

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-18-1881

Annuities of certain Sioux Indians.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 95, 46th Cong., 3rd Sess. (1881)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

ANNUITIES OF CERTAIN SIOUX INDIANS.

JANUARY 18, 1881.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. POEHLER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3695.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3695) to restore to certain soldiers of the United States Army of the Sioux Nation of Indians the money and annuities belonging to them, confiscated and forfeited to the United States under an act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of the Sioux Indians, approved February 16, 1863, respectfully report that they have had the same under consideration, together with a statement furnished with said bill, and finding this statement to contain a full and correct account of the facts in the case, submit the same, as also a letter of General H. H. Sibley and of Bishop H. B. Whipple, as part of this report, as follows:

In the matter of the application of certain Sioux Indians, who served in the Army of the United States, to be relieved from the operations of the act of Congress entitled "An act for relief of persons for damages sustained by depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863.

The following statement of facts is respectfully submitted for your consideration in this behalf:

By the second article of the treaty of Traverse-de-Sioux, of July 23, 1851 (U. S. Stat., vol. 10, page 949), the Sisseton and Wahpaton Sioux Indians sold to the United States a certain tract of land in said article specified; and by the fourth article of same treaty the United States, in consideration of such sale, agreed to pay a stipulated compensation, viz, \$1,665,000, of which amount the sum of \$1,360,000 was to remain with the United States in trust, and 5 per cent. interest thereon was to be paid to said Indians annually for the period of fifty years, commencing July 1, 1852, in full payment of said last-mentioned sum, principal and interest, said payment to be applied, under the direction of the President, as follows, viz:

For a general agricultural improvement and civilization fund	\$12, 000
For educational purposes	6, 000
Purchase of goods and provisions	10, 000
Money annuity	40, 000

By the provisions of an amendment adopted by the Senate to said treaty the United States stipulated and agreed to pay said Indians at the rate of ten cents per acre for a certain tract of land therein mentioned, and the Secretary of the Interior was authorized to ascertain the number of acres and, when so ascertained, to add the amount so to be paid to the said trust fund, which said tract of land was found to contain 1,120,000 acres (for information reference is made to the Indian appropriation act of August 30, 1852, U. S. Stat., vol. 10, page 52), and the sum of \$112,000 was added to said trust fund. The United States thereby became obligated to pay to said Indians annually the sum of \$73,600 for the period of fifty years, commencing July 1, 1852.

In 1862, after ten installments had been paid said Indians, certain other Indians, to

wit, the Medawakanton and Wahpakoota bands, being a separate subdivision of the Sioux Nation, and living under separate and other treaty relations with the United States, and occupying another and distinct reservation from that of the Sisseton and Wahpaton bands, inaugurated an outbreak against and a massacre of the white inhabitants residing in the vicinity of the reservation belonging to the said Sisseton and Wahpaton bands, and some of the latter Indians united with said hostile bands.

A very large number, however, of said Sissetons and Wahpatons, among whom were the chiefs and headmen of said bands, acted as scouts for the United States during and subsequent to said outbreak, and refused, at the peril of their lives, to join in the hostilities against the settlers, and not only exerted all their energies in saving the lives of the whites, and maintaining peaceable and friendly relations with them, and firmly keeping their obligations with the United States, but joined the Army in its movements against the hostile Indians and their own people, and thereby rendered valuable service to the government.

By an act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations by certain bands of Sioux Indians," approved February 16, 1863 (U. S. Stat. vol. 12, page 652), all treaties with the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands were declared to be abrogated and annulled, and all the lands, annuities, and claims previously accorded to said Indians were declared to be forfeited to the United States; said forfeiture being made, as stated in said act, in consequence of the war waged by said bands against the white settlers in Minnesota.

It is estimated that the number of Indians and mixed-bloods of the Sissetons and Wahpatons who acted as scouts, employees, and enlisted soldiers in the United States Army at that time were about 230, and numbered with their families from 1,200 to 1500 Indians, who had previously received their portion of the annuities under the aforesaid treaty of Traverse-des-Sioux. Aside from this number of attachés to the Army, a large proportion of said bands remained friendly to the whites, and did not join the hostile bands.

The fact that but 17 of the Sissetons and Wahpatons were condemned for participation in said outbreak, while upwards of 200 of the Medawakantons and Wahpakootas were condemned, shows the difference in the attitude of the said bands toward the government. It is estimated that of the entire number of Sissetons one-fourth are included as belonging to the families of those Indians who were attached to the Army, and comparatively a very small number of said band joined the other hostile bands in their war against the whites; and the Sissetons as a people remained friendly and loyal to the United States, and committed no depredations, and from the commencement of the outbreak till the close, and for a long time thereafter, the chiefs and principal men of the said Sisseton and Wahpaton band rendered efficient service to the United States Army as scouts and guards upon the frontier, and at different military posts, yet they were made, by operation of the act of Congress of February 16, 1863, to suffer equally with the other hostile Indians.

Many of them had adopted the customs of civilization, yet they were deprived of their annuities and their homes with valuable improvements. No discrimination was made between the loyal and friendly bands living under a separate treaty and the hostile bands under another treaty.

The honorable Commissioner of Indian Affairs says (see Report, 1866, pages 46, 47): "A thorough examination of the whole matter relating to those Sioux resulted in the deliberate conviction that, as a people, they had not been treated fairly or with just discrimination by the government, and the forfeiture of their annuities had been a measure uncalled for, and unjust to a large number of the people who had not taken part in the outbreak of 1862," &c.

In a letter to the Secretary of the Interior, the said Commissioner says, April 20, 1866 (see Report 1866, page 225), "It is apparent that this outbreak took place at first among the Lower bands, &c., and that the Upper bands (Sissetons and Wahpatons) for the most part refused to take part in it," &c., also (page 226), "The government, &c., owes those people a debt of gratitude, and has not discharged that debt, but had deprived them of their share of the property and income of their people, by the act of 1863," &c. Also, in his letter of May 18, 1866 (same Report, pages 230 and 231), to the Secretary of the Interior, the Commissioner says, "In this speedy suppression of the outbreak many friendly Indians acted as scouts and otherwise rendered good service," &c. This class "is composed of about 250 of those who were farmers or civilized Indians in 1862; who have acted as scouts for the government, who never committed any acts of hostility," &c. "They have remained friendly while compelled to a vagabond life for three years, by the indiscriminate confiscation of all the land and property of their people." "The crops belonging to the farmer Indians were valued at \$125,000, and they had large herds of stock of all kinds, fine farms and improvements." "The troops, &c., lived upon this property for fifty days," &c.

For the purposes of this paper, it is unnecessary to refer more fully in detail to the relations of those bands, mentioned in the preamble of the act of 1863, toward the white settlers of Minnesota.

It is not designed to disguise in the least the flagrant acts of hostility and massacre committed by the hostile bands. It is, however, apparent that the government in imposing punishment upon the guilty has committed great injustice toward innocent parties, who were the wards of the government, and who not only did not sympathize with the hostile bands, but were most zealous and active in saving the lives of the white people, and fighting against their own. Every sense of justice demands that these innocent parties be no longer deprived of their just claims.

These Indians who thus remained loyal and friendly to the United States during and subsequent to said hostilities are well known; some of them are dead, but their dependent families remain. Their names appear upon the rolls in the War Department as enlisted soldiers, scouts, and employés of the government.

It is therefore claimed, as an act of justice and the reparation of a wrong, that our government should restore these Indians, who have done nothing to forfeit their rights, to all the benefits conferred upon them by said treaty of Traverse-des-Sioux.

To that end an appeal is now made to the honor and good faith of our government to have the act of February 16, 1863, so modified that the said loyal and friendly Indians of the Sisseton and Wahpaton bands of the Sioux Nation shall be restored to all their rights as annuitants under said treaty, and receive their pro rata share of such amounts as may be found, upon investigation, they and their families would have received if said treaty had not been abrogated.

SAINT PAUL, MINN., *January 13, 1878.*

DEAR SIR: I have examined with some care the printed statement submitted to me, having reference to the claims of the Sisseton, and Wahpaton bands of Sioux upon the government, who were deprived of their annuities for alleged participation in the outbreak of 1862 and 1863, by act of Congress, and can attest its general correctness. While some of the young men of these bands were doubtless guilty of complicity in that fearful onslaught upon the frontier settlers in Minnesota, Iowa, and Dakota Territory, I have the best reason for knowing that, as a general rule, the chiefs and headmen of these divisions not only had no sympathy with those of their kindred who took part in the massacre, but exerted themselves to save the lives of the whites then in the country, and joined the forces under my command as scouts, and rendered signal and faithful service in my campaigns against the hostile Sioux, and subsequently, in guarding the passes to the settlements against raiding parties of their own people.

I have always regarded the sweeping act of confiscation, referred to, as grossly unjust to the many who remained faithful to the government, and whose lives were threatened and their property destroyed as a result of that fidelity.

Having been in command of the forces which suppressed the outbreak and punished the participators in it, I became, necessarily, well informed as to the conduct of the bands, and the individuals who took part for or against the government, during the progress of the war, and I have repeatedly, in my official dispatches, called the attention of the government to the great injustice done the former class, by including them in the legislation which deprived them of their annuities.

Very respectfully, yours,

H. H. SIBLEY,
Late Brevet Major-General, U. S. Volunteers.

Hon. JNO. B. SANBORN, *City.*

FARIBAULT, *December 26, 1877.*

Hon. J. B. SANBORN:

In reply to your request, asking my views as to the claim of certain friendly Sioux for their just share in the annuities confiscated by the United States Government, I reply:

1. The Sioux massacre was largely due to the neglect and wrongs which these Indians received from those who had them in charge. They had sold the government 800,000 acres of land, for which they were to receive payment. It was agreed that no money should be paid on account of claims against them unless such claims were approved by the Indians in open council. No such council was ever held. Whatever councils were held, were held with a few interested chiefs. The school funds were wasted after six years, and an expenditure of \$48,000. I do not know of a person who was learned to read. The Indians came to the payment in time, and waited two months, hungry and starving. The traders refused credit, and told the Indians they would only receive a part payment; that a part of their annuities were taken for claims. I think the warrants in the Indian Department will show that a part of the money sent in August for the payment was taken from other funds belonging to these Indians. I make no apology for the wicked leaders of the outbreak. They were fiends, and showed no mercy to age or sex.

2. I believe that there were many of the Lower Sioux who showed great heroism in opposing the hostile. It was to such men as Taopi, Wakeanwashta, Wabasha, Wakeantowa, and others we owe the deliverance of the white captives. So far as I know and believe, there were hundreds among the Upper and Lower Sioux who were not at any time hostile to us. They were in the minority, and overborne by the fierce warriors of hostile bands.

I have not the slightest doubt that we not only owe the lives of the rescued captives to the Sioux who were friendly, but our immunity from Indian war since is due to the wisdom of General H. H. Sibley in employing these friendly scouts to protect our borders.

I appreciate your efforts to secure justice to our friends, even if they have red skins. If I may be pardoned a suggestion, I believe that if you could secure that a commission of such men as General Sibley and Dr. Daniels could be selected, the proofs would be ample to satisfy all good men of the justice of their claim.

I will be glad to give you any information in my power.

Yours, faithfully,

H. B. WHIPPLE.

In view of the foregoing facts, and believing that justice and good policy demand that we should restore to a class of deserving Indians that which they did not forfeit by their own acts, we recommend the passage of the bill.