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Indians of the Crow Creek Reservation, S. Dak.
Letter from the Acting Secretary of the Treasury,
transmitting an estimate of appropriation submitted
by the Secretary of the Interior, to compensate the
Indians of the Crow Creek Reservation, in South
Dakota, for loss sustained by them in receiving less
land per capita than was received by Indians in
other diminished reservations.

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INDIANS OF THE CROW CREEK RESERVATION, S. DAK.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate of appropriation submitted by the Secretary of the Interior, to compensate the Indians of the Crow Creek Reservation, in South Dakota, for loss sustained by them in receiving less land per capita than was received by Indians in other diminished reservations.

FEBRUARY 17, 1894.—Referred to the Committee on Indian Affairs and ordered to be printed.

TREASURY DEPARTMENT, *February 16, 1894.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation, submitted by the Secretary of the Interior on the 14th instant, to compensate the Indians of the Crow Creek Reservation, in South Dakota, for loss sustained by them by receiving less land per capita in their diminished reservation than was received by the Indians of other diminished reservations under the act of March 2, 1889, \$187,039.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 13, 1894.

SIR: It appears from the report of Commissioners Charles W. Foster, William Warner, and George Crook, appointed to present to the Indians the act of March 2, 1889 (25 Stats., 888), providing for the division of "a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder," etc., that on proceeding to the Crow Creek Agency they were met with opposition ostensibly based on the fact that the portion of the Great Sioux Reservation set apart

by section 6 of the said act as a reservation for the Indians at the Crow Creek Agency would scarcely afford sufficient agricultural or grazing lands for the allotments provided in section 8 of the said act, and that the commissioners told the Indians they were without authority to make any change in the conditions contained in the act of Congress, but they promised to call attention to the matter in their report and to recommend such action as would be equitable to them.

They accordingly recommended that action be taken by the Government to place the Crow Creek Indians on a basis equal to that of the Lower Brulés, whose reservation was larger than the Crow Creek Reservation, per capita, by about 187,039 acres, and as it was impracticable to add that much land to the Crow Creek Reservation, they recommended the payment to the Indians of a sum equal to \$1 per acre, or \$187,039, to be added to the permanent fund of the Crow Creek Indians and expended for their benefit.

In the draft of a bill which was prepared by direction of the Secretary of the Interior to carry out in part the provisions of said act of March 2, 1889, and making appropriations for the same, an item was inserted appropriating the money necessary to pay the Crow Creek Indians on account of the loss in receiving less land per capita in their diminished reservation than was received by the Indians occupying other diminished reservations.

This draft of a bill was transmitted by the Secretary of the Interior to the President January 30, 1890, with a statement relative to each provision contained therein, among others the provision relating to compensating the Crow Creek Indians, and on February 10, 1890, it was sent by the President to the Senate and House of Representatives. (*See Senate Ex. Doc. No. 51, Fifty-first Congress, second session.*)

This bill as drawn was passed by the Senate but failed to receive any final action by the House during the first session of the Fifty-first Congress, and on December 9, 1890, Senator Dawes' attention was called by a letter from this office to the fact that while the Indian appropriation act for the fiscal year 1891, contained provision for a great many of the matters embraced in the draft of the bill sent by the President to Congress to carry out the Sioux act, it did not provide for the appropriation of the money necessary to pay the Crow Creek Indians for the loss of land, etc.

Previously to that date the office on December 1, 1890, transmitted to the Secretary of the Interior, with a report explaining the necessities for the action, the draft of an item to be inserted in the regular Indian appropriation act, providing, among other things, for the appropriation of the money for the Crow Creeks.

Senate bill 3271, to carry out in part the provisions of the Sioux act of March 2, 1889, was passed, but the item for the compensation of the Crow Creek Indians was not contained therein, and, on reporting on the bill, recommending that it be approved by the President, January 17, 1891, this office invited the attention of the Department to the omission of that item in the bill, and in reply, under the same date, the Secretary of the Interior directed this office to prepare a separate letter setting forth the fact of this omission, and urging the special reasons why an appropriation was asked for to compensate said Indians for their loss, and to draft a bill, and transmit the same, making the desired appropriation to be submitted to Congress. These directions of the Secretary were complied with in a report of January 21, 1891, but no action was taken by Congress on the matter.

In a letter of March 27, 1891, to A. P. Dixon, agent at the Crow Creek Indian Agency, he was directed to explain to his Indians the synopsis therein given of all the existing agreement and treaty provisions between the United States and the Sioux Indians, and he was advised that Congress had failed to make the appropriation recommended by this Department of \$187,039 to compensate the Indians of the Crow Creek Reservation for loss sustained by them in receiving less land per capita in their diminished reservation than is received by the Indians occupying other diminished reservations, etc., and that the Government has fairly and adequately complied with its treaty obligations to the Sioux, and has complied with all the promises made to them by the commission consisting of Gen. Crook and Messrs. Foster and Warner, except as to the \$187,039 for the Indians of the Crow Creek Reservation.

The matter being brought to the attention of the Secretary of the Interior subsequently on account of complaints by the Indians that the promises made by the commissioners that land should be added to their reservation, had not been carried out, the Secretary in a letter of April 3, 1891, to this office directed that the agent should be instructed to inform the Indians that the Sioux commission made no promises to them that lands should be added to their reservation so as to give them per capita the same amount as was given to the Lower Brulés or that they should receive the money value of such lands; that they promised, however, to call attention to the matter in their report and to recommend such action as would be equitable to them, and in compliance with this promise they recommended the sum of \$187,039 be appropriated for that purpose; that the Department concurred in this recommendation and a draft of a bill submitted with the report of the Sioux commission contained a provision for compensating the Indians in the amount stated, and that the Fifty-first Congress was urged at its first session to make this appropriation and was repeatedly appealed to at its second session to appropriate the money. Agent Dixon was accordingly instructed by this office in a letter of April 6, 1891.

It appears that the Indians of the Crow Creek Agency understood the promise of the commissioners of the United States in connection with compensating them for the smallness of their reservation to be tantamount to an agreement to pay them for the same, or to have added to their reservation sufficient quantity of land to make up the deficiency, and as it is probable that the Indians, believing the Government would act on the matter in accordance with the favorable recommendation of the commissioners, were influenced thereby to give their consent to the act, I feel that the Government is almost as much under obligation, morally, to compensate the Indians for the deficiency of land in their reservation as if it had entered into a formal agreement to do so.

I have, therefore, had an item prepared making appropriation of the sum of \$187,039 to be added to the trust funds of the Indians of the Crow Creek Reservation, and have the honor to transmit the same herewith in duplicate and to recommend that it be forwarded to the Senate and House committees on Indian affairs, with request that it be inserted in the next annual Indian appropriation bill.

It is proper to add that there is a bill now pending in Congress (S. 145) proposing, among other things, to appropriate the money necessary to pay the Indians the amount claimed by them.

Very respectfully, your obedient servant,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, *February 14, 1894.*

Respectfully forwarded through the honorable Secretary of the Treasury with the recommendation that the within item of appropriation be inserted in the Indian appropriation bill for the fiscal year ending June 30, 1895.

WM. H. SIMS,
Acting Secretary.

An item.

To enable the Secretary of the Interior to compensate the Indians of the Crow Creek Reservation, in South Dakota, for loss sustained by them by receiving less land per capita in their diminished reservation than was received by the Indians of other diminished reservations under the act of March second, eighteen hundred and eighty-nine, entitled "An act to divide a portion of the reservation of the Sioux nation of Indians in Dakota into separate reservations and to secure the relinquishment of the Indian title to the remainder, and for other purposes," the amount to be added to the permanent fund of the said Crow Creek Indians, and bear interest at the rate of five per centum per annum, one hundred and eighty-seven thousand and thirty-nine dollars.

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