

SISSETON AND WAHPETON BANDS OF DAKOTA OR SIOUX
INDIANS.

APRIL 9, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 9192.]

The Committee on Indian Affairs, to whom was referred an agreement with the Sisseton and Wahpeton bands of Sioux or Dakota Indians for the purchase and release of the surplus lands in the Lake Traverse Reservation, also a bill submitted by the honorable Commissioner of Indian Affairs to ratify and confirm the same, and for other purposes (Senate Ex. Doc. No. 66, Fifty-first Congress, first session), have carefully considered the same and respectfully submit the following report:

The said agreement was duly executed December 12, 1889, under the authority conferred upon the honorable Secretary of the Interior by the fifth section of the act of Congress approved February 8, 1887 (24 Stats., 388).

By the terms of said agreement the said bands of Indians agree to cede, sell, relinquish, and convey to the United States all unallotted lands within the reservation on the following conditions, to wit: That a restitution be made of certain annuities claimed by them to have been wrongfully withheld; that additional allotments be made so as to secure to each member of the bands, without regard to age, sex, or condition, 160 acres; that the purchase price of the surplus land shall be fixed at \$2.50 per acre, and the proceeds thereof be held in trust by the Government for their sole use and benefit, the same with accrued interest, to be at all times subject to appropriation by Congress for their education and civilization; that Article V of an agreement entered into December 18, 1884, with the Chicago, Milwaukee and Saint Paul Railway Company for right of way through the reservation be ratified by Congress.

From the report of the commissioners, who were the negotiants of this agreement, it appears that the Indians absolutely refused to enter into any negotiations for the sale of their surplus lands, or any portion of them, unless the commissioners would agree to incorporate in the agreement a stipulation for the payment of certain annuities claimed to be due them, and unjustly withheld, under an act of Congress approved February 16, 1863 (12 Stats., 652).

Moved by a sense of the justice of their claims, and the fact that a refusal to consider them would have terminated the negotiations, the commissioners consented to stipulate for a reparation of the wrong done, and accordingly provided in Article III thus of the agreement for

the restoration of their share of the annuities under former treaties, and the payment thereof, which for a period of twenty-nine years had been unjustly withheld. Their share of the annuity under the treaty of July 23, 1851 (10 Stats., 949), and the act of Congress approved August 30, 1852 (10 Stats., 52), is found to be \$18,400, which by the terms of agreement is to continue until 1901, the date of the expiration of the annuity clause of the treaty.

The failure to discriminate between friends and foes in the confiscation act of February 16, 1863, was manifestly a monstrous injustice to the Sisseton and Wahpeton bands, a majority of whom were guilty of no violation of their treaty obligations, but, to the contrary, many of them voluntarily aided, under great peril of life and limb, in suppressing the Indian revolt of 1862, known as the "Sioux outbreak," and enrolled themselves as scouts and soldiers in the armies of the United States, rendering meritorious service during the war of the rebellion; and the same is also true in respect of a portion of the Medawakanton and Waupakoota bands. We are, therefore, of the opinion that the commissioners were justified in considering the claims of these Indians, and that Congress should hasten to allow whatever is justly due them.

The justice of their claim has often been admitted by the Interior Department and recognized by former committees of Congress, notably by the Committee on Indian Affairs of the Fiftieth Congress (*vide* Report No. 1953 accompanying bill H. R. 9676).

We submit the following letter of the honorable Secretary of the Interior, dated March 20, 1890, and addressed to this committee in response to our inquiries respecting the claims of the scouts, soldiers, and others of the Sisseton, Wahpeton, Medawakanton, and Waupakoota bands of Sioux Indians named in the bill. This letter contains a brief history of the several treaties with these four bands of Indians, creating the annuities, and a detailed statement of their accounts with the United States, showing the sum of \$376,578.37 now due the Sisseton and Wahpeton Indians, parties to the agreement, and \$126,620 due the members of these bands who were enrolled in the military service and served as scouts and soldiers during the civil war, and who are now living outside the reservation; including also certain loyal Medawakanton and Waupakoota Indians living in Minnesota, making a total of 1,987 Indians, who are entitled to the back annuities provided for in the bill:

DEPARTMENT OF THE INTERIOR,
Washington, March 20, 1890.

SIR: I acknowledge the receipt of your communication of 31st of January last, and accompanying papers, with a copy of H. R. 499, "For the relief of certain Sioux Indians, their families and descendants, who remained loyal to the United States during the Indian war following the outbreak of the Sioux Indians of August, 1862, and the male members of the families of which served either as scouts on the frontier against their own people, or as soldiers in the armies of the United States during the civil war of 1861, and who, in the Indian outbreak in August, 1862, were annuitants as members of the Sisseton, Wahpeton, Medawakanton, or Waupakoota bands of Sioux Indians, from the operation of certain acts of one Congress passed to punish the hostile Indians," and asking the justice of adding 200 more names as annuitants in the Medawakanton and Waupakoota bands.

In response thereto, I transmit herewith copy of a communication of 17th instant from the Commissioner of Indian Affairs, wherein it is recommended that provision be made for the 250 Medawakanton and Waupakoota scouts, and also for 50 families, numbering 250 persons, of the loyal scouts of the Sisseton and Wahpeton bands who reside outside of the Sisseton Reservation, and that they should receive the same per capita allowance as that to be paid to the Sisseton and Wahpeton scouts who reside on the reservation, under the agreement made with the Sisseton and Wahpeton Indians, December 12, 1889.

As the agreement of December 12, last, above referred to, is now before Congress

for ratification, and as Article III of said agreement provides for a per capita share to those on the reservation who served in the armies of the United States, and their families and descendants, I am of the opinion that it would be better to amend section 2 of the bill to ratify and confirm said agreement, and provide therein for the payment to the two hundred and fifty Medawakanton and Wahpakoota scouts, and also to the two hundred and fifty of the loyal scouts of the Sisseton and Wapeton bands who reside outside of the Sisseton Reservation, instead of passing H. R. 499.

If, in the consideration of the report of the Commissioner of Indian Affairs, herewith, which contains a statement showing the amount due the Sisseton and Wapeton scouts, made by the Commissioner of Indian Affairs March 22, 1888, but now continued so as to include the fiscal year 1890 (which statement appears in Report No. 1953, House of Representatives, Fiftieth Congress, first session), your committee should also find that the sum of \$36,800 is due to these scouts, by reason of non-payment of their share appropriated for the years 1862 and 1863, I would suggest that section 2 of the act ratifying the agreement be further amended so as to include these amounts if so found due.

If so found, the amount to be appropriated would be \$339,778.37, the amount stated as due in 1890, in the accompanying report of the Commissioner, and \$36,800 for 1862 and 1863, or a total of \$376,578.37, which, paid to the 1,487 Sisseton and Wahpeton Indians on the reservation at the last census, would give a per capita to each of \$253.24.

To pay the two hundred and fifty persons of the Medawakanton and Wahpakoota scouts and the two hundred and fifty of the loyal scouts of the Sisseton and Wahpeton bands outside of the reservation the same per capita, the sum to be appropriated would be \$126,620, making the total appropriation of \$503,198.37, or so much thereof as may be necessary to pay the parties to said agreement the amount stated therein, and the per capita amount above stated to the Sisseton and Wahpeton, Medawakanton and Wahpakoota scouts outside the Sisseton Reservation.

The inclosures of your letter are herewith returned.

Very respectfully,

JOHN W. NOBLE,
Secretary.

Hon. D. S. HALL,
Committee on Indian Affairs, House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 17, 1890.

SIR: I have the honor to be in receipt, by your reference of the 10th ultimo for report, of a communication from Hon. D. S. Hall, chairman of sub-committee of House Committee on Indian Affairs, inclosing H. R. 499, entitled "A bill for the relief of certain Sioux Indians, their families and descendants, who remained loyal to the United States during the Indian war following the outbreak of the Sioux Indians of August, 1862, and the male members of the families of which served either as scouts on the frontier, against their own people, or as soldiers in the armies of the United States during the civil war of 1861, and who in the Indian outbreak in August, 1862, were annuitants as members of the Sisseton, Wahpeton, Medawakanton, or Waupakoota bands of Sioux Indians, from the operation of certain acts of one Congress, passed to punish the hostile Indians."

In submitting the above bill Mr. Hall also incloses a memorial by General Sibley relating to H. R. 9676, of last session, which was a substitute for H. R. 6464, of the same session, the latter being identical with the bill introduced by Mr. Comstock, above referred to. He also incloses a letter from General J. B. Sanborn on the subject. He desires a report on H. R. 499; also as to the propriety and justice of adding two hundred more names as annuitants in the Medawakanton and Waupakoota bands, and the return of the papers herewith.

The bill enacts "That the provisions of the act of Congress entitled 'An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians,' approved February 16, 1883, which abrogates all treaties heretofore made and entered into by them and the United States, and forfeits all lands in Minnesota and claims heretofore accorded to said Indians, shall not extend to any Sioux Indians of the Sisseton, Wahpeton, Medawakanton or Waupakoota bands who, in the war following the outbreak of the Sioux Indians in August, 1862, enrolled himself or entered the military service of the United States as a scout and served as such against such hostile Indians in said war, under the direction of the commanding officers of the United States forces in the district of Minnesota or else-

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where, during said war, nor to any Indians of either of said bands who served as soldiers in the armies of the United States in the war of the rebellion, nor to any Indian of said band who was at the time of said outbreak and remained loyal to the United States, and as a member of a family the male members of which served in the military service of the United States as aforesaid, and said act of February 16, 1863, shall not be considered as in any way applying to any of the aforesaid Indians of said bands."

Section 2 provides, "That for the purpose of making as nearly as possible a settlement with said scouts and soldiers and the members of their respective families who were lawful annuitants on the 1st day of August, A. D. 1862, for the amount of annuities due them under treaties entered into prior to February 16, 1863, under which they were entitled to the sum of \$150,000 annually, the number of Indians of said bands, or of Indians not of said bands, who by marriage had become heads of families of said Indians, who enlisted as scouts or soldiers in the United States Army and their families shall be considered as one-fourth of the whole number of said Indians who were annuitants upon the rolls of the Sisseton and Wahpeton bands on the 1st day of August, 1862, and as including fifty annuitants of the Medawakanton and Waupakoota bands, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$305,938.38, being the amount due said scouts, their families and descendants for twenty-seven years, as their share of \$73,600 due annually to all the Indians of said Sisseton and Wahpeton bands under their treaties, and in addition thereto such proportion of the annuities of the Medawakanton and Waupakoota bands, for said twenty-seven years, as fifty bears to the whole number of said annuities; which amounts shall be expended for or paid to such scouts, soldiers, members of their families and descendants or legal representatives, in such manner as the Secretary of the Interior may direct, and, if accepted by them, shall be deemed a full settlement of any and all claims, either in law or equity, that any of said Indians may have under any treaties entered into between said bands and the United States prior to June 30, 1888."

In order to understand the object of the legislation proposed by this bill, it is necessary that a brief history of the four bands named, and of the sums guaranteed to them under their several treaties, should be detailed for the information of the Department and the House Committee on Indian Affairs.

Under treaty of September 29, 1837 (7 Stats., 539), with said Indians, the sum of \$300,000 was set aside to draw interest at 5 per centum per annum, yielding an interest annually forever of	\$15, 000
By treaty of July 23, 1851 (10 Stats., 949), with the Sisseton and Wahpeton bands, as a consideration for the cession of lands, a trust fund was created amounting to \$1,360,000, yielding an interest of 5 per centum per annum for fifty years.....	68, 000
By the Indian appropriation act of August 30, 1852 (10 Stats., 52), in accordance with the Senate amendment of said treaty, the sum of \$112,000 was added to said trust fund, yielding annual interest of	5, 600
By treaty with the Medawakanton and Waupakoota bands of Sioux, dated August 5, 1851 (10 Stats., 954), as a consideration for cession of lands, a trust fund was created, amounting to \$1,160,000, yielding an annual interest of.....	58, 000
To be paid for fifty years.	
By the Indian appropriation act of August 30, 1852 (10 Stats., 52), in accordance with Senate amendment to said treaty, the sum of \$69,000 was added to said trust fund, yielding an annual interest of.....	3, 450
Total annuity.....	\$150, 050

Owing to the outbreak and massacre in Minnesota in the fall of 1862, Congress, by act approved February 16, 1863 (12 Stats., 652), declared all treaties with said bands abrogated, all lands in Minnesota annuities and claims forfeited, and provided for a commission to ascertain and report upon claims for losses, and authority was given to the Interior Department to set apart 80 acres of lands to such Indians as had exerted themselves to save captive whites.

By the act of March 3, 1863 (12 Stats., 819), it was provided that a tract of good agricultural land should be set apart, outside of the limits of any State, sufficient for 80 acres to each member of the four bands who were willing to adopt the pursuits of agriculture; that their former reservation should be surveyed and sold, and the proceeds invested by the Indian Department for the benefit of said Indians, and that Indians who had exerted themselves to save the lives of whites should each have 80 acres of land on which the improvements were situated.

Under the provisions of this act of Congress such of the four bands named as were willing were removed from Minnesota, and are now located at the Santee Agency, Nebr., and at the Sisseton and Devil's Lake Agencies in Dakota.

On the 19th day of February, 1867 (15 Stats., 505), a treaty was entered into with Sisseton and Wahpeton bands of Sioux Indians, which recites as follows:

"Whereas it is understood that a portion of the Sisseton and Wahpeton bands of Santee Sioux Indians, numbering from 1,200 to 1,500 persons, not only preserved their obligations to the Government of the United States during and since the outbreak of the Medawakanton and other bands of Sioux in 1862, but freely periled their lives during the outbreak to rescue the residents on the Sioux Reservation and to obtain possession of white women and children made captive by the hostile bands, and that another portion of said Sisseton and Wahpeton bands, numbering from 1,000 to 1,200 persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the prairies of the Northwest, where they still remain; and

"Whereas Congress in confiscating the Sioux annuities and reservations made no provision for the support of these the friendly portion of the Sisseton and Wahpeton bands, etc.; and

"Whereas the several subdivisions of the friendly Sisseton and Wahpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the Government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life, etc.: Therefore, a treaty has been entered into at Washington City this 19th day of February, 1867, etc."

Under Article II of this treaty the said bands ceded to the United States the right to construct wagon-roads, railroads, mail stations, etc., over and across the lands claimed by said bands, including their reservation thereafter designated.

Under Articles III and V it is provided that for and in consideration of the cession above mentioned, and in consideration of the faithful and important services said to have been rendered by the said bands, also in consideration of the confiscation of all their annuities, etc., a tract of land was set aside for a permanent reservation, beginning at the head of Lake Traverse, etc., to be apportioned in tracts of 160 acres to each head of a family.

Under amended Article VI, in consideration of the destitution of said bands of Sisseton and Wahpeton Sioux, resulting from the confiscation of their annuities and improvements, it was agreed that Congress would, in its own discretion, from time to time make such appropriations as might be deemed requisite to enable said Indians to return to an agricultural life, to establish and support local and manual labor schools, to employ mechanical and other teachers, and to improve farms, etc.

Under this article of the treaty there has been appropriated for these bands the sum of \$467,457.25.

As hereinbefore stated, these four bands were to receive annually for fifty years the sum of \$150,050. At the time of the outbreak, in 1862, twelve installments of annuity had been appropriated, leaving unappropriated thirty-eight installments of \$150,050, aggregating the sum of \$5,701,900.

Since the date of the act of February 16, 1863, the following sums have been appropriated for the support of these four bands and to pay for damages to citizens, etc.:

12 Stats., 652. For damages	\$100,000.00
12 Stats., 784. For removal, etc.	50,016.66
13 Stats., 172. For deficiencies, etc	113,043.40
13 Stats., 92. Award for damages.....	928,411.00
13 Stats., 92. Award for damages.....	241,963.00
13 Stats., 427. Award to Indians.....	7,500.00
13 Stats., 180. Support of Indians.....	100,000.00
13 Stats., 559. Support of Indians.....	100,000.00
14 Stats., 279. Support of Indians.....	100,000.00
14 Stats., 514. Support of Indians.....	100,000.00

Under treaty of 1867:

15 Stats., 217. For support (D. L.).....	15,000.00
15 Stats., 217. For support (L. T.).....	30,000.00
15 Stats., 217. For support (L. T.).....	7,457.25
15 Stats., 221. For support (L. T.).....	50,000.00
15 Stats., 315. For support (L. T. and D. L.).....	60,000.00
16 Stats., 26. Survey of reservation.....	45,000.00
16 Stats., 88. For support	10,000.00
16 Stats., 353. For support	50,000.00
16 Stats., 354. For support	50,000.00
16 Stats., 563., For support	75,000.00
17 Stats., 183. For support	75,000.00

2,308,391.31

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18 Stats., 167. Add amount paid to Sisseton and Wahpeton, and Santee Sioux, of Lake Traverse and Devil's Lake, under agreement made by commissioners appointed under act of June 7, 1872, with said bands, for the relinquishment of their claim to or interest in land described in second article of treaty of February 19, 1867.....	\$800,000.00
15 Stats., 635. Add amount paid to the Santee Sioux Indians, of the four bands named, under treaty with the different tribes of Sioux, dated April 29, 1868, for twenty-two years, say \$75,000 per annum..	1,650,000.00
Which under article 10 is in lieu of all annuities under former treaties.	
18 Stats., 47. Add amount appropriated to pay creditors of said bands by act approved May 16, 1874.....	70,000.00
19 Stats., 549. Add amount appropriated for the relief of Hans C. Petersen, by act of March 3, 1877.....	2,283.92
23 Stats., 344. Add amount expended out of the sum of \$100,000, appropriated by act approved March 3, 1885, to pay creditors of said Indians prior to the massacre of 1862.....	42,991.50
	4,873,666.73

Add amounts expended for support of said bands at Sisseton and Devil's Lake for the fiscal years—

1884.....	15,934.60
1885.....	15,933.86
1886.....	15,588.22
1887.....	11,717.63
1888.....	12,000.00
1889.....	12,000.00
1890.....	12,000.00

For the Medawakanton band in Minnesota for the fiscal years—

1885.....	9,442.50
1887.....	8,781.00
1889.....	20,000.00
1890.....	12,000.00

5,019,064.54

Balance 682,835.46

In addition to the aggregate sum of \$5,019,064.54 expended as shown above, there has been received from the sale of their lands in Minnesota and Dakota the sum of \$889,081.90, of which amount the sum of \$865,377.06 has been expended for the benefit of the Santee Sioux and Sioux of Lake Traverse and Devil's Lake, leaving a balance to the credit of the Santee Sioux of \$23,704.84.

In stating the foregoing account under H. R. 499, this office has dealt with the four entire bands in common; but relief is only sought for those members of the four bands, their families and descendants, who enlisted as scouts in the United States Army, and who were under treaty entitled to their share of the annual sum of \$150,050, of which twelve installments had been appropriated, leaving thirty-eight installments due when the act of confiscation of February, 1863, was passed.

Of the different amounts appropriated in the foregoing statement the Sisseton and Wahpeton scouts claim that only their share of the \$467,457.25 appropriated under Article VI of the treaty of February 19, 1867, should be charged against them, as the other charges were for payment of damages arising from the massacre in 1862 and for feeding the Indians after the confiscation of their annuities and while the scouts and families were at Fort Wadsworth in the employ of the Government. This office, however, is of the opinion that they should be charged, in addition to their share of the \$467,457.25, with their share of the \$70,000 appropriated May 16, 1874 (18 Stats., 47), and of the \$42,991.50 used from the \$100,000 appropriated March 3, 1885 (23 Stats., 344), as these amounts were used to pay debts prior to the massacre.

They should also be charged with their share of the amounts appropriated by Congress as a gratuity from 1884 to 1890, inclusive, amounting to \$47,637.77, making a total amount to be charged against the Sissetons and Wahpetons of \$628,086.52.

As a basis for settlement, and in order to arrive at the amount due to the Sisseton and Wahpeton scouts, it is necessary to multiply the amount of their annuities (\$73,600) by the number of years (twenty-seven) that have elapsed since the confiscation act, and we have the gross sum of \$1,987,200. From this subtract the amount which has been appropriated for the whole number after the confiscation act, amounting to \$628,086.52, which leaves the sum of \$1,359,113.48.

The scouts and their families are considered to constitute one-fourth of those who would have received this, and their share, therefore, would be \$339,778.37. The

Sisseton and Wahpeton Indians, at the Sisseton Agency, number, by last census, 1,487 souls. This would give a per capita allowance to each individual of the sum of \$228.49.

The bill provides that a settlement shall be made with the scouts belonging to the Medawakanton and Waupakoota bands, by payment of such proportion of the annuities of said bands, for said twenty-seven years, as fifty bears to the whole number of annuities.

The records of this office fail to show the whole number composing these two bands; therefore an accurate calculation can not be made as to the actual amount due, but, as General Sibley, of Minnesota, who commanded the scouts, and General Sanborn, both urge that provision should be made for the scouts belonging to the Medawakanton and Waupakoota bands, fixing the number at 250 souls, and, after an examination of the claim, I am of the opinion that this number should be provided for, and that they should receive the same per capita allowance as that to be paid to the Sisseton and Wahpeton scouts. This will require an appropriation of the sum of \$57,122.50, which sum, or so much thereof as may be necessary, I recommend shall be included in the bill for payment to said scouts and their families, etc.

Attention is invited to the fact that the bill fails to provide \$18,400 annually, for the term of thirteen years, for the Sissetons and Wahpetons, as provided in Article I II of the agreement with said Indians, now before Congress for ratification.

The agreement referred to provides for an appropriation of the sum of \$342,778.37, being at the rate of \$18,400 per annum from July 1, 1862, to July 1, 1888, less their pro rata share of the sum of \$616,086.52, heretofore appropriated for the benefit of said Sissetons and Wahpetons, as set forth in Report No. 1953 H. R., Fiftieth Congress, first session, while this report charges them with the sum of \$12,000 appropriated for their support for the fiscal years 1889 and 1890, making the sum now due \$339,778.37.

In the event of the ratification by Congress of the Sisseton agreement and the appropriation of the sums guaranteed therein, provision should be made in this bill for a per capita allowance to the 250 Medawakanton and Waupakoota scouts for the same per capita payment for thirteen years ending July 1, 1901, as that to be paid per capita to the Sisseton and Wahpeton scouts.

In this connection I desire to say, that the amount mentioned in this report, viz: \$339,778.37, is due to all the loyal scouts of the Sisseton and Wahpeton bands of Sioux or Dakota Indians. The agreement made in relation to the purchase and release of the surplus lands in the Lake Traverse Reservation (Senate Ex. Doc. No. 66, Fifty-first Congress, first session) provides in Article III "that the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indian parties thereto, per capita, the sum of \$342,778.37." This office is informed, although there is no date at its disposal to verify this information, that about fifty families, numbering two hundred and fifty persons, of the loyal scouts of the Sisseton and Wahpeton bands of Sioux or Dakota Indians, reside outside of the Sisseton Reservation in Dakota, some at the Devil's Lake Agency, and some elsewhere. As the agreement now before Congress provides that the above-named sum be paid per capita to the Sisseton and Wahpeton bands, etc., parties to the agreement, those residing outside and entitled to share in this fund are cut off from any benefit. I therefore respectfully recommend that the same provisions, which are recommended to be made for the Medawakanton and Waupakoota scouts, be made for the two hundred and fifty Sisseton and Wahpeton scouts, residing outside of the Sisseton Reservation, and that a similar amount be appropriated for their benefit.

The letter of Mr. Hall and inclosures are returned herewith.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

The statement of the honorable Commissioner of the Indian Office relating to the balance due these four bands of Sioux Indians is based upon the annual appropriations to pay the annuities made prior to the confiscation act of February 16, 1863. The facts are, that the annuity appropriations for the fiscal years 1862 and 1863 were never paid to the annuitants, but were covered back into the Treasury. Instead, therefore, of twenty-seven installments due them, they are justly entitled to twenty-nine installments up to and including the year 1890. The committee of the Fiftieth Congress who had the matter of restoring these back annuities under consideration concur in this statement of fact. (See Report No. 1953, accompanying bill H. R. No. 9676, Fiftieth Con-

gress, first session.) The outbreak occurred in August, 1862; the money for that year had been sent to pay them, but did not reach the reservation on account of the revolt. The appropriation for 1863 had also been made by Congress before the outbreak occurred, and the two appropriations were covered back into the Treasury. There should, therefore, be added to the allowance or balance due the scouts and soldiers of the Sisseton and Wahpeton bands the sum of \$36,800.

The records of the Indian Office show that the Lake Traverse Reservation contains 918,780 acres of agricultural lands, and that 127,887 of which have been allotted under the act of February 8, 1887 (24 Stats., 388). It will require to make the additional allotments, as provided in article 4 of the agreement, 112,113 acres, leaving a balance or surplus of 678,778 acres, the Indian title to which will be extinguished by the terms of the agreement. We are of the opinion that the equalization of allotments on the basis of 160 acres, as provided in the agreement, in view of the fact that these Indians have for many years adopted civilized habits and agricultural pursuits, and are soon to assume the responsibilities of citizenship, with all it implies respecting the maintenance of their family obligations to provide for the future material welfare of their children, and the further fact that the additional allotments are in lieu of any residue which, under their title, they might have retained for the minor children of their respective families, is a just and reasonable provision. The policy of equalizing allotments in quantities of 160 acres is recommended by the honorable Commissioner of Indian Affairs in his annual report, and he heartily approves this article of the agreement. (See his letter of January 28, 1890, submitted as a part of our report.)

The stipulation in Article II of the agreement, fixing the purchase price at \$2.50 per acre, would appear perhaps, at first thought, too high, but taking into consideration the character of the tract, being well supplied with water and timber; its exceptional fertility; the average value of unimproved lands in the vicinity of this reservation, surrounded as it is with the populous and prosperous agricultural communities of the Dakotas and Minnesota, and its accessibility by railways, we think the price is just and equitable and within the purview of the act of February 8, 1887 (23, Stat., 388).

The Chicago, Milwaukee and St. Paul Railway Company having paid into the Treasury of the United States the amount agreed upon for the right of way through the reservation, the company is obviously entitled to a confirmation of their title by Congress.

We have amended the bill submitted by the Indian Department for the ratification and confirmation of the agreement, so as to include in the appropriation for the restitution of annuities the scouts, soldiers, families, and descendants of the Sisseton and Wahpeton bands of the Sioux Indians who are now living outside of the reservation; also the scouts, soldiers, their families, and descendants of the Medawakanton and Waupakoota bands of Sioux Indians who were enrolled in the military service of the United States and performed meritorious service in suppressing the Indian revolt of 1862, and in the war of the rebellion.

These Indians were entitled to the same and equal benefits as annuitants under the treaty of July 23, 1851, and subsequent treaties and acts of Congress creating the annuity fund. If loyalty to the United States and faithfulness to treaty obligations furnish proper grounds for restitution of the annuities confiscated by the act of 1863 to the Sisseton and Wahpeton scouts, soldiers, and their descendants, living on the reservation, it applies with equal force to these Indians. To exclude

this class would be a discrimination against them, the injustice of which needs only to be stated to be seen.

The number of this class will not exceed five hundred persons, and the total number of annuitants provided for in the bill will not exceed two thousand.

We have further amended the bill providing for the purchase of the sixteenth and thirty-sixth second sections by the States wherein it is located, also limiting the settlement of the surplus lands to entries under the homestead laws, and requiring the entrymen to pay \$2.50 per acre before patent shall issue, and prescribing the mode of payment. With the amendments indicated in this report, we recommend that the agreement be ratified and confirmed and that the bill for carrying out its provisions do pass.

H. Rep. 1356—2