

1-15-1898

Letter from the Secretary of the Interior, calling attention to certain specified facts in connection with recent dealings of the government with the Sisseton, Wahpeton, and the Medawakanton and Wahpakoota Bands of Dakota or Sioux Indians.

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#### Recommended Citation

H.R. Doc. No. 228, 55th Cong., 2nd Sess. (1898)

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MEDAWAKANTON AND WAHPAKOOTA BANDS OF SIOUX  
INDIANS.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

CALLING ATTENTION TO

CERTAIN SPECIFIED FACTS IN CONNECTION WITH RECENT  
DEALINGS OF THE GOVERNMENT WITH THE SISSETON, WAH-  
PETON, AND THE MEDAWAKANTON AND WAHPAKOOTA BANDS  
OF DAKOTA OR SIOUX INDIANS.

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JANUARY 17, 1898.—Referred to the Committee on Indian Affairs and ordered to be  
printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, January 15, 1898.*

SIR: Adverting to letters of even date from this Department, transmitting separate reports concerning the Sisseton and Wahpeton and the Medawakanton and Wahpakoota (now Santee) bands of Dakota or Sioux Indians, in compliance with the provisions contained in the act making appropriations for the Indian service for the fiscal year ending June 30, 1898, approved June 7, 1897 (30 Stat. L., 89), it seems to me to be essential that the attention of the Congress should, in a more formal manner than is set out in the reports in question, be specifically called to some of the matters concerning the transactions with the Indians in question, as disclosed by the said reports.

The first and most important one is contained in the report on the affairs of the Sissetons and Wahpetons, wherein it is shown that Congress, by the act approved March 3, 1891, appropriated an excess of \$177,635.85 in payment for the lands ceded by the agreement of December 12, 1889, with those bands, upon which excess \$58,412.98 in interest have been paid to them up to September 30, 1897.

The reasons for this overcredit of principal and payment of interest are set forth in the report and will not be repeated.

As the funds appropriated by the above-named act (\$1,699,800), less a payment to them of \$199,800, by authority of the President, still stands to their credit in the Treasury, steps will be taken to correct the account, for which ample authority is contained in the said act, which provided for the payment of the sum appropriated, "or so much thereof as may be necessary."

But such authority is not believed to exist for the repayment to or reimbursement of the Government for the overpaid interest, application of the principal of the fund being subject only to the action of Congress and the President. Besides, if a similar course could and were to be pursued, it is believed that an injustice would be done the Indians by depleting the principal of their fund in correcting an error in the commission of which they had no part.

The plan proposed in the report for reimbursing the Government for this overpaid interest, that of retaining a proportionate amount thereof from the annual income of the Sissetons and Wahpetons for a series of years, until the whole amount is paid, will be adopted.

An examination of the two reports shows that \$12,976,256.72 (including the sum placed in the Treasury to the credit of the Sissetons and Wahpetons in payment for lands ceded in 1889) have been expended by the Government for the four bands—\$10,863,470.25 being from amounts arising under the provisions of treaties and agreements with them, and for lands purchased from them and proceeds of reservations sold for their benefit, and \$2,112,786.47 not under treaties or agreements, being the amount expended of moneys appropriated in their behalf and for the payment of obligations created by their acts. Of the whole sum expended (\$7,146,629.80 were in behalf of the Sissetons and Wahpetons (\$6,111,657.88 treaty funds and \$1,034,971.92 nontreaty), and \$5,622,873.26 for the Santees or Medawakantons and Wahpakootas, (\$4,545,058.71 treaty funds and \$1,077,814.55 nontreaty), and \$206,753.66 from proceeds of reservations in Minnesota and Dakota were expended for the joint benefit of the four bands prior to July 15, 1870.

On July 15, 1870, new accounts for the proceeds of these reservations were opened on the books of the Indian Office, and the fund separated according to the interests of the four bands therein under the provisions of section 8 of an act of the date named (16 Stat. L., 361), which required that the proceeds of the sale of the reservations belonging to these Indians "shall be distributed equitably to the said Indians in proportion to their numbers. \* \* \* *Provided*, That this provision shall apply only to the funds to be hereafter distributed."

Prior to the date of the act alluded to these proceeds were treated as a common fund for the four bands and expended for their benefit, but the records do not show in what proportions.

Besides these sums, \$45,000 were expended in the survey of the reservations in Minnesota and Dakota, sold under the provisions of the act of March 3, 1863, no part of which is charged to either branch of these Indians. In the payment of damages provided for in the act of February 16, 1863, \$15,220.24 of Sisseton and Wahpeton funds were erroneously used, but this amount has been allowed in statement No. 1 in the report of their affairs, and is chargeable to the Santees; also \$49,666.07 were expended for the Sissetons and Wahpetons and allowed in statement No. 3 of their account as an overcharge against them at the time of making the treaty of 1867. These additional expenditures aggregate \$109,886.31, but they do not appear in the total of expenditures hereinbefore alluded to, nor do they make a part of the totals in any of the tables or statements in the separate reports, although referred to therein.

All of the rights of the four bands forfeited by the act of February 16, 1863, save the right to the confiscated treaty annuities, were subsequently restored to them. The reservations in Minnesota and Dakota were sold and the proceeds (\$944,810.78) used for their benefit.

The treaty of 1867 was made with the Sissetons and Wahpetons in

consideration of their destitution, "resulting from the confiscation of their annuities and improvements." Under the provisions of that treaty, \$429,407.36 were expended for their benefit, and two reservations were given them in the Territory of Dakota. These reservations contained 1,149,422.12 acres. A portion of one of them was purchased by the Government under the agreement of 1889, for which \$1,522,164.15, as a trust fund (after deducting the overcredit of \$177,635.85, before referred to), was placed to their credit in the Treasury at 5 per cent, on which \$534,298.01 in interest to September 30, 1897, has been paid them, leaving them one reservation intact and the allotted lands on the other, having a total area of 540,556.46 acres, valued at \$1,351,391. Per-capita payments, in full of all claims for unpaid annuities, under any treaties or acts of Congress amounting to \$526,778.37 have been made to them under the said agreement, leaving three installments of \$18,400 each yet due thereunder, and \$206,353.30 have also been paid to them under the same agreement in full of all claims for services of scouts and soldiers. Besides the \$1,034,971.92 nontreaty funds expended on their behalf, \$800,000 were paid to them under the agreement of 1872, in full for any contingent interest they may have had for cessions made by their treaty of 1867, and \$165,212.11 were paid to and expended for the Devils Lake branch of these bands.

In addition to the \$1,077,814.55 nontreaty funds expended for the Medawakantons and Wahpakootas (Santees) \$1,950,148.39 have been expended for and paid to them under the provisions of the treaty of 1868 (the concessions or grants by this treaty to be "in lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made"), the agreement of 1877 and act of 1889. A trust fund of \$180,317.62 at 5 per cent interest has been created for them, producing an annual income of \$9,015.88, on which \$71,132.80 in interest has been paid. A reservation of nearly 73,000 acres was set apart for them in the State of Nebraska, which they own and still occupy, and they retain the valuable interest granted by the treaty, agreement, and act above named.

If it be intended that the two reports transmitted shall be printed, it is recommended that the maps which accompany them be also printed as an exposition of the cessions of lands made by the Indians and of reservations set aside for their use, and also that this letter be printed with each of the reports.

Very respectfully,

O. N. BLISS,  
*Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.