

Hearing before Mr. C. F. Hauke, Chief  
Clerk, Office of Indian Affairs, May 7, 1917.

Mr. Dennison Wheelock, )  
Mr. P. W. Silverwood, )  
Mr. O. J. Kellogg, )  
Mr. Peter J. Pawlas, )  
Mr. Josiah C. Charles, )  
Mr. David C. Clawson. )

9th District,  
Wisconsin.

In reference to expiration of trust period  
covering allotments on the Oneida Reservation, Wis-  
consin.

Mr. Wheelock:

I have here a map of the Oneida Indian  
Reservation, showing the land set apart for the  
Oneida Indians by the Government. The land for  
which patents in fee have been issued is shown  
on the map in red and the trust patent land is  
shown in white. These markings are supposed to  
be correct but some errors have been made. Some  
lands are marked red that are not patented. When  
this land was allotted, under the Act of February  
8, 1807, the Indians who were present received  
the best part of the land on the reservation,  
while the Indians who were not there were allotted  
land on the outskirts, which was poor land.

I also have here two sets of pictures; one  
set representing improvements on lands of allottees  
who are now living; the other representing im-  
provements on lands of allottees who are now dead.  
In all cases, however, the improvements are on  
trust-patent lands. The names of the allottees  
and the description of the land and improvements  
are written out on the back of each picture. With  
very few exceptions, these Indians are competent  
to handle their own business affairs.

Mr. Hauke:

Are they full or mixed bloods?

Mr. Wheelock:

There are no full bloods on the reservation.  
(Mr. Wheelock then set forth in particular the  
case of one William Silas, who has 90 acres of  
trust land in the very best part of the resor-

vation, citing the fact that he is thoroughly competent and capable in every way to transact his own business matters.)

Mr. Hauke:

Has this man made application for a patent in fee?

Mr. Wheelock:

I do not think he has. The trust period on this land expires June 12, 1917, but if you have extended this period for one year, you could not compel him to take a patent in fee. Some of the best land is held under trust patents and the allottees are in every way competent, but they do not want patents in fee because they do not want to pay taxes.

Mr. Hauke:

This case (William Silas) is a sample of what you want to present to the Indian Office? Let us file this map and the pictures in this case. I believe the Commissioner told you that this extension of one year was merely for the purpose of having time in which to make a thorough investigation of these matters and with a view of avoiding any mistakes. It seems there are some Indians on the reservation who are not competent.

Mr. Wheelock:

I think you have not been thoroughly advised on that subject.

Mr. Hauke:

It is for that reason that the Commissioner wishes to send a man there to fully investigate the matter and to protect those Indians who are not ready for fee patents. There are 26 or 28 Indians holding trust patents for which there has been no extension of time.

Mr. Wheelock:

The Indians who were allotted on the outskirts of the reservation were compelled to sell

the land which was allotted to us and purchase other land which we could use to better advantage. My own allotment consisted of 45 acres, 26 acres of which were in one part of the reservation and 19 acres in another part, back in the woods. This was the case with many other Indians whose allotments were separated and they had to do the same thing I did. My father received 74 acres in one tract which was very good land, because he was there at the time the allotments were made. The other Indians were put out in the poor land on the outskirts of the reservation. My brother's allotment was divided up into several tracts.

Mr. Hauke:

What I understand is this. You are presenting evidence to show that many of the Indians now holding trust patents are competent. Our purpose in extending this trust period was to give us time to investigate conditions.

Mr. Wheelock:

If you have extended this period for one year there is no use for us to talk over this matter any further, except with the understanding that at the expiration of this time there is to be no further extension. We are trying to convince you that there was no necessity for this extension.

Mr. Hauke:

You admit there is a necessity for extending the period for some of the Indians?

Mr. Wheelock:

Very few.

Mr. Hauke:

Suppose we file this map and the pictures and have our man make an investigation. This extension will mean that the Indians holding trust patents will escape paying taxes for one year. If, upon investigation, we find the conditions as you represent them, of which I have no doubt, I feel sure that the Commissioner will

take such action that the trust period will be extended no longer than for one year. Wouldn't it be a good idea to let the extension for one year go through, knowing that it will be the last extension?

Mr. Wheelock:

If the President has already signed the order for this extension, of course it will have to stand. In that case we will be satisfied if the time is extended no longer than for one year.

Mr. Kellogg:

Mr. Kellogg presented in detail the matter of road construction on the reservation, stating that about 50 miles of new turnpike had been constructed within the past three years. This work has been done by the county authorities and a large amount of money has been expended. Of course, it was asserted that the Indians would be subject to taxation in June of this year and that they would pay their share of the money for road work. The roads so constructed directly cross the reservation and the Indians holding trust patents derive full benefit and should pay their share of the cost and maintenance. Fifteen or twenty bridges of a permanent nature have been constructed. The first cost, however, is considered a small item compared with the cost of maintenance, and as the Indians, especially those whose allotments are near the roads and who derive great benefits therefrom, and whose lands are held in trust, were expected to meet their share of the expenses of maintenance, this extension of time leaves the heavy burden on the other citizens while the trust-patent Indians are protected. Mr. Kellogg then exhibited pictures showing the type of bridges that have been constructed and of the roads that have been constructed. Mr. Kellogg further stated that the road work had been paid for, and that the Indians holding trust patents derived great benefits therefrom without contributing either in the cost or maintenance. This includes not only allottees who are now living, but the roads run past allotments of Indians who are dead, that is, the roads run past their estates.

Mr. Hauke:

You say this road has been paid for?

*Delinquent*  
Mr. Kellogg:

Yes, some \$10,000 were expended. (Mr. *Delinquent*  
~~Kellogg~~ then exhibited pictures showing the new tubercular sanatorium which has lately been constructed, also several schools, homes, farms, etc.)

Mr. Hauke:

What per cent of this land is trust land?

Mr. Wheelock:

About 12,000 acres out of 64,000 acres.

Mr. Hauke:

About 20 per cent. Out of this 20 per cent remaining in trust, what per cent is held by Indians who are not fully competent?

Mr. Wheelock:

A very small per cent, probably 3 or 4 per cent.

Mr. Hauke:

You were apprehensive that we would extend the trust period for ten years or more?

*Delinquent*  
Mr. Kellogg:

*Delinquent*  
(Mr. Kellogg stated that as chairman of the county committee on improvements, he had received a large appropriation for road work, on the assumption that the Indians, their trust period expiring in June of this year, would pay their share. If the trust period were extended, it would create a prejudice against the town of Oneida and the other citizens would be very much dissatisfied.)

Mr. Hauke:

What effect would it have if you were to go back home and say that this time is extended for one year in order to have an investigation by our representative, this period to cover the last extension?

*Mr. Kellogg*  
Mr. ~~Kellogg~~:

That ought to be sufficient.

Mr. Hauke:

The Commissioner wants time to look into this matter thoroughly in order that no single individual might have his property confiscated.

*Mr. Kellogg*  
Mr. ~~Kellogg~~:

We could present enough evidence to convince the Commissioner that our contention was right and that this extension was unnecessary, if we could take the time to go into detail. However, we will go back and tell the town officials that the time will be extended for one year only.

Mr. Hauke:

I am sure the Commissioner will send a man out there this season to make an investigation in order that he may determine for himself the action to be taken.

Mr. Wheelock:

Could this investigation be made before the twelfth of June?

*Mr. Kellogg*  
Mr. ~~Silverwood~~:

Could the time be extended for a period of six months instead of one year? It is evident that if the time is extended for one year the Indians will escape paying taxes for two years.

Mr. Hauke:

I do not believe that the extension for one year will mean that the Indians will escape paying taxes for two years. The extension will be for a period of one year.

Mr. Wheelock:

We certainly would assist any representative you might send to get to the bottom of the situation.

Mr. Kellogg:

We would be pleased to assist him in order that he might get the facts in the case.

Mr. Wheelock:

This extension was a great surprise to me. Here was one reservation, I thought, from which the Government could withdraw. Then all at once I heard that the trust period was to be extended.

Mr. Hauke:

Is it possible that anyone has made contracts with the incompetent Indians for the sale of their lands.

Mr. Wheelock:

I do not think these trust-patent Indians are incompetent, in fact, I think they are the best business men in that part of the country.

Mr. Wheelock then brought up the question of the disposition of the estates of deceased allottees, stating that these lands were lying idle, including some of the very best lands on the reservation. He cited several cases in which the determination of the heirs to the estates had been held up for several years. (Particularly the case of Henry Skerandore).

*Silverwood*  
Mr. ~~Hauke~~ stated that the production of crops was held up on these estates and that no one was receiving the benefits which could be derived from such lands.

*Killgus*  
Mr. Silverwood brought up the question of 700 acres of land on which there were duplicate allotments, allotments having been made to the same Indians under different names.

Mr. Hauke: (answering Mr. Silverwood)

If you will present this matter to me in a letter I will see that the proper action is taken.

Note.

Write Mr. Silverwood a letter on this subject.

Mr. Powlas described the conditions which existed on

the reservation twenty-five years ago, when the schools were supported by the Government. There were no roads, bridges, etc. Conditions have changed greatly since that time and now the schools are supported by the counties. In his opinion, these matters should be brought to the attention of the Indian Office, and as chairman of the Indian committee, it is his duty to inform the Office concerning the conditions existing on the reservation at this time. It is his belief that the Indians are all competent to handle their own business affairs.

Mr. Hauke:

I am sure the Commissioner's ideas will meet your ideas, and it is simply a question of giving us time to make an investigation which we can stand on. I think the Commissioner has the same ideas on this matter as you have.

Mr. Kellogg:

The last investigation made was not very thorough and the reports concerning the financial standing of the Indians were absolutely erroneous. These Indians are fully able to take care of themselves. Their farms are good, and the merchants will vouch for their integrity. We invite the fullest investigation of these matters.

Mr. Hauke:

When the Commissioner sends his representative to the reservation he will probably direct him to call upon you, and there will be no opportunity, if you do your part, that he will not be in possession of all the facts. I believe that if you will let the matter rest in that way it will be the best thing to do at this time. We will write you a letter responsive to this hearing, and set you straight on everything pertaining to this case.

Mr. Hauke then suggested that these trust patent In-



Indians might be appealed to in a patriotic way and induced to make application for patents in fee.

Mr. Wheelock:

Putting it up to them on patriotic grounds I think probably they would do it.

Mr. Kellogg:

Coming from the Indian Office, such an appeal would have the desired effect, but coming from the citizens it probably would not.

Mr. Powlas:

These Indians are all self-supporting and should have patents in fee, but they do not want patents because they would then have to pay taxes.

Mr. Hauke:

Responsive to these matters and the stand you have taken, we will write you a letter which will show that you have done your part along this line and which will give encouragement of early action on our part to settle the discussion once and for all. I believe it would be better to let the matter rest as it is now, rather than to try to make an investigation which would be incomplete. It is better to have it done thoroughly when it is done.

*Mr. Kellogg*  
*Burleson* Mr. Kellogg called attention to the matter of Bishop Solson holding some of the best land on the reservation and that he did not pay any taxes, etc.

Mr. Hauke:

How did he get this land?

Mr. Wheelock:

He was adopted into an Indian family.

*Kellogg*  
Mr. Silverwood brought up the question as to whether Indians over sixty years of age should be declared incompetent. He stated that a great many Indians over sixty years of age were fully competent.

Mr. Hauke:

I know of no instructions of that kind, where Indians over sixty years of age should be declared incompetent. That, however, would not be considered in this extension.

How can we keep this map on file here along with the pictures?

Mr. <sup>S. V. ...</sup> ~~Willeggi~~

We will take this map home and make a copy of it, which we will send to you and you can file it with the copies of all the pictures in this case.

Mr. Hauke:

In conclusion, I can say that the Commissioner will give this matter his immediate attention.