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## Santee Sioux Tribe of Indians

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IN THE SENATE OF THE UNITED STATES.

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JANUARY 23, 1896.—Referred to the Committee on Indian Affairs and ordered to be printed.

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Mr. ALLEN presented the following

**AFFIDAVITS AND PETITIONS OF MEMBERS OF THE SANTEE SIOUX TRIBE OF INDIANS, OF NEBRASKA, PRAYING FOR THE PAYMENT OF ANNUITIES WITHHELD FROM THEM BY REASON OF ALLEGED PARTICIPATION IN THE OUTBREAK AT REDWOOD AGENCY IN THE YEAR 1862.**

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Hon. D. M. BROWNING,

*Commissioner of Indian Affairs, Washington, D. C.:*

SIR: The Department you represent has bestowed upon us many favors, and we feel it is our duty to acknowledge it with sincere heart, and we feel grateful for many past kindnesses that the Department has rendered to us in time of trouble, hardship, and starvation; and also to many noble purposes that you have planned for our welfare and the education of our children, and toward uplifting our race to a nobler and better life as citizens. We are exceedingly thankful for the fulfillment of various treaties, which are the means to sustain us in our every-day life, and by which we are enabled to have farms, houses, implements, and domestic animals, and also many other various articles which are necessary to farm life. And we put our whole confidence in you as our adviser and director in all of our welfare and general prosperity, and we feel that you have truly at heart at all times the advancement of our civilization; and that you would consider very carefully and wisely the following plea in behalf of our people of Santee. We believe it is the general interest of all of our people as well as the community in which we live.

By virtue of the provisions of the treaty of September 29, 1837 (7 Stat. L., 539), July 23, 1851 (10 Stat. L., 949), August 5, 1851 (Id., 954), and the Indian appropriation act of August 30, 1852 (Id., 52), the Mde-wakantonwan, Wahpekute, Sisseton, and Wahpetonwan bands of Dakota Sioux Indians were entitled to large annuities. By act of Congress of February 16, 1863 (12 Stat. L., 653), the lands and annuities of the said four bands of Dakota Sioux Indians were declared forfeited on account of the Sioux outbreak of 1862. That none of these treaties have ever been fulfilled since that time, although since then various and persistent efforts have been made to have this great wrong righted. Finally in the late agreement of Sisseton and Wahpetonwan bands, their long-pending and just claim to the suspended annuities was partially recognized, as well as the continuance of the annual payment until the expiration of the time named in the treaty of 1851, provided for. And Congress not only ratified that agreement and made the requisite appro-

priation, but also made an appropriation to pay the scouts who were not parties to the agreement with Sisseton and Wahpetonwan bands.

Now, it is not understood why our people, the Mdewakantonwans and Wahpekutes, were not paid their annuities as well as the Sissetons and Wahpetonwans, who were just as guilty as our people, which could be proved by the statements of Robert Hakewaste and Joseph Kitto, and clauses in the Commissioners report of 1862 (p. 55, second paragraph), and also of 1863 (p. 278, last paragraph).

Now, honorable Commissioner, we refer you to the past record of the Mdewakantonwans and Wahpekutes, leaving out the bloodshed of the outbreak. They were noble examples to the other natives of the America, as one of the tribes who were foremost in adopting the civilized life and trying to make men of themselves. This you can ascertain for yourself by the report of W. J. Cullen, Superintendent Indian Affairs, in the Commissioner's Report of 1860, page 46:

Among none have those who are enrolled as improved Indians made so complete transformation in character, respectability, and industry in the same space of time, as among the Sioux.

And also refer you to the report of J. R. Brown, the Sioux agent, in the same Commissioner's report, and also to the quoted statement of Captain Gibson in the same report, and many others, where Sioux of Mdewakantonwan and Wahpekute bands have shown themselves creditable in all their undertakings.

Now, Honorable Commissioner, allow us to present the words of T. H. Kirk, author of the History of Minnesota, where he relates to the history of the outbreak, and uses the following words:

#### THE SIOUX MASSACRE.

It is not necessary to inform an intelligent Anglo-American as to the original character of the race of aborigines which has ever receded before the westward march of civilization, much less is it essential to dwell long on the changes it has undergone in the lapse of centuries, for from childhood he has heard of its good and evil traits, and often beheld them with his own eyes. Nevertheless, for our present purpose, it is fitting to glance briefly at changes which took place in the life of the Sioux after the settlement of Minnesota. We have considered from the advent of the voyageurs a growing dependence upon traders and a corresponding neglect of the chase; have noticed their transfer of broad territory to the National Government and their confinement within the narrow limits of two reservations. These two facts give us the key to their subsequent history.

Heartless traders and no less fraudulent Government agents, by presenting exorbitant and fictitious claims, deprived them of their annuities; avaricious settlers, not satisfied with fertile acres they already tilled, encroached on the reserves, and to crown all, after an unsuccessful hunt in the winter of 1861-62, gaunt famine and the Sioux stood face to face through many a bleak and weary day. No wonder they looked back with longing hearts to the plenteous days of the English and French alliances. If spring in any measure appeased their hunger it did not allay their passions, and when June came, and the annuities which should have been paid were not forthcoming, these passions waxed stronger and stronger. The traders refused them further credit. Even Government officials taunted them in cruel manner when they sought aid or redress.

Such is the fact and such is the testimony from persons who are not prejudiced against the Sioux concerning the outbreak.

We would also respectfully refer you to a brief history of the Mdewakantonwan and Wahpekute bands, as to their treatment by our good Christian Government, who boasts itself of fair and honest government in the eyes of the nation, and whose Constitution is based on God's law, and its officers have taken oath to execute their duties under the name of Almighty and Just God.

The good Government has received from Mdewakantonwans and Wahpekutes all the land that lies in north half of Iowa along the Mis-

Mississippi River, on the west side of Wisconsin and the south half of Minnesota. The good Government in return promise to give or hold in trust for the said bands \$300,000 at 5 per cent interest forever, under the treaty of 1837; and \$1,160,000 at 5 per cent interest for fifty years, under the treaty of 1851. Consider the value of the lands that the said tribes ceded to the Government and the benefit they received for the land. Only twenty-five years of the former and eight years of the latter treaty were fulfilled, when under starvation, cruelty, frauds, and evil usage the hostile element of the Sioux broke into war and forced the good element to join them by threatening them with death. On that account every Indian, good or bad, was punished for the trouble. Their annuities were abrogated by act of Congress; their treaties were annulled; their rights and native land were taken by force and disposed of by the good Government without consideration. Forty-one of the supposed guilty of murder were hung, with hasty judgment. As one writer stated:

In looking back upon the work of condemnation accomplished by that commission two things are very apparent: (1) In the majority of instances the trial was so brief and hurried that the facts could not possibly be ascertained. It is to be remembered that forty cases were finished in one day (when it takes in any murder case from thirty days at least to six months or longer), and there were other days when over thirty were disposed of. (2) The principle that all participation in the outbreak was worthy of death, acted upon by the commission, was a very wrong one.

Four hundred men were imprisoned at Mankato and later at Davenport, Iowa, for the term of four years. Under the hard treatment over 160 died at the prison, while the women and children of the prisoners were transported to various places. One missionary writes the following words about them:

Starvation was followed by disease, and in the three years of their residence at Crow Creek over three hundred died. The women made themselves hewers of wood and drawers of water for all the white settlements in the territory. The trenches of the army and the cellars of the farmers were dug with their hands; the wood yard of the steamboat, the sawmill, the cornfield, and the kitchen were all familiar to the Santee women. As places for the morals of our fellow-countrymen, we may add that to many of them the soldiers' barracks were, alas, too familiar.

Nearly one million and a half of their money which was intrusted to our good Government was turned over to those who claimed loss of property.

Such is the outcome of the outbreak and consequences that the people of Santees were made to suffer. But in spite of these cruelties, these poor undefended people had come out civilized Christians and law-abiding citizens in the State of Nebraska to-day.

Now, honorable Commissioner, brief and incomplete as is the past history of these bands of Mdewakantonwan and Wahpekute, we endeavor to set before you the true facts, and present to you further facts concerning the said bands. Ever since the outbreak these people were in their unfavorable state of affairs; they made rapid advancement both in their civil and religious condition. When they were located at the present agency, they again took hold with their hands and hearts to comply with the wishes of the Government, and to make themselves useful and live by the sweat of their brows. This they were capable of doing in a prosperous state of things and while the rain was abundant. They have done away with rations for over fifteen years of their own accord. When the hard times and drought came they were compelled to receive aid of rations from the Government, only at limited times.

And furthermore, they have not only taken hold to make a living for themselves, but set the example of taking land in severalty under the

**Dawes Act;** all the heads of families and single young men and women, and even children, taking allotment in the year 1885. But what is more noticeable in the way of setting an example, there has been at different times over thirty-five young Christian men with their families, of Santees, who went out as missionaries to the wild West reservations to quiet the wild Sioux at these said reservations. This work has been successfully done, not only saving lives and blood and great expense to the National Government, but making the country possible for settlement. And where you once heard wild, hideous war cries, you will hear the gospel songs peal out in love, peace, and joy.

Moreover, at different times various commanders, like Generals Crooks and Sully, have called out our own tribe of Santees to suppress the wild West. Two companies of over seventy young men of this agency have served under the United States. Many have lost their lives by exposure and left widows and orphans who are in our midst very poor and needy. And, furthermore, the Honorable Commissioner will consider the fact that more than half of the outside scouts who were enrolled to share in the payment of the annuity money, which was renewed, were Mdewakantonwans and Wahpekutes. They have periled their lives and were loyal to the United States and fought against their own friends and tribe. And not these only, but many who also endangered their lives to rescue white people, and these said loyal people who are living among us to-day never have been compensated for their heroic deeds.

Furthermore, we have among us over one hundred Sissetons and Wahpetonwans who are enrolled here by intermarriages and are members of the tribe, who never participated in the renewed annuities. Government recognizes the Sissetons and Wahpetonwans as loyal people, except those who are enrolled here.

Now, honorable Commissioner, we leave with you these facts and testimonies, and also the fact that those of us who are living to-day are innocent of the outbreak, except in 21 individuals who are members of Mdewakantonwan and Wahpekute tribe, who are participators in the outbreak that are alive to-day. But would our good Government condemn us all for the few who are guilty? We represent here in person to inform you that we have been wrongfully and brutally treated and condemned and deprived of all of our annuities and moneys which we called ours by the things which we are innocent of.

As the wrongs of the Indians are admitted by all, and thousands of the best men in the land feel keenly the nation's shame, you are no doubt aware of these facts, and as you have the key in your hand and power to consent or reject we look to you and Congress to redress these wrongs.

We now respectfully request you to give your most careful consideration to this plea and give favorable recommendations to Congress in our behalf.

Respectfully submitted.

JAS. GARVIE.

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STATEMENT OF REV. JAMES GARVIE, OF THE SANTEE SIOUX AGENCY, NEBR.

Q. You may give your name, age, and place of residence.—A. James Garvie; age, 33; residence, Santee Sioux Agency, Knox County, Nebr.

Q. Of what nationality are you?—A. My mother is one-half Sisseton and one-half Wahpekute. That would make me a Sisseton and Wahpekute in my blood.

Q. You are now a member of the Santee Sioux tribe?—A. Yes, sir.

Q. Of what is the Santee Sioux tribe comprised; how is it made up?—A. They are made up of all classes of Indians, as near as I remember.

Q. Are they all original Sioux?—A. Yes; with very few exceptions.

Q. What original tribes are at the agency?—A. The Mdewakantonwan and Wahpekute.

Q. These two tribes are the only ones received in your agency?—A. No; there are other tribes, such as Sissetons, Wahpetons, Yanktons, Poncas, and others, received as members of the tribe.

Q. Were these two tribes distinct tribes in 1862, at the time of the outbreak?—A. Yes, sir.

Q. Where were the Wahpekute located at the time of the outbreak?—A. They were located down the Minnesota River or the farthest part of the Redwood Agency.

Q. That would be how far from the scene of massacre of 1862?—A. From 10 to 15 miles below the agency.

Q. Where were the Mdewakantonwans at the time of the outbreak?—A. On both sides of the agency. The Mdewakantonwan was a confederacy made up of several small tribes, known as Kiyuska, Heminican, Heyatatonwanna, Titatonwan, Oyatesica, and Kapoja. As a matter of fact, the Wahpekute was a part of this confederacy under the name of the Mdewakantonwan, but were not recognized as a part of the confederacy by the treaty of 1837, but by the treaty of 1851 they were recognized under the name of Wahpekute.

Q. Now, you may describe the position of these different tribes under the confederacy of Mdewakantonwan—how they were situated with reference to the distance and direction from the scene of the massacre of 1862.—A. Now, three of the seven tribes of Mdewakantonwan, known as Kiyuska, Heminican, and Wahpekute, numbering about 700, or one-third of the whole of the Mdewakantonwan tribe, at that time were scattered below the agency down to about 15 miles.

Q. That would make them below the scene of massacre?—A. Yes, sir.

Q. You say they were not at the outbreak at all?—A. No; they were not there at the agency; they did not know anything about it; this first massacre at the Redwood Agency was committed without their knowing anything about it.

Q. But after the soldiers came up they joined in the fight?—A. Yes; they were forced to do so at the time; they had to fight or else be shot down by their own tribe who were hostile.

Q. Now, where were the other tribes that you mentioned that were a part of this confederacy?—A. Two of the tribes, Kapoja and Tintatonwan, were at the agency, and the tribe known as Kapoja was the one that was right next to the agency, and the Tintatonwan are the tribes that committed the outbreak, its chief being Little Crow, and Little Six, chief of Tintatonwan.

Q. Now, when did the first trouble occur—the first shooting occur, as near as you can recollect?—A. Well, there does not seem to be any evidence on that point, because those who did the shooting at the first were sentenced to death, and those of our people who are living to-day were not there to witness the first shooting, and the band that was next to the agency who did the shooting burned all the houses and massacred the people so that no one is left to tell the story.

Q. Were any of them alive?—A. Not that I know of, except, I believe, this Little Crow has two brothers living yet.

Q. Were they parties to this outbreak?—A. Yes, they were in it.

Q. What are their names?—A. Moses Wakeman is Little Crow's brother, and is there at the Santee Agency, but he is a member of the Flandreau Sioux Indians and enrolled there at the Flandreau Sub-agency; and John Wakeman, his other brother, is in Minnesota, and is also a member of the Flandreau Sub-agency.

Q. How long was it, as near as you can recollect, from the first outbreak until the fight occurred between the soldiers and the Indians?—A. About six hours.

Q. You have made an effort, of course, to get at the true history of these troubles and the cause of the outbreak of 1862?—A. Yes, sir.

Q. From your examination can you give the tribes that were connected with the outbreak?—A. The Sissetons and Wahpetonwans were engaged in this outbreak also, as well as Mdewakantonwans and Wahpekutes.

Q. Why did not the Government arrest them at the time of the outbreak, or after it was over?—A. The reason the Sissetons and Wahpetonwans were not arrested is that they were farthest away from the agency, being farther up the Minnesota River; the Yellow Medicine Agency being at the west and the advancing soldiers at the east, and they were farthest away from the agency and could get away, although there were about thirteen members of the Wahpetonwan tribe hung and over one hundred Sissetons were imprisoned at Davenport. (See treaty February 19, 1867, with said tribe, first paragraph.) Many of them are in the British Possessions to-day.

Q. They have never returned then?—A. Some of them have returned, but many were shot down by the scouts at post while trying to return at Fort Wadsworth, Dak. Ter., at that time.

Q. Most of them are in the British Possessions?—A. Yes, many of them.

Q. How many members are there now, as near as you can tell, of the Santee Sioux tribe?—A. You might estimate it at 1,200.

Q. They make their residence at the agency?—A. At Santee, Flandreau, S. Dak., and Minnesota.

Q. They are at Santee Agency, Nebr., Flandreau, S. Dak., and Minnesota?—A. Yes, sir.

Q. They make their home while at home at the Santee Agency?—A. No; there was some talk about sending the Sioux Indians to the Indian Territory at the time commissioners were sent out to make treaty with the different Sioux over the Black Hills district, and some of them, as many as fifty families, did not want to go, and they went to Flandreau, South Dakota, to take homesteads and make their homes there.

Q. They have an agency there?—A. Yes; a sub-agency. Sub to our agency at Nebraska.

Q. What has been done, if you know, in the way of recognizing that portion of the Santee Sioux tribe at Flandreau by the Government; what has been done in the way of condoning their part of the outbreak of 1862?—A. That I do not know.

Q. They have been given land and money?—A. Well, they have been recognized as a sub-agency, and of course they have been treated just as we were.

Q. There has been no difference in their treatment and yours?—A. No, sir; except in land matters.

Q. Now, can you give me the number of persons now belonging to the Mdewakantonwan and Wahpekute tribes who were living and participated in the massacre of 1862?—A. As near as we have counted, and we have quite accurate figures, we think there are 21 alive that are members of the Mdewakantonwans and Wahpekute tribes.

Q. You may give me their names.—A. Oyemaza, Mahpiyawasicun, Waziduta, Iyotanina, Suntoto, Anpetowaste, Mazawicasta, Yunsana, Tatepeta, Tatewakanhdikiyedon, Tawahonkpe, Hehakamaza, Pejinasnamani, Zuyesa, Kawinge, Pejihota, Mazataninyanke, Cantewanica, Rev. Ehnamani, Wahancanksanna (Wahancanksanna is dead), Hoksiaminiamani. (Two died this year.)

Q. And they range in ages, about how old?—A. From fifty to seventy-five years.

Q. Then the great bulk of the Santee Sioux Indians living to-day had nothing whatever to do with the massacre?—A. No, sir.

Q. You may state briefly what claims your tribes make against the Government, as you understand it from investigation of your own and as you got it from the older members of the tribe.—A. The claim we have is under the treaty of 1851; that on account of this outbreak the Government has withheld all the annuities which we should have received under the treaties of 1851 and 1837.

Q. They have received no portion of it?—A. There was \$1,160,000 put into the United States Treasury to draw 5 per cent interest for fifty years and the Indians have received cash payments for eight years, of the interest, and as near as I could find out the Indians were receiving \$20 per capita during that time.

Q. That would be their share of the interest?—A. Yes, sir; also, under the treaty of 1837, \$300,000 was put aside to draw 5 per cent interest forever, which they received for only twenty-five years. Now we who are a younger generation and did not participate in the outbreak, have an interest in the annuities; we claim that it makes no difference what our parents have done; that we are entitled to \$20 per capita a year which is due to us as annuity, as we did not forfeit our rights.

Q. Now what other claim do you make under that treaty of 1851?—A. There are no other claims that I know of now; there might be some that I would discover after investigating the treaty thoroughly.

Q. Do I understand you to say that none of the provisions of this treaty have been fulfilled?—A. Yes, sir; this \$20 per capita was issued every year for a term of eight years until the outbreak, and there was a law passed in 1863 which abrogates all of them. (See treaty 1858, ratified March, 1859, art. 6.)

Q. What became of the lands that were owned by your tribe in Minnesota at Redwood?—A. Those who did not return to make peace fled away, and those who have returned have been put into prison in Davenport, and afterwards transferred from Davenport to Fort Thompson in South Dakota, and then they were removed to the Santee Agency, and the Government has never questioned our people in regard to the land they owned at the time of the outbreak. (See resolution of Senate, June 26, 1860. Heading, "Right and title of certain bands of Sioux Indians to lands embraced in Reservation on the Minnesota River.")

Q. I understand your attorney, Mr. King, to say that you claim that in the distribution of land you have not received as much land per capita as the Indians at the Flandreau Agency?—A. The way the Flandreaus came to have more land was like this: The Flandreaus have taken homesteads under the general homestead act, before Senator

Dawes's bill took effect, and therefore can claim land again under the Dawes bill, but we claimed our land under the treaty of 1889.

Q. Has your tribe ever undertaken to do that?—A. No, sir; we took our land under Senator Dawes's bill.

Q. How much land does that give you per capita?—A. One hundred and sixty acres.

Q. Is that for an adult?—A. Yes, sir.

Q. What is the amount for a minor?—A. Eighty acres.

Q. You may state the general character of the land comprising the Santee Agency; whether it is adapted to agricultural purposes or not, as near as you can tell.—A. One-half of it may be called rough agricultural land and the other is too rough to cultivate.

Q. Is it regarded as good grazing land?—A. When we have lots of rain it is, but when we have no rain it is not.

Q. You are of course familiar with the entire territory embraced in the Santee Sioux Agency?—A. Yes, sir.

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STATE OF NEBRASKA, KNOX COUNTY,  
*Santee Agency, ss:*

Joseph Kitto, being first duly sworn, deposes and says: That he is 70 years of age and resides at the Santee Agency, Nebr., and is a member of the Mdewakantonwan tribe of Sioux Indians, who formerly resided at Redwood Falls, Minn., before the Sioux outbreak of 1862. He does give this testimony to the best of his knowledge and memory regarding the event herein recited: That there were eight different companies of Sioux Indians who were bound together under the name of Mdewakantonwan and Wahpekute by Government treaties; that there were seven bands of Sioux Indians, as follows: Magayutesni, Kiyuska, Heminican, Heyatatonwanna, Tintatonwan, Oyatesica, and Kapoja, together called Mdewakantonwan, and one band called Wahpekute, making eight bands under two names as Mdewakantonwan and Wahpekute Sioux Indians; that at the time of the outbreak of 1862 three of the bands of the Mdewakantonwan of Sioux Indians were at the east end of the Redwood Agency and did not know of the outbreak and were not participants in the massacre at the agency. They are as follows: Wahpekute, Heminican, and Kiyuska, who were innocent of the outbreak. While the bands Kapoja (their chief being Little Crow by name), who lived next to the agency, and right west of it were the first band who made a charge upon the agency, and the band of Tintatonwans were the second to take part in the massacre.

This affiant was sick at the time, and had to lean upon a crutch for support, and as he woke up on the morning of the outbreak he saw people going to the agency to exterminate the whites who came to his house and asked him to join in the massacre; but he refused to do so, and asked them not to take any part in this hard task. But his efforts were all in vain, and as he was unable to be about everyone that he met he tried to prevent from participating in the massacre, but the deed was done before he could get force enough procured to prevent it. Affiant further saw at that time some men who were members of the Wahpetonwans and Sissetons, who were foremost in the massacre, and they were Ahanzi, chief of the Wahpetonwan, Bad Lightning, Wasicuntanka, Wahacaukamaza, etc. Affiant further testifies that he was an eye witness to the massacre, and saw Sissetons and Wahpetonwans who bore arms and engaged in the massacre; and this affiant further states that he was at Mankato, Minn., when General Sibley was making

an investigation in regard to the outbreak, and by witnesses. Thirty eight men were hung as murderers, and out of that number 13 were Wahpetonwans, and not one Sisseton was hung, because the Sissetons were all living at the west extreme of the reservation, where they could and did get away; and many of the Sissetons who took part in the massacre fled to the British Possessions, and are there to-day; and many were shot down as they returned from the British Possessions at Fort Wadsworth by scouts who were left in charge of said fort. Affiant further states that he is one of the men who was sentenced to be imprisoned at Davenport, Iowa, for a term of four years, and while there there were over 100 deaths occurred among the prisoners on account of hard usage and improper diet. And further affiant saith not.

his  
JOSEPH X KITTO, Sr.  
mark.

Subscribed in my presence and sworn to before me this 3d day of January, A. D. 1896.

[SEAL.]

B. J. YOUNG, *Notary Public.*

(Expiration of my commission, January 9, A. D. 1900, in and for Knox County, Nebr.)

THE STATE OF NEBRASKA, COUNTY OF KNOX,  
*Santee Sioux Agency, ss:*

Robert Hakewaste, being first duly sworn, deposes and says that he is 67 years of age and resides at the Santee Sioux Agency, Nebraska; that he is a member of the Mdewakantonwan tribe of Sioux Indians, who formerly resided at Redwood Falls, Minn., before the Sioux outbreak of 1862; that he recollects the treaty of 1851 that was entered into between the United States Government and the tribe of Mdewakantonwan Sioux Indians in which he was a party to the agreement. After the agreement or treaty was ratified, he recollects having received an annuity of \$20 per annum and which was paid to all members of the Mdewakantonwan and Wahpekute Sioux Indians for eight years until the outbreak occurred. According to the best of his knowledge and belief, the outbreak was caused by four young men. One of these young men, who was a distant relative of affiant, Kaomdeniyedan by name, made the following statement regarding the cause of the outbreak:

There were eleven of us who started out to trap about the lake regions in Minnesota. As we were going along we came to a farmhouse where by the roadside a hen was setting. A young man by the name of Pazaiyapa said he was going to take the hen and eggs to eat, which Nagiwicakte did not think was right, as there was not a very friendly feeling between the Indians and the whites, at which Pazaiyapa was enraged and said that Nagiwicakte was a coward, and there was a hot conversation between them, and finally they were divided into two companies—Nagiwicakte, Kaomdeniyedan, Sungigidan, and Waste formed one party and Pazaiyapa and six others made the other party. They parted, calling each other cowards, and left each other. Nagiwicakte, who took pains to prevent Pazaiyapa from disturbing the setting hen, came to a farm and with his friends sat down by the road to smoke. As they were smoking they heard rapid firing of guns in the direction which Pazaiyapa took, at which Nagiwicakte grunted for disappointment and thinking that Pazaiyapa, after all was a brave man, had charged upon some white people. This was about noon when they came to the farm, and just as the successive reports of the guns ceased there were two

white men came out of the woods, each with an ax on his shoulder, and came by Nagiwicakte and his companions. The white men said "how" and we said "how" in response, and just as they passed us Kaomdeniyeyedan took his gun and shot at one of them—he shot him dead and shot the other also as he started to run; and then we all started toward the barn and took some horses that stood in the barn and rode them home by midnight.

Now, while we were thinking that Pazaiyapa had charged upon some white people, they had, as a matter of fact, come to a covey of prairie chickens, which they were shooting, and we heard the rapid reports of the gun, but Kaomdeniyeyedan thought that Pazaiyapa was braver than himself and had shot some white people before Kaomdeniyeyedan; that to the best of my knowledge and belief, and according to my memory, this statement was related to me by Kaomdeniyeyedan as I have repeated it. And, furthermore, inasmuch as these young men were relatives of both Mdewakantonwans and Wahpetonwans, all of the four bands started in together to do the fatal deed on the morning of August 18, 1862, called the Sioux outbreak; that he was in the midst of the outbreak during the whole time, which lasted about seven weeks, and he is one of the few who did not participate in the trouble, but tried to prevent said outbreak with all of his influence and energy; that the outbreak occurred on the morning of August 18, 1862, at Redwood Falls, where the Mdewakantonwans and Wahpekutes were residing, and that the outbreak occurred at Yellow Medicine on the next morning, where the Sissetons and Wahpetonwans were residing. As we were forced along the Minnesota River by the soldiers, those who desired to be friendly and have peace stopped and put up their tents and sent two mixed bloods—Thomas Robinson and Thomas A. Robertson, who were both Mdewakantonwans by birth—to make peace with the United States officers.

When it was accomplished by them we gave ourselves up into the hands of Gen. H. H. Sibley; and to the best of my knowledge and belief and according to my memory none of the Sissetons and Wahpetonwans were in our midst to make peace with the United States officers. As we were in the hands of General Sibley we were brought back to Mankato, Minn., and 38 men were sentenced to death at Mankato, Minn.; and I remember that there were some Wahpetonwans among those who were hung, but do not remember just how many, and all those who were not condemned to death were sentenced to be imprisoned at Davenport, Iowa, for a term of four years. There were 400 persons imprisoned, and many were Sissetons and Wahpetonwans. After the term of imprisonment had expired the prisoners were returned to their respective agencies, and are there to-day as living monuments, and are there to testify that the Sissetons and Wahpetonwans are just as guilty as the Mdewakantonwans and Wahpekutes were; and to the best of my knowledge and belief there were only 22 men who participated in the massacre of 1862, or were eyewitnesses to the outbreak, living at the Santee Agency.

And further affiant saith not.

ROBERT <sup>his</sup><sub>mark</sub> HAKEWÁSTE.

Subscribed in my presence and sworn to before me this 3d day of January, A. D. 1896.

[SEAL.]

B. J. YOUNG, *Notary Public.*

(Expiration of my commission, January 9, A. D. 1900, in and for Knox County, Nebr.)

DEPARTMENT OF THE INTERIOR,  
Washington, January 17, 1896.

SIR: I have the honor to acknowledge the receipt of your communication of 11th instant, and accompanying S. 1284, "A bill making appropriation to pay the Santee Sioux Indians in Nebraska and South Dakota for lands, unpaid annuities, and for other purposes."

In response thereto I transmit herewith copy of a communication of 16th instant from the Commissioner of Indian Affairs, to whom the matter was referred, wherein he suggests that appropriate legislation would be to authorize the prosecution of the same in the United States Court of Claims.

Very respectfully,

HOKE SMITH, *Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 16, 1896.

SIR: I have the honor to acknowledge the receipt, by reference from the Department for report, of a letter dated the 11th instant, by Hon. R. F. Pettigrew, chairman of the Senate Committee on Indian Affairs, inclosing Senate bill No. 1284, making an appropriation to pay the Santee Sioux Indians in Nebraska and South Dakota for lands and unpaid annuities, and requesting that the Department furnish him with such information as it may have upon the subject. The said bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of two hundred and seventy-five thousand dollars, or so much thereof as may be necessary, to pay the Santee Sioux Indians in Nebraska and South Dakota for lands, unpaid annuities, and money forfeited on account of the participation of some of the Santee Sioux tribes in the Minnesota war of eighteen hundred and sixty-two, and to equalize the amount of their land holdings with those of other Sioux tribes, under the agreement with the Sioux Indians of eighteen hundred and eighty-nine.

The proposed appropriation resolves itself into two parts:

First. To pay the Santee Sioux Indians for annuities which have not been paid to them for reasons which will appear below.

Second. To pay them for lands to which they claim to be entitled, in order to place them upon an equal footing with the Indians of the other Sioux reservations.

Taking up the latter point first, I will submit a brief synopsis of the land interests of these Indians, beginning with 1863.

The act of March 3, of that year (12 Stat. L., 819) provided—

That the President is authorized and hereby directed to assign to and set apart for the Sisseton, Wahpaton, Mdeawakanton, and Wahpakoota bands of Sioux Indians a tract of unoccupied land outside of the limits of any State sufficient in extent to enable him to assign to each member of said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural lands, the same to be well adapted to agricultural purposes.

In accordance with the foregoing provision the Indians now known as the Santee Sioux were located during the year upon the Crow Creek Reservation, in the then Territory of Dakota. After three years' trial the lands upon which these Indians were located were found not to be

“well adapted to agricultural purposes,” and steps were therefore taken to re-locate them upon lands better adapted to the use of the Indians. As a result of the Executive order dated February 27, 1866, four townships in the then Territory of Nebraska were set apart and reserved for the Santee Sioux Indians then residing upon the said Crow Creek Reservation. This reservation last set apart was added to and modified from time to time, by various Executive orders, until at the time of making allotments in severalty to the Indians in 1885, the same embraced 115,076 acres. These allotments were made in accordance with the provision of the act of March 3, 1863, above quoted, and in accordance with the fourth paragraph of article 6 of the treaty with the Sioux Indians, dated April 29, 1868 (15 Stat. L., 637), to which the Santees were a party. Said allotments were in quantities of 160 acres each to heads of families, and 80 acres to other members of the tribe.

By Executive order dated February 9, 1885, the surplus lands were thrown open to settlement to date from May 15, 1885.

This left the Indians of that reserve without lands for allotments to children who might be born after receiving said allotments in severalty, and under date of April 6, 1888, the Indian agent for said Indians called attention to this fact, and stated that nearly one hundred children had been born since the allotments had been made. Again under date of December 24, 1889, the Sioux Commission, which was appointed to procure the assent of the Sioux Indians to the act of March 2, 1889, reported that the Santee reservation was then fully occupied, so that there were no lands left from which to provide for allotments to those Indians who had received none, as provided in section 7 of the act last named, and which fact was repeatedly called to the attention of the Commission in its councils with the Indians. This embarrassment the Commission met by promising to recommend that the Government would furnish lands elsewhere or pay those entitled a money equivalent.

Accordingly, the act of January 19, 1891 (26 Stat. L., 720), appropriated the sum of \$32,000 to enable the Secretary of the Interior to purchase lands for such of the Santee Sioux Indians in Nebraska as had not had allotments in severalty. The act of July 13, 1892, authorized the Secretary of the Interior to pay said \$32,000 to the Indians in cash. In pursuance of the said act the said fund was distributed and paid to the Indians properly entitled thereto—171 in all.

From the foregoing history of the land interests of these Indians it will be seen that they have received, both as a tribe and as individuals, all the benefits and advantages to which they are entitled, either under acts of Congress or by treaty stipulations.

It is proper to state in connection with the foregoing facts, that the Santees derived no benefit from the sale of the surplus lands set apart for them as a reservation. However, as said lands were set apart, under the same terms and conditions as were the Crow Creek Reservation lands, upon which they were first located, under the provisions of said act of March 3, 1863, the Indians acquired no interest in any of the lands, excepting such as they might select under said provision for their individual use. Upon examining the language of said act it will be seen that the same evidently did not contemplate the setting aside of a certain definite tract of land for the Indians in common, but only land “sufficient in extent to enable him [the President] to assign to each member of said bands \* \* \* eighty acres,” etc.

The Santees have, however, participated and shared the benefits of the various treaties and agreements ratified by Congress, beginning with the treaty of April 29, 1868 (15 Stat. L., 635), made with the Sioux

Indians now occupying reservations in the States of North and South Dakota. The right of the Santees to so participate has always been strenuously objected to by the other Sioux tribes, and especially when the act of March 2, 1889, was presented to them for their approval. However, the Department has always held that inasmuch as the Santees had been recognized by the treaty of 1868, they must be allowed to have a voice in matters affecting the interests of the Sioux tribes.

In accordance with the provisions of section 3 of the act of January 19, 1891 (26 Stat. L., 721), a partition of the funds arising under the said act of March 2, 1889, was made to the several tribes of Indians interested, and the Santees, together with the Poncas and Flandreaus, received as their share the sum of \$210,202.20.

The act of March 2, 1889, provides for allotments of 320 acres of agricultural lands to heads of families and 160 acres to single persons over 18 years of age and 80 acres to children under 18 years of age. The quantity of lands provided for as allotments thereunder to heads of families and single persons over 18 years of age is therefore double the quantity which the Santees received.

In view of the admission that the Santees have a voice in Sioux matters, it might appear that they have a right to make the above comparison and to claim remuneration for the difference against them. But if the laws and treaty under which the Santees received the lands now held by them in severalty are to be considered at all, the right claimed by them to have their land holdings equalized is wholly untenable. In fact, Congress so declared, in effect, when in section 7 of the Sioux act of March 2, 1889, it provided for additional Santee allotments in just half the quantities of the allotments provided for in section 8 of the same act to the Sioux of the other reservations.

In my opinion, the Santee Sioux Indians have no just claim, either in law or in equity, against the United States to more lands for allotments in severalty or to its equivalent in money.

Regarding the other proposition contained in the proposed bill, viz, "to pay the Santee Sioux Indians in Nebraska and South Dakota for lands, unpaid annuities, and money forfeited on account of the participation of some of the Santee Sioux tribes in the Minnesota war of eighteen hundred and sixty-two", I have to say that the same involves points which, owing to the lapse of time and other causes, are not only intricate and involved, but regarding which, with the data now at hand, it is impossible to reach any definite or satisfactory conclusions.

In the first place, there is a doubt as to whether this proposition is intended to apply only to the Santee Sioux Indians in Nebraska or to some of the Sioux occupying reservations in South Dakota. The Sissetons and Wahpatons, as well as the Flandreau, in South Dakota, have at times been known as "Santee Sioux." However, as it was assumed that the proposition to equalize the land holdings could only apply to the Santee Sioux now occupying lands in Nebraska, it will, for the purposes of this report, be assumed that the other proposition must also be intended to apply only to them.

In 1862 the Sisseton, Wahpeton, Medawakaton, and Wahpekute bands of Sioux Indians were occupying reservations in the State of Minnesota—the two first-named occupying an extensive reservation in northern Minnesota, and the other two bands a reservation farther south.

In the summer of 1862 these Indians assembled at the Yellow Medicine and Red Wood agencies, in said State, for the purpose of receiving their annuities, but the money for the purpose of such payment not arriving at the usual time, the supplies of the Indians became exhausted

and they became dissatisfied and restless. The result was the outbreak in question. The Indians, goaded by desperation and hunger, committed atrocities for which they were punished by the confiscation, by the act of February 16, 1863, of all the lands and moneys due them by the United States, and abrogation of all the treaties then existing with said bands of Sioux so far as the same imposed future obligations upon the United States. At the time of the passage of said act the sum of \$5,631,900 was owing to said bands of Indians by the Government.

It subsequently appeared that the Sisseton and Wahpeton bands of Indians had in the main refrained from participating in the hostilities mentioned, and steps have since that time been taken to right the wrong which had been done them. Under date of February 19, 1867, a treaty was concluded with said bands which had for its purpose this object. Subsequently to that time other measures were proposed with the same object in view. In the years 1884 to 1888 bills were introduced in Congress at various times proposing appropriations to pay such of these Indians as had enlisted in and served in the United States armies at that time as scouts their pro rata share of annuities and moneys which would have been due them had their treaties not been abrogated, as above mentioned.

A full account of this entire subject and also of the accounts of these tribes of Indians will be found in House Report No. 1953, Fiftieth Congress, first session. I have no copy of said report which I can inclose, but I urge special attention to the facts and figures therein.

The substance of the bill upon which said report was made was finally embodied in the Sisseton and Wahpeton agreement entered into on the 12th day of December, 1889, and ratified by Congress (26 Stat. L., p. 1037). Article 3 of said agreement provided for the appropriation of \$342,778.37. Besides this the annuities for the years remaining unpaid, twelve in all, were also restored by said article. The act of March 3, 1893 (27 Stat. L., p. 612), made an additional appropriation of \$30,666.66 to pay such of these Indian scouts as were not parties to the aforesaid agreement. Again, the act of March 2, 1895 (28 Stat. L., p. 876), made a further appropriation of \$49,066.64 to pay such of these Indian scouts and soldiers as were not parties to the agreement aforesaid.

Regarding the attitude of the Indians now occupying the Santee Reservation in Nebraska, I have to say that I can discover no definite information to show what number, if any, of such Indians remained friendly during the outbreak in 1862, and I submit that at this late day it would be a very difficult matter to do so. It is generally supposed, however, by the office, that said Santee Sioux in Nebraska were mainly composed of those who participated in the outbreak.

From office report, dated June 4, 1866, it appears that the Indians occupying said lands consisted:

(1) Of the Indians who had been located at the Crow Creek Reservation, consisting of old men, women, and children who surrendered to or were captured by General Sibley in 1863, together with some 75 others who were pardoned by President Lincoln and sent there about one and one-half years before that time.

(2) Of Sioux Indian prisoners, some 200 in all, who had been confined at Davenport, Iowa.

(3) Of Sioux Indians from Minnesota who were friendly to the United States during the outbreak in 1862, and who were then in a destitute condition in that State.

From the foregoing classification it will be seen that those comprising the first two classes were presumably of those who were hostile at the

time in question. As for the third class, it is not known how many they numbered or what proportion they sustained to the whole number of Indians located on the Santee Reservation.

So far as can be ascertained the Santee Sioux have not, at least not in recent years, made any claim for forfeited lands, annuities, or moneys, and I deem this significant. When the appropriation of \$49,066.64 to Sisseton and Wahpeton soldiers, as above mentioned, was made, it was understood that the same would satisfy all remaining claims of the Sissetons and Wahpetons—the friendly bands.

In any event, I do not believe a certain definite sum should be appropriated to satisfy a claim of this character; certainly not until it shall have been positively ascertained how many of these Indians, and what ones, are entitled by reason of their friendly attitude at the time in question. To do this, it will be observed from the foregoing statement, would require a thorough investigation of the history and attitude of these Indians individually and as bands during the time of the troubles in 1862–63. It would also necessitate a careful examination and review of the state of the money interests of these Indians since 1862, the complicated condition of which will be found indicated in office report printed in said House Report No. 1953.

In my opinion, if the Santee Indians entertain a claim against the United States the same should be judicially determined, and to that end I would suggest that appropriate legislation would be to authorize the prosecution of the same in the United States Court of Claims.

I return Senator Pettigrew's letter with inclosed bill herewith, and inclose a copy of this report.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

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