

INDIANS CLAIM DAMAGES.

On the 28th day of March, 1896, a petition was filed in the office of the auditor of the county of Tama, asking for the establishment of a certain road in that county. As the road was to run through a part of the Musquakie reservation, notice was served on the Governor of the State as trustee for the Sac and Fox Indians of Iowa, and on Horace M. Rebok, United States Indian agent, in trust for the same Indians, on Push-e-to-neke-qua, styled "chief of those Indians and head of the council," besides others. Notice was duly accepted by the Governor, and a commissioner was appointed to examine into the matter and report. This he did on the first of May, recommending the establishment of the road. On behalf of the Indians a claim was made for damages amounting to \$1,000. The sum allowed was \$325. The entire length of the road established is about one and three-tenths miles. For some reason the Musquakies, or at least the leaders among them, were dissatisfied, and complained of the location of the road. It is not improbable that rivalry between neighboring towns in the county had something to do with arousing the opposition of the Indians. Whatever the motive, a deputation of the residents on the reservation came to Des Moines in the month of March. On Friday, the 12th, they visited the General Assembly, and one of them made a short talk from the speaker's stand in the House of Representatives. On the same day, accompanied by Senator Penrose and Representative Jackson, they called on the Governor. Two or three of the Indians made speeches, to which the Governor replied. The speeches were interpreted by Ne-twa-twy-tuk and Tesson. (Joseph Tesson is the official interpreter of the tribe.) The first one who spoke was Ma-tau-e-qua. After some introductory remarks, he said:

God has authority over you, and gives you the privilege, the permission you have now, as Governor of the State. You are here to do right to the people. You are supposed to do right to the people, to everybody. This is the reason we came here. We haven't in our minds the reason, when you think about the property we have. We are up here to see about our rights of property. We have an agent there to look after our rights for us. We haven't learned anything from the agent, and want to know what to do about it. The young men and women and children are not satisfied with the way they have laid out the road. They have cut the land right in two. We thought the road ought to be on a line. In the first place we got to thinking about how they were laying out that road. When we first located the land in Iowa we bought a piece of land at Iowa City. At the time when they bought the land in Iowa they thought they were told what to do about the land. I was there when they first

bought the land. The people had the privilege of that land. It belongs to them all in common. I am the chief, but can not sell the land. It belongs to all. Outsiders can not have control of it. That is what we were told. Even the government can not have any control of it, the way it is situated. That is what we were told. That is the reason we didn't know what to think about it. They didn't ask where the road should be or anything about it. We didn't know what to think of them laying the road through without asking us. We got money from the government, and then turn around and make the collection from the people, and that is the way they bought the land when they located it in Iowa. They didn't ask anything about it, but just run the road right through. The agent thought he had a hand in it. He didn't know anything about it. We weren't notified anything about it. We got a school house, going to build the schools up for us. We don't know whether we want the school house or not.

Push-e-to-neke-qua then spoke as follows:

These are my chiefs and my counsellors. The earth was made for us when they came here to this country. God made us the chiefs of all. That is why we are here. You came from across the ocean, and when you first came over here you leased lands from our chiefs. That is why we call ourselves the friends of the white man.

We had a lead mine in Dubuque. They said, let us have it. We need it, that lead mine, let us have it. We may have some good use for it; that is what they told our chiefs. We are here for that purpose about the road. We thought that road ought to be put on a line. It is the line below that. We like for you to help us out and change the road to somewhere else, and put it on the line where it ought to be.

Some remarks were then made by the others, and the following is the Governor's speech in reply:

I am pleased to see you and hear what you have to say. It will be my purpose to see that you have justice the same as any other citizens of Iowa. You hold your land in common, not as individual citizens, so that all of you alike are interested in the lands you own. The law which all citizens

of Iowa have to observe in regard to roads provides that by petition roads can be located in any direction for the convenience of the public. But when that is done the parties through whose lands the roads are located shall be entitled to damage for the taking of the amount of property or whatever damage they sustain. They have a right to go before the board of supervisors of the county for the taking of this land for those purposes. Now, you have the same rights as any white citizen in the state of Iowa in respect to the location of roads.

It is shown me by affidavit, which I hold in my hand, that notice of the location of this road was served on me as Governor of Iowa, in trust for the Sac and Fox Indians of Iowa; also upon H. M. Rebok, United States Indian agent, in trust for the Sac and Fox Indians of Iowa; also on the Chicago & Northwestern Railway Company; on the Tama Water Power Company, and Ma-tau-e-qua, chief of the Sac and Fox Indians of Iowa, and Push-e-to-neke-qua, head of the council; and to whom it might concern. Now, you will notice that this was not only served upon you and your agent and upon the Governor of Iowa, but was also served on other persons, and upon the Chicago & Northwestern Railway Company, because, I suppose, it took part of their land. So I find that these proceedings are according to law, and that no disposition is shown to discriminate against the Indians. I also find from a certified map of the engineer who surveyed the line that the point desired to be reached by this road is the most direct and shortest line, and that it is the most practical one upon which to build the road, more so than to follow the line you designate.

My opinion is that after the road is built you will find it greatly to the advantage of your people. It is true that building a road angling through lands is very objectionable, but when the question of damages enters into the matter, which they do in this case, you are entitled to a hearing before the board of supervisors. They are the sworn officers of the state, and as such must take into consideration the line angling through your land, and give you damage accordingly.

This matter has already been presented to the board of supervisors, and they appointed three disinterested men as commissioners to view the land and fix the damages, and these damages have been fixed as provided by law. These appraisers reported on the 22d day of July that the Sac and Fox Indians of Iowa, their trustee, Francis M. Drake, Governor, Horace M. Rebok, agent for the Sac and Fox Indians; were awarded damages to the amount of \$325, which goes to you, also paying the costs of appraisement, survey, etc., which does not come off you, making the cost to the county (or the persons asking for the road) of surveying and locating that road \$372.11. And so the road was established Sept. 11, 1896, by the board of supervisors of Tama county, Iowa. The matters have all been submitted to me since the appraisement was made, and I found that, so far as I was able to ascertain, it was legal and fair, and that you were treated just the same as any other citizens of the state of Iowa.

You speak of the lands being given to you. You must remember they come to you from the general government. You own them in common as the Sac and Fox Indians of Iowa, purchased by you, upon which to live. They belong to you in fee simple, the same as my own farm belongs to me, except as to the fact that you hold them in common. They belong just as much to you as though they were deeded to you direct, and the purpose of holding them in trust is because you hold them as a body, but all your rights are protected under the laws of the state.

You speak of a school-house. That school-house is built by the government without any cost or expense to you. Iowa builds public school-houses all over the state for the benefit of the children, so they can have education free of charge.

But the people are taxed. Every property owner in the State of Iowa pays taxes to build other school-houses, while you are preferred, and have your school-house built by the Good Father, the government of the United States. Now, I want to advise you to send your children to school. Educate your children, and try and have them civilized like white people, and you will enjoy life better; and soon the time

will come when you will be sufficiently educated that you can take these lands in your own name and divide them. That is the better way, just as the white people do now. I know how difficult it is for you to understand the laws that govern all the matters to which you refer, and that it is according to human nature that in your condition some of you will become disaffected and dissatisfied with even what a majority of the ones that understand would favor.

But I want to assure you that the Governor and the laws of the State of Iowa will see at all times that your rights shall be fully respected; and I would advise you to acquiesce in what has been done, because it has been done in the regular way that things are done all over the state, so far as I am able to discover.

I have good reports of your people, that you are peaceable and quiet, and I hope that you will all get along nicely, and be happy people, and my best wishes attend you all the time.

KOSSUTH COUNTY.—Kossuth is one of the largest counties in the State, being over forty miles long and about twenty-four miles wide, embracing twenty-eight townships. There are ten thousand acres of timber in it, lying along the Des Moines river; the remainder is prairie. There is but very little timber and no settlement in the northern part of the county, it being one vast unbroken plain or prairie. In the southern part of the county we find some of the finest grazing country in the west. The settlements are sparse, farms large, and thousands of acres still unsettled, covered with the richest pasture in the world.—*Ft. Dodge Republican, November, 1864.*

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