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Letter from the Secretary of the Interior, submitting estimates for carrying out stipulations of agreement with the Sioux and Fort Pierre Indians.

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ESTIMATE FOR PAYMENT TO CERTAIN INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

SUBMITTING

*Estimates for carrying out stipulations of agreement with the Sioux and Fort Pierre Indians.*

JUNE 8, 1858.—Referred to the Committee of Ways and Means.

DEPARTMENT OF THE INTERIOR,  
June 7, 1858.

SIR: I have the honor to transmit herewith a copy of a report, with accompanying documents, addressed to this department on the 5th instant, by the Acting Commissioner of Indian Affairs, calling my attention to the hostile attitude assumed by the Menecongrees and Uncpapa bands of Sioux or Dacotah Indians, and suggesting that an appropriation of one hundred thousand dollars should be asked for, to enable this department to redeem the promises made by General Harney to nine bands of the Sioux, at the council held at Fort Pierre in March, 1856.

The subject has already been brought to the attention of Congress, in a special message from the President of the United States, dated July 24, 1859, accompanied by an estimate of the amount that would be required for the purpose.—(Ex. Doc. No. 130, 1st Sess. 34th Cong.)

An estimate was again submitted by my predecessor, at the opening of the second session of the 34th Congress, but no action was taken, although the Committee of Ways and Means reported in favor of the appropriation.

For this reason no estimate was submitted this year, but attention was again called to the subject in the annual report of the Commissioner of Indian Affairs.

The Menecongrees, Uncpapa, Brulé and other bands of Sioux, occupying the country south of the Missouri river, are among the wild, most turbulent, and dangerous within our limits, and in view of their present hostile attitude, of which the department has been but

recently advised, and the absence of troops, I feel constrained to call the attention of Congress to this subject, and respectfully to recommend that a sufficient sum be furnished to enable the department to fulfil the stipulations of the agreement made by General Harney with the Sioux. Good faith and sound policy alike demand it, and unless measures are promptly taken, serious disturbances will be likely to result.

Very respectfully, your obedient servant,

J. THOMPSON,  
*Secretary.*

Hon. JAMES L. ORR,  
*Speaker of the House of Representatives.*

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, June 5, 1858.*

SIR: General Denver, in his annual report as Commissioner of Indian Affairs, page 2, says: "The agent reports that the Sioux, to whom General Harney promised presents of clothing for their soldiers, are very much dissatisfied with the non-compliance with that promise, and he recommends that Congress make provision for its fulfillment. An estimate for \$200,000, to be placed at the disposal of the department for that purpose, was presented by your predecessor to Congress at the last session of that body; but no appropriation was made. Concurring in the propriety and importance of the measure, I respectfully recommend that the amount necessary to carry it out be appropriated."

The Sioux agent above referred to is A. H. Redfield, who, in his report to the superintendent, (page 125 of Commissioner's report,) expresses himself thus: "They spoke of a promise made them by General Harney to give them certain clothing for their soldiers, and expressed great surprise that the promise had not been fulfilled. I explained this matter to them as well as I could. Congress ought, undoubtedly, to make provision at its first session for the fulfillment of that promise. It was a reasonable one, and made in good faith by the general. The government will suffer much in the estimation of the Indians, if a promise made by an officer so high in rank and character as General Harney is long left unfulfilled."

General Harney, in his report, dated Fort Pierre, N. T., March 8, 1856, (Ex. Doc., No. 130, 1st session, 34th Congress, page 3,) says that he "caused the Sioux nation to select and appoint a certain number of head chiefs and chiefs to govern them, and to see that they carry out the conditions to which they have consented in council." Again, on the same page he says: "That the organization of the Sioux may be more complete, I proposed to the chiefs to have a number of soldiers in each band to assist them to carry out my views. They have each given in the number which they deemed sufficient for that purpose in each band, and I recommend that these

soldiers be regularly named and receive from the government a dress or uniform, by which they will be known; and that for the time they may be doing duty under their chiefs, in their villages, they will receive their rations. The expense would be trifling, and their young men would be stimulated and encouraged to seek these positions. The dress should be durable and gaudy, particularly the head-dress; (they are fond of feathers.) The uniform of the different bands should be different, and the same should have place in the different grades of chief, sub-chief, &c. By gradually causing the interests of a portion of the nation to depend upon the wishes of the government, the remainder will be easily controlled."

The Secretary of War, reporting to the President under date of May 10, 1856, that he had received from Brevet Brigadier General William S. Harney the minutes of a council held by him with nine bands of Sioux Indians, at Fort Pierre, N. T., beginning the 1st and ending the 5th of March, 1856, (see same document, page 8,) says:

"Brigadier General Harney, having recognized the chiefs named herein as the only head chiefs of their respective bands, and so declared in council, proposed that each chief should have a certain number of soldiers in each band to maintain order and enforce its laws, and recommends that these soldiers receive from the government a uniform dress, with badges to designate the bands and rank of each, and that, for the time they may be employed in discharging the duties appropriate to their position as a tribal police, they shall be subsisted at the expense of the government. In accordance with the proposition of Brigadier General Harney, in relation to this organization, the following list of 'soldiers' was named by the principal chiefs at the council, (here follow the names.) I recommend that the foregoing articles and stipulations be regarded as a valid compact, to be faithfully observed by all officers and agents of the United States, and that the necessary appropriations be asked to carry it into effect."

The President of the United States, in his message dated July 24, 1856, "communicating minutes of a council held at Fort Pierre with the Sioux Indians by General Harney," &c., (same document already referred to,) concludes with the following words:

"Regarding the stipulations between General Harney and the nine bands of the Sioux as just and desirable, both for the United States and for the Indians, I respectfully recommend an appropriation by Congress of the sum of one hundred thousand dollars, to enable the government to execute the stipulations entered into by General Harney."

The amount of \$100,000 was fixed in this manner: The Secretary of the Interior requested Thomas S. Twiss, Indian agent, Upper Platte, then in Washington, to make an estimate of the probable amount sufficient to carry into effect and to fulfil the conditions, stipulations, and promises made by General Harney to the Sioux bands, who, in a letter addressed to the Commissioner of Indian Affairs, dated June 24, 1856, estimated the sum necessary for that purpose at \$72,000, (see page 10 of the document above referred to,) and says:

"My experience in the Indian country, as to what Indians expect to

receive as presents when they are called to act as *soldiers*, has been my guide in making the estimate for uniform, clothing, arms, and provisions while acting in the capacity of tribal police."

The Commissioner of Indian Affairs, in his report accompanying the above letter of Agent Twiss, dated June 25, 1856, says: "My opinion is that the estimate of the agent is below the amount that will be required to carry out the various stipulations and promises of General Harney."

The Secretary of the Interior, submitting the above report of the Commissioner, and the letter of Agent Twiss, to the President of the United States, says, in his letter dated June 26, 1856: "It is impossible, with the imperfect data now possessed by the department, to make any satisfactory estimate; but, from all the information on hand, I am inclined to think that, besides the estimate of the Indian Bureau, there should be enough added for contingencies to make the whole amount \$100,000."—(See same document, pages 9 and 10.)

Congress did not act upon the recommendation contained in the President's message of 24th July, 1856, because it was sent in so late in the session; and before it came out of the hands of the public printer Congress had adjourned. At the beginning of the second session of the thirty-fourth Congress the Secretary of the Interior renewed his application for \$100,000 for the current year, and applied for \$100,000 more for the fiscal year commencing on the 1st July, 1857. When the matter came up the House Committee of Ways and Means reported favorably upon it; but, at the suggestion of a member that the *treaty* made by General Harney had not as yet been ratified by the Senate, the House took no action on that report of its committee.

The President, however, did not consider this subject in the light of a treaty requiring the confirmation of the Senate, but guardedly designated it as "stipulations," and the Secretary of War says, in his letter to the President of May 10, 1856, already referred to on page 8 of the above mentioned House document: "I recommend that the foregoing articles and stipulations be regarded as a valid compact to be faithfully observed by all officers and agents of the United States, and that the necessary appropriations be asked to carry it into effect.

The Secretary of War in his letter to the Secretary of the Interior, dated June 9, 1856, (see page 10 of the above mentioned House Doc.) says: "It is important, as a means of maintaining peace in the Indian country, that the convention made by General Harney should be faithfully observed and fully carried into effect." This letter was referred, on June 11, 1856, to this office, with the following endorsement, signed by Geo. C. Whiting, the then chief clerk of the Department of the Interior: "As this department is now charged with the whole subject, and responsible for its whole management, it is the desire of the Secretary of the Interior that every effort should be made to carry out the within suggestions, and to preserve the friendly and peaceable relations with the Indians."

It thus appears that the "stipulations" were favorably reported on by the House Committee of Ways and Means, but that the recommendation of the President for an appropriation to carry them into effect was not responded to by the House of Representatives, on account of a

misconception of facts. The stipulations were never transmitted by the President to the Senate for confirmation and ratification, because he never considered them to be a *treaty*, but merely a new system initiating a tribal police; a mere administrative regulation, requiring no ratification, but merely the necessary funds to carry it into effect.

In view of the hostile attitude which some of the Sioux tribes have assumed, as appears from the letter of Agent A. J. Vaughan, herewith transmitted, and considering the critical position of our relations with the Sioux generally, it seems to me of the utmost importance that every semblance of a grievance should be carefully removed, and the promises of General Harney to those Indians promptly redeemed. I think that the sum of one hundred thousand dollars would, at present, suffice for that purpose; and I therefore respectfully recommend that Congress be asked to appropriate that sum to enable government to execute the stipulations entered into by General Harney.

Very respectfully, your obedient servant,  
\_\_\_\_\_, *Acting Commissioner.*

Hon. JACOB THOMPSON,  
*Secretary of the Interior.*

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*Extract from a letter from Agent A. J. Vaughan, dated St. Louis, May 5, 1858, to the superintendent of Indian affairs at St. Louis, and by him transmitted to the Indian Office.*

"It pains me to state the belligerent and refractory condition in which I found the Sioux in passing through their country, particularly the Menecongrees and Uncpapa bands; the past year they have been robbing indiscriminately every white man passing through their country, and in many instances threatened their lives.

"A war party of the Menecongree band of Sioux, on the 31st of March, while passing down the river between Fort Union and Fort Berthold, fired ten shots at us while on the boat, taking deadly aim on our lives, which were miraculously preserved. The withdrawal of the troops from Fort Pierre has caused the Indians to believe the government are afraid of them, and, from their conduct and threats, I feel satisfied that no agent's life is safe in distributing the Sioux annuity without a suitable force to protect him."