

1260-1908
34500-1908
16491-1909
35164-1909

Oneida School, Wis.,
October 16, 1909.

Complaints of Amos
Baird and Paul
Doxtator.

By Charles L. Davis,
Supervisor of Indian Schools.

The several files sent me from the Office, shown by the numbers given above, show that for several months past numerous complaints have been coming to the Office, mostly from two members of the Tribe, Amos Baird and Paul Doxtator, concerning the organization of town government on the east half of the Oneida Reservation under the laws of Wisconsin, taxation of their property, and other similar matters. I considered these matters quite carefully, and talked with the two parties mentioned, together with a number of other members of the tribe that they asked to bring before me, and my conclusions in the matter will be found quite fully set forth in my letter to the Oneida Indians dated October 14, 1909, and transmitted herewith as Exhibit A. There I tried to answer all questions raised by the Indians, both those presented to the Office and some presented to me on the ground, with a view of stopping the unrest and agitation going on among them. It was deemed advisable to take this course because it was really a matter of instruction and pacification, for the questions raised were such as have been passed upon so many times, by the Office that there is really no question of doubt existing.

At first it seemed to me that there might be a federal question in the matter of whether the State could go ahead and organize municipal territory included in an Indian reservation where no formal opening of surplus lands or obliteration of reservation lines

had ever taken place, but on further inquiry and examination I found decisions of the State Court of Wisconsin based on decisions of the U.S. Supreme Court of Wisconsin leave no doubt whatever as to this question, and taking that view of it, the State has proceeded within its proper and lawful bounds, and so far as anything I can see, has acted wisely both as to its own interests and the future interests of the Indians.

There was at one time a great doubt as to whether or not the act of the State legislature in creating Hobart Township in Brown County was legal in that it seemed to conflict with the decision of the Supreme Court of the State in one minor particular. The State's Attorney for Brown County told me himself that he doubted whether or not the Act was wholly legal by reason of a technicality, that in organizing the Township the County Board had attempted to correct this, and whether the said Board could correct it was a question of doubt in his mind, but in a subsequent Act the Legislature had referred to Hobart Township in such a way as to virtually legalize it, and even if it should be held to be illegal, it would be but an easy matter for the legislature to correct it by a legalizing act. The Office will understand that the question in doubt was purely a technical one and in no way operated to the injury of the Oneida Indians or anyone else. There were a number of land owners, able and competent men, who had purchased lands in large tracts on the Oneida Reservation, who held back from paying the taxes levied by Hobart Township to the very last, but permitting the lands to be sold they came in and paid the taxes and thereby acknowledged that in their judgment an action in court to set aside the organization would doubtless prove a failure. I therefore recommended to the Indians to pay their taxes and not risk an action in court.

The Office will probably understand the situation on the Oneida Reservation better by saying that up to the time of the organization of Hobart Township the reservation lands wherein the restrictions has been removed were not taxed, from the fact that there was no system or means whereby taxes could be levied upon them, and that lands otherwise taxable had been allowed to run several years without any levy being made against them by reason of this want of township government. The purchasers of the reservation lands had made use of this fact as an inducement to men to whom they would sell by representing that the lands were not now taxed and in all probability would not be taxed for many years yet to come. In this way the Indians and many of the later purchasers had come to feel that the lands would not be taxed until the full trust period has expired, which would, of course, be a great saving to all such land owners. Consequently, when Hobart Township was organized and the levy was made and the collection of taxes begun, there was a great deal of disappointment which crystallized into considerable discontent. I feel, however, that this has about entirely disappeared, and of course the Indians want to know from the Government whether or not they had to pay taxes. As the Office will see, I attempted to settle that in their minds in the letter addressed to them.

The question would arise whether or not the Superintendent has handled this matter wisely and whether he could have handled it in such a way to prevent these complaints coming to the Office. I am rather of the opinion that Supt. Hart has done about all that he could, though it is probable had he taken a more active part in the matter he would have succeeded in educating his Indians up to the point where they would have accepted the situation without so much complaint. On the other hand, we must recognize

that Amos Baird and Paul Doxtator are in a way the old-time Indian and are using this complaint, as in the custom of Indians, for what we might term political purposes among their tribe, more than to prevent the State from collecting taxes. Baird is an exceptionally competent man in most ways, and looks the white man in almost every particular, but he had always allied himself with the faction known locally as the Indian Party, and through his ability has achieved considerable leadership. It is the ambition of Amos Doxtator and a few others to hold the leadership of the tribe that they are urging these things, according to my judgment.

I find nothing further to recommend in the premises. About the only thing left for the Office is to cooperate to the end of pacifying the Indians as far as possible, that they will accept the action of the State in organizing the township and collecting the taxes.

Charles L. Davis
Supervisor.