

1884-43

AMOUNTS DUE FOR SUPPLIES FURNISHED TO SIOUX INDIANS OF MINNESOTA.

February 5, 1884.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

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

REPORT :

[To accompany bill H. R. 842.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 842) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, have considered the same, and respectfully report :*

In the summer of 1862, certain bands of the Sioux Indians assembled at the Yellow Medicine and Red Wood Agencies in Minnesota, for the purpose of receiving their annuities which they had been accustomed to receive about the last of June or first of July. The money for the payments did not come at the usual time. The Indians waited until their supplies were exhausted, and also those belonging to the Government at that point. They became hungry, dissatisfied, and restless. Certain licensed traders, by the advice of the Indian agent, Major Galbraith, furnished supplies as the only measure of preventing an outbreak, until their stores were exhausted, relying upon the money soon to arrive for the annuities, for payment. Before the money arrived the outbreak occurred. The Indians, goaded to desperation by hunger, committed atrocities for which they were punished in part, by confiscation of moneys due them from the United States, amounting to \$5,631,900. Payment of the annuities was stopped; the means from which they could have paid for the supplies furnished them on the credit of future annuities was wholly taken from them.

The committee do not seek to adjust the proportionate share of blame for these outrages between the civilized nation which failed to make its payments at the proper time and the savages, who lost their self-control, provoked by the failure and desperate from hunger. It does seem just and proper that the traders who parted with their property to keep these Indians from starving, while waiting for their annuities, or relying upon these annuities, should receive compensation out of the property confiscated by the United States for causes for which its own agents were partly to blame.

The bill is carefully guarded, only such amounts to be paid as the Secretary of the Interior after investigation shall find to be due.

For the full and complete statement of the facts surrounding the sub-

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ject, the committee append extracts from the Senate report made during the last Congress concerning the same subject-matter involved in this bill, as follows :

*The Committee on Claims, to whom was referred the bill (S. 36) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished to the Sioux or Dakota Indians of Minnesota subsequent to August, 1860, and prior to the massacre of August, 1862, and providing for the payment thereof, report:*

Prior to 1863, the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands of the Dakota or Sioux Indians occupied extensive reservations in the State of Minnesota.

In August, 1862, said bands of Indians massacred a large number of men, women, and children in the State of Minnesota, and destroyed and damaged a large amount of property.

At the time of this outbreak by the Sioux there was, under various treaties theretofore made and entered into between the United States and these bands of Sioux Indians, a large amount of money owing by the United States to said bands of Indians.

Congress, by act of February 16, 1863, entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians" (Stat., vol. 12, pp. 652, &c.), abrogated and annulled all treaties then existing with said bands of Sioux, so far as the same imposed any future obligation on the United States, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims, or any of them, due the Indians were forfeited.

At the time of the passage of this act the sum of \$5,631,900 was owing by the United States to said bands of Sioux Indians; all the treaties pursuant to which this large sum of money was due and owing to said Indians were abrogated and annulled absolutely by said act of Congress passed February 16, 1863, and said sum was forfeited to the United States. All lands and rights of occupancy belonging to said Indians in Minnesota were, by the same act of Congress, also forfeited to the United States. Said act authorized the President, by and with the advice and consent of the Senate, to appoint three commissioners, who should ascertain and determine the value of all property destroyed or damaged by said Indians during such outbreak, or by the troops of the United States in suppressing the same.

There has been appropriated by Congress, in payment of claims determined pursuant to said act, the sum of \$1,170,374. All claims for damages, under said act, had to be presented within two years from its passage.

The sum of \$671,000 has also been appropriated by Congress for the removal of said Indians, and for subsisting them in their new homes.

By act of Congress, entitled "An act to authorize the Secretary of the Interior to discharge certain obligations of the United States to the creditors of the Upper and Lower bands of Sioux Indians," approved May 16, 1874 (Stat. 18, p. 47), the sum of \$70,000 was appropriated for payment to the creditors of said Indians arising under the treaty of June 19, 1858.

Congress also, by an act for the relief of Hans C. Peterson, approved March 3, 1877, (Stat. 19, p. 549), appropriated the sum of \$2,283.92. This was for damages and injuries to Peterson's property done by the Indians during the said Sioux outbreak.

It appears by a letter from Hon. E. M. Marble, Acting Commissioner of Indian Affairs, addressed to Hon. Angus Cameron, a member of the Senate Committee on Claims, under date of February 5, 1881, that no other or further sums have been appropriated for the benefit of said Sioux Indians which are properly chargeable to the said confiscated funds and annuities.

As already stated, the aggregate amount of the said confiscated funds and annuities was \$5,631,900.

The aggregate amount of the sums appropriated by the United States for the benefit of said Indians, as hereinbefore shown, is \$1,913,657.92. The difference between these two sums, viz, \$3,718,242.08, is the balance of said confiscated funds and annuities now remaining in the Treasury of the United States.

At the time of the said Sioux outbreak, the persons for whom this bill proposes to make provision were in business as Indian traders on the reservation occupied by said Indians. These traders were all duly licensed by the Commissioner of Indian Affairs to trade with the Indians. The most of the traders had been engaged in trading with the said Indians for quite a number of years.

These Indians for a number of years prior to 1863 had been paid their annual annuities about the last of June or the first of July of each year, at the Yellow Medicine and Red Wood Agencies.

About the last of June, 1863, the Upper or Northern bands of Sioux, to the number of about 3,500, assembled at Yellow Medicine Agency, and the Southern or Lower bands, to the number of about 3,000, at Red Wood Agency, for the purpose of receiving

their annual payments, but the money to make such payments was not received by the agent until after the outbreak, and the payments were never made.

The Indians remained at these agencies until the outbreak occurred. They had no means of subsistence, and the provisions and supplies belonging to the Government were soon exhausted.

The Indians, while thus waiting for the payment of their annuities, were very ugly. The traders hesitated to furnish them with any more supplies on credit, but the Indians threatened to break into the warehouses and to help themselves. They did break into one warehouse and appropriated its contents. The Indian agents at the Yellow Medicine and Red Wood Agencies were, from day to day, expecting to receive money to pay the annuities, and they assured the traders that their claims against the Indians would then be paid.

The traders subsisted the Indians for about six weeks prior to the outbreak. The Indians had no means of paying for such subsistence, and, consequently, it was furnished on credit, and hence the large sum due the traders at the time of the outbreak.

This credit was given with the knowledge and by direction of the Indian agent, and in many instances at his request.

Thomas J. Galbraith was the United States Indian agent for the Sioux Indians in 1862, and was stationed at the Upper or Yellow Medicine Sioux Agency, prior to and at the time of the outbreak.

Mr. Galbraith, in his affidavit filed with your committee, states as follows, viz:

"That to alleviate the sufferings of the Indians, and preserve order and prevent an outbreak and general disturbance on the frontier, and in the belief that the money to pay the annuities would arrive in time to enable him and the Indians to meet all obligations incurred thereby, he did recommend and advise all the traders having food and supplies in that country to furnish the said Indians all they could spare, without reference to the accounts of individual Indians, or of particular bands. And that pursuant to such recommendation and request from him, as United States Indian agent, many of said traders, if not all, did furnish said Indians flour, meat, sugar, coffee, clothing, and other supplies, the amount and value of which are not accurately known to this deponent, but in large quantities."

William H. Shelley, of Saint Paul, Minn., who was a clerk for Indian Agent Galbraith, at the Yellow Medicine Agency, at the time of the outbreak, in his affidavit, states that, to his knowledge, the traders furnished supplies to the Indians by the direction of Galbraith, with the understanding that payment therefor would be made as soon as the annuities were paid.

The outbreak would probably have taken place sooner than it did if the Indians had not been supplied by the traders.

Under the state of facts herein set forth, the committee are of the opinion that said traders ought to be paid out of said confiscated annuities now in the Treasury of the United States, amounting, as already stated, to \$3,713,242.08.

This measure was carefully investigated by this committee, and favorably reported upon in the Forty-sixth and Forty-seventh Congresses, and was also passed by the Senate during the Forty-seventh. All the above statements are abundantly sustained by the official records of the Indian Office, and reliable evidence submitted to your committee and filed in the case.

Your committee therefore recommend the passage of the accompanying bill (H. R. 842) as amended.