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### Claims for supplies to Sioux Indians

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## CLAIMS FOR SUPPLIES TO SIOUX INDIANS.

FEBRUARY 14, 1882.—Referred to the House Calendar and ordered to be printed.

Mr. W. W. RICE, from the Committee on Indian Affairs, submitted the following

## REPORT:

[To accompany bill H. R. 822.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 822) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, have considered the same, and respectfully report :*

In the summer of 1862, certain bands of the Sioux Indians assembled at the Yellow Medicine and Red Wood Agencies in Minnesota, for the purpose of receiving their annuities which they had been accustomed to receive about the last of June or first of July. The money for the payments did not come at the usual time. The Indians waited until their supplies were exhausted, and also those belonging to the government at that point. They became hungry, dissatisfied, and restless. Certain licensed traders, by the advice of the Indian agent, Major Galbraith, furnished supplies, as the only means of preventing an outbreak, until their stores were exhausted, relying upon the money soon to arrive for the annuities, for payment. Before the money arrived the outbreak occurred. The Indians, goaded to desperation by hunger, committed atrocities for which they were punished in part, by confiscation of moneys due them from the United States, amounting to \$5,631,900. Payment of their annuities was stopped; the means from which they could have paid for the supplies furnished them on the credit of future annuities was wholly taken from them.

The committee do not seek to adjust the proportionate share of blame for these outrages between the civilized nation which failed to make its payments at the proper time and the savages, who lost their self-control, provoked by the failure and desperate from hunger. It does seem just and proper that the traders who parted with their property to keep these Indians from starving, while waiting for their annuities, or relying upon these annuities, should receive compensation out of the property confiscated by the United States for causes for which its own agents were partly to blame.

The bill is carefully guarded, only such amounts to be paid as the Secretary of the Interior after investigation shall find to be due.

For the full and complete statement of the facts surrounding the subject, the committee append the Senate report made during the last

Congress concerning the same subject-matter involved in his bill, as follows:

*The Committee on Claims, to whom was referred the bill (S. 155) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, report:*

Prior to 1863 the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of the Dakota or Sioux Indians occupied extensive reservations in the State of Minnesota.

In August, 1862, said bands of Indians made war upon the United States, and massacred a large number of men, women, and children in the State of Minnesota, and destroyed and damaged a large amount of property.

At the time of this outbreak by the Sioux there was, under various treaties theretofore made and entered into between the United States and these bands of Sioux Indians, a large amount of money owing by the United States to said bands of Indians.

Congress, by act of February 16, 1863, entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians" (Stat., vol. 12, pp. 652, &c.), abrogated and annulled all treaties then existing with said bands of Sioux, so far as the same imposed any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims, or any of them, due the Indians were forfeited.

At the time of the passage of this act the sum of \$5,631,900 was owing by the United States to said bands of Sioux Indians; all the treaties pursuant to which this large sum of money was due and owing to said Indians were abrogated and annulled absolutely by said act of Congress passed February 16, 1863, and said sum was forfeited to the United States. All lands and rights of occupancy belonging to said Indians in Minnesota were, by the same act of Congress, also forfeited to the United States. Said act authorized the President, by and with the advice and consent of the Senate, to appoint three commissioners, who should ascertain and determine the value of all property destroyed or damaged by said Indians during such outbreak, or by the troops of the United States in suppressing the same.

There has been appropriated by Congress, in payment of claims determined pursuant to said act, the sum of \$1,170,374. All claims for damages, under said act, had to be presented within two years from its passage.

The sum of \$671,000 has also been appropriated by Congress for the removal of said Indians, and for subsisting them in their new homes.

By act of Congress, entitled "An act to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians," approved May 16, 1874 (Stat., 18, p. 47), the sum of \$70,000 was appropriated for payment to the creditors of said Indians arising under the treaty of June 19, 1858.

Congress also, by an act for the relief of Hans C. Peterson, approved March 3, 1877 (Stat., 19, p. 549), appropriated the sum of \$2,283.92. This was for damages and injuries to Peterson's property done by the Indians during the said Sioux outbreak.

It appears by a letter from Hon. E. M. Marble, Acting Commissioner of Indian Affairs, addressed to Hon. Angus Cameron, a member of the Senate Committee on Claims, under date of February 5, 1881, that no other or further sums have been appropriated for the benefit of said Sioux Indians which are properly chargeable to the said confiscated funds and annuities.

As already stated, the aggregate amount of the said confiscated funds and annuities was \$5,631,900.

The aggregate amount of the sums appropriated by the United States for the benefit of said Indians, as herein before shown, is \$1,913,657.92. The difference between these two sums, viz. \$3,718,242.08, is the balance of said confiscated funds and annuities now remaining in the Treasury of the United States.

At the time of the said Sioux outbreak the persons for whom this bill proposes to make provision were in business as Indian traders on the reservation occupied by said Indians. These traders were all duly licensed by the Commissioner of Indian Affairs to trade with the Indians. The most of the traders had been engaged in trading with the said Indians for quite a number of years.

The ordinary course of business was this, that is to say: the traders sold and delivered to the Indians upon credit such goods and commodities as they desired to purchase, with the agreement that the aggregate amount of the indebtedness thereby created would be paid by the Indians to the traders out of the first annuities thereafter paid to them by the United States. This course of business was known to the resident Indian agents and to the Commissioner of Indian Affairs, and approved by them, respectively.

At the time of the outbreak the Indians were indebted to the traders in the sum of

about \$120,000, no part of which sum has been paid. No claim can be paid under this bill until the amount thereof is ascertained and settled by the Secretary of the Interior.

Some of the traders presented their claims for settlement to the commission appointed under the act of February 16, 1863, but the commission held that it had jurisdiction only of claims arising on account of "depredations and injuries" by said Indians, and that the claims of traders were not technically for "depredations or injuries" done by the Indians; and pursuant to this decision all the traders' claims were thrown out and not considered at all by the commission.

These Indians for a number of years prior to 1863 had been paid their annual annuities about the first of June of each year, at the Yellow Medicine and Red Wood Agencies.

About the first of June, 1863, the Upper or Northern bands of Sioux, to the number of about 3,500, assembled at Yellow Medicine Agency, and the Southern or Lower bands, to the number of about 3,000, at Red Wood Agency, for the purpose of receiving their annual payments, but the money to make such payments was not received by the agent until after the outbreak, and the payments were never made.

The Indians remained at these agencies until the outbreak occurred. They had no means of subsistence, and the provisions and supplies belonging to the government were soon exhausted.

The Indians, while thus waiting for the payment of their annuities, were very ugly. The traders hesitated to furnish them with any more supplies on credit, but the Indians threatened to break into the warehouses and to help themselves. They did break into one warehouse and appropriated its contents. The Indian agents at the Yellow Medicine and Red Wood agencies were, from day to day, expecting to receive money to pay the annuities, and they assured the traders that their claims against the Indians would then be paid.

The traders subsisted the Indians for about two months prior to the outbreak. The Indians had no means of paying for such subsistence, and, consequently, it was furnished on credit, and hence the large sum due the traders at the time of the outbreak.

This credit was given with the knowledge of the Indian agents, and in many instances at their request. The outbreak would, doubtless, have taken place sooner than it did if the Indians had not been supplied by the traders.

Under the state of facts herein set forth, the committee are of the opinion that said traders ought to be paid out of said confiscated annuities now in the Treasury of the United States, amounting, as already stated, to \$3,718,242.08.

Your committee therefore recommend the passage of the bill.