

17859  
27

The Sioux Treaties  
at  
Traverse des Sioux and Mendota  
in 1851  
and their Outcome.  
  
"A Thesis  
submitted to the faculty of the  
Graduate School  
by  
Ruth Thompson  
in partial fulfillment of the requirements for the  
degree of Master of Arts  
1912."

MOM  
9 T371  
0

TABLE OF CONTENTS.

Bibliography.

Chapter.

- I. Introduction.
- II. The Negotiations of the Treaties.
- III. The Ratification of the Treaties.
- IV. Gov. Ramsey's Payments of the Traders.
- V. The Senate Investigation of Gov. Ramsey's Disbursement of the Sioux Money.
- VI. Reservation Life, 1853 - '62.
- VII. The Treaties of 1858.
- VIII. Conclusion.

115766

AUG 6 1212 4.70

## Bibliography.

1. Authorities dealing with (1) Minnesota history, (2) especially with the Treaties of 1851 and 1858 and their outcome, and (3) with the government's Indian policy as exemplified in these treaties and their fulfillment.
  
11. Authorities dealing with the government's Indian policy in general.

1.

### A. Sources

- (1) Contemporary accounts; unofficial.

Goodhue, James M. editor of the Minnesota Pioneer from 1849-1852. Mr. Goodhue was present at the Treaty of Traverse des Sioux and wrote daily accounts of the negotiations to his paper.

Heard, Isaac, V.D., History of the Sioux war and massacres of 1862 and '63. New York, 1863.

Mr. Heard was a member of General Sibley's expedition against the Sioux from August to November of 1862 and was recorder of the Military Commission which tried some 400 of the participants. The facts which Mr. Heard gives in regard to these events are in all probability correct altho the conclusions he deduces from them are not always acceptable. In an opening chapter, the author gives a fairly accurate account of the condition of the Sioux during the years preceding the Outbreak and gives his opinions regarding the causes of this uprising. Altho Mr. Heard was a resident in the territory as early as 1851, he was not a participant in the treaties or the

A. Sources.

1.

(1) Contemporary accounts; unofficial (continued)

later events with which this thesis deals and his account therefore does not give first hand information save on the Sioux Outbreak.

Le Duc, Wm. G., Minnesota Year Book for 1851-3.

The three year books for these years are bound in this one volume. The year book for 1852 contains a diary written by Gen. Le Duc of the events taking place during the negotiations of the Treaties of 1851 at Traverse des Sioux and Mendota. This account of the treaties by an eye witness has been widely used by writers on these events. Gen. Le Duc is still living, and is hale and hearty, in spite of his ninety and more years.

Newspapers

-Of the many Minnesota newspapers I have carefully searched the files of but three for information bearing on this subject. These three, the only papers in print at the time of the Treaties of 1851, are the Minnesota Pioneer, The Minnesota Chronicle and Register, and the Minnesota Democrat. The Minnesota Pioneer was first issued April 28, 1849, the first newspaper on Minnesota soil. The Minnesota Chronicle issued its first paper on May 31, 1849 and the Register on July 14, 1849. In the fall of 1849, these two were united under the name, Minnesota Chronicle and Register and this paper in 1851, was absorbed by the Democrat. The Minnesota Democrat had its first issue Dec. 10, 1850. In 1855 it united with the Pioneer and this union lasted until 1862, when the paper became known as the St. Paul Pioneer. The Minnesotian was first issued on Sept. 17, 1851, after the negotiation of the treaties. With the rapid growth of the territory, many newspapers came into existence after 1854. The Pioneer and the Democrat until their union in 1855 were bitter political enemies, and caution must be exercised in the acceptance of their many partisan statements.

## A. Sources

## (1) Contemporary Accounts; unofficial (continued)

Sibley, H.H., Papers in the Minnesota Historical Society Library, Capitol Building, St. Paul.

This collection is composed of Mr. Sibley's business and personal correspondence reaching back to the time when he engaged in the service of the American Fur Company at Machinac in 1629, all his manuscript records, letters from old fur traders, pioneers, explorers, government officials, treaty makers, army officers, early residents, travelers and missionaries. All letters cited in the footnotes of this thesis, are from this collection, unless otherwise designated.

(2) Official papers and reports

Indian Affairs, Annual Reports of Commissioners, Superintendents, Agents, and other officials.

Until the year 1849, these reports are given under the report of the Secretary of war. On March 3, 1849, the Department of the Interior was established and the Indian Affairs came under its supervision. The reports on Indian affairs since 1849, are given under the report of the Secretary of the Interior.

Investigating Committee, Report of, - concerning Gov. Ramsey's official conduct in the disbursement of the Sioux money under the Treaties of 1851. This report includes the exhibits, the formal charges against Gov. Ramsey, the testimony of witnesses, the argument of Gov. Ramsey's counsel, and the Committee's conclusions. Printed

A. Sources

(2) Official Papers and Reports, (continued)

in Sen. Docs., 1st Sess., 33rd Cong., Vol. IX, Sen. Doc. 61, 1853-4. Cited in foot notes as S. Doc. 61.

Indian Papers, regarding Gov. Ramsey's official conduct in the disbursement of the Sioux money under the Treaties of 1838. Ordered printed by the Senate, Jan. 28, 1853. Given in Sen. Docs., 2nd Sess., 32nd Cong., Vol. III, Sen. Doc. 29, 1852-3. Cited in foot notes as S. Doc. 29.

(3) Official Treaty Collections.

Indian Affairs, Laws and Treaties compiled and edited by Charles T. Kappler, Clerk to the Senate Committee on Indian Affairs. In two parts Sen. Docs., 2nd Sess., 38th Cong., Vol. 38, 1903-4.

United States Statutes at Large, 1789-1895, 28 volumes. Volume VII contains all the treaties made with the Indian tribes from Sept. 17, 1778 to March 3, 1845. Indian treaties after March 3, 1845 are given in the respective volume for the year. The Pamphlet or Session Laws from the 1st

A. Sources

(3) Official Treaty Collections, (continued)

Congress to the 2nd, 28th Congress, were reprinted in the Bioren edition of Laws of the United States in ten volumes.

(4) Reminiscences

Chief Big Eagle's Story of the Sioux Outbreak in 1862. This story was first published in the St. Paul Pioneer Press, July 1, 1894. Printed also in Volume VI of the Minnesota Historical Society Collections.

Chief Big Eagle took part with Little Crow in the battles but had not been engaged in the massacres. His story taken down by competent interpreters, gives an interesting account of the forces at work during the years of reservation life, forces which added to the Indians' discontented condition and finally resulted in the Outbreak of 1862.

Daniels, Dr. Asa W., Reminiscences of Little Crow read at Annual Meeting of the Minnesota Historical Society, Jan. 21, 1907, printed in Volume XII of the Minnesota Historical Society Collections.

Dr. Daniels was appointed physician among the Lower Sioux in July, 1854. His discussion of the causes of the Sioux Outbreak throws light on the condition of the Sioux during their years of reservation life.

Mac Donald, Colin F., The Nation's Response in

## A. Sources

(4) Reminiscenes, (continued)

## 1862 to the Great Sioux Outbreak.

This is a paper read before the Minnesota commandery of the Loyal Legion in January 1910. Published in the Minneapolis Journal, Jan. 16, 1910. Captain Mac Donald took part in the defence against the Sioux in 1862. In this paper he gives what he believes were the chief causes of the Outbreak. In a later paper, written to disprove Confederate influence as an incitement to the Indians to revenge, and read before the Loyal Legion in November, 1911, Captain Mac Donald clearly sets forth the cause of the Outbreak. Published in the Minneapolis Journal, Feb. 18, 1912.

Taliaferro, Major Lawrence, Autobiography of, written in 1864, printed in Volume VI of the Minnesota Historical Society Collection.

Maj. Lawrence Taliaferro was the first agent for the Indian agency at Ft. Snelling. He was personally selected by President Monroe and received his appointment March 27, 1819. He held this position for twenty years. He was always a true friend of the Indian and a bitter foe of the American Fur Company. His observations on the Indian trade system and the policy of providing payment for Indian debts to the traders in treaty provisions were of especial interest in connection with this thesis.

Whipple, Benjamin, Bishop of Minnesota, Lights and Shadows of a Long Episcopate, New York, 1902.

This work contains Bishop Whipple's reminiscences of his long years of service in Minnesota. Bishop Whipple did not come to the state until the fall of 1859. He did not therefore possess first hand information concerning the Treaties of 1851. His statements regarding the non-ful-



A. Sources  
 (4) Reminiscenes, (continued)

fillment of the Treaties of 1858 and the operation of the Indian policy in Minnesota Indian affairs are the truthful assertions of one who spoke from actual knowledge of these matters. Bishop Whipple's statements in the autobiographical sketch receive confirmation in contemporary papers written by him on the Indian question and given in the appendix of the work. This appendix contains some of Bishop Whipple's important letters and papers written in behalf of the Indians. Among these is a paper entitled, What shall we do with the Indians?, written for the public press in 1862 after the Sioux Outbreak; also a report to the Board of Missions in 1868, on the Moral and Temporal Condition of the Tribes; and a paper read at the Church Congress in 1877 entitled a True Policy toward the Indian Tribes. These three papers are worthy of this special notice since they made a lasting impression on the American people and mark the turning point in the history of the government's dealing with the Indians.

B. Secondary Accounts

Bryant, Charles S. and Abel, Murch, A History of the Great Massacre by the Sioux Indians in Minnesota. St. Peter, Minnesota, 1872.

Mr. Bryant gives some useful information regarding the Minnesota Sioux, their reservation life and the prevailing discontent among them previous to the Outbreak.

Folwell, William Watts, Minnesota, The North Star State, American Commonwealth Series, Boston and New York, 1908.

Dr. Folwell's necessarily brief accounts of

B. Secondary Accounts

the Treaties of 1851 and '58, give the essential points and the true view of these treaties. Dr. Folwell's long and careful study on these events and other matters of Minnesota history, has made him a recognized authority.

Hughes, Thomas, The Treaty of Traverse des Sioux in 1851, under Governor Alexander Ramsey, with notes of the former treaty there in 1841, under Governor James D. Doty of Wisconsin, printed in Volume XII of the Minnesota Historical Society Collections.

This paper gives a good general account of the Treaty of Traverse des Sioux, as seen from the standpoint of a Minnesota citizen, to whom the influence of the treaties upon the welfare of the state has paramount importance.

Indian Land Cessions in the United States; 18th Annual Report of the Bureau of American Ethnology, 1896-7, Pt. 11, Washington, 1898, compiled by Charles C. Royce with an introduction by Cyrus Thomas.

The introduction treats of the Spanish, French, and English policy toward the Indians, the colonial policy and later that of the United States. Mr. Royce gives excellent schedules and maps showing all the Indian land cessions.

Jackson, Helen Hunt, A Century of Dishonor, a Sketch of the United States Government dealings

1.

B. Secondary Accounts

with some of the Indian Tribes, New York, 1881.

Mrs. Jackson gives a chapter to the government's dealings with the Sioux. Her statements are in the main accurate and are taken from the various official reports found in the government documents for the years she covers. The manner in which she has used her information shows a bias, often too pronounced against the government and its dealings with the Indians.

Minnesota in Three Centuries 1655-1908, Publishing Society of Minnesota, 1908.

Board of Editors - Lucius F. Hubbard, William P. Murray, James H. Baker, Warren Upham. This work consists of four volumes: Vol. I, Description and Explorations by Warren Upham; Vol. II, Early History, Minnesota as a Territory, by R. I. Holcombe; Vol. III, 1858 - Minnesota as a State - 1870 - by L. F. Hubbard and R. I. Holcombe; Vol. IV, 1870 - Minnesota as a State - 1908 by F. R. Holmes.

Vol. II contains a good account of the Treaties of 1851, especially of the actual negotiations at Traverse des Sioux and Mendota. A brief account is given of the Treaties of 1858.

Paxson, Frederick Logan, The Last American Frontier, New York, 1910.

This work by Prof. Paxson, now of the University of Wisconsin, is an absorbing account of the westward expansion of the United States, the Pioneers' struggles with the Indians and the government's treaties and dealings with them. Prof. Paxson shows how the Treaties of 1858 brought about one of the first important breaks into the Indian country established in accordance with the government's removal policy.

.B. Secondary Accounts

Textor, Lucy E., Official Relations between the United States and the Sioux Indians; Leland Stanford Junior University Publications, Palo Alto, California, 1896.

This work is very valuable since it gives an accurate, dispassionate statement of the events with which it is concerned. The opening chapter gives a concise outline of the general Indian policy of the United States. Miss Textor treats of the government's relations with all the Sioux tribes down to the year 1896. Consequently, her accounts of the Treaties of 1851 and '58 are brief but suggestive of fuller treatment.

Winchell, N. W., Aborigines of Minnesota, a report based on the collections of Jacob V. Brower and on the field surveys and notes of Albert T. Hill and Thos. H. Lewis, St. Paul, 1911.

This valuable work contains a short sketch which gives the correct view of the Treaties of 1851 - '58.

A. Primary

Indian Commissioners, Annual Report of Board of, 1869  
- 1905.

The reports of this board contain many reflections on past events, which are suggestive and helpful to the investigator.

Indian Rights Association Reports, commencing in the year 1883. Philadelphia.

These reports give helpful suggestions in regard to the government's Indian policy in general.

B. Secondary

Abel, Annie Heloise, The History of the Events resulting in Indian Consolidation West of the Mississippi River; American Historical Association Annual Report, Vol. 1, 1906.

A very careful and scholarly treatment of the government's removal policy for the Indians is given in this thesis.

Leupp, Francis Ellington, The Indian and His Problem, New York, 1910.

This work gives the opinion of a former Commissioner of Indian Affairs as to the best means of improving the moral and material condition of the Indians.

Mannypenny, Geo. W., Our Indian Wards, Cincinnati, 1800.

A matter of special interest in this book is the account

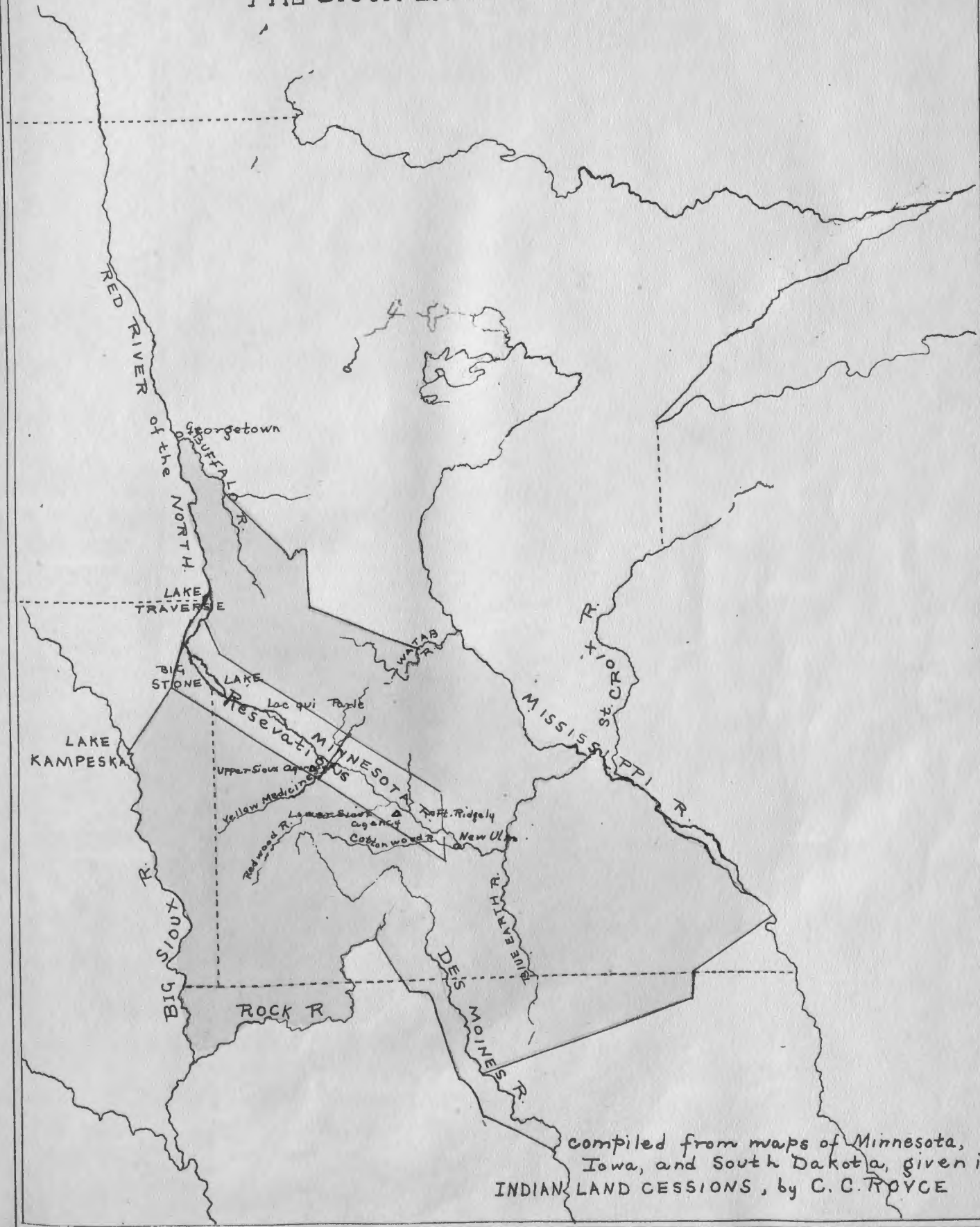
B. Secondary

given by this former Commissioner of Indian Affairs of the sufferings and wanderings of the Minnesota Sioux after their expulsion from the state. The account is accurate although it may be somewhat highly colored.

Mc Laughlin, James, My Friend the Indian, New York, 1910.

Mr. Mc Laughlin has been a United States Indian Inspector and also agent to the Sioux at Devil's Lake and Standing Rock Agencies, North Dakota. He shows an understanding of the Indians' nature and a strong sympathy for the wrongs inflicted upon the Indians, especially the Sioux, thru unfair treaties and violation of treaty rights.

# THE SIOUX LAND CESSION OF 1851.



compiled from maps of Minnesota,  
Iowa, and South Dakota, given in  
INDIAN LAND CESSIONS, by C. C. ROYCE

Chapter I, Introduction.



The treaties between the United States government and the Minnesota Sioux in the year 1851 were events of great local and national importance. To the ambitious leaders of the youthful Territory of Minnesota, they marked an epoch by their purchase of "a country larger than the island of Cuba and with productive powers almost inexhaustible"<sup>1</sup>. Without these lands it was feared that Minnesota must necessarily remain "a dwarfed and blighted Territory for years"<sup>2</sup> for the Indian title had only been extinguished to the lands comprising the delta between the St. Croix and the Mississippi Rivers.<sup>3</sup>

But these treaties were not an unqualified blessing. The failure of the government to carefully carry out the stipulations of these treaties and thus to have provided more adequately for the needs of the Indians under their new regime of reservation life, is considered a most important cause for the growing dissatisfaction among the treaty Indians,<sup>4</sup> which finally culminated in the Sioux Outbreak of 1862.

By this massacre these Indians fiercely and indiscriminately

\*\*\*\*\*

1. Ann. Rep. of Gov. Alex. Ramsey, Sept. 1851, Ex. Docs., 1st Sess., 32 Cong., 1851-2, Vol.II, Pt.III, p.418.
2. Minn. Pioneer, Dec. 25, 1851, Editorial.
3. This area of settlement was the residue of the Wisconsin Territory after the State of that name had been admitted. Allusions to this small area hurt the pride of the Territorians. A leading member of the House of Representatives at Washington had characterized it "as a pea-patch not worthy of consideration"; See Minn. Pioneer, May 26, 1849.
4. This is the opinion of many early resident of Minnesota. Capt. C. F. McDonald, in a paper on the Sioux

took their revenge on the innocent settlers of the Minnesota valley for injuries they believed they had sustained from the whites and their government at Washington. From a national standpoint, these treaties played a leading part in the development of the new northwest for they effected almost the first important invasion of the Indian country west of the Mississippi.<sup>1</sup> This home for the Indians had been established in accordance with the removal and colonization policy for the Indians inaugurated by President Monroe in 1825.<sup>2</sup> By 1840 the eastern boundary of this Indian country had practically reached completion and roughly speaking, extended from the Red River and Texas to the Lakes.<sup>3</sup> This line was then believed to mark forever the limits of westward expansion, beyond which it was possible to leave the Indians in permanent security and "their fate to the common God of the white man and the Indian."<sup>4</sup> These treaties and their so-called "Senate Amendments" of the treaties of 1858 afford typical and striking examples of the policy of the United

\*\*\*\*\*

4. (Cont.) Outbreak of 1862 read before the Loyal Legion, Jan. 10, 1910, emphasized this view.
1. The Potawatomi of Iowa had yielded in 1846.
2. Message of the President, Jan. 27, 1825; formally adopted by Act of Congress, May 28, 1830, U. S. Stat. at Large, IV, 411-412.
3. For a map showing this frontier line of 1840, see The Last American Frontier, Fred Logan Paxson.
4. Gen. Lewis Cass, quoted by Paxson, Ibid, 23.

States government toward, not only the Minnesota Sioux, but all Indians during the decade from 1850-1860. In connection with the historical accounts of these treaties, special emphasis will be laid on those treaty provisions and the methods employed to carry them into effect, which were generally characteristic of the national Indian policy at this time. Then it may be possible for each to judge for himself from the presented facts whether this was a decade in a century of dishonor, or, rather one in "an era of mutual misunderstandings";<sup>1</sup> whether the Indian system of this period, was "a blunder, rather than a crime",<sup>2</sup> or it may be, an unhappy combination of varying proportions of dishonor, blunders, and misunderstandings.

But this study of the past relations of the government and the citizens of Minnesota with these Sioux tribes of over half a century ago is principally important for the light which it may throw on present day problems, showing us more plainly our duty toward the Indian population which still remains in our state. And after the disclosures of the past months regarding the conditions on the White Earth Reservation, no citizen of Minnesota can complacently say that the Indian problem in his state has been solved.

\*\*\*\*\*

1. The Indian and His Problem, Francis E. Leupp, 82.
2. Bishop Whipple's characterization in his letter to the Indian Commission in 1862, printed in the appendix to Lights and Shadows of a long Episcopate, p.519.

The small area of settlement in the Minnesota Territory, consisting of the delta between the Mississippi and St. Croix Rivers, was bounded on the north by a line extending east from the junction of the Crow Wing with the Mississippi to its intersection with the western boundary of Wisconsin at about 92<sup>0</sup> 15<sup>1</sup> west longitude. This area had been acquired by the government by two treaties in 1837, one with the Chippewa, the other with the ~~Mevakanto~~<sup>2</sup> band of Sioux, and in 1842 by another treaty with the Chippewas.<sup>3</sup> These treaties were in accordance with the governmental policy of removing and establishing the Indians in permanent homes west of the Mississippi, but they were also indicative of a new motive force for treaty making, the beginning of the strong irresistible presence of the white population upon the Indian country.

It seems strange that anyone in the early thirties could have seriously regarded the country northwest of the Mississippi as a permanent Indian land where the tide of civilization would never penetrate. But these lands were then practically unknown and the rushing westward tide of

\*\*\*\*\*

1. Ann. Rep. of Orlando Brown, Com. of Indian Affairs, Sept. 1849, Ex. Docs., 1st. Sess., 31 Cong. 1849-50, Vol. III, Pt. II, p 943.
2. For text of these treaties, see Kappler, Indian Affairs, Laws and Treaties, II, 491-494.
3. Ibid; 542-546. Good general accounts of these treaties are found in Minnesota in Three Centuries, II, 281; W. W. Folwell, Minnesota, 80.

immigration was as yet undreamed of. Not many years were to elapse before the green fields of the Sioux on the other side of the Mississippi were to prove an alluring temptation to the incoming settlers.. In 1849, James Goodhue, editor of the Minnesota Pioneer, the first paper in Minnesota, could truthfully write, "The Sioux lands are the admiration of everybody and the mouth of many a stranger and a citizen waters while he looks beyond the Mississippi's flood upon the fair Canaan beyond."<sup>1</sup>

A definite agitation was now begun to increase the area of settlement in the newly organized territory. The attention of many enterprizing citizens from other states was being directed toward the territory because of "its fine climate, the richness and fertility of the lands on the Mississippi and within a broad sweep on both sides of it, by the superabundant water power afforded by that river and some of its tributaries, and by the superior advantages offered by the extensive forests of pine, convenient to water transportation for a large and lucrative trade in in lumber."<sup>2</sup>

\*\*\*\*\*

1. Minnesota Pioneer, Aug. 16, 1849. Mr. Goodhue had first suggested calling his paper, The Epistle of St. Paul.
2. Ann. Rep. of Orlando Brown, Comm. of Indian Affairs, Ex. Docs., 1st Sess., 1849-50, Vol. III, Pt. II, p 943. "The territory is settling very fast with immigrants from the eastern and middle states", Minn. Pioneer, Aug. 16, 1849.

The territory especially had become recognized as among the great lumber producing regions and many lumbermen from Maine and other states had flocked to the valley of the St. Croix and the Falls of St. Anthony. Thus it was natural that settlers, land speculators, and lumbermen should desire a treaty of cession which would give them greater opportunities for bettering their condition.

Gov. Ramsey, in response to what seemed a general desire for a treaty of cession, recommended to the first territorial legislature that it memorialize Congress to provide a treaty with the Sioux for the cession of the desired lands.<sup>1</sup> This memorial the legislature passed on October 9.<sup>2</sup> Congress was agreeable to this request but the Commissioner of Indian Affairs, Orlando Brown, had already made arrangements for a treaty. He had appointed as Commissioners, Gov. Ramsey, Supt. of Indian Affairs for the Minnesota Territory, and Hon. John Chambers of Iowa. The instructions furnished them show the governmental policy of this period toward the Indians and are also of interest in the lack of knowledge displayed respecting this Northwest country. The proposed purchase of

\*\*\*\*\*

1. This message of Sept. 10, 1849, is printed in the Minn. Pioneer, Sept. 13, 1849.
2. Printed in Minn. Chronicle and Register, Oct. 13, 1849. Approved by Gov. Ramsey, Oct. 20, Journal of the Council for Minn. Terr., 1849, p. 110.

about 20,000,000 acres, "some of it no doubt of excellent quality ... is comparatively valueless to the Indians and a large amount should not be paid for it, ... moreover from its nature as far as it is known here, a great part of it can never be more than very trifling, if, of any value to the government ...<sup>1</sup> On a full consideration of the whole matter, it is the opinion of this office that from 2 - 2 1/2 ¢ an acre would be an ample equivalent for it."<sup>2</sup> The government was unhappily embarrassed by two conflicting desires. In the first place, it desired to give the Indians "an equivalent for their possessions" but in the second place "no greater curse could be inflicted on a tribe so little civilized as the Sioux than to have large sums of money coming to them as annuities." The conclusion was reached that "every exertion in our power must be made not to place much money at their discretion but so to dispose of their means for them as will best tend to promote their moral and intellectual elevation

\*\*\*\*\*

1. The instructions are given in Ex. Docs., 1st. Sess., 31st. Cong., 1849-50, Vol. III, Pt. II, pp. 970-985. The extent of lands to be acquired was left to the discretion of the commissioners but for different reasons they were urged to obtain as large a cession as possible.
2. The Commissioners are however given discretion to increase this price if the Indians are not satisfied but this increase must be based on such evidence as will fully satisfy the President and the Senate.

and improvement."1 The instructions also provided for but one treaty with the four tribes of Minnesota Sioux. Also no reservations of land could be allowed and no stipulations could be inserted in the treaty for the payment of the Indian debts to the traders, <sup>2</sup> both unpopular restrictions. Another unpopular feature was the strict economy to be exercised in the usual effective inducements to treaty making - those of provisions and presents. <sup>3</sup> These restrictions did not promise well for the success of a treaty. The Indians had left for their fall hunts and but few came in response to the summons to council, <sup>4</sup> "in consequence of which and other causes of difficulty which may hereafter be obviated, the Commissioners succeeded in effecting only a partial compliance with their restrictions." <sup>5</sup>

\*\*\*\*\*

1. 20,000,000 acres at 2 1/2 ¢ an acre would have yielded \$500,000, which, if divided among the 8000 Sioux (the estimated number at this time), would have allowed \$62.50 per capita for "their moral and intellectual elevation and improvement".
2. "Both being expressly prohibited by a resolution of the Senate passed on the 3rd of March, 1843 and which it is well known that body has refused to abscind"; Ex. Docs., 1st Sess., 31st Cong., 1849-50, Vol. III, Pt. II, p.980.
3. Congress had failed to make an appropriation so the Indian Department had to rely on current appropriation of a general character for the expenses of a treaty.
4. It was reported that the Indians, on their way to council, turned back when they heard rumors that their old chiefs and braves were to be removed and replaced by new ones appointed by the Commissioners. Minn. Chronicle and Register, Dec. 29, 1849.
5. Ann. Rep. of Orlando Brown, Ex. Docs., 1st Sess., 31st Cong., 1849-50, Vol. III, Pt. II, p. 945. Minn. Chronicle and Register, Oct. 13, Dec. 29, 1849. A treaty was negotiated for the sale of the Lake Pepin



Doubtless, the greatest difficulty lay in the attitude of the traders. Since no provisions was to be made in the proposed treaty for the payment of their claims, they were naturally in no anxious mood to urge a treaty of cession. Such a treaty provision had become a necessary item in securing the indispensable aid of the traders in treaty negotiations. This interesting connection between traders' debts and treaties with the Indians will be discussed in a later connection.<sup>1</sup>

The desire to acquire the "paradise" west of the Mississippi, frustrated in 1849, took on greater intensity during the summer of 1850. Minnesota, "the new Eldorado of the Northwest" was being explored by means of steamboat excursions up the Minnesota River for a distance of 200 miles from its mouth.<sup>2</sup> These excursions, "the great feature of the year" were enjoyed by many of the prominent Territorians.

\*\*\*\*\*

5. (Cont). Half-Breed Tract, which had been provided by Treaty of 1830. This treaty in 1849 was not ratified by the Senate and this tract proved a fruitful bone of contention for many years.
1. Dr. Folwell, gives as another reason for the failure of these treaty negotiations in 1849, the fact that "there were prominent citizens in St. Paul, who feared that a big cession of land west of the river might give Mendota a dangerous precedent"; Minnesota, 93.
2. Interesting accounts of these excursions are found in the Minn. Pioneer, Chronicle and Register, Summer 1850.  
See Ann. Rep. of Gov. Ramsey, Oct. 21, 1850.  
Ex. Docs., 2nd Sess., 31st Cong., 1850-1, Vol. I, Pt. I, p. 77.

The expressed aim was to gain a better knowledge of the hitherto almost unknown country watered by the Minnesota River, in order that "the Commissioners and U. S. Senate might be enabled to estimate properly what might be a fair and just equivalent for the lands treated for."<sup>1</sup> These excursions, undertaken by this early boosters' club proved an effective advertising scheme. The discovery of unrivaled agricultural resources in Minnesota, of the wide plains inviting the settler for their tillage fired the public mind with a general wish for the acquisition of the Sioux territory. Thousands of homeseekers were eagerly waiting to settle on the lands which the Indians now carefully guarded from the whites. The voice of the people thundered that the Sioux will have to go. Their lands must be bought and they must be removed, the sooner, the better.<sup>2</sup>

This discovery and advertisement of the resources of the Minnesota valley brought about the desired appropriation by Congress, Sept. 30, of \$15,000 for negotiations with the Sioux.<sup>3</sup> But as was feared, the appropriation came too

\*\*\*\*\*

1. Minn. Pioneer, Aug. 1, 1850.
2. The expressions given above are gleaned from the many enthusiastic statements in the papers. Franklin Steele in a letter to H. H. Sibley, Feb. 18, 1851, lamented the fact that "the best immigrants who came to this Territory last season with the intention of settling, finally located in Wisconsin, east of the St. Croix, and until a treaty is effected with the Sioux this will be the case".
3. The Indian Appropriation Bill, Sept. 30, 1850. These steamboat excursions were regarded as "an indispensable preliminary" of obtaining this appropriation. Minn. Pioneer, Apr. 15, 1852.

late in the season to effect a treaty. Runners were sent out to call the Indians to council but many of them had already departed on their fall hunts. Some of the upper Sioux had delayed their hunts in anticipation of a treaty and were greatly disappointed at its failure, "since they had fully relied upon making a treaty of some kind this season".<sup>1</sup>

These upper Indians, disappointed in both hunts and treaty, were in an exceedingly destitute condition during the winter of 1850-1.<sup>2</sup> Because of this destitution, the traders were obliged to give an unusual number of credits to the starving Indians with smaller chances of their payment.<sup>3</sup> Hence the traders were anxious that a treaty should be made the following summer, if by means of one, their claims might be liquidated. There was a growing confidence among them that Gov. Ramsey would favor their claims in any future treaty negotiations.<sup>4</sup> Consequently the appointment of a colleague of Gov. Ramsey assumed great importance. If the assistance of the traders, most of whom represented the Pierre Chouteau Jr. & Co., was to be enlisted, the appointee must be one who would not oppose their claims.

\*\*\*\*\*

1. Martin McLeod to H. H. Sibley, Mendota, Sept. 16, 1850.
2. Minn. Pioneer, Mar. 13, 1851.
3. Martin McLeod to H. H. Sibley, Mendota, Apr. 10, 1851  
"My credits this year amount to \$4-5000 and the returns may not be \$2000", lamented Mr. McLeod.
4. Martin McLeod to H. H. Sibley, St. Paul, Jan. 24, 1851.

Late in the year, it appeared that a Mr. Thompson from Indiana had received the appointment as Gov. Ramsey's colleague. "He is a friend of the Ft. Wayne Ewings and as all their friends are well posted up in Indian matters, I presume he will be in the market with tar on his heels", wrote H. L. Dousman to Mr. Sibley.<sup>1</sup> Consternation was expressed lest this gentleman, the friend of a trading interest adverse to the American Fur Company, might dash the traders' hopes for a treaty favorable to them. But Martin McLeod "discovered that perhaps Commissioner Thompson was an individual who would not be difficult to manage"<sup>2</sup> and Joseph R. Brown believed that "Mr. Thompson would be as favorably disposed to the interests of this territory, in all probability, as any that could be appointed."<sup>3</sup> But Mr. Thompson's reported appointment proved a false alarm. There were various other aspirants for the office but it was decided that in the future, the commissioners for Indian treaties should be selected from among the officials of the Indian Bureau by the President, and such officials should serve without extra compensation.<sup>4</sup>

\*\*\*\*\*

1. H. L. Dousman to H. H. Sibley, Prairie du Chien, Dec. 8, 1850.
2. Martin McLeod to H. H. Sibley, St. Paul, Jan. 24, 1851.
3. Jos. R. Brown to H. H. Sibley, Dec. 17, 1850
4. Indian Appropriation Act, Feb. 27, 1851; U. S. Stat. at Large IX, 586.

President Fillmore appointed as commissioners the Hon. Luke Lea of Mississippi, United States Commissioner of Indian Affairs and Gov. Alex Ramsey. The negotiations "as far as practicable", were to be conducted on the principles laid down in the instructions for the proposed treaty of 1849. The primary objects, however, were in accordance with the new Indian policy which was being formulated by the Indian Department at this time. These objects were two: first, the cession of territory sufficiently large in extent to provide room for the large numbers of homeseekers during many years to come; second, the concentration of the Indians within narrow limits remote from all white settlements and the Chippewa with whom they were in constant warfare.<sup>1</sup>

Thus the Treaties of 1851, as has been suggested, marked an important departure in the Indian policy of the government. This change was necessitated by the growth of two new conditions; 1st, the growing tide of westward immigration, 2nd, the increasing scarcity of game in the so-called Indian country west of the Mississippi. The large immigration to the Territory of Minnesota, which has been noted, was a part of the great westward expansion which was stimulated by the great addition to the public domain from 1845-1855 and the discovery of gold in California in '49.

\*\*\*\*\*

1. Ann. Rep. of Luke Lea, U. S. Com. of Indian Affairs Nov. 27, 1850; Ex. Docs., 2nd Sess., 31st Cong., Vol. I, 1850-1, p. 35-45.

The frontier line was broken and the immediate contact of the white settlers with the border Indian tribes was most disastrous to both races and provocative of warfare since the country's right of occupancy was still held by the native Indian.

The growing scarcity of game was also a fundamental reason for a change of policy. The game, the chief sustenance of the Indian tribes, was fast disappearing before the tide of civilization. The buffalo had been driven to the western border and the smaller game as beaver, deer, and bear was rapidly becoming scarcer as the white settlements encroached on the Indian country.

This increase of immigration and the corresponding decrease in game, Indian Commissioner Brown believed, necessitated the immediate adoption by the government of a partial change in the relative positions of the Indians and the white settlers, by which an increased area of settlement might be opened to the whites and the border tribes of Indians be saved from extinction. The idea of concentrating these Indians on smaller areas where they might be taught agriculture and other industrial pursuits and where aid and protection could be more conveniently and promptly extended them by the government thru the medium of the Indian agent

\*\*\*\*\*

1. This concentration of Indian tribes on reservations adapted to their needs is first outlined and urgently advocated by Ind. Com. Orlando Brown in his report for the

marks the rise of the reservation system, a characteristic feature of later governmental dealings with the Indian tribes.

Concrete illustrations of these two conditions, increased immigration and scarcity of game are found in the Minnesota Territory. Even in 1849, the Indian Commissioner had expressed the fear that "a large portion of the new settlers would be compelled to precipitate themselves on the Sioux lands, a condition which would inevitably lead to collisions and bloodshed unless the Indians were purchased out and removed"<sup>1</sup> Franklin Steele wrote earnestly in 1851, "the population of Minnesota will not remain cooped up between the St. Croix and the Mississippi and will push west in spite of troops, Indians, or any other obstacle, and then we will see the consequence."<sup>2</sup>

The scarcity of game receives abundant testimony in the records of this period. The destitute condition of the upper Indians, who depended almost entirely on their

\*\*\*\*\*

1. (Cont). year 1849. "The dictates of humanity and of a wise and enlightened policy alike call for such a course"; Ex. Docs., 1st Sess., 31st. Cong., 1849-50, Vol. III, Pt. II, pp.945-6. This policy was earnestly pleaded by Luke Lea, the succeeding Indian Commissioner; see his report Nov. 27, 1850, Ex. Docs., 2nd Sess., 31st Cong. 1850-51, Vol. I, p.39
1. This statement is of course an exaggeration but suggestive of the prevailing sentiment; Ex. Docs., 1st Sess., 31st Cong., 1849-50, Vol. III, Pt. II, p. 944.
2. Franklin Steele to H. H. Sibley, Feb. 18, 1851.

hunts for sustenance, was repeatedly and vividly portrayed. Appeals were made to the government at Washington during the winter of 1849-50 for aid to relieve the Indians' suffer-  
<sup>1</sup> ings since the hunting season had been a failure. The small fur animals were extremely scarce and there was no  
<sup>2</sup> Buffalo. The fall hunting season of 1850 was no improve-  
ment on the preceding one. The consequent lack of food was a powerful incentive in forcing the hungry Indians to the conviction that "they must sell or perish so precarious was the chase." A change was taking place in the Indians' mind. Formerly he had planned wars and invasions for "much buffalo", now with the disappearance of the game and the white settle-  
ments closing in around him, he thought only of the annuities  
and goods which would come from the sale of his lands.  
<sup>3</sup>

\*\*\*\*\*

1. Gov. Ramsey to H. H. Sibley, St. Paul, Feb. 22, 1850. Also an appeal for government aid was made in a letter by Martin McLeod to H. H. Sibley, Mendota, Feb. 21, 1850. The papers and letters during the late winter months make frequent appeals for the destitute Upper Sioux. Mr. Sibley, at this time territorial representative at Washington, was working zealously to secure an appropriation from Congress of \$100,000 to relieve the suffering Indians thruout the United States.
2. Joseph R. Brown to H. H. Sibley, St. Paul, Jan. 24, 1850. Martin McLeod to " " " , Lac qui Parle, Apr# 26, 1850. Minn. Pioneer, Feb. 6, 1850. Many other citations might be given.
3. Ann. Rep. of Gov. Ramsey, Oct. 13, 1849, Ex. Docs., 1st Sess., 31st Cong., 1849-50, Vol. III, Pt. II, p. 1016: Ann. Rep. of Ind. Com. Orlando Brown, Nov. 20, 1849, ibid, p. 945.



The attempts at treaty making in the falls of 1849 and '50 had so excited the Indians' expectations for money and goods, that, doubtless, his usual efforts in securing game were not exerted. This condition was thus made the more destitute and his payments to the traders for goods were more difficult to obtain. This scarcity of game was consequently influential in making the Indian trader anxious for a treaty of cession which would secure them payment of their claims against the Indians. Their trade in the pelts of wild animals was becoming less lucrative because of this scarcity of game, which in turn but increased the need of the Indian for the traders' goods and decreased his ability to give furs in exchange. For these reasons the business was becoming a losing one to the trader, if not to the head agents of the company.

Only one tribe, the Mdewakantons, had been annuity Indians since 1837 and so the means of securing satisfaction of debts at "Indian payments" had not been generally possible.

\*\*\*\*\*

1. "They have done little but talk about a treaty all winter and this excitement has added to their usual improvidence. When spoken to about not endeavoring to pay their debts, the common reply is Never mind... we will pay up when a treaty is made;" Martin McLeod to H. H. Sibley, Lac qui Parle, Apr. 26, 1851.

1

The traders held the Indians to be greatly indebted to them. How just these debts or how accurate they accounts can not be positively affirmed. The system of trade was conducive to dishonesty. Besides there is a natural tendency for the civilized man to employ a lower standard of business morality in his dealings with the weaker savage than with his equals. Many, no doubt, were honorable men and faithful friends to the Indian, and as a class, they were not enriched by their trade with the Indians but often times impoverished.

\*\*\*\*\*

1. In 1852, after the difficulty over the payments of their claims, the traders of the American Fur Co. (then owned by the Pierre Chouteau Jr. & Co.), gave oath that their claims in 1851 against the Upper Sioux had amounted to \$431,735 and against the Mdewakanton band of Lower Sioux to \$129,835,10; Sen. Docs., 2nd Sess., 32nd Cong., 1852-3, Vol. III, Doc. 20, p 20.
2. "There are many high minded and honorable traders among the Indians ... but in many parts of the northwest game and furs have become scarce and the only way money is made at all by traders is by giving the Indian the worst of the bargain"; Ann. Rep. of Nath. McLean, Sept. 1, 1851, Ex. Docs., 1st Sess., 2nd Cong., Vol. II, Pt. III, p 435.
3. Most of the traders are just and honest, their accounts are business-like, their influence on the Indian is legitimate, they deserve a livelihood, but are burdened with debt. Letter from Dr. S. R. Riggs, Oct. 1, 1849 in Minn. Chronicle and Register, Nov. 10, 1849.
4. Edwin Clark, Indian Agent 1866-8 for the Chippewas, states Mar. 1912. The traders were usually poor. The head men of the Fur Companies, who sold them the goods and received from them the furs were the ones who were enriched by the Indian trade system.

It is the unanimous opinion of contemporaries and historians that the success of the treaties of 1851 depended almost entirely on the efforts and cooperation of the traders. <sup>1</sup> They were familiar with the Indian language and could count on the assistance of half breed relatives. This cooperation, as we shall see, was secured by a treaty provision which indirectly provided payment for their claims.

Some explanation should be made concerning the policy of allowing traders' claims against the Indians to be recognized by treaty provision, if one is to understand the indispensable part which the traders played in securing the treaties of 1851. At this time the traders, besides buying furs and peltry, sold goods to the Indians on credit and at a large, and often exorbitant profit. These debts the Indians were supposed to repay from the results of the hunt but naturally there were many who did not and could not meet their indebtedness.

\*\*\*\*\*

1. "A treaty will be made if the American Fur Co. wills it, they will have such a treaty as they want and all the money they demand"; Minn. Democrat, June 24 and July 22, 1851. This paper was bitterly opposed to what it designated the "Ramsey-Sibley Co."

Both Commissioners Ramsey and Lea declared that no treaties could have been effected without the traders' assistance; Sen. Docs., 1st Sess., 33rd Cong., Vol. IX, Doc. 61, 1853-4, pp 308-325.

"The Commissioners did not do much more than find the Indians and indicate what they wanted, the traders did the rest"; Hon. Wm. P. Murray, XII, 120 Minn. His. Soc. Coll; See also similar opinion of Thos. Hughes, Ibid, X, p 106.

The payments of these outstanding credits were secured against the Indian in two ways; first, they were charged against his annuity if he were a treaty Indian or if he were not, against the contingency of an annuity. By the latter way, they were paid as part of the public debt of the tribe, out of the ultimate proceeds from the sale of the tribal lands. In general this mode of procedure had been practised for many years and was justified on this ground. The traders ran big risks since many conditions conduced to the non-payment by the Indian of his debt and the debtor had practically no personal property which could be seized in partial payment, even if the trader had had the right to do so. Each Indian, however, had an undivided, undefined claim to the land which he occupied. Therefore, the traders had a right to receive some indemnification for their old debts out of the proceeds of the sale of Indian lands to the government.<sup>1</sup> Altho such an arrangement was advantageous, even just, to the trader in the majority of cases, still it proved an unwise and mischievous policy. It robbed a whole people of their patrimony to pay the debts of the shiftless and dishonest. The Indians' memory was short and on this he must rely since he kept no accounts. Consequently he had a cheated feeling when he saw such large sums from the proceeds of his land,

\*\*\*\*\*

1. This argument is advanced by Dr. S. R. Riggs, Oct. 1, 1849 in a letter printed in the Minn. Chronicle and Register, Nov. 10, 1849.

go to pay his past debts and those of his fellows. This policy, moreover, gave abundant opportunity for intrigue on the part of the traders in securing treaties which would provide for such payment of claims.<sup>1</sup>

It is necessary to distinguish two methods, the direct and indirect provision for the payment of traders' claims by treaty stipulation. We first find treaty provisions for such payments about the year 1825.<sup>2</sup> Between 1825 and 1843 the government assumed the responsibility of payment by direct treaty provision. For instance the United States agreed to pay certain specified sums to individuals whose names are enumerated in the article of the treaty. Or Commissioners were appointed to decide on the legality and justness of the debts charged against the Indian and the government agreed to pay in accordance with their report

\*\*\*\*\*

1. Bishop Whipple declared in 1862; "I believe if men knew the secret history of the clause in every treaty which sets apart so much to pay Indian debts, it would fill them with astonishment"; Appendix to Lights and Shadows of a Long Episcopate, p 517.
2. This statement is made from authors' study of the U. S. Indian Treaties as compiled by Kappler, Vol. II. Gen. Morey, 1869, stated that "it is about 40 years since traders' claims were thus provided for"; Rep. of Sec. of Int., 2nd Sess., 41st Cong., 1869-70, p 544. Maj. Talifero, who was bitterly opposed to this policy, stated that the precedent was established during the superintendency of Gen. Lewis Cass, Gov. of the Michigan Territory, 1813-1831; Autobiography of Maj. Taliaferro, XI, 264, Minn. His. Soc. Coll.

which must be approved by the President.<sup>1</sup>

A Senate resolution of March 3, 1843 forbade any provision by the United States for the payment of traders' claims in future Indian treaties. The government now regarded all matters of account between the Indians and the traders as private transactions with which it had nothing to do. This restriction immediately proved unpopular. Under its strict enforcement no treaties could be negotiated for the cooperation of the traders was ever indispensable for the success of such negotiations.<sup>2</sup>

In 1846 we first find a treaty provision by which the payment of the traders' claims was indirectly secured. The United States agreed to pay a certain sum to the chiefs to enable them to pay their "just debts", thus transferring the responsibility of payment from the government to the Indian tribe, represented by its chiefs.<sup>3</sup> Henceforth, the

\*\*\*\*\*

1. Later such authenticated debts were put on a schedule which was annexed as an official part of the treaty. Ex. Docs., 1st Sess., 28th Cong., 1843-4, Vol. I, p 291. It was in accordance with this provision that the instructions for the proposed treaty of 1849 had been when it forbade any treaty provision for the payment by the government of the traders' claims.
2. It is significant that between Oct. 11, 1842-Jan. 4, 1845, no Indian treaty was negotiated. See Indian Treaties in Kappler, Vol. II. Gov. Chambers, who had negotiated many Indian treaties, in 1843 predicted that the enforcement of this restriction would result in no treaties with the Indians; Sen. Docs., 28th Cong., 1st Sess., I, 1843-4, p. 287.
3. Treaty with the Potawatomi, 1846; Kappler, II, pp.557-560.

different treaties usually contained a provision for this payment of "just debts" in such manner as the Indian chiefs shall in open council direct. Thus the payment of the Indian debts was secured indirectly but effectively to the trader. This arrangement was sure to result in the secret connivance of the traders in securing their claims and distrust and misunderstanding among the Indians, by no means competent to direct their business affairs.

\*\*\*\*\*

Chapter II, The Negotiations of the Treaties.



The conditions in 1851 were propitious for the negotiation of a treaty of cession. The Indians realized that their only hope of future sustenance lay in annuities and agriculture. They also could not mistake the inevitable occupation of their lands by the white population and wisely concluded it better to dispose of at least a part of their lands by treaty than to risk forcible ejection.<sup>1</sup> The traders and half-breeds, whose hearty support and cooperation was absolutely essential to the success of negotiations, were now anxious for a treaty, which would secure them indirectly pecuniary gains.

From conversations with Gov. Ramsey, Mr. McLeod "discovered that he expects the united assistance of the influential traders and is well effected toward them. He is no doubt well aware that he cannot effect a treaty without their aid."<sup>2</sup> Luke Lea, Indian Commissioner and Gov. Ramsey's colleague in the negotiation of the treaty, was naturally bound by no definite instructions and consequently the unpopular features of the instructions for the proposed treaty in 1849 might be obviated to fit the

\*\*\*\*\*

1. Joseph R. Brown to H. H. Sibley, Nov. 29, 1850.
2. Martin McLeod to H. H. Sibley, Apr. 10, 1851.

1

necessities of the moment.

The original plan to unite<sup>2</sup> the four tribes of the Minnesota Sioux in one general negotiation was abandoned since "their feelings were so diverse and their interests so opposite," or in plainer English, the traders' claims against the upper and Lower Sioux were so diverse as to make two treaties more effective in their liquidation.<sup>3</sup> The Commissioners decided to commence negotiations with the upper Sioux because it was believed, for various reasons, that they were less opposed to a treaty of cession than were the Lower Sioux.<sup>4</sup> They were more destitute than were the Lower Sioux, for one of the Lower bands, the Mdewakantoon, was receiving annuities from their Treaty of 1837. Consequently they were in more anxious mood for a treaty which would provide them with the desired money and goods.<sup>5</sup> It was believed that the Lower Indians could be more easily brought to terms by first counseling with the upper bands.

\*\*\*\*\*

1. Martin McLeod in his letter to Mr. Sibley, Apr. 10, 1851, spoke of a conversation which he just had with Gov. Ramsey about treaty matters. "I, of course, was very guarded but I took the liberty to say that the Commissioners should have discretionary power, otherwise the effecting of a treaty was altogether doubtful."
2. See Note A, at the end of the chapter for a description of these four tribes and their division according to geographical position into the Lower and upper Sioux.
3. Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851; Ex. Docs., 1st Sess. 32nd Cong., Vol. II, Pt. III, 1851-2, p 278. Designated later by date of report, Aug. 6, 1851.
4. Martin McLeod to H.H. Sibley, Lac qui Parle, Apr. 20, 1851.
5. Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851.

Unsuccessful negotiations with the Lower Sioux, if first  
counselled with, might have a bad effect on the other bands.<sup>1</sup>  
The Mdewakantoin, the important band of the Lower Sioux,  
were in bad humor, complaining of everything and everybody.<sup>2</sup>  
They strongly distrusted the government and its agents, for  
\$5000 annually had been withheld from them, which was due  
under the Treaty of 1837 for educational purposes.<sup>3</sup> Their  
closer contact with the white population had given them an  
idea of larger land values.<sup>4</sup> They entertained many grievances  
against the white settlers. In short, their treaty relations  
with the government and association with their white  
neighbors had not increased their trust in either and a  
strong antipathy existed among them to a further sale of  
their lands.

The upper Sioux were summoned to meet in council at  
Traverse des Sioux on July 1, but negotiations could not  
commence until the 18th of that month because a sufficient

\*\*\*\*\*

1. Martin McLeod to H.H. Sibley, Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851.
2. Philander Prescott to H. H. Sibley, St. Peter's Agency, Mar. 4, 1850, Apr. 24, 1850.
3. Jos. R. Brown to H.H. Sibley, St. Paul, Nov. 29, 1850. References to the bad effect of this accumulation of school funds upon these Indians are too many to cite. The records and letters for many years tell of the resulting irritation and distrust among the Indians from this withholding of treaty funds.
3. "It would be useless to talk of a few cents or anything like former prices," wrote Martin McLeod to Mr. Sibley, Apr. 10, 1851.

number had not assembled. The treaty was signed by "the two high contracting parties" on July 23. On August 5, a second treaty ceding the same lands was signed by the chiefs of the Lower Sioux and the treaty commissioners at Mendota.

The plan of this thesis is to give an accurate synopsis of the provisions of the Traverse des Sioux Treaty, and of those of the treaty at Mendota, which differ from those in the former treaty; and then to state the influences and conditions which resulted in such stipulations. In connection with the chronological narration of succeeding events, it is aimed to especially emphasize those matters, which pertain to the carrying out of these treaty provisions by the government, acting thru its appointed agents. This latter discussion will necessarily include a partial study of the Treaties of 1858 with the same Sioux bands, since the main text of these treaties was the

\*\*\*\*\*

1. It will not be best at this time to give the many interesting and picturesque details of these treaty negotiations. These events, as has been said in the discussion of sources, were graphically described in Gen. Wm.G. Le Duc's diary, printed in his Minn. Year Book, 1852. The negotiations at Traverse des Sioux were also reported by James Goodhue in his paper, The Minnesota Pioneer. One of the most valued treasures of the Minnesota Historical Society is a painting of this treaty signing by the artist Frank B. Mayer of Baltimore, who was present at the negotiations. A reproduction of his original sketch is given in Minnesota in Three Centuries, Vol.II, 296. No one who visits the State Capital building at St. Paul should fail to see the fine painting of the signing of the Traverse des

reduction by half of the reservations originally designated in the Treaties of 1851. This question of the fulfillment, partial or non-fulfillment of these treaty stipulations seems to me an important aspect in the study of these treaties. I believe the early historians of these events have slighted this consideration, for, to the inhabitants of Minnesota, both at the time and later, the cession of the desired lands was the one devoutly wished for consummation. The Indian and his condition, w~~e~~ then as now, almost forgotten in the rush of more absorbing events.

Article I of both treaties was the conventional provision for perpetual peace and friendship between the two contracting powers; " a great Christian nation and a poor heathen people"<sup>1</sup>. The United States in its treaty relations with the Indian tribes down 1871,<sup>2</sup> carried out the idea, in theory at least, that they were a sovereign people, ranking

\*\*\*\*\*

1.(Cont.) Sioux treaty, which hangs in the Governor's reception room.

1. Bishop Whipple's forceful expression.
2. The Indian tribes were denationalized by the Act of March 3, 1871. This provided that no tribe within the United States should be recognized as an independent nation with which it might treat. Since 1871 the United States have entered into agreements with the Indian tribes, which become laws when passed by both Houses of Congress and signed by the President. For Act. of Mar.3,1871, see U. S. Stat. at Large, XVI,566.

among those powers capable of making and ratifying treaties.<sup>1</sup>  
This, in spite of the fact that the Indian tribes had no  
power to compel the United States to observe a treaty, and  
the government, in turn, not looking to them for inherent  
Power to observe it for themselves. It is pertinent to note  
here that of the 370 treaties made by the United States with  
the various Indian tribes between 1778-1871, only the exist-  
ing treaties with the upper and Lower Sioux, who had taken  
part in the Outbreak of 1862, were abrogated by the govern-  
ment in 1863. This was the first and only time that the  
Government had applied to Indian relations the rule of  
international law that war terminates all existing treaties.<sup>2</sup>

Article II, regarding the boundaries of the ceded  
lands was the same in both treaties. In general it provided  
for the sale to the United States of all the Sioux lands  
in the State of Iowa, in the Territory of Minnesota and in  
what is now the State of South Dakota lying east of the  
following boundary line,-beginning at the junction of the  
Buffalo with the Red River of the North; thence along the  
western bank of this river to the mouth of the Sioux Wood  
River, along its western bank to Lake Traverse along

\*\*\*\*\*

1. The Constitution by declaring the treaties already made or which shall be made, the supreme law of the land, admitted the Indian treaties to the ranks of the civilized powers, See Art. VI, Sect. II, Cons't. of the U.S.
2. Paxson, Last American Frontier, 348.

its western shore to its southern extremity, thence in a direct line to the junction of Kampeska Lake with the Sioux River, along its western bank to its intersection with the northern line of the State of Iowa. All the islands in these rivers and lakes were included in the cession. The northern line of this cession was the Sioux-Chippewa partition line established in 1825 at Prairie due Chien. This line started from "a point in the Red River of the North near Georgetown passed east of Fergus Falls and West of Alexandria, crossed the Mississippi between St. Cloud and Sauk Rapids"<sup>1</sup>. The ceded lands also embraced that part of northern Iowa, north of the Rock River, together with a country around Estherville, Emmetsburg, and Algona, and extending eastward by Osage, almost to Cresco.

The amount of this cession was 23,750,000 acres according to the computation of Thos. Hughes; 19,000,000 acres in Minnesota; 3,000,000 in Iowa; 1,750,000 in what is now South Dakota.<sup>2</sup> Gov. Ramsey commented most effusively on the great natural advantages of the land acquired; happy valleys, boundless plains, river bottoms richer than the banks of the

\*\*\*\*\*

1. "And went on in a general southeast direction to the St. Croix which it struck not far from Marine". Folwell, Minnesota, 62. This line east of the Mississippi of course was not connected with the cession since the Sioux at this time had no lands on the east of the river.

2. Thos. Hughes, The Treaties of 1851; Minn. His. Doc. Coll. Vol. XII, 112.

Nile, every indication of extensive mineral fields \* \* \*  
waiting to reveal hidden treasures of uncounted wealth are  
some of the effusions.<sup>1</sup>

The question of the Sioux claim to this large area  
brings up a complicated question. All the European powers  
which had taken part in the discovery of America recognized  
the Indian right of occupancy to their lands. These powers  
claimed that discovery gave to them the exclusive right to  
extinguish this Indian right of occupancy either by purchase  
or by conquest. Such discovery also gave the respective  
powers a right to exercise such a degree of sovereignty  
as the circumstances of the people would permit. The United  
States, when it was established, adopted these views in its  
relations with its Indian population.<sup>2</sup> So whatever title the  
Sioux had to these lands would, according to long established  
custom, consist in this right of occupancy. But just how  
far the Sioux could claim this right of occupancy to the lands  
which they ceded is uncertain. Along the western bank of  
the Mississippi and along the Minnesota River up to Lake  
Traverse, they had villages and a clear claim of occupancy.

-----

1. Ann. Rep. of Gov. Alex. Ramsey, Nov. 3, 1851; Ex. Docs. 1st  
Sess., 32nd Cong., 1831-2, Vol. II, Pt. III, p. 418.  
The literary style of this report is very unlike Gov.  
Ramsey's usual terse statements. It seems probable,  
as has been suggested, that this report was written by  
Dr. Thos. Foster.
2. See Introduction to Indian Treaties, U.S. Stat. at Large  
VII, 7.



But in the country along the north Iowan line and in the extreme southwestern part of Minnesota they had never made a permanent occupation. They only visited these regions when they made raids on the Sacs and Foxes of the upper Des Moines and when in search of buffalo in that region or about Lake Shetek.<sup>1</sup>

Article III of both treaties provided that, as part consideration of the cession made by the Indians, reservations were to be set apart for "the future occupancy and home of the Dakota Indians, parties to this treaty, to be held by them as Indian lands are held." The upper and Lower Sioux have each their respective reservation, in general consisting of the territory ten miles wide on either side of the Minnesota River from Lake Traverse down to the neighborhood of New Ulm. The specific limits of each reservation were described in the following way. The upper Sioux were to have all that tract of country for ten miles on either side of the Minnesota River from the western boundary of the ceded lands to the Tchay-tain-bay River (Hawk-Creek) on the north and to the Yellow Medicine River on the south side. The reservation of the Lower Sioux

\*\*\*\*\*

1. This statement is made on the authority of Return L. Halcombe, Minn. in Three Centuries, Vol. II, p. 320  
Inkpáduťá's band roamed about this region but they were outlaws and not parties to these treaties.

should extend, from this eastern boundary, along the Minnesota for ten miles on either side, to a line running due south from the mouth of the Little Rock River to its intersection with the Waraja River (Cottonwood.)

The Commissioners experienced difficulty in selecting reservations which would be agreeable to both their views and those of the Lower Indians. The reservation designated for the upper Sioux embraced their villages about Lakes Traverse and Big Stone and so necessitated not removal but restriction within narrower limits. The commissioners planned to remove the Lower Sioux to "a comfortable home for you and your children, in all time to come", between the Yellow Medicine and Redwood Rivers on the south of the Minnesota, and the Hawk Creek River and the Beaver Creek on the north. Col. Lea urged upon the Lower Indians the advantages of having their future home contiguous with that of the upper Sioux. "We desire to see the various bands of Sioux more closely united than they are now. It weakens them \* \* \* If they will consent to live together, and be united, they will increase and in time be a great people." The Mdewakantoin tribe had lived since 1837 on the western banks of the Mississippi, a wooded country abounding in lakes. Their spokesmen at the treaty negotiations, eloquently protested against their proposed removal to a

prairie country.<sup>1</sup> The commissioners firmly held to the original limits and location of the reservation. The treaty had been written and signed by the commissioners. It was now ready for the Indians' signatures but they obstinately held back. Finally one of the soldiers, Shakoep's brother, objected to the reservation as being too high up on the prairies. The soldiers, he said, were satisfied with all the other parts of the treaty. The commissioners made concessions. "We will now consent," said Gov. Ramsey, "to come down with the reservation to Little Rock River, which gives you timber enough." The treaty, with this change, received the signatures of the Indians, still grumbling over the character of their future home.<sup>2</sup>

The supposed advantages of this reservation system were greatly praised. Gov. Ramsey gave four principal advantages resulting from this concentration within narrower limits.<sup>3</sup> (1) The government could more satisfactorily

\*\*\*\*\*

1. Old Wabasha is reported as pleading. "You have named a place for our home, it is a prairie country. I am a man used to the woods and do not like the prairies and perhaps some of those who are here will name a place we would all like better."
2. These reported conversations are taken from Wm.G.Le Duc's diary printed in the Minn. Year Book 1852. This difficulty with the Lower Indians over their reservation is confirmed by the Report of Treaty Com. Lea and Ramsey, Aug. 6, 1851.
3. Ann.Rep. of Gov. Ramsey, Nov.3, 1851; Ex.Docs., 1st. Sess., 32nd Cong., Vol.II, Pt.III, 1851-2, pp.414-16

protect the Indians and control them for their best interests. (2) The government could more effectively and economically teach the concentrated bands agriculture and the industrial arts. (3) The Indians were guaranteed for a long period of years from that contact with white people, "by which they usually become tainted". (4) The proposed reservations would protect them from their hereditary enemies, the Chippewa, by a wide tract of ceded land, which formerly was a border ground claimed by both.

This question of reservations, no reservations, temporary reservations, and reservations reduced by half are the interesting developments<sup>of</sup> succeeding years and the events of reservation life during the period from 1852-1862 were most significant in their result on later Minnesota history.

Article IV of both treaties concerns the money payments, which are made in "further and full consideration of said cession". The purpose for which the payments are to apply are the same but the amounts differ in the two treaties. The upper Sioux were to receive \$1,665,000; the Lower Sioux \$1,410,000, which sums were to be paid as follows. The sum of \$275,000 was to be paid to the chiefs of the upper Sioux and that of \$220,000 to those of the Lower to (1) "enable them to settle their affairs and comply with their present just engagements; (2) and in consideration of their removing themselves to the country set apart for them as above which

they agree to do within two years or sooner if required by the President, without further cost or expense to the United States, (3) and in consideration of their subsisting themselves the first year after their removal" without further expense to the government. Then followed an important proviso, which admitted of different interpretations; "the said sum shall be paid to the chiefs, in such manner, as they hereafter in open Council shall request and as soon after the removal of said bands to the home set apart for them, as the necessary appropriation thereof shall be made by Congress".<sup>1</sup> This proviso was accompanied by such a complicated situation that further explanation of it will be postponed until after the remaining treaty provisions have been mentioned.

The government also agreed to expend \$30,000 for both Upper and Lower Sioux in "the establishment of manual labor schools; the erection of mills and blocks with shops, opening farms, fencing and breaking lands and like beneficial purposes." The means of transforming the warlike Sioux into a peaceful agricultural folk are happily expressed on paper!<sup>2</sup>

\*\*\*\*\*

1. This is the proviso relating to the Upper Sioux and received this variation in the Treaty at Mendota, i.e.; one-half of the sum was to be paid to the Mdewakantooan chiefs, and one-half to the chiefs and headmen of the Wahpacoota.
2. "These obligations furnished glittering evidences of humanity to the reader of the treaty. Unfortunately, the evidence stops at this point". Bishop Whipple, 1868, App. to Lights and Shadows of a Long Episcopate, p.533.

The balance of \$1,360,000 due the Upper Sioux and of \$1,160,000, the Lower Sioux, was to be held in trust by the United States <sup>1</sup> and the interest at 5% on these amounts for fifty years was to be paid annually to the Indians in certain enumerated ways. This annual interest on the trust funds would at the expiration of the fifty years be regarded as "full payment of said balance, principal, and interest".

The annual interest of \$68,000 for the Upper Sioux and of \$58,000 for the Lower Sioux was to be expended for each division in accordance with these four classifications: (1) a general agricultural and civilization fund, \$12,000; (2) an educational fund, \$6,000; (3) goods and provisions,

- \*\*\*\*\*
1. By the Act of Jan. 9, 1837, (U.S. Stat. at Large, V, 135) the government was expected to invest these trust funds in safe stocks yielding 5%, so that the application of this interest to the annual payments would relieve the necessity of making such appropriations annually from the Treasury. Up to 1852, such investments had not been made because of the embarrassed condition of the Treasury and Congress had appropriated the necessary amounts from year to year. The Commissioner of Indian affairs in 1852 urged that this was too costly a policy since the appropriations of the interest would soon equal and exceed the principal. The large surplus in the Treasury should now be invested, thus relieving this condition; Ann. Rep. of Luke Lea, Nov. 30, 1852: Ex. Docs., 2nd Sess., 32nd Cong., Vol. I, 1852-3, p. 301. In 1858, the whole amount of Indian trust funds was \$10,590,649.42 of which but \$3,502,241.82 had been invested in State and United States bonds. Com. Chas. Mix urged the investment of Indian trust funds to relieve the annual appropriations for interest; Sen. Docs., 2nd Sess., 35th Cong., 1858-9, p. 365.

\$10,000; (4) money annuities, \$40,000 for the Upper Sioux and \$30,000 for the Lower Sioux. The commissioners congratulated themselves that the annual expenditure which was to be applied for beneficial purposes connected with the "speedy civilization" of the Sioux was far greater than was usually the case. Great results were confidently expected from these liberal provisions. The desire was good and the success of the civilizing scheme now depended chiefly on the careful organization of a policy for carrying out the desire. <sup>1</sup>

By a division of the annuities between "liberal" cash payments and a "moderate" outlay for goods and provisions, the commissioners sought to satisfy the conflicting opinions of those who advocated either cash annuities or payments in kind. <sup>2</sup> Gov. Ramsey strongly favored the system of cash

\*\*\*\*\*

1. Commissioner Luke Lea in 1851, after the treaties with the Sioux had been negotiated, said, "The civilization of the Indians within the territory of the United States is the cherished object of the government \* \* \* But how \* \* \* remains without a satisfactory answer \* \* \* My own plans are not sufficiently matured to present; Ann. Rep. of Luke Lea, Com. of Ind. Affairs, Nov.27,1851; Ex.Docs.,1st Sess.,32nd Cong.,Vol.II,Pt.III,1851-2, p.273.
2. These two policies were much discussed at this time by those interested in the welfare of the Indian or in their own financial gain.

Norman Kittson feared in the case of money annuities that "most, if not all, will fall into the hands of the Hudson Bay Co.,with whom it is impossible for us to compete in a money line"; Letter to H.H.Sibley, Pembina, Feb.1,1851. But the traders, as a class favored money annuities, since the coin dispersed to the Indians, soon found its way into their pockets, or of gamblers' and "hangers-on".

annuities but the succeeding years more clearly defined the disadvantages of such a policy. The annuities were paid per capita, by the Indian agent directly to the individual Indian.<sup>1</sup> At the estimated number of 8000, the annuity of cash and provisions to each Indian man, woman, and child amounted to \$11.25. Until the civilizing machinery provided in the treaties should be set in motion, this annual allowance was an important means of livelihood, since the supply of game on the reserve<sup>2</sup> was wholly inadequate for sustenance. "For sound reasons," the annuities were limited to fifty years when it was confidently expected the Indians would be civilized and self sustaining and a continuation of annuity payments would be injurious to their moral condition.

Thus in addition to the reservations which were regarded as in part compensation for the ceded lands, the government agreed to pay in these different ways indicated,<sup>3</sup> \$3,075,000. This would be about 12¢ per acre on the estimated total area of 23,750,000 acres. But \$2,520,000 of this amount was to be held in trust and only the interest at 5% to be paid the Indians annually for fifty years, at which time the

\*\*\*\*\*

1. There was much opposition to this policy. The Indian chiefs received no more than the ordinary Indian. He was given no responsibility in directing the disbursement of the annuity and his influence, already small, was, therefore weakened by treaty relations with the government.
2. The Indians, however, as will be indicated later, hunted outside their reserve. In the season, they hunted the buffalo, still plentiful in the Missouri valley.
3. The average price which was paid the Indians for their lands from 1781-1851 was computed by H.H.Sibley at 8¢ per acre. Minn. Pioneer, Aug.5, 1852.



principal would revert to the government. So, "in one sense, the actual cost to the government for this magnificent purchase is only the sum paid in hand (\$575,000)" since the annual payments would be equalled by the interest from the ceded lands.<sup>1</sup> This price was considered low, "actually less<sup>2</sup> than the government ought to be willing to pay", and less than the Sioux would ever again allow their lands to be sold for, in case these treaties did not receive the ratification of the Senate.<sup>3</sup> And the Indian was not deceived in thinking that he had received a large sum from the government for the ceded lands. Chief Curlyhead thus voiced his opinion, "Fathers you think it is a great deal you are giving for this country. I don't think so, for both our lands and all we get for them, will at last belong to the white man. The money comes to us but it will all go to the white men who trade with us".<sup>4</sup>

Article V of both treaties provided that the trade and intercourse laws as far as the introduction of liquor is concerned should remain in force over the ceded lands until otherwise determined by the President or Congress. There is good evidence to show that such a provision was inserted to

\*\*\*\*\*

1. Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851.
2. Minn. Pioneer, Dec. 25, 1851, Editorial.
3. Memorial of Minnesota citizens to Congress, Mar. 8, 1852, printed in the Minn. Democrat, Mar. 10, 1852.
4. Wm. G. Le Duc's diary, Minn. Year Book, 1852, p. 87.
5. Act of June 30, 1834, Bioren Laws, IV,

satisfy the "earnest desire" of several of the chiefs that the government should take some stringent measure to exclude all kinds of liquor from their new home.<sup>1</sup> Such a restriction had been advocated by Gov. Ramsey in 1850.<sup>2</sup> He believed it wise to thus safe guard the Sioux who were credited in 1852 with being "under better moral influence than any other Indians, perhaps, on this continent."<sup>3</sup> The commissioners believed that this restriction was also in the interests of the settlers for it would protect them from "that depraved and pestilent class" who would seek to make the public lands contiguous to the Indian territory, "a theater of Indian whiskey trade". How well this provision was enforced will be brought out in the account of the Indians' life on the reserve.<sup>4</sup>

\*\*\*\*\*

1. Report of Treaty Com. Lea and Ramsey, Aug. 6, 1851; Minn. Pioneer, Sept. 8, 1852.
2. Gov. Ramsey to H.H. Sibley, St. Paul, Apr. 10, 1850. The Minn. Pioneer, Feb. 13, 1851, urged the advisability of such a restriction.
3. Minn. Pioneer, Apr. 8, 1852. The newspaper accounts of the temperate or the intemperate Sioux show him in contradictory lights. The general impression is left of a hard drinking Indian, given every opportunity to quench his thirst.
4. This and similar provisions in other treaties, gave rise, in later years, to much agitation as to whether the treaty making power had authority to legislate for settlers on the ceded lands of the United States. In 1910, W. E. Johnson and other special agents of the Department of the Interior, acting on a strict interpretation of these treaty provisions, closed many saloons in Bemidji and other northern Minnesota cities, until their work was stopped by a Federal court injunction. On April 20, 1912, Judge C. A. Willard announced that he would make this temporary injunction permanent. This decision in

"A new and desirable feature" was introduced by Article VI in both treaties. "Rules and regulations to protect the rights of persons and property among the Indians, parties to this Treaty, may be prescribed and enforced in such manner as the President of the United States or Congress from time to time shall appoint." This idea of the protection of the law for the Indians was advocated by many prominent Territorians before 1851. In 1850, sixty-four Minnesota citizens petitioned Congress to extend the laws of the United States over the Indian tribes within the Territory. Gov. Ramsey in his report to the Commissioner of Indian Affairs, in 1850, urged the extension by Congress over the Indians of a code of laws "accommodated to the actual situation of the Indian, elementary, securing plain rights and providing positive remedies." "I believe", said H. H. Sibley, "that the first step to be taken in the improvement of the Indian is to extend over him the protection of the laws" and for this principle he earnestly worked. It is likewise affirmed that this provision was inserted at the

\*\*\*\*\*

4.(Contd.) effect is that the liquor prohibition clauses in the treaties with the Indians in Minnesota are not valid because of the later admission of the State into the Union, The Minneapolis Daily Journal, Apr.21, 1912.

1. Minn. Democrat, July 29, 1851, Editorial
2. Minn. Chronicle and Register, Feb. 2, 1850
3. Minn. Pioneer, Feb. 13, 1851.
3. H. H. Sibley, Speech in House of Rep. Aug.2, 1850, printed in Minn. Pioneer, Aug.22, 1850.

solicitation of the Indians who believed that as agriculturists they needed the protection of the law the same as did the white man.

This provision was received with great enthusiasm and regarded as a cure "for one of the most obstinate evils" impeding the civilization of the Indians.<sup>1</sup> The Dakotas, as a political community lived almost without law, even the chiefs thru fear hesitated to express an independent opinion.<sup>2</sup> Property rights were slightly respected and consequently there was no motive to industry or the acquisition of property. The provident Indians had no redress in case of depredation or outrage by the shiftless of their own race and often of ill disposed whites. The execution of this provision was confidently expected to "break up the community system which is now the bane and curse of these tribes."<sup>3</sup>

The Lower Sioux had in addition this provision, "The entire annuity, provided for in the first section of Article II of the Treaty of 1837, including an unexpended balance that may be in the treasury on July 1, 1852, shall thereafter

\*\*\*\*\*

1. Minn. Pioneer, Sept. 8, 1853
2. This lack of power and real influence among the Sioux chiefs has abundant evidence from men competent to judge.
3. Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851.

be paid in money". This unexpended balance was the accumulation of an annual appropriation to be expended at the discretion of the President and generally understood to be for educational purposes. Succeeding administrations had not allowed it to be used for this purpose and the fund had accumulated to a large amount.<sup>1</sup> This withheld money proved a serious stumbling block to negotiations for the treaty. The commissioners could accomplish nothing. Little Crow declared, "We will talk of nothing else but that money, if it is until next spring. That lies in the way of a treaty. I speak for others, not for myself". Governor Ramsey replied, "We are willing to give it to you as soon as we get thru with this treaty. Now, if your people want this money, you know how to get it for them. The inducement proved effective. The payment of the \$30,000 was promptly made, as the commissioners had promised, directly after the signing of the treaty.<sup>2</sup> A lively time ensued in St. Paul but the excitement of

\*\*\*\*\*

1. This policy of allowing Indian funds to accumulate received severe condemnation in many reports and letters of these years. The Indians were led to distrust the government and its agents. Evil disposed persons also induced the Indians to believe that the missionaries had appropriated this money in support of their mission schools. In consequence the Indians became bitterly opposed to education and missionary efforts in their behalf.
2. Ann. Rep. of Agent Nath. McLean; Ex. Docs., 1st Sess., 32nd Cong., Vol.III, Pt.II, 1851-2, p.434.

spending their money was soon over.<sup>1</sup> In three weeks the Indians were about buying and borrowing as usual and a "portion of their money was in everybody's pocket".<sup>2</sup> Article VIII of the treaty with the Lower Sioux referred to the much vexed question of the Half-breed tract on Lake Pepin, for the cession of which a treaty had been negotiated in 1849 but failed of ratification by the Senate. This article agreed, that in lieu of this tract of land set apart for their occupancy, there shall be paid the Half-breeds, under the direction of the President,<sup>3</sup> the sum of \$150,000.

Such were the official provisions of these treaties but now consideration must be given to important events in connection with the securing by the traders of their claims against the Indians. At the negotiations at Traverse des Sioux this was accomplished by the notorious Traders' Paper. The Indians, immediately after signing the treaty, were, as they expressed it, "pulled by the blanket" to another table or barrel, presided over by Joseph R. Brown and Martin McLeod. Here they affixed their marks to the traders' paper,

\*\*\*\*\*

1. "Indians were all over town with double eagles. Third Street was converted into a temporary horse-bazaar. Dogs were also in demand. On Friday every Indian that had a horse was anxious to try its speed. Various contests were witnessed between old wheezy cart-horses running quarter-races at the north end of Jackson Street in sand an ankle deep. A large multitude witnessed these races". Minn. Pioneer, Aug. 14, 1851.
2. Ann. Rep. of Phil. Prescott, Sup't. of Farming, Aug. 30, 1851; Ex. Docs., 1st Sess., 32d Cong., Vol. III, Pt. II, 1851-2, p. 436
3. "Provided that the non-ratification of this article shall,

which, they later repeatedly declared and testified, was supposed to be but another copy of the treaty. The main points of this important paper are; "We, the undersigned chiefs and braves(of the Upper Sioux) \* \* \* being desirous to pay our traders and half-breeds the sum of money \* \* \* justly due them, do hereby obligate and bind ourselves \* \* \* to pay to the individuals hereafter designated the sum of money set opposite their names as soon \* \* \* as practical after removal and the necessary appropriation shall be made by Congress for arranging our affairs preparatory to our removal, and as it is specified that the said sum shall be paid in such manner as requested by the chiefs in open council thereafter, we do hereby in open council request and desire that the said sums below specified shall be paid to the persons designated as soon as practicable after the necessary appropriation shall be made by Congress for the purpose \* \* \* \* ."<sup>1</sup>

\*\*\*\*\*

3.(Cont'd.) in no manner, effect the other provisions of this treaty". The Senate, again refused to ratify the cession of the Half-breed tract and the question still hung fire.

1. Copies of this traders' paper are found in Sen. Docs. 2nd Sess., 32nd Cong., Vol.III, 1852-3. S.Doc.29,p.22, later referred to as S.Doc.29; also in Sen. Docs., 1st Sess., 33rd Cong., Vol. IX, Doc.61, 1853-4, p.9. This government document contains the testimony and report of the investigating committee regarding Gov. Ramsey' payments to the traders. It will be later be referred to as Doc.61.

This much of the traders' paper was signed by the Indians directly after they had signed the treaty, thus precluding the holding of any open council to decide on such action "thereafter", as the treaty provided.<sup>1</sup> Moreover, there is no evidence to prove that the Indians, even before the treaty, had ever decided in open council regarding the payment of the traders as arranged in the first half of this instrument. It is possible that some of the chiefs were previously acquainted with the purport of the traders' paper.<sup>2</sup> The strongest evidence relating to a previous explanation of the paper to the Indians, although not in open council, was given by Joseph R. Brown, two years afterwards during Gov. Ramsey's investigation. He testified that the paper had been explained to the Indians at the Ta-ka-ra lodge not more than one-half hour before they were called to council for signing the treaty.<sup>3</sup> All other testimony on this point was vague and inconclusive.

It is true that the Indians, previous to the signing of the treaty, informally acknowledged their indebtedness

\*\*\*\*\*

1. The word "thereafter" in Articles IV received two interpretations in the trouble arising later over the validity of the traders' paper: 1st, meaning after the treaty was signed; 2nd, meaning after the treaty was ratified.
2. Testimony of Martin McLeod. "It had been explained to some of the chiefs previous to the signing". Sen. Doc. 61, pp.42, 219.
3. Testimony of Joseph R. Brown, 1853. S. Doc. 61, 245.



to the traders and their desire to repay them.<sup>1</sup> The traders claimed that the amounts so acknowledged by the Indians very much exceeded the money items in the treaty provided the chiefs for debts, removal, and sustenance for one year afterwards. It is difficult to judge in what way the Indian gained his conception of the amount due the traders. The debts were not his alone but also those of the tribesmen, not debts only of the preceding years, but many dated back for long periods. The Indian kept no accounts, his memory was short, and his ideas of value were very imperfect. The amount of indebtedness thus acknowledged was gained, "I presume", testified Joseph R. Brown,<sup>2</sup> "from what they had learned from the traders themselves". This seems the probable explanation.

It is quite certain, that the first half of the traders' paper was not explained to the Indians when it was

\*\*\*\*\*

1. \*The Indians upon all occasions say that they will consent to the payment of debts due to them present traders ..... but I apprehend that they cannot be brought to any terms about old balances due persons who abandoned them years ago". Martin McLeod- H. H. Sibley, Lac qui Parle, Apr. 26, 1851.

The testimony of the traders, in 1853, is all to the effect that the Indians expressed a desire to pay their indebtedness by a far larger amount than was specified in the treaty.

2. Sen. Doc. 61, 236.

signed by them.<sup>1</sup> Such an explanation, even if previously given, would have been a wise precaution in bringing the untutored savage to a clear understanding of the papers' contents.

The schedule of claims, with the amounts to be paid each trader and the half breeds was not affixed until the next morning.<sup>2</sup> This schedule of claims was made out the evening the treaty was signed by a committee appointed by the traders. This committee consisted of Martin McLeod, Louis Roberts and Joseph Brown acting for the traders and Henry H. Sibley for the half breeds.<sup>3</sup> The committee worked quietly in the preparation of this schedule. "It came to the conclusion that they had no time to examine books,"<sup>4</sup> "nor were creditors sworn to their claims on the schedule."<sup>5</sup>

\*\*\*\*\*

1. The testimony both of witnesses to the treaty and the traders' paper and of the Indians, taken during Gov. Ramsey's investigation, is unanimous and conclusive on this point. H. H. Sibley, Dr. Thos. Williamson, Dr. S. R. Riggs, Dr. Thos. Foster, and Nath. McLean were among the witnesses who testified that the paper was not explained when it was signed. The usual Indian testimony was, "I was pulled by the blanket and made to sign a paper which was not explained to me."
2. Testimony of Martin McLeod; "That list was copied by me the following morning on that traders' paper."  
S. Soc. 61, 227; Report of committee, Ibid, 4.
3. Testimony of Jos. R. Brown, Ibid, 237.
4. Testimony of Martin McLeod, who acted as clerk of the traders' committee, Ibid, 233, also testimony of Alexis Bailly, a trader, Ibid, 155.
5. Testimong of Alexis Bailly, a trader, Ibid.

The sums apportioned by this committee were probably not submitted to the chiefs for approval.<sup>1</sup> The schedule of amounts to be paid to the specified individuals consisted of \$209,200 to the traders, \$40,000 to the half-breeds and \$800.00 to S. R. Riggs for the American Mission Board, a total of \$250,000 to be paid from \$275,000 provided in Art. III. Some of the upper Indians, undoubtedly, knew that a part of the \$275,000 provided is "band money" in the treaty was given them principally to settle their debts with the traders. They certainly did not understand how large a sum was set aside for the payment of their traders and half-breeds, who were the successful claimants, and how much was apportioned to each.

The wisdom of such methods was questioned at the time. Agent Nath. McLean admitted that the Indians of necessity owed the traders a large amount yet he urged a fair investigation of the Indians' debts by disinterested parties, appointed by the Indian Department or mutually selected by debtors and creditors.<sup>2</sup> It was the government's intention, as has been said, not to interfere in settling the debts of the Indians. The result was the notorious

\*\*\*\*\*

1. Testimony of H. H. Sibley, "I do not know that the sums thus apportioned were submitted to the chiefs. S. Docs. 219.
2. "I must protest against this practise of the traders getting together and dividing off the money of the Indians in this way." Sept. 1852. Sen. Docs., 2nd. Sess., 32nd Cong., Vol. I, Pt. I, p. 35.

traders' paper for the Upper Sioux, a direct cause for later difficulties.

The arrangements made with the Lower Sioux for the payment of their debts to the traders were on the same order as the traders' paper but more simple. On August 5, the day the treaty was signed, each of the two tribes, the M<sup>1</sup>dewakanton and Wahpakoota, signed agreements, each promising to pay their respective traders \$90,000.<sup>2</sup>

The succeeding months were filled with exciting events. Madison Sweetzer, of Fort Wayne, Indiana, "a trader attached to an interest adverse to the American Fur Company which had not received recognition for its claims"<sup>3</sup> at the treaties, was given a license to trade at Traverse des Sioux by Indian agent McLean.<sup>4</sup> He immediately aroused the dislike and distrust of the old traders.<sup>5</sup> He was described as being "cunning and plausible....he intends to manage the money given the Indians to pay their lawful debts."<sup>6</sup> The Indians with Sweetzer's

\*\*\*\*\*

1. It is affirmed that the \$30,000 paid the M<sup>1</sup>dewakanton from funds accumulated from the Treaty of 1837, was an inducement to the chiefs to sign this agreement, rather than the treaty itself, as has been indicated in the former discussion.
2. These agreements are given in S. Doc. 29, pp. 32-33; S. Doc. 61, 20.
3. Folwell, Minnesota, 97.
4. Nath. McLean to H. H. Sibley, Traverse des Sioux, Dec. 17, 1851.
5. "Sweetzer is giving goods at very cheap rates to establish an influence with the Indians for ultimate purposes." Martin McLeod to F. B. Sibley, Traverse des Sioux, Dec. 20, 1851.
6. "I hope his plans will be thwarted as completely as

assistance soon saw the Traders' paper in a clearer light. It is not for us to determine whether Sweetzer was influenced by unselfish zeal for the Indian or by the spirit of revenge upon the traders and selfish attention to his own gains.

Twenty-one chiefs, headmen, and braves of the Upper Sioux, on Dec. 6th, at St. Peter's Agency, signed a protest and a power of attorney to Madison Sweetzer. The protest stated the circumstances of the traders' paper and declared "we have since learned with surprise and astonishment that we were deceived, misled . . . . We are desirous to pay our honest debts, but we most solemnly protest that we never intended by any act of ours to set aside any such sum of money for the payment of assumed debts against our people, neither do we believe that it is possible for our people to owe one-fourth of this amount." They appointed Madison Sweetzer to be their attorney and to defend them against the payment of all debts stipulated in the traders' paper, until their validity should be determined by " a properly consti-<sup>1</sup>tuted tribunal." On the same day the signers of this document also signed a letter of protest to the President, declaring that the traders' paper had not been explained to them and

\*\*\*\*\*

6.(Cont) were those of Hamans", added D. R. Kennedy in his letter to F. B. Sibley, Traverse des Sioux, Nov. 30, 1851.

1. S. Doc. 29, pp. 15-19. Fifteen of the Twenty-one who had signed this paper were also signers of the treaty of July 23, 1851. Six were absent when the treaties were signed but were parties to it; Certified list of signers, Ibid, 23.

they had signed it, believing it but a duplicate copy of the treaty. They asked the protection of the President against the payment of the unjust claims specified in the paper.<sup>1</sup>

These same twenty-one chiefs, on Dec. 8, went before Gov. Ramsey and Agent McLean with their complaints. They again declared that the traders' paper had been obtained from them by deceit and fraud. They declared that the bands owed no such sums but were willing to pay whatever just debts a fair examination of their claims might decide. They wished the money to be paid directly to the chiefs to be expended by them as they "hereafter" should request. Gov. Ramsey's reply was most reassuring and his interpretation of the troublesome Article IV, very literal. He told them that the language of the Article was specific. The money was to be paid the chiefs and braves of the tribe in such manner as they in open council should determine, in order to enable them to settle up their business, provide for removal expenses and subsistence for one year after such removal. The traders' paper was no part of the treaty and the government would carry out the stipulations of the treaty without reference to it. The Commissioners had no power in relation to the payment of their debts to the traders, that was a matter  
\*\*\*\*\*

1. S. Doc. 29, pp. 25-26; S. Doc. 61, pp. 31-33.

entirely between themselves. He also promised that their agent would make their wishes known to their Great Father at Washington. The council terminated and the Indians dispersed, apparently satisfied. This literal interpretation was in accordance with the views of Agent McLean.<sup>1</sup> The Indians' attorney, Madison Sweetzer, in a letter to Commissioner Luke Lea asked the interference of the government preventing the payment of the claims according to the traders' paper. The Indians were not capable of ascertaining their just debts which they were anxious to pay. The government should provide a fair examination to determine what were the Indians' just and proper debts.<sup>2</sup>

\*\*\*\*\*

1. This description of the conference with Gov. Ramsey is taken from a letter written by Agent McLean, Dec. 13, 1851, S. Doc. 29, 23. This letter was officially communicated to the Indian Dept. at Washington by Gov. Ramsey himself in a letter dated St. Paul, Jan. 21, 1852; S. Doc. 61, 64; S. Doc. 29, 20.
2. Letter of Madison Sweetzer to Luke Lea, Dec. 15, 1851, S. Doc. 29, 24.

Note A.

The Sioux of Minnesota consisted of four of the seven sub-tribes of the Dakota or Sioux tribe, and these four were divided into the Upper and Lower Sioux, so-called because of their geographical location.

The Sisseton and Wapeton comprised the Upper Sioux; the Mdewakanton and Wahpacoota, the Lower. The Sisseton, "people of the swamps" received their name probably from their former residence among the swamps of the Upper Mississippi, previous to 1760. At the time of the treaties of 1851, they claimed all the country west of the Mankato or Blue Earth river to the river James and also claimed custody of the famous red pipe-stone quarry. Their principal village was near Lake Traverse, with other villages on Lake Big Stone. Their numbers were estimated at 3800.

Wapeton, "people of the leaf" had their villages far up the Minnesota (then called St. Peter) River toward its source. Some of them intermixed with the Sisseton, whose villages were not far distant. Their numbers were estimated at 1500.

Mdewakanton, "community of the mysterious lakes" probably derived their name from a former residence in the Mille Lacs vicinity. By the treaty of 1837, they were removed west of the Mississippi River. In 1849 their villages were strung along the west bank of the Mississippi from the Iowa line to some ten or twenty miles above the Minnesota River. They were the only tribe of Sioux to receive annuities before the treaties of 1851. Their number was thus more accurately estimated, and was about 2200.

Wahpacoota, "leaf-shooters" occupied the country below the Mdewakanton to the south of the Minnesota River and around the head waters of the Cannon and Blue Earth Rivers. They were thus on the frontier and were constantly at warfare with the hostile tribes at the south. Their numbers were small, from six to eight hundred.

The numbers of the Upper and Lower Sioux were thus estimated in 1849 to be between seven and eight thousand.

The Dakota or Sioux tribe of Indians was subdivided into seven grand council fires which were of the nature of sub-tribes, each independent within itself and claiming exclusive use of certain portions of their common territory. There was no apparent central authority over these tribes (four of them, the Minnesota Sioux) but only an informal



band of union due to a common origin, language, customs, country and a perpetual tacit alliance for offence and defence against other nations. These council fires were divided into patriachates or bands governed by petty chiefs whose authority was partly hereditary but depending a good deal on the good will and favor of the young braves who generally chose a second or war chief if the hereditary chief was not a good warrior. The small influence of the chiefs over their bands was weakened and practically destroyed by treaty relations with the government.

This account has been condensed by the careful report made of these tribes by Gov. Ramsey, Sup't. of Indian Affairs, Oct. 13, 1849; Ex. Docs., 1st Sess., 31st Cong., Vol.III, Pt.II, 1849-50. This description of the Sioux agrees with the accounts given of them by Wm. G. Le Duc, Minn. Year Book 1852 and Chas. S. Bryant in A History of the Great Massacre by the Sioux Indians in Minnesota.

The usage in spelling tribal names follows the list agreed upon by the Bureaus of Indian Affairs and American Ethnology and printed in C. T. Kappler's compilation of Indian Affairs, Laws, and Treaties, 57th Cong., 1st Sess., Sen. Docs., Vol. I, Appendix I, p.1021.

Chapter III, The Ratification of the Treaties.

Thus the authorities of the Indian Department at Washington were acquainted with the allegations of fraud made against the traders' paper. Certain papers, also announcing the perpetration of fraud upon the Upper Sioux had been laid before the Senate.<sup>1</sup> This body appeared in no concern about the ratification of these treaties and the citizens of the territory were becoming exceedingly restive under the Senate's inaction. Immigration was rapidly increasing. During the summer of 1851, even, a large number of settlers had gone over to the Indian lands, cutting timbers, making claims, building houses and mills. The Indian authorities did all they could to check the current of immigration but it was found impossible to dam out the white population. "They must and will go in."<sup>2</sup> By the summer of 1852, about 5000 settlers, expecting the ratification of the treaties, had settled in the Indian lands.<sup>3</sup> Gov. Ramsey in his message to the Third Legislative Assembly urged upon it, as one of its first duties, to memorialize the President and the Senate

\*\*\*\*\*

1. Letter of H. H. Sibley to Sen. A. C. Dodge, May 3, 1852, printed in the Minn. Pioneer, Mar. 30, 1854.
2. Minn. Pioneer, Dec. 25, 1851.  
"They will have it (the Sioux country) by foul means .... if it is not ratified;" Martin McLeod to H. H. Sibley, Feb. 17, 1852.
3. Report of Agent Nath. McLean, Sept. 1852, Sen. Docs., 2nd Sess., 32nd Cong., Vol. I, 1852-3, p. 35

for the early ratifications of the treaties.<sup>1</sup> This memorial the Legislature promptly provided.

But the anxious citizens did not allow the efforts of the Governors and Legislature to stand unaided. "Let Minnesota send up a voice to the Senate that can not be misunderstood. The Treaties must be ratified"<sup>2</sup>. Enthusiastic mass meetings were held, the meeting of March 8 sending a lengthy and urgent petition to the Senate. Many reasons were given for ratification. It was indispensable to the Sioux Indian that he should be taught agriculture in accordance with the wise treaty provisions. Indian warfare would be waged against the many white settlers squatting on their lands. The narrow strip of land on the east side of the narrow strip of land on the east side of the Mississippi "does not answer our just pride and expectation." of becoming a State, the peer of the several States.<sup>3</sup> This last reason contained the vital issue at stake, both to the Territorians and to those Senators who opposed the ratification of these treaties.

\*\*\*\*\*

1. Minn. Pioneer, Jan. 15, 1852. This memorial is printed in the Minn. year Book for 1852. p. 20.
2. Minn. Pioneer, Mar. 4, 1852. James Goodhue, editor of this paper, in every issue most ardently urged the immediate ratification of these treaties. The other papers were almost as urgent if not so effusive.
3. Minn. Democrat, Mar. 10, 1852.

The treaties were finally laid before the Senate on February 28, 1852, when Mr. Atchinson presented the memorial of the legislature of the Minnesota Territory.<sup>1</sup> On April 19, Mr. Seward presented the petition of the Minnesota citizens.<sup>2</sup> Both the memorial and petition were referred to the Committee on Indian Affairs, where apparently they were lost sight of. A Washington correspondent complained that the greatest difficulty lay in getting the attention of the Committee members. The indifferent Senators, when reminded of the treaties by a zealous advocate, would ask "How far are these lands from California?"<sup>3</sup> But indifference gave way to active interest and opposition, when after the report of the Committee on Indian Affairs, April 29, the Senate discussed the matter in frequent executive sessions. The secret debates on this subject can only be judged from unofficial sources. The Minnesota newspapers received only indefinite rumors from Washington explaining the causes for the opposition which so long delayed the ratifications. These rumors gave three causes for the opposition: (1), the system of favoritism in the securing of the traders' claims against the Indians;<sup>4</sup> (2), the whig Senators were rabidly in

\*\*\*\*\*

1. Sen. Journal, 1st Sess., 32nd Cong., 1851-2, p. 237.
2. Ibid; 258.
3. Letter of Apr. 5, 1852, printed in Minn. Pioneer, May 6, 1852.
4. Minn. Democrat, July 7, 1852.

in favor of distributing the public lands among the States  
were in  
and, <sup>1</sup> severe opposition to all territorial acquisitions until  
such distribution should be made, and (3), the opposition  
of the southern Senators, "unwilling to extend the area of  
the settlement to the north from which another free state  
<sup>2</sup> " might be built.

Everyone at the time, whether of the same political faith or not, praised H. H. Sibley, then Territorial Representative to Congress, for his great efforts in securing the ratification of the treaties. He was willing and anxious even, that all private interests, secured indirectly by the treaties to the traders, should be forfeited, rather than endanger the success of the ratifications. He believed, as did his constituents, that if the treaties were not ratified, an Indian war would be waged against the white settlers  
<sup>3</sup> on the Indian lands.

\*\*\*\*\*

1. Minn. Democrat, July 7, 1852; also New York Times quoted in Minn. Democrat, May 26, 1852.
2. Folwell, Minnesota, 98.  
Senators Bell, Tenn., Woodward, Ken., Hunter, Va., Butler, S. C., Dawson, Ga., were reported as opposed to ratification. Minn. Democrat, Nov. 24, 1852 .  
See also Minn. Pioneer, May 27, 1852, Minn. Democrat, May 19, May 26, 1852. Senators Atchinson, Wis., Cass and Felch, Mich., Douglas, Ill., Dodge and Jones, Iowa, were among the friends of the treaties; Minn. Democrat, July 14, 1852.
3. These views were expressed in a letter from H. H. Sibley May 3, 1852, to Hon. A. C. Dodge, U. S. Senate and printed in the Minn. Pioneer, Mar. 30, 1854. This letter of Mr. Sibley's "was used to disabuse the minds of the Senators respecting these treaties and to effect their ratification", stated in a letter of Senator A. C. Dodge to H. H. Sibley, Jan. 12, 1853, printed in the Minn. Pioneer, Mar. 30, 1854.

There is no doubt that the traders and half-breeds deeply concerned with the ratification of these treaties, employed Hugh Tyler, a resident of Pennsylvania, and other agents to give their time and attention at Washington to bring about the desired object. <sup>1</sup> Alexis Bailey, trader, testified in 1853, that Hugh Tyler was fitted by his business-like qualifications and capacity and his knowledge of government affairs in Washington, to secure the ratification of the treaties and the amendments which the Senate made in them. <sup>2</sup> Without ascertaining the precise services of Hugh Tyler in this promotion of treaty ratifications, it may be remarked that his efforts were not unawarded, as will be shown later.

The treaties were finally ratified on June 23rd by a small majority. <sup>3</sup> The glad news was received by the

\*\*\*\*\*

1. Hugh Tyler's sworn testimony that he was thus employed, S. Doc. 61, 430. Similar testimony of H. H. Sibley, Ibid, 221, 224.
2. Ibid, 160. Ind. Com. Luke Lea testified that "Hugh Tyler exerted himself with much zeal and no little efficiency in endeavoring to secure the ratification of the treaties by the Senate;" Ibid, 224. Also similar testimony of Jos. R. Brown, Ibid, 244.
3. There is no official record of the vote since, of course, it took place in executive session of the Senate. "The vote on the Treaty of Traverse des Sioux was a very close one and the change of a single Senator would have rejected it altogether," Minn. Democrat, July 14, 1852.

Territorians with universal rejoicings. The Senate, however, had made certain amendments in the original treaties which did not gladden the Indian's heart. Article III of each treaty, which had provided reservations for the Upper and lower Sioux, were stricken out by the Senate.<sup>1</sup> The United States promised to pay ten cents an acre for these lands and this purchase price was to be added to the original funds.<sup>2</sup> The President was authorized, as soon as the amended treaties were ratified by the Indians, to set apart satisfactory reservations outside the ceded lands for their future homes. Such action or any expedient modification of it by the President must receive the assent of the Indians. Gov. Ramsey was instructed by the Indian Department to submit these amendments to the Indians for their consent.<sup>3</sup>

This striking out of the reservations immediately caused the Indians to complain. They declared that they did not want the money, given in lieu of the reserve, but the

\*\*\*\*\*

1. For these amendments see U. S. Stat. at Large, X, 53-59.
2. The sum due the Upper Sioux from this purchase was later fixed at \$120,000 for the estimated number of acres, 1, 200, 000, and for the Lower Sioux at \$69000 for 690,000 acres, Ind. Approp. Act, Aug. 30, 1852, Ibid, 52.
3. This instruction was dated Aug. 3, 1852, S. Doc. 61-324.



~~but~~ the assurance of a permanent home. In their simplicity,
 they believed that the government wished to send them into
 a boundless prairie to starve to death. <sup>1</sup> Among the excited
 Indians assembled at St. Paul, the excitement increased.

No general councils of the tribes were held. The Minnesota
 Pioneer reported that Gov. Ramsey had been expressly notified
 by the Indian Department not to incur any expense even
 for assembling the Indians. <sup>2</sup> This restriction, if true, did
 not prevent the official use of a portion of the Indians'
 "hand-money" to obtain the desired ratifications. Gov. Ram-
 sey believed that certain supplies of food and presents were
 necessary in obtaining the Indians' consent. <sup>3</sup> He acted
 accordingly and later received the consent of Indian Commission-
 er Lea, that the expenditure for these supplies "may, as you
 suggest, be paid out of the funds provided for their first
 year's subsistence." <sup>4</sup> The treaties, moreover, had influential
 friends who spared neither time nor money to secure the
 ratification of the objectionable amendments. The Pioneer

\*\*\*\*\*

1. Ann. Reports of Phil. Prescott, Supt. of Farming, Aug. 20, 1852, Sen. Docs. 2nd Sess., 32nd Cong., Vol. I, Pt. I, p. 355. all, must, I fear, be regarded as
2. Minn. Pioneer, Sept. 1, 1852. Minn. Pioneer, June 9, 1853.
3. Sen. Doc. 29, 17. orney was dated Sept. 8, 1852; S. Doc.
4. Letter of Luke Lea to Gov. Ramsey, Oct. 1st, 1852, Ibid, p. 13.

stated that the traders incurred a heavy expenditure for this purpose and "we feel proud that we contributed our portion."<sup>1</sup> Hugh Tyler was also present to lend his efficient helping hand.

Some means, besides the usually effective presents, provisions, and possibly money bribes, were necessary to produce a peace of mind among the excited Upper Sioux, which would make possible their consent to the amendments. The traders' paper, their powers of attorney to Madison Sweetzer and H. H. Sibley, were all matters of keen dissatisfaction from which they now desired to be freed. A new paper was devised to serve as an inducement to secure the Indians' consent to the amendments. By this paper,<sup>2</sup> the Indians gave a power of attorney to Gov. Ramsey, authorizing him to perform all the acts which the fourth Article of the treaty "provided for and by us to be done", also to appropriate the said money in accordance with carrying out its equitable and true intent," all such acts to have the same force and effect.

\*\*\*\*\*

1. Minn. Pioneer, Oct. 20, 1852.  
"The yellow boys and fine horses brought home by the Indians last fall, must, I fear, be regarded as bribes." Dr. S. R. Riggs, Minn. Pioneer, June 9, 1853.
2. This power of attorney was dated Sept. 8, 1852; S. Doc. 29, pp. 25-27; S. Doc. 61, pp. 13-15.

as if done by us. And we do hereby revoke and amend all former and other powers of attorney executed or given by us with reference to the receipt and collection of the said money or any part thereof." Twenty seven chiefs of the Upper Sioux signed this paper. Witnesses to the discussion and signing of this document testified that the Indians understood that it broke all former powers of attorney and papers made by them, especially the hated traders' paper.<sup>1</sup> The certification stated that these chiefs who had signed the power of attorney to Gov. Ramsey had a full and complete knowledge of all its provisions. Nevertheless the Indians retained a confused impression of the real meaning and purpose of certain of its important provisions. They believed that their "hand money" was to be brought to them by Gov. Ramsey and paid directly into their own hands. There is no evidence to show that Gov. Ramsey ever made such an explanation or promise,<sup>2</sup> nor does the wording of the paper admit of such interpretation. Gov. Ramsey considered that he was given

\*\*\*\*\*

1. Testimony of Nath. McLean and of Henry M. Rice. S. Doc. 61, pp. 204-5. Philander Prescott, the interpreter, testified that the Indians were told that this paper destroyed the two former powers of attorney, to Mr. Sweetzer and Mr. Sibley and gave Gov. Ramsey power to get the money and deliver it to them; Ibid, 191.
2. Rep. of the Investigating Committee, S. Doc. 61, 57.

power to ask and receipt for the \$275,000 and also to dis-  
burse this money for the Indians in accordance with and  
for the purpose of carrying out the true intent of the  
treaty.<sup>1</sup>

Immediately after signing this power of attorney,  
the reluctant Indians were induced to agree to the amend-  
ments, "trusting to the justice, liberality, and humanity  
of the President and Congress of the United States that  
such tracts of country will be set apart for our future  
occupancy and home as will be to us acceptable and satis-  
factory.<sup>2</sup> The finally obtained consent of the Indians was  
hailed by the Territorians with joy. The Democrat came out  
with big head lines; "The Amendments of the Senate to the  
Sioux Treaties agreed to by the Indians. \$800,000 Coming!  
Come on! Farmers, Mechanics, Capitalists!"<sup>3</sup>

\*\*\*\*\*

1. Letter of Gov. Ramsey to Ind. Com. Luke Lea, Mar. 2, 1853, Ibid, 324. "The true intent" to Gov. Ramsey implied always the payment of the traders according to the terms of the traders' paper.
2. This is the wording of the document which the Indians signed in consent to the amendments. Twentyseven of the Upper chiefs and headmen signed the amendmen~~t~~ treaties, Sept. 8, 1852. Forty-five of the Lower chiefs and headmen had signed their consent on Sept. 4. Pres. Fillmore on Feb. 24, 1853, proclaimed the treaties as amended; U. S. Stat. at Large, X, 53-59.
3. Minn. Democrat, Sept. 8, 1852. There was great anti-  
cipation over the great amount of money which would  
come into the Territory when the first payments to the  
Indians were made.

Chapter IV, Gov. Ramsey's Payments of the Traders.

The sums due the chiefs of the Upper and Lower Sioux by Articles IV were not, according to the treaty stipulations, to be paid them until after their removal to the designated reservations and the necessary appropriation should have been made by Congress. The aim of the commissioners had been, by this means, to induce the more ready compliance of the Indians in locating on the reserve.<sup>1</sup> The necessary appropriations had been made by Congress, Aug. 30, 1852, to fulfill these treaties, provided the Indians ratified the amendments.<sup>2</sup> This act contained a significant provision regarding the money payments to Indians as stipulated in the various treaties. No appropriation for the benefit of the Indians shall be paid to any attorney or Indian agent but always directly to the Indians "unless the imperious interest of the Indians, or some treaty stipulations shall require the payment to be made otherwise under the direction of the President." Accordingly, even if the traders' paper could be considered a valid treaty stipulation,<sup>3</sup> still such

\*\*\*\*\*

1. Rep. of Treaty Com. Lea and Ramsey, Aug. 6, 1851, p.283.
2. Indian appropriation act for the year ending June 30, 1852; U. S. Stat. at Large, X, 52.
3. The traders' paper provided for the payment of specified sums to certain traders. It could not therefore be admitted into the treaty as one of its stipulations. Such action was prohibited by the Resolution of the Senate, Mar. 3, 1843, already referred to under the discussion of payment for traders' claims.

payments as it required should be made under the direction of the President. If it were not a part of the treaty stipulations, then all payments due the Indians should be paid according to this law directly to them and not to any attorney or Indian agent.

The long delay in the final completion of the treaties had kept the Indians in an excited and unsettled state of mind. They were in a destitute condition and very anxious to receive their promised money that fall or early in the winter. The traders had waited long for the desired liquidation of their debts. Money was scarce in the territory and everyone was waiting for the disbursement of the Indian <sup>1</sup>land money to relieve the embarrassed financial situation. So Gov. Ramsey decided that the payment should be made if possible that fall. Altho the season was late, he made a hasty trip to Washington to state the situation to the Indian Department.<sup>2</sup> The Commissioner of Indian Affairs agreed that "the long delay in the treaty ratifications and the consequent suffering of the Indians in connection with some other interests involved" made it expedient to dispense a portion of the funds before the removal of the Indians.

\*\*\*\*\*

1. Letter of Alex Ramsey to Luke Lea, St. Paul, Mar. 2, 1853. S. Doc. 61, 324.
2. Minn. Democrat, Sept. 8, 1852.

But care must be taken to retain a sufficient sum to provide for the removal of the Indians during the next year and subsistence for one year thereafter.<sup>1</sup> Altho Gov. Ramsey was not a regular disbursing officer of the government, he was so designated by the Indian Department and given a credit on the Treasury for \$593,050.<sup>2</sup> He arrived in St. Paul with the money toward the last of October and "our people have been in high glee ever since."<sup>3</sup>

The payments began in November with the Lower Sioux. The payment to the Wahpekoota chiefs was made without difficulty. A receipt for the \$90,000 was signed by them "all of which we desire him (Gov. Ramsey) to pay in full acquittance of our just obligations .... to our licensed traders."<sup>4</sup> The traders in turn gave a power of attorney to H. H. Sibley to receive this money from Gov. Ramsey and distribute it among them.<sup>5</sup> The balance of \$20,000

\*\*\*\*\*

1. Letter of Com. Luke Lea to Gov. Ramsey, Washington, Oct. 4, 1852; S. Doc. 29, 13.
2. This requisition was issued Oct. 4, 1852. Besides the "hand money" provided by the 1st clause of Art. IV in both treaties amounting to \$495,000, were included other items in fulfillment of treaty stipulations, etc., annuities and interest on the purchase price of the reserve per Senate's amendments; Ibid.
3. Minn. Democrat, Oct. 27, 1852. Pioneer, Oct. 28, 1852.
4. This receipt was signed Nov. 8, 1852; S. Doc. 29, 16; S. Doc. 61, 335.
5. Signed Nov. 10, 1852; S. Doc. 29, 33.



now due this tribe from their half of the \$220,000 "hand money", was retained by Gov. Ramsey for their removal and subsistence in the future.<sup>1</sup>

Dramatic scenes took place in connection with the payments to the Mdewakanton tribe. The seven chiefs refused to sign a receipt for \$90,000 to be paid their traders as arranged at the Treaty of Mendota, Aug. 5, 1851. It appears that stringent measures were used to force these Indians to a partial payment of the traders. The season was late, the Indians cold and hungry as they waited for the payment of their annuities, and hand money.<sup>2</sup> Their Agent, Nathaniel McLean, the year following, did not recollect that he had issued any provisions to them.<sup>3</sup> Gov. Ramsey claimed later that there was no need to provide for the Indians since the traders were supplying their physical needs in anticipation of the liquidation of their claims from the Indian money.<sup>4</sup> The Indians all testified to their starving condition. "We waited near two months at the agency for our money, until our children were near starving. We staid until the snow fell. I do not know of any provisions being issued

\*\*\*\*\*

1. Letter of Gov. Ramsey to Luke Lea, St. Paul, Jan. 15, 1853, S. Doc. 20.
2. Judge Young in his report accepts this view of the Indians' condition, S. Doc. 61-59.
3. Ibid, 59. I find, however, a receipt for \$848. in payment for beef furnished the Mdewakanton during October and November, 1852; Ibid, 28.
4. Gov. Ramsey to H. H. Sibley, Washington, Dec. 23, 1853.

to the Indians."<sup>1</sup>

It should be remembered that the Mdewakanton had annuities due them from the Treaty of 1837. These also were withheld until the chiefs should sign a receipt for the payment of the traders. Finally the Indians said they would take the goods and provisions due them from the former treaty and let the new treaty money pass.<sup>2</sup> But an agreement was now reached which made possible the payment of \$70,000 to the traders. \$20,000 of the sum originally designated for the traders was divided equally among the seven chiefs. It was alleged that this sum was for the purpose of inducing the Indians to sign the receipt to Gov. Ramsey for \$90,000.<sup>3</sup> The chiefs then signed, on Nov. 9, a receipt to Gov. Ramsey for \$90,000, "\$70,000 of which we desire him to pay in full acquittance of our just obligations to our licensed traders."<sup>4</sup> The chiefs proposed, said Gov. Ramsey, to pay out this \$20,000 to their half-breed relatives. The story of its

\*\*\*\*\*

1. Testimony of Cloudman; S. Doc. 59.  
Testimony of Wahcoute, "We were forced to sign for fear of starvation"; Ibid, 59.  
If the Indians waited these two months it was in anticipation of the coming payment after Gov. Ramsey should arrive. He returned from Washington the last week in October and this payment was made Nov. 9.
2. Testimony of Agent McLean; S. Doc. 61, 204.
3. Testimony of Alex Bailly; Ibid, 69.  
The receipts of the seven chiefs for this \$20,000 is found in S. Doc. 29, 34; S. Doc. 61, 26.
4. S. Doc. 29-18; S. Doc. 61- 25.

disposal shows that the white men rather than their relatives soon came into its possession.<sup>1</sup> There was also an impression among the Indians that the release of five young Sioux warriors imprisoned at Fort Snelling, was to be a consequence of their signing the receipt. However this may be, these prisoners were released about the time the delayed annuities were distributed after the receipt was signed by the the rebellious Indians.<sup>2</sup> Besides the coercive means already mentioned, acceptable presents and bribes were doubtless distributed or promised to the Indians by the traders in order to secure the necessary signatures to the receipt.<sup>3</sup> The traders gave Hugh Tyler on Dec. 11, a power of attorney to receive the \$70,000 from Gov. Ramsey and to give a receipt for it "in full discharge of our claims against the Indians up to Aug. 5, 1851."<sup>4</sup>

\*\*\*\*\*

1. S. Doc. 61, pp. 69-71; Heard, History of the Sioux Mass, pp. 40-41.
2. Ibid, 40; Rep. of Investigating Com. "We feel confident that the Indians were impressed with the belief, from some quarter or the other, that the release of these prisoners, among other things, was to be a consequence of their signing the receipt."
3. Little Crow testified two years later that one of the traders had promised him 70 horses, double-barreled guns, and pistols for many of his band. Naturally he never received them; Heard, History of Sioux Massacre, p. 41; quoted by Capt. MacDonald Jan. 1910 in a paper read before the Loyal Legion.
4. S. Doc. 29, 35; S. Doc. 61, 27-28.

The difficulties attending the payment to the Mdewakanton were slight in comparison with those which Gov. Ramsey encountered in the payments to the Upper Tribes at Traverse des Sioux.<sup>1</sup> The chiefs insisted that the money due them under Article IV for settling their affairs should be paid directly to them. They would then decide in "open council" how it should be distributed. Such action was in accordance with the literal interpretation of the treaty provision which Gov. Ramsey had given the Indians in the fall of 1851 and also with the law as stated in the Indian Appropriation Act of 1852.

Red Iron,<sup>2</sup> chief of the Sisseton Sioux headed the opposition. He organized his braves into a soldiers' lodge. His aim, he declared, was to prevent the chiefs and braves being enticed to night councils, there to be bribed to sign receipts for money paid the traders, as had been done in case of the Mdewakanton. He protested; "We dont want to be served so. My braves wanted to come to council in the day-time when the sun shines and we want no council in the dark.

\*\*\*\*\*

1. "The persons present at this payment were Agent McLean, Maj. Jos. R. Brown, interpreter, H. H. Sibley, Dr. Foster, Hugh Tyler, Benj. Thompson, C. D. Fillmore, brother of Pres. Fillmore, then lumber agent for Minnesota, and a number of traders, among whom were H. L. Dousman, Alexis Bailly and Martin McLeod". Statement of Thos. Hughes, XII, 114. Minn. His. Soc. Coll.
2. "He is an industrious man, who is at work every day in his corn"; reported Goodhue in the Minn. Pioneer, July 24, 1851.

We want all our people to go to council together, so that we all can know what is done." Matters assumed a threatening aspect. Gov. Ramsey sent for troops from Fort Snelling. On Nov. 19, Capt. James Monroe arrived with forty infantry and five dragoons. Red Iron was arrested and put in jail and every effort was made to break up the organized opposition.

The agitation increased against the proposed payment. On December 4, fourteen chiefs and headmen of the Upper Sioux signed a protest addressed to "our Great Father" against the payment of traders' claims according to the terms of the traders' paper. They begged the President to make "such orders ..... as will insure a fair and impartial investigation of our liabilities and prevent any portion of our treaty funds from being paid upon any pretended claim or otherwise disposed of in any manner contrary to the stipulations of our late treaty."<sup>1</sup> Finally a council was held of whites and the Indians. Red Iron was brought in under guard. Then occurred the dramatic and often quoted interview between Gov. Ramsey and the Indian chief.<sup>2</sup>

\*\*\*\*\*

1. S. Doc. 29, 3.
2. First given in Heard's History of the Sioux Massacre pp. 35-39. The report of this interview was obtained from an educated half-breed who was present during the scene described.

Gov. Ramsey reproved Red Iron for his defiance regarding the proposed payment. "At the treaty I thought you were a good man; but since you have acted badly, and I am disposed to break you - I do break you," the Governor is reported as saying. <sup>1</sup> "You break me! My people love me My people made me a chief. I will still be their chief. I have done nothing wrong" was Red Iron's reply. Gov. Ramsey insisted that the payments to the traders must be made. The "Savage", Red Iron, proposed arbitration. "We don't think we owe so much. We want to pay all our debts. We want our Great Father to send three good men here to tell us how much we owe and whatsoever they say we will pay." Altho justice and fairness were upon the chief's side, Gov. Ramsey would not consent to his proposition. He told them they already owed more than their money would pay. The agent was ready to pay them their annuities but no more. Red Iron's eloquent speech in reply must be noted. "We will receive our annuity but we will sign no papers for anything else. The snow is on the ground and we have been waiting

\*\*\*\*\*

1. Heard states that other chiefs besides Red Iron were "broken" and other chiefs created to act in the place of those deposed; History of Sioux Massacre, p. 40. Judge Young in his report concluded that there was not sufficient evidence to prove this charge. Martin McLeod, present at the payment, in a letter to H. H. Sibley, Nov. 21, 1852, speaks of Gov. Ramsey's "breaking" Red Iron's chieftainship. For Gov. Ramsey's account see S. Doc. 61, 330.

a long time for our moneys. Our hunting season is past. A great many of our people are sick from being hungry. We may die because you will not pay us. We may die, but if we do, we will leave our bones upon the ground, that our Great Father may see where his Dakota children died. We are very poor. We have sold our hunting grounds and the graves of our fathers. We have sold our own graves. We have no place to bury our dead and you will not pay us the money for our lands."

The council was broken up and Red Iron was sent to the guard house where he was kept until the next day. It seemed for some hours that the two hundred warriors, resolved to do battle for their hereditary chief, would lead an attack against the whites. The Indians were finally influenced to abandon their feverish desire for revenge. Both of the opposing parties believed their contentions were just. The system of Indian trade was the root of the evil and the prevention of conflicts like this could only be a result of its abandonment.

As another means of effecting the payment of the traders, it was charged that Gov. Ramsey withheld the annuities due the Indians under the new treaty, until the desired receipts were secured.

\*\*\*\*\*

1. This is the opinion of the Investigating Committee based on the testimony of Nath. McLean, Indian Agent, Ibid, 203; Heard, History of Sioux Mass., p.40.

Finally after this long delay and great effort on Nov. 29, Gov. Ramsey obtained twelve signatures to a receipt for \$250,000 which was to be paid their traders and half-breed relatives.<sup>1</sup> It was signed by only two of the old and well recognized chiefs and by only one who had signed the Treaty of Traverse des Sioux.<sup>2</sup> Gov. Ramsey had required the traders, recognized by the traders' paper, to render under oath, the amount of their claims. These claims amounted to \$431,735.78<sup>3</sup> for which correct indebtedness, as Gov. Ramsey believed it, but \$210,000 was paid.<sup>4</sup> This sum of \$250,000<sup>5</sup> was also delivered by Gov. Ramsey to Hugh Tyler, holding powers of attorney from the traders and half-breeds. He distributed among the claimants the sums designated in the traders' papers, less the sum of \$55,250 for attorney's fees, which he retained. He thus received of the Indians' "band money" a percentage of about thirteen and one-half percent.<sup>6</sup>

\*\*\*\*\*

1. \$210,000 of this amount went to the traders, \$40,000 to the half-breeds. For copy of receipts, S. Doc. 61-53.
2. Rep. of Investigating Committee, Ibid, 54. Testimony of Alex Higgins and others; Ibid, 101. This question of chieftainship was even at this time so little understood that it seemed impossible to judge the loyalty of these signatures, to determine just who were entitled as chiefs to sign and who were not.
3. Abstract list; Ibid, 15.
4. Letter of Gov. Ramsey to Luke Lea, St. Paul, Jan. 15, 1853; Ibid, 20. \$800. of this \$210,000 was paid Dr. S. R. Riggs for a claim due the American Board of Missions.
5. The sum of \$70,000 due the traders of the Mdewakanton had previously been delivered to him.
6. The \$90,000 delivered to Henry H. Sibley for disbursement to the traders of the Wahpakoota was also discounted at 10%, \$9000. going to Hugh Tyler. This gentleman



for his valuable services in the ratification of the treaties by the Senate, in the obtaining the Indians' consent to the Senate's amendments and for other ways in which he had lent a helping hand. A part of this money had been used as "Secret Service Money" to induce persons opposing the payment of the traders' claims to withdraw their opposition. It is impossible to say whether other officials profited by this sum, altho Gov. Ramsey was later acquitted of having received any share of it.

Gov. Ramsey was firm in his determination that the traders and half-breeds should receive payment for claims he regarded as just. He believed for several reasons, which he later enumerated, that he was justified in his payment of the traders. First, he regarded the traders' paper "a valid paper to be respected as a solemn acknowledgement

\*\*\*\*\*

6.(Cont.) received a discount of 15% on the \$250,000 paid the traders of the Upper Sioux and 12 1/2 % on the \$70,000 paid the traders of the Mdewakanton tribe of Lower Sioux. It is by no means certain that all the claimants willingly assented to this large discount but all were compelled to consent to it in the end; Rep. of Investigating Committee, Ibid, 66.

1. S. Doc. 61, 158.

2. "Whatever disposition may have been made of it by Mr. Tyler, it is due to Gov. Ramsey to say that the evidence does not show that he received any part of it". Rep. of Investigating Committee, Ibid, 67.

by the Upper Bands of their indebtedness." He believed that the distribution of money provided by it was as just as could be made and that it was executed by the Indians with a full knowledge of what it meant.<sup>1</sup>

In the second place, Gov. Ramsey believed he was justified by the power of attorney executed to him by the Indians at St. Paul, Sept. 8, 1852. He drew his authority from the clause which gave him power to perform all the acts which the Indian chiefs were empowered to do by Art. IV, to appropriate the money for the purpose of executing the true intent of the treaty provision.<sup>2</sup> It is here that there existed a wide difference of opinion between Gov. Ramsey and the Indians, Gov. Ramsey, believing in the validity of the traders' paper would include it in his execution of this "true intent" of the treaty. The Indians, understanding that this power of attorney had annulled the traders' paper, and confused over its true meaning, looked to Gov. Ramsey to carry out the provisions of the Article as he had interpreted them in the fall of 1851.

\*\*\*\*\*

1. Letter of Gov. Ramsey to Luke Lea, St. Paul, Jan. 15, 1853; S. Doc. 29, 20.
2. Letter of Gov. Ramsey to Luke Lea, St. Paul, Mar. 2, 1853; S. Doc. 61, 328.

Gov. Ramsey's third reason was the discretion given him regarding these payments by the letter of instructions from Luke Lea, Commissioner of Indian Affairs. This reads, "Familiar as you are with the provisions of these treaties, it is unnecessary to give you detailed instructions in regard to the funds now placed in your hands..... If necessary to prevent injustice and mischief they should be required to abide by the agreement between them and the traders, i. e.,  
1  
the traders' paper.

\*\*\*\*\*

1. Letter of Oct. 4, 1852, and report of a conversation between Gov. Ramsey and Luke Lea in the same month giving similar instructions; S. Doc. 61, 58.  
It is an accepted opinion that, in addition to the traders' paper, there existed a mutual understanding between the commissioners and the traders that most of the money stipulated to be paid the chiefs in Article IV was in reality to satisfy the traders' claims.

**Chapter V, The Senate Investigation of Gov. Ramsey's  
Disbursement of the Sioux Money.**

Gov. Ramsey's troubles did not end with the disbursements of the "hand-money." Political enemies and parties dissatisfied with the Sioux payments stirred up a vigorous opposition to Gov. Ramsey. The editorial columns of the Democrat, edited by D. R. Robertson, a bitter political enemy of the so-called "Ramsey-Sibley faction", were filled with charges against the justice of the payments made by Gov. Ramsey. The Pioneer, called by the opposition, Gov. Ramsey's "paid organ" answered fire.<sup>1</sup> The opposition was finally carried to the United States Senate, which was Democratic and therefore not averse to air short-comings in the late administration of Whig opponents. On January 10, 1853, the Senate unanimously agreed to the following resolution by Mr. Givin. "Resolved, that the Committee on Indian Affairs be instructed to inquire into the allegations of fraud contained in certain of the public prints with regard to a disbursement by Alex. Ramsey, Supt. of Indian Affairs, of money appropriated to carry out the stipulations of the treaties

\*\*\*\*\*

1. The Democratic party triumphed in the elections of 1852. On May 5, 1853, Gov. Ramsey was succeeded by Hon. Willis A. Gorman, a Democrat from Indiana. This opposition to Gov. Ramsey, because of his disbursement of the Sioux money, was a prominent feature in the bitter political strife between Whigs and Democrats preceding the elections.

concluded with the Sioux in 1851.<sup>1</sup> By later resolutions, the committee was authorized to examine witnesses and papers relating to the case. But on April 5, it reported to the Senate that altho a few witnesses had been examined, no conclusions had been reached. The Senate then authorized the President to cause an investigation to be made and to report such results to the Senate at the next session of Congress. President Pierce appointed Judge R. M. Young of Illinois and Gov. Gorman of Minnesota as an investigating committee.<sup>2</sup> The investigation took place at St. Paul and the evidence was fully sifted during the months July to October.

Madison Sweetzer, as attorney for the Indians, had addressed a communication to the Hon. K. Sebastian, chairman of the Committee on Indian Affairs of the Senate, dated at Washington, February 26, 1853, in which he submitted for investigation nine charges and also certain specifications against the official conduct of Hon. Alexander Ramsey as Supt. of Indian Affairs of the Minnesota Territory.<sup>3</sup>

\*\*\*\*\*

1. Sen. Journal, p. 82, 2nd Sess., 32nd Cong., 1853-4.
2. Gov. Gorman was associated with Judge Young during the investigation but did not assist in the preparation of the report, nor does it bear his signature. Judge Young, in a note to his report, stated that since Gov. Gorman, because of official duties could not reach Washington until March (1854), "I have thought it advisable to send the report in as it is, with my own signature, being well assured that every part of it will be found sustained by evidence and in the confident belief that Gov. Gorman would have signed it, if he had been here."
3. "Sweetzer is bound for Washington and says he will never cease till he fully exposes the villainous misapplication of the Sioux money;" H. L. Dousman to H. H. Sibley, Prairie du Chien, Jan 25, 1853.

Daniel A. Robertson, editor of the Democrat, on March 19, presented seven formal charges against Gov. Ramsey, in his disbursement of the Sioux moneys. These charges were substantially the same as those submitted by Madison Sweetzer. The investigating committee, for the sake of convenience, combined these charges under seven heads, which are as follows.

(1) "Gov. Ramsey is charged with having co-operated with H. H. Sibley and others for the purpose of absorbing the whole fund intended for the Sioux Indians, by the fourth articles of the treaties of July and August, 1851, by payments to favorite claimants or traders, to the exclusion of meritorious creditors, who were not permitted to share in said distribution.

(2) With having received from the United States \$593,050 in "the national currency" for disbursement to the Sioux Indians, under the provisions of the said treaties; and with having deposited the same in one or more banks in the city of New York, in violation of the laws of the United States; and also to have exchanged the greater part of the gold coin, thus deposited, for bank notes and drafts, contrary to law and the instructions of the Indian Department.

(3) With having paid accounts against the United States, officially, on contracts for supplying the Indians with provisions, goods, etc., in bank notes and drafts, instead of the gold coin, which was originally received by him

for that purpose.

(4) With having refused to pay to the Sioux Indians the money intended for them under the fourth articles of the treaties of July and August, 1851, altho repeatedly and earnestly requested so to do, by the chiefs; with having resorted to threats and force, and other acts of cruelty and of oppression, to overawe and intimidate, and thereby to compel them to consent to the payment of this money to the traders, and with having, in the end, paid over the larger part of the said money to one Hugh Tyler, for payment and distribution to the traders and half-breeds, contrary to the wishes and remonstrances of the Indians; in violation of law and the stipulations contained in said treaties, and also in violation of his own solemn pledges, previously made to them, in regard to said payments.

(5). With having directed or permitted the greater part of this money to be paid directly to the traders and employees who were connected with the American Fur Company and the fur company of Pierre Choteau Jr., and Company, by Hugh Tyler, who had been employed by them for that purpose, contrary to the repeated remonstrances of the Indians by their chiefs, in violation of law and said treaty stipulations: and that Hugh Tyler was allowed to deduct from said payments, a large percentage on the amounts paid them, to the prejudice of the just rights of the Indians and to the injustice of such traders and half-breeds as had not consulted or agreed



to the arrangement.

(6). With having failed to reserve a sufficiency of money for the removal of the Upper Sioux and their subsistence for the first year after their removal.

(7). With having procured receipts from the Indians for the money paid to the traders and half-breeds to be used as vouchers in the settlement of his accounts with the Treasury Department, by the removal of some of the recognized chiefs and the appointment and substitution of others, not recognized by the Indians, and by procuring the signatures of unauthorized persons, who were not chiefs, in some instances; and of the recognized chiefs by fraudulent and improper means, in others.

It will be well to summarize the conclusions which Judge Young deduced from the testimony of the different witnesses for probably few Minnesota citizens had read, more or less carefully the 431 octavo pages comprising the committee's report.

In regard to the first charge the following conclusions are reached. Both treaties provided that "the land money" provided in articles four should be paid to the chiefs in such manner as they "thereafter" in open council should request. The word "thereafter" referred to some time after the treaty was ratified for until then it was no treaty and anything done under it would be premature. The agreements secured from the Indians at the time of the treaties for the

payment of their traders, were not the result of any "open council". They were also invalid since they were executed before the ratification of the treaties. After the treaty was finally ratified no "open council" of chiefs had ever been held to decide on the proper disbursement of their money.

Gov. Ramsey should have required a production of the original books and accounts on the part of the traders, with satisfactory evidence of their trustworthiness. Some of the transactions were of such long standing that the other Indians, <sup>living</sup> in 1851 must have had a very imperfect knowledge of them, and in many instances, no knowledge whatever. This failure to substantiate the accounts against the Indians gave rise to the comparatively slight inequality in the distribution of the money to the traders.

Judge Young, in regard to the second charge concluded that of the \$593,050 received by Gov. Ramsey from the United States in gold coin, only \$100,000 was taken by him to Minnesota Territory in gold. \$100,000 was taken in bank notes and the residue was paid out to claimants chiefly in drafts and far the greater part in the Merchants' Bank of New York. This exchange of national currency was contrary to law and the instructions of the Indian Department.<sup>1</sup>

\*\*\*\*\*

1. Act of Congress, Aug. 6, 1846; Instructions of Indian Department, Aug. 20, 1846.

Judge Young did not express an opinion regarding the third charge but left the matter to the consideration of the Senate.

Gov. Ramsey refused the requests of the Indians that the money be paid their chiefs in accordance with the fourth articles of the treaties of July and August, 1851. He paid \$320,000 directly to Hugh Tyler, who paid it to the traders and half-breeds in accordance with the traders' papers. This payment was made contrary to the wishes of the Indians, in violation of law, treaty stipulations, and Gov. Ramsey's promises to the Indians, Dec. 8, 1851. At this time he explained to the Indians that the language of the fourth articles was "specific" and would be literally executed.<sup>1</sup>

Judge Young gave as his opinion; "It was his duty to have summoned the chiefs of the bands together and ascertained from them in "open council", their wishes in regard to its disposition, and then to have paid it in such manner as they may have requested him, independent of their engagements, at the time of the making of the treaty, outside

\*\*\*\*\*

1. Gov. Ramsey, when he made this explanation, was not yet appointed disbursing agent but gave his views as one of the commissioners who had negotiated the treaties.

of its written stipulations."

Gov. Ramsey "broke" Red Iron of his chieftainship because he organized a "soldiers" lodge" to oppose Gov. Ramsey's proposed payment according to the traders' paper. Young chiefs had signed the receipt of the Upper Sioux for \$250,000 paid their traders and half-breeds. These chiefs had been appointed since 1851 and their authority was not recognized by the bands. "It does not, however, appear from the evidence, that Gov. Ramsey appointed them, ..... Whatever may have been his motives in withholding the annuities from the Upper Sioux, it is evident that the money was not delivered to Agent McLean for distribution until he (Gov. Ramsey) had first procured the receipt for \$250,000." Annuities were also withheld from the Mdewakanton, until by the distribution of \$20,000 to the chiefs, they were induced to sign the receipt for \$90,000. This withholding of the annuities and the failure to distribute provisions during the cold autumn months constituted acts of oppression.

The Indians clearly labored under the impression that the power of attorney which they gave Gov. Ramsey, Aug. 1852, authorized him to pay the money directly into their own hands in strict fulfillment of article four of the treaty. Thus the Indians were allowed to deceive themselves; the payments were not made in accordance with the law, treaty, stipulations, and former promises; and oppressive measures were used to secure the receipts of the chiefs.

(5). The greater part of the money was paid directly to traders and employees, connected with the Pierre Chouteau Jr. and Company, or who had formerly belonged to the American Fur Company, by Hugh Tyler. This was done against the Indians' wish and in violation of law and treaty stipulations. Hugh Tyler deducted a percentage of \$55,250. Evidence does not show what disposition Tyler made of this percentage but "it is due to Gov. Ramsey to say, that the evidence does not show that he received any part of it, and Hugh Tyler says, in his evidence before the Senate's Committee, that Gov. Ramsey did not receive any part of it." H. H. Sibley also declared that none had gone into the hands of Gov. Ramsey, but as to the other officers he declined to answer.

(6). Gov. Ramsey had reserved but \$25,000 for the removal and subsistence of the Upper Sioux; of this sum, \$18,932 had been expended by Gov. Ramsey when succeeded in office by Gov. Gorman, leaving on May 6, 1853, only \$6,068. These Indians had not yet been removed. "It would appear, from the manner in which this \$25,000 was reduced to so small a sum in so short a time, with so little apparent benefit, that it was very far short of what would have been required for any practical and beneficial use in the way of subsistence and removal, if indeed, any practical aid was intended by the treaty.

In regard to the seventh charge, Judge Young reached this conclusion. The receipts, to be valid against the Indians, should have been signed by the recognized chiefs or at least by a majority of them, in "open council", according to the terms of the treaties and in conformity with their own requests in regard to the disposition of the money. The receipt obtained from the Upper Sioux was signed by only two out of seven of the old chiefs. The signatures to the receipt from the seven Mdewakanton chiefs were obtained by a division of \$20,000 equally among them, which was deducted from the \$90,000 designed for the traders.

In conclusion, Judge Young drew some inferences from the presented evidence which reiterated and emphasized his formal conclusions. One of these should be quoted. "A very large sum, amounting to \$55,250 was retained by Hugh Tyler, by way of discount and percentage, which it would seem could not have been necessary for any reasonable and legitimate purpose but which is not accounted for by the witnesses."

In his closing criticism, Judge Young declared that the money should have been paid the Indian chiefs in strict accordance with the treaty stipulations. "For altho it may be true as remarked by Luke Lea in his testimony that "They have very imperfect ideas of the value and proper uses of money or land, yet the government assumes that they have, so far a competent knowledge, as to make them the subjects

of the most solemn contracts." The report, on the whole, was moderate and tactful in its censure of Gov. Ramsey's conduct in the treaty payments and in several charges exonerated him wholly from blame. Gov. Ramsey rejoiced that, altho "Young's report is miserably garbled and not at all a fair comment on the testimony, yet it concedes all the material points that we ever contended for." These points were: (1) by an understanding between the Indian traders and the Commissioners, the amounts usually called the "hand money" were set aside for the payment of debts, (2) the

\*\*\*\*\*

1. It is impossible and unnecessary to ascertain what changes, if any, were made by Judge Young in his original draft of the report. There is some evidence to show that zealous friends of the "Ramsey-Sibley faction" were working in Washington to "tone down" the report before its submission. B  
Benj. C. Eastman, Congressman from Wisconsin (1851-55), wrote Mr. Sibley from Washington, on Jan. 21, 1854, "Judge Young has allowed me to read it, with the object that if there is anything in it that tended to throw a doubt on your fair name, it should be stricken out." Later, on Feb. 20, he wrote that, altho he had urged substantial changes, still "Young did not materially change his report" after coming to Washington from St. Paul.

Indians had distinctly consented that this money was for the payment of their traders' debts, (3), that if this money had reached their hands they would have squandered it, (4), "I manufactured no chiefs,.....(5) and the evidence does not show that I received any part of the percentage. The<sup>1</sup> censure which Judge Young expressed for the delay of the payments and the sufferings of the Indians during the late fall months, was emphatically denied by Gov. Ramsey in several letters. The Indians were not kept at Fort Snelling in a starving condition for two months as Judge Young contended. The traders and half-breeds were feasting them all the time in anticipation of their shares in the forthcoming annuities and "land money". Hence there was no need to issue provisions which the Indians did not need or ask<sup>2</sup> for.

From Judge Young's report, it is apparent that he was a strict constructionist while Gov. Ramsey relied on the spirit, rather than the letter, of the treaty stipulations. "The money was for debts and they intended at the time, it was for that purpose." "Moreover, Commissioner Lea

\*\*\*\*\*

1. Alex. Ramsey to H. H. Sibley, Washington, Dec. 23, 1853; Jan. 8, 1854.
2. Alex Ramsey to H. H. Sibley, Washington, Dec. 23, 1853; Jan. 20, 1854.  
Gov. Ramsey, Jan. 20, suggested the wisdom of quietly taking depositions of a few persons present at the payment, to the effect that the Indians fared well while they waited about the agency for the delayed annuities.



advised me to pay out the money under the Traverse des Sioux treaty, agreeably to the distribution made then by the Indians whether they now assented to it or not." <sup>1</sup> Gov. Ramsey was between two fires. The welfare of the territory had demanded that the treaties be made. They could not have been effected without the aid of the traders. The traders' aid had made the anticipated treaties a reality. Therefore the traders must be rewarded and Gov. Ramsey never wavered in this determination. The ensuing difficulties should not be wholly blamed upon one man but on the governmental policy of allowing such a system of trade with the Indians. The prevention of the attendant evils could only have been wholly accomplished by an abolition of this unwise system.

This report was submitted by Judge Young to Indian Commissioner, G. W. Manypenny, on December 30, 1853, and was by him submitted on January 5, 1854 to Secretary of the Interior, Robert McClelland. Gov. Ramsey, who was in Washington at this time, feared "the malignity of McClelland", who regarded the report as "a strong paper" against Ramsey. He desired that the report should quickly reach the Senate for " I would not be delivered over to his tender mercies." <sup>2</sup>

\*\*\*\*\*

1. Alex. Ramsey to H. H. Sibley; St. Paul, Mar. 8, 1854.
2. Alex. Ramsey to H. H. Sibley, Washington, Jan. 8, 1854.  
Benj. Eastman to H. H. Sibley, Washington, Jan. 10, 1854.

Secretary McClelland presented the report to President Pierce on January 9, who, on the same day delivered it over to the Senate where it was referred to the Committee on Indian Affairs.<sup>1</sup> Now that the report was before this committee, Gov. Ramsey's friends had a better chance to fight in his behalf.<sup>2</sup>

At the crucial period<sup>3</sup> came a letter from Col. Robertson to Gov. Ramsey, stating; "I cheerfully say, that in my own opinion, after a full consideration of all the circumstances and facts in the case, that no stain rests upon your character in these transactions as a man of integrity..... I never charged you with having received any pecuniary or personal consideration but with what I believed to be violations of law, about which, diverse opinions are entertained."<sup>4</sup> This letter was regarded as "an overture of peace" authorizing the committee to ask to be discharged from the further consideration of the subject.<sup>5</sup> On February 24, The Committee begged to be discharged from further

\*\*\*\*\*

1. "Altho McClelland told me it was a strong point against us, he will do no more than send in the report and presumes the President will do the same", Alex. Ramsey to H. H. Sibley, Washington, Jan. 8, 1854.
2. Different letters from Washington during these months give evidence that Senator A. C. Dodge of Iowa was a zealous and influential friend. "Dodge is warmly with us and is emphatic in his denunciation of the whole business;" Alex Ramsey to H. H. Sibley, Washington, Dec. 23, 1853.
3. Jan. 24, 1854.
4. D. R. Robertson to Alex. Ramsey, Jan. 24, 1854, S. Doc. 61, 428.
5. Benj. C. Eastman to H. H. Sibley, Feb. 9, 1854.

consideration of the subject saying that the charges were not proved or sustained and that Gov. Ramsey's conduct was free from blame.<sup>1</sup> Congressman Eastman joyfully wrote on the eventful day; "The committee asks to be discharged! ... Dodge is a captain."<sup>2</sup>

The Senate immediately dismissed the committee from further consideration of the matter. The report was ordered printed in spite of efforts to the contrary by Gov. Ramsey's friends, who feared that "the objectionable and garbled parts of it would be scattered thru the country," as a result of its publication."<sup>3</sup> The excitement in the Territory over the matter soon died down. Mr. Dousman wrote; "Ramsey, Sibley and Co. have carried the day in the Sioux fight. I saw Sweetzer here, he gives it up."<sup>4</sup> The ambitious founders of Minnesota had many weighty matters to absorb their energy and attention and this affair was soon consigned to a deserved oblivion in accordance with the general wish. "Requiescat in pace" was the epitaph suggested by a friend.<sup>5</sup>

\*\*\*\*\*

1. Sen. Journal, 1st Sess., 33rd Cong., 1853-4, p. 211.
2. Benj. C. Eastman to H. H. Sibley, Feb. 24, 1854.
3. "Bob McClelland wished the report printed but he is not to be gratified"; Benj. Eastman to H. S. Sibley, Jan. 21, 1854.
4. H. L. Dousman to H. H. Sibley, Prairie du Chien, Feb. 28, 1854.
5. Benj. Eastman to H. H. Sibley, Washington, Feb. 20, 1854.

Chapter VI, Reservation Life, 1853-'62.

Immigrants in increasing numbers flocked to the country west of the Mississippi, after it was legally open to settlement. "All the world is alive with the Minnesota fiver"<sup>1</sup>, declared the Democrat. The Indians were obliged to remain on the ceded lands for the President had not yet assigned them a reservation outside the territory. It became necessary that some immediate separation be effected between the Indians and the whites since the Indians would inevitably resist the occupation of their former hunting grounds by the settlers. There was neither time nor the means to make the requisite explorations, to find a suitable location for the Indians in the little known western country. Consequently the reserve, which was to have been theirs by the treaties was assigned to the Indians by the President for a period of five years.

The time of departure for the Indians, especially those of the Lower tribes, drew nigh. The Mdewakanton, whose villages were mostly on the west side of the Mississippi opposite St. Paul, were sad at the thought of leaving their old homes and the graves of their kindred. They requested the privilege of staying another year in the familiar places. The chiefs feared that ample provision had not been made for their people at the new agency and the proposed removal<sup>2</sup> would necessitate great hardship and inconvenience.

\*\*\*\*\*  
1. Minn. Democrat, Oct. 20, 1852.  
2. Minn. Democrat, June 1, 1853; Minn. Pioneer, June 9, 1853.

Governor Gorman, as Ex-Officio Superintendent of Indian Affairs for the Territory, undertook the difficult and delicate task of removing the Indians. He used great skill, tact, and honesty in accomplishing his object. He first took a number of the reluctant chiefs and braves with him to Traverse des Sioux. A council was held there and the Indian leaders were given a chance to see the new home and judge of the preparations which were being made for their people's arrival. The conference was successful and the chiefs promised to make no more opposition but to influence their bands to as early a removal as possible.<sup>1</sup> By the last of August, the Mdewakanton, including Wabashaw and his band, were en route for their new home.<sup>2</sup> "The Indians who a few weeks ago, were seen promenading our streets in great numbers have entirely disappeared."<sup>3</sup> "They are now in their new homes. Well, farewell to the Sioux!"<sup>4</sup>

Great credit is given Governor Gorman for his successful removal of the Indians. He employed no military aid, without which it was thought the task could not be accomplished. He knew how to secure the efficient aid of the traders, and by so doing making the expense to the government much less than if a private individual had taken the contract

\*\*\*\*\*

1. Minn. Democrat, June 8, 1853.
2. Minn. Democrat, Aug. 31, 1853.
3. Minn. Pioneer, Oct. 27, 1853.
4. Minn. Pioneer, Nov. 24, 1853.

for the removal.<sup>1</sup> The Democrat boasted that "never before had a tribe of Indians been removed from their ancient homes so quietly, peaceably, and at such small expense."<sup>2</sup> Credit also should be given these Indians who were described as being submissive and obedient to Governor Gorman's commands.<sup>3</sup> The removal of the Lower Sioux was substantially<sup>4</sup> accomplished by November, 1853. The white settlers, however, did not feel confident that the removal was permanent and feared that the Indians would return and plant at their old villages the following spring. Governor Gorman promised that effective measures would be taken to prevent such a return and on the whole he was successful. The most of the Upper Sioux band already lived in their villages upon Lake Traverse, Big Stone Lake and Lac qui Parle, included within the reservation. The Little Rapids Indians who resided about Little Rock were now to occupy that part of the reserve below the Chippewa. The Upper Sioux were more roving, less accustomed to concentration and the contact of the whites than were the Lower tribes. In 1856, Indian agent Murphy, reported that

\*\*\*\*\*

1. Minn. Democrat, Nov. 16, 1853. Private contracts for the removal of Indians were usually extortions.
2. Ibid: It is natural that this paper should see Gov. Gorman's removal of the Indians in the most favorable light since it was a political supporter of Gorman and his administration.
3. Ibid, June 1, 1853.
4. Pay-Pay's band of Wahpakoota, near Faribault never removed; Minn. in Three Centuries, II, 322.

three of the Upper Sioux bands would not come to the reserve at all, while other of the bands would come, depart and not return again, for a season or two. It must not be supposed that the Indians remained strictly within the limits of the reserve. They maintained their villages there but wandered off in search of game, still necessary for their subsistence. It is probable that Governor Ramsey promised the Indians, reluctant to sell their hunting grounds, that until "the whites want it you will be able to hunt over the large country you sell, just as you hunted before". The temporary character of the reserve soon became apparent to both whites and Indians. The latter, naturally adverse to work, were the more disinclined to improve their condition since in a few years they must pack their teepees and move westward. It was not best that the government should make the investments required by the treaties if the Indians were to be removed just when they might begin to receive the full advantage of these improvements. Another emigration would necessitate a renewed expenditure for removal and sustenance until a new civilizing plant could be established and put in running order.

\*\*\*\*\*

1. Ann. Rep. of Agent Murphy, Sept. 24, 1856, Sen. Docs., Pt. I, 1856-7, p.606.
2. Conversation reported in Wm. G. LeDuc's diary, Minn. Year Book 1852, p.84. This is also confirmed by the statements of Wm. H. Forbes and Alexis Bailly, witnesses to the treaties, given in the Minn. Pioneer, Dec. 8, 1853.



An agitation was started to induce the President and Congress to confirm this reserve to the Indians for a long period of time at least. Governor Ramsey in his message to the Territorial Legislature, Jan. 26, 1853, urged the necessity of petitioning the President and Congress to secure to the Sioux for fifty years the reservations temporarily assigned them.<sup>1</sup> It was his belief that this reserve would not be wanted by the white man for many years since there was "not sufficient wood, timber, or coal for the purposes of civilization except immediately on the St. Peters and its tributaries". Traders and business men were anxious lest the Sioux be driven to the Missouri and their valuable trade lost to St. Paul and the Minnesota valley.<sup>2</sup> Indian Agent Murphy recommended to the Indian Department that the original reservations be confirmed for an extended period of time since their temporary character was injurious to the Indians' contentment and progress.<sup>3</sup> The advice offered the authorities at Washington proved effective. A paragraph in the Indian Appropriation Act of July 31, 1854 gave the President authority to confirm to the Minnesota Sioux forever the reserve on the Minnesota River now occupied by them upon such conditions as he may

\*\*\*\*\*

1. Minn. Pioneer, Jan. 27, 1853.
2. Minn. Democrat, Aug. 4, 1852.
3. Ann. Rep. of Agent Murphy, Oct. 28, 1854, Sen. Docs., 33rd Cong., 2nd Sess., p.272.

1  
deem just. The Indians received with "much satisfaction" the assurance that they might consider the reserve their permanent home.

It was planned, in the spring of 1854, to concentrate the Upper Sioux at the Lower Agency upon lands which had been reserved for the Lower Indians only. It was thought in this way to economize labor on the agent's part and also the expenditure of money for the improvement of the Indian. Various objections were made to this plan. It was said to be in opposition to the understanding at the time of the treaty. The Upper Sioux, when they had signed senate amendments, had been promised that lands should be plowed at Lac qui Parle, Big Stone Lake, and Lake Traverse for the use of the Indians who cared to live there. The strongest opposition came from Dr. S.R. Riggs and others who believed that this concentration of the Upper and Lower Sioux in the same locality would destroy the tribes. "Separate, individualize, and save some", was their plea.

\*\*\*\*\*

1. U.S.Stat. at Large, X, 326. The President never formally made the confirmation of these reservations. See Art. II, Treaty of 1858; Ibid, XII, 1038. Return I. Holcombe, in Minn. in Three Centuries, II, p.322, makes the interesting observation that between 1853-4, the Indians had the use of these reservations and at the same time were receiving from the government 5% interest on the sums accorded them by Congress in lieu of them. "Instances of where the Indians got the better of a bargain with the government are so rare that this one may be particularly mentioned."
2. Minn. Pioneer, Mar. 23, 1854.
3. Ibid.
4. Minn. Pioneer, Mar. 9, 1854.

The Upper Indians were allowed to remain in their own reservation, altho their agency was established close to the boundary line of the Lower reservation, near the present village of Yellow Medicine. The Lower Sioux Agency was located near the County seat of Redwood Falls.

The treatment accorded by the government to the Indians on the reserve is typical of the short sighted, wavering, and inconsistent Indian policy of the period. A somewhat topical order must be adopted to bring out more forcibly the execution of the various treaty provisions during the years of reservation life. First let us consider the provisions made for the agricultural improvement of the Sioux. The Upper Sioux, in 1853, were so enthusiastic over planting, that one band, for lack of better implements, planted with wooden hoes, if credence is given their farmer's report.<sup>1</sup> These Indians in the spring of 1854 were reported to have received no benefits<sup>2</sup> from their funds set apart for agricultural purposes. Altho some good work was accomplished during the summer of 1854, farmer Robertson reported that to carry on the farming according to the provision of the treaty, "will require a much more extensive supply of men, cattle, and implements  
\*\*\*\*\*

1. Ann. Rep. of A. Robertson, Sept. 29, 1854; Ex. Docs., Vol. I, Pt.I, 1854-5, p.81.
2. Minn. Pioneer, Mar. 9, 1854.

than we at present possess".<sup>1</sup> The year 1855 was apparently more successful altho Agent Murphy reported all the Upper Sioux bands had not removed since sufficient farms had not been opened to accomodate them.<sup>2</sup> Governor Gorman for this year reported that a large amount of plowing and planting had been done, the crops had yielded abundantly, and the mills which were being erected were nearly completed.<sup>3</sup>

A complicated situation appeared the following year.<sup>4</sup> The Indian Commissioner Mannypenny sought to explain the situation. "Various causes have combined to prevent the Minnesota Sioux from deriving heretofore, much substantial benefit from the very liberal provisions of the treaties of 1851. Until the reservations were permanently assured to the Indians it would have been highly improper to have made the expenditure for permanent improvements and since then the affairs of the agency have not been free from confusion".<sup>5</sup> Bad feeling existed between Agent Murphy, supported by

\*\*\*\*\*

1. Ann. Rep. of A. Robertson, Sept. 29, 1854, p.28.
2. Ann. Rep. of Agent Murphy, Sept. 1855, Ex. Docs., Vol.I, Pt.I, 1855-6, p.379.
3. Ann. Rep. of Gov. Gorman, Sept. 1855; Ibid, p.368.
4. The chiefs of the 3 Upper bands, who had refused to remove to the reserve, declared their willingness to do so whenever the government would perform its promises to them; Ann. Rep. of Agent Murphy, Sept. 1856, Sen. Docs., Pt.I, 1856-7, p.606.
5. Ann. Rep. of U. S. Com. of Ind. Affairs, G. W. Manny-penny, Nov. 22, 1856; Sen. Docs., Pt. I, 1856-7, p.556.

Farmer Prescott and Superintendent Huebschmann and Manny-penny, Indian Commissioner. Murphy and Prescott charged the higher officials with misappropriations of Indian funds. The latter, in turn, charged Murphy and Prescott with pocketing a goodly share of the Indian funds which they claimed had been forward. Mr. Prescott made this serious charge; "Have the officers under the President applied these 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 arrears and after repeated applications to have them expended. These funds in arrears are not petty sums, surplusses, or remnants of funds but large amounts, thousands and tens of thousands and in some cases the whole fund appropriated for a single purpose".<sup>2</sup>

The Commissioner, in turn, regarded P. Prescott as "one of the greatest obstacles" in the civilization of the Sioux. He was happy that "there is still in the treasury large sums of money for educational and agricultural purposes among the Sioux, which if they had gone forward, would

\*\*\*\*\*

1. The office of the Northern Superintendency was at this time located at Milwaukee under Supt. Huebschmann. In 1857 it was returned to St. Paul with W. T. Cullen as Superintendent.
2. Ann. Rep. of Farmer Prescott; Ex. Docs., 34th Cong., 3rd Sess., Vol.I, 1856-7, p.606. Agent Murphy regrets that the Indian Department had not thought proper to expend all the money promised by the treaties. Ibid, 604.

have been no more judiciously applied than the moneys remitted." <sup>1</sup> It is profitless to fathom this personal wrangle. However, it is sufficient for our purpose to show from this testimony of the opposing factions, that the Indians had not profited, as they should have, by their funds up to this time.

In October, 1856, Chas. E. Flandrau succeeded Agent <sup>2</sup> Murphy. A more promising régime was inaugurated. Superintendent Huebschmann reported that sufficient funds were now placed in the hands of the new agent to carry on the farming improvements and schools stipulated in the treaties. He admitted that before this season, but little land had been broken and no schools provided for the Upper Sioux. The Lower Sioux had received more help in agricultural matters but their school fund was accumulating, instead of <sup>3</sup> being expended for the education of the Indian children.

The year 1857 was eventful and much can be learned from the records concerning the Indians' condition. The scourge of grasshoppers, together with hail, had worked great havoc with the crops but "with the fall payments they may get thru the winter without suffering", their farmer

\*\*\*\*\*

1. Letter of Ind. Com. Mannypenny to Sup't. Huebschmann, Oct. 15, 1856, Ex. Docs., 34th Cong., 3rd Sess., Vol. I, 1856-7, p. 589.
2. Murphy and Prescott were both relieved of their offices in the Indian service in the fall of 1856.
3. Ann. Rep. of Sup't. Huebschmann, Oct. 15, 1856, Sen. Docs., Pt. I, 1856-7, p. 589.

reported.<sup>1</sup> The Superintendent was brought in direct connection with the destitute, complaining Indians. An Act of Congress, March 3, 1857, required that the Superintendent now should make the payments directly in person to the Indians, in the presence of local agents and interpreters.<sup>2</sup> Superintendent Cullen believed this was a wise provision since he could, in this way, acquire a more perfect knowledge of the condition of the Indians under his charge.<sup>3</sup> In the fall of 1857, Superintendent Cullen and Major Pritchette, a special agent from the government<sup>to</sup> investigate the Inkpaduta affair, held many councils with the Sioux. "The complaint which runs thru all these councils points to the imperfect performance or non-fulfillment of treaty stipulations. Whether these were well or ill-founded it is not my province to discuss. That such a belief prevails among them, impairing their confidence and good faith in the government cannot be questioned."<sup>4</sup>

Some of the complaints which the Indian chiefs repeatedly made in these councils might be noted. Their annuities were not paid in full at the payments of 1853, '54, and '55. Their mills, built from their money, worked

\*\*\*\*\*

1. Ann. Rep. of James Magner, Farmer, Sen. Docs., 1st Sess., 35th Cong., Vol.II, 1857-8, p.349.
2. U.S.Stat. at Large, XI, 169; Kappler, I, 9.
3. Sen. Docs., 1st Sess., 35th Cong., Vol.II, 1857-8, p.335.
4. Rep. of Maj. Pritchette to the Ind. Dep't.; Ibid, p.293.

free of charge to the whites. The houses promised the chiefs have not been built. No benefit has been received by either the Upper or Lower Sioux from the annual appropriation for schools. The government offered them no protection from the Chippewa "who come when we have made our corn and strike our fields, and they have killed our people and we, obeying the rule of our Great Father have not killed a single Chippewa for five years"<sup>1</sup>. The Indians employed to work on the agency improvements have not received their promised wages. The Upper Sioux were entitled to two blacksmiths, they had but one who works chiefly for the whites. Such are some of the many complaints of the Indians, by no means perfectly reliable, but at least suggestive of the prevailing discontent. Superintendent Cullen made the complaining Indians many promises; more blacksmiths would be provided, the mill service improved, and schools established.

Major Pritchette reported that besides the accumulated school funds, large arrears were due the Indians from the other funds, how much was not known.<sup>2</sup> The financial affairs

\*\*\*\*\*

1. This statement must be taken with caution. The newspaper during these years reported continual conflicts between the Chippewa and Sioux.
2. The improvement and civilization funds for 1857 had not reached the agents Aug. 18th, and these funds were absolutely essential to the welfare of the Indian community; Rep. of Maj. Pritchette. This report and that of Sup't. Cullen, together with accounts of the Indian councils in which these complaints were made are found in Sen. Docs., 1st Sess., 35th Cong., Vol. I, 1857-8.



were in greatest confusion. It is impossible to trace minutely what happened to every dollar of the Indians' money. We know that the Indians were destitute at this time and were by no means receiving the just share of benefit<sup>1</sup> from their money.

We must now speak in more detail of the failure of the government to provide schools for the Sioux, in accordance with the treaty stipulations. The Treaty of 1837 had provided that the interest of \$100,000 should be expended for the benefit of the Mdewakanton in such manner as the President might direct. There was an understanding at the treaty that this interest should be used for educational purposes. But the government allowed this money to accumulate and could not be induced to spend it in providing schools. Unscrupulous men told the Indians that if the money was not spent for education, the accumulated sum would<sup>2</sup> sometime be paid them in cash. Unfortunately it was thought necessary to make use of this sum as an inducement for making the Treaty of 1851 and the Indians witnessed the success of the scheme. Still the government after this experience, did not take warning of the evils of accumulated funds

\*\*\*\*\*

1. Agent Flandrau in his official report for this year, urged the use of some of the accumulated school funds to relieve the Indians' destitution. "They complain bitterly that this money is allowed to accumulate and avails them nothing"; Sept. 1857, Sen. Docs., 1st Sess., 35th Cong., Vol. II, 1857-8, p. 347.
2. Ann. Rep. of A. Robertson, Farmer for the Sioux, Sept. 1855, Ex. Docs., 1st and 2nd Sess., 34th Cong., 1855-6, p. 387.

on the welfare of the Indian and his attitude toward education.

Altho the treaties of 1851 provided liberally for the establishment and maintenance of schools, the government <sup>these</sup> allowed <sup>^</sup> funds to accumulate instead of making any effort to fulfill the treaty provisions. Superintendents, agents, and friends of the Indian repeatedly decried the evils of such a course. <sup>1</sup> As late as the fall of 1855, there were no schools altho the Indians were anxious for them. <sup>2</sup> Agent Murphy entreated the establishment of the promised manual training schools. <sup>3</sup> By September, 1856, the Lower Sioux alone had an accumulation of \$60,000 education money. They had no schools and any provision for them was express- <sup>4</sup> ly forbidden by the Commissioner of Indian Affairs,

\*\*\*\*\*

1. The Minn. Pioneer, June 9, 1853, warned against the accumulation of funds and annuities provided for civilization and educational purposes.
2. Ann. Rep. of A. Robertson, Farmer, Sept. 24, 1855; Ex. Docs., 1st and 2nd Sess., 34th Cong., Vol. I, Pt. I, 1855-6, p. 387.
3. Ann. Rep. of Agent Murphy, Sept. 22, 1855, Ibid, 381. Ann. Rep. of P. Prescott, Farmer, Sept. 3, 1856, Sen. Docs., 1st Sess., 35th Cong., Pt. I, 1856-7, p. 608.
4. Ann. Rep. of Agent Murphy, Sept. 24, 1856, Ibid, 605. Part of this \$60,000 was accumulated from the educational funds under the Treaty of 1837.

The Upper Sioux were in the same condition. It was a matter of surprise to these Indians that no attempt had been made to give them what they esteemed a most important part of the treaty.<sup>1</sup> Greedy men were but waiting a chance to divert these accumulated funds to their own purposes.<sup>2</sup> Agent Flandrau, September 24th, 1857, lamented that no schools could be established for "every attempt, is for some reason, frustrated.\* \* \*. The fund had accumulated to such an extent that it seems wrong that the Indians with a desire to learn and sufficient means to satisfy that desire, should not have schools established among them".<sup>3</sup> By 1858, there were only small schools at Hazelwood and Lac qui Parle but no manual training schools, concerning which the Indians "constantly spoke". Agent Brown suggested that, to satisfy this insistent demand of the Indians, one manual labor school should be erected jointly for the two reservations. "The Indians were now becoming satisfied that they would not obtain their back school money in any other shape and they now desired that their children should have the benefits of its expenditure".<sup>5</sup>

\*\*\*\*\*

1. Ann. Rep. of A. Robertson, Farmer, Sept. 20, 1856; Sen. Docs., Vol. I, Pt. I, 1856-7, p. 614.
2. Letter of Dr. Thos. S. Williamson to Agent Murphy, Ibid, p. 515; Ann. Rep. of Agent Murphy, Ibid, 605.
3. Ann. Rep. of Agent Flandrau, Sept. 1857, Sen. Docs. 1st Sess., 35th Cong., Vol. II, 1857-8, p. 348.
4. Ann. Rep. of Agent Brown, Sen. Docs., 2nd Sess., 35th Cong., Vol. I, 1858-9, p. 404.
5. Ann. Rep. of Agent Brown, Sept. 30, 1858, Ex. Docs., 2nd Sess., 35th Cong., Vol. II, Pt. I, 1858-9, p. 405.

This was the condition in 1858 of the educational facilities afforded the Indians by the government which held their funds in trust. <sup>1</sup> It seems strange that the government should have so neglected the promised education of the Indians. The desire was generous but as yet no adequate scheme of education had been conceived which would justify the expenditure of the Indian funds. It was simpler and easier to allow them to accumulate from year to year than it was to establish an Indian school system.

Some mention of the annuity system as it was manifested during the reservation life should be noted. One of the great evils was the frequent delay in these payments. Altho the treaties did not fix the time of such payments, the Indians constantly urged that July 1st was the agreed period <sup>2</sup> and one which would not interfere with their fall hunts. The cash annuities had a bad effect on the Indians' naturally slight ambition to improve their condition. "They say

\*\*\*\*\*

1. The education of the Indian children was not, however, neglected. There were the schools supported by the mission boards. No Indians ever had more devoted friends than did the Minnesota Sioux in Dr. S.R. Riggs and Dr. Thos. S. Williamson. The Pond brothers believed that the concentration of the Sioux on the reserve was unwise and so did not follow them to their new home.
2. Minn. Pioneer, Oct.20, 1853; Ahn. Rep. of Agent Murphy, Sen. Docs., 2nd Sess., 33rd Cong., 1853-4, p.270. Edwin Clark, agent for the Chippewa 1866-68 stated March 1912, that the Indians would have been better off to have departed on their fall hunts instead of waiting for the frequently delayed payments.

they have sold their lands and are now going to live on their annuities," reported Agent Murphy in 1854. The Indian, as a rule, did not possess his cash annuity, or the larger part of it, after he had passed the traders' table at the "annuity payments." Unprincipled gamblers and oft-times whiskey<sup>sellers</sup> received their coveted shares. The Indian returned to his village, hungry, destitute, and sullen.

The custom of paying the annuities per capita and directly to the individual Indians or heads of families was most detrimental to the influence of the chief. He received no more than did his tribesmen and he was allowed no part in the distribution of the annuities. He was in this respect reduced to the level of the common Indian and the slight influence even which he possessed before treaty relations with the government was greatly diminished. The Indian was practically left without a domestic government of his own and not subject to the protection and laws of the United States. He was truly a man without a country.

The evils of the policy of annuities in cash were becoming more clearly recognized.<sup>1</sup> Friends of the Indians urged their abolition and the substitution of annuity

\*\*\*\*\*

1. "I am convinced that a given number of Indian can be kept better and more free from suffering from \$50,000 expended for them in a judicious manner than they will keep themselves with \$100,000." Ann.Rep. of Agent McLean, Sept. 1853, Ex. Docs., 1st Sess., 32nd Cong., Vol. III, Pt. II, p.435.

payments in stock, implements, and mechanics' tools until the Indian should become self-supporting.<sup>1</sup> This sentiment steadily gained ground and was first adopted by the government in the payment of annuities under the Treaties of 1858.

An interesting development regarding annuity payments took place in connection with the Inkpaduta Massacre.<sup>2</sup> In March of 1857, Inkpaduta and a band of twelve warriors had committed the massacres of Spirit Lake and Springfield; killing about forty-seven persons. When the news reached the agency, efforts were made to capture and punish the murderers but they proved unsuccessful. The government then insisted that the reservation Indians should punish these murderers, on penalty of withholding their annuities until they should do so. The ground for this action was found in Article I, of the Treaties of 1851 which guaranteed eternal peace and friendship between the two parties.<sup>3</sup> The Sioux did not feel themselves responsible for the depredations of Indians, who altho distant kinsmen, were an outlawed band from the Minnesota Sioux.<sup>4</sup> So these Indians declined to

- \*\*\*\*\*
1. This change in the policy of annuity payments is outlined in the Ann.Rep. of Ind.Com.Denver, Nov.30, 1857, House Docs., 1857-8, p.293.
  2. This Inkpaduta Massacre is clearly described in the different official reports to the Indian Dept. for the year 1857; Ex. Docs., 1st Sess., 35th Cong., Vol.III, 1857-8. Two good general accounts may be found in Vol.XII of the Minn. His. Soc. Coll., which contains articles by Thos. Hughes and Dr. Daniels on the subject.
  3. Minn. Pioneer and Democrat, July 22, 1857.
  4. Ann. Rep. of Agent Flandrau, Apr, 11, 1857, Sen. Docs., 1st Sess., 35th Cong., Vol III, 1857-8, p. 359.

pursue Inkpaduta and his warriors unless accompanied by United States troops. Finally, they yielded the point and sent out an expedition in pursuit of the murderers. This expedition after much effort, succeeded only in killing three warriors and mortally wounding one. The pursuers returned home, "jaded and worn," but with a sense of duty done. The government feeling that "the Indians had used their utmost endeavors to deliver up the murderers" authorized the payment of the delayed annuities.

This affair had important results on the already disturbed condition of the reservation Indians. They were indignant that their annuities should be withheld until they had sought revenge on murderers, outlawed from their tribes, and with whom the most of them did not even sympathize. They became inspired with the dangerous belief that the government was weak and could not punish Indian aggression save with their assistance. This policy of forcing the Indians, by the withholding of their annuities, to undertake alone the punishment of Inkpaduta and his band, was considered most excellent by the Commissioner of Indian affairs. It was not long before the folly of such a policy was clearly recognized. The power of the government should have exercised directly and efficiently in bringing Inkpaduta

\*\*\*\*\*

1. Ann. Rep. of Com. of Ind. Affairs, Denver, 1857-8; Ex. Docs., 1st Sess., 35th Cong., Vol. II, Pt. 1, p. 359.

19

and his band to justice, "Had this been done," reported Indian Agent Galbraith in 1863, "I believe our present outbreak would never have occurred."<sup>1</sup> Naturally this massacre inspired fear and hatred among the settlers toward the Indians.

Major Pritchette believed that it was as important at this crucial period to protect the Indians from the whites as the whites from the Indians.<sup>2</sup>

It will be remembered that the Treaties of 1851 provided that the President should prescribe and enforce rules and regulations to protect the rights of person and property of the treaty Indians. Such action was absolutely necessary and but just, for the various Intercourse Laws resulted in the inevitable weakening of tribal law. The Indians had practically no restraint but the arbitrary rule of the agent and they possessed absolutely no redress for grievances. Such law and protection was not accorded them. The agents and superintendents sent urgent pleas to the higher authorities that the annuity Indians should come under the operation of laws similar to those of the white citizens.<sup>3</sup> Indian

\*\*\*\*\*

1. Ann. Rep. of Agent Galbraith, Ex. Docs., 1st Sess., 38th Cong., Vol.III, 1863-4, p.412. This opinion was and is now the generally accepted view.
2. Rep. of Maj. Pritchette, Special Agent from the U.S. to investigate the Inkpaduta Affair, Ibid., 395.
3. Ann. Rep. of Agent Murphy, Oct. 1854; Ex.D., Vol.I, 1854-5, p.272; Rep. of Sup't. Huebschman; Oct. 15, 1856; Sen. Docs., Pt.I, 1856-7, p.587.



Commissioner Mannypenny pleaded the cause for the Indian generally. "Humanity, Christianity, national honor, unite in demanding the enactment of such laws as will not only protect the Indians, but as shall effectually put it out of the power of any public officer to allow these poor creatures to be despoiled of their lands and annuities".<sup>1</sup>

Another evil marked reservation life; the holding of the lands in common by the Indians. The pleas of citizens of the Territory interested in the welfare of the Indian, had been against common and in favor of individual holdings. To encourage this idea, the Treaties of 1851 expressly called for the establishment of laws to protect the person and property of the Indian. Such protection, as has been shown, was not accorded the Indian. In 1854, Governor Gorman had ordered that the Indians be encouraged to make separate farms as a means of securing the industrious the result of their toil.<sup>2</sup> In 1855, Farmer Prescott reported that some of the Indians had asked to have fields plowed separately from the common field.<sup>3</sup> Superintendent Cullen in 1857 found that the Indians took great pride in their individual holdings and recommended to the Indian Commissioner that such Indians should be encouraged by the best agricultural  
\*\*\*\*\*

1. Ann. Rep. of Ind. Comm., G.W.Mannypenny, Nov. 22, 1856; Sen. Docs., Pt.I, 1856-7, p.575.
2. Daily Pioneer, June 1, 1854; Ann. Rep. of Farmer Prescott Sept. 1855; Ex. Docs., Vol.I, Pt.I, 1855-6, p.385.
3. Ibid.

facilities.<sup>1</sup> So far had the idea gained favor among the Indians that many of the Mdewakanton and Wahpakoota desired at this time to break up tribal relations and to cultivate land in severalty.

Agent Flandrau suggested in September, 1857, that a treaty should be made allotting individual property to Indian heads of families.<sup>2</sup> This suggestion met the approval of the Indian Commissioner who reported to his superior the advisability of a new treaty with the Sioux on the following lines:<sup>3</sup> Their reservation was larger than they needed for a comfortable support by actual cultivation. It should be reduced and a limited quantity of land should be given them in severalty. The title should remain with the tribe, but the government should have discretionary power to grant patents to deserving holders. The lands so assigned should be leasable or alienable only to members of the tribe, until such time as the patentees should be considered fit for the rights and privileges of United States citizenship. We shall find this policy incorporated for the first time in the Treaties of 1858 but it did not receive broad application for many years. This idea of individual holdings, first defined for the Minnesota Sioux in 1858 was the genesis of the famous Dawes Severalty Bill of 1887.

\*\*\*\*\*

1. Ann. Rep. of Supt. Cullen, Sept. 1857, Sen. Docs., 1st Sess., 35th Cong., Vol. II, 1857-8, p. 339.
2. Ann. Rep. of Agent Flandrau, Sept. 1857, Ibid., 348.
3. Ann. Rep. of Ind. Com. Denver, Nov. 30, 1857, Ibid, 290.

It is not easy to determine the exact liquor situation during these years. The official reports of Indian officials on the reservation present contrasting pictures, even in the same year. The Minnesota Pioneer, in 1853, stated that, in spite of treaty stipulations, an alarming amount of liquor had been introduced into the ceded lands<sup>1</sup> but it was believed that none had been taken into the reserve.<sup>2</sup> In 1854, Agent Murphy reported that some of the Indians had obtained liquor and "the natural consequence has been murder and quarrelling to a lamentable degree"<sup>3</sup>. The following year he rejoiced that there had not been one case of drunkenness among the Indians who have "shaken off" the use of liquor.<sup>4</sup> Surely, a miraculous transformation, too good to be true!

During the summer of 1858, a good deal of liquor was secretly brought into the reserve, chiefly thru the agency of mixed bloods, who obtained it from the whites and furnished it to the Indians. The Wahpetons, reported Agent Brown,<sup>5</sup> had formed an association to destroy all liquor brought on their reservation. The Upper Sisseton also resisted its

\*\*\*\*\*

1. Minn. Pioneer, Sept. 8, 1853.
2. Minn. Pioneer, Dec. 29, 1853.
3. Ann. Rep. of Agent Murphy, Octo. 28, 1854, Ex. Docs., 1854-55, p.272
4. Ann. Rep. of Agent Murphy, Sept. 22, 1855, Ex. Docs., 1855-6, p.380.
5. Ann. Rep. of Agent Brown, Sept. 1858, Ex. Docs., 1857-8, p. 409.

introduction. b "This has done a great deal of good, but is not entirely effective as those having liquor for the Upper Indians will contrive" to get it into the reservation.

The situation after 1858 became more serious. The twenty mile width of the reserve was then reduced by half, farming according to Dr. Folwell's effective characterization, "a shoe-string", one hundred and fifty miles long and but ten miles wide. He continues, "An easy morning walk took the Indian to the boundary, where the accomodating white man met him with a keg of illicit whiseky."<sup>1</sup>

It would seem that all efforts on the part of the Indian agents or of the Indians themselves, to oppose the introduction of liquor on the reserve had proved ineffective. Many causes led to this unhappy result. The reserve had such an extended border of ceded lands that it was quite impossible, without a large patrol force, to adequately oversee all portions of it. The Indian Agent had no police to enforce the laws of Congress and could not rely upon the officers of a border population to supress a traffic in which their friends were interested. The army had no authority to act for the protection of the Indians, since it was under the

\*\*\*\*\*

1. Folwell, Minnesota, 192. Dr. Folwell adds that the citizens of Brown County in 1859 publicly denounced the criminal practice of thus furnishing the Indians with whiskey, and the county commissioners offered a reward of twenty-five dollars for evidence leading to conviction in any prosecution.

direction of a separate department. The system of cash annuities made it probable that the thirsty Indian would quickly part with his coin for the available "fire water".<sup>1</sup> The Indians in their intercourse with the whites were generally harmless, indeed quite well behaved if credence is given the newspaper reports.<sup>2</sup> The most that the Indians did was to beg for food and occasionally steal horses and cattle, if we omit the Inkpaduta massacre for which the reservation Indians were not responsible.

The efficient administration of reservation affairs under the capable Joseph Brown has been slighted in this topical treatment. He was appointed agent in 1857. His wife was a Sisseton woman and he therefore knew the Indian character and possessed great influence among them. He sought to make the Indian do planting, live in houses and dress like white men. His "farmer Indians" he reported, were living as a "law-abiding, quiet, and sober people". Much of this improvement he ascribed to the work of the missionaries, Drs. Williamson and Riggs. The former had formed an association of twelve families of the Lower

\*\*\*\*\*

1. These reasons together with others were advanced by Bishop Whipple in a letter to President Buchanan Apr. 9, 1860; Lights and Shadows of a Long Episcopate, p. 51-2.
2. "Many of the so-called depredations which are attributed to the reservation Indians are the result of acts of gross injustice committed upon them by some of the bipeds who locate in the vicinity of the Indians and call themselves civilized". Letter from Traverse des Sioux, Apr. 27, 1854, printed in the Minn. Daily Pioneer, May 5, 1854.

Sioux, called "the Hazelwood Republic", the object of which was to encourage respect for law and the art of government. In their written constitution they bound themselves to discard the clothing and habits of the Indian, and to refrain from spirituous liquor altogether. <sup>1</sup> An Indian band regulated by written laws and governed by elected officers was surely a novelty!

\*\*\*\*\*

1. Ann. Rep. of Agent Brown, Sept. 1858, Sen. Docs., 2nd Sess., 35th Cong., Vol.I, p.402.

Chapter VII, The Treaties of 1858.

The prophecy made in 1851 regarding the future isolation of the Indian reservations proved false. Many of the great crowd of immigrants to the Territory were induced to settle on the lands along the Minnesota river. Contrary to Governor Ramsey's description, these lands were most desirable, because of their fertility, the timber along the river, and the advantages of transportation which the river afforded.<sup>1</sup> Just as in the preceding decade, the white settlers longed for the green fields on the other side of the river. Many suggestions were being made for a new treaty with the Sioux. Different reasons were given by the promoters,<sup>2</sup> who all agreed, however, that the present reserve was "much too large" and its boundary on the north and east should be the Minnesota River.

The Inkpaduta affair had also led to a desire for a new treaty, binding the Indians to the observance of peaceful relations with the whites and making them responsible for all depredations.<sup>3</sup> Agent Flandrau in 1857 suggested that such a treaty be made at Washington for two reasons: 1st, "the old and sound men of the tribes could express their views better if relieved from the influence of their young men"; 2nd, the trip east would give the Indian tourists an

\*\*\*\*\*

1. Minn. Daily Pioneer, May 26, 1854; Ann. Rep. of Farmer Prescott, Sept. 1855, Ex. Docs., 1st and 2nd Sess., 34th Cong., Vol. I, Pt. I, 1855-6, p. 385.
2. Rep. of Agent Flandrau, Sept. 1857; Sen. Docs., 1st Sess., 35th Cong., Vol. II, 1857-8, p. 348; Ann. Rep. of Supt. Cullen, Sept. 1857, Ibid., 345.
3. Ann. Rep. of Supt. Cullen, Sept. 1857, Sen. Docs., 1st



adequate idea of the force and numbers of the whites and so prevent the recurrence of difficulties like the Inkpaduta<sup>1</sup> affair.

During the winter of 1857-8, the agitation increased for a new treaty with the Sioux whereby their reserve should be reduced by half and other benefits secured to the whites. In order to more effectively accomplish this desired object, Major Jos. R. Brown, in the spring of 1858, accompanied by about twenty-seven chiefs and braves of the Upper and Lower tribes, set out for Washington.<sup>2</sup> With them went also men whom the papers described as "outsiders" or speculators on the Indian.<sup>3</sup> These "outsiders" dictated to the delegation who apparently had but little chance to express their views. Little Crow, however, was a fearless spokesman concerning the treaty stipulations of 1851 which the Indians believed were violated.<sup>4</sup> The Indians were repeatedly informed that the main object of the new treaties was to lay a firm foundation for their advancement and prosperity in the agricultural life for which they now seemed ready. But the desire for the  
\*\*\*\*\*

3. (Contd.) Sess., 35th Cong., Vol. II, 1857-8, p. 372

1. Ann. Rep. of Agent Flandrau, Sept. 1857, Sen. Docs., 1st Sess., 35th Cong., Vol. II, 1857-8, p. 348.

2. Minn. Pioneer & Democrat, Mar. 9, 1858.

3. Minn. Pioneer & Democrat, July 8, 1858.

4. "Father, if I were to tell you all I know, it would make you sad". Ibid.

"Little Crow and his Indians realized their fate. They were as children led to the slaughter. No man seemed to care for them and they became desperate. Their young men could no longer be

Indians' land must be admitted to be of paramount importance, especially when one considers the large trust funds already held by the government for improvement purposes.

The question of the Indian title to the reserve was raised. The opinion was conveniently entertained that the Indians had no title since the President had never formally confirmed the reserve to the Indians.<sup>1</sup> The reluctant Indians were urged to agree to treaty stipulations for this reason.<sup>2</sup> If the Indians would not negotiate for the sale of one-half of their reserve, the Indian Department would claim that the Indians had no title to it. It would then allot eighty acres to each head of a family and the rest of the reserve would be opened to settlement by the authority of Congress. The Indians, by refusing to negotiate, would lose the probable advantage that the treaty stipulations might provide by acknowledging their title to the reserve. Finally after long delay and "warm and protracted discussions",

\*\*\*\*\*

- 4.(Contd.) restrained and their lands were sold".  
Autobiography of Maj. Taliaferro, (1862), Minn. His. Soc. Coll. VI, 251.
1. Thos. Hughes believes that this question of the Indians' title was instigated mainly by Jos. R. Brown, who had located on a large tract of this Sioux land north of the Minnesota River, Minn. His. Soc. Coll., XII, 115.
  2. This method of persuading the reluctant Indians is taken from a letter from Jos. R. Brown, printed in the Minn. Pioneer and Democrat, May 7, 1858.

especially over the traders' debts, the treaties were signed,  
June 19, 1858, by the respective chiefs and headmen.<sup>1</sup>

The treaties of 1851 provided for the reduction of the reserve and the assignment of land in severalty. The terms of the two treaties were substantially the same, those of the treaty with the Upper Sioux were as follows: Art.I. The part of the reserve which lay south of the Minnesota River should constitute a reservation for said bands; it should be surveyed and allotted in severalty, eighty acres for each head of family or single man over twenty-one years old; the residue should be held by the bands in common; eighty acres also should be given each minor upon attaining of majority. The President should cause patents to be issued to those who showed themselves capable. These tracts should then "be exempt from levy, taxation, sale, or forfeiture until otherwise provided for by the legislature of the state in which they are situated with the assent of Congress, nor shall they be sold or alienated in fee or in any other manner disposed of except to the United States or members of said lands".

Art.II recounts at length the various changes in the disposition of the reservations originally designated in the Treaties of 1851. "Whereas, the President has not directly

\*\*\*\*\*

1. As in 1851, two treaties were made, one with the Lower, the other with the Upper Sioux. The text of these treaties is found in U.S.Stat. at Large, XII, 79-88; Kappler, II, 781-789.

confirmed said reserve to said Indians \* \* \* \* the question shall be submitted to the Senate if they have such title". If it decides that they have such title, then a specific sum for the lands north of the Minnesota River shall be allowed the Indians, or this land shall be sold for their benefit, they to receive the proceeds of the sale.<sup>1</sup>

Art.III. If the Senate decides that the Indian title is valid, then it shall prescribe the amount to be paid the bands for their interest in the tract. From the proceeds of such a sale, the chiefs and headmen, in open council, shall authorize such sums as may be found necessary and proper, not to exceed \$70,000, to satisfy their just debts and obligations and to provide goods to be taken by the chiefs and headmen on their return.

Art.VI.<sup>2</sup> The bands acknowledge their dependence on the

\*\*\*\*\*

1. Congress by an act of June 27, 1860 recognized the Indians' title to the lands embraced in the reserve on the Minnesota River and fixed the price at 30¢ per acre. This yielded the Lower Sioux about \$96000 and the Upper about \$240000. Ann. Rep. of Com. of Ind. affairs for 1863-4; Rep. of Sec. of Int. 1st Sess., 38th Cong., Vol.III, p.400.  
For act of June 27, 1860, see U.S.Stat. at Large,XII, 1042; Kappler, II,789. The Act gives three reasons why the reservation title was allowed the Indians. (1) The Indians were at first allowed to occupy the reserve in lieu of other lands which they were entitled to under the Senate Amendments to the Treaties of 1851. (2) Large amounts of the Indians' money had been expended upon the reserve. (3) Congress by Act of July 31,1854, had authorized the President to confirm this reserve to the Indians forever.
2. Art. IV provided that all Indian intercourse laws be in force over the land retained in Art.I.

United States and bind themselves to preserve friendly relations with the citizens of the United States. In case they make any depredation upon citizens or members of any other tribe, "full compensation shall as far as practicable, be made thereof, out of their moneys in the hands of the United States, the amount in all cases to be determined by the Secretary of the Interior". The bands also promise not to engage in hostilities with any other tribes, except in self-defense, but to submit all disputes between themselves and other Indians to the decision of the President of the United States. The bands promised to surrender to the proper officials, all persons from their bands, who may become offenders against the treaties, laws and regulations of the United States, or the laws of the State of Minnesota, and to assist in discovering, pursuing and capturing such offenders if required to do so by the proper officers.

2  
Art.VIII, gave the Secretary of the Interior "discretionary power in regard to the manner and objects of the annual expenditure of all sums which have accrued and are

\*\*\*\*\*

2.(Contd) Art.V gave the United States the right to maintain military posts, agencies, etc., and to construct roads on the reservation, due compensation being made.

1. This article sought to safeguard the citizens of Minnesota from any recurrence of Indian massacre.
2. Art.VII provided for the withholding of annuities, for one year at least, from intoxicated Indians and from any who violated treaty stipulations.

now due the said bands" from former treaties, together with the amount which shall become annually due from the present treaty.<sup>1</sup>

Art. IX provided that such of its members 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" but such Indians should not forfeit their annuities.<sup>2</sup> The allotment of land in severalty was believed to be a strong link in the chain of Indian civilization. The weak link which destroyed its effectiveness was the continued lack of protection afforded the person and property of the Indians. Such protection was much more needed than formerly for the government aimed especially by the treaties of 1858 to encourage agriculture and individual holdings among the Indians.

Many had been induced to give up their old improvident life

\*\*\*\*\*

1. This article also permits the chiefs and braves, with the sanction of the Sec. of the Int. to authorize such payment of their future annuities "as may be deemed best for the general interest and welfare of said bands."
2. A similar article was proposed for the Lower Sioux but was violently opposed by Little Crow and struck out before signing; Pioneer & Democrat, July 8, 1858.
3. Art. IX of Treaty with Lower Sioux provided compensation to A. T. Campbell, interpreter who accompanied the Indians to Washington, for certain lands provided his father by the Treaty of 1837, but struck out by Senate. The Senate struck out this article.  
Art. X. Expenses of negotiations defrayed by the United States.

and to work like white men. These so-called "farmer Indians"<sup>1</sup> met with great opposition from the "blanket Indians".

There came to be a "white man's" party and an Indian party.

The latter were exceedingly jealous of the farmers whom the government favored more than them. The medicine men encouraged this opposition since to renounce the honored customs of the tribe represented a change of religion.<sup>2</sup> Agent

Galbraith in 1863 declared that these treaties providing for the allotment of land in severalty could not have been carried out without a sufficient force to protect the "farmer" from the "blanket Indian". The government never provided this requisite for safety and order among the Indians.<sup>3</sup>

Bishop Whipple believed the failure to do so was the one great source of subordination among the Indians which no watchfulness on the part of the agent could prevent.<sup>4</sup>

The civilized Christian Indian was helpless against depredation from his fellows or ill-disposed whites. His crops might be destroyed, his live stock killed, his wife and children treated with violence, still he had no redress for such wrongs. White men were not punished for crimes

\*\*\*\*\*

1. For a graphic account of the opposition of the "blanket" to the "farmer Indians" see the story of Chief Big Eagle given in 1894; Minn. His. Soc. Coll., Vol. VI, pp. 382-400.
2. Dr. S.R. Riggs, Minn. His. Soc. Coll., Vol. VI, p. 175; Heard, History of Sioux Mass. 43.
3. Ann. Rep. of Agent Galbraith, Sept. 1863, Ex. Docs., 1st Sess., 38th Cong., Vol. III, 1863-4, p. 400.
4. Bishop Whipple's Rep. to Board of Missions, 1868, app. to Lights and Shadows of a Long Episcopate, p. 525.

committed against the Indians. If the Indian stole from a white man, the theft was deducted from the annuities of his tribe. It is easy to see that the thief, because of this arrangement, made an encouraging profit.<sup>1</sup> The government, thus failing to afford the Indian protection for person and property, discouraged the deserving and left uncontrolled the jealous, discontented element who were all too ready to strike a blow at civilization at the first opportunity.

The treaties besides allotting land in severalty provided that patents should be issued to the deserving Indian. No such patents were ever issued and Bishop Whipple wrote; "It is a bitter cause of complaint that the government has not fulfilled its pledges in this respect."<sup>2</sup>

The Indians claimed that they were ignorant of the novel treaty provision which provided that the Secretary of the Interior might use any of their money as he thought best conducive to their interests.<sup>3</sup> This power was abundantly exercised by this official and his successor in a way that did not add to the Indian's peace of mind and his best interests as an agriculturist.<sup>4</sup> All but a pittance of the

\*\*\*\*\*

1. Supt. Cullen in his annual report for 1858 laments this manner of inefficient punishment, Sen. Docs., 2nd Sess., 35th Cong., Vol. I, 1858-9, p.387. Bishop Whipple, Rep. to Board of Missions, 1868, app.p.525.
2. Bishop Whipple, Lights and Shadows of a Long Episcopate, p.125; also app. p.513.
3. Bishop Whipple's Rep. to Board of Missions, 1868, Ibid, 527.
4. The annuity goods which were issued to the Indians were of inferior quality and not of the kind most needed.



proceeds which the Indians expected from the sale of the half of the reserve, was used to satisfy claims for Indian depredations and debts to their traders.

The payment of the traders, as in 1851, was the source of great discontent among the Indians. The treaties had provided that each division, the Upper and Lower Sioux, should pay their traders a sum not exceeding \$70,000. No debts should be paid except those acknowledged by the Indians in "open council". Little Crow at Washington, during the troublesome treaty negotiations, had insisted on such a provision. "We want to pay our debts but we want to do it ourselves".<sup>1</sup> No such councils were ever held after the treaties were finally ratified and the proceeds from the sale had become available.<sup>2</sup> Bishop Whipple declared that the only council ever held was "one held with Little Crow and a few other chiefs in our Lower Agency school house. What took place I do not know, but on the following day Little Crow had a new wagon".<sup>3</sup>

The Indians, after the negotiations of the treaties

\*\*\*\*\*

1. Minn. Pioneer and Democrat, July 8, 1858.
2. The treaties were not ratified by the Senate until Mar. 9, 1859. A Senate Resolution, June 27, 1860, confirmed the Indian title to the reserve and fixed the price per acre as 30¢ for the half of the reserve sold to the government.
3. Bishop Whipple, Lights and Shadows of a Long Episcopate, pp.137-8; Bishop Whipple made a similar statement in 1868, Ibid, app. p.527.  
"The consent of the chiefs to the division of moneys to the traders and others was obtained in a surreptitious, not to say, a dishonest manner". Folwell, Minnesota, 193.

waited impatiently for three years. The story of the government's payment of their debts and claims was often the subject of angry discussion. Between debts and claims for depredations, but little was left the Indian. Of the \$96,000, due the Lower Sioux for their interest in the lands sold the government, all was absorbed except \$880.58 which was credited to them on the books at Washington.<sup>1</sup> About two-thirds of the Upper Sioux fund was exhausted to pay claims and depredations alleged against these tribes.<sup>2</sup> The Lower and Upper Sioux had now nearly disposed of all of their lands and from their last sale, they had received practically nothing.<sup>3</sup> Old Chief Wabashaw, with a touch of sarcasm in his voice, could truly say, "I know it is a long way to Washington; the cars go very fast and perhaps the money has

\*\*\*\*\*

1. Bishop Whipple, Report to Board of Missions, 1868, app. to Lights and Shadows of a Long Episcopate, p.527, Folwell, Minnesota, 193.
2. "The Lower Sioux fund was exhausted to pay debts"; Ann. Rep. of Agent Galbraith, 1863, Ex. Docs., 1st Sess., 38th Cong., Vol.III, 1863-4, pp.400-1.
3. The Indians, when they had signed the treaties, had been led to believe that they would receive a certain sum in cash. "\$45000 of the \$70000 was to go toward paying the traders' debts. The residue the Secretary of the Interior would distribute among the members of the tribe"; Minn. Pioneer and Democrat, June 29, July 8, 1858. Also Agent Galbraith's report for 1863, p.401. The Lower Sioux in 1862, received \$15000 worth of goods which were described as worthless and also deducted from sums due under former treaties; Heard, History of Sioux Mass., p.42; Bishop Whipple, Rep. to Board of Missions, 1868, appendix, p.527; Cap't. C.F. McDonald, Paper on the Sioux Massacre.

been jostled off and lost".

Not only did the Secretary of the Interior pay claims for depredations from the proceeds of the sale of the reserve, but a considerable part of their annuities from former treaties was also taken for their satisfaction. This diminution in their annuities had a direct bearing on the Sioux outbreak. The Indian Commissioner, Wm. Dale, reported that "over this there was great dissatisfaction among the Indians \* \* \* \* so violent was the demeanor of the disaffected Indians at the last annual payment (1861) \* \* \* \* that it was deemed necessary to preserve peace that the full amount of their annuities, without any deduction on account of depredation claims which have been paid therefrom, should be paid during the last season; and for this purpose it was necessary to use a portion of the appropriation made for their use during the fiscal year, ending June 30, 1863, and to postpone the usual time of payment until that appropriation became available"<sup>1</sup>. The hungry Indians came together for the payment of their annuities at the usual time, altho unsummoned by the agent's runners. "They waited two months, they were starving, maddened by hunger, and a sense of wrong, and vainly dreaming that on account of the rebellion they could repossess their country, they began a massacre which desolated our border for three

\*\*\*\*\*

1. Ann. Rep. of Ind. Com. Wm. Dale; 1862; Ex. Docs., 3rd Sess., 37th Cong., Vol. II, 1862-3, pp. 170-1.

hundred miles".<sup>1</sup> The delayed annuities arrived one day  
too late!<sup>2</sup>

\*\*\*\*\*

1. Bishop Whipple stated; "A part of the annuity had been taken for claims and at the eleventh hour, as the warrant on the Treasury shows, was made up from other funds to save an Indian war". Bishop Whipple was allowed free access to the papers and accounts of the Indian Department by President Lincoln. He discovered the warrant on the Treasury for this Sioux payment. It is given on page 137 of Lights and Shadows of a Long Episcopate and confirms the statements given above.
2. On August 18th, 1862.

Chapter VIII, Conclusion.

This account has not been a study of the causes of the Sioux Outbreak in 1862, but the chief of these have been brought out in the story of the Treaties of 1851 and the succeeding events. There existed among the Indians previous to this outbreak a feeling of intense dissatisfaction. This was due to many reasons. The Indian had an inherent hostility to the whites who had come and possessed his hunting grounds and confined him in narrow and unattractive limits. This concentration had made the discontent more quickly contagious among the Indians, idle and dependent under the annuity system. The Indian was hungry, shut off from much of his former supply of game. The partial expenditure by the government of agricultural and improvement funds had aided but little in transforming the Indian into the self-supporting farmer, which his friends believed him capable of becoming thru careful and perserving instruction and encouragement. Those who became in a measure "farmer Indians" were afforded no protection of person or property from the depredation of their shiftless tribesmen or of vicious whites.

The Indian never forgot what he believed, was the payment of many unjust debts to the traders under the Treaties of 1851. On the reserve he was not treated honestly in all cases by the traders who often secured the whole or the greater part of his annuity in payment for their exorbitant claims. If the Indian thought the trader's

charge unfair, he had no redress to law, but must needs pay the stipulated amount. The Indian was not adequately protected from the demoralizing whiskey seller and his fire-water. His educational funds were not expended in the necessary and sacredly promised schools. In short he was permitted to be idle, ignorant, discontented, and oft-times drunken, and unprotected by law from violent and dishonest treatment. The Indian was never reconciled to the sale of his reserve north of the Minnesota River and was driven to greater despair and distrust when the greater part of the proceeds from this sale was appropriated, without his knowledge or consent, to pay alleged claims and depredations. One of the greatest evils of reservation life was the oft repeated delay of the annuity payments. The Indians, many of them, came from long distances and waited, hungry and sick, for the desired gold. When the payment was finally made, they found themselves no better off materially, and with spirits only the more restless and discontented.

Finally came the long delayed payment of 1862, after a winter of unusual suffering and privation for the Indian. This delay proved a last straw to the Indian's load of sullen discontent. Inspired by circumstances seemingly favorable for such an act, he burst forth in mad frenzy and wrecked his horrible revenge.

The story of this revenge, the so-called Sioux Massacre,

of 1862, need not be retold. Only the result of the outbreak on the Treaties of 1851 and '58 is important in this study. The government by an Act of Feb. 16, 1863, annulled all treaties previously made with the Minnesota Sioux so far as these treaties purported "to impose any future obligations on the United States"<sup>1</sup>. Their reserve, annuities, and claims still due them in payment for the sale of their lands were accordingly forfeited. They became outcasts from their home-land,<sup>2</sup> which has now become, what the early Territorians believed would surely result from the Sioux cession, a great state, "a peer" among the states of the Union.

\*\*\*\*\*

1. U.S. Stat. at Large, XII, 652.  
An Act of March 3, 1863, authorized the President to set apart for the Minnesota Sioux a tract of unoccupied land outside the limits of any state, sufficient in extent to enable him to assign to each member \* \* \* 80 acres of good agricultural land; Ibid, 819.
2. During the years from 1863-8 the majority of the Minnesota Sioux were removed four times, and were finally settled at Breckenridge  
The U.S. by Act of April 29, 1868, (Ibid, 635-40) entered into an agreement with them, allotting land in Severalty, providing for compulsory education and other beneficial objects. The Act of March 3, 1863, had provided for the sale of the Minnesota Reserve and the expenditure of the proceeds for the benefit of the Sioux in their new homes. This provision was carried out and these Sioux have prospered under late and more advantageous conditions.