

2-3-25

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,  
Asst. Commissioner.

NEW YORK

File No.

2-6-25

07652

Revised Oct 10/1932

The Secretary of the Interior

Washington, D.C.

Dear Sir: I am writing

you for some information.

I have an article in the

and I am trying to see if

it is still valid, with

the list of names and

which has been made in

organizing for the purpose

of organizing local clubs

under the name of the

legally licensed or in

the name of the State and

there is a woman who

lives in the town of

or Mrs. Kelly who seems

to be the leader in this movement. The claims that

three prominent lawyers of New York have been engaged to prosecute this case. Their names are, that, Whiting and Parker.

They tell us we are sure to win this case, all Indian cards being to participate in this claim are being kept \$125 per month to help finance the case.

How much I want to know how the Indians may claim without one or two cents or are they at nearly a penny?

By making no threat we keep a check to win this claim when they know we can not.

If they prefer we a group of ourselves I think they should be exposed as they are certainly are working a hard step or a great many poor people who are trying to get this out. Do you find anything known any thing about the above claim, or the lawyers mentioned, or they whom I try to obtain for claim?

Primarily a threat of suit? Please let me hear from you soon.

Very truly yours  
W. D. Swainson

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10000-50  
10000-50

Commissioner  
Indian  
Affairs.

Syracuse, N.Y.

June 30-1920

RECEIVED  
JUL 6 - 1920  
5564

Dear Sir,

would you please tell me  
how much money the Oneida  
Indians have in Washington  
and when they will get it?  
New York State has never  
bought the Reservations at  
Fish Creek and Oneida Lake.  
How can we get them back?  
Can I go there and camp  
and plant? by a treaty they  
rented those lands but the  
Oneidas has never seen any  
of the rent yet. please  
answer, thanking you in  
advance, from

Mrs. Mary Winder,  
Route 5.,

Syracuse N.Y.

Inclosure 51737

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NOV 31 1925

My dear Senator:

Receipt is acknowledged of your communication of November 17, 1925, inclosing a letter from Mr. J. J. Humes, of Stonewall, Oklahoma, requesting the address of a Tulsa lady who was appointed Secretary for Oklahoma Indians in connection with a suit for lands in New York State.

This Office has no knowledge of the address of the Tulsa lady. Mr. Humes' letter probably has reference to the activities of those who have been collecting moneys from the Six Nations Indians living in New York, Oklahoma, and elsewhere, upon the representation that such moneys are to be used to prosecute some shadowy claims a faction of these Indians think they have to lands in the States of New York and Pennsylvania. This Office has endeavored to correct the impression that these Indians have a valid claim that can be successfully maintained in the courts.

There is inclosed herewith a copy of a memorandum for the press, released Nov. 21, 1924, with reference to this claim.

Your correspondent's letter is returned, and a carbon copy of this reply is inclosed for your convenience.

Cordially yours,

(Signed) Chas. H. Burke

Commissioner.

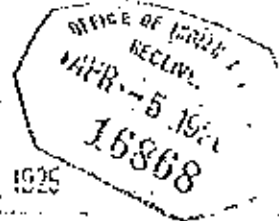
Hon. J. W. Harrell,

United States Senate.

(As rewritten by Commissioner Burke)

INITIALING COPY - FOR FILE.

OFFICE OF INDIAN AFFAIRS  
WASHINGTON



DEC -2 1925

MEMORANDUM  
for  
Secretary Work:

The accompanying letter from Wilson Cornelius, together with its inclosure, being the original of Department letter of November 14, 1925, relates to matters of the Oneida Indians of New York in connection with their treaty relations with the United States.

There have been a number of treaties entered into between the United States and the Six Nations of New York as a Confederacy, also treaties with the different tribes or nations. On October 22, 1774, the United States entered into a treaty of peace with the Six Nations of New York. This treaty is found in 7 Statutes at Large, at page 15. The Mohawks, Senecas, Onondagas, and Cayugas had taken sides with the British during the Revolutionary War, (while the Oneidas had aided with the United States.) In this treaty all tribes were mentioned, and it was expressly stated that it was for the purpose of making peace with four of the nations.

Later, the United States executed the treaty of Fort Mifflin on January 9, 1789 (7 Stat. L., 33). This treaty was, in a way, supplemental to the treaty of October 22, 1774, supra. By this treaty the United States confirmed to the Six Nations all lands inhabited by them and not previously ceded therein. (The Oneida and Tuscarora Nations were expressly "secured and confirmed" in the possession of their respective lands, but no payments were provided for.)

By the treaty of November 11, 1794 (7 Stat. L., 44), the United States acknowledged the title of the Onondaga, Oneida, and Cayuga Indians to the reserves given them by "treaties with the State of New York". This provision is contained in article 2 thereof. The treaty also provided that their lands could be sold, whenever they should so choose, to the people of the United States. *(not correct)*

The treaty with the Oneidas of December 2, 1794 (7 Stat. L., 47), provided that the Oneida, Tuscarora, and Stockbridge Indians, for services rendered the United States in the Revolutionary War, should receive certain rewards and benefits. By this treaty \$5,000 was to be paid in a lump sum to the above nations for losses sustained during the War. The United States also obligated itself to construct mills and to provide millers; to keep up repairs, and provide teams and utensils for three years. It was agreed also that the United States should pay \$1,000 additional to be applied in building a convenient church at Oneida in place of one burned by the enemy. By article 5 of this treaty the Oneida, Tuscarora, and Stockbridge Indians acknowledged themselves to be satisfied and relinquished all other claims, as nations, for compensation and rewards for their losses and services in the War. *(Provision made to be favorable to the Indians necessary at all for good people.)*

By article 2 of the treaty of January 15, 1838 (7 Stat. L., 550), the Oneidas, with other New York Indians, accepted a reservation west of the Mississippi River, the reservation for the Oneidas being specifically designated. However, the Oneidas did not remove to Indian territory, where the reservation was provided, the majority of the

tribe having removed to Wisconsin on lands purchased from the Menominees, where they now reside. By article 13 of this treaty certain special provisions were made for the Oneidas residing in the State of New York amounting to a total of \$6,000, they agreeing to remove to Indian territory as soon as satisfactory arrangements could be made with the Governor of New York for the purchase of their lands at Oneida. *(This treaty not legal no lands to be sold its a free country to all subjects)*

The New York lands of the Oneidas have been sold as provided for by article 2 of the treaty of November 11, 1794, supra, and there is no way whereby this Department can interfere to recover title for them. Appropriations are made by Congress, each year, to fulfill the provisions of this treaty with the Oneida and other New York Indians. All the stipulations of the Oneida treaty of December 2, 1794, supra, have been fulfilled. *(This treaty is not by agreement by the free nation Indians)*

In view of the above facts it does not appear that anything is due the Oneida Indians except the annuities under the treaty of November 11, 1794, supra, which amounts are being appropriated each year by Congress.

*Chas. L. ...*  
Commissioner.