultural improvement and civilization of the Indians.  
See *post*, p. 509.

Proviso.

No person to trade in reservations, nor, &c.  
See *post*, pp. 509, 510.

Safety of travel, mails, mail stations, and frontier settlers.  
See *post*, pp. 509, 510.

Members of the bands to be organized as scouts.  
See *post*, p. 509.

and shall report to such civil or military officer of the government, as the President may direct; and the President may at any time dispense with said organization: *Provided*, [That] the said guarantees specified in article X. shall not be in force until the organization aforesaid is made, nor after it is dispensed with.

Scouts to furnish horses, arms, &c.  
Pay, &c.

ARTICLE XII. Each scout so employed will furnish his own horse, arms, ammunition, transportation, and equipments of all kinds, and receive from the United States sixty dollars per month, and rations for himself and family, and grain rations for his horse, in full of all allowances whatever: *Provided*, That there shall be one chief of station to every twelve men, who shall receive fifteen dollars per month extra, and there shall be one chief of escort to every fifty men, who shall receive twenty dollars per month extra, and one chief of band to every hundred men, who shall receive thirty dollars per month extra. The commandant of the organization to receive such compensation as the President may direct.

Chiefs of stations.  
See *post*, p. 509.

Scouts to enforce rules, &c.  
See *post*, p. 509.

ARTICLE XIII. Whenever the organization of scouts as before specified shall be dispensed with, the said bands shall have authority to organize under the direction of the agent, and without expense to the government, scouts sufficient to enforce any and all rules, regulations, or laws which may be prescribed by the government, or adopted by the chiefs and head men in council upon either reservation, for the security of life and property and the progress of agricultural improvement and civilization upon such reservation.

Debts and claims to be paid to whom.  
See *post*, p. 509.

ARTICLE XIV. It is further provided that the balance of debts or claims against the Sisseton and Warpeton bands of Sioux Indians provided to be paid by the third article of the treaty of 1858, and the decision of the Secretary of the Interior in 1861, are to be paid to the claimants, their attorneys or assignees, as shown to be due by the schedules exhibiting the settlement of said claims, after an examination by the Commissioner of Indian Affairs, and on file in the Department of the Interior, amounting in the aggregate to twenty-four thousand three hundred and seventy-one dollars and eighty cents.

Execution.

In testimony whereof, we, the commissioners representing the United States, and the delegates representing the Sisseton and Warpeton bands of Sioux Indians, have hereunto set our hands and seals, at the place and on the day and year above written.

LEWIS V. BOGY,  
*Commissioner of Indian Affairs,*  
W. H. WATSON.

Signed in presence of—

CHARLES E. MIX.

GABRIEL RENVILLE,	
head chief Siss[i]ton and Wa[r]peton bands.	
WAMDIUPIDUTA, his x mark,	
head Siss[i]ton chief.	
TACANDUPAHOTANKA, his x mark,	
head Wa[r]peton chief.	
OYEHDUZE, his x mark,	chief Sisseton.
UMPETUTOKCA, his x mark,	“ Wahpeton.
JOHN OTHERDAY.	
AKICITANANJIN, his x mark,	Sisseton soldier.
WAXICUNMAZA, his x mark,	“ “
WASUKIYE, his x mark,	“ “
WAMDIDUTA, his x mark,	“ “
HOKXIDANWAXTE, his x mark,	“ “
WAKANTO, his x mark,	“ “
ECANAJINKE, his x mark,	“ “
CANTEIYAPA, his x mark,	“ “

TIHDONICA, his x mark,	Sissiton soldier.
TAWAPAHAMAZA, his x mark,	“ “
WANDIYEZA, his x mark,	“ “
TACUNRPIPETA, his x mark,	“ “
WICUMRPINUMPA, his x mark,	Wa[r]peton “
XUPEHIYU, his x mark,	“ “
ECETUKIYE, his x mark,	“ “
KANGIDUTA, his x mark,	“ “

Witnesses to signatures of above chiefs and soldiers :

- CHARLES E. MIX.
- BEN'N THOMPSON.
- J. R. BROWN.
- ANEXUS M. A. BROWN, *Interpreter.*
- CHAS. CRAWFORD.
- THOS. E. MCGRAW.
- J. H. LEAVENWORTH.
- A. B. NORTON.
- GEO. B. JONAS.
- FRANK S. MIX.

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 fifteenth day of April, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit :

Ratification advised with amendments.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

April 15, 1867.

*Resolved, (two-thirds of the Senators present concurring,)* That the Senate advise and consent to the ratification of the Treaty between the United States and the Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota Indians, concluded February 19th, 1867, with the following

AMENDMENTS.

Strike out all of said treaty from and following the 6th to the 14th article, both inclusive, and insert in lieu thereof the following, viz :

*Ante*, pp. 507, 508.

ARTICLE VI. And, further, in consideration of the destitution of said bands of Sissiton and Warpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriations as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862 ; including, if thought advisable, the establishment and support of local and manual labor schools ; the employment of agricultural, mechanical, and other teachers ; the opening and improvement of individual farms ; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

Congress will make appropriations to enable Indians to return to an agricultural life, &c.

ARTICLE VII. An agent shall be appointed for said bands, who shall be located at Lake Traverse ; and whenever there shall be five hundred (500) persons of said bands permanently located upon the Devil's Lake reservation there shall be an agent or other competent person appointed to superintend at that place the agricultural, educational, and mechanical interests of said bands.

Agents.

ARTICLE VIII. All expenditures under the provisions of this treaty shall be made for the agricultural improvement and civilization of the

Expenditures.

Goods, provisions, &c. not to be issued to Indians, &c. unless.

Proviso.

No person to trade for furs and peltries.

Members of bands only, except, &c. to locate on lands.

Chiefs and headmen may adopt rules.

Amendments assented to.

members of said bands authorized to locate upon the respective reservations, as hereinbefore specified, in such manner as may be directed by law; but no goods, provisions, groceries, or other articles — except materials for the erection of houses and articles to facilitate the operations of agriculture — shall be issued to Indians or mixed-bloods on either reservation unless it be in payment for labor performed or for produce delivered: *Provided*, That, when persons located on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from such supplies as may be provided for said bands.

ARTICLE IX. The withdrawal of the Indians from all dependence upon the chase as a means of subsistence being necessary to the adoption of civilized habits among them, it is desirable that no encouragement be afforded them to continue their hunting operations as means of support, and, therefore, it is agreed that no person will be authorized to trade for furs or peltries within the limits of the land claimed by said bands, as specified in the second article of this treaty, it being contemplated that the Indians will rely solely upon agricultural and mechanical labor for subsistence, and that the agent will supply the Indians and mixed-bloods on the respective reservations with clothing, provisions, &c., as set forth in article eight, so soon as the same shall be provided for that purpose. And it is further agreed that no person not a member of said bands, parties hereto whether white, mixed-blood, or Indian, except persons in the employ of the government or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE X. The chiefs and headmen located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations, and shall have authority, under the direction of the agent, and without expense to the government, to organize a force sufficient to carry out all such rules, regulations, or laws, and all rules and regulations for the government of said Indians, as may be prescribed by the Interior Department: *Provided*, That all rules, regulations, or laws adopted or amended by the chiefs and headmen on either reservation shall receive the sanction of the agent.

Attest:

J. W. FORNEY, *Secretary*,  
by W. J. McDONALD, *Chief Clerk*.

And whereas, the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota or Sioux Indians, whose names are hereinafter signed, they did on the twenty-second day of April, one thousand eight hundred and sixty-seven, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

The foregoing amendments having been fully explained and interpreted to us, the Chiefs and Headmen of the Sissiton and Warpeton bands of *Dacotah* [Dakota] or Sioux Indians, now therefore, we, the Chiefs and Headmen of said bands, duly authorized by our people, do hereby accept, assent, and agree to the said amendments as above written, the same being fully understood by us.

Witness our hands and seals this 22d day of April, 1867, at Washington, D. C.

GABRIEL RENVILLE,  
head chief of Sissiton and Warpeton bands.  
WAMDIUPIDUTA, his x mark,  
head Sissiton Chief.

[SEAL.]

[SEAL.]

TACANDUPAHOTANKA, his x mark,			
head Warpeton Chief.			[SEAL.]
OYEHDUZE, his x mark,			
Chief Sissiton.			[SEAL.]
JOHN OTHERDAY, chief Warpeton.			[SEAL.]
AKICITANANJON, his x mark,	Sissiton soldier		[SEAL.]
WAXICUNMAZA, his x mark,	"	"	[SEAL.]
WASUKIYE, his x mark,	"	"	[SEAL.]
WAMDIDUTA, his x mark,	"	"	[SEAL.]
HOKXIDANWAXTE, his x mark,	"	"	[SEAL.]
WAKANTO, his x mark,	"	"	[SEAL.]
ECANAJINKE, his x mark,	"	"	[SEAL.]
CANTEIYAPA, his x mark,	"	"	[SEAL.]
TIHDONICA, his x mark,	"	"	[SEAL.]
TAWAPAHAMAZA, his x mark,	"	"	[SEAL.]
WANDIYEZA, his x mark,	"	"	[SEAL.]
TACUNRPIPETA, his x mark,	"	"	[SEAL.]
XUPEHIYEE, his x mark,	Warpeton	"	[SEAL.]
WICUNRPINUPA,	"	"	[SEAL.]
ECETUKIYA,	"	"	[SEAL.]
HANGIDUTA, (dead,)	"	"	[SEAL.]

Signed in presence of

N. G. TAYLOR, *Comr. Ind. Affrs.*  
 BENJ'N THOMPSON, *Special Agent.*  
 J. R. BROWN, *Spl. Agt.*  
 ALF. A. TAYLOR.  
 W. P. DOLE.  
 H. H. YOUNG.  
 ANEXUS M. A. BROWN, *Interp[r]eter.*  
 CHAS. CRAWFORD, *Interpreter.*  
 CHARLES E. MIX.

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 fifteenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty, with the amendments as aforesaid.

Proclamation

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

Done at the city of Washington this second day of May, in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States of America the ninety-first.

[SEAL.]

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*