

11-19-27

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INDIAN OFFICE

FILES

CAUTION!

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By order of

E. B. MERITT,
Asst. Commissioner.

5714 B 44
NEW YORK
file No. 211

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F C T

Mr. Wilson Cornelius,
R.F.D. No. 1,
Nedrow, New York.

NOV 30 1929

Dear Sir:

Receipt is acknowledged, by reference from the President, of your letter of November 19, 1929, concerning a claim of the Oneidas for \$4,764,000, and of the other tribes of the former Six Nations Confederacy for approximately \$89,000,000. The records show that the amounts due these Indians under the treaty mentioned have all been paid by the United States, except the perpetual annuities due the Senecas and Six Nations of New York, for which amounts are appropriated each year. Therefore, there appears nothing due the New York Indians which is not appropriated for each year in accordance with treaty provisions.

Relative to the treaty between William Penn and the Indians, it may be said that this treaty was between the colony and the Indians, and it is assumed that all provisions thereof have been fulfilled.

Sincerely yours,

(Signed) C. J. Richards

Commissioner, *W. W. W.*
J. W. W.

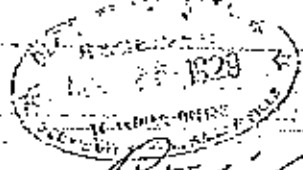
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NOV 26 1929

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Indians



New York, N.Y., R.F.D. 1271

Nov. 19th 1929

President Hoover

Washington, D.C.

Dear Sir,



I hope you will be a few lines that you will hear from your Indian friend. I am questions that I wish to put before you to consider which is of important and vital interest for you and I, it is a land matter with some interest toward it. So this will be the first subject it is the property belonging to the Indians in the area that has made out a Treaty with the people of the State of New York. A way back in 1788 was the first treaty was made at this time \$6,000,000 for the Oneida Tribe of Indians which was to be paid every year out of the State of New York and New York. I figured what will amount to at the present rate at 6 per cent is total to \$4,764,000,00 and I am sure all that sum must be divided among the Oneida Indians alone. Do you not get

mixed up. It will amount to cover the
 cost of the other five nations. Onondago, Cayuga,
 Seneca, Muncie & the last Gasharwa who became
 leagues to the five nations in about 1712 six nations
 in all. So that would amount to six times as
 many mrs that will total \$28,584,000, as all told.
 This is just for the people of the State of New York
 alone to pay out to each separate Tribe of Indians as the
 State must make do with.

Another Treaty the Iroquois Indians
 made with the people of the State of Pennsylvania
 under William Penn in 1680 where - Philadelphia
 was made about in this Treaty with
 special care out of pay out was made, but pro-
 bably it was as much as Indians Land in
 the State of New York. So this is the same that
 I found out will total \$6,264,000, as all told.

Another Treaty the Iroquois Indians
 made with George Washington at Rappahannock
 in 1784 at the time the Onondas were dispersed
 and removed to reside in any part in the U.S. State, also.

The Indian boundary line was first all lands be-
 longing to the Six Nations Indians except from
 the New York Line to the Ohio side, and those
 of the Six Nations, Delaware River, Lake Ontario, and
 the Lawrence all lands Eastward to the Ohio side
 except along the Six Nations Indian owned all
 lands on the Ohio side into the hands of the United States
 Government in payment for provisions by the United States
 Government of all the Six Nations Indian lands and
 a termination the same.

I have in the same Article that I have above
 belonging to the Six Nations Indian that would be the
 object of any time. There are other things of land
 not mentioned but all should be paid out about
 the same figures as laid out in the Grant above.

In conclusion all these Six Nations Land interest
 will to be made settlement in six times, and should be
 paid out about the same manner as Kansas Money dis-
 tribution to individual Indians. I hope to hear from you
 again soon. Very Respectfully Yours,
 Oliver Indian
 Oliver Indian

Chapman
EDWARD D. CHAPMAN
GEORGE M. HAIGHT
UNITED STATES COMMISSIONERS
SYRACUSE, NEW YORK

February 6, 1930

Herbert Hoover,
President of the United States
Washington, D.C.

My dear Mr. President:

I am writing this letter at the request of Joshua Jones, Chief of the Six Nations of Indiana, formerly called the Iroquois Confederacy, and Andrew Gibson, Chief of the Onondagas; in fact some of the Indians are in my office almost continually.

The Indians maintain that they are a sovereign nation. New York State has more than twenty treaties with them and they maintain that the Constitution of the United States prohibits any State making treaties with any nation. The Welfare League interferes in the handling of the children; there are certain moneys and goods being distributed by an Oneida Indian to the Onondagas, and there seems to be a hundred other matters which are creating irritation much of which is needless.

I have talked with one of the Deputy Attorney Generals of this State and when I was in the U.S. District Attorney's Office I handled Indian affairs. It has been suggested by some members of the Senate Commission on Indian Affairs that the Attorney General of this State meet with the proper officials at Washington to see if some adjustment could be made as between New York State and the Nation. The trouble is that this will never be done. The Commission investigation did as much harm at least as it did good when it was held here in Syracuse. Most of the witnesses they heard, especially of the Laura Kellogg faction, were primed, and a true picture of affairs was not presented, although I furnished the Secretary of the Commission a list of names of Indians that should be called (but were not) who would have told the truth and given them the real facts of the case.

I assume that this letter will be referred to the head of the Department of Interior and I urge with all earnestness that some direct effort be made at once to straighten out affairs so that the Indians will know where they stand. I am referring to the Six Nations and particularly to those Indians that occupy lands. In the early days they had 18,000,000 acres and they now have 78,000 acres.

One of the reasons that I am writing this letter to you is that the City of Syracuse desires now to obtain some considerable land on the Onondaga Reservation for a flood control dam. As this letter is of some length I hesitate to take your time writing you further as to details. In calling this matter to your attention I feel that it is of great importance and I hope, at least, that the matter will be placed before some one in authority on Indian matters

EDWARD D. CHAPMAN
GEORGE M. HAIGHT
UNITED STATES COMMISSIONERS
SYRACUSE, NEW YORK

2-6-30

H.E. ---2

in this part of the United States to the end that justice may be done to all.

Very respectfully,

E. D. Chapman

EDC-C.

COUNCIL OF THE SIX NATIONS OF INDIANS OF IROQUOIS CONFEDERACY

FEBRUARY 28, 1930.

PURSUANT TO CALL: The Sachems, true and Lawful Representatives of the "SIX NATIONS OF INDIANS OF IROQUOIS CONFEDERACY" (so called), convened in Council, held on the Tonawanda Reserve, on the 28th day of February, 1930, at 2:30 o'clock P. M., and was called to order by Chief Andrew Gibson of the Onondaga Nation.

Invocation by Chief Andrew Gibson.

By order of the Chief Sachem Joshua Jones: Roll called.

so ordered.

Present: Cayuga Nation:	Chief Asher Parker
" Onondaga Nation:	Chiefs Andrew Gibson
	" Emmitt Lyons
	" John White
	" Frank Isaacs
Sub.	" Osias Schanadoah
"	" Jesse Lyons
" Oneida Nation	Rep. William Rockwell
	" Albert Schanadoah
" Tonawanda Band of Senecas	Chiefs Norman Parker
	" Howard Pierce
	" Lyman Johnson
	" S. Sundown
	" Henan Scroogs
	" Barber Black
" Tuscarora Nation	Chiefs William Chew
	" Edgar Rickerts
	" Lucius Williams
	" John Printup
	" George Rickerts
Absent: Seneca Nation.	" Julius Herne
" St. Regis Mohawk.	" Mitchell Laughman
	" Mitchell Cook

Quorum present.

Chief Andrew Gibson of the Onondaga Nation offered the following Resolution:
TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS OF THE UNITED STATES OF AMERICA,

Whereas: The attention of the "SIX NATIONS OF INDIANS (SO CALLED) OF IROQUOIS CONFEDERACY", has been called to the fact, That; there has been introduced a "BILL, H. R. 9720," before the Committee on Indian Affairs of the House of Representatives of the Congress of the United States of America

Whereas: That said "BILL, H. R. 9720" is, and will be in contravention to the "TREATY RIGHTS" entered into, between the UNITED STATES and the SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY.

Now, therefore be it resolved: That this Council of "SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY, True and Lawful Representatives of said "SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY," Do, most respectfully remonstrate against the passage of aforesaid "BILL, H. R. 9720

And further resolved: That the Secretary of the "SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY," Be and He is Hereby instructed to forward copies of the foregoing "RESOLUTION" to the proper authorities of the UNITED STATES OF AMERICA.

Unanimously adopted.

Dated the 28th day of February, 1930.

Joshua Jones,
Sachem of Six Nations of Indians of
Iroquois Confederacy.

I, WAITER KENNEDY: Secretary of the SIX NATIONS OF INDIANS (SO CALLED) OF IROQUOIS CONFEDERACY, DO HEREBY CERTIFY, That I have compared the foregoing copy of a Resolution, with the original filed in the records of the SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY on the 28th day of February, 1930; and now remaining therein, and that said copy is a true transcript therefrom, and of the whole of said original.

- " Frank Isaacs
 - Sub. " Osias Schanadoah
 - " " Jesse Lyons
 - " Oneida Nation Rep. William Rockwell
 - " " Albert Schanadoah
 - " Tonawanda Band of Senecas Chiefs Norman Parker
 - " " Howard Pierce
 - " " Lyman Johnson
 - " " S. Sundown
 - " " Henan Scrooga
 - " " Barber Black
 - " Tuscarora Nation Chiefs William Chew
 - " " Edgar Rickerts
 - " " Lucius Williams
 - " " John Printup
 - " " George Rickerts
 - " " *Julius Herr*
 - " " *Mitchel Lauchman* *Jaable*
 - " " *Mitchel Cookmers*
- Absent: Seneca Nation.
- " St. Regis Mohawk.
- Quorum present.

Chief Andrew Gibson of the Onondaga Nation offered the following Resolution:
 TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONGRESS
 OF THE UNITED STATES OF AMERICA.

Whereas: The attention of the "SIX NATIONS OF INDIANS (SO CALLED) OF IROQUOIS CONFEDERACY", has been called to the fact, That; there has been introduced a "BILL, H. R. 9720," before the Committee on Indian Affairs of the House of Representatives of the Congress of the United States of America

Whereas: That said "BILL, H. R. 9720" is, and will be in contravention to the "TREATY RIGHTS" entered into, between the UNITED STATES and the SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY.

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And further resolved: That the Secretary of the "SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY," Be and He is Hereby instructed to forward copies of the foregoing "RESOLUTION" to the proper authorities of the UNITED STATES OF AMERICA.

Unanimously adopted.

Dated the 28th day of February, 1930.

Joshua Jones,
 Sachem of Six Nations of Indians of
 Iroquois Confederacy.

I, WALTER KENNEDY; Secretary of the SIX NATIONS OF INDIANS (SO CALLED) OF IROQUOIS CONFEDERACY, DO HEREBY CERTIFY, That I have compared the foregoing copy of a Resolution, with the original filed in the records of the SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY on the 28th day of February, 1930; and now remaining therein, and that said copy is a true transcript therefrom, and of the whole of said original.



IN TESTIMONY WHEREOF: I have hereunto subscribed my name and have affixed the Seal of the SIX NATIONS OF INDIANS (so called) OF IROQUOIS CONFEDERACY, This 3d day of March, 1930.

WALTER KENNEDY,

Secretary of Six Nations of Indians (so called) of Iroquois Confederacy.

MAR 11 1930

MEMORANDUM FOR THE SECRETARY

The accompanying letters from Hon. Scott Leavitt, Chairman Committee on Indian Affairs, House of Representatives, dated February 22 and 25, 1930, request a report on H. R. 9720, a bill to provide that certain laws of the United States shall not apply to Indians and Indian reservations within the State of New York.

The situation with respect to the Indians in the State of New York is somewhat peculiar and is entirely different from that of most of the other Indian problems with which this Department must deal, particularly those west of the Mississippi River. This is due in a large measure to the fact that New York was one of the thirteen original colonies, and the legal title to none of the lands in that state is in the United States, other than such as may have been acquired by purchase or by condemnation for public purposes, as Federal buildings, military posts, etc.

Shortly after the Revolutionary War, particularly prior to the adoption of our Federal Constitution and even since that date, under the doctrine of "states rights" so strongly prevalent in the early days of the republic, the State of New York dealt directly with those Indian tribes claiming lands within her borders. In some instances such transactions were had with the sanction of the Federal Government and in others without such sanction other than such as might have been implied. That is, as to those transactions between the Indians and the State not expressly sanctioned, no protest or opposition thereto has ever been raised, at least so far as the legislative and executive branches of the Federal Government are concerned.

The State of New York has always assumed the burden of establishing and maintaining schools for the education of the Indian children within her borders, has constructed improved highways through the reservations there, and to some extent, at least, has enforced sanitation, health and other public measures of this kind among these people; all without expense to the Federal Government. The State has heretofore exercised the usual prerogatives of sovereignty and jurisdiction over these Indians, while the Federal Government, to a large extent, has not. This may be due in some measure to the fact that the Congress has never expressly directed this or any other Department of the Federal Government to assume active control and supervision over the New York Indians.

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such as is found in the act of July 27, 1828 (15 Stat. L., 233), with respect to the Cherokee Indians of North Carolina. Having no such legislation at hand and having no appropriations expressly made available for the purpose of carrying on any extensive activities with respect to the Indians in New York, this Department has not felt empowered to assume active control of the situation there, such as is now exercised over most of the other Indians of the United States.

In a recent case in the United States court, entitled "The United States, ex. rel. Plarco, et al., vs. Waldo, Sheriff" (204 Fed. Rep., 111), it was held that "the state of New York has authority to enact laws for the civil government and regulation of the internal affairs of the Seneca Indians residing on the Cattaraugus Reservation, which authority it has exercised, with the acquiescence of the Indians and the Federal Government since 1849, and in the absence of Congressional legislation a Federal court will not interfere with the administration of such laws by the courts of the state."

The above holding was later sustained by the decision of the Supreme Court of the United States in the same case, entitled "United States, ex. rel., Kennedy, et al., vs. Tyler, Sheriff, et al." (209 U. S., 15). In deciding the case the Supreme Court said, in part:

"It is enough for present purposes to say that the State of New York, as early as 1849, at the request of the Indians, assumed governmental control of them and their property, passed laws governing and defining the jurisdiction of the peace-makers' courts, administered these laws through its courts, and that Congress has never undertaken to interfere with this situation or to assume control."

After a further discussion upon the right of the state to exercise control, the Court decided that it had that right, and then said concerning controversies: "In so far as they involve treaty or constitutional rights, those courts are as competent as the Federal courts to decide them", and decided that questions should be presented first to the state courts, and after exhausting the remedy in the state courts, the authority of the Supreme Court of the United States could be invoked to protect a party against an adverse decision involving a denial of a Federal right properly asserted by him.

In view of the foregoing, particularly the holding of the Supreme Court with respect to this situation, I see no objection to enactment by Congress of legislation designed to remove any further doubt that may exist regarding the jurisdiction of the State of New York in the premises. The proviso to the bill expressly safeguards any property rights belonging to those Indians arising under existing treaties with the United States. It is, therefore, recommended that H. R. 9720 be given favorable consideration.

However, I have recently been informally advised that certain Indians interested in this matter have filed a protest with the Committee against the pending measure.

C. J. Smith

Commissioner.

3-GMP-6
a c g

In view of the foregoing, particularly the holding of the Supreme Court with respect to this situation, I see no objection to enactment by Congress of legislation designed to remove any further doubt that may exist regarding the jurisdiction of the State of New York in the premises. The proviso to the bill expressly safeguards any property rights belonging to those Indians arising under existing treaties with the United States. It is, therefore, recommended that H. R. 9780 be given favorable consideration.

However, I have recently been informally advised that certain Indians interested in this matter have filed a protest with the Committee against the pending measure.

Wm. B. ...

Commissioner.

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J T R

J. J. [unclear]

JUN - 4 1931

Hon. F. M. Davenport, M. C.,
Clinton, New York

My dear Mr. Davenport:

Your letter of May 29, inclosing additional data in the matter of certain lands near Vernon, New York, formerly owned by Lydia B. Dextater, a deceased Oneida Indian, presumably reached us about the same time you received our prior letter also dated May 29, to you regarding this matter.

The difference between the instant case, - Lydia B. Dextater's land, - and the land involved in the Boylan case (235 Fed. 193) rests in the fact that the Boylan case dealt with lands retained by the Oneida Indians as a tribe, as a part of their original domain or "reservation" in the State of New York, while the lands formerly owned by Mrs. Dextater, as pointed out to you in our prior letter, were ceded and sold to the State of New York by the Oneida Tribe in 1840 and were subsequently acquired in 1907 by Mrs. Dextater, as an individual, in her private capacity, with her own funds, from private parties, patentees from the State of New York or their assignees.

There is a substantial fundamental difference, of course, between restricted Indian property over which the Federal Government in behalf of the Indians exercises beneficent supervision or control, and unrestricted Indian property acquired by individual Indians by their own industry or with their own unrestricted funds. With the former we have considerable to do but with the latter practically nothing, except by way of friendly advice or suggestions to interested parties. As we see the situation the lands formerly owned by Mrs. Dextater clearly fall within the latter class and hence are entirely free from supervision as far as the Federal Government is concerned.

Sincerely yours,

(Signed) C. J. Rhoads

Commissioner.

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M I P

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Sherrill
Spence

Mr. Wilson Cornelius,
c/o Adam Thomas,
Madison, New York.
U. S. D. No. 1.

JUL 18 1938

Dear Sir:

We have your recent letter without date relative to obtaining certain property as a home place.

So far as we can understand from your letter you refer to some individual real estate property that has been inherited and want advice as to getting or retaining possession. We have not attempted to assume control over any tribal or individual property of the Onondas of New York, and know of no way in which the Government could give you help in your trouble. Any claim to inheritance you might have would no doubt be given due consideration by the proper court of the State of New York.

Sincerely yours,

(Signed) C. J. R. Roads

Commissioner.

CJR

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JUL - 6 1931
38846

Dear
Obedient W. H. R. 1919

in care of Adam Thomas

Department of the Interior

Office of Indian Affairs

Washington D.C.

Friends;

I was advised to write this letter to the
Bureau. And the inquiries in Adam's name
which I have also made with Adam Thomas.

So what Adam's name wants is to know the
property which is owned in his name as shown by
himself as long as he has lived, he is 68 years
of age. He is the last one left of the family.

His father and his mother died just a while ago
he had two sisters both died last winter died about
a year ago. Not until then till he saw that the
property passed to the next of kin. Should
they to move in what should be done to
be sure to have this matter settled.

Very sincerely yours
C. L. ...

NOT

✓

W. P. ...

Mr. Francis J. Keenan,
c/o Niagara University,
Niagara University, New York.

APR 10 1953

*Francis J. Keenan
State ...*

Dear Sir:

We have your letter of March 10, in which you ask three specific questions in regard to the status of the Indians of New York State.

1. Are the Indians of New York State under complete Federal jurisdiction?

The Indians of New York State were originally under the New York Colony. Upon the successful termination of the revolution there, the State of New York assumed all the jurisdiction theretofore had by the Crown of Great Britain through its Colony. While the United States made treaties with the New York Indians and guaranteed them peaceful possession of their land, the state assumed the burden of government, including the establishment of schools and highways. The state has exercised the usual prerogative of sovereignty and jurisdiction over these Indians while the Federal Government to a large extent, has not. This is probably due in some measure to the fact that Congress has never expressly directed this or any other Department of the Federal Government to assume active control and supervision over the New York Indians, such as is found in the Act of July 27, 1868 (15 Stat., 228), with respect to the Cherokee Indians of North Carolina. Having no such legislation and having no appropriation for the purpose of carrying on extensive activities with respect to the New York Indians, this Department has not felt empowered to assume active control over the Indians within that State, such as is now exercised over most of the other Indians of the United States.

2. Are any exempt?

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As New York has heretofore exercised jurisdiction, as above stated, while the United States has not, this question should more properly be addressed to the Attorney General, State of New York, who is in a better position to furnish you with all information in regard to the laws of the State enacted specifically for the Government of the Indians within its border.

3. If the Indians are exempt in New York State, just what are their status?

This question is equivalent to No. 2, and could more properly be answered by the law officer of the State of New York.

The 3¢ stamp enclosed with your letter is returned herewith.

Sincerely yours,

(Signed) C. J. Rhoads

Commissioner.

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Enclosure 235823.

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P C T

AUG -1 1933

Wickley
Winnahau

Mr. Arthur R. Moon,
c/o Joe Leicher,
Crossham, Wisconsin.

Dear Sir:

Receipt is acknowledged of your letter of July 21, inquiring as to the activities of Mr. Kellogg in connection with the Six Nations' claim.

The enclosure with your letter, being a copy of what is evidently intended to be a circular of April 12, 1933, signed by Ida Baldwin has been read with interest. We are unable to verify any of the statements made in the circular. The Kelloggs have been collecting money from members of the former Six Nations Confederacy and their affiliates ever since 1924. They have collected immense sums and apparently there has been little, if anything, accomplished to show for the money paid by the individual Indians. We have been unable to find where there is any merit in the claim put forth by the Kelloggs and have advised all persons who have written to us to refuse to pay any more money to these self-constituted collectors. Should these people have a valid claim and the court decides that they are entitled to recover either from the State of New York or the United States, the rights to enrollment under the ordinary rules of procedure will not be governed by the fact that a person did or did not contribute to the funds collected by these people.

It is suggested that you communicate with the Attorney General for the State of Wisconsin and write him all facts in regard to this matter. You should furnish him with a copy of the communication from Mrs. Baldwin, which is being returned herewith for that purpose.

Sincerely yours,

7-MS-27

Commissioner.

Enclosure 107648.

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