The Allotment of Land in Severalty to the Dakota Indians before the Dawes Act

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The Dawes Act, approved on 8 February 1887, was the culmination of efforts to allot land in severalty among Indians living within the boundaries of the United States. By its terms, the president was authorized to direct a deliberate program of assigning tracts of land to individual Indians. Preceding the measure were several uncoordinated treaties and agreements designed to convert Indians to the forms of land ownership and agriculture advocated by white farmers.

The idea of individual allotments for Indians, which became increasingly important during the last half of the nineteenth century, was born in colonial America. It originated in the Massachusetts Bay colony in a form quite different from that to which it eventually developed. By an order in 1633, the General Court provided that Indians could take “allotments amongst the English, according to the custom of the English in like case.” Further support was given by the General Court in a law of 1758, which authorized the appointment of guardians for the Indians in each plantation. Besides supervising Indian lands, the guardians were directed to “allot to these several Indians of the several plantations, such part of the said lands and meadows as shall be sufficient for their particular improvement from time to time during the continuance of this act.” These measures enacted by colonial Massachusetts were not the only attempts to allot land to Indians, but the grants of other colonies were made to tribes rather than to individuals.¹

In addition to these efforts, Cadillac experimented with the allotment of land at Detroit in the first decade of the eighteenth century. Under his guidance, Indians who were given individual tracts of land raised many domestic crops until the project was abandoned in 1710.2

The first significant occurrence of individual ownership of land by Indians did not develop until the close of the War of 1812. After defeating the Creek Indians, Andrew Jackson concluded a treaty on 9 August 1814 by which the Creeks ceded a large tract in Georgia to the United States. The treaty provided that each Creek warrior and chief who had remained loyal to the United States in its struggle with the Creek nation was entitled to a one-square-mile reservation of land.3 The treaty was strengthened by an act of 3 March 1817, which specified the manner by which the land could be acquired and authorized the transfer of title in fee simple to heirs when the grantee died.4

The allotment of land was extended to all members of the tribe in a treaty with the Cherokee nation concluded by Commissioners Andrew Jackson, Joseph McMinn, and David Meriwether on 8 July 1817. The treaty granted 640 acres of land to each Cherokee family head who remained on the east side of the Mississippi River.5

From these roots, the idea of allotting land in severalty progressed slowly during the first half of the nineteenth century. During the 1820s and early 1830s, several treaties were negotiated in which allotments were given to individual Indians, mixed bloods, and members of a tribe. Treaties implementing the policy of removal beyond the Mississippi frequently contained clauses providing for the assignment of land to individual Indians in their new homes.6

4. Ibid., 3:380-82.
5. Ibid., 7:159.
The cause was strengthened by Commissioner T. Hartley Crawford, who, in his report of 1838, suggested that the only means by which the Indians could be persuaded to give up the chase and become civilized was to give them separate allotments of land.\(^7\) Congress heeded Crawford’s recommendations by authorizing the allotment of land among the Brotherton tribe of Wisconsin in an act of 3 March 1839.\(^8\) Similar provisions were extended to the Stockbridge Indians of Wisconsin in an act of 3 March 1843.\(^9\) In his annual report dated 30 November 1849, Commissioner Orlando Brown supported the allotment of land to Indians and said that the big stumbling block to economic well-being for Indians was the common ownership of property.\(^10\) Thus, by the middle of the nineteenth century many people believed that the allotment of land in severalty must be an important part of future Indian policy.

This belief was encouraged largely by the failure of the removal policy, which had been designed to isolate Indians from whites. Encroachment on Indian land, encouraged by the acquisition of Mexican territory and the discovery of gold in California, brought an end to the permanent Indian frontier and made a change in policy necessary.\(^11\) Additional land for white settlement was obtained through a system of reservations that replaced the defunct Indian frontier policy. Inherent features of this new system were: the confinement of each tribe to a restricted area or reservation, the individual allotment of land within these areas, and “the payment of annuities in the form of stock, agricultural implements, mechanics’ tools, and manual labor-schools.”\(^12\)

With the coming of the reservation system, the Dakota

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9. Ibid., pp. 645-47.
12. Ibid., p. 27.
Indians, or Sioux, as they were more commonly called, became important in Indian affairs. The effects of the removal policy on the Dakotas had been slight because the tribe was located in an isolated position beyond the Mississippi River.

The seven bands into which the Dakotas were divided were spread from the Mississippi River to the Big Horn Mountains and from the northern boundary of the United States to the Platte River. The Sisseton, Wahpeton, Mdewakanton, and Wahpekute bands, collectively known as the Santees, were located in southern Minnesota. The Sisseton and Wahpeton bands were situated in the vicinity of Lake Traverse and Big Stone Lake and were commonly known as the Upper Sioux, whereas the Mdewakanton and Wahpekute bands were located along the southern part of the Minnesota River and were commonly called the Lower Sioux. The middle bands, the Yankton and Yanktonai, were settled west of the Santees between Lake Traverse and the Missouri River. The Yanktonais, who were divided into Upper and Lower sub-bands, occupied the northern part of this strip; the Yanktons lived in the southern part. Because of their geographical position, the Yanktons and the Yanktonais were frequently caught in the middle in a conflict of interest between the Santees and the Teton, who held the territory west of the Missouri River.

The Teton band, the largest of the Dakota nation, was divided into seven sub-bands: the Brules, the Oglalas, the Sans Arcs, the Blackfeet Sioux, the Miniconjous, the Two Kettles, and the Hunkpapas.

This situation, which had remained relatively stable since the mass migration to the west in the eighteenth century, was

disturbed shortly after 1850. In the Indian Bureau Appropriation Bill of 30 September 1850, Congress provided for negotiations with the Santes to acquire their land in Minnesota Territory. Along with the $15,000 appropriated for the Santee negotiations, $10,000 was appropriated for similar negotiations with the half-breeds residing along the Red River of the North.  

These negotiations were undertaken because pressure was exerted by whites, who desired a passageway to the West; by half-breeds, who sought to benefit from the cession of a previous grant of land; by fur traders, who wanted a settlement of their claims against the Santees; and by humanitarians, who were concerned with the Indians’ welfare. The unwillingness of the Santees to cede any land to the United States had apparently been reduced by the rapid decrease of game brought about by the half-breeds’ hunting excursions from the north and the influx of white settlers. 

Commissioner Luke Lea and Alexander Ramsey, Governor of Minnesota Territory, overcame the reluctance to negotiate and the extended procrastination of the Santees by signing treaties with them in the summer of 1851. In a treaty concluded at Traverse des Sioux on 23 July 1851, the Sisseton and the Wahpeton bands ceded their land in the state of Iowa and the territory of Minnesota to the United States. The Mdewakanton and Wahpekute bands made similar cessions in a treaty signed at Mendota on 5 August. Article three of both treaties provided for reservations along both banks of the Minnesota River from Big Stone Lake to the Little Rock River. 

When the Senate received the treaties for approval, it

deleted article three from each and authorized the payment of ten cents per acre for the reservation land. President Pierce failed to heed the changes made by the Senate and allowed the bands to remain on the reservations provided in the original Traverse des Sioux and Mendota treaties. By an act of 31 July 1854 the president was authorized to confirm these reservations to the Santee forever.

While the Santees were signing the treaties of Traverse des Sioux and Mendota, other Dakota bands were making the journey to Fort Laramie to negotiate a treaty. The treaty, which was signed on 17 September 1851, established the boundaries of all tribes present, including the Dakotas west of the Missouri River. These boundaries were designed to maintain peace and order among the Plains tribes and, consequently, accomplished little towards promoting the allotment of land in severalty.

The allotment movement was greatly enhanced by the appointment of George W. Manypenny as Commissioner of Indian Affairs in 1853. Commissioner Manypenny, who was a firm believer in individual holdings for Indians, incorporated the idea in the numerous treaties that were negotiated under his direction in 1854 and 1855. However, treaties providing for individual allotments to Dakotas were not signed until 1858.

Early in 1858, delegates from the Yankton band proceeded to Washington to draw up a treaty with Commissioner Charles E. Mix. These delegates were summoned because complaints had been received that the Yanktons were harassing the Santees, because the Yanktons needed relief from poverty and destitution, and because whites had been demanding access to the rich Yankton land between the Big Sioux and the James Rivers. By a treaty of 19 April 1858 the Yanktons gave up all

22. Ibid., p. 591.
claims to their land except for a 400,000 acre reserve located between the Big Sioux and the Missouri Rivers in the southeastern part of the present state of South Dakota. In addition to annuities, the government agreed to provide the Yanktons with livestock and agricultural implements. The Yanktons were authorized to dispose of the land in the reserve only to the United States. Allotments could be made as follows: "Whenever the Secretary of the Interior shall direct, said tract shall be surveyed and divided as he shall think proper among said Indians, so as to give to each head of a family or single person a separate farm, with such rights of possession or transfer to any other member of the tribe or of descent to their heirs and representatives as he may deem just."  

The Yankton Reservation was established in the summer of 1858 under the direction of A. H. Redfield, the first Yankton Agent. The reservation, located on land in which "soil and climate are unsurpassed," developed rapidly during the first fifteen months of operation. In spite of the adverse effects of grasshoppers, droughts, floods, attacks by hostile Indians, and fraud on the part of agents, the Yanktons made substantial progress in agricultural pursuits, frequently producing a surplus. The retrogression in the late 1860s, brought about in part by the failure of the government to carry out its treaty provisions, was reversed in 1870, and the advancement of the reservation continued. In 1876 Colonel Albert G. Brackett reported that "of all the bands of the Sioux, the Yanktons appear to be making the greatest progress in the way of


30. Green, "Indian Reservation System," p. 403.

agriculture, and are rapidly learning how to take care of themselves according to the ideas of civilized men.”

The success of the Yankton Reservation, however, was not due to the individual ownership of land, because land was held in common for several years. In 1877 Agent John G. Gasmann expressed the hope that land would soon be divided among the members of the tribe. “Many of the Yanktons,” he said, “are now moving out from the neighborhood villages upon claims or lands of their own, and I trust that before another year is ended they will generally be located upon individual lands or farms. From that date will begin their real and permanent progress.”

Gasmann’s expectations did not materialize until 1883, when the allotment of land to individual Yanktons was begun. By 1889, when the reservation was broken up, 670 allotments had been made.

Two months after he had concluded the treaty with the Yanktons, Commissioner Charles E. Mix negotiated treaties with the four Santee bands whose representatives had been called to Washington. These negotiations were designed to clarify the reservation provisions of the Traverse des Sioux and Mendota Treaties and to make it possible for the Santees to obtain allotments of land in severalty, as suggested by the Sioux agent Charles E. Flandrau.

In two treaties of 19 June 1858, the Upper and Lower Sioux ceded their land north of the Minnesota River but


34. Green, “Indian Reservation System,” p. 410.


received the land that they claimed on the south side as permanent reservations. The treaties provided that these reservations “shall be surveyed, and eighty acres thereof, as near as may be in conformity with the public surveys, be allotted in severalty to each head of a family, or single person over the age of twenty-one years, in said band of Indians...” Patents would be issued for allotted tracts when members of the band became capable of managing their own affairs, and any residue land would be retained by the bands in common. Allotted tracts would be exempt from “levy, taxation, sale or forfeiture” and could be sold only to the United States or to members of the band.38

The treaty with the Upper Sioux contained an additional article whereby

any members of said Sisseeton [sic] and Wahpaton bands who may be desirous of dissolving their tribal connection and obligations, and of locating beyond the limits of the reservation provided for said bands, shall have the privilege of so doing, by notifying the United States agent of such intention, and making an actual settlement beyond the limits of said reservation; shall be vested with all the rights, privileges, and immunities, and be subject to all the laws, obligations, and duties, of citizens of the United States; but such procedure shall work no forfeiture on their part of the right to share in the annuities of said bands.39

This clause was not of any immediate importance to the Santees living on the Minnesota Reservation, but eventually it became the basis for seeking homesteads near the future Lake Traverse Reservation.40

The treaties of 19 June 1858 contributed to the progress that had been developing on the Minnesota Reservation since the early 1850s. Joseph R. Brown, an agent with the Sioux, believed that the new treaties were as significant in advancing civilization on the reservation as separate farms were “a

39. Ibid., p. 597.
preliminary to agricultural improvement.”

The treaties apparently provided incentive to the Santees, who rapidly approached self-sufficiency in spite of belated annuity payments, the introduction of liquor, the influence of traders, the lack of educational facilities, and their tendency to wander off the reservation and commit depredations against whites.

The success on the reservation during the first year of the allotment system was described by Sioux Agent Joseph R. Brown:

The change manifested among the Sioux has been so extensive, so sudden, and so complete that it is difficult for us here ... to realize that the men we now find performing the various labors pertaining to a prosperous agricultural life, dressed in the style of civilization, advocating the establishment of schools, and conversing fluently and freely upon the various interests connected with man's improvement, are the same that one year ago were roving over the broad prairies with trap and gun, a blanket constituting the most important article of dress, denouncing the restraints of the schoolhouse, and closing their ears against all arguments in favor of civilized life.

In his annual report for 1861, Commissioner William P. Dole referred to the success of the Santees but noted the conflict of interest that existed between the “farmer” and the “blanket” Indians on the Minnesota Reservation. According to Lucy E. Textor, “the farmer Indians were those who were devoting themselves to agriculture and were adopting, to some extent, the habits and customs of a white community; the blanket Indians, those who still clung to the old savage life. It lay in the nature of the case that these two classes should be strongly antagonistic.” The animosity between these two classes was inevitable.


42. Green, “Indian Reservation System,” pp. 331-37.


44. Kinney, Continent Lost, p. 134.

45. Textor, Official Relations, pp. 80-81.
groups had been so great that it had been necessary to place troops at the Yellow Medicine Agency, located on the Minnesota Reservation, in order to prevent the annihilation of the “farmer” Indians.\footnote{46}

The Sioux outbreak of 1862 brought the Minnesota Reservation to an abrupt end. Following the cessation of hostilities, Congress took steps to remove the Indians from the state of Minnesota. An act of 16 February 1863 declared that all treaties with the Sissetons, the Wahpetons, the Wahpekutes, and the Mdewakantons that imposed an obligation on the United States were annulled. All land claimed by these bands in Minnesota was forfeited to the United States.\footnote{47} By an act of 3 March 1863, the president was ordered to dispose of the Minnesota Reservation and to establish a new reservation for the Santees on “a tract of unoccupied land outside the limits of any State, sufficient in extent to enable him to assign to each member . . . eighty acres of good agricultural lands.”\footnote{48}

In compliance with this act, President Lincoln selected land along Crow Creek in Dakota Territory as the site for the reservation. The Mdewakantons and the Wahpekutes retained the Santee name and were transported to Crow Creek, along with the peaceful Winnebagoes.\footnote{49} Conditions at Crow Creek proved to be so unsatisfactory that the Santees were moved to a reserve at the mouth of the Niobrara River in 1866.\footnote{50}

The early years on the Niobrara Reservation proved to be uncertain ones for the Santees. They arrived too late in the growing season to plant crops in 1866, and those crops planted in preparation for their arrival were destroyed by grasshoppers. Many of the Santees were reluctant to settle on land sparsely

\footnote{46. William J. Cullen, Superintendent of Indian Affairs, to Commissioner A. B. Greenwood, 29 September 1860, in U.S., Congress, Senate, Exec. Doc. 1, 36th Cong., 2nd sess., 1861, pp. 269-70.}
\footnote{47. Senate, Committee on Indian Affairs, Indian Affairs, ed. Kappler, S. Doc. 452, 57 Cong., 1 sess., 1903, 2:594.}
\footnote{48. U.S., Statutes at Large, 12:819, in Textor, Official Relations, p. 84.}
\footnote{49. Green, “Indian Reservation System,” pp. 334-35.}
occupied by whites and refused to cultivate the soil until they were guaranteed that the reserve would be their permanent home.\textsuperscript{51} Such assurances became a reality in 1868 when the Santees and other Dakota bands signed a treaty that defined the Niobrara Reservation and, also, provided for the allotment of land in severalty.\textsuperscript{52} Apparently, the Santees were encouraged toward agricultural pursuits by the treaty, because they made steady progress in the years following 1868. The annuities that they initially received from the government were gradually withdrawn as they approached self-sufficiency.\textsuperscript{53}

Not all of the Santees remained on the Niobrara Reservation, however; about forty families left the reservation in 1869 and settled along the Big Sioux River near Flandreau.\textsuperscript{54} The migration was apparently inspired by Article six of the 1868 treaty, which made it possible for males over eighteen years of age to obtain a patent for land outside the reservation.\textsuperscript{55} The Flandreau settlement was closely watched by Indian officials because it was the first time that Indians had voluntarily "established themselves as citizens on an equality with white men."\textsuperscript{56}

The Sissetons and the Wahpetons, who had fled to the Northwest when the Sioux outbreak was suppressed, were not confined to a reservation until 1867. In order to give them a home and to restore them to the agricultural life to which they had been accustomed on the Minnesota Reservation, representives of the Sisseton and the Wahpeton bands were called to Washington to negotiate a treaty. The treaty of 19 February 1867, concluded by Commissioners Lewis V. Bogy and


\textsuperscript{52} U.S., Statutes at Large, 15:635-47.

\textsuperscript{53} Textor, \textit{Official Relations}, p. 87.

\textsuperscript{54} Green, "Indian Reservation System," p. 337.

\textsuperscript{55} U.S., Statutes at Large, 15:635-47.

William H. Watson, created the Lake Traverse and Devils Lake Reservations for these bands and for the wandering sub-bands of the Yanktonais. The land on the reservations was to be divided into 160-acre tracts and given to heads of families and single persons over twenty-one years of age. Patents for these grants would be received after five years residence if at least fifty acres of the tract were “fenced, ploughed, and in crop.” Other provisions encouraging the allotment of land were similar to those included in treaties with other tribes, with the exception of Article eight, by which all expenditures under the provisions of this treaty shall be made for the agricultural improvement and civilization of the members of said bands authorized to locate upon the respective reservations, as hereinbefore specified, in such manner as may be directed by law; but no goods, provisions, groceries or other articles—except materials for the erection of houses and articles to facilitate the operations of agriculture—shall be issued to Indians or mixed-bloods on either reservation unless it be in payment for labor performed or for produce delivered.57

The Lake Traverse and Devils Lake Reservations were put into operation shortly after the treaty was signed. During the first year, the inhabitants of the reservations were plagued by grasshoppers and sustained themselves, largely, on the cattle given to them by Special Agent C. H. Mix.58 Conditions had apparently improved by 1869. H. B. Whipple, Episcopal Bishop of Minnesota, reported that “convincing evidence . . . has been afforded me that these Indians have adopted the habits of civilization, and by the judicious aid of the government will shortly become a self-supporting people.”59

Gradually, wandering Indians were induced to move onto the reservations, and those residing within the boundaries were persuaded to remain. But the stipulation in the treaty


Before the Dawes Act

of 1867 that patents for land would not be granted until 50 of the 160 acres were under cultivation prevented many grantees from obtaining title to their land. As a result, many of them left the Lake Traverse Reservation to obtain homesteads nearby. 60

Progress at Devils Lake was slower than at Lake Traverse, but the Indians on both reservations advanced steadily on individual tracts of land. 61 Agent J. G. Hamilton’s assessment of the Lake Traverse Reservation in 1876 led him to conclude:

Each able-bodied Indian of the reserve who is the head of a family is located on a farm of 160 acres of land, favorably situated near wood and water, for which he holds a certificate of allotment, practically vesting the title to the land in him. . . . The allotment of land in severalty has greatly benefited these Indians. It has enabled the agent to deal with them as individuals, has served to increase thrift and develop individual enterprise, and to break down the aversion to labor, so natural to an Indian. The knowledge that the land is his own, and that he cannot be dispossessed of his right to it, operates as a lever to lift him to a higher grade of life. 62

In 1882 the Indians at Lake Traverse received their last rations from the government 63 and, in spite of drought, were nearly self-supporting by 1889. 64

While the early treaties providing for the allotment of land were being drawn up with the Dakota bands on the east side of the Missouri River, nothing was being done to encourage similar allotment among the bands on the west side. It was not until 1865 that the first provisions were

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60. Green, “Indian Reservation System,” pp. 343-44, 351-52.
61. Ibid., p. 347.
made for individual holdings of land among these Indians. A feeble attempt was made to direct them toward agricultural pursuits in a common provision of the treaties concluded at Fort Sully from 10 October 1865 to 17 March 1866 with the Miniconjous, Brules, Two Kettles, Sans Arcs, Yanktonais, Hunkpapas, Upper Yanktonais, and Oglalas. The common provision specified that

should any individual, or individuals, or portion of the band of the band of Dakotas or Sioux, represented in council desire hereafter to locate permanently upon any part of the lands claimed by the said band, for the purpose of agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians.65

This weak provision, which was not included in a treaty made with the Blackfeet Sioux on 19 October 1865,66 is an indication that prior to 1868 the government was mainly concerned with maintaining peace among the Indians and securing safe passage for whites across Indian territory.67

By 1868 the government representatives were interested primarily in making the Indians economically independent.68

To this end, a treaty was signed on 29 April 1868, et seq., at Fort Laramie with the Oglalas, Brules, Miniconjous, Yanktonais, Hunkpapas, Blackfeet Sioux, Cutheads (Yanktonais), Two Kettles, Sans Arcs, and Santee. Along with defining the boundaries of the Great Sioux Reserve in which the Dakota bands west of the Missouri River were to be confined, the treaty outlined several ways by which an Indian could receive 320 acres merely by selecting the land and reporting his choice to the agent. Any person over eighteen years of age could obtain 80 acres in a similar manner or 160 acres outside the reservation by residing on the tract for three years and making improvements valued at $200.69

65. U.S., Statutes at Large, 14:695-749.
66. Ibid., pp. 727-29.
68. Ibid., p. 375.
69. U.S., Statutes at Large, 15:635-47.
The treaty contained several specific measures that were designed to direct the Indians toward agriculture. A family that commenced farming would receive seeds and agricultural implements for three years. In addition to the annual clothing allowance, the government promised ten dollars to each person engaged in farming. Each family that removed to the reservation and undertook farming would receive “one good American cow, and one good well-broken pair of American oxen.” The government agreed “that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent may grow the most valuable crops for the respective year.”

But the liberal provisions of the 1868 treaty failed to attract many Indians to farming. Apparently, the commissioners who negotiated the treaty did not consider the physical characteristics of the area. It was lacking in arable land, adequate rainfall, and timber and, consequently, was not suitable for intensive agriculture. Such conditions were reported in 1876 by Colonel Albert Brackett who observed that “the land on which the agency [Red Cloud Agency in Nebraska] is located is not well adapted to agriculture, and it is not easy to see how [the Indians] are to become farmers, when they have no good farming-land to work on in order to gain a knowledge of husbandry.”

The policy pursued by the government did not well promote agriculture on the reservation. Because agents had frequently received their positions as rewards for past political support, they commonly neglected their responsibilities. The rations supplied by the government were often in such abundance that the Indians had no incentive to procure the necessities of life for themselves. Agent V. T. McGillycuddy
reported such a situation on the Pine Ridge Reservation in 1883. He claimed that

the subsistence and other supplies, allowed and furnished my Indians are ample, in fact more than sufficient. If not how is it that I can save $5,000 per year on the issue of supplies? What earthly reason or inducement can be advanced why an Indian should go to work and earn his own living by the sweat of his brow, when an indulgent government furnishes him more than he wants to eat and clothes him for nothing? Select 8,000 whites of the pauper class, or send 8,000 of the ‘assisted emigrants’ to this reservation, feed them as you do these Indians, and they would hold a caucus and vote to assassinate the first one of their number who attempted to become self-supporting. 74

A further obstacle to progress on the reservation was the hostility displayed by several Indian groups toward the United States. These groups, led by Red Cloud, Sitting Bull, and Spotted Tail, committed many depredations until forced to remain on the reservation in the late 1870s. 75 By 1889, when the Great Sioux Reserve, which had been reduced in 1876, 76 was divided into several smaller reservations, the Indians had made little advancement toward civilization. Stock raising had become rather popular, but the intensive agriculture encouraged by the treaty of 1868 was practically non-existent. 77

Thus, the 1868 treaty was the last important measure encouraging the allotment of land in severalty among the Dakota Indians for nearly twenty years. 78 During this period, however, the movement toward giving individual


76. Agreement of 26 September 1876, in Senate, Committee on Indian Affairs, Indian Affairs, ed. Kappler, S. Doc. 452, 57 Cong., 1 sess., 1903, 1:169-72.


78. Article 6 of the Agreement of 26 September 1876 provided that “whenever the head of a family shall, in good faith, select an allotment of said land upon such reservation and engage in the cultivation thereof, the Government shall, with his aid, erect a comfortable house on such allotment. . . .” Senate, Committee on Indian Affairs, Indian Affairs, ed. Kappler, S. Doc. 452, 57 Cong., 1 sess., 1903, 1:169-72.
allotments to all Indians in the United States was gradually becoming stronger.

The Peace Policy introduced by President Grant in 1869 was an attempt to pacify and to civilize the Indians on reservations. A feeding system was employed as a means of controlling the hostile tribes. The more civilized Indians were encouraged to become farmers by accepting individual allotments of land.79 To assist the Indian Department in these efforts, a Board of Indian Commissioners was authorized by the Indian Appropriation Act of 10 April 1869.80 In its first report, on 29 November 1869, the Board endorsed the policy of allotting land in severalty. Among other things, the Board recommended that “when upon the reservation [the Indians] should be taught as soon as possible the advantage of individual ownership of property; and should be given land in severalty as soon as it is desired by any of them, and the tribal relations should be discouraged.”81

The allotment movement was supported by Commissioner E. S. Parker in 187082 and by Acting Commissioner H. R. Clum in 1871.83 This trend in the Indian Department was broken in 1872 when Commissioner Francis A. Walker refused to support the allotment of land as the solution to the Indian problem. Instead, Commissioner Walker suggested that the Indians be isolated from whites on two large reservations guaranteed by the government.84

The first important recommendation that the allotment policy be extended to all Indians in the United States came from Commissioner John Q. Smith in 1876. “No general law

80. U.S., Statutes at Large, 16:40.
84. Kinney, Continent Lost, pp. 163-68.
exists,” according to the Commissioner, “which provides that Indians shall select allotments in severalty, and it seems to me a matter of great moment that provision should be made not only for permitting, but requiring, the head of each Indian family, to accept the allotment of a reasonable amount of land, to be the property of himself and his lawful heirs, in lieu of an interest in any common tribal possession.”

In 1878 Commissioner Smith’s recommendation was incorporated into the first of several general allotment bills that were brought to the attention of Congress. By 1880 the Coke Bill had become the hope of those who favored the allotment of land in severalty. It was passed by the Senate in 1884 and 1885 but was rejected by the House of Representatives. The Coke Bill was similar to the Dawes Act, as eventually passed, but it did not contain a provision for granting citizenship to allottees.

Although Congress failed to provide a law extending allotment to all Indians in the United States, the movement to that end was gradually strengthened. Most of the Indian rights associations that had risen to prominence in the early 1880s supported the allotment of land in severalty as a means of promoting the welfare of the Indians. President Cleveland expressed his approval of the movement in his annual message to Congress in 1885 and reiterated his support in 1886 by contending that

[the] inequalities of existing special laws and treaties should be corrected and some general legislation on the subject should be provided, so that the more progressive members of the different tribes may be settled upon homesteads, and by their example lead others to follow, breaking away from tribal customs and substituting therefor the love of home, the interest of the family, and the rule of the state.

89. “Second Annual Message,” 8 December 1885, ibid., p. 521.
Supporters of the allotment idea believed that a general law would halt the encroachment on Indian land by white settlers and the government and would eventually make the Indians self-supporting. They frequently referred to the progress that had been made among Indians who had received allotments and cited reports of agents which expressed the desire of Indians for individual allotments.  

The opponents of a general allotment law repudiated the claim that many Indians desired to obtain allotments. They pointed out that few had taken advantage of the opportunity, which had been made available to them in 1862, to acquire land in severalty. They believed that no general law could cover the divergent conditions that existed among the Indians and pointed to the failure of the allotment policy among the Five Civilized Tribes. They charged that supporters of a general bill were not so concerned with the welfare of the Indian as they were with acquiring title to valuable Indian land.

In spite of opposition, the hopes of many became a reality when the Dawes Act was approved on 8 February 1887. The act authorized the president to allot reservation land among the resident Indians. Each head of a family would receive 160 acres, each single person over eighteen years of age and each orphan under eighteen years of age would receive 80 acres, and each single person under eighteen years of age would receive 40 acres. A patent to be held in trust by the government for twenty-five years would be issued for each allotment. Any additional land that remained after the distribution would be relinquished to the government and would be made available to homesteaders. Those Indians who received allotments could become citizens of the United States.

These provisions were not directly applied to the Dakotas west of the Missouri River. In an act of 2 March 1889, by


which the Great Sioux Reserve was divided into six smaller reservations, Congress directed the president to double the size of the allotments authorized by the Dawes Act. Other provisions of the Dawes Act were applied to the Dakotas with only slight modification.

In conclusion, the movement to allot land in severalty, which reached a climax with the passage of the Dawes Act, was not the final solution to the Indian problem that many believed it would be. It soon became apparent that changes would have to be made to correct the weaknesses of the measure. In 1891 a law was passed giving allotments to married women, who had been excluded in the act of 1887. Problems with the inheritance of allotted land were handled in an act of 27 May 1902, which authorized the sale of land inherited from deceased allottees. Citizenship was withheld from Indians by the Burke Act (8 May 1906) until they obtained title to their land. And an act of 1 March 1907 permitted Indians to sell their allotted land under specified conditions.

The Dawes Act was an attempt to stop encroachment on Indian land and to enable Indians to become self-sufficient. However, these noble objectives, designed to improve the condition of the Indians, were not achieved. Whites continued to deprive Indians of their land, first by lease and eventually by purchase. Little progress was made on the road to self-sufficiency, and in isolated cases greater government support was needed to compensate for the loss of land.

One of the greatest weaknesses of the Dawes Act was its application of broad principles to divergent conditions. Its supporters apparently believed that one solution could be applied to many Indian tribes in the United States. But such was not the case, because the degree of development varied greatly among the tribes.

94. U.S., Statutes at Large, 26:794-96.
97. Ibid., p. 1018.
Furthermore, in the conflict of cultures that had existed since the first white men arrived in the New World, the movement to allot land in severalty to native Americans was an effort to force the Indian to abandon his society and to adopt the dominant culture of the transplanted white man from Europe. Although this position of superiority was rather easy for white men of the late nineteenth century to defend, it became increasingly difficult to justify as time passed.
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