

# Calendar No., 6.

55TH CONGRESS, }  
1st Session. }

SENATE.

{ REPORT  
No. 4.

## SANTEE SIOUX OF NEBRASKA AND FLANDREAU SIOUX OF SOUTH DAKOTA.

MARCH 22, 1897.—Ordered to be printed.

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

### REPORT.

[To accompany S. 82.]

The Committee on Indian Affairs, to whom was referred the bill (S. 82) "restoring the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of eighteen hundred and thirty-seven and eighteen hundred and fifty-one, and for other purposes," beg leave to submit the following report:

At the time of the Sioux outbreak at New Ulm, Minn., in 1862, the Medawakanton and Wahpakoota Indians, by virtue of the treaty of June 19, 1858 (12 Stat. L., 1031), were owners of lands in Minnesota, amounting to about 640,000 acres, described by Article III of the treaty of August 15, 1851 (10 Stat. L., 957), in the following language:

A tract of country of the average width of 10 miles on either side of the Minnesota River, and bounded on the west by the Tchay-tam-bay and Yellow Medicine rivers, and on the east by the Little Rock River and a line running due south from its mouth to the Waraju River.

The boundary was to be "marked out by as straight lines as practicable, whenever and in such manner as the President of the United States shall direct."

It was further provided therein—

That said tract shall be held and occupied by said bands in common, and that they shall hereafter participate equally and alike in all the benefits derived from any former treaty between said bands, or either of them, and the United States.

By a Senate resolution adopted in executive session June 23, 1852, the treaty was modified to read thus:

The United States do hereby stipulate to pay the Sioux band of Indians, parties to this treaty, at the rate of 10 cents per acre, for the lands included in the reservation provided for in the third article of the treaty as originally agreed upon in the following words. \* \* \*

By Senate resolutions dated June 27, 1860 (12 Stat. L., 1042), the United States recognized the rights of the Indians to these lands. The resolutions are in the following language:

*Resolved*, That said Indians possessed a just and valid right and title to said reservations, and that they be allowed the sum of 30 cents per acre for the lands contained in that portion thereof lying on the north side of the Minnesota River, exclusive of the cost of survey and sale, or any contingent expense that may accrue whatever, which, by the treaties of June, 1858, they have relinquished and given up to the United States.

*Resolved further*, That all persons who have in good faith settled and made improvements upon any of the lands contained in said reservations, believing the

same to be Government lands, shall have the right of preemption to 160 acres thereof, to conclude their improvements, on paying the sum of \$1.25 per acre therefor: *Provided*, That when such settlements have been made on the lands of the Indians on the south side of the Minnesota River the assent of the Indians shall first be obtained, in such manner as the Secretary of the Interior shall prescribe, and that the amount which shall be so paid for their lands shall be paid into the Treasury of the United States.

The Indians have, during their history, made treaties with the United States under various names. For instance, under the names of "Sioux of the Lake," July 19, 1815; "Sioux of the Leaf," December 30, 1816; "Sioux of the St. Peter River," and "Sioux of the Mississippi." (See Revision of Indian Treaties, pp. 634, 781, 869, 876, 882, 885, 914; also treaty of September 29, 1837, 7 Stat L., 538.) By virtue of these various treaties the Medawakanton and Wahpakoota tribes ceded and relinquished to the United States the western section of Wisconsin and all other lands lying between the Missouri and Mississippi rivers down to their confluence, for which small sums of money, varying from \$500 to \$2,000, in the form of presents, were paid to them. The territory thus ceded may be estimated at about 50,000 square miles.

By the treaty of 1851 with these tribes, and also in the same year with the Sisseton and Wahpeton bands, the four tribes ceded to the United States a large part of Iowa and Minnesota, amounting to 50,875 square miles, or 32,560,000 acres, a territory larger than that embraced in the State of Alabama. And for this vast domain they were to receive the insignificant sum of 10 cents an acre, or, rather, more accurately speaking, the interest on that sum for fifty years, the principal being held by the Government in trust for them. They never received any portion of the principal, only the interest for ten years was appropriated, and this was afterwards abrogated by act of Congress, February 16, 1863 (12 Stat. L., 653).

Under the treaty of 1851 32,560,000 acres were ceded to the United States, for which it was to pay the sum of 10 cents per acre, and these identical lands were sold to settlers for \$1.25 per acre, making a clear gain of \$40,600,000 out of the transaction with Indians who could neither read nor write.

But leaving out of view entirely this vast amount that might be justly claimed by the Indians, it may be said that they are only asking for that part which is mentioned in the treaties of 1837 and 1851 and a small portion of land that was set aside for their permanent use by act of Congress of June 27, 1860 (12 Stat. L., 1042), described in Article III of the treaty of August 15, 1851 (10 Stat. L., 957).

The Medawakanton and Wahpakoota Indians were sole owners of lands described in Article III of the treaty of August 15, 1851, and out of this vast tract only that portion north of the Minnesota River was sold, amounting to 320,000 acres, at 30 cents per acre. By the appropriation act of March 2, 1861 (12 Stat. L., 237), it was provided:

For payment to the Medawakanton and Wahpakoota bands of the Dakota or Sioux Indians, for their reservation on the Minnesota River, in the State of Minnesota, containing 320,000 acres, at 30 cents per acre, \$96,000: *Provided*, That the said sum may be paid, at the discretion of the Secretary of the Treasury, in bonds of the United States authorized by law at the present session of Congress.

It was this tract of 320,000 acres of land that was ordered to be sold by the acts of Congress as above stated, and there can be no doubt that the Government sold these lands at \$1.25 per acre. The other 320,000 acres on the south side of the Minnesota River were occupied by the Medawakanton and Wahpakoota Indians at the time of the outbreak of 1862.

There were, as we have stated, 320,000 acres of these lands (12 Stat. L., 237) for which it is presumed the Indians received 30 cents per acre, although there is no definite data establishing the fact. But acting on the supposition that they were paid 30 cents per acre, their total receipts for the land would be \$96,000. The United States sold these identical lands for \$1.25 per acre, or a total of \$400,000. Deducting therefrom the \$96,000 paid to the Indians, the Government made a net profit out of the transaction of \$304,000. It does not appear when or how the Medawakanton and Wahpakoota Indians lost their original tribal names, but it is presumed that it was due to the fact that, in the early history of the Sioux Indians, those east of the Missouri River were known by those west thereof as Santees. They become known as the Santees, so far as they themselves know, when they were placed on their present reservation. This is as nearly a correct statement as your committee can make.

After the outbreak in August, 1862, in Minnesota, known in the history of the Northwest as the "New Ulm Massacre," the Medawakanton and Wahpakoota Indians, which, for convenience sake, may hereafter be designated as Santee Sioux Indians, were guarded by the military authorities at Fort Snelling, Minn., for nearly if not quite two years, and were then placed on boats, taken down the Mississippi River to the mouth of the Missouri, thence up the latter to a place in the then Territory of Dakota (now State of South Dakota) known as the Crow Creek Agency, and later as Fort Thompson.

By an act of Congress approved March 3, 1862, entitled, "An act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands of Sioux and Dakota Indians, and for the disposition of their lands in Dakota and Minnesota," it is provided that the President—

Is authorized and hereby directed to assign to and set apart for the \* \* \* Medawakanton 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 the said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural land, the same to be adapted to agricultural purposes. (See Stat. L., 819.)

After occupying the Crow Creek Reservation for about three years the lands were found not to be well "adapted to agricultural purposes," and steps were taken to relocate them on lands better adapted to their use, and as a result, by Executive order dated February 27, 1866, issued by President Johnson, four townships in the Territory (now State) of Nebraska were set apart and reserved for the Santee Sioux. This last reservation was added to and modified from time to time by various Executive orders until at the time of making the allotments to the Indians in severalty in 1885 it embraced 115,076.92 acres. The allotments were made in accordance with the provisions of the act of March 3, 1863, 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 parties. Said allotments were in quantities of 160 acres each to heads of families and 80 acres to other members of the tribe.

Of this 115,075.92 acres, 32,875.75 are occupied by the Santee Sioux Indians as homesteads, and 38,908.01 acres to the other portion of the tribe, the remainder being thrown open for settlement. Those who occupy lands as homesteads were required to live on the places continually for three years and make \$200 worth of improvements thereon. Upon fulfilling these requirements they received their patents of certificate for the same, thus making them homesteads and not allotments. There are only 38,908.01 acres allotted to the Santee Sioux of Nebraska,

according to Special Agent Reuben Sear's Report on Indian Census of 1890 (p. 379).

The Flandreau Sioux Indians left the Santee Agency, Nebr., in 1869, and took up lands near Flandreau, Moody County, S. Dak., under the act of Congress of May 20, 1862.

The total allotments at this time amount to 38,908.01 acres, the remainder having been thrown open to settlement by white settlers, and is now principally occupied by them. For that portion thrown open to settlement by white settlers the Santees have received nothing. In addition to this your committee find that a very large portion of the present reservation is not tillable land. Perhaps one-half, if not more, is incapable of cultivation, owing to the fact that it is composed of Missouri River bluffs, and is intersected and cut up by deep gulches and ravines, and is adapted to sheep industry and limited cattle grazing only, and is incapable, owing to its peculiar formation, of cultivation. That portion of the lands that are not allotted to the Indians and that are thrown open to settlement by white settlers was opened by virtue of an Executive order, dated February 9, 1885. We embrace herein as a part of this report the various Executive orders and official documents:

NEBRASKA.

*Niobrara Reserve.*

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., February 26, 1866.*

SIR: I have the honor to submit herewith a letter addressed to this Department by the Commissioner of Indian Affairs, requesting the reservation from preemption or sale of townships 31 and 32 north, range 5 west, and townships 31 and 32 north, range 6 west of the principal sixth meridian, in Nebraska Territory, until the action of Congress be had, with a view to the setting apart of these townships as a reservation for the Santee Sioux Indians now at Crow Creek, Dakota; and recommend that you direct those lands to be withdrawn from market and held in reserve for the purpose indicated.

I am, sir, very respectfully, your obedient servant,

JAMES HARLAN, *Secretary.*

THE PRESIDENT OF THE UNITED STATES.

EXECUTIVE MANSION, *February 27, 1866.*

Let the lands within named be withdrawn from the market and reserved for the purposes indicated.

ANDREW JOHNSON,  
*President of the United States.*

EXECUTIVE MANSION, *July 20, 1866.*

Let the townships embraced within the lines shaded *red* on the within diagram be, in addition to those heretofore withdrawn from sale by my order of 27th February last, reserved from sale and set apart as an Indian reservation for the use of Sioux Indians, as recommended by the Secretary of the Interior in letter of July 19, 1866.

ANDREW JOHNSON, *President.*

The above order embraces township 31 north, range 8 west; township 31 north range 7 west; that portion of township 32 north, range 8 west, and of township 32 north, range 7 west, lying south of the Niobrara River, and that portion of township 35 north, range 5 west, lying south of the Missouri River in Nebraska.

[For diagram see letter from the Commissioner of the General Land Office dated November 23, 1878.]

(For Executive order of March 20, 1867, see "South Dakota.")

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., November 15, 1867.*

SIR: For the reasons mentioned in the accompanying copies of reports from the Acting Commissioner of Indian Affairs and the Commissioner of the General Land Office,

dated, respectively, the 7th and 13th instant, I have the honor to recommend that you order the withdrawal from sale and the setting apart for the use of the Santee Sioux Indians the following-described tracts of land lying adjacent to the present Sioux Indian Reservation on the Niobrara and Missouri rivers in Nebraska, viz: Township 32 north, of range 4 west of the sixth principal meridian, and fractional section 7, fractional section 16, fractional section 17, and sections 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33 of fractional township No. 33 north, of range 4 west of the sixth principal meridian, be withdrawn from market, and that fractional township No. 32 north, of range 6 west of the sixth principal meridian, now a portion of the reservation, be restored to market.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

The PRESIDENT.

NOVEMBER 16, 1867.

Let the within recommendations of the Secretary of the Interior be carried into effect.

ANDREW JOHNSON.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., August 28, 1869.*

SIR: I have the honor to call your attention to the inclosed copy of a letter from Superintendent Samuel M. Janney, dated the 20th instant, relative to the reservation of the Santee Sioux Indians in Nebraska.

The lands at present withdrawn from sale for the purpose of this reservation are as follows:

	Acres.
Township 32 north, range 4 west of sixth principal meridian.....	23, 397.96
So much of the west half of the fractional township 33 north, range 4 west, as lies south of the Missouri River.....	7, 571.40
Township 31 north, range 5 west.....	22, 968.64
Fractional township 32 north, range 5 west.....	21, 601.41
So much of fractional township 33 north, range 5 west, as lies south of Missouri River.....	8, 983.20
Fractional township 31 north, range 6 west.....	22, 568.10
Fractional township 31 north, range 7 west.....	21, 592.29
Fractional township 32 north, range 7 west.....	1, 460.42
Fractional township 31 north, range 8 west.....	22, 999.69
Fractional township 32 north, range 8 west.....	12, 051.92

Making the total area of present reservation..... 165, 195.03

EXECUTIVE MANSION, *February 27, 1866.*

Let the lands within named be withdrawn from the market and reserved for the purposes indicated.

ANDREW JOHNSON,  
*President of the United States.*

EXECUTIVE MANSION, *July 20, 1866.*

Let the townships embraced within the lines shaded *red* on the within diagram be, in addition to those heretofore withdrawn from sale by my order of 27th February last, reserved from sale and set apart as an Indian reservation for the use of Sioux Indians, as recommended by the Secretary of the Interior in letter of July 19, 1866.

ANDREW JOHNSON, *President.*

The above order embraces township 31 north, range 8 west; township 31 north, range 7 west; that portion of township 32 north, range 8 west, and of township 32 north, range 7 west, lying south of the Niobrara River, and that portion of township 35 north, range 5 west, lying south of the Missouri River in Nebraska.

[For diagram see letter from the Commissioner of the General Land Office dated November 23, 1878.]

(For Executive order of March 20, 1867, see "South Dakota.")

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., November 15, 1867.*

SIR: For the reasons mentioned in the accompanying copies of reports from the Acting Commissioner of Indian Affairs and the Commissioner of the General Land Office, dated, respectively, the 7th and 13th, instant, I have the honor to recommend that you order the withdrawal from sale, and the setting apart for the use of the Santee Sioux Indians, the following-described tracts of land lying adjacent to the present Sioux Indian Reservation on the Niobrara and Missouri rivers in Nebraska, viz: Township 32 north, of range 4 west of the sixth principal meridian, and fractional section 7, fractional section 16, fractional section 17, and sections 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33, of fractional township No. 33 north, of range 4 west of the sixth principal meridian, be withdrawn from market, and that fractional township No. 32 north, of range 6 west of the sixth principal meridian, now a portion of the reservation, be restored to market.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

The PRESIDENT.

NOVEMBER 16, 1867.

Let the within recommendations of the Secretary of the Interior be carried into effect.

ANDREW JOHNSON.

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., August 31, 1869.*

SIR: I have the honor to transmit herewith a report of the Commissioner of Indian Affairs of the 28th instant, and accompanying papers, in relation to proposed changes in the Santee Sioux Indian Reservation, as therein suggested, and respectfully recommend that the President order the restoration to market of certain lands designated in the Commissioner's report, and the withdrawal from sale of the lands therein described.

With great respect, your obedient servant,

J. D. COX, *Secretary.*

WASHINGTON, *August 31, 1869.*

The within recommendation of the Secretary of the Interior is hereby approved, and the necessary action will be taken to carry it into effect.

U. S. GRANT.

EXECUTIVE MANSION, *December 31, 1873.*

It is hereby ordered that Executive order, dated August 31, 1869, adding certain lands to the Santee Sioux Indian Reservation in Nebraska, be, and the same is hereby, amended so as to exempt from its operation lots 1, 2, 3, and 4 of section 3, township 32, range 4, previously patented to Thomas J. Quinn, on Sioux half-breed scrip No. 349 D.

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1885.*

It is hereby ordered that all the lands within the Niobrara or Santee Sioux Indian Reservation, in the State of Nebraska, remaining unallotted to and unselected by the Indians of said reservation under the act of March 3, 1863, and the Sioux treaty of April 29, 1868, respectively, on the 15th day of April, 1885, except such as are occupied for agency, school, and missionary purposes, be, and the same are hereby, restored to the public domain from and after that date and made subject to settlement and entry on and after May 15, 1885.

CHESTER A. ARTHUR.

In this connection we desire to quote from the report of Special Agent Reuben Sears, page 379:

As to the character of their lands, opinions are diverse. Some think that portions of their lands are good, and will produce fair crops if properly and industriously tilled; others regard them as nearly worthless for agricultural purposes, as rains are few and far between in the section. Lands upon the bottoms of the Missouri and in the valleys produce grass in abundance, and in spots fair crops of corn can be raised.

It must be taken into consideration that there is not more than 2½ square miles of this Missouri bottom, and about two-thirds of this area of land is covered over with thickets of shrubs and willows and not tillable, and the dreaded "poison peas" that cover this bottom, make the hay crop unsalable at the markets.

Mr. Sears says again in his report:

The highlands are absolutely worthless for farming purposes and are of little value for grazing. None of these lands can be depended upon for crops without some system of irrigation, while occasionally, with rain, they will produce fair crops. Most years, however, if relying upon rain, their crops would prove a failure. A white man who has been employed at the agency for five years states that there has never in his time been as much as half a crop on the reservation, even with the best cultivation. Perhaps half of the lands on this reservation would produce half a crop usually, while the other half is absolutely worthless except for grazing, and 10 acres of this would be requisite to sustain one steer.

For the last three or four years, on account of extreme drought, it would be difficult to graze one steer on 5 acres on these high lands on the Missouri Bluffs.

It is further stated in Mr. Sears's report—

Some of these apparently worthless lands may ultimately become valuable, as they contain chalk beds, from which, it is said, can be manufactured a valuable cement, from which different kinds of tiles and artificial stone may be manufactured at a low cost. Timber is not abundant on this reservation. A sufficient quantity is found for fuel and posts and for present use only. Should fires be kept out of the timbers it would increase. \* \* \* The Santees are practically self-sustaining, although occupying an almost barren reservation.

The above statement is the exact description of the Santee Agency, and should the Santees be permitted to locate on some better land it would be useless to say that they are not capable of becoming self-supporting citizens.

To give further information on the character of the land constituting the reservation, we beg leave to quote from the report of Agent James E. Helms, of the Santee Agency, Nebr., dated 1892, page 311:

*Topographical features.*—About two-thirds or three-fourths of the reservation is very hilly and ill adapted to agriculture; the balance of the reservation lies along the creeks and Missouri River; that adjacent to the river is subject to overflow (and deposits quicksand, so that nothing but willows will grow) and is utilized principally for hay and pasturage. The soil, even on the rougher sections, is fairly good, and in years when there is sufficient moisture very good crops are raised. The rainfall through this section seems to be lighter than in any other part of the State.

These people have been moved about to different places until they are located in the most disadvantageous location, their present reservation being situated in a section that is subject to frequent droughts, where a white person of means and long experience has hard work to make a living, and there seems to be no hope of these people occupying a better section of the country in the future. They are willing to work, and have been self-supporting for many years, until drought has visited them, and this misfortune has compelled the Government during the last four years to return to the ration system to keep the Indians from starving. In the light of these facts your committee deem it no more than just to right some of the wrongs that have been inflicted upon the Indians in various ways.

In a letter from the honorable Commissioner of Indian Affairs to the Secretary of the Interior dated March 2, 1896, he says:

Most of the Santees of Nebraska, now numbering about 950, are Medawakantons and Wahpakootas; probably less than 100 are Sissetons or Wahpetons, and of this number the majority, it is thought, has come to the Santee Agency since these Indians were located there, as a result of intermarriage or other circumstances.

The Flandreau Indians, also under that agency, are Santees proper, and are

sometimes called the "Flandreau Band of Santee Sioux." They are simply a portion of the Santee Sioux originally located in Nebraska, to whom they are full kin, and whose history they shared until about 1875 or 1876, when they removed to Moody County, S. Dak., near the town of Flandreau, and took up homesteads after the manner of whites.

Much useful information of the Santee Sioux Indians can be found in letters addressed to the honorable Commissioner of Indian Affairs, by the Rev. James Garvie, a member of the tribe, and Rev. John Eastman, addressed to Senator Allen, which, together with affidavits of John Moore, Robert Hakewaste, and John C. Redwing, are incorporated herein and made a part of this report.

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 everyday 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 Mdewakantonwan, 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 appropriation, 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 Wahpeton, 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 Commissioner's 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 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 Wapekute 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 the Wahpekutes all the land that lies in the north half of Iowa along the 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 drouth 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.

JANUARY 25, 1897.

DEAR SIR: In connection with the amendment introduced in the Senate by you to restore the Santee Sioux Indians of Nebraska and the Flandrean Sioux Indians of South Dakota, formerly known as and being a confederacy of the Mdewakanton and Wahpakoota Sioux Indians to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, I have the honor to submit herewith a brief statement which may aid the committee in determining their action.

On account of the Sioux outbreak on August 18, 1862, the annuities and lands belonging to the Mdewakanton and Wahpakoota, Sisseton, and Wahpeton bands of Sioux or Dakota Indians were declared forfeited and confiscated by the act of February 16, 1863; but when the Government asked and urged the Sisseton and Wahpeton bands of said Sioux Indians to cede to the United States the surplus land of their reservation in South Dakota in 1889 it was promised to said Indians that their scouts and soldiers should receive their portion of the annuities forfeited and confiscated, yet the Santee Sioux Indians of Nebraska and the Flandrean Sioux Indians of South Dakota are the remnants of the Mdewakanton; thus by the act all responsibility of the outbreak was put upon them.

I submit with this bill several affidavits bearing the names of good men of the said tribes of Santee and Flandrean Sioux, giving the true causes and the nature of the said outbreak of August 18, 1863. It was not the result of premeditation, but rather

an accident. It was the act of starving men. It was precipitated by a few young men from a band of Indians who never obeyed the will of the chiefs. They lived by themselves at the time on a creek called Rice. The first murders were committed while they were out on a hunt to provide for their starving families, and when they returned home by night they made an attack upon the agency early in the morning without the knowledge of the chiefs. The better class of the people were at once thrown into confusion, partly by the intimidation of the hostile Indians and partly by the fear of the whites. They were forced to take up flight with them up the Minnesota River. On April 20, 1866, D. N. Cooley, Commissioner of Indian Affairs, reported the following: "Many of those who felt no inclination toward hostilities feared that the vengeance of the whites would fall upon them as a portion of the tribes and fled to the northward, leaving their homes; but when they received a communication from Gen. H. H. Sibley they at once agreed to return to their homes." This fact alone would show that they were friendly and had no intention of hostility. They had already taken from the hostile bands more than 200 captives of white women and children, whom they returned to General Sibley. In the proceedings of the Mohawk conference, in 1895, Bishop Whipple, of Minnesota, made this statement of these Indians:

"You know the history that these men and their fathers at the risk of life saved more than 200 white men and children."

It will be observed from the accompanying affidavits that not all of the Indians present at the outbreak were hostile to the Government. On the contrary, there were many who quite willingly risked their lives for the salvation of the helpless white women and children.

Thirty-eight of their number were executed and many died while in prison. Meanwhile their wives and children were kept under guard near Fort Snelling. They suffered much from the want of food and from the inclemency of the weather, and as a result many died, while the band which was the real cause of the outbreak fled into the British province. The report of Commissioner D. N. Cooley on May 18, 1866, clearly shows the fact in the following words:

"The prisoners from Davenport, some 200 in number, men, women, and children, have, at the instance of the Department, upon the concurrent recommendation of the military authorities who have had them in charge, and of their missionary teacher, Rev. Mr. Riggs, who was chaplain during General Sibley's campaign, been pardoned by the President and turned over to their Department and sent to the Niobrara Reservation to begin the work of preparing farms there. On the occasion of reporting, in the fall of 1865, in favor of their pardon, this office forwarded a series of certificates, petitions, and letters showing the excellent disposition and entire submission of these prisoners, together with statements showing that many of them were absolutely guiltless of any act of hostility, and not only this but deserving of reward for the rescue of white captives. These papers have been mislaid in their passage through the various Departments and can not now be found."

"By the flight to the far North of the most guilty of these bands who escaped; by the great suffering of the upper Sioux who have gathered about Fort Wadsworth, in northeast Dakota, for the past two years, many of whom have protested their innocence; by the execution of 39 of their numbers; by the long confinement at Davenport by others; by the suffering of the people taken to Crow Creek, of whom full 300 have died, and by the utter loss of their lands and property, it is thought that this people has atoned for the crime of a part of its number as no people ever before made atonement, and that it would be a disgrace to the American people if the poor and humble remains of these tribes are not allowed a small tract of land."

The Santee and Flandreau bands of Sioux have been compelled to suffer for the sins of others who have fled to Canada, and are remaining there; others have amply atoned for their crime by their own lives. Notwithstanding these facts, the annuities, lands, and property belonging to these two bands have been declared forfeited, and they were forced to undergo every degree and kind of hardship in consequence of the unfortunate outbreak. They were moved from place to place, very much to their discouragement.

It was this state of their condition that induced some of the Santee bands of the Sioux to leave their agency in Nebraska in 1869 to take up lands in South Dakota, under the United States homestead law, near Flandreau, S. Dak., and since that time they have been known as the Flandreau Sioux Indians. They took this action because there was an effort made to take them to Indian Territory, and because they could escape the calamities and disasters of reservation life; and although they had taken an advanced step of the remaining tribes of their bands, and in accordance with the purpose of their government, the United States Indian agent took from them their issued farming implements and refused to allow them annuities during the years 1869, 1870, 1871, 1872, 1873, and 1874. Thus they were further compelled to suffer. Obstacles have not discouraged them, and for twenty-seven years that these people have been full-fledged citizens of the United States I can say that I have yet to see one

of them convicted of crime of a State offense; but they have proved in every respect worthy citizens. Moreover, many of these Santee and Flandreau bands of Sioux have been largely the instruments in bringing the hostile bands of the Western Sioux to treat with the United States. Also, they have given very efficient service as Christian missionaries. Many of them are still engaged in this sort of good work among their less advanced bands. There are now 8 churches, 10 ordained native ministers, and 15 missionaries. These are the evidences of the excellent disposition to improve their immediate bands as well as those of the other bands. These are the works of these two bands of Indians.

In view of these facts, viz, the good behavior from the very year of their calamity to the present, and their consistent effort to better their condition as well as those of their brother tribes, they are worthy of respect and recognition, and it seems that they have abundantly atoned for the crime of the bad men of these bands. Their sins, if any committed, should be forgiven. It will be an act of just consideration, and recognition of their remarkable conduct under a most trying experience to restore to them the declared forfeited and confiscated annuities. It is a fact that in the history of the Government dealing with Indian tribes there is not another case in which the Indian annuities and lands were declared forfeited and confiscated, although outbreaks frequently occurred, and since 1862 there have been other outbreaks among the other bands of the Sioux Indians. Besides the Government has executed all those men who were found to be guilty of murdering whites during said outbreak, except those who fled to Canada, and imprisoned those who took any part for four years at Davenport. Nearly half of them died.

No law of the United States gives authority to hang a criminal and to take his property away from his wife and children. These ignorant Indians, ignorantly and by the aggravation of starvation, committed murder; but they have fully paid the penalty, and yet their wives and children, the innocent members of the tribes, have been deprived of their annuities, lands, and property by the act of Congress, February 16, 1863. I will refer you to a petition sent December, 1863, to the President of the United States by the chiefs of the Mdewakanton, Wahpakoota, Sisseton, and Wahpeton bands of Sioux Indians, in which they declared that they were not responsible for the murders and depredations of the outbreak, but that they did everything in their power to stop its progress, and actually did save over two hundred captives of white women and children. The petition was signed by the United States Indian agent (during whose term of office the event occurred), superintendent, Commissioner of Indian Affairs, and Secretary of the Interior.

Thus from the testimony of the chiefs of the said bands of Indians from the testimony of the Government officials in whose charge they were at that time, and from testimonies of the missionaries among them, that the majority and better portion of the Mdewakanton and Wahpekoota bands of Sioux Indians were and did remain true to the Government. There is no longer any doubt of their loyalty although it has taken years to overcome the prejudices against them on account of the outbreak.

They have waited long for the door of justice to open to them. May their patience at last obtain for them their rights. In view of the foregoing facts of their fidelity the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota now pray and ask Congress to restore to them their annuities and lands which were declared forfeited by reason and because of the outbreak of 1862, and by the act of Congress, September 29, 1837, with the Government of the United States, the Mdewakanton and Wahpekoota bands of Sioux Indians were allowed an annuity payment of \$15,000 from a trust fund to be kept for them by the Government forever and by the treaty of 1851 (10 Stat. L., 954), they were to receive \$61,450 annually for a period of fifty years as the interest from a trust fund, held for them by the Government and by the treaty of June 19, 1858 (12 Stat. L., 1031) between the United States, and these same people they were the owners of 320,000 acres of land of the north side of the Minnesota River as described in the article 3, of the treaty August 1851 (10 Stat. L., 957) and by the Senate resolution dated June 27, 1860 (12 Stat. L., 1042) in which resolution the United States recognized the rights of the said Indians to these lands, viz:

*“Resolved, That said Indians possessed a just and valid right to said reservation and that they be allowed the sum of 30 cents per acre for the lands contained in that portion thereof lying on the north side of the Minnesota River, exclusive of the cost of survey and sale or any contingent expense that may occur whatever, which, by the treaty of June, 1858, they have relinquished and given up to the United States.”*

From the quoted resolution it is clear that the land was belonging to the said Indians. For the article of the treaty “of 1858 (see Revision of Indian Treaty book, p. 886), says as follows: “And if they have what compensation shall be made to them for that part of reservation on tract of land lying on the north side of the Minnesota River, whether they shall be allowed a specific sum of money therefore, and if so how much; or whether the same shall be sold for their benefit, they to receive the proceeds of the same, deducting the necessary expenses incident thereto. Such sale,

if decided in favor of by the Senate, shall be made under and according to regulations to be prescribed by the Secretary of the Interior, and in such manner as will secure to them the largest sum it may be practicable to obtain for said land."

From article 2 of the treaty of 1858 it appears that the Indians were to receive the proceeds of the sale of the said lands or that the Secretary of the Interior was authorized to prescribe the manner of the sale by which he might secure the largest sum practicable to obtain. The same lands have been sold as high as \$1.25 per acre. It follows that the Government owes to the Indians the total amount received from the said lands.

Very respectfully,

JOHN EASTMAN.

Hon. WILLIAM V. ALLEN,  
*United States Senate, Washington, D. C.*

#### AFFIDAVIT OF JOHN MOORE.

John Moore, being first duly sworn, deposes and says that he is 68 years of age and resides at Tyler, Minn.; that he is a member of the Medawakantonwan tribe of Sioux Indians, who formerly, and during the outbreak of 1862, resided at Redwood Falls, Minn., and was a scout under General Sibley at the time of the outbreak of 1862. During the year 1868, together with others, left the Santee Reservation in Nebraska, in order to take up land under the United States homestead law at Flandreau, S. Dak., near where I have been living since that time. The understanding of the Indians was that by virtue of the provisions made in their treaty with the United States in 1837 their annual payment was \$15,000, and by the treaty of 1851 entitled them to another annual payment of \$61,000; also, by the treaty of 1858 they had ceded to the United States Government that portion of their reservation which lies north of the Minnesota River, which was 320,000 acres, exclusive of the land ceded by the Sisseton and Wahpetonwan bands of Sioux Indians. Thus, from these assurances made to them by the United States Government, and in view of the treaties above referred to, they thought they would be comfortably taken care of, but the fulfillment of these treaties was delayed for several months, although all the Indians came to the agency to receive their payments at the appointed time. While thus waiting the Indians suffered severely on account of lack of food; but the Indian traders refused credit, and the United States Indian agent did not give satisfaction as to how soon the annuities would be issued.

Meanwhile the people were without food. These facts caused much dissatisfaction among them, and many were compelled to undertake hunting expeditions from the agency in order to maintain themselves until their Government dues would be paid to them. I can not describe all of the suffering that the Indians were compelled to endure on account of the delay of the payments. It was during one of these hunting expeditions referred to the first killing of the white people occurred. It was committed by four young men from the dissatisfied and hostile element who had their village on the Rice Creek, above Redwood Falls, Minn. After killing the whites at Acton, Minn., they returned by night to Rice Village and incited them to make the attack at once upon the Government employees and the Indian traders at the agency. They proceeded that very night on which the murderers returned and made the assault very early in the morning at the lower agency. This was on the 18th of August, 1862. Thus our chiefs were powerless. It was impossible for them to stop it. They had no opportunity. They knew it when it was too late. The murdering of the whites at both of the agencies was accomplished before they scarcely realized what happened to their people. When it was once started it was impossible to check it immediately. As we were forced along the Minnesota River by the United States soldiers, those of us who desired for peace and were friendly to the Government stopped and put up our tents, and sent two mixed bloods, Thomas Robinson and Thomas A. Robertson, who were Mdewakantonwans by birth, to make peace with the United States officers.

When this was successfully accomplished, we gave ourselves up into the hands of Gen. H. H. Sibley. He brought us to Mankato, Minn., where 38 of our men, in due process of military law, were sentenced to death and were executed. All those who were not sentenced to death were sent to Davenport, Iowa, for four years' imprisonment. During the four years imprisonment 150 of them died. I believe that the remainder of the hostiles who actually participated in the outbreak fled into British America and are there now. Since the outbreak in 1862 we have never received any benefit from the provisions made in our favor in the treaties of 1837, 1851, and 1858. Although most of us are innocent of the murders committed during the outbreak, we have been compelled to suffer the results, and also deprived of our just dues which the stipulated treaties guaranteed to us. Also, when we left Santee Agency, Nebr.,

for the purpose of taking land under the United States homestead law, the Government did not give us for five years our share of the annuities provided for all the Santee Sioux Indians in the treaty of 1868.

JOHN (his x mark) MOORE.

Witnesses to mark:

GEO. A. PETTIGREW,  
JOHN EASTMAN.

Subscribed and sworn to before me this 21st day of December, 1896.

[SEAL.]

GEO. A. PETTIGREW, *Notary Public*.

#### AFFIDAVIT OF ROBERT HAKEWASTE.

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, Kaomdeniyyedan 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, Kaomdeniyyedan, 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 Kaomdeniyyedan 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 Kaomdeniyyedan thought that Pazaiyapa was braver than himself and had shot some white people before Kaomdeniyyedan; that to the best of my knowledge and belief, and according to my memory, this statement was related to me by Kaomdeniyyedan 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 Wapakootas 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 (his x mark) HAKEWASTE.

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.)

#### AFFIDAVIT OF JOHN C. REDWING.

John C. Redwing, being first duly sworn, deposes and says that he is 63 years of age, and resides at Flandreau, S. Dak.; that he is a member of the Mdewakantonwan tribe of Sioux Indians, who formerly resided at Redwood Falls, Minn., before the outbreak of 1862, and at the time he was one of the chief's brothers of aforesaid band of Sioux Indians. The understanding of the Indians was that according to the provisions made by the treaty of 1837 their annual payment was \$15,000, and by the treaty of 1851 entitled them to another annual payment of \$61,450. Thus from these assurances they were to be well cared for; also, by the treaty of 1858 they had ceded to the United States Government that portion of their reservation which lies north of the Minnesota River, which was 320,000 acres, exclusive of the land ceded by the Sisseton and Wahpeton bands of Sioux Indians. In view of these treaties, they thought they would be comfortably taken care of; but the payments referred to above were delayed several months, and the Indian traders refused to give them credit. These facts caused much dissatisfaction among them, and many were compelled to hunt in order to maintain themselves while waiting for the annual payment. It was during one of these hunting expeditions the first killing of the white people occurred. After killing the whites they returned by night to the village of Rice Creek. That village was composed of the hostile elements, therefore they lost no time in inflaming their people at once to make attack upon the employees of the Government and the Indian traders. They proceeded that very night on which the murderers returned, and by daybreak they had made an attack upon the whites of the lower agency at Redwood Falls, Minn., on the morning of August 18, 1862.

Thus our chiefs were powerless. It was impossible for us to stop it. We had no opportunity. We knew it when it was too late. We could not stop and pacify the young and the hostile old braves. The murdering of the whites at both agencies and the whites of the vicinity was brought upon us before we realized what had happened. When it was once started it was impossible to check it immediately. As we were forced along the Minnesota River by the United States soldiers, those of us who desired peace and were friendly to the Government stopped and put up our tents and sent two mixed bloods—Thomas A. Robertson and Thomas Robinson, who were Mdewakantonwans by birth—to make peace with the United States officers. When this was successfully accomplished, we gave ourselves up into the hands of Gen. H. H. Sibley. He brought us to Mankato, Minn., where 38 of our men were found guilty, and in due process of military law were sentenced to death, and were executed. All those who were not sentenced to death were sent to Davenport, Iowa, for imprisonment for four years. During the four years of imprisonment 150 of them died. I believe that the remainder of the hostiles who actually participated in the outbreak fled into British America and are there now. Through starvation and disappointment, the hostile and nonprogressive Indians brought upon our peaceful and well-intended people a dreadful calamity. Most of the murderers had answered for their crime immediately after the event, and the remainder had escaped punishment by leaving the United States, while we, although well-behaved and complied with every part of our treaties, have been compelled to give up our land, homes, and all our treaty rights on account of a few unmanageable wild men.

On account of that outbreak of August 18, 1862, by the act of Congress all our dues from the United States by virtue of the treaties of 1837, 1851, and 1858 have been taken from us.

Before the treaty of 1868 was ratified, and during that year, I left the Santee Reservation at Santee Agency, Nebr., to take up land under the United States homestead law at Flandreau, S. Dak., and for five years following we were not assisted by the United States Government. We received none of our share of the annuities which we had been given every year previous to our removal to South Dakota.

JOHN C. REDWING.

Subscribed and sworn to before me this 22d day of December, 1896.

[SEAL.]

GEO. A. PETTIGREW, *Notary Public.*

We also incorporate herein copy of a petition of the chiefs and headmen of the Medawakanton and Wahpakoota Sioux Indians, dated December 19, 1862, showing that they were not responsible for the outbreak and that they saved many captives of white women and children. Their statement was corroborated by the military officer in whose charge they were at the time, the United States Indian agent, the superintendent of Indian affairs of the northern district, and the Commissioner of Indian Affairs. The same Indians were taken to Crow Creek Agency, S. Dak., and were finally placed at the Santee Agency, in Nebraska, and Flandreau, S. Dak.

*Petition of chiefs and headmen of Medawakanton and Wahpakoota Sioux Indians.*

We, chiefs and headmen of the Mindewakantons, and Wahpetons, and Sissetons, and Sisseton Sioux of the Mississippi, make this book (petition) to our Great Grand Father, the President of the United States.

Last August our young men all broke out and butchered a great many white men and women and children. The cause that they did this was that many of us had commenced to live as white men and they were jealous of us, and on that account they went to war. We, who make this book, felt bad for this and opposed it; but we were few and they were many, and we could not prevent them. We did all we could. We did not go to war. We killed nobody. We helped to save the captives, and we succeeded in saving nearly three hundred white women and children, and other day saved our agent's family and all the whites at the Yellow Medicine, sixty-two in all. Paul, or Mazakutemane, and Lorenzo, and Annabrabunane, or Simon, also saved white women and children. We did no harm and tried to do good. We know our young men and many of our old men have broken the treaty, and we feel bad. We are farmers, and want that our Great Father would allow us to farm again whenever he pleases, only we never want to go away with the wild blanket Indians again, for what we have done for the whites they would kill us. We of the Upper Sioux would like to go to live on the Contean des Prairie, 15 miles west of Big Stone Lake, in Dakota Territory, and we of the Lower Sioux would like to go back to our farms and there live as white men, or we would like to live among the white men and farm as they do if they would let us. We think we ought to be dealt with as our Great Father does with his white children.

The bad ought to be punished and the good to be well treated. All the Indians who were engaged in killing the white men and women and children should be hanged, but we who did not do bad hope to live, and we ask our Great Father to let us live and to aid us. We think we have not forfeited our annuities or other funds, because we have done no wrong; and we ask that our Great Father will use so much as belongs to us in such a way as to him seems best for our good to help us to live, and as much as belongs to the bad Indian we would like to have our Great Father pay our just debts out of, and it is in right that the white people who have lost all their property should be paid out of the money which was the Sioux.

We humbly and respectfully ask that our Great Father take pity on us and do as he thinks best for our good. We must have food and clothing and in the spring somewhere to live. Last spring our agent bought us a great many plows and hoes and iron and other things, and we want that he should pay for these things out of our money. We want everything we owe paid. We respectfully ask that our Great Father appropriate our annuity money and that of those whom we represent: first, to pay our debts created by our agent, Major Galbraith; second, to pay damages, and last to aid us in getting a living. We are here at Fort Snelling, 41 Lower Sioux Indians, 20 Upper Sioux Indians, and about 1,500 women and children and 20 half-



breed men. We know not what to do and we submit ourselves into the hands of our Great Father.

Chief Wabesha (his x mark), Caurepayouha (his x mark), Wakaubdeota (his x mark), Okesumaza (his x mark), Chief Wakute (his x mark), Wakaubdesna (his x mark), Chief Hushasha (his x mark), Paypay (his x mark), chief acting for Shakapee band, Buyapa (his x mark), Marpeyaldekinyoumane (his x mark), Shoteau (his x mark), chief of farmer Indians, Taopi (his x mark), Wakinyanwaxti (his x mark), Wakingantuwa (his x mark), Anpedicure (his x mark), Cetauxun (his x mark), Tonkauweuxte (his x mark), Marpeyawakonzé (his x mark), Kankesapa (his x mark), Waulinkpe (his x mark), Wakaubdesapa (his x mark), Wahacunkamaza (his x mark), Tonkantoiciye (his x mark), Tonkanwanyakapi (his x mark), Hakewaxte (his x mark), Chief Wasuheyayena (his x mark), Tatek'ata (his x mark), Wamanusa (his x mark), Tatootamain (his x mark), Wiyunhamani (his x mark), Chief Wakanmane (his x mark), Chief Ahnawabmane (his x mark), Mazakutemani or Paul, Chief Anpetutokeca or Other Day, Citauhdera (his x mark), Chief Inehan (his x mark), Xupeheyon (his x mark), Niteope (his x mark).

Witnesses:

THOS. J. GALBRAITH,  
*Sioux Agent.*  
JOHN P. WILLIAMSON.

#### HEADQUARTERS SIXTH REGIMENT MINNESOTA VOLUNTEERS,

*Fort Snelling, December 18, 1862.*

I certify that I am personally acquainted with the Indians who have signed the foregoing petition. As president of the military commission that tried the Sioux prisoners I had occasion often to meet these men. I consider them true-hearted. They are indeed few, but nevertheless they deserve all that the Government may grant them. They should be kindly dealt with and liberally rewarded.

I certify to the signatures attached to this petition.

COLONEL SIXTH REGIMENT MINNESOTA VOLUNTEERS.

I hereby certify that the Indians whose signatures are attached to the above petition applied to Superintendent Thompson and Agent Galbraith for leave to make a book or petition to the President or the United States, through me; that said superintendent and agent met said Indians in council on the 17th instant, and that the Indians then and there dictated to me the foregoing petition; that it is a fair and just translation of what they stated, made by me; that after I had written it out in English, as above, I read it to them twice in their own language in presence of Rev. John P. Williamson, a Dakota missionary, and of the agent superintendent, Colonel Crooks, and other persons, civil and military, at the headquarters of Colonel Crooks, at Fort Snelling. That said Indians all understood it and publicly assented thereto, in my presence, and authorized me to sign their names thereto, except Other Day (Anpetutoceca) and Paul, who wrote their own names. I further certify that Wabasha, Wakute, Taopi, Wasuheyayena, Hushasha, and Buyapa are chiefs and represent the Lower Sioux, and that Other Day, Wakanma, Wakanmane, Anawbmani, and Inihan are chiefs and represent the Lower Sissetons and Wahpetons, and the others are all full-blooded Indians of both Upper and Lower Sioux who were throughout friendly to the whites.

ANTOINE FRENIERE, *Interpreter.*

Dated December 18, 1862.

SIOUX AGENCY, *December 19, 1862.*

SIR: In regard to the petition of Sioux chiefs and soldiers now under the protection of the military at Fort Snelling, which is herewith transmitted, I have to say, what you know, that it is a voluntary matter on their part and sets forth in their way their wishes and desires. The situation of these men is a peculiar one. Not only are they innocent, but most of them have by their acts exhibited a friendship for the whites and a moral and a Christian fortitude provocative of sincere admiration. They can not go with the wild Indians by any means, and such is the hatred toward their race, engendered by the recent atrocities, that our white citizens can not be persuaded to allow them to stay among them. Thus their situation is a hard one—one which is hard for persons not directly cognizant of the facts to realize.

Six or seven of them, indeed, have made such a reputation as to insure for them

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the respect of every white man and woman who knows them. But, then, all do not know them, and to those who do not know them they are but "Ingins" and are subjected to all kinds of indignities, even to threats to take their lives.

These thus well known but not sufficiently to protect them are Anpotutokecha (Other Day), Maza kuta mani (Paul), Lorenzo Lawrence or Towanta to Ana wab mani (Simon), Wasoc howashta, and Ka wan kee. Besides these, Taopi, Wabasha, Chaska (who saved Spencer), Pay pay, Red Iron, "old Jim's son," Akipawakean washte, Chetanshun (known as the baby), and perhaps ten others who were good in their way and entitled to particular mention are comparatively but little known. They feel keenly and realize their situation, and their feelings have induced the petition, and when the petition was read to them they agreed to it and authorized Colonel Crooks, yourself, and myself to add what we pleased to it. By this authority I do then add this: These men are of the representatives of the Sioux of the Mississippi. They have made no forfeit, but are entitled to reward. They place themselves at the mercy of the Government and ask protection, and whatever treaty rights they retain; by this petition they submit to "the discretion of the Secretary of the Interior."

I submit the petition with remarks such as I have made and ask that you will, with such explanatory remarks as you see proper, refer it to the serious consideration of the Department.

Respectfully,

THOS. J. GALBRAITH,  
*United States Agent.*

CLARK W. THOMPSON, Esq.,  
*Superintendent Indian Affairs, St. Paul.*

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OFFICE SUPERINTENDENT OF INDIAN AFFAIRS,  
*St. Paul, December 24, 1862.*

SIR: I herewith transmit petition of the Sioux Indians and letter of Agent Galbraith, giving a fair statement of facts as they occurred in my presence. The Indians whose names appear to this petition have been true and loyal and should not be punished for the sins of others. They are now without homes or means of earning a living. Their expectations, based upon the risk and danger they incurred in saving the whites in the late outbreak, have not been realized. They supposed the whites would be grateful and provide for them and ask that their interest may be considered and that they may not be driven off with the wild or savage Indians, who would treat them as badly as they have treated the whites. They are of the farmer Indians and could do much toward raising their own living if allowed to go back to their farms and be protected in their peaceable possession of them and this should be done in time to allow them to get in their crops in season next spring. The manner in which they have acted toward the whites ought to entitle them to a reward over and above their benefits arising from their treaty stipulations. They manifest to do anything or go anywhere the Department may direct.

Very respectfully, your obedient servant,

CLARK W. THOMPSON,  
*Superintendent Indian Affairs.*

Hon. WM. P. DOLE,  
*Commissioner Indian Affairs, Washington, D. C.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*January 9, 1863.*

SIR: Your communication of the 24th ultimo, inclosing letter from Agent Galbraith, with petition from certain chiefs and headmen of the Sioux Indians who are now under the protection of the military forces at Fort Snelling, is received. I have transmitted the same, with accompanying papers, to the Secretary of the Interior with the request that he lay the same before the Senate Committee on Indian Affairs with the recommendation that these people may be exempted from the operation of such legislation as may be had to punish and prevent the renewal of the atrocities committed by other portions of the Sioux nation, and that such legislative action be had in their behalf as in the wisdom of Congress their good and praiseworthy conduct demands at our hands.

Very respectfully, your obedient servant,

WILLIAM P. DOLE, *Commissioner.*

CLARK W. THOMPSON,  
*Superintendent Indian Affairs, St. Paul, Minn.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
January 9, 1863.

SIR: I herewith transmit copies of a communication from Superintendent Thompson of the 24th ultimo, and of its accompanying papers, consisting of a letter addressed to him by Agent Galbraith and a petition from certain chiefs and headmen of the Sioux who are under the protection of the military forces at Fort Snelling, Minn. I earnestly solicit for these papers that consideration which the justice of the cause they set forth demands. There is no honorable sentiment of our natures which does not plead the cause of these unfortunates. In their persons the justice and wisdom of the policy which deals with the Indians as the wards of the Government are fully vindicated. They are of those Sioux who are known as farmers who have adopted our customs and habits and for several years passed have withstood the gibes and sneers of the remainder of their people, known as Blanket Indians, and have steadfastly persevered in cultivating the arts of peace and civilization. Last fall while the remainder of their people were engaged in the perpetration of infamous and inhuman crimes the noble conduct of these Indians afforded the conclusive evidence that they are truly reclaimed and their savage natures extinguished.

Without hesitation, at the imminent peril of their own lives and with the most generous devotion they espoused the cause of the whites, did all in their power to preserve the lives of our people, and very many are now living who but for their efforts would have fallen victims to the mad frenzy which ruled the day. They now find themselves not only exposed to the vindictive hatred of their savage brethren, but also of those from whom they have reason to expect grateful and kind treatment. It is to be hoped that time will serve to remove the prejudices of the whites toward those people and to produce a just appreciation and approval of their highly meritorious conduct. In the meantime, I respectfully suggest that with your approbation these papers be laid before the Senate Committee on Indian Affairs, with a recommendation that these people may be exempted from the operation of such legislation as may be had to punish and prevent the renewal of the atrocities committed by other portions of the Sioux Nation, and that such legislative action be had in their behalf as in the wisdom of Congress this good and praiseworthy conduct demands at our hands.

Very respectfully, your obedient servant,

WM. P. DOLE, *Commissioner*.

Hon. J. P. USHER,  
*Secretary of the Interior.*

From these documents it appears that only a few members of the Santee Sioux who, under the tribal names of the Medawakanton and Wapakoota Indians, participated in the outbreak of 1862 are living, and they are old men, feeble and incapacitated for labor, and really subjects of charity at the hands of the United States and private citizens. All other members of the tribe are innocent of any participation in or encouragement of the outbreak. They were all too young at the time it took place to be participants. Most of them are comparatively young men and women, and many of them are children.

Without extending this report, your committee have to say that Congress long ago condoned the part of the Sisseton and Walpeton Indians in the massacre of 1862, and it is believed that the Santee and Flandreau Sioux, who are the sole remnants of the Medawakanton and Wapekoota Indians, are the only ones now resting under the penalty of that war. Later Indian wars and outbreaks have not been followed by forfeiture to the United States of Indian rights, and as it now appears that but few of those who participated in the affair of 1862 are living, the time has come, in our judgment, when a keen sense of justice and the promptings of humanity require that the remnants of this rapidly fading people shall be absolved from the consequences of the conduct of their ancestors.

The writer of this report believes that the sins of the fathers of these people should not be visited upon their children, and that in the consideration of this bill the following provisions of the Constitution should be held to be, and are by analogy, applicable. The Constitution provides:

"That no attainer of person shall work corruption of blood or forfeiture except during the life of the person attained."

If the principle here laid down is applicable to the Caucasian race, which is confessedly superior in intellect to the Indian, it should be applied by analogy to the conduct of these people in the outbreak of 1862. For the sake of argument, let it be conceded that the outbreak was unprovoked and without reason, still the policy of the United States since that time has been to condone such offenses and outbreaks, without the forfeiture of the rights of the Indians, and having condoned the acts of the Sissetons and Wahpetons, who were equally participants in the affair, it would seem to be grossly unjust, if not absolutely cruel, to enforce against the survivors of these Indians the forfeiture of 1863. The treason of the ancestors, so to speak, should not work corruption of blood or deprive the Santee Sioux, as now organized, of their just and equitable if not legal rights under former treaties.

We subjoin herewith, as a part of this report, a brief history of the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, prepared by the Rev. James Garvie. It is an important document and throws great light on the subject under consideration.

[Senate Document No. 192, Fifty-fourth Congress, first session.]

**A BRIEF HISTORY OF THE SANTEE SIOUX INDIANS OF NEBRASKA AND THE FLANDREAU SIOUX INDIANS OF SOUTH DAKOTA, BY REV. JAMES GARVIE.**

The Santee Sioux Indians of Nebraska and the Flandreau Sioux of South Dakota were formerly known as the Medawakanton and Wahpakoota, or Sioux of the Mississippi. These Indians inhabited a wide tract of land lying along the western boundary of Wisconsin, the northwestern part of Illinois, the northern part of Missouri, the whole of the State of Iowa, the eastern part of North and South Dakota, and the southern part of Minnesota. Their permanent home, when they first came in contact with the white man, was on both sides of the Mississippi River, between La Crosse, Wis., and St. Paul, Minn., and also along the Minnesota River. They have made various treaties with the United States under various names. (See Revision of Indian Treaties, pp. 634, 780, 869, 870, 876, 882, 885.) The name Medawakanton means "sacred lake," or "spirit lake village," and Wahpakoota means "leaf shooters," and thus some of their treaties are entered into under the name of "Sioux of the Leaf" and "Sioux of the Mississippi" or "Sioux of the Lake," etc.

Until the year 1837 the Medawakantons were composed of seven bands, numbering about 1,700, and they entered into a treaty with the United States, dated September 29, 1837, which was ratified June 15, 1838 (7 Stat. L., 538). It will be observed that the Medawakantons were the only Indian parties to this said treaty.

About this time the Medawakantons inhabited both sides of the Mississippi River at the place heretofore described. According to the above-mentioned treaty, the Medawakantons relinquished their title to all land lying on the west side of Wisconsin along the Mississippi River for the small sum of \$300,000, to draw 5 per cent interest forever, and other articles named for different periods of time.

After the treaty of 1837 the Medawakantons had their permanent home on the west side of the Mississippi River. The places where they made their homes afterwards became town sites, namely, Wabasha, Red Wing, Mendota, and other places.

It would seem from the records of legislation that the name "Sioux of the Mississippi" was used in making appropriations for the Medawakantons, the treaty of 1837 being made with them exclusively.

The Indian Bureau and the Interior Department are also of the opinion that the Sioux of the Mississippi means the Medawakantons, Wahpakoota, Sissetons, and Wahpetons; but this opinion is incorrect, for the old men of the Sisseton and Wahpeton tribes acknowledged that they were without rations or annuity goods up to that time, unless the good-hearted Medawakantons extended to them part of their annual allowance from the United States; and the Sissetons and Wahpetons made no treaties with the United States until after one was made exclusively by them at Traverse des Sioux, July 23, 1851 (10 Stat. L., 949).

On August 5, 1851, the Medawakantons made another treaty with the United States at Mendota, under which a small roaming band of about three or four hundred Indians was admitted as a part of the confederacy of the Medawakantons. They were known as the Wahpakoota band, and have been connected as legal members of the Medawakanton Sioux band since then.

Under the treaty of 1851 the Medawakantons and Wahpakootas agreed to be removed to certain reservations set aside for their permanent home. (See Articles III and IV of the treaty of 1851, 10 Stat. L., p. 954.) The Sissetons and Wahpetons also agreed to be removed to their permanent reservation, set apart for their home under the agreement of 1851. (See Articles II and III, treaty of 1851, vol. 10 Stat. L., p. 949.)

Prior to these two treaties the Medawakantons and Wahpakootas were occupying territory all along the Mississippi and mouth of the Minnesota River, or in the east central part of the country known as the State of Minnesota, and the Sissetons and Wahpetons were occupying the west central part of Minnesota, or the region lying along the source of the Minnesota River, Big Stone Lake, and Traverse Lake. The distance between the two bands or parties was something over 200 miles. The distance was not so great but that they could visit, as they speak the same language, though they recognize each other as distinct bands or nations.

Not until the two treaties named did the Government fulfill its agreement under the articles named, to bring the four bands together at their proposed permanent homes on the Minnesota River, immediately west of New Ulm.

According to the description of the treaties named, these four bands were to occupy a tract of land 10 miles wide on either side of the Minnesota River, beginning on the east at a small creek called Rock Creek, extending to the west about 140 miles, touching on the north side of the Minnesota River the counties of Chippewa, Renneville, Sibley, and Nicollet, and on the south Brown, Redwood, Yellow Medicine, and Lac qui Parle counties.

When these four bands of Indians were brought together at their new agencies they were recognized by their respective positions, and the Medawakantons and Wahpakootas were known as "Lower Sioux," or Redwood Agency Indians, because they occupied the lower part of the Minnesota River, and the Sissetons and Wahpetons were known as "Upper Sioux," or Yellow Medicine Agency Indians. It was while they were here that the outbreak occurred, under a severe strain produced by intruding whites of all classes and ranks.

The general story seems to be that these four bands of Indians had adopted civilization to a certain extent and depended upon farming and rations of the Government, and on their credit with the traders. The war of the rebellion broke out and appropriations were behind time, and some of the white men who pretended to be friends of the Indians alleged that the annuities were not to be paid, for the Government was carrying on a great war that would use up all the money. Traders refused to credit the Indians any longer. The agent also refused to aid them with rations, while in the warehouses there was plenty. Unfortunately, the year before the outbreak of 1862, a drought had prevailed all over the territory occupied by the Indians, and as they could no longer depend on hunting, but were trying to support themselves on farming, they had a hard time during the winter of 1862, and with money and annuity goods behind time. Some of the Sissetons and Wahpetons who came down to draw their annuity goods and money payments were disappointed and broke into the warehouse to help themselves, for which they were threatened by the United States troops; but wise counsel and cool management brought matters to a peaceable conclusion.

About this time many of the Indians went off to hunt and to find something to eat. One of the parties who went away committed a depredation upon some white farmers, which is set out in the affidavit of Robert Hakewaste, in Senate Document No. 85, Fifty-fourth Congress, first session.

It is not my intention to go into the details of the outbreak of 1862, but to use it in connecting the events of history.

Many of the Indians at this time, who had become Christianized by missionary workers among them, and many of the old chiefs, were actuated with a purpose to live like white people and educate their children; but, like other people, they had some bad, restless, discontented, warlike persons among them, who provoked trouble and compelled the better element to join them by threats of death. I was told by one of the old men, who was in the midst of the outbreak, that he saw with his own eyes Chief Wabashaw caught by his arms and dragged to the front of the trouble, and he tried to keep away from the trouble and take no part in it, and as he could not get himself loose from them he sobbed like a child; that all of the chiefs of the Medawakantons and Wahpakootas were opposed to an outbreak except one, Little Crow, so often named in history, and his followers.

This statement can be confirmed by consulting the Commissioner's report of 1862 (p. 314), where a statistical report will be found, made by one of the army officers, showing that over three-fourths of the Medawakantons and Wahpakootas, with their chiefs, voluntarily gave themselves up to General Sibley. Out of that number there were only 300 Sissetons. These people stopped, though they knew the troops were after them, and concluded to make peace, which was accomplished by a letter found by some of the members of the Medawakanton and Sisseton bands, who went

to the camp of General Sibley near Yellow Medicine. This party, who went out to investigate matters in the rear of the place of the trouble, found a letter in a deserted camp containing these words:

"All those who want peace must make a camp by themselves away from the hostile Indians and put up a sign of the white flag. By so doing no one will be harmed, and they who do so must keep their post. If you want to make peace, send someone immediately with a white flag, and no one will harm him, and he shall return to your camp safely. If you want to follow this plan, it will be well for you to do so right away. Those who wish to be friendly we do not desire to harm, but we will fight those who wish to fight us, and those only.

"GEN. H. H. SIBLEY."

This note was read in camp at Yellow Medicine Creek, where the Medawakantons and the other three bands were camped for the purpose of considering which was the best way to make peace. When the letter quoted was brought to the camp, they immediately held a council and selected two mixed-bloods of Medawakanton descent, who were called Thomas Robinson and Thomas A. Robertson, to go to General Sibley's camp and make peace with him for those who desired to make peace. They could have gotten away from General Sibley if they had chosen to do so, but they preferred peace. After peace was accepted General Sibley's troops came to the camp and peace was acknowledged between them, and the Indians delivered up over 250 white captives, including women and children.

From this camp the Indians were invited to come to Yellow Medicine Agency, which was in ruins, except a few of the houses, which were in proper shape to be used as guardhouses. In a stealthy way groups of men were called together at the agency buildings, for what no one seemed to know; but soon the white men, who wished to make peace, were discovered holding a court-martial, and the work of disarming was in progress, and as a man was disarmed he passed into one of the empty agency buildings bound hand and foot, mostly by twos. Soon the work was completed, and the families of the prisoners were taken to Fort Snelling, near the mouth of the Minnesota River, and the male prisoners were taken to Mankato, Minn., where a further investigation was to be had. This occurred in the winter of 1863.

A military court was created, before which seven-eighths of these men were brought to prove their innocence or be condemned as guilty. Of those who were thus brought to trial, about 50 were acquitted, 303 were condemned to be hanged, and 20 were condemned to be imprisoned for from one to five years.

In looking back upon the work of condemnation accomplished by that court, two things are very apparent: First, 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, and there were other days when over thirty cases were disposed of. Second, the principle that all participation in the outbreak was punishable by death, acted upon by the court, was a very wrong one. In many cases persons acknowledged that they had been present at some battle, as at Fort Ridgely, New Ulm, Birch Coolie, or Woodlake, and if a man was present at one of these places with a gun and ammunition, and had fired off that gun, there was one law of condemnation for him. In addition to this, it was held that a half-breed might be forced to go into these battles, but not a pure Indian.

In considering this action of the military court, as it has now become a matter of history, it is necessary to remark that the action and the principles on which it was based were the result of the highly exasperated state of feeling which existed in the minds of all white people on the border against all Indians. "They are Indians" was regarded as sufficient justification for hasty and superficial trials. Six months afterwards, when men came to discriminate, the same court would have conducted the trials more properly, and the majority of the findings would have been quite different.

The report of the military court was transmitted to the President of the United States, Abraham Lincoln. Thirty-eight of these prisoners were hanged, and the remainder of the three hundred were imprisoned at Mankato for the winter. As soon as the river was navigable the prisoners were transported to Davenport, Iowa, while their families, who were quartered at Fort Snelling for the winter, were also transported on a steamer by way of St. Louis, and were taken to Crow Creek or Fort Thompson.

These poor women and children had to remain there for two years, fatherless, with scanty rations and fruitless toil in gardens, owing to the fact that it was exceedingly dry during those two years and nothing was produced.

After two years of fruitless experiences in trying to raise crops to make a living, they were once more removed to the mouth of the Niobrara River, in the then Territory (now State) of Nebraska. Under an act of February 3, 1863, Congress, after abrogating all the treaty stipulations, provided for 80 acres of good agricultural lands outside of the limits of Minnesota for the use of each. For once the

Government authorities tried to fulfill one of its obligations, as these people, who were placed on a desert, or nearly a desert, were removed to fertile land at the mouth of the Niobrara River. But, alas! the whites were there before the Indians, and some measures had to be taken to put the Indians away from the white community. Although the President of the United States, Andrew Johnson, ordered that certain tracts of land should be held for these homeless people, still the white people first and the Indians last was the rule of the Government who promised to care for the latter.

So these people must move farther east, toward the roughest of the Missouri bluffs, and here they remain to this day under difficult circumstances—a place where the experienced white farmers have hard work to make both ends meet. Still, this is the place where the Government expects the Indians to be self-supporting and good respectable citizens.

It is at this place where a sudden change of name from the Medawakanton and Wahpakoota to the Santee Sioux took place. The Indians themselves do not know how it came about, but it is supposed that this name was applied to them by those who were west of the Missouri River, who were known to call all Indians east of the Missouri River Santee Indians.

Your committee therefore recommend favorably the amendment, and ask that it be sent to the Committee on Appropriations for favorable consideration.

