



A RARE FIND
*The Treaty of
Washington,
1858*

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In November 2004 the Minnesota Historical Society acquired one of the most interesting and unusual items seen in many years. This original, handwritten copy of the Treaty of Washington, 1858, more popularly known as the Treaty with the Yankton Sioux, is an important document in both Minnesota and U.S. history.

By this treaty, 16 “chiefs and delegates of the Yancton tribe of the Sioux or Dacotah Indians” relinquished more than 11 million acres of their land and, thus, their way of life. They were left with 400,000 acres along the Missouri River and encouraged to develop the farming and ranching lifestyle of their white neighbors.

The story of the Yankton treaty could begin with the 1851 Treaty of

Traverse des Sioux, in which the Sisseton and Wahpeton bands gave up the right to most of their land—including territory along the present-day Minnesota—South Dakota border that the Yankton believed was theirs. This became an issue in the mid-1850s when game was scarce, making life hard for the Yankton. They believed that they were due part of the annuities paid to the Wahpeton and Sisseton and tried to collect by making threatening “visits.”

To the federal government, a more

important reason to negotiate a treaty with the Yankton was the growing pressure to develop the land between the Missouri and Big Sioux rivers—the “Yankton Triangle”—for white settlers. John Blair Smith Todd’s and Daniel Marsh Frost’s Frost-Todd Trading Company had begun to speculate in town sites along the Missouri



Remarkably preserved handwritten copy of the 1858 treaty with the Yankton Sioux, showing first and last pages with signatures and seals

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Boundaries of the “Yankton triangle”—the ceded lands—superimposed on J. H. Young’s 1856 map of Minnesota Territory

River by forming the Upper Missouri Land Company. Their business plan was to establish trading posts at places that would be ideal town sites when the Indians ceded their land.

Rival companies also operated in the area, including the Dakota Land Company, backed by the Democratic Party in Minnesota Territory and Governor Samuel A. Medary. These firms had shifted their interest west when it became clear that Minnesota would enter the union and there would be new territory for them to control. In 1857 the tension between white settlers and a Yankton band, led by Chief Smutty Bear (Ma-to-sa-be-che-a),

resulted in the burning of the town of Medary near present-day Brookings, South Dakota. The white settlers then moved back to Minnesota.

The U.S. Department of the Interior had failed to get Yankton leaders to sign a treaty in 1857, so this time they asked trader Todd, a former army captain, to try his hand at negotiations. Todd wisely enlisted the aid of Charles F. Picotte (Eta-ke-cha), a mixed-blood Yankton leader and interpreter, and Theophile Bru-guiere, a well-liked French Canadian who had married into the Yankton

tribe. In December 1857 a delegation of Yankton leaders, led by head chief Struck by the Ree (Pa-la-ne-a-pa-pe), traveled to Washington. Some of the leaders of the Upper Yankton were opposed to a treaty and stayed behind, but they authorized Picotte to act as their proxy.

The delegation spent what must have seemed a very long winter in Washington before finally signing the treaty on April 19, 1858. Getting an agreement was apparently not an easy task. There are stories of how chief Smutty Bear was threatened when he refused to sign. First he was told that he would have to

walk home, but this prospect did not seem to bother him. Later he was threatened with being dumped into the ocean. Some accounts say that recalcitrant leaders, especially Smutty Bear, were finally convinced to sign the treaty when Article 8, giving the Yankton control of the sacred pipestone quarry site, was inserted. This article guarantees, “The said Yankton Indians shall be secured in the free and unrestricted use of the red pipestone quarry, or so much thereof as they have been accustomed to frequent and use for the purpose of procuring stone for pipes.” (No longer in Indian hands, the quarry today is Pipestone National Monument.) The document was ratified by the U.S. Senate on February 16, 1859, and “proclaimed” by President James Buchanan on February 26.

The treaty also stated that the government would pay the Yankton \$1.6 million over 50 years. It promised that the U.S. would provide schools (although the first school was not established until 1870) and set up an agency to help the Yankton adjust to a new agricultural lifestyle.

Paternalistic in tone, the treaty



Struck by the Ree, Charles Picotte, and Smutty Bear, photographed while in Washington by McClees Studio

contained several ways for the U.S. to reduce, restrict, or end payments to the tribe. For example, the “Payments of annuities” subsection of Article 4 states:

The President of the United States shall from time to time determine what proportion shall be paid to said Indians, in cash, and what proportion shall be expended for their benefit, and, also, in what manner and for what objects such expenditure shall be made, due regard being had in making such determination to the best interests of said Indians.

The subsection also specified that, if the population declined, “the said amounts may, in the discretion of the President of the United States, be diminished and reduced in proportion thereto—or they may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition.” One wonders how clearly these loopholes were translated for the Yankton leaders.

In spite of the Yanktons’ overwhelming opposition to losing their land, Chief Struck by the Ree managed to keep peace during a difficult transition. In doing this, he was said to have fulfilled a Yankton oral tradition: In August 1804, when he was born, the explorers Meriwether Lewis and William Clark happened to be in his village on the Missouri River. They asked to see the baby, wrapped the infant in an American flag, and predicted that he would become a great leader and a friend to the whites. But by 1865, even Struck by the Ree regretted the treaty, saying, “I am getting poorer every day.”

If only this document could talk. Whose copy was this? Where was it for 147 years? All we know is that a private collector in British Columbia brought it to a book dealer in Vancouver who took it to a book fair in Seattle. There, a St. Paul dealer saw it and brought it to the attention of the Minnesota Historical Society. Did the treaty go directly from Washington to Dakota Territory? How was it kept in such good condition for so long? We may never know, but now this important manuscript and the story it tells of Indian relations with the United States government will be safe and available to historians at the Minnesota Historical Society. □

The photo on p. 199 is courtesy the Smithsonian Institution; all other images are in MHS collections. Treaty photographs by Eric Mortenson/MHS.

FOR FURTHER READING

- Herbert T. Hoover with Leonard R. Bruguier, *The Yankton Sioux* (New York: Chelsea House, 1988). Suitable for younger readers.
- Raymond J. DeMallie, “Yankton and Yanktonai,” in *Handbook of North American Indians: Plains*, ed. Raymond J. DeMallie (Washington, D.C.: Smithsonian Institution, 2001), vol. 13, pt. 2, p. 777–93.
- Howard R. Lamar, *Dakota Territory, 1861–1889: A Study of Frontier Politics* (New Haven: Yale University Press, 1956).
- To read the treaty online, visit <http://www.usd.edu/iaais/siouxnation/treaty1858.html> (University of South Dakota Institute of American Indian Studies).



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