

1-23-1895

Address from delegates of the Sac and Fox Nation residing in Oklahoma relative to claim made by the Sac and Fox Indians residing in Iowa.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

S. Misc. Doc. No. 72, 53rd Cong., 3rd Sess. (1895)

This Senate Miscellaneous Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

IN THE SENATE OF THE UNITED STATES.

JANUARY 24, 1895.—Ordered to be printed.

Mr. PLATT presented the following:

ADDRESS FROM DELEGATES OF THE SAC AND FOX NATION
RESIDING IN OKLAHOMA RELATIVE TO CLAIM MADE BY THE
SAC AND FOX INDIANS RESIDING IN IOWA.

WASHINGTON, D. C., *January 23, 1895.*

Hon. J. K. JONES,

Chairman Committee on Indian Affairs, United States Senate.

SIR: The undersigned delegates of the Sac and Fox Nation residing in Oklahoma beg leave to address you. There is before your committee a memorial from the Sacs and Foxes of Iowa, asking that large sums be taken from our annuity money and paid over to them. On this request we desire to be heard.

Not one claim made by these Iowa Indians is just. They first set out that they should be paid for annuities which, they claim, they did not get between 1853 and 1866. Let us give you the facts.

In 1842 our people made a treaty with the United States, which was proclaimed March 23, 1843. (See Revision of Indian Treaties, 754.) By the terms of this treaty, which all our chiefs and headmen joined in making, our people ceded to the United States all of our lands in Iowa, and agreed to go to a new home to be assigned us by the President. The treaty was satisfactory, and we never complained. Our new home was selected in the territory which is now embraced in the State of Kansas. When the time came for us to move all of our people went voluntarily except about ten families. These refused to move, and finally the United States moved them with the soldiers. It was a great expense and trouble. There was one family which the soldiers could not find; they hid away in the brush, and that family never came to Kansas. The others that were moved to Kansas by the soldiers were discontented, and stirred up discontent among our people. They stayed, however, until some annuities were paid them, and then they began to slip away. First one family and then another was gone. They went back to Iowa. They did not go at once; they were several years in going.

It is not true that our Kansas home was unhealthy and the old Iowa reservation was healthy. In Iowa there was low, swampy ground, and our people had chills. It was better in Kansas. The reason these people went back to Iowa was that they hated the white man's ways, and did not want their children educated. They were opposed to education. Our people generally wanted education for the children. We built schoolhouses, and built us homes, and churches, and wore

the white man's dress. These discontented ones would not have this, and ran away to Iowa. We tried to get them to stay, and sent messages and money to them to come back. They refused. Our annuities were paid us by the United States at the agency in Kansas, just as the treaty provided. It was no fault of ours that these people left us. But some of those now in Iowa did not go back there for years. They stayed and shared the annuities with us, but all the time made us trouble about the schools, and when they found that we would have schools, they ran away.

It would be wicked to take our money from us now to pay those people, who could have had their annuities by staying on the reservation as they had agreed in the treaty. It is the same way that Mo ko ho ko and his band acted when we moved from Kansas to our present home. They refused to go. The soldiers moved them. They ran away back to Kansas. Then after some years they came and asked Congress to pay them out of our money for the annuities they did not get because they were not there to get them. The Congress refused to give them any money. The Senate committee voted against it. This is the same, and just so they should vote against this.

Then these Iowa Sacs and Foxes complain because the money for schools and for a doctor was not divided with them. They now want to take their share of it out of our funds. If they had obeyed their treaty obligations they would have shared these blessings with us and been very welcome. The money for school buildings and for a physician was appropriated for the tribe or nation. It was not for a few malcontents, and it could not be divided. The Commissioner of Indian Affairs and the Secretary of the Interior, who know the history of our affairs, and how the treaties and laws are binding upon us and on the United States, would make no mistakes. Besides, there was only money enough for one schoolhouse and one doctor. It could not be divided; and the Iowa Sacs and Foxes do not want schoolhouses. They never did. When the present agent in charge of them went there three years ago there was an order of their council that no Indian should let his children go to school, and Agent Lesser writes the Commissioner every year that they will not send their children to school. In 1892 the teacher only had an average of nine children, and this last year the average was no greater, and the teacher reports that the children are punished by their parents for going. Yet these people want us to divide our schoolhouse money.

Mr. Chairman, our people in Oklahoma are nearly all for education. We have a larger proportion of our children in school than most of the white communities. During this last year at least 66 $\frac{2}{3}$ per cent of our children were steadily in school, and fifteen of this number were at the higher schools—Haskell Institute and Hampton.

This whole trouble comes because the majority of our tribe are in favor of progress and civilization, while the Iowa Indians want to paint their skins, wear blankets, and live a barbarous life. To this day they only have eight small frame houses, and two of them were built last year. Nearly all their houses are the same old "Indian house," built by putting sticks in the ground and making the roof with rushes. The agent in his report this year says: "Some (of these houses) have doors, but as a rule a blanket hung up is good enough for them." They do not wear civilized clothes. The majority cling to the blanket, and the agent, in his last report, for 1894, says: "On feast days or other ceremonies off comes all dress, and they appear painted and clothed largely in nature's garb." He also declares that "as a general thing their

habits in their homes are but little changed from those of many years ago."

Now, compare this condition of things with the report made by our superintendent of schools, which we inclose with this letter. We now have two good school buildings—one built two years ago at an expense of \$13,000. We have a very good church building, capable of seating 120 people, where we have religious services twice every Sabbath, and a Sabbath school with an average attendance of 95 children; and it is this difference between the Iowa Sacs and Foxes and the Oklahoma Sacs and Foxes that has made all the trouble.

What their memorial asks you to do would result in punishing us because we have kept our treaty contracts with the United States and tried to advance in better living, and would reward and encourage our brethren in Iowa in their violation of treaties and their persistent refusal to be anything but blanket Indians.

It is nonsense to say that the Iowa Sacs and Foxes have purchased nearly 3,000 acres of land without the aid of the United States Government. They never earned anything by labor, and every dollar used in buying land came from annuities and from \$100,000 paid them in lieu of any claim they might have had to a portion of the Oklahoma reservation.

The memorial says we have taken lands in severalty and become citizens, and can not have a tribal government. This is wrong. The Sac and Fox tribe have yet many interests in common. First, we have a large fund in the hands of the United States, which belongs to us as a tribe. Second, we still have a small reservation in which we are all interested. Then we are still the wards of the nation, as our lands are not wholly our own, but held in trust for us. Many old treaty provisions in our favor are not yet exhausted. The Congress recognized that it was necessary for us to continue our tribal organization. In the act ratifying our contract with the Cherokee Commission, approved February 13, 1891 (26 Stat., 749), this is apparent.

All through the contract the continued existence of our national council is recognized and required. Certain things are required of the council which are to be done in the future. In fact, if the attorneys for the Iowa Sacs and Foxes had read this latest contract with the United States they would see that we could not surrender our tribal, or national, organization without violating our agreement.

Then the memorial claims that the Iowa Indians should have shared in the proceeds of the surplus of our lands in Oklahoma. This same claim was set up before Congress when our contract with the Cherokee Commission was under consideration. Congress then understood all about the matter. Everything that is now urged in the memorial on that point was then pressed upon Congress; but Congress did not think that any of our money should be taken from us. Yet, to help the Iowa Indians and stop their clamor, Congress did provide in section 8 (26 Stat., 759), in the act ratifying our agreement, to pay them \$100,000 out of the United States Treasury (and not out of our funds), which was to be—

in full of all claims of every name and nature which said Indians now have upon the property included in the foregoing agreement of the Sac and Fox Indians in the Indian Territory, or upon the United States, for the moneys arising therefrom, said sum to be paid to said Sac and Fox Indians of Iowa by the Secretary of the Interior per capita, or in such other manner as said Indians shall direct, upon the execution by them, to his satisfaction, of a release as herein required.

They took this money and gave the release, and are now asking, in violation of their agreement, that more money shall be paid them.

There is not a claim set up in the memorial which is not wrong and

unjust to our people; and it is wrong to urge so important a matter without ample time to consider it. We were not aware that any such claims were to be made. We came to Washington for other purposes. This memorial does not seem to have been presented to the House committee. It was introduced in the Senate only a few days ago—the 14th instant. The House was then discussing the Indian appropriation bill, which this memorial seeks to have the Senate amend in such a way as to take nearly or quite half a million of dollars from our funds. We had no notice.

The questions raised require examination of treaties and reports covering more than fifty years. It asks a reversal of the construction given our treaties by many Secretaries. The dates of the letters accompanying the memorial show that the attorneys for the Iowa Sacs and Foxes have been engaged with the matter for several months, and got their last information from the Bureau of Indian Affairs on the 4th day of last December, yet they waited until the appropriation bill is under discussion in the House before making their request.

Mr. Chairman, there is one thing that we forgot. Let us call your attention to it now:

In the treaty of 1859, proclaimed July 9, 1860 (Indian Treaties, 762, 766), while our people were on their reservation in Kansas, it is set out in article 7 that the Sacs and Foxes of Mississippi were anxious that all members of their tribe should share the advantages of that treaty, and provision is there made that the Commissioner of Indian Affairs shall notify those who had separated themselves from the main tribe to return, but providing that if they did not return within a year after getting such notice they should not be entitled to the benefits arising from the treaty. The notice was duly given to these Iowa discontents, but they did not heed it.

This treaty dealt with the Kansas reservation, setting aside a portion to be divided in severalty, the balance to be disposed of for the benefit of the tribe, etc. In fact, it is one of those divisions of our property of which the memorial complains, and upon which it bases a large claim against our funds. But the memorial does not refer to article 7. The proviso to that article is as follows:

Provided, however, That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty shall not be entitled to the benefit of any of its stipulations.

In conclusion, we beg to say that the reports of the Indian agents, the Commissioner of Indian Affairs, and the Secretary of the Interior, from 1842 down to the present, confirm all the statements we have made relative to the condition and conduct of these Iowa Indians. And if time were given we could show conclusively that the treaties have been properly interpreted and executed by the United States and the Sac and Fox Nation.

Very respectfully,

his
MOSES x KEOKUK,
mark.

Assistant Chief Sac and Fox Nation.

his
JACK x BEAR,
mark.

Councilman.

Delegates of Sac and Fox Nation.

Signed in presence of:

WM. HURR, *Interpreter.*

REPORT OF SUPERINTENDENT OF SAC AND FOX SCHOOL.

SAC AND FOX OF MISSISSIPPI SCHOOL, *September —, 1894.*

SIR: In compliance with the rules of the Indian service, I have the honor to submit to you my annual report for the year ending June 30, 1894.

The school opened on September 1, with a less number than on the corresponding date of the preceding year, owing to a number of pupils that were sent to Haskell Institute, who were always prompt in attendance at the opening of school. Although we succeeded in securing nearly every child of school age outside of the Mo ko ho ko band of Sac and Foxes, a band bitterly opposed to education, we did not succeed in reaching an enrollment of but 85. We trust that during the next school year we will be able to secure all the children of school age in the tribe and fill our buildings to their utmost capacity. I would ask especially that some stringent measures be taken whereby the children from the band of Indians mentioned can be brought into attendance at school.

The schoolroom work has not been quite as satisfactory as in the past, owing to the loss of our teachers and sickness among our children at the time of the year when the best work is done in the schools.

The industrial work among the boys consists in cutting wood, making and keeping the fences in repair, caring for the stock, and assisting in the general farm work.

The girls have been regularly detailed to the kitchen, laundry, sewing room, dormitories, and general care of the house. The work done by the girls in the different departments seldom fails to receive compliments from the many visitors at our school.

The farm, as set apart for the school, consists of 640 acres, of which a large portion is fit for pasturage only. The land lying about the Deep Fork, after being cleared and grubbed, will, without doubt, produce fine crops, but with the small working force but little can be done in that line in the next few years. We have, with the assistance of the boys, planted about 40 acres in corn, 6 acres in oats, 10 acres in millet, and 2 acres in cane. Owing to the severe drought, the crops of oats and corn will be almost a complete failure. The crop of millet was completely burned out by the hot sun and dry weather.

A large garden of early vegetables was planted, which afforded an abundance of onions, radishes, pease, beans, turnips, and potatoes for table use. The later garden, upon which we depended for a supply for fall and winter use, succumbed to the drought. Although we have experienced a season of failure in crops, to a great extent, yet we are not discouraged, and trust that during next year we will reap a harvest of plenty.

