

## MEMORIAL

OF

### CHIEFS AND HEAD-MEN OF THE ONEIDA NATION OF INDIANS,

ASKING

*The payment of certain sums of money claimed to be due the "Six Nations" of Indians under the treaties of 1838 and 1842.*

MARCH 6, 1874.—Referred to the Committee on Indian Affairs.  
MARCH 20, 1874.—Ordered to be printed.

*To the honorable the Senate and House of Representatives of the United States of America :*

Your memorialists, the chiefs and head-men of the Oneida Nation of Indians, residing in the county of Madison, in the State of New York, respectfully represent :

That they, in common with others, known as "the Six Nations of New York Indians," held, by right of purchase by them, under the auspices and with the assent of the United States, five hundred thousand acres of land near Green Bay, in Wisconsin, which, except a small reservation, was conveyed to the United States by the first article of the treaty dated January 19, 1838, conditioned upon the pledge of certain equivalents, to be thereafter conveyed to them as consideration therefor. These equivalents were principally the conveyance to them, by patent, in fee-simple, of one million eight hundred and twenty-four thousand acres of land, designated to lie west of Missouri, adjoining the Cherokee tract, by the second article, and the appropriation of four hundred thousand dollars to enable them to remove there, &c., by the 15th article.

When this treaty was made the Seneca Nation (being one of said Six Nations) owned improvements where they resided in New York, and their representatives were induced to convey the same in connection with and as a part of the treaty aforesaid, to Messrs. Ogden & Fellows, a private land company. Their people, refusing to ratify such conveyance, caused delay and strife, which was sought to be overcome by a subsequent treaty between the parties interested, made May 20, 1842, but which only partially accomplished its purpose.

The third article of the treaty of 1838 required the Indians to remove to their lands west of Missouri within five years, or such other time as the President should appoint. He has never yet appointed a time, nor was the \$400,000 appropriated for their removal, and hence they never have, nor could they remove by reason of these laches of the United States. The differences accruing between the Seneca portion of the Six Nations and the land company, which was foisted upon all the nations

In common by the interpolation into the treaty of that incongruous private land speculation referred to, was allowed to postpone and prevent the execution of the treaty of 1833. By reason of the failure of the United States to provide means and appoint the time, your memorialists and other portions of the Six Nations, therefore, were prevented from removing upon the possessions set apart for them west of Missouri, and for which they had fully paid. Hence they have refused to surrender their right to the consideration, or its equivalent, due them for conveying their Wisconsin lands to the United States. Their right to this equivalent appears to have been recognized by the United States in an unmistakable terms, by the treaty of November 5, 1857, so far as the Tonawanda band of the Senecas were concerned. Your memorialists obtained the same equivalent, but even before the execution of the treaty made with the Tonawanda band of said Six Nations, viz, April 19, 1858, the then Secretary of the Interior, in the interest of squatter settlers upon their lands, promulgated the doctrine that the Indians had "forfeited their title to the reserve" by having "failed to remove." (See Ex. Doc. No. 37, 1st sess. 36th Cong.) Thus only about one-eighth of those entitled to participate in the equivalent for the consideration agreed to be paid for the conveyance of the Wisconsin lands, were satisfied under the partial treaty made with the Tonawanda band of Senecas.

By reason of this great wrong committed upon your memorialists by the head of the Department, whose duty in law it was to protect them, they were thus constrained and compelled either tamely to surrender their liquidated claim for the consideration due them, or employ counsel to seek to have done that which their legal guardian had willfully neglected to do. Therefore, during the following years, 1859 and 1860, your memorialists, by advice and aid of counsel and in conjunction with the Cayugas, Tuscaroras, Onondagas, and the Senecas, other than the Tonawanda band, set forth their grievances, and demanded payment for the lands in Kansas withheld from them, in respectful petitions to each branch of Congress. These memorials were presented on the 17th and 19th December, 1860, in the House of Representatives and Senate, and referred to their respective committees on Indian affairs.

The secession of States and war of the rebellion, which immediately followed, was the excuse of the committees for postponement. In the mean time, through the efforts of our counsel and the visit of Delegations to Washington in 1864, the then Secretary of the Interior was induced to review the action of his predecessor, and entered upon measures for negotiating a settlement with all the nations interested, on the basis of the treaty of 1837. Local difficulties intervening, they were postponed from time to time until the autumn of 1868, when negotiations resulted in a treaty concluded December 4 of that year. A prevalent sentiment of hostility to treating with Indian tribes, as nations, was brought to bear in antagonism to the treaty in connection with the merits of the claim. In consequence, the treaty still sleeps upon the Senate's executive calendar.

Having thus exhausted all means of obtaining their just rights through the executive branch of the Government, your memorialist beg again respectfully to ask your honorable bodies to provide and authorize the proper department to pay to themselves, and each nation entitled to participate in the consideration named, according to their numbers stated in the schedule appended to the treaty of January 15, 1838, less the band referred to, or individuals already paid, the same amount *pro rata* allowed under the treaty of November 5, 1837, viz, \$393.85, with interest from April, 1858, until paid, to each soul—that being the total

imum estimate for their respective quotas of 320 acres of Kansas lands, at one dollar per acre, and \$335 each, and a share of the removal money.

DANIEL SCONONDOA,  
 ISAAC WEBSTER,  
 THOMAS CORNELIUS,  
 JONAS CORNELIUS,  
 JOSHUA CORNELIUS,  
 WESLEY CORNELIUS,  
 NICHOLAS HONGON, his x mark.  
 JACOB DONTATER, his x mark.  
 JOHN DANA, his x mark.  
 CORNELIUS HILL,  
 MOSES WEBSTER, his x mark.  
 THOMAS WEBSTER, his x mark.  
 DANIEL WEBSTER, his x mark.  
 ABRAM SCONONDOA, his x mark.  
 DANIEL SCONONDOA, J'r, his x mark.  
 THOMAS SCONONDOA, his x mark.

*Chiefs and Headmen.*

Signed in the presence of—

A. E. WALLACE, M. D.

STATE OF NEW YORK,  
 Madison County, ss:

On this 4th day of March, A. D. 1874, before me, the subscriber, personally appeared Daniel Sciondoea, Isaac Webster, Rev. Thomas Cornelius, Jonas Cornelius, Joshua Cornelius, Wesley Cornelius, Nicholas Hongon, Jacob Dostater, John Dana, Cornelius Hill, Moses Webster, Thomas Webster, Daniel Webster, Abram Sciondoea, Daniel Sciondoea, and Thomas Sciondoea, chiefs and head man of the Oneida Nation of Indians, to me known to be the same persons described in and who executed the foregoing petition, and acknowledged that they executed the same for the purposes therein mentioned.

[SEAL.]

JAMES B. JENKINS

*Notary Public, Madison County, New York.*

(Official signature of magistrate.)

JAS. B. JENKINS

*Notary Public.*

STATE OF NEW YORK,  
 County of Madison, ss:

I, A. D. Kennedy, clerk of the courts of record of the county and State aforesaid, do hereby certify that James B. Jenkins is a notary public in and for said county, duly qualified to act as such; that his term of office commenced on the 31st day of March, in the year 1873, and will expire on the 30th day of March, in the year 1875, and that his signature, above written, is genuine.

Given under my hand and the seal of the said county, at Morrisville, in the said county of Madison and State of New York, on this 28th day of April, in the year of our Lord 1873.

[SEAL.]

A. D. KENNEDY, Clerk.

IN THE SENATE OF THE UNITED STATES.

MARCH 30, 1874.

Mr. FENTON asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice, referred to the Committee on Indian Affairs, and ordered to be printed.

**A BILL**

To provide a settlement with the Six Nations of New York Indians for unexecuted treaty-stipulations.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That the Secretary of the Interior be, and he is hereby,  
4     authorized and directed to appoint a special agent, whose duty  
5     it shall be to make a full and complete registry of all such of  
6     the Six Nations of New York Indians and of their consangu-  
7     nous descendants only, who were parties to or beneficiaries of  
8     the treaty concluded on the fifteenth day of January, eighteen  
9     hundred and thirty-eight, namely, Onondagas, Oneidas,  
10    Cayugas, Tascoronas, Saint Regis, Stockbridges, Munsees,  
11    Brothertowns, and the Senecas other than the Tonawanda  
12    band, beneficiaries under the treaty of November fifth, eight-  
13    een hundred and fifty-seven, as contained in Schedule A  
14    appended to said treaty of eighteen hundred and thirty-eight,

15 which provided for the exchange of about five hundred thou-  
16 sand acres of land owned by them and lying in the Territory  
17 of Wisconsin for one million eight hundred and twenty-four  
18 thousand acres of land lying west of the State of Missouri,  
19 within the limits of the present State of Kansas, and other  
20 considerations and payments therein stipulated.

1       SEC. 2. That the special agent herein authorized shall  
2 be required, under oath, to duly investigate and report to the  
3 Secretary of the Interior four distinct lists for each of the  
4 nations, tribes, or bands that shall be found to be entitled to  
5 participate in the unliquidated considerations named in the  
6 treaty of January fifteenth, eighteen hundred and thirty-  
7 eight; the first of which shall show the present location of  
8 the nation, tribe, or band, and the names of all, individually,  
9 that may signify their wish to remain in their present loca-  
10 tion and tribal relations; secondly, the nation, tribe, or band,  
11 individually, who may signify a desire to remove as a nation,  
12 tribe, or band to a new home to be provided for them in the  
13 Indian Territory; thirdly, the name of each individual of  
14 mature age, and their minor children and wards, who may  
15 signify a desire to abandon tribal relations and to become citi-  
16 zens of the United States, upon the terms and conditions  
17 hereinafter provided; and, fourthly, the name of each indi-  
18 vidual of mature age, together with their minor children  
19 and wards, who may signify a wish to sever their present

20 tribal relations and unite with any, and if so what, other  
21 nation, tribe, or band of Indians, either where they are now  
22 located or in the Indian Territory.

1       SEC. 3. That the Secretary of the Interior is furthermore  
2 hereby authorized and empowered to assure each of the na-  
3 tions, tribes, or bands named in the first section of this act,  
4 or individuals thereof, accordingly as herein provided they  
5 shall elect, that they shall be indemnified for their lands in  
6 Kansas which were taken in eighteen hundred and fifty-eight,  
7 under orders of the Secretary of the Interior, and sold for the  
8 use of the United States, and their respective proportions in  
9 the beneficial provisions to which they were otherwise en-  
10 titled as consideration for the conveyance of their Wisconsin  
11 lands by virtue of the treaty of eighteen hundred and thirty-  
12 eight, upon the basis of the treaty concluded with the Tona-  
13 wanda band of Senecas, November fifth, eighteen hundred  
14 and fifty-seven, with interest on the amounts, respectively,  
15 found to be due from and after that date.

1       SEC. 4. That it shall be the further duty of the special  
2 agent herein provided to convene the national and tribal  
3 authorities of the respective nations or bands mentioned in  
4 the first section of this act, at such convenient times as shall  
5 enable him to receive from each the formal written assent to  
6 the provisions of this act, and full surrender and relinquish-  
7 ment by such nations, tribes, or bands of all their rights sev-

8 erally or in common to the lands lying in the State of Kansas,  
 9 all claims for their removal to said lands, to subsistence after  
 10 such removal, and all other claims growing out of said treaty  
 11 concluded January fifteenth, eighteen hundred and thirty-  
 12 eight, to the United States, conditioned upon the performance  
 13 by the United States of the assurances contained in the third  
 14 section of this act. And to enable said special agent to dis-  
 15 charge the duties herein imposed, he is hereby empowered to  
 16 administer oaths to such witnesses as may be brought before  
 17 him; and in all matters of doubt as to the rights of individ-  
 18 uals, families, or bands to participate in the benefits of this  
 19 act, or to have their names enrolled with any nation, tribe, or  
 20 band, or any other question affecting their rights, he shall  
 21 carefully examine and reduce all necessary testimony of wit-  
 22 nesses to writing, which shall be returned with his report,  
 23 and any decision he may render shall be subject to review by  
 24 the Secretary of the Interior.

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2 Interior, upon the completion and review of the facts ascer-  
 3 tained as hereinbefore provided, to report the same to the  
 4 next ensuing session of Congress, together with an estimate  
 5 of the amount required to carry into effect the provisions of  
 6 this act, stating what is required for the distributive shares of  
 7 those who may elect to become citizens, and of such as shall  
 8 elect to remove or change their tribal relations.

1       SEC. 6. That any individual of mature age, member of  
2 either of the nations, tribes, or bands herein provided, who  
3 may desire to become a citizen of the United States is hereby  
4 authorized to file his petition before any district or circuit  
5 court of the United States for that purpose; and if he shall  
6 prove to the satisfaction of such court that he has managed  
7 his affairs with ordinary prudence and intelligence during the  
8 five years preceding such application, and that he compre-  
9 hends the nature thereof, and the duties and obligations of a  
10 citizen, it shall be the duty of said court to issue to him a  
11 certificate of citizenship; and on the presentation of a cer-  
12 tified copy of such certificate, the Secretary of the Interior  
13 shall withdraw from any funds standing to the credit of the  
14 nation, tribe, or band to which such individual belongs, the  
15 distributive share of such individual, together with the dis-  
16 tributive shares of his wife and minor children and wards,  
17 and pay the same over to him, and thenceforth the obliga-  
18 tions of the United States and of the nation, tribe, or band to  
19 which he may have belonged shall cease.

1       SEC. 7. That if any nation, tribe, or band of Indians  
2 named in the first section of this act other than those resid-  
3 ing in the State of New York shall apply to the Secretary  
4 of the Interior to be removed to a new home in the Indian  
5 Territory, and if such applicants be the occupants or owners  
6 of lands held by them in common, it shall be the duty of



7 said Secretary to take charge of their property therein, to  
8 have the same surveyed, appraised, and sold to the highest  
9 bidder, at not less than the appraisement, for cash, and apply  
10 the same in the purchase of a new home in the Indian Ter-  
11 ritory for such applicants and in their removal thereto; or if  
12 such applicants have no lands, then the said Secretary may  
13 apply to such removal any part of any funds standing to the  
14 credit of such applicants, or so much thereof as shall be  
15 necessary for the purpose.

1       Sec. 8. That if any one or more individuals of either of  
2 the nations, tribes, or bands named in this act shall apply to  
3 change his membership from one to the other, or to some  
4 tribe or band resident in the Indian Territory, and the tribe  
5 or band of which they propose to become members shall  
6 assent thereto in writing, it shall be the duty of the Secretary  
7 of the Interior to withdraw the distributive share of such  
8 applicant or applicants from the funds of the nation, tribe, or  
9 band to which they belong, and to place the same to the  
10 credit of the tribe or band with whom they may unite: *Pro-*  
11 *vided,* That not more than one such transfer, which may  
12 embrace one or more individuals of the same band, shall be  
13 allowed. And to enable the Secretary of the Interior to carry  
14 out the provisions of this act, the sum of five thousand dollars  
15 is hereby appropriated out of any moneys in the Treasury  
16 not otherwise appropriated.