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Sac and Fox Indians of Iowa

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IN THE SENATE OF THE UNITED STATES.

MARCH 11, 1896.—Referred to the Committee on Indian Affairs and ordered to be printed.

The VICE-PRESIDENT presented the following

LETTER FROM THE SECRETARY OF THE INTERIOR, TRANSMITTING A COPY OF A COMMUNICATION FROM THE COMMISSIONER OF INDIAN AFFAIRS WITH DRAFT OF "A BILL TO TRANSFER THE LEGAL TITLE AND TRUSTEESHIP OF THE LANDS OF THE SAC AND FOX INDIANS OF IOWA TO THE SECRETARY OF THE INTERIOR."

DEPARTMENT OF THE INTERIOR,
Washington, March 10, 1896.

SIR: I have the honor to transmit herewith copy of a communication of the 9th instant from the Commissioner of Indian Affairs and accompanying draft of "A bill to transfer the legal title and trusteeship of the lands of the Sac and Fox Indians of Iowa to the Secretary of the Interior."

This matter has received the consideration of the Department and is presented for the favorable action of Congress.

Very respectfully,

HOKE SMITH, *Secretary.*

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 9, 1896.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, referring to office letter of the 19th ultimo (Land 6585, 1896), relative to a transfer of the legal title and trusteeship of the lands of the Sac and Fox Indians of Iowa.

In compliance with your directions, I herewith submit the facts in the case and a copy of a bill authorizing the transfer of the legal title of the lands and the trusteeship thereof from the United States Indian agent and the governor of Iowa, respectively, to the Secretary of the Interior and his successors in office.

The population of this tribe at the time of the last census, June 30, 1895, numbered 398 persons. They constitute a part of the Sacs and Foxes of Mississippi, formerly occupying large tracts of country in Wisconsin, Iowa, and Missouri, whence, under treaty stipulations, they

removed to a reservation within the present limits of the State of Kansas. After their removal to Kansas, 317 members of the tribe returned to their present location in Iowa, where they have since been permitted to remain. Under the provisions of the act of Congress of March 2, 1867 (14 Stat. L., 507), they have been receiving their share of the tribal funds.

On July 15, 1856, the legislature of Iowa passed an act permitting the Sac and Fox Indians then residing in Iowa to remain. Said act is as follows:

SECTION 1. *Be it enacted by the general assembly of the State of Iowa*, That the consent of the State is hereby given that the Indians now residing in Tama County, known as a portion of the Sacs and Foxes, be permitted to remain and reside in said State, and that the governor be requested to inform the Secretary of War thereof, and urge on said Department the propriety of paying said Indians their proportion of the annuities due or to become due to said tribe of Sac and Fox Indians.

SEC. 2. That the sheriff of said county shall, as soon as a copy of this law is filed in the office of the county court, proceed to take the census of said Indians now residing there, giving their names and sex, which said list shall be filed and recorded in said office. The persons whose names are included in said list shall have the privileges granted under this act, but none others shall be considered as embraced within the provisions of said act.

SEC. 3. This act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa City Republican, published at Iowa City.

Approved, July 15, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter July 30 and in the Iowa City Republican July 23, 1856.

GEO. W. MCCLEARY, *Secretary of State*.

So far as I am aware, the above is the only act of the Iowa legislature relating to said Indians until the act of January 16, 1896, tendering to the United States jurisdiction over said Indians, and over their lands, subject to the limitations therein contained, and giving them the privilege of purchasing other lands in Tama County for Indian school purposes. Said act is as follows:

AN ACT tendering to the United States jurisdiction over certain Indians residing in Iowa, and over their lands, and the privilege of purchasing land in Tama County for Indian school purposes.

Be it enacted by the general assembly of the State of Iowa :

SECTION 1. That, except as hereinafter provided, exclusive jurisdiction of the Sac and Fox Indians residing in Iowa and retaining the tribal relation, and of all other Indians dwelling with them, and of all lands now or hereafter owned by or held in trust for them as a tribe, be, and the same is hereby, tendered to the United States, and that, as soon as the United States shall accept and assume such jurisdiction, all such jurisdiction on the part of the State of Iowa shall cease.

SEC. 2. Consent is hereby given to the United States to purchase any land in Tama County to be used for and in connection with any school or schools to be established and managed by Federal authority for the education of said Indians.

SEC. 3. Nothing contained in this act shall be so construed as to prevent, on any of the lands referred to in this act, the service of any judicial process issued by or returnable to any court of this State or judge thereof, or to prevent such courts from exercising jurisdiction of crimes against the laws of Iowa committed thereon either by said Indians or others, or of such crimes committed by said Indians in any part of this State, or to prevent the establishment and maintenance of highways and the exercise of the right of eminent domain under the laws of this State over lands now or hereafter owned by or held in trust for said Indians, or to prevent the taxation of said lands for State, county, bridge, county road, and district road purposes, and such other purposes as the general assembly may from time to time by special statute provide.

SEC. 4. This act, being of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers printed and published in Des Moines, Iowa.

These Indians own in common about 2,900 acres of land in Iowa. The lands were purchased from citizens of Iowa, and were paid for

with their share of tribal funds. These purchases have been made at various times from 1856 down to October 21, 1892. About 2,480 acres of the land were deeded to the governor of Iowa, in trust for the Indians, and about 420 acres in trust to the United States Indian agent.

It only remains for me to add that the present agent of these Indians, Horace M. Rebok, esq., is of the opinion that great good will result to the Indians from the proposed change. He thinks that the lands should be apportioned among the several families, and that the remainder should be leased, and that this can better be accomplished if the title to lands and the trusteeship thereof be placed in the Secretary of the Interior.

A copy of this report in duplicate and duplicate copies of the bill are transmitted herewith, and I respectfully recommend that one copy of each be submitted to the respective Houses of Congress with the recommendation for the passage of the bill.

Very respectfully, your obedient servant,

D. M. BROWNING, *Commissioner.*

The SECRETARY OF THE INTERIOR.

A BILL to transfer the legal title and trusteeship of the lands of the Sac and Fox Indians of Iowa to the Secretary of the Interior.

Whereas the legal title of the lands of the Sac and Fox Indians of Tama County, Iowa, is in the United States Indian agent of that agency and the governor of Iowa, respectively; and

Whereas on January sixteenth, eighteen hundred and ninety-six, the legislature of Iowa passed an act tendering to the United States jurisdiction over said Indians and over their lands, subject to the limitations therein contained, and granting them the privilege of purchasing other lands in Tama County for Indian school purposes: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby accepts and assumes jurisdiction over said Indians and over their land as tendered in said act of the Iowa legislature, and the United States Indian agent of the Sac and Fox Agency, Iowa, and the governor of the State of Iowa, respectively, are hereby authorized to transfer by deed of conveyance, for the use and benefit of said Indians, the legal title held by them in trust, respectively, and the trusteeship of the lands of the Sac and Fox Indians of Tama County, Iowa, to the Secretary of the Interior and his successors in office.

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