

File 14
K. J. ...

INDIAN OFFICE.

FILES.

CAUTION!

Positively no papers to be added to or taken from this file, except by an employee of the Mails and Files Division.

By order of

E. B. MERITT,

Ass. Commissioner.

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1916

NEW YORK

File No. 11557

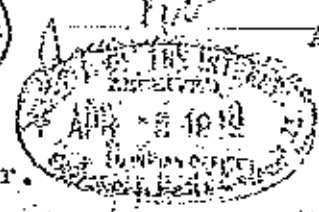
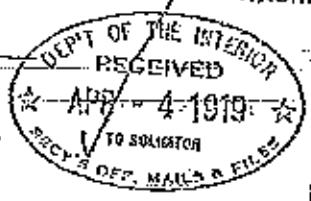
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DEPARTMENT OF JUSTICE,

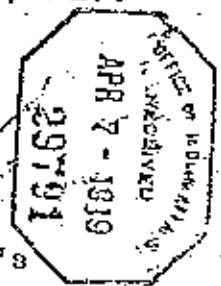
WASHINGTON, D. C.

CSE-LGB

152205-82



April 3, 1919.



The Secretary of the Interior.

Sir:

Further referring to Assistant Secretary Jaylin's letter of April 24, 1913, I have the honor to inform you that in the case in ejectment instituted in the Northern District of New York against Julia Boylan and Anna Siver Moyer, to recover from them for the benefit of certain Oneida Indians some 32 acres of land which formed a part of the original reservation of the Oneida tribe in New York State, the court has recently rendered an opinion fully sustaining the contention of the Government on all points.

A copy of the opinion is enclosed herewith for your further information in regard to the matter.

Very respectfully,

For the Attorney General,

Charles R. Foster

Assistant Attorney General.

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Law

Inc. 86272

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SEP 28 1916

Mr. F. C. CREGG,
Assistant U. S. Attorney,
Northern District of New York,
Syracuse, New York.

My dear Mr. Cregg:

The Office is in receipt of your letter of September 16, 1916, with respect to the case of the United States v. Julia Ecyian and Anna Silver Moyer to recover possession of certain lands claimed by the Oneida Indians of New York.

You refer to a statement in the Eleventh United States Census, 1890, Indians, to the effect that a remnant of the Oneida Nation in New York retained but about 350 acres of their former lands, which they hold as citizens and in severalty, and ask whether or not such statement is correct.

In answer you are advised that in the fall of 1914 a representative of this Office was detailed to investigate conditions on the Indian reservations in the State of New York; and in his report dated December 26, 1914, he set out clearly the status of the lands of the Oneidas as follows:

ORIGINAL COPY - FOR FILE

The Oneidas also, by various treaties, sold all of their land, except about 350 acres, to the State, and removed to the reservation in Wisconsin procured from the Menominees by treaty with the Federal Government. The 350 acres in New York belonging to the Oneidas have long since been divided in severalty under State laws, and as a tribe these Indians are known no more in that State.

A copy of the said official's report was transmitted to the Congress by the Secretary of the Interior with letter of January 22, 1915, and has been printed as House Document No. 1560, Sixty-third Congress, Third Session.

The office has no extra copies of the document mentioned, nor can it send you a copy of the Extra Census Bulletin, Indians, which was printed as an excerpt from the 11th United States Census. It is understood that this bulletin is exhausted.

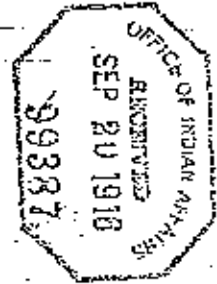
Very truly yours,

(Signed) E. E. Meritt
Assistant Commissioner.

Syracuse, New York,

September 18, 1916.

Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.



Sir : -

The case of the United States vs. Julia Boylan and Anna Siver Moyer to recover possession of certain lands claimed by the Oneida Indians was tried at the June 1916 Term of United States District Court before Judge Ray, without a jury, at Syracuse, and we expect to submit briefs within a few days. The contention of the government in this case is that the Oneida Indians, or what remained of them after the migration to Bay City, Michigan, did not own their land in severalty, and had no right to sell, convey or mortgage the same, and could not give in any manner title thereto.

In looking up the authorities my attention has been called to the Eleventh United States Census, and particularly to the Extra Census bulletin, Indians, Robert Porter, Superintendent. On page 25 of the Extra Census Bulletin under the head "Oneida and Cayuga Reservations," seems to be a statement discussing their lands etc., which says that they hold said land as citizens in severalty, and goes on later discussing Mary Antone and Mary Webster, Mary Antone

OFFICE OF THE UNITED STATES ATTORNEY,

NORTHERN DISTRICT OF NEW YORK.

SYRACUSE, N. Y.,

September 18, 1916



being one of the Indians interested in this particular 32 acres of land in question.

Of course if that report is correct the government's contention, it seems to me, must fail in the case at bar. I would like to have the view of your Department on this question before finally submitting brief in this case.

Will you also send me a copy of the Extra Census Bulletin above referred to?

Very truly yours,

A handwritten signature in cursive script, appearing to read "F. J. C. S.".

Assistant U. S. Attorney.

FJC/S

JUN 24 1916

Mr. F. J. Crogg,
Assistant U.S. Attorney,
Syracuse, New York.

My dear Sir:

The Office is in receipt of your letter of June 9, 1916, in which you ask that you be furnished a copy of Departmental request for the institution of suit in the case of the United States v. Julia Beylan and Anna Siver Moyer, to recover possession of certain land claimed by the Oneida Indians of New York.

In answer, you are advised that no record of the matter mentioned is found in this Office or in the Department.

The Office has no available copies of the treaties and laws relating to the Oneida Indians, nor has it for distribution a copy of the treaty of November 11, 1794, between the United States and the Six Nations of Indians, New York.

The laws and treaties relating to the New York and other Indians will be found in the publication known as "Kappler's Indian Affairs, Laws and

RETIRED COPY - FOR FILE

Treaties".

The treaty of November 11, 1794, is contained in Volume 7 of the U. S. Statutes at Large, page 44. Further, most of the early ^{Indian} treaties will also be found in the said volume.

Very truly yours,

(Signed) E. B. Meritt
Assistant Commissioner.

OFFICE OF THE UNITED STATES ATTORNEY,

NORTHERN DISTRICT OF NEW YORK.

Syracuse, New York,

June 9, 1916.



Department of the Interior,
Office of Indian Affairs,
Washington, D. C.

Gentlemen : -

Mr. D. E. Lucey, the United States Attorney for this district has turned over to me for preparation for the trial, the case of the United States vs. Julia Boylan and Anna Siver Moyer, to recover possession of 33 acres of land alleged to have belonged to a band of Oneida Indians at Oneida, Madison County, this State.

In examining the complaint I find an allegation that the action was brought on September 29, 1915, at the request of the Department of the Interior of the United States. I don't find among the papers any written authority from your Department to begin such action, but I do find letters from the Attorney General directing the United States Attorney to begin such action. Will you kindly forward such request? Will you also send a copy of all laws, decisions and treaties which ~~relate~~ ^{relate} in any way to New York State Indians, particularly the Oneidas, and especially the treaty between the United States and the Six Nations of Indians at Canandaigua, November 11, 1794.

Very truly yours,

F. J. Clegg
Assistant U. S. Attorney.

FJC/S
FJC/S

2.

New York and the Onondaga Indian Tribe or Nation,
which is at Green Bay and those who are further west
and the Southern States and Canada.

Second Because the Dominion Government are
pressing the Onondagas to become citizens by force,
when Indians are not to be made Citizens by any
means recorded by Treaty or Rights, as long as
the Sun rises and the Sun sets, and the green grass
grows and the River flows.

Please reply very soon.

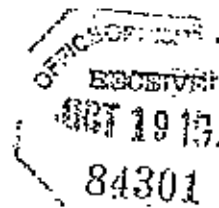
Very respectfully yours,

Wilson Cornelia

Southwold, Ontario.

On this page are the names of the people who authorized the writer to forward to their beloved friend, this letter, as it will be learned through Treatis and the U. S. History, as follows:-

Lazurus Schuyler,
 Mrs. Carolina Schuyler.
 David Doxtator.
 Jeremiah Nickles.
 Joseph Cornelius.
 Wilson Cornelius.
 Henry Nickles.
 Chancy Doxtator.
 John Webster.
 August Webster.
 Smith Antone.
 Geo. Antone.



and if there is anything more required, such as more names, or otherwise, they are ready to do so.

Yours truly,