

Calendar No., 587.

54TH CONGRESS, }
1st Session. }

SENATE.

{ REPORT
No. 533.

IN THE SENATE OF THE UNITED STATES.

MARCH 23, 1896.—Ordered to be printed.

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

REPORT:

[To accompany S. 2454.]

The Committee on Indian Affairs, to whom was referred the bill (S. 2454) restoring the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of 1837 and 1851, and for other purposes, beg leave to submit to the Senate the following report:

We recommend that the bill be amended by striking out the word "requested," in line 3, section 2, and by inserting in lieu thereof the word "required;" that there be added to section 1 the following provisos:

Provided, That the titles to all lands that were owned by the said Medawakanton and Wapakoota Indians that have been extinguished since the eighteenth day of August, eighteen hundred and sixty-two, by treaty with said Indians, or by act of Congress, are hereby quieted in the United States or its grantees, as the case may be: *And provided further*, That the said Medawakanton and Wapakoota Indians, now known as and being a confederacy of the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, shall be paid by the United States the sum of ninety-five cents per acre for all lands that were owned by them, respectively, on the eighteenth day of August, anno Domini, eighteen hundred and sixty-two, and which were confiscated by the United States by an act of Congress entitled "An act for the relief of persons for damages sustained by reasons of depredations and injuries by certain bands of Sioux Indians," approved February sixteenth, eighteen hundred and sixty-three: *And provided further*, That the Secretary of the Treasury in determining the amounts to be paid to the said Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota, under the provisions of this act and the treaties and acts of Congress hereby revived, shall deduct any annuities and moneys said Indians may have received under any other treaties to the time this act takes effect.

And to section 2, the following proviso:

Provided, That the Sisseton and Wahpeton Indians, of Lake Traverse, in the State of South Dakota, and Devils Lake, in the State of North Dakota, shall not be placed on said official roster as Medawakanton and Wapakoota Indians, nor as Santee or Flandreau Sioux Indians, nor shall any distribution of annuities or moneys due or to become due the Medawakanton and Wapakoota Indians, or the Santee Sioux of Nebraska, and the Flandreau Sioux of South Dakota, by virtue of any treaty or act of Congress with the said Medawakanton or Wapakoota tribes, or with, or for the benefit of, the Santee Sioux of Nebraska, or the Flandreau Sioux of South Dakota, be paid to the Sisseton or Wahpeton Sioux Indians of Lake Traverse, in the State of South Dakota, and Devils Lake, in the State of North Dakota.

So that the bill when amended as herein recommended will read as follows:

A BILL restoring the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians, of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, to all rights, privileges, and benefits enjoyed by them and their ancestors under the treaties of eighteen hundred and thirty-seven and eighteen hundred and fifty-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota, formerly known as and being a confederacy of the Medawakanton and Wapakoota Sioux Indians, be, and they are hereby, restored to all rights, privileges, and benefits they and their ancestors had and enjoyed under the treaty entered into September twenty-ninth, eighteen hundred and thirty-seven, at the city of Washington, in the District of Columbia, between Joel R. Poinsett, on behalf of the Government of the United States, and the Medawakanton Sioux Indians, by certain of their chief men, proclaimed June fifteenth, eighteen hundred and thirty-eight, and the treaty entered into between the United States, through Luke Lea and Alexander Ramsey, as commissioners, and the Medawakanton and Wapakoota Sioux Indians, by certain of their chief men, and proclaimed by Millard Fillmore, as President of the United States, August fifth, eighteen hundred and fifty-one, and all treaties and Acts of Congress supplementary thereto and amendatory thereof: *Provided*, That the titles to all lands that were owned by the said Medawakanton and Wapakoota Indians that have been extinguished since the eighteenth day of August, eighteen hundred and sixty-two, by treaty with said Indians, or by act of Congress, are hereby quieted in the United States or its grantees as the case may be: *And provided further*, That the said Medawakanton and Wapakoota Indians, now known as and being a confederacy of the Santee Sioux Indians of Nebraska and the Flandreaux Sioux Indians of South Dakota, shall be paid by the United States the sum of ninety-five cents per acre for all lands that were owned by them, respectively, on the eighteenth day of August, anno Domini eighteen hundred and sixty-two, and which were confiscated by the United States by an act of Congress entitled "An act for the relief of persons for damages sustained by reason of depredations and injuries by certain bands of Sioux Indians," approved February sixteenth, eighteen hundred and sixty-three: *And provided still further*, That the Secretary of the Treasury, in determining the amounts to be paid to the said Santee Sioux Indians of Nebraska and the Flandreau Sioux Indians of South Dakota under the provisions of this act and the treaties and acts of Congress hereby revived, shall deduct any annuities and moneys said Indians may have received under any other treaties, to the time this act effect.

SEC. 2. That to enable the Secretary of the Interior to carry into effect the provisions of this act, he is hereby authorized and required to make and keep an official roster of all Medawakanton and Wapakoota Indians and their descendants now incorporated into and being a part of the Santee Sioux Indians, of Nebraska, and the Flandreau Sioux Indians, of South Dakota: *Provided*, That the Sisseton and Wahpeton Indians, of Lake Traverse, in the State of South Dakota, and Devils Lake, in the State of North Dakota, shall not be placed on said official roster as Medawakanton and Wapakoota Indians, nor as Santee or Flandreau Sioux Indians, nor shall any distribution of annuities or moneys due or to become due the Medawakanton and Wapakoota Indians, or the Santee Sioux, of Nebraska, and the Flandreau Sioux, of South Dakota, by virtue of any treaty or act of Congress with the said Medawakanton or Wapakoota tribes, or with, or for the benefit of, the Santee Sioux, of Nebraska, or the Flandreau Sioux, of South Dakota, be paid to the said Sisseton or Wahpeton Sioux Indians, of Lake Traverse, in the State of South Dakota, and Devils Lake, in the State of North Dakota.

At the time of the outbreak in 1862 the Medawakanton and Wapakoota Indians were owners of lands in Minnesota by virtue of the treaty of June 19, 1858 (12 Stat. L., 1031), amounting to 320,000 acres, and described by Article III of the treaty of August 15, 1851 (10 Stat. L., 957), in the following language:

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

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

It was further provided therein—

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

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

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

Thus repeating Article III of the above treaty.

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

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

Resolved further, That all persons who have in good faith settled and made improvements upon any of the lands contained in said reservations, believing the same to be Government lands, shall have the right of preemption to one hundred and sixty acres thereof, to conclude their improvements, on paying the sum of one dollar and twenty-five cents per acre therefor: *Provided*, That when such settlements have been made on the lands of the Indians on the south side of the Minnesota River the assent of the Indians shall first be obtained, in such manner as the Secretary of the Interior shall prescribe, and that the amount which shall be so paid for their lands shall be paid into the Treasury of the United States.

There were, as we have stated, 320,000 acres of these lands (12 Stat. L., 237) for which it is presumed the Indians received 30 cents per acre, although there is no definite data establishing the fact. But acting on the supposition that they were paid 30 cents per acre, their total receipts for the land would be \$96,000. The United States sold these identical lands for \$1.25 per acre, or a total of \$400,000. Deducting therefrom the \$96,000 paid to the Indians, the Government made a net profit out of the transaction of \$304,000, leaving, in the judgment of your committee, an equitable claim in favor of the Indians and against the Government for that sum.

It does not appear when or how the Medawakanton and Wahpakoota Indians lost their original tribal names, but it is presumed that it was due to the fact that, in the early history of the Sioux Indians, those east of the Missouri River were known by those west thereof as Santees. They become known as the Santees, so far as they themselves know, when they were placed on their present reservation. This is as nearly a correct statement as your committee can make.

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

By an act of Congress approved March 3, 1862, entitled, "An act for the removal of the Sisseton, Wahpeton, Medawakanton, and Wapakoota bands of Sioux and Dakota Indians, and for the disposition of

their lands in Dakota and Minnesota," it is provided that the President—

Is authorized and hereby directed to assign to and set apart for the * * * Medawakanton, and Wapakoota bands of Sioux Indians, a tract of unoccupied land, outside of the limits of any State, sufficient in extent to enable him to assign to each member of the said bands (who are willing to adopt the pursuit of agriculture) eighty acres of good agricultural land, the same to be adapted to agricultural purposes. (See Stat. L., 819.)

There are 115,075.92 acres of land in the present Santee Sioux Reservation in the State of Nebraska. Deducting that amount from the 320,000 acres of land that were owned by the Medawakanton and Wapakoota Indians in Minnesota, and of which they have been deprived by the United States, as herein stated, it will be observed that there should stand to the credit of the Indians 204,925 acres, which should be given to them or paid for by the United States.

After occupying the Crow Reservation for about three years the lands were found not to be well "adapted to agricultural purposes," and steps were taken to relocate them on lands better adapted to their use, and as a result, by Executive order dated February 27, 1866, issued by President Johnson, four townships in the Territory (now State) of Nebraska were set apart and reserved for the Santee Sioux. This last reservation was added to and modified from time to time by various Executive orders until at the time of making the allotments to the Indians in severalty in 1885 it embraced 115,076.92 acres. The allotments were made in accordance with the provisions of the act of March 3, 1863, and in accordance with the fourth paragraph of article 6 of the treaty with the Sioux Indians dated April 29, 1868 (15 Stat. L., 637) to which the Santees were parties. Said allotments were in quantities of 160 acres each to heads of families and 80 acres to other members of the tribe.

The total allotments at this time amount to 69,100 acres, the remainder having been thrown open to settlement by white settlers, and is now principally occupied by them. For that portion thrown open to settlement by white settlers the Santees have received nothing. In addition to this your committee find that a very large portion of the present reservation is not tillable land. Perhaps one-half, if not more, is incapable of cultivation, owing to the fact that it is composed of Missouri River bluffs, and is intersected and cut up by deep gulches and ravines, and is adapted to sheep industry and limited cattle grazing only, and is incapable, owing to its peculiar formation, of cultivation. That portion of the lands that are not allotted to the Indians and that are thrown open to settlement by white settlers was opened by virtue of an Executive order, dated February 9, 1885. We embrace herein as a part of this report the various Executive orders and official documents:

NEBRASKA.

Niobrara Reserve.

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

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

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

JAMES HARLAN, *Secretary.*

The PRESIDENT OF THE UNITED STATES.

EXECUTIVE MANSION, February 27, 1866.

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

ANDREW JOHNSON,
President of the United States.

EXECUTIVE MANSION, July 20, 1866.

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

ANDREW JOHNSON, President.

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

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

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

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

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

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

O. H. BROWNING, Secretary.

The PRESIDENT.

NOVEMBER 16, 1867.

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

ANDREW JOHNSON.

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

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

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

	Acres.
Township 32 north, range 4 west of sixth principal meridian	23, 397. 96
So much of the west half of the fractional township 33 north, range 4 west, as lies south of the Missouri River	7, 571. 40
Township 31 north, range 5 west	22, 968. 64
Fractional township 32 north, range 5 west	21, 601. 41
So much of fractional township 33 north, range 5 west, as lies south of Missouri River	8, 983. 20
Fractional township 31 north, range 6 west	22, 568. 10
Fractional township 31 north, range 7 west	21, 592. 29
Fractional township 32 north, range 7 west	1, 460. 42
Fractional township 31 north, range 8 west	22, 999. 69
Fractional township 32 north, range 8 west	12, 051. 92

Making the total area of present reservation 165, 195. 03

The recommendation of Superintendent Janney, contained in his above-mentioned letter, is that the boundaries of the present reservation be changed as follows: That—

	Acres.
Township 31 north, range 4 west	22,968.61
So much of the east half of fractional township 33 north, range 4 west, as lies south of the Missouri River, viz, fractional sections 2, 3, 10, 11, 14, 15, section 22, fractional sections 23, 24, sections 25, 26, 27, 34, 35, 36.....	7,584.70
Total	30,553.31

be added to the present reservation, and that—

	Acres.
Fractional township 31 north, range 6 west.....	22,568.10
Fractional township 31 north, range 7 west.....	21,592.29
Fractional township 32 north, range 7 west.....	1,460.42
Fractional township 31 north, range 8 west.....	22,999.69
Fractional township 32 north, range 8 west.....	12,051.92
Total	80,672.42

be restored to market.

The additional lands which Superintendent Janney recommends to be added to the present reservation contain an area of 30,553.31 acres, and the lands which he recommends to be restored to market contain an area of 80,672.42 acres. The reservation, therefore, if readjusted in this manner, will contain a total area of 115,075.92 acres.

I am of opinion that this change should be made, and respectfully recommend, should you approve, that the President be requested to direct that township 31 north, range 4 west of the sixth principal meridian, and so much of the east half of fractional township 33 north, range 4 west, as lies south of the Missouri River, viz, fractional sections 2, 3, 10, 11, 14, 15, section 22, fractional sections 23, 24, sections 25, 26, 27, 34, 35, and 36, be withdrawn from market and added to the present reservation; and that fractional township 31 north, range 6 west of the sixth principal meridian; fractional township 31 north, range 7 west of the sixth principal meridian; fractional township 32 north, range 7 west of the sixth principal meridian; fractional township 31 north, range 8 west of the sixth principal meridian; fractional township 32 north, range 8 west of the sixth principal meridian, which is a portion of the land previously withdrawn from sale by the President's order of July 20, 1866, be restored to market, this being in accordance with the recommendation of Superintendent Janney, as above stated.

I transmit herewith a plat showing the boundaries of the present reservation and the proposed changes of the same, which you will please to have returned to this office.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. W. T. OTTO,
Acting Secretary of the Interior.

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

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

With great respect, your obedient servant,

J. D. COX, *Secretary.*

WASHINGTON, August 31, 1869.

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

U. S. GRANT.

EXECUTIVE MANSION, December 31, 1873.

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

U. S. GRANT.

EXECUTIVE MANSION, *February 9, 1885.*

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

CHESTER A. ARTHUR.

At and before the outbreak in 1862 a treaty existed between the United States and the Medawakanton Sioux Indians, dated September 29, 1837 (Stat. L., 536), by which they were to receive annually from the former the sum of \$15,000, and by the treaty of 1851 (10 Stat. L., 954) a trust fund was created yielding to the Medawakanton and Wapakoota Indians an annual sum of \$61,450 for fifty years, making a total annuity of \$76,450.

By the act of 1863 these annuities were confiscated or withdrawn from the Indians, and thirty-eight installments were annulled and forfeited to the United States, aggregating the sum of \$2,905,100. Since that time appropriations have been made, and on account of four bands of Indians, namely, the Sissetons, Wahpetons, Medawakantons, and Wapakootas, and \$1,856,209.48 have been expended in payment of damages, for removal and subsistence, deficiencies, clothing, support, and awards to the Indians, and to pay Indian creditors.

Your committee have been unable to ascertain by what process of reasoning this sum could properly be charged to the Santee and Flandreau Sioux Indians, but, assuming that it is properly chargeable to them, and that they should be held for one-half of the amount, there should be charged to them not to exceed \$928,107.70.

At the time of the outbreak of 1862, 12 installments of the annuity had been appropriated, leaving 38 installments, aggregating the sum of \$2,905,100, for which no appropriations have ever been made. Adding to this sum \$204,925, the amount due the Indians for lands, and there would be a total indebtedness of the United States to them of \$3,110,025, not counting interest.

It appears that there has been paid to the Indians since the outbreak money and supplies amounting in the aggregate to \$1,625,000; and deducting that sum from \$3,110,025, there remains justly and equitably due them the sum of \$1,485,025.

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

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

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

Much useful information of the Santee Sioux Indians can be found in a letter recently addressed by the Rev. James Garvie, a member of the tribe, to the honorable Commissioner of Indian Affairs, which we incorporate herein, and also his statements made to Senator Allen in the form of questions and answers, which is likewise incorporated as a part of this report. Valuable information will also be found in the affidavits of Joseph Kitto and Robert Hakewaste, which are made a part hereof:

Hon. D. M. BROWNING,

Commissioner of Indian Affairs, Washington, D. C.:

SIR: The Department you represent has bestowed upon us many favors, and we feel it is our duty to acknowledge it with sincere heart, and we feel grateful for many past kindnesses that the Department has rendered to us in time of trouble, hardship, and starvation; and also to many noble purposes that you have planned for our welfare and the education of our children, and toward uplifting our race to a nobler and better life as citizens. We are exceedingly thankful for the fulfillment of various treaties, which are the means to sustain us in our every-day life, and by which we are enabled to have farms, houses, implements, and domestic animals, and also many other various articles which are necessary to farm life. And we put our whole confidence in you as our adviser and director in all of our welfare and general prosperity, and we feel that you have truly at heart at all times the advancement of our civilization; and that you would consider very carefully and wisely the following plea in behalf of our people of Santee. We believe it is the general interest of all of our people as well as the community in which we live.

By virtue of the provisions of the treaty of September 29, 1837 (7 Stat. L., 539), July 23, 1851 (10 Stat. L., 949), August 5, 1851 (Id., 954), and the Indian appropriation act of August 30, 1852 (Id., 52), the Mdewakantonwan, Wahpekute, Sisseton, and Wahpetonwan bands of Dakota Sioux Indians were entitled to large annuities. By act of Congress of February 16, 1863 (12 Stat. L., 653), the lands and annuities of the said four bands of Dakota Sioux Indians were declared forfeited on account of the Sioux outbreak of 1862. That none of these treaties have ever been fulfilled since that time, although since then various and persistent efforts have been made to have this great wrong righted. Finally, in the late agreement of Sisseton and Wahpetonwan bands their long pending and just claim to the suspended annuities was partially recognized, as well as the continuance of the annual payment, until the expiration of the time named in the treaty of 1851, provided for. And Congress not only ratified that agreement and made the requisite appropriation, but also made an appropriation to pay the scouts, who were not parties to the agreement with Sisseton and Wahpetonwan bands.

Now, it is not understood why our people, the Mdewakantonwans and Wahpekutes, were not paid their annuities as well as the Sissetons and Wahpetons, who were just as guilty as our people, which could be proved by the statements of Robert Hakewaste and Joseph Kitto, and clauses in the Commissioner's Report of 1862 (p. 55, second paragraph), and also of 1863 (p. 278, last paragraph).

Now, honorable Commissioner, we refer you to the past record of the Mdewakantonwans and Wahpekutes, leaving out the bloodshed of the outbreak. They were noble examples to the other natives of America, as one of the tribes who were foremost in adopting the civilized life and trying to make men of themselves. This you can ascertain for yourself by the report of W. J. Cullen, Superintendent Indian Affairs, in the Commissioner's Report of 1860, page 46:

"Among none have those who are enrolled as improved Indians made so complete transformation in character, respectability, and industry in the same space of time, as among the Sioux."

And also refer you to the report of J. R. Brown, the Sioux agent, in the same Commissioner's report, and also to the quoted statement of Captain Gibson in the same report, and many others, where Sioux of Mdewakantonwan and Wahpekute bands have shown themselves creditable in all their undertakings.

Now, Honorable Commissioner, allow us to present the words of T. H. Kirk, author of the History of Minnesota, where he relates to the history of the outbreak, and uses the following words:

"THE SIOUX MASSACRE.

"It is not necessary to inform an intelligent Anglo-American as to the original character of the race of aborigines which has ever receded before the westward march of civilization, much less is it essential to dwell long on the changes it has undergone in the lapse of centuries, for from childhood he has heard of its good and evil traits, and often beheld them with his own eyes. Nevertheless, for our present purpose, it is fitting to glance briefly at changes which took place in the life of the Sioux after the settlement of Minnesota. We have considered from the advent of the voyageurs a growing dependence upon traders and a corresponding neglect of the chase; have noticed their transfer of broad territory to the National Government and their confinement within the narrow limits of two reservations. These two facts give us the key to their subsequent history.

"Heartless traders and no less fraudulent Government agents, by presenting exorbitant and fictitious claims, deprived them of their annuities; avaricious settlers, not satisfied with fertile acres they already tilled, encroached on the reserves, and to crown all, after an unsuccessful hunt in the winter of 1861-62, gaunt famine and

the Sioux stood face to face through many a bleak and weary day. No wonder they looked back with longing hearts to the plenteous days of the English and French alliances. If spring in any measure appeased their hunger it did not allay their passions, and when June came, and the annuities which should have been paid were not forthcoming, these passions waxed stronger and stronger. The traders refused them further credit. Even Government officials taunted them in cruel manner when they sought aid or redress."

Such is the fact and such is the testimony from persons who are not prejudiced against the Sioux concerning the outbreak.

We would also respectfully refer you to a brief history of the Mdewakantonwan and Wapekute bands, as to their treatment by our good Christian Government, who boasts itself of fair and honest government in the eyes of the nation, and whose Constitution is based on God's law, and its officers have taken oath to execute their duties under the name of Almighty and Just God.

The good Government has received from Mdewakantonwans and the Wahpekutes all the land that lies in the north half of Iowa along the Mississippi River, on the west side of Wisconsin, and the south half of Minnesota. The good Government in return promise to give or hold in trust for the said bands \$300,000 at 5 per cent interest forever, under the treaty of 1837; and \$1,160,000 at 5 per cent interest for fifty years, under the treaty of 1851. Consider the value of the lands that the said tribes ceded to the Government and the benefit they received for the land. Only twenty-five years of the former and eight years of the latter treaty were fulfilled, when under starvation, cruelty, frauds, and evil usage the hostile element of the Sioux broke into war and forced the good element to join them by threatening them with death. On that account every Indian, good or bad, was punished for the trouble. Their annuities were abrogated by act of Congress; their treaties were annulled; their rights and native land were taken by force and disposed of by the good Government without consideration. Forty-one of the supposed guilty of murder were hung, with hasty judgment. As one writer stated:

"In looking back upon the work of condemnation accomplished by that commission two things are very apparent: (1) In the majority of instances the trial was so brief and hurried that the facts could not possibly be ascertained. It is to be remembered that forty cases were finished in one day (when it takes in any murder case from thirty days at least to six months or longer), and there were other days when over thirty were disposed of. (2) The principle that all participation in the outbreak was worthy of death, acted upon by the commission, was a very wrong one."

Four hundred men were imprisoned at Mankato and later at Davenport, Iowa, for the term of four years. Under the hard treatment over 160 died at the prison, while the women and children of the prisoners were transported to various places. One missionary writes the following words about them:

"Starvation was followed by disease, and in the three years of their residence at Crow Creek over three hundred died. The women made themselves hewers of wood and drawers of water for all the white settlements in the territory. The trenches of the army and the cellars of the farmers were dug with their hands; the wood yard of the steamboat, the sawmill, the cornfield, and the kitchen were all familiar to the Santee women. As places for the morals of our fellow-countrymen, we may add that to many of them the soldiers' barracks were, alas, too familiar."

Nearly one million and a half of their money which was intrusted to our good Government was turned over to those who claimed loss of property.

Such is the outcome of the outbreak and consequences that the people of Santees were made to suffer. But in spite of these cruelties, these poor undefended people had come out civilized Christians and law-abiding citizens in the State of Nebraska to-day.

Now, Honorable Commissioner, brief and incomplete as is the past history of these bands of Mdewakantonwan and Wahpekute, we endeavor to set before you the true facts, and present to you further facts concerning the said bands. Ever since the outbreak these people were in their unfavorable state of affairs; they made rapid advancement both in their civil and religious condition. When they were located at the present agency, they again took hold with their hands and hearts to comply with the wishes of the Government, and to make themselves useful and live by the sweat of their brows. This they were capable of doing in a prosperous state of things and while the rain was abundant. They have done away with rations for over fifteen years of their own accord. When the hard times and drought came they were compelled to receive aid of rations from the Government, only at limited times.

And furthermore, they have not only taken hold to make a living for themselves, but set the example of taking land in severalty under the Dawes Act; all the heads of families and single young men and women, and even children, taking allotment in the year 1885. But what is more noticeable in the way of setting an example, there has been at different times over thirty-five young Christian men with their families,

of Santees, who went out as missionaries to the wild West reservations to quiet the wild Sioux at these said reservations. This work has been successfully done, not only saving lives and blood and great expense to the National Government, but making the country possible for settlement. And where you once heard wild, hideous war cries, you will hear the gospel songs peal out in love, peace, and joy.

Moreover, at different times various commanders, like Generals Crooks and Sully, have called out our own tribe of Santees to suppress the wild West. Two companies of over seventy young men of this agency have served under the United States. Many have lost their lives by exposure and left widows and orphans who are in our midst very poor and needy. And, furthermore, the honorable Commissioner will consider the fact that more than half of the outside scouts who were enrolled to share in the payment of the annuity money, which was renewed, were Mdewakantonwans and Wahpekutes. They have periled their lives and were loyal to the United States and fought against their own friends and tribe. And not these only, but many who also endangered their lives to rescue white people, and these said loyal people who are living among us to-day never have been compensated for their heroic deeds.

Furthermore, we have among us over one hundred Sissetons and Wahpetonwans who are enrolled here by intermarriages and are members of the tribe, who never participated in the renewed annuities. Government recognizes the Sissetons and Wahpetonwans as loyal people, except those who are enrolled here.

Now, honorable Commissioner, we leave with you these facts and testimonies, and also the fact that those of us who are living to-day are innocent of the outbreak, except in 21 individuals who are members of Mdewakantonwan and Wahpekute tribe, who are participators in the outbreak that are alive to-day. But would our good Government condemn us all for the few who are guilty? We represent here in person to inform you that we have been wrongfully and brutally treated and condemned and deprived of all of our annuities and moneys which we called ours by the things which we are innocent of.

As the wrongs of the Indians are admitted by all, and thousands of the best men in the land feel keenly the nation's shame, you are no doubt aware of these facts; and as you have the key in your hand and power to consent or reject, we look to you and Congress to redress these wrongs.

We now respectfully request you to give your most careful consideration to this plea and give favorable recommendations to Congress in our behalf.

Respectfully submitted.

JAS. GARVIE.

STATEMENT OF REV. JAMES GARVIE, OF THE SANTEE SIOUX AGENCY, NEBR.

Q. You may give your name, age, and place of residence.—A. James Garvie; age, 33; residence, Santee Sioux Agency, Knox County, Nebr.

Q. Of what nationality are you?—A. My mother is one-half Sisseton and one-half Wahpekute. That would make me a Sisseton and Wahpekute in my blood.

Q. You are now a member of the Santee Sioux tribe?—A. Yes, sir.

Q. Of what is the Santee Sioux tribe comprised; how is it made up?—A. They are made up of all classes of Indians, as near as I remember.

Q. Are they all original Sioux?—A. Yes; with very few exceptions.

Q. What original tribes are at the agency?—A. The Mdewakantonwan and Wahpekute.

Q. These tribes are the only ones received in your agency?—A. No; there are other tribes, such as Sissetons, Wahpetons, Yanktons, Poncas, and others, received as members of the tribe.

Q. Were these two tribes distinct tribes in 1862, at the time of the outbreak?—A. Yes, sir.

Q. Where were the Wahpekute located at the time of the outbreak?—A. They were located down the Minnesota River or the farthest part of the Redwood Agency.

Q. That would be how far from the scene of massacre of 1862?—A. From 10 to 15 miles below the agency.

Q. Where were the Mdewakantonwans at the time of the outbreak?—A. On both sides of the agency. The Mdewakantonwan was a confederacy made up of several small tribes, known as Kiyuska, Heminican, Heyatatonwanna, Titatonwan, Oyatesica, and Kapoja. As a matter of fact, the Wahpekute was a part of this confederacy under the name of the Mdewakantonwan, but were not recognized as a part of the confederacy by the treaty of 1837, but by the treaty of 1851 they were recognized under the name of Wahpekute.

Q. Now, you may describe the position of these different tribes under the confederacy of Mdewakantonwan—how they were situated with reference to the distance and direction from the scene of the massacre of 1862.—A. Now, three of the

seven tribes of Mdewakantonwan, known as Kiyuska, Heminican, and Wahpekute, numbering about 700, or one-third of the whole of the Mdewakantonwan tribe, at that time were scattered below the agency down to about 15 miles.

Q. That would make them below the scene of massacre?—A. Yes, sir.

Q. You say they were not at the outbreak at all?—A. No; they were not there at the agency; they did not know anything about it; this first massacre at the Redwood Agency was committed without their knowing anything about it.

Q. But after the soldiers came up they joined in the fight?—A. Yes; they were forced to do so at the time; they had to fight or else be shot down by their own tribe who were hostile.

Q. Now, where were the other tribes that you mentioned that were a part of this confederacy?—A. Two of the tribes, Kapoja and Tintatonwan, were at the agency, and the tribe known as Kapoja was the one that was right next to the agency, and the Tintatonwan are the tribes that committed the outbreak, its chief being Little Crow, and Little Six, chief of Tintatonwan.

Q. Now, when did the first trouble occur—the first shooting occur, as near as you can recollect?—A. Well, there does not seem to be any evidence on that point, because those who did the shooting at the first were sentenced to death, and those of our people who are living to-day were not there to witness the first shooting, and the band that was next to the agency who did the shooting burned all the houses and massacred the people so that no one is left to tell the story.

Q. Were any of them alive?—A. Not that I know of, except, I believe, this Little Crow has two brothers living yet.

Q. Were they parties to this outbreak?—A. Yes; they were in it.

Q. What are their names?—A. Moses Wakeman is Little Crow's brother, and is there at the Santee Agency, but he is a member of the Flandreau Sioux Indians and enrolled there at the Flandreau Subagency; and John Wakeman, his other brother, is in Minnesota, and is also a member of the Flandreau Subagency.

Q. How long was it, as near as you can recollect, from the first outbreak until the fight occurred between the soldiers and the Indians?—A. About six hours.

Q. You have made an effort, of course, to get at the true history of these troubles and the cause of the outbreak of 1862?—A. Yes, sir.

Q. From your examination can you give the tribes that were connected with the outbreak?—A. The Sissetons and Wahpetonwans were engaged in this outbreak also, as well as Mdewakantonwans and Wahpekutes.

Q. Why did not the Government arrest them at the time of the outbreak, or after it was over?—A. The reason the Sissetons and Wahpetonwans were not arrested is that they were farthest away from the agency, being farther up the Minnesota River; the Yellow Medicine Agency being at the west and the advancing soldiers at the east, and they were farthest away from the agency and could get away, although there were about thirteen members of the Wahpetonwan tribe hung and over one hundred Sissetons were imprisoned at Davenport. (See treaty February 19, 1867, with said tribe, first paragraph.) Many of them are in the British Possessions to-day.

Q. They have never returned then?—A. Some of them have returned, but many were shot down by the scouts at post while trying to return at Fort Wadsworth, Dak. Ter., at that time.

Q. Most of them are in the British Possessions?—A. Yes; many of them.

Q. How many members are there now, as near as you can tell, of the Santee Sioux tribe?—A. You might estimate it at 1,200.

Q. They make their residence at the agency?—A. At Santee, Flandreau, S. Dak., and Minnesota.

Q. They are at Santee Agency, Nebr., Flandreau, S. Dak., and Minnesota?—A. Yes, sir.

Q. They make their home while at home at the Santee Agency?—A. No; there was some talk about sending the Sioux Indians to the Indian Territory at the time commissioners were sent out to make treaty with the different Sioux over the Black Hills district, and some of them, as many as fifty families, did not want to go, and they went to Flandreau, S. Dak., to take homesteads and make their homes there.

Q. They have an agency there?—A. Yes; a subagency. Sub to our agency at Nebraska.

Q. What has been done, if you know, in the way of recognizing that portion of the Santee Sioux tribe at Flandreau by the Government; what has been done in the way of condoning their part of the outbreak of 1862?—A. That I do not know.

Q. They have been given land and money?—A. Well, they have been recognized as a subagency, and of course they have been treated just as we were.

Q. There has been no difference in their treaty and yours?—A. No, sir; except in land matters.

Q. Now, can you give me the number of persons now belonging to the Mdewakantonwan and Wahpekute tribes who were living and participated in the massacre of 1862?—A. As near as we have counted, and we have quite accurate figures, we think

there are 21 alive that are members of the Mdewakantonwans and Wahpekute tribes.

Q. You may give me their names.—A. Oyemaza, Mahpiyawasicun, Waziduta, Iyot-anina, Suntoto, Anpetowaste, Mazawicasta, Yunsana, Tatepeta, Tatewakanhdikiyedan, Tawahonkpe, Hehakamaza, Pejinasnamani, Zuyesa, Kawinge, Pejihota, Mazataninyanke, Cantewanica, Rev. Ehnamani, Wahancanksanna (Wahancanksanna is dead), Hoksaminiamani. (Two died this year.)

Q. And they range in ages, about how old?—A. From fifty to seventy-five years.

Q. Then the great bulk of the Santee Sioux Indians living to-day had nothing whatever to do with the massacre?—A. No, sir.

Q. You may state briefly what claims your tribes make against the Government, as you understand it from investigation of your own and as you got it from the older members of the tribe.—A. The claim we have is under the treaty of 1851; that on account of this outbreak the Government has withheld all the annuities which we should have received under the treaties of 1851 and 1837.

Q. They have received no portion of it?—A. There was \$1,160,000 put into the United States Treasury to draw 5 per cent interest for fifty years, and the Indians have received cash payments for eight years of the interest, and as near as I could find out the Indians were receiving \$20 per capita during that time.

Q. That would be their share of the interest?—A. Yes, sir; also, under the treaty of 1837, \$300,000 was put aside to draw 5 per cent interest forever, which they received for only twenty-five years. Now we, who are a younger generation and did not participate in the outbreak, have an interest in the annuities; we claim that it makes no difference what our parents have done; that we are entitled to \$20 per capita a year, which is due to us as annuity, as we did not forfeit our rights.

Q. Now what other claim do you make under that treaty of 1851?—A. There are no other claims that I know of now; there might be some that I would discover after investigating the treaty thoroughly.

Q. Do I understand you to say that none of the provisions of this treaty have been fulfilled?—A. Yes, sir; this \$20 per capita was issued every year for a term of eight years until the outbreak, and there was a law passed in 1863 which abrogates all of them. (See treaty 1858, ratified March, 1859, art. 6.)

Q. What became of the lands that were owned by your tribe in Minnesota at Redwood?—A. Those who did not return to make peace fled away, and those who have returned have been put into prison in Davenport, and afterwards transferred from Davenport to Fort Thompson in South Dakota, and then they were removed to the Santee Agency, and the Government has never questioned our people in regard to the land they owned at the time of the outbreak. (See resolution of Senate June 26, 1860. Heading, "Right and title of certain bands of Sioux Indians to lands embraced in reservation on the Minnesota River.")

Q. I understand your attorney, Mr. King, to say that you claim that in the distribution of land you have not received as much land per capita as the Indians at the Flandreau Agency?—A. The way the Flandreaus came to have more land was like this: The Flandreaus have taken homesteads under the general homestead act, before Senator Dawes's bill took effect, and therefore can claim land again under the Dawes bill, but we claimed our land under the treaty of 1839.

Q. Has your tribe ever undertaken to do that?—A. No, sir; we took our land under Senator Dawes's bill.

Q. How much land does that give you per capita?—A. One hundred and sixty acres.

Q. Is that for an adult?—A. Yes, sir.

Q. What is the amount for a minor?—A. Eighty acres.

Q. You may state the general character or the land comprising the Santee Agency; whether it is adapted to agricultural purposes or not, as near as you can tell.—A. One-half of it may be called rough agricultural land and the other is too rough to cultivate.

Q. Is it regarded as good grazing land?—A. When we have lots of rain it is, but when we have no rain it is not.

Q. You are of course familiar with the entire territory embraced in the Santee Sioux Agency?—A. Yes, sir.

STATE OF NEBRASKA, KNOX COUNTY, *Santee Agency, ss:*

Joseph Kitto, being first duly sworn, deposes and says: That he is 70 years of age and resides at the Santee Agency, Nebr., and is a member of the Mdewakantonwan tribe of Sioux Indians, who formerly resided at Redwood Falls, Minn., before the Sioux outbreak of 1862. He does give this testimony to the best of his knowledge and memory regarding the event herein recited: That there were eight different companies of Sioux Indians who were bound together under the name of Mdewakantonwan

and Wahpekute by Government treaties; that there were seven bands of Sioux Indians, as follows: Magayutesni, Kiyuska, Heminican, Heyatatonwanna, Tintatonwan, Oyatesica, and Kapoja, together called Mdewakantonwan, and one band called Wahpekute, making eight bands under two names as Mdewakantonwan and Wahpekute Sioux Indians; that at the time of the outbreak of 1862 three of the bands of the Mdewakantonwan of Sioux Indians were at the east end of the Redwood Agency and did not know of the outbreak and were not participants in the massacre at the agency. They are as follows: Wahpekute, Heminican, and Kiyuska, who were innocent of the outbreak, while the bands Kapoja (their chief being Little Crow by name), who lived next to the agency and right west of it, were the first band who made a charge upon the agency, and the band of Tintatonwans were the second to take part in the massacre.

This affiant was sick at the time, and had to lean upon a crutch for support, and as he woke up on the morning of the outbreak he saw people going to the agency to exterminate the whites who came to his house and asked him to join in the massacre; but he refused to do so, and asked them not to take any part in this hard task. But his efforts were all in vain, and as he was unable to be about everyone that he met he tried to prevent from participating in the massacre, but the deed was done before he could get force enough procured to prevent it. Affiant further saw at that time some men who were members of the Wahpetonwans and Sissetons, who were foremost in the massacre, and they were Ahanzi, chief of the Wahpetonwan, Bad Lightning, Wasicuntanka, Wahacaukamaza, etc. Affiant further testifies that he was an eyewitness to the massacre, and saw Sissetons and Wahpetonwans who bore arms and engaged in the massacre; and this affiant further states that he was at Mankato, Minn., when General Sibley was making an investigation in regard to the outbreak, and by witnesses. Thirty-eight men were hung as murderers, and out of that number 13 were Wahpetonwans, and not one Sisseton was hung, because the Sissetons were all living at the west extreme of the reservation, where they could and did get away; and many of the Sissetons who took part in the massacre fled to the British Possessions, and are there to-day; and many were shot down as they returned from the British Possessions at Fort Wadsworth by scouts who were left in charge of said fort. Affiant further states that he is one of the men who was sentenced to be imprisoned at Davenport, Iowa, for a term of four years, and while there there were over 100 deaths occurred among the prisoners on account of hard usage and improper diet. And further affiant saith not.

JOSEPH (his x mark) KITTO, Sr.

Subscribed in my presence and sworn to before me this 3d day of January, A. D. 1896.

[SEAL.]

B. J. YOUNG, Notary Public.

(Expiration of my commission, January 9, A. D. 1900, in and for Knox County, Nebr.)

THE STATE OF NEBRASKA, COUNTY OF KNOX,

Santee Sioux Agency, ss:

Robert Hakewaste, being first duly sworn, deposes and says that he is 67 years of age and resides at the Santee Sioux Agency, Nebraska; that he is a member of the Mdewakantonwan tribe of Sioux Indians, who formerly resided at Redwood Falls, Minn., before the Sioux outbreak of 1862; that he recollects the treaty of 1851 that was entered into between the United States Government and the tribe of Mdewakantonwan Sioux Indians in which he was a party to the agreement. After the agreement or treaty was ratified, he recollects having received an annuity of \$20 per annum and which was paid to all members of the Mdewakantonwan and Wahpekute Sioux Indians for eight years until the outbreak occurred. According to the best of his knowledge and belief, the outbreak was caused by four young men. One of these young men, who was a distant relative of affiant, Kaomdeniyeyedan by name, made the following statement regarding the cause of the outbreak:

There were eleven of us who started out to trap about the lake regions in Minnesota. As we were going along we came to a farmhouse where by the roadside a hen was setting. A young man by the name of Pazaiyapa said he was going to take the hen and eggs to eat, which Nagiwicakte did not think was right, as there was not a very friendly feeling between the Indians and the whites, at which Pazaiyapa was enraged and said that Nagiwicakte was a coward, and there was a hot conversation between them, and finally they were divided into two companies—Nagiwicakte, Kaomdeniyeyedan, Sungigidan, and Waste formed one party and Pazaiyapa and six others made the other party. They parted, calling each other cowards, and left each other. Nagiwicakte, who took pains to prevent Pazaiyapa from disturbing the set-

ting hen, came to a farm and with his friends sat down by the road to smoke. As they were smoking they heard rapid firing of guns in the direction which Pazaiyapa took, at which Nagiwicakte grunted for disappointment and thinking that Pazaiyapa, after all was a brave man, had charged upon some white people. This was about noon when they came to the farm, and just as the successive reports of the guns ceased there were two white men came out of the woods, each with an ax on his shoulder, and came by Nagiwicakte and his companions. The white men said "how" and we said "how" in response, and just as they passed us Kaomdeniyyedan took his gun and shot at one of them—he shot him dead and shot the other also as he started to run; and then we all started toward the barn and took some horses that stood in the barn and rode them home by midnight.

Now, while we were thinking that Pazaiyapa had charged upon some white people, they had, as a matter of fact, come to a covey of prairie chickens, which they were shooting, and we heard the rapid reports of the gun, but Kaomdeniyyedan thought that Pazaiyapa was braver than himself and had shot some white people before Kaomdeniyyedan; that to the best of my knowledge and belief, and according to my memory, this statement was related to me by Kaomdeniyyedan as I have repeated it. And, furthermore, inasmuch as these young men were relatives of both Mdewakantonwans and Wahpetonwans, all of the four bands started in together to do the fatal deed on the morning of August 18, 1862, called the Sioux outbreak; that he was in the midst of the outbreak during the whole time, which lasted about seven weeks, and he is one of the few who did not participate in the trouble, but tried to prevent said outbreak with all of his influence and energy; that the outbreak occurred on the morning of August 18, 1862, at Redwood Falls, where the Mdewakantonwans and Wapakootas were residing, and that the outbreak occurred at Yellow Medicine on the next morning, where the Sissetons and Wahpetonwans were residing. As we were forced along the Minnesota River by the soldiers, those who desired to be friendly and have peace stopped and put up their tents and sent two mixed bloods—Thomas Robinson and Thomas A. Robertson, who were both Mdewakantonwans by birth—to make peace with the United States officers.

When it was accomplished by them we gave ourselves up into the hands of Gen. H. H. Sibley; and to the best of my knowledge and belief and according to my memory none of the Sissetons and Wahpetonwans were in our midst to make peace with the United States officers. As we were in the hands of General Sibley we were brought back to Mankato, Minn., and 38 men were sentenced to death at Mankato, Minn.; and I remember that there were some Wahpetonwans among those who were hung, but do not remember just how many, and all those who were not condemned to death were sentenced to be imprisoned at Davenport, Iowa, for a term of four years. There were 400 persons imprisoned, and many were Sissetons and Wahpetonwans. After the term of imprisonment had expired the prisoners were returned to their respective agencies, and are there to-day as living monuments, and are there to testify that the Sissetons and Wahpetonwans are just as guilty as the Mdewakantonwans and Wahpekutes were; and to the best of my knowledge and belief there were only 22 men who participated in the massacre of 1862, or were eyewitnesses to the outbreak, living at the Santee Agency.

And further affiant saith not.

ROBERT (his x mark) HAKEWÁSTE.

Subscribed in my presence and sworn to before me this 3d day of January, A. D. 1896.

[SEAL.]

B. J. YOUNG, *Notary Public*.

(Expiration of my commission, January 9, A. D. 1900, in and for Knox County, Nebr.)

From these documents it appears that only 21 members of the Santee Sioux who, under the tribal names of the Mdewakanton and Wapakoota Indians, participated in the outbreak of 1862, are living, and they are old men, feeble and incapacitated for labor, and really subjects of charity at the hands of the United States and private citizens. All other members of the tribe are innocent of any participation in or encouragement of the outbreak. They were all too young at the time it took place to be participants. Most of them are comparatively young men and women and many of them are children.

Without extending this report, your committee have to say that Congress long ago condoned the part of the Sisseton and Wahpeton Indians in the massacre of 1862, and it is believed that the Santee and Flandreau Sioux, who are the sole remnants of the Mdewakanton and

Wapekoota Indians, are the only ones now resting under the penalty of that war. Later Indian wars and outbreaks have not been followed by forfeiture to the United States of Indian rights, and as it now appears that but few of those who participated in the affair of 1862 are living, the time has come, in our judgment, when a keen sense of justice and the promptings of humanity require that the remnants of this rapidly fading people shall be absolved from the consequences of the conduct of their ancestors.

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

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

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

Your committee, therefore, recommend the bill favorably as it is proposed to be amended.

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