

STATE OF NEW YORK

No. 70.

MAY 18, 1910.

IN ASSEMBLY

MEMORIAL OF A BAND OF ONEIDA INDIANS.

To the Senate and Assembly:

Your Memorialists respectfully say:
That they are a band of Indians descendants of Uren from the Oneidas and successors to the rights hereinafter set forth in and to a certain parcel of land which may be described as follows:

All that tract or parcel of land situate in the town of Lenox, now the city of Oneida, in Madison county, and
Beginning in the center of the highway leading from Oneida to Munnsville, known as the West road, bounded on the south by lands owned and occupied by Prabe Lyon, and on the east by lands owned by S. H. Farnham of Oneida; on the north by lands owned and occupied by Daniel Schanandoch, and on the west by said highway to the place of beginning, containing thirty-two acres of land, be the same more or less.

That said parcel of land is part of lot No. 17 referred to in the treaty entered into by and between the first and second Christian parties of the Oneida Indians residing in said town of Lenox and the State of New York, the latter being through the Commissioners of the Land Office, made and executed on the 23d day of May in the year 1842.

VILLAGES OF THE FOURTH CLASS - (Continued).

Condensed Financial Statement.

VILLAGES	Balance on hand at beginning of fiscal year.			Receipts during fiscal year.			Disbursements during fiscal year.			Balance on hand at close of fiscal year.		
	1909	1908	1907	1909	1908	1907	1909	1908	1907	1909	1908	1907
Albion	298	288	298	898	998	898	198	198	198	298	288	298
Arden	298	288	298	898	998	898	198	198	198	298	288	298
Aurora	298	288	298	898	998	898	198	198	198	298	288	298
Black River	298	288	298	898	998	898	198	198	198	298	288	298
Brooklyn	298	288	298	898	998	898	198	198	198	298	288	298
Carthage	298	288	298	898	998	898	198	198	198	298	288	298
Central Square	298	288	298	898	998	898	198	198	198	298	288	298
Cherry Valley	298	288	298	898	998	898	198	198	198	298	288	298
Concord	298	288	298	898	998	898	198	198	198	298	288	298
Corrairie	298	288	298	898	998	898	198	198	198	298	288	298
Cornwall	298	288	298	898	998	898	198	198	198	298	288	298
Cooperstown	298	288	298	898	998	898	198	198	198	298	288	298
Croton	298	288	298	898	998	898	198	198	198	298	288	298
Danbury	298	288	298	898	998	898	198	198	198	298	288	298
Dundee	298	288	298	898	998	898	198	198	198	298	288	298
Esopus	298	288	298	898	998	898	198	198	198	298	288	298
Fort Ann	298	288	298	898	998	898	198	198	198	298	288	298
Franklin	298	288	298	898	998	898	198	198	198	298	288	298
Greenville	298	288	298	898	998	898	198	198	198	298	288	298
Hamlet	298	288	298	898	998	898	198	198	198	298	288	298
Highville	298	288	298	898	998	898	198	198	198	298	288	298
Malone	298	288	298	898	998	898	198	198	198	298	288	298
Mendon	298	288	298	898	998	898	198	198	198	298	288	298
Monticello	298	288	298	898	998	898	198	198	198	298	288	298
Nanuet	298	288	298	898	998	898	198	198	198	298	288	298
Orangetown	298	288	298	898	998	898	198	198	198	298	288	298
Piermont	298	288	298	898	998	898	198	198	198	298	288	298
Port Jervis	298	288	298	898	998	898	198	198	198	298	288	298
Richmond	298	288	298	898	998	898	198	198	198	298	288	298
Shelburne	298	288	298	898	998	898	198	198	198	298	288	298
Tioga	298	288	298	898	998	898	198	198	198	298	288	298
Ulster	298	288	298	898	998	898	198	198	198	298	288	298
Warren	298	288	298	898	998	898	198	198	198	298	288	298
Westerlo	298	288	298	898	998	898	198	198	198	298	288	298
Yonkers	298	288	298	898	998	898	198	198	198	298	288	298

[Assembly,

of said lands was had under color of a judgment of the Supreme Court of the State, as hereinafter told, the said thirty-two acre parcel had been from the date of said treaty in the exclusive jurisdiction of the State of New York, nor had any other State allotted by said treaty to a band of Oneida Indians composed of Cooper, Margaret Cooper, Susan Cooper, Hannah Cooper, Dolly Cooper, Moses Cooper, Charles, her daughter, Susan Charles, his wife, Roderie Cornelius, Jenny Cornelius, Daniel Cornelius, and Susan Antone. Thomas Antone, Mary Antone, Mary Antone, that at the time of the sale aforesaid, and of the expulsion members of said band and descendants of certain Oneida Indians, three allottees, were actually domiciled on said thirty-two acre parcel, viz.: William K. Honyoust, Nicholas Honyoust, Isaac Honyoust.

That at the times last stated there was actually domiciled on three allottees named in said treaty as Mary Charles, viz.: Mary being also descendants of certain of said treaty-three allottees, and being members of said band, were entitled to a home and therein then existed, their rights having never been partitioned or set off to them in severalty, but said persons were temporarily domiciled at other places for convenience in their employments or, being infants, were domiciled at various State or Federal Indian schools, viz.: Henry George, Daniel Honyoust; the infant children of said Daniel Honyoust; Sylvia Elm; the fol-

lowing children of Sylvia Elm: Andrew Elm, Fay Elm, Cornel Elm, Pearl Elm, Winifred Elm; Kary John, Homer, her child; John Honyoust, Charles Honyoust; William H. Rockwell; the following children of William H. Rockwell: Edna Rockwell, Henry Rockwell; Albert Scarrandoh, Chapman Scarrandoh, Chapman Scarrandoh, Jr., his child, Nicholas Scarrandoh, 2d. The foregoing list is exclusive of the respective husbands and wives of the married persons named. Of said persons the following were born upon the land in question, viz.: Henry George, Daniel Honyoust, Charles Honyoust, William H. Rockwell, Edna Rockwell, Henry Rockwell, Albert Scarrandoh, Chapman Scarrandoh, Nicholas Scarrandoh, 2d.

That according to Indian custom the said Oneidas held equal and undivided interests per capita, including infants and females, at all times in said land.

That at the time of the sale aforesaid and of said expulsion said lots Nos. 17 and 18, excepting said thirty-two acres of lot 17, had been occupied for varying periods by certain white persons or their grantees claiming to hold under deeds or other conveyances made, as your memorialists believe, by certain Oneida Indians who at the time of making such conveyances were members of said band, but that such conveyances were never authorized by the tribal government of the band nor by any proper authorities of the State of New York. Your memorialists, nevertheless, make no claim here on account of the land so conveyed, but base their claim here on their right to peaceful possession of said thirty-two acres from which they were expelled.

That from the date of the treaty aforesaid down to the day of said sale, and at the time of said expulsion, said band existed under a government of its own carried on by chiefs or head men authorized to act from time to time in all matters affecting said band, said chiefs being Marshall John, Simeon Elm, Baptist Day, Joseph Johnson, William Honyoust, Rockwell, Alexander Burning.

That there are two dwelling-houses on said land where the members of the said band have found a common shelter for many years, and the remainder of the land has been cultivated and enjoyed by the members of said band as a common and equal

Indians, but being insufficient to pay such costs a judgment of deficiency of \$6,05 was entered against said Indians.

That on a motion to confirm said sale, the Attorney-General learning of the pendency of said suit, and with the approval of the Governor of the State, appeared before the court and informed the court of the said treaty, after which an order was made by the court on November 18, 1903, declaring that no title to estate nor interest whatsoever in the lands sought to be partitioned is or at any time was vested in the plaintiff, and that she had no right to maintain said action for partition.

That thereafter said order was reversed on appeal by the Appellate Division, Third Department, on the ground that the findings and interlocutory judgment theretofore rendered were conclusive upon the court after which, as your memorialists are informed, an order was made directing the sheriff of Madison county to put the plaintiff in possession of said land.

That thereafter and on the 30th day of November, 1909, said sheriff, with a posse of men, entered upon said premises, then and there in the quiet and peaceable possession of said band under said treaty, and entered the houses thereon and forcibly dragged the inmates, members of said band, therefrom and expelled them from the land and carried the furniture from the houses and the chattels and other movable property from the land, locking the doors and forbidding said occupants to re-enter the land, and left them helpless on the roadside with their belongings.

That the aged and infirm members of said band were given shelter by friends in the vicinity; others found asylum with their Onondaga brethren, while others have been compelled to part company with their Indian relatives and find support for themselves among the whites in distant places.

That the individual defendants in said suit had no means to give security to appeal from said determination of the Appellate Division to the Court of Appeals, as required by the law of the State in cases of appeals, having no property save a few articles of furniture and chattels outside of their small interests in said parcel of land.

That after the decision of the Appellate Division aforesaid, this band, acting by and through its chiefs, placed on file with the Governor its protest against such threatened eviction.

That all the so-called deeds and mortgages which have been made relating to said lands, and especially those relied upon by said Julia Boylan to sustain her claim, were procured to be made by white citizens of the neighborhood who desired to obtain said land from said band, and none of the members of said band had means to purchase the same even if they were lawfully subject to be partitioned by State courts, nor to compel a sale at a fair price.

That by such expulsion, wrongfully procured as above stated, this band has lost its reservation, the personal belongings of many of its members have been lost or destroyed, the band has suffered great indignity, and this wrong has been committed under color of State authority.

The band, therefore, invokes protection at the hands of the Legislature in its distress, reminding the State of the right of the Oneidas to confide in the State for just treatment, and the band prays that amends be made by an appropriation for the benefit of the band in the amount of \$25,000 as an indemnity for the property lost as well as the indignity suffered. Thus the band will ever pray.

- ALEXANDER BURNING,
- MARSHALL JOHN,
- SIMEON ELM,
- BAPTIST DAY,
- JOSEPH J. JOHNSON,
- W. H. ROCKWELL,

Chiefs.

GEORGE P. DECKER,
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