

MILLARD FILLMORE,

August 5, 1851.

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 Mendota, in the Territory of Minnesota, on the fifth day of August, one thousand eight hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, acting as commissioners, and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said territory, commissioners duly appointed for that purpose, and the Med-ay-wa-kan-toan and Way-pay-koo-tay bands of Dakota and Sioux Indians.

Peace and
friendship.

ARTICLE 1. The peace and friendship existing between the United States and the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, shall be perpetual.

Cession of lands
in Minnesota and
Iowa.

ARTICLE 2. The said Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Indians do hereby cede and relinquish all their lands and all their right, title and claim to any lands whatever, in the Territory of Minnesota, or in the State of Iowa.

Certain lands
set apart for said
Indians.

ARTICLE 3. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them, as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota River, and bounded on the West by the Tchay-tam-bay and Yellow Medicine Rivers, and on the East by the Little Rock River, and a line running due South from its mouth to the Waraju River; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: *Provided*, That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands or either of them, and the United States.*

Proviso.

Payment for
said cession.

ARTICLE 4. In further and full consideration of said cession and relinquishment, the United States agree to pay to said Indians the sum of one million four hundred and ten thousand dollars, (\$1,410,000,) at the several times, in the manner and for the purposes following, to wit:

1st. To the Chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagements; and in consideration of their removing themselves to the country set apart for them as above, (which they agree to do within one year after the ratification of this treaty, without further cost or expense to the United States,) and in consideration of their subsisting themselves the first year after their removal, (which they agree to do without further cost or expense on the part of the United States,) the sum of two hundred and twenty thousand dollars (\$220,000.) *Provided*, That said sum shall be paid, one half to the Chiefs of the Med-ay-wa-kan-toan band, and one half to the Chief

* This article was changed. See amendments, *post*, p. 957.

and Headmen of the Wah-pay-koo-tay band, in such manner as they, hereafter, in open Council, shall respectively request, and as soon after the removal of said Indians to the home set apart for them as the necessary appropriations therefor shall be made by Congress.

2d. To be laid out, under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars (\$30,000.)

The balance of said sum of one million four hundred and ten thousand dollars, (\$1,410,000,) to wit: One million, one hundred and sixty thousand dollars (\$1,160,000,) to remain in trust with the United States, and five per cent. interest thereon to be paid annually to said Indians for the period of fifty years, commencing on the first day of July, eighteen hundred and fifty two (1852,) which shall be in full payment of said balance, principal and interest: said payments to be made and applied, under the direction of the President as follows, to wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars, (\$12,000.)

4th. For educational purposes, the sum of six thousand dollars, (\$6000.)

5th. For the purchase of goods and provisions, the sum of ten thousand dollars, (\$10,000.)

6th. For money annuity, the sum of thirty thousand dollars, (\$30,000.)

ARTICLE V. The entire annuity, provided for in the first section of the second article of the treaty of September twenty-ninth, eighteen hundred and thirty seven (1837,) including any unexpended balance that may be in the treasury on the first of July, eighteen hundred and fifty-two, (1852,) shall thereafter be paid in money.

The annuity provided in treaty (vol. vii. p. 539), to be paid in money.

ARTICLE VI. The laws of the United States prohibiting the introduction and sale of spirituous liquors in the Indian country shall be in full force and effect throughout the Territory hereby ceded and lying in Minnesota, until otherwise directed by Congress or the President of the United States.

Spirituous liquors.

ARTICLE VII. Rules and Regulations to protect the rights of persons and property among the Indians parties to this Treaty, and adapted to their condition and wants, may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct.

Rules and regulations.

ARTICLE VIII. The Half-Breeds of the Sioux Nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie du Chien on the fifteenth of July, eighteen hundred and thirty, it is hereby agreed at their request, that, in lieu of the tract of land set apart for the occupancy of said Half-Breeds there shall be paid to them, by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars (\$150,000): *Provided*, That the non-ratification of this article shall, in no manner affect the other provisions of this Treaty.*

Payment to the Half-Breeds in lieu of provision in treaty, (vol. vii. p. 330.)

In witness whereof, the said Luke Lea and Alexander Ramsey, Commissioners on the part of the United States and the undersigned Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, have hereunto set their hands, at Mendota, in the Territory of Minnesota, this fifth day of August, Anno Domini, one thousand eight hundred and fifty-one.

L. LEA.

ALEX. RAMSEY.

* This article was struck out. See amendments, *post*, p. 957.

<i>Med-ay-wa-kan-toans.</i>		Headmen Hoak-shee-dan-doo-ta, (Scarlet Boy,)	
Chief	Ta-o-ya-te-duta, (his scarlet people, or "Little Crow,")	"	Am-pay-sho-ta, (Smoky Day,)
Headmen	Wa-kan-o-zhan, (Sacred Light, or Medicine Bottle,)	"	Ha-ha-ka-ma-za, (Metal Elk,)
"	Tee-tchay, (Top of the Lodge or "Jim," or "Old Thad,")	"	Ta-tay-h'moo-he-ya-ya, ("Whistling Wind,")
"	Ta-tchan-h'pee-sa-pa, (His "Black Tomahawk,")	"	Wa-pa-ma-nee, (He strikes walking,)
"	Ma-ka-na-ho-toan-ma-nee, (At whose tread the earth resounds,)	"	Ma-h'pee-ya-wa-kan, (Sacred Cloud,)
"	H'-da-ee-yan-kay, (he runs rattling,)	"	Ta-tchan-h'pee-ma-za, (His Iron War Club,)
"	Too-kan-a-hena-ma-nee, (Walker on the Medicine Boulders or Stones,)	Chief	Ma-za-ho-ta, (Gray Metal,)
"	Wa-m'dee-doo-ta, (Scarlet War Eagle,)	Headmen	Wa-soo-mee-tchash-ta-shnee, (Wicked or "Bad Hail,")
"	Na-ghee-yoo-shkan, (He moves the Ghosts or Shadows,)	"	Oan-ke-tay-hee-dan, (Little Water-God or "Little Whale,")
"	Shoank'-a-ska, ("White Dog,")	"	Tcha-noon-pay-sa, (The Smoker,)
"	Hoo-sa-nee-ghee, (one leg yellow or orange colored,)	"	Ta-tay-to-kay-tcha, (Other wind,)
"	Wa-keen-yan-wash-tay, ("Good Thunder,")	"	Ka-ho, (The Rambler about,)
Chief	Wa-pa-sha, (The Standard, or "Red Leaf,")	Chief	Ta-tchan-koo-wash-tay, (Good Road,)
Headmen	Wa-kan-hendee-o-ta, (Many Lightnings,)	Headmen	Ta-tay-o-wo-teen-ma-nee, (Roaring Wind that walks,)
"	Tchan-h'pee-yoo-ka, (He has a war club,)	"	O-yay-tchan-ma-nee, (Track Maker,)
"	Heen-han-doo-ta, (Red Owl,)	Chief	Ta-shoark-ay, (His Dog,)
"	Ma-ka-ka-ee-day, (He sets the Earth on fire,)	Chief	Sha-k'pay, ("Six,")
"	Ee-a-hee-herday, (He bursts out speaking,)	Headmen	A-no-ghee-ma-zheen, (He that stands on both sides,)
Chief	Wa-koo-tay, (The "Shooter,")	"	Hoo-ya-pa, (Eagle Head,)
Headmen	Ma-h'pee-ya-ma-za, (Metal cloud,)	"	Ta-tay-mee-na, (Round Wind,)
"	Ta-ma-za-ho-wash-tay, (his good iron voice,)	"	Ka-t'pan-t'pan-oo, (He comes pounding to pieces,)
"	Ma-ka-ta-na-zheen, (He stands on the earth,)	"	Ma-h'pee-ya-henda-keen-yan, (Walking across a cloud,)
"	Ee-wan-kam-ee-na-zhan, (He stands above,)	"	Wa-pee-ghee, (The orange red speckled cloud,)
"	Wa-kan-ta-pay-ta, (The Spirit's Fire,)	"	Ma-za-wa-menoo-ha, (Gourd shell metal medicine rattle,)
"	Na-ghee-mee-tcha-keetay, (He kills the Ghosts,)	Chief	Hay-ee-tcha-h'moo-ma-nee, (Horn whistling walking,)
"	Een-yan-sha-sha, (Red Stones,)	Headmen	Pay-pay, (Sharp,)
"	Ee-day-wa-kan, (Sacred Blaze,)	"	Ta-wo-ta-way-doo-ta, (His Scarlet Armor,)
"	Ta-sag-yay-ma-za, (His metal Staff,)	"	Hay-pee, (Third Son,)
Chief	Ma-h'pee-mee-tchash-tay, (man of the sky,)	"	A-pay-ho-ta, (Grey mane or crest,)
Headmen	Wee-tchan-h'pee, (The Star,)	"	Ho-tan-ee, (His voice can be heard,)
"	Ta-tay-na-zhee-na, (Little standing Wind,)	"	Ma-h'pee-ya-shee-tcha, (Bad Cloud,)
		"	Ta-wa-tcheen, (His mind,)
		"	Han-yay-too-ko-kee-pa-pee, (Night which is feared,)

In presence of Thomas Foster, Secretary. Nathaniel McLean, Indian Agent. Alexander Faribault, P. Prescott, G. H. Pond, Interpreters. David Olmstead; W. C. Henderson; Alexis Bailly; Richard Chute; A. Jackson; A. L. Larpeur; W. H. Randall, Sr.; A. S. H. White; H. L. Dousman; Frederic B. Sibley; Marten McLeod; Geo. H. Faribault.

To the Indian names are subjoined marks.

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 twenty-third day of June, one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 23d, 1852.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and concluded at Mendota in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, Commissioners duly appointed for that purpose, and the Med-ay-wa kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians with the following:

AMENDMENTS:

Strike out the third article of the treaty and add the following supplemental article.

1st. The United States do hereby stipulate to pay the Sioux bands of Indians, parties to this treaty, at the rate of ten cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words: Payment for said cession.

"ARTICLE III. In part consideration of the foregoing cession and relinquishment, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, a tract of country of the average width of ten miles on either side of the Minnesota River, and bounded on the west by the Tchay-tam-bay and Yellow Medicine Rivers, and on the east by the Little Rock River, and a line running due south from its mouth to the Waraju River; the boundaries of said tract to be marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct: *Provided*, That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike, in all the benefits derived from any former treaty between said bands, or either of them and the United States," which article has been stricken out of the treaty by the Senate. The said payment to be in lieu of said reservation: the amount when ascertained under instructions from the Department of the Interior to be added to the trust fund provided for in the fourth article. Tract of land to be set apart.
To be occupied in common.

2d. It is further stipulated, that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing article, as may be convenient, to cause to be set apart by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the First article of the treaty as may be satisfactory for their future occupancy and home: *Provided*, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient.

Strike out of the Treaty the following article.

ARTICLE VIII.

"The Half-Breeds of the Sioux nation having failed and refused to avail themselves of the provisions for their benefit in the ninth and tenth articles of the treaty concluded at Prairie Du Chien, on the fifteenth of July, 1830, it is hereby agreed, at their request, that in lieu of the tract of land set apart for the occupancy of said Half-Breeds, there shall be paid to them by the United States, under the direction of the President, the sum of one hundred and fifty thousand dollars: (\$150,000,) *Provided*, That the non-ratification of this article shall in no manner affect the other provisions of this treaty."

Attest —

ASBURY DICKINS, *Secretary*.

AND WHEREAS, the said amendments having been submitted and explained to the said Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, the said Indians did, on the fourth day of September, one thousand eight hundred and fifty-two, assent to the said treaty as amended by the Senate, in words following, to wit:

We the undersigned, Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, parties to the treaty made and concluded at Mendota, in the Territory of Minnesota, on the fifth day of August, eighteen hundred and fifty-one, confiding in the justice, liberality, and humanity of the President and the Congress of the United States, that such tracts of country will be set apart for our future occupancy and home as will be to us acceptable and satisfactory, do hereby give our free and voluntary assent to said treaty of August 5, 1851, as amended by the resolution of the Senate of the United States, on the twenty-third day of June, eighteen hundred and fifty-two, the same having been submitted to us by Alexander Ramsey, Superintendent of Indian Affairs for the Territory of Minnesota, and Commissioner on the part of the United States, and fully and fairly explained by him to us in Council assembled.

In testimony whereof the undersigned, Chiefs and Headmen of the Med-ay-wa-kan-toan and Wah-pay-koo-tay bands of Dakota or Sioux Indians, have hereunto subscribed their names, in duplicate, at the office of the Superintendent of Indian Affairs, in the town of St. Paul, Territory of Minnesota, this fourth day of September, eighteen hundred and fifty-two.

Wa pa-shaw,
Ta-oya-te-duta,
Wa-koo-tay, (by his nephew,)
Ta-tchan-koo-wash-tay,
Ma h'pee wa-tchash-tay,
Sha-k-pay,
Ma-za ho-ta, (by his brother,)
We-tchan-h'pee,
Hoo-shah-shah,
Tchan-h'pee-yoo-ka,
Wa-kan-hendec-o-ta,
Heen-han-doo-ta,
Wa-kan-o-zhan-zhan,
Too-kan-a-hena-ma-nee,
Wa-m'dec-doota,
Hoo-ya-pa,
Ta-ma-za-ho-wash-tay,
Ma ka-ta-ne-na-zha,
Ta-sa-gee-a-ma-zha,
Mah-kah-to,
Ta-tay-o-wo-teen-ma-nee,
Ta-shoank-ay,
O-no-ghec-na-zheen,

Ee-wan-kam-ee-na-zheen,
O-tcho-kah-doo-tah,
Hoch-shee-dan-doo-tah,
Ta-tay-h'moo-he-ya-ya,
Hay-pee-dah,
Ta-tchan-koo,
Wa-soo-he-y'dah,
Oan-kee-ta-hee-dan,
Wa-soo-wee-tchasta-shnee,
Tcha-noon-pa-sa,
Kah-hee-dah,
Tee-tchay,
Ta-tchan-h'pee-sa-pa,
Ta-mo-hah,
Na-pay-wa-kan-da-pay,
Nah-pay-shnee,
Ta-sha-kah,
Wa-kan-dee-ka-ha,
Wee-ohn-da,
Ta-han-pee-doo-tah,
Om-patoo-doo-tah,
Pa-pay.

Witness: Henry M. Rice. Philander Prescott, U. S. Interpreter. Wallace B. White, Secretary. C. L. Emerson; Samuel John Findley.

To the Indian names are subjoined marks.

The foregoing assent was signed in presence of myself, and the witnesses whose names are annexed.

ALEX. RAMSEY, *Commissioner.*

Now, therefore, be it known that I, MILLARD FILLMORE, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of June, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

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

Done at the city of Washington, this twenty-fourth day of
[L. s.] February, in the year of our Lord one thousand eight
hundred and fifty-three, and of the Independence of the
United States the seventy-seventh.

(Signed)

MILLARD FILLMORE.

By THE PRESIDENT:

(Signed)

EDWARD EVERETT, *Secretary of State.*