

he should elect to be a farmer or a nomad. Owing to the barrenness of the land within the reservation, and drought, and the blight of the grasshopper, so long as game abounded, many of these wild horsemen naturally followed the chase.

The treaty of 1868 was not the production of the Sioux. It was prepared by the commission, on which were Generals Sherman, Harney, Terry, and August. The commission pledged the faith of the United States, and their honor as men, to the faithful fulfillment of its stipulations. In less than three months after the treaty was ratified and proclaimed, and thus became the law of the land, Gen. Sheridan, by order of Gen. Sherman, issued a military order on June 29, 1869, in these words: "All Indians, when on their proper reservations, are under the exclusive control and jurisdiction of their agents; they will not be interfered with in any manner by the military authority, except upon requisition of the special agent resident with them, his superintendent, or the ²⁹⁶ / bureau of Indian affairs, at Washington. Outside the well defined limits of their reservations, they are under the original and exclusive jurisdiction of the military authority, and as a rule will be considered hostile."

By the act creating the interior department all power and authority in relation to Indian affairs, which was then exercised by the secretary of war, was vested in the secretary of the interior. Hence it is not seen how, when this order was issued, the military authority could claim such jurisdiction over Indians outside of their reservations, as it asserts; and it may safely be stated that there was no law to support this claim. Moreover, if the claim were supported by existing law, the Sioux, by virtue of the stipulation in the treaty of 1868, would be protected from the operation of the order, since the right to roam and hunt in the unceded Indian country was guaranteed in the treaty. This unlawful order was, however, inexorably executed until December, 1876. Of course the Indians did not and could not understand why they should from time to time be hunted down and punished for exercising this right, especially as Congress, even as late as August 15, 1876, appropriated the seventh of thirty installments to be used in paying