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Article Summary: Indians from Crow Creek found new opportunities on the Santee reservation in Nebraska, even though it was not an ideal site. The Sioux who remained there tried to make a living as farmers and had access to education.

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Photographs / Images: mass hanging in 1862 of Santee Sioux at Mankato, Minnesota; early view of Crow Creek Agency; St. Mary's Episcopal Mission, constructed 1870; Santee Sioux dancers photographed in 1918 by PC Waltermire

# THE ESTABLISHMENT OF THE SANTEE RESERVATION, 1866-1869

BY ROY W. MEYER

NEBRASKA'S Indian population includes both remnants of indigenous groups, like the Omaha and Pawnee, and fragments of tribes native to areas further east, such as the Winnebago and Santee Sioux. Among the immigrant groups, the Santee Sioux have had an important impact on Nebraska history.<sup>1</sup> Exiled from Minnesota in 1863 as a result of the Sioux uprising of 1862, they were brought to Nebraska in 1866, after three unhappy years on the Crow Creek reservation just north of present Chamberlain, South Dakota. The story of their removal to the mouth of the Niobrara River and of the establishment there of the Santee reservation has never been told in as much detail as it

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<sup>1</sup> The name "Santee," applied by the Yankton to the eastern Sioux, is apparently derived from "Isanti" or "Isanyati," which refers to Knife Lake, a body of water in central Minnesota where these bands lived up to the middle of the eighteenth century. After 1862 the term was used chiefly in reference to the Mdewakanton and Wahpekute, the two bands most deeply involved in the uprising. Today the Flandreau colony in South Dakota call themselves Santee, together with those in Nebraska. The Lower Sioux and Prairie Island groups in Minnesota have resumed the older name of Mdewakanton.

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deserves. It is mostly a story of government policies and actions, for the Indians, demoralized and helpless upon their arrival in Nebraska, remained largely passive for several years, submitting to Indian Bureau paternalism or, at most, occasionally resisting by inaction when the government's treatment of them seemed intolerable.

In the closing weeks of the uprising, about eighteen hundred Sioux were rounded up by troops under the command of Colonel (later General) Henry H. Sibley. Many of the men were tried on charges of murder and rape, and about three hundred were sentenced to death. The sentences of the great majority of these were commuted by President Lincoln, but thirty-eight were hanged December 26 at Mankato. The remainder were kept in confinement there until the next spring and then sent to prison near Davenport, Iowa. The other fifteen hundred, mostly women and children, spent the winter in a camp on the Minnesota River flats below Fort Snelling. Legislation passed by Congress February 16 and March 3, 1863, abrogated all treaties with the Minnesota Sioux and provided for their removal to a reservation beyond the limits of any state. In accordance with these directives, the bulk of those held at Fort Snelling were shipped out in the spring of 1863 to a site on the Missouri River chosen by Clark W. Thompson, Superintendent of Indian Affairs for the Northern Superintendency, who acted on instructions from Secretary of the Interior John P. Usher.<sup>2</sup>

Although the act exiling the Sioux specified that the land selected for them should be "well adapted to agriculture," the Crow Creek reservation fell far short of meeting this condition. Never blessed with heavy rainfall, the area was passing through a cycle of drought in the early 1860's. As a result, the effort to render the Indians self-supporting was a total failure, and they were saved from

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<sup>2</sup> William W. Folwell, *A History of Minnesota* (St. Paul, 1924), II, 258-259, 262; *Annual Report of the Commissioner of Indian Affairs*, 1863, pp. 303-305, 308-311; *U. S. Statutes at Large*, XII, 652-653, 819. Hereafter the *Annual Report of the Commissioner of Indian Affairs* will be abbreviated CIA.

mass starvation only by the repeated shipment of supplies to the reservation. As it was, they suffered some three hundred deaths in the first six months there, attributable mostly to disease complicated by undernourishment. Soldiers who accompanied the first supply train, late in 1863, brought back reports that the squaws were making soup of half-digested kernels of corn found in horse manure.<sup>3</sup>

The miserable condition of the Santee and the futility of expecting them to become self-supporting at Crow Creek were repeatedly called to the attention of government officials by their agent and by influential friends such as Episcopal Bishop Henry B. Whipple of Minnesota. Late in 1865, after the third unsuccessful attempt to raise a crop at Crow Creek, these pleas finally began to get results. The first in a series of peace commissions sent up the Missouri to negotiate with the hostile tribes on the upper river stopped at Crow Creek in October for a first-hand look at the Santee. Impressed by the suffering and hopelessness of the Indians there, they reported "in the strongest possible terms" on the "state of semi-starvation for two years" and recommended that the Santee be removed.<sup>4</sup>

The mouth of the Niobrara River was one of several possible locations considered for the Santees' new home. Indian Bureau officials drew up a draft of a commission, dated January 2, 1866, and intended for President Johnson's signature, authorizing Superintendent Edward B. Taylor of the Northern Superintendency and Governor Alvin Saunders of Nebraska Territory to negotiate with the Oto and Missouri for the purchase of part of their reservation

<sup>3</sup> Folwell, *op. cit.*, 260; CIA, 1864, pp. 410, 412; 1865, pp. 228-229; Mankato *Weekly Record*, January 16, 1864.

<sup>4</sup> Henry B. Whipple, *Lights and Shadows of a Long Episcopate* (New York, 1899), pp. 167-168; *Union and Dakotaian* (Yankton), August 26, September 16 and 30, October 21, and November 25, 1865; Dennis N. Cooley to James Harlan, May 18, 1866 (in CIA, 1866, p. 230). General Sibley was also instrumental in arousing sympathy for the Santee. On March 14, 1866, he wrote to the Reverend Stephen R. Riggs, "I worked hard for the Crow Creek *miserables* while in Washington . . . and I have addressed the Commr. Ind. Affairs on their behalf since I returned here [St. Paul]." Riggs Papers, Ms, Minnesota Historical Society.



on the Nebraska-Kansas border. Failing in this, they were to try to make a similar treaty with the Omaha. If neither tribe should be willing to sell, then the commissioners were to select a suitable reservation for the Santee from the unoccupied public lands in Nebraska, not to exceed one township in area.<sup>5</sup> Apparently no further action was taken on this proposal, although as late as November of 1866 J. Sterling Morton was arguing in favor of the Oto reservation on the grounds that there was plenty of room for both tribes. It was well-timbered and well-watered and located in a milder latitude, and it could be supplied for half the cost of supplying the Niobrara reservation.<sup>6</sup>

Credit for choosing the mouth of the Niobrara must go principally to Superintendent Taylor. The instructions that Thompson had followed in 1863 called for the location of the Indians within a hundred miles of Fort Randall, and Taylor regarded himself as acting under the terms of those instructions. The selection made by Taylor, who had served on the peace commission, was approved by Indian Commissioner Dennis N. Cooley after consultation with three other members of the commission, generals Sibley and Samuel R. Curtis and the Reverend Henry W. Reed. Apparently the man who had served as head of the commission, Governor Newton Edmunds of Dakota Territory, was not consulted—a significant omission, as matters later turned out. Taylor was in Washington in February 1866, and at that time he urged upon Commissioner Cooley that this land be set aside for the Indians and represented the peace commission as being unanimously in favor of it, together with Representative A. W. Hubbard of Iowa, of the House Committee on Indian Affairs.<sup>7</sup> Since Governor Edmunds was later to

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<sup>5</sup> Draft of Commission, January 2, 1866, Northern Superintendency file, Bureau of Indian Affairs, National Archives.

<sup>6</sup> J. Sterling Morton to Lewis V. Bogy, November 18, 1866. Unless otherwise indicated, correspondence is in St. Peter's Agency file, Bureau of Indian Affairs, National Archives, hereafter abbreviated NA. Microfilm copies in the Mankato State College library have been used for this study.

<sup>7</sup> Edward B. Taylor to Cooley, February 20, 1866 (in CIA, 1866, p. 223); Cooley to Harlan, May 18, 1866 (in CIA, 1866, p. 230).

complain that he had not been consulted about the matter or even informed of the decision until after it had been made, Taylor's conduct in the affair is at least suspect. Later it was freely charged in Dakota Territory that Nebraska politicians, who carried more weight in Washington than those from Dakota—"a polecat is stronger than a rosebud," as the Yankton newspaper pungently phrased it—had effected the removal in order to benefit from the patronage afforded by an Indian agency.<sup>8</sup> Taylor had been publisher of the *Omaha Republican* prior to his appointment when the Northern Superintendency was moved from St. Paul to Omaha in 1865, and had ties with various commercial interests in Nebraska.<sup>9</sup>

Whatever his motives, Taylor made out a strong case for the Niobrara site during his visit to Washington. He represented it as being well supplied with timber (one of the objections to Crow Creek was its lack of timber) and having at least two thousand acres of tillable land. He was convinced that a great saving to the government could be effected by removing the Indians to this land. Congress had been appropriating \$100,000 a year for their support, half of which was spent for transportation. Taylor estimated that at least half of this appropriation could be saved even before the Indians were made self-supporting because of the comparative ease with which the Niobrara site could be supplied. Although a few settlers—not over half a dozen, Taylor thought—had taken claims on this land, their claims could be repurchased at a cost only slightly above the government price of public lands. He estimated that it would cost \$20,000 to buy up these lands and about \$5,000 to remove the Indians.<sup>10</sup>

Taylor's argument was persuasive, and he kept repeating it in letters to Cooley, even after his immediate object had been realized and four townships of land had been withdrawn from pre-emption and sale by executive order

<sup>8</sup> *Union and Dakotian*, May 26, 1866.

<sup>9</sup> *Mankato Weekly Record*, August 5, 1865.

<sup>10</sup> E. B. Taylor to Cooley, February 20, 1866 (in CIA, 1866, pp. 223-224).

dated February 27, 1866.<sup>11</sup> Early in April he asked for an appropriation of \$150,000, which he thought would more than cover all the expenses of removing the Indians from Crow Creek and those in prison at Davenport, supplies for the year, and the erection of necessary buildings at the new site. If funds were granted and the Indians removed, he insisted that no appropriations would be needed after October 1867 except for the cost of running the agency, "as the Indians will raise, next year, all the supplies they will require (except, perhaps a small sum for beef), and this last item will only be necessary because so large a proportion of the tribe are women and children, and cannot successfully join in the buffalo hunt."<sup>12</sup>

Commissioner Cooley had similar ideas about the future of the Indians. In a special report to Secretary of the Interior James W. Harlan he suggested that the annuities of which the Sioux had been deprived by Congress in 1863 now be restored. He submitted a draft of a bill containing such a provision, to be substituted for the usual appropriation. According to his figures, the government owed the Sioux \$5,161,800, less the sum of \$1,380,374, which had been paid to settlers claiming depredations by the Indians during the uprising. He suggested that five per cent of the remainder, or \$189,071, be appropriated for the removal of the Sioux from Crow Creek and Davenport and for their subsistence and that of the other Sioux in Dakota Territory.<sup>13</sup> It was not until 1917 that Congress got around to passing legislation to compensate the Santee Sioux for the loss of their annuities, but it did appropriate the customary \$100,000 in 1866.<sup>14</sup>

No sooner did word get around that the Indians were to be removed to Nebraska than opposition developed in Dakota Territory. The spokesman for this opposition was Governor Edmunds, ex-officio Superintendent of Indian

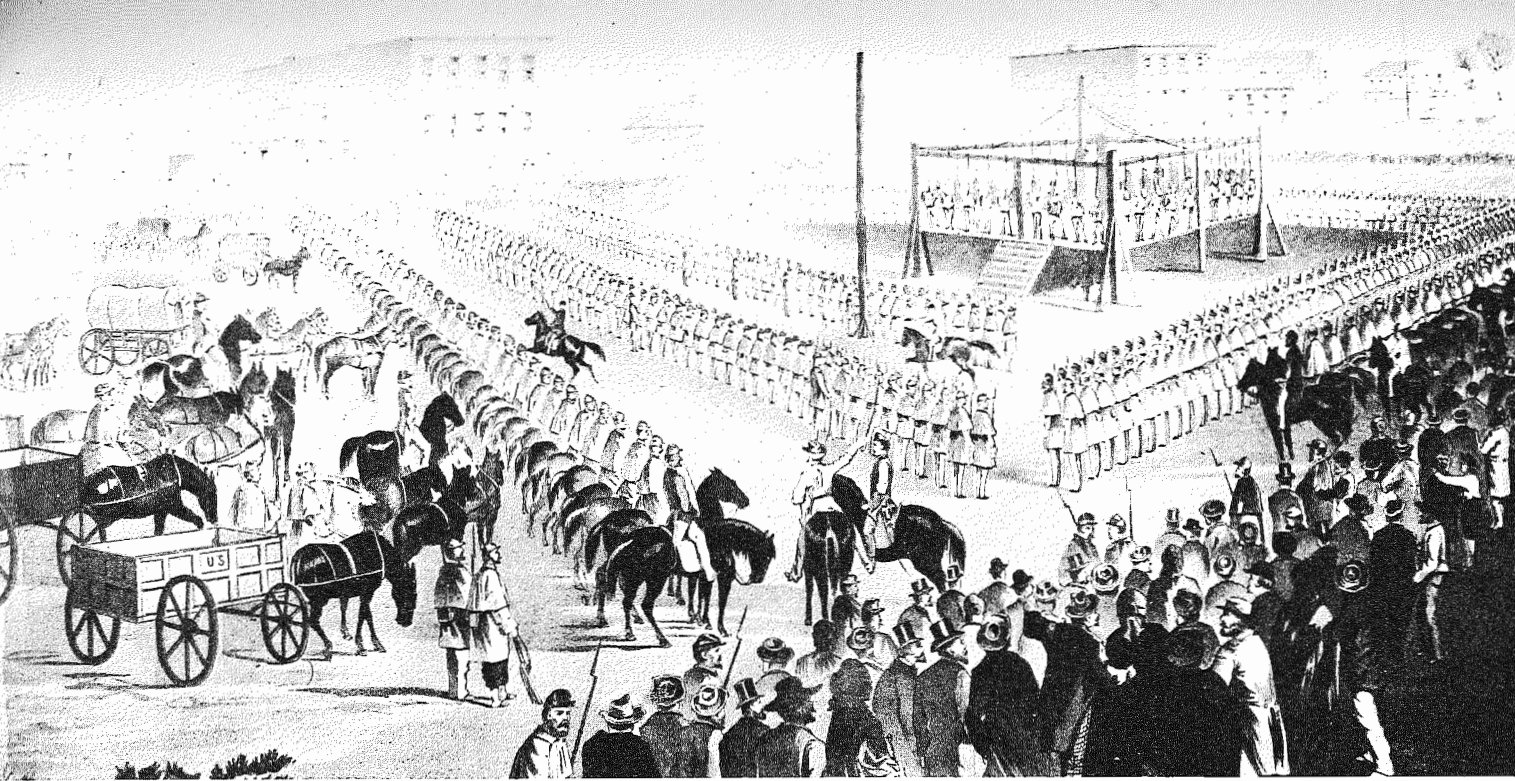
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<sup>11</sup> Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties* (Washington, 1904), I, 861. The townships withdrawn were the present Niobrara, Union, Spade, and Sparta in Knox County.

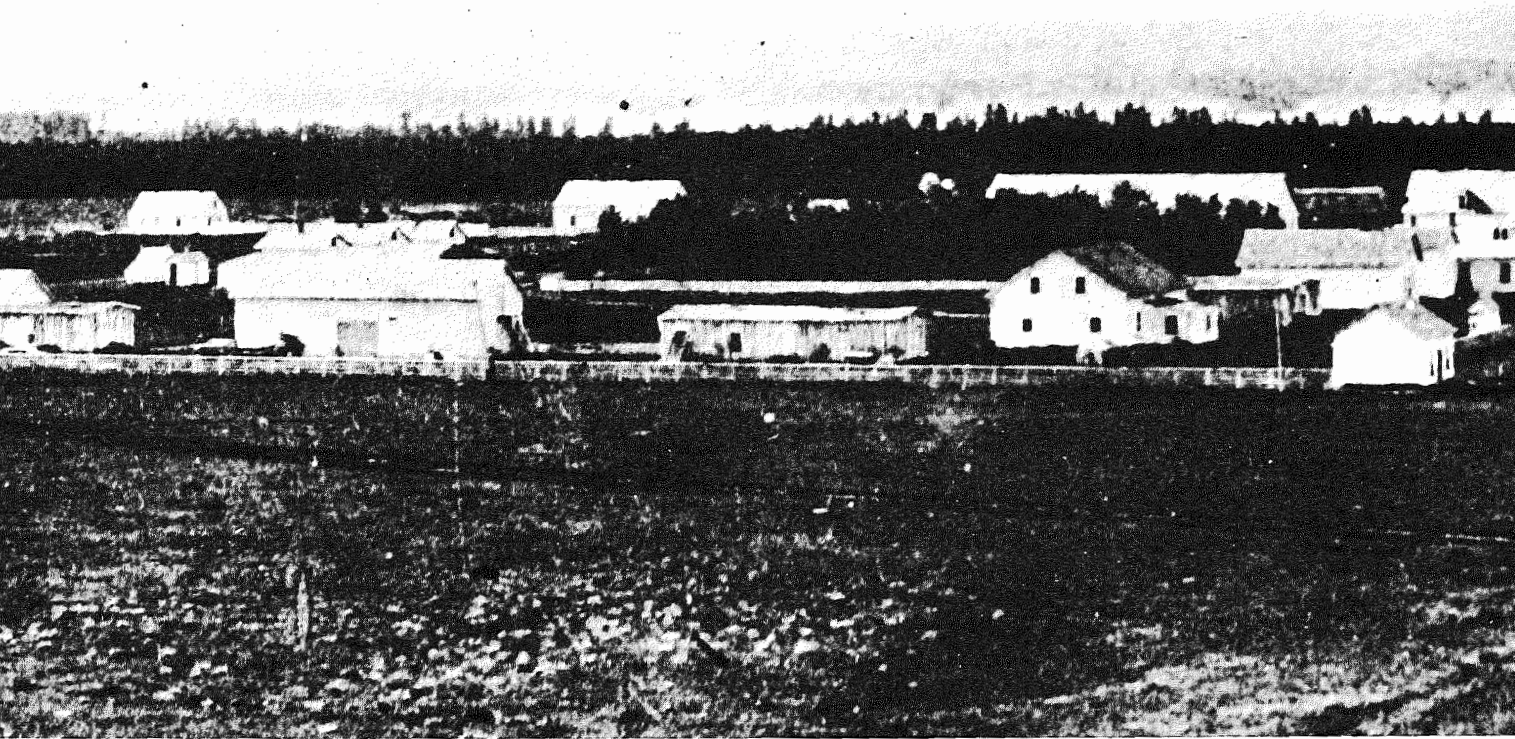
<sup>12</sup> E. B. Taylor to Cooley, April 2, 1866, NA.

<sup>13</sup> Cooley to Harlan, April 2, 1866 (in CIA, 1866, pp. 228-229).

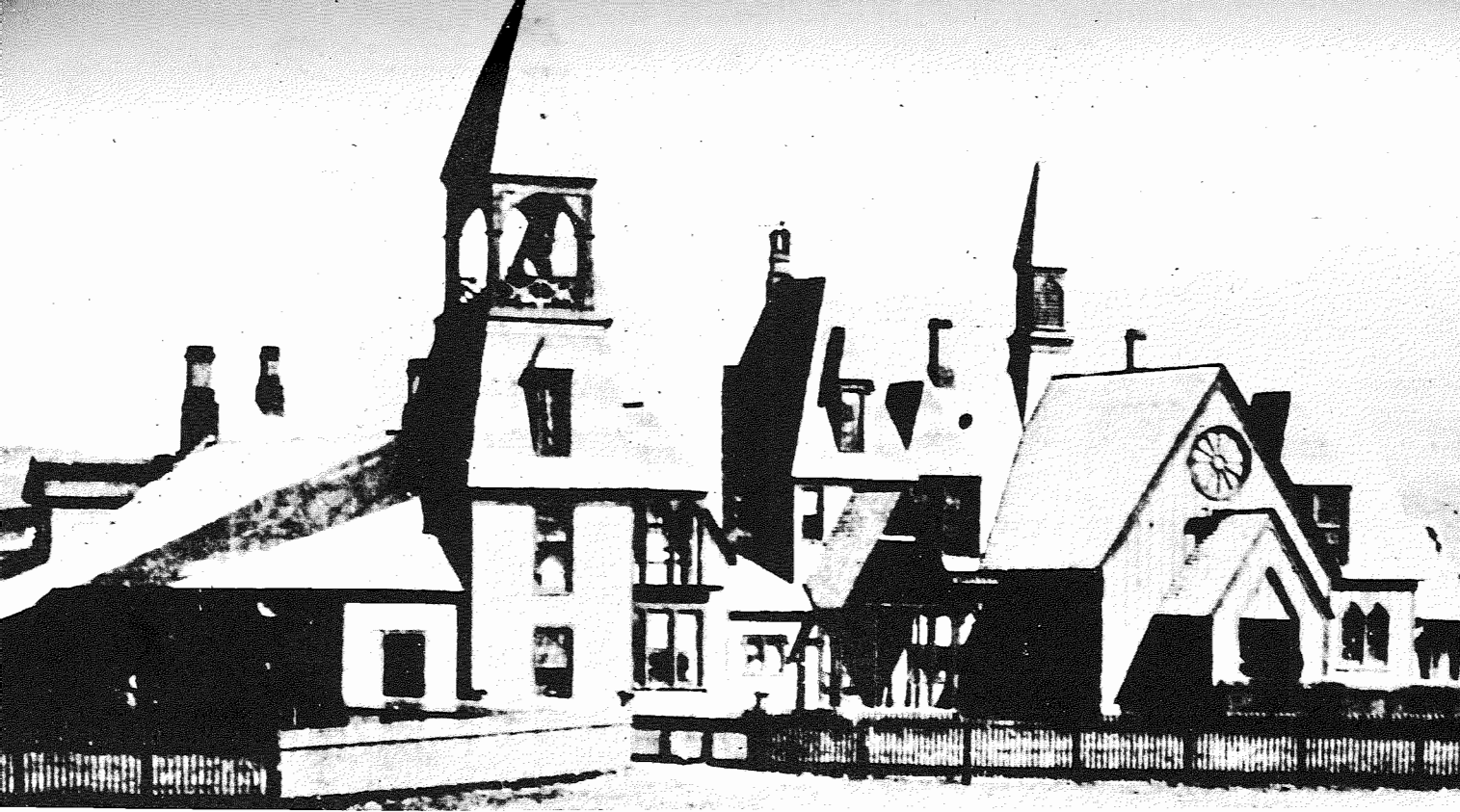
<sup>14</sup> *U. S. Statutes at Large*, XIV, 279; XXXIX, 1195-1196.



Mass hanging in 1862 of Santee Sioux at Mankato, Minnesota



Early view of Crow Creek Agency



St. Mary's Episcopal Mission constructed in 1870



Santee Sioux dancers photographed in 1918 by P. C. Waltermire  
(courtesy Sioux City Public Museum)



Affairs, who, as we have seen, was apparently not consulted in the matter of removing the Santee to the Niobrara. He now protested that the land at Crow Creek was just as good as that at Niobrara and that if the new agent, James M. Stone, were given a chance, he could in another year produce an abundance of food there. Among the advantages of the Crow Creek reservation were the unquestioned land title held by the government and the presence there of buildings erected at the cost of many thousands of dollars. Edmunds saw the Crow Creek group, situated as it was, as a good influence on the surrounding bands of wild Sioux, all of whom might readily be administered from this centrally located agency. He asked for a year's suspension of the removal order, in the expectation that it would then be revoked if Stone proved that crops could be raised at Crow Creek.<sup>15</sup>

Nothing came of Edmunds' protest, made early in April, partly because plans for the Indians' removal had by that time progressed too far to be reversed without great bureaucratic confusion. The first group to be sent to the new reservation was the body of prisoners at Davenport. Their condition during the three years they had spent there was better than they had had any reason to expect when they lay under sentence of death in the fall of 1862, but it nevertheless left much to be desired. In summer they were comfortable enough and even allowed to go into town to sell pipes, bows and arrows, and mussel-shell rings, or to earn money by working, without guard, on nearby farms. But in winter it was cold in their flimsy barracks, which had been erected for the temporary occupancy of Civil War recruits. The fuel provided them usually lasted only until noon, and the rest of the day they huddled in their thin blankets. There were about 120 deaths, mostly due to respiratory ailments. For the first two years their spiritual welfare was mainly under the direction of the Reverend Thomas S. Williamson, who had conducted a mission on the old reservation in Minnesota

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<sup>15</sup> Newton Edmunds to Cooley, March 17 and April 6, 1866, NA.



and who had been with them in the prison at Mankato. Many had become professing Christians and had also learned to read and write during their captivity.<sup>16</sup>

The ultimate fate of these men had been the subject of much concern since the very beginning of their incarceration. At the time of their removal from Mankato, in the spring of 1863, Bishop Whipple had written to the Secretary of the Interior on the matter. Referring to trials conducted in the heat of anger and of errors made in these trials, he had suggested that instead of being imprisoned and separated from their families they should be sent to some kind of reform school, where they might be taught to read and write and to work at useful trades.<sup>17</sup> In the succeeding years the Reverend Williamson, together with George E. H. Day, who had been appointed special agent to the Indians of the Northwest early in the Lincoln administration, had spoken to the President about these men and had persuaded him to pardon some of them in 1864. According to Day, Lincoln had then promised to release the rest if they continued to behave well. Lincoln's assassination two days before a planned interview with Day and Williamson concerning the prisoners put an end to this plan, and President Johnson's preoccupation with the windup of the Civil War and other matters further delayed any action. When the decision to remove the Crow Creek group was reached, Indian Bureau officials thought it best to defer action on the prisoners until a new home for the whole tribe could be found. By late October 1865 Day was able write the Reverend Stephen R. Riggs, who had also worked with the Indians on their old reservation and in prison, that he had talked to Secretary Usher and his successor, Secretary Harlan, and "all parties assured me that the Indians were practically pardoned—*none* of them

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<sup>16</sup> Stephen R. Riggs, *Mary and I: Forty Years with the Sioux* (Boston, 1877), pp. 220-223.

<sup>17</sup> Henry B. Whipple to John P. Usher, April 21, 1863, NA.

should be hung. . . ."<sup>18</sup> In his official report a few days later Commissioner Cooley wrote of the prisoners that "The only offense of which many of them appear to have been guilty is that of being Sioux Indians, and of having, when a part of their people committed the terrible outrages in Minnesota, taken part with them so far as to fly when pursued by the troops," and he indicated that plans were under consideration for their release.<sup>19</sup>

The stage was thus set for their actual release and shipment to Nebraska, an operation which was attended with even more confusion than usually accompanies such undertakings. In the first place, the decision to allow them to join their families on the Niobrara seems to have resulted from a misinterpretation, accidental or deliberate, of recommendations made by the military commanders in whose charge they had been since 1862. Late in December General Alfred Sully, commanding the Department of Eastern Iowa, wrote that they might as well be released, since it was too late to execute them (though he thought many of them richly deserved to die), but he did not think it wise to turn them loose in the west with their families. Instead, he recommended that they be placed on a reservation of civilized or semi-civilized Indians as far south as possible.<sup>20</sup> Although this recommendation was endorsed by General John Pope, the comments of both men were somehow interpreted by higher authority as expressions of approval of the plan to send the Indians to join their fam-

<sup>18</sup> George E. H. Day to Stephen R. Riggs, October 27, 1865, Riggs Papers. As a defender of the Indians, Day was roundly condemned by Minnesota newspapers in the months following the uprising. A Faribault newspaper assigned him part of the blame for the massacre and called him "one of the vilest hypocrites that every polluted the virgin soil of Minnesota with his footsteps. . . ." *Central Republican*, April 29, 1863. The Mankato Record had attacked him for hypocrisy and dishonesty some months before the uprising (December 14 and 21, 1861).

<sup>19</sup> Cooley to Harlan, October 31, 1865 (in CIA, 1865, p. 27).

<sup>20</sup> Alfred Sully to John P. Sherburne, Assistant Adjutant General, Department of the Missouri, December 29, 1865, NA.

ilies.<sup>21</sup> The comparative isolation of the Niobrara site from the other Sioux may have made the Indian Bureau's plan more palatable to the military authorities, who were unequivocally opposed to sending the prisoners to Crow Creek.

The confusion was compounded by conflicting information as to whether the War Department would furnish transportation. At one time it looked as though the Indians would have to be sent overland, and instructions were issued to this effect. As it turned out, the War Department did carry out the removal. Pope telegraphed Secretary Harlan March 29 that the Quartermaster would transport them and the Subsistence Department would supply them until their arrival. He thought the Indians, who were to be turned over to the Interior Department by the War Department on April 1, should leave Davenport with their escort by April 10 and that the special agent detailed to accompany them should be there "some days before that date."<sup>22</sup> These instructions led to further complications. Jedediah Brown of Fort Atkinson, Iowa, was appointed special agent March 31, but his commission did not reach him until April 14, by which time the Indians had already left Davenport. Brown spent the next ten days trying to

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<sup>21</sup> Harlan to Secretary of War E. M. Stanton, January 13, 1866; E. Schriver, Inspector General, to Harlan, January 30, 1866, NA. Pope's endorsement, dated January 4, was unequivocal: "I agree with General Sully that they ought not to be sent back to their tribe nor to any reservation in that region of the country." But Harlan said, "I concur in the opinion expressed by these Generals, that the Indian prisoners at Davenport should be released, so as to join their women and children early in the spring, in time for the Spring hunt." Schriver's words were "the recommendation of General Pope . . . that the Sioux Indian prisoners at Davenport be released, and sent to join their women and children, is concurred in by General Grant, and approved by this Department." Sully wrote to Riggs on February 3 that he did not "recommend their being sent, *yet*, to Crow Creek, after their release," giving as his reasons the unsuitability of that site for agriculture, the danger of the Indians' joining the hostiles, and the alarm such an action would create among the settlers in Minnesota, Dakota, and Iowa, who "have not the same confidence that Indians will behave themselves if honestly dealt with that you, & I, perhaps have." Riggs Papers.

<sup>22</sup> Harlan to Riggs, February 13, 1866, Riggs Papers; Cooley to Harlan, March 26, 1866; Harlan to Cooley, March 27, 1866; John Pope to Harlan, March 29, 1866, NA.

catch up with the procession and finally joined it at St. Joseph on the 24th. Meanwhile, his instructions had gone to E. Kilpatrick, another Iowan then serving with the Interior Department, who took charge of the Indians and accompanied them as far as St. Joseph.<sup>23</sup>

Brown's instructions were comprehensive. He was to accompany the prisoners to the new reservation and remain there until Agent Stone should arrive from Crow Creek with the main body of the Indians. He was also to confer with Superintendent Taylor at Omaha, who would prepare for the prisoners' reception. In the event that no preparations had been made, however, Brown was to select a site on the unclaimed lands and induce the Indians to set up a shelter of some kind and start preparing the land for a crop. If necessary, he was to have the land broken and to furnish the Indians with seed and tools. He was reminded that his responsibilities were very great. Secretary Harlan wrote, "It is quite possible that until the different portions of the tribe are re-united, and they are fairly settled upon the new reservation, there may be hardships to encounter, and some degree of discontent resulting therefrom, but these troubles will soon disappear, and may be greatly lessened by your care and diligence." He was urged to exercise the greatest possible economy and told that he would receive five dollars a day for his services.<sup>24</sup>

Kilpatrick, armed with Brown's instructions, which he was to consider addressed to himself in the event of Brown's non-appearance, arrived in Davenport April 9 and left with his 247 passengers aboard the *Pembina* the following day. On the 11th, one of the prisoners, Iparte, died and was buried below Louisiana, Missouri. They reached St. Louis at six in the evening on the 12th and were transferred to the *Dora* for the trip up the Missouri. Kilpatrick was told by the captain that it would take thirty

<sup>23</sup> Jedediah Brown to Harlan, April 14, 1866, NA; Harlan to E. Kilpatrick, April 5, 1866 (in CIA, 1866, pp. 233-234); Kilpatrick to Cooley, May 3, 1866, NA.

<sup>24</sup> Harlan to Cooley, April 10, 1866, NA (instructions enclosed).

days to reach the Niobrara; he commented that he expected a pleasant, if tedious, trip. The Indians took in the sights of St. Louis during their stop there, and one is said to have boasted of killing and scalping a dozen white women during the uprising. The *Dora* left on April 15 and arrived at St. Joseph on the 24th. Here Kilpatrick was met by Brown, turned over to him fifty dollars of the money advanced for expenses, and returned to Mount Pleasant, Iowa. Brown accompanied the Indians the rest of the way to Niobrara, which they reached about the middle of May, after a short stop at Omaha on the second and another at Yankton on the ninth. It had been, on the whole, an uneventful trip. The Indians had been quiet and orderly on board and had made pipes and other articles for sale along the way. Kilpatrick was impressed by their twice-a-week religious services and by the fact that they had books in Dakota, mostly religious books.<sup>25</sup>

The confusion and reversals in orders were not yet over. The original plan had been for the *Dora* to go on up the Missouri and pick up the Crow Creek Indians.<sup>26</sup> But early in April Superintendent Taylor learned by telegram that General Pope would not allow the boat to continue the trip upriver. On the advice of Governor Edmunds, he decided to move the tribe by land, using wagons to haul those who were unable to walk. On April 15 he sent twelve four-mule teams up the river on the Iowa side

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<sup>25</sup> Kilpatrick to Cooley, May 19, 1866 (in CIA, 1866, p. 234); Kilpatrick to Harlan, April 14, 1866, and Kilpatrick to Cooley, May 3, 1866, NA; St. Louis *Democrat*, April 14, 1866 (cited in Mankato *Weekly Record*, April 28, 1866). In view of an apparent discrepancy, some explanation of the number of prisoners at Davenport is perhaps called for. The number brought to Davenport in the spring of 1863 was 298, of whom sixteen were women and four children. About a hundred fugitives, mostly women and children, were later rounded up by the military and added to this number. There were about 120 deaths in the prison, and thirty or forty were released in 1864. Some children were born in the prison. By 1866 there were 177 prisoners (all but four under sentence of death), forty women, and thirty children. Mankato *Weekly Record*, April 25 and May 9, 1863, and April 28, 1866; Riggs, *op. cit.*, p. 222; Riggs to Cooley, March 5, 1866; NA; List of Indian Prisoners confined at Camp Kearney, Davenport, Iowa, January 20, 1866, NA.

<sup>26</sup> Kilpatrick to Harlan, April 14, 1866, NA.

and started out from Omaha the next day himself, with an assistant. When he reached Sioux City, however, he received word from Cooley that the *Dora* could be used after all and that he should send the teams back and return to Omaha. Because he was involved in the Fort Laramie peace commission and could not supervise the removal personally, he turned that job over to Thomas J. Stone, brother of the Crow Creek agent and a man said to be well known to all the settlers in the Niobrara region.<sup>27</sup>

As it turned out, the *Dora* was not used to transport the Indians downriver after all. It did go up to Crow Creek, but it was supposed to go on up to Fort Rice with supplies, and the captain now announced that he had no contract with the government and was under no obligation to help in the removal. He offered to do the job at two dollars a head, however, but before Indian Bureau officials on the scene could obtain clearance for such a modification of the original plan, the *Dora* became stranded near Fort Sully in water which was low and continuing to fall. This left the people at Crow Creek in a difficult plight. The boat had failed to bring a hundred sacks of flour, as it had been expected to do, and there were supplies on hand for only ten days. The Reverend Henry W. Reed, who was serving as a special agent at Crow Creek, together with Thomas Stone and General Curtis, decided that their best bet was to send the sick and infirm in wagons, with some provisions, in hopes of reaching Fort Randall before their supplies were exhausted.<sup>28</sup>

This policy was adopted at once, and the fifteen yoke of oxen—all there were at Crow Creek—were hitched to light wagons and sent on their way. Reed commented that if they had started two or three weeks earlier, with twenty-five or thirty yoke of oxen, they could have arrived at the Niobrara in time to start a corn crop. On May 25 Reed wrote from Crow Creek: "Everything today is excitement getting ready to move. There is an immense amount of

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<sup>27</sup> E. B. Taylor to Cooley, May 3, 1866, NA.

<sup>28</sup> Henry W. Reed to Cooley, May 25, 1866, NA.

material here to be moved away, a good deal of it rubbish which will not pay transportation, scores of old ox-yokes, used-up breaking plows, wagons, etc., etc., which it is hard to tell what to do with."<sup>29</sup> Three days later, on May 28, they left Crow Creek. They arrived at the mouth of the Niobrara June 11, and Brown turned over the former prisoners to Agent Stone.<sup>30</sup>

The arrival of the Indians brought a storm of protest from the white settlers in the portion of Dakota Territory adjacent to the reservation. They complained that the decision to move the Indians there had been "enveloped in great secrecy." Early in May, just before the prisoners arrived, Walter A. Burleigh, delegate to Congress from the Territory, addressed a vehement outburst to President Johnson. Although Burleigh, formerly agent for the Yanktons, had earlier recommended that the Indians at Crow Creek be removed to a point just north of the Yankton reservation, he now complained vociferously about the release of these "hostile savages" and their settlement on the borders of Dakota Territory, "where they are to be turned loose to seek revenge, by a system of robbery, rapine, and murder, upon our unprotected citizens only known to barbarians." He predicted that the settlers would have to abandon their homes or else "wage a war of extermination."<sup>31</sup>

This letter was referred to Secretary Harlan, who in turn referred it to Commissioner Cooley. Cooley thought the advantages of having the Missouri River as a barrier between the Santee and the settlers outweighed any possible advantages to Burleigh's earlier proposal. Furthermore, the Reverend Williamson and others testified to the docility of the prisoners, and there was certainly nothing to fear from the women and old men at Crow Creek.<sup>32</sup>

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<sup>29</sup> *Loc. cit.*

<sup>30</sup> Reed to Harlan, May 28, 1866 (in CIA, 1866, p. 232); Brown to Harlan, June 18, 1866, NA.

<sup>31</sup> Walter A. Burleigh to Cooley, February 27, 1866, NA; Burleigh to President Andrew Johnson, May 8, 1866 (in CIA, 1866, p. 229)

<sup>32</sup> Cooley to Harlan, May 18, 1866 (in CIA, 1866, pp. 230-231).

Burleigh repeated his dire predictions in a bitter attack on Secretary Harlan, delivered before the House of Representatives on June 9, a tirade called by the *Union and Dakotaian* of Yankton "one of the ablest speeches delivered during the present session of Congress" and printed in full (except for certain damaging testimony against Burleigh cited by Representative Wilson of Iowa) in its July 7 issue.<sup>83</sup>

Actually, Burleigh seems to have been more disturbed than his constituents were. The *Union and Dakotaian* treated with amusement a statement in the *Chicago Republican* that "the turning loose of so large a body of lawless savages . . . is received with great alarm by the people of the frontier." If the settlers of Dakota received these tidings with "great alarm," commented the Yankton newspaper, "they have a very queer way of showing it. We never saw more evidences of public tranquility and prosperity." The paper added that "we haven't seen anyone scared, though we have observed a few cases of virtuous indignation."<sup>84</sup> One suspects that the vigor of Burleigh's protest owes more to his desire to retain the patronage of the Santee for his Territory than to any deeply felt concern for the security of the settlers on his side of the Missouri.

While the storm raged in Congress and in the newspapers, there had been plenty of activity on the new reservation. Before Brown and the prisoners had arrived, Taylor had requisitioned a large hotel building at the Niobrara townsite and had bought two small buildings for storehouses at \$400 each. He had hired two carpenters, bought \$150 worth of materials, and sent it by boat to the Niobrara.<sup>85</sup> When Brown arrived, he set the released prison-

<sup>83</sup> *Congressional Globe*, 39th Cong., 1st sess. (1865-6), Part IV, pp. 3055-3064; *Union and Dakotaian*, July 7, 1866. Among the oratorical flourishes Burleigh permitted himself on this occasion was his statement about the Davenport prisoners that their "flinty, fiery hearts wreak [sic] for blood and vengeance such only as fiends can feel and savages know."

<sup>84</sup> *Union and Dakotaian*, May 26, 1866.

<sup>85</sup> E. B. Taylor to Cooley, May 3, 1866, NA.



ers to work planting corn and potatoes on some already broken land which he requisitioned from the owner, Dr. George B. Graff. Although damaged to some extent by white settlers' cattle and more seriously by grasshoppers which came late in August, a crop of eleven or twelve hundred bushels of corn and two hundred bushels of potatoes was produced on these fields. Since there was no contract with Graff, Agent Stone reserved half the corn crop as rent. So the Santees were clearly far from self-sufficiency in their first season on the new reservation.<sup>36</sup>

Besides getting the released prisoners started raising corn, Brown took other steps toward establishing the reservation on a more or less permanent footing. He sent Secretary Harlan a detailed report on improvements made by white settlers on the lands now being taken over by the government and recommended the purchase of one tract, which he thought would be a good site for an agency. It included a good mill site, a landing on the Missouri, a stone quarry, and some good timber, plus improvements that were alone worth \$3,400. He recommended that houses for the Indians be started immediately. He proposed to follow the example of the settlers and build these houses of logs, including the floors and roofs, with a covering of turf on the roof. He thought he could make a contract for a sixteen by sixteen or eighteen foot house at a cost of \$50 each, the Indians to do all the work they understood. Logs were preferable to cottonwood lumber, which would cost \$60 per thousand feet and was inferior, or pine, which would cost \$125 per thousand feet.<sup>37</sup> Judson LaMoure, employed as a government farmer at Crow Creek, accompanied the Indians to the new reservation and during the summer cut two hundred tons of hay, helped with the work of the agency, such as the repair of wagons and implements built a blacksmith shop, a carpenter shop, and stables, and even went on a tour of the settlements rounding up Santee

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<sup>36</sup> Judson LaMoure to James M. Stone, September 26, 1866 (in CIA, 1866, p. 243); Hampton B. Denman to Lewis V. Bogy, January 8, 1867, NA.

<sup>37</sup> Brown to Harlan, May 31 and June 2, 1866, NA.

that had been disturbing the whites by roving about the countryside. Early in the fall he resigned, later to enter upon a notable career in Dakota.<sup>38</sup>

When the Indians first arrived, they were temporarily located at the Niobrara townsite, about a mile east of the present town of Niobrara. Here they lived in tents, and the missionaries, their families, and other white people occupied the hotel.<sup>39</sup> Because of a lack of wood and also because of complaints from settlers that the Indians were committing small depredations, it was impossible for them to remain here over the winter. After a period of anxiety that extended into the early fall, the Indians and the missionaries were finally informed about October 1 that they were to move to winter quarters near the mouth of Bazile Creek, three or four miles down the Missouri from the townsite. Here the agency was established on the land earlier recommended by Brown as a suitable site. Despite repeated requests by Taylor for approval of the house-building project, nothing was done until late September, when Captain Rudolph Hollob was detailed as a special agent to take charge of the enterprise. Completed by November 1, this included construction of a couple of warehouses, a house for the employees to sleep in, an agent's office, a blacksmith shop, and an interpreter's house, all one-story, sod-roofed affairs of logs, "of cheap and temporary character."<sup>40</sup> The missionaries built their own houses, of the same materials and much the same construction. In November the Reverend John P. Williamson, son of the old missionary who had been with the prisoners at Davenport, wrote: "We are making dirt roofs after Dakota fashion and put into the side of a hill so that the

<sup>38</sup> LaMoure to Stone, September 26, 1866 (in CIA, 1866, p. 243); *Union and Dakotian*, July 26 and August 4, 1866; Stone to E. B. Taylor, October 1, 1866, NA.

<sup>39</sup> Riggs, *op. cit.*, p. 232; Winifred W. Barton, *John P. Williamson: A Brother to the Sioux* (New York, 1919), p. 109.

<sup>40</sup> John P. Williamson to Thomas S. Williamson, September 17, 1866, and to Mrs. Thomas S. Williamson, November 3, 1866, Williamson Family Papers, Ms, Minnesota Historical Society; E. B. Taylor to Cooley, September 24, 1866 (in CIA, 1866, p. 244); and October 20, 1866, and Denman to Bogy, January 8, 1867, NA.

back of the house may be banked up to the roof, so we think they will be warm." He added that Agent Stone had no idea of staying there longer than till spring.<sup>41</sup>

The reservation had by this time been enlarged. When Alexander Johnston, a special agent of the Indian Bureau, had visited Niobrara late in June, he had found the Indians peaceable and quiet but with two complaints: the uncertainty of their tenure and the lack of timber available to them. Of the first we will hear much later. The second complaint would seem to conflict with what Taylor had earlier claimed—and no doubt he was guilty of some exaggeration—but the fact was that the timber was mostly on privately held lands or just east of the reservation. Johnston recommended that the reservation be enlarged to include the timber farther down on the Missouri and on the right bank of the Niobrara.<sup>42</sup> His recommendation led to an executive order issued July 20, 1866, by which the townships lying immediately west of the previously reserved lands and south of the Niobrara were withdrawn from entry and sale, together with a fractional township along the Missouri, below the new site of the agency.<sup>43</sup> This order meant that the entire northwest quarter of the present Knox County, less the area north of the Niobrara, which was part of Dakota Territory until 1882, was reserved for the Santee Sioux.

It is not strictly correct to speak of these lands as a reservation, in the sense in which that term was customarily used at that time—a permanent home guaranteed to the Indians by treaty with the United States government. Secretary Harlan's letter requesting the original withdrawal of four townships from sale stipulated that this withdrawal should be only temporary, "until the action of Congress be had, with a view to the setting apart of these townships as a reservation for the Santee Sioux Indians now at Crow Creek, Dakota. . . ."<sup>44</sup> And until such action

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<sup>41</sup> J. P. Williamson to Riggs, November 12, 1866, Riggs Papers.

<sup>42</sup> Alexander Johnston to Cooley, June 26, 1866, NA.

<sup>43</sup> Kappler, *op. cit.*, I, 862.

<sup>44</sup> *Ibid.*, 861.

should be taken, there was nothing to prevent the government from moving the Indians anywhere it pleased. It was presumably the tentativeness of this order that led Morton to urge their location on the Oto reservation. Although nothing came of his suggestion, agitation for removal of the Indians continued to be heard from Dakota Territory.

Governor Edmunds had been replaced in August 1866 by Burleigh's father-in-law, Andrew J. Faulk, and in January of the next year the territorial legislature, doubtless at the behest of these two, addressed a memorial to the President calling for the removal of the Santee from their reservation just across the river from the most populous part of the Territory. Using language reminiscent of Burleigh's earlier protest, the petition spoke of "these hell hounds of Minnesota notoriety" and shrieked that in a single night every settler between Yankton and Fort Randall might be massacred by "these cold blooded fiends."<sup>45</sup> Where did Burleigh and Faulk propose to send these "black-hearted murderers," as the former had called them in his speech to the House the previous June? To some remote spot in the farther West? Not at all. Their plan was to locate them in the southeastern part of Dakota Territory, a region which, whether these two statesmen knew it or not, would be taken up by white settlers within a few decades.<sup>46</sup>

In pursuit of their objectives, they took advantage of the Indians' dissatisfaction with their situation at Niobrara. Late in 1866 several chiefs, including Wabasha, Wakute, Hushasha, and Passing Hail, had addressed a petition to the Secretary of the Interior asking, among other things, that the reservation be extended eastward and northward, that they be given some assurance that it would remain theirs, and that they be allowed to visit Washington and

<sup>45</sup> Herbert S. Schell, *History of South Dakota* (Lincoln, 1961), pp. 107-108; Memorial to the President of the United States relative to the removal of the Santee Band of Sioux Indians, January 10, 1867, NA.

<sup>46</sup> *Congressional Globe*, op. cit., p. 3062; Denman to Nathaniel G. Taylor, April 6, 1867, NA.

make their wishes known in person to the Commissioner.<sup>47</sup> The proposed journey was authorized, and in February 1867 a party of fifteen Indians, an interpreter, an assistant, and a missionary set out for the capital, under the supervision of Governor Faulk, who was accompanying a delegation of Yanktons, Sans Arcs, and Blackfoot Sioux.<sup>48</sup> In a letter to Riggs, the younger Williamson denounced the whole thing as a scheme of Burleigh. Citing the last annual report of the Commissioner of Indian Affairs, he said that "there is 3½ millions of the old Sioux Annuity unexpended. Burleigh wants these Indians placed above the Yankton adjoining, that amount added to the Yankton Annuity and the two tribes consolidated." He urged Riggs to go to Washington and, if possible, frustrate this plot.<sup>49</sup>

Burleigh and Faulk may have attempted to revive their old scheme of placing the Santee on or adjacent to the Yankton reservation, as Williamson thought, but the official correspondence makes no mention of such a plan. Instead, the proposal advanced now was to create a reservation for them in what is today east-central South Dakota, bounded by the Big Sioux and James rivers and by the 44th and 45th parallels of latitude. This area had the advantage of being similar to the old reservation in Minnesota and, if we may believe the Reverend Williamson, had great appeal to the rank and file of the Indians, if not to the chiefs. On March 19, 1867, while the delegation was in Washington, Indian Commissioner Lewis V. Bogy wrote the Secretary of the Interior that preliminary arrangements had been made with the Santee by which they would consent to move to this reservation, which he said had been selected with the approval of the Governor of Dakota Territory and the Territorial delegate to Congress. There were said to be no white settlers there, and no part of the

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<sup>47</sup> Wapashaw, *et al.*, to Orville Browning, December 24, 1866, NA.

<sup>48</sup> *Union and Dakotian*, February 9, 1867; Denman to N. G. Taylor, April 4, 1867, and Samuel D. Hinman to Stone, May 31, 1867, NA.

<sup>49</sup> J. P. Williamson to Riggs, January 31, 1867, Riggs Papers.

tract had been surveyed. Bogy urged quick action to forestall settlement by whites.<sup>50</sup>

An executive order was issued March 20 to carry into effect this recommendation, but that is as far as the project ever went. Formidable opposition had developed from at least three sources. Perhaps the most effective opposition was that exerted by the missionary who had accompanied the party, the Reverend Samuel D. Hinman, protege of Bishop Whipple and Episcopal stalwart among the Santee. Hinman, who opposed any further removals, had won all the chiefs over to the Episcopal church by this time, much to the consternation of Williamson, who represented the American Board of Commissioners for Foreign Missions on the reservation, and all the delegates but one were what Williamson called "Hinmanites." Hinman, working through Wabasha, the principal chief, persuaded them to reject the plan when it was presented to them.<sup>51</sup> Resistance also came from the Congressional delegations from states adjoining Dakota Territory, who for quite different reasons wanted the Indians kept where they were. Upon his return to the reservation, Hinman told Williamson "that Burleigh and the Dakota men have lost all their influence by their knavery—that the Minnesota, Iowa, and Nebraska representatives have all allied themselves together and will fight it, and it is no use to oppose them."<sup>52</sup>

Still another source of opposition came from within the Indian Bureau itself. Bogy was replaced as Indian Commissioner by Nathaniel G. Taylor on March 29, and Taylor harkened to the advice of Hampton B. Denman, who had succeeded to the Northern Superintendency the previous fall. Denman advised the new commissioner that the plan was nothing but a plot by Burleigh and Faulk for the

<sup>50</sup> Bogy to Browning, March 19, 1867 (in Kappler, *op. cit.*, I, 897-898).

<sup>51</sup> Kappler, *op. cit.*, I, 897; J. P. Williamson to Riggs, May 3, 1867, Riggs Papers.

<sup>52</sup> J. P. Williamson to Riggs, May 3, 1867, Riggs Papers; Ignatius Donnelly and William Windom to Browning, March 20, 1867, NA. The disingenuousness of Burleigh's manipulations must have been apparent to his Congressional colleagues and probably played a part in the hostility shown toward his scheme.

benefit of traders in Dakota. Since most of the small appropriation would be used up by regular subsistence and the purchase of three hundred cows (authorized by Bogy), it would be an extravagance to move the Indians to a new reservation. His view was that "wisdom and economy alike dictate that the Indians should remain where they now are, until a better and more suitable reservation be selected for them." Although he suggested that a commission be sent out to look over all possible locations, including Indian Territory, it is fairly clear from his letters that he did not favor their removal anywhere.<sup>53</sup>

The combination of these various forces doomed the removal scheme. Its defeat was a blow to the American Board missionaries and a victory for the Episcopal party. Although Williamson had no regard for Burleigh, he did wish to have the Indians placed in the Big Sioux-James River region. His first information on the outcome of negotiations, obtained from the Chicago newspapers and from a letter from Riggs, who was on the scene, was that the plan had succeeded. Then came more reliable word from Hinman, from Agent Stone, and from the Santee trader, Franklin J. DeWitt, that it had been defeated. Many of the Indians were unhappy, said Williamson, and were still agitating for removal. Planting would not amount to much this year, Williamson said: "The Indians are in no humor to plant." That he understood the political factors involved is indicated by his remark that "The Nebraska people have the advantage in that they have them on the ground."<sup>54</sup>

Except for such educational benefits as the Indians may have received from the trip, not much was accomplished by their visit to Washington. No treaty was signed or promised, but they were told by the Commissioner that another peace commission would visit them that summer

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<sup>53</sup> Denman to N. G. Taylor, April 6, 1867, NA.

<sup>54</sup> J. P. Williamson to Riggs, April 5, 1867, Riggs Papers; J. P. Williamson to T. S. Williamson, April 22, 1867, Williamson Family Papers. The tract set apart for the Indians by the executive order of March 20, 1867, was never occupied by them, and in 1869 it was restored to the market. Kappler, *op. cit.*, I, 897-898.

and instructed to move to a point a few miles below where the agency had been established late in 1866 and plant there one season, "with the assurance that if they were pleased with the location it would be secured to them as a permanent home."<sup>55</sup> This proposed new location, called Breckenridge Bottom, was said to be favored by the Indians and had the advantage, as Denman saw it, of being well supplied with hardwood timber. The Bazile Creek site was said to have been virtually denuded of timber during the brief time the Indians had been located there, and the nearest timber was at Breckenridge. As a matter of fact, much of the timber used in the construction of houses and other buildings the previous fall had been hauled over the hills from there.<sup>56</sup>

On the strength of the promise made to the Indians in Washington, Agent Stone, acting with Denman's approval, went ahead during the summer of 1867 and moved the agency buildings to the new site. As soon as the breaking plows that had been ordered arrived, early in June, he set part of the teams to breaking new land there while the rest were used to haul the buildings. About two thirds of the plowing that year was done in the vicinity of Breckenridge, the rest at the old Bazile Creek site. Denman bought 140 horses at \$50 each and had them brought to the Santee Agency to help with the summer's work. All in all, it was a busy summer, and if grasshoppers had not made one of their periodic incursions and destroyed the crops, it might have marked a real beginning in the struggle to render the Santee self-supporting.<sup>57</sup>

Grasshoppers were not the only source of trouble that summer. Although the new agency site was on previously reserved lands, some of the most valuable timber lay just east of the reservation boundary, and in order to acquire

<sup>55</sup> CIA, 1868, p. 246.

<sup>56</sup> Stone to Denman, May 27, 1867, and Denman to Bogy, January 8, 1867, NA; J. P. Williamson to Mrs. T. S. Williamson, November 3, 1866, Williamson Family Papers.

<sup>57</sup> Stone to Denman, May 31 and June 5, 1867; Denman to N. G. Taylor, June 29, 1867; and Stone to Denman, September 21, 1867, NA.



this (and for other reasons) Denman recommended the addition of one full and one fractional township to the east of the reservation as it then existed. (The chiefs in their letter to the Secretary of the Interior had shrewdly asked that the reservation extend five miles back from the river, on both sides, so as to appease the Dakota interests eager for patronage, but Denman did not see fit to endorse this request in quite the form the chiefs made it.) He also recommended that two of the originally reserved townships, including that on which the townsite of Niobrara was located, be restored to the market. Although he made no reference to the townships farther west, on which the Indians had never settled, it appears from his mention of a reservation of 61,000 acres that he envisioned these also as being left out, together with the township immediately south of the one where the agency was then located.<sup>58</sup> His suggestions were not acted upon immediately, and in the interval certain Dakota citizens got wind of the plan and set about taking claims on the sections containing the timber Denman especially wished to reserve. Late in August a couple of men came across the river, cut down some timber, and built a house about one and a half miles from where the agency had just been established. When Stone accosted them and informed them that this land had been reserved for the Indians, they replied that they had been allowed to file claims and would defend their rights.<sup>59</sup>

Stone had apparently assumed, from a letter sent to him by Denman on July 3, that an executive order withdrawing these lands from sale had already been issued. Such was not the case, and the would-be settlers were technically within their rights in taking claims there. The Reverend Hinman had also interpreted Denman's letter to mean that the land was already reserved and had actually begun the erection of a school and other buildings on one of the sections pre-empted by the men from Dakota. When Denman learned of these events, he ordered Hinman to stop work on his mission buildings at once and also

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<sup>58</sup> Denman to Bogy, January 8, 1867, NA.

<sup>59</sup> Stone to Denman, August 30, 1867, NA.

addressed a letter to Charles E. Mix, the Acting Commissioner of Indian Affairs, urgently requesting immediate action to withdraw the desired land from the market. The government, he said, had paid \$3,000 to the Episcopal Board of Missions, and now Hinman was being interrupted in his work by a pair of "meddlesome squatters from Dakota." He saw this maneuver as the "last resort of certain unscrupulous parties living in Dakota (who were well known to the Department) and who have been thus far foiled in all legitimate efforts before the Department, and before Congress, to procure the removal of the Santee Sioux from Nebraska to Dakota."<sup>60</sup>

The wheels of bureaucracy grind with exceeding slowness. Early in November Denman repeated his urgent request, saying that whites from Dakota were preparing to file claims on the timbered part of this land, "with a view of selling it to the Government for the use of the Santee Sioux." Since there was not enough timber elsewhere on the reservation, the government would be almost forced to buy them out. Results were finally obtained and an executive order issued November 16 adding to the reservation the lands desired by Denman. His recommendations for restoring unoccupied portions of the previously reserved lands to the market were followed only in part, however; the township on which the townsite was located and on which most of the original settlers' claims had been filed was withdrawn from the reservation, but those farther south and southwest were not mentioned in the order.<sup>61</sup>

On their visit to Washington the chiefs had been promised another call from a peace commission that year. When the commission arrived, about harvest time, its message was not calculated to please the Indians. According to Agent Stone, they were told "that they must leave here next summer, that none would be allowed to remain unless

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<sup>60</sup> Hinman to Denman, August 30, 1867, and Denman to Charles E. Mix, September 5 and 6, 1867, NA.

<sup>61</sup> Denman to Mix, November 5, 1867, NA; Kappler, *op. cit.*, I, 862.

they abandoned their tribal relations and relied upon their own exertions for support.”<sup>62</sup> Although this threat was doubtless intended to stimulate the Santee to greater efforts in their own behalf, its effects were in fact demoralizing. They were unwilling to give up their tribal relations, and they were unprepared to take upon themselves the full task of their support. Hence the result of the commissioners’ ultimatum was that, although the Indians were said to be better provided with clothing and shelter than at any time since they left Minnesota, they were unwilling to exert themselves toward cultivating their lands or making permanent improvements thereon so long as it seemed likely they would be uprooted and marched off to some new tract of land as yet unwanted by white men. Agent Stone saw this uncertainty as providing an excuse for idleness, to be remedied only by means of a treaty guaranteeing the Indians “five or six townships of land here or elsewhere as a permanent reservation.”<sup>63</sup>

The peace commissioners who visited the Santee agency had in mind setting up a vast reservation—a northern “Indian Territory”—bounded by the 46th parallel, the Missouri River, the Nebraska border, and the 104th meridian. In their report to the President the next January they included the Santee among the tribes to be placed on this reservation, although they added that it might be advisable to let them and the other Nebraska tribes remain where they were and become incorporated with the citizens of the state. The Santee were of course opposed to moving up the Missouri, but they did consent to allow their chiefs and headmen to inspect the country that had been designated for them. It was found to be much like Crow Creek.<sup>64</sup>

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<sup>62</sup> Stone to Denman, November 30, 1867, NA. Williamson reported to his father, “That big Commission of Genl Sherman & Co were out here while I was gone & raised a great breeze.” J. P. Williamson to T. S. Williamson, October 19, 1867, Williamson Family Papers.

<sup>63</sup> Stone to Denman, January 31, 1868, and Denman to N. G. Taylor, February 3, 1868, NA.

<sup>64</sup> CIA, 1868, p. 46; Stone to Denman, September 1, 1868 (in CIA, 1868, pp. 246-247).

The prospect of being removed to another Crow Creek so frightened the Indians that they practically abandoned their efforts at farming. As the year 1868 opened, the situation looked decidedly unpromising. Superintendent Denman agreed with Agent Stone's diagnosis and his prescription. He thought it would be nearly impossible to induce the Santee to plant anything that spring unless they were permanently located by that time. He predicted that if the proposition made by the peace commission were made a condition precedent to their having a permanent home, it would "result in making the entire tribe a band of wanderers and beggars." After the "debased and indolent life led by these Indians" since leaving Minnesota, it would take several years of intensive training before they could be placed on their own. The only comfort Commissioner Taylor could give Denman was the instruction to tell the Indians, through Stone, that it would be "perfectly safe" for them to plant and that they would "not be removed from their present location against their own consent."<sup>65</sup>

This promise apparently did not satisfy the Indians, for at the end of April, Stone wrote that even those who had formerly been the most industrious were refusing to plant this year. They expected the peace commission back that summer, to tell them to move. This uncertainty, he observed, tended to weaken their respect for the government and for their agent, and might eventually destroy their faith in the integrity of the men in charge of that government.<sup>66</sup> In view of these Indians' previous experience with the United States government, one wonders what surviving respect they might have had for its integrity or that of the men who represented it in its dealings with them. Denman forwarded Stone's observations to the Commissioner, together with his own comment that these Indians had suffered enough in the previous six years to atone for any crimes they might have committed during the uprising and that it was now time to show

<sup>65</sup> Denman to N. G. Taylor, February 17, 1868, and N. G. Taylor to Denman, March 3, 1868, NA.

<sup>66</sup> Stone to Denman, April 30, 1868, NA.

"magnanimity and kindness." In his official report for 1867 he had stressed this atonement:

All treaties with these Indians have been abrogated, their annuities forfeited, their splendid reservation of valuable land in Minnesota confiscated by the government, their numbers sadly reduced by starvation and disease; they have been humiliated to the dust, and in all of these terrible penalties the innocent have suffered with the guilty.

He now asked that a treaty commission be designated by the President, to guarantee them their present reservation, and recommended that part of their annuities be restored, say at twenty dollars each for twelve or fifteen years.<sup>67</sup>

Another peace commission went up the Missouri in June of 1868 and stopped at the Santee Agency just long enough to call the chiefs together and virtually force them to accompany the party up to Fort Rice. The outlook was ominous. Williamson wrote to his father that "Stone says the Commissioners talked more independent than last year. They said they had made up their minds the Santee could not stay in Nebraska so they were going [to] tell them at once that they had to go up in the new T [erritory] when they came to council. It was all a humbug to ask what they wanted when the dose was all ready cut & dried."<sup>68</sup> The outcome was not so bad as he and the Indians expected, however. When the chiefs returned from Fort Rice, they had signed, on behalf of the Santee, the 1868 treaty of Fort Laramie with the Sioux. The provisions of this treaty which affected the Santee were those providing for the allotment of lands to anyone who desired to farm. The act of March 3, 1863, had contained a similar provision, but by the 1868 treaty the Indians' consent was obtained. According to Agent Stone's annual report, the commissioners at that time assured the Indians that if they would adopt white customs, take land in severalty, and begin farming,

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<sup>67</sup> Denman to N. G. Taylor, June 12, 1868, NA; Denman to Mix, November 1, 1867 (in CIA, 1867, p. 265).

<sup>68</sup> J. P. Williamson to T. S. Williamson, June 19, 1868, Williamson Family Papers.

the government would allow them to remain where they were and assist them generously in their efforts.<sup>69</sup>

The Fort Laramie treaty was not ratified by Congress until February 1869. Meanwhile, Congress had reduced the usual appropriation for the Santee by one half (to \$50,000), and there was no money to finance the purchase of cattle and implements which would be needed if they were indeed to become farmers as the treaty envisaged.<sup>70</sup> Late in 1868 they began agitating for another trip to Washington, with the object of entering into some more satisfactory agreement with the government that would secure to them their reservation. The trip was made in February and March of 1869 by seven chiefs and headmen, accompanied by Agent Stone and the two missionaries, John P. Williamson and Samuel D. Hinman, who served as interpreters. Again nothing was accomplished. Stone stayed around Washington after the Indians left, long enough to learn that Congress had made no appropriation whatever for the Santee and had thereby left the Indian Bureau unprepared to step up the program for advancing civilization among them. Nevertheless, he went ahead with the ordering of seed and supplies for the coming season, even to the extent of submitting an estimate of the cost of enclosing 540 acres of land with wire fence. Besides being cheaper than a board fence, Stone commented, the wire fence had the advantage that the Indians could not burn it.<sup>71</sup>

One of the problems that the agent and other officials of the Indian Bureau had to contend with during these years was that of the settlers who had been displaced by the location of the Indians on their lands in 1866. This had been—or at least seemed to be—a fairly simple problem at first, but it had been complicated by the toils of bureaucratic red tape and the various shifts in the boundary of the reserved lands. There had been more than the

<sup>69</sup> Stone to Denman, September 1, 1868 (in CIA, 1868, p. 247); Kappler, *op. cit.*, II, 999-1000.

<sup>70</sup> CIA, 1868, p. 247; *U. S. Statutes at Large*, XV, 221.

<sup>71</sup> Browning to N. G. Taylor, November 17, 1868; Stone to Denman, March 3, 1869; Denman to N. G. Taylor, March 15, 1869; and Stone to Denman, March 15 and April 30, 1869, NA.

half-dozen settlers Taylor supposed to have made claims at the time he was arguing for the removal of the Indians to the Niobrara region. There were actually twenty-nine claim-holders, of whom only thirteen lived in the vicinity and could be considered bona fide settlers. Superintendent Taylor went to the scene late in April 1866, met with ten heads of families, and told them that their lands would be appraised and bought by the government at a fair price. He instructed them to put in crops, which the government would also buy and use for the subsistence of the Indians. When Brown arrived with the Davenport prisoners, he assured the settlers that the government would pay them in full for their lands and improvements—within sixty days, the claimants said later. Both men apparently acted on instructions from the Indian Bureau and in the expectation that the government would make good their promises.<sup>72</sup>

Not satisfied with these assurances, the settlers complained to the President and also gained the ear of Congress. On May 12, 1866, a House Resolution was adopted calling for full information on the Niobrara lands, how much had been taken up, and whether arrangements had been made to buy them. The language of this Resolution suggests that someone was trying to represent these lands as largely occupied by settlers, for it states that "most if not all of the land suitable for cultivation in the neighborhood of said contemplated location is said to have been purchased from the government, and is now held by private individuals."<sup>73</sup> Practically the same phraseology is found in Burleigh's speech before the House June 9, suggesting either that he had thoroughly familiarized himself with the resolution or else that he had composed it.<sup>74</sup> In reply to a request for information, the Commissioner of the General Land Office reported that the settled area

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<sup>72</sup> Cooley to Harlan, June 4, 1866 (in CIA, 1866, p. 233); E. B. Taylor to Cooley, May 3, 1866, and Denman to Bogy, January 8, 1867, NA.

<sup>73</sup> CIA, 1866, pp. 232-233 (quoted in Cooley to Harlan, June 4 1866, NA); *Union and Dakotaiian*, June 9, 1866.

<sup>74</sup> *Congressional Globe*, op. cit., p. 3060-3062.

amounted to only 4,165.3 acres on a reservation of 81,518.65 acres.<sup>75</sup>

The settlers' suspicions of the government were substantially justified as the months passed and the promises made by Taylor and Brown were not fulfilled. Congress made no appropriation for this purpose, and the regular Santee appropriation was earmarked for other purposes. The increasing dissatisfaction of the settlers seems to have been one reason for the decision to move the agency from the Niobrara townsite to Bazile Creek in the fall of 1866. Williamson wrote his father in November that "The settlers have here raised such a big rumpus because they were not settled with that Maj [Stone] says he will have the Ind's all off the town site of Niobrara. . . ." <sup>76</sup> George B. Graff, the spokesman of the group, wrote Commissioner Bogy about the same time that he and his fellow-settlers wanted to leave but had no money to do so; he added that it was impossible to raise livestock with so many Indians around.<sup>77</sup> But the settlers did not want the Indians removed from the reservation. As early as the previous June, when a report reached them that the Indians were to be removed, they reacted in unexpected fashion. Although they considered it a "calamity" to have located the Indians there in the first place, now that the settlers had taken claims elsewhere, it would be a "double calamity if they are removed and we are remanded to our former rights."<sup>78</sup>

Not all the settlers moved away, however. Although it was later claimed that some had had to sell their cattle to provide subsistence for their families when obliged to leave the Niobrara vicinity, most of them appear to have remained on their lands, at least for the first year. Some, subscribing to the philosophy of "If you can't beat 'em,

<sup>75</sup> James M. Edmunds to Harlan, May 23, 1866 (in CIA, 1866, p. 235). James M. Edmunds was a brother of Governor Newton Edmunds. Schell, *op. cit.*, p. 105.

<sup>76</sup> J. P. Williamson to T. S. Williamson, November 26, 1866, Williamson Family Papers.

<sup>77</sup> George B. Graff to Bogy, November 12, 1866, NA.

<sup>78</sup> William Huddistone, *et al.*, to Harlan, June 26, 1866, NA.



join 'em," found employment on the reservation. One became government farmer upon LaMoure's resignation, another moved into the hotel and stood guard over the agency supplies stored there, and a third kept store for the trader, DeWitt.<sup>79</sup> These were no doubt temporary expedients, resorted to in the expectation that sooner or later the government would compensate them for their losses.

Most of the holdings were in one township, that containing the Niobrara townsite. At the beginning of 1867 Superintendent Denman gave the acreage for claims in that township alone as 4,822.1—more than the original estimate of all claims on the reserved lands. Of this amount, 320 acres were in the townsite itself, doubtless held, Denman thought, by several hundred shareholders scattered all over the country. The concentration of claims in this township was one reason he recommended its omission from the reservation.<sup>80</sup> When this recommendation was carried out, in the executive order of November 16, 1867, the relationship of the government to the settlers was altered. Since the government no longer withheld this land from sale, it was no longer under any obligation to buy up their lands.<sup>81</sup> Their problem then became that of persuading the government to indemnify them for losses suffered during the time the Indians were in occupancy of this township and as a result of the government's announced intention of taking over these lands for the Indians' use.

In March 1868 Agent Stone was instructed to investigate the matter of settlers' claims and report to Denman. He found it extremely difficult to get accurate information on the amount of damage sustained and thought that a commission authorized to take sworn testimony should be appointed. Estimating the damages very roughly, he suggested that the settlers deserved \$8,000 for timber, building material, fencing, and firewood used by and for the Indians and another \$2,000 for the use of lands for farming and

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<sup>79</sup> J. P. Williamson to T. S. Williamson, March 16, 1867, Williamson Family Papers.

<sup>80</sup> Denman to Bogy, January 8, 1867, NA.

<sup>81</sup> Denman to N. G. Taylor, June 19, 1868, NA.

camping purposes during the time the Indians were there. The settlers, of course, claimed considerably more—at least \$25,000, thought Stone. For one thing, they counted the depreciation on their lands resulting from the proximity of the Indians, who were now located nine miles east of Niobrara. Denman endorsed Stone's report and recommended that Congress be asked to appropriate \$15,000 to indemnify these settlers and that a commission composed of Indian Bureau officers be appointed by the Secretary of the Interior to investigate the whole matter. Commissioner Taylor sent the recommendation on to Secretary Browning, who in turn submitted the request for a \$15,000 appropriation to Congress.<sup>82</sup>

This was in June of 1868. On April 10 of the next year Congress included such a provision in the Indian Appropriation Act for the fiscal year 1870, couched in pretty much the terms of Denman's original request, but without providing for the expenses of the proposed investigating commission.<sup>83</sup> By the time the Indian Bureau got around to acting on the matter, there was a new set of men in office, all the way from President to Santee agent. The new Indian Commissioner, Ely S. Parker, then suggested to the new Secretary of the Interior, Jacob D. Cox, that the commission be composed of the superintendent of the Northern Superintendency, now Samuel M. Janney, and the Santee agent, his brother Asa M. Janney.<sup>84</sup> Superintendent Janney visited the reservation in August and ran into some unexpected problems. The language of the appropriation act had specified "Niobrara township" as the site of these claims. There was no civil division formally so designated, but he presumed that the township in which the townsite was located was the one intended by Congress. If so, he wondered if he should include the

<sup>82</sup> Stone to Denman, March 16, 1868, and Denman to N. G. Taylor, June 19, 1868 (in "Damages to Settlers in Nebraska," *House Executive Document* no. 325, 40th Cong., 2d sess. [Serial 1346], pp. 2-4).

<sup>83</sup> *U. S. Statutes at Large*, XVI, 39; Ely S. Parker to Jacob D. Cox, June 28, 1869, NA.

<sup>84</sup> Parker to Cox, June 28, 1869, NA.

claims of George B. Graff, whose land lay outside that township and who was one of the biggest claimants. Since the settlers had hired a lawyer to represent them, he wondered if he was authorized to employ counsel in the government's behalf. Receiving no instructions, he decided not to hire a lawyer, but on the matter of claims outside the specified township, he concluded to "give the law a liberal construction and include such claims."<sup>85</sup>

The Janneys began taking testimony November 18 and spent twenty-four days at this task and the related tasks of auditing claims and making up a report. They took at least forty depositions and had the county records examined. The total of claims presented came to \$36,593.80, of which they allowed \$16,022; this included \$4,000 to Graff on condition that he relinquish all right and title to the government. The deficiency of \$1,022 Superintendent Janney proposed to make up from the Santee Indian fund.<sup>86</sup> The Department of the Interior was not so generous. It reduced the allowable claims to \$11,162.93, plus \$1,000 to Graff if he could prove that corn worth this amount and consumed by the Indians had been accounted for by Agent Stone but not paid for. The reduction came chiefly in what were termed "indirect" damages—the "depreciation" referred to earlier—which, in the view of Secretary Cox, did not come within the meaning of the act of April 10.<sup>87</sup>

The stage which may properly be called the establishment of the Santee reservation came to an end in the summer of 1869, when the boundaries were finally determined. At the end of June the Reverend Hinman wrote to Commissioner Parker asking if the two townships south of the eastern part of the reservation could be withheld from entry. The missionaries and the Indians had always supposed that these townships, which contained the best farm land on the reservation, belonged to them, but now a

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<sup>85</sup> Samuel M. Janney to Parker, August 20 and October 6, 1869, NA.

<sup>86</sup> S. M. Janney to Parker, December 14, 1869, NA.

<sup>87</sup> Cox to Parker, February 23, 1870, and accompanying affidavits, NA.

large colony of Bohemians were looking them over with the intention of settling on them.<sup>88</sup> One of these townships, now called Spade, had been part of the original reservation and had never been restored to the market, but the other, the present Harrison township, was still part of the public domain.

Hinman's somewhat vague request was incorporated into a formal report submitted by Agent Janney to Superintendent Janney. The agent called for not only the withdrawal of the township requested by Hinman (Harrison) but also a tract of land on the Missouri, now included in Santee township, the rest of which had been acquired by previous executive orders. Since the Indians had never occupied the lands south and southwest of Niobrara, he also asked that these townships (the present Sparta, Washington, and Western) be restored to the market. He had another reason for this request. The white settlers whose claims for damages were about to be evaluated and who had considered the proximity of the Indians as a cause for "depreciation" in the value of their lands now admitted that their damages would be less if these townships were omitted from the reservation, and Janney presumably wished to reduce the amount claimed for damages as much as possible. His proposals, he pointed out, would reduce the reservation from 165,195.03 acres to 115,075.92 acres, despite the additions recommended. These proposals, approved by the Superintendent, the Commissioner, and the Acting Secretary of the Interior, were embodied in an executive order dated August 31, 1869.<sup>89</sup>

The Santee reservation was now a compact, rectangular tract of land, twelve miles from east to west and averag-

<sup>88</sup> Hinman to Parker, June 29, 1869, NA.

<sup>89</sup> Asa M. Janney, July 19, 1869; S. M. Janney to Parker, August 20, 1869; Parker to Acting Secretary of the Interior W. J. Otto, August 28, 1869, NA; Kappler, *op. cit.*, I, 862-864. The various executive orders relating to the Santee reservation are listed and graphically explained in Charles C. Royce, *Indian Land Cessions in the United States* (United States Bureau of American Ethnology, Eighteenth Annual Report [Washington, 1899]), pp. 838-841, 846-847, 852-853, 868-69, 91-191, and accompanying maps.

ing about fifteen miles from north to south. Although allotment of eighty-acre plots to individual Indians began in 1870, the unallotted lands were retained for their benefit until 1885, when by executive order dated February 9 the "excess" lands were restored to the public domain and opened to settlement and entry effective May 15. Since that time there has been a fairly continuous dwindling away of lands held by the Indians. Out of 69,100 acres allotted to them by 1885, only 6,162 remained in Indian possession in 1962.<sup>90</sup>

The year 1869 marked the end of the beginning for the Santee Sioux reservation. It was barely on the threshold of its later importance as a center of civilization among the Sioux. Only about 540 acres were under cultivation in that year, and livestock raising was still on a very small scale. The government had provided a herd of 276 cows in 1867, but they suffered much the following winter, and by July of the next year there were said to be only 215 head of agency livestock, counting cows, calves, oxen, and horses. (This figure did not include the Indians' own horses.) Drought and grasshopper plagues during many of the early years discouraged any Indians who had not been sufficiently demoralized by the uncertainty of their tenure on the reservation.<sup>91</sup>

It was mainly this continuing uncertainty that caused the Indians to grasp at the prospect of allotment when it appeared in the summer of 1869. According to Agent Janney, certain influential men in Dakota Territory had been spreading a rumor that the government was going to remove the Indians from the Santee reservation and that if they entered claims in Dakota, they would be permanently located and have all the privileges of white men.<sup>92</sup> Some did leave that year to take up homesteads in the

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<sup>90</sup> S. M. Janney to Parker, May 31, 170, NA; Kappler, *op. cit.*, I, 864; CIA, 1885, p. 136; interview, July 9, 1962, with Mr. Llewellyn Kingsley, Superintendent, Winnebago Agency, Winnebago, Nebraska.

<sup>91</sup> Stone to Denman, November 30, 1867, January 31, 1868, and July 17, 1868, NA.

<sup>92</sup> A. M. Janney to S. M. Janney, July 19, 1869, NA.

valley of the Big Sioux near Flandreau, but Governor John A. Burbank of Dakota Territory denied that they had received any assistance or encouragement from white men.<sup>93</sup> It was to forestall further emigration that Janney began that summer to push for allotment. He was convinced that the Indians were not yet prepared to cope with white men individually but thought that allotment carried out under the guiding hand of the Indian Bureau would lead them to ultimate independence. He submitted a statement signed by Wabasha, Wakute, Hushasha, and other chiefs and headmen, saying that unless allotment in severalty were carried out, many would wander back to Minnesota or Dakota, as some had already done, "believing that the Government does not intend to give them here a permanent home."<sup>94</sup>

Aside from the agitation for allotment, there was little in 1869 to suggest the future course of events on the Santee reservation. The agency was still housed in the sod-roofed log buildings that had been moved there two years earlier. Superintendent Janney visited it that August and was not favorably impressed with the agricultural possibilities of the reservation. Later he called it "the roughest and least valuable tract of country I have seen in Nebraska, a large part of it being bluffs and steep hills only fit for pasturage."<sup>95</sup>

The later reputation of the Santee reservation as an educational center for Indians of many tribes was scarcely hinted at in 1869. The missions conducted by the Episcopal church and the American Board of Commissioners for

<sup>93</sup> John A. Burbank to Parker, August 20, 1870, NA.

<sup>94</sup> A. M. Janney to S. M. Janney, July 19, 1869, and Wapaxa, et al., to Parker, July 19, 1869, NA.

<sup>95</sup> S. M. Janney to Parker, August 20, 1869, and August 19, 1871, NA. Janney's successor doubted that the bluff land, covered with wild sage and cactus, was even good for pasture, except in the ravines. Barclay White to Parker, January 11, 1872, Santee Agency file, NA. In the 1890's, when the potentialities of the area had been more fully revealed, a member of Congress commented that "For the last three or four years, on account of the extreme drought, it would be difficult to graze one steer on five acres of these high lands on the Missouri Bluffs." *Senate Report* 1362, 54th Cong., 2d sess. [Serial 3475], p. 7.

Foreign Missions at Crow Creek had been transferred to Santee in 1866, and opened late that year. By the next January there were said to be about two hundred scholars in the two schools.<sup>96</sup> Later that year the Episcopal mission began building a church that Agent Stone said would be the finest in Nebraska west of Omaha when completed, and in 1868 it undertook the construction of a school, to cost \$9,000, of which the government had contributed \$3,000. This mission was destroyed by a tornado in 1870 and later rebuilt, only to be destroyed by fire in 1884.<sup>97</sup> The other mission did not move down from the Bazile Creek site until 1868 and then operated with very limited facilities until 1870. As late as 1872 these missions were said to be inadequate to the needs of the reservation, and the agent was calling for an industrial school.<sup>98</sup>

In spite of the defects of the Santee reservation and the rudimentary nature of the agency plant, however, a beginning had been made. Everyone seemed agreed that the Indians were better off than they had been since leaving Minnesota; and, though they could not have known it, their fears of removal (still bothering them as late as 1877) were unfounded. Their numbers had dwindled to about a thousand by 1869 and were to be further reduced by emigration and by a smallpox epidemic in 1873, but those who remained established themselves on the lands allotted to them and endeavored to make a living in the white man's fashion. Most important, the beginnings of educational progress made by 1869 were to flower later in the Santee Normal Training School, founded in 1870, which became one of the most important and influential institutions for the

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<sup>96</sup> J. P. Williamson to Stone, August 24, 1866 (in CIA, 1866, p. 242); Denman to Bogy, January 8, 1867, NA.

<sup>97</sup> Stone to Denman, January 31, 1868; Denman to N. G. Taylor, June 12, 1868; and A. M. Janney to Parker, June 2, 1870, NA. Reverend Riggs, whose son, Alfred L. Riggs, was later in charge of the Santee Normal Training School, commented that "The Episcopalians were building extensively and expensively, while our folks contented themselves with very humble abodes." Riggs, *op. cit.*, p. 234; CIA, 1868, p. 248; 1884, p. 123.

<sup>98</sup> Riggs, *op. cit.*, p. 234; Joseph Webster to White, December 6, 1872, Santee Agency file, NA.

education of Indians in the country.<sup>99</sup> The Santee Sioux had come a long way since that dismal winter in the stockade below Fort Snelling and the prison at Mankato. By 1869 they were on their way back from the nadir of their history.

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<sup>99</sup> CIA, 1870, p. 240; 1871, pp. 443-445.