

SISSETON AND WAHPETON BANDS OF DAKOTA OR
SIOUX INDIANS.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A REPORT CONCERNING THE SISSETON AND WAHPETON BANDS
OF DAKOTA OR SIOUX INDIANS, IN CONFORMITY WITH THE
REQUIREMENTS OF THE INDIAN APPROPRIATION ACT OF JUNE
7, 1897.

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DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1898.

SIR: I have the honor to herewith transmit a report concerning the
Sisseton and Wahpeton bands of Dakota or Sioux Indians, in conformity
with the requirements of the Indian appropriation act approved June
7, 1897. (30 Stat., 89.)

Very respectfully,

C. N. BLISS,
Secretary.

The PRESIDENT OF THE SENATE.

REPORT OF THE SECRETARY OF THE INTERIOR CONCERNING THE SISSETON AND
WAPHETON BANDS OF DAKOTA OR SIOUX INDIANS, MADE IN PURSUANCE OF THE
FOLLOWING PROVISIONS OF THE ACT OF CONGRESS APPROVED JUNE 7, 1897
(30 STAT., 89), VIZ:

That the Secretary of the Interior is hereby directed to report to Congress as soon
as practicable, or at its next regular session, copies of all treaties or agreements made
with the Sisseton and Wahpeton bands of Dakota or Sioux Indians prior to and since
eighteen hundred and sixty-three; also a statement in detail, as far as practicable,
of all amounts or sums paid to said Indians under said treaties or otherwise, includ-
ing amounts for subsistence since said period; also the extent of reservations granted
to them by said treaties or agreements, or any of them, and amounts now in the
Treasury arising from sale of their reservations or portions thereof; also statement
of all appropriations made for or on their behalf since said period, or on behalf of
any of them.

TREATY OF JULY 15, 1830. (7 STAT., 328).

By article 1, the Medawakanton, Wahpakoota, Sisseton, and Wahpeton bands of Sioux, or other Indians, ceded to the United States the land within the following boundaries:

Beginning at the upper fork of the Demoine River, and passing the source of the Little Sioux and Floyds River to the forks of the first creek which falls into the Big Sioux or Calumet, on the east side; thence down said creek and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line above the Kansas; thence along said line to the northwest corner of said State; thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of the Boyer River, and thence in a direct line to the upper fork of the Desmoine, the place of beginning.¹

Of this cession, however, only the land north of the Sac and Fox boundary line, as shown on the map and embraced in diagram 1 B, was claimed or owned by the Sioux.

And, by article 3, the said four bands "cede and relinquish to the United States forever a tract of country 20 miles in width, from the Mississippi to the Demoine River, situate north and adjoining the line mentioned in the preceding article" (cession by the Sacs and Foxes).²

Also, by article 9, the said Sioux bands asked permission to bestow upon the half-breeds of their nation the tract of land within the following limits:

Beginning at a place called the barn, below and near the village of the Red Wing chief, and running back fifteen miles; thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles, to a point opposite Beef (or O-Bœuf) River; thence fifteen miles to the Grand Encampment opposite the river aforesaid; the United States agree to suffer said half-breeds to occupy said tract of country, they holding by the same title and in the same manner that other Indian titles are held.³

In consideration of the cessions made the United States agreed to pay \$2,000 per annum for ten years to the "Sioux of the Mississippi," comprising the four bands named in article 1 of the treaty.

Only two Sissetons and none of the Wahpetons signed the articles of agreement.

TREATY OF NOVEMBER 30, 1836. (7 STAT., 527.)

By this treaty the Wahpakoota, Sisseton, and Upper Medawakanton bands of Sioux ceded to the United States all their right, title, and interest to the lands lying between the State of Missouri and the Missouri River.⁴

No annuities or payments were guaranteed by this treaty.

TREATY OF JULY 23, 1851. (10 STAT., 949.)

The Sissetons and Wahpetons (and the Medawakantons and Wahpakootas also, by their treaty of August 5, 1851), cede, sell, and relinquish to the United States, by article 2, all their lands in the State of Iowa; also, all their lands in the Territory of Minnesota lying east of the following boundaries:

Beginning at the junction of the Buffalo River with the Red River of the North; thence along the western bank of said Red River of the North to the mouth of the Sioux Wood River; thence along the western bank of the said Sioux Wood River to

¹ See map, diagram 1 A, 1 B, 1 C.

² See map, diagram 2.

³ See map, diagram 3.

⁴ See map, diagram 1 C.

Lake Traverse; thence along the western shore of said lake to the southern extremity thereof; thence in a direct line to the junction of Kampeska Lake with the Tehankas-an-data or Sioux River; thence along the western bank of said river to its point of intersection with the northern line of the State of Iowa, including all the islands in said rivers and lake.¹

By article 3, the United States set apart for future occupancy, to be held by them as Indian lands are held—

All that tract of country on either side of the Minnesota River from the western boundary of the lands herein ceded, east to the Tchay-tan-bay River on the north, and to the Yellow Medicine River on the south side, to extend, on each side, a distance of not less than ten miles from the general course of said river.²

Senate amendment to the treaty struck out this article, and added a supplementary article, which provided, first, for payment to the "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," as originally agreed upon; and, second, for setting "apart by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the first (second) article of the treaty as may be satisfactory for their future occupancy and home."

Other lands do not appear to have been set apart for the occupancy of the Indians; but they were allowed to remain upon those described in the original third article of the treaty, and these were confirmed to them as their permanent reservation by the act of July 31, 1854. (10 Stat., 326.)

In further and full consideration of said cession, the United States, by article 4, agreed to pay to said Indians the sum of \$1,665,000, at the several times and in the following manner, viz:

1. Two hundred and seventy-five thousand dollars to be paid to the chiefs of the bands to enable them to settle their affairs, and in consideration of removing themselves (within two years) without cost to the Government and subsisting themselves for the first year after removal, also without further cost or expense to the Government.

2. Thirty thousand dollars for manual labor schools, erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for other beneficial objects.

After the payment of these two sums, the balance of the \$1,665,000 purchase money, being \$1,360,000, was to remain in trust with the United States, and 5 per cent interest thereon, amounting to \$68,000 per annum, to be paid annually for the period of fifty years, commencing July 1, 1852, and to "be in full payment of said balance, principal and interest," said interest to be annually applied as follows:

3. Twelve thousand dollars for a general agricultural improvement and civilization fund.

4. Six thousand dollars for educational purposes.

5. Ten thousand dollars for the purchase of goods and provisions.

6. Forty thousand dollars for money annuity.

By the act of August 30, 1852 (10 Stat., 51-52), Congress added \$112,000 (being the value of 1,120,000 acres of land, at 10 cents per acre²) to the trust fund of \$1,360,000, on which interest at the rate of 5 per cent was also to be paid, "being the amount allowed in lieu of the reservation set apart in the original third article of the treaty—thus increasing the annual interest to \$73,600, and making \$3,680,000 as the full value of the installments to be paid in the aforesaid period of fifty years.

¹See map, diagram 6.

²See map, diagrams 7 and 8.

Twelve of the annual installments of \$73,600 each were appropriated by Congress, commencing with the act of 1852, cited above. Two hundred and seventy-five thousand dollars for payment to the chiefs, and \$30,000 for manual labor schools, etc., were also appropriated by the same act.

Owing to the participation of the Sisseton and Wahpeton and the Medawakanton and Wahpakoota bands of Sioux in the outbreak of August 18, 1862, known as the "New Ulm massacre," Congress, by act approved February 16, 1863 (12 Stat., 652), abrogated and annulled all treaties between the several bands and the United States, and declared all lands and rights of occupancy within the State of Minnesota, and all annuities and claims previously accorded them, to be forfeited to the United States.

At this point it seems necessary to state that while this report purports and is intended to be an account of history of the affairs of the Sisseton and Wahpeton bands alone, yet, because of their connection with the Medawakantons and Wahpakootas in the rebellion of 1862, and of the subsequent legislation by Congress, involving alike the interests of both branches of these bands, it is found to be imperatively necessary to treat of them conjointly during this period, and, to some extent, to review the financial matter of the latter, as well as of the former, so far as concerns the accrued treaty annuities of both branches up to and including those for the fiscal year 1863, and appropriations made in subsequent years for the payment of damages and losses growing out of that rebellion, and for the expenses of removing all the bands from the State of Minnesota.

By the forfeiture act of 1863, authority was granted for the use of two thirds of the balance remaining unexpended of annuities due and payable to the four bands for the "present" fiscal year (1863), not exceeding \$100,000, and a further sum of \$100,000, being two-thirds of the annuity becoming due and payable to them during the next fiscal year (1864), was appropriated, to be apportioned "among the heads of families, or in case of the decease, among the surviving members of families of the State of Minnesota who suffered damage by the depredations" of the said four bands in the late Indian war in that State.

A commission to distribute these moneys was also provided by the same act, and authority given for the use of the sum of \$10,000 of the annuities of the said four bands, to pay the expenses of the distribution.

An examination made for the purpose, shows that \$90,562.85 remained to the credit of the Sisseton and Wahpetons on the books of the Indian Office at the date of the outbreak of 1862, and, as was afterwards disclosed, \$31,841.6. of their money was in the hands of the Superintendent of Indian Affairs, at the same time, which was subsequently refunded by him and placed to their credit—making, in all, \$122,404.46 due and unpaid at that time.

To this sum should be added one half of the \$100,000 advance appropriation made by the forfeiture act of 1863—making \$172,404.46 available funds to their credit, subject to a charge of \$105,000, being one-half of the \$210,000 to be placed in the hands of the Commissioners for distribution amongst the sufferers by the war referred to, and for their expenses, under the provisions of the act, and leaving a balance of \$67,404.46, which was subsequently disbursed in the payment of indebtedness incurred for goods, supplies, and materials furnished for the use of the Indians prior to the outbreak, and for the salaries of agency and school employees prior and subsequent thereto.

As has been indicated, \$305,000 for special purposes and twelve

installments of \$73,600 each, and two-thirds (or say \$50,000) of the installment for the fiscal year 1864, aggregating \$933,200, in all, \$1,238,200¹ have been appropriated and (excepting \$104.66) expended under the provisions of the treaty and the act of 1863, leaving unappropriated thirty-eight similar installments (less the above-mentioned \$50,000) aggregating \$2,746,800—the two sums of the appropriated and unappropriated installments making the amount (\$3,680,000) agreed to be paid during the fifty years provided by the treaty.

In the execution of the provisions of the act of 1863, it is ascertained that \$120,220.24 of funds due the Sissetons and Wahpetons and \$89,779.76 of funds due the Medawakantons and Wahpakootas were placed at the disposal of the commissioners charged with the payment of damages sustained by the sufferers of the rebellion of 1862.

The moneyed interests of the Sissetons and Wahpetons in their treaty of 1851, and the Medawakantons and Wahpakootas in theirs of 1837 and 1851, were practically identical—the former having annuities amounting to \$73,600 per annum and the latter \$76,450, and the assumption is that Congress, by the legislation of 1863, intended that they should be held equally liable, and that each should pay an equal share of the said damages. Holding this reasoning to be sound, it is clear that each of them should have been charged with \$105,000 (being one-half of the sum named in the act of 1863)—whereas it appears that the branch having the smaller income (and always understood to be less culpable than the other) was charged with the greater amount, while the one having the larger income was charged with the smaller sum in the liquidation of these damages. It appears, therefore, that the Sissetons and Wahpetons were charged with \$15,220.24 in excess of their proportion, while the Medawakantons and the Wahpakootas were undercharged in the same amount.

TREATY OF JUNE 19, 1858. (12 STAT., 1037.)

By article 2 of this treaty a part of the lands described in the original third article of the treaty of 1851, which were subsequently confirmed to the Indians by the act of July 31, 1854, as a permanent reservation,² were ceded to the United States, and the question left to the Senate whether they should be allowed a specific sum of money therefor, and if so, how much; or whether the same should be sold for their benefit, they to receive the proceeds of the sale, after deducting the necessary expenses incident thereto.

By Senate resolution of June 27, 1860, it was determined that the Indians "be allowed the sum of 30 cents per acre for the lands contained in that portion thereof (the reservation) lying on the north side of the Minnesota River."³

That portion of the aforesaid cession belonging to the Sissetons and Wahpetons was subsequently ascertained to contain 569,600 acres, and appropriation to pay therefor, at the rate of 30 cents per acre, amounting to \$170,880,⁴ was made by the act of March 2, 1861 (12 Stat., 237).

Provision was made by the third article of the treaty for the use of a part of the above fund to satisfy the just debts and obligations of the Indians, "and to provide goods to be taken by said chiefs and headmen to the said bands on their return." (This treaty was made in the city of Washington.)

¹ Statement No. 1.

² See map, diagrams 7 and 8.

³ See map, diagram 8.

⁴ Statement No. 2.

A part of these "debts and obligations" were paid from the said fund, and the balance thereof was provided for by the act approved May 16, 1874 (18 Stat., 47), which appropriated \$70,000¹ to pay "the creditors of the Upper and Lower Bands of Sioux Indians, arising under the treaty of June nineteenth, eighteen hundred and fifty-eight, between said bands of Indians and the United States, and from the diversion by the United States of the funds and assets of said Indians in their control and possession applicable to that purpose," meaning, doubtless, their confiscated annuities arising under the treaty of 1851.

"Debts and obligations" of the Sissetons and Wahpetons, including expenses of payment, amounting to \$25,472.30, were paid, in pursuance of the above act, in 1874. This sum seems to be a proper charge against the Indians in any future adjustment of their account.

An appropriation of \$7,500, not provided for by any treaty or agreement, appears to have been made for these Indians in 1865 (act of February 9, 1865, 13 Stat., 427), "for the relief of certain friendly Indians of the Sioux Nation, in Minnesota."

TREATY OF FEBRUARY 19, 1867. (15 STAT., 505.)

The right to construct wagon roads, railroads, mail stations, telegraph lines, and other public improvements was granted by this treaty (art. 2) over and across the lands claimed by the Indians, being those "bounded on the south and east by the treaty line of 1851 and the Red River of the North to the mouth of Goose River, on the north by the Goose River and a line running from the source thereof by the most westerly point of Devil's Lake to the Chief's Bluff, at the head of James River, and on the west by the James River to the mouth of Moccasin River, and thence to Kampeska Lake."²

Out of this tract was reserved the following, since known as the Lake Traverse Reservation:

Beginning at the head of Lake Traverse and thence along the treaty line of the treaty of 1851 to Kampeska Lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairies, and thence passing north of Skunk Lake on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.³

Also the following, since known as the Devil's Lake Reservation:

Beginning at the most easterly point of Devil's Lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne River; thence down said river to a point opposite the lower end of Aspen Island, and thence in a direct line to the place of beginning.⁴

Provisions were also incorporated in the treaty for the apportionment or allotment of their lands and for the payment of specific sums of money for a definite period of time (arts. 5 and 6), and, by other articles, for other purposes for their benefit and future well being.

By Senate amendments, all articles from and including article 6 were stricken out, and new provisions inserted in lieu thereof, in part, as follows:

ART. VI. And, further, in consideration of the destitution of said bands of Sisseton and Wahpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriation as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862; including, if thought advisable, the establishment and support of local and manual labor schools; the employment of agricultural, mechan-

¹ See statement No. 2.

² See map, diagram 12.

³ See map, diagram 13.

⁴ See map, diagram 14.

ical, and other teachers; the opening and improvement of individual farms; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

Other provisions were inserted therein, practically similar to those discarded by the Senate, all of which were accepted and ratified by the Indians on April 22, 1867, and the treaty, as amended, was proclaimed May 2, 1867.

Appropriations aggregating \$418,457.25¹ were made for the joint benefit of the Indians on the Lake Traverse and Devil's Lake reservations (including that of \$12,000 by the act of March 2, 1889), under the provisions of the aforesaid article 6. Of these, \$417,422.26 were expended in the care and support of the Indians and \$1,034.99 carried to the credit of the "surplus fund." Twelve thousand dollars¹ were subsequently (in 1890 and 1891, prior to the ratification of the agreement of 1889) appropriated for the Indians of the Lake Traverse Reservation, \$11,985.10 thereof being expended for their benefit and \$14.90 carried to the "surplus fund," and \$87,000² for those of the Devil's Lake Reservation, of which \$79,084.73 were expended for their benefit and \$1,787.89 also carried to the "surplus fund," leaving \$6,127.38 of the appropriation for the current fiscal year available for expenditure for them up to July 1, 1898. It is apprehended that all this latter amount will be required for the support of the Indians of that reservation, in which event the total amount of expenditures from these funds for the Indians of both reservations will have been \$514,619.47.

An appropriation of \$45,000, for the survey of the reservations named in the third, fourth, and fifth articles of the aforesaid treaty, was made by the act of April 10, 1869 (16 Stat., 26). All of this amount was expended in the survey of the reservations.

By act of June 7, 1872 (17 Stat., 281), the Secretary of the Interior was directed to examine and report to Congress what title or interest the Sisseton and Wahpeton bands of Sioux Indians had to any portion of the land mentioned and particularly described in the second article of the treaty of February 19, 1867,³ or by virtue of any other law or treaty, excepting such rights as were secured to said bands by the third and fourth articles of the treaty, as a "permanent reservation;" and whether any, and if any, what, compensation ought in justice and equity to be made to said bands, respectively, for the extinguishment of whatever title they might have to said lands.

In pursuance of this act a commission was appointed by the Secretary of the Interior "with instructions to proceed to the reservation of said Indians, and there, and from the record, make a full investigation of the Indian title, and if they found such title to be valid and complete to negotiate for the relinquishment of the same upon terms as once favorable to the Government and just to the Indians."

This commission reported to the Secretary of the Interior on October 3, 1872, the result of their investigations and findings, and recommended the payment of \$800,000 for the lands in question, in ten equal annual installments, without interest, entering into an agreement with the Indians, dated September 20, 1872, by which they ceded to the United States all of the land described in the second article of the treaty of 1867, excepting the Lake Traverse and Devils Lake reservations,³ which agreement, excepting paragraphs numbered from 3 to 9, inclusive, was confirmed by act of Congress approved February 14, 1873 (17 Stat., 456), and the first installment of \$80,000 was appropriated by the same act,

¹ See statement No. 3.

² See statement No. 4.

³ See map, diagram 12.

with the proviso "that no part of this amount shall be expended until after the ratification by said Indians of said agreement as hereby amended."

This agreement, as amended, was subsequently ratified by the Indians, and nine other installments of \$80,000 each were appropriated, commencing with the act of June 22, 1874 (18 Stat., 167), and ending with the act of May 17, 1882 (22 Stat., 88), making, in all, the \$800,000¹ agreed to be paid.

Section 7 of the act of July 15, 1870 (16 Stat., 361), provided:

That the act approved March three, eighteen hundred and sixty-three, entitled "An act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux or Dakota Indians, and for the disposition of their lands in Minnesota and Dakota," be so amended as to make the proceeds of the sale of the reservations in said act ordered to be sold applicable alike to all the reservations upon which Medawakanton, and Wapakoota and Sisseton and Wahpeton have been or may hereafter be located.

And section 8:

That said proceeds shall be distributed and paid equitably to the said Indians in proportion to their numbers: * * * *Provided*, That this provision shall apply only to the funds to be hereafter distributed.

The Sissetons and Wahpetons alone were interested in the above-mentioned \$800,000, and the distribution thereof was based upon the provisions of the act of 1870, just cited, three-fifths thereof having been expended for those attached to the Lake Traverse Reservation, and two-fifths for those at the Devils Lake, it being estimated that there were, approximately, fifteen hundred Indians at the former and one thousand at the latter.

By the act of March 3, 1891 (26 Stat., 1010), \$80,000² were appropriated to pay the Indians at the Devils Lake Reservation for 64,000 acres of land, to which they were entitled under the treaty of 1867, but which were not included within the boundaries of their reservation by surveys made in 1875.³ This sum was expended for the benefit of the Indians of that reservation in stock cattle, agricultural implements, harness, and other necessary articles, including 217 houses for Indians.

AGREEMENT OF DECEMBER 12, 1889.

(Ratified by act of Congress approved March 3, 1891, 26 Stat., 1035.)

By this agreement the Sissetons and Wahpetons ceded all the unallotted lands of their reservation (Lake Traverse) in North and South Dakota, to be paid for by the United States, at the rate of \$2.50 per acre.⁴

Provision was also made for the payment to them of "the amount found to be due certain members of the bands who served in the armies of the United States against their own people, when at war with the United States, and their families and descendants," under the provisions of the fourth article of the treaty of July 23, 1851, of which they were deprived by the forfeiture act of 1863, on the basis of \$18,400 per annum from July 1, 1862, to July 1, 1901, when the provisions of the treaty of 1851 would have expired, less their proportion of certain appropriations made for their benefit since 1862.

The amount specified in the agreement for this purpose was \$342,778.37 up to July 1, 1888, together with another installment of \$18,400 for the year ending July 1, 1889.

¹ See statement No. 5.

² See statement No. 4.

³ See map, diagram 14.

⁴ See map, diagram 13.

The act of March 3, 1891 (sec. 27), appropriated \$376,578.37¹, including the installments of \$18,400 due July 1, 1889, and July 1, 1890, which sum, when paid to the bands of Sioux Indians "designated in this act, shall be deemed a full settlement of all claims they may have for unpaid annuities, under any and all treaties or acts of Congress up to the thirtieth day of June, eighteen hundred and ninety."

The preceding calculations were based upon a period of twenty-seven years—from July 1, 1862, to July 1, 1888—at the rate of \$18,400 per annum, making \$496,800, from which was to be taken their pro rata share of \$616,086.52 appropriated for their benefit previous to the date of the agreement (H. R. No. 1953, 50th Cong., 1st sess.), their share thereof being rated at one-fourth of the whole, \$154,021.63, leaving \$342,778.37 due them for the period stated.

But as has been previously demonstrated but \$417,422.26 were expended between 1867 and 1890, of appropriations made under the provisions of the treaty of 1867, for the joint account of the Indians of both the Lake Traverse and Devils Lake reservations, and it seems clear that the Indians of the former reservation, with whom the agreement of 1889 was made, are chargeable with their pro rata share of the amount last stated, rather than with their proportion of the \$616,086.52 named in the agreement.

With this understanding, and upon the basis of calculation adopted by the framers of the agreement, the Lake Traverse Indians are chargeable with \$104,355.56 instead of \$154,021.63, a difference of \$49,666.07² in their favor. They are also chargeable with the \$11,985.10 appropriated and expended for their benefit in 1890 and 1891, and the Indians of the Devils Lake Reservation are chargeable with the \$79,084.73 appropriated and expended for them since 1889, and will be chargeable with so much of the \$6,127.38 balance on hand as may be expended for them during the remainder of the present fiscal year.

A further appropriation of \$126,620³ was made by the same act, to pay "scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands of Sioux, and the members of their families and descendants now living, of such scouts and soldiers as are dead," who were not included as parties to the agreement, such payment to be deemed a full settlement of all claims they may have for unpaid annuities up to June 30, 1890.

Appropriation was also made by the same act of the sum of \$1,699,800¹, "or so much thereof as may be necessary," to pay for the lands ceded, sold, relinquished, and conveyed by the agreement, at the rate of \$2.50 per acre, the amount so realized to be placed in the Treasury of the United States to the credit of the Sissetons and Wahpetons, at 5 per cent interest per annum, both principal and interest to be subject to application by order of the President for the education and civilization of said bands or members thereof.

This appropriation was based upon the number of acres contained in the reservation (reported at 918,780), and the number already allotted and the number that would be required for allotment to those entitled under article 4 of the agreement, but to whom allotments had not been made, estimated in all at about 256,000 acres, and leaving about 663,000 acres to be paid for under the agreement.

The amount placed at the disposal of the Department by Congress for the purpose, \$1,699,800, was sufficient to pay for 679,920 acres, at the price fixed, and the whole of this sum was placed to the credit of

¹See statement No. 6.

²See statement No. 3.

See statement No. 7.

the Indians as of date March 3, 1891, and they have ever since been receiving interest thereon, at the rate of 5 per cent per annum.

But it is now discovered that the actual area of the reservation was 918,770.58 acres, and that 309,904.92 acres were required for allotment, leaving the area of the ceded portion 608,865.66 acres.

The payment for 679,920 acres was, therefore, for 71,054.34 acres in excess of the quantity ceded, amounting to \$177,635.85 in excess of the value of the land purchased, and thus entitling the Indians to a credit of \$1,522,164.15 instead of \$1,699,800, the sum placed to their credit under the provisions of the act.

Interest amounting to \$58,412.98, from March 3, 1891, to September 30, 1897 (the latest date to which interest on their landed fund has been appropriated by the Treasury Department), has been paid to the Indians in excess of the amount actually due them.

The fund now to the credit of these Indians in the Treasury amounts to \$1,500,000, a per capita payment of \$199,800 of the original principal having been authorized by the President on January 19, 1895, and made to them under the provisions of section 27 of the act of 1891, before cited.

Eight other installments of \$18,400 each, under the agreement of 1889, including a deficiency of \$3,000 in the appropriation made by the act of March 3, 1891, aggregating \$150,200,¹ have been appropriated since the act of 1891—including the installment due in the fiscal year 1898—all of which has been paid to the Indians in accordance with the terms of the agreement.

Sums aggregating \$79,733.30,² appropriated by the acts of March 3, 1893, and March 2, 1895, have been paid to the scouts and soldiers, or to the families and descendants of those deceased, who were not parties to the agreement of 1889, these payments being in final settlement of all amounts due or to become due them up to and including the installment that would be due in the year 1901.

ACT OF MARCH 3, 1863. (12 STATS., 819.)

Provided for the removal of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands to a tract of unoccupied land outside of the limits of any State; for the survey of their reservation in Minnesota and Dakota; for the sale of the lands thereof at public sale, as other public lands are sold, and "that the money arising from said sale shall be invested by the Secretary of the Interior for the benefit of said Indians in their new homes, in the establishing them in agricultural pursuits."³

These reservations contained 721,172.65 acres, and the appraised valuation thereof was \$941,218.31.

Sales have been made to an amount of \$944,810.78,⁴ including interest on deferred payments.

The first proceeds were received in 1865, and from that time up to July 15, 1870, the amounts so received were carried upon the books of the Indian Office under one general title and expended jointly for the benefit of the Sissetons and Wahpetons and the Santees (Medawakantons and Wahpakootas).

On the date last named, under the provisions of the act of that date, before cited, the account was duly divided into two parts—one for the

¹See Statement No. 6.

²See Statement No. 7.

³See map, diagram 7.

⁴See Statement No. 9.

Sissetons and Wahpetons at the Lake Traverse and Devils Lake reservations, and one for the Santees, proportioned according to the number of Indians constituting the two branches. Again, on July 1, 1871, the Indians at the Devils Lake Reservation having become located, the account of the Sissetons and Wahpetons was divided into two parts, one each for those at the Lake Traverse and the Devils Lake reservations.

Of the sum received, \$934,415.61 has been expended, leaving a balance of \$10,395.17 on hand.

Up to July 15, 1870, \$206,753.66 were expended jointly for the benefit of the four bands. Between that date and July 1, 1871, \$19,159.19 were expended jointly for the Sissetons and Wahpetons, on the two reservations named, and since then \$293,033.64 for those on the Lake Traverse Reservation, and \$195,979.98 for those on the Devils Lake. Since July 15, 1870, \$219,489.14 has been expended for the Santee Sioux in Nebraska.

The basis for division of these funds in 1870 was 0.6766 per cent for the Indians on the Lake Traverse and Devils Lake reservations, and 0.3234 per cent for the Santees. The division in 1871 was on the basis of 0.3438 per cent for the latter, 0.4534 for those at Lake Traverse, and 0.2328 for those at Devils Lake. All proceeds received since July 1, 1872, have been distributed on the basis of three-sevenths for those at the Lake Traverse Reservation and two-sevenths each for those at the Devils Lake and for the Santees, it being estimated that there were 1,500 of the former and 1,000 each of the two latter, 3,500 in all. These proportions have since been maintained in dividing the proceeds of these lands.

Of the balance on hand, \$9,257.15 belongs to the Lake Traverse branch, \$934.62 to the Devils Lake, and \$203.40 to the Santees.

REMOVAL OF INDIANS AND PAYMENT OF DAMAGES ARISING UNDER THE PROVISIONS OF THE ACT OF FEBRUARY 16, 1863.

Appropriations aggregating \$1,849,660.01¹ were made from time to time between March 3, 1863, and March 3, 1885, for paying the expenses of removing and subsisting the Sissetons, Wahpetons, Medawakantons, and Wahpakootas, and for the payment of damages sustained by citizens of Minnesota, resulting from the outbreak of 1862, of which amount \$1,778,709.48 was expended in the payment of authorized claims; the balance, \$70,950.53, being returned to the Treasury.

These expenditures were made necessary by the joint action of the four bands, for which the two branches seem to be equally liable. As no difference in degree of liability has been recognized, it would appear that each branch is clearly responsible for one-half thereof—\$889,354.74.

SUBSISTENCE SUPPLIES.

In answer to the inquiry as to what amount has been paid since 1863 for subsistence for the Sissetons and Wahpetons, it is proper to state that the records of the Indian Office show that, approximately, \$600,000 of the various funds appropriated for their benefit have been expended in the purchase of subsistence for them, independent of the cost of that furnished them during the period they were merged and located with other bands on the Crow Creek Reservation.² Owing to

¹See statement No. 10.

²See map, diagram 11.

the manner in which the records of expenditures are necessarily kept, it is impracticable to arrive at the exact amount thus expended without examining each one of many thousands of vouchers in the files of the Indian Office, covering the expenditures in their behalf for the past thirty-four years.

The greater part of the expenditures for these Indians has been in the direction of agricultural improvement, for stock, cattle and horses, implements, wagons and harness, and the erection of houses for allottees or for those who had selected lands upon which to locate prior to allotment. It is, therefore, thought that the amount above reported practically covers the value of subsistence supplies furnished.

A review of the landed interests of the Sissetons and Wahpetons shows:

By the treaty of July 15, 1830, the Sissetons and Wahpetons, with the Medawakanton, Wahpakoota, Yancton, and Santee bands of Sioux and other tribes of Indians, consisting of the confederated Sacs and Foxes, the Omahas, Iowas, Ottoes, and Missourias, ceded all their right and title to the tract of land described in article 1 of the treaty;¹ and by article 3, the four bands first named ceded a further tract, 20 miles wide, from the Mississippi to the Des Moines River,² for which the United States agreed to pay the said four bands \$2,000 annually for a term of ten years, the payment of which, together with certain other allowances specified in the fourth, fifth, and eighth articles of the treaty, was to be considered as full compensation for the cession and relinquishment made. A tract of country was also to be set apart for the half-breeds of the Sioux Nation, the four bands in question,³ all of which agreements were fulfilled by the United States.

A further cession was made by the Wahpakoota, Sisseton, and Upper Medawakanton bands of Sioux by the treaty of November 30, 1836, whereby they ceded all their right, title, and interest, "of whatsoever nature, in and to the lands lying between the State of Missouri and the Missouri River, and do freely and fully exonerate the United States from any guaranty, condition, or limitation, expressed or implied, under the treaty of Prairie du Chien (of 1830) aforesaid, or otherwise, as to the entire and absolute disposition of the said lands, fully authorizing the United States to do with the same whatever shall seem expedient or necessary,"⁴ thus confirming to the United States all their right and interest in and to the lands ceded by the treaty of 1830.

The Sissetons and Wahpetons, by article 2 of the treaty of July 23, 1851, jointly with the Medawakantons and Wahpakootas, ceded, sold, and relinquished to the United States, all their interest in lands in the State of Iowa, and also all their lands in Minnesota Territory, lying east of boundaries described therein,⁵ reserving a certain tract described in article 3, for their future occupancy and home;⁶ but this latter provision of the treaty was rejected by the Senate, and an amendment inserted by that body, agreeing to pay the Indians at the rate of 10 cents per acre for the lands included in the reservation provided by the said third article, and further stipulating that the President should cause to be set apart by appropriate landmarks and boundaries such tracts of country without the limits of the cession made by the second article, as might be satisfactory for their future occupancy and home. This provision of the treaty was never carried into effect; but the Indians were allowed to retain the lands in question, and Congress

¹ See map, diagram 1 A, 1 B, 1 C.

² See map, diagram 2.

³ See map, diagram 3.

⁴ See map, diagram 1 C.

⁵ See map, diagram 6.

⁶ See map, diagrams 7 and 8.

subsequently, by the act of July 31, 1854, confirmed the same to them as a permanent reservation.

Thus it appears by these treaties that these bands (the Sissetons and Wahpetons) ceded all the lands in which they had any right, title, or interest, excepting the tract retained for their future reservation, above described.¹

The treaty of June 19, 1858, by articles 1 and 2, seems to confirm this view of the case. By article 1, it was agreed that so much of that part of the reservation which lies south or southwardly of the Minnesota River, being a part¹ of the land described in article 3 of the treaty of July 23, 1851, "shall constitute a reservation," and should be surveyed and allotted in severalty to those entitled; the residue (the unallotted portion) to be held by the said bands in common. Article 3 refers to the failure to locate them upon other lands, "without the limits of the cession" (the cession by article 2 of the treaty of 1851), as per the Senate amendment to that treaty, and agrees, "that the question shall be submitted to the Senate for decision whether they have such title (to the lands reserved by the treaty of 1851), and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota River." (They were afterwards paid at the rate of 30 cents per acre for this land by the act of March 2, 1862.)

The Government had failed to locate or establish them upon other lands "without the limits of the cession" made by the treaty of 1851, and the lands reserved by the rejected third article of that treaty were confirmed to them by the treaty of 1858, as well as the act of 1854; but no claim was made by these Indians, or mention thereof, in the latter treaty, to any other lands whatsoever.

And thus the matter rested until the confiscation of their annuities and the forfeiture of all lands and the rights of occupancy thereof in the State of Minnesota; and their removal under the provisions of the act of February 16, 1863, and final location on lands in Dakota, known as the Lake Traverse and Devils Lake reservations, Congress in the meantime, by the act of March 3, 1863, authorizing the sale of their reservations in Minnesota and Dakota, being those reserved by and described in the treaty of 1851.

The treaty of 1867 was made in consideration of the friendly attitude of a portion of the Sissetons and Wahpetons during and after the outbreak in 1862; because of the confiscation of their annuities and reservations; because no provision had been made for the support of these friendly Indians, and because of the request of the friendly subdivisions of these bands "that there adherence to their former obligations of friendship to the Government and the people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence."

By this treaty was ceded (art. 2) the right to construct wagon roads, railroads, mail stations, telegraph lines, and other public improvements over a tract of country described therein,² in consideration of the reservations set apart by articles 3 and 4 (Lake Traverse³ and Devils Lake⁴), upon lands in Dakota, and for other considerations, which were rejected by the Senate.

¹ See map, diagram 7.

² See map, diagram 12.

³ See map, diagram 13.

⁴ See map, diagram 14.

The country described in article 2 in some respects conformed to the treaty line of 1851, but embraced other lands never before occupied or claimed by them in any treaty—the right of occupancy of which by them fails to appear in the record—and it would seem that the framers of this treaty lost sight of the cessions and claims of these bands in previous treaties.

There being a doubt of the right of the Indians to the lands described in the said article 2,¹ Congress, by act approved June 7, 1872 (17 Stat., 281), directed the Secretary of the Interior to examine and report to that body what title or interest they had “to any portion of the land mentioned and particularly described” therein. An investigation of the matter by a commission appointed by the Secretary of the Interior for the purpose resulted in the agreement of September 20, 1872, before referred to, and the payment of \$800,000 to the Indians.

In a report to the Secretary of the Interior, dated October 3, 1872, in conformity with instructions of the Secretary to investigate and ascertain what title or interest the said bands had to any portion of the lands mentioned and particularly described in article 2 of the treaty of 1867, under the same or by virtue of any other treaty, the aforesaid commission say:

Upon consideration of the premises, we find and report as a matter of fact that the Sioux Indians, of which the Sisseton and Wahpeton bands form a part, have claimed the country west of the Mississippi and southerly of Devils Lake, embracing the region described in article 2 of said treaty as belonging to them; while the Chippewa Indians have also, prior to the time of said treaty, set up a claim to a portion of the northern part of said country.

The commission refer to a paper in possession of one of the chiefs, “probably drawn for them by some trader,” as tending to show the extent of their territorial claim at and before the time of making the treaty of 1867, and say, further:

We find that these Indians, Sissetons and Wahpetons and other bands, occasionally hunted over the territory in question, and claimed it as their hunting ground, and it is equally certain that the Chippewa Indians, occasionally in hunting and war parties, passed over the northern portion of it.

In view of all the circumstances, a majority of the commission determined that in equity and justice the value of the right and interest of the Sissetons and Wahpetons ought to be fixed at \$800,000, which sum was agreed upon, as provided by the agreement of September 20, 1872, although a minority of the commission was of the opinion “that said estimate of value was larger than ought to be allowed in equity.”

With this adjustment, all the land matters of these two bands were settled, leaving them the owners and possessors of the lands embraced in the Lake Traverse and Devils Lake reservations.

The Indians on the former reservation disposed of their unallotted lands under the agreement of December 12, 1889, leaving that portion of the bands on the Devils Lake Reservation the owners of the lands within the limits of its boundaries.

As to the consideration for the several cessions set out in the foregoing treaties, agreements, and acts of Congress:

For the cessions by the treaties of 1830 and 1836, their claims or interests being of doubtful character and nominal value, but nominal payments were made, although a reservation was granted for the half-breeds of their nation.

For those by the treaty of 1851 they were to receive \$73,600 per annum for fifty years, together with cash payments and other consid-

¹See map, diagram 12.

erations amounting to \$305,000, aggregating \$3,985,000. As has been shown, \$1,238,000 were provided by Congress and expended for their benefit. A reservation was also promised (art. 3), but the Senate dissented from this concession, and agreed that they should have other lands in lieu, but at the same time authorized an increase of the principal upon which their income was based by adding \$112,000 thereto, being the value of the aforesaid reservation, at the rate of 10 cents per acre for 1,120,000 acres, upon which they were to receive 5 per cent interest. This increased their income by \$5,600 per annum, making the same \$73,600 instead of \$68,000, as originally fixed by the treaty. This reservation was, however, finally confirmed to them, and a portion of it (569,600 acres) sold by them to the Government at 30 cents per acre, realizing \$170,880, leaving them in undisturbed possession of the remainder of the reservation.

Then the outbreak of 1862 occurred, and the act of February 16, 1863, was passed confiscating the annuities and all their lands in the State of Minnesota.

In the meantime they had received the increased income of \$5,600 per annum for twelve and two-thirds years, amounting to about \$70,933, and the proceeds of the portion of their reservation above noted.

But the act of 1863 confiscated their Minnesota lands in theory only, and not in fact, as, by the act of March 3 of that year, authority was granted for the sale of these lands and those in Dakota, and the expenditure of the proceeds for their benefit. These reservations were the remainder of that set apart for them under the treaty of 1851. They have, therefore, received wholly \$760,177.58 as the result of these several transactions in reservations provided by the treaty of 1851, and participated in their proportionate share of \$206,753.66, proceeds of the reservations sold under the provisions of the act of March 3, 1863, expended jointly for the benefit of themselves and the Santees prior to July 15, 1870.

Under the treaty of 1867 they received concessions of land aggregating 1,149,422 acres (Lake Traverse and Devils Lake reservations) and money considerations aggregating \$514,619.47, and those at Devils Lake received \$80,000, due to erroneous survey of their reservation.

They also received \$800,000 under the agreement of 1872 for cessions made by the treaty of 1867.

For the cessions made by the agreement of December 12, 1889, they received \$1,699,800 in payment for lands given them under the treaty of 1867, yet having the Devils Lake Reservation intact (230,651.54 acres), and retaining 309,904.92 acres of allotted lands on the Lake Traverse Reservation, these two tracts, rated at the price paid them for their unallotted lands, being valued at about \$1,351,391. Besides, they were granted annuities of \$18,400 per annum for forty years, aggregating \$736,000, and \$206,353.30 were provided to pay the scouts and soldiers of their bands. Other sums, aggregating \$922,327.04, including their proportion of the expenses of removal and maintenance and for damages, have been appropriated and expended in their behalf; also accrued interest on their landed fund in the Treasury, under the agreement of 1889, amounting to \$534,298.01,¹ has been paid to them in cash and expended for their benefit.

¹ See statement No. 11.

EXTENT OF RESERVATIONS.

	Acres.
Treaty of 1830: Lake Pepin, half-breed (diagram 3).....	320, 819. 48
Treaty of 1851: South of Minnesota River (diagram 7, estimated)	550, 400. 00
North of Minnesota River (diagram 8, estimated)	569, 600. 00
Treaty of 1867: Lake Traverse Reservation (diagram 13)	918, 770. 58
Devils Lake Reservation (diagram 14).....	230, 651. 54
Total	2, 590, 241. 60

The lands embraced in diagram 3 were surveyed to ascertain the pro rata share of each half breed, and scrip, locatable within or outside of the reservation, was issued to the persons entitled thereto (act of June 17, 1854, 10 Stat., 304); those embraced in diagram 7 were sold under the provisions of the act of March 3, 1863; those in diagram 8 were purchased by the United States under the provisions of the treaty of 1858, and the unallotted portion of those in diagram 13 were also purchased by the United States under the provisions of the agreement of 1889.

Ample authority exists under the provisions of the act of March 3, 1891, for the adjustment of the overcredit of \$177,635.85 given the Indians in the settlement with them for the lands purchased under the agreement of 1889. The payment in question was limited to \$1,699,800, "or so much thereof as may be necessary." It being now ascertained that \$1,522,164.15 was the actual value of the lands then ceded, the account may be adjusted under the provisions of the act named without further legislation.

It is not clear, however, that the overpayment of \$58,412.98 in interest is a proper charge against the principal of their fund without legislation by Congress authorizing that method of adjustment; nor does it seem that their principal should be depleted for that purpose. That course would entail a loss of income of nearly \$3,000 per annum for all time. While the Indians have received the benefit of this money in increased annual payments, yet it was involuntary on their part and without their knowledge or intervention.

By the correction of the principal of their fund their annual income will be reduced from \$75,000 to \$66,118.21. A further reduction of the principal to restore the overpaid interest would permanently reduce their income to \$63,197.55 per annum—nearly \$12,000 per annum less than they have been receiving and expect to receive.

The Indians of the present generation have been the beneficiaries of this overpayment and should be required to make restoration. Any other system of adjustment would involve their descendants in losses for which they are not responsible. It therefore seems that an equitable and just settlement would be accomplished by reduced payments to the Indians for a series of years, say for the next six years, during which at the rate of \$10,000 per annum might be retained until the whole sum is restored to the Government. This course will not require legislation.

Copies of the several treaties and agreements, with various statements showing the financial transactions and a tracing of a map of the reservations referred to, accompany this report.

STATEMENT NO. 1.—Treaty of July 23, 1851.

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page			
Aug. 30, 1852	10	51	Removal and subsistence.....	\$275,000.00	\$275,000.00
			Manual labor school, etc.....	30,000.00	
			Interest—annuity.....	73,600.00	} α933,095.34
Mar. 3, 1853	10	235	.....do.....	73,600.00
May 31, 1854	16	293	.....do.....	73,600.00
July 31, 1854	10	326	.....do.....	73,600.00
Mar. 3, 1855	10	096	.....do.....	73,600.00
Aug. 18, 1856	11	76	.....do.....	73,600.00
Mar. 3, 1857	11	181	.....do.....	73,600.00
May 5, 1858	11	283	.....do.....	73,600.00
Feb. 23, 1859	11	399	.....do.....	73,600.00
June 19, 1860	12	55	.....do.....	73,600.00
Mar. 2, 1861	12	231	.....do.....	73,600.00
July 5, 1862	12	522	.....do.....	73,600.00
Feb. 16, 1863	12	652	Interest—advance annuity.....	50,000.00	
			Amount returned to the United States Treasury.....		104.66
				1,238,200.00	1,238,200.00

α This fund was charged with an excess of \$15,220.24, in payment of the proportionate share of these bands of damages sustained by citizens of Minnesota in 1862. (See report.)

STATEMENT NO. 2.—Treaty of June 19, 1858.

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
Mar. 2, 1862	12	237	To pay for 569,600 acres of land, at 30 cents per acre, on the north side of the Minnesota River, originally described in article 3 of the treaty of July 23, 1851, and subsequently confirmed to the Indians as a reservation by the act of July 31, 1854.....	\$170,880.00	\$170,880.00
May 16, 1874	18	47	To pay creditors of Upper bands of Sioux, being part of appropriation of \$70,000 to pay claims against both Upper and Lower bands.....	25,472.30	25,472.30
				196,352.30	196,352.30

STATEMENT NO. 3.—Treaty of February 19, 1867.

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
June 27, 1868	15	217	For support.....	\$52,457.25	} α\$417,422.26
Mar. 3, 1869	15	315	.....do.....	60,000.00
Apr. 20, 1870	16	88	.....do.....	10,000.00
July 15, 1870	16	354	.....do.....	50,000.00
Mar. 3, 1871	16	563	.....do.....	75,000.00
May 29, 1872	17	183	.....do.....	75,000.00
Mar. 3, 1883	22	447	.....do.....	16,000.00
July 4, 1884	23	91	.....do.....	16,000.00
Mar. 3, 1885	23	378	.....do.....	16,000.00
May 15, 1886	24	42	.....do.....	12,000.00
Mar. 2, 1887	24	462	.....do.....	12,000.00
June 29, 1888	25	231	.....do.....	12,000.00
Mar. 2, 1889	25	996	.....do.....	12,000.00
Aug. 19, 1890	26	352do.....	6,000.00	} 11,985.10
Mar. 3, 1891	26	1,005	.....do.....	6,000.00
			Amount returned to the United States Treasury.....		1,049.89
				430,457.25	430,457.25

α This amount is subject to a reduction of an overcharge of \$49,666.07, made in the settlement with the Indians under the provisions of article 3 of the agreement of December 12, 1889. (See report.)

STATEMENT No. 4.—*Payment for land and support of Sissetons and Wahpetons at Devils Lake Agency.*

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
Feb. 27, 1890	26	15	For support	\$25,000.00	\$159,084.73
Aug. 19, 1890	26	352	.....do.....	6,000.00
Mar. 3, 1891	26	1005	.....do.....	6,000.00
	26	1010	In payment for land not included within the boundaries of their reservation by surveys made in 1875.....	80,000.00	
July 13, 1892	27	135	For support	6,000.00	
Mar. 3, 1893	27	628	.....do.....	6,000.00
Aug. 15, 1894	28	300	.....do.....	6,000.00
Mar. 2, 1895	28	892	.....do.....	12,000.00
June 10, 1896	29	338	.....do.....	10,000.00
June 7, 1897	30	78	.....do.....	10,000.00
			Amount returned to the United States Treasury.....		1,787.89
			Amount available for expenditure during fiscal year 1898.....		6,127.38
				167,000.00	167,000.00

STATEMENT No. 5.—*Agreement of September 20, 1872.*

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
			In payment for the claim of the Sissetons and Wahpetons in the lands described in article 2, treaty of February 19, 1867 (payable in 10 installments).		\$800,000.00
Feb. 14, 1873	17	456	First installment.....	\$80,000.00	
June 22, 1874	18	167	Second installment.....	80,000.00	
Mar. 3, 1875	18	441	Third installment.....	80,000.00	
Aug. 15, 1876	19	192	Fourth installment.....	80,000.00	
Mar. 3, 1877	19	287	Fifth installment.....	80,000.00	
May 27, 1878	20	81	Sixth installment.....	80,000.00	
Feb. 17, 1879	20	310	Seventh installment.....	80,000.00	
May 11, 1880	21	127	Eighth installment.....	80,000.00	
Mar. 3, 1881	21	497	Ninth installment.....	80,000.00	
May 17, 1882	22	88	Tenth installment.....	80,000.00	
				800,000.00	800,000.00

STATEMENT No. 6.—*Agreement of December 12, 1889.*

Act of Congress.	Statute.		Object.	Appropriated.	Expended.	
	Vol.	Page.				
Mar. 3, 1891	26	1035	Per capita in full of all claims for unpaid annuities, under any and all treaties or acts of Congress, up to July 1, 1890.....	\$376,578.37	\$521,062.85	
July 13, 1892	27	133	Per capita, to July 1, 1893.....	55,200.00		
Mar. 3, 1893	27	624	Per capita, to July 1, 1894.....	18,400.00		
			Per capita, deficiency on installments appropriated by act of March 3, 1891.....	3,000.00		
Aug. 15, 1894	28	300	Per capita, to July 1, 1895.....	18,400.00		
Mar. 2, 1895	28	889	Per capita, to July 1, 1896.....	18,400.00		
June 10, 1896	29	335	Per capita, to July 1, 1897.....	18,400.00		
June 7, 1897	30	75	Per capita, to July 1, 1898.....	18,400.00		
			Balance due individuals of Lake Traverse Reservation.....			5,715.52
				526,778.37		526,778.37

NOTE.—By article 3 of the agreement, annual installments of \$18,400 were guaranteed from July 1, 1888, to July 1, 1901—fourteen installments in all. Three of these were appropriated by the act of March 3, 1891, and eight others by subsequent acts, as above indicated, leaving three installments yet to be provided.

STATEMENT NO. 7.—*Payments to scouts and soldiers.*

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
Mar. 3, 1891	26	1035	To pay scouts and soldiers of the 4 bands, now living, and the descendants of those deceased, not included with those who were parties to the agreement of 1889; to be deemed a full settlement of all unpaid annuities up to June 30, 1890.		
Mar. 3, 1893	27	624	For same purpose, to July 1, 1894.	\$128,620.00	\$201,948.44
Mar. 2, 1895	28	889	For same purpose, to July 1, 1901.	30,866.66	
			Balance on hand belonging to individual Indians.	49,066.64	
				206,353.30	4,404.86
					206,353.30

STATEMENT NO. 8.—*Payment for land ceded, Lake Traverse Reservation, agreement of December 12, 1889.*

Act of Congress.	Statute.		Object.	Appropriated.	To credit of Indians in the Treasury.
	Vol.	Page.			
Mar. 3, 1891	26	1035	To pay for lands on Lake Traverse Reservation, ceded by the agreement of December 12, 1889, estimated at 679,920 acres, at \$2.50 per acre, proceeds to be placed to the credit of the Indians, in the United States Treasury, at 5 per cent interest.	\$1,699,800.00	\$1,699,800.00
NOTE.—By Executive order of January 19, 1895, under the provisions of section 27 of the act of March 3, 1891, authority was granted for a per capita payment of \$199,800 out of the above principal to the Sissetons and Wahpetons of the Lake Traverse Reservation, leaving new principal of ...					a199,800.00
It is now ascertained that but 608,865.66 acres of land were ceded and conveyed to the United States under the agreement, making an excess of 71,860.38 acres paid for in the above settlement, at \$2.50 per acre, amounting to					1,500,000.00
Leaving the actual principal to which the Indians are entitled					177,635.85
					1,322,364.15

a \$1,671.08 of this amount is still on hand, being unpaid shares due individuals.

STATEMENT NO. 9.—*Proceeds of Sioux reservations in Minnesota and Dakota.*

Act of Congress.	Statute.		Object.	Amount of sales.	Expended.
	Vol.	Page.			
Mar. 3, 1863	12	819	Provision was made by this act for the sale of these reservations, and for the use of the proceeds in establishing the Indians in agricultural pursuits. Sales have been made amounting to	\$944,810.78	\$934,415.61
Balance on hand due to;					
Sissetons and Wahpetons, Lake Traverse.					9,257.15
Sissetons and Wahpetons, Devil's Lake.					934.62
Santee Sioux in Nebraska					203.40
				944,810.78	944,810.78

NOTE.—See report for analysis.

STATEMENT NO. 10.—*Removal of Indians and payment of damages arising under the provisions of the act of February 16, 1863.*

Act of Congress.	Statute.		Object.	Appropriated.	Expended.
	Vol.	Page.			
Mar. 3, 1863	12	784	For removal, etc.	\$50,016.66	
May 26, 1864	13	92	For payment of damages	928,411.00	
June 25, 1864	13	172	For removal, etc.	241,963.00	
Mar. 3, 1865	13	180	For support	113,043.40	
July 26, 1866	14	559	.....do.....	100,000.00	\$1,778,709.48
Mar. 2, 1867	14	514	.....do.....	100,000.00	
June 22, 1874	18	141	For subsistence and clothing	100,000.00	
Mar. 3, 1877	19	549	For damages	α 13,942.03	
Mar. 3, 1885	23	344	.....do.....	2,283.92	
			Amount returned to the United States Treasury.....	100,000.00	
					70,950.53
				1,849,660.01	1,849,660.01

α This amount was not expended, and constituted a part of the sum returned to the Treasury.

STATEMENT NO. 11.—*Showing amount of interest collected and expended, arising on funds in the Treasury derived from the sale of lands under the agreement of December 12, 1889.*

Principal on and period for which interest has been paid.	Collected.	Expended.
Interest collected on \$1,699,800, at 5 per cent, from Mar. 3, 1891, to May 9, 1895 (date of remittance of the final installment on the \$199,800, paid in cash under Executive authority of Jan. 19, 1895), and on \$1,500,000, at 5 per cent, from May 10, 1895, to Sept. 30, 1897	\$534,298.01	α \$534,298.01

α A small balance of this fund remains to the credit of the Indians on the books of the Indian Office which is held to meet obligations already incurred for their education.

Three months' interest on the principal sum will be due on December 31, 1897.

SISETON AND WAHPETON BANDS OF INDIANS.

STATEMENT NO. 12.—*Sissetons and Wahpetons—General account.*

Dr.			Cr.
Disposition of funds.	Amount.	Due under treaties, etc.	Amount.
Expended under treaty of 1851, less overcharge of \$15,220.24, in payment of damages to citizens of Minnesota (Statement No. 1.)	\$1,222,875.10	Amount of installments and special funds appropriated from 1852 to 1863, treaty of 1851. (Statement No. 1.)	\$1,238,200.00
Expended, treaty of 1858. (Statement No. 2.)	196,352.30	Value of land ceded, treaty of 1858. (Statement No. 2.)	170,880.00
Expended, treaty of 1867, less overcharge of \$49,666.07. (Statement No. 3.)	379,741.29	Amount appropriated under treaty of 1867, less amount carried to the "surplus fund." (Statement No. 3.)	429,407.36
Expended for Sissetons and Wahpetons at Devils Lake. (Statement No. 4.)	165,212.11	Value of land at Devils Lake not included in survey of 1875. (Statement No. 4.)	80,000.00
Expended, agreement of 1872. (Statement No. 5.)	800,000.00	Amounts appropriated under treaty of 1867 for Sissetons and Wahpetons at Devils Lake, after agreement of 1889, less amount carried to the "surplus fund." (Statement No. 4.)	85,212.11
Expended, agreement of 1889. (Statement No. 6.)	521,062.85	Value of land ceded, agreement of 1872. (Statement No. 5.)	800,000.00
Balance due on hand.	a 5,715.52	Value of per capita allowances, agreement of 1889. (Statement No. 6.)	526,778.37
Expended, scouts and soldiers. (Statement No. 7.)	201,948.44	Value per capita for scouts and soldiers. (Statement No. 7.)	206,353.30
Balance due on hand.	a 4,404.86	Value of land ceded, agreement of 1889, \$1,699,800, less overcredit of \$177,635.85. (Statement No. 8.)	1,522,164.15
Amount placed in the Treasury to the credit of the Lake Traverse Indians, agreement of 1889. (Statement No. 8.)	b1,699,800.00	Value of proceeds of reservations in Minnesota and Dakota, shares of Sissetons and Wahpetons, since July 15, 1870. (Statement No. 9.)	518,364.58
Expended proceeds of reservations in Minnesota and Dakota since July 15, 1870. (Statement No. 9.)	c508,172.81	Amount of interest collected on land fund. (Statement No. 11.)	534,298.01
Balance due on hand.	d10,191.77	Excess of appropriations and payments over amounts due under treaty provisions and value of lands ceded and paid for, not including value of unpaid annuities under treaty of 1851, confiscated by the act of Feb. 16, 1863, per statement No. 13.	1,034,971.92
Expended, removal and damages, act of Feb. 16, 1863, share chargeable to Sissetons and Wahpetons. (Statement No. 10.)	889,354.74		
Expended, interest on land fund. (Statement No. 11.)	534,298.01		
Expended for relief of friendly Sioux Indians, act of Feb. 9, 1865. (See report.)	7,500.00		
	7,146,629.80		7,146,629.80

a These sums are due to individuals whose shares were not paid at the time of the distribution of the funds.

b This sum is \$177,635.85 in excess of the actual credit to which the Indians are entitled, on which excess \$58,412.98 interest has been paid to them.

c The Sissetons and Wahpetons participated jointly with the Santee Sioux in the expenditure of \$206,753.66 of the proceeds of these reservations between 1865 and July 15, 1870, when the accounts were divided according to the respective interests of the four bands.

d Of this sum \$9,257.15 are due to the Indians of the Lake Traverse Reservation and \$934.62 to those of the Devils Lake.

STATEMENT NO. 13.—*Value of annuities under the treaty of July 23, 1851.*

This treaty guaranteed the payment of 50 annual installments of \$73,600 each, in all amounting to	\$3,680,000.00
Twelve installments of \$73,600 each were appropriated by Congress, amounting to \$883,200, and also two-thirds of the installment due in the fiscal year 1864 (\$50,000), in all \$933,200, of which there were expended under the provisions of the treaty and the act of 1863 the sum of (see statement No 1) . . . \$933,095.34	
Amount advanced by the act of May 16, 1874, to pay tribal "debts and obligations," per treaty of June 19, 1858, chargeable against confiscated annuities under the act of February 16, 1863 (statement No. 2)	25,472.30
	958,567.64
Leaving unpaid installments amounting to	2,721,432.36

ANDREW JACKSON,

President of the United States of America,

To all and singular to whom these presents shall come, greeting:

Whereas a Treaty between the United States of America and the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wahpacoota, Wahpeton and Sissetong Bands or Tribes of Sioux; the Omahas, Ioways, Ottoes, and Missouriias, was made and concluded at Prairie-du-Chien, in the Territory of Michigan, on the fifteenth day of July in the year of our Lord one thousand eight hundred and thirty, and of the Independence of the United States, the fifty-fifth, by William Clark, Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on the part of the United States, and certain Deputations on the part of the Tribes aforesaid;—which Treaty is in the words following, to wit:

Articles of a Treaty made and concluded by William Clark Superintendent of Indian Affairs and Willoughby Morgan, Col. of the United States 1st Regt. Infantry, Commissioners on behalf of the United States on the one part, and the undersigned Deputations of the Confederated Tribes of the Sacs and Foxes; the Medawah-Kanton, Wahpacoota, Wahpeton and Sissetong Bands or Tribes of Sioux; the Omahas, Ioways, Ottoes and Missouriias on the other part.

The said Tribes being anxious to remove all causes which may hereafter create any unfriendly feeling between them, and being also anxious to provide other sources for supplying their wants besides those of hunting, which they are sensible must soon entirely fail them; agree with the United States on the following Articles:

ARTICLE I. The said Tribes cede and relinquish to the United States forever all their right and title to the lands lying within the following boundaries, to wit: Beginning at the upper fork of the Demoine River, and passing the sources of the Little Sioux, and Floyds Rivers, to the fork of the first creek which falls into the Big Sioux or Calumet on the east side; thence, down said creek, and Calumet River to the Missouri River; thence down said Missouri River to the Missouri State line above the Kansas; thence along said line to the north west corner of the said State, thence to the high lands between the waters falling into the Missouri and Desmoines, passing to said high lands along the dividing ridge between the forks of the Grand River; thence along said high lands or ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning. But it is understood that the lands ceded and relinquished by this Treaty, are to be assigned and allotted under the direction of the President of the United States, to the Tribes now living thereon, or to such other Tribes as the President may locate thereon for hunting, and other purposes.

ARTICLE II. The confederated Tribes of the Sacs and Foxes, cede and relinquish to the United States forever, a tract of Country twenty miles in width, from the Mississippi to the Demoine; situate south, and adjoining the line between the said confederated Tribes of Sacs and Foxes, and the Sioux; as established by the second article of the Treaty of Prairie du chien of the nineteenth of August one thousand eight hundred and twenty-five.

ARTICLE III. The Medawah-Kanton, Wah-pa-coota, Wah-peton and Sisseton Bands of the Sioux cede and relinquish to the United States forever, a Tract of Country twenty miles in width, from the Mississippi to the Demoine River, situate north, and adjoining the line mentioned in the preceding article.

ARTICLE IV. In consideration of the cessions and relinquishments made in the first, second, and third articles of this Treaty, the United States agree to pay to the Sacs, three thousand dollars,—and to the Foxes three thousand dollars;—To the Sioux of the Mississippi two thousand dollars;—To the Yancton and Santie Bands of Sioux three thousand dollars;—To the Omahas, two thousand five hundred dollars;—To the Ioways two thousand five hundred dollars; To the Ottoes and Missourias two thousand five hundred dollars, and to the Sacs of the Missouri River five hundred dollars; to be paid annually for ten successive years at such place, or places on the Mississippi or Missouri, as may be most convenient to said Tribes, either in money merchandize, or domestic animals, at their option, and when said annuities or any portion of them shall be paid in merchandize, the same is to be delivered to them at the first cost of the goods at St. Louis free of transportation. And the United States further agree to make to the said Tribes and Bands, the following allowances for the period of ten years, and as long thereafter as the President of the United States may think necessary and proper, in addition to the sums herein before stipulated to be paid them; that is to say; To the Bands of the Sioux mentioned in the third article, one Blacksmith at the expense of the United States, and the necessary tools; also instruments for agricultural purposes, and iron and steel to the amount of seven hundred dollars;—To the Yancton and Santie Bands of Sioux, one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of four hundred dollars; To the Omahas one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars;—To the Ioways an assistant Blacksmith at the expense of the United States, also instruments for agricultural purposes to the amount of six hundred dollars; To the Ottoes and Missourias one Blacksmith at the expense of the United States, and the necessary tools, also instruments for agricultural purposes to the amount of five hundred dollars; and to the Sacs of the Missouri River, one Blacksmith at the expense of the United States and the necessary tools; also instruments for agricultural purposes to the amount of two hundred dollars.

ARTICLE V. And the United States further agree to set apart three thousand dollars annually for ten successive years, to be applied in the discretion of the President of the United States, to the education of the children of the said Tribes and Bands, parties hereto.

ARTICLE VI. The Yanckton and Santie Bands of the Sioux not being fully represented, it is agreed, that if they shall sign this Treaty, they shall be considered as parties thereto, and bound by all its stipulations.

ARTICLE VII. It is agreed between the parties hereto, that the lines shall be run, and marked as soon as the President of the United States may deem it expedient.

ART. VIII. The United States agree to distribute between the several Tribes, parties hereto, five thousand, one hundred and thirty-two dollars worth of merchandize, the receipt whereof, the said Tribes

hereby acknowledge; which, together with the amounts agreed to be paid, and the allowances in the fourth and fifth articles of this Treaty, shall be considered as a full compensation for the cession and relinquishments herein made.

ARTICLE IX. The Sioux Bands in Council having earnestly solicited that they might have permission to bestow upon the half breeds of their Nation, the tract of land within the following limits, to wit: Beginning at a place called the barn, below and near the village of the Red Wing Chief, and running back fifteen miles: thence in a parallel line with Lake Pepin and the Mississippi, about thirty-two miles to a point opposite Beef or O-Boeuf River; thence fifteen miles to the Grand Encampment opposite the River aforesaid; The United States agree to suffer said half Breeds to occupy said tract of country; they holding by the same title, and in the same manner that other Indian Titles are held.

ARTICLE X. The Omahas, Ioways and Ottoes, for themselves, and in behalf of the Yanckton and Santie Bands of Sioux, having earnestly requested that they might be permitted to make some provision for their half-breeds, and particularly that they might bestow upon them the tract of country within the following limits, to wit; Beginning at the mouth of Little Ne-mohaw River, and running up the main channel of said River to a point which will be ten miles from its mouth in a direct line, from thence in a direct line, to strike the Grand Ne-mohaw ten miles above its mouth, in a direct line (the distance between the two Ne-mohaws being about twenty miles)—thence down said River to its mouth; thence up, and with the Meanders of the Missouri River to the point of beginning, it is agreed that the half-breeds of said Tribes and Bands may be suffered to occupy said tract of land; holding it in the same manner, and by the same title that other Indian titles are held: but the President of the United States may hereafter assign to any of the said half-breeds, to be held by him or them in fee simple, any portion of said tract not exceeding a section, of six hundred and forty acres to each individual. And this provision shall extend to the cession made by the Sioux in the preceding Article.

ARTICLE XI. The reservation of land mentioned in the preceding Article having belonged to the Ottoes, and having been exclusively ceded by them; it is agreed that the Omahas, the Ioways and the Yanckton and Santie Bands of Sioux shall pay out of their annuities to the said Ottoe Tribe, for the period of ten years, Three hundred Dollars annually; of which sum the Omahas shall pay one hundred Dollars, the Ioways one hundred Dollars, and the Yanckton and Santie Bands one hundred dollars.

ARTICLE XII. It is agreed that nothing contained in the foregoing Articles shall be so construed as to affect any claim, or right in common, which has heretofore been held by any Tribes, parties to this Treaty, to any lands not embraced in the cession herein made; but that the same shall be occupied and held by them as heretofore.

ARTICLE XIII. This Treaty, or any part thereof, shall take effect, and be obligatory upon the Contracting parties, so soon as the same shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof.

Done and Signed and Sealed at Prairie du Chien in the Territory of Michigan, this fifteenth day of July, in the year of our Lord one thou-

sand eight hundred and thirty, and of the Independence of the United States, the fifty-fifth.

WM. CLARK, *Su. In. Affairs, &*
WILLOUGHBY MORGAN,
Col. 1st Inft. U. S. A.
Commissioners.

In presence of—

JNO. RULAND, *Secy to the Commrs.*

Jon. L. Bean, S. Agt,
Law. Taliaferro, Ind. Agent at St. Peters,
R. B. Mason, Capt. 1st Inft.
G. Loomis, Capt. 1st Inft.
James Peterson, Lt. & Adj. H. B. M. 33d Regt.
N. S. Harris, Lt. & Adj. Regt. U. S. Inft.
Henry Bainbridge, Lt. U. S. Army,
John Gale, Surg. U. S. A.
J. Archer, Lt. U. S. A.
J. Daugherty, Ind. Ag.
Thos A. Davies, Lt. Inf.
Wm. S. Williamson, Sub Ind. Agent,
And. S. Hughes, Sub Ind. Agent,
A. G. Baldwin, Lt. 3d Inf.
David D. Mitchell,
H. L. Donsman,
Pynkoop Warner,
Geo. Davenport,
Wm. Hempstead,
Benjamin Mills,
Wm. H. Warfield, Lt. 3d Infty.
Sam. R. Throokmoor,
John Connelly,
Amos Farror,
Antoine Le Claire, Int'r of Sacks and Fox.
Stephen Julian, U. S. Interp.
Jacques Mette, Int.
Michel Berda, his x mark, Mohow Inter.
S. Campbell, U. S. Interpreter.

Witnesses to the signatures of the Yancton and Santie Bands of Sioux, at Fort Tecumseh, Upper Missouri, on the fourth day of September, 1830.

Wm. Gordon,
James Arch'd Hamilton,
David D. Mitchell,
Wm. Saidlau,
Jacob Halsey,

Witnesses present at the signing and acknowledgment of the Yanckton and Santie Deputations,

Jno. Ruland, Sec'y to Comm'rs.
Jon. L. Bean, Sub Ind. Ag't for Upper Missouri.
Felix F. Wain, Ind. Ag't for Sacs and Foxes.
John F. A. Sanford, U. S. S. Ind. Ag.

William C. Heyward, U. S. Army,
 D. J. Royster, U. S. Inf.
 Samuel Kinney, U. S. A.
 Merewether Lewis Clark, 6th Regt. Infantry,
 Jacques Mette,

SACS.

Mash-que-tai-paw, or Red-Head, x
 Sheco-Calawko, or Turtle Shell, x
 Kee-o-cuck, the Watchfull Fox, x
 Poi-o-tahit, one that has no heart, x
 Os-hays-kee, Ridge, x
 She-shee-quanine, Little Gourd, x
 O-saw-wish-canoe, Yellow Bird, x
 I-onin, x
 Am-oway, x
 Niniwow-qua-saut, He that fears mankind, x
 Chaukee Manitou, the Little Spirit, x
 Moso-inn, the Scalp, x
 Wapaw-chicannuck, Fish of the White Marsh, x
 Mesico, Jic, x

FOXES.

Wapalaw, the Prince, x
 Taweemin, Strawberry, x
 Pasha-sakay, son of Piemanschie, x
 Keewausette, he who climbs every where, x
 Naw-mee, x
 Appenioce, or the Grand Child, x
 Waytee-mins, x
 Nawayaw-cosi, x
 Mauquo-pwam, the Bear's hip, (Morgan.)
 Kaw-Kaw-Kee, the Crow,
 Mawcawtay-ee-quoiquenake, Black Neck, x
 Watu-pawnonsh, x
 Meshaw-nuaw-pectay, the Large teeth, x
 Cawkee-Kamak, always Fish, x
 Mussaw-wawquott, x

SIOUX OF THE MISSISSIPPI, MEDAWAKANTON BAND.

Wabishaw, or Red Leaf, x
 Tehataqua Manie, or Little Crow, x
 Waumunde-tunkar, the Great Calumet Eagle, x
 Taco-coqui-pishnee, he that fears nothing, x
 Wah-coo-ta, that shoots arrows, x
 Pay-taw-whar, the fire owner, x
 Kaugh Mohr, the Floating Log, x
 Etarz-e-pah, the Bow, x
 Teeah coota, one that fires at the yellow, x
 Toh-kiah-taw-kaw, he who bites the enemy, x
 Nasiumpah, or the Early Riser, x
 Am-pa-ta-tah Wah, His Day, x
 Wah-kee-ah-tunkar, Big Thunder, x
 Tauchaw-cadoota, the Red Road, x
 Tehaws-kesky, the Elder, x

Mauzau-hautau, the Grey Iron, x
 Wazee-o-monie, the Walking Pine, x
 Tachaw-cooash-tay, the Good Road, x
 Kie-ank-kaw, the Mountain, x
 Mah-peau-mansaw Iron Cloud, x
 E-taych-o-caw, Half Face, x
 Anoug-genaje, one that stands on both sides, x
 Hough-awppaw, the Eagle Head, x
 Hooka-mooza, the Iron Limb, x
 Hoatch-ah-cadoota, the Red Voice, x
 Wat-chu-da, the Dancer, x

WAH-PAH-COOTA BAND.

Wiarh-hoh-ha, French Crow, x
 Shans-konar, Mooving Shadow, x
 Ah-pe-hatar, the Grey Mane, x
 Wahmedecaw-cahn-bohr, one that prays for the land, x
 Wah-con-de-kah-har, the one that makes the lightning, x
 Mazo-manie, or the Iron that Walks, x
 Mah-kah-ke-a-munch, one that flies on the land, x
 Mauzau-haut-a-mundee, the Walking Bell, x
 Kah-hih, the Menominie, x

SUSSITON BAND.

Ete-tahken-bah, the Sleepy Eyes, x
 Ho-toh-monie, groans when he walks, x

OMAHAHS.

Opau-tauga, or the Big Elk, x
 Chonques-kaw, the White Horse, x
 Tessian, the White Cow, x
 Ishtan-mauzay, Iron-Eye, Chiefs Son, x
 Waw-shin-ga-sau-bais, Black Bird, x
 Waugh-pay-shan, the one who scalps but a small pt. from the
 crown of the head, x
 Au-guim-an, the Chief, x
 Age-en-gaw, the Wing, x
 Non-bau-manie, the one that walks double, x
 Way-cosh-ton, the frequent feast giver, x
 Eh-que-naus-hus-kay, the second, x
 Iosey, (the son of Kawsay,) x

IOWAYS.

Wassau-nie, or the Medicine Club, x
 Mauhoos Kan, White Cloud, x
 Wo-hoompee, the broth, x
 Tah-roh-ha, a good many deer, x
 Wa-nau-quash-coonie, without fear, x
 Pah-a-manie, one who walks on the snow, x
 Pie-kan-la-igne, the Little Star, x
 Niayoo Manie, Walking Rain, x
 Nautah-hoo, Burnt-wood, x
 Pai-tansa, the White Crane, x

OTTOES.

I-atan, or Shaumanie-Cassan, or Prairie Wolf, x
 Mehah-hun-jee, Second Daughter, x
 Wawronesan, the Encircler, x
 Kausau-tauga, the Big Kansas, x
 Noe-kee sa-kay, strikes two, x
 Tchai-au grai, the Shield, x
 Manto-igne, the Little Bow, x.
 Thee-rai-tchai-nee-grai, Wolf-tail at the heel, x
 Oh-haw-kee-wano, that runs on the hills, x
 Rai-grai-a, Speckled Turtle, x
 Tchai-wah-tchee-ray, going by, x
 Krai-taunica, the Hawk, x
 Mauto-a Kee-pah, that meets the bear, x
 Kai-wan-igne, Little Turtle, x

MISSOURIAS.

Eh-shaw-manie, or the one who walks laughing, x
 Ohaw-tchee-Ke-Sakay, one who strikes the Little Osages, x
 Wamshe Katou-nat, the Great Man, x
 Shoug-resk-Kay, the Horse Fly, x
 Tahmegrai-Soo-igne, Little Deer's dung, x

MISSOURI SACS.

Sau-kis-quoi-pee, x
 She-she-queue, the Gourd, x
 Nochewai-tasay, x
 Mash-quaw-Siais, x
 Nawai-yak-oosee, x
 Wee tay-main, one that goes with the rest, x

The assent of the Yanckton and Santie Bands of Sioux, to the foregoing Treaty is given. In testimony whereof, the Chiefs, Braves, and principal men of said Bands have hereunto signed their names and acknowledge the same, at St. Louis, this 13th October, 1830.

YANCKTON AND SANTIE BANDS OF SIOUXS.

Matto-Sa-Becha, the Black Bear, x
 Wa-con-okra, x
 Pitta-eutapishna, he who dont eat Buffalo, x
 To-ki-e-ton, the Stone with Horns, x
 Cha pon-ka, or Musquitoe, x
 To-ki-mar-ne, he that walks ahead, x
 Wock-ta-ken-dee, kills and comes back, x
 Ha Sazza, x
 Chigga Wah-shu-she, Little Brave, x
 Wah-gho-num-pa, Cotton wood on the Neck, x
 Zuyesaw, Warrior, x
 Tokun Ohomenee, Rivolving Stone, x
 Eta ga-nush-kica, Mad Face, x
 Womendee Dooter, Red War Eagle, x
 Mucpea A-har-ka, Cloud Elk, x
 To-ka-oh, Wounds the Enemy, x

Pd-ta sun eta womper, White Buffalo with two faces, x
 Cha tun-kia, Sparrow Hawk, x
 Ke-un-chun-ko, Swift Flyer, x
 Ti-ha-uhar, he that carries his horn, x
 Sin-ta-nomper, Two Tails, x
 Wo con Cashtaka, the whipt spirit, x
 Ta-Shena-pater, Fiery Blanket, x

Now, therefore, be it known, that I, Andrew Jackson, President of the United States of America, having seen and considered said Treaty, do, in pursuance of the advice and consent of the Senate, as expressed by their Resolution of the fifteenth of February, one thousand eight hundred and thirty-one, accept, ratify and confirm the same, and every clause and article thereof.

In testimony whereof, I have caused the seal of the United [L. S.] States to be hereunto affixed, having signed the same with my hand.

Done at the City of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and thirty-one, and of the Independence of the United States, the fifty-fifth.

ANDREW JACKSON.

By the President:

M. VAN BUREN,

Secretary of State.

CONVENTION WITH THE WAHPAAKOOTAH, SUSSETON, AND UPPER
 MEDAWAKANTON TRIBES OF SIOUX INDIANS.

In a convention held this thirtieth day of November 1836 between Lawrence Taliaferro, Indian Agent at St. Peters, and the chiefs, braves and principal men of the Wahpaakootah, Susseton, and Upper Medawakanton tribes of Sioux Indians, it has been represented, that according to the stipulations of the first article of the treaty of Prairie du Chien of the 15th of July, 1830, the country thereby ceded is "to be assigned and allotted under the direction of the President of the United States to the tribes now living thereon, or to such other tribes as the President may locate thereon for hunting and other purposes." And, whereas, it is further represented to us, the chiefs, braves and principal men of the tribes aforesaid, to be desirable, that the lands lying between the State of Missouri, and the Missouri River should be attached to, and become a part of said State, and the Indian title thereto be entirely extinguished; but that, notwithstanding, as these lands compose a part of the country embraced by the provisions of said first article of the treaty aforesaid, the stipulations thereof will be strictly observed until the assent of the Indians interested is given to the proposed measure.

Now we, the chiefs, braves, and principal men of the Wahpaakootah, Susseton and Upper Medawakanton tribes of Sioux Indians, fully understanding the subject, and well satisfied from the local position of the lands in question that they can never be made available for Indian purposes, and that an attempt to place an Indian population on them must inevitably lead to collisions with the citizens of the United States; and further believing that the extension of the State line in the direction indicated, would have a happy effect, by presenting a natural boundary between the whites and Indians; and willing, moreover, to give the United States a renewed evidence of our attachment and

friendship, do hereby for ourselves, and on behalf of our respective tribes (having full power and authority to this effect) forever cede, relinquish and quit claim to the United States all our right, title and interest of whatsoever nature in, and to, the lands lying between the State of Missouri, and the Missouri River, and do freely and fully exonerate the United States from any guarantee, condition or limitation, expressed or implied, under the treaty of Prairie du Chien, aforesaid, or otherwise, as to the entire and absolute disposition of said lands, fully authorizing the United States, to do with the same whatever shall seem expedient or necessary.

As a proof of the continued friendship and liberality of the United States towards the Wahpaakootah, Susseton, and Upper Medawakanton tribes of Sioux Indians, and as an evidence of the sense entertained for the good will manifested by said tribes to the citizens and Government of the United States, as evinced in the preceding cession or relinquishment, the undersigned agrees, on behalf of the United States, to cause said tribes to be furnished with presents to the amount of five hundred and fifty dollars *in goods*, the receipt of which is hereby acknowledged.

In testimony whereof, we have hereunto set our hands and seals, the day and year first above written.

LAW. TALIAFERRO.

SUSSETONS.

Ese-tah-ken-bah, or the Sleepy Eyes.
Kahe-maa-doh-kah, or the Male Rover.
Tunkah-munnee, or the Great Walker.
Hoh-wh-munnee, or the Walking Crier.

WAHPAAKOOTAS.

Tah-sau-ga, or the Cane.
Wahmaadee-sappah, or Black Eagle.
Skushkahnah, or Moving Shadow.
Ahppaa-hoh-tah, or the Gray Mane.

UPPER MEDAWAKANTONS.

Wahkon-Tunkah, or the Big Thunder.
Wahmaadee-tunkah, or Big Eagle.
Marepeeah-mah-zah, or Iron Cloud.
Koc-ko-moc-ko, or Afloat.
Tah-chunk-pee-sappah, or the Black Tomahawk.
Mare-pee-wee-chas-tah, of Chief of the Clouds.
Tah-chunk-washtaa, of the Good Road.
Mah-zah-hoh-tah, or the Gray Iron.
Patah-eu-hah, or He that holds the Five.

Executed in presence of J. McClure, Lt. 1st Infy. S. M. Plummer,
Lt. 1st Infy. J. N. Nicollet. Scott Campbell, U. S. Interpreter.
To the Indian names are subjoined marks.

MILLARD FILLMORE,

President of the United States of America.

To all and singular to whom these presents shall come, greeting,

Whereas a treaty was made and concluded at Traverse des Sioux, in the Territory of Minnesota, on the twenty-third of July, one thousand eight hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, acting as Commissioners, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, which treaty is in the words following, to wit:

Articles of a treaty made and concluded at Traverse des Sioux, upon the Minnesota River, in the Territory of Minnesota, on the twenty-third day of July, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and *ex-officio* Superintendent of Indian Affairs in said Territory, commissioners duly appointed for that purpose, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians.

ARTICLE I. It is stipulated and solemnly agreed, that the peace and friendship now so happily existing between the United States and the aforesaid bands of Indians, shall be perpetual.

ARTICLE II. The said See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, agree to cede, and do hereby cede, sell, and relinquish to the United States, all their lands in the State of Iowa; and, also, all their lands in the Territory of Minnesota, lying east of the following line, to wit: Beginning at the junction of the Buffalo River with the Red River of the north; thence along the western bank of said Red River of the north, to the mouth of the Sioux Wood River; thence along the western bank of said Sioux Wood River to Lake Traverse; then along the western shore of said lake, to the southern extremity thereof; thence in a direct line, to the junction of Kampska Lake with the Tchan-kas-an-data or Sioux River; thence along the Western bank of said river to its point of intersection with the northern line of the State of Iowa; including all the islands in said rivers and lake.

ARTICLE III.¹ In part consideration of the foregoing cession, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, all that tract of country on either side of the Minnesota River from the Western boundary of the lands herein ceded, east to the Tchay-tam-bay River on the north, and to the Yellow Medicine River on the south side, to extend, on each side, a distance of not less than ten miles from the general course of said river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever deemed expedient by the President, and in such manner as he shall direct.

ARTICLE IV. In further and full consideration of said cession, the United States agree to pay to said Indians, the sum of one million, six hundred and sixty-five thousand dollars (\$1,665,000,) at the several times, in the manner and for the purposes following, to wit:

1st. To the Chiefs of the said bands, to enable them to settle their affairs and comply with their present just engagement; and in consideration of their removing themselves to the country set apart for them as above, which they agree to do within two years or sooner, if required by the

¹This article was stricken out. See amendments, *post*, p. 951.

President, without further cost or expense to the United States, and in consideration of their subsisting themselves the first year after their removal, which they agree to do without further cost or expense on the part of the United States, the sum of two hundred and seventy-five thousand dollars (\$275,000): *Provided*, That said sum shall be paid to the Chiefs in such manner, as they, hereafter, in open Council shall request, and as soon after the removal of said Indians to the home set apart for them, as the necessary appropriation therefor shall be made by Congress.

2d. To be laid out under the direction of the President, for the establishment of manual labor schools; the erection of mills and blacksmith shops, opening farms, fencing and breaking land, and for such other beneficial objects as may be deemed most conducive to the prosperity and happiness of said Indians, thirty thousand dollars (\$30,000).

The balance of said sum of one million six hundred and sixty-five thousand dollars (\$1,665,000) to wit: One million, three hundred and sixty thousand dollars (\$1,360,000) to remain in trust with the United States, and five per cent. interest thereon to be paid, annually, to said Indians for the period of fifty years, commencing the first day of July, eighteen hundred and fifty-two (1852) which shall be in full payment of said balance, principal and interest, the said payment to be applied under the direction of the President, as follows to wit:

3d. For a general agricultural improvement and civilization fund, the sum of twelve thousand dollars (\$12,000).

4th. For educational purposes, the sum of six thousand dollars (\$6,000).

5th. For the purchase of goods and provisions, the sum of ten thousand dollars (\$10,000).

6th. For money annuity, the sum of forty thousand dollars (\$40,000).

ARTICLE V. The laws of the United States prohibiting the introduction and sale of spirituous liquors, in the Indian country shall be in full force and effect throughout the Territory hereby ceded and lying in Minnesota until otherwise directed by Congress or the President of the United States.

ARTICLE VI. Rules and regulations to protect the rights of persons and property among the Indians, parties to this Treaty, and adapted to their condition and wants may be prescribed and enforced in such manner as the President or the Congress of the United States, from time to time, shall direct.

In testimony whereof, the said Commissioners, Luke Lea and Alexander Ramsey, and the undersigned Chiefs and Headmen of the aforesaid See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, have hereunto subscribed their names and affixed their seals, in duplicate, at Traverse des Sioux, Territory of Minnesota, this twenty-third day of July, one thousand eight hundred and fifty-one.

L. LEA. [SEAL.]

ALEX. RAMSEY. [SEAL.]

Een-yang-ma-nee (Running Walker or "the Gun").

Wee-tchan-h'pee-ee-tay-toan (the Star face or the "Orphan").

Ee tay-wa-keen-yan ("Limping Devil" or "Thunder Face").

Eesh-ta-hum-ba ("Sleepy Eyes").

Oo-pee-ya-hen-day-a (Extending his train).

Hoak-shee-dan wash-tay (Good Boy).

Ee-tay-tcho-ka (Face in the midst).

Hay-ha-hen-day-ma-za (Metal Horn).

Am-pay-too sha (Red Day).

Eesh-ta-humba-koash-ka (Sleepy Eyes Young).
 A na-wang-ma-nee (Who goes galloping on).
 Ma-h'pee-wee-tchash-ta (Cloud Man).
 Tan-pa-hee-da (Sounding Moccasin).
 Eenk-pa (the upper end).
 Wee-yoa-kee-yay (Standard).
 Wa-kan-ma-nee (Walking Spirit).
 Ee-tay-sha (the one that reddens his face).
 Ta-ka-ghay (Elk maker).
 Wa-ma-ksoon-tay ("Walnut," or Blunt headed arrow).
 Ma-za-sh'a (Metal Sounding).
 Ya-shó-a-pee (The Wind Instrument).
 Noan-pa-keen-yan (Twice Flying).
 Wash-tay-da (Good, a little).
 Wa-keen-yan-ho-ta (Grey Thunder).
 Wa-shee-tchoon-ma-za (Iron Frenchman).
 Ta-pe-ta-tan-ka (His Big Fire).
 Mah' pee-ya-h'na-shkan-shkan (Moving Cloud).
 Wa-na-pay-a (The pursuer).
 Ee-tcha-shkan-shkan-ma-nee (Who walks shaking).
 Ta-wa-kan-he-day-ma-za (His Metal Lightning).
 Ee tay doo-ta (Red Face).
 Henok-marpi-yahdi-nape (Reappearing Cloud).
 Tchan-hedaysh-ka-ho-toan-ma-nee (the Moving Sounding Harp).
 Ma-zaku-te-ma-ni (Metal walks shooting).
 A-kee-tchee-ta (Standing Soldier).

Signed in presence of Thomas Foster, Secretary. Nathaniel McLean, Indian Agent. Alexander Faribault, Stephen R. Riggs, Interpreters. A. S. H. White; Thos. S. Williamson; W. C. Henderson; A. Jackson; James W. Boal; W. G. Le Duc; Alexis Bailly; H. L. Dousman; Hugh Tyler.

To the Indian names are subjoined marks.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty third day of June, one thousand eight hundred and fifty-two, amend the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION,
 SENATE OF THE UNITED STATES,
 June 23d, 1852.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty made and concluded at Traverse des Sioux, upon the Minnesota River, in the Territory of Minnesota, on the twenty-third day of July, eighteen hundred and fifty-one, between the United States of America, by Luke Lea, Commissioner of Indian Affairs, and Alexander Ramsey, Governor and ex-officio Superintendent of Indian Affairs in said Territory, Commissioners duly appointed for that purpose, and the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians with the following

AMENDMENTS.

Strike out the third article of the treaty and add the following supplemental article.

1st. The United States do hereby stipulate to pay the Sioux bands

of Indians, parties of this treaty, at the rate of ten 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:

“ARTICLE III. In part consideration of the foregoing cession, the United States do hereby set apart for the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held, all that tract of country on either side of the Minnesota River, from the western boundary of the lands herein ceded, east, to the Tchay-tam-bay River on the north, and to Yellow Medicine River on the south side, to extend, on each side, a distance of not less than ten miles from the general course of said river; the boundaries of said tract to be marked out by as straight lines as practicable, whenever deemed expedient by the President, and in such manner as he shall direct:” which article has been stricken out of the treaty by the Senate, the said payment to be in lieu of said reservation: the amount when ascertained under instructions from the Department of the Interior, to be added to the trust fund provided for in the Fourth article.

2d. It is further stipulated, that the President be authorized, with the assent of the said bands of Indians, parties to this treaty, and as soon after they shall have given their assent to the foregoing *article*, as may be convenient, to cause to be set apart by appropriate landmarks and boundaries, such tracts of country without the limits of the cession made by the First (2d) article of the treaty as may be satisfactory for their future occupancy and home: *Provided*, That the President may, by the consent of these Indians, vary the conditions aforesaid if deemed expedient.

Attest—

ASBURY DICKENS, *Secretary*.

And whereas, the said amendments having been submitted and explained to the said See-see-toan and Wah-pay-toan bands of Sioux Indians, the said Indians did, on the eighth day of September, one thousand eight hundred and fifty-two, assent to the said treaty as amended by the Senate, in words following, to wit:

We, the undersigned, Chiefs and Headmen of the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, parties to the treaty made and concluded at Traverse des Sioux, upon the Minnesota River, on the twenty-third day of July, eighteen hundred and fifty-one, trusting to the justice, liberality, and humanity of the President and the Congress of the United States, that such tracts of country will be set apart for our future occupancy and home as will be to us acceptable and satisfactory, do hereby give our free and voluntary assent to the foregoing treaty of July 23, 1851, as amended by the resolution of the Senate of the United States, on the twenty-third day of June, eighteen hundred and fifty-two, the same having been submitted to us by Alexander Ramsey, Superintendent of Indian Affairs for the Territory of Minnesota, and Commissioner on the part of the United States, and fully and fairly explained by him to us in Council assembled.

In testimony whereof the undersigned, Chiefs and Headmen of the See-see-toan and Wah-pay-toan bands of Dakota or Sioux Indians, have hereunto subscribed their names, in duplicate, at the office of the Superintendent of Indian Affairs, in the town of Saint Paul, Territory

of Minnesota, this eighth day of September, eighteen hundred and fifty-two.

Een-yang-ma-nee.
 Ee-tay-wa-keen-yan.
 Eesh-ta-hum-ba (by his nephew).
 Mah-pee-ya-wee-tchasta.
 Eesh-ta-hum-ba-koash-ka.
 Mah-kat-een-day.
 Yah-zhoa-pee.
 Wa-me-dee-o-to-mo-nee.
 Oo-pee-ya hen da-ya.
 Noam-pa-keen-yan.
 Wash tay-day.
 Hay-a-he-day-ma-za (by his father).
 Wa-keen-yah-doo-ta.
 A-na-wang-ma-nee.
 Eenk-pa (by his son).
 Tape-ta tank-ka.
 Mah-pee-yanhua-shkan-shkan.
 No-hope-tor.
 Wo-tone-ho-wash-ta.
 Moza-ku-te-ma-ni.
 Tchan-ka-ha-too.
 Wah-pah-ha-nah.
 Wah-m'pee-dee dootah.
 Ho-hah-tchoko-ma-za.
 Ta-wa-kan-he-day-ma-za.
 Wa-kah-han-dee-topa.
 Wa-kah-ndee-ka-ta.

Witness: Nathaniel McLean, Indian Agent. Wallace B. White, Secretary. Philander Prescott, Interpreter. Jos. Laframboise, Interpreter. Henry M. Rice.

To the Indian names are subjoined marks.

The foregoing assent was signed in presence of myself and the witnesses whose names are annexed.

ALEX. RAMSEY, *Commissioner.*

Now, therefore, be it known, that I, Millard Fillmore, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-third day of June, one thousand eight hundred and fifty-two, accept, ratify, and confirm the said treaty as amended.

In testimony whereof, I have caused the seal of the United States to be herewith affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-fourth day of February, in the year of our Lord one thousand eight hundred and fifty-
 [L. S.] three, and of the Independence of the United States the seventy-seventh.

(Signed) MILLARD FILLMORE.

By the President:

(Signed) EDWARD EVERETT, *Secretary of State.*

TREATY BETWEEN THE UNITED STATES AND THE SISSEETON AND
WAHPATON BANDS OF THE DAKOTA OR SIOUX TRIBE OF INDIANS.

JAMES BUCHANAN,

President of the United States of America.

To all and singular to whom these presents shall come, greeting :

Whereas a treaty was made and concluded, at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, Commissioner on the part of the United States, and the following named chiefs and headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz: Maz-zah-shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington, on the nineteenth day of June, one thousand eight hundred and fifty-eight, by Charles E. Mix, commissioner on the part of the United States, and the following named chiefs and headmen of the Sisseton and Wahpaton bands of the Dakota or Sioux tribe of Indians, viz: Maz-zah-shaw, Wamdupidutah, Ojupi, and Hahutanai, on the part of the Sissetons, and Maz-zomanee, Muz-zakoote-manee, Upiyahideyaw, Umpedutokechaw, and Tachandupahotanka, on the part of the Wahpatons, they being duly authorized and empowered to act for said bands.

ARTICLE 1. It is hereby agreed and stipulated that, as soon as practicable after the ratification of this agreement, so much of that part of the reservation or tract of land now held and possessed by the Sisseton and Wahpaton bands of the Dakota or Sioux Indians, and which is described in the third article of the treaty made with them on the twenty-third day of July, one thousand eight hundred and fifty one, which lies south or southwestwardly of the Minnesota river, shall constitute a reservation for said bands, and shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family or single person over the age of twenty-one years, in said bands of Indians, said allotments to be so made as to include a proper proportion of timbered land, if the same be practicable, in each of said allotments. The residue of said part of said reservation not so allotted shall be held by said bands in common, and as other Indian lands are held: *Provided*, however, that eighty acres thereof, as near as may be, shall in like manner, as above provided for, be allotted to each of the minors of said bands on his or her attaining their majority, or on becoming heads of families, by contracting marriage, if neither of the parties shall have previously received land. All the necessary expenses of the surveys and allotments thus provided for shall be defrayed out of the funds of said bands of Indians in the hands of the government of the United States.

As the members of said bands become capable of managing their business and affairs, the President of the United States may at his discretion cause patents to be issued to them for the tracts of land allotted to them respectively, in conformity with this article; said tracts to be exempt from levy, taxation, sale, or forfeiture, until otherwise provided

for by the legislature of the State in which they are situated, with the assent of Congress; nor shall they be sold or alienated in fee, or be in any other manner disposed of, except to the United States or to members of said bands.

ARTICLE 2. Whereas, by the treaty with the Sisseton and Wahpeton bands of Sioux Indians, concluded at Traverse des Sioux on the twenty-third day of July, one thousand eight hundred and fifty-one, said bands retained for their "future occupancy and home," "to be held by them as Indian lands are held, all that tract of country on the Minnesota river, from the western boundary" of the cession therein made "east to the Tcha-tam-ba river on the north, and to the Yellow Medicine river on the south side, to extend on each side a distance of not less than ten miles from the general course of said Minnesota river."

And whereas the Senate of the United States so amended said treaty as to strike therefrom the provision setting apart the said land as a home for said bands, and made provision for the payment to said bands, "at the rate of ten cents per acre, for the land included in the said tract so retained and set apart for the occupancy and home" of said bands, and also provided, in addition thereto, that there should be "set apart by appropriate land marks and boundaries such tracts of country without the limits of the cession made by the first article of the said treaty as shall be satisfactory for their future occupancy and home;" said Senate amendment providing also "that the President may, with the consent of these Indians, vary the conditions aforesaid, if deemed expedient;" all of which provisions in said amendment were assented to by said Indians.

And whereas the President so far varied the conditions of said Senate amendment as to permit said bands to locate for the time being upon the tract originally reserved by said bands for a home, and "no tract of country, without the limits of the cession" made in the said treaty, has ever been provided for or offered to said bands.

And whereas, by the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, approved July 31, 1854, the President was authorized "to confirm to the Sioux of Minnesota, forever, the reserve on the Minnesota river now occupied by them, upon such conditions as he may deem just."

And whereas, although the President has not directly confirmed said reserve to said Indians, they claim that, as they were entitled to receive "such tracts of country" as should "be satisfactory for their future occupancy and home," and as no other country than this reservation was ever provided for or offered to them, and as valuable improvements have been made on said reservation with the moneys belonging to said bands, it is agreed and stipulated that the question shall be submitted to the Senate for decision whether they have such title, and if they have, what compensation shall be made to them for that part of said reservation or tract of land lying on the north side of the Minnesota river; whether they shall be allowed a specific sum of money therefor, and if so, how much; or whether the same shall be sold for their benefit, they to receive the proceeds of such sale, 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.

ARTICLE 3. It is also agreed that if the Senate shall authorize the land designated in article 2 of this agreement to be sold for the benefit of the said Sisseton and Wahpaton bands, or shall prescribe an amount to be paid to said bands for their interest in said tract, provision shall be made by which the chiefs and headmen of said bands may, in their discretion, in open council, authorize to be paid out of the proceeds of said tract such sum or sums as may be found necessary and proper, not exceeding seventy thousand dollars, to satisfy their just debts and obligations, and to provide goods to be taken by said chiefs and headmen to the said bands on their return: *Provided*, however, That their said determination shall be approved by the superintendent of Indian affairs for the northern superintendency for the time being, and the said payments be authorized by the Secretary of the Interior.

ARTICLE 4. The lands retained and to be held by the members of the Sisseton and Wahpaton bands of Dakota or Sioux Indians, under and by virtue of the first article of this agreement, shall, to all intents and purposes whatever, be deemed and held to be an Indian reservation, and the laws which have been or may hereafter be enacted by Congress to regulate trade and intercourse with the Indian tribes shall have full force and effect over and within the limits of the same; and no person other than the members of said bands, to be ascertained and defined under such regulations as the Secretary of the Interior shall prescribe—unless such as may be duly licensed to trade with said bands, or employed for their benefit, or members of the family of such persons—shall be permitted to reside or make any settlement upon any part of said reservation; and the timbered land allotted to individuals, and also that reserved for subsequent distribution, as provided in the first part of this agreement, shall be free from all trespass, use or occupation, except as hereinafter provided.

ARTICLE 5. The United States shall have the right to establish and maintain upon said reservation such military posts, agencies, schools, mills, shops, roads, and agricultural or mechanical improvements as may be deemed necessary; but no greater quantity of land or timber shall be taken and used for said purposes than shall be actually requisite therefor. And if in the establishment or maintenance of such posts, agencies, roads, or other improvements, the timber or other property of any individual Indian shall be taken, injured, or destroyed, just and adequate compensation shall be made therefor by the United States. Roads or highways authorized by competent authority other than the United States, the lines of which shall lie through said reservation, shall have the right of way through the same upon the fair and just value of such right being paid to the said Sisseton and Wahpaton bands by the party or parties authorizing or interested in the same, to be assessed and determined in such manner as the Secretary of the Interior shall direct.

ARTICLE 6. The Sisseton and Wahpaton bands of Dakota or Sioux Indians acknowledge their dependence on the government of the United States, and do hereby pledge and bind themselves to preserve friendly relations with the citizens thereof, and to commit no injuries or depredations on their persons or property, nor on those of the members of any other tribe; but in case of any such injury or depredation, full compensation shall, as far as practicable, be made therefor out of their moneys in the hands of the United States, the amount in all cases to be determined by the Secretary of the Interior. They further pledge themselves not to engage in hostilities with the Indians of any

other tribe, unless in self-defence, but to submit, through their agent, all matters of dispute and difficulty between themselves and other Indians for the decision of the President of the United States, and to acquiesce in and abide thereby. They also agree to deliver to the proper officers all persons belonging to their said bands who may become offenders against the treaties, laws, or regulations of the United States or the laws of the State of Minnesota, and to assist in discovering, pursuing, and capturing all such offenders whenever required so to do by such officers, through the agent or other proper officer of the Indian department.

ARTICLE 7. To aid in preventing the evils of intemperance it is hereby stipulated that if any of the members of the said Sisseton and Wahpaton bands of Sioux Indians shall drink or procure for others intoxicating liquors, their proportion of the annuities of said bands shall, at the discretion of the Secretary of the Interior, be withheld from them for the period of at least one year; and for a violation of any of the stipulations of this agreement on the part of any member of said bands, the persons so offending shall be liable to have their annuities withheld, and to be subject to such other punishment as the Secretary of the Interior may prescribe.

ARTICLE 8. Any members of said Sisseton and Wahpaton bands who may be desirous of dissolving their tribal connexion and obligations, and of locating beyond the limits of the reservation provided for said bands, shall have the privilege of so doing by notifying the United States agent of such intention, and making an actual settlement beyond the limits of said reservation; shall be vested with all the rights, privileges, and immunities, and be subject to all the laws, obligations, and duties of citizens of the United States. But such procedure shall work no forfeiture on their part of the right to share in the annuities of said bands.

ARTICLE 9. Such of the stipulations of former treaties as provide for the payment of particular sums of money to the said Sisseton and Wahpaton bands, or for the application or expenditure of specific amounts for particular objects or purposes, shall be, and hereby are, so amended and changed as to invest the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all such sums or amounts which have accrued and are now due to said bands, together with the amount the said bands shall become annually entitled to under and by virtue of the provisions of this agreement: *Provided*, The said sums or amounts shall be expended for the benefit of said bands at such time or times and in such manner as the said Secretary shall deem best calculated to promote their interests, welfare, and advance in civilization. And it is further agreed that such change may be made in the stipulations of former treaties, which provide for the payment of particular sums for specified purposes, as to permit the chiefs and braves of said bands, or any of the subdivisions of said bands, with the sanction of the Secretary of the Interior, to authorize such payment or expenditure of their annuities, or any portion thereof, which are to become due hereafter, as may be deemed best for the general interests and welfare of the said band or subdivisions thereof.

ARTICLE 10. The expenses attending the negotiation of this agreement shall be defrayed by the United States.

In testimony whereof, the said Charles E. Mix, commissioner, as aforesaid, and the undersigned chiefs and headmen of the said Sis-

seeton and Wahpaton bands, have hereunto set their hands and seals at the place and on the day first above written.

CHARLES E. MIX, *Commissioner.* [SEAL.]

Muz-zah-shaw, (Red Iron,) his x mark. [SEAL.]

Wam-du-pi-du-tah, (War Eagle's Scarlet Tail,) his x mark. [SEAL.]

Ojupi, (The Planter,) his x mark. [SEAL.]

Ha-hu-ta-nia, (The Stumpy Horn,) his x mark. [SEAL.]

Maz-zo-ma-nee, (Walking Iron,) his x mark. [SEAL.]

Maz-za-koote-manee, (Shoots Iron as he Walks,) his x mark. [SEAL.]

Upi-ya-hi-de-yaw, (Chief of Lac qui Parle,) his x mark. [SEAL.]

Umpe-du-to-ke-chaw, (Other Day,) his x mark. [SEAL.]

Ta-chan-du-pa-ho-tan-ka, (His Pipe with Strong Voice,) his x mark. [SEAL.]

Signed, sealed and delivered in presence of—Joseph R. Brown, Sioux Agent; A. J. Campbell, Interpreter; A. Robertson, John Dowling, N. R. Brown, Friedrich Schmidt, M. Smitser, B. D. Hyam, P. F. Wood, Charles Crawford, James R. Roche.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of March, one thousand eight hundred and fifty-nine, advise and consent to the ratification of its articles by a resolution in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“March 9, 1859.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded on the 19th day of June, 1858, with the Sisseton and Wahpaton bands of the Dakota or Sioux Indians.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, James Buchanan, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of March ninth, one thousand eight hundred and fifty-nine, accept, ratify, and confirm the said treaty.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS, *Secretary of State.*

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE
SISSETON AND WARPETON BANDS OF DAKOTA OR SIOUX INDIANS.

[Concluded February 19, 1867. Ratification advised, with amendments, April 15, 1867. Amendments accepted April 22, 1867. Proclaimed May 2, 1867.]

ANDREW JOHNSON,

President of the United States of America.

To all and singular to whom these presents shall come, greeting :

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of February in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy and William H. Watson, Commissioners, on the part of the United States, and Gabriel Renville, Wamdiupiduta, Tacandupahotanka, and other Chiefs and Headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Whereas it is understood that a portion of the Sisseton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely perilled their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sisseton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great 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 Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sissetons and Warpeton 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 and be relieved from a dependence upon the chase for a precarious subsistence: therefore,

A treaty has been made and entered into, at Washington city, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners, on the part of the United States, and the undersigned chiefs and headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians, as follows, to wit:

ARTICLE 1ST.

The Sisseton and Warpeton bands of Dakota Sioux Indians represented in council will continue their friendly relations with the govern-

ment and people of the United States, and bind themselves individually and collectively to use their influence to the extent of their ability to prevent other bands of Dakota or other adjacent tribes from making hostile demonstrations against the government or people of the United States.

ARTICLE 2ND.

The said bands hereby cede to the United States the right to construct wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that *that* may be selected by authority of the government, said lands so claimed being bounded on the south and east by the treaty line of 1851 and the Red river of the North to the mouth of Goose river, on the north by the Goose river and a line running from the source thereof by the most westerly point of Devil's lake to the Chief's Bluff at the head of James river, and on the west by the James river to the mouth of Mocasín river, and thence to Kampeska lake.

ARTICLE 3RD.

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 friendly bands of Sissetons and Warpetons Sioux here represented, and also in consideration of the confiscation of all their annuities, reservations, and improvements, it is agreed that there shall be set apart for the members of said bands who have heretofore surrendered to the authorities of the government, and were not sent to the Crow Creek reservation, and for the members of said bands who were released from prison in 1866, the following described lands as a permanent reservation, viz:

Beginning at the head of Lake Traverse, and thence along the treaty line of the treaty of 1851 to Kampeska lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie[s], and thence passing north of Skunk lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.

ARTICLE 4TH.

It is further agreed that a reservation be set apart for all other members of said bands who were not sent to the Crow Creek reservation, and also for the Cut head bands of Yanktonais Sioux, a reservation bounded as follows, viz:

Beginning at the most easterly point of Devil's lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne river; thence down said river to a point opposite the lower end of Aspen island, and thence on a direct line to the place of beginning.

ARTICLE 5TH.

The said reservations shall be apportioned in tracts of (160) one hundred and sixty acres to each head of a family, or a single person over the age of (21) twenty-one years, belonging to said bands, and entitled to locate thereon, who may desire to locate permanently and cultivate the soil as a means of subsistence: each (160) one hundred and sixty acres so allotted to be made to conform to the legal subdi-

visions of the government surveys, when such surveys shall have been made; and every person to whom lands may be allotted under the provisions of this article who shall occupy and cultivate a portion thereof for five consecutive years shall thereafter be entitled to receive a patent for the same so soon as he shall have fifty acres of said tract fenced, ploughed, and in crop: *Provided*, [That] said patent shall not authorize any transfer of said lands, or portions thereof, except to the United States, but said lands and the improvements thereon shall descend to the proper heirs of the persons obtaining a patent.

ARTICLE 6TH.

To enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse reservation for the year 1867, three hundred and fifty thousand dollars; for the year 1868, two hundred and fifty thousand dollars; for the year 1869, one hundred thousand dollars; for the year 1870, fifty thousand dollars; and thirty thousand dollars annually thereafter; and to enable the Indians on said reservation to return at once to their agricultural habits and life, and be enabled to cultivate a crop the coming season, the expenditures set forth in the schedule hereunto attached, shall be made at as early a day as possible.

ARTICLE 7TH.

An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be (500) five hundred persons located permanently upon the Devil's Lake reservation, there shall be an agent, or other competent person, appointed to superintend the agricultural, educational, and mechanical interests of said Indians, and thereafter there shall be expended to aid said Indians in their agricultural improvements and civilization, for the first year, one hundred thousand dollars; for the second year, two hundred thousand dollars; for the third year, one hundred thousand dollars; for the fourth year, fifty thousand dollars; and thirty thousand dollars annually thereafter.

ARTICLE 8TH.

All expenditures to be made upon said reservation[s] (except as per schedule aforesaid) shall be made for the agricultural improvement and civilization of the Indians upon the respective reservations, in such manner as the President of the United States shall direct, but no issue of goods, provisions, groceries, or other articles, (except houses, which will be provided for Indians and mixed-bloods entitled to locate on the respective reservations as they advance in agriculture,) shall be made to Indians or mixed-bloods on either reservation, unless it be made in payment of labor performed, or to be performed, or for produce delivered: *Provided*, That when persons on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from the supplies provided for said bands.

ARTICLE 9TH.

As it is contemplated that the agent will supply the Indians and mixed-bloods with clothing, provisions, &c., in payment for labor, as provided in Article 8, and it being desirable that no encouragement be afforded them to rely upon the chase as a means of subsistence, no person

will be permitted to trade upon either of the reservations nor within the limits of the land claimed by said bands, as designated in the 2nd article of this treaty; and it is also agreed that no person, not a member of said bands, parties hereto, whether white, mixed-blood, or Indian, except persons in the employ of the government, or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE 10TH.

It is further agreed that the said bands, parties to this treaty, will guarantee the safety of travel, of the transportation of the mails, supplies, &c., the protection of mail stations and property connected therewith, upon the lands claimed by them as before specified, and the safety of the frontier settlers of Minnesota and eastern Dakota from trespass by hostile or unfriendly Indians; said safety of travel and transportation and protection of mail stations and property to extend over any rout[e] across the lands claimed by said bands as hereinbefore set forth.

ARTICLE 11TH.

To enable said Indians to make good the guarantee above specified, the President of the United States will cause the selection and appointment of a suitable person, satisfactory to the Indians here represented, who shall organize not less than two hundred and fifty members of said bands for service as scouts. The person so selected shall command and control the operations of said scouts, under such regulations, and shall report to such civil or military officer of the government as the President may direct; and the President may at any time dispense with said organization: *Provided*, [That] the said guarantees specified in article 10 shall not be in force until the organization aforesaid is made, nor after it is dispensed with.

ARTICLE 12TH.

Each scout so employed will furnish his own horse, arms, ammunition, transportation, and equipments of all kinds, and receive from the United States sixty dollars per month, and rations for himself and family, and grain rations for his horse, in full of all allowances whatever: *Provided*, That there shall be one chief of station to every twelve men, who shall receive fifteen dollars per month extra; and there shall be one chief of escort to every fifty men, who shall receive twenty dollars per month extra, and one chief of band to every hundred men, who shall receive thirty dollars per month extra. The commandant of the organization to receive such compensation as the President may direct.

ARTICLE 13.

Whenever the organization of scouts as before specified shall be dispensed with, the said bands shall have authority to organize under the direction of the agent, and without expense to the government, scouts sufficient to enforce any and all rules, regulations, or laws which may be prescribed by the government, or adopted by the chiefs and head men in council upon either reservation, for the security of life and property and the progress of agricultural improvement and civilization upon such reservation.

ARTICLE 14.

It is further provided that the balance of debts or claims against the Sisseton and Warpeton bands of Sioux Indians provided to be paid by the 3rd article of the treaty of 1858, and the decision of the Secretary of the Interior in 1861, are to be paid to the claimants, their attorneys or assignees, as shown to be due by the schedules exhibiting the settlement of said claims, after an examination by the Commissioner of Indian Affairs, and on file in the Department of the Interior, amounting in the aggregate to twenty-four thousand three hundred and seventy one dollars and eighty cents.

In testimony whereof, we, the commissioners representing the United States and the delegates representing the Sisseton and Warpeton bands of Sioux Indians, have hereunto set our hands and seals, at the place and on the day and year above written.

LEWIS V. BOGY,
Commissioner of Indian Affairs.
W. H. WATSON.

Signed in presence of—
CHARLES E. MIX.

Gabriel Renville, head chief	Siss[i]ton and Wa[r]peton bands.
Wamdiupiduta, his x mark,	head Siss[i]ton chief.
Tacandupahotanka, his x mark,	head Wa[r]peton chief.
Oyehduze, his x mark,	chief Sisseton.
Umpeutokca, his x mark,	“ Wahpeton.
John Otherday.	
Akicitananjin, his x mark,	Sisseton soldier.
Waxicunmaza, his x mark,	“ “
Wasukiye, his x mark,	“ “
Wamdiduta, his x mark,	“ “
Hokxidanwaxte, his x mark,	“ “
Wakanto, his x mark,	“ “
Ecanajinke, his x mark,	“ “
Canteiyapa, his x mark,	“ “
Tihdonica, his x mark,	“ “
Tawapahamaza, his x mark,	“ “
Wandiyeza, his x mark,	“ “
Tacunrripeta, his x mark,	“ “
Wicunrpinumpa, his x mark,	Wa[r]peton “
Xupehiyu, his x mark,	“ “
Ecetukiye, his x mark,	“ “
Kangiduta, his x mark,	“ “

Witnesses to signatures of above chiefs and soldiers: Charles E. Mix, Benj'n Thompson, J. R. Brown, Anexus M. A. Brown, *Interpreter*; Chas. Crawford, Thos. E. McGraw, J. H. Leavenworth, A. B. Norton, Geo. B. Jonas, Frank S. Mix.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 15, 1867.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty between the

United States and the Chiefs and Headmen of the Sisseton and Warpeton bands of Dakota Indians, concluded February 19th, 1867, with the following

AMENDMENTS:

Strike out all of said treaty from and following the 6th to the 14th article, both inclusive, and insert in lieu thereof the following, viz:

ARTICLE 6.

And, further, in consideration of the destitution of said bands of Sisseton and Warpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriations as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862; including, if thought advisable, the establishment and support of local and manual labor schools; the employment of agricultural, mechanical, and other teachers; the opening and improvement of individual farms; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

ARTICLE 7.

An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be five hundred (500) persons of said bands permanently located upon the Devil's Lake reservation there shall be an agent or other competent person appointed to superintend at that place the agricultural, educational, and mechanical interests of said bands.

ARTICLE 8.

All expenditures under the provisions of this treaty shall be made for the agricultural improvement and civilization of the members of said bands authorized to locate upon the respective reservations, as hereinbefore specified, in such manner as may be directed by law; but no goods, provisions, groceries, or other articles—except materials for the erection of houses and articles to facilitate the operations of agriculture—shall be issued to Indians or mixed-bloods on either reservation unless it be in payment for labor performed or for produce delivered: *Provided*, That, when persons located on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from such supplies as may be provided for said bands.

ARTICLE 9.

The withdrawal of the Indians from all dependence upon the chase as a means of subsistence being necessary to the adoption of civilized habits among them, it is desirable that no encouragement be afforded them to continue their hunting operations as means of support, and, therefore, it is agreed that no person will be authorized to trade for furs or peltries within the limits of the land claimed by said bands, as specified in the second article of this treaty, it being contemplated that the Indians will rely solely upon agricultural and mechanical labor for subsistence, and that the agent will supply the Indians and mixed-bloods on the respective reservations with clothing, provisions, &c., as set forth in article eight, so soon as the same shall be provided for that purpose.

And it is further agreed that no person not a member of said bands, parties hereto whether white, mixed blood, or Indian, except persons in the employ of the government or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE 10.

The chiefs and headmen located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations, and shall have authority, under the direction of the agent, and without expense to the government, to organize a force sufficient to carry out all such rules, regulations, or laws, and all rules and regulations for the government of said Indians, as may be prescribed by the Interior Department: *Provided*, That all rules, regulations, or laws adopted or amended by the chiefs and headmen on either reservation shall receive the sanction of the agent.

Attest:

J. W. FORNEY, *Secretary*.
By W. J. McDONALD, *Chief Clerk*.

And whereas the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians whose names are hereinafter signed, they did on the twenty-second day of April, one thousand eight hundred and sixty-seven, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

The foregoing amendments having been fully explained and interpreted to us, the Chiefs and Headmen of the Sisseton and Warpeton bands of *Dacotah* [Dakota] or Sioux Indians, now therefore, we, the Chiefs and Headmen of said bands, duly authorized by our people, do hereby accept, assent, and agree to the said amendments as above written, the same being fully understood by us.

Witness our hands and seals this 22d day of April, 1867, at Washington, D. C.

Gabriel Renville, head chief of Sisseton and Warpeton bands. [SEAL.]

Wamdiupiduta, his x mark, head Sisseton Chief. [SEAL.]

Tacandupahotanka, his x mark, head Warpeton Chief. [SEAL.]

Oyehduze, his x mark, Chief Sisseton. [SEAL.]

John Otherday, chief Warpeton. [SEAL.]

Akicitananjon, his x mark, Sisseton soldier. [SEAL.]

Waxicunmaza, his x mark, " " [SEAL.]

Wasukiye, his x mark, " " [SEAL.]

Wamdiduta, his x mark, " " [SEAL.]

Hokxidanwaxte, his x mark, " " [SEAL.]

Wakanto, his x mark, " " [SEAL.]

Ecanajinke, his x mark, " " [SEAL.]

Canteiyapa, his x mark, " " [SEAL.]

Tihdonica, his x mark, " " [SEAL.]

Tawapahamaza, his x mark, " " [SEAL.]

Wandiyeeza, his x mark, " " [SEAL.]

Tacunrpieta, his x mark, " " [SEAL.]

Xupehiyee, his x mark, Warpeton " " [SEAL.]

Wicunrpinupa, " " [SEAL.]

Ecetukiya, " " [SEAL.]

Hangiduta, (dead,) " " [SEAL.]

Signed in presence of N. G. Taylor, Comr. Ind. Affrs.; Benjn. Thompson, Special Agent; J. R. Brown, Spl. Agt.; Alf. A. Taylor; W. P. Dole; H. H. Young; Anexus M. A. Brown, Interp[r]eter; Chas. Crawford, Interpreter; Charles E. Mix.

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifteenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty, with the amendments as aforesaid.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this second day of May, in the year of our Lord one thousand eight hundred and sixty-seven,
 [SEAL.] and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

AGREEMENT WITH SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

[See Sisseton, S. 247 (1872).]

Whereas, the Sisseton and Wahpeton bands of Dakota or Sioux Indians made and concluded a treaty with the United States, at the city of Washington, D. C., on the 19th day of February, A. D. 1867, which was ratified, with certain amendments, by the Senate of the United States on the 15th day of April, 1867, and finally promulgated by the President of the United States on the 2d day of May, in the year aforesaid, by which the Sisseton and Wahpeton bands of Sioux Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article two (2) of said treaty, and

Whereas, it is desirable that all said territory, except the portion thereof comprised in what is termed the permanent reservations, particularly described in articles three (3) and four (4) of said treaty, shall be ceded absolutely to the United States, upon such consideration as in justice and equity should be paid therefor by the United States; and,

Whereas, said territory, now proposed to be ceded, is no longer available to said Indians for the purposes of the chase, and such value or consideration is essentially necessary in order to enable said bands interested therein to cultivate portions of said permanent reservations, and become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry: therefore, the said bands, represented in said treaty, and parties thereto, by their chiefs and head men, now assembled in council, do propose to M. N. Adams, William H. Forbes, and James Smith, jr., commissioners on behalf of the United States, as follows:

First. To cede, sell, and relinquish to the United States all their right, title, and interest in and to all lands and territory, particularly described in article two (2) of said treaty, as well as all lands in the Territory of Dakota to which they have title or interest, excepting the said tracts particularly described and bounded in articles three (3) and four (4) of said treaty, which last-named tracts and territory are expressly reserved

as permanent reservations for occupancy and cultivation, as contemplated by articles eight, (8,) nine, (9,) and ten (10) of said treaty.

Second. That, in consideration of said cession and relinquishment, the United States shall advance and pay, annually, for the term of ten (10) years from and after the acceptance by the United States of the proposition herein submitted, eighty thousand (80,000) dollars, to be expended under the direction of the President of the United States, on the plan and in accordance with the provisions of the treaty aforesaid, dated February 19, 1867, for goods and provisions, for the erection of manual-labor and public school-houses, and for the support of manual-labor and public schools, and in the erection of mills, blacksmiths-shops, and other workshops, and to aid in opening farms, breaking land, and fencing the same, and in furnishing agricultural implements, oxen, and milch-cows, and such other beneficial objects as may be deemed most conducive to the prosperity and happiness of the Sisseton and Wahpeton bands of Dakota or Sioux Indians entitled thereto according to the said treaty of February 19, 1867. Such annual appropriation or consideration to be apportioned to the Sisseton and Devil's Lake agencies, in proportion to the number of Indians of the said bands located upon the Lake Traverse and Devil's Lake reservations respectively. Such apportionment to be made upon the basis of the annual reports or returns of the agents in charge. Said consideration, amounting, in the aggregate, to eight hundred thousand (800,000) dollars, payable as aforesaid, without interest.

Third. As soon as may be, the said territory embraced within said reservation described in article four, (4,) (Devil's Lake reservation,) shall be surveyed, as Government lands are surveyed, for the purpose of enabling the Indians entitled to acquire permanent rights in the soil, as contemplated by article five (5) of said treaty.

Fourth. We respectfully request that, in case the foregoing propositions are favorably entertained by the United States, the sale of spirituous liquors upon the territory ceded may be wholly prohibited by the United States Government.

Fifth. The provisions of article five (5) of the treaty of February 19, 1867, to be modified as follows: An occupancy and cultivation of five (5) acres, upon any particular location, for a term of (5) consecutive years, shall entitle the party to a patent for forty acres; a like occupancy and cultivation of ten (10) acres, to entitle the party to a patent to eighty acres; and a like occupancy and cultivation of any tract, to the extent of twenty acres, shall entitle the party so occupying and cultivating to a patent for 160 acres of land. Parties who have already selected farms and cultivated the same may be entitled to the benefit of this modification. Patents so issued (as hereinbefore set forth) shall authorize a transfer or alienation of such lands situate within the Sisseton agency, after the expiration of ten (10) years from this date, and within the Devil's Lake reservation after the expiration of fifteen (15) years, but not sooner.

Sixth. The consideration to be paid, as hereinbefore proposed, is in addition to the provisions of article six (6) of the treaty of February 19, 1867, under which Congress shall appropriate, from time to time, such an amount as may be required to meet the necessities of said Indians, to enable them to become civilized.

Seventh. Sections sixteen (16) and thirty-six (36) within the reservations shall be set apart for educational purposes, and all children of a suitable age within either reservation shall be compelled to attend school at the discretion of the agents.

Eighth. At the expiration of ten (10) years from this date, all members of said bands under the age of twenty-one years shall receive 40 acres of land from said permanent reservations in fee simple.

Ninth. At the expiration of ten (10) years the President of the United States shall sell or dispose of all the remaining or unoccupied lands in the Lake Traverse reservation (excepting that which may hereafter be set apart for school purposes;) the proceeds of the sale of such lands to be expended for the benefit of the members of said bands located on said Lake Traverse reservation; and, at the expiration of fifteen (15) years, the President shall sell or dispose of all the remaining unoccupied lands (excepting that which may be hereafter set apart for school purposes) in the Devil's Lake reservation; the proceeds of the sale of such land shall be expended for the benefit of all members of said bands who may be located on the said Devil's Lake reservation.

Executed at Sisseton Agency, Dakota Territory, Lake Traverse reservation, this 20th day of September, A. D. 1872.

MOSES N. ADAMS,
WM. H. FORBES,
JAMES SMITH, Jr.,
Commissioners.

Gabriel Renville, Head chief of Sissetons and Wahpetons.
Wicanipinonpa, Chief councilor Wahpetons and Sissetons.
Wasuiciyapi, his x mark, Chief Sisseton band Swantain.
Hokxidanwaxte, his x mark, Chief councilor Sissetons.
Wasukiye, his x mark, Chief councilor Sissetons.
Peter Tapatatanka, Hereditary chief Wahpetons.
Magaiyahe, his x mark, Chief councilor, a soldier, Sissetons.
Waxicunmaza, his x mark, Chief councilor Sissetons.
Wakanto, his x mark, Chief councilor or soldier.
Eetukiye.
Ampetuxa, his x mark, Wahpeton councilor.
Rupacokamazaza, his x mark, Wahpeton soldier.
Itojanjan, his x mark, Sisseton soldier.
Inihan, his x mark, Sisseton soldier.
Michael Renville, Chief councilor or soldier.
Ixakiya, his x mark, Sisseton soldier.
Paul Mazakutemani, Chief councilor.
Wamdiupiduta, his x mark, Chief Sissetons.
Tacandupahotanka, his x mark, Chief Wahpetons.
Tacaurpipeta, his x mark, Soldier or councilor.
Tamniyage, his x mark, Head chief Sissetons.
Wamdiduta, his x mark, Chief soldier, Sissetons.
Canteryapa, his x mark, Soldier, Sissetons.
Xupehiyu, his x mark, Wahpeton soldier.
Chadoze, his x mark, Sisseton soldier.
Wakinyanrota, his x mark, Sisseton soldier.
Cantemaza, Wahpeton chief.
Ecanaginka, his x mark, Sisseton soldier.
Inimusapa, his x mark, Sisseton soldier.
Icartaka, his x mark, Sisseton soldier.
Ximto, his x mark, Sisseton soldier.
Rdohinhda, his x mark, Sisseton soldier.
Wicastawakan, his x mark, Sisseton soldier.
Makaideya, his x mark, Sisseton soldier.
Edwin Phelps, Chief councilor.

Elias Oranwayakapi, Chief counselor.
 Aojanjanna, his x mark, Second soldier and counselor.
 Wasincaga, his x mark, Second soldier and counselor.
 Kampeska, his x mark, Chief soldier Wahpeton.
 Marp iyakudan, his x mark, Chief Sissetons.
 Matocatka, his x mark, Wahpeton soldier.
 Wandiokiya, his x mark, Wahpeton soldier.
 Tonwannonpa, his x mark, Wahpeton soldier.
 Hinhanxunna, his x mark, Sisseton soldier.
 Tamazakanna, his x mark, Sisseton soldier.
 Akicitamane, his x mark, Sisseton soldier.
 Mniyatohonaxte, his x mark, Sisseton soldier.
 Akicitaduta, his x mark, Sisseton soldier.
 Cagewanica, his x mark, Sisseton soldier.
 Wanaita, his x mark, Hereditary chief of Sissetons and Cut-Heads.
 Towaxte, his x mark, Head chief Sissetons.
 Makanahuza, his x mark, Sisseton soldier.
 Mazakahomui, his x mark, Sisseton soldier.
 Onsejekaga, his x mark, Sisseton soldier.
 Tate, his x mark, Sisseton soldier.
 Cokalidi, his x mark, Sisseton soldier.
 Rupaicasna, his x mark, Sisseton soldier.
 Ixkiya, Chief soldier Wahpetons.

Witnesses to signatures of above chiefs and soldiers: H. T. Lovett,
 G. H. Ilawes, T. A. Robertson, G. H. Garibault, C. P. La Grange.

We hereby certify, on honor, that we have fully explained to the
 Indians the above instrument, and that the Indians acknowledge the
 same to be well understood by them.

T. A. ROBERTSON,
 G. H. GARIBAULT,
Interpreters.

AMENDED AGREEMENT WITH CERTAIN SIOUX INDIANS.

[See Sisseton S. 128, and I. 355 (1873).]

[Confirmed by acts of Congress, approved February 14, 1873 (17 Stats., p. 456), and
 June 24, 1874 (18 Stats., p. 167).]

WHEREAS, the *Sisseton and Wahpeton Bands of Dakota or Sioux Indians*, on the 20th day of September A. D. 1872 made and entered into an agreement in writing, signed on one part by the Chiefs and headmen of said bands, with the assent and approval of the members of [said] bands, and upon the other part by *Moses N. Adams, James Smith, jr.*, and *William H. Forbes*, commissioners on the part of the *United States*; which said agreement is as follows, to wit:

“*Whereas*, the Sisseton and Wahpeton bands of Dakota or Sioux Indians made and concluded a treaty with the United States, at the city of Washington, D. C., on the 19th day of February, A. D. 1867, which was ratified, with certain amendments, by the Senate of the United States on the 15th day of April, 1867, and finally promulgated by the President of the United States on the 2d day of May, in the year aforesaid, by which the Sisseton and Wahpeton bands of Sioux Indians ceded to the United States certain privileges and rights supposed to belong to said bands in the territory described in article II of said treaty, and

“*Whereas*, it is desirable that all said territory, except the portion

thereof comprised in what is termed the permanent reservations, particularly described in articles III and IV of said treaty, shall be ceded absolutely to the United States, upon such consideration as in justice and equity should be paid therefor by the United States; and

"Whereas, said territory, now proposed to be ceded, is no longer available to said Indians for the purposes of the chase, and such value or consideration is essentially necessary in order to enable said bands interested therein to cultivate portions of said permanent reservations, and become wholly self-supporting by the cultivation of the soil and other pursuits of husbandry; therefore, the said bands, represented in said treaty, and parties thereto, by their chiefs and head-men, now assembled in council, do propose to M. N. Adams, William H. Forbes, and James Smith, jr., commissioners on behalf of the United States, as follows:

"*First.* To cede, sell, and relinquish to the United States all their right, title, and interest in and to all lands and territory, particularly described in article II of said treaty, as well as all lands in the Territory of Dakota to which they have title or interest, excepting the said tracts particularly described and bounded in articles III and IV of said treaty, which last named tracts and territory are expressly reserved as permanent reservations for occupancy and cultivation, as contemplated by articles VIII, IX, and X of said treaty.

"*Second.* That, in consideration of said cession and relinquishment, the United States shall advance and pay, annually, for the term of ten years from and after the acceptance by the United States of the proposition herein submitted, eighty thousand (80,000) dollars, to be expended under the direction of the President of the United States, on the plan and in accordance with the provisions of the treaty aforesaid, dated February 19, 1867, for goods and provisions, for the erection of manual-labor and public school-houses, and for the support of manual-labor and public schools, and in the erection of mills, blacksmith-shops, and other work-shops, and to aid in opening farms, breaking land, and fencing the same, and in furnishing agricultural implements, oxen, and milch-cows, and such other beneficial objects as may be deemed most conducive to the prosperity and happiness of the Sisseton and Wahpeton bands of Dakota or Sioux Indians entitled thereto according to the said treaty of February 19, 1867. Such annual appropriation or consideration to be apportioned to the Sisseton and Devil's Lake agencies, in proportion to the number of Indians of the said bands located upon the Lake Traverse and Devil's Lake reservations respectively. Such apportionment to be made upon the basis of the annual reports or returns of the agents in charge. Said consideration, amounting, in the aggregate, to eight hundred thousand (800,000) dollars, payable as aforesaid, without interest.

"*Third.* As soon as may be, the said territory embraced within said reservation described in article IV, (Devil's Lake reservation,) shall be surveyed, as Government lands are surveyed, for the purpose of enabling the Indians entitled to acquire permanent rights in the soil, as contemplated by article V of said treaty.

"*Fourth.* We respectfully request that, in case the foregoing propositions are favorably entertained by the United States, the sale of spirituous liquors upon the territory ceded may be wholly prohibited by the United States Government.

"*Fifth.* The provisions of article V of the treaty of February 19, 1867, to be modified as follows: An occupancy and cultivation of five acres, upon any particular location, for a term of five consecutive years, shall entitle the party to a patent for forty acres; a like occupancy and cul-

tivation of ten acres, to entitle the party to eighty acres; and a like occupancy and cultivation of any tract, to the extent of twenty acres, shall entitle the party so occupying and cultivating to a patent for 160 acres of land. Parties who have already selected farms and cultivated the same may be entitled to the benefit of this modification. Patents so issued (as hereinbefore set forth) shall authorize a transfer or alienation of such lands situate within the Sisseton agency, after the expiration of ten years from this date, and within the Devil's Lake reservation after the expiration of fifteen years, but not sooner.

"*Fifth. (Sixth.)* The consideration to be paid, as hereinbefore proposed, is in addition to the provisions of article VI of the treaty of February 19, 1867, under which Congress shall appropriate, from time to time, such an amount as may be required to meet the necessities of said Indians, to enable them to become civilized.

"*Sixth. (Seventh.)* Sections sixteen and thirty-six within the reservations shall be set apart for educational purposes, and all children of a suitable age within either reservation shall be compelled to attend school at the discretion of the agents.

"*Seventh. (Eighth.)* At the expiration of ten years from this date, all members of said bands under the age of twenty-one years shall receive 40 acres of land from said permanent reservations in fee simple.

"*Eighth. (Ninth.)* At the expiration of ten years the President of the United States shall sell or dispose of all the remaining or unoccupied lands in the Lake Traverse reservation, (excepting that which may hereafter be set apart for school purposes;) the proceeds of the sale of such lands to be expended for the benefit of the members of said bands located on said Lake Traverse reservation; and, at the expiration of fifteen years, the President shall sell or dispose of all the remaining unoccupied lands (excepting that which may be hereafter set apart for school purposes) in the Devil's Lake reservation; the proceeds of the sales of such lands shall be expended for the benefit of all members of said bands who may be located on the said Devil's Lake reservation.

"Executed at Sisseton Agency, Dakota Territory, Lake Traverse reservation, this 20th day of September, A. D. 1872."

And whereas, the Congress of the United States, upon consideration of the provisions of said agreement hereinbefore recited, did, by the act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and seventy-four, and for other purposes, approved February 14th, 1873, provide as follows, to wit: "For this amount, being the first of ten installments of the sum of eight hundred thousand dollars named in a certain agreement made by the commissioners appointed by the Secretary of the Interior, under the provisions of the act of June seventh, eighteen hundred and seventy-two, with the Sisseton and Wahpeton bands of Sioux Indians for the relinquishment by said Indians of their claim to, or interest in, the lands described in the second article of the treaty made with them February nineteenth, eighteen hundred and sixty-seven: the same to be expended under the direction of the President, for the benefit of said Indians, in the manner prescribed in said treaty of eighteen hundred and sixty-seven, as amended by the Senate, eighty thousand dollars. And the said agreement is hereby confirmed, excepting so much thereof as is included in paragraphs numbered respectively, third, fourth, fifth, sixth, seventh, eighth, and ninth: Provided, That no part of this amount shall be expended until after the ratification, by said Indians, of said agreement as hereby amended."

And whereas, The said bands of Dakota or Sioux Indians have been

duly assembled in council, and therein represented by the chiefs and head-men, and the provisions of said act of Congress, and amendments thereby made to the said above recited agreement, having been fully explained by the commissioners on the part of the United States, and the said agreement as amended having been fully interpreted, and now being understood, we the said chiefs and head-men of the said Sisseton and Wahpeton Bands, duly authorized by our people so to do, do hereby accept, assent to, confirm, ratify and agree to the said amendments, and to the said agreement as amended, and declare that the same is, and shall hereafter be binding upon us and the members of said Bands.

Witness our hands and seals at the Lac Traverse agency, Dakota Territory, this second day of May, A. D. 1873.

Gabriell Renville.
 Wamdienpiduta, his x mark.
 Tacandupahotanka, his x mark.
 Wicauspinupa.
 Eutinkiya.
 Hokxidannaxte, his x mark.
 Wakanto, his x mark.
 Wamdiduta, his x mark.
 Waxicunmaza, his x mark.
 Wasukiye, his x mark.
 Tacaupipeta, his x mark.
 Akicitanajin, his x mark.
 Xupehiyu, his x mark.
 Magaiyahe, his x mark
 Peter Tapetatonka.
 Tamniyage, his x mark.
 Itojanjan, his x mark.
 Inihan, his x mark.
 Michel Renvill.
 Ixakiye, his x mark.
 Paul Mazawakutemani, his x mark.
 Elias Oranwayakapi.
 Kampeska, his x mark.
 Simon Anawagmani, his x mark.
 John R. Renvill.
 Daniel Renville.
 Taokiyecota, his x mark.
 Mechael Paul.
 John Waniyarpeya, his x mark.
 Robert Hopkins.
 Alex. La Framboise.

We certify, on honor, that we were present and witnessed the signatures of the Indians as above.

G. H. HAWES.
 H. T. LOVETT.
 JNO. L. HODGMAN.
 CHARLES P. LA GRANGE.

I hereby certify, on honor, that I have fully explained to the Indians, in council, the above instrument, and that the Indians acknowledged the same to be well understood by them.

THOS. A. ROBERTSON,
Interpreter.

Executed at Sisseton agency, Lake Traverse Reservation, D. T., this second day of May, 1873.

MOSES N. ADAMS,
JAMES SMITH, JR.,
Commissioners.

Devil's Lake Reservation, Fort Totten agency, D. T., May 19, 1873.

Wah-na-ta, his x mark.
Tee oh wash-tag, his x mark.
Mah-pee-ah keo-den, his x mark.
E-chah-na-gee-kah, his x mark.
Mat te-o-he chat-kah, his x mark.
Ou s[s]-pe-ka ge, his x mark.
Chan-te-ma-za, his x mark.
Ca-do-ze, his x mark.
Wa-kin-yan-ro ta, his x mark.
I-car-ta-ke, his x mark.
In-im-u-sa-pa, his x mark.
Mu i ya-to-ho-nax-te.
Ton-wau-non-pa, his x mark.
We-i-za-ka-ma-za.
Ma-ka-na-hu-hu-za.
Ma-ka-i-de-ya, his x mark.
Xip to, his x mark.
Wa-ka-no-ki-ta, his x mark.
Ta-te-o-pax-im-a-ni, his x mark.
Ru-pahn-wa-kam-a, his x mark.
A-ki-ci-ta-du-ta, his x mark.
Ta-wa-cin-ha, his x mark.
Ru-pahn-wax-te, his x mark.
A-ki-ci-tam-a-ne, his x mark.
Ma-za-ka-hom-ni.
Wam-di-hi-ye-ya, his x mark.
Wi-cer-pi-wa-kan-na, his x mark.
Wax-i-em-u-nape-wu-az-u-za, his x mark.
Ha-oih-da, his x mark.
Wam-di-o-ki-ga, his x mark.
Wa-kan-hoi-ma-za, his x mark.
He-wa-kan-na, his x mark.
I-han-gi, his x mark.
Ma-goi-ya-te, his x mark.
Ta-rin-ca-sin-te, his x mark.
Na-gi-wa-kan, his x mark.
We-ci-ni-han, his x mark.
Ca-je-wan-i-ca, his x mark.
Wam-di-cax-kpi, his mark.
Tate, his x mark.
U-jin-pi, his x mark.
Hint-ka-ro-ta, his x mark.
Hin-han-xo-na, his x mark.
Ri-o-in-yan-i-yan-ke, his x mark.
Ran-in-wan-ke, his x mark.

Witnesses to signatures of above chiefs and soldiers,

LEWIS CASS HUNT,
Lieut. Col. 20th Infantry.
JAMES B. FERGUSON,
Act. Asst. Surgeon, U. S. A.

I hereby certify, upon honor, that I have fully explained to the Indians the above instrument and that the Indians acknowledge the same to be well understood by them.

GEORGE H. FARIBAULT,
Interpreter.

Executed at the Fort Totten agency, "Devil's Lake" reservation, this 19th day of May, 1873, in open council, by the Sisseton and Wahpeton and "Cut-head" bands of Sioux not included in the Sisseton and Wahpeton bands of Sioux of "Lac Travers" reservation, who signed this on the 2nd of May, 1873, as above written.

JAMES SMITH, Jr.,
WM. H. FORBES,
MOSES N. ADAMS,
Commissioners.

SEC. 26. That the following agreement entered into on behalf of the United States by Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, commissioners on the part of the United States, on the twelfth day of December, eighteen hundred and eighty-nine, with the Sisseton and Wahpeton bands of Dakota or Sioux Indians now on file in the Department of the Interior, signed by said commissioners for the United States, and for said Indians by Simon Ananangmari and others, is hereby accepted, ratified, and confirmed, and is in the following words, to wit:

"Whereas, by section five of the act of Congress entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes,' approved February eighth, eighteen hundred and eighty-seven, it is provided 'That at any time after lands have been allotted to all the Indian of any tribe, as herein provided, or sooner, if in the opinion of the President it shall be for the best interests of said tribe, it shall be lawful for the Secretary of the Interior to negotiate with such Indian tribe for the purchase and release by the said tribe, in conformity with the treaty or statute under which such reservation is held, of such portions of its reservations not allotted as such tribe shall from time to time, consent to sell, on such terms and conditions as shall be considered just and equitable between the United States and said tribe of Indians, which purchase shall not be complete until ratified by Congress; and the form and manner of executing such release shall also be prescribed by Congress.

Whereas the Sisseton and Wahpeton bands of Dakota or Sioux Indians are desirous of disposing of a portion of the land set apart and reserved to them by the third article of the treaty of February nineteenth, eighteen hundred and sixty-seven, between them and the United States, and situated partly in the State of North Dakota and partly in the State of South Dakota:

Now, therefore, this agreement made and entered into in pursuance of the provisions of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, aforesaid, at the Sisseton Agency, South Dakota, on this the twelfth day of December, eighteen hundred and eighty-nine, by and between Eliphalet Whittlesey, D. W. Diggs, and Charles A. Maxwell, on the part of the United States, duly authorized and empowered thereto, and the chiefs, head-men, and male adult

members of the Sisseton and Wahpeton bands of Dakota or Sioux Indians, witnesseth:

ARTICLE I.

The Sisseton and Wahpeton bands of Dakota or Sioux Indians hereby cede, sell, relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of the reservation set apart to said bands of Indians as aforesaid remaining after the allotments and additional allotments provided for in article four of this agreement shall have been made.

ARTICLE II.

In consideration for the lands ceded, sold, relinquished, and conveyed as aforesaid, the United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, the sum of two dollars and fifty cents per acre for each and every acre thereof, and it is agreed by the parties hereto that the sum so to be paid shall be held in the Treasury of the United States for the sole use and benefit of the said bands of Indians; and the same, with interest thereon at three per centum per annum, shall be at all times subject to appropriation by Congress for the education and civilization of the said bands of Indians, or members thereof, as provided in section five of an act of Congress, approved February eighth, eighteen hundred and eighty-seven, and entitled "An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes." *Provided*, That any religious society or other organization now occupying, under proper authority, for religious or educational work among the Indians, any of the land in this agreement ceded, sold, relinquished, and conveyed shall have the right, for two years from the date of the ratification of this instrument, within which to purchase the lands so occupied at a price to be fixed by the Congress of the United States: *Provided further*. That the cession, sale, relinquishment, and conveyance of the lands described in article one of this agreement shall not take effect and be in force until the sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty-seven cents, together with the sum of eighteen thousand and four hundred dollars, shall have been paid to said bands of Indians, as set forth and stipulated in article third of this agreement.

ARTICLE III.

The United States stipulates and agrees to pay to the Sisseton and Wahpeton bands of Dakota or Sioux Indians, parties hereto, per capita, the sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty-seven cents, being the amount found to be due certain members of said bands of Indians who served in the armies of the United States against their own people, when at war with the United States, and their families and descendants, under the provisions of the fourth article of the treaty of July twenty-third, eighteen hundred and fifty one, and of which they have been wrongfully and unjustly deprived by the operation of the provisions of an act of Congress approved February sixteenth, eighteen hundred and sixty-three, and entitled "An act for the relief of persons for damages sustained by reason of depredation, and injuries by certain

bands of Sioux Indians"; said sum being at the rate of eighteen thousand four hundred dollars per annum from July first, eighteen hundred and sixty-two, to July first, eighteen hundred and eighty-eight less their pro rata share of the sum of six hundred and sixteen thousand and eighty-six dollars and fifty-two cents, heretofore appropriated for the benefit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians, as set forth in report numbered nineteen hundred and fifty-three, of the House of Representatives, Fiftieth Congress, first session.

The United States further agrees to pay to said bands of Indians, per capita, the sum of eighteen thousand and four hundred dollars annually from the first day of July, eighteen hundred and eighty-eight, to the first day of July, nineteen hundred and one, the latter date being the period at which the annuities to said bands of Indians were to cease, under the terms of the fourth article of the treaty of July twenty third, eighteen hundred and fifty one, aforesaid; and it is hereby further stipulated and agreed that the aforesaid sum of three hundred and forty-two thousand seven hundred and seventy-eight dollars and thirty seven cents, together with the sum of eighteen thousand and four hundred dollars, due the first day of July, eighteen hundred and eighty nine, shall become immediately available upon the ratification of this agreement.

ARTICLE IV.

It is further stipulated and agreed that there shall be allotted to each individual member of the bands of Indians, parties hereto, a sufficient quantity, which, with the lands heretofore allotted, shall make in each case one hundred and sixty acres, and in case no allotment has been made to any individual member of said bands, then an allotment of one hundred and sixty acres shall be made to such individual, the object of this article being to equalize the allotments among the members of said bands, so that each individual, including married women, shall have one hundred and sixty acres of land; and patents shall issue for the lands allotted in pursuance of the provisions of this article, upon the same terms and conditions and limitations as is provided in section five of the act of Congress, approved February eighth, eighteen hundred and eighty-seven, hereinbefore referred to.

ARTICLE V.

The agreement concluded with the said Sisseton and Wahpeton bands of Dakota or Sioux Indians, on the eighth day of December, eighteen hundred and eighty four, granting a right of way through their reservation for the Chicago, Milwaukee and Saint Paul Railway, is hereby accepted, ratified and confirmed.

ARTICLE VI.

This agreement shall not take effect and be in force until ratified by the Congress of the United States.

In witness whereof we have hereunto set our hands and seals the day and year above written.

ELIPHALET WHITTLESEY,
D. W. DIGGS,
CHAS. A. MAXWELL,
On the part of the United States.

The foregoing articles of agreement having been fully explained to us, in open council, we, the undersigned, being male adult members of the Sisseton and Wahpeton bands of Dakota and Sioux Indians, do hereby consent and agree to all the stipulations, conditions, and provisions therein contained.

Simon Ananangmari (his x mark), and others

SEC. 27. That for the purpose of carrying out the terms and provisions of said agreement there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated the sum of two million two hundred and three thousand dollars, of which amount the sum of five hundred and three thousand two hundred dollars shall be immediately available, and the same, or so much thereof as may be necessary, shall be paid as follows, to wit: To the Sisseton and Wahpeton Indians, parties to this agreement, the sum of three hundred and seventy-six thousand five hundred and seventy-eight dollars and thirty-seven cents, said amount to be distributed per capita. To the scouts and soldiers of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux Indians, who were enrolled and entered into the military service of the United States and served in suppressing what is known as the "Sioux outbreak of eighteen hundred and sixty-two;" or those who were enrolled and served in the armies of the United States in the war of the rebellion, and to the members of their families and descendants, now living, of such scouts and soldiers as are dead, who are not included in the foregoing class, as parties to said agreement, the sum of one hundred and twenty-six thousand six hundred and twenty dollars, said amount to be distributed per capita; and the said sum of five hundred and three thousand and two hundred dollars or so much thereof as may be necessary, when paid to the said Sisseton, Wahpeton, Medowakanton, and Wapakoota bands of Sioux Indians, their families and descendants, designated in this act, shall be deemed a full settlement of all claims they may have for unpaid annuities, under any and all treaties or acts of Congress up to the thirtieth day of June, eighteen hundred and ninety; *Provided however*, That all contracts or agreements between said Indians or any of them, and agents, attorneys, or other persons for the payment of any part of this appropriation for or on account of fees or compensation to said agents, attorneys or other persons, unless the same have been made, as provided by law, and are yet in force and have been approved by the Department of the Interior, or have been made by and between citizens of the United States are hereby declared null and void, and in such cases the Secretary of the Interior shall cause all moneys herein appropriated to be paid directly to the said Indians and shall pay no portion of the same, to their said agents or attorneys. And in no event shall a sum exceeding ten per cent. be paid to any agent or attorney, and the balance, after deducting the said five hundred and three thousand two hundred dollars, to wit, the sum of one million six hundred and ninety-nine thousand eight hundred dollars, or so much thereof as may be necessary, to pay for lands by said agreement ceded, sold, relinquished, and conveyed at the rate of two dollars and fifty cents per acre, shall be placed in the Treasury of the United States, to the credit of said Sisseton and Wahpeton bands of Dakota or Sioux Indians (parties to said agreement), and the same, with interest thereof at five per centum per annum, shall be at all times subject to appropriation by Congress or to application by order of the President for the education and civilization of said bands of Indians or members thereof.

Approved March 3, 1891.