

EXCHANGE SCHOOL LANDS GRANTED TO HALF-BREED
SAC AND FOX INDIANS.

[To accompany bill H. R. No. 320.]

APRIL 4, 1840.

Mr. REYNOLDS, from the Committee on the Public Lands, made the following

REPORT:

The Committee on the Public Lands, to whom was referred the memorial of the Legislative Assembly of the Territory of Iowa, praying permission to select school lands for the half-breed reservation situate in the forks of the Des Moines and Mississippi rivers, have had the subject under consideration, and report:

That, in the year 1824, by a treaty with the Sac and Fox Indians, a tract of land between said rivers, and a line running due east from a point one hundred miles north of the mouth of the Kansas river, to the Mississippi river, was reserved to the half-breeds of said Indians. Said tract was subsequently surveyed into sections, under the directions of the War Department. In 1834 Congress passed a law authorizing said half-breeds to dispose of said tract without reservation or restriction; since that time, the said Indians have disposed of the said tract, and now the authorities of said Territory have asked for school lands, upon the assumption that the 16th section in said tract does not become school lands.

By the annexed statements from the General Land Office, it appears that the said tract contains 119,088 $\frac{27}{100}$ acres, and that no part of it is recognised as school lands. This opinion is sustained by various decisions in former cases.

The committee are, therefore, of opinion that it is but just to permit the proper authorities in the Territory of Iowa to select a quantity of land equal to the quantity to which the townships and fractional townships in said half-breed tract would have been entitled, had the said tract remained public land of the United States. The committee being advised that the public lands in the county where said land is situate have all been disposed of, it is thought proper to permit the selection of lands anywhere in the land district. A bill is herewith reported.

The letters of the Commissioner of the General Land Office are made part of this report, and attached to it.

GENERAL LAND OFFICE, March 21, 1840.

SIR: I have the honor to acknowledge the receipt of your communication of the 20th instant, requesting to be informed of the number of town-

ships and acres in the half-breed Sac and Fox reservation between the Des Moines and Mississippi rivers, which was authorized to be sold by the half-breeds by the act of Congress of 1834, and whether there are any 16th sections in the same, the Legislature having asked for school lands.

In reply, I have to state that the abovementioned tract appears to have been surveyed into townships and sections under the instructions of the Superintendent of Indian Affairs, dated 20th January, 1832, and the plats and field-notes thereof returned to the War Department. From the original connected map of the whole survey, belonging to the Office of Indian Affairs, which happens to be in this office and is now before me, it appears that the lands have been surveyed, and the sections numbered precisely in the same manner as the public lands—each township having its 16th section (if any) in place; and that the tract includes thirteen fractional townships, containing, in the aggregate, according to the table on the map, one hundred and nineteen thousand and eighty-eight acres and twenty seven one-hundredths of an acre.

I am, sir, very respectfully, your obedient servant,
JAS. WHITCOMB, *Commissioner.*

Hon. W. W. CHAPMAN,
House of Representatives.

GENERAL LAND OFFICE, *March 22, 1840.*

SIR: In further reply to what is now understood to be the extent of your inquiry of the 20th instant, viz: whether the 16th section in the reservation of the half-breed Sacs and Foxes, between the Mississippi and Des Moines rivers, has been reserved for schools, I have to remark, that, by the act of the 30th of June, 1834, entitled "An act to relinquish the reversionary interest of the United States in a certain Indian reservation lying between the rivers Mississippi and Des Moines," the United States relinquish all the right, title, and interest, which might accrue or revert to them in the tract of land referred to.

The tract was surveyed by law, under the direction of the Department of War, and it is not understood that this office has any official cognizance whatever on the subject.

My opinion, however, being called for by you, I have no hesitation in stating that the language of the act of relinquishment is broad, without any qualification, and is viewed at this office as designed to cover the whole ground, without intending any reserve of the 16th section for school purposes.

With great respect, I am, sir, your obedient servant,
JAS. WHITCOMB, *Commissioner.*

Hon. W. W. CHAPMAN,
House of Representatives.