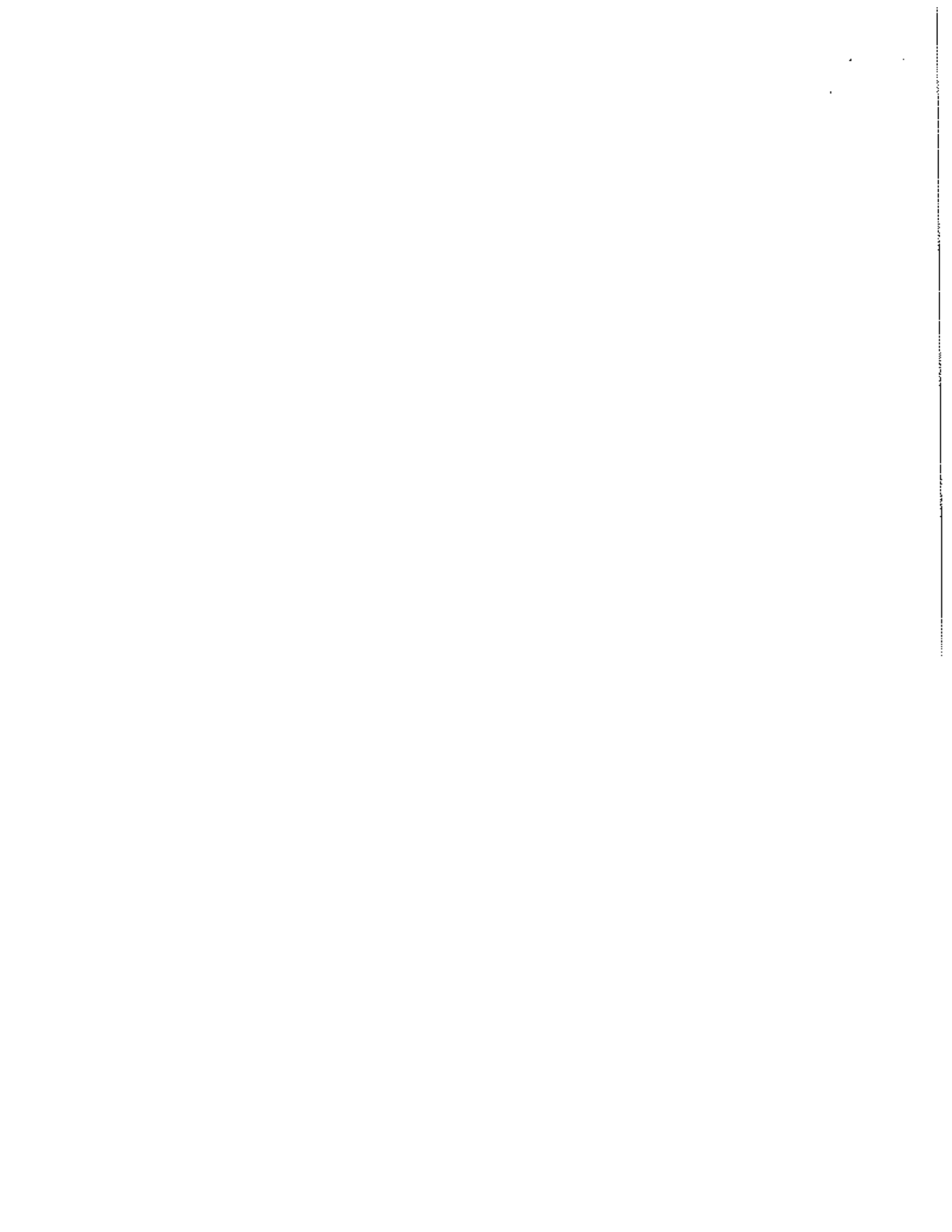


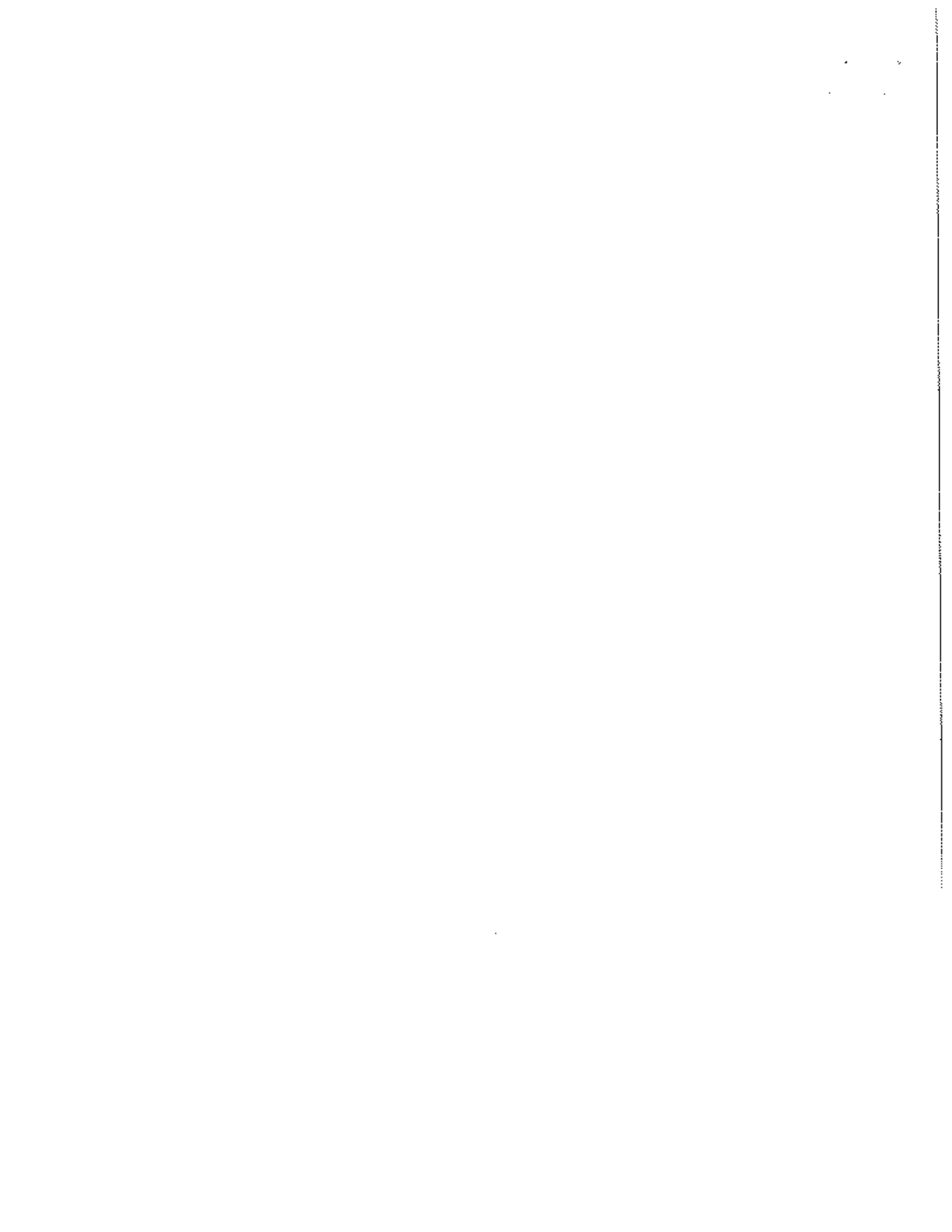
allottees, perhaps, who would not be competent and capable of managing their own affairs and in consequence the limitation of the law to the twenty-five year period would unjustly cast upon these allottees a burden to take care of themselves and to manage their own affairs at a time when they are not properly prepared to do so and the law makers presumed that in that situation, the President would exercise his discretion to save such Indians from being compelled to take their lands in fee simple and subject them to the burdens of taxation and would continue the trust period as long as he thought right. I want, therefore, to make this very clear to you that the questions to be determined are individual questions. They are personal to those Indians who still hold their trust patents or their allotments and who are now in this conference merely because the President wants to exercise that discretion reposed in him by law and determine whether any Oneida allottee is still incapable of managing his own affairs so that his trust period should be extended.

I think the people have, too, a few misconceptions, which you must set aside. The first misconception is this: that because the two towns established on this reservation are interested in collecting taxes on all property that their insistence and urgency in placing



these trust allotments and subjecting them to taxation is a material question. It is not. The two towns have nothing to do with this matter as a matter of law. Another misconception is this: that the two towns on this reservation are interested and urgent in this matter merely for the taxes that might be collected on these allotments, which is not correct. I do not think the towns are interested in subjecting these allotments to taxation in any case where an Indian allottee is shown to be incompetent and incapable of managing his own affairs and compelling that Indian to get his patent in fee simple, if when, as a matter of fact, they know, or they ought to know, that in a short time that Indian will have lost his property and become a charge on the town for support. So I am safe in saying that these two towns are not interested to that extent that they want to wipe out every precaution that ought to be taken in the removal of restrictions upon the allotments of Indians who still hold trust patents.

Another misconception that you must not bring into this meeting to confuse matters is that because the rest of the Indians have secured their patents in fee simple and are anxious to reduce their taxes by bringing in these allotments and subjecting them to taxation not because those Indians are anxious that everybody



should share in the burden of taxation is material in any sense in the consideration of the question that is before us. They are not; they are merely incidental. The one sole question to be determined here by this commission is simply: are these allottees or any of them capable and competent of managing their own affairs or not. If they are not, they are not authorized to recommend that the trust period should be allowed to expire by the limitation of law nor that any of them should be given a patent in fee simple. But on the other hand, if the commission finds any of these allottees perfectly capable and competent to take care of themselves, but do not want their patents in fee simple or the trust period to expire merely because they do not want to pay taxes, then in that case, they are bound under the law to recommend, in my judgment, that the trust period be allowed to expire by limitation of law.

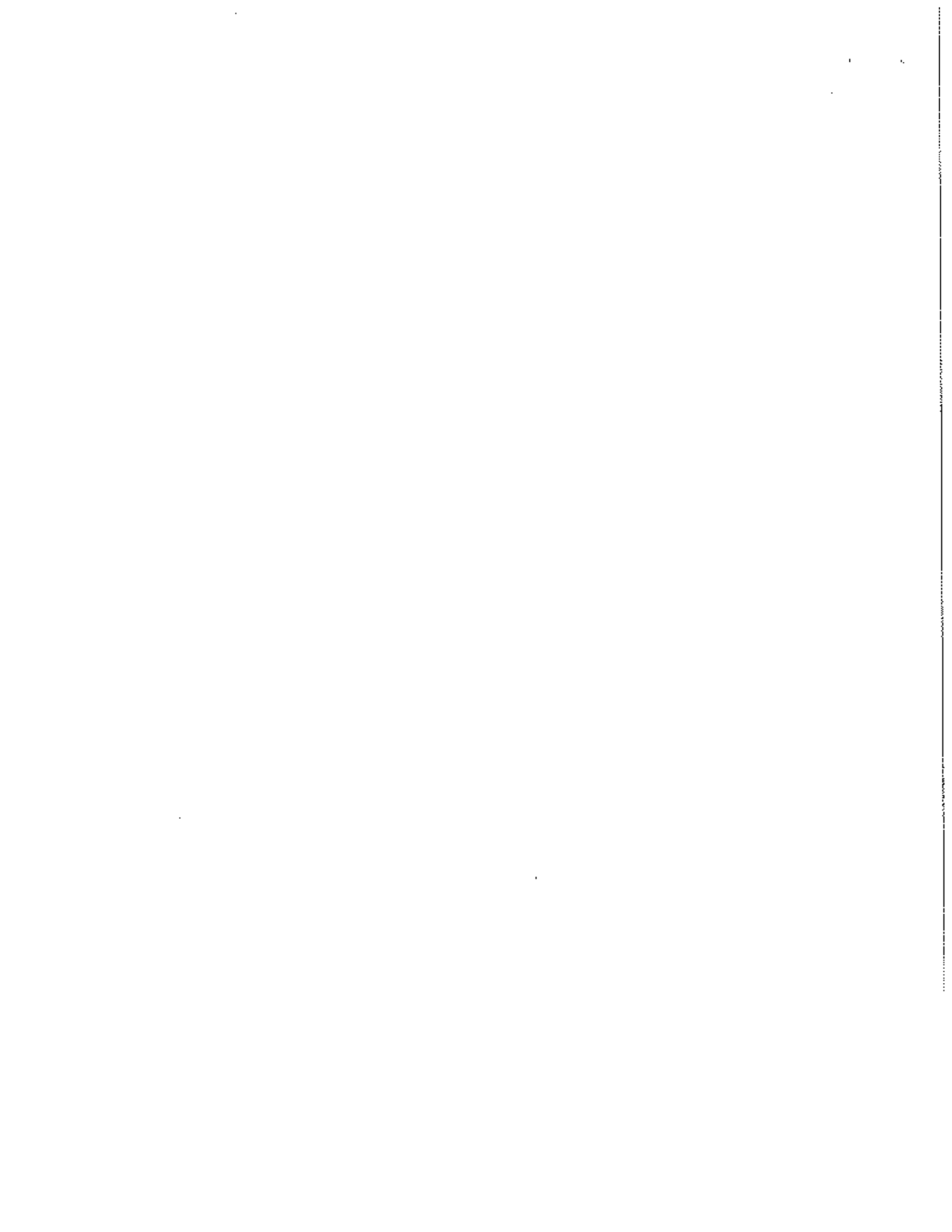
For this reason I am going to explain my own personal position in this matter. I am going to oppose the granting of a patent in fee simple to any allottee on this reservation unless that Indian is shown to be competent and capable of managing his own affairs. But I am not going to oppose or attempt to protect any allottee who is shown to be competent

and capable of managing his own affairs merely because he does not want to pay taxes. The commission will likely recommend that the trust period expire by limitation of law at the expiration of this year upon certain of the allottees whom I am going to oppose. There are others, perhaps, whom the commission will extend the trust period upon and to which I will oppose because of that situation, because, in my judgment, they may have reached the conclusion not supported by the facts in the case.

As I have stated to you before, the question is absolutely upon the competency of the allottee and that is all, and if you have that one thing in mind, you can determine easily those of you who desire to remain upon trust land how to protect yourselves, and those who are interested in securing patents in fee for their land will know how to accomplish such a result.

SAMPSON J. CORNELIUS:

Mr. Chairman, I would like to say that we are willing to obey by the laws of what the government has made, a law which gave us Indians an extension of ten years to hold on to trust patents. We don't want

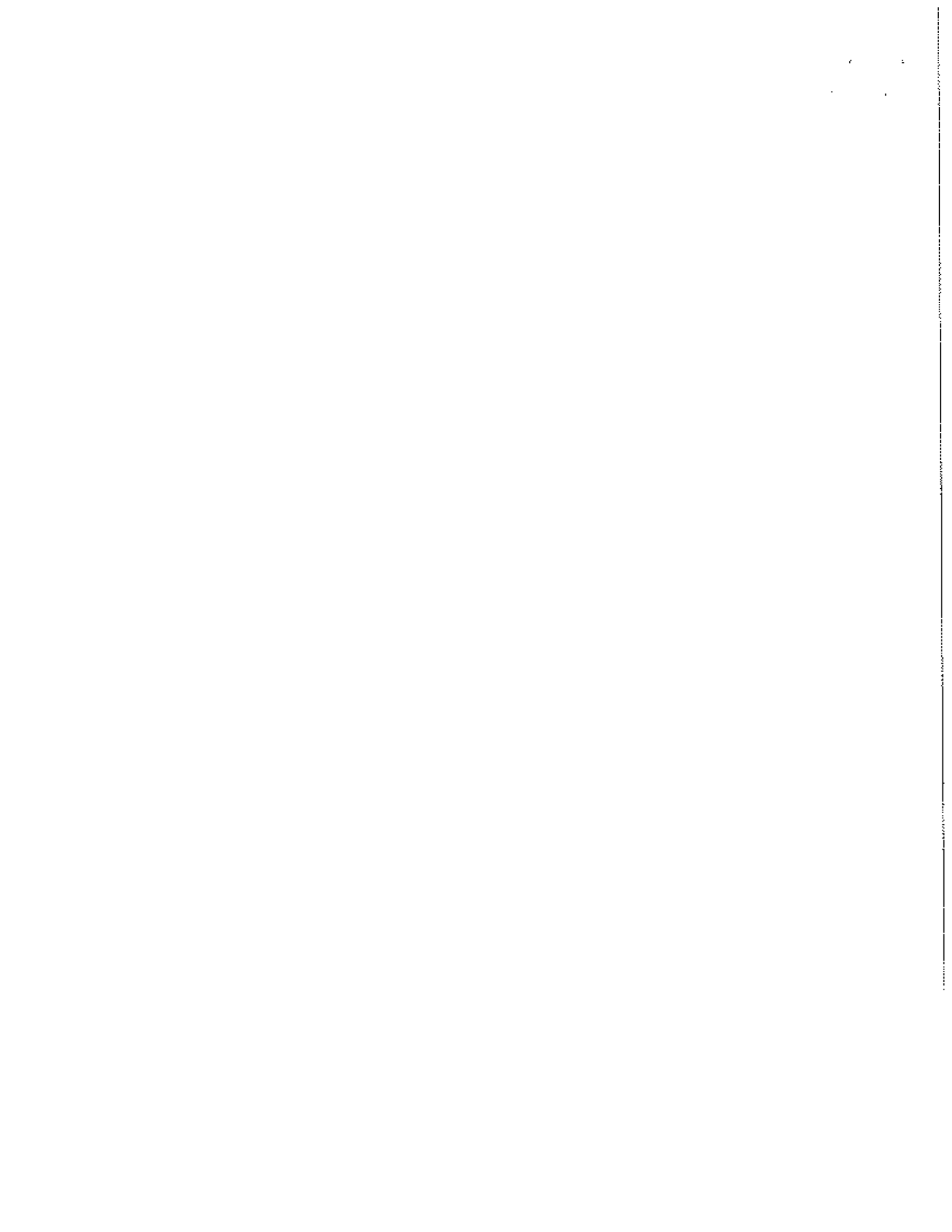


to disobey any of the laws; we want to obey them. That is what we want and it seems that this ten year extension is made by the government and we are willing to abide by that.

INSPECTOR McLAUGHLIN:

I wish to explain the question before the conference that the extension has only been made for one year, not for ten years, and we are here for the purpose of passing upon the restricted Indians in this reservation so that we may report to the department, that they may be prepared to act intelligently in the matter whether to have the trust period expire on the 13th of next June or extend nine years in addition thereto.

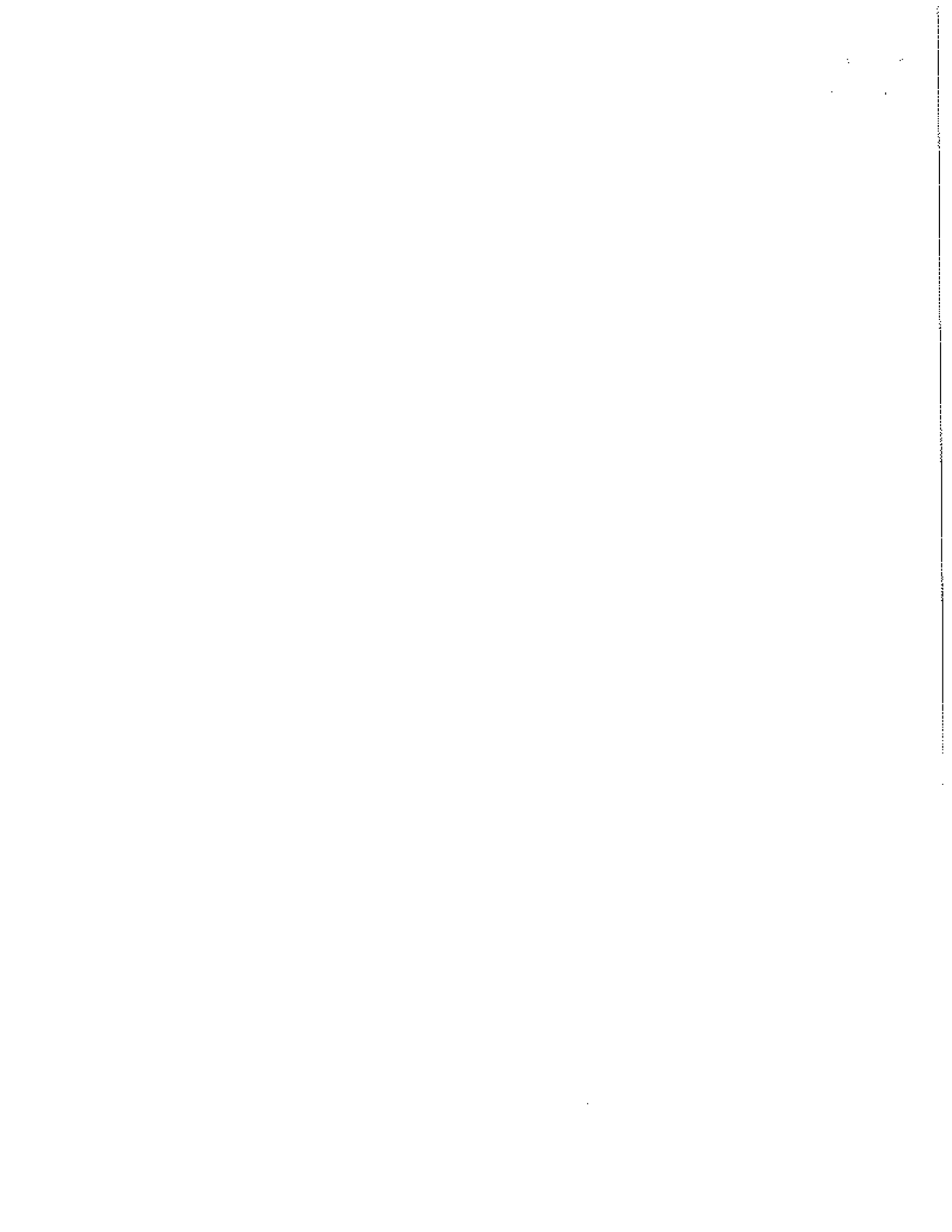
Mr. Wheelock referred to the Act of May 8, 1906, commonly known as the Burke Act, which authorizes the Secretary of the Interior to grant patents in fee, as he explained it, to persons who apply for the same, but only when an Indian allottee should be regarded competent to transact his own business. In the work that I have been engaged



in for the last two years, there is only one agency where the trust period has expired. All others have seven, ten, and fifteen years to run, but we are granting patents in fee right along to the majority who have applied by application in writing for the same; but we have granted a great many patents in fee to Indians who objected to applying for the patents. They are granted arbitrarily upon the reports that we have made that they are fully competent and well provided with worldly goods.

I wish you people to understand fully that we are here to treat with you not as a tribe but as individuals. We have already met a number of the people of this district of Indians, whom personally I regard competent to transact their own business affairs and should be given the patents in fee. There are others whom I have met that I would not recommend it. Therefore, you understand fully that we are here to treat with the individuals and not with the tribe, but to judge the persons whom we meet, after visiting their homes, to see whether they are competent to transact their own business affairs or not.

The question of competency is a very perplexing one. What constitutes competency?

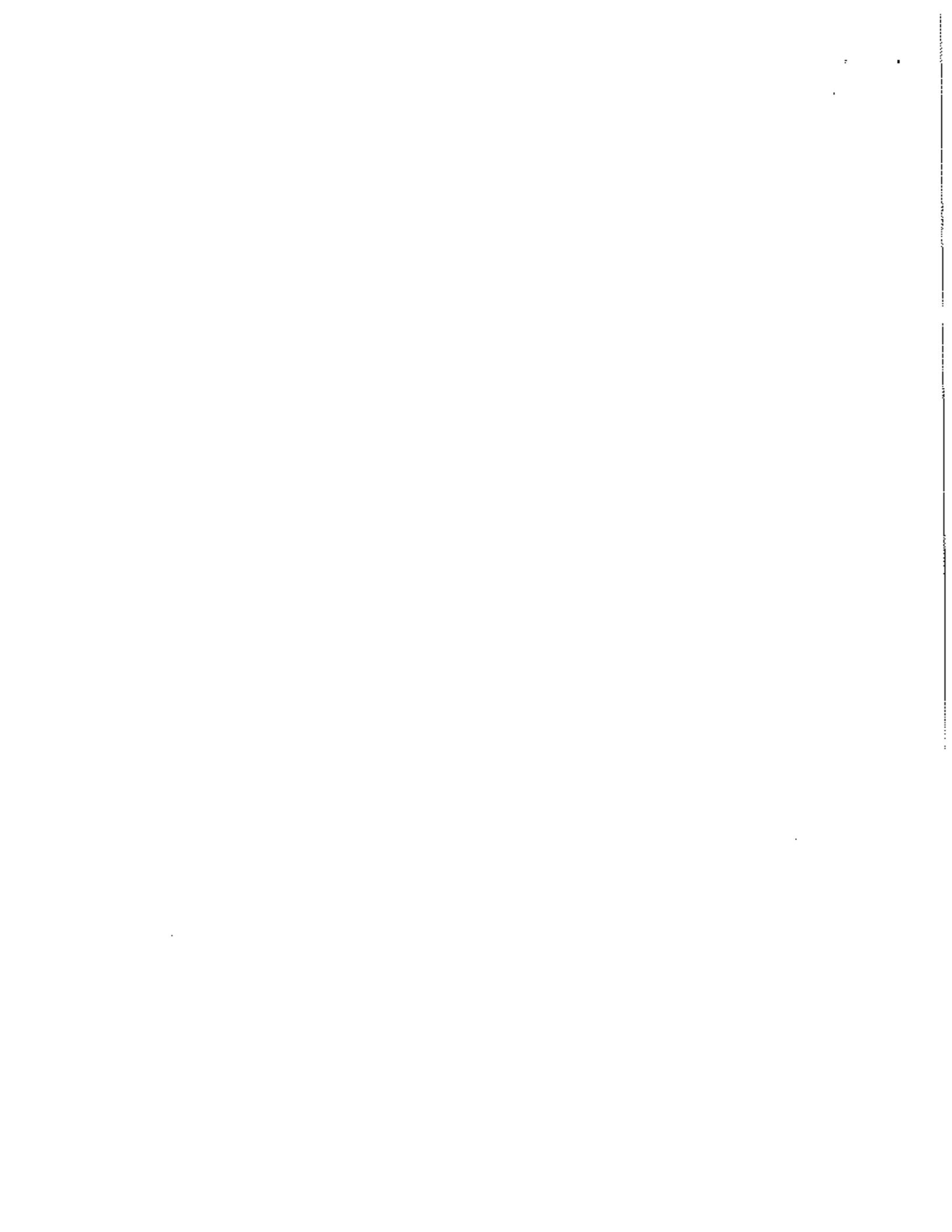


Many Indians are competent and capable to transact their business affairs and are equal to the white man, but they are improvident. You have got to take that into consideration. We find the same thing among the whites. The white man has accumulated a great deal of property. When he dies, the property is inherited by his heirs. The property never cost them any effort. They dissipate and squander it in a short time because they inherited it. And the same is true of you people. You received allotments from the government. They came without any effort on your part and the young people, getting hold of that property, are apt to be very reckless. That is the question we are considering.

I wish you to understand that any of you who wish to receive patents in fee, we are here to accept your written applications for them. The others of you may refuse to do so, but if we consider you competent we are going to recommend that you receive patents in fee; others of you, I am frank enough to say, we have to recommend that the trust period be extended over nine years. But remember, we are treating with you as individuals and not as a tribe.

BAPTIST DENNY:

The question that I would like to know is our agent here; he has held my deed for last seven



years and that is question I want to know. Where is it? Why can't I get it? It must be because I am not competent to manage my own affairs. I have asked over and over again of the agent, Mr. Hart, and Mr. Silverwood, to make some kind of settlement but up to date I have not been able to get some kind of settlement. That is question I would like to know.

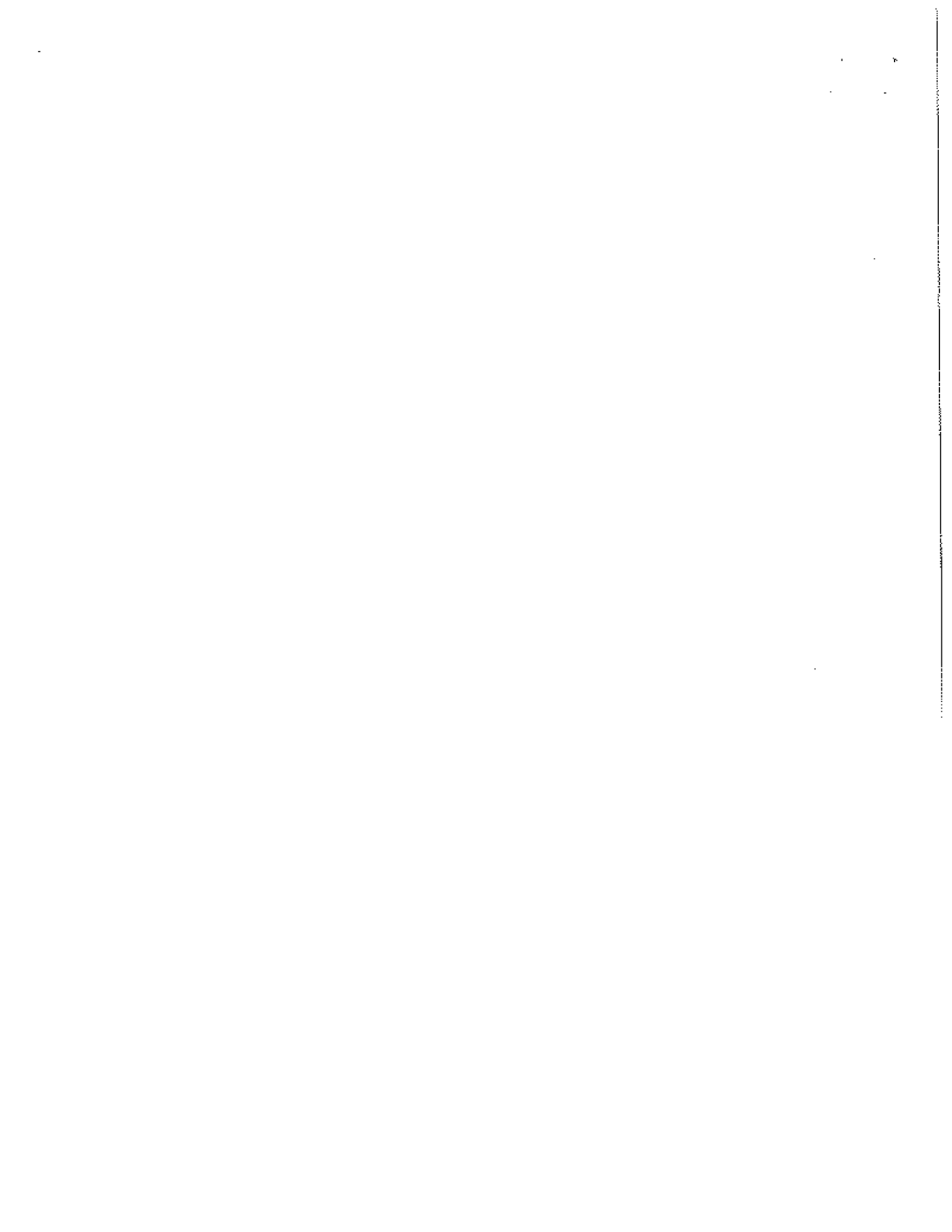
MRS. LAURA C. KELLOGG:

(Interpreted by Mr. Peter J.

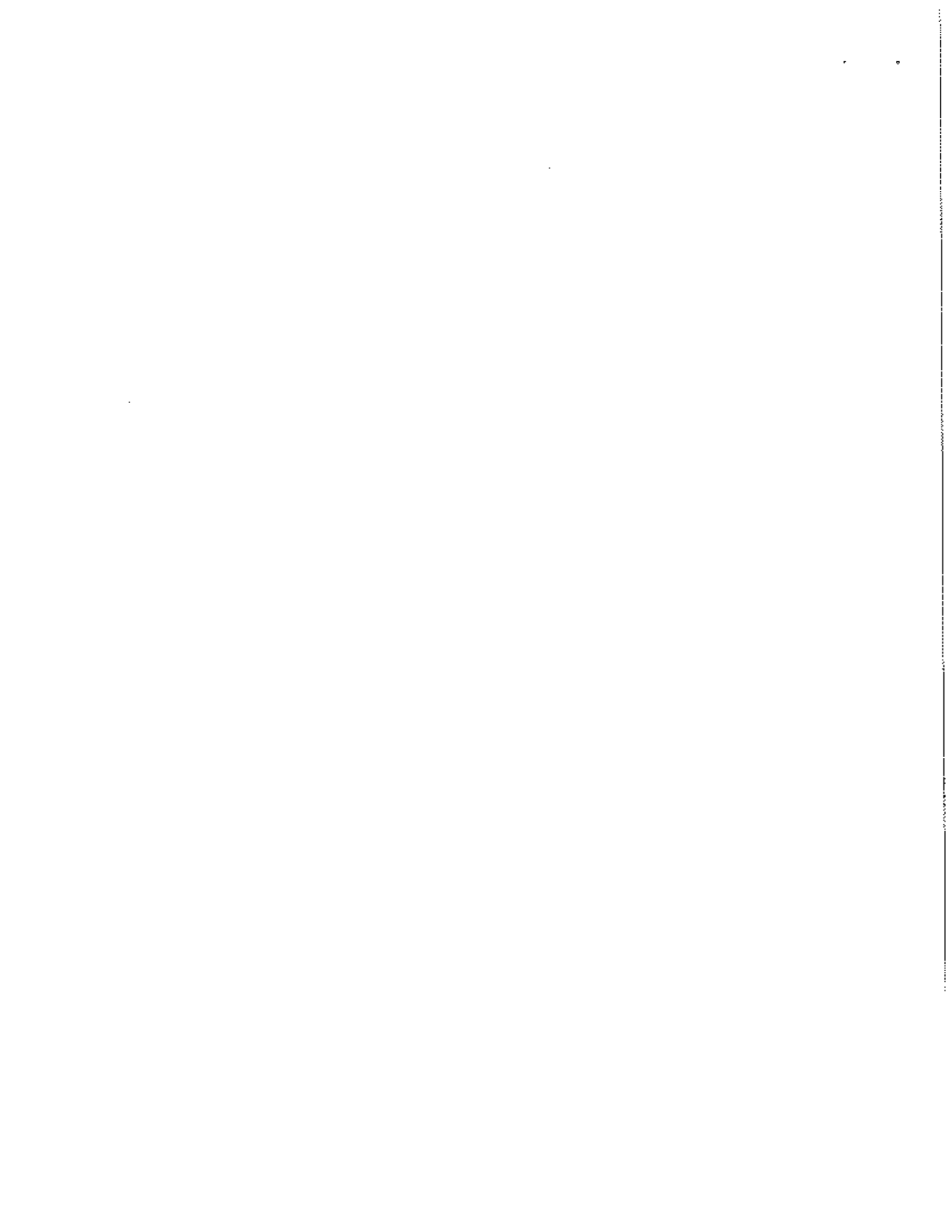
Powless.)

I want to put in a word because the discussion seems to lead that this involves only those who have not fee simples. I cannot quite comprehend the situation of any community in the wide world where the property concerns of a few individuals can be limited to those certain individuals and not involve the large body in which they are immersed. I don't think that we understand things alike, those of us who have come here. I also noticed in the speech of Sampson Cornelius that he raised a very vital point which has not been brought out and that is that this matter of competency which was subsequently partially explained by the Major is a hard thing to understand with regard to the transactions

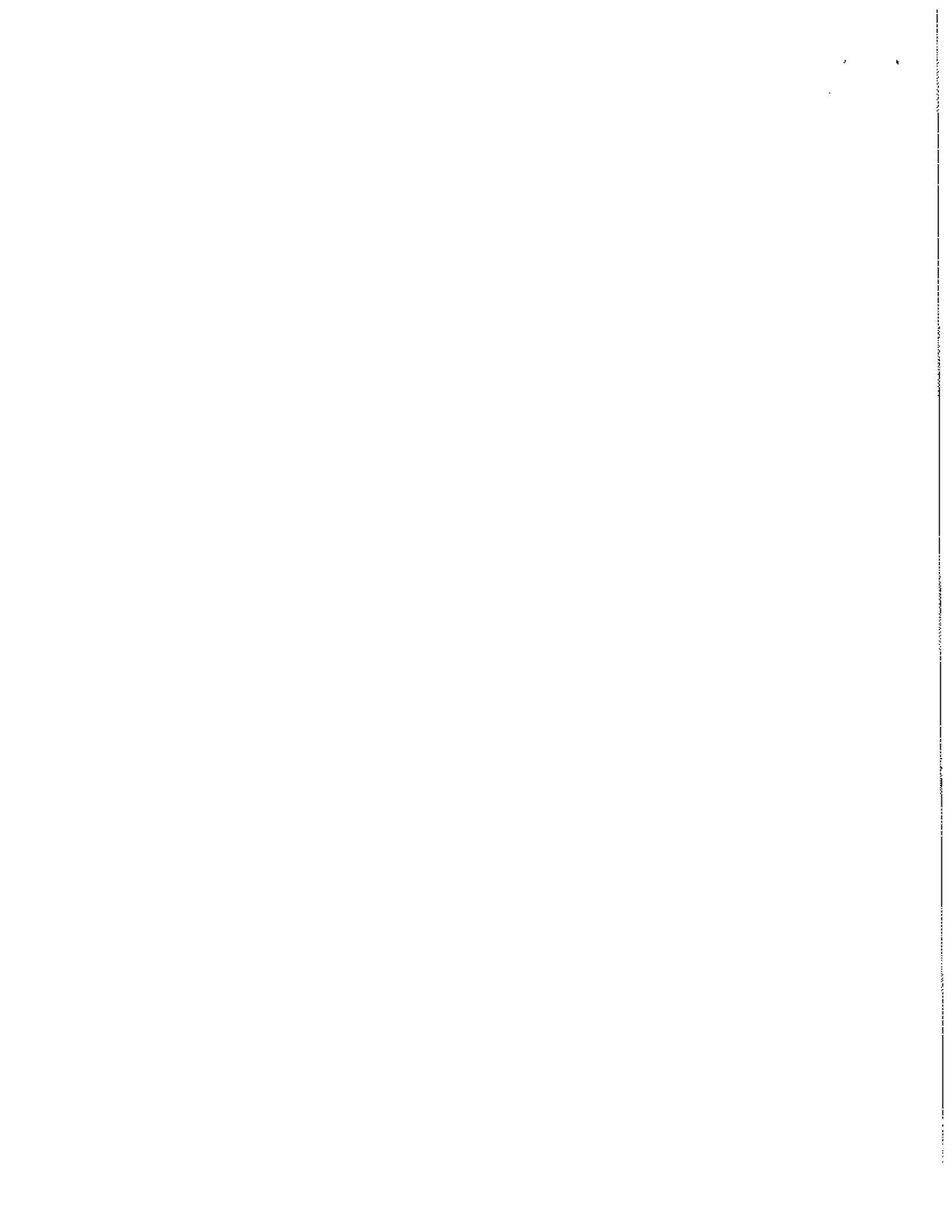
which have gone on on this reservation, or any for that matter, and that the spirit behind some of these men that are holding back from getting their restrictions removed is not so much the spirit of a parasite who wants to simply keep from paying taxes. I think the idea he raised was this: what we understand, in common parlance, when we say one is "game", I think that he is "game" to play whatever role is expected of him as a citizen; that if the law expires at a certain time for all and makes a condition uniform that he is ready to take his part and assume the responsibility which follows. I don't think that this is the time to cover things here, to carry away misconceptions with regard to what are the issues before us. I do not agree with that attitude that I have mentioned; that these few men who are holding back are the only ones who are interested in this reservation, the only ones who should be interested in this particular competency question. It seems to me we must face boldly the facts in the situation as any of us who are not blind must see them. I don't believe that the white faces we see in this room, and some brown ones, for that matter, are wholly disinterested in these things. I do not know why those of us who speak English should be held as different; doesn't



it concern us all, and is there not involved in this question some degree of self-interest? I don't believe that it is quite natural for a town or two towns, where the intelligence of the people is awake for them to hold back indefinitely in a situation where there is uneven taxation. I do not believe that it is a matter for the white citizens who have come into our community to lean in the direction of allowing these people to hold their restrictions indefinitely. In any situation, it seems to me we must see the facts as they are. I think there are a great many taxpayers here who have a right to protest that the taxes are unequal, not alone among the Indians but among the whites. There are white farmers who have come among us, who have been done by the speculators--as well as the Indian. We have seen the picture repeatedly of a white farmer moving in and after an attempt to farm on some of these lands where the values were raised usually beyond what they were really worth, he has had to go in a year or two in a covered wagon to somewhere. Vagrancy is not a matter of race, neither is it a matter for us here to be blind to. It seems to me that the white farmer who comes here to settle and develop around us must be partially considered in the large questions involved in the



community welfare. I am no agent for any white organization, neither am I getting commissions from various people to speak one way or another, but I think the time has come when I must speak boldly of my own opinion. The ancient history of the Oneidas will prove that there are not so many of them "hanging back" when they are able to pay taxes from the sense of being afraid of paying taxes, but rather by this attitude that if the law is made to expire in 1917, we will take advantage of that time, if that is the expiration and the law, then indeed we are game enough to do our part after that. I think we are making some foolish issues when we try to make this a matter pending upon a few men hanging back. There is a type of man, who, I do not believe, should be encouraged and for whom we all have a certain contempt. He is that man who wants to hang back from being a contributor, to the civic welfare. He doesn't want to pay taxes and you can't get him to explain why. He wants to get out of responsibility. In the ancient history of the Oneidas, this is not the story. Way back as far as you can go in history, when Cartier, the French explorer sailed down the St. Lawrence River and met the six nations, he made a diplomatic blunder and made them angry, which afterwards resulted in this continent's

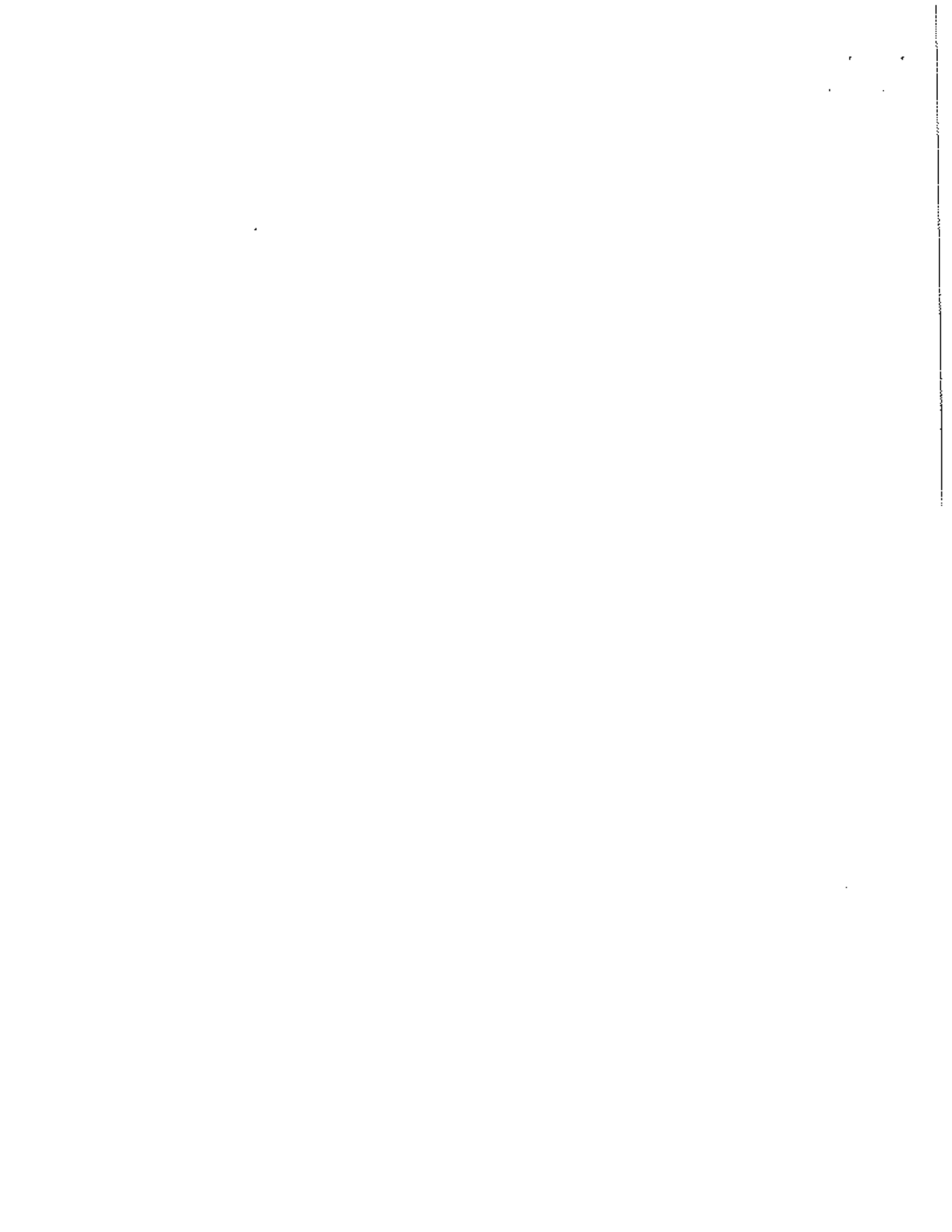


becoming Anglo-Saxon instead of French. After that in the history of this country in the securing of liberty upon which this democracy is founded, the six nations took a strong part and were the deciding balance of power in many instances. The Oneida helped the Colonies in the Revolutionary War and sent a quota of men which far surpassed their proper percentage as a population. And in every war since, they have been represented well. I have been used to thinking and directing and living with men who are not afraid. This is the way I know them. In this present war we have already sent to the front men who were way ahead of the draft. Just recently on the French frontier, a man by the name of Henry Kick had enlisted with Canada even before the United States had gotten into this entente. Now, I am not one of these neutrals who are for the Germans or for the allies. I look upon this horrible spectre of war with shudder and yet through it all I feel that this is an era when changes are coming upon us of such a sort that this old order of things must go-- the time for a few to be in power--to wield the scepter of power over the rest of the people is passing, and I think we ourselves are stepping into a new era right here on this reservation when we must bring about certain

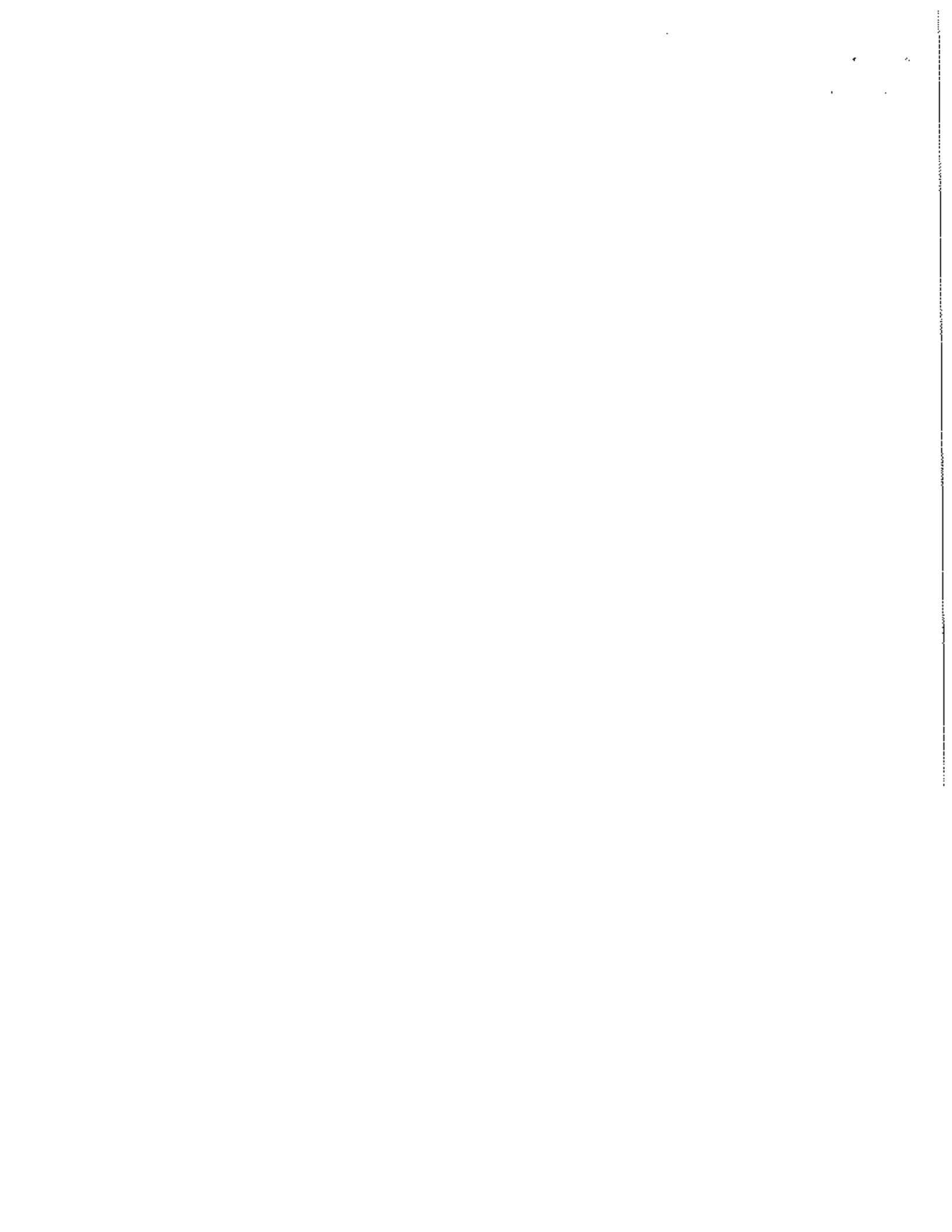
economic changes. I don't think there is a living man, a citizen, a really worthy Oneida who hasn't the spirit that if that burden comes to him and it means the evening up of conditions here which will better the progress of the whole community that he is going to hold back. This is my impression. And I do not want anybody here to say it is only for a few to decide the future of our interests, and that, regardless of how legitimate our interest, the rest of us taxpayers must be dismissed. These restricted men tell us what the condition has been on the reservation and what it's going to be again. Supposing these things are true--that does not alter the present situation. All around we are surrounded by white citizens who have come to share in our community life; some have been stung, like ourselves, in these land transactions, but the fact remains they are in here. The real issue before us is a larger idea of citizenship, not a question of your convenience, your individual convenience. Seven years ago, I myself stopped you from having wholesale restrictions removed from you. At that time I was a taxpayer, but I said, "This is not a fair game to play. To do this thing in the dead of night, and to have you wake up suddenly to the fact that a regulation had gone out of the department, removing restrictions off of you for the convenience of these speculators did not appeal to me and I said, "The period of seven years that still remained must come to the end. At

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that time we shall be able to assume the responsibility of citizenship. At that time certain conditions will have come which are not present now." And so they have. There are among us now very few who are not able to take care of themselves, and those few, I don't think anyone begrudges to keep under the protection, such as it is, (as we have experienced it.) And for my part, I think we must first consider the whole of the situation rather than merely the authority of these men and of the margins they might allow. Sooner or later, other people will resist, they will push legislation in Washington. Conditions here at the present show that the burden of prosperity should be shared by all and that the burdens which are put on us for the care of those who are not able should become even. I am not refraining from saying these things because it is perhaps a great fault of mine to be blunt and frank in my expressions and I am sorry to have taken so much time going over some of these hackneyed things, but I do not think they are out of place in a business discussion, and in appreciation of all of the facts, I want to say this: In my estimate of these men who are here, I believe Major

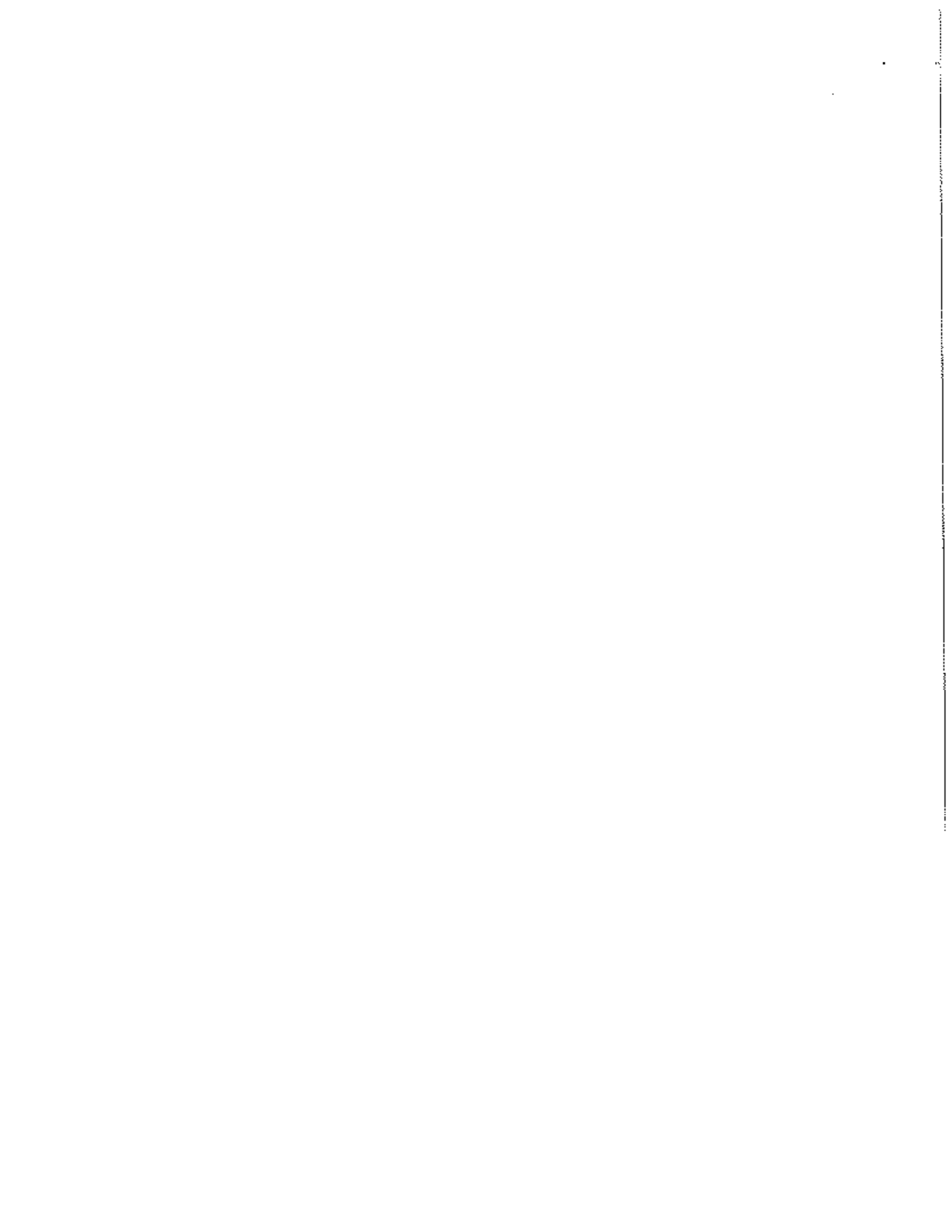


McLaughlin and Supervisor Brandon have been sent to us as the best that could be sent from Washington. Supervisor Brandon himself is of Shawnee extraction and it does seem that we should look for a turn in our affairs when an Indian of his type has a hand upon the thing that concerns our welfare. In this instance, this is inevitable for another reason: they cannot in their judgment fail to see these things as they are. I want you to remember that the issue that is coming is this question of taxation, not so much the question of individual competence, and that it is going to be pushed outside of yourselves, so I say let us face the facts as they are, take time by the forelock and settle these things right. Let us live up to what our name represents, "the people of the stone", able to stand like a rock, solidly, together, now when our welfare hangs in balance.

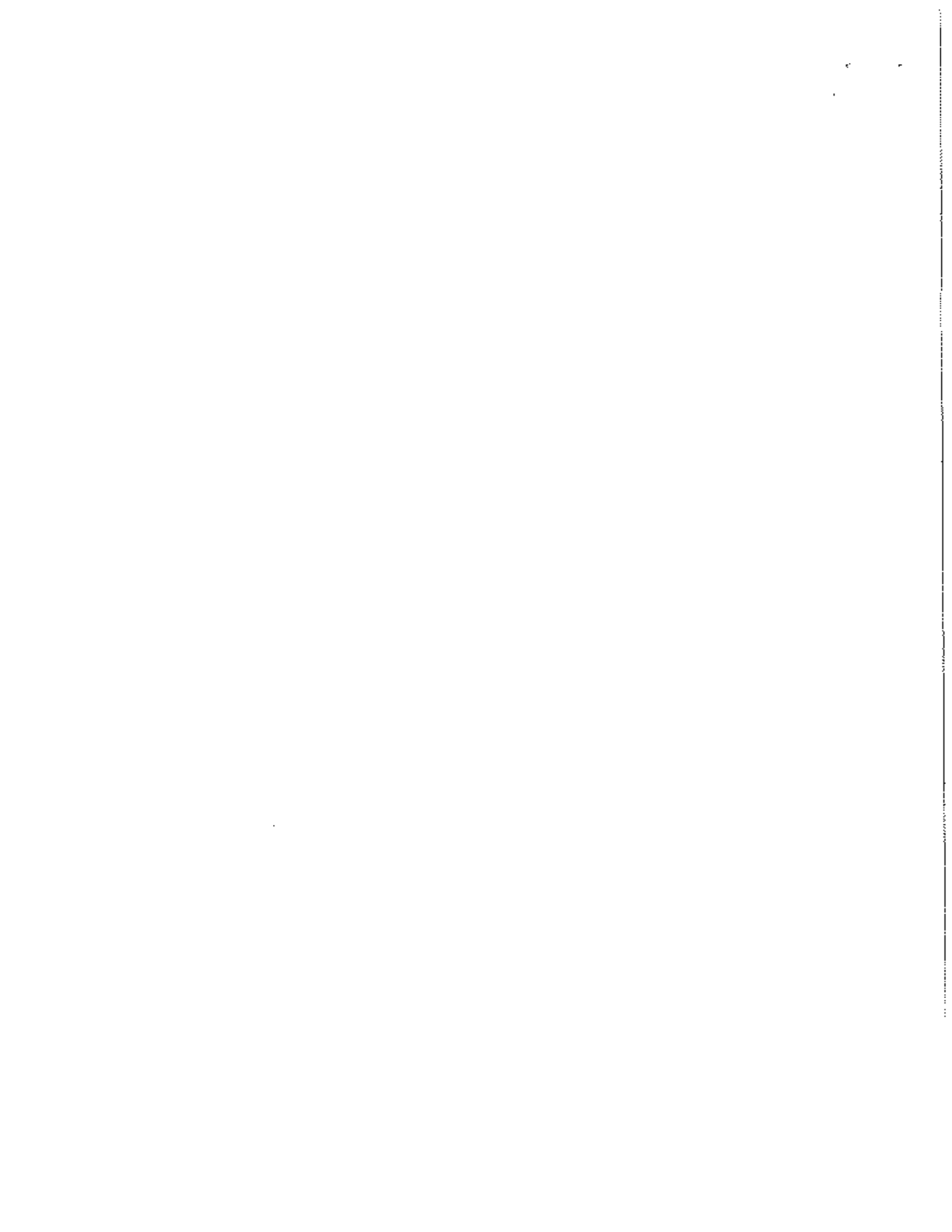


MR. PETER J. POWLESS:

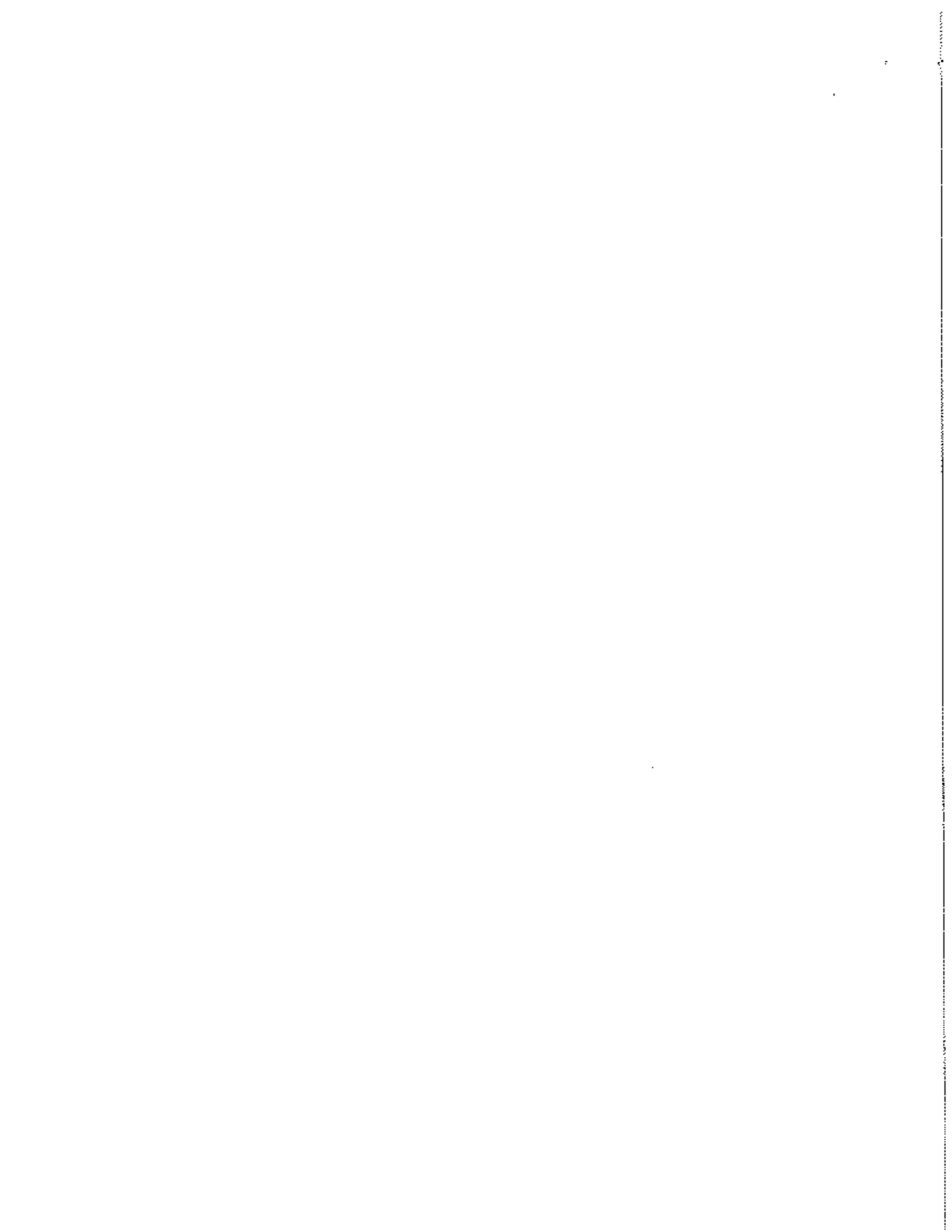
Mr. Chairman, I would like to make a few remarks. I think the object of the meeting is very much understood now from the explanations that have been given by both the commission and other members of the conference, and there are a few things that go back to a few days or a few weeks, for that matter, that I had in my mind to bring out for your consideration. Some wondered about the commission and carried this idea about it and some even criticised. In my travels, I find that such a commission would be put to the trouble of coming here, etc. Now, in line with Mrs. Kellogg's remarks this morning, this commission was ordered in the petition of a certain number of us that went to Washington and we presented the facts or the conditions existing on this reservation in both towns as accurately as we possibly could; so much so that we would be glad to face the report that we made out and I think if the record was wrote and read to the people here they would find that those of us who went down there did not work any harm, did not make any attempt to injure any member of this tribe or that we did not do any injustice to the trust patent holders anymore than we tried to do in-



justice to the holders of fee simples and holders of warranty deeds as were purchased from the Onsidas. And that is one reason why there is so many here today representing the taxpayers of the two towns because we feel from the start we are concerned in the matter of trust patents after this twenty-five year period expired. We did not think that it was right to say anything about these things until that period expired because it was a privilege given to us by the government to have the so-called governmental protection and that word protection may mean a whole lot more than my limited understanding can ever comprehend. And I wanted to explain this to you in behalf of the delegation that went from here to Washington last spring in the month of May and while the commission is here I want to say that we were promised by the Commissioner of Indian Affairs this commission to come here and investigate thoroughly as we understood the instructions this morning read by you. This is to be investigated thoroughly and at the same time we understood that it would be required of all of us to throw any light on the subject that we possibly could so as to help the commission to understand it thoroughly when they report it as they want to do and report it understandingly



and I want to apologize to the commission and meeting for our coming here because we carried nothing but that simple idea. Now, in the past when the government proposed that this reservation be surveyed and allotted to the Onsidas, I was present, as were a great number of us here today, and remember we did not put it down in the tablet or in the memorandum or in any paper but we remembered it was promised that if they accepted the allotment under the Dawes Act that the government was going to do the right thing. For instance, we knew there was a big marsh, a big swamp, here that was not worth as much as some other places. That was all right; if it fell to my lot that I should take a marsh, well, it will be balanced off in money in value. The value is to be considered. Well, that was the promise. I am relating one or two of these things that were said to us to explain what I want to say in the end. That went on. We never had the acreage surveyed. The time came again when the laws was made so that inherited lands could be disposed of and the time came when we can apply to quite a number. The time came shortly after the allotment, and our representatives went to Washington and \$25,000 was promised them to help along the new starters on the allotment.



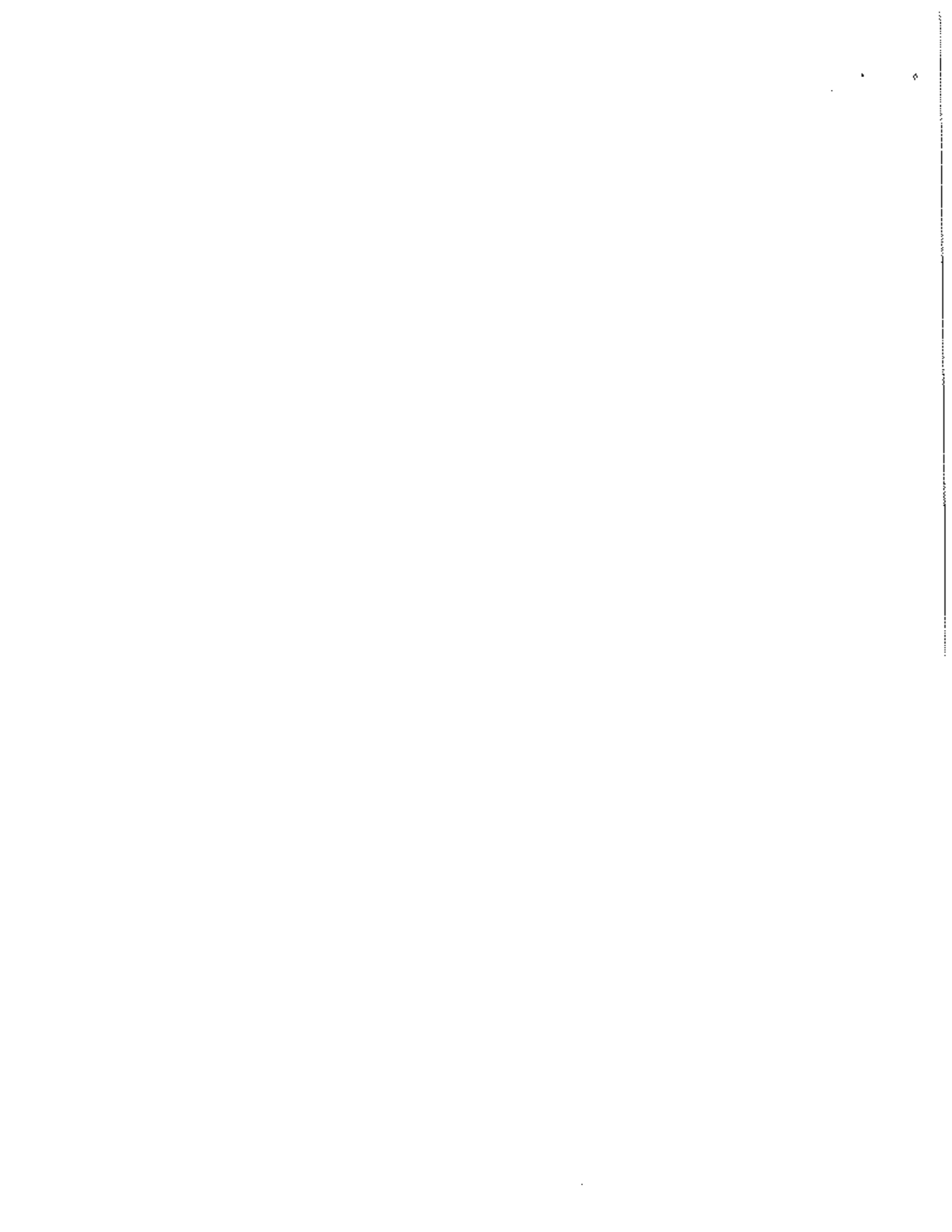
Well, the government paid out \$14,000; there was a balance of \$11,000 that was never paid. Then all these other claims are pending and it seems to some of us that these claims are somewhat held up by the fact that we are still wards of the government, etc.

Now, these towns today, as they are related to the trust patents in existence, they feel that a man who has been self-supporting, as we understand what it means to be self-supporting, who holds a trust patent at this time should be given a patent in fee because he has the advantages of good roads, good culverts and bridges, district schools, in fact, everything, and at the annual meeting we all come together and vote so many thousands to go to some permanent improvement at this place and that place. We all participate in the appropriation and for anyone to dodge that it seems to be an injustice to the rest of the taxpaying people in this town. And the protection that we receive from the government, of course, is something, as I said before, that means a whole lot more than I can understand because since the organization of these towns whenever a woman becomes a widow with a lot or a half dozen children, little tots running around, that woman is not in a

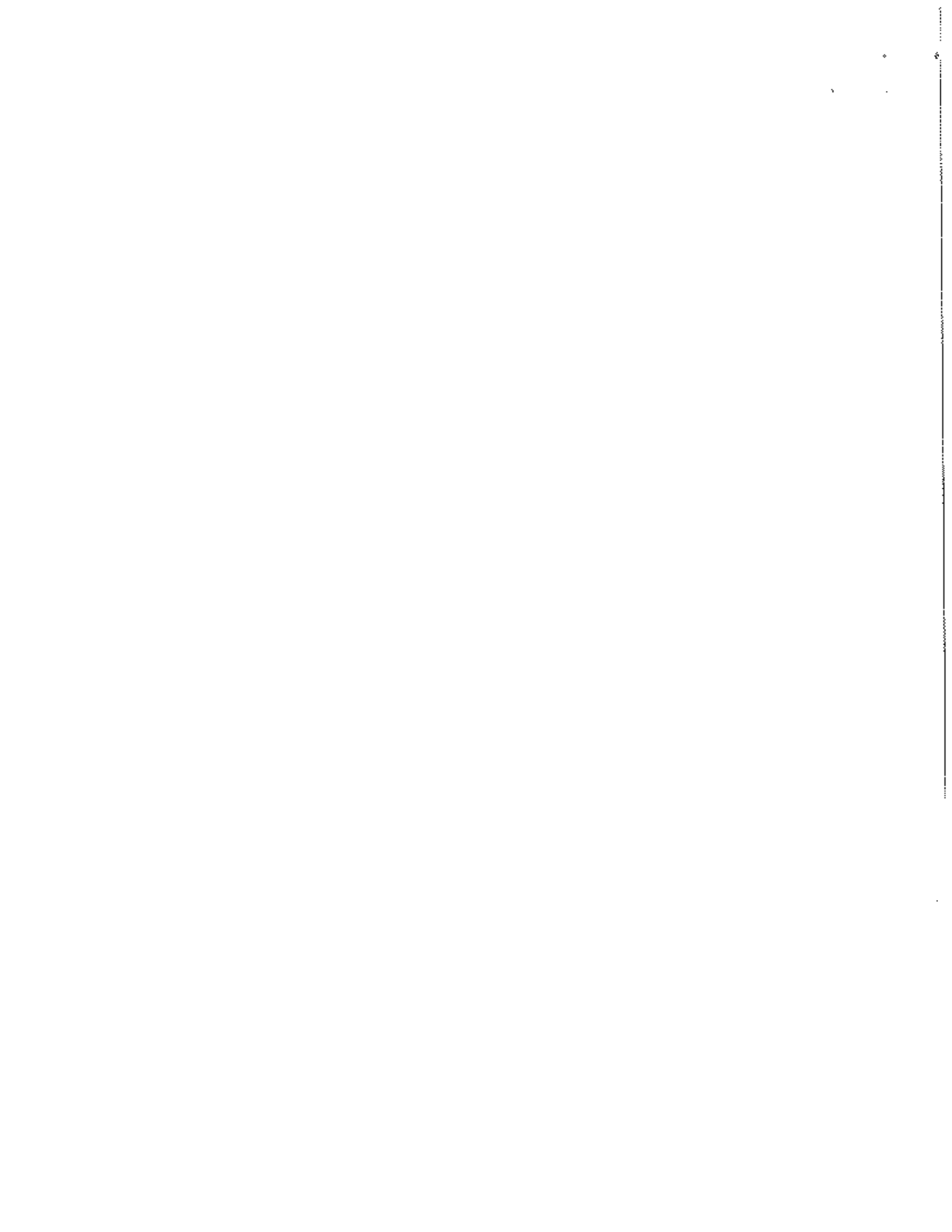
position to earn her own livelihood, let alone the children. She does not go to the Federal officers but she must directly go to the chairman of the town for aid and I haven't heard of anyone who has been unfortunate in that way to have been helped and aided and supported by the government. That is where I don't quite see through. Blind people, we have one or two. They don't get any help from the government, so far as I know, but they go direct to the state institutions provided for them and if we are afraid to lose the great governmental protection, I would be glad to see and to find out what would take the place of the aids and helps that we can get from the town, county and state in case of an unfortunate person. That is why the government protection has become kind of a small thing in my estimation. If we are afraid of that, I don't know as we are, but if we are afraid of losing that protection, then I would like to have an explanation on that.

JOSEPH M. SMITH;

I would like to say just a few words. I never speak very much in public and I generally speak right to the point and I am not used to talking very



much but it is this what I would like to get out. I would like to give the government to understand something about these people that hold land in trust and those that has been given fee simple patents of the land and what they did with them and where is those people that got fee simple patents for their land, today. They have disposed of their land and have gone through it and have no homes today. They are moving from house to house and a great many of them have left the reservation entirely; they can't make a living here, and worse than all of it some of our best men that have got fee simple patents for their land, what have they did with their lands? Some of them are well educated, been sent out to these big schools, to Hampton School and different schools. They dispose of their land and they have no homes today; some of them, I don't know where they are. They are way off; they have left the county entirely, homeless, penniless, beggars, loafers. There is a few of them that still remain on the reservation on the old homesteads but I can't find out to one but what is got his land mortgaged so heavy that he never can redeem it. That is the situation of them that got fee simple patents of their land, and I can't see



what benefit or what good that we get for having our lands patented to us, when, in my judgment, it is only ruining other people and if we see some people that are making great progress by getting their land patented to them, then I could say it is a good thing, but now I can't see one that is having any great benefit from getting a fee simple patent of their lands and I think it would be a good thing, a great thing, if the government would extend this for ten years more. It would be the greatest thing that could be done. As my friend says he can't find any fault of those delegates going down to Washington last spring, last April. Who was it that sent them? They had a petition showing that these people that got fee simple patents of the land, them was the ones that sent them and because the heavy burden is rested on them--taxes.

Now, that one thing is true, because who owns that land today that was given to the Indians in fee simple patent. Speculators, and them is the ones that is pushing this whole business today. It is the speculators. They are back of the whole thing and I can't see how a man could say he can't find any fault with these delegates that went down there when

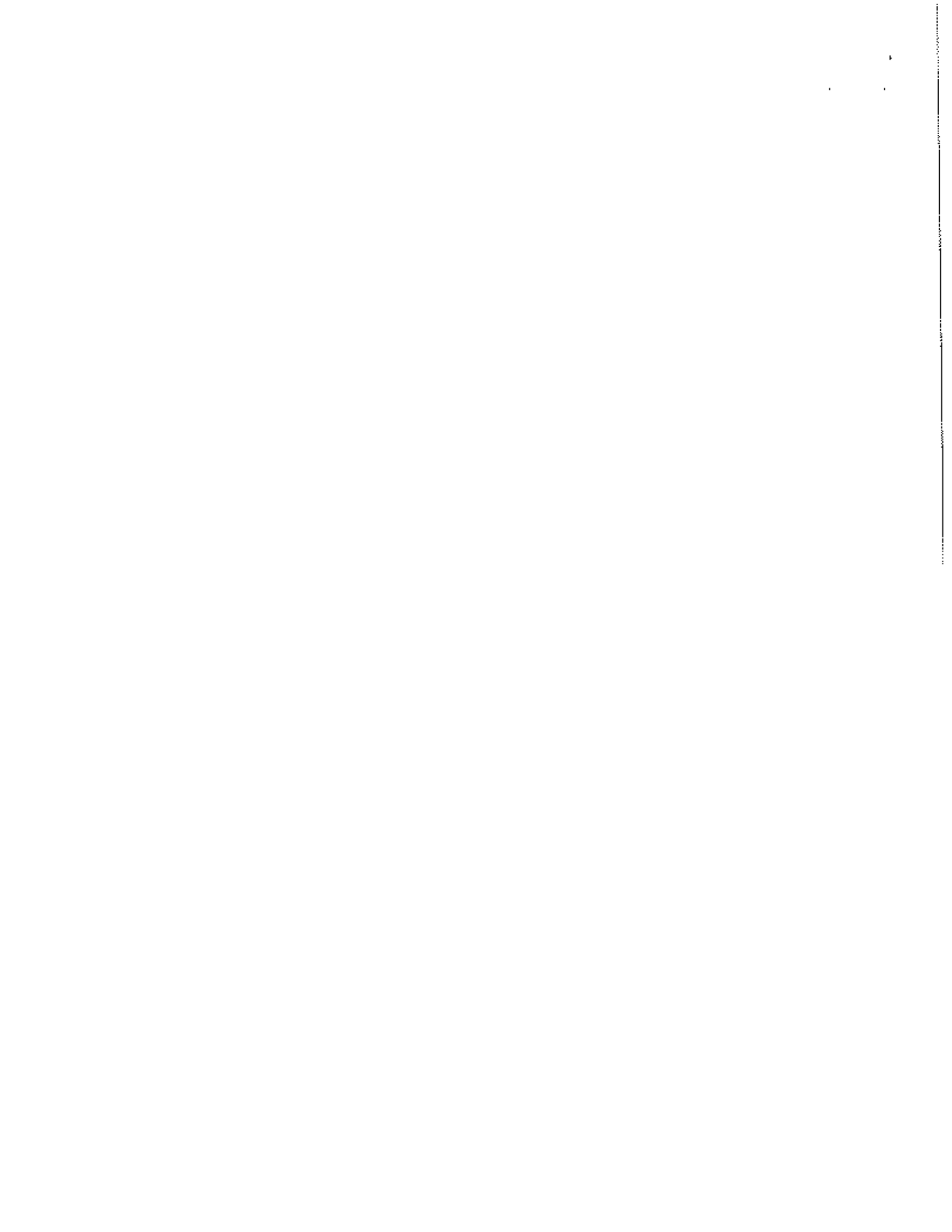
we all know what they are working for. They are working for the speculators and these speculators wants to have the men that are holding land in trust, they want it for them, so they can have a chance, a new grab to speculate more money.

PETER J. POWLESS:

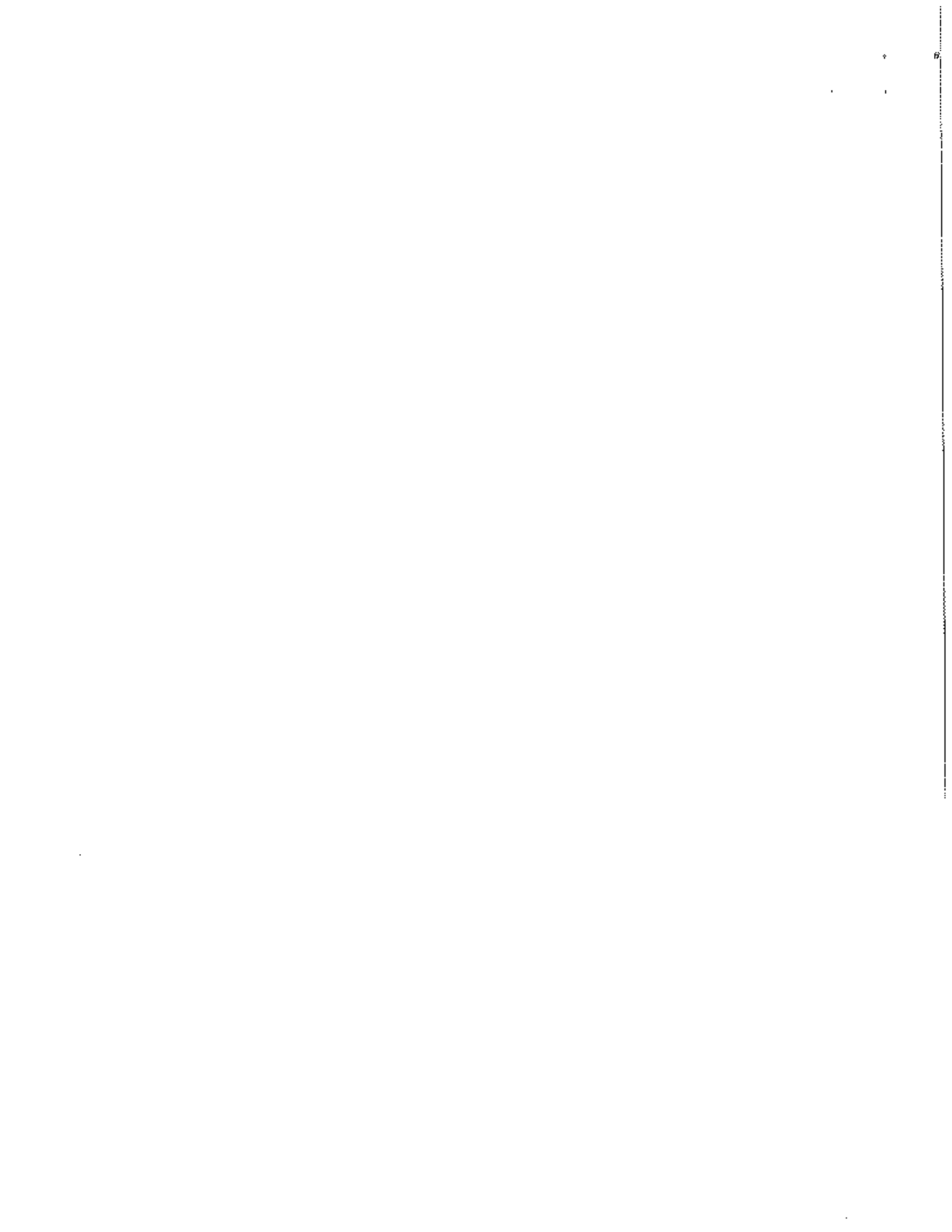
Mr. Chairman. I am glad the gentleman brought out the idea of a petition purporting to say that the delegation that went to Washington was sent by the people. I want to say here before you all, I defy any man, woman or child to prove or say an inkling of an evidence proving that we produced any written documents, petitions, applications or patents in trust, in fee, or any other form of paper in the office of the Commissioner of Indian Affairs or anywhere in Washington. We did not have any paper to present when we got over there. We told them our intention, our wishes, and that is all.

HENRY DOXTATER: (Speaking to Mr. Powless)

Man's up here and talks about nation has nothing to say in Wisconsin. Some fellows get up and talk about rights of white fellows; they have got as



much right as you have. You go back to our law. You went to Washington, proved yourselves up that you belonged to this nation. I don't think so. You went down there. You work the white man. (Speaking to the commission) You hear wishes, our wishes, my wish. Lot of fellows smart talkers, there is many that ask no question. How big is our land? How big our patents? Patents supposed to be equal. Anything right at all. Got to be equal right to be good share. You can't go nowhere and give nobody \$1 to one man and 50¢ to another and say right. It 'aint right. Here it is. We got so many acres, little eight by twelve. Our reservation is run out by Squan; how many acres make? Don't make 61,440. Now, our treaty book calls for 6500. That was added two years but it wasn't added on the reservation. There is 4,000 acres they have patent us out altogether that 'aint on the reservation, My wish is to have our reservation, and I think all those other here, it would be their wishes. Right is right; wrong is wrong. If we have got eight by twelve ^{miles} surveyed out, good and right; then both men has got to be satisfied. If it cuts off mine, I satisfied; if it cuts off other man, he must be satisfied. Here they say nobody can survey our land. They surveyed it out from Washington.



Now, those claims, were they surveyed out? I guess not. I don't think so. Now, our wishes is to get a just survey out. That is what we wrote letters about; that it is wrong. That 'aint right. I think we are right to get our right and I don't think we are wrong. This is Indian; this is Oneida tribe. A lot calls themselves white. I don't know what they means by the looks. White man don't beg money; Indian always begging. * * * I don't know where boundary line is. If fellow comes along and we got a fence here and he says "Here's boundary line" it don't make no difference if it is way off somewhere else. White man been to my place; they say this man got so much. How much have I got? * * * We want to get what belongs to us, no more.

JOHN ARCHIBUTTE: (Interpreted by Mr. Webster)

Just a few words in regard to this council. It is not very well understood what this council is here for. I think we all understand it pretty well just what the council is for. Now, it seems to me--for an illustration, there are a few black stars in on this reservation. Call it black stars to represent these trust patent lands and for

