

SIoux INDIAN RESERVATION IN DAKOTA.

MARCH 22, 1886.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill S. 52.]

The Committee on Indian Affairs, to whom was referred the bill (S. 52) to divide a portion of the reservation of the Sioux Nation of Indians in Dakota into separate reservations, and to secure the relinquishment of the Indian title to the remainder, having considered the same, submit the following report:

At the beginning of the present century the tribes of Chippewa Indians occupied the country skirting the southern and western shores of Lake Superior. The country lying south and west of the Chippewa territory, comprising mainly that portion of Minnesota, Dakota, and Northern Iowa, lying between the Mississippi and Missouri Rivers, was occupied by the various bands and tribes of the Sioux Indians now mainly concentrated on the Great Sioux Reservation on the west side of the Missouri River in Dakota.

Before the intervention of white men there were continued and bitter hostilities and wars between the Sioux and Chippewas, the former seeking to crowd the latter back onto the shores of Lake Superior, while the latter were continually pressing the former back onto the western prairies; and these hostilities and wars would have no doubt continued until one or the other of these great nations had been subjugated had not the white man intervened.

In 1826, by the treaty of February 6 of that year, the Government, for the purpose of securing peace, or at least a truce, between these nations, established a boundary line between them, running substantially from where the city of Eau Claire, Wis., now is, thence by way of Stillwater, Rum River, Sauk River, Otter Tail Lake, to Buffalo River in the State of Minnesota, the Chippewas to occupy the country to the north and northeast of this line, and the Sioux the country to the south and southwest of that line.

Subsequently, from time to time, by various treaties with different bands of Sioux, the Government acquired portions of the territory impliedly left with the Sioux under the treaty of 1826, though prior to the great Sioux outbreak of 1862 the Sioux Indians occupied the larger portion of Southwestern Minnesota and the greater portion of Dakota east of the Missouri River.

After the outbreak of 1862 the Sioux were deprived of all their lands in Minnesota, and of all their lands in Dakota on the east side of the Missouri River, except the small reservations of Yankton Indians, the

Sisseton Indians, the Old Winnebago and Crow Creek reservations, and were pressed back into the country west of the Missouri River.

By the second article of the treaty of April 29, 1868 (vol. 15, p. 638), all that country bounded on the north by the forty-sixth parallel of north latitude, on the east by the Missouri River, on the south by the State of Nebraska, and on the west by the one hundred and fourth meridian of longitude west from Greenwich, now the western boundary of Dakota, was set apart as a reservation for the different bands of Sioux, and is the basis of their title.

Owing to the discovery of gold in the Black Hills, and the excitement incident thereto, the boundaries of the reservation were considerably modified by the treaty of 1876 as ratified by the act of February 28, 1877 (vol. 19, page 254). By this act the reservation was curtailed on the west to the extent of a degree of longitude while on the north it was somewhat enlarged.

The reservation as thus modified contains an area of 34,125 square miles or 21,840,000 acres of land.

The Indians occupying this great reservation are estimated not to exceed 25,000 in number and are cared for at six agencies, namely: Standing Rock, Cheyenne River, Crow Creek, Lower Brulé, Rose Bud, and Pine Ridge.

The Black Hills country, opened by the treaty modification of 1877, has since that time been settled up and at present contains a population of nearly 50,000 people, who are cut off from the rest of Dakota, as a glance at the map will show, by this great reservation.

The reservation is now surrounded on all sides by extensive, prosperous, and growing settlements of whites. Two railroads, the Chicago, Milwaukee and Saint Paul and the Chicago and Northwestern, both extending from Chicago, have long since been completed and in operation to the eastern boundaries of the reservation on the Missouri River, and are awaiting an opportunity for extension into the Black Hills country.

The Sioux, in their original condition, and prior to the outbreak of 1862, were exceedingly warlike, cruel, crafty, aggressive, and savage Indians. Since that time, and especially since the treaty of 1868, they have made considerable, though somewhat slow, progress in civilization. It is now, and for some years has been, considered and felt by all the best friends of the Indians that their progress in civilization and development is hampered and retarded by the extensiveness of this reservation, and that the very immensity of the country occupied by them militates against their progress, and tends to keep up the savage and nomadic disposition inherent in them, and that it would be an act of charity and mercy to them to reduce the reservation to a much smaller area, and to allot lands to them in severalty and to put them, as land owners, in the same condition that our white people occupy.

The great bulk of the reservation is now wholly non-productive. A large portion of it can with great advantage to the Indians be disposed of, and converted into cash for the purpose of providing a fund to aid the Indians in their civilization and development.

To the advancing tide of civilization it seems monstrous and abnormal that 25,000 Indians should occupy and hold, to the exclusion of everybody else, and with but little benefit to themselves, nearly 22,000,000 acres of land, or an average of about 900 acres per capita.

The pressing want of our own civilization cannot be stayed in the presence of these facts, and it is for us, as guardians of the public interests, to confine it within proper and lawful channels.

On this subject the Indian Rights Association of America wisely and judiciously say:

We cannot stop the legitimate advance of emigration and civilization if we would, and, we add most emphatically, we would not if we could; but, on the other hand, we strenuously oppose unlawful, violent, or ill-advised acquisition of Indian lands whether by the Government or individuals.

It is, of course, a matter of the greatest importance for all parties concerned that the irruption of civilization into Indian lands should be lawful, just, and restrained by wise conditions. Those who have most carefully studied the welfare of the Indian believe that it will be best advanced by the sale of this unneeded and unoccupied lands, and by bringing him into healthful contact with a good class of white settlers.

The waves of an importunate civilization, that cannot long be either stayed or stopped at the bidding of any man, are beating incessantly upon the border of the great reservation. It is the deep conviction of the Indian Rights Association that sound policy now demands the opening of a lawful channel for the advance of this mighty tide. Hesitation at the present critical time invites a possible catastrophe.

The bill now under consideration, in substantially its present shape, passed the Senate, and was favorably reported by the Committee on Indian Affairs of this House in the Forty-eighth Congress. In two particulars only does the present bill differ from the former bill, viz: In making provision for right of way, &c., for the railroad companies, and in protecting certain settlers, of which a fuller explanation will hereinafter be made.

The principal provisions of the present bill are as follows:

The Great Sioux Reservation, upon which the Sioux or Dakota Nation of Indians lives, is to be divided into six smaller reserves, for which patents are to be issued to the several tribes of which the Sioux Nation is composed, the United States holding the land in trust for them for twenty-five years. At the expiration of that time the United States will convey the same to each of the different tribes of Indians in fee; or the President may withhold the patent for a longer time if he deem it to be for the interest of the Indians to do so.

In the first six sections of the bill the boundaries of the six new reservations into which the Great Sioux reserve is to be divided are definitely described. The amount of land retained for the Indians in these six reservations is 20,000 square miles or 12,800,000 acres of land, or an average of over 500 acres per capita.

The President is authorized to cause allotments to be made to individual Indians so soon as their progress in civilization is such as to warrant the belief that lands in severalty will be to their advantage. Amount of land allotted to each Indian will be as follows: To every head of a family, one-quarter of a section (160 acres); each single person over eighteen years of age, one-eighth of a section (80 acres); to each person, under eighteen years, one-sixteenth of a section (40 acres). These patents issued to individual Indians are to override the patent issued to each of the tribes and shall separate the individual allotment from the lands held in common. It is also provided that the law of descent and partition in force in the State or Territory where the lands may be situated shall apply thereto after patents therefor have been executed and delivered. And for the protection of the Indians the lands thus allotted to them are made inalienable for twenty-five years.

The part of the present Great Sioux Reservation not included in the six new reservations, in all 14,125 square miles, or 9,040,000 acres, is to be ceded by the Indians to the United States. In the case where an Indian is living upon land outside of that which will be embraced by the lines of the new reservations, he can, at his option, have his present allotment secured to him, or take up an allotment on his new reservation among his own people.

In payment for the land to be ceded by the Indians under the provisions of the bill (about 9,000,000 acres) the United States agrees to continue in force the educational provisions of the treaty of 1868 for twenty years from the time of the passage of the bill, and to give to the Indians cattle not exceeding 25,000 breeding cows and 1,000 bulls. In addition a permanent fund of \$1,000,000 is to be deposited to the credit of the Indians in the Treasury of the United States, the interest of which at 3 per cent. is to be used for their education and civilization under the direction of the Secretary of the Interior. Furthermore, the lands ceded are to be sold to actual settlers only under the homestead law at the rate of 50 cents per acre. Money resulting from this sale is to be used to reimburse the United States for funds expended in the purchase of cattle and in the creation of the permanent fund, and the remainder is to go to the increase of the permanent fund. It is estimated that this permanent fund for the education and civilization of the Indians will eventually reach the sum of \$1,500,000.

The bill also secures to religious bodies, now doing missionary or educational work among the Sioux Indians, the land upon which their buildings rest, not exceeding in any one tract the amount of 160 acres.

Provision is also made in the bill whereby the Ponca Indians, living on the old Ponca Reservation (embraced within the limits of the Sioux reserve) may take their individual allotments of land in the same manner as is provided in the case of the Sioux Indians. Similar provision is made in the case of the Santee Sioux Indians, living on the Santee Reservation in Nebraska.

Provision is also made whereby all settlers who in good faith went onto the Crow Creek or Winnebago Reservation with the intention of taking up claims between the issue of President Arthur's executive order, February 27, 1885, and President Cleveland's proclamation, April 17, 1885, will, if outside of the new reservations, be permitted to perfect their entries and claims, and if inside said reservations, have the value of their improvements estimated and appraised.

Three islands in the Missouri River, viz, American Island, Farm Island, and Niobrara Island, are given to adjoining cities for public parks, to wit: American Island, to the city of Chamberlain, Dak.; Farm Island to the city of Pierre, Dak.; Niobrara Island, to the city of Niobrara, Nebr. The following communication contains all the information your committee can obtain as to the area of said islands, to wit:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 19, 1886.

SIR: In reply to your informal request for information as to the area of certain islands in the Missouri and Niobrara Rivers belonging to the Great Sioux Reservation, in Dakota, viz, American Island, Farm Island, and Niobrara Island, I have to say that the first named, American Island, has an area of 545.88 acres; the second, Farm Island, is estimated to be 3 miles in length, by from one-quarter to three-quarters of a mile in width.

I can give you no information in respect to the last named, Niobrara Island. It has never been surveyed, nor has Farm Island.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

Hon. KNUTE NELSON,
House of Representatives.

By section 16 certain agreements between the Indians and the Chicago, Milwaukee and Saint Paul, and the Dakota Central Railroad Companies, made in 1880, touching right of way, depot grounds, and terminal facilities on and through the reservation, are ratified and

confirmed, with provision for the payment of \$2.50 per acre to the United States in addition to the price agreed to be paid the Indians.

The facts in reference to these agreements are as follows: These two railroad companies had reached with their railroads the east side of the Missouri River in 1880, the Dakota Central at Pierre and the Chicago, Milwaukee and Saint Paul at Chamberlain, and, being anxious and desirous to extend their roads through the reservation into the Black Hills country under the permission of the Executive Department of the Government, entered into agreements with the Indians during that year as follows: The agreement between the Indians and Dakota Central Railroad Company provided for a right of way 200 feet in width, for a terminal station on the west side of the Missouri River of 640 acres, for a station on the east side of the river not exceeding 75 acres, and for interior stations not exceeding 160 acres each and not less than 10 miles apart. The right of way was to be paid for at the rate of \$110 per mile, the interior station grounds at the rate of \$4 per acre, and the terminal points at the rate of \$5 per acre, and payment was to be made in all cases before possession was taken by the railroad company. This agreement was approved by the Secretary of the Interior, and under it \$3,575 was deposited with the Secretary of the Treasury for the benefit and credit of said Indians.

The agreement between the Indians and Chicago, Milwaukee and Saint Paul Railroad was substantially the same, except that the station grounds on the east side of the Missouri River contained 188 acres, and the right of way on the east side of the Missouri River was to be paid for at the rate of \$4 per acre; and this agreement was also approved by the Secretary of the Interior, and under it the company deposited with the Secretary of the Treasury in 1880 the sum of \$15,335.76 for the benefit and to the credit of said Indians.

Bills to ratify the agreements aforesaid were pending and favorably reported by the Committee on Indian Affairs of the House in the Forty-eighth Congress. (See H. R. 5420, report 829, and H. R. 5282, report 830, in Forty-eighth Congress, and also, for further information, see Executive Documents Nos. 20 and 11, first session, Forty-eighth Congress, where this whole matter is explained in detail and at length.)

The money deposited as aforesaid has remained on deposit ever since and still so remains with the Secretary of the Treasury for the benefit and to the credit of said Indians.

And, finally, it is to be noted that this act does not take effect until ratified by the Indians in the manner prescribed by article 12 of the treaty of 1868. The language of the treaty on this point is as follows:

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying and interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article 6 of this treaty.

After due consideration of all the premises aforesaid, your committee recommend the passage of said bill (S. 52), with the following amendments, viz: Strike out all between the words "seventy," in line 12, section 6 of the printed bill and the word "and," in line 13 of the same section, and add to the end of said section 6 the following words: "Excepting, however, from the reservation sections 1, 2, 3, 4, 9, 10, 11, and 12 of township No. 107 in range 70."

Amend section 9 by inserting after the word "thereon," in line 11, in the printed bill, the following words: "Or belonging thereto."

Amend section 12 by inserting the word "certificates" in place of the word "patents" in lines 3 and 4 of said section in the printed bill, and also amend said section by inserting the words "certificates or" before the word "patents" in line 25, and the words "certificates and" before the word "patents" in line 26 of printed bill.

Amend section 17 by striking out the word "five," in line 24 of the printed bill, and inserting in place thereof the word "three," and by adding at the end of the section the following: "*Provided*, That after the Government has been reimbursed for the money expended for said Indians under the provisions of this act, the Secretary of the Interior may, in his discretion, expend, in addition to the interest of the permanent fund, not to exceed ten per centum per annum of the principal of said fund in the employment of farmers and in the purchase of agricultural implements, teams, seeds, and other articles necessary to assist them in agricultural pursuits."

Amend section 18 by striking out the words "regularly incorporated" in lines 10 and 14, printed bill.

Amend section 20 by inserting after the word "soldiers," in line 15, printed bill, the following words: "As defined and prescribed in sections 2304 and 2305 of the Revised Statutes of the United States"; also amend same section by striking out the words "subject to modification by the President of the United States," where they occur in lines 43, 44, 55, 56, 68, and 69.

Amend section 22, printed bill, as follows, viz: Insert the words "or settled" after the word "entered," in line 4; and insert the words "or covered by the provisions of section 16 of this act" after the word "act," in line 10; and by inserting the words "or settlements" after the word "entries," in line 11; and by inserting the words "on said" in place of the words "of any portion of such," in line 13; and by inserting the words "as required under the law under which he entered or settled" after the word "lands," in line 14

Amend section 23 by inserting after the word "States," line 8, printed bill, the words "as specified in section twenty-two of this act"; also amend same section by striking out all between the word "same," in line 17 and the beginning of line 20; also amend said section by inserting the word "the" in place of the word "other," in line 20; also amend said section by adding to the end thereof the following: "*Provided, however*, That all persons entitled to damages for actual improvements under this section shall make and prove up said claims within three years after the passage of this act."