Summer 1931

The economic, legal and educational status of the Mesquakie (Fox) Indian of Iowa

Ben Jones
State University of Iowa

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THE ECONOMIC, LEGAL AND EDUCATIONAL
STATUS OF
THE MESQUAKIE (FOX) INDIAN OF IOWA

BY
BEN JONES

A thesis submitted in partial fulfillment of the requirements
for the degree of Master of Arts, in the Department
of Sociology, in the Graduate College
of the State University of Iowa
August, 1931
ACKNOWLEDGEMENT

The writer wishes to acknowledge the co-operation and courtesy of Dr. Jacob Bried, present Superintendent at the Tama Reservation who furnished the original copies of the Annual Reports of the Bureau of Indian Affairs, from which much of the information used in compiling the tables found in the chapters on the economic and educational status of the Indians was drawn. The writer also wishes to acknowledge the assistance of the Rev. R. G. Smith in making certain contacts with members of the tribe, and to the members of the tribe themselves for their courtesy and patience as they talked with the writer of their early traditions and history, their past and present attitudes toward education, and also their present economic condition. The writer has drawn freely upon numerous sources every one of which has been given due recognition by documentation within the manuscript.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER I</td>
<td>Economic Status</td>
<td>13</td>
</tr>
<tr>
<td>CHAPTER II</td>
<td>Legal Status</td>
<td>21</td>
</tr>
<tr>
<td>CHAPTER III</td>
<td>Educational Status</td>
<td>46</td>
</tr>
</tbody>
</table>
INTRODUCTION

In the following study the writer is concerned wholly with the present economic, legal and educational status of the Sac and Fox Indians of Iowa, more commonly known as the Mesquakies. Much has been written about the poverty, ignorance, depravity, and general economic and cultural backwardness of these Indians, and much has been said about the responsibility for existing conditions as well as about what should be done to improve them. The writer, however, does not assume either a moral or a practical attitude. He has attempted rather to study these Indians descriptively, exercising particular care that no prejudice or bias mar the clear observation of facts. Such descriptive study is necessarily precedent to moral judgment and remedial treatment.

These Indians, numbering about 400 souls, have established their homes in a hilly forested retreat in the Iowa river valley near Tama, Iowa. Although their history before they settled in this locality is not an object of this study, it is, however, necessary for their complete identification.

Hazy tradition implies the presence at one time of the Mesquakie Fox Indians upon the Atlantic sea coast in the State of Rhode Island. They are supposed to have been driven west by the French, to whom they were always hostile. We cannot
locate them with any degree of accuracy until 1634 when Jean Nicolet met them at Green Bay, Wisconsin. By 1669 the tribe was well known to the French missionaries and traders. Their villages were found at the head of Green Bay and extended along the banks of the Fox River for a distance of sixty miles. Father Allouez, one of the earliest French missionaries speaks often of the Foxes.

In the Jesuit Relations of 1669-71, appears an account of a visit made among these people. (1) On early French maps dated 1672 and 1673, they are located on the Fox River between Green Bay and Lake Winnebago. (2) This was the region of the wild rice fields, a very fertile region abounding in game of all descriptions, the possession of which was a constant cause for strife among numerous tribes located in this territory.

By 1800 we find the Sauk and Fox tribes established in their villages along the banks of the Rock River in Illinois and of the Mississippi from Prairie du Chien as far south as Fort Edwards near the mouth of the Des Moines
River. (1) Two of their most important villages were located where the cities of Rock Island and Davenport now stand, with the Sauks on the east bank of the Mississippi and the Foxes on the west. They were practically in control of all the lands adjoining the Mississippi from the Wisconsin River very nearly to the junction of the Missouri and Mississippi Rivers, seven hundred miles downstream. In 1804 the United States recognized their rights of possession to approximately fifty million acres, east of the Mississippi in Wisconsin and Illinois. (2) This vast territory did not include their enormous holdings in Iowa.

The history of these people for the next fifty years can be summed up in the one word, "TREATY", or rather in two words, "many treaties." The most famous or infamous, depending upon one's point of view was that of 1804. By this treaty made November 3 and ratified January 25, the following year, the Sauks and Foxes ceded to the United States all of their lands east of the Mississippi River and a tract on the west side, lying between the Missouri River on the south and
the Jefferson River on the north. This treaty merely introduced a series of successive cessions of land, nine by the Foxes and eleven by the Sauks, which culminated in the Treaty of 1842. By this treaty, the Sauk and Fox Indians of the Mississippi (1) ceded to the United States all the land west of the Mississippi to which they had any claim or title and agreed to a removal from the country at the expiration of three years, all remaining after that time to move at their own expense.

It is superfluous to say that the Sauks and Foxes were reluctant to leave the woods and streams of Iowa and remove to their reservation in Kansas. (2) Naturally there were many strong ties that bound these people to the home of

---

1. During the War of 1812, a majority of the two tribes sided with Great Britain. Those loyal to the United States removed to Missouri, and were thereafter known as the Sauks and Foxes of Missouri. Those participating in the War of 1812 aiding the British, were thereafter known as the Sauks and Foxes of the Mississippi.

2. The Sauk and Fox reservation in Kansas embraced, generally speaking, all of Weller (now Osage) county south of Dragoon township, to the present Coffey county line, and extended six and one-half miles east into Franklin county, and some three miles west into Lyon county. Ferris, I.M., Sauk and Fox Nation, p. 9.
their ancestors and the land of their birth. The Foxes were especially loath to leave; many of them lingered for a visit with their old allies, the Pottawatomies in western Iowa. One band, the "Mesquites" (possibly Mesquakies), lingered near their former home in southern Iowa until late in the year 1848 and in fact no record of this group's ever reaching Kansas is available. There is no doubt that many small groups wandered over the State, over-looked by the military forces, living a very precarious life, but content, giving the white settlers little cause for complaint. Sickness, adverse climate and crops, tribal wars, coupled with tradition and sentiment all tended to make many of the Sauks and Foxes who did move in compliance with the provisions of the treaty dissatisfied with their new reservation in Kansas. (1) Hunting parties very likely

---

1. Mr. Beach, agent, describes the reservation as being pleasantly situated, agreeably diversified as to surface, moderately well timbered, springs scarce, the water of the streams unhealthy, and a rock substratum, making difficult the digging of wells. The climate was delightful. The country had been reported sickly, but notwithstanding the excessive heat, exposed situation, unacclimated habits, "our apprehensions have proved entirely unfounded."


journeyed back to Iowa, returning to the reservation in Kansas in time to receive their annuities. Some of these
wandering parties preferred the uncertain livelihood in Iowa to annuities in Kansas and returned no more to the place assigned them by the United States government. There is but one authentic history of these journeys back to their old home. This account bears telling here since it is the story of the return of a Fox chief, whose influence greatly affected the policy of the Iowa group for many years.

Major C. C. Hutchinson (agent in Kansas from 1661-2) was anxious for all the Sauks and Foxes to occupy their farms but Maw-me-wah-ne-kak, the Fox Chief, refused to enroll for the allotment and used his influence to prevent others from doing so. For this reason, Agent Hutchinson, removed him from the Chieftainship and with eleven families he returned to Tama, Iowa, where the Mesquite band had remained when the Sauks and Foxes left Iowa in 1845. (1)

1. Ferris, I.M., Sauk and Fox Nation, p. 27.

Another version of this same chief's return to the reservation at Tama is as follows:

This Maw-me-wau-ne-kak, was at that time considered the Fox chief, and rather than be compelled to live in civilized houses and send their children to school, in 1861 he with eleven families went to Tama City, Iowa. None ever returned to stay - only returned from time to time for payment. Chick-O-skuk was then appointed Fox chief, and he was always in favor of schools. Ever since then the Foxes have tried to establish themselves in Iowa and the Sauk Indians down here, but not altogether, because
Chick-o-skuk's band remained down here — for I am a Fox Indian, and many others. We claim this branch of the Sauk and Fox Indians in Oklahoma is the main branch of the Mississippi Sauk and Fox Indians, in that all treaties made with the government are made and entered into by this branch, and most of them being Sauks, it would naturally follow that the Sauks were the best, and furthermore, this branch has always favored education.

Walter Battise, June 1, 1910 (1)

1. Ferris, I.M., Sauk and Fox Nation, p. 27.

Thus by the year 1856, we find many roving bands within the borders of this state, where there seemed to be very little opposition to their presence among the early settlers. Until this time the resources of Mesquakie statecraft had been taxed to the utmost in attempting to influence the State and Federal government to allow them to remain in Iowa. Every opportunity was utilized by these wandering groups of Indians in establishing friendly relations with the early settlers. With their white friends they called upon many prominent citizens of the state and made known to them their desires. All of this culminated in a successful appeal to the state in 1856 when the legislature adopted an act declaring:

That the consent of the state is hereby given that the Indians now residing in Tama County known as a portion of the Sac 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 portions of their annuities
due or to become due to said tribe of Sacs and
Foxes. (1)


As the land was being rapidly taken up by white settlers
it was apparent to these Indians that soon they would have
no place to hunt or pitch their wick-i-ups. In 1857 they
took council among themselves and a few white friends and
decided to buy a tract of land on the Iowa River in Tama
county. To this original tract of eighty acres they have
added from time to time and now own an approximate total
of 3,300 acres. (2)

2. Assessor's Report of 1929 credits them with the owner­
ship of 3,272.69 acres, held in trust for them by the
Secretary of Interior.

Thus persistence of the Mesquakies frustrated the
attempt of the Federal government to oust them from Iowa.
What now of their history during their stay in this state?

As revealed in reports of government agents, inter­
views with early pioneers in Tama county and with the
Indians themselves, this history is uneventful save for
their stubborn resistance to the government's attempt to
educate their children and the litigation into which they
were drawn as a result of this attempt. It is a tale of slow acquisition of the white man's ways. It is a story of want, poverty, and sickness which in itself is a subject for special treatment.

In order to describe the group more fully a statement of their present population follows. According to the Census of 1930 the population of Sac and Fox Indians of Iowa is 389 souls. A glance at the following table shows that the Mesquakie people are no longer members of a "vanishing race."

TABLE 1
Population, Sac and Fox Reservation, Tama, Iowa.

<table>
<thead>
<tr>
<th>Year</th>
<th>1930</th>
<th>1929</th>
<th>1928</th>
<th>1927</th>
<th>1926</th>
<th>1925</th>
<th>1924</th>
<th>1923</th>
<th>1921</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>389</td>
<td>387</td>
<td>397</td>
<td>392</td>
<td>387</td>
<td>363</td>
<td>370</td>
<td>355</td>
<td>336</td>
</tr>
<tr>
<td>Male</td>
<td>197</td>
<td>196</td>
<td>206</td>
<td>195</td>
<td>193</td>
<td>185</td>
<td>177</td>
<td>186</td>
<td>174</td>
</tr>
<tr>
<td>Female</td>
<td>192</td>
<td>191</td>
<td>191</td>
<td>197</td>
<td>194</td>
<td>178</td>
<td>193</td>
<td>169</td>
<td>162</td>
</tr>
<tr>
<td>Minors</td>
<td>196</td>
<td>203</td>
<td>197</td>
<td>194</td>
<td>197</td>
<td>186</td>
<td>183</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Adults</td>
<td>193</td>
<td>184</td>
<td>200</td>
<td>198</td>
<td>190</td>
<td>177</td>
<td>187</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Full Blood</td>
<td>389</td>
<td>387</td>
<td>397</td>
<td>392</td>
<td>387</td>
<td>363</td>
<td>370</td>
<td>355</td>
<td>336</td>
</tr>
</tbody>
</table>

1. U.S. Department of Interior, Bureau of Indian Affairs, Annual Report, 1930. Data for 1922 was not available.
This slight but nevertheless apparent increase is characteristic of the increase of the Indian population in the entire United States. The records of the Indian Bureau for 1926 show that there are 349,595 Indians in the United States, an increase of approximately 16,585 over a period of ten years. The percentage of increase in population over a ten year period is approximately 4.5.

Although the official records reveal that all members of the Sac and Fox reservation in Iowa are full-bloods, it is quite likely that there is not a single full-blooded Mesquakie or Fox Indian on the reservation. There is some evidence of an admixture of white blood among the population, and undoubtedly the Mesquakie or Fox, like practically every other tribe, is considerably mixed with many others. (1)


At the present time representatives of four tribes are making their homes on the reservation, Sioux, Pottawattomie, Sac and Fox and Winnebagoes. The Winnebagoes came to the reservation before 1881 when, having sold their allotment of land at another reservation and having spent the proceeds, they visited the Mesquakies and were given permission by
the old chief, Push-e-to-neke-qua, to pitch their wick-i-ups and farm small patches of ground. A complete picture of the present population upon the reservation is given to us by a study of the following table.

**TABLE II**

<table>
<thead>
<tr>
<th>Age Group</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 1 Year</td>
<td>9</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>1 to 3 years</td>
<td>32</td>
<td>15</td>
<td>17</td>
</tr>
<tr>
<td>4 to 9 years</td>
<td>67</td>
<td>27</td>
<td>40</td>
</tr>
<tr>
<td>10 to 19 years</td>
<td>88</td>
<td>40</td>
<td>48</td>
</tr>
<tr>
<td>20 to 29 years</td>
<td>54</td>
<td>31</td>
<td>23</td>
</tr>
<tr>
<td>30 to 39</td>
<td>57</td>
<td>28</td>
<td>29</td>
</tr>
<tr>
<td>40 to 49</td>
<td>46</td>
<td>32</td>
<td>14</td>
</tr>
<tr>
<td>50 to 59</td>
<td>19</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>60 to 69</td>
<td>10</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>70 to 79</td>
<td>5</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>80 to 89</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>90 and over</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>unknown</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>389</td>
<td>197</td>
<td>192</td>
</tr>
</tbody>
</table>

This brief historic and descriptive statement may suffice to identify the group studied by the writer. Three aspects of their life have been subjected to rather an extensive study during the past year and a half, first their economic status, and next their legal status, and finally their educational status. Data were secured from published materials, especially the Annual Reports of the Bureau of Indian Affairs, Bureau of Ethnology, and from other official records in Tama County. Further materials were secured from interviews with the Agent, the teachers and the minister at the reservation, as well as with the Indians themselves and from first hand observation.
CHAPTER I

ECONOMIC STATUS

Any study of the economic status of the Mesquakies is peculiar in that in a certain sense they have no economic status. As individuals they differ in regard to the amount of life's necessities that they possess but collectively their competition with the whites is on such a low level that it is well nigh non-existent. This condition co-existent with the fact that they are still living in tribal relationship prevents any recognition of their economic status other than that of wards of the federal government. Any study then must be descriptive, rather than analytical.

There are seventy-three families on the reservation at present. Seventy-one of these families are living in permanent homes, frame buildings with wooden floors. Two families are still occupying wick-i-ups. The industries in which the people are engaged, aside from farming their small patches of land, are indicated in the following table.
TABLE III

<table>
<thead>
<tr>
<th>Type of Work</th>
<th>Number Engaged</th>
<th>Value of Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basket Making</td>
<td>15</td>
<td>$750.00</td>
</tr>
<tr>
<td>Bead Work</td>
<td>15</td>
<td>$900.00</td>
</tr>
<tr>
<td>Jewelers</td>
<td>4</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>House Painting</td>
<td>2</td>
<td>$1,200.00</td>
</tr>
<tr>
<td>Unskilled, (Section, road)</td>
<td>15</td>
<td>$8,360.00 (1)</td>
</tr>
</tbody>
</table>

1. U.S. Department of Interior, Bureau of Indian Affairs, Annual Report, 1930

The appraised value of their tribal real property, which includes 3,352.69 acres of land, on June 30, 1929 was $371,150. The tribal funds in the treasury amounted to $158,931.22. Their total tribal wealth was, therefore, $530,081.22. Their individual property, both real and personal, includes:

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monies in Bank</td>
<td>$13,226.11</td>
</tr>
<tr>
<td>Money in hands of Disbursing Officer</td>
<td>25,000.00</td>
</tr>
<tr>
<td>Total value of Indian homes, barns, and corrals</td>
<td>7,500.00</td>
</tr>
<tr>
<td>Total value of furniture in homes,</td>
<td>1,800.00</td>
</tr>
<tr>
<td>Total value of tools and agricultural implements</td>
<td>7,000.00</td>
</tr>
<tr>
<td>Total value of livestock, poultry etc.</td>
<td>1,100.00</td>
</tr>
<tr>
<td></td>
<td>55,826.11 (2)</td>
</tr>
</tbody>
</table>
Some of the individuals receive in the way of semi­annual payments, the interest amounting to 5% of the amount to their credit in the U. S. Treasury. Last year 226 members received $33.88 each in the form of annuities. 163 members of the tribe have withdrawn their pro-rata share made possible for them by the act of March 2, 1907. The small value of their individual property and the uneven way in which it is divided among them evidences the reduced circumstances in which many of these people live. The following from an interview with two of the best educated members of the tribe pictures in a less formal way the economic condition prevailing on the reservation:

About ten or a dozen families live in very reduced circumstances. Three families living in wick-i-ups are probably in the worst condition. One family in particular, composed of two women, a mother and her daughter, the elder of whom must be nearly a hundred years old. The younger woman is in the most helpless condition. She is unable to do any work at all and is practically an invalid. The only means of subsistence are what some of the Indian women can spare from their own scanty fare. The Indian women take turns in helping this family as much as possible, taking food and doing the cooking when they can. These two old people have had no schooling of any kind and of course cannot speak English. They are unable to help themselves in any way.
Another woman about fifty years old lives alone in a wick-i-up. During the summer months she farms a small patch of ground producing a few beans and corn. In winter she traps just like the men, living on what small game she catches and realizing a few pennies upon the pelts of muskrats, etc. She has no other means of support. The third family living in a wick-i-up is composed of an old woman, a man and his wife. The old woman lived alone for a long time; then the man and his wife moved in with her. The man is sick and unable to work, and they have no food or fuel in the house.

Many of the families are reduced to only bread and coffee, conditions at times are very bad. Many of the families have insufficient bed clothing during the winter months. Several of the families group together and they visit each other often in the hopes that they might get something to eat. Medical aid is very hard to obtain. The women do bead work in the winter time but they realize very little from this as they have to sell it so cheap because they want the money so badly. Many individuals have taken their money from the trust fund held for them by the government and built houses for themselves but due to the lack of money, they have been forced to sell their houses and move in with other members of the tribe, in order to buy food.

They hold approximately 3,500 acres of land, 500 acres of which is leased to pay certain taxes. The land however is very unevenly divided. Some have no land at all, others have very small patches. In some cases men having no families have the most land. One man farms sixty acres. Most of the land of the reservation however is very poor and hilly and covered with much timber. Forty or more acres on the extreme west of the reservation is entirely too low to cultivate. Water sometimes stands there at one time or another throughout the summer.
Some of the Indians owned horses but they died. Having no money to buy others the amount of land they could farm was considerably reduced.

Many of the Indians add to their larder in the winter by trapping small game and spear-fishing. Attempts have been made to stop the latter practice but have been unsuccessful. No arrest has ever been made but the Indians have been threatened by the game warden several times. Many of the women pick wild berries and can or dry them but they are not very plentiful on the reservation. Several of the men have been successful in obtaining employment outside of the reservation. A few of them are painters and compare very favorably with their white competitors. Some have found employment working as section hands while others are more or less irregularly employed by neighboring farmers during the busy season in the summer months. (1)

1. An Interview, Jonas Poweshiek, Ruth Mooro Poweshiek, July 1, 1930

In spite of their straightened circumstances, there is very little thievery among them. The neighboring white farmers report little or no stealing or begging by them. They are however improvident in many cases, and it is practically impossible for them to receive credit from merchants in nearby towns.

The writer has been very much interested in the reaction of some of the Indians to the suggestions made to them by the agricultural advisor on the reservation. Recently, following the precedent established by the farmers of Tama county who are now growing about 4,000
acres of alfalfa, practically all of which has had an application of agricultural limestone, eight of the more progressive Indians of the Sac and Fox reservation have been hauling and spreading lime on their farms. None of the plots will be very large this year because it is a new venture for these men. There is considerable division of sentiment among the Indians as to whether the limestone will do the ground any good. Numerous stories have been circulating that those little limestone rocks will grow into big rocks and eventually their farms will all be full of limestone rocks. It is also interesting to note in this connection that eight or ten years ago when the lime program was first introduced in Tama county, many of the white farmers offered objections that were quite as foolish as those of their Indian neighbors. The earlier users of limestone among the white farmers were scoffed at and ridiculed by their neighbors.

One vestige of their ancestral economic order still apparent among the Mesquakies is their vague conception of land ownership which results in such an inequitable distribution of land among them. As primitives they had no conception of land tenure in the sense in which the term is employed by civilized and enlightened peoples. There was
no recognition of individual rights to lands or natural wealth. Such values were regarded as belonging to the clan, the gens, or the tribe; that is, possession was communal rather than individual. Lands were viewed as natural ranges for men and animals, for local tribes and local fauna; and there was no recognition of ownership or of title inimical to the natural rights of such men and beasts. True, there was among them a vague sense of prescriptive right to long occupied territory, so that a tribe commonly felt it to be a right and a filial duty to protect the home range against permanent invasion by aliens; yet the vague right so recognized scarcely applied to the land per se, but only to the rights of the chase, fisheries, fruits, and any cultivated products, personal habitations, quarries, or clay pits; that is, to what may be called the usufruct of the soil. In fact, the attitude of these savages toward property in land was much like that of American citizens during the last century toward property in water, in the rains, rivers, lakes, seas, ordinary ground water, etc. During recent decades the idea of property in water has grown up in the less humid districts and is rapidly extending, yet the development of this conception is slow, even in the minds of the most intelligent people.
One of the conclusions is these primitive folk could not be at once transferred from the plane of collective interest in the usufruct of the soil to that of individual land tenure, any more than the farmer of the Atlantic seaboard could be brought in a day to full understanding of irrigation water rights, with all the complications of dams, sluices, main ditches, gates, etc. As a consequence of this primitive heritage the property sense still remains vague among these Indians. In fact many of the prominent members of the tribe find no solution for their strained economic condition in a change from the present arrangement to severalty holding. They maintain that there are many members of the group possessing insufficiently that sentiment of thrift and independence of feeling required to guarantee to themselves economic independence. Accordingly, they hold that it would be a mistake even at this time to make the change.
CHAPTER II

LEGAL STATUS

In the following treatment of the legal status of the Mesquakies we are concerned first with their obedience to law, second with the question of the authority of the state of Iowa to enforce the law within their reservation, and finally with the peculiar legal status of this reservation in its relation to the federal government.

Considering the conditions under which the Mesquakies live, it is strange that crime, in so far as violent acts are concerned, is practically unknown on the reservation. The following survey of crime shows a tendency for increase. Whether or not it is true increase or an indication of more complete records is not known.
### TABLE IV
Crime Survey, Sac and Fox Reservation.

<table>
<thead>
<tr>
<th>Year</th>
<th>Character of Crime</th>
<th>Indian Convictions</th>
<th>Whites on Reservation Convictions</th>
<th>Convictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1921</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1922</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1923</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1924</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1925</td>
<td>Assault</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Introduction of Liquor</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1926</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1927</td>
<td>Drunkeness</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Introduction of Liquor</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1928</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1929</td>
<td>Arson</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Assault</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Introduction of Liquor</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Drunkeness</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>One white convicted</td>
<td></td>
<td></td>
<td>U.S. Department of Interior, Bureau of Indian Affairs, Annual Reports</td>
</tr>
<tr>
<td>1930</td>
<td>Introduction of Liquor</td>
<td>2</td>
<td></td>
<td>One white convicted in Federal Court</td>
</tr>
<tr>
<td></td>
<td>Sale of Liquor</td>
<td>1</td>
<td></td>
<td>(a) Sale made off the Reservation.</td>
</tr>
<tr>
<td></td>
<td>Driving Auto while Intoxicated</td>
<td>1</td>
<td></td>
<td>(b) Indians convicted in State Courts are not serving Sentence</td>
</tr>
<tr>
<td></td>
<td>Drunkeness</td>
<td>1</td>
<td></td>
<td>(b)</td>
</tr>
</tbody>
</table>

(a) Sale made off the Reservation.
(b) Indians convicted in State Courts are not serving Sentence
A number of the Indians on the Tama reservation comply with the state laws in contracting marriage or dissolving its bonds. However, there are still cases where loose relationships are impossible of correction because of the theory of "Indian Custom" or "tribal" marriage and divorce. Much of the trouble occurs in the case of young educated Indians, informed as to their obligation but also aware of the difficulty of enforcing any penalty against them for violation of the same. The following table offers a comparison between the two forms of marriage ceremony in practice on the Tama reservation.

**TABLE V**

<table>
<thead>
<tr>
<th>Year</th>
<th>1930</th>
<th>29</th>
<th>28</th>
<th>27</th>
<th>26</th>
<th>25</th>
<th>24</th>
<th>23</th>
<th>22</th>
<th>21</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Tribal Custom</td>
<td>4</td>
<td>11</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Legal procedure</td>
<td>3</td>
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<td>2</td>
<td>5</td>
<td>-</td>
<td>8</td>
<td>1</td>
<td>0</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

| Divorce | 2 | 4 | 0 | 0 | - | 1 | 1 | - | - | - | - |
| Tribal Custom | 1 | 0 | 0 | 1 | - | 1 | 2 | - | - | - | - |

U.S. Department of Interior, Bureau of Indian Affairs, Annual Reports

In so far as the writer is able to determine, tribal mores in regard to the responsibility of tribal marriage
are non-existent. There is no ceremony for either marriage or divorce. Tribal marriage is merely co-habitation. Many of them however regard marriage ties as sacred. Yet there is evidence of very loose sex relationships with no authority in the hands of the government officials to regulate such practices. Whether or not legal marriage makes for a more happy and successful married life would be a topic of interesting study and investigation. There are unions by tribal custom on the reservation which apparently are just as successful as the union by legal procedure.

It is here, in their personal relationships with each other on the reservation, that present legislation fails in its applicability. The Federal Courts have jurisdiction of only eight major crimes enumerated in section 328 of the United States Criminal Code and the jurisdiction of the State Courts is debatable.

Sec. 328 of the Criminal Code applicable to all Indians on the Tama reservation provides as follows:

Indians committing certain crimes; acts on reservation; rape on Indian women — All Indians committing against the person and property of another Indian or other persons any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any territory of the United States, and within or without an Indian reservation, shall be subject therefore to the laws of such Territory, relating to said crimes, and shall be tried therefore in the same courts
and in the same manner and shall be subject to
the same penalties as are all other persons charged
with the commission of said crimes respectively;
and the said courts are hereby given jurisdiction
in all such cases. And all such Indians committ-
ing any of the above-named crimes against the person
or property of another Indian or other person
within the boundaries of any state of the United
States and within the limits of any Indian reser-
vation, shall be subject to the same laws, tried
in the same courts and in the same manner, and
be subject to the same penalties as are all other
persons committing any of the above crimes within
the exclusive jurisdiction of the United States.
Any Indian who shall commit the offense of rape
upon any female Indian within the limits of any
reservation shall be imprisoned at the discretion
of the court. (1)

1. The Code of Laws of the United States of America in
force Dec. 6, 1926.

The following instance will show the peculiar legal
status under which these Indians live. Very recently the
county attorney of Tama county brought charges against one
member of the tribe for transporting liquor. He was con-
victed and sentenced to ninety days in jail. The judge
undecided as to the extent of his jurisdiction thought it
best not to imprison the offender, who as a result received
no punishment for his crime. The U.S. District Attorney is
little concerned in minor violations of the liquor law among
the Indians. This disinterest coupled with the questionable
jurisdiction of the state courts, allows misdeeds of the
Indians to go unpunished.
The answer to the question as to the applicability of the laws of the state of Iowa to the Tama Indians undoubtedly rests in the interpretation of the acts in which the state ceded jurisdiction and the U.S. assumed the same. Provisions of the acts in which the state ceded jurisdiction, approved Feb. 14, 1896, follow:

Chapter 110. 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 U.S. shall accept and assume such jurisdiction, all such jurisdiction on the part of the State of Iowa shall cease.

Section 2. Consent is hereby given to the U.S. 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.

Section 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 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 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, 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. (1)

The above cession was accepted by Congress by a clause inserted in the act approved June 10, 1896, making appropriations for the Indian Department, in which clause it is enacted "that the United States hereby accept and assume jurisdiction over the Sac and Fox Indians of Tama county, in the State of Iowa, and of their lands in said state, as tendered by the act of the legislature of said state." (1)

1. The Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department, from the fund of fifty-five thousand and fifty-eight dollars and twenty-one cents, now held for the Sac and Fox tribe of Indians of the Mississippi, the sum of forty-two thousand eight hundred and ninety-three dollars and twenty-five cents to the credit of that portion of said tribe of Indians now residing in the State of Iowa, and the Secretary of the Interior is hereby authorized and directed to pay to the attorneys employed by said Sac and Fox Indians residing in the State of Iowa, under contract approved by him for legal services rendered said Indians in the prosecution of their claim to said fund, from said sum hereby authorized and directed to be transferred, as soon as said transfer shall be made, the sum of four thousand two hundred and eighty-nine dollars and thirty-two cents, or so much thereof as shall be necessary.

That the United States hereby accepts and assumes jurisdiction over the Sac and Fox Indians of Tama county, in the State of Iowa, and of their lands in said State, as tendered to the United States by the act of the Legislature of said State passed on the sixteenth day of January, eighteen hundred and ninety-six, subject to the limitations therein contained; and the United States Indian agent for 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
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. (1)


A point of contention in law is the interpretation given to Section one and Section three of the fore-going act which ceded state jurisdiction. One view is presented here:

The contention of the defendant is that the provisions of section 3 reserve to the state jurisdiction over all criminal violations of the laws of Iowa committed on or off the reservation by the Indians, and that this must be construed to keep within the jurisdiction of the state the Indians, as well as the lands of the reservation. If this construction is given to Section 3, it will result in practically nullifying all that is granted in Section 1. It is a settled rule of construction that all parts of the act must be considered, having due regard to the general purpose sought to be accomplished by the passage of the act, and a literal construction of particular clauses will not be adopted if the effect thereof would operate against the manifest purpose of the legislature. Scott v. Latimer, 89 Fed. 843, 33 C.C.A.1; Heydenfeldt v. Mining Co., 193 U.S. 153, 4 L. Ed. 844. The general purpose of the act in question is clearly shown by the provisions of the first section, which in effect declares that exclusive jurisdiction over the Sac and Fox Indians residing in Iowa and retaining the tribal relation, and of the lands owned by them or held in trust for them, is tendered to the United States. The purpose of this section was to relinquish to the United States any and all jurisdiction over the Indians and their property which it might be claimed existed in the state, to the end that the control of these Indians in their tribal condition should be wholly vested in the national government. As already said, I do not believe that these Indians had ever ceased to be tribal Indians, or had ever passed from under
the control of the federal government; but the
passage of this act of the general assembly of
Iowa, and the acceptance of its terms by the
national congress, served to put at rest any
possible doubts that might arise with respect to
the status of these Indians; and certainly it
cannot be true that since the passage of this
act there remains in the state any control over
the domestic affairs or relations of these Indians,
including the education of the children, the
control of the parents or relations over them,
and all other matters that pertain to their rela-
tions with one another as members of the tribe.
If any of the provisions of the statutes of Iowa,
such as those that provide for the appointment
of guardians for the persons and property of
minors, are held applicable to these Indians, then
all of the provisions of the state laws must be
applicable, for there is no ground for holding
that part of the laws are applicable and part
not; and such a ruling would practically nullify
the exclusive jurisdiction over the affairs of
these Indians, which it was clearly the purpose
of the first section of the act of the general
assembly to confer upon the national government.
But as it was clearly contemplated that these
Indians would continue to reside as a tribe upon
their lands in Tama county, and would be brought
in some respects into contact with the people of
Iowa, it was deemed wise and proper to reserve,
for the protection of the latter, jurisdiction in
certain particulars over lands of the reservation,
to punish crimes against the people of Iowa; and
these are the purposes of section 3 of the act,
which reserves to the state the right to tax the
lands, to construct highways across the same, to
execute legal process thereon, and jurisdiction
in the courts of the state over crimes against the
laws of Iowa committed on the reservation by Indians
or others, or by Indians in any part of the state.
It may be, as claimed, that under this section
jurisdiction exists in the courts of the state
over acts forbidden by the criminal laws of the
state, committed by an Indian against the person
or property of one who is within the protection
of the laws of Iowa, for in such case the act
done violates the rights secured to the citizen
or resident of Iowa; but, to sustain the juris-
diction in such cases, it must appear that the
Indian occupied a position or relation that
brought him within the plane of the legislative jurisdiction of the state. It is well settled with respect to the citizens of the states that they are not within the plane of state jurisdiction when acting in some relation or with respect to some matter which is wholly within the jurisdiction of the national government. This seeming anomaly results from the fact that we live under a dual government, and therefore in determining whether, under given circumstances, a person can be rightfully charged with a violation of a law of the state, regard must always be had to the question, whether, in doing the act complained of, the person charged was acting within the plane of the legislative jurisdiction of the state.

The state of Iowa has the right to exercise its police powers for the protection of its own citizens, but it cannot regulate the affairs of tribal Indians in their relations to each other, for in these relations the Indians are under the control and protection of the national government. (1)

1. Caldwell, J. R., History of Tama County, pp.49-51

A great deal of misunderstanding concerning the legal status of these people arises from the fact that they purchased with their own funds the land upon which they now live. In one sense it is not a reservation, not having been assigned to them by the United States government. However the purchasing of this land with personal funds apparently has no effect on the determining of federal or state jurisdiction over this group, as the following excerpt shows:
So long as these Indians retain their tribal relation and continue to be wards of the national government, the control and management of them with respect to their tribal affairs is in the federal government, irrespective of the question of the title of the lands upon which for the time being they may be located. Thus, if the United States should, with the consent of the state, now purchase or lease certain land from private owners in the state of Iowa for the purpose of furnishing a home for a body of tribal Indians and should remove the Indians here-to, placing them in charge of an Indian agent, is it not clear that the lands thus occupied would be in fact and in law an Indian reservation? The extent of the control of the state over the lands thus occupied is to be determined by the facts of the particular case; but if it be true that in a given case the state may have reserved to itself the right to build roads through the premises, to execute judicial process thereon, and to punish crimes committed thereon against the citizens of the state, these reservations will not change or affect the status of the Indians as tribal wards of the nation, nor prevent the land occupied by them from being properly nominated an Indian reservation. In the case at bar, the lands in Tama county were bought for the benefit of the Indian tribe, the title being taken in the name of the governor of Iowa and of the Secretary of the Interior, to be held by them in their official capacity in trust for the Indians. The consent of the state to the purchase of these lands for the benefit of the Indians as a tribe, and to their location thereon, is shown by the act of the general assembly adopted in 1856, consenting to these Indians remaining in the state, by the action of the governor in holding the title of the lands in trust for the Indians, and by the act of the general assembly adopted Feb. 14, 1896, (acts 26th, Gen. Assm. p.114) ceding jurisdiction to the United States over the Indians and all lands owned by them or held in trust for them. In view of these facts, it must be held that the Indians residing in Tama county are tribal Indians, residing on lands purchased for their
benefit with the consent of the state, which lands constitute a reservation under the control of the United States in all matters pertaining to the domestic relations of the Indians, and furthermore, that their status as tribal Indians is not based upon the act of the general assembly of Iowa just cited, but grows out of the fact that they are a part of the confederated tribes of Sacs and Foxes, between whom and the national government the relation of wards or dependents had been organized, and which condition of dependency has never been changed by an act of the national government. (1)


It is apparent, that although these Indians are occupying lands purchased with their own individual funds and not public lands reserved for their occupancy, the title of land is not the basis for enforcing federal or state jurisdiction.

Further insight in regard to the legal status of the Mesquakies can be derived from a study of several decisions rendered in regard to them:

There was a young boy out on the agency who was suffering from want of proper medical attention. Mr. Rebok had Dr. Ben Thompson of Tama go out with him and treat the boy. The medicine man interfered. Under his direction the boy refused the attendance of Dr. Thompson. Difficulties were thrown in the way. The boy was spirited away. Mr. Rebok was deeply offended at the interference. He filed an information against Y-Tak-Tah-Wah, charging him with practicing medicine in the state of Iowa without a permit. Upon the hearing
before the justice of the peace, Y-Ta-Tah-Wah was discharged, promptly began a suit against Mr. Rebok for damages. J. S. Lamb and W. S. Clark of Cedar Rapids, appeared for the plaintiff, Struble and Stiger and Caldwell & Walters appeared for the defendant. This case came on for trial about Dec. 1, 1900. Prior to this time Y-Tak-Tah-Wah had died and the plaintiffs insisted upon the right to substitute some of his relatives as plaintiff. The court sustained this contention and the case was brought to a jury. The plaintiff undertook to show that the confinement in the county jail had been injurious to the health of Y-Tak-Tah-Wah, while the defense undertook to show that no bad effect had resulted from the confinement. . . .

Judge Shiras held that the state statute with reference to the practice of medicine was not applicable to Y-Tak-Tah-Wah for the reason that the latter was a tribal Indian and that the arrest of Y-Ta-Tah-Wah was without proper authority. He instructed the jury that the plaintiff was entitled to recover some damages from the defendant, the amount to be determined by the jury. The jury returned a verdict of $200.00 against the defendant. (1)


The trial of this case was followed by two cases which give a very good understanding of the limitations placed upon state jurisdiction. It appears that in order to overcome the opposition of the parents to their children’s attending the Indian Training School, Mr. Rebok, Agent, succeeded in the court of Tama county in having W. G. Malin appointed guardian of some fifteen or twenty Indian children and directed him as such guardian, to place and keep these children in school. W. G. Malin by
compulsion placed a number of them in school. Subsequently two of these children ran away from the school, going to their homes on the reservation, and thereupon the mother of one of them, in order to prevent their being recaptured and forcibly returned to the school determined to take them away from the reservation, and to that end arranged with Jim Peters, an Indian on the reservation, to accompany her and the children to the home of a white man named Ruhl, living in Poweshiek county, in order to drive the wagon that was to convey them, and to act as interpreter in arranging for the board and care of the children. Peters thus aided in taking the children to the place named, and upon his return he was arrested upon an information sworn to by W. G. Malin, and taken before a justice of the peace, charged with the crime of enticing away a child under fifteen years from the Indian reservation and keeping her in hiding, the information being based upon section 4761 of the Code of Iowa, which enacts that:

If any person maliciously, forcibly or fraudently lead, take, decoy or entice away any child under the age of fifteen years, with intent to detain or conceal such child from its parents, guardian or other person having lawful charge thereof, he shall be imprisoned in the penitentiary not more than ten years or be fined not more than one thousand dollars or punished by both such fine and imprisonment.
Upon the hearing before the justice, Peters was held to answer before the grand jury of the state court, and by that body was indicted; and, being brought to trial before the court and petit jury, by direction of the court a verdict of not guilty was returned. On the trial of the case, the court instructed the jury that the laws of the state providing for the appointment of guardians for the person and property of minors did not apply to Indian children living on the reservation, and therefore that the action of the district court of Tama county in approving Malin guardian of the persons of the Indian children, was nugatory and without legal right to sustain it. (1).


The above decision furnished the grounds for the second of these two cases. Pending the outcome of the above case, Peters was imprisoned in the county jail for a period of some nine days, and after the dismissal of the case in the state courts, he brought action to recover damages caused him by said imprisonment. The cause was brought against W. G. Malin.

The court ruled that Peters did not violate the provision of Section 4761 of the Code of Iowa, for the reason that this section is not applicable to these
Indians, and it does not confer upon the courts of the state the right to try, convict and punish any Indians for such acts as were proven against the plaintiff. If these views of the law applicable to the situation are correct, it follows necessarily that in causing the arrest and imprisonment of Peters, Malin acted without warrant of law, and the court was justified in instructing the jury that under the admitted facts of the case it was shown that Malin had wrongfully caused the imprisonment of Peters upon void process, and that the only question left for the consideration of the jury was that of the amount of damages to be awarded. Peters was awarded damages to the amount of ten dollars. (1)


More recent opinion of the present legal status of these Indians is offered in excerpts from a memorandum prepared by the Solicitor of the Interior Department, regarding a right of way for a road through the Sac and Fox Indian reservation. The writer is indebted to Mr. V. S. Kepford, present County Attorney of Tama county for access to the afore-mentioned memorandum:
I have by your informal reference the question as to whether the Secretary of the Interior is authorized to grant permission to Tama county, Iowa, to open a road with or without the consent of the Indians within and across the so-called Sac and Fox Indian Reservation in Tama county, Iowa.

The answer to this question rests primarily upon a construction of Section 4 of the act of Mar. 3, 1901, (51 Stat. 1058, 1084) from which I quote in part as follows:

The Secretary of the Interior is hereby authorized to grant permission upon compliance with such requirements as he may deem necessary, to proper state or local authorities for the opening and establishment of public highways in accordance with the laws of the state or territory in which the lands are situated, through any Indian reservation.

The question as stated above resolves itself into one of administrative jurisdiction and calls for inquiry as to the tenure under which said lands are held.

In this situation, by an act of the State Legislature, Feb. 14, 1896, exclusive jurisdiction of the Sac and Fox Indians residing in the State of Iowa and retaining the tribal relation and of all other Indians dwelling with them and of all lands then or thereafter owned by or held in trust for them as a tribe was tendered to the United States, it being provided that so soon as the United States should accept and assume said jurisdiction all jurisdiction on the part of the State should cease except as follows:

Nothing contained in this act shall be so construed 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.
There was a reservation of authority also in the State as to other matters notable as to the service of judicial process within the reservation, the right to tax said lands for state, county, bridge, county roads, and district road purposes and such other purposes, meaning, under a well settled rule of statutory construction, such other like purpose as the General Assembly might from time to time by special statute provide.

I should say in this connection, however, I am told that either a state or federal court has ruled that there is no authority in the State to subject these lands to general taxation. I have not seen the decision.

The United States, by act of Congress, Jan. 10, 1896 (29 Stat. 321,333), accepted and assumed jurisdiction over said band of Indians, 'and over their lands in said State', as tendered by the State of Iowa as aforesaid, 'subject to the limitations' contained in the legislative act above set out.

The decisions of the courts are clear that the jurisdiction of the Secretary of the Interior is ample and exclusive as to lands situated like these for any purpose affecting the domestic relations of the Indians or their general well-being as a tribe. For instance, as to this tribe it has been held that the State of Iowa has no jurisdiction and that it may assume none through an act of its legislature to control the attendance of children of these Indians at school. Further, that there is no authority in that state and can be none to appoint a guardian answerable under state laws to look after the affairs of minors and mental incompetents. . . . .

As to the Reservation in question, however, the exclusive power with respect to the building and opening of roads is in the State of Iowa. This is not to say that the Secretary of the Interior may not open and build roads within said Reservation but that the authority to do so rests upon general supervisory authority and not upon the act cited.
Personally, I have no doubt that the state and county authorities are not required to apply to the Sec. of Interior for the right to construct such a road or to open the road in question. In the interest of harmony, such an application may be made and in discharge of a proper function, the Secretary of the Interior may assent thereto. Personally, I do not believe he has any lawful right to object. (1)


It is apparent that the legal status of these Indians is not yet clearly defined. Evidently the State of Iowa has some jurisdiction. State laws with reference to quarantine were invoked against them during the small pox epidemic in 1901. Some question was made at that time but due to the contemporary state of popular opinion all doubts were sternly dissolved in favor of compulsory measures. Further information in regard to the legal status of the Mesquakies is revealed by the recent controversy concerning non-payment of taxes. The Indians are exempt from certain taxes as follows: the poor fund, county schools, court expense, fair-grounds, and all "general school" and school-house funds. They do pay however the following state taxes: general revenue and soldier bonus, also county general, county bond,
secondary road construction and secondary road maintenance. To this in 1929 was added an emergency fund amounting to 4.00 mills levied by the County Board of Supervisors.

Their state taxes in 1929 amounted to a little over $1,500. This money was secured by leasing certain of their lands and sent as required by law to the Treasury Department where it is then appropriated to the use of the Sac and Foxes. The appropriation made by Congress in 1929 for this tribe amounted to only $600.00 with a proviso attached that none of the same could be used for the payment of Taxes. This left the Indians in a dire predicament, as their economic condition is such that they are unable to secure the needed amount for taxation. The taxes were unpaid, with penalties accumulating, while the Indian money remained idle in the Treasury Department.

The Treasurer of Tama county planned to advertise the land for sale in the fall of 1930; it was the present disposition of the Federal agent however, to enjoin the county official from making the sale.

The controversy was indefinitely postponed by a recent action of a sub-committee on Indian appropriations who has agreed to care for taxes on Tama Indian lands which were about to be sold for taxes. The report said
that the contention in Washington was that Iowa, which made these Indians residents contrary to federal regulations in 1856, should now exempt their lands from taxes which they cannot pay out of their meager incomes. But, the report continued, the emergency is so serious that the committee has agreed to an appropriation which will be available on passage of a bill in December 1930, that having the approval of the committee they will be no opposition in either house of congress to this relief measure.

This situation borders on the ridiculous. A federal statute requires that all tribal moneys used for support of the various activities on the reservation must be appropriated by congress. The appropriation act for the fiscal year 1929 contains an item appropriating $1,800 of monies belonging to the Sac and Fox Indians for the support of activities on the reservation. This includes the payment of taxes. The money was derived from rentals of 523 acres of land leased to white men for a cash rental. A similar item appears in subsequent appropriation acts since passage of the law requiring appropriation. The appropriation act for the fiscal year 1930 contains the following item: "Iowa: Sac and Fox, $600; Provided, That no part of this appropriation shall be available for the payment of taxes on lands held in trust by the United
States for the benefit of said Indians."

The appropriation act for the fiscal year 1931 contains a similar item. A part of the $1,800 previously appropriated is used for the payment of taxes on the Indian lands. The act prohibiting use of any of the money for the payment of taxes on the land made it impossible that taxes due in March 1930 be paid. At present there is a penalty on account of delinquent taxes of approximately $100 due in addition to the taxes.

Further light on the existing conditions may be gleaned from the following discussion between Representative Cramton, Michigan, and Representative Cyrenus Cole of the Fifth Iowa district. It is with reluctance that the federal government is going to pay the state taxes of the Sac and Fox. Indians in Iowa, according to Rep. Cramton, chairman of the committee which reported favorably on the bill to appropriate $4,500 for the taxes. The state and Tama county were defended against a Cramton attack by Rep. Cyrenus Cole. The state of Iowa and the county, according to Cramton, are taxing the lands "of these poor Indians." He said;

In my own judgement after my study of the history of it, they ought not to tax these lands, and I question their right to do it, but they do it. The unfairness is revealed by the fact that the Indians pay a road tax and get no roads; they pay a drainage tax and get no drainage, and so forth; but they apparently have got to pay them,
and bowing to the opinion of the solicitor, the item here is carried to pay up the back taxes. The Iowa legislature should change the law which requires the Indians to pay. Tama county is a prosperous county and Iowa is as prosperous as any other state.

Cole replied:

It would be a great hardship to the county to withdraw the Indians' lands from taxation as it would increase taxes on the other lands. Tama county is prosperous but taxes are burdensome. The Indian lands are not sufficient for the livings of the 333 persons listed. The total of the lands belonging to the Indians is 3,300 acres. Five hundred and twenty acres of this are leased to white men for the purpose of getting revenue for the payment of taxes and other urgent incidental expenses. The per capita acreage of the reservation is approximately nine acres, one-half of which is agricultural land, and the other half is not adapted to farming. This makes a per capita acreage of agricultural land a little more than four acres, an amount far too small to enable a man to support himself and family. The Indians are fairly good farmers, but do not have sufficient land to cultivate.

The Indians in order to better their economic condition by the purchase of more land, recently appealed to the federal government for some $400,000 in annuities which were withheld from 1856 to 1867 when the Indians left their reservation in Kansas, contrary to treaty agreements. Mr. W. J. Endicott takes a very interesting viewpoint which shows in some measure the validity of the Mesquakies' claims and also helps define their present legal status. Mr. Endicott points out that the
territory occupied by the Sac and Fox Indians in Tama county is not a reservation but merely restricted land; that is, land owned by enrolled Indians who may buy more of it at their option but may not sell without the consent of the secretary of the interior. This land is taxed, except for school purposes, whereas reservation land is not taxed. The Sac and Fox reservation is in Oklahoma, having removed from Kansas in 1856. Mr. Endicott writes:

These Tama county people preferred to live in Iowa, left the Oklahoma reservation, returned to Tama county and purchased at first, I believe eighty acres. Their holdings now total, I believe, 3,300 acres, all of which, except a five acre site for one school... the Sac and Fox have acquired by their own efforts. They are now engaged in reforestation, supplying a good example for all Iowa in that respect. They have paid their debts and are industrious and progressive. The entire matter revolved about their right as citizens to remove to locations of their choice. Roosevelt held that the government could confine these people within reservation boundaries. United States and Canadian courts have ruled against this interpretation of authority. The Indian is a citizen and a voter. Really, he is, under court decisions, a super-citizen. The federal court, western district of Pennsylvania, held that a Huron, citizen of Canada, was not an alien within the limitations of federal law, and that the Huron could pass and repass the international boundary at will. A Saskatchewan court, ruling in a case in which Canadian immigration officials sought to bar a United States Indian, declared that the Indian is a citizen of American and entitled to come and
go at his pleasure..... These rulings would seem to declare the right of the Sac and Fox to remove from Oklahoma to Iowa. They were not being interned for crime nor as a precaution against the commission of crime or any offense. (1)

1. Editorial Comment, Cedar Rapids Gazette

Granting that Mr. Endicott is correctly informed, as he should be, it seems clear that the Tama county Indians have a fair claim on the cancelled annuities, and the optimism and support of the request by Senator Brookhart and Congressman Cole may at this time be more than a political gesture.

Thus we see that the legal status of the Mesquakie is vaguely defined. The criminal laws of the state of Iowa are sufficiently rigorous, but the criminal statutes of the United States do not cover the same ground by a great deal. If these Indians are not under the jurisdiction of the State of Iowa but only subject to the laws of the United States, many of the acts they might commit for which a white man would suffer may go unpunished.
CHAPTER III

EDUCATIONAL STATUS

We are prone to believe at times that education is an invention of the whites associated with the "Little Red School House" or our large impressive modern school buildings, little thinking that the primitive Indian had an educational system of his own devising. The aboriginal Indians did, in fact, possess a system of education and course of study that in fitting them for the demands of their life, served as well as, if not better, than our present system serves our needs.

The children appear to be particularly under the charge of their mother; the boys until they are of a suitable age to handle the bow or gun. Corporal punishment is seldom resorted to for correction; if they commit any fault it is common for their mother to black their faces and send them out of their lodge, when this is done they are not allowed to eat until it is washed off; sometimes they are kept a whole day in this situation as a punishment for their misconduct.

When the boys are six or seven years of age a small bow is put into their hands and they are sent out to hunt birds about the lodge or village; this they continue to do for five or six years, when their father purchases them shot guns, and they begin to hunt ducks, geese, etc.
Their father (particularly in winter evenings) will relate to them the manner of approaching Deer, Elk, or Buffaloes, also the manner of setting a trap, and when able, he will take them a hunting with him, and show them the tracks of different animals, all of which the boy pays the greatest attention to.

The girls as a matter of course are under the direction of their mother, and she will show them how to make moccasins, leggins, mats, etc. She is very particular to keep them continually employed, so that they may have the reputation of being industrious girls, and therefore the more acceptable or more sought after by the young men. (1)

1. Blair, E.H., Tribes of the Upper Mississippi, pp 164-5.

As the white man's civilization embraced the Indian, in time forcing him to abandon the hunt and chase and concern himself with the less appealing occupation of agriculture, the teachings of his forbears became inadequate or inapplicable. As an object of the white man's benevolence and malevolence, he has been slow in the estimation of many to acquire the mental habits that would fit him for his changed environment. His first impression of the white man's civilization came to him by contact with the border ruffian, trader and soldier. The missionary and teacher were forced to dispell this impression before they could make any appreciable advance in their instruction.
Often have we heard the story of the Mesquakies' ability to resist all efforts of the whites at imposing their civilization upon them. Early in 1820 Major Horrell Marston, U.S.A., commanding at Ft. Armstrong, Ill., in a communication to Rev. Jedidiah Morse speaks of the indifference to these efforts:

The second chief of this nation is Ty-se-ma (strawberry) he is about forty. This man seems to be more intelligent than any other to be found either among the Foxes or Sauks, but he is extremely unwilling to communicate anything relative to the history, manners and customs of his people. He has a variety of maps of different parts of the world and appears to be desirous of gaining geographical information; but is greatly attached to the savage state. I have frequently endeavored to draw from him his opinion with regard to a change of their condition from the savage to the civilized state. He one day informed me when conversing upon this subject that the Great Spirit had put Indians on the earth to hunt and gain a living in the wilderness; that he always found that when any of their people departed from this mode of life, by attempting to learn to read, write and live as white people do, the Great Spirit was displeased, and they soon died; he concluded by observing that when the Great Spirit made them he gave them their "medicine bag" and they intended to keep it. (1)


Later, Josiah B. Grinnell, one of the early Indian benefactors who possibly did more than any one man in establishing them legally upon their reservation near Tama and in inducing the United States government to
renew the payment of their annuities, gives us a good picture of their early appreciation for schools. An offer of his friendship and an effort to secure the payment for their annuities, if they would send their children to school, was met by dark scowls and a deep UGH! He writes:

I called on them one pleasant afternoon, autumn feast-day, and on the mention of school, the bucks hied away one by one in the bushes, leaving my entertainment to the squaws. (1)

1. Grinnell, J.B., Men and Events of Forty Years, p. 275

All of the early pioneers speak of their opposition to education. The Indians said, "we don't want our children to grow up like white children, when white people come to our villages, we treat them well, the children stand back, but when the Indian goes to town, the white children throw stones at him and call him names."

A day school was maintained at Federal expense from 1876 to 1897 but the Mesquakies were so prejudiced against education that it was operated only at irregular periods and was a complete failure. It was very difficult to get the young Indians into it; the old braves would not venture into the building until all the desks had been removed. Their attitude, with which early teachers had to contend, is vividly shown by Miss Busby who taught at the
government school in 1883 and 1884;

One day quite alone in the school room, about noon, a burly Indian walked in, known to us by name and reputation as being one of the worst of the tribe, and one of the most bitter opponents to education or progression of any kind. He greeted us sullenly, and by invitation took a chair and seated himself. Something was the matter, it could be seen at a glance. A few remarks were made, which received only the shortest answer from the visitor, who finally exclaimed;

'You teach?' (asked as a question)
'Oh, Yes!
'You teach him boy?' (getting still more angry)
'Why, yes certainly, if the boy wants to learn. If this your boy?'

That was the finishing stroke. It was the spank that exploded the powder magazine. Not understanding the words, and perhaps it was a mutual misunderstanding, he sprang up in the greatest excitement.

'You catch-ee my boy' he said, 'you catch-ee my boy, school him, me kill you, yes me, kill you', he uttered vindicatively. (1)

1. Busby, A.B., Two Summers Among the Mesquakies, p 157

The following account appearing in the Tama Herald in Nov. 1884, of a visit made to this school, furnished us with added light as to the success of Miss Busby;

On Thursday of last week we had occasion to visit Tama City, and by invitation of the government teacher we visited the Indian Schools and camps. This is the only school there is for the Indians. Miss Busby organized and has been teaching it for about a year and a half, and a marked change for the better is manifest in the tribe since she began laboring among them. There is now an average daily attendance of about fifteen, whereas, when the school opened it was several weeks before there were any pupils. Many of them now read and write
and a few show considerable skill in drawing and music. (1)

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1. Busby, A.B. Two Summers Among the Mesquakies, p. 176

One of the most definite steps taken in the education of the Mesquakie was the establishing of the Indian Boarding School at Toledo, Iowa in 1897. This step ushered in the most glamorous time in the history of the Tama reservation.

In the Act of Congress, making appropriations for current and contingent expenses of the Indian department for the fiscal year of 1897, there appeared an item as follows:

For the erection and completion of suitable buildings including the necessary furniture of all kinds for the same, for an industrial school at or near the reservation of the Sac and Fox Indians in Tama county, Iowa, and for the purpose of a suitable site for the same, $35,000.00.

After the customary scrap between local politicians, the school was located on a tract of seventy acres, lying immediately west of and adjoining the corporation of the city of Toledo in Tama county, Iowa. A picture of the early days of the school is given by Geo. W. Nellis in the report of the Supt. of Indians Schools;

During the preceding year while the buildings were in process of erection, every effort was made to create an interest in the school on the part of
the Indians. Employment in cultivating the crops on the farm and grading around the buildings was offered them, but was accepted by only four Indians, and they remained only a few days, owing to the criticism and ridicule of the other Indians. From time to time as many as could be induced to go were taken to the school and shown over the buildings and grounds. The clothing and subsistence supplied and appliances for industrial training were shown to them, and the advantages of the school offered to their children pointed out. It seemed however, that as the buildings neared completion and the date set for opening the school drew near, the opposition instead of diminishing became more intense. The chiefs, members of the council, and head men, were especially determined in their opposition. When the annuity payment was made over one hundred refused to receive it, mainly because they had been made to believe that if they did so, they thereby gave the government the right to place their children in school. About this time two girls, one a daughter of the head chief, became very unruly and were causing their parents a great deal of annoyance. The chief reported the matter to the Agent and asked that the girls be apprehended by the police and punished. The Agent at once had them brought in and taken to the school. This raised the greatest kind of an uproar among the people. The chief and his wife came to the Agent and demanded the immediate release of the girls, saying that they were perfectly willing that the girls be put into JAIL AND FOR ANY TIME HE MIGHT DEEM BEST, but that under no circumstances would they consent to their remaining in the school. The Agent refused to release them, but by no amount of reason or argument could he change the feelings of the parents in the matter. The girls afterward ran away from the school and were not returned for the reason that they were notoriously bad girls and not proper companions for other pupils.

Such were the conditions, when everything being ready for the opening of school, we started out to obtain pupils. Daily and almost nightly visits were made by the Agent and myself to the reservation. We were generally received in a friendly way and respectfully listened to. At times we
were bitterly denounced for attempting to interfere with them in living the life decreed for them by the Great Spirit and guaranteed to them in the earlier times by the government of the United States. Many interesting councils were held, one of them at least will not soon be forgotten. It occurred at night, and there were present besides the Agent and myself, only the head chief, Push-e-to-neke-qua, the Interpreter and three policemen. No other Indians had been invited for the reason that it was thought the key to the situation lay mainly in the attitude of the chief, and that he might be more easily influenced if unaccompanied by others. The policemen had already expressed their willingness to put their children into school if the chief would do likewise. Addressing the old man the Agent referred to deplorable condition of affairs on the reservation, especially among the children, and pointed out the benefits to be derived from attendance at the school. He spoke of the chief's leadership and great influence among the people and his consequent responsibility, and insisted strongly that it was his duty to have the children of the tribe put into school, and that to do otherwise would be a crime against his people. It was a strong case and the old man felt it. He listened in silence until the Agent had concluded, then quickly rising and advancing into the center of the room, his eyes flashing and his voice trembling with emotion, his whole bearing indicating intense excitement, he said: "My friend, the Mosquakies have always been friends of the white people, but they will not accept your school. I will say no more." He started for the door, but recovering his composure to some extent, he turned back, shook hands with us and went out into the night, followed by the Interpreter whose attitude was scarcely less unfavorable than that of the Chief. It was a discouraging point. All chance for further negotiations seemed to be lost. The outlook was anything but hopeful. The next morning the Agent summoned the Interpreter before him and informed him that if he wishes to retain his official position he must not only cease all opposition to the school but work earnestly in its favor. This he agreed to do, and from that day on has been a loyal and efficient helper. It was through his
influence that the Agent was enabled to again bring the Chief into council on the school question. Thus matters progressed, frequent conferences with the Chief and council being held and the parents and children being interviewed and solicited without success, until the 20th day of Oct., an orphan boy, 19 years of age came to the school and was enrolled as a pupil. Two days later the captain of the police brought in his 8 year old boy, to be followed the next day by an older daughter. Oct. 27th, another boy, a son of an old medicine man, in opposition to his parent's wishes came and was enrolled. Nov. 1, a second son of the old medicine man came in, and a few days later two more boys were secured. This made seven pupils, and our enrollment stood at that point for some time. Meanwhile the constant work with the chief and council had begun to bear fruit, and on the 14th day of December, the chief in open council accepted the school and granted permission to the people to send their children, and the same day sent his own boy. He some time later sent a daughter and four grand children. At this time also, the Agent went into the District Court and petitioned for the appointment of a suitable guardian for a number of children (orphans) who were being neglected. This petition the Court granted, naming the present Agent as their guardian, and at the same time issuing an order that the children be put into the school provided for them. In this way during the year, twenty pupils were secured. Dec. 31, twenty-five pupils had been enrolled and on Jan. 27th, the date upon which Mr. Rebok turned the agency over to his successor, the attendance had reached thirty-five. When school closed June 30, fifteen more pupils had been added, making the total enrollment for the year fifty. The average attendance for the last quarter was forty-seven.

The children were very bright and tractable and adapted themselves to their changed conditions much more readily than the Indian children further west, with whom I have worked, due doubtless to the fact that they have mingled more with the white people. In good weather the children were permitted to go home on Sat. morning and in every case they returned voluntarily in the evening. They seemed to enjoy their life in the school, and when they went home
for vacation, nearly all promised to return in the fall, the large boys being especially positive in their assurance.

Parents and friends made frequent visits to the school and on closing day over one-hundred of them took dinner with the children in the grove. The great majority of these people however are bitterly opposed to education, and it will be some time before the school can be filled by voluntary attendance. (1)

1. History of the Indian Rights Association of Iowa, and the Founding of the Indian Training School, pp.16-18

If I have been correctly informed in interviews with several of the Indians now upon the reservation who were students at the Toledo Boarding School, one of the outstanding reasons for the failure of the school was the over­zealousness of those in charge to maintain a high attendance average. The Indians said that they enjoyed the school. They were treated very well. They were furnished clothing, board, room, and school supplies and the greater majority of the students were quite happy. "But the parents felt bad when the officers entered the Indian homes and forcibly took the children away." It is very apparent that the attendance at the school rather than the good will and confidence of the tribe was the matter of prime importance to the government officials. This coupled with the work of some shyster lawyers, who were interested not
at all in the actual advancement and betterment of the conditions of the Indians, spelled defeat for the Institution. An example of the litigation into which these people were needlessly brought is the case of a young girl who was detained at the Indian School against her wishes. This case was taken into court and Judge Shires rendered a decision in the girl's favor. (1) This decision

1. A girl by the name of Le-lah-puc-ka-chee was in attendance with others. She left without permission and was brought back to the school. A situation for writ of habeas corpus was presented to Judge Burnham, who declined to issue the writ. Afterwards it was presented to Judge Shiras, of the Federal Court, U.S. District Judge, for the northern district of Iowa. Mr. J. W. Lamb of Toledo presented the petition. Inasmuch as Mr. Rebok, in his efforts to put the Indians in the school was acting under the orders of the Indian office of the Interior Department, no special attention was paid to this application. The United States District attorney for the Northern District of Iowa was left to look after the matter and resist the application. The matter came on for hearing before Judge Shiras at Dubuque. To the amazement of everybody, Judge Shiras discharged the young girl from the custody of her teachers at the school and held that she could not be compelled to attend the school.

Hon. J. R. Caldwell, History of Tama County

of the U.S. District Court that the Indian children could not be compelled to attend the government school spelled its doom. The attendance decreased very rapidly and the
school's usefulness as a means of educating the Mesquakie was ended. It continued to operate for some years but very few of the Mesquakie children attended it, its enrollment chiefly consisting of Indian children from other reservations. In 1914 the building was remodeled into a hospital for incipient tubercular Indian children.

Inasmuch as the Indians could not be persuaded to place their children in the training school, a day school with a competent teacher in charge was established in the fall of 1908 on the Indians' land for the education of Indian children between the ages of five and eighteen years. Mr. Green, then Agent, bent all his energies to secure a good attendance. The Indian parents were given the option of sending their children to the training school at Toledo or to the day school located on their own land. Still the Mesquakie despised the white man's school as excerpts from Green's Diary indicate:

Sept. 15, 1908. Mr. Green directed Mr. Somers (Indian farmer and policeman), to put the children on the reservation in school. Now for interesting times!

Sept. 16, 1908. Mr. Somers and policeman did faithful work going to all the Indians and telling them they must send their children to school. Chief Push-e-to-nek-e-wah sent two grandsons up here, (the Training School), Joe Tesson brought his Sophia, a few others promised to come or go to the day school. — but the majority refused to
do anything. No children started into the day school as yet. Outlook very discouraging, but there is no turning back.

Sept. 21, 1908. Ta-ta-pu-che refused to talk to Mr. Somers and his wife said she would shoot anyone who came for her children.

Sept. 22, 1908. Mr. Murray our laborer, went with Mr. Somers to help get in children. As Ta-ta-pu-che still refused and stood in the way of getting his children, he was placed in jail. Jim Peters went to Toledo and consulted Jake Lamb - went back and called his friends in council, refused to send or allow his children to go to school, and was placed in jail on the reservation. Mr. Green went down and gave Ta-ta-pu-che a hearing; he said he would not let his children go to school. - would stay thereforever first.

Sept. 24, 1908. Joseph Tesson, policeman and interpreter and Harry Davenport, policeman, both resigned today and brought up their guns and badges. Last night the Indians had a council and said that no member of their tribe should act as either policeman or interpreter. Tesson said they would burn his house if he continued. They were evidently afraid of violence. No children at day school.

So many parents were placed in jail for resisting the efforts of the officers to take their children to school that Agent Green wrote a long letter to the Indian Commissioner and asked that the jail be enlarged to hold twelve more prisoners. The first teacher, a Dr. Dean, on Oct. 17, 1908, was given two weeks to leave the reservation by the Indian Council. The Agent countered with a threat to withhold their annuities if they did not send children
to school. Several law-suits found their origin in the imprisonment of some of these parents for resisting the truant officer, with adverse decision against the agent. This resulted in a less drastic policy of compelling attendance at these schools, a method which seemed to produce better results.

In 1929 the educational needs of the Mesquakies were cared for by two schools, the Mesquakie day school and the Fox Day school. The attitude of the Mesquakies during the past several years toward education is best revealed by a study of table six on page sixty.

The excessive number of eligible children not in school in 1930 is due to the fact that the schools were closed during that year by Federal authorities. The number of eligibles not in school during previous years is comparatively low, revealing the increased interest of these people. In 1929 only four children of 105 eligible to attend school were not in attendance. This fact itself should dissipate all past beliefs that the Mesquakies would never accept the white man's school. We can be less critical of this report in the light that all attendance is voluntary, no compulsory attendance law being enforced on the reservation at this time.
TABLE VI
SCHOOL SURVEY
Sac and Fox Reservation, Tama, Iowa.

<table>
<thead>
<tr>
<th>Year</th>
<th>30</th>
<th>29</th>
<th>28</th>
<th>27</th>
<th>26</th>
<th>25</th>
<th>24</th>
<th>23</th>
<th>22</th>
<th>21</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of School age (6 to 18) Inclusive</td>
<td>124</td>
<td>111</td>
<td>122</td>
<td>121</td>
<td>114</td>
<td>107</td>
<td>103</td>
<td>109</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td>Eligible</td>
<td>108</td>
<td>104</td>
<td>120</td>
<td>97</td>
<td>109</td>
<td>98</td>
<td>84</td>
<td>101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. in school under 3 or over 18</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total eligible children</td>
<td>114</td>
<td>105</td>
<td>121</td>
<td>97</td>
<td>109</td>
<td>98</td>
<td>84</td>
<td>101</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indian children enrolled in school</td>
<td>62</td>
<td>101</td>
<td>103</td>
<td>97</td>
<td>98</td>
<td>89</td>
<td>78</td>
<td>98</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Non-Reservation Boarding</td>
<td>45</td>
<td>41</td>
<td>44</td>
<td>45</td>
<td>27</td>
<td>30</td>
<td>26</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b. Reservation Boarding</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c. Day</td>
<td>0</td>
<td>51</td>
<td>49</td>
<td>50</td>
<td>70</td>
<td>59</td>
<td>52</td>
<td>66</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d. Total</td>
<td>45</td>
<td>92</td>
<td>99</td>
<td>95</td>
<td>97</td>
<td>89</td>
<td>78</td>
<td>95</td>
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<td>Public</td>
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<td></td>
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<tr>
<td>Eligibles not in School</td>
<td>11</td>
<td>9</td>
<td>9</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>3</td>
<td>(a)</td>
<td></td>
</tr>
</tbody>
</table>

a. In the above table, those people attending the Public Schools are assumed to be in attendance. No exact knowledge of their attendance is available.

1. U.S. Department of Interior, Bureau of Indian Affairs, Annual Reports
There appears to be very little prejudice toward the school among the Indians. The school plants are very satisfactory and are within easy reach of all the Indian children. The average attendance at both schools seems to have declined somewhat in the past years as the following table indicates.

**TABLE VII**
*Capacity, Enrollment, Attendance.*

**Mesquakie Day School**

<table>
<thead>
<tr>
<th>Year</th>
<th>30</th>
<th>29</th>
<th>28</th>
<th>27</th>
<th>26</th>
<th>25</th>
<th>24</th>
<th>23</th>
<th>22</th>
<th>21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Total Enroll.</td>
<td>35</td>
<td>26</td>
<td>26</td>
<td>40</td>
<td>35</td>
<td>31</td>
<td>41</td>
<td></td>
<td></td>
<td>36</td>
</tr>
<tr>
<td>Average Attendance</td>
<td>19.2</td>
<td>14.5</td>
<td>17</td>
<td>27.4</td>
<td>21.4</td>
<td>18.4</td>
<td>26</td>
<td></td>
<td></td>
<td>25.8</td>
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</table>

**Fox Day School**

<table>
<thead>
<tr>
<th>Year</th>
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<th>27</th>
<th>26</th>
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<th>24</th>
<th>23</th>
<th>22</th>
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</thead>
<tbody>
<tr>
<td>Capacity</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td>40</td>
<td></td>
<td></td>
<td>40</td>
</tr>
<tr>
<td>Total Enroll.</td>
<td>18</td>
<td>28</td>
<td>22</td>
<td>30</td>
<td>24</td>
<td>21</td>
<td>25</td>
<td></td>
<td></td>
<td>27</td>
</tr>
<tr>
<td>Average Attendance</td>
<td>10.3</td>
<td>17.6</td>
<td>17</td>
<td>15.5</td>
<td>16.2</td>
<td>9.4</td>
<td>17</td>
<td></td>
<td></td>
<td>16.8</td>
</tr>
</tbody>
</table>

1. U.S. Department of Interior, Bureau of Indian Affairs, *Annual Reports*
The County Superintendent of Schools visited these schools shortly before they closed in 1929. She was well impressed with the methods of instruction employed and with the responses made by some of the pupils. Especially were they adept at silent reading. Of her visit to the Mesquakies she says:

There were fifteen to twenty children in attendance that morning and I received a pleasant surprise at their clean linens. All of the students wore clean clothes and their hair looked as if it had been scrubbed. They responded very readily to their teacher, did numbers quite well and revealed considerable knowledge of geography. They were however, quite timid and shy and balked all my efforts at conversation with blank silence. The equipment for teaching was not very plentiful and it is apparent that an especially trained teacher for this kind of work is essential. They ranged in age from about six to fourteen years and were classified in grades from One to Six, but all grades were not represented. The children were served a warm meal at noon, the equipment for that purpose being very good. It is my opinion that the attendance would have been less if this meal was not served. (1)

1. Interview, County Supt. of Schools of Tama County, 1929

The writer also interviewed the teacher who was employed at the Mesquakie Day School when it closed. Having been in the Indian service for a period of seventeen years he is competent to speak of their attitude toward education and their attainments in education. Since he has been stationed on the reservation, a period of only
seven years, practically no change is apparent in this tribe. Yet since he joined the service seventeen years ago, the Indians have, in his belief changed remarkably, especially in their habits of cleanliness. He says:

We followed in so far as possible the course of study supplied us by the government which included instruction in reading, spelling, arithmetic, language, history and civics. In the past the Indian Bureau sent out final examinations in all studies for each grade at the end of the year. In 1928 this plan was dropped and now each class room teacher makes out his own list of questions in each subject which must be submitted to the district supervisor, before they are administered.

Still today the children without exception enter school for the first time with no knowledge of the English language. By the latter part of the second year in school the average child can understand practically all that the teacher would have occasion to tell him. I would sometimes write simple sentences on the board such as "ring the bell" or "stand on the chair", and tell certain of the younger students to read the sentence and then do what it said. Without exception and very quickly they would respond.

They respond much more rapidly in action than they do orally and if one is unfamiliar with Indian children it appears that they are very slow and stubborn. This is incorrect as it is characteristic of the Indian's nature to stand still and take plenty of time before they answer any question put to them. If, in your hurry to get an answer you put several questions at them in succession, your purpose will be completely lost. Invariably you will receive no answer.

As a group they appear lower in mentality then white children. No doubt much of this apparent difference in mental capacity is artificial due to the lack of understanding of the English language. There are exceptions to this rule of course. I am sure one little chap in my school could hold his own in any
public school with whites of his own age.

The majority of the children are quite young in this school due to the policy of the Indian bureau who rule that all children over the 3rd grade should be transferred to boarding school. No vocational training is given in the day school since the children are so young. The boarding schools however are very well equipped for this type of instruction which begins at the fourth grade.

We made no effort outside of interesting the children and by influencing the parent, to maintain a high attendance average. We had no authority to compel the children to attend. The local Agent attempted to force children to attend by withholding annuities but he was not successful since he did not receive the support of the Indian office.

We served a good meal at noon to these children and I am sure it was the one big factor that maintained our attendance average. Not all the Indian children however would take advantage of this meal. Some of the children who lived close to the school would go home. There is still much indifference toward education on the reservation today and the majority of the children are quite indifferent to success in their school work. There are some families who need no urging to send their children to school. Our attendance was very irregular yet in 1927 we had seven children in both schools who did not miss a day. (1)

1. Interview, H.E. Fox, Teacher of Mesquakie Day School.

Many of the older children are in attendance at non-reservation boarding schools. Here the government furnishes them transportation to and from the school,
board, room and clothing. The following table shows the number of children in attendance at these various boarding schools over a period of years:

<table>
<thead>
<tr>
<th>TABLE VIII</th>
</tr>
</thead>
</table>

**CHILDREN OF SAC AND FOX RESERVATION IN ATTENDANCE AT NON-RESERVATION SCHOOLS**

<table>
<thead>
<tr>
<th>Schools</th>
<th>1930</th>
<th>1929</th>
<th>1928</th>
<th>1927</th>
<th>1926</th>
<th>1925</th>
<th>1924</th>
<th>1923</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipestone, Minn.</td>
<td>13</td>
<td>16</td>
<td>17</td>
<td>19</td>
<td>15</td>
<td>14</td>
<td>15</td>
<td>16</td>
</tr>
<tr>
<td>Genoa, Nebr.</td>
<td>28</td>
<td>26</td>
<td>22</td>
<td>22</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Chiloco, Okla.</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Haskell, Kan.</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flandreau, S.D.</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Mission School, Pittsburgh, Pa.</td>
<td>2</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Private School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Public School</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sac &amp; Fox</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sanatorium</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2 (1)</td>
</tr>
</tbody>
</table>

**Total** 45 47 44 47 28 30 26 32

1. U.S. Depart of Interior, Bureau of Indian Affairs, Annual Reports
Since the arbitrary measures adopted at the introduction of the federal school were dropped, education has become less offensive to the Mesquakie. Arbitrary measures have apparently always set up resistance and defeated the ends in the service of which they were employed. The school system is still, however, meagerly supported and the courses of study are short. Many of the children have left school at about the sixth grade. This is entirely too early; the young people cannot take their place in our society with any degree of satisfaction with such meager training. Much can be accomplished in the way of guidance and placement work for those who do complete vocational courses in the boarding school. Many of the boys, having completed a course in farming, dairying, carpentry, etc., return to the reservation where they find nothing to do, and consequently retrograde their education practically wasted. Girls educated in domestic science, etc., have a similar experience. These young men and women should not only be prepared for worth while jobs, but such jobs should be found for them and help and encouragement given them until they are well established in their work.

One of the greatest obstacles the Indian faces in participating in our public schools is his lack of know-
knowledge of the English language. It is necessary in all cases to instruct the Indian children in the rudiments of the English language. All of the white children come to school with considerable knowledge of the mother tongue and therefore the schools are not especially equipped to teach it. Thus the Indian child is under a distinct disadvantage at the very start. Extra effort should be made in the way of organizing special classes and encouraging the use of the English language in the homes by special instructors making periodic visits to the reservation.

The need for instruction in health habits and sanitation is second only to the need for language instruction, not only that the Indian may keep himself strong and healthy and free from disease, but also that he may not be a menace to white children if he happens to come in contact with them in the public schools.

Mention has already been made of industrial training. The Indian needs training in some special line of work that he may become economically independent and efficient, able to take care of himself and his family.

Since all Indians are citizens and entitled to vote, members of a so-called self-governing group, they should receive some instruction and experience in government.
Tribal matters of any consequence are supposed to be settled by a council of five who are elected to office every two years. Very little is accomplished by this council, however, as the Indians still cling to an old tribal custom, and are loath to do anything unless they have the unanimous consent of every member. The Indians have made a real effort to establish some form of self-government but they have received no guidance or aid from the federal government which has frowned on any such plan since the death of Chief Push-e-to-na-qua in 1919.

Although these young educated Indians fail to benefit as much as they should by their education, they do, however, add to the progress of their people. They are more pliant, their prejudices are not so strong, and they are interested more easily in strengthening their intercourse with the whites as the words of one of these young men will clearly show.

Eventually the Day School was established. The white man's books and education were instruments in destroying the red man and his customs and at first my people did not favor schools. We cannot blame the Indians for thinking this because if our customs and habits made great men like Black Hawk and Keokuk, then there must be something to the teachings of the Indians. If you would go into the history of those men you would understand the statement that there must be something to the Indian's education. So you cannot blame the old people for standing to their belief in trying to hold back what a white man thought was best for them.
So it was a slow process to bring any changes.

Finally better advantages were given to this tribe. Gradually everyone was made to understand the opportunities that lie in educating the people to a better understanding of life. Now most of our younger members of our tribe attend various schools. We are looking forward to better advantages, to greater changes. Those people who have received these privileges now see the finer side of education, the finer sides of better standards of living. They will make special efforts to teach the younger generation the advantages of education.

If our tribe went out and mingled with the regular citizens and acted as one of them we would soon see the assimilation of our people. The Fox Indian would only become a name. You folks being our own neighbors know we still have people that do not speak the English language. I suppose you have tried to talk with them and we still have a certain percent of our people that still need a guardian and advice in carrying on their lives by these new teachings and customs and I see that it still is a slow process.

The new generation is coming on, perhaps they will take up the yoke and then the Fox Indian of old is past. (1)

1. Talk made at the Writer's request before the American History class of Tama High School by George Young Bear, May 1931
BIBLIOGRAPHY

1. Acts of 5th, 26th, General Assembly


11. Grinnell, J. B., Men and Events of Forty Years, Boston, D. Lathrop Company, 1891.


23. United States Criminal Code