Ratified treaty no. 309, Documents relating to the negotiation of the treaty of June 19, 1858, with the Sisseton and Wahpeton Sioux Indians. June 19, 1858

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RATIFIED TREATY NO. 309

DOCUMENTS RELATING TO THE NEGOTIATION OF THE

TREATY OF JUNE 19, 1858, WITH THE SISSETON

AND WAHPETON SIOUX INDIANS

T.F. #309

[redacted]

Sisseton and Wahpeketoan Sioux.

(1858.)

On Monday, May the 24th a delegation of nine Chiefs and warriors, accompanied by Mr. Brown, their Agent; Mr. Campbell, their Interpreter; Mr. Robertson, their late farmer, and friend, and other gentlemen, waited upon Acting Commissioner Mix, at half past two o'clock, with a view of negotiating their right to land set apart for them and under the treaty of 1851, and taking, in exchange, a reservation, to be divided in severalty among the members of the tribe. They represent two bands containing a population of 5000, and the Indians present were the following:

1. Mu-go-ma-ni, the Man Walking in Iron.
2. Ma-za-sa, Sounding Iron.
3. Wam-di-u-pi-duta, Red Eagle Feather.
4. U-pi-yah-deah, The Joined-Eagle Feather.
6. Be-hu-te-dan, The Little Horn Root.
7. O-ju-pi, The Planter.
8. An-peta-to-ke-ca, The Other Day.
9. A-ki-pa, The Man who Meets.

Comr. Mix (to the Interpreter.) Tell them, Mr Campbell, that I have sent for the Sissetons and Wahpetoans to talk about business matters. When they called on their Great Father the President the other day, one of their number delivered to ~~the~~ him a paper making known the object of their visit, and their wants and wishes; and that paper the President has sent to me, and I now have it in my possession; and am prepared to talk with them on the business for which they were delegated by their tribe. ~~to come here~~. You can state to them that their Great Father came to a determination to enter into arrangements with them for the purchase of a portion of the land, which they occupy, and assign a portion thereof

for their use, to be divided off, and allotted in severalty to each head of a family, viz. the portion of the land now in their occupancy north and West of the Minnesota River. He is also willing to extend their Reserve west of the line of the cession of 1851, so as to embrace a portion of the country now occupied by the Sissitons in the limits of the Territory of Dacotah. He proposes to provide land for each head of a family north and East of the line referred to, and the residue, after supplying a reserve for each, ~~head of a family~~, will be regarded as the common property of the tribe, so that the children now living with their parents, may be provided with farms out of the surplus when they shall have arrived at age. Then the land at the North and East side of the River, he proposes that the President of the United States shall sell to his white children; and, in consideration of the mixed title by which the land now occupied by the Sissitons and Wahpetons is held, he will ~~shall~~ submit the question to the United States ~~Congress~~ Congress as to what they shall receive in consideration of their relinquishment of such title or claim as they may have. He also proposes to take the funds now belonging to the bands, and consolidate them, and use it as he may hereafter think it best for their benefit, instead of paying so much to special objects as provided for in the treaty of 1851, for ~~[illegible]~~ the establishment of manual labor schools, the erection of mills and blacksmith shops, &c. The object of this change is to enable their Great Father to apply this fund to such objects as experience has shown to be most beneficial to them, such as the building of houses, the purchase of stock animals, plows, &c., so as to enable the Sioux, by their own labor, to support

themselves. Who, of those present, live West of the line described in the treaty of 1851, as their Western boundary?

Agent Brown pointed out two or three of the delegates, as living West of that line, in the proposed Territory of Dacotah.

Comr. (to Interpreter.) Ask them if they are authorized to relinquish the lands West of Goose River, and whether they have authority to sell the land from Goose River up towards the Sioux Wood River?

Red Eagle Feather said he had been in that country upwards of fifty years, and that the Sissitons had always occupied the country from the Red River of the North to James' River, and up as far as Devil Lake. Looking at the map (which the Commissioner exhibited to him,) Red Eagle, in reply to further enquiries, said that right between the ~~Mississippi~~ Mississippi and James River, is the country which has been occupied by the Yanctons and Yanctonees, and between Wood River and James River lies the land owned and occupied by the Sissitons.

Comr (to Interpreter.) Can Red Eagle point out on the map where they cultivate and have their villages?

After some explanation by Agent Brown, and a desultory conversation between himself and Comr. Mix and Red Eagle, in which several of the delegates participated either directly or indirectly, Red Eagle said that, before the treaty, the Sissitons used to plant on the Coteau, and, afterwards on the Big Stone Lake, between the two Rivers. The Planter and Red Eagle Feather, after having scrutinized the Map very closely, and pointed out, as if they could read and understand every thing on it, sat down after a brief conversation between themselves.

Red Eagle Feather, after a short pause, rose, shook hands with the Commissioner, & said, my father, I come to nothing here. The Sipsitons are a large tribe, and have a great many chiefs and braves. They own a large country, and I would like, before any thing is done, to have them all consulted. If any person should be sent out there to see them, something might be done.

Comr (to Interpreter) Do they fully understand what I say?

Mr. Campbell: Yes, sir. They understand.

Comr. Do they agree to the proposition which I made?

Indians. Caugh!

Comr. How many of those here, cultivate the soil?

Agent Brown. They all cultivate the earth. The Second Chief cultivates quite a large farm.

Comr. Do they agree to the proposition to get land in severalty? If so, each member of the tribe will get by the proposed arrangement 20 acres of land, which will be their own forever. I understand from one of the papers presented to their Great Father, and by him handed over to me, that they do not want money, but wish to have stock and provisions purchased, houses built, and other things procured, which will enable them to cultivate the earth, and raise the necessaries of life for their support.

The Man Walking in Iron — My father, when I met my great father, I only spoke with one tongue, and not two. That paper said that it expressed the wishes of the Sipsitons and Wahpakeatoan bands of Sioux, but this is not so. Nobody knows any thing about it; and I want to say something more. In regard to expe

rate farms that is the wish and desire of all. I was glad when I met the President the other day, and I thought when I saw him, I was in the presence of the Great Spirit, and believed he would do something good for us — something which would make us prosperous and happy. That is the reason, fathers, I have met you here on this ground to-day. I don't want to do any thing about a treaty at all. We want farms. There are somethings talked about which I like much, and others which I do not, and that is the reason I speak. ~~to you~~. I am very sorry to hear that you are going to split our land, and leave a part on one side of the River, and the balance on the other; and give some of it ~~on one side~~ on the North of the River to white people. You know there are bad white people, and you pretty well understand how the red people are. When white people bring it, they will drink bad water, and when they do that, they act badly, and scare the women and children. Had you said we should have land on both sides of the River, I should have been glad, and would like to have a long talk some day or another. I would like to know how much you intend to give to each family?

Com'r Mix. As I before remarked, I wish it distinctly understood that this great father intends this movement for the benefit of the Sissitons living on the Minnesota River. He thinks there is more land in the entire Reserve, North and South, ~~of that Reserve~~, than is of any use to them. He knows that the whites, as things now stand, will encroach upon them; and, to prevent that, he is anx-

wes to concentrate them, and give them separate farms which they can call their own, and which cannot be taken away from them. He wishes to assign to them the land southwest of the River, and let the whites have the country North and Northwest of that stream. They will serve as a barrier to protect the Sioux from being struck or molested by the Chippewas or other hostile tribes.

[Here four of the Chiefs took the map, and, under the direction of Mr. Mix, Mr. Campbell and Agent Brown, examined minutely the localities referred to in the conversation, until, having made themselves familiar with them,]

The Eagle said the proposition made bad work of it, as all the timber lay on the North side of the Minnesota River. He then called for the paper which he had delivered to the President, and which, by the way, Agent Brown remarked contained a misdescription or mistake.

Mr. Mix explained the provisions of the treaty of 1851, and said it provided too much for one object and too little for another; and for this reason their great Father wishes to have it in his power to speatize it, so as to apply the money in such way and for such object as experience might show to be best. He did not wish to lessen the amount provided for in the treaty of '51, but to authorize such a change in its application as would be most useful and beneficial to the Sioux. As I before remarked, their Great Father wishes to do nothing except what he knows to be for their good. I was mistaken as to the contents

of the letter which the head chief delivered to his Great Father, and, in justice to him, I make this correction. —— I must mention another proposition which will be of benefit to the Sioux, and that is, if after the subdivision of the land to be allotted is made, any of them desire to leave the Reserve, and take their annuities and enter land outside of it like white people, they can do so, and receive their annuities also the same as if they lived among their people. Measures will also be adopted to prohibit and restrain white men and whiskey from going in among them, except such whites as may go under authority of law as farmers, carpenters, missionaries or traders; and then, when the allotments of land are made to ~~each of~~ those entitled, a provision will be made to prevent white people from settling among the Sioux, or making their Reserve their permanent home. I will also promise, if the chiefs set a good example, and not buy or encourage traffic in it themselves, whisky sellers will not go among them; for they will never deal in it, ~~not sell it~~, unless they can make money by it. It therefore depends upon themselves entirely, whether white men will go among them or not, as, without encouragement, they will not attempt it. Another provision will be made, that, if white men want to run a road through their Reserve, they cannot do it without ~~being~~ compensating the Indians therefor as is the case where white men's land is used for public purposes. Such roads, however, should be encouraged, as their effect is, to make

the lands through which they run more valuable.

Mr. Campbell. Suppose persons should enter upon their Reserve to make roads, and say their Great Father sent them, how can they prevent their making roads or doing as they please?

Cont. Mid. They will have an Agent among them, who will be able to determine that, and who will know whether they are intruders or duly authorized persons. ═══ Mr. Campbell, say to them I am very glad to see them; and, although our interview has been short, I have derived considerable information from their explanations and remarks. Here, (continued the Commissioner,) is a paper drawn up and prepared by their Agent (Father Brown) and myself, as the basis of an arrangement between us, which I now hand to their Agent. This paper Mr. Campbell can interpret ~~to them~~ for them whenever they shall meet to consider and discuss its provisions. It embodies the talk of their great father, "black upon white", and after they shall have fully considered it among themselves, and have decided what to do, they can then send me word, and we will have another interview on the subject.

The Man Walking in Iron said: Father, I am very happy to see you two. My father, the American people gave me ~~the~~ ~~many~~ rights ~~in themselves~~, and what you said goes into my ears. We came here for the piece of land you talked about, and when you give it, I will tell my people when I get home, and they will be glad. Since we made the treaty of 1851, with our Great Father, we call ourselves American citizens,

and feel that we are a portion of the American people, and ~~are~~ are therefore determined to do right towards them in our dealing and intercourse. Last year Inkpadutah killed some of good people, and this man (pointing to), went out and brought in one of his prisoners. This father, is the man that caught him. We acted as the friends of the Americans, and intend to do what they tell us. When we came here we expected to do business with our great father, and hope he will listen to what we have to say. Since we made the treaty of the Traverse de Sioux, we have lost a good deal of money which we ought to have got; and when we came here to enquire about it, we did not think we would have had to stay so long. We wanted to get through quick, and go back and plant. I hope, father, you will not delay us any longer. Since we came here, we have been informed that the Yanctons and Tetons are collecting near our Reserve in great numbers; and, as we do not know what they intend to do, we want go back and protect our families. As they have a large force, they may destroy our crops, beg or steal our horses, and travel all along the Minnesota River destroying and committing depredations as they proceed. We hope our Great Father will stop them, and prevent them from injuring us.

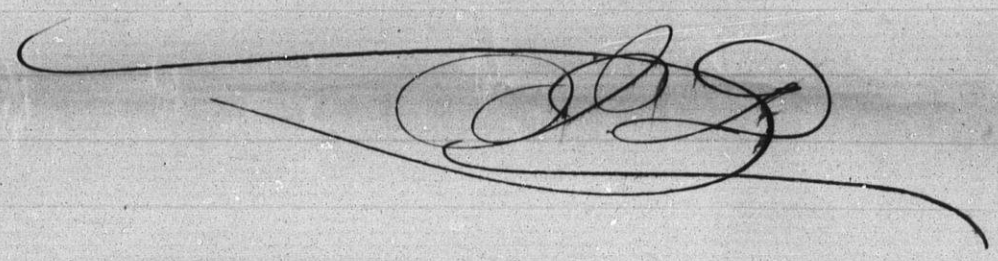
Cont. Mid. If the proposed arrangements are made, and the whites go in upon the land North of the Minnesota River, they will be a barrier against such encroachments, and not let the Yanctons, Tetons, or

other Indian tribes disturb the positions of Wahpeke towns. The arrangements will therefore, on that view of the case, be for the benefit of the bands now represented here. —

As regards their visit, they have been detained here longer than I had expected; but the Great Council of the Nation, now in session, engrossed so much of my time in answering calls, &c. that I could not avoid it. If, however, they will council together to-night, and we can make a bargain, it is my intention to get them off in the course of a week. After the paper is perfected, and we both agree as to the terms and provisions of an arrangement, it will not take more than two or three days to finish the business between us.

"The Man who walks hunting" addressed the Commissioner in reference to a paper about which he (the Comr.) made a mistake; and, after some explanations from Mr. Mead, which satisfied him, and placed him rectus in curia, the

Delegates shook hand, and left for Mr. Maher's Hotel with their Conductors.



T.F. #309

Upper Sioux Delegation at Indian Office.
June 5th. 1858.

Comr. I understood they were to meet me as soon as they were ready. I am glad to see them, and am prepared to listen to what they have to say.

Muzzomaa. I am very happy when you are glad to see us. We would see you often but cannot do it. You gave us a paper to consider, which we have had 8 days - we are not like white people: it takes longer for us to understand matters and arrive at a conclusion. We have made a paper which will suit our notions best. We hope you will carry out what is in it (the paper which he hands to the Comr.) that is the wish of our tribe, and we desire to go home as early as possible.

Comr. The paper I gave them was prepared ~~and given~~ by their agent ~~for~~, through whom all business with them is done. Receiving a paper from them when their agent is present is unusual. It is customary to present papers to the department through agents. I want them to understand that Mr Brown

is their agent. I will read the paper.
They perceive I have read ~~the paper~~ it.
I will consider it to night & to morrow
I will confer with their great father,
and as soon as we come to a
determination, I will let them
know it through their agent
Brown.

While they are here, I wish
to ask them one or two questions
regarding their paper. This is the first
time I have heard from them that
they owed any debts. I wish to
know the amount of those debts.
how many boxes?

Mozzomas. We are willing to pay our
debts to amount of $70.000.

Com. Name the parties they owe and
amount to each.

Mozzomas. The traders have the list.

Comr. What traders?

Head Chief- There are about 17 of them.

Comr. (to Interpreter.) Can he name them?

Mozzemau (head Chief,) said Mr. Forbes, Louis Robert, Alex.r Farribault, Mr. Garvey, Francis Longet, Joseph Demaret, Gabriel Renville, J. R. Brown, A. J. Campbell, Francis Roy, N. R. Brown, J. F. Brown, Madison Sweetzer, Enoch Much-pe-aye-de-mubbee, Chas Crawford and Xavier Frenier.

Comr. Have the traders spoken about their claims?

Head Chief- Yes, but since we came here the traders have said nothing for several days past. They said before that we owed them, and ought to pay our debts; that they wanted their pay.

Comr. Out of what funds did they say they wanted their pay?

Head Chief. The traders ~~did not say~~ said if you sell our land at the North side of the River, they expected to get their pay out of the proceeds.

Comr. Do they understand that, if they sell their land, any amount which may be paid the traders will be taken out of their own money received from the sale of the land North of the River?

Head Chief. Yes.

Court. (to Interpreter.) Now, ask him how long these debts have been accruing?

Head Chief. About five years.

Court. As I before remarked, I will consider the matter to-night, and tomorrow I will consult Agent Brown about it. But, before leaving, I want to say a word ~~concerning them~~ about the country sold in 1851 which the Yanctonees are claiming. A communication was received this morning by Mr. Rice, (whom you are acquainted with,) in reference to the matter, which Agent Brown can explain to you.

Agent Brown said the Yanctonees claim along the banks of James River, and say ~~they say that it was Mr Fuller~~ it was promised ~~to~~ them. Mr. Fuller got a letter yesterday, from which it appears that Mr. Brown's has been warned off by them from his settlement of Madeira on the Big Sioux River, and threatened ~~him~~ if he returned. They drove the settlers from the Big Sioux River, claiming that portion of the country as their own. It appears

appears that the Sioux are planting out there, near a Lake, and claim it ~~the country~~ as their land.

Court. That is all for to-day. To-morrow we will see each other again, and have a further interview on the subject.

End.

T.F. #309

Upper Sioux - Treaty Meeting

Saturday June 19. 1858, 2 O'clock P.M.

The Delegates representing the Lower Sioux (the Sisseetons and Wahpetons) waited upon the Commissioner of Indian Affairs in the Indian Office at 2 O'clock P.M. June 19. 1858, and, after a sitting of 2½ hours, concluded and signed a treaty. They represent about 5.000 souls. There is no head chief in these bands, each separate band having its distinct chief. Their present reserve is 100 miles long by 20 wide, and contains about 1.080.000 acres. The Sisseetons were represented by Maz-zah-shaw (Red Iron) Wum-du-pi-du-tah (War Eagle's scarlet Tail,) Ojapi (the Planter,) and Ha-hu-ta-nai (the Stumpy Horn) and the Wah-petons by Maz-zo-manee, (shoots Iron as he flies) Maz-za-koote-manee (walking Iron) President of the Hazlewood Republic, Upiya hide you, Umpe dee to ke chaw (the other Day,) and Tachander pa ho tanka.

Com.r Mix. Mr. Campbell announce to the Sioux Upper bands delegates, that I have sent for them; with the view of accomplishing the objecks of the mission which have brought them to this City, which objeck is to benefit themselves and not the Government. Here is the treaty, and you can read it for their information, and say to them that it was drawn up by their friends Agent Brown and Mr. Robertson, and that its main purpose is to promote the welfare and happiness of themselves, and their wives, children and their posterity.

Agent Brown suggested that a general description of its contents would answer every purpose; but,

Commr. Mix said he wanted the draft of a treaty to be interpreted word for word, so that there should be no misunderstanding hereafter. The first article stipulates that the land set apart by the 3d. Article of the treaty of July 1851, for their use, shall be surveyed as soon as practicable, and that eighty acres of the portion thereof lying south of the Minnesota River, shall be allotted in severalty to each head of a family, said assignments to be so made as to include a proper proportion of timber land if practicable, the residue of the reserve to be held in common by said lands like other Indian lands. The minors of said lands, upon arriving of age and becoming the heads of families, are also to be provided with 80 acres of land, all the expense of the surveys and allotments of said reserves to be paid for out of the funds of the tribe in the hands of the Government. When capable of managing their affairs, the President may, at his discretion, cause patents to be issued to them for the tracts thus allotted; and while the Sioux are permitted to purchase or sell among themselves, no white person is authorized to deal or speculate in these lands. The object of this is to secure a permanent home for the Upper Sioux, and their posterity.

The 2nd Article leaves to the Senate of the United States the question as to the title by which they hold the land set apart for them

by the treaty of 1851, and the measure of compensation that should be made to the said bands for the portion of the reserve lying North of the Minnesota River.

Agent Brown. The west bank of the River is not involved in that provision?

Comr. Mix. I yield that point to them.

Agent Brown. If the title is not clear, and it does not belong to them, they get nothing?

Comr. Mix. Yes. The Commissioner then explained the provisions of the 3d Article authorizing the Senate to determine the value of the land referred to in the 2d Article, and the payment of a sum not exceeding $70.000, to satisfy the just debts and obligations of the bands, provided the claims shall be approved by the Superintendent of Indian Affairs, and sanctioned by the Secretary of the Interior.

Agent Brown. The $70.000 allowance is intended to enable them to pay their just debts, and to buy goods to take home for the use of their families.

Comr. Mix. At the time the draft of a treaty was prepared, it was anticipated that the Great Council of the Nation, then in session here, would have acted upon it: but now, before the money can be applied, we must, for the want of power, wait for that body to act upon the treaty, and make the necessary appropriations to carry it into effect.

The Comr. then passed in review the 4th Article, providing that the lands retained by the two bands shall be held by the usual Indian title, and be subject to the laws relating to Indian

lands:- the 5th article, reserving to the United States the right to establish and maintain on the reserve, military posts, agencies, schools, shops, roads, and such agricultural and mechanical improvements as may be necessary, making adequate compensation for the timber or other property taken or destroyed; and giving the right of way to roads established by other competent authority on similar conditions:- the 6th, relating to the supremacy of the United States laws over the reserve, and of its right to punish offenders, and to act as umpire in settling differences between those two bands and other Indians &c — the 7th, authorizing the United States to suppress intemperance, by withdrawing the annuities of such as violate the prohibition against taking, selling or buying intoxicating liquors within the limits of the reserve:- the 8th, authorizing such members of the bands as saw fit, to sell to other Indians their reserves, and buy lands and settle, without the reserve, wherever they wished, without forfeiting their tribal rights to the annuities:- the 9th, investing the Secretary of the Interior with discretionary power, in regard to the manner and objects of the annual expenditures of all moneys to which the bands have or may become entitled to under treaty stipulations, provided the same shall be expended in such way as to promote their interests, welfare and advance in civilization, &c: and, finally, the 10th, article, providing that the United States shall defray the expenses attending this negotiation.

The

Commissioner, while recapitulating the provisions, explained in detail, their intended effect on the welfare of the Upper Sioux. They were drawn up, he said, with great care, and after frequent consultations, and would be found highly beneficial to the Indians parties to the instrument.
Agent Brown. The whole treaty amounts to this: that without it, they merely get the land South of the Minnesota River and nothing more.
Commissioner. Without it, they get no land whatever, as, under the Senate amendment to the treaty of 1851, providing for the payment of ten cents per acre for the land, they have no right whatever to the land they now occupy, and, which is held by sufferance.
Agent Brown. Then, without they make a treaty, they get nothing more than what they have at present.
The Iron Day. There is one objection which they have to the treaty as explained. They think they ought not to be made to pay for the survey and subdivision of the land.
Com'r. The land is certainly worth the cost of surveying. It is understood by their Great Father that it is the wish of the Upper Sioux to remain where they now are. The land which they now occupy has, under an amendment to the treaty of 1851, been purchased and paid for, by the United States, and they now hold it as a gratuity from the Government. I will, however, admit that their Great Father, or at least the Senate, agreed that they should have another tract, in a suitable location, in lieu thereof; but, although their Great Father has plenty of land to

enable him to comply with this promise, the only track, it seems, which suits them, is that which it is now proposed to set apart for their use. They also ask that a portion of the proposed reserve shall be allotted, in severally, to each head of a family; and, this being the case, it is no more than right that those for whose benefit this is to be done should pay the expense attendant upon the sub-division and allotment. Their Great Father has no interest in the matter as to whether the reserve be held in common, as is usual among Indians, or in severalty, and the stipulation is inserted for their own special accommodation. I repeat, what I have so often said before, that so far as their Great Father is concerned, he does not care whether they assent to it or not. They are, if they choose, at liberty to return home, and let the people of Minnesota, deal with them as they please, for, in that case, their Great Father will not have it in his power to protect them.

Agent Brown, (holding the draft of a treaty in his hands) explained, in the Dacotah language, its provisions, and the fact that, until acted upon by Congress, they could not be carried into effect. Out of the $70.000, they expected to invest a portion of it in goods and necessaries to take home with them to their families, but now, their expectations cannot be realized, and they will be disappointed.

Commissioner. (to Interpreter) Say to them, that their Father, Agent Brown, called my attention to the subject: and I hoped that the treaty would have been prepared and signed in time to have enabled the Great Council of the Nation

to have acted upon it. But, in this I have been disappointed: but it has always been my intention to give them presents of something suitable to carry home to their families and friends.
Agent Brown explained as to the amount they wished to have paid for their traders – say $10.000 for – besides the $60.000.
Mazzachaw (1st Chief) said he came here to talk about and explain the nature of his business, but heretofore he had no chance to speak. Our bands have a fund on hand, which I would like to know something about.
Com: Mix. I gave a statement to your Father Brown, sometime ago, and requested him to inform you of the fact that there was $68.000 of your funds on hand.
1st Chief. I wish to know what has become of that money, where it is, and in what manner it has been expended?
Commissioner. By the treaty, the expenditure of the funds belonging to the bands, is left to the discretion of the Secretary of the Interior. It is intended that they shall let their agent know how they wish their money applied, and he will communicate their views to this Office, so that the matter may be submitted to the consideration of the Secretary of the Interior. I have conversed with their Great Father several times, and communicated his views for the information of the delegates, but, if they have not sense to comprehend them, I cannot make them understand. One object is to allot and set apart a farm of 80 acres pr each head of a family, so that every member of the band may have a direct

personal interest in improving his own farm, and in advancing the welfare of himself and his family. I have not only talked to him (the head chief) and his people in explanation of this and other provisions of the instrument now prepared for signature, but have explained the matter to his father, Agent Brown, and it really looks like a child for him now, at this late hour, to talk to me in that way. The Commissioner then explained about the money (68 boxes) sent up to pay them under the treaty of 1857.

Agent Brown, asked a question in respect to the money to be expended at the discretion of the Secretary.

Com^r. May, said the object was to enable the members of the tribe to get horses, cows, farming utensils, and such other things as might be necessary for the support of their families.

Head Chief. I don't think, father, I talk like a child. I think it no more than right that I should ask what was in that paper, so that, before signing, I may understand its contents.

Commissioner (to Interpreter) Say that I gave him a copy of the paper, and that he has had it in his possession eight weeks. He and his associates ought therefore fully understant it by this time.

Head Chief. If I had acted like a child, I would not have been sent here by my people. We came here to represent them, and adopt measures for the benefit of our wives and children.

Com^r. I gave the paper to father Brown, with instructions to explain it to the Upper Sioux, and

it looks like a childish question, now, to ask what is in it.

[Here a private conversation took place between Comr. Mix & Agent Brown, as to whether the paper had been duly explained to the delegates.]

Head Chief said he put a provision in the treaty of 1851 to pay to the Upper bands certain sums of money, and as he did not get it, he wants to know what became of the funds that were to have been paid. At Redwood, the first year, he drew no annuity, although according to the treaty, we were to get $5000.

Agent Brown. He is mistaken. It was never put into the treaty.

Head Chief. A part of these bands drew no money.

Commissioner. This matter has been talked of before, and has been provided for in the projet of a treaty.

Agent Brown said he agreed to attend to the matter here for them. He would not say one thing and do another. The subject mentioned by the principal chief had nothing to do with the treaty, which is a separate and distinct matter.

Comr. Mix. If they are agreed among themselves to sign the treaty, I am ready to do my part. I want, if possible, to get them off on Monday. As I said before, every thing put into that paper is designed and intended for their benefit.

Mr. Brown said that some of them, and particularly the head chief, anticipated that they would be short of timber. If he can get 40 acres of prairie in one place, and 40 of timber in another, he would be satisfied.

Comr. Mix. When the matter comes to be car=

ried into effect, he can be accommodated. There can be no objection to make any reasonable change to accommodate them, and meet their views.

Head Chief. I want to tell you a few things which I had forgotten. We had a Mill on Yellow Medecine River which was good for nothing, and which, in time of high water is carried away. This being the case, they thought of having a steam Mill. There is, for instance, a man here, and there is another. They take logs to that mill. The white people like to have them, and they take them. I want to know if that is right or proper? The treaty stipulated that the Indians should have a mill, but, notwithstanding this, when they want lumber, they can't get it, although the traders can get all they want. This is not right, as the mill was erected for the benefit of the Indians. They also find that by the treaty of Traverse des Sioux, the Chiefs and braves were promised good houses and plenty of timber, and I want to know why were not these things furnished according to promise? We were also promised, money, doctors, farmers, and other things, by that treaty, and I want to know why they were not furnished, or what has become of them. I want a straight story.

Comr. Mix. (to Interpreter) Tell him that what he says I have had put down "black upon white". Tell him that, in respect to the flood, his Great Father cannot prevent it, and perhaps it has been sent by the Great Spirit, as an evidence of his displeasure. The destruction of their mill by that cause, is a matter which, of course, he has no power

to prevent. In respect to the substitution of a steam mill in place of it, I will get Superintendent Cullen and Agent Brown to enquire into its practicability and expediency, and, if found practicable, will have no objection to the erection of one for their use. In respect to the taking of timber by traders, I will have the subject investigated, with a view to the application of the appropriate remedy. If traders take timber or lumber, I will get one of their own young men to keep tally, so as to make the proper charge and prevent the possibility of fraud; and if they take more than their share, the Agent will be directed to have justice done to the Indians. Now, I want my friend to say how he likes that.
Agent Brown said a rotary saw-mill, would suit them best. It could be changed for the present mill, in about a week. The Mill at Yellow Medecine, although it cost $1500, never sawed more than a thousand feet of lumber, than was required at the Agency.
Comr. Mix, said that he had heard all they said, and whatever they determined to do, he wished them to do quickly. When they get through with their business, he thought he would have a medal for each of the delegates, which when they returned home, they could show as an evidence of the esteem and regard of their Great Father.
Muz-za-koote-manee (4th Chief.) I want, father, if you have no objection, to say a few words, (and, at the same time, shaking the Commissioner's hand). At the time of the treaty of Traverse des Sioux, there were two chiefs who signed the treaty, and one of them (pointing to _____,) is here) and all the

moneys and lands promised will be found set forth in that treaty. [Here he handed a MS. memorandum to Agent Brown, setting forth that the sum of $68.000 was to have been paid to them in 50 years; and that the children who will come after them will get nothing, as the whole will be absorbed in that time.]

Comr. Mix. That was the bargain and understanding of both parties. It was supposed that, by that time, the Upper Sioux would be so rich, that they would want nothing more. The value paid for their lands, ($1.360.000,) looked to an investment, and, in fifty years, they get the value of the land, and $40.000 besides; or $1.400.000.

Fourth Chief. Father, I am very glad you are going to pay expenses. I like to get back our money, and, also, the cost we were at in the Inppadutah war.

Commissioner. The annuity money has been sent by Supt Cullen, and, if possible, I will send out the money to pay for horses, &c. I cannot send the money now, or until two or three weeks but will send it as soon as possible. There is no difficulty about the thing being all made right.

Head Chief (whose hair was neatly platted,) said he would like to know the names of the people who they have to pay.

Comr. They can by conversing together know the names of the people to whom they are indebted, and who they have to pay.

Head Chief. We would like to pay $50.000 for our debts, and reserve $20.000 for ourselves,—for our own use.

Com.rs (to Interpreter) Tell him that I shall leave all about that to themselves and their agent.

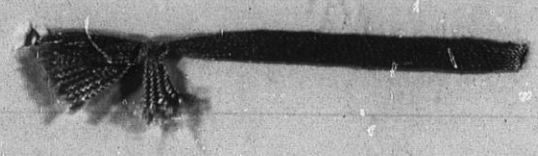
Head Chief. — Thinks $50.000, will be enough to pay their traders, and they will want the balance ($20.000) for themselves, to keep and support their people.

Commissioners. The paper drawn up meets their views, and speaks just as they desire it.

[Here at 4½ O'clock P.M. the treaty was signed, and witnessed, when]

The conference adjourned.

T.F. #309



(1)

Upper Sioux – Treaty Meeting.

Saturday June 19. 1858. 2 o'clock P.M.

The delegates representing the Lower Sioux, (the Sissetons, and Wahpetons,) waited upon the Commissioner of Indian affairs, in the Indian Office, at 2 o'clock P.M. June 19. 1858, and after a setting of 2½ hours, concluded and signed a treaty. They represent about 5,000 souls. There is no head chief in these bands, each separate band having its distinct chief. Their present reserve is 100 miles long, by 20 wide, and contains about 1,080,000 acres. The Sissetons were represented by Maz-gah-shaw, (Red Iron,) Wam-du-pi-du-tah (Mar Eagle's scarlet Tail,) Ojupi, (the Planter,) and Wa-hu-ta-nai, (the Stumpy Horn,) and the Wahpetons, by Maz-zomanee, (Shoots Iron as he flies,) Muz-za Koote-manee, (Walking Iron) President of the Hazelnut Republic. Upiya-hide-yaw, Unpedeetokechaw (the other Day,) and Tachandupa hotanka.

Comr Mitg. Mr Campbell announce to the

Sioux Upper bands delegation, that I have sent for them with the view of accomplishing the objects of the mission which have brought them to this city, which object is, to benefit themselves, and not the government. Here is the treaty, and you can read it for their information and say to them, that it was drawn up by their friends, agent Brown, and Mr Robertson, and that its main purpose, is to promote the welfare and happiness of themselves, and their wives, children, and their posterity.

Agent Brown suggested, that a general description of its contents would answer every purpose; but,

Cmr Mix said he wanted the draft of a treaty to be interpreted word for word, so that there should be no misunderstanding hereafter. The first article stipulates that the land set apart by the 3d article of the treaty of July 1851 - for their use, shall be surveyed as soon as practicable, and that eighty acres of the portion thereof,

lying south of the Minnesota River shall be allotted in severalty to each head of a family; said assignments to be so made as to include a proper proportion of timber land if practicable, the residue of the reserve to be held in common by said bands, like other Indian lands. The minors of said bands, upon arriving of age, and becoming the heads of families, are also to be provided with 80 acres of land; all the expenses of the surveys, and allotments of said reserves, to be paid for out of the funds of the tribe in the hands of the government. When capable of managing their affairs, the President may, at his discretion, cause patents to be issued to them for the tracts thus allotted; and while the Sioux are permitted to purchase or sell among themselves, no white person is authorized to deal or speculate in these lands. The object of this is to secure a permanent home for the upper Sioux, and their posterity. The 2d article, leaves to the Senate of the United States the question, as to the title

by which they held the land set apart for them, by the treaty of 1857; and the measure of compensation that should be made to the said bands, for the portion of the reserve lying North of the Minnesota River.

Agent Brown. The west bank of the River is not involved in that provision.

Cont Mix. I yield that point to them.

Agent Brown. If the title is not clear, and it does not belong to them, they get nothing?

Cont Mix. Yes. The Commissioner then explained the provisions of the 3d article, authorizing the Senate to determine the value of the land referred to, in the 2d article, and the payment of a sum not exceeding $70,000, to satisfy the just debts and obligations of the bands, provided the claims, shall be approved by the Superintendent of Indian Affairs, and sanctioned by the Secretary of the Interior.

Agent Brown. The $70,000, allowance, is intended to enable them to pay their just debts, and to buy goods to take

home, for the use of their families."
Com^r Alex. At the time the draft of a treaty was prepared, it was anticipated that the great Council of the Nation, then in session here, would have acted upon it; but now, before the money can be applied, we must, for the want of power, wait for that body to act upon the treaty, and make the necessary appropriation to carry it into effect. The Commissioner then passed in review, the 4th article, providing that the lands retained by the two bands, shall be held by the usual Indian title, and be subject to the laws, relating to Indian lands. - The 5th article, reserving to the United States, the right to establish, and maintain, on the reserve, military posts, agencies, schools, shops, roads, and fields agricultural and mechanical improvements as may be necessary, making adequate compensation for the timber or other property taken, or destroyed, and giving the right of way, to roads established by other competent authority on similar conditions. The

6th, relating to the supremacy of the United States' laws, on the reserve, and of its right to punish offenders, and to act as umpire in settling differences between those two bands, and other Indians; &c — the 7th authorizing the United States, to suppress intemperance, by withdrawing the annuities of such as violate the Prohibition against taking, selling, or buying intoxicating liquors, within the limits of the reserve; the 8th authorizing such members of the bands as saw fit, to sell to other Indians their reserves, and buy land and settle without the reserve, whenever they wished, without forfeiting their tribal rights to the annuities; — the 9th, investing the Secretary of the Interior, with discretionary power in regard to the manner and objects of the annual expenditure of all moneys, to which the bands have, or may become entitled to, under treaty stipulations, provided the same shall be expended, in such way, as to promote their interests, welfare, and advance in civilization &c; and, finally,

the 10th article, providing that the United States, shall defray, the expenses of attending this negociation.

The Commissioner, while recapitulating these provisions, explained in detail, their intended effect on the welfare of the upper Sioux. They were drawn up, he said, with great care, and after frequent consultations, and would be found highly beneficial to the Indians, parties to the instrument.

Agent Brown. The whole treaty amounts to this: that, without it, they merely get the land south of the Minnesota River, and nothing more.

Comr. without it, they get no land whatever, as, under the Senate amendment to the treaty of 1857, providing for the payment of ten cents per acre, for the land, they have no right whatever to the land they now occupy, and which is held by sufferance.

Agent Brown. Then, without they make a treaty, they get nothing more, than what they have at present.

The Sioux Day. There is an objection which

they have to the treaty as explained. They think they ought not to be made to pay for the survey and subdivision of the land.

Com^r. The land is certainly worth the cost of surveying. It is understood by their great father, that it is the wish of the upper sioux, to remain where they now are. The land which they now occupy, has, under an amendment to the treaty of 1857, been purchased, and paid for, by the United States, and they now hold it, as a gratuity from the government. I will, however, admit that their great father, or at least the Senate, agreed, that they should have another tract, in a suitable location, in lieu thereof; but, although their great father has plenty of land, to enable him to enable him to comply with this promise, the only tract, it seems, which suits them, is that which it is now proposed to set apart for their use. They also ask that a portion of the proposed reserve,

shall be allotted in Severalty, to each head of a family; and this being the case, it is no more than right, that those for whose benefit this is to be done, should pay the expence attendant upon the subdivision and allotment.

Their great father, has no interest in the matter, as to whether the reserve shall be held in common, as is usual among Indians, or in Severalty, and the Stipulation is inserted, for their own Special accommodation. I repeat, what I have so often said before, that, so far as their great father is concerned, he does not care whether they assent to it, or not. They are, if they choose, at liberty to return home, and let the people of Minnesota deal with them, as they please, for in that case, their great father will not have it in his power to protect them.

Agent Brown. (holding the draft of a treaty in his hand,) explained in the Dacotah language, its provisions, and the fact that, untill acted upon by

Congress, they could not be carried into effect. Out of the $70,000, they expected to invest a portion of it in goods, and necessaries, to take home with them to their families, but now their expectations cannot be realized, and they will be disappointed.

Cont. (to Interpreter.) Say to them, that their father Agent Brown, called my attention to the subject, and I hoped that the treaty would have been prepared and signed, in time, to have enabled the great Council of the Nation, to have acted upon it. But, in this, I have been disappointed; but it has always been my intention to give them presents of something suitable, to carry home to their families and friends.

Agent Brown, explained as to the amount they wished to have paid for their traders. Say, $10,000 for — besides the $60,000.

Maggachaw (1st Chief) Said he came here to talk about, and explain the

nature of his business, but heretofore he had no chance to speak. Our bands have a fund on hand, which I would like to know something about.

Com. Mix. I gave a statement to your father Brown sometime ago, and requested him to inform you of the fact, that there was $68,000 of your funds on hand.

1st Chief. I wish to know what has become of that money, where is it, and in what manner it has been expended?

Com. By this treaty the expenditure of the funds belonging to the bands, is left to the discretion of the Secretary of the Interior. It is intended that they shall let their agent know how they wish the money applied, and he will communicate their views to this office; so, that the matter may be submitted to the consideration of the Secretary of the Interior. I have conversed with their great Father several times, and communicated his views, for the

information of the delegates, but, if they have not sense to comprehend them, I cannot make them understood. One object is to allot and set apart, a farm of 80 acres for each head of a family, so that every member of the band, may have a direct personal interest, in improving his own farm, and in advancing the welfare of himself and his family. I have not only talked to him (the head chief,) and his people, in explanation of this, and other provisions of the instrument now prepared for signature, but have explained the matter to his father, agent Brown, and it really looks like a child for him now, at this late hour, to talk to me in that way. The Commissioner then explained about the money (68 boxes) sent up to pay them, under the treaty of 1867.

Agent Brown, asked a question in respect to the money, to be expended at the discretion of the Secretary.

Com^r Mix, said; the object was to

enable the members of the tribe to get horses, cows, farming utensils, and such other things as might be necessary, to enable them to live like independent farmers, and raise every thing necessary for the support of their families

Head chief. I dont think, father, I talk like a child. I think it no more than right, that I should ask what was in that paper, so that, before signing it, I may understand its contents.

Comr. (to Interpreter) Say, that I gave him a copy of the paper, and that he has had it in his possession eight weeks. He and his associates ought therefore fully understand it by this time.

Head chief. If I had acted like a child, I would not have been sent here by my people. We came here to re=present them, and adopt measures, for the benefit of our wives and children.

Comr. I gave the paper to father Brown, with instructions to explain

it to the upper Sioux, and it looks like a childish question now, to ask what it is.

[Here a private conversation took place, between Commissioner Mix & Agent Brown, as to whether the paper had been duly explained to the delegates &c.]

Head Chief said, he put a provision in the treaty of 1851, to pay to the upper bands, certain sums of money, and, as he did not get it, he wants to know what became of the funds, that were to have been paid. At Redwood, the first year, he drew no annuity, although according to the treaty, we were to get $5.000.

Agent Brown. He is mistaken. It was never put in the treaty.

Head Chief. A part of these bands drew no money.

Com^r. This matter has been talked of before, and has been provided for, in the projet of a treaty.

Agent Brown said, he agreed to attend

to the matter, here, for them. He would not say one thing, and do another. The subject mentioned by the principle chief, had nothing to do with the treaty, which is a separate and distinct matter.

Govr Mis. If they are agreed among themselves, to sign the treaty, I am ready to do my part. I want, if possible, to get them off on Monday. As I said before, every thing put into that paper, is designed, and intended for their benefit.

Mr Brown said, that some of them, and particularly the head chief, anticipated that they would be short of timber.

If they can get 40 acres of prairie, in one place, and 40 of timber in another, he would be satisfied.

Govr Mis. When the matter comes to be carried into effect, he can be accommodated. There can be no objection to make any reasonable change to accommodate them, and meet their views.

I want to tell you a few things which I had forgotten. We had a mill on yellow Medecine River, which was good for nothing, and which, in time of high water is carried away. This being the case, they thought of having a steam mill. There is for instance a man here, and there is another. They take logs to that mill. The white people like to have them, and they take them. I want to know if that is right or proper? The treaty stipulated that the Indians should have a mill, but notwithstanding this, when they want lumber, they cant get it, although the traders can get all they want. This is not right. They also find that by the treaty of Traverse des Sioux, the chiefs and braves were promised good houses, and plenty of timber, and I want to know, why were not these things furnished according to promise? We were also promised money, doctors, farmers, and other things by that treaty, and

I want to know, why they were not furnished, & what has became of them? I want a strait story.

Com'r Mix. (to Interpreter) Tell him that what he says, I have had put down, "block upon white". Tell him that, in respect to the flood, his great Father cannot prevent it, and perhaps it has been sent by the great Spirit as an evidence of his displeasure. The destruction of their mill by that cause, is a matter which, he had no power to prevent. In respect to the substitution of a steam mill, in place of it, I will get Supt Cullen, and agent Brown to enquire into its practicability, and expediency, and if found practicable, will have no objection, to the erection of one for their use. In respect to the taking of timber by traders, I will have the subject investigated, with a view to the application of the appropriate remedy. If traders take timber a lumber, I will get one of their own young men to keep

tally, so as to make the proper charge, and prevent the possibility of fraud. and, if they take more than their share, the agent will be directed to have justice done to the Indians. now, I want my friend to say, how he like that?

Agent Brown said, a rotary saw mill, would suit them best. It could be changed for the present mill in about a week. The mill at yellow medicine, although it cost $1500, never sawed more than a thousand feet of lumber, than was required at the agency.

Cont Mis, said, that he had heard all they said, and whatever they determined to do, he wished them to do quickly. When they get through with their business, he thought he would have a medal for each of the delegates, which, when they returned home, they could show as an evidence of the esteem, and as a,

of their great father.

Muzzakotanamee. (4th chief) I want, father, if you have no objection, to say a few words. (and at the same time, shaking the Commissioners hand.) At the time of the treaty of Traverse des Sioux, there were two chiefs, who signed the treaty, and one of them (pointing to — is here,) and all the moneys and lands promised, will be found set forth in that treaty. [Here he handed a Mss memorandum to agent Brown, setting forth that the sum of $68,000, was to have been paid to them in 50 years; and that the children who will come after them, will get nothing, as the whole will be absorbed in that time]

Com'r Mix. That was the bargain and understanding of both parties. It was supposed that, by that time, the Upper bands would be so rich, that they would want nothing more. The value paid for their land.

($1.3600.000.) looked to an investment, and in fifty years they get the value of the land, and $40,000 besides, or $1,400,000.

Fourth Chief. Father, I am very glad you are going to pay expences. I like to get back our money, and, also, the cost we were at, at the Inkpadutah war.

Comr. The annuity money has been sent by Supt Cullen, and, if possible, I will send out the money to pay for horses &c. I cannot send the money now, or until two or three weeks, but will send it as soon as possible. There is no difficulty about the thing being all made right.

Head Chief (whose hair was neatly plaited) said, he would like to know, the names of the people they have to pay.

Comr. They can, by conversing together know the names of the people to whom they are indebted, and who

they have to pay.

Head Chief. We would like to pay $50,000 for our debts, and reserve $20,000, for ourselves, for our own use.

Comr. (to Interpreter) Tell him, that I shall leave all about that to themselves, and their agent.

Head Chief. Thinks $50,000, will be enough to pay their traders, and they will want the balance $20,000 for themselves, to keep and support their people.

Comr. The paper drawn up meets their views, and speaks just as they desire it.

[Here at 4½ o'clock p.m. the treaty was signed and witnessed. When]

Then Conference adjourned.

T.F. #309

Talks, Councils, Treaties, 1856-63

Upper Sioux - Treaty Meeting

Saturday June 19, 1858, 2 o'clock P.M.

The Delegates representing the Lower Sioux (the Sissetons and Wahpetons) waited upon the Commissioner of Indian Affairs in the Indian Office at 2 o'clock P.M. June 19, 1858, and, after a setting of 2½ hours, concluded and signed a treaty. They represent about 5,000 souls. There is no head chief in these bands, each seperate band having its distinct chief. Their present reserve is 100 miles long by 20 wide, and contains about 1,080,000 acres. The Sissetons were represented by Maz-gah-shaw (Red Iron,) Wam-du-si-du-tah (War-eagle's Scarlet Tail,) Ojupi (the Planter,) and Wa-ku-ta-nai (the Stumpy Horn;) and the Wahpetons by Maz-za-manee (Shoots Iron as he Flies,) Maz-za-kote-manee (Walking Iron,) President of the Hazlewood Republic, Upsya-hide yaw, Umpedu to ke chaw (the other Day,) and Tah-kandu-pa ho tanka.

Comr. Mix - Mr. Campbell announce to the Sioux Upper bands delegates that I have sent for them, with the view of accomplishing the objects of the mission which have brought them to this City, which object is to benefit themselves, and not the Government. Here is the treaty, and you can read it for their information, and say to them that it

was drawn up by their friends Agent Brown and Mr. Robertson and that its main purpose is to promote the welfare and happiness of themselves and their wives, ~~and~~ children, and their posterity

Agent Brown suggested that a general description of its contents would answer very purpose; but,

Cont. Mis said he wanted the draft of a treaty to be interpretted word for word, so that there should be no misunderstanding hereafter. The first article stipulates that the land set apart by the 3d. article of the treaty of July, 1851, for their use, shall be surveyed as soon as practicable, and that eighty acres of the portion thereof lying south of the Minnesota River shall be allotted severally to each head of a family, said assignments to be so made as to include a proper proportion of timber land if practicable, the residue of the reserve to be held in common by said bands like other Indian lands. The minors of said bands, upon arriving ~~coming~~ of age and becoming the heads of families, are also to be provided with 80 acres of land, all the expenses of the surveys and allotments of said reserves to be paid for out of the funds of the tribe in the hands of the Government. When capable of managing their affairs, the President may, at his discretion, cause patents to be issued to

Agent Brown. The $70,000 allowance is intended to enable them to pay their just debts, and to buy goods to take home ~~with them~~ for the use of their families.

Com. Mix. At the time the draft of a treaty was prepared, it was anticipated that the Great Council of the Nation, then in session here, would have acted upon it; but now, before the money can be applied, we must, for the want of power, wait for that body to act upon the treaty and make the necessary appropriation to carry it into effect.

The Com'r then passed in review the 4th article providing that the lands retained by the two bands shall be held by the usual Indian title, and be subject to the laws relating to Indian lands; — the 5th article, reserving to the United States the right to establish and maintain on the reserve, military posts, agencies, schools, shops, roads, and such agricultural and mechanical improvements as may be necessary, making adequate compensation for the timber or other property taken or destroyed; and giving the right of way to roads established by other competent authority on similar conditions; — the 6th, relating to the supremacy of the United States' laws over the reserve, and of its right to punish offenders, and to act as umpire in settling differences between those two bands and other Indians, &c. — the 7th authorizing the U States to suppress intemper-

them for the tracts thus allotted; and while the Sioux are permitted to purchase or sell among themselves, no white person is authorized to deal or speculate in these lands. The object of this is to secure a permanent home for the ~~Upper~~ Sioux and their posterity.

The 2d. article leaves to the Senate of the United States the question as to the title by which they hold the land set apart for them by the treaty of 1851, and the measure of compensation that should be made to the said bands for the portion of the reserve lying North of the Minnesota River.

Agent Brown. The West ~~bank~~ of the River is not involved in that provision?

Cour. Min. I yield that point to them.

Agent Brown. If the title is not clear, and it does not belong to them, they get nothing? ~~for it?~~

Cour. Min. Yes, ~~that is a~~ — The Commissioner then explained the provisions of the 3d. article authorizing the Senate to determine the value of the land referred to in the 2d. article, and the payment of a sum not exceeding $70,000 to satisfy the just debts and obligations of the bands, provided the claims shall be approved by the Superintendent of Indian affairs and the sanction by the Secretary of the Interior.

rance by withdrawing the annuities of such as violate the prohibition against taking, selling or buying intoxicating liquors within the limits of the reserve; — the 8th ~~(which was finally stricken out)~~ authorizing such members of the bands as saw fit, to sell to other Indians their reserves, and buy land and settle, without the reserve, wherever they wished, without forfeiting their tribal rights to the annuities; — the 9th investing the Secretary of the Interior with discretionary power in regard to the manner and objects of the annual expenditure of all moneys to which the bands have or may become entitled to under treaty stipulations, provided the same shall be expended in such way as to promote their interests, welfare and advance in civilization, &c.; and, finally, the 10th article, providing that the United States shall defray the expenses of attending this negotiation.

The Commissioner, while recapitulating these provisions, explained in detail, their intended effect on the welfare of the Upper Sioux. They were drawn up, he said, with great care, and after frequent consultation, and would be found highly beneficial to the Indian parties to the instrument.

Agent Brown. The whole treaty amounts to this: that, without it, they merely get the land south of

the Minnesota River, and nothing more.

Com. Without it, they get no land whatever, as, under the Senate amendment to the treaty of 1851, providing for the payment of ten cents per acre for the land, they have no right whatever to the land they now occupy, and which is held by sufferance.

Agent Brown. Then, without they make a treaty, they get nothing more than what they have at present.

The Iron Day. There is one objection which they have to the treaty as explained. They think they ought not to be made to pay for the survey and subdivision of the land.

Com. The land is certainly worth the cost of surveying. It is understood by this great father that it is the wish of the Upper Sioux to remain where they now are. The land which they now occupy has, under an amendment to the treaty of 1851, been purchased and paid for by the United States, and they now hold it as a gratuity from the Government. I will, however, admit that this Great Father, or at least the Senate, agrees that they should have another tract, in a suitable location, in lieu thereof; but, although this great father has plenty of land to enable him to comply with this promise, the only tract, it seems, which suits them, is that which

it is now proposed to set apart for their use. They also ask that a portion of the proposed reserve shall be allotted, in severalty, to each head of a family; and, this being the case, it is no more than right that those for whose benefit this is to be done, should pay the expense attendant upon the subdivision and allotment. Their Great Father has no interest in the matter, as to whether the reserve shall be held in common, as is usual among Indians, or in severalty, and the stipulation is inserted for their own special accommodation. I repeat, what I have so often said before, that, so far as their great father is concerned, he does not care whether they assent to it or not. They are, if they choose, at liberty to return home, and let the people of Minnesota deal with them as they please, for, in that case, their Great Father will not have it in his power to protect them.

(Agent Brown, holding the draft of a treaty in his hands,) explained, in the Dacotah language, its provisions, and the fact that, until acted upon by Congress, they ~~provisions~~ could not be carried into effect. Out of the $70,000, they expected to invest a portion of it in goods and necessaries, to take home with them to their families; but now their expectations cannot be realized, and

they will be disappointed

Com^r. (to Interpreter) Say to them that their father agent Brown, called my attention to the subject; and I hoped that the treaty would have been prepared and signed in time to have enabled the Great Council of the Nation to have acted upon it. But, in this I have been disappointed; but it has always been my intention to give them presents of something suitable to carry home to their families and friends.

Agent Brown explained as to the amount they wished to have paid for their traders:— say $10,000 for — besides the $60,000.

Mazzachaw (1st Chief,) said he came here to talk about and explain the nature of his business, but heretofore he ~~never~~ had no chance to speak. Our bands have a fund on hand, which I would like to know something about.

Com^r. Mid. I gave a statement to your father Brown sometime ago, and requested him to inform you of the fact that there was $68,000 of your funds on hand.

1st Chief. I wish to know what has become of that money, where it is, and in what manner it has been expended.

Comr. By this treaty, the expenditure of the funds belonging to the bands is left to the discretion of the Secretary of the Interior. It is intended that they ~~[illegible]~~ shall let their agent know how they wish their money applied, and he will ~~state~~ communicate their views to this Office, so that the matter may be submitted to the consideration of the Secretary of the Interior. I have conversed with their Great Father several times, and communicated his views for the information of the delegates, but, if they have not sense to comprehend them, I cannot make them understand. One object is to allot and set apart a farm of 80 acres for each head of a family, so that ~~each~~ every member of the band may have a direct personal interest in improving his own farm, and in advancing the welfare of himself and his family. I have not only talked to him (the head Chief) and his People in explanation of this and other provisions of the instrument now prepared for signature, but have explained the matter to his Father Agent Brown, and it really ~~make him~~ look like a child ~~for him~~ for him now, at this late hour, to talk to me in that way. The Commissioner then explained about the money (68 boxes) sent up ~~there~~

to pay them under the treaty of 1851.

Agent Brown asked a question in respect to the money to be expended at the direction of the Secretary.

Comr. Mix said the object was to enable the members of the tribe to get horses, cows, farming utensils, and such other things as might be necessary to enable them to live like independent farmers, and raise everything necessary for the support of their families.

Head Chief — I don't think, father, I talk like a child. I think it no more than right that I should ask what was in that paper, so that, before signing it, I may understand its contents.

Comr. (to Interpreter) Say that I gave him a copy of the paper, and that he has had it in his possession eight weeks. He and his associates ought therefore fully understood it by this time.

Head Chief — If I had acted like a child I would not have been sent here by my people. We came here to represent them, and adopt measures for the benefit of our wives and children.

Comr. I gave the paper to father Brown, with instructions to explain it to the Upper Sioux, and it looks like a childish question now to ask what is in it.

[Here a private conversation took place between Comr. Mix & Agent Brown, as to whether the paper had been duly explained to the delegates, &c.]

Head Chief said he put a provision in the treaty of 1851 to pay to the Upper bands certain sums of money, and, as he did not get it, he wants to know what become of the funds that were to have been paid. At Redwood, the first year, he drew no annuity, although, according to the treaty, we were to get $5,000.

Agent Brown. He is mistaken. It was never put in the treaty.

Head Chief. A part of these bands drew no money.

Comr. This matter has been talked of before, and ~~the~~ has been provided for in the projet of a treaty.

Agent Brown said he agreed to attend to the matter here for them. We need not say one thing and do another. The subject mentioned by the principal Chief had nothing to do with the treaty, which is a seperate and distinct matter.

Comr. Mix. If they are agreed among themselves to sign the treaty, I am ready to do my part. I want, if possible, to get them off on Monday. As I said before, every thing put into that paper is designed and intended for their benefit.

Mr. Brown said that some of them and particularly the head chief, anticipated that they

would be short of timber. If they can get 40 acres of prairie in one place, and 40 of timber in another, they would be satisfied.

Cont. Mix. When the matter comes to be carried into effect, he can be accommodated. There can be no objection to make any reasonable change to accommodate them, and meet their views.

Head Chief. I want to tell you a few things which I had forgotten. We had a mill on Yellow Medicine River which was good for nothing, and which, in time of high water, is ~~was~~ carried away. This being the case, they thought of having a steam mill. There is, for instance, a man here, and there is another. They take logs to that mill. The white people like to have them, and they take them. I want to know if that is right or proper? The treaty stipulated that the Indians should have a mill, but, notwithstanding this, when they want lumber, they can't get it, although the traders can get all they want. This is not right, as the mill was erected for the benefit of the Indians. They also find that by the treaty of Traverse des Sioux, the Chiefs and braves were promised good houses and plenty of timber, and I want to know why were not these things fur-

nished according to promise? We were also promised money, doctors, farmers, and other things, by that treaty, and I want to know why they were not furnished, or what has become of them? I want a strait story.

Cour Mir (to Interpreter) Tell him that what he says I have had put down "black upon white". Tell him that, in respect to the flood, his great father cannot prevent it; and perhaps it has been sent by the Great Spirit as an evidence of his displeasure. The distruction of their mill by that cause, is a matter which, of course, he has no power to prevent. In respect to the substitution of a steam-mill in place of it, I will get Superintendent Cullen and Agent Brown to enquire into its practicability and expediency, and, if found practicable, will have no objection to the erection of one for their use. With respect to the taking of timber by traders, I will have the subject investigated, with a view to the application of the appropriate remedy. If traders take timber or lumber, I will get one of their own young men to keep tally, so as to make the proper charge and prevent the possibility of fraud; and, if they take more than their share, the Agent will be directed to have justice done to the Indians. Now, I want my friend to say how he likes that?

Agent Brown said a rotary saw-mill would suit them best. It could be changed, for the present mill, in about a week. The Mill at Yellow Medicine, although it cost $1500, never sawed more than a thousand feet of lumber, than was required at the Agency.

Comr. Mix said that he had heard all they said, and whatever they determined to do, he wished them to do quickly. When they get through with their business, he thought he would have a medal for each of the delegates, which, when they returned home, they could show as an evidence of the esteem and regard of their Great Father.

Mazzawkolanamee (4th Chief) I want, father, if you have no objection, to say a few words, (and, at the same time, shaking the Commissioner's hand.) At the time of the treaty of Traverse des Sioux there were two chiefs, who signed the treaty, and one of them (pointing to ——, is here), and all the moneys and lands promised will be found set forth in that treaty. Here he handed a Mss. memorandum to Agent Brown, setting forth that the sum of $68,000 was to have been paid to them in 50 years; and that the children who will come after them will get nothing, as the whole will be absorbed in

that time. 7

Comr. Mix. That was the bargain and understanding of both parties. It was supposed that, by that time, the Upper bands would be so rich, that they would want nothing more. The value paid for their land, ($1,360,000,) looked to an investment; and, in fifty years, they get the value of the land, and $40,000 besides, or $1,400,000.

Fourth Chief. Father, I am very glad you are going to pay upinsec. I like to get back our money, and, also, the cost we were at in the Inkpadutah war.

Comr. The annuity money has been sent by Capt. Culleu, and, if possible, I will send out the money to pay for horses, &c. I cannot send the money now, or until two or three weeks, but will send it as soon as possible. There is no difficulty about the thing being all made right.

Head Chief (whose hair was neatly plaited) said he would like to know the names of the people who they have to pay.

Comr. They can by conversing together know the names of the people to whom they are indebted, and who they have to pay.

Head Chief. We would like to pay $30,000 for our debts, and reserve $20,000 for ourselves — for our own use.

Cont. (to Interpreter.) Tell them that I shall leave all about that to themselves and their Agent.

Head Chief – Thinks $50,000 will be enough to pay their traders, and they will want the balance ($20,000) for themselves, to keep and support their people.

Cont. The paper drawn up meets their views; and shall be just as they desire it.

[Here at 4½ o'clock p. m. the treaty was signed and witnessed, when,]

The conference adjourned.

The End.

N. G.

(Copy of Treaty)

Delegation of
Upper Sioux,
June 21st. 1858.
Final interview

T.F. #309

1858

Delegation Upper Sioux

June 21. 1858

Final interview.

commissioner. I have sent for them to-day, as I promised I would on Saturday last. I understand they are business men, and, therefore I shall make short work of what I have to say. I will before they leave here, give each a medal, as an evidence of the great regard their Great Father has for them; and I present it with his wish, that they will never disgrace it. He has great regard for his red children and wishes them to imitate all the good qualities of the whites; become farmers, mechanics &c, — the paper signed on Saturday night last, looks to that object.

[The Commissioner here placed a medal on the neck of each delegate.]

I have in my hand a paper which indicates that these chiefs and braves, so far as I have been informed, have conducted themselves with propriety during their stay here.

[The contents of the paper being interpreted to the Indians, the Commissioner signed the same and presented to each, through Agent Brown, a copy of it.]

Their father, Agent Brown, has spoken to me in their behalf. On account of the confidence reposed in him, their Great Father has appointed him their father. Agent Brown,

is their friend, and they must listen to and follow his advice. As I have often said to them, their Great Father's intention is to benefit and advance them, and if they do not listen to his advice, it is their own fault. As a further evidence of their Great Father's kind feelings towards them, he has authorized me to give each of them a North West Gun; which is intended to be used in procuring game, but never to be pointed towards a white man. I will give Agent Brown directions to present each one his gun before they reach their home. ask him (Muzzomonee) how many Chiefs they left behind?

Muzzomonee. They are not all chiefs — great many heads of bands [14] —

Commissioner. I will put in the hands of Agent Brown, a gun for each head of a band. If they object to this arrangement, I will not send them.

Muzzomonee. It is good policy to give them a gun each. I have no objection to it.

Commissioner. I intend to give them, in addition to the gun, some blankets, calico, &c to take to their women and children. I have nothing further to say, but to wish them a safe journey home, and hope they may find their families well, and that I will never hear a bad report from them.

Muzzomonee. We wanted to see our Great Father for many years — the Great Spirit had pity on us — we have seen our Great

Father, and now, we are satisfied. Your advice is very good, and our people will be glad to hear it. We would like to have schools – we want them more than anything else.

Commissioner. It is useless to talk about that now, their business here is completed, and that with all things of the sort, will be attended to by their Agent.

I am now ready to say good-bye, and when I go to see them, I will expect each man to have his house, and a good bed for me.

The delegation here took leave of the Commissioner, apparently well pleased with the result of their Mission to Washington.

T.F. #309

Delegation Upper Sioux - June 21. 1858.

Final interview.

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1858

June 19 -

Upper Sioux

Treaty Meeting

Article 1 - The Indians propose an entire change of this article. Instead of providing for the distribution of the reservation south of the Minnesota among the members of the band, and the retention of that tract as an Indian reservation, they propose to arrange for the selection of 80 acres of land for each individual, either on the reserve, or upon any other unoccupied land belonging to the United States, and to give to the State of Minnesota 100 sections in lieu of all taxation, and that the Indians be paid for so much land as may be in the entire reservation, deducting the amount distributed to the Indians and granted to Minnesota.

Article 2 - The Indians propose to change this article so that it shall provide for no land except that on their reservation.

Article 3. - The Indians propose that in lieu of submitting the question of title and mode of payment for the land ceded on the reserve, that a price be fixed in the treaty to be submitted to the Senate.

Article 4 - If the change proposed in the stipulations of the first Article should not be concurred in by the department the Indians ask that timber be secured from trespass by traders or others located on the reserve.

Article 5 - (No change proposed.)

" 6 - The only change proposed is that the bands shall not be required to assist in the apprehension of offenders against the law who are not recognized as members of one of the bands parties to the treaty.

Article 7 - The Indians propose such change as will restrict punishments to the guilty persons of the bands.

Article 8 - (No change proposed.)

Article 9. Instead of placing all moneys in a general fund to be expended under the direction of the department, the Indians are willing to make a general fund out of all back funds other than money annuities, and providing for power to make such change hereafter in the payments, as may be deemed best by the Indians and the department.

The Indians propose to add an article for

session of this land west and north of Minnesota, which cession shall be valid upon its sanction by the Chiefs and Braves in Council of the Upper Sioux.

The Indians also propose an article providing for the payment of their just debts.

shall be expended as the Secretary of the Interior may deem best and we are willing to provide that such change may hereafter be made in the manner of making the general payments under the treaty of 1854 as may be sanctioned by the bands in Council.

10th We also wish to provide for paying our just debts. At the first payment made at Red wood (1853) the Upper Indians received no goods, and those goods have never been given to us at any time since.

There was the same year a surplus from the money divided among the members of the Upper bands which the Agent promised shall be paid to the several Chiefs of the said bands. That money was never so paid, and is yet due to the bands. The amount we do not know.

At the payment for 1856 there was a balance of 1,754 dollars and 11 cents not paid to the Upper bands, and has not been paid since.

In 1854 there was a number of the Sissectons who did not come to the payment, and the Agent retained the money for them, but it has never been paid to them, and is still due. The amount we do not recollect.

These subjects are brought to your notice in the hope that we may be able to take with us to our people whatever has been heretofore withheld from them

so that my people will be benefitted hereafter.

This is our last peice of land, and I do not intend to sell it for a trifle, as our lands in Iowa, were sold under the treaties of 1830 & 1837.

You have asked me what I wanted for my lands, and what the boundaries are? — I will tell you.

1st. Our lands begin at the mouth of the Tchun-Kay-an-data-calumet, or Big Sioux River, thence up the Missouri River, to the mouth of the Pohah-Wakan, or East Medicine River, thence up said River to its head; thence in a direct line to the head of the main fork of the Wam-a-dushkah, or Snake River; thence down said River to its junction with the Tehan-San-San, or Jaques River, thence in a direct line to the northern point of Lake Ram-pes-ka, thence along the northern shore to its junction with the Big Sioux River, thence down the Big Sioux River, to its junction with the

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