

SUPPLIES FURNISHED SIOUX INDIANS OF MINNESOTA.

MAY 23, 1878.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 2642.]

The Committee on Indian Affairs to whom was referred the bill (H. R. 2642) to authorize the Secretary of the Interior to ascertain the amounts due to citizens of the United States for supplies furnished the Sioux or Dakota Indians of Minnesota subsequent to August, 1830, and prior to the massacre of August, 1862, and providing for the payment thereof, have considered the same, and respectfully report :

That the citizens of the United States, for whom this bill would make provision, are certain traders, who were lawfully engaged in the ordinary course of trade and business in selling commodities to the Sioux or Dakota Indians of Minnesota, expecting the Indians to pay for the same out of annuities to be paid them by the United States.

That at the time at what is familiarly known as the Sioux or Dakota Indian massacre of August, 1862, the Indians involved were indebted to these traders for necessary supplies furnished them during a period of two years just then passed, to the amount of about \$120,000, and that their only resource for discharging such indebtedness was their annuities.

It also appears that some of these claims were presented to the commissioners appointed under the act for the "relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, and that said commissioners declined considering them, for the reason that none other than claims for depredations were deemed by said commissioners to be included in the terms of said act, and their indebtedness to their traders not being provided for in specific terms, they felt it their duty not to assume the responsibility of their adjudication.

It also appears by the first section of the act above referred to that all annuities due these Indians were forfeited to the United States leaving them nothing with which to pay this indebtedness.

In regard to the annuities, &c., due these Indians under treaty stipulations, abrogated and annulled by the act referred to, the papers in the case show that at the time of the passage of said act there were annual installments due and to become due to the Upper Bands, in the aggregate amounting to \$2,584,000, besides a permanent fund of \$3,000,000, on which interest at 5 per cent. was paid them annually, and the difference between the amount, \$170,880, to be paid for the land ceded by

the treaty of 1858, and the sum, say \$70,000, paid therefrom on account of the debts, &c., amounting to about \$100,000, and to the Lower Bands an aggregate amount of annual installments due and to become due, of \$2,547,900, which said amounts would have been paid or still due in part by the United States to said bands, had not their treaties been abrogated and their annuities forfeited by said act of February 16, 1863.

It further appears that there has been appropriated, since the abrogation of the treaties, for the payment of claims on account of depredations committed during the massacre, the sum of \$1,170,374, and for the removal and to subsist and care for them at their new homes, and as provided by act of May 16, 1874, in round numbers, \$741,000, making in all that has been appropriated for and on account of these Sioux, between the abrogation of their treaties and the making of new treaties with them, about the sum of \$1,911,374, which would leave a balance in favor of or that would be due to the Indians of about \$3,720,526.

That these traders, unable thus to collect their debts from the Indians, come now to the United States and ask to be reimbursed for their losses out of moneys represented in the aforesaid confiscated annuities.

As the credit given to these Indians was based upon the well-known fact of their interest in these annuities, and as the claim had accrued prior to their forfeiture, we think it clear that a lien, equitable at least, existed upon said annuities, and a trust arose in favor of these creditors to the extent of any existing indebtedness so created.

Your committee therefore recommend the passage of said bill with an amendment.