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### Agreement with the Sisseton and Wahpeton Sioux

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IN THE SENATE OF THE UNITED STATES.

APRIL 11, 1890.—Ordered to be printed.

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

REPORT:

[To accompany S. 3216.]

The Committee on Indian Affairs, to whom was referred Senate bill No. 3216, to ratify and confirm an agreement with the Sisseton and Wahpeton bands of Dakotas or Sioux Indians, and for other purposes, have considered the same, and respectfully submit the following report:

The negotiation of said agreement was made under authority conferred upon the Secretary of the Interior by the fifth section of the act of Congress approved February 8, 1887 (24 Stats., 388).

By the terms of this agreement the said bands of Indians agree to cede, sell, relinquish, and convey to the United States the unallotted lands within the Lake Traverse Reservation on the following conditions, to wit: That certain annuities claimed by them to have been unjustly withheld or forfeited under the act of February 16, 1863 (12 Stats., 652), be restored and paid; that an equalization of allotments be made, so as to give each Indian, without regard to age, sex, or condition, 160 acres; that the purchase price of the residue of their lands be fixed at \$2.50 per acre, and the proceeds thereof be held in trust by the Government for their sole use and benefit, the same, with the interest thereon, to be at all times subject to appropriation by Congress for their education and civilization.

The bill involves the repeal of the act of February 16, 1863 (12 Stats., 652), and a departure from the terms of the general allotment act of February 8, 1887 (24 Stats., 388), so far as these acts extend to the Sisseton and Wahpeton bands of Indians, parties to this agreement, and also to certain members of other bands of Dakota or Sioux Indians, named in the bill, all of whom, it is claimed, were faithful to their treaty obligations, and should not have been included in the act of Congress approved February 16, 1863, which confiscated all the lands belonging to them, abrogated former treaties, and forfeited all funds and annuities then due them.

As to the propriety of the legislation contemplated in this bill respecting the restoration of the annuities claimed by these Indians to be justly due, from the facts before us, a statement of which is given in this report, we are clearly of the opinion that the forfeitures declared by the act of February 16, 1863, should not have been extended to the class of Indians named in the bill, and that as a measure of equity and justice long deferred, the appropriation named should be made and paid to these Indians without delay.

It appears from the report of the commissioners who were the negotiators of the agreement (Ex. Doc. No. 66, first session Fifty-first Congress), that the Indians demanded a recognition of their claim for the annuities withheld by the act of 1863 before they would entertain any proposition for the cession of their lands to the United States; a refusal therefore to consider their claim would have terminated all negotiations. The commissioners were obviously justified in stipulating for the payment of this claim.

These Indians, who are now by the terms of this bill seeking a restitution of moneys which were secured to them under the solemn sanction of treaty obligations and various acts of Congress, the terms of which they have never violated, were the victims of an outburst of public indignation and clamor for swift and certain retribution upon the Sioux or Dakota Indians, of whom they formed a part, which found expression in the act of Congress approved February 16, 1863. This act abrogated all former treaties with the Sisseton, Wahpeton, Menawankanton, and Wapakoota bands of Sioux or Dakota Indians, confiscating all their lands in Minnesota (those in Dakota were excepted), and forfeiting the annuities of friends and foes alike.

In order to a correct understanding of the amount due these Indians we submit a brief statement of sums guaranteed to these four bands of Sioux Indians, taken from the reports of the Interior Department:

|   |           |
|---|-----------|
| Treaty of September 29, 1837 (7 Stats., 539)..... | \$300,000 |
| Treaty of July 23, 1851 (10 Stats., 49).....      | 1,360,000 |
| Indian appropriation act of August 30, 1852.....  | 112,000   |
| Treaty of August 5, 1851 (10 Stats., 954).....    | 1,160,000 |
| Indian appropriation act of August 30, 1852.....  | 69,000    |
| Making a total of trust funds of.....             | 3,001,000 |

The annual interest on these several sums was \$150,050. By the terms of their treaties they were to be paid an annuity of \$150,050 for fifty years, beginning July 1, 1851, and terminating July 1, 1901, except \$15,000 of which was to continue forever.

At the time of the passage of the confiscation act, February 16, 1863, Congress had appropriated twelve installments of \$150,050 each, ten only of which had been paid to these four bands of Indians. The two unpaid appropriations were covered back into the Treasury, thus leaving forty installments, or \$6,002,000, unpaid and canceled.

By the terms of the treaty of July 23, 1851 (10 Stats., 49), and the Indian appropriation act of August 30, 1862 (10 Stats., 52), the Sisseton and Wahpeton bands of Sioux Indians were entitled to an annuity of \$73,600 for fifty years, as their share of the general annuity fund of \$150,050. The four bands had been separated and were known as the "Upper Sioux" and "Lower Sioux." Their reservations were partly in Minnesota and partly in Dakota. The Sisseton and Wahpeton bands constituted the "Upper Sioux." Of their annuities twelve installments had been appropriated, two of which were unpaid when the confiscation act of 1863 went into effect, leaving twenty-nine installments from 1862 to 1890, inclusive, or \$2,134,400 still unpaid.

There has been expended for the benefit of these two bands of Indians the following appropriations since 1862:

|   |              |
|---|--------------|
| By treaty of February 19, 1867.....                         | \$467,457.25 |
| By act of May 16, 1874 (18 Stats 47).....                   | 70,000.00    |
| By act of March 3, 1885 (23 Stats 344).....                 | 42,991.50    |
| Their share of gratuity appropriated from 1884 to 1890..... | 47,637.77    |

Making a total amount chargeable to them of..... 628,086.52

Deducting the total amount chargeable to these bands (\$628,086.52) from the total amount of annuities (\$2,134,400), leaves a balance to their credit of \$1,506,313.48, to which they would have been entitled provided all had remained faithful to their treaty obligations.

The history of the Indian revolt of August 6, 1862, known as the "Sioux outbreak," shows that these Indians were guilty of no wrong whatever. But so far from violating their treaty obligations in respect of peaceableness and friendship towards the whites, they voluntarily aided in suppressing the revolt and in rescuing the white women and children who had been taken captives by the hostile Indians, and enrolled themselves as scouts and soldiers, rendering meritorious service in the armies of the United States, guarding the frontier against the incursions of hostile Indians, and imperiled their lives in other fields of service during the civil war.

In the light of these facts, the indiscriminate confiscation and forfeitures declared in the act of 1863 was a monstrous injustice towards these loyal Sioux. The justice of their claim for the restitution and payment of the annuity moneys withheld since 1862, has often been acknowledged by the Indian Department and recognized by committees of Congress, notably the Committee on Indian Affairs of the Fiftieth Congress, first session. (House Report No. 1953 accompanying bill H. R. No. 9676.)

It appears from the records and reports of the Indian Office that of the Sisseton and Wahpeton Sioux who are entitled to the annuities proposed in this bill, only 1,737 are now living, of whom 1,487 reside on Lake Traverse Reservation and are parties to the agreement, and who constitute one-fourth of the whole number of these two bands of "Upper Sioux," and are therefore entitled to one-fourth of the balance, as above stated. One-fourth of \$1,506,313.48 gives \$376,578.37, or a per capita allowance of \$253.24. It is estimated that there are 500 loyal annuitants living outside the reservation, comprising the scouts, soldiers, their families and descendants, of the Sisseton, Wahpeton, Medawakanton and Wapakoota bands of Dakota or Sioux Indians. On the basis of \$253.24 per capita these 500 are entitled to \$126,620, aggregating \$503,198.39, the amount named in the bill to pay the scouts, soldiers, their families, and descendants their back annuities.

As to the equalization of allotments on the basis of 160 acres, provided in the bill, when viewed in the light of the fact that the additional allotments are in lieu of any residue which, under their title, these Indians could have reserved for the future benefit of their families, and the further fact that they are soon to assume the responsibilities of citizenship, with all it implies respecting the moral and material welfare of their families, we think that the departure from the general allotment act of 1887 in the case of these Indians is just and proper and should be allowed. This policy is recommended by the Commissioner of Indian Affairs in his last annual report.

This reservation contains 918,780 acres of agricultural lands, 127,887 of which have been allotted to the Sisseton and Wahpeton Indians under the act of Congress approved February 8, 1887 (24 Stats., 388). The additional allotments, as provided in article 4 of the agreement, will require 112,113 acres, making a total of 240,002 acres, which leaves a surplus, including the lands occupied by the agency and missionary societies, of 678,778 acres, the Indian title to which will be extinguished by the terms of the agreement. The cost of the purchase, at \$2.50 per acre, will amount to \$1,696,945, which is to be a trust fund held by the United States for the benefit of these Indians. The appropriation

named in the bill is estimated to cover the purchase, and pay the back annuities.

Respecting the purchase price of the surplus lands, \$2.50 per acre would, at first thought, appear too high; but considering the situation of this tract and the character of the land, in respect to its exceptional fertility and commercial value, the price is not unreasonable. This tract is well timbered and watered, which greatly enhances the value of prairie lands for general agricultural purposes, and besides it is surrounded by populous and prosperous agricultural communities in Minnesota and the two Dakotas, and is also easily accessible by railways. With sundry amendments relating only to the execution of the provisions of the bill, we recommend that the agreement be ratified and confirmed and that the bill as amended do pass.