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LELAND STANFORD JUNIOR UNIVERSITY PUBLICATIONS



HISTORY AND ECONOMICS

2



OFFICIAL RELATIONS

BETWEEN THE

UNITED STATES AND THE SIOUX
INDIANS

BY

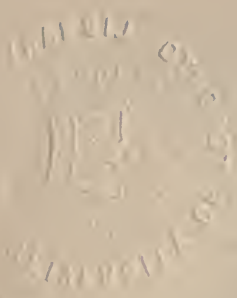
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PALO ALTO, CALIFORNIA

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EDITORIAL NOTE.

It is conceded that anything like an ideal general history of the United States is impossible until the whole field of investigation has been minutely explored by a host of separate workers. Indeed, it is in the production of a rapidly increasing monographic literature, comprising the results of such special research, that the American Universities are rendering a most useful service. The historical Seminary finds here its proper sphere. In the main, the materials for our social, institutional, and administrative history have yet to be gathered. Especially is this true of the relations of the Government with the red race. Before a complete and trustworthy account of its dealings with the Indian can be written, we must possess a detailed study of each tribe or group; and who can doubt that the result of such a labor will be of the greatest sociological and ethical importance? It is hoped that the publication of this tentative study of the Sioux will not be without value as a contribution to that result.

It remains to express the grateful acknowledgments of the Historical Department to Mr. Joseph Hutchinson, of Palo Alto, through whose generous appreciation Miss Textor's paper is now published.

G. E. H.

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Erratum.

Page 94, last line of text, for "Indians" read *Citizens*.

OFFICIAL RELATIONS

BETWEEN THE

United States and the Sioux Indians.

CHAPTER I.

AN OUTLINE OF THE INDIAN POLICY OF THE UNITED STATES.

Probably no one would maintain that the United States, from the adoption of its Constitution to the present day, ever intentionally wronged the Indians; but of the fact that it has wronged them there can be no question. This discrepancy is to a certain extent inherent in the very nature of the case. Not until we understood the character of the Indians and of our own civilization could we adopt a consistent attitude. But the mistake lay in the fact that no attempt was made to understand either, that we did not throw all the light of reason and scientific inquiry upon the problem and diligently apply ourselves to its solution. On the contrary, a policy of temporary expediency was adopted, to relieve evils which, unless otherwise treated, must remain permanent. It is true that we did not always regard this expediency as temporary, but we must have so regarded it, if we had not persistently closed our eyes to the facts of the case. Happily all this does not refer to the present policy. We

are now earnestly studying the question, and, whatever the outcome, will have reason to believe that we have done our best.

Any discussion of our policy must be preceded by an inquiry into the recognized land rights of the Indians. This inquiry cannot be based upon the principles of abstract justice, for man's conception of these must vary with the age in which he lives, and the nineteenth century must find it a difficult matter to pass judgment upon the views of a less enlightened age. On the other hand, since the right of society to prescribe those rules by which property may be acquired and preserved cannot be drawn into question, and since the title of lands must be admitted to depend entirely on the nation in which they lie, it will be necessary to examine those principles which the Government has adopted in this particular case and which must be the basis of our decision.*

"On the discovery of this immense continent the great nations of Europe were eager to appropriate to themselves so much of it as they could respectively acquire. * * * But, as they were all in pursuit of nearly the same object, it was necessary, in order to avoid conflicting settlements and consequent war with each other, to establish a principle which all should acknowledge as the law by which the right of acquisition, which they all asserted, should be regulated as between themselves. This principle was, that discovery gave title to the government by whose subjects or by whose authority it was made against all other European governments, which title might be consummated by possession. The exclusion of all other

* Quoted in substance. Introduction to Indian Treaties : U. S. Statutes at Large, VII, 1.

Europeans necessarily gave to the nation making the discovery the sole right of acquiring the soil from the natives, and establishing settlements upon it. It was a right with which no European could interfere. It was a right which all asserted for themselves, and to the assertion of which by others all assented. * * * While the different nations of Europe respected the right of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised as a consequence of this ultimate dominion a power to grant the soil while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy.”*

The preceding extract from the opinion of Chief Justice Marshall in the case of *Johnson vs. McIntosh* is amply supported by history. France, Spain, Portugal, and Holland based their claim to American lands upon rights given by discovery, and no one of these powers gave its assent to this principle more unequivocally than did England.†

When the United States came into possession of the vast territories now included within its boundaries, it received also the rights by which these territories had previously been held.‡ It maintained, “as all others have maintained, that discovery gave an exclusive right to extinguish the Indian title of occupancy, either by

* Marshall, C. J., *Johnson vs. McIntosh*: Wheaton, VIII, 572 ff.

† See Introduction to Indian Treaties: U. S. Statutes at Large, VII, 2-6.

‡ *Ibid.*, 6-7.

purchase or by conquest ; * and gave also a right to such a degree of sovereignty as the circumstances of the people would allow it to exercise.” †

The original rights of the Indians were thus much impaired. Nevertheless, the tribes were looked upon as distinct, independent political communities. The term “nation” was applied to them, and the Constitution, by declaring the treaties already made and those to be made the supreme law of the land, admitted their rank among those powers capable of making treaties. ‡ This inconsistency between fact and theory was recognized in the case, *The Cherokee Nation vs. The State of Georgia*. “It may well be doubted,” we read here, “whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may more correctly, perhaps, be denominated domestic dependent nations. They occupy a territory to which we assert a title, independent of their will, which must take effect in point of possession, when their right of possession ceases—meanwhile they are in a state of pupilage. Their relations to the United States resemble that of a ward to his guardian. They look to our Government for protection ; rely upon its kindness and its power ; appeal to it for relief to

* “Except only in the case of the Sioux Indians in Minnesota, after the outbreak of 1862, the Government has never extinguished an Indian title as by right of conquest ; and in this case the Indians were provided with another reservation, and subsequently were paid the net proceeds arising from the sale of the land vacated” : Report of the Commissioner of Indian Affairs for 1890, xxix.

† Introduction to Indian Treaties : U. S. Statutes at Large, VII, 7.

‡ See *Worcester vs. The State of Georgia* : Peters, VI, 519.

their wants; and address the President as their Great Father."*

So much for the status of the Indians. We turn now to our early policy toward them. In order to understand the attitude of the Government during its first thirty years, it is necessary to have a clear conception of the condition of the thirteen original States. It is true that they possessed a broad territory of abundant resources, but it is equally true that their population occupied only a narrow belt along the Atlantic Ocean. Westward lay an unbroken wilderness. The valleys of the Tennessee and Ohio were one vast solitude, penetrated only by a few of the most hardy trappers. Even the frontier line extending from Maine to Georgia was undefended in many places and afforded the Indians copious opportunity to attack the white settlements. The States, therefore, must have keenly suffered in the face of a general Indian war.†

Yet such a war actually threatened them. The close of the Revolution found the Indians far from friendly to the new Republic. During the war with England there had been a continuous series of conflicts between the frontiersmen and their dusky neighbors. The latter had been continually "urged on by the British, who furnished them with arms, ammunition, and provisions, and sometimes also with leaders and with bands of auxiliary white troops, French, British, and Tories."‡

* The Cherokee Nation *vs.* The State of Georgia: Peters, V, 1-2.

† For the condition of the States at this time, see McMaster, *History of the People of the United States*, I, 3-4.

‡ Roosevelt, *Winning of the West*, II, 373.

The peace of 1783 did not much improve the condition of affairs between these two hostile forms of society. The Indians continued their murders and depredations, and the whites their reprisals. The most fruitful sources of discord were indefinite boundary lines,* the trespass of the whites upon Indian lands in search of game,† and the attempt on the part of the States to increase their territory. On the other hand the Indians themselves were ready to rise at the least provocation and were spurred on to hostilities by England‡ and Spain.§

At this crisis fortune blessed the United States with a President better fitted than any one of his contemporaries to cope with this difficult state of affairs. In addition to an intimate and practical knowledge of the conditions of border life, George Washington was endowed with statesmanship of the highest order. He saw that the best interests of the two races demanded that they be kept apart, that inevitable conflict must result from the contact of the frontiersmen and the natives. Hence he discouraged the projection of isolated colonies into the western country, and urged that the barrier interposed between the white and the red men be made continuous, and the settlements to the east of that barrier compact.|| The policy thus begun was followed by Wash-

* The act of May 19, 1796, provided that Indian boundary lines be definitely marked. See U. S. Statutes at Large, I, 469. Many of the treaties made with the various tribes between 1790 and 1820 contained a like provision. See U. S. Statutes at Large, VII, Index.

† Adams, History of the United States, VI, 70.

‡ American State Papers, Ind. Affrs., I, 480.

§ *Ibid.*, 378; Lodge, George Washington, II, 92.

|| Writings of Washington, X, 307.

ington's successors and found its best exponent in the Intercourse Laws, which made the most rigid provision for keeping the two races apart.*

Meanwhile, however, the present condition of affairs had to be dealt with. War existed on the frontier, and the Indians were loud in their accusations of ill treatment on the part of our Government and its people, and fierce in their revenge of the wrongs committed against them. Washington made use of every "reasonable pacific measure"† to bring about peace; and, for this purpose, endeavored to check the spirit of speculation in lands,‡ and to further the making of treaties which should definitely settle boundary lines and place the relations of the Government and the Indians upon a firm basis. He was above all convinced that peace could be secured and maintained only by treating the aborigines with strictest justice.§ But, should it be impossible to end hostilities by conciliation, he was of the opinion that "sound policy and good economy" pointed "to a prompt and decisive effort, rather than to defensive and lingering operations."||

The principle of non-intervention was thus one of the

* See act of July 22, 1790 : U. S. Statutes at Large, I, 137-8 ; act of March 1, 1793 : *ibid.*, 329-32 ; act of May 19, 1796 : *ibid.*, 469-74 ; act of January 17, 1800 : *ibid.*, II, 6-7 ; act of March 30, 1802 : *ibid.*, 139-46 ; act of April 29, 1816 : *ibid.*, III, 332-3 ; act of March 3, 1817 : *ibid.*, 383 ; act of May 6, 1822 : *ibid.*, 682-3.

† Writings of Washington, XI, 466.

‡ *Ibid.*, XII, 70.

§ *Ibid.*, XI, 466.

|| *Ibid.* Despite the wisdom of Washington's policy it met with much adverse criticism. See Abridgment of Debates, I, 341 ff ; Lodge, Washington, II, 102-3.

main features of our early policy. This principle recognized, as we have seen, the natural antagonism between the two races and aimed to keep them apart. But a certain amount of contact was inevitable and must increase with the advance of our frontier. It was Washington's object to make these necessary relations as harmonious as possible by attaching the Indians to our Government. In his fifth annual address of December 3, 1793, he said :

“Next to a vigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, on behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic unless they be allured by the hope of profit ; but it will be enough for the United States to be reimbursed only.”*

These suggestions of Washington were afterwards embodied in the act of April 18, 1796,† authorizing the establishment of trading-houses “for the purpose of carrying on a liberal trade with the several Indian nations,” and appropriating \$150,000 toward this end. The act was originally passed for two years, but was renewed‡ from time to time until 1822, when the Government trading-houses were abolished.§

* James, *English Institutions and the American Indian*, 36. In connection with this subject, see also *Writings of Washington*, XII, 497.

† U. S. Statutes at Large, I, 452-3. Previous to this there had been passed the act of March 3, 1795, appropriating \$50,000 for the purchase of goods to be sold to the Indians. See *Annals of Congress*, 1793-95, p. 1532.

‡ In 1802, 1803, 1806, and 1815.

§ U. S. Statutes at Large, III, 679-80.

The object of the factory system was two-fold : (1) to secure the friendship* of the Indians by supplying their wants ; (2) to supplant the British trader whose influence over the tribes was at that time very great.† These two ends were not attained. The Indians did not take kindly to Government trading, and the English trader was not dislodged.‡

* In addition to the establishment of trading-houses there was other conciliatory legislation, as, for example, the act of May 13, 1800, authorizing the President to issue such rations as he should judge proper and as could be easily spared from the army provisions to Indians visiting the "military posts of the United States on the frontiers or within their respective nations." The President was furthermore empowered to defray the expenses of Indians visiting the seat of Government and to give them presents. U. S. Statutes at Large, II, 85.

† Annals of Congress, 4th Cong., 1st Sess., 231. Later a third argument was advanced in favor of the factories. It was urged that they had a civilizing influence ; and Jefferson advocated that they be multiplied in order that those things might be placed within the reach of the Indians which would "contribute more to their domestic comfort than the possession of extensive, but uncultivated wilds." American State Papers, Ind. Affs., I, 684.

‡ The two chief reasons for this failure were these : (1) The Government licensed private traders who competed with the factories. (2) The advantages of the British trader were such as enabled him to maintain his supremacy. He had behind him the prestige of his government. English officers of the Indian Department were given military brevet rank, a fact of no mean importance considering how much Indians are influenced by a showy exterior, and English agents were required to know at least one Indian language. Furthermore, the British trader was allied to his customers by marriage, understood them well, sold them goods of a superior quality, and gave credit. The United States agents, on the other hand, were often unfitted for their positions and unreliable, were unable to adapt themselves to the Indians and sold them cheap goods at an enormous profit. American State Papers, Ind. Affs., II, 66, 79, 204 ; Wis. Hist. Colls., VII, 270-288 ; Abridgment of Debates, VII, 180 ff ; Benton, Thirty Years' View, I, 20-1 ; Turner, Indian Trade in Wisconsin, 60 ; James, English Institutions and the American Indian, 39-42.

During these years the Government had not been entirely unmindful of civilizing the Indians. In its treaties with the various tribes it had used its influence to settle them upon restricted lands so that, no longer being able to subsist by the chase, they might be forced to farm, and it had made provision to pay for the ceded lands partly in agricultural implements.* As early as March 30, 1802,† Congress had passed an act authorizing the President to expend not more than \$15,000 per annum "to promote civilization among the friendly Indian tribes." Later the educational feature‡ was added, and during the years between 1818 and 1826 the number of children receiving instruction rose from fifty to twelve hundred.§

Such were the main features of the early Indian policy, non-intervention, friendship, and civilization. Of the fact that they were not always consistently carried out there can be little doubt. But the honest intentions of the United States can hardly be questioned. That the Indians sometimes suffered injustice was due largely to the inability of the Central Government always to control the conduct of individuals and States. The separate action of Georgia, as opposed to the Central Government, gave the first impulse to the removal policy.

The second stage of the national policy was inaugu-

* See treaties in U. S. Statutes at Large, VII. A synopsis of those made between 1789 and 1814 is given in American State Papers, Ind. Affs., I, Index, lxxii-lxxvi.

† U. S. Statutes at Large, II, 143.

‡ March 3, 1819, Congress appropriated \$10,000 per annum for the payment of suitable persons to instruct the Indians in agriculture and to teach their children reading, writing, and arithmetic. U. S. Statutes at Large, III, 516-17.

§ American State Papers, Ind. Affs., II, 700.

ated by President Monroe in his message of January 27, 1825.* Hitherto the course of the Government, as we have seen, had been largely determined by expediency. The United States now began to move upon a definite system. Already in 1803, the year in which Louisiana was purchased from France, the thought of colonizing the Indians in this territory had occurred to the far-seeing Jefferson. However, it had been vague in the extreme and was associated with no well-defined system to civilize the Indians, but was simply a desire to increase their hunting privileges. It was reserved for President Monroe definitely to inaugurate the removal policy. Its main points according to the message of January 27, 1825,† were these: (1) Removal of the Indians from the States and Territories east of the Mississippi; (2) conveyance to them in fee simple of land west of the same river; (3) the establishment of an enlightened system of internal government such as should gradually unite the tribes; (4) protection from the encroachments of our citizens. The immediate cause which influenced President Monroe to deliver this message was Georgia's insistence that the United States should fulfill its promise of 1802, and extinguish the title to the Cherokee lands in her State.‡ It was this same desire for more land on the part of other States which brought about the removal policy. This fact, however, was not put so boldly at the time. The reasons given by those who favored a general removal of the tribes were two-fold. They said the pros-

* Statesman's Manual, I, 536-38.

† 18th Cong., 2nd Sess., No. 21.

‡ See Von Holst, Constitutional History of the United States, I, 433 ff.

perity of the United States and the welfare of the Indians depended upon it. All the various arguments which they brought forward to support their position were afterwards tersely put by President Jackson in his message of 1830. He said :

“ The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the general and State Governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with the settlements of the whites ; free them from the power of the States ; enable them to pursue happiness in their own way, and under their own rude institutions ; will retard the progress of decay which is lessening their numbers ; and perhaps cause them gradually, under the protection of the Government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community.”*

The message of President Monroe resulted in no im-

* Statesman's Manual, II, 745-6.

mediate legislation, though shortly afterwards the Creek title to lands in Georgia was extinguished. The removal policy was not formally adopted until May 28, 1830, when Congress passed an act whose four main provisions were as follows: The President was authorized (1) to cause certain lands west of the Mississippi "to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there"; (2) "to exchange any or all of such districts * * * with any tribe or nation of Indians now residing within the limits of any of the States or Territories, * * * for the whole or any part * * * of the territory claimed or occupied by such tribe or nation"; (3) "solemnly to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them"; (4) "to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever."*

The foregoing act was supplemented by the Indian Intercourse Act of June 30, 1834,† whose object was the regulation of trade and intercourse with the Indian tribes and the preservation of peace on the frontier.

* U. S. Statutes at Large, IV, 411-412. There were three other sections authorizing the President to pay for improvements on ceded lands; to assist in the removal and render necessary aid in support for the first year after the removal; and to exercise the same superintendence over the Indians as hitherto. Still a fourth section appropriated \$500,000 to give effect to the act.

† *Ibid.*, 729-735.

The removal policy, as a policy, was then complete. It was not consummated as a fact, however, until 1842, by which time nearly all the tribes, with the exception of some unimportant fragments, had ceded their lands in the States and Territories east of the Mississippi and removed or agreed to remove west of that river.*

There was this difference between the scheme as planned by Jefferson and the policy as adopted by Congress. Jefferson made provision for a well-defined system of internal government and looked toward the civilization of the Indians as its ultimate goal; Congress left the tribal government, as before, supreme, and took no definite steps toward the reclamation of the Indians from their wandering life. A wide area of land was given them and each individual was allowed to decide for himself whether he would be a nomad or a farmer, a decision which was likely to be influenced by the fact that the buffalo range was not far off.

The dates of the removal policy may be put down as 1825-38. There were removals before this time,† but they were determined by the exigencies of circumstances and made upon no fixed principle. There were removals after this time, but they were merely the carrying out of a principle whose spirit was dead, as those, for instance, between 1838 and 1850, or they were made necessary by the pressure of a white population upon the Indian country, as those of later years.

As a Government measure for the increase of State territory, the removal policy was a success: as a measure

* See the various treaties of session with the Indian tribes. U. S. Statutes at Large, VII, Index.

† See Hildreth, History of the United States, VI, 677-8.

for the promotion of the welfare of the Indians, it was a failure. The latter fact may be most easily seen in a study of the condition of the Creeks and Cherokees before and after their removal. They lost faith in civilization, and it was only after long years of hardship and suffering that they once more reached the plane which they had occupied in their former homes.

During the years between 1845 and 1855 events occurred which were to give the death-blow to the removal policy. In 1845 Texas* was admitted to the Union, and September 9, 1850, sold to the United States a portion of her territory now included in Kansas, Colorado, New Mexico, and the "public land strip."† In 1846 the long disputed Oregon question was settled, and the United States gained a perfect title to a large tract of land south of the forty-ninth parallel of north latitude and west of the Rocky Mountains.‡ In 1848, by the treaty of Guadalupe Hidalgo, Mexico ceded to the United States lands now California, Nevada, Utah, and a part of Colorado, Arizona, and New Mexico.§ In 1853 the so-called Gadsden Purchase was made, and the United States came into possession of a strip of land containing forty-five thousand five hundred and thirty-five square miles, and now forming the southern part of the Territories of New Mexico and Arizona.||

This immense increase of the public domain had a

* Donaldson, Public Domain, 12.

† *Ibid.*

‡ *Ibid.*, 7.

§ *Ibid.*, 12.

|| *Ibid.*

direct bearing upon the Indian policy. Hitherto the tribes had been kept upon our frontiers and pushed westward by the advancing tide of civilization. The removal policy had contemplated the settlement of the Indians upon lands where they should be free from contact with the whites. But the acquisition of new territory and the discovery of gold in 1848 so stimulated immigration that the frontier line was broken. Whites poured into the Indian country, and with such disastrous consequences to the natives that it seemed necessary to take immediate steps to save the border tribes from extinction. It was thought that this could be done by a partial change in the relative positions of the various tribes, which would make it possible to throw open a wide extent of country for the free spread of the white population westward. It was for this purpose that the treaty of 1851 was made with the Sioux of the Mississippi.

Again, with this increase of our territory came a proportionate increase in the magnitude of the Indian question. We had now a far greater number of tribes to deal with than hitherto. Some mechanism of control was imperatively necessary, and the reservation system was, in part, devised to meet this need. The plan at first was simply this : to locate the Indians as rapidly as possible upon reservations whose extent should be proportionate to their needs. If they could be induced to apply themselves to agriculture, the reservation might be small ; if they must be allowed to hunt, it might be large. In either case the Indians were to be brought into relationship with the United States through their agents.

Throughout the fifties emigration westward continued,

stimulated still further by the political troubles in Kansas. During these same years the national policy, perforce, assumed more definite form. With the wild Indians of the plains little, as yet, could be done, except to use every opportunity to settle them upon reservations. But the growing scarcity of game pointed to a solution. These tribes would soon be dependent upon the Government for food and could then be more easily held in check.

With those tribes who had by this time become somewhat used to an agricultural life, the policy was more definite. Two evils had marked our past treatment of them : the assignment of an unnecessarily large extent of land to be held in common, and the payment of large money annuities. An attempt was now made to remedy these evils. The three essential features of the plan were these : first, the location of the different tribes upon reservations only sufficiently large to satisfy their needs ; second, the allotment of this land in severalty to the Indians, requiring them to live upon and cultivate their individual allotments ; third, the payment of annuities in the form of stock, agricultural implements, mechanics' tools, and manual-labor schools.* This policy was first adopted with the Mississippi Sioux in 1858.†

The Indians of California were treated differently from all others. Neither Spain nor Mexico had ever acknowledged the usufructuary right of the aborigines to the land upon which they lived ; and it was held that when Mexico ceded this territory to the United States it had given

* This policy did not receive broad application during these years.

† See U. S. Statutes at Large, XII, 1037-41.

the Government an absolute title.* The United States, therefore, made no treaties with the Indians for the cession of lands, but settled them upon reservations established by executive order, which were to be run upon the old mission plan.† The priests had gathered the Indians upon tracts of land sufficiently large to yield them subsistence and had compelled them to cultivate the same. The missions were thus self-supporting and often more than that. The place of the priest was now to be taken by the agent, and the Indians were to be fed, clothed, and civilized, without expense to the Government. But the plan refused to work, and the California reservations were a miserable failure.‡

The decade between 1860 and 1870 was fruitful of discord. There were Indian uprisings in all parts of the country, and some of them were long and terrible. Never before had the United States had so many men at one time in the field against the hostiles, never had it fought more bloody battles with them. It would, of course, be difficult, if not impossible, to trace out all the specific causes of these wars. That they were in part due to Indian "bad blood"

* Report of Commissioner of Indian Affairs for 1861-62; Sen. Docs., 37th Cong., 2nd Sess., Vol. I, 637.

† As a matter of fact the Government had not sufficiently investigated the mission plan. It seems to have recognized only its excellencies and to have been totally ignorant of its inherent evils. Moreover it did not take into consideration the fact that the priest labored for himself, the agent for the Government, and that there might well be a difference in the zeal displayed by the two.

‡ For a brief sketch of the California reservation system, see Report of G. Bailey, Special Agent Interior Department, to Hon. Charles C. Mix, Commissioner of Indian Affairs: Report of Commissioner of Indian Affairs for 1858-9, pp. 649-657.

there can be no doubt ; but, on the other hand, this "bad blood" had been roused by the failure of the United States to keep its treaty obligations, and by the depredations of the whites, whose steady stream of immigration became visibly broader at the close of the civil war. Finally, June 20, 1867, Congress appointed a Commission* of seven members and authorized it to make treaties with the hostile tribes. The end in view was three-fold : first, the removal of the causes of war ; second, the security of our frontiers and the safe building of our western railroads ; third, the inauguration of some plan for the civilization of the Indians.

The Commission was also required to select a district or districts of country sufficiently large to accommodate all the Indian tribes east of the Rocky Mountains and not settled on reservations. These districts were to be made the permanent homes of such tribes.

The report of this Commission is interesting as a strong presentation of the Indian side of the question. It held that the causes of the wars of this decade lay wholly at the door of the Government, which had failed to keep its treaty stipulations and to protect the Indians from immigrants. The Indians had thus been obliged to take up arms in self-defense. The Commission made new treaties whose keeping, it said, would insure peace and the security of the frontiers and western railroads. The

* See U. S. Statutes at Large, XV, 17-18. This Commission was "to consist of three officers of the army not below the rank of Brigadier General, * * together with N. G. Taylor, Commissioner of Indian Affairs, John B. Henderson, Chairman of the Committee of Indian Affairs of the Senate, S. S. Tappan, and John B. Sanborn." The officers chosen from the army were Generals W. T. Sherman, W. S. Harney, and Alfred H. Terry.

terms of these treaties varied with the different tribes, but, as a whole, were in harmony with the governmental policy. They provided, in most cases, for the cession of Indian lands, the settlement of the Indians upon reservations, though with a privilege to hunt elsewhere, and the payment of annuities in goods.*

Finally, the Commission urged that all tribes east of the Rocky Mountains should be concentrated upon two large reservations, and should be provided with a territorial government. The wilder tribes should be allowed the privileges of the chase for the present, the others should cultivate the soil; and all should have annuities paid to them in the form of goods, only such a portion of these to be food as was absolutely necessary.†

The tone of this report was in strong contrast to the conduct of the War Department,‡ under whose control the Indians had in large measure fallen. The action of army officers was in certain specific cases deprecated; but the chief blame of our Indian troubles was laid at the door of our legislation, as being responsible for our wavering, inconsistent, and unjust Indian policy. The

* The treaty of 1868 with the Sioux is a good example. A synopsis of it is to be found in Chapter IV of this paper. For the treaties with the Kiowas and Comanches, Cheyennes and Arapahoes, and Shoshonees and Bannocks, see U. S. Statutes at Large, XV, pp. 581, 655, and 673, respectively.

† Report to the President by the Indian Peace Commission, January 7, 1868: Report of the Secretary of the Interior, 41st Cong., 2d Sess., 487 ff.

‡ Three members of the Commission were officers of the army, but a careful perusal of the report will serve to show that they had little to do with drawing it up. There is too great a gap between the sentiments of the report and the conduct of these gentlemen on the field of war.

recommendations of the Committee were such as seemed to it most likely to insure peace.

But peace did not follow. The condition of the Indians was at this time peculiarly critical, owing to the gradual extinction of the buffalo and the steady increase of western immigration. Many of the bands were depending upon the annuities due them by the recently made treaties to keep them from starvation. But there was delay in the Senate. The treaties made in the fall of 1867 were not ratified until after midsummer in 1868. The appropriations to carry these treaties into effect were consequently delayed. This the Indians could not understand. Moreover, many of them were in desperate need of food. In the case of some tribes there were other special grievances. Depredations followed, notably among the Cheyennes and Arapahoes, the rumors of which were grossly exaggerated. These depredations were regarded by the United States as a violation of the treaties not yet ratified, and preparations were made to punish the Indians. Thus another war was precipitated.*

* "My opinion is, in regard to the present Indian war, that the same could have been prevented, had the Government continued to keep up the supply of subsistence that had been furnished to them during the spring and early summer. They had gradually got weaned from their old habits to that extent that they depended upon the provisions which I issued to them, and consequently it was not necessary for them to scatter out in little bands all over the country for the purpose of finding game, thereby running risks of coming in contact with white men, and also being subjected to temptations when hungry ; but soon after the supplies were stopped. Had I been allowed to issue the arms and ammunition to them at the time promised, they would have been contented, from the fact of their having the means to procure game. But the failure of the Government to fulfill its promises in the latter respect naturally incensed some of the wilder spirits among them, and conse-

Meanwhile, October 9, 1868, the Indian Peace Commission had met at Chicago and drawn up a set of seven resolutions,* repudiating much of their former work and placing them in harmony with the War Department. They then adjourned *sine die*, because, according to Colonel F. S. Tappan, "of their inability, for the want of means, to do what had been promised the five thousand or six thousand Indians now on the warpath."†

But a change was at hand, a change associated with the name of President Grant and known as the Peace Policy. It was officially inaugurated by the Indian Appropriation Act of April 10, 1869.‡ Section IV of

quently the outrages committed on the Saline. * * * The Kiowa and Comanche Indians up to the present time have been at peace, but I have no doubt they will soon join the Cheyennes, and thus create a general Indian war. My reasons for believing that the Comanches and Kiowas will, this late in the season, engage in this struggle, are that I do not see how they can possibly do otherwise, in consequence of their having been instructed some months since to assemble on the Arkansas for the purpose of waiting to receive their agent and receive their annuities. They have been waiting for months in a state of destitution, and no agent or goods had made their appearance up to the latter part of last month ; they are then told, without seeing their agent or receiving their goods, to leave and go south immediately, to travel right through the country where are troops in pursuit of hostile Indians, and with whom it would be impossible to tell a Kiowa from a Cheyenne. The consequence will be that all the tribes of the upper Arkansas will before long be engaged in hostilities." Letter from E. W. Wynkoop, United States Indian Agent, to Colonel F. S. Tappan : Message and Documents, 1868-9, Abridgment, 1016.

* See Report of the Indian Peace Commission to the President of the United States : Messages and Documents, 1868-9 ; Abridgment, 1011.

† Letter from Colonel F. S. Tappan, Indian Peace Commissioner, to Hon. N. G. Taylor, President of the Indian Peace Commission : *Ibid.*, 1016.

‡ U. S. Statutes at Large, XVI, 40.

this act provided, "that there be appropriated * * * the sum of two millions of dollars, or so much thereof as may be necessary, to enable the President to maintain the peace among and with the various tribes, bands, and parties of Indians, and to promote civilization among said Indians, bring them, where practicable, upon reservations, relieve their necessities, and encourage their efforts at self-support." This same act made provision for the first feature of the peace policy. It authorized the President to organize a board of not more than ten commissioners, "to be selected by him from men eminent for their intelligence and philanthropy," and "to serve without pecuniary compensation," whose duty* it should be "to exercise joint control with the Secretary of the Interior over the disbursement of the above appropriation." Furthermore, \$25,000 were appropriated "to pay the necessary expenses of transportation, subsistence and clerk hire of said commissioners while actually engaged in said service."†

The second feature‡ of the peace policy, and that most characteristic of it, was the bringing of the various religious denominations of the country into active co-operation with the Government, by giving them the nomination of Indian agents. The appointments were to be made by the President and confirmed by the Senate. The societies were to be held morally responsible for the conduct of the appointees. At this time all superinten-

* For a more careful definition of the duties of this board, see Second Annual Report, Board of Indian Commissioners, 1870, p. 100, Appendix 27.

† *Ibid.*, Preface.

‡ *Ibid.*, 4-5.

dents of Indian affairs and all Indian agents, with the exception of those in Kansas and Nebraska, were officers of the army, most of whom had been detailed for duty at the close of the Civil War, in order to retrench expenses and economize the public service.

Section XVIII of the Army Appropriation Act of July 15, 1870,* made it unlawful for any officer of the army of the United States, on the active list, to hold a civil office, either by election or appointment. On that day, therefore, many Indian functionaries were relieved from duty; and it was proposed to fill their places with persons nominated by the various religious societies. This principle was adopted to promote harmony between the agents and missionaries and to purify the Indian service, "by taking the nomination to the office of agent out of the domain of politics and placing it where no motives but those of disinterested benevolence could be presumed to prevail."†

The third feature of the peace policy was the feeding system, which provided for gathering the wilder tribes of Indians upon reservations and supporting them until taught to earn their own livelihood. The Government felt that it was a question of either locating and feeding the Indians or of fighting them. It chose the former course, because this involved a less expenditure of money, "re-

* U. S. Statutes at Large, XVI, 319.

† Report of the Commissioner of Indian Affairs for 1872, p. 73. For the year preceding the passage of the act of July 15, 1870, the Indian superintendents and agents in Kansas and Nebraska had been appointed by the President upon the recommendation of the two Societies of Friends. The admirable working of this system led to its extension as above indicated.

duced to the minimum the loss of life and property upon our frontiers," and allowed "the freest development of our settlements and railways possible under the circumstances."*

The feeding system was two-fold. On the one hand it involved placing the Indians upon limited tracts of land ; on the other, keeping them quiet by supporting them. Neither of these ideas was absolutely new. The reservation system had existed in theory as far back as 1800, and had been known under various forms and names since then. The removal policy and the colonization plan were simply modifications of it. But, as a feature of the feeding system, it was of greater magnitude and had two definite ends in view. It aimed to give the Government some machinery of control over the Indians, and to throw open a wide extent of country to the whites. The policy of subsisting the Indians was adopted as the cheapest and easiest way of buying off their hostility. It, too, found a prototype as far back as 1800. On May 13 of that year an act† was passed authorizing the President to issue such rations as he should judge proper, and as could be easily spared from the army provisions, to Indians visiting the military posts or living in their reservations. Since then the friendship of the Indians had been repeatedly purchased by the distribution of gifts. But in 1870 the plan of subsisting the wilder tribes in order to keep the peace became a definite feature of the Indian policy.

* Report of the Commissioner of Indian Affairs for 1872, p. 4. This report contains a most excellent presentation of the peace policy.

† U. S. Statutes at Large, II, 85.

The feeding system above outlined, and especially the reservation system, was, of course, a practical recognition of the dependence of the Indian tribes upon the United States Government. In theory, however, these tribes remained sovereign powers until denationalized by the act of March 3, 1871.* This provided that no tribe within the territory of the United States should be recognized as an independent nation with which the United States might treat.†

At first thought the passage of this act might seem to indicate a complete change in the national policy. In the hundreds of treaties which the Government had previously made with the Indians, they had been recognized as independent nations. Their tribal institutions had been left untouched, and they had been allowed to govern themselves as they chose. As a matter of fact, however, they had never been treated like sovereign powers. In the making of these very treaties the United States had used moral coercion, and frequently other and more effective means, to induce the tribes to yield to its terms. The relation of the Indian to the Government was in reality that of a ward under the care of a guardian. The power of the Indian agent had grown as the strength of the United States had increased and that of the Indians had decreased; it had finally become practically absolute.‡

* Revised Statutes of the United States, Sect. 2079.

† This act further provided that "no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one," should be "invalidated or impaired." Revised Statutes of the U. S., Sect. 2079.

‡ Evolution of the Indian agent: Report of Commissioner of Indian Affairs for 1892, pp. 12-25.

The theory of Indian nationality was therefore a theory only,* and the act of March 3, 1871, was simply an outward recognition of an internal change which had already taken place.

The Feeding System was the term used to designate the policy of the United States toward the wilder tribes. Toward those more civilized it adopted a different attitude. These were to be taught to earn their own livelihood. They were to be transformed into farmers as rapidly as possible, were to receive land in severalty, and were to be furnished with agricultural implements. The Government proposed to spend as little money upon them as it could and still advance them in the arts of civilization.

The policy of the United States, in a nutshell, was this: The expenditures were to "be proportioned not to the good but to the ill deserts of the tribe;" hostile and potentially hostile tribes were to be supported in indolence in order to keep them quiet; well-disposed tribes were to be "only assisted to self-maintenance,"† since from them there was nothing to fear.‡ The ultimate object, however, with both was civilization.

The peace policy served its purpose well. It brought the Government into vital contact with nearly all the tribes living within the boundaries of the United States, and it furnished a system by which these tribes were, in a certain measure, controlled. The course of events during the decade between 1870 and 1880 served materially

* For the real status of the Indians, see Peters, V, 1.

† Report of the Commissioner of Indian Affairs for 1872, p. 4.

‡ Cf. appropriations for the wilder with those for the more civilized tribes. See Index of U. S. Statutes at Large.

to aid the designs of the Government. The object of the feeding system was to buy off the hostility of the Indians by supporting them. The success of this system depended, of course, upon the Indians' need of support. Hence scarcity of game must further the national policy. That this scarcity was every year becoming greater may be seen from the following quotation. Speaking of the buffalo, Colonel Dodge says :

“Their most prized feeding ground was the section of country between the South Platte and Arkansas Rivers, watered by the Republican, Smoky, Walnut, Pawnee, and other parallel and tributary streams, and generally known as the Republican country. Hundreds of thousands went south from here each winter but hundreds of thousands remained. It was the chosen home of the buffalo.

“In 1872 some enemy of the buffalo race discovered that their hides were merchantable, and could be sold in market for a goodly sum. The Union Pacific, Kansas Pacific, and Atchison, Topeka, and Santa Fé railroads soon swarmed with ‘hard cases’ from the East, each excited with the prospect of having a buffalo hunt that would pay. By wagon, on horseback, and a-foot, the pot hunters poured in, and soon the unfortunate buffalo was without a moment's peace or rest. Though hundreds of thousands of skins were sent to market, they scarcely indicated the slaughter. From want of skill in shooting, and want of knowledge in preserving the hides of those slain, on the part of these green hunters, one hide sent to market represented three, four, or even five dead buffalo.

“* * * In the fall of 1873 I went over the same ground. Where there were myriads of buffalo the year before, there were now myriads of carcasses. The air was foul with sickening stench, and the vast plain, which only a short twelvemonth before teemed with animal life, was now a dead, solitary, putrid desert.”*

However unjust to the Indians this wholesale slaughter of buffalo may have been, there can be no doubt that it fell in admirably with the peace policy.† The Indians who were dependent upon the chase for a livelihood were forced to turn to the Government for help, and were obliged to accede to its demands. A machinery of control was thus established over them.

The incidental results of the peace policy were perhaps quite as important as those directly aimed at. The work of the Board of Indian Commissioners and the missionary societies co-operating with the Government acted like leaven upon the people of the country. Hitherto it had been almost impossible to interest the general public in the Indian question. In a country where legislation bears so close a relation to the popular demand, this was especially unfortunate. But beginning with the early seventies public interest in the welfare of the red race rapidly increased. Societies sprang up with the avowed purpose of agitating the Indian question and influencing the legislation of Congress. The decade from 1873 to 1883 witnessed the birth of the Boston Citizenship Committee, the Woman's National Indian Association, the

* Dodge, *Plains of the Great West*, 131-3.

† It must be remembered, however, that this same slaughter of buffalo often sent the Indians upon the warpath.

Indian Rights Association, and the Lake Mohonk Conference. Propagandic literature* was spread throughout the country and the seed sown whose fruit was the reform movement of the next decade.

Even on its weakest side, that of civilization, the peace policy was not an utter failure. The Indians, seated upon reservations and started upon an agricultural life, advanced ;† their progress was neither steady nor rapid, but was sufficient to encourage the friends of the Indians to look forward to ultimate citizenship for them. It was these friends, as yet largely represented by the societies above named, who began the agitation for "land, law, and education."

The agitation which brought about the reform movement arose, as before noted, in the seventies. It would be a difficult matter to separate the agitation from the movement proper, but the latter may be said to have begun about 1882. Its central principle was citizenship for the Indians, with all its attendant duties and privileges. These will be dwelt upon in treating the different phases of the movement.

The land question was primarily a question of allotment of lands in severalty and the granting of patents in fee simple. So long as the Indians should hold their land in common they must lack that incentive to work which comes from individual gain, and that education which accompanies individual responsibility. For many years community of property had been a hindrance to

* Much of this related to specific wrongs which the societies were endeavoring to right.

† See civilization statistics and the reports of the agents and farming superintendents: Reports of the Commissioner of Indian Affairs.

the civilization of the tribes. The friends of the Indians now urged that this hindrance be done away with by allotment in severalty.

As far back as 1839* an act† had been passed which provided for individual allotments to the Brothertown Indians of Wisconsin. Subsequently, by law or treaty, allotment was extended to other tribes and bands,‡ provision being made in some cases to confer the rights of citizenship upon the allottees when they should have fulfilled certain conditions. But these acts were sporadic. The principle involved in them did not become a feature of the governmental policy until about 1858, and even then did not receive broad application.

A step forward was taken by the act of March 3, 1875,§ which extended the benefits of the Homestead Act of 1862|| to Indians, and provided further that any homestead taken by an Indian should not be subject "to alienation or incumbrance * * * for a period of five years from the date of the patent issued therefor."¶ It also provided that any Indian taking a homestead should not forfeit his right to tribal property. The defects of this act were that it did not provide for taking claims upon

* March 3.

† U. S. Statutes at Large, V, 349-51.

‡ "Notably the Ottawas and Chippewas, the Pottawatomies, the Shawnees and the Wyandottes." Report of the Commissioner of Indian Affairs for 1891, I, 40. The Commissioner goes on to say that in most cases the Indians sold their lands as soon as possible and squandered what little they received.

§ Supplement to the Revised Statutes of the U. S., I, 78.

|| U. S. Statutes at Large, XII, 392-394.

¶ Supplement to the Revised Statutes, I, 78.

reservations, and that it made the time of inalienability too short. In 1884 one thousand dollars was appropriated* to pay the fees incident to making the land entries, and subsequently other appropriations were made for the same purpose. The benefits of the act were thus extended.

This brief outline of legislation will serve to show that in the case of individual tribes and Indians the Government had allotted lands in severalty, and, in some cases, had issued patents in fee simple. The friends of the Indians now demanded that the principle involved in these measures be made of general application, and it was in response to this call that the Dawes Land in Severalty Bill was laid before Congress. The following is an abstract of the same as given in the report of the Commissioner of Indian Affairs for 1887 : †

“The President may, in his discretion, have any Indian reservation or any part thereof surveyed or re-surveyed, and the lands of such reservation allotted in severalty to any Indian located thereon.

“The size of the allotments shall be : To each head of a family, one-quarter of a section ; to each single person over eighteen and each orphan under eighteen years of age, one-eighth of a section ; to each other single person born prior to the date of the Presidential order directing an allotment of lands upon the reserve, one-sixteenth of a section.

“If the reserve is too small to allow the giving of allotments as above, the size of allotments shall be reduced

* Supplement to Revised Statutes of the U. S., I, 450.

† Pp. iv-vi.

pro rata. If any treaty or act has provided for larger allotments on any reservation, the provisions of such treaty or act shall be observed. If the lands allotted are valuable only for grazing, the size of the allotments shall be doubled. If irrigation is necessary, the Secretary of the Interior may prescribe rules for a just distribution among the Indians of the water supply.

“Selections of allotments shall be made by Indians, heads of families selecting for their minor children, but agents shall select for orphans. The lands selected shall embrace the improvements made thereon by the respective Indians.

* * * * *

“If within four years after the President shall have directed allotments on a reservation any Indian belonging thereto shall have failed to make his selection, the agent, or if there is none a special agent, may make the selection for such Indian, and the tract so selected shall be allotted to him.

* * * * *

“Any Indian not residing on a reservation, or for whose tribe no reservation has been provided, may settle upon unappropriated Government land and have the same allotted and patented to him and his children.

* * * * *

“When the Secretary of the Interior shall have approved the allotment made, then patents for such lands, recorded in the General Land Office, shall be issued to the respective allottees, declaring that the United States will hold said lands in trust for their sole use and benefit for twenty-five years, and at the end of that time will convey them, without charge, to said allottees, or their heirs, in fee

and free of all incumbrance ; the President, however, may in his discretion extend the period beyond twenty-five years.

“ After patents have been delivered the laws of descent and partition of the State or Territory in which the lands are located shall apply to said lands ; the laws of Kansas applying to lands allotted to the Indian Territory.

“ After lands have been allotted to all Indians of a tribe (or sooner if the President thinks best), the Secretary of the Interior may negotiate with that tribe for the sale of any of their unallotted lands, such negotiation to be subject to ratification by Congress.

“ In case the lands are thus sold, the purchase money to be paid therefor by the United States shall be held in the United States Treasury in trust for that tribe, at three per cent. interest, which interest shall be subject to appropriation by Congress for the civilization of said tribe.

* * * * *

“ After receiving his patent every allottee shall have the benefit of and be subject to the civil and criminal laws of the State or Territory in which he may reside ; and no Territory shall deny any Indian equal protection of law ; and every Indian born in the United States, who has received an allotment under this or any other law or treaty, or who has taken up his residence separate from a tribe and adopted the habits of civilized life, is declared a citizen of the United States ; but citizenship shall not impair any rights he may have in tribal property.”*

* Report of the Commissioner of Indian Affairs for 1887, pp. iv-vi ; some of the less important provisions have been omitted in the above extract. For General Allotment Bill in full, see *ibid.*, 274-7.

Such were the provisions of the Dawes Land in Severalty Bill, a bill which was regarded by its supporters as marking the first step in the final solution of our Indian problem. Previous legislation had been in large measure tentative, had not been directed toward a definite end. True, it had aimed at the ultimate civilization of the Indians, but the measures adopted to bring about this civilization had lacked breadth and coherence.

The General Allotment Act was definite and comprehensive in scope. It made provision for the settlement of the Indian question. Tribal relations were to be dissolved and the Indians were to be made citizens of the United States as rapidly as possible, and at the end of twenty-five years were to be left to shift for themselves. The Government would then have done with them.

The natural corollary of the Dawes Bill was the ultimate break-up of the reservation system. This system had been in times past an unqualified necessity. It had served a two-fold purpose ; had protected the less war-like Indians from the murderous and rapacious whites ; had facilitated Government control over the more war-like. It has still a service to perform as a nursery for the less civilized Indians, until they can be fitted for contact with the world. But every allotment narrows its field, and ultimately it will have to go. As citizens, the Indians must take their places in the current of civilization and cannot expect to be separate from its swift movement.

The cession of surplus lands was, of course, the main factor in this break-up of reservations. In the year 1889-90 it was estimated that thirteen million acres of

land were ceded to the Government, and, at the end of the year, there were agreements pending before Congress for the cession of four million five hundred thousand more.*

The sincerity of Congress in its attitude toward the new policy has been attested. When the Dawes Bill was put into practical working it was found that there were certain specific cases which it did not cover. Supplementary legislation was necessary, and, so far as the land question is concerned, Congress has sought to supply it.†

But the land question does not stand by itself. It is indissolubly connected with law and education. The Indians are citizens only in name if not protected by United States courts and educated by United States schools. Hence the second feature of the reform movement was law.

It is not proposed to treat at all fully the past or present political status of the Indians under the United States Government. Such a treatment would demand more time and space than can be given it here; but a few generalizations may be of use. In the early days of our Republic the autonomy of the various tribes was recognized in theory and in fact. The first "agents" appointed by President Washington were addressed as "commissioners plenipotentiary for negotiating and con-

* Report of Commissioner of Indian Affairs for 1890, xxxviii.

† The act of February 28, 1891, amended the General Allotment Act so as to provide for the allotment of the same quantity of land to each member of the tribe regardless of the age or status of the allottee. See U. S. Statutes at Large, xxvi, 794.

Numerous other acts were passed, many of them pertaining only to certain tribes.

cluding treaties of peace with the independent tribes or nations of Indians * * * south of the Ohio River.”* As our frontiers were pushed westward, and we came into more vital contact with the red men, it became necessary, for the sake of peace, to obtain some control over them ; and to this end the powers of the agents were gradually increased, still however mainly in the direction of regulating intercourse between the whites and the Indians.

Infringement upon tribal autonomy began with the act of June 30, 1834.† The authority of the governmental officials was enlarged to extend over the Indians and over the Indian country. Among other things this act gave the agent the power “to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor.” The act of March 3, 1847,‡ and that of March 27, 1854,§ still further extended the powers of the agent. These encroachments upon tribal sovereignty were made in the interests of peace and the security of our frontiers. It was not the purpose to weaken tribal law, but this result inevitably followed. Thus the Indians were practically under no restraint but the arbitrary rule of the agent, and they possessed absolutely no redress for grievances. It was natural, therefore, that the agitation which began with the peace policy should concern itself with the question of law.

The appointment of Indian police was the direct out-

* Letter of Washington : Report of Commissioner of Indian Affairs for 1892, p. 14.

† U. S. Statutes at Large, IV, 732.

‡ *Ibid.*, IX, 203.

§ *Ibid.*, X, 270.

come of this agitation. In the Appropriation Act of May 27, 1878,* Congress authorized the appointment of fifty officers and four hundred and thirty privates to maintain order and prohibit illegal traffic on the reservations. A force was immediately organized† at thirty different agencies, and the Indian police showed themselves worthy of the trust reposed in them. Their duties took a wider range than was at first anticipated. They made themselves active in suppressing disorder and violence and in preventing trespass and robbery on the part of lawless whites.

The next step in the direction of law was the establishment of the courts of Indian offenses. Upon the request of the Secretary of the Interior the Commissioner of Indian Affairs formulated certain rules for the abolition of the sun-dance, the scalp-dance, polygamy, and other barbarous practices. In accordance with these rules, courts were organized on the various reservations, each consisting of three Indian judges appointed by the Indian Office upon the nomination of the agent, and serving for one year, subject, however, to removal at any time. These courts held regular bi-monthly sessions. Some difficulties were at first experienced in their organization, largely because no provision had been made to recompense the judges; but, once organized, they did good work. The penalties imposed were fines, imprisonment, hard labor, and forfeiture of rations. The courts were

* Report of the Commissioner of Indian Affairs for 1878, p. 188.

† One difficulty in the organization of these forces was the small salary, officers receiving only eight dollars and privates five dollars a month. It was not easy to find competent men who would serve for such sums.

established in 1883, but were not recognized by law until 1888, when Congress appropriated five thousand dollars for the compensation of Indian judges.*

The third step toward law was the Indian Crimes Act,† passed March 3, 1885. It provided that all Indians committing "murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation," should be subject therefor to the laws of such Territory relating to said crimes; and that Indians committing the enumerated crimes within the boundaries of a State should be tried by United States courts. The defect of this act lay in the failure to provide for the reimbursement of the Territories. They were unwilling to bear the cost of trying the Indians because they derived no revenue from them.

The three measures here reviewed were crude attempts to furnish the Indians with law. They were good as far as they went, but they accomplished little more than the maintenance of order through the arbitrary power of the agent. Further legislation was needed, and this need was accentuated, at the same time that its satisfaction was made more difficult, by the passage of the General Allotment Bill. The state of the case was this: omitting the tribes maintaining an advanced government of their own, those so unenlightened or so situated as to be unable to comprehend the advantages of civilization, and those still nomadic and not yet under the charge of any agent—omitting these, the Indians might roughly be

* Act of June 29, 1888. See U. S. Statutes at Large, xxv, 233.

† *Ibid.*, xxiii, 385.

divided into two classes. The first class included those already or soon to become citizens of the United States ; the second, those who must undergo a tutelage more or less long before the President should deem them ready for the action of the Land in Severalty Bill. Citizenship would extend over the first class the jurisdiction of the courts of the States and Territories in which the members respectively resided ; but these States and Territories provided no machinery for the administration of law upon the reservations. This need would, of course, be met with the sale of the surplus land and its occupation by white settlers. In the meantime, however, the need must continue to exist unless satisfaction could be provided in another way. The second class of Indians, those who must remain for some years longer under the guardianship of the United States, were eventually to become citizens. To fit them for the duties and privileges which would then be theirs, they ought gradually to be made familiar with the simpler forms of legal procedure ; and for this courts were necessary.

It was a question of meeting the needs of one or both of these classes. After a careful consideration of the subject, Commissioner Morgan decided that the utmost that could be done at present was to help the non-citizen Indians by extending the jurisdiction of the courts of Indian offenses. With this end in view he enlarged and modified the regulations under which the courts were established. Sufficient time has not elapsed to test the working of the new rules.*

The vital connection which education bears to the rest

* Report of the Commissioner of Indian Affairs for 1892, pp. 27-31.

of the reform movement is apparent on the surface. Citizenship does not rightfully belong to the incapable and the unlettered. The Indians must be made worthy of their new dignity, and one means to this end is to be found in an effective school system.

Education had been theoretically a part of the civilization policy of the Government for many years. As far back as March 3, 1819, Congress had passed an act* appropriating ten thousand dollars annually for the payment of suitable persons to instruct the Indians in agriculture, and to teach their children reading, writing, and arithmetic. February 27 of that same year the United States had agreed to sell certain lands belonging to the Cherokee Indians for the purpose of raising a fund to educate their youth.† Subsequently, agreements had been made with numerous tribes to set aside a portion of their annuities for the support of schools. In many of the treaties made by the Peace Commission in 1868, the Indians had pledged themselves to send all their children between the ages of six and sixteen to school, and the United States had promised to erect a school-house and employ a teacher for every thirty who should attend.‡

But it was not until 1876 that Indian education, as now understood, was begun by the Government. In that year, in addition to the amounts due the various tribes by treaty for educational purposes, Congress appropriated twenty thousand dollars for the support of Indian

* U. S. Statutes at Large, III, 516.

† American State Papers, Indian Affairs, II, 188.

‡ See U. S. Statutes at Large, xv.

schools. In 1879 an act was passed, authorizing the Secretary of War "to detail an officer of the army * * * for special duty with reference to Indian education."* In 1882 the office of Inspector of Schools† was created, but the incumbent was invested with no powers.‡ Meanwhile the annual appropriations steadily increased, passing in 1886 the million point.

The passage of the Land in Severalty Bill had a direct bearing upon the education question. In withholding from the Indians for twenty-five years the power to alienate their lands, it left them in a state of "quasi-independence"; and, in exempting their lands from taxation for the same length of time, it practically excluded their children from public schools. It thus became the duty of the Government to make educational provision for these children, and recent legislation would seem to indicate that Congress views the matter in the same light. The duties of the Superintendent of Indian Schools have been broadened; § compulsory education

* Report of Commissioner of Indian Affairs for 1879, p. 189.

† Report of Commissioner of Indian Affairs for 1882, p. 196.

‡ "The first Superintendent died in 1885, and his successor says of him that he was esteemed an able and excellent man, 'but at the time of his death he had not determined the functions of his office.' His successor was appointed in the following May, and when he made his report in November, 1885, had found out that 'the duties of the office were suggested by its title, but not defined by law.' When he resigned his office to take another position, after a year's faithful effort to find out what these duties were, he was decidedly of the opinion that they consisted largely of bearing responsibility before the public for acts which he had no power to originate or determine." Eighteenth Annual Report of the Board of Indian Commissioners, 1886, p. 65.

§ See U. S. Statutes at Large, xxiv, 464.

has been adopted ;* Superintendents, Assistant Superintendents, and teachers have been put on the classified list of the Civil Service ;† last, but not least, the annual appropriations have been exceedingly generous.

The present educational policy began, as before said, about twenty years ago. Its rapid growth may be seen from a comparison of the appropriations of 1876 and 1892, that of the latter year being nearly one hundred and fifteen times as large as that of the former.‡ The Government has not itself, however, supervised the expenditure of all this money. It has given a portion of it into the hands of religious bodies for the conduct of their schools.§ In the beginning this course was doubtless wise. But with the flight of time has come a growing sentiment that this union of church and State is contrary to the spirit of our institutions and in direct violation to the first amendment of our Constitution, which provides that "Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof."|| It has been alleged also that a premium is being put upon "the use of ecclesiastical power for political purposes in the shaping of legislation."¶ This sentiment was re-enforced by the refusal of

* See U. S. Statutes at Large, xxvi, 1014.

† See Report of the Commissioner of Indian Affairs for 1891, I, 156-8. The machinery necessary to enforce these rules is still lacking.

‡ The appropriations reached their maximum in 1892. Those for 1893 and 1894 have been less. See Report of the Commissioner of Indian Affairs for 1894, p. 9.

§ This feature of the educational policy was adopted in 1819. See American State Papers, Indian Affairs, II, 200-1, 272, 275-7.

|| Report of the Board of Indian Commissioners for 1890, p. 92.

¶ *Ibid.*, 93-4.

the Bureau of Catholic Missions to submit to Government regulations imposed alike upon contract and Government schools. The consequent agitation resulted in a decrease of the amount appropriated to contract schools in 1893, and in the passage of an act in 1894, directing the Secretary of the Interior "to inquire into and investigate the propriety of discontinuing contract schools."* This would seem to point to the ultimate assumption by Government of the entire control of Indian education.

Such are the lines along which the reform movement is working. Sufficient time has not yet elapsed to justify a prediction as to its final results, but these will be determined largely during the next few years. Now, if ever, the Indians need the friends who have served them so well during the last two decades. The Land in Severalty Bill is open to evils which must be carefully guarded against. Most notable among these are throwing open the reservations to allotment before the Indians are ready for it, and settling the Indians upon poor lands. The first is caused by the rapacity of the whites for surplus lands; and the second, by their desire that these lands shall be of the best.† Manifestly the preventive of these evils lies in a pure administration of our Indian service. The Government officers, from the highest to the lowest, must be men of integrity and ability, and must not be removed for political reasons. The spoils system must be entirely abandoned. A step in this direction was taken by President Harrison, who, by executive order,

* Twelfth Annual Report of the Executive Committee of the Indian Rights Association, 8.

† See Twelfth Annual Report of the Executive Committee of the Indian Rights Association, 37-38.

April 13, 1891, extended the Civil Service rules so as to embrace the appointments of Superintendents, Assistant Superintendents, physicians, teachers, and matrons. The welfare of the Indians demands a further extension of these rules. The agents are as yet selected without any guarantee as to their integrity or fitness for the positions which they are to occupy ; and these agents are, and must remain for some time, most important factors in the development of the Indians, and upon them largely depends the preparation of these Indians for citizenship.

Finally, the thorough carrying out of the reform movement demands a comprehensive system* of education. Enough schools must be provided to accommodate all the Indian youth, and of such a character as to make it possible to merge them ultimately in our public school system.† We have attempted a final solution of the Indian question. The character of the solution, however, is still a problem. It may be that after all we are forcing citizenship upon the Indians before they are ready for it. Even at this late date a change of policy may be necessary. It is the duty of the American people, as represented by Congress, to study the results of the present policy so carefully that their future legislation shall redound to the welfare of the Indians and to the honor of the Republic.

* For an outline of such a system, see T. J. Morgan's Indian Education.

† The Indian Office is making an effort in this direction by offering the public schools of the States ten dollars a quarter for every Indian child within their limits who shall attend.

CHAPTER II.

THE SIOUX FROM 1803 TO 1850.

It was in the year 1803, during the presidency of Jefferson, that the United States purchased the Louisiana Territory from France. It was a country of vast extent, larger in area than the original thirteen colonies, and of great resources, but as yet little known. That portions of it abounded in rich fur-bearing animals was evidenced by the lucrative trade which the English carried on with the natives; and it was Jefferson's desire to turn this trade into American channels which prompted the Lewis and Clark expeditions of the years 1804 to 1806.* He wished to open a field to the private American trader whom the Government trading-houses had dislodged east of the Mississippi; and with this end in view he urged the exploration of the Missouri to its source and the search for an overland route to the Pacific. The advance in the geographical knowledge of our continent was regarded as purely incidental, as "an additional gratification."†

The expedition was made, and the records of it furnish us with our first reliable information concerning the location of the Sioux tribes. It will be necessary to pause here for a moment to draw the distinction between the terms Siouan and Sioux. Siouan is an adjective derived from the word Sioux and used to denote the entire lin-

* See Jefferson's Message of January 18, 1803: Amer. State Papers, Ind. Affs., I, 684.

† American State Papers, Ind. Affs., I, 685.

guistic stock of which the Sioux, or more properly the Dakotas, are the most important division. Sioux is "a corruption of the Algonkin word *nadowe-ssi-wag*, 'the snake-like ones'. * * * The term 'Dahcota' (Dakota) was correctly applied by Gallatin to the Dakota tribes proper as distinguished from the other members of the linguistic family who are not Dakotas in a tribal sense."*

Lewis and Clark left St. Louis May 14, 1804, and ascended the Missouri river to its source, at the same time exploring much of the surrounding country. They then crossed the Rocky Mountains, and followed the Columbia river to the Pacific Ocean, returning to St. Louis after an absence of two years and four months. During this expedition they visited the various Sioux tribes, obtained as much information about them as they could under the circumstances, and located them as definitely as was possible with a roving people. According to Lewis and Clark, the Sioux were divided into ten bands, and, to quote the words of these explorers, were located as follows :

"First, Yanktons. This tribe inhabits the Sioux, Des Moines, and Jacques rivers, and numbers about two hundred warriors.

"Second, Teton of the Burnt Woods. * * * This tribe numbers about three hundred men, who rove on both sides of the Missouri, White, and Teton rivers.

"Third, Teton Okandandas (Ogallalas), a tribe consisting of about one hundred and fifty men, who inhabit both sides of the Missouri below the Cheyenne river.

* Report of the Bureau of Ethnology, 1885-6, 111-112.

“Fourth, Tetons Minnakenozzo (Minneconjou), a nation inhabiting both sides of the Missouri above the Cheyenne river, and containing about two hundred and fifty men.

“Fifth, Tetons Saone. These inhabit both sides of the Missouri below the Warreconne river, and consist of about three hundred men.

“Sixth, Yanktons of the * * * Plains, or Big Devils, who rove on the heads of the Sioux, Jacques, and Red rivers; the most numerous of all the tribes, numbering about five hundred men.

“Seventh, Wahpatone, * * * a nation residing on the St. Peter’s, just above the mouth of that river, numbering two hundred men.

“Eighth, Mindawarcarton (Mdewakantonwan). * * * These possess the original seat of the Sioux, and are properly so denominated. They rove on both sides of the Mississippi about the falls of St. Anthony, and consist of three hundred men.

“Ninth, The Wahpatoota (Wahpekute). * * * This nation inhabits both sides of the river St. Peter’s, below Yellow-wood river, amounting to about one hundred and fifty men.

“Tenth, Sistasoone (Sisseton). This nation numbers two hundred men, who reside at the head of St. Peter’s.”*

The aggregate number of souls in these bands was about nine thousand three hundred. This was, however, only approximate; for it must be remembered that they were roving bands, moving hither and thither as the exigencies of the hunt or trade might require. The Statistical View of 1806 says that much of the land belonging

* Coues' Lewis and Clark Expedition, I, 97-102.

to the Sioux was fertile, and a large part of it well timbered and watered. The Mdewakantonwans, however, were the only band that cultivated corn, etc.; and even these could not properly be termed a stationary people. The Sissetons, living in a country abounding in valuable fur-bearing animals, such as the beaver, otter, and martin, purchased more merchandise in proportion to their numbers than any other neighboring tribe; and disposed of a large part of this merchandise in their trade with the Tetons. As a rule, these tribes, together with the Wahpekute and Wahpeton, their neighbors, treated their traders well.*

Certainly as much could not be said of the Tetons, "the pirates of the Missouri." These, says Clark, "relying on a regular supply of merchandise through the channel of the river St. Peter's, * * * view with contempt the merchants of the Missouri, whom they never fail to plunder when in their power."† And this, he thought, they would continue to do until, in his own words, "such measures are pursued by our Government as will make them feel a dependence on its will for their supply of merchandise."‡

The Yanktons, says Lewis, "are the best disposed Sioux who rove on the banks of the Missouri, and these even will not suffer any trader to ascend the river, if they can possibly avoid it; they have heretofore, invari-

* Lewis' Statistical View: Coues' Lewis and Clark Expedition, I, 99-100, note.

† Lewis' Statistical View, 1806: Coues' Lewis and Clark Expedition, I, 128, note 67.

‡ Lewis' Statistical View, 1806: Coues' Lewis and Clark Expedition, I, 128, note 67.

ably, arrested the progress of all those they have met with, and generally compelled them to trade at the prices, nearly, which they themselves think proper to fix on their merchandise. * * * Their trade, if well regulated, might be rendered extremely valuable."* This band was independent of the other Sioux bands, as, indeed, each was of the others.

Such are the important facts concerning the Sioux in the years 1805-6. On the whole, Lewis and Clark's classification is remarkably close to that recently made by Major J. W. Powell, Director of the Bureau of Ethnology.† Several bands of Tetons are omitted in the former, but, under the circumstances, such a discrepancy is not surprising.

* Coues' Lewis and Clark Expedition, I, 94, footnote 8. Quoted from Statistical View, London ed., 1807, p. 18.

† Major J. W. Powell's classification is as follows:

- A. Sontee: including Mdewakantonwan and Wahpekute. [Lewis and Clark's eighth and ninth tribes.]
- B. Sisseton. [Lewis and Clark's tenth tribe.]
- C. Wahpeton. [Lewis and Clark's seventh tribe.]
- D. Yankton. [Lewis and Clark's first tribe.]
- E. Yanktonnais. [Lewis and Clark's sixth tribe.]
- F. Teton.
 - (a) Brulé. [Lewis and Clark's second tribe.]
 - (b) Sans Arcs.
 - (c) Blackfeet.
 - (d) Minneconjou. [Lewis and Clark's fourth tribe.]
 - (e) Two Kettles.
 - (f) Ogallala. [Lewis and Clark's third tribe.]
 - (g) Uncpapa.

Report of the Bureau of Ethnology for 1885-6, 114-15.

There has been much discussion concerning Lewis and Clark's fifth tribe. Coues says the balance of evidence is in favor of referring it to the Yanktonnais: Coues' Lewis and Clark Expedition, I, 101, note 10.

In the year 1805 Captain Zebulon M. Pike was commissioned by the War Department to explore the sources of the Mississippi and "the internal parts of Louisiana."* In his report of this expedition we find some interesting comments on the fur trade. Mr. Jay's treaty of 1794† had given British subjects the right to trade with Indians on American soil, but had not "exempted them from paying the duties, obtaining licenses, and subscribing unto all the rules and restrictions of our laws."‡ They had accepted the privilege, but not the obligations accompanying it. As a result they were able to undersell our traders; and, indeed, had quite driven them from the field. Lieutenant Pike laid the matter before the Northwest Company, and obtained from it a promise to observe our regulations in the future. This advantage was followed in 1809 by the organization of the American Fur Company, which in 1811 was consolidated with the Mackinaw Company and formed the Southwest Company. But in 1812 the war broke out, and the trade of the Southwest Company was ruined. The company reappeared, however, in 1816, the same year in which Congress passed a law§ prohibiting foreigners from carrying on the fur trade within the territories of the United

* Captain Pike's classification and location of the Sioux tribes agrees substantially with that made by Lewis and Clark. His judgment of their numbers is greater and his conception of their morality higher; but these are points upon which individual explorers might well differ, depending upon the extent and thoroughness of the exploration, the temper of the natives at the time and their reception of the explorers.

† See Treaties and Conventions, 380-1.

‡ Pike's Expedition, Appendix to Part I, 14.

§ U. S. Statutes at Large, III, 332.

States. This was aimed at the English and was designed to end their influence over our Indian tribes. But it was soon found that foreign clerks, interpreters, and boatmen could not be dispensed with ; and, in the summer of 1816, the Secretary of the Treasury issued orders to Indian agents to license foreigners in these capacities "on their giving bond with large penalties for good conduct in the Indian country."* British traders eagerly seized this opportunity, passed the American agencies in the guise of clerks and interpreters, and, once in the country, took possession of the goods which had made their way through the lines as the property of an American, whose employe the British trader had presumably been.† The English, therefore, continued to hold a monopoly of the fur trade for some years longer ; and this despite the fact that in 1814 the Government had "provided for locating trading posts" at Green Bay and Prairie du Chien, and in 1816 had sent garrisons there.‡ Here, as elsewhere, the Government trading-houses proved a failure. They neither attached the Indians to the United States, nor counteracted the influence of the British trader. During these years, therefore, the Sioux were unaffected by the national policy.

In the war of 1812 the Indians of the Northwest had, for the most part, sided with Great Britain ; and, at the close of the war, treaties were made between the United

* Wis. Hist. Colls., II, 103.

† See Wis. Hist. Colls., II, 103 ; Minn. Hist. Colls., V, 9 ; Turner, Character and Influence of Indian Trade in Wisconsin, 57-8. For the attitude of the English toward these posts, as affecting their relations with the Indians, see Mich. Pioneer Colls., XVI, 76 ff.

‡ Turner, Character and Influence of Indian Trade in Wisconsin, 58.

States and the various tribes for the purpose of re-establishing peace and friendship. These treaties read as follows :

“ Article 1. Every injury, or act of hostility, committed by one or either of the contracting parties against the other, shall be mutually forgiven and forgot.

“ Art. 2. There shall be perpetual peace and friendship between all the citizens of the United States of America and all the individuals composing the said — tribe ; and the friendly relations that existed between them before the war shall be, and the same are hereby, renewed.

“ Art. 3. The undersigned chiefs and warriors, for themselves and their said tribe, do hereby acknowledge themselves and their aforesaid tribe to be under the protection of the United States of America, and of no other nation, power, or sovereign whatsoever.”*

During the years 1815 and 1816 five such treaties were made with the Sioux ; one with the “ Teetons,”† one with the “ Sioux of the Lakes ”‡ (Mdewakantonwan), one with the “ Sioux of the river St. Peter’s ”§ (Wahpeton), one with the “ Yanctons,”|| and one with the “ Siouxs of the Leaf, the Siouxs of the Broad Leaf, and the Siouxs who shoot in the Pine Tops ”¶ (probably Wahpekute).

From this time until 1825 the Government had but slight dealings with these bands. The United States

* U. S. Statutes at Large, VII, 125.

† *Ibid.*

‡ *Ibid.*, 126.

§ *Ibid.*, 127.

|| *Ibid.*, 128.

¶ *Ibid.*, 143.

had not yet extended its frontiers to their territory, and there were no critical conditions calling for legislation. It was the almost continuous intertribal warfare between the Sioux and their inveterate enemies, the Chippewas, and the wars between the Sioux, Sacs and Foxes, and Ioways, which next called the attention of the United States to the western Indians. These constant feuds interrupted trade and endangered the lives of those citizens living in this part of the country. Sound polity, therefore, and humanitarian motives regarding the welfare of the Indians prompted the Government to attempt mediation. Accordingly, commissioners were sent to Prairie du Chien, and August 19, 1825, a treaty was made "with the Sioux and Chippewa, Sacs and Fox, Manomnie, Ioway, Sioux, Winnebago, and a portion of the Ottawa, Chippewa, and Potawattomie tribes."*

By this treaty boundaries† were established between the tribes, and perpetual peace declared between those that had been at war.

During this same year three other treaties were made with the Sioux‡ to perpetuate friendship with them and to remove all future dissention concerning trade. In these treaties the various bands promised to protect the persons and property of United States traders and agents,

* U. S. Statutes at Large, VII, 272 ff. The Sioux were represented by the "Wahpetong," "Sussitong," "Wappacoota," "Medawakanton" and "Yancton" tribes.

† These boundary lines were not complete because some of the tribes interested were absent from the council.

‡ One with the "Teton, Yanctons, and Yanctonies bands:" U. S. Statutes at Large, VII, 250; one with the "Siouna and Ogallala tribes:" *ibid.*, 252; one with the "Hunkpapas band:" *ibid.*, 257.

to give safe conduct to persons legally authorized by the United States to pass through their country, and to apprehend and deliver to United States authorities foreigners not so authorized. There were other provisions of minor importance concerning points which, if not made clear, might cause future trouble.*

The treaty of Prairie du Chien, which had been made in the hope of promoting peace between the warring bands of Indians, did not accomplish its object. In the report of the Commissioner of Indian Affairs for 1829-30, we read that the Sioux and Sacs and Foxes are still fighting each other,† and that they will, it is presumed, continue to do so "until some one or other of the tribes shall become too reduced and feeble to carry on the war, when it will be lost as a separate power."‡ Meanwhile, however, the United States again attempted mediation, and this led to the treaty of July 15, 1830. According to Article I of this treaty, the Indians relinquished a certain tract of land between the Missouri and Des Moines rivers. This tract was to be assigned or allotted under the direction of the President of the United States to the tribes then living thereon, or to such other tribes as the President might locate thereon for hunting or other purposes. In consideration of this cession the United States agreed to pay the various tribes certain annuities for ten years,§

* See U. S. Statutes at Large, VII, 253, Art. 5. This article provided for the punishment of individuals for injuries done the Indians, and for the recovery of stolen property or indemnification therefor.

† For a graphic account of one of these Indian massacres, see Wis. Hist. Colls., IX, 323 ff.

‡ Niles Register, XXXVII, 363.

§ To the Sioux of the Mississippi, two thousand dollars. To the Yankton and Santee bands, three thousand dollars. To the Mdewakan-

and to spend annually for the same number of years three thousand dollars in educating their children. The Yankton and Santee bands of Sioux were not represented at the council at which these articles were drawn up, but signed the treaty some seven months later. That the provisions of this treaty were not understood by all the Indian tribes party to it, is demonstrated by the trouble which arose when the President assigned the ceded tract of land to the Winnebagoes. The Sioux then asserted that, at the council, one of the United States Commissioners had explained to them that this was to be neutral territory, held in trust by the United States for the tribes party to the treaty by which it had been ceded.* The words of Article I, however, bore out the United States, and the Sioux finally yielded.

During the next few years little was heard of the Sioux. They were scarcely mentioned at all in the reports of the Commissioner of Indian Affairs except in connection with the annuities due them by the treaty of 1830. The United States had grown hardened to the intertribal warfare upon its northwestern frontier, a warfare which apparently it was powerless to stop; and the Sioux were left to themselves.

It was in behalf of the State of Missouri that the Gov-

tonwan, Wahpekute, Wahpeton, and Sisseton bands of Sioux, "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 Yankton and Santee 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." U. S. Statutes at Large, VII, 329.

* See Report of the Commissioner of Indian Affairs for 1836-7: Ex. Docs., 24th Cong., 2nd Sess., Vol. I, 369-70.

ernment next approached them. By the treaty of Prairie du Chien in 1830, the Indians, as before said, ceded a certain tract of land with the understanding that it was to be assigned to the tribes then living thereon, or to be located thereon in the future by the President. A portion of this tract lay between the western boundary of Missouri and the Missouri river.* This the citizens of the State were naturally anxious to possess, and the Federal Government was induced to treat with the Indians for its cession. Conventions were held with the various tribes in the fall of 1836, and the land purchased of them.† The Sioux sold their right for \$1,950, Wabashaw's tribe receiving \$400,‡ the Yankton and Santee bands \$1,000,§ the Wahpekute, Sisseton, and Upper Mdewakantonwan tribes \$550.||

This was the first of a series of cessions. The second was made in the year 1837, and this time the motives which prompted the United States to treat were of national importance. Negotiations were begun in pursuance of the central principle of the removal policy, the policy of buying up all the Indian lands in the States and Territories, and massing the Indians on the west side of the Mississippi. Deputations of chiefs were invited to Washington to impress them with the strength of our nation,

* See U. S. Statutes at Large, VII, 328-9.

† There were three separate treaties with the Sioux.

‡ U. S. Statutes at Large, VII, 510-11.

§ *Ibid.*, 525.

|| *Ibid.*, 527. The next year the Yanktons sold their right to the entire tract of land ceded by the various tribes to the Government in 1830, with the provision that it should remain Indian country. This treaty of October 21, 1837, with the Yanktons has been omitted from the text for the sake of simplification. See U. S. Statutes at Large, VII, 542-3.

and to make them sensible of the advantages which flow from civilization. It was during this visit that the Mdewakantonwan Sioux ceded to the United States all their lands "east of the Mississippi river and all their islands in the said river."* The United States, on its part, promised to invest the sum of \$300,000 in safe State stocks, and to pay the Indians "annually, forever," an interest of five per cent. thereon ; to distribute \$110,000 among the mixed bloods ; to apply \$90,000 to the payment of the just debts of the tribe ; to pay \$10,000 annually for twenty years to the chiefs and braves ; to expend \$8,250 annually for twenty years "in the purchase of medicines, agricultural implements and stock and for the support of a physician, farmers and blacksmiths ;" to expend \$5,500 annually for twenty years in the purchase of provisions ; to supply the Indians as soon as possible, to an amount not exceeding \$10,000, "with agricultural implements, mechanics' tools, cattle and such other articles" as might be useful to them ; to deliver \$6,000 in goods to the chiefs and braves.

If we may judge from the above provisions, an attempt was to be made to start the Mdewakantonwans upon an agricultural life. They had subsisted hitherto chiefly by the hunt, although as far back as 1805 they had been known to raise small quantities of corn and beans. But dependence upon the hunt was becoming somewhat precarious. The results of the long continued depredations of the British half-breeds, who crossed the border and killed great numbers of buffalo, † were beginning to be

* U. S. Statutes at Large, VII, 538.

† "The British half-breeds of the North Red river still continue their annual incursions upon the hunting grounds of the Sioux within our ter-

felt. Other game, too, was becoming scarce and the trade in furs had decreased. The annuities were therefore very welcome to the Mdewakantonwans. But they showed little inclination to settle down to agriculture. It would have been strange indeed if they had shown any. It would have meant the laying aside of instincts and habits, and the adoption of an entirely new mode of life. Moreover, the United States was by no means prompt in providing agricultural implements, tools, and cattle. The backwardness of the Mdewakantonwans in taking hold of farming seems, therefore, most natural, and the discouragement of the agent a little unreasonable. At this time, too, the whisky traffic was exerting a most demoralizing influence over the Indians. The liquor was introduced largely by factors of the Hudson's Bay Company, though our own traders were not without fault. Suffering from scarcity of game, demoralized by whisky, and harassed by their fierce enemies, the Chippewas, the Sioux had a sorry time of it. No wonder the Commissioner wrote in 1847 that there was a strong desire among

ritory, and slaughter large numbers of buffalo, the meat of which is dried, and used for the subsistence of the traders connected with the Hudson's Bay Company, and also kill other animals valuable for their furs. * * * These incursions have led to quarrels and disputes between them and the Sioux, some of which are said to have been attended with fatal consequences. The British half-breeds complained of are represented as numerous, warlike, and well armed, and consequently come into our territory prepared to resist any attempt on the part of the Sioux to drive them away." Report of Commissioner of Indian Affairs, 1845-6: Sen. Ex. Docs., 2nd Sess., 28th Cong., I, 454.

The United States sent a detachment of dragoons in 1845 to inform these half breeds that they would not be allowed to hunt within our territories, but this order had little effect.

them to increase their annuities and that land was probably purchasable.*

Such is a brief outline of the history of the Sioux from 1803 to 1850. Thus far they had been a factor of comparatively slight importance in the determination of the governmental policy, and had been little affected by it. Placed on the frontiers of the United States, and remote from civilized communities of any size, they had been left free to live as they chose, the Government paying little heed to them except as it found occasion to make treaties with the various tribes and bands. Up to this time no accurate estimate had been made of their numbers, and only a few tribes had been at all definitely located. With the great body of the Sioux roaming over the plains of the Missouri the Government had had no relations whatever,† and its hold upon even the Sioux of the Mississippi‡ was very loose. An attempt, as we have seen, had been made to start the Mdewakantonwans upon an agricultural life. But that the Government was not sanguine as to the result of this attempt may be seen from these words of the Commissioner of Indian Affairs in 1848: "Of the Sioux it is not probable that many will remain for any considerable period in the Mississippi regions; wild and untameable and scattered over an immense extent of country, no effort could concentrate them; and living wholly by the chase they will probably

* Report of Commissioner of Indian Affairs for 1846-47: Ex. Docs., 2nd Sess., 29th Cong., I, 244.

† The treaty of 1815 with the Tetons and those of 1815 and 1837 with the Yanktons were made by representatives of only a small portion of these large tribes.

‡ Mdewakantonwan, Wahpekute, Sisseton, and Wahpeton bands.

follow the buffalo and other game as it gradually disappears towards the Rocky Mountains, either in the direction of the head-waters of the Platte or of the Missouri river or both.”*

Here it may be noted how large a part the abundance and scarcity of game played in determining the attitude of the Indians toward the Government and *vice versa*. As long as the tribes found it easy to support themselves by the hunt, so long they felt independent and disinclined to look with favor upon overtures for the cession of lands.† In the preamble of the treaty of 1837 with the Mdewakantonwans, it was alleged that they were influenced to cede this portion of their territory by the fact that it was becoming valueless to them for the purpose of hunting. And there can be no doubt that the cession of 1851 was the more easily obtained from the Mississippi Sioux because they realized that their only hope for future subsistence lay in farming and annuities. The inroads of British half-breeds and the pressure of the white population were bringing about a rapid extinction of game.

It is well to note this point here, because from the year 1851 it will be necessary to treat separately the Sioux of the Mississippi and the wilder Sioux of the plains. The easterly bands had then become absolutely dependent upon the Government, and their future, once for all, lay in its hands; the westerly were still independent, because still in possession of broad hunting grounds and, as yet,

* Report of the Commissioner of Indian Affairs for 1848, p. 300.

† This same question of subsistence by the hunt determined in large measure their migrations. See Lewis H. Morgan's *Indian Migrations*, No. Am., 109: 391.

not demoralized by the pernicious system of annuities. Speaking in a broad way, the fate of the former depended upon the governmental policy ; the conduct of the latter temporarily determined that policy.

This same year, then, may be taken as the turning-point in the history of the Sioux. They rose from unimportance to importance in our national councils. Hitherto they had been too remote from the borders either to affect public policy or to be influenced by it. But during the forties the spread of the white population had been rapid beyond all expectation. It was no longer a question of pushing the frontier-line westward. Settlements leaped the line and projected themselves into the very heart of the Indian country. To save the border tribes from extinction, it seemed necessary to throw open wide tracts of land as outlets for the eager emigrants ; and, in order to protect these emigrants, to adopt a conciliatory attitude toward the Indians. The Sioux, numerically of great strength, warlike in their instincts, and possessing a vast territory, became an important factor in the ever more difficult Indian question.

CHAPTER III.

THE SIOUX OF THE MISSISSIPPI FROM 1850 TO 1893.

The lamentable condition of the Mississippi Sioux during the latter part of the forties has been described in the previous chapter. The pressure of the white population and the inroads of the British half-breeds were bringing about the rapid extinction of game ; and the Indians were unsuccessful in the small amount of farming which they had attempted. Starvation stared them in the face. On the other hand, it became impossible, indeed it had always been impossible, to enforce the intercourse laws, and emigrants were steadily encroaching upon Indian lands. It was imperative that something be done ; and in July and August of 1851 councils were held with the Mississippi Sioux for the cession of a part of their territory. Two treaties were made with them : one with the Sisseton and Wahpeton, the other with the Mdewakantonwan and Wahpekute bands. By these treaties they ceded all their lands within the boundaries of the present States of Iowa and Minnesota, except a comparatively small district on both sides of the Minnesota river.* The Senate struck out the latter provision and added a supplemental article by which the United States agreed to pay the said tribes ten cents per acre for

* " All that tract of country on either side of the Minnesota river from the western boundary of the lands herein ceded, east to the Tchaytam-bay river on the north, and to the Yellow Medicine river on the south side, to extend, on each side, a distance not less than ten miles from the general course of said river." U. S. Statutes at Large, X, 949.

the land in the designated reservation, and also authorized the President, in the words of the treaty, to "set apart * * * such tracts of country without the limits of the cession * * * 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."*

The United States promised to pay the Sisseton and Wahpeton bands \$1,665,000, as follows: \$275,000 to be paid to the chiefs for the subsistence of the tribes during the first year after their removal; \$30,000 "to be laid out under the direction of the President for the establishment of manual-labor schools, the erection of mills and blacksmiths' shops, opening of farms, fencing and breaking land, and for * * * other beneficial objects * * * conducive to the prosperity and happiness of said Indians;" the remainder, \$1,360,000, to be held in trust by the United States and to draw an annual interest of five per cent. for fifty years. This interest was to be applied thus: \$12,000 to be set apart as a "general agricultural improvement and civilization fund;" \$6,000 to be used for educational purposes; \$10,000 to be spent in the purchase of goods and provisions; and \$40,000 to be paid as a money annuity.†

The Mdewakantonwan and Wahpekute bands received \$1,410,000, to be applied in substantially the same way.‡

* U. S. Statutes at Large, X, 952.

† *Ibid.*, 949-950.

‡ \$220,000 to be paid to the chiefs for the subsistence of the tribe one year after removal; \$30,000 to be spent for manual-labor schools, etc.; \$1,160,000 to be set apart as a trust fund, and to draw an annual interest of five per cent. for fifty years, interest to be applied as follows: \$12,000 to be set apart as a civilization fund; \$6,000 to be used for educational purposes; \$10,000 to be spent for goods and provisions; \$30,000 to be paid as a money annuity. U. S. Statutes at Large, X, 954-59.

Before the treaties had been ratified the whites who had been hovering on the borders poured into the country, thus demonstrating once more the inefficiency of the intercourse laws. The Indians were obliged to remain on the ceded lands, for the President had not yet assigned them a reservation. Inevitable confusion resulted, and for the sake of both whites and Indians it became necessary to move the latter. The President then assigned to them for five years the reservation which was to have been theirs by the treaty of 1851. But the Indians were much dissatisfied and little inclined to settle down to agriculture. They felt that it would be a waste of money to improve land which was to be theirs only a short time. They begged that the reservation be secured to them as a permanent home, and this was finally done in 1854.*

The treatment of the Sioux during these years is a striking instance of the short-sighted, wavering, and inconsistent policy of the Government. The Sioux were to devote themselves to agriculture, but they were induced to cede that part of their territory best suited to this purpose, and after much delay settled upon a comparatively poor reservation. They needed instruction in the art of agriculture ; they needed tools and cattle ; but provision was made to apply hardly more than one-half

* The act of July 31, 1854, authorized the President "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." U. S. Statutes at Large, X, 326. This confirmation was never formally made. U. S. Statutes at Large, XII, 1038. But the Indians were assured that they might consider the reserve their permanent home. Report of the Commissioner of Indian Affairs for 1854-5 : Sen. Docs., 33d Cong., 2d Sess., 272.

of their interest annuity to these ends, and the money so applied was neither promptly nor entirely nor carefully spent. The annuities were allowed to fall into arrears, and especially those portions upon whose wise expenditure the progress of the Indians in agriculture depended. Few farmers were provided, and these were seldom competent ; while the tools were often of the poorest grade or inappropriate.* Thus the introduction of the Sioux to their new life was not propitious. They made little progress and felt keenly the difference between their former freedom and their present dependence. This was the condition of affairs at the time of the Spirit Lake massacres. And it was the well-known discontent of the Sioux which led many to believe that they, as a nation, were concerned in this most unfortunate occurrence.

In the early forties the Wahpekute band was under the leadership of two chiefs, one of them, Wamdisapa by name, of notoriously ill-repute. Peace had been made between the Sac and Fox tribe and the Sioux ; but Wamdisapa and his followers still continued hostile, and, moving westward, were gradually separated from the rest of the Wahpekute band. When the treaty of 1851 was made, by which the Sioux of the Mississippi ceded a large

* " Have the officers under the President applied those funds so appropriated in the manner stipulated by the treaties ? I can distinctly say, no ! The treaties say these funds shall be annually expended, whereas large amounts have been kept back, and are now in arrear, and after repeated applications to have them expended. These arrears are not mere petty sums, surplusses or remnants of funds remaining unexpended, but large amounts, thousands and tens of thousands, and in some cases the whole fund appropriated for a special purpose." Report of P. Prescott, Superintendent farming for Sioux : Report of Commissioner of Indian Affairs for 1856-7, p. 606 : Ex. Docs., 34th Cong., 3d Sess., Vol. I, Pt. I.

territory; this remnant of Wamdisapa's band was not recognized as a part of the Wahpekute Sioux and took no part in the treaty. Later, when the annuities were being paid, some of these Indians appeared at the agency and insisted upon a share. By 1857 the band, now under Inkpaduta, consisted of only about half a dozen lodges, but still retained its lawless and predatory habits. It was this straggling band that committed the massacres of Spirit Lake and Springfield in March, 1857, killing about forty-two persons. As soon as the news reached the agency efforts were made to overtake and punish the murderers, but these efforts were unsuccessful. The Mississippi Sioux were then called together and told that their annuities should cease until the murderers, their relatives, should have been brought to justice; and were required to send out a party in search of them. This the Sioux at first declined to do unless accompanied by United States troops. They yielded the point, however, and sent out an expedition to seek the murderers. But by this time Inkpaduta's band had divided and the Sioux party overtook only a portion of it, killing three warriors and mortally wounding one. Feeling that they had done their duty they returned home, and the Government resumed the payment of annuities.*

There was a general feeling throughout the country at this time that we were on the brink of a Sioux war. It is true that on one occasion a hostile demonstration was made by the Indians.† But the assertion that the

* For a short, clear account of the Inkpaduta War, see *Minn. Hist. Colls.*, III, 386 ff. See also Report of the Commissioner of Indian Affairs for 1857-8, pp. 357-9: *Ex. Docs.*, 35th Cong., 1st Sess., Vol. II, Pt. I.

† See Report of Commissioner of Indian Affairs for 1857-8, p. 388-9: *Ex. Docs.*, 35th Cong., 1st Sess., Vol. II, Pt. I.

Mississippi Sioux as a nation were in sympathy with Inkpaduta is utterly without foundation.* The tribal bonds of these people were very weak and their kinship with Inkpaduta was a matter of no importance to them. But, aside from its intrinsic character, the massacre was unfortunate as adding another element to the already disturbed condition of these Sioux.

By the act of July 31, 1854,† the President had been authorized to confirm to the Minnesota Sioux the reservation upon which they were then situated. This confirmation was never formally made, but was practically taken for granted in the treaties of 1858.‡ There were two of these: one with the Lower, the other with the Upper Sioux;§ and both provided for the reduction of this reservation and the assignment of land in severalty. More specifically, as by treaty with the Upper Sioux July 19, 1858, the terms were these:

Article I provided that so much of the reserve upon which the Indians were then situated as lay south of the Minnesota river should constitute a reservation for the said bands; should be surveyed and allotted in severalty, eighty acres to each head of a family or single person over the age of twenty-one years; the residue should be held by the bands in common; each minor, however,

* The most that can be said is that a few of the younger braves and those influenced by the Yanktons, who felt that their land rights had been overlooked in the treaties of 1851, sympathized with Inkpaduta. *Ibid.*, 359.

† U. S. Statutes at Large, X, 326.

‡ *Ibid.*, XII, 1038.

§ The Lower Sioux comprised the Mdewakantonwan and Wahpekute, the Upper Sioux the Sisseton and Wahpeton bands.

upon attaining majority should be given eighty acres thereof. This same article authorized the President at his discretion to issue patents for these allotments and to exempt them "from levy, taxation, sale, or forfeiture until otherwise provided for by the Legislature of the State in which they" were "situated, with the assent of Congress."

Article II provided that, if the Senate agreed, a specific sum should be allowed these Indians for the land north of the Minnesota river ; or this land should be sold for their benefit, they to receive the proceeds of the sale.*

Article VIII provided that such members of the Sisseton and Wahpeton bands as should desire to break their tribal connections and locate outside of the reservation should be allowed to do so, and should "be vested with all the rights, privileges, and immunities, and be subject to all the laws, obligations, and duties, of the citizens of the United States."†

* "The United States subsequently, by resolution, fixed the price at thirty cents per acre. This yielded to the lower bands about \$96,000, and to the upper about \$240,000." Report of Commissioner of Indian Affairs for 1863-4, p. 400: Report of the Sec. of the In., 38th Cong., 1st Sess., Vol. III.

† There were six other articles. Article III provided that if the Indians received payment for the lands north of the Minnesota river such a sum as should be found necessary, not, however, to exceed \$70,000, should be set aside to pay their just debts and to provide goods for them.

Article IV provided that all Indian intercourse laws be in force over the land retained under Article I.

Article V gave the United States the right to maintain military posts and construct roads on the reservation, due compensation being made.

Article VI provided for the preservation of peace between the United States and the said bands.

These treaties are good exponents of the national policy of these years. The reservation of the Sioux was no larger than the needs of an agricultural life justified ; provision was made for the allotment of land in severalty ; the Secretary of the Interior was given "discretionary power in regard to the manner and objects of the annual expenditure" of the money due the bands by former treaties and to become due by this.

The immediate causes of these treaties were two. First, the white population of Minnesota was increasing so rapidly that already the need of more land was felt. Second, there was a real desire on the part of the Government to advance the welfare of these bands who seemed now ready for an agricultural life. Of these two causes, it cannot be denied that the first was of paramount importance. To this conclusion we are forced by the fact that the Government's interest in the welfare of these Indians was not strong enough to impel it to fulfill its obligations toward them. The old trouble continued. The annuities were in arrears. The goods sent were of inferior quality and not of the kind most needed. Despite these drawbacks, however, the Indians progressed, and by 1860 it was possible to divide them into two classes—farmer and blanket Indians. The farmer Indians were

Article VII provided for the withholding of annuities from intoxicated Indians.

Article IX gave the Secretary of the Interior discretion "over the manner and objects of the annual expenditure."

U. S. Statutes at Large, XII, 1037-41.

The treaty with the Lower Sioux, made June 19, 1858, did not contain Article VIII. See U. S. Statutes at Large, edited by G. P. Sanger, 36th Cong., 79-84. This is the only reference I have made to this edition of the Statutes.

those who were devoting themselves to agriculture and were adopting, to some extent, the habits and customs of a white community; the blanket Indians, those who still clung to the old savage life. It lay in the nature of the case that these two classes should be strongly antagonistic. It was a struggle between barbarism and civilization. The policy of the Government aimed at civilization, and, as far as it went, was well suited to that end. Land in severalty and education were to bring home to the Sioux a sense of individual responsibility. But no provision was made for the protection of the civilized from the blanket Indian. The latter was left even freer than he had been before, for the power of the chief over him was weakened and its place supplied by no other restraint. Except for inefficient intercourse laws, the Government thus left uncontrolled an element whose pleasure it would be to strike a blow at civilization at the first opportunity.

There were still other unfortunate circumstances. Almost from the first there had been a continual wrangling over the treaties of 1858. While they were being drawn up, the Sioux had been led to expect that they would receive a certain sum of money in cash. In this they were misinformed, for the treaties contained no such provision; but to them the spoken word was as sacred as the written. There was another misunderstanding which concerned the amount to be used in payment for depredations. The Lower Sioux fund and about two-thirds of Upper Sioux fund were exhausted to pay the debts of the Indians,* although each of the treaties stipulated that not

* Report of the Commissioner of Indian Affairs for 1863-4, p. 400: Report of the Sec. of the In., 38th Cong., 1st Sess., Vol. III.

more than seventy thousand dollars should be used for this purpose. Add to this the fact that the annuities were not promptly paid,* and we can readily understand that the Sioux felt themselves ill-treated. Moreover, the Civil War was going on, and the Indians were made restless and uneasy by all sorts of exaggerated stories of the pending fall of the Government. Their faith in the strength and dignity of their "Great Father" received a shock, and they felt that their support rested upon an unstable basis. There can be little doubt that stray secessionists fostered this feeling; and the British half-breeds of the North not only sympathized with the Indians but stood ready to furnish them with guns, powder, and ammunition.

The spark which lighted this inflammable material was the murder of six whites, committed by fourteen intoxicated Lower Sioux, August 17, 1862. Feeling that unless there was a general uprising they would be pursued and individually punished, the murderers hastened to their kinsmen and urged them to take up arms. By the next morning they had increased their party to two hundred, and now proceeded to the Lower Agency, sending runners ahead with the message that all who did not join them should be punished with death. Many of the former Indians were thus practically forced to take part. Little Crow became leader and the work of devastation began. It is estimated that nearly one thousand whites lost their lives in the massacres which now took place.

* The financial straits occasioned by the Civil War may serve, at least in part, to exonerate the Government from blame. The delay was only four or five weeks, and there was no fixed time for the payment of the Sioux annuities. They had, however, been paid in July, the year before, and the Indians naturally expected them in the same month.

Major General Sibley was dispatched to quell the outbreak, and about seventeen hundred persons either surrendered to him or were captured by him. A large number of the warriors were tried by a military commission and sentenced to death. Of these thirty-nine were hanged, an attempt having been made to select those who had personally committed acts of violence. The remainder of those who had surrendered, together with some of the peaceably disposed Sioux, were removed to Crow Creek, May, 1863.* A small number of those who had continued faithful to the Government remained in Minnesota. About two hundred of the Sioux were held as prisoners of war at Davenport. About six or eight hundred, who claimed that they had taken no part in the massacres but had fled from Minnesota to avoid the indiscriminate vengeance of the whites, were in the vicinity of Fort Wadsworth, Dakota. The remainder, made up largely of the really hostile Indians and those who had committed crimes and feared the punishment of the Government, had taken refuge far to the north in or near the British Possessions. These, together with some of the Missouri Sioux who had joined them for reasons that will be stated in the next chapter, continued hostile for many years, and, though not actively engaged in warfare during the whole time, were not subdued until the seventies.

The selection of the Crow Creek reservation proved most unfortunate. It was not adapted to the purpose of

* These Sioux were nearly all women and children, there being only about one hundred able-bodied men. The Crow Creek reservation was selected under authority of the act of March 3, 1863: U. S. Statutes at Large, XII, 819-20.

agriculture, and for three successive years the crops failed. In 1866 these Indians were moved to Niobrara, where they were joined by those who had been held as prisoners at Davenport. In the fall of the same year they were moved to the mouth of Bazile creek, and in 1868 to Breckinridge, ten miles below the mouth of the Niobrara.*

The condition of the Indians during these years was very wretched. The act of February 16, 1863,† had annulled all treaties previously made with them so far as these treaties purported "to impose any future obligation on the United States." The annuities and claims of the Mississippi Sioux were thus declared forfeited. The act of March 3, 1863,‡ had authorized the President to set apart for them "a tract of unoccupied land outside of the limits of any State, sufficient in extent to enable him to assign to each member * * * eighty acres of good agricultural lands." But five years elapsed before the Indians were settled upon a reservation, and during this period they were moved four times. All of these removals were attended with the greatest hardships and sufferings.§

Meanwhile these Indians, from this time on generally

* This reserve had been set apart for their use by President Johnson under the Executive Orders of February 27, 1866, and November 16, 1867: Report of the Commissioner of Indian Affairs for 1886, p. 340.

† U. S. Statutes at Large, XII, 652.

‡ *Ibid.*, 819. This same act provided for the sale of the Minnesota reservation and the expenditure of the proceeds for the benefit of the Indians in their new homes; but such sale could not take place immediately.

§ For a description of the terrible suffering attending these removals, see Manypenny, *Our Indian Wards*, 135 ff. The picture may be somewhat overdrawn, but it is substantially true.

called the Santee Sioux, were wholly dependent upon the bounty of the Government. The fact that they had no treaty relations with the United States made them feel insecure, and they begged that an agreement of some kind be made with them. This was done April 29, 1868.* The treaty provided for the allotment of land in severalty, for the compulsory education of all children between the ages of six and sixteen, and the employment of a teacher for every thirty of such children, and for the distribution of certain goods.†

Allotments were now made these Indians both under the act of March 3, 1863, and the treaty of April 29, 1868. Patents were not issued for the allotments and the allottees did not become citizens of the United States. Later, by the act making appropriations for the fiscal year ending June 30, 1884,‡ the patents to the land allotted under the treaty of 1868 were declared of legal effect; and the United States promised to hold the land in trust for twenty-five years, and at the end of that time to deliver it to the Indians or their heirs "free of all charge or incumbrance."

By the act of February 9, 1885,§ the Santee reservation was thrown open to settlement.

By Section 7 of the act of March 2, 1889,|| all allotments made to the Santee Sioux in Nebraska were con-

* U. S. Statutes at Large, XV, 635-640.

† The provisions of this treaty are given at length in connection with the Sioux of the Plains. See Chapter IV.

‡ U. S. Statutes at Large, XXII, 433.

§ Report of Commissioner of Indian Affairs for 1886, p. 342.

|| Report of Commissioner of Indian Affairs for 1889, p. 450.

firmed ; and it was provided that those who had not received allotments should be given them upon the reserve in Nebraska as follows : "To each head of a family, one-quarter of a section ; to each single person over eighteen years of age, one-eighth of a section ; to each orphan child under eighteen years of age, one-eighth of a section ; to each other person under eighteen years of age now living, one-sixteenth of a section."

Thus all the Santee Sioux on the reserve in Nebraska were provided with land.

A word now about a portion of these Sioux not located on the reserve. Between 1868 and 1875 about eighty-five families took up homesteads under the concluding paragraph of Article VI of the treaty of 1868,* forty-six miles north of Sioux Falls, Dakota, on the Big Sioux river. They, of course, became citizens of the United States and were subject to and protected by the laws of the United States. But on taking lands the Indians were obliged to renounce all claims for annuities.† They had

* This provided that any male over eighteen years of age, party to this treaty, who should settle upon land outside of the reservation and open to Indian occupation, occupy the same for three successive years and make improvements thereon to the value of two hundred dollars, should receive a patent for one hundred and sixty acres and become a citizen of the United States.

† It has been suggested that this unjust requirement of the Indian Department was based on the refusal of the House to sanction the treaty of 1868. I quote Mr. Paine's words to the House : "Let us never again recognize any constitutional right on the part of the President of the United States, by and with the advice and consent of the Senate, to negotiate a treaty with an Indian tribe, as a sovereign power, as a foreign nation. If it be a contract of valid moral obligation, let us fulfill it ; but let us never again, by any legislation to which this House shall give its consent, sanctify it as a treaty between sovereign powers.

"Now, if these Indians referred to in the Senate amendment have

a hard time of it for three or four years. Then the Government came to their aid and generously assisted them. They received also their just share of the proceeds from the sale of the Minnesota reservation.

All of the Santee Sioux made great progress. They applied themselves to agriculture and succeeded well. For a time the United States assisted them with liberal appropriations, but these were gradually diminished as the Indians became self-supporting. At present only the aged and infirm receive rations. The Indian question, so far as the Santee Sioux are concerned, has been settled.

After the massacres of 1862, six or eight hundred Sisseton and Wahpeton Sioux had fled to avoid quick vengeance at the hands of the whites. Many were really innocent and had voluntarily surrendered to General Sibley. These were located near Fort Wadsworth. Others of the Sisseton and Wahpeton Sioux had remained in the vicinity of their Minnesota reservation, preserving their treaty relations with the United States, and doing much to protect the whites from the hostile bands. With these two classes the Government made a treaty February 19, 1867.* The chief provisions of this treaty, as amended by the Senate, were as follows :

Article II gave "the United States the right to construct wagon-roads, railroads, mail stations, telegraph

any just claim against the Government of the United States, let us pay it fully; but let us not consent to this Senate amendment, which requires us to make this appropriation because in 1867 and in 1869 the President and the Senate agreed by treaty to do it." Congressional Globe, 41st Cong., 2d Sess., Pt. 6, p. 5003.

* U. S. Statutes at Large, XV, 505-11; Ratification advised with amendments April 15, 1867; Amendments accepted April 22, 1867.

lines, and * * * other public improvements" over the lands claimed by these Indians,* including their reservation, as afterwards designated.

Article III provided that a certain tract of land in the central-eastern part of Dakota† be set aside for those members of the bands who had surrendered to the Government and had not been sent to Crow Creek, and for those who had been released from prison in 1866.

Article IV provided that a certain tract of land in the northern part of Dakota‡ be set apart for all other members of the said bands who had not been sent to Crow Creek, and also for the Cuthead band of Yanktonnais Sioux.

Article V provided that the two reservations "be apportioned in tracts of (160) one hundred and sixty acres to each head of a family, or single person over the age of (21) twenty-one years"; and that every person who

* "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 easterly point of Devil's lake to the Chief's Bluff at the head of James river, and on the west by the James river, and thence to Kameska lake." U. S. Statutes at Large, XV, 506.

† "Beginning at the head of Lake Traverse [E], and thence along the treaty line of the treaty of 1851 to Kameska lake; thence in a direct line to Reipan or the northeast point of the Cateare des Prairie [S], and thence passing north of Skunk lake, on the most direct line of 1851 to the place of beginning." *Ibid.* See second map.

‡ "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." U. S. Statutes at Large, XV, 506. See second map.

should receive an allotment and should "occupy and cultivate a portion thereof for five consecutive years * * * be entitled to receive a patent for the same" so soon as he should have fifty acres "fenced, ploughed, and in crop": provided that such a patent should not authorize any transfer of any portion of the land except to the United States; but the lands should "descend to the proper heirs of the person obtaining a patent."*

Article VI provided that Congress should, "at its own discretion, from time to time, make such appropriations" as should be deemed "requisite to enable said Indians to return to an agricultural life."†

Article VII provided that an agent be immediately located at Lake Traverse and one at Devil's lake so soon as five hundred persons be settled there.

Article VIII provided that "no goods, provisions, groceries, or other articles—except materials for the erection of houses and articles to facilitate the operations of agriculture— * * * be issued * * * unless it be in payment of labor performed, or for produce delivered."‡

Article IX provided that "no person be authorized to trade for furs or peltries within the limits of the land claimed by said bands * * * and that no person, not a member of said bands, * * * except persons in the employ of the Government, or located under its authority, * * * be permitted to locate upon said

* U. S. Statutes at Large, XV, 506.

† *Ibid.*, 507.

‡ *Ibid.*

lands either for hunting, trapping, or agricultural purposes.”*

In accordance with the provisions of this treaty these Indians were located on two reservations : one at Devil's lake, covering approximately two hundred and seventy-five thousand acres of good prairie land, the other at Lake Traverse and containing about nine hundred and eighteen thousand seven hundred and eighty acres of equally good land. Here they began once more an agricultural life and became the best exponents of the governmental policy of the ensuing years. Land was allotted them in severalty and annuities paid, as a rule, only for work done. The Indians progressed rapidly ; and there can be no doubt that this was largely due to the earnest efforts of the American Board and the Presbyterian Board of Missions. This feature of President Grant's peace policy worked admirably here.

September 20, 1872, an agreement was made with the Lake Traverse and Devil's Lake Indians, by which they ceded any right which they might possess to the land referred to in the second article of the treaty of 1867. This agreement, as amended by the Senate and ratified†

* U. S. Statutes at Large, XV, 507.

There were two other articles.

Article I provided for the continuation of friendly relations between the United States and the said bands.

Article X authorized the chiefs and head men to adopt such rules as seemed best to them “ for the security of life and property, the advancement of civilization and the agricultural prosperity of the members of said bands, and to organize a force for the carrying out of the same and of such regulations as might be prescribed by the Interior Department.”

U. S. Statutes at Large, XV, 507.

† May 19, 1873.

by the Sioux, was confirmed in the Indian Appropriation Act of June 22, 1874.* In consideration of their cession the bands received eight hundred thousand dollars, to be paid in ten annual installments, and "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, dated February 19, 1867, for goods and provisions; for the erection of manual-labor and public schoolhouses, and for the support of manual-labor and public schools; and in the erection of mills, blacksmiths' shops, and other workshops * * * and such other beneficial objects as may be deemed most conducive to the prosperity and happiness of the Sisseton and Wahpeton bands."†

Nearly seventeen years elapsed before the Sioux entered into the next agreement with the United States. This time it was for the reduction of their reservation as provided in the fifth section of the Land in Severalty Bill. All the Indians on the Lake Traverse reservation having received allotments, it was thought best to throw open the unallotted lands to white settlers. Accordingly an agreement was made with these Sioux December 12, 1889, which was ratified March 3, 1891.‡ This agreement provided that there should be allotted to each individual member of the bands such a quantity of land as would make, together with that already

* For the agreement as originally made, see Report of the Commissioner of Indian Affairs for 1872, 122-3. The Senate amended this by striking out the paragraphs numbered, respectively, third, fourth, fifth, sixth, seventh, eighth, and ninth.

† Report of the Commissioner of Indian Affairs for 1872, p. 122.

‡ U. S. Statutes at Large, XXVI, 1035-8.

allotted, one hundred and sixty acres ; and, in case no allotment had been made to any individual, then such an one should receive an allotment of one hundred and sixty acres. The object of this provision was to equalize the allotments so that each member of the bands, including married women, might have the same amount of land.* All were to have patents issued to them upon the " terms and conditions " of the Land in Severalty Bill.

The Indians ceded the land, which should be left when the above provision should be carried into effect, to the United States for two dollars and fifty cents an acre. This money was to be held in the Treasury of the United States for the sole use of the Sioux, was to draw three per cent. interest, and was " to be at all times subject to appropriation by Congress for the education and civilization of the said bands."†

The third article of this agreement provided that the sum of \$342,778.37 be paid the Indians, as " being the amount * * * due certain members * * * who served in the armies of the United States against their own people " in the war of 1862, " and of which they had been wrongfully and unjustly deprived " by the act of February 16, 1863.‡ It was further agreed to pay

* This was also the object of the act of February 28, 1891, which amended the General Allotment Act so as to provide for the same allotment of land to each member of the tribe, regardless of his age or status.

† U. S. Statutes at Large, XXVI, 1036.

‡ See U. S. Statutes at Large, XII, 652. This act annulled the treaties made with these bands and thus deprived them of their annuities. The sum of \$342,778.37 granted these Indians was " at the rate of \$18,400 per annum from July 1, 1862, to July 1, 1888, less their *pro rata* share of the sum of \$616,086.52 heretofore appropriated for the benefit of said Sisseton and Wahpeton bands."

them the sum of \$18,400 annually from July 1, 1888, to July 1, 1901, the latter being the date at which the annuities of the treaty of 1851 were to cease.

It has been said that since this reservation was thrown open to white settlers the Indians have deteriorated. But the time has been too brief to justify such a positive statement. It may be that the necessity of adjusting themselves to a new environment has temporarily retarded their progress. But it was an adjustment which had to take place sooner or later, and, once made, progress will begin again, and will continue more steadily and rapidly than before.

Allotment at Devil's lake was slower than at Lake Traverse, but in 1893 nearly all the Indians were living upon and cultivating land in severalty ; the residue was held in common. The Devil's Lake Indians had had some trouble about their boundary line as established by the fourth article of the treaty of February 19, 1867. The line was run in 1875, and its correctness was not questioned until 1883, when it was discovered that it deprived them of about sixty-four thousand acres of land which was lawfully theirs. By this time a large number of whites, believing the land a part of the public domain, had settled upon it. It was plain that these could not be removed, but it was equally plain that the Indians ought to be compensated. No action was taken, however, until June 30, 1892, when Congress enacted that these bands be paid for the sixty-four thousand acres at the rate of one dollar and twenty-five cents per acre ; " this amount to be expended under the direction of the Secretary of the Interior in the purchase of stock and agricultural implements, and in promoting the comfort and improve-

ment of said Indians,"* eighty thousand dollars to be immediately available.

The last reports† of the Devil's Lake Indians have not been so encouraging as those of former years. The relapse, however, may have been only temporary. This certainly is to be hoped, for these Indians will soon have to look to themselves for support. Except for the unallotted lands on their reservation, they have nothing from which they can obtain any revenue, and they cannot depend upon the bounty of the Government. But, if we may judge the future by the past, the outlook is hopeful rather than otherwise. During the seventies and eighties these Indians made comparatively rapid progress, evincing considerable capacity in taking on the habits and customs of civilized man. The testimony of these years must incline us to hope that ultimately the Devil's Lake Indians will take their place as intelligent and self-supporting Indians.

* U. S. Statutes at Large, XXVI, 1010.

† See Report of the Commissioner of Indian Affairs for 1893, pp. 228-30; *ibid.* for 1894, pp. 216-18.

CHAPTER IV.

THE SIOUX OF THE PLAINS FROM 1850 TO 1893.

IN 1850 the Sioux of the Plains comprised that part of the great Sioux family roaming over the country of the Missouri and Upper Platte rivers. They were a wild but brave people, wholly dependent upon the chase for subsistence, and as yet not bound to the United States by treaty relations. It was, of course, impossible to obtain an accurate knowledge of their number, but the Commissioner of Indian Affairs for 1853-4 estimated it to be nearly sixteen thousand—the Brulé band containing about one hundred and fifty lodges, the Yankton three hundred and seventy-five, the Yanktonnais four hundred and fifty, the Blackfeet one hundred and fifty, the Uncpapa two hundred and eighty, the Sans Arc one hundred and sixty, and the Minneconjou two hundred and twenty-five.*

Previous to 1850 these Sioux had had little intercourse with the whites. Living remote from our frontiers, their wild mode of life had been uninterrupted and uninfluenced by civilization. But the rapid territorial growth of the United States between 1840 and 1850 and the consequent immigration changed their status, together with that of the other wilder tribes.

The causes which stimulated western immigration have already been discussed in Chapter I. Right of transit

* For the general location of these bands, see Report of Commissioner of Indian Affairs for 1853-4, p. 353 : Sen. Doc., 33d Cong., 1st Sess., I.

through the Indian country was absolutely necessary to the immigrants, whose number had increased one hundred-fold since the discovery of gold in California in 1848; and February 17, 1851, a treaty was made at Fort Laramie with eight tribes, of which the Sioux were one.* The United States obtained from these Indians permission to establish roads and military posts on their territory, and in return promised to protect them from the depredations of the whites, and to pay them in goods annually for fifty years the sum of fifty thousand dollars, to be distributed among them in proportion to their population. In this same treaty boundaries between the various tribes were established, and the Indians promised to refrain from hostilities against each other. The Senate amended the treaty, limiting the annuity to ten years and giving the President discretionary power to continue it five years longer. This amendment was subsequently ratified by all † save the Crows. But since the United States was dealing with the tribes jointly and not severally, the failure of the Crows to sign made the ratification invalid and the amended treaty of no effect. ‡ Despite this fact, the Government ordered the annuities to be stopped promptly at the end of fifteen years, and this was one of the main causes of the war of 1866.

* The other tribes were the Cheyenne, Arapahoe, Crow, Assinaboin, Gros Ventre, Mandan, and Arickaree.

† Only four of the six Sioux chiefs who signed the treaty signed the amendment. Possibly this would have impaired its validity for them, even supposing it had been valid in all other respects.

‡ For this reason the treaty is not to be found in any of our public statutes. I was able to obtain a copy of it only through the Secretary of State.

Considering the fact that these Indians were dependent upon the chase for subsistence, and that game rapidly decreased in consequence of the steady stream of immigration, the annuity was miserably small. Many of the Sioux eked out a living with roots, herbs, and berries ; some really suffered from starvation. In addition to this, the Indians were stricken with smallpox, measles, and cholera, diseases which they claimed, and with some reason, had been introduced among them by the immigrants.

Despite their sad plight, the Sioux essentially kept the treaty of 1851, until the annihilation of Lieutenant Grattan's command in 1854 ; and the circumstances which led to this unfortunate affair were such as to exonerate them from blame. On August 18 of that year a company of Mormon emigrants passed an encampment of Brulé, Ogallala, and Minneconjou Indians waiting near Fort Laramie for their annuities. A cow belonging to one of the emigrants strayed into the Indian village and was there killed by a Minneconjou, who then took refuge with the Brulés. The Bear, chief of the Brulés, went to Fort Laramie, reported the circumstances and advised that troops be sent to demand the culprit. Accordingly, the next day, August 19, Lieutenant Grattan, with a party of twenty-nine men, went to the Indian camp. But the Bear either could not or would not deliver up the offender. Several circumstances unite to give weight to the former supposition. First, it is not probable that the Bear would have gone to Fort Laramie and advised that a detachment of troops be sent to demand the offender, if he had not intended to use such power as he had to influence his camp to deliver up the

Indian. Second, the chiefs of these western tribes had very little authority, and that which the Bear had was counteracted by the conduct of Lieutenant Grattan's drunken interpreter, whose brutal language incensed the Indians. However that may be, the culprit was not delivered up, and Lieutenant Grattan and his party, armed and taking with them a twelve-pounder and a mountain howitzer, made their way into the village and attempted to take him by force. There they were surrounded and killed to a man.* Immediately afterwards the Indians went to the warehouse near by and took from it their annuity goods.†

The Sioux tribes did not regard this massacre as a signal for a general uprising. As a whole they remained quiet and peaceable as before. But a few bands, led by the wilder and younger braves, committed some depredations and made raids upon neighboring tribes; and one of them, Wasagahas' band, murdered a United States mail party in November, 1854. These troubles were greatly exaggerated, and General Harney with three regiments was dispatched to put an end to the "Sioux War." The North Platte was declared the boundary be-

*The above account has been taken from the Reports of the Commissioner of Indian Affairs and Reports from the Department of the West: Ex. Docs., 33rd Cong., 2nd Sess., Vol. I, Pt. II, No. I, pp. 38-40.

† The Commissioner of Indians affairs, in commenting upon this unhappy event, says: "The Mormons should, under the provisions of the 'intercourse act,' have applied to the agent, who was in the vicinity, for redress, and he could, under the law, have paid, out of the annuities, for the property taken; but no officer of the military department was, in my opinion, authorized to arrest or try the Indian for the offense charged against him." Report of the Commissioner of Indian Affairs for 1854-5. Sen. Doc., 33d Cong., 2nd Sess., I, 224.

tween the hostile and friendly Indians, and all, except those of the Brulé band, who had been implicated in the United States mail murder and those who had committed depredations upon the whites were ordered to cross to the south side of the river. For some reason Little Thunder and his band of Brulé Sioux* remained on the north side, encamped on Blue Water creek. Here they were attacked by General Harney, September 3, 1855. Eighty-six Indians were killed, five wounded, seventy women and children captured, fifty mules and ponies taken, and an indefinite number killed and disabled. This Battle of the Blue Water was the only one of moment in the so-called Sioux War of 1855.†

The next year, at a council held during the first five days of March, an attempt was made to adjust the difficulties between the United States and the Sioux. The records of this council portray most admirably the temper of the Indians there represented: "The Two Kettle, Lower Yanctons, Uncpapas, Blackfeet Sioux, Minneconjous, Sans Arc, Yanctonnais, two bands, and Brulés of the Platte."‡ The chiefs sincerely deprecated the wrongs which had been committed by their people, and deeply desired

* There seems to be some question as to whether these Indians had anything to do with the Grattan massacre. General Harney says he found in their possession remnants of clothing, etc., carried off by the Indians on that occasion, and that would seem to implicate them. On the other hand, the agent, Thomas S. Twiss, invited them to cross to the South Platte, although he had forbidden the Grattan murderers to do so. See Ex. Docs., 34th Cong., 1st Sess., Vol. I, Pt. II, p. 51; *ibid.*, Pt. I, 401.

† For an account of the battle in General Harney's own words, see Ex. Docs., 34th Cong., 1st Sess., Vol. I, Pt. 2, pp. 49-51.

‡ *Ibid.*, Vol. XII, No. 130, p. 6.

peace. The attitude of General Harney was admirable. Throughout the council he impressed the Indians with the idea that the United States was all powerful and would insist upon the strictest adherence to treaty rights ; and that every infringement of these would be surely punished. Finally, he submitted to them a treaty which was signed by the nine bands named above, and later by the Ogallalas, who had not been represented at this council. The Indians, on their part, promised to deliver up to the nearest military post all who had "committed murders or other outrages upon white persons"* and all stolen property. The chiefs were to be responsible for the good conduct of their bands, and, if not able to control them, were to report the fact to the nearest military post. The Indians were not to molest, but, on the contrary, to protect travelers through their country. Sioux war parties were not to go down to the Pawnee country. Trade in horses and mules was to be stopped because it encouraged young men to steal. The Indians were advised "to raise stock and to cultivate the soil."†

The United States, on its part, engaged to protect the Sioux from impositions by the whites ; to restore the annuities, and to set at liberty all Indian prisoners "not implicated in any murder, robbery, or other high crime against our people." These were the terms of the treaty, but the Indians laid quite as much stress upon the suggestions and promises of General Harney, which did not receive treaty sanction. What these were may be most clearly seen from his own words :

"Certain chiefs were recognized by the nation, others

* Ex. Docs., 34th Cong., 1st Sess., Vol. XII, No. 130, p. 6.

† Ex. Docs., 34th Cong., 1st Sess., Vol. XII, No. 130, pp. 6-7.

by the military, others again by the agents, and the traders, for their own purposes, have most unwarrantably given medals and appointed chiefs. These conflicting interests necessarily weakened the authority of all these chiefs, and to correct this evil I most respectfully request that the President will direct and order that hereafter none other chiefs of the Sioux but those selected in the late council, under the conditions there agreed upon, be recognized by either the War or Interior Departments. This unity of action will greatly tend to promote the influence of the Government over these people. That the organization of the Sioux may be more complete, I proposed to the chiefs to have a certain number of soldiers in each band to assist them to carry out my views. They have each given in the number which they deemed sufficient for that purpose in each band, and I recommend that these soldiers be regularly named, and receive from the Government a dress or uniform by which they will be known ; and that for the time they may be doing duty under their chiefs in their villages they will receive their rations. The expense would be trifling, and their young men would be stimulated and encouraged to seek these positions. The dress should be durable and gaudy, particularly the head-dress (they are fond of feathers). The uniform of the different bands should be different, and the same should have place in the different grades of chief, sub-chief, etc. By gradually causing the interests of a portion of the nation to depend upon the wishes of the Government, the remainder will be easily controlled.”*

* Ex. Docs., 34th Cong., 1st Sess., Vol. XII, No. 130, p. 3.

In his council* with these Indians General Harney recognized certain chiefs as the only head chiefs of their respective bands, and stipulated the number of soldiers each chief was to have. He also forwarded to the President an estimate of the amount necessary to fulfill the agreements made with the Indians, the amount being sixty-two thousand dollars.

Although General Harney was authorized by the President to make the treaty, it does not appear that it was ever looked upon as legal. It was never published in the statutes, and neither party strictly adhered to it. The plan proposed to remedy the inability of the chiefs to restrain their young braves received little encouragement, and soon died a natural death. It is to be regretted that the plan was not carried out, for it struck to the root of the trouble and might have furnished a remedy. As it was, neither the Harney campaign nor the so-called "Harney treaty" met with a definite result.

The next few years were uneventful. There were raids and depredations upon the whites, but none of serious magnitude. With the exception of several small bands of Santees on the Minnesota river who did not receive annuities, there were no actively hostile Sioux. Still, the security for continued peace was not strong. The treaty of Fort Laramie in 1851 had been made by a meagre representation of the tribes, and not all of the Missouri Sioux felt themselves bound by it; and those who did not were the most warlike and independent of their people. They resented the encroachments of the whites upon their territory and desired to have absolute-

* For the minutes of this council, see *ibid.*, No. 130.

ly nothing to do with the Government. They insisted, moreover, that those who had signed this treaty should repudiate their obligations and refuse to receive annuities.

On the other hand, those who had signed the Fort Laramie treaty were at the mercy of this hostile element. They repeatedly begged the Government to aid them, but no attention was paid to their request. Still they continued loyal until 1862. When, in May of that year, the agent arrived at Fort Pierre with their annuity goods, they held a consultation and then, once more, explained their position. They said: "That General Harney, at Pierre, in 1856, had promised them aid; that they were greatly in the minority; that that portion of their people opposed to the Government were more hostile than ever before; that they had, year after year, been promised the fulfillment of this pledge, but since none had come they must now break off their friendly relations with the Government and rejoin their respective bands, as they could hold out no longer; that their lives and property were threatened in case they accepted any more goods from the Government; that the small amount of annuities given them did not give satisfaction; it created discord rather than harmony, nor would it justify them to come in so far to receive them; that they had been friends to the Government and to all white men; had lived up to their pledges made at Laramie in 1857, as far as it was possible under the circumstances, and still wished to do so, but must henceforth be excused unless their Great Father would aid them."*

* Report of Samuel N. Latta, United States agent, Upper Missouri: Report of Commissioner of Indian Affairs for 1862-3, 37th Cong., 3rd

Meanwhile the travel of the whites through the Indian country westward continued. Many of them committed depredations, and, despite the guarantee* of the United States to the Indians in the treaty of 1851, were left unpunished. It is, therefore, not surprising that the fall of 1862 found many of the Missouri Sioux actively hostile. When they were joined by the Santee† fugitives of Minnesota, the Government had upon its hands a war of no mean proportions. The number of the hostiles rapidly increased. There being no military posts on the Upper Missouri to protect the friendly Indians, they were obliged in self-defense to take up arms. In 1864 war broke out with the Cheyennes and Arapahoes. More United States troops were sent, but the difficulty of "conquering a peace" seemed as great as ever. Finally a Commission‡ was appointed by the President to treat with the bands of the Upper Missouri. The first council was held at Fort Sully, October 6, 1865, with the chiefs

Sess., II, p. 336. The fear of the Indians was justified. Bear's Rib, chief of the Uncpapas, was killed by the Sans Arcs for allowing his band to accept annuities. Report of the Commissioner of Indian Affairs for 1862-3: Report of the Secretary of the Interior, 37th Cong., 3d Sess., Vol. II, 184-5.

* The third article of this treaty read as follows: "The United States bind themselves to protect the aforesaid Indian nations against the commission of all depredations by the people of the said United States, after the ratification of this treaty." Copy of treaty obtained from the Secretary of the Interior.

† Another name for the Sioux of the Mississippi. From 1860 on they are often called the Santee Sioux.

‡ The members of this Commission were Newton Edmun, Edward B. Taylor, Major-General S. R. Curtis, Brigadier-General H. H. Sibley, Henry W. Reed, and Orrin Guernsey.

and head men of the Minneconjou, and on the tenth a treaty* was made with them.

Article I provided that the Minneconjou acknowledge the jurisdiction and authority of the United States, bind themselves to cease all hostilities against it, and use their influence to prevent other Sioux bands or adjacent tribes from making hostile demonstrations.

Article II provided that the Minneconjou "discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them."

Article III provided that "all controversies or differences arising between the Minneconjou band of Dakotas or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, * * * be submitted to the arbitrament of the President, or * * * persons designated by him, and the decision or award faithfully observed by the said band represented in council."

Article IV provided that the Indians withdraw "from the routes overland already established, or hereafter to be established through their country"; and that the United States pay to them the sum of ten thousand dollars annually for twenty years in such articles as the Secretary of the Interior might direct.

Article V provided that any individual locating permanently on lands belonging to their band be protected therein "against any annoyance or molestation on the part of whites or Indians."

Article VI provided that any amendment made by the

* U. S. Statutes at Large, XIV, 695-6.

Senate be binding upon the band without its ratification.*

Treaties embracing the same articles, but differing in the amount of the annuity promised each band,† were made during the same month of October with the Blackfeet,‡ the Lower Brulé, the Ogallala, the Uncpapa, the Sans Arc, the Two Kettle, the Yanktonnais, and the Upper Yanktonnais Sioux.§ Those with the last six bands embraced an additional article which provided, in the words of the treaty, “that whenever twenty lodges or families of the — band shall have located on land for agricultural purposes, * * * they, as well as other families so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements ; and when one

* This is interesting as showing how completely the theory and practice of the United States were at variance. These Indians were theoretically regarded as nations, but a treaty with a nation would not have contained such an article as this.

† The Blackfeet were promised \$7,000 annually for twenty years.

The Lower Brulés were promised \$6,000 annually for twenty years.

The Ogallalas were promised \$10,000 annually for twenty years.

The Uncpapas were promised \$30 for each family annually for twenty years.

The Sans Arcs were promised \$30 for each family annually for twenty years.

The Two Kettles were promised \$6,000 annually for twenty years.

The Yanktonnais were promised \$30 for each family annually for twenty years.

The Upper Yanktonnais were promised \$10,000 annually for twenty years.

‡ The treaty with the Blackfeet did not contain Article V.

§ These treaties are to be found in the U. S. Statutes at Large, XIV, see Index.

hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the Government, as also teachers, at the option of the Secretary of the Interior."*

The treaty with the Lower Brulé Sioux provided for locating the band upon a permanent reservation "at or near the mouth of the White river," and promised them Government assistance only when fifty families should engage in agriculture.†

The above treaties are an excellent indication of the temper of the Indians at this time. Had the United States felt that its hold upon the Sioux was firm, it would have insisted, to a greater or less degree, upon the essential features of its civilization policy, namely : that the Indians abandon their nomadic life, settle upon permanent reservations, and apply themselves to agriculture. But the Commissioners realized that they entertained no really amicable feeling toward the Government. "At each council complaints were preferred of ill treatment or fraudulent practices by Indian agents, traders, and other white men, and all appeared to regard a restoration of kind relations with the United States in the light of interest or profit to themselves, and not inspired by more humane or generous sentiments."‡ The attitude of all the Missouri Sioux was exemplified by that of the Minneconjou, of whom the Commissioners

* *Ibid.*, 748.

† U. S. Statutes at Large, XIV, 700.

‡ Report of Commission to treat with the Sioux of the Upper Missouri : Report of the Secretary of the Interior, 39th Cong., 1st Sess., 724.

said: "It was deemed useless, as well as impolitic, to make any attempt to enforce conditions upon this wild, nomadic band, having reference to a future location for purposes of agriculture and other labor. The mere mention of a possibility that its members would be compelled eventually to conform to the wishes of the Government in that respect, and thereby consult their own permanent interests, was received with unmistakable tokens of dissent, and the Commission therefore declined to press the point, lest it might endanger the success of the more important object, that of securing * * * peace."*

The treaties of October, 1865, brought about a cessation of hostilities.† During that winter the Indians suffered intensely from cold and hunger, but, notwithstanding the temptation to plunder in order to obtain the necessaries of life, they kept the peace. The summer of 1866, however, found them again in arms. The occasion was this: In the Fort Laramie treaty of 1851 the Indians had conceded to the Government the right "to establish roads, military and other posts within their respective territories" ;‡ and the Sioux in their treaties of 1865 had confirmed this concession when they agreed "to withdraw from the routes overland already established or hereafter to be established through their country."§ The same treaty of 1851 had established definite boundary lines be-

* Report of the Commission to treat with the Sioux of the Upper Missouri: Report of the Secretary of the Interior, 39th Cong., 1st Sess., 722.

† The Minnesota refugees of 1862 and a few other Sioux who had made themselves notorious by murders and depredations upon the whites were still actively hostile but were few in number.

‡ Fort Laramie treaty of 1851: Copy obtained from the Secretary of the Interior.

§ U. S. Statutes at Large, XIV, 700.

tween the various tribes. The Sioux country included the Black Hills and the Powder River valley, the latter prized by the Indians as an especially rich hunting ground.

Meanwhile gold had been discovered in Montana, and in 1866, the War of the Rebellion being over, immigration began to this Territory. Many of the immigrants went by way of the Powder River valley, and the Indians seriously objected to this use of their favorite hunting ground, as being sure to result in a rapid decrease of game. Nevertheless, in March of 1866 General Pope ordered that military posts be established on this route, and a few months later troops were sent to Forts Phillip Kearney, McPherson, and Reno. The wilder and more independent Sioux were at once aroused, and sent word to the Government that they would not allow the passage of immigrants through the Powder River country nor the establishment of military posts there. The fact that the Government had this same year stopped their annuities due under the treaty of 1851 gave them a pretext for taking up arms. They acknowledged that in that treaty they had granted the United States the right to establish roads and military posts, but they claimed that the United States had lost this right when it ordered their annuities to be discontinued at the end of fifteen instead of fifty years.* Still they would probably have taken no action if the Powder River valley had been left intact. Immigration through this country meant a loss of the means of support, and this they regarded as a sufficient justification for war.

* See above, page 96.

The temper of the Sioux had been clearly indicated in the councils at which the treaties of 1865 were made. They had then so strongly expressed their objection to roads through the Powder River valley that the Commissioners had felt called upon to assure them that such roads would probably not be made in the near future. This was unfortunate, for the Indians had demonstrated again and again that they laid as much stress upon spoken as upon written words. It was unfortunate also that the Government persistently closed its eyes to the true state of the case.

Hostilities began in July of 1866, and December 21 Lieutenant Fetterman's party was killed to a man at Fort Phillip Kearney. July 20, 1867, Congress authorized the President to appoint a Commission* to treat with the Indians. This Commission met some of the Sioux at Fort Laramie in the fall of 1867, but Red Cloud refused to be present unless he were assured that the military garrisons in the Powder River valley should be withdrawn. Since he was the leading chief of the hostiles, nothing was accomplished. During the following winter, however, there were no hostilities, and April 29, 1868,† a treaty was negotiated with the Brulé, Ogallala, Minneconjou, Yanktonnais, Uncpapa, Blackfeet, Cuthead, Two Kettle, Sans Arc, and Santee bands of Sioux.

Article II provided that a certain district in Dakota be "set apart for the absolute * * use * * of the Indians herein named, and for such other friendly tribes

* The instructions to this Commission are indicative of the governmental policy. See U. S. Statutes at Large, XV, 17.

† U. S. Statutes at Large, XV, 635-40. Ratification advised February 16, 1869 ; proclaimed February 24, 1869.

or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them,"* and for the exclusion from the reservation of all except duly authorized persons. In this same article the Indians relinquished all claim to any territory in the United States except that to which their right was acknowledged in this treaty.

Article IV provided for the construction of certain buildings.†

Article VI gave to each head of a family the right to select three hundred and twenty acres, and each member of the tribe over eighteen years of age eighty acres, to be the exclusive possession of the person occupying it so long as he should continue to cultivate it. This same article empowered the "United States to pass such laws on the subject of alienation and descent of property between the Indians and their descendants" as might be thought proper. It further stipulated that any male Indian over eighteen years of age and party to this treaty, who should settle upon land outside of this reservation and open to Indian occupation, occupy the same for three consecutive years, and make improvements thereon to the value of two hundred dollars, should receive a patent for one hundred and sixty acres and become a citizen of the United States.

Article VII provided for the compulsory education of all children between the ages of six and sixteen years,

* U. S. Statutes at Large, XV, 636.

† Such as a warehouse, a storeroom, an agency building, a residence for the physician, and "five other buildings for a carpenter, farmer, blacksmith, miller, and engineer," also a schoolhouse so soon as a sufficient number of children could be induced to attend school. U. S. Statutes at Large, XV, 636.

and for the erection of a schoolhouse and the employment of a teacher for every thirty of such children.

Article VIII provided that "seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year * * * for a period of three years more, * * * not exceeding in value twenty-five dollars,"* should be given to each head of a family who should select land and satisfy the agent that he meant to cultivate it; also that such persons should be instructed by a farmer and receive a second blacksmith when more than one hundred should have begun the cultivation of the soil.

Article X provided for the distribution of certain goods in lieu of annuities under previously existing treaties, for the annual appropriation of ten dollars for each person who should continue to roam and hunt, and twenty dollars for each person who should engage in farming, to be paid in goods; and for the distribution of certain other goods.†

* U. S. Statutes at Large, XV, 638.

† "And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. * * *

"And it is further expressly stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation." U. S. Statutes at Large, XV, 639.

Article XI provided that the tribes party to this agreement "relinquish all right to occupy permanently the territory outside their reservation, * * but yet reserve the right to hunt on any lands north of North Platte and on the Republican Fork of Smoky Hill river so long as the buffalo may range thereon in such numbers as to justify the chase."* The Indians further agreed :

(1) To "withdraw all opposition to the construction of the railroads * * being built on the plains."

(2) To "permit the peaceful construction of any railroad not passing over their reservation."

(3) Not to "attack any persons at home or traveling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States or to persons friendly therewith."

(4) Not to "capture or carry off from the settlements white women or children."

(5) Not to "kill or scalp white men, nor attempt to do them harm."

(6) To "withdraw all pretense of opposition to the construction of the railroad * * being built along the Platte river and westward to the Pacific ocean, and * * not in future" to "object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States," a just indemnity to be paid for those built on the reservation.†

* U. S. Statutes at Large, XV, 639.

† "But should such roads or other works be constructed on the lands of their reservation, the Government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners, to be appointed by the President for that purpose, one of said commissioners to be a chief or head man of the tribe." U. S. Statutes at Large, XV, 639.

(7) To "withdraw all opposition to the military posts or roads * * established south of the North Platte river, or" to "be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes."

Article XII provided that no treaty for the cession of any portion of the reservation held in common should be valid "unless signed by three-fourths of the adult male population ; and that no cession of the tribe * * be * * construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in Article VI of this treaty."

Article XVI provided "that the country north of the North Platte river and east of the summits of the Big Horn mountains * * be * * considered * * unceded Indian territory ; and * * that no white person * * be permitted to * * occupy any portion of the same or, without the consent of the Indians, * * to pass through the same ; and * * that within ninety days after the conclusion of peace with all the bands of the Sioux nation, the military posts* * * established in the territory in this article named * * be abandoned and that the road leading to them and by them to the settlements in * * Montana * * be closed."†.

Article XVII provided "that the execution of this treaty * * be construed as * * annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agree-

* Forts Phillip Kearney, McPherson, and Reno.

† U. S. Statutes at Large, XV, 640.

ments obligate the United States to furnish * * money, clothing, or articles of property to such Indians * * as become parties to this treaty, but no farther."*

This treaty marked a decided advance on the part of the Missouri Sioux. It was their first step from a wandering to a settled life. Each individual might still elect whether he would be a nomad or a farmer, but special inducements were offered him to be the latter. The United States had judged it impracticable to place the restraints of an agricultural life upon the nation as a whole, without consulting individual preferences. There was need of a gradual transition from barbarism to civilization. Thus even those who should choose to apply themselves to agriculture were not wholly debarred from the pleasures of the chase. The right to hunt on the

* U. S. Statutes at Large, XV, 640.

The articles of this treaty not mentioned in the text were as follows:

Article I provided that peace be maintained, and that offenses against the Indians on the part of the whites and *vice versa* be punished.

Article III provided that additional arable land be set apart in case the reservation should not contain enough to allow each authorized person one hundred and sixty acres of land.

Article V provided that the agent reside among the Indians under his charge and investigate all causes of complaint.

Article IX gave the United States the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller after ten years, but bound it, in case of such withdrawal, to pay the Indians an additional sum of ten thousand dollars annually, to be devoted to educational purposes.

Article XIII provided that physicians, teachers, carpenter, miller, engineer, farmer, and blacksmiths be furnished the Indians.

Article XIV provided that five hundred dollars annually for three years from date be expended in presents and distributed to the ten persons who should grow the most valuable crops.

Article XV bound the Indians to consider the agency their home and to make no permanent settlement elsewhere. U. S. Statutes at Large, XV, 635-40.

North Platte and Republican Fork was guaranteed to all, and it is to be presumed that farmer Indians, when not needed at home, might avail themselves of it. On the other hand, the effort to push civilization was apparent in the educational and land-in-severalty clauses, as also in the provision to confer citizenship upon certain Indians who should conform to specified conditions. But the essential element to the civilization of the Sioux was either overlooked or neglected, the reservation assigned to them being largely barren and subject to drought and the blight of the grasshopper. This attempt to force an agricultural life upon barbarians, under circumstances that would have discouraged civilized men, promised little success.

A few of the wilder bands of Sioux were not party to the treaty of 1868. They did not wish to enter into relations with the United States Government because they felt that such action would result in an abridgement of their freedom. These bands, and most notably that of Sitting Bull, formed the nucleus of the hostiles in the war of 1876.

About two-thirds of the treaty Indians settled upon, or at least kept within the limits of, the reservation assigned to them. The remaining third, principally under the leadership of Red Cloud, continued to roam in the region of the Powder River and Big Horn valleys. That they committed some depredations is undoubted, but these were certainly not grave enough to justify General Sheridan's military order of June 29, 1869. It read as follows: "All Indians when on their proper reservations are under the exclusive control and jurisdiction of their agents; * * * outside the well-defined limits of

their reservations they are under the original and exclusive jurisdiction of the military authority, and as a rule will be considered hostile."* This order, although in direct violation of the treaty of 1868, continued in force until December, 1876, and under it Indians exercising the right of chase legally accorded them were again and again hunted down.

The Sioux manifested much uneasiness during the winter of 1869-70. They very much objected to the building of the Northern Pacific Railroad, and did not seem to realize that they had granted this privilege to the United States in Article XI of their late treaty. Moreover, there were rumors abroad that a party was being formed ostensibly to visit the Big Horn mountains, but in reality to explore the Black Hills.† The *Chicago Times* stated that this party would comprise about two thousand men and would be accompanied by three hundred United States soldiers.‡ The Indians were greatly

* Report of the Sioux Commission of 1876 : Report of the Commissioner of Indian Affairs for 1876, p. 340.

† These were within the Sioux reservation.

‡ "Colonel Luke Morrin, Mayor of Cheyenne, is in this city, organizing an expedition to start from Omaha and Cheyenne about the middle of April, to explore the Big Horn country, three hundred miles north of Cheyenne. This region of territory is known to be rich in mineral and agricultural resources, particularly in gold quartz. The climate is good; the country is traversed by large rivers; is well watered, and for farming purposes is unequalled. The object of the expedition is to drive out the Indians and bring the soil under the control of those who will develop its latent treasures. The expedition will comprise about two thousand young men, accompanied by a military escort of three hundred soldiers to be furnished by the Government. All the members of the expedition will be armed and under the control of a military commander, to be chosen by themselves." Extract from *Chicago Times*, February 8, 1870: Sen. Docs., 41st Cong., 2nd Sess., Vol. II, No. 89, p. 2.

excited by these rumors, but Government forbade the expedition and no serious harm resulted. Shortly afterwards Red Cloud, together with fourteen other chiefs, visited Washington,* and was so won by his reception there that he returned home a staunch friend of the whites. From this time on he exerted his influence for peace and brought many of the wilder Sioux into closer connection with the United States, though it cannot be said that he ever voluntarily advanced the cause of civilization.

During the next few years matters went on smoothly enough. It is true that whites invaded the Indian country for prospecting and other purposes, and that there were conflicts between them and the Indians, but there was no serious trouble. In 1874 the excitement was greatly increased by a military reconnoitering expedition under General Custer, which had for its object the exploration of the Black Hills. Gold was found and miners immediately rushed in. The military made a show of keeping out these unlawful intruders, but it was plain that their sympathy was with them. The Commissioner of Indian Affairs for 1875 wrote that soldiers were to be found in every part of the Sioux reservation, and that thousands of miners and "pilgrims" were "swarming over the Sioux country and digging into their sacred hills for gold." He was able to add that there "had been no fighting under all this provocation, which five years" before "would have brought ten thousand paint-

* For an account of Red Cloud's visit, with extracts from the daily papers, see Report of Board of Indian Commissioners for 1870, pp. 33-51.

ed savages into the field for a war which would not have cost less than fifty millions."*

June, 1875, the Indians of Spotted Tail and Red Cloud agencies† sold their hunting rights to land in Nebraska, except a small portion on the Niobrara river, receiving twenty-five thousand dollars therefor.

In this same month of June a Commission was appointed to treat with the Sioux for the cession of the Black Hills and the Big Horn country, and three months later the Commission held a council with them. It was found impossible, however, to come to terms; the Indians demanding more than the Commissioners felt authorized to pay.‡ That the Sioux entertained an exaggerated notion as to the value of these hills to the United States, is doubtless true. Their imaginations had been worked upon by the rapid influx of eager miners. But it is also true that the hills were of inestimable worth to them. The region would have best answered their paramount needs in entering upon their new life. It was the finest part of their reservation and naturally adapted to agriculture and herding. The fact that the Indians probably did not realize this had no bearing upon the question of a just equivalent for the cession. The Commis-

* Report of Commissioner of Indian Affairs for 1875, p. 29.

† For the agreement between these Indians and the United States, see Report of the Commissioner of Indian Affairs for 1875, p. 179. Commissioners had been appointed in 1873 and in 1874 for the same purpose, but their negotiations had been unsuccessful. The Indians of the other agencies were tolerably well settled down and had little practical interest in these hunting grounds. Hence it was not deemed necessary to make an agreement with them for the relinquishment of their right.

‡ For the report of the Commission, see Report of the Commissioner of Indian Affairs for 1875, pp. 184-200.

sion, however, did not regard the matter in this light, and advised Congress to take such steps as should force compliance with its demands.

There were at this time a number of Sioux roaming over Western Dakota and Eastern Montana under the leadership of Sitting Bull and other chiefs of less note. These Indians had no treaty relations with the United States Government and desired none. They had strenuously objected to the building of the Northern Pacific Railroad through their hunting grounds, but had committed no organized act of hostility. They had, however, been guilty of various depredations and were regarded as generally unfriendly to the United States. November 9, 1875, E. C. Watkins, United States Indian Inspector, addressed certain complaints against them to the Commissioner of Indian Affairs. After speaking of their defiance of law and authority, he stated that they numbered only a few hundred warriors and advised that troops be sent against them to "whip them into subjection."* On November 27 this letter was transmitted by the Commissioner of Indian Affairs to the Secretary of the Interior,† and two days later by the latter to the Secretary of War.‡ December 3 the Secretary of the Interior sent word to the Secretary of War that he had notified the "Indians that they must remove to a reservation before the 31st day of January next," and that if they neglected to do so they would be regard-

* For the letter of E. C. Watkins, United States Indian Inspector, to Hon. E. P. Smith, Commissioner of Indian Affairs, see Ex. Docs., 44th Cong., 1st Sess., Vol. XIV, No. 184, pp. 8-9.

† Ex Docs., 44th Cong., 1st Sess., Vol. XIV, No. 184, p. 7.

‡ *Ibid.*, 10.

ed as hostile and a military force "be sent against them to compel them to obey the orders of the Indian office."*

A large number of Indians were at this time absent from the reservation, insufficient appropriations having compelled many to resort to the chase for subsistence. The same cause had induced a few to join Sitting Bull. It was midwinter, and most of these were a long distance from home. The Sioux Commission of 1876, appointed to purchase the Black Hills, stated in their report that it did "not appear that any one of the messengers sent out by the agents was able to return to his agency by the time which had been fixed for the return of the Indians."† It is certain that the messenger sent from Cheyenne river was unable to get back before February 11;‡ and he reported that the Indians received the warning in good spirit and without any exhibition of ill feeling. They answered that they were hunting buffalo and could not immediately return, but would visit the agency early in spring. Other runners also brought information of the friendly disposition of the Indians.§

The state of the case, then, was this: An order was issued commanding all Sioux Indians off their reservations to return by January 31, 1876.¶ Not sufficient

* *Ibid.*, 10.

† Report of the Sioux Commission: Report of the Commissioner of Indian Affairs for 1876, p. 342.

‡ See letter of H. W. Bingham, United States Indian Agent, to Hon. J. Q. Smith, Commissioner of Indian Affairs: Ex. Docs., 44 Cong., 1st Sess., Vol. XIV, p. 26.

§ *Ibid.*, 22.

¶ See Letter of Z. Chandler, Secretary of the Interior, to the Hon. Secretary of War: Ex. Doc., 44th Cong., 1st Sess., Vol. XIV, No. 184, p. 10.

time was allowed the Indians to comply with this order, and promptly on February 1 they were turned over to the War Department.*

The campaign was immediately begun, the first action of importance being the destruction of the village of Crazy Horse made up of friendly "Indians who had separated from Sitting Bull and were on their return to their several agencies."† After this attack inclement weather forced the troops to return to Fort Fetterman, where they remained until May. They then took the field again. June 25 occurred the Battle of the Little Big Horn, which resulted in the complete annihilation of General Custer's five companies. The loss of the Indians has been variously estimated as from forty to one hundred.

Meanwhile Congress had taken action upon the report of the Black Hills Sioux Commission, and, whether upon the spur of its recommendation or not, had passed an act‡

* See Letter of Z. Chandler, Secretary of the Interior, to the Hon. Secretary of War: *Ibid.*, 17-18.

† Letter from General H. H. Sibley: Eighth Annual Report Board of Indian Commissioners, 21. Rev. Thos. S. Williamson also makes this statement, quoting as his authority Dr. J. W. Daniels, Indian Agent and Inspector, and one of the Commissioners of 1876 who obtained the cession of the Black Hills: *Minn. Hist. Colls.*, III, 291.

In his report for 1877, p. 15, the Commissioner of Indian Affairs speaks of this camp as hostile, but, since he refers us to the report of the Secretary of War for a detailed account of the campaign, it is to be presumed that he obtained his information from this source. The Secretary of War based his report upon the documents and reports of the generals and their subordinates; and a careful perusal of these brings to light many inconsistencies and inaccuracies.

‡ Indian Appropriation Act, passed August 15, 1876. Quoted in the report of the Sioux Commission: Report of the Commissioner of Indian Affairs for 1876, p. 334.

providing that thereafter no money should be appropriated for the subsistence of these Sioux until they should relinquish their claim to all land outside their reservation, and should cede that part of their reservation which lay west of the one hundred and third meridian of longitude. This last embraced the Black Hills country. On August 24 a Commission was appointed to treat with the Sioux. The Indians were at this time in sad straits. Food was scarce* and hunting off the reservation had been prohibited. They were more keenly aware than ever of their dependence upon the United States. Under these circumstances an agreement† was soon reached. The Sioux made the desired land cession, and consented to allow three roads to be built westward through their reservation. In return the Government promised to issue rations to the Indians until they should become self-supporting, and to assist them toward civilization by furnishing them with "schools and instruction in mechanical and agricultural arts as provided for by the treaty of 1868."‡ Rations were not to be issued to children between the ages of six and fourteen years who did not regularly attend school, nor to persons who did not labor, the sick and infirm excepted. Special provision was made to aid those who should select land in severalty.§

* See Ex. Docs., 44th Cong., 1st Sess., Vol. XIV, No. 184, pp. 58-9.

† See Articles of Agreement: Report of Commissioner of Indian Affairs for 1876, pp. 349-51.

‡ *Ibid.*, 350.

§ "Whenever the head of a family shall in good faith select an allotment of land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment." Articles of Agreement, Article 6: Report of Commissioner of Indian Affairs for 1876, p. 350.

Some of the tribes agreed to visit the Indian Territory, and, if favorably impressed with the country, to select a permanent home there. This article was made of no effect by a provision in the act of February 28, 1877, prohibiting the removal of any Sioux to the Indian Territory until authorized by Congress.

In the eighth article of the agreement of 1876 the United States had promised to protect the Sioux in their "rights of property, person, and life."* But hardly a month had elapsed before the agency Indians were dismounted and disarmed,† and this despite the fact that the Government had recognized them as friendly and had provided them with such insufficient subsistence as to make recourse to the chase necessary. Some of the ponies were afterwards sold, the Indians receiving the proceeds of the sale in the form of cattle, but the returns were miserably small.‡

Meanwhile the war with the hostiles still continued. In October, 1876, two councils were held with Sitting Bull, but nothing came of them. Soon after some of the Indians surrendered. Sitting Bull and a portion of his following, however, escaped north and crossed over into Canada, the number of these refugees gradually swelling to two hundred lodges. June 20, 1877, the United States was officially notified by the Privy Council of Canada that these Indians were within the British Possessions,

* Articles of Agreement: Report of Commissioner of Indian Affairs for 1876, p. 351.

† Abridgment of Message and Documents, 1876-77, p. 335; Many-penny, Our Indian Wards, 314-15.

‡ The Indians were reimbursed for this loss in 1839. See Report of the Commissioner of Indian Affairs for 1891, p. 138.

and was requested to take such steps as should induce them, and any others who might "similarly cross the boundary line, to return to their reserves in the United States territory."* Accordingly, a Commission was appointed by the President to treat with Sitting Bull for his peaceable return, but he and his chiefs declined all proposals and stated that they wished to remain where they were. The Canadian authorities warned them that they could expect no help from Great Britain, and that crossing the line into the United States would be regarded as an act of hostility by both Governments. The Indians, however, still adhered to their former decision.† Thus ended the Sioux war of 1876.‡

The treaty of 1868 had contemplated the ultimate settlement of all the Sioux of the Plains upon the large reservation. In 1875 the hunting privilege on the North Platte and Republican Fork had been surrendered, and in 1877 the hostile Sioux had either fled to Canada or submitted to the military. Thus by 1880 all the Missouri Sioux were on the reservation except about four thousand seven hundred Yanktonnais, who were at Fort Peck, and one thousand one hundred Northern Sioux, who had deserted Sitting Bull's camp and were roaming and hunting just this side of the boundary line between Canada and the United States.

* Quoted in the Report of the Commissioner of Indian Affairs for 1877, p. 17.

† The greater number of these Indians subsequently returned and proved themselves an element of great disturbance. They were largely responsible for the Sioux trouble in 1890.

‡ For official documents relating to this war, see Report of the Secretary of War for 1875-6 and 1876-7 : Ex. Docs., 44th Cong., 1st Sess., Vol. XIV, No. 184 ; Messages and Documents, 1876-7, 403-417.

It was supposed that, once definitely restricted by reservation limits, the Sioux would apply themselves to agriculture and steadily advance in civilization. The provisions of the treaty of 1868 and those of the agreement of 1876 had looked toward this end. As a matter of fact, however, the Indians made very little progress during the next few years. This was owing to several causes. Sterile soil, drought, and scorching winds made even fair crops a rarity. Moreover, the Indians were given no incentive to work. Government had promised to aid them until they should become self-supporting, and it fulfilled its obligations to the letter, apparently not realizing its duty to help them become self-supporting. It had entirely forgotten that clause in the agreement of 1876, which provided that no rations should be issued to children between the ages of six and fourteen who did not attend school, nor to persons who did not work. Indeed, it failed to provide schools. In 1883 there was not one school among the eight thousand people on Rosebud reserve ;* and during that year Government expended only fourteen thousand eight hundred and ninety-six dollars in the education of these twenty-four thousand three hundred and eighty Sioux.†

The appointment of Indian agents on the spoils system was another serious detriment to the welfare of the Indians. Frequently the agents were unreliable, more frequently still utterly unacquainted with their duties and careless of their responsibilities.

Other causes for the stagnation of the Indians were

* Report of the Commissioner of Indian Affairs for 1883, p. 39.

† Compiled from Statistics in the Report of Commissioner of Indian Affairs for 1882, pp. 316-347.

the excitement and restlessness resulting from the war of 1876 and the frequent changes in the location of some of the agencies, those of Spotted Tail and Red Cloud being removed some three or four times. By 1880 these removals had ceased and the Indians then found themselves under the control of six agencies—Standing Rock, Cheyenne River, Crow Creek, Lower Brulé,* Pine Ridge, and Rosebud. The condition of the different bands varied, depending upon the character of the Indians, the soil and climate, and the agent. But, all told, they had cultivated only three thousand three hundred and sixty-four acres and owned only nine thousand four hundred and forty-four cattle and four hundred and fourteen swine.† Certainly they had not accomplished much along two of the main civilizing lines, agriculture and stock-raising.

Thus far the Sioux had not done very well, but from 1880 to 1890 they made more encouraging progress. The annual rainfall during the eighties was greater than usual and crops were correspondingly better. Congress made increased appropriations for skilled labor. More and better schools were provided, and competent teachers employed. At some of the agencies the Indians freighted the Government supplies and were found efficient and trustworthy, giving perfect satisfaction to their employers. This decade also witnessed rapid growth in the stock-raising industry, the only industry for which much of the country was fitted. The reforms characteristic of this period took root here also. Indian police forces and

* Crow Creek and Lower Brulé were consolidated August 22, 1882.

† See Table of Statistics, No. 1.

courts of Indian offenses were organized and worked well ; and the enforcement of the Indian Crimes Act of 1885 helped to maintain order.

There was, however, one source of unrest to the Sioux during these years. This was the constant agitation which went on for the reduction of their reservation. However advisable such a reduction may have been, and events subsequently proved that it was advisable, it was unfortunate that agitation concerning a measure to which the Sioux were so strongly opposed should have continued so long. The Commission* sent to them in 1882 found them little inclined to treat. They stated that they were perfectly satisfied with the treaty stipulations under which they were living and desired no change; that every agreement with the United States gave them fewer rights than they had had before. Nevertheless, some of them signed the agreement presented by the Commissioners, and this agreement was laid before Congress. At this point the friends of the Indians interposed. They advocated the partition of the Great Sioux Reservation, but objected to this particular instrument of partition. They maintained, and with truth, that it had not been signed by three-fourths of the male adult population, and that such signatures were necessary according to the treaty of 1868 before that treaty could in any way be modified ; that the consideration for the cession was inadequate ; that no comprehensive plan had been outlined for the civilization of the Indians ; and that unjust and improper means had been used to gain

* For the Report of the Commission, together with other documents pertaining to the same subject, see Sen. Docs., 48th Cong., 1st Sess., Vol. IV, No. 70.

their consent.* Accordingly, the bill was not passed. The Commission was instructed to continue negotiations, but it failed to obtain the signatures of the requisite three-fourths.

In 1887 negotiations were renewed. An agreement was drawn up whose terms were decidedly more advantageous to the Indians than those of 1882, but it did not meet their approval. Finally this agreement was amended and presented by a new Commission.† This time a three-fourths vote was obtained, and the agreement‡ was approved by the President March 2, 1889, and became law. The terms were exceedingly liberal. The Sioux ceded to the United States about nine million acres of land. The remainder of the reservation was to be divided into six smaller reserves, and each Indian was to have a claim only to the land in that reserve where he received his rations. Land was to be allotted in severalty according to the Dawes bill of 1887. Thirty school-houses were to be immediately erected, and the educational provision of the treaty of 1868 was to continue in force until 1909. Each head of a family or single person over eighteen years of age who should take land in severalty was to be provided "with two milch cows, one pair of oxen, with yoke and chain, or two mares and set of harness in lieu of said oxen, yoke, and chain, * * * one plow, one wagon, one harrow, one hoe, one axe, and

* See Fifteenth Annual Report of the Board of Indian Commissioners, 1883, 34-35, 40-41.

† For a full report of the proceedings of this Commission, see Sen. Ex. Docs., 51st Cong., 1st Sess., No. 51, pp. 15-308.

‡ See Report of the Commissioner of Indian Affairs for 1889, pp. 449-458.

one pitchfork, * * * and also fifty dollars in cash."* The money was to be expended under the direction of the Secretary of the Interior in aiding such an Indian to erect a house and other buildings suitable for residence or in the improvement of his allotment. Three million dollars were to be given the Sioux as a permanent fund drawing five per cent. interest, one-half of said interest to be appropriated for "industrial and other suitable education," and the other half for such purposes, "including reasonable cash payments per capita," as the Secretary of the Interior should judge would most contribute to the advancement of the Indians "in civilization and self-support." The Secretary of the Interior received discretionary power to expend annually not exceeding ten per cent. of the principal "in the employment of farmers and in the purchase of agricultural implements, teams, seeds," and "in reasonable cash payments." The remainder of the fund was to be expended for the Indians at the end of fifty years in such manner as Congress should determine.

The terms of this agreement were most generous, and it seemed as though their fulfillment must insure a decided advance on the part of the Sioux. The size of the reservation had been an impediment to the civilization of the Indians, as well as a hindrance to the spread of the whites. The Sioux had been shut in by themselves, had lacked stimulating contact with a civilized population. It was a well known fact that the Yanktonnais at Crow Creek, who were not thus isolated from our people, made

* Report of the Commissioner of Indian Affairs for 1889, pp. 454-5.

more rapid progress than their kinsmen nearer the center of the great Reservation.*

The fifteen years preceding this agreement had witnessed the steady development of two distinct parties among the Sioux. There were those who adapted themselves to the new order and gradually acquired, at least to some extent, the habits and customs of civilized life. These formed the nucleus of the progressive party in whose ranks were to be found nearly all who had been Christianized and who were really friendly to the United States. Opposed to these were those who clung to the old order and who resisted every advance of civilization. These were antagonistic to every innovation, and awaited only an occasion to display their hatred of the Government. It was inevitable that there should be these two parties. Hardly twenty years had passed since these Indians had roamed the plains at will and subsisted almost entirely by the chase. Only those who possessed most adaptability could adjust themselves in so short a time to the new environment. The existence of this pagan party was, therefore, most natural, but the fact does not exonerate the Government from blame; it should have made provision to control it. The lack of foresight on the part of the United States was largely responsible for the so-called "outbreak" of 1890.

The cession of 1889, despite the liberal compensation, had not been favored by all the Sioux. There was a small minority that had bitterly opposed it. Even those who had signed the agreement had relinquished nine million acres of land with some reluctance. They doubtless

* This may be seen from a careful comparison of the civilization statistics in the reports of the Commissioner of Indian Affairs.

realized that a more determined effort was to be made to civilize them, and they felt a vague unrest as to the future. This was accentuated by the partial failure of crops in 1889 and in 1890,* and great mortality resulting from the grippe, measles, and whooping-cough. The Indians said their children were all dying from diseases introduced by the whites.

This state of affairs made it particularly unfortunate that the issue of rations should have been cut down at this time. While negotiations for the cession were pending, the Indians had asked again and again whether the new agreement would result in their receiving less rations, and had been assured that it would not.† Yet large reductions in beef were made at the various agencies, amounting at Rosebud to two million and at Pine Ridge to one million pounds. Moreover, various provisions in the agreement were not promptly fulfilled, among them those providing for appropriations for education and for the payment for the ponies taken in 1876-7. Besides

* In addition to this partial failure, the crops at Pine Ridge were trampled down or eaten by cattle which had broken into the fields while the Indians were at the agency treating with the Commissioners. Report of Commissioner of Indian Affairs for 1891, I, 133; *Scribner's Magazine*, April, 1891, 446.

† I cannot do better than quote the words of the Commission on this point: "During our conference at the different agencies we were repeatedly asked whether the acceptance or rejection of the act of Congress would influence the action of the Government with reference to their rations, and in every instance the Indians were assured that subsistence was furnished in accordance with former treaties, and that signing would not affect their rations, and that they would continue to receive them as provided in former treaties. Without our assurances to this effect it would have been impossible to have secured their consent to the cession of lands." Report and Proceedings of the Sioux Commission: Sen. Ex. Docs., 51st Cong., 1st Sess., No. 51, p. 23.

these, there were other causes which added to the gloom and misfortune of the Indians.*

Matters were in this critical state when the report of a Messiah spread among the Sioux.† It was said that he had declared that their term of humiliation and punishment was at an end; that they were now to become the dominant race upon the continent, and were to avenge the wrongs which had been heaped upon them by the whites. Their dead were to be raised up and their ponies and hunting grounds restored. It was enjoined upon all who believed in the Messiah to show their faith in him by repeated "ghost dances," each dance to be prolonged until the strength of the dancer was exhausted, or he swooned.

This strange delusion immediately laid hold of some of the non-progressive Indians that were superstitious enough to believe it. Others became converts because

* The disease of blackleg had appeared among the cattle in 1888. The agreement of 1889 had changed the boundary line between Pine Ridge and Rosebud, and some of the Indians at the latter reserve had been obliged to change their location. This caused a certain amount of discomfort. The census of the Indians had revealed the fact that their number was decidedly less than that upon which the issue of rations was based, and this meant a diminution of rations. Report of Commissioner of Indian Affairs for 1891, I, 133-4.

† It did not originate with them. According to Rev. W. J. Cleveland, who made an extended investigation into the matter, the Indians said that the report came "from the people who wear rabbit-skin blankets, * * * far west of the Yellow Skins, who are far west of the Utes." Mr. Herbert Welsh thinks that by these may be meant the Pueblo Indians of New Mexico and Arizona because, I quote his words, "they wear rabbit-skin blankets, live far west of the Utes, and, moreover, hold the old Aztec tradition of Montezuma, their Savior, returning to free their race." *The Meaning of the Dakota Outbreak: Scribner's Magazine*, April, 1891, p. 446.

they felt that in so doing they might find an opportunity to throw off the fetters of civilization. But the number of those influenced would probably have been very small had it not been for the Sitting Bull faction. This was largely made up of those who had fled to Canada in the war of 1876, had returned four or five years later, and were now at Standing Rock. Sitting Bull himself was the chief mischief-maker, and it was largely through his efforts that the craze gained a firm footing at his agency.

Meanwhile the excitement laid hold of the Sioux at Pine Ridge, Rosebud, and Cheyenne River, though there were fewer converts than at Standing Rock. Ghost dances became frequent; industrial occupations were neglected, and a general demoralization ensued. Matters grew worse as the summer advanced. Sitting Bull's runners were active, hurrying here and there, rousing this and that band, and always appealing to the lowest and most ignorant.

As early as June, 1890, there had been rumors afloat that the Sioux were secretly planning to rise, but the reports of the Indian agents indicated that there were no grounds for apprehending serious trouble. The probability of an outbreak grew with the increase of disturbance during the summer and early autumn, and in November the attitude of some of the Indians was decidedly unfriendly. The agents at Pine Ridge, Rosebud, and Cheyenne River reported that the Sioux were arming, and November 13 the Indian Office recommended that the matter be submitted to the War Department. The action of this department was precipitated by a telegram* from Agent Royer of Pine Ridge, dated November 15.

* See Report of Commissioner of Indian Affairs for 1891, I, 123.

The telegram seems to have been prompted by no special exigency. Agent Royer stated that the Indians were "wild and crazy" and were dancing in the snow; and that the employees and Government property were without protection. He urged that the leaders be arrested at once. Five days later a military force of five companies of infantry and three troops of cavalry arrived at Pine Ridge. Troops were ordered to other Sioux agencies also. When the detachment sent to Rosebud reached that reservation, "about one thousand Indians—men, women, and children—stampeded toward Pine Ridge and the bad lands, destroying their own property before leaving, and that of others en route."*

During this time Sitting Bull's camp at Grand River, forty miles from Standing Rock agency, had been the center of great disturbance. December 15 he was arrested by a force of Indian police. "He agreed to accompany them to the agency, but while dressing caused considerable delay, and during this time his followers began to congregate to the number of one hundred and fifty, so that when he was brought out of the house they had the police entirely surrounded. Sitting Bull then refused to go and called upon his friends, the ghost dancers, to rescue him. At this juncture one of them shot Lieutenant Bullhead. The lieutenant then shot Sitting Bull, who also received another shot and was killed outright. Another shot struck Sergeant Shavehead and then the firing became general. In about two hours the police had secured possession of Sitting Bull's house and driven their assailants into the woods."†

* Report of the Commissioner of Indian Affairs for 1891, I, 128.

† Report of Commissioner of Indian Affairs for 1891, I, 129.

Meanwhile "groups of Indians from the different reservations had commenced concentrating in the 'bad lands' upon or in the vicinity of the Pine Ridge reservation. Killing of cattle and destruction of other property by these Indians almost entirely within the limits of Pine Ridge and Rosebud reservations occurred, but no signal fires were built, no warlike demonstrations were made, no violence was done to any white settler, nor was there cohesion or organization among the Indians themselves. Many of them were friendly Indians who had never participated in the ghost dance but had fled thither from fear of soldiers, * * or through over-persuasion of friends. The military gradually began to close in around them, and they offered no resistance, and a speedy and quiet capitulation of all was confidently expected."*

Among these Indians was Big Foot's band. This left the bad lands and started toward Pine Ridge agency, and meeting our troops proposed a parley with them. Upon being refused they surrendered unconditionally, but turned over to the military very few arms. Their teepees were searched and sixty guns were found. A detachment of troops was then ordered to take the arms from their persons, and while this was going on a shot was fired.† "A short, sharp, indiscriminate fight immediately followed, and, during the fighting and the subsequent flight and pursuit of the Indians, the troops lost twenty-five killed and thirty-five wounded, and of the Indians, eighty-four men and boys, forty-four women,

* Report of Commissioner of Indian Affairs for 1891, I, 130.

† Probably by a crazy Indian.

and eighteen children were killed, and at least thirty-three were wounded, many of them fatally."* The fact that so many women and children were killed speaks ill for our soldiers. According to the Indian account† these women and children were indiscriminately massacred even under the flag of truce; and there is reason to believe that there is some truth in this assertion.

The result of the fight at Wounded Knee Creek was a further concentration of the Indians upon the bad lands, and January 6, 1891, Major-General Schofield ordered that army officers be assigned to the Sioux agencies to exercise "military supervision and control," but "without interfering unnecessarily with the administration of the agents of the Indian Bureau."‡ During the next few weeks there were some skirmishes, but in less than a month the Indians had returned to their agencies and all serious trouble was practically over.§

Shortly after a Commission from the Sioux visited Washington and were given an opportunity to state their grievances. The difficulties were for the most part settled by the Indian appropriations made in the acts of

* Report of Commissioner of Indian Affairs for 1891, I, 130.

† For the Indian account of the fight at Wounded Knee Creek, see Report of the Commissioner of Indian Affairs for 1891, I, Appendix, pp. 179-181. This account, although given wholly from the Indian standpoint and, therefore, probably a little one-sided, bears the stamp of sincerity.

‡ Report of Commissioner of Indian Affairs for 1891, I, 131.

§ For a full and most excellent account of this so-called Sioux "outbreak," see Report of the Commissioner of Indian Affairs for 1891, I, pp. 123-142.

January 19* and March 3, 1891.† Congress had then complied with all its treaty stipulations, and fulfilled the promises made by the Sioux Commission of 1889, except that it had not provided for the one hundred and eighty-seven thousand and thirty-nine dollars which the Commission had advised should be paid the Crow Creek Indians because the per capita amount of land on their reserve was less than that on the others, being only two hundred and sixty acres.‡

It has seemed necessary to dwell at some length upon this so-called "outbreak" of 1890, because its nature was characteristic of the temper and condition of the Indians. The first point to be noted is the fact that the Sioux were no longer a united people. Their experiences of the last twenty years had broken tribal relations and community of interests. A sense of individual responsibility and personal independence had begun to dawn upon them. This was illustrated in the sharp distinction between the progressive and non-progressive parties. Furthermore, the great body of the Sioux were friendly to the Government. Under circumstances which they would once have eagerly seized upon as an excuse to take up arms, they remained peaceful and quiet. It is probably true that a small party under the leadership of

* See U. S. Statutes at Large, XXVI, 720.

† See *ibid.*, 1001-2.

‡ The Crow Creek and Lower Brulé Indians numbered the same, yet the latter received one hundred and eighty-seven thousand and thirty-nine acres more than the former. Hence the Commission urged the former should be given one hundred and eighty-seven thousand and thirty-nine dollars, that is one dollar for each acre which in justice they should have received but did not. Report and Proceedings of the Sioux Commission : Sen. Ex. Docs., 51st Cong., 1st Sess., No. 51, pp. 30-1.

Sitting Bull and others were preparing to break away from their treaty relations in the spring, but this was made up largely of the wilder element which had come into the reservation during the last decade and had not yet adjusted itself to the new environment.

Altogether, considering the unsettled condition of the Indians consequent upon the rapid changes in their life during the preceding thirty years, the unfortunate circumstances which combined to make them hopeless and despondent, and the peculiar temptations which befell them to revert back to the old savage life—considering these things, the wonder is not that there was an outbreak in 1890, but that the proportions which it assumed were so small. This must afford encouragement rather than discouragement as to the ultimate solution of the Sioux problem. The fact that progress has been made proves capacity therefor. It remains now to surround this capacity by such conditions as will cause it to bear fruit.

CHAPTER V.

THE YANKTONS FROM 1850 TO 1893.

The division of the great Sioux family into the Sioux of the Mississippi and the Sioux of the Plains was made on the basis of their geographical location. That for a time this location determined the attitude of the Indians toward the Government, and of the Government toward the Indians, is apparent on the surface. The Mississippi Sioux were settled upon reservations and brought to an agricultural life sooner than the Missouri Sioux, simply because they came in contact with our civilization earlier. Not until our frontiers had pushed themselves further westward were the Sioux of the Plains brought into close relationship with the United States. The Yanktons, as being the most easterly band of these wilder Indians, were the first to be influenced by our civilization policy. Their history, from 1858 on, is so entirely separate from that of their kinsmen that it has seemed best to give it a separate chapter.

In the year 1851 the Sisseton, Wahpeton, Mdewakantonwan, and Wahpekute bands had ceded a large territory to the United States. The Yanktons insisted that this territory had in part belonged to them, and that their right to it should have been recognized in this treaty; and they made themselves especially troublesome whenever the annuities were paid. Finally, February 19, 1858, the Government made a treaty* with them.

* U. S. Statutes at Large, XI, 743-9.

Article I provided that the Yanktons cede all their lands to the United States except four hundred thousand acres in the southeastern part of Dakota,* to be set aside as a reservation for them.

Article II defined the boundaries of the land ceded.

Article III gave the United States the right to construct roads across the reservation, a fair equivalent to be paid for land so used.†

Article IV provided that the United States protect the Indians in the peaceable enjoyment of their reservation ; and pay them annually \$65,000 for the first ten years, \$40,000 for the next ten years, \$25,000 for the next ten years, and \$15,000 for the next twenty years, the Secretary of the Interior to be given discretionary power over the expenditure of this money, and the annuities to be discontinued if the Indians should not make "reasonable and satisfactory efforts to advance and improve their condition."‡ The United States further promised to pay the Indians \$25,000 to maintain them during the first year after their removal and to assist them in beginning an agricultural life ; to spend \$10,000 for educational purposes, the Indians to send all their children between the ages of seven and eighteen to school, and those not doing so to be deprived of a portion of their annuities ; and to erect "a mill suitable for grinding grain and

* "Beginning at the mouth of the Naw-izi-wa-koo-pah or Chonteau river ; thence down said river to the place of beginning, so as to include the said quantity of four hundred thousand acres." U. S. Statutes at Large, XI, 744.

† This same article provided that the Yanktons remove to their reservation within a year from the date of the treaty.

‡ U. S. Statutes at Large, XI, 745.

sawing timber,"* and make other improvements not exceeding in value \$15,000.

Article V bound the Indians not to destroy any of the improvements made by the Government, and, in case of such destruction, to pay for the same with their annuities.

Article VI empowered the chiefs and headmen in open council to authorize a certain portion of their annuities, not exceeding in the aggregate \$150,000, to be paid to satisfy their just debts, and to provide for such of their half-breeds as did not live upon the reservation or draw annuities; not more than \$15,000 to be used for this purpose in one year.

Article VIII provided that the Yanktons be secured in the free use of so much of the Red Pipestone quarry as they had been accustomed to frequent for the purpose of securing stone for pipes.

Article IX gave the United States the right to establish "military posts, roads, and Indian agencies"† upon the reservation, due compensation to be made for any injury to the property of the Yanktons.

Article X provided for the exclusion of all but duly authorized persons from the reservation, and prohibited the Indians from disposing of any of their land except to the United States. The Secretary of the Interior was given discretionary power to cause the reservation to be surveyed and allotted, each head of a family or single person to receive a separate farm, with such rights of possession as the Secretary might deem just.

Article XII provided that annuities be withheld from those who should drink intoxicating liquors or procure

* U. S. Statutes at Large, XI, 746.

† U. S. Statutes at Large, XI, 746.

them for others, and from those who should in any way violate the terms of the treaty.

Article XIV provided that the United States be free from all obligations toward the Yanktons except those under this treaty and the Fort Laramie treaty of 1851.*

The reservation upon which the Yanktons were settled contained about ninety-five per cent. of good, arable land especially adapted to wheat-raising; the remainder was suitable for pasture. There was, however, always the chance that the crops would be eaten or destroyed by grasshoppers. The Indians showed themselves possessed of a good deal of adaptability. They at once settled down upon their reservation and made an auspicious beginning in their new life. Their annuities were small, but for the first few years they supported themselves easily by farming and hunting. Throughout the war of 1862 they remained loyal to the Government, and furnished

* Article VII provided that certain persons who had been of service to the Yanktons receive allotments upon the ceded lands.

Article XI provided that the Yanktons commit no depredations, preserve peaceful relations with other tribes and with the United States, and deliver to the proper Government officers "all offenders against the treaties, laws, or regulations of the United States."

Article XIII provided that no part of the annuities be taken to satisfy claims except those named in this treaty, or those which might arise under it, or under the trade and intercourse laws.

Article XV provided that an agent be appointed for the Yanktons.

Article XVI provided that the expenses of making this treaty and of surveying the reservation and the Red Pipestone quarry be borne by the United States.

Article XVII provided that this treaty be binding as soon as ratified by the Senate and the President.

fifty scouts* who did us most excellent service. Until 1864 the Yanktons progressed rapidly, but for nearly a decade of years after that they were in a miserable state. The Government either failed to keep its treaty promises or administered the affairs of the Indians so badly that it amounted to the same thing.† Their agency buildings were in a dilapidated condition ; their crops repeatedly failed, either because not planted in time or because destroyed by the grasshoppers ; they suffered from the spoliations of the soldiers, and the Government delayed paying the ten thousand dollars which Congress had appropriated as indemnity.

With the early seventies came a change for the better. The United States assisted the tribe with liberal appropriations. The Episcopal Church and the American Board of Commissioners for Foreign Missions did good

* These scouts received no compensation but arms, ammunition, clothing, and rations until thirty years later, when, by the agreement of December 31, 1892, they were awarded \$225 each. See Report of Commissioner of Indian Affairs for 1894, p. 448.

† “ Agent Conger found the Yanctons in a very unsatisfactory condition and expressing much discontentment, and complaining that the Government had not kept its promises to them. * * * He reported the agency buildings in a dilapidated condition, and everything run down ; no cattle or stock, farming tools few and in bad condition, and very small preparation for a crop this year. * * * There is no school on the reservation, and none has been in existence, although the treaty provides liberally for one, and the vouchers of late Agent Burleigh are on file for the expenditure of considerable sums of money for the purpose.” Report of Commissioner of Indian Affairs for 1865-6 : Report of the Secretary of the Interior, 39th Cong., 1st Sess., 194.

Being advised of the condition of the Yanktons, Congress ordered special inquiry to be made into their matters and a report thereon. This report I have been unable to find, but it seems certain that it resulted in a better administration of the Yankton affairs.

work. Sheep and cattle-raising were introduced, and material prosperity increased. After a time a court of Indian offenses was established and Indian police were put on duty. When the Land in Severalty Bill was passed, the Yankton reservation was one of the first made subject to its action. 167,324.12 acres were allotted to 1,484 Indians, and 851.88 acres reserved for agency, church, and school purposes. Under the act of February 28, 1891, which provided that all members of a tribe have equal amounts of land, 1,128 more allotments, embracing 96,762 acres, were made. About one-half of these were additions to those made under the Land in Severalty Bill.

The surplus lands of this reservation amounted to 167,303 acres. Under the provisions of the act of 1887, a Committee was appointed October 1, 1892, to negotiate with the Yanktons for the sale of this unallotted land. The first agreement presented by the Commissioners provided that Government cause "the land to be appraised under certain restrictions, and sold to the highest bidder, who also must be an actual settler." * The land was not to be sold at less than the appraised value; and the proceeds of the sale were to become a permanent fund whose annual interest should be distributed among the members of the tribe. The Indians favored this proposition, but before action could be taken upon it a disagreement arose among the Commissioners, as a result of which one of them resigned. The appraisement plan was then laid aside, and a new agreement drawn up. This provided for the cession of the surplus lands for the gross sum of six hundred thousand dollars, equal to about three

* Report of E. W. Foster, Yankton Agent: Report of the Commissioner of Indian Affairs for 1893, p. 312.

dollars and sixty cents per acre. There was decided opposition to the second agreement, especially among the more intelligent Indians. They said that land in their near neighborhood was valued at ten dollars and twenty dollars per acre, and that their own was worth quite as much ; but that they would sell on the appraisement plan, and only on that plan, fixing the minimum price at six dollars per acre.* "The Commissioners, however, were determined to make a success of their undertaking, and, when the opposition showed strength, they became liberal in expending money. They employed a small army of interpreters, couriers, and messengers. Councils were called, harangues made, and feasts given."† In this way enough signatures were obtained,

* "Gentlemen," said they, "you have a wrong conception of our rights on this reservation. You seem to regard our title to this land as parallel to that of the Western Sioux to the Great Sioux reservation recently ceded. Their title was simply the right of occupancy. Ours is a title in fee ; it is the solemn pledge of the Government to protect this tribe in the peaceable possession of this land as a home forever. Now, although we have accepted allotments in severalty, and a considerable body of land is left unallotted, yet we are not compelled to sell it at less than it is worth. Wild land adjoining the reservation of similar character sells from ten dollars to twenty dollars per acre. We believe that fifty thousand acres of our land would sell on an unrestricted market for twenty dollars per acre. We believe that within the next ten years our lands will sell for twenty-five dollars to fifty dollars per acre. Now we believe that it would be for the best interests of this tribe to sell these surplus lands at a fair price so that we can have white people for our near neighbors, and therefore we will agree to cede our lands on the plan you first proposed, fixing the minimum price at six dollars per acre, but otherwise we shall oppose a sale." Quoted in Report of E. W. Foster, United States Indian Agent at Yankton : Report of Commissioner of Indian Affairs for 1893, p. 311.

† Report of E. W. Foster, United States Indian Agent : Report of the Commissioner of Indian Affairs for 1893, p. 311.

but the worth of some of them may be judged from the following words of Agent Foster : "Since then those whose names were attached to the document have asked me many times what their names are signed to, and many of those who refused to sign have desired me to ascertain the terms of the agreement they declined to sign ; but as no copy of it was left here, and as it was never read in open meeting but once, and was kept closely sealed from the public, I have not been able to make any satisfactory explanation."*

When the report of the Commissioner of Indian Affairs for 1893 was written this agreement was still on file with the Secretary of the Interior, and no action had been taken for its transmittal to Congress.† In addition to the six hundred thousand dollars to be paid the tribe for the cession, the agreement provided that twenty dollars be paid each adult male.

The Yanktons may now be reckoned among the civilized communities of the United States. For the most part they wear citizens' clothes and live in houses ; they own their land in fee simple and are fairly successful in cultivating it ; they have churches and schools ; finally, they are citizens. But there are still dangers ahead of them, and the greatest are those that have to do with the much mooted question of law. Their agent writes that "their relationship with local State authorities has not changed. The reservation has been within an organized county for many years, yet the county authorities decline to recognize the Indians or any of the residents of the

* Report of E. W. Foster, United States Indian Agent : Report of the Commissioner of Indian Affairs for 1893, p. 311.

† Since then the agreement has been ratified. See Report of the Commissioner of Indian Affairs for 1894, 444-450.

reserve as entitled to the rights and privileges of citizenship. The Constitution of the State of South Dakota expressly disclaims any right or title to any lands owned or held by an Indian or Indian tribe that are exempt from taxation, and this is held to disclaim any jurisdiction over the acts, either civil or criminal, of the residents within an Indian country."* Thus the Yanktons, as indeed the rest of our Indian citizens, are still hampered in their development by the lack of proper State legislation.

* Report of E. W. Foster, United States Indian Agent at Yankton : Report of the Commissioner of Indian Affairs for 1893, p. 307.

CHAPTER VI.

STATUS OF THE SIOUX IN 1893.

In 1893 the Sioux were under the supervision of ten agencies.* At all of these the Indians were leading a more or less settled life, and, except for those at Fort Peck, had begun to partially support themselves. Progress had been most marked at Sisseton, Santee, Yankton, and Devil's Lake agencies, and for several reasons. These Indians were the first to leave off their nomadic life and to settle down to agriculture.† The reservations upon which they had been placed had been of fairly good character; the soil was rich and fertile and repaid the toil of cultivation, though the crops were sometimes ruined by drought and parching winds. The Indians at these agencies lived in houses and had largely adopted the habits and customs of civilized life; all, with the exception of a few at Devil's Lake, had received allotments

* See second map. Besides these there was a small band of Mdewakantonwan Sioux in Minnesota, not living upon a reservation and having no treaty relations with the Government. In various Indian appropriation acts the aggregate sum of fifty-eight thousand dollars had been set aside for these Indians, and October 16, 1886, a special agent was appointed to purchase lands for them. See Report of Commissioner of Indian Affairs for 1891, I, 110-2.

† The Yanktons did not settle down until 1858, but that was ten years before the other Sioux of the Plains were placed upon a reservation.

Sisseton and Santee reservations had been thrown open to settlement under the Homestead Law.

in severalty and were citizens of the United States. This as yet meant little to them, since they had not thus far been educated to an appreciation of their obligations and privileges. With the Sioux at Flandreau,* under the control of the Santee agency, it was otherwise. Their agent spoke of them as sober, steady, industrious, and law-abiding. They were, moreover, the only Sioux who were entirely self-supporting.

The Crow Creek and Lower Brulé Indians were in a stage intermediate between the above and the so-called Sioux of the Plains. They were not quite so far advanced as the Mississippi Sioux, but were making rapid progress. Four hundred and ninety families were living upon and cultivating allotments in severalty. A large proportion were engaged in agriculture and stock-raising. The uncertainty of the climate inclined the Indians to the latter. Nearly all wore citizen's dress.

The rest of the Sioux of the Plains were on Pine Ridge, Rosebud, Standing Rock, Cheyenne River, and Fort Peck reservations. They had made little progress since 1868, a fact to be attributed partially to the utter unfitness of their lands for agriculture. The Indian Appropriation Act of 1893 made provision for the sinking of an artesian well at Rosebud, one at Standing Rock, and one at Pine Ridge, these wells to be used for irrigating purposes. They were, however, still of the future. The Indians were devoting themselves to stock-raising and were making some advance along this line. Fifty-six allotments

* These, it will be remembered, had taken up homesteads under the sixth article of the treaty of 1868. This would seem to indicate that they were more enterprising than most of their kinsmen. They had, moreover, been citizens for about twenty years.

had been made at Rosebud, but none elsewhere. The Fort Peck* Indians stood lowest in civilization.

According to the statistics of the Report of the Commissioner of Indian Affairs for 1893, the Sioux numbered twenty-four thousand nine hundred and seventy-one. There were one thousand nine hundred and ninety living upon and cultivating allotments in severalty. There were seventy-eight schools upon the reservations, with an average attendance of three thousand two hundred and forty-two children. The support of these schools cost the Government \$371,615.16, and other parties \$49,768.72. Thus \$421,383.88 were spent for the education of the Sioux during this year. Despite the above figures,† which are certainly hopeful, it may be questioned whether the Government did its utmost for the Indians. It failed to enforce compulsory attendance. Many of the Indians do not see that education is absolutely necessary in order that they may become fitted for citizenship. Neither do they understand its relation to the question of self-support. Their annuities will cease and they will then have to care for themselves unless the United States should voluntarily assist them. This the Government is not bound to do. But it has a duty in another direction. It must educate the Indians to an appreciation of their true condition, and this must be done largely through schools. While, therefore, the school report of the Sioux for 1893 is encouraging, it is not all that could be wished. The enforcement of compulsory attendance, and larger

* These Indians have not been treated in this paper. A history of their relations with the United States Government would be simply another illustration of the principles already brought out.

† See Tables of Statistics, numbers 3 and 4.

appropriations for the accommodation of the additional pupils that will thus be secured, are necessary. This, together with civil service reform, will smooth the path which the Indians must tread to ultimate competition with the whites. The Sioux are a brave people, and superior to most of their race in mental ability. In the midst of a proper environment there is no reason why they should not ultimately become intelligent and self-supporting citizens. Their future, together with that of the other Indian tribes, will depend largely upon the Government's conscientious performance of duty toward them. The attitude of the American people, as reflected in Congress, will determine the solution of the Indian problem.

TABLE No. 1.

*Statistics relating to Indian Schools among the Sioux.**

Name of Agency.	Number of Schools	Average Attendance	Amount Expended in Education	
			By Government	By Religious Societies
Standing River.....	3	90	\$6,460	\$1,500
Cheyenne River	5	81		5,420
Crow Creek	1	28		
Lower Brulé.....	4	36		
Rosebud.....		23	430	350
Pine Ridge.. ..	3	59	1,080	280

* Compiled from the Report of the Commissioner of Indian Affairs for 1890.

TABLE No. 2.

Statistics relating to the Civilization of the Sioux as seen in the Cultivation and Allotment of Land and the Amount of Stock Owned.*

Name of Agency	Name of Tribe	Population	In Reservation	Number of Acres			Allotments in Severalty	Horses	Mules	Cattle	Swine
				Tillable	Cultivated by Government	Cultivated by Indians					
Standing River	Lower Yanktonnais.. Upper " .. Uncpapa .. Blackfeet.....	852 488 521 720	31,408,551 †	25,000		576	77	850	7	2,600	15
Cheyenne River	Two Kettle .. Sans Arc .. Minneconjou .. Blackfeet ..	680 322 523 239									
Crow Creek ...	Lower Yanktonnais..	969	630,312	400,000	143	211	27	410	5	384	64
Lower Brulé....	Lower Brulé.....	1,300		64,000	60	322		2,400	2	800	45
Rosebud.....	Northern Brulé... Lodaer .. Wahzahzah..... Mixed Sioux.....	3,566 1,564 1,164 1,020			40	455		4,000	102	2,150	80
Pine Ridge....	Sioux	7,200				1,800		5,000	250	3,510	210

* Compiled from the Report of the Commissioner of Indian Affairs for 1893.

† Include all but Crow Creek Indians.

TABLE No. 3.

Statistics relating to the Civilization of the Sioux as seen in the Cultivation and Allotment of Land and the Amount of Stock Owned.*

Name of Agency	Name of Tribe	Popula- tion	Number of acres culti- vated dur- ing the year by In- dians	Families actually living upon and culti- vating al- lotments in severalty	Stock Owned by Indians					
					Horses and Mules	Cattle	Swine	Sheep	Domestic Fowls	
Devil's Lake.....	Sioux.....	1,053	3,500	290	570	479				250
Sisseton and Wahpeton.....	Sisseton..... Wahpeton.....	1,851	5,247	347	1,126	207			30	3,839
Yankton.....	Yankton.....	1,730	4,307	550	1,058	1,819	416		53	4,329
Santee.....	Santee..... Sioux of Fian- dreau.....	960 310	4,990 1,110	200 57	502 200	325 300	300 40		4 20	1,900 2,000
Crow Creek and Lower Brulé.....	Lower Yanktonnals..... Lower Brulé.....	1,055 1,012	3,250 1,250	290 200	1,084 1,056	1,728 2,500				901 100
Pine Ridge.....	Sioux.....	5,188	14,680	†24	†10,774	17,960	†24			†1,000
Rosebud.....	Brulé, Loafer Wahzabzah Two Kettle Northern Bands.....	4,276	3,743	56	4,763	12,991	210		22	2,017
Standing Rock.....	Sioux.....	3,833	5,000							
Forest City.....	Blackfeet Minnesota Sans Arc, Two Kettle.....	†2,417	†1,703		3,522	9,673	163			7,877
Fort Peck.....	Yanktonnals.....	1,287 24,972	‡450			‡1,640				‡500
				1,990						

* Compiled from the Report of the Commissioner of Indian Affairs for 1898.

† Computed on the basis of the entire population, one-sixth of whom are not Sioux.

‡ Taken from Report of 1892.

§ Computed on basis of the entire population, one-third of whom are Assinaboine.

TABLE No. 4.

*Statistics relating to Schools among the Sioux during the Year ending June 30, 1893.**

Name of Agency	Number of Schools		Average Attendance		Cost to Government	Cost to Other Parties
	Boarding	Day	Boarding	Day		
Devil's Lake	2	3	358	52	\$56,473.61	\$3,100.00
Sisseton and Wahpeton	2		134		23,452.59	6,372.64
Yankton.....	2		142		22,108.11	3,600.00
Santee.....	3	1	282	35	87,764.17	13,435.63
Crow Creek and Lower Brulé..	4		319		45,694.00	4,291.45
Pine Ridge	2	20	232	478	49,006.64	
Rosebud.. ..	2	15	141	390	26,005.52	12,500.00
Standing Rock.....	3	8	218	199	35,448.87	3,000.00
Forest City.....	4	6	135	100	23,412.62	3,469.00
Fort Peck.. ..	1		27		2,249.03	
	25	53	1,988	1,254	\$371,615.16	\$49,768.72

* Compiled from the Report of the Commissioner of Indian Affairs for 1893.

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