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Sale of the Iowa Indian Reservation

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 26, 1884.—Ordered to be printed.

Mr. INGALLS, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill S. 1108.]

The Committee on Indian Affairs, to which was referred the bill (S. 1108) to provide for the sale of the Iowa Indian Reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes, having had the same under consideration, report :

That the facts are set forth in the correspondence between the Committee on Indian Affairs and the Secretary of the Interior, as follows :

DEPARTMENT OF THE INTERIOR,
Washington, February 21, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of 30th ultimo, inclosing, with request for the opinion of this Department, Senate bill 1108, "to provide for the sale of the Iowa Indian Reservation, in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes."

The matter having been referred to the Commissioner of Indian Affairs, I inclose herewith for your information, and in reply to your request, a copy of his report of 20th instant, with the amended copy of bill S. 1108 suggested in said report, together with the original bill S. 1108, inclosed in your communication.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. JOHN J. INGALLS,
Of Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 20, 1884.

SIR: I have the honor to acknowledge the receipt by your reference, of a communication from Hon. John J. Ingalls, subcommittee of the Senate Committee on Indian Affairs, in which he incloses copy of Senate bill 1108, "to provide for the sale of the Iowa Indian Reservation in the States of Nebraska and Kansas, for the issuance of a patent for a reservation for the Iowa tribe of Indians in the Indian Territory, and for other purposes," and requests the opinion of the Department upon the propriety of the passage of the bill.

The first section authorizes the Secretary of the Interior, with the consent of the Iowa tribe of Indians, expressed in open council, to cause to be surveyed, if necessary, and sold the remainder of the Iowa Reservation in Nebraska and Kansas, the lands to be appraised in 40-acre tracts by three commissioners, one of whom shall be selected by the Iowa tribe of Indians, and the other two appointed by the Secretary of the Interior.

The second section authorizes the Secretary of the Interior, after the survey and appraisal of the lands to offer the same through the proper land office at public sale to the highest bidder.

Where improvements have been made by any Indian, or for the United States, upon such lands, the improvements are to be separately appraised.

It provides that no portion of the land shall be sold for less than the appraised value thereof, and in no case for less than \$2.50 per acre, "and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of the land office at Beatrice, Neb., that it is his good-faith intention to settle upon and occupy the land which he seeks to purchase and improve the same for a home; and, except in the case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made and the land shall be subject to resale, as hereinafter provided;" that each purchaser at such sale shall be entitled to purchase 160 acres and no more, except in case of fractional excess in a legal subdivision; that such purchaser shall pay one-fourth of the price at the time of purchase, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at 5 per cent. per annum; that where there are improvements upon the lands purchased, which shall have been separately appraised, the purchaser shall pay the appraised value at the time of purchase in addition to the amounts required to be paid for the land; that no patents shall issue until all payments shall have been made; and that on the failure of any purchaser to make payment as required he shall forfeit the land purchased, and the same shall be subject to entry and sale at the appraised value thereof, or shall be again offered at public sale as the Secretary of the Interior may determine.

The third section provides that the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Commissioner of Indian Affairs in trust, to be expended for the benefit of the Indians to whom they belonged; that the proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury; and that the proceeds of the sale of the lands, after deducting therefrom the cost of the survey, appraisalment, and sale, and the expense of removing the Indians to the Indian Territory, shall be placed to the credit of the Iowa Indians, in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of the Indians, under direction of the Secretary of the Interior,

The fourth section authorizes the President of the United States to cause a patent to be issued to the Iowa tribe of Indians for the lands set apart for the Iowa and such other Indians as the Secretary of the Interior might see fit to locate thereon, by executive order of August 15, 1883.

The fifth section provides the form of patent to be issued under section 4.

The sixth section provides for allotments to the Indians who may be residing upon the Iowa Reservation in the Indian Territory, whenever they shall desire the same, of 160 acres to each head of a family, and 80 acres to each single person over the age of twenty-one years.

The seventh section provides for the issuance of patents to such allottees in the manner and form provided for the Omahas. (Act of August 7, 1882, 22 Stat., 341.)

The eighth section authorizes the Secretary of the Interior, with the consent of the Indians expressed in open council, to cause the removal of that portion of the Iowa tribe residing on the reservation in Nebraska and Kansas, to the Iowa Reservation in the Indian Territory, and appropriates the sum of \$30,000, or so much thereof as may be necessary, for the payment of the expenses of the surveys, appraisalment and sale, and removal, and of such sum as may be rendered necessary for the comfort of those removed and of those already in the Indian Territory, the amounts so expended to be reimbursed out of the proceeds of the sales of lands.

The Iowa Reservation contains 10,880 acres in Nebraska, and 5,120 acres in Kansas; a total of 16,000 acres.

By the treaty of May 17, 1854 (10 Stat., 1069), the Iowas ceded to the United States all their titles and interest in and to the country secured to them by the treaty with them, and the Missouri Band of Sacs and Foxes, concluded September 17, 1836 (7 Stat., 511), except a reservation therein defined.

By the second article of the treaty of March 6, 1861 (12 Stat., 1172), the reservation was reduced to its present limits.

The sixth article of the treaty of 1854 provides that the President may cause this reservation to be surveyed at the expense of the Indians, and assign to each person or family such portion thereof as their industry and ability to manage business affairs may render judicious and proper, and that Congress may hereafter provide "for the issuing to such persons patents for the same, with guards and restrictions for their protection in the possession and enjoyment thereof."

The eighth article of the latter treaty continues in full force and effect the stipulations of the former treaty not inconsistent with the said treaty of 1861.

No action appears to have been taken under this provision of the treaty of 1854.

The number of Iowas now residing on the reservation in Nebraska and Kansas, is one hundred and thirty-two. Those residing on the reservation in the Indian Territory number eighty-eight. These latter Indians left the reservation in Nebraska at different times since the year 1878. They are reported as having retrograded since their arrival there, probably owing to the fact that they have failed to receive their annuities regularly; that they had no title to the lands occupied by them, and no means of education.

Under date of July 18, 1883, Agent Carter transmitted to this office a petition signed by thirty-three of these Indians, requesting that prompt steps be taken to sell the reservation in Nebraska and Kansas, a portion of the proceeds to be set apart for the support of a school. Under date of September 19, 1883, Agent Carter states that the eighty-eight Iowa Indians residing on the reservation set apart for them by the executive order of August 15, 1883, are united in requesting that their land in Nebraska and Kansas be sold; and that a delegation from the reservation in those States reports that about seventy-four full-blood Iowas, who have not yet removed, join the eighty-eight in this request, while about fifty-three white men and half-breeds belonging to the tribe protest against such a move.

Agent Carter expresses the opinion that these Indians should be brought together and united on their new reserve as soon as the same can be accomplished.

The bill appears to be carefully drawn, and, as it provides for obtaining the consent of the Indians before the lands can be sold, as should be done in all cases, it meets my approval, except in one particular.

It is probable that should the tribe decide to remove, some individuals, having improved farms, would desire to remain. Such cases should, I think, be provided for. I have accordingly prepared an additional section for this purpose, and recommend that the same be inserted in the bill.

I inclose a copy of this report and of the bill as proposed to be amended.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The SECRETARY OF THE INTERIOR.

Your committee recommend that the bill (S. 1108) be indefinitely postponed, and the substitute therefor, as amended in accordance with the suggestions of the Commissioner of Indian Affairs, be adopted.