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INDIAN OFFICE

FILES

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File No.

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Amundson

AUG 12 1935

Robert E. Murray, Esq.,
Union Building,
Syracuse, New York.

Dear Mr. Murray:

Reference is made to your letter of July 15 concerning the sending of a delegation of four or five Oneida Indians to Washington.

The 1935 Appropriation Act authorizes the use of a certain amount of tribal funds for council and delegation expenses when approved or authorized in advance by the Commissioner of Indian Affairs. However, this authorization can only be used for the benefit of those tribes which have funds on deposit to their credit in the United States Treasury. As for tribes which do not possess tribal funds, there is no appropriation to pay the expenses of their delegates to Washington.

The Oneidas do not have any funds for this purpose. In the circumstances, it will not be possible for this Office to meet the expenses of a delegation of Oneida Indians to Washington. If arrangements can be made to pay their expenses in some other way, this Office will welcome the delegation. Commissioner Collier is at present on a field trip, but several members of the staff are well informed on the New York situation and they will be available for conference. I suggest that you give us several days notice, so that our time may be properly arranged.

Sincerely yours,

(Signed) William Zimmerman, Jr.
Assistant Commissioner.

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cc/New York Agency

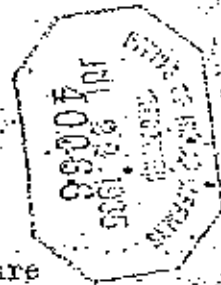
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UNION BUILDING
SYRACUSE, N. Y.

LAW OFFICES OF
CLARENCE UNKLESS
ROBERT K. MURRAY
FREDERICK F. JILLSON
SEELY S. MOSHER

July 15, 1935

Commissioner of Indian Affairs
Washington, D. C.



Dear Sir:

A group of Oneida Indians are desirous of visiting Washington and conferring with you with reference to their status as intruders on other reservations and as to their status as a Nation. The group of four or five representative Oneidas would like to come to Washington at an early date. I would appreciate it if you would set a definite time so that they could see you.

Thanking you for your kind consideration, I am,

Very truly yours,

Robert K. Murray

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JUN 11 1936

Wesley
T. Jones
Callahan

The Honorable
The Attorney General.

My dear Mr. Attorney General:

The receipt is acknowledged of your letter of April 17 (CGC-235), with copy of memorandum prepared by Mr. G. C. Daniels, Special Assistant to the Attorney General, involving the claim of the Ogden Land Company to the Allegany and Cattaraugus Indian Reservations in the State of New York.

After discussing this rather complicated matter at considerable length, Mr. Daniels reaches the conclusion that this so-called "claim" was originally no more than an option or license to purchase the lands of the Indians, if, say, and when they were disposed to sell; that, as a perpetual restraint upon alienation, the claim is hostile to the estate of the Indians, to the Constitution of the State of New York, and to the spirit of the law relative to restrictions on alienation, and to the law against perpetuities.

FOR FILE

Mr. Daniels further finds that the circumstances and conditions of the Ogden Land Company and of the Indians, and the laws and conditions of the State and Nation as a whole have so greatly changed in fundamental respects that the claim no longer has any application to present times; and that the rule of law which supported the claim is not applicable to existing circumstances.

In conclusion, Mr. Daniels recommends that an action be instituted (proceedable against the Ogden Land Company) by and in the name of the United States, in the proper Federal Court under the Declaratory Judgment Act of June 14, 1934 (48 Stat. L., 900, Section 400, Title 28, United States Code), with the view of settling the controversy.

This Department concurs in Mr. Daniels' recommendation. If, therefore, you approve, it is requested that appropriate

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instructions be sent to the United States Attorney in accordance therewith, of which we would appreciate a copy.

Sincerely yours,

(Sgd.) T. A. WALTERS

First Assistant Secretary.

4-MS-28

CC to New York Agency.

Oneida Reservation, Oneida, New York

October 12, 1938



Mr. Charles J. Berry
Indian Superintendent
Salamanca, New York

My dear Mr. Berry:

I am representing the Oneida Nation, the people who I believe deserve a hearing on matters of such importance as the resurveying of our little reservation.

I beg to call your attention to the fact that not until one year after the other five nations had voted on the Wheeler-Howard Bill were we Oneidas recognized as reservation Indians and had a right to vote. The election was so held in due form.

We would mostly appreciate the resurveying of our cemetery. Our map shows that only half of the original size of the cemetery is now in use. That part is so filled with graves no more can be buried there. The other half is occupied by a farmer.

The church that our population helped build with the Federal government's aid is now claimed by a white individual. The building has been moved from its original foundation and is being changed into a private dwelling. A large elm tree stands in front of this church, a landmark loved by all our neighbors and admired by all who have seen these giant towering limbs over a large area of slightly sloping lawn, inviting hospitably to all who wish to rest under its shade.

The tranquillity that existed between your ancestors and ours in the treaty making age still lives in our thoughts. We feel sure that the great power your government has gained from the early transactions, this request we are making now, tho it means a great deal to us, it would be a matter of short time on the part of your government.

In reviewing our ancestors' part in the War of 1776 we find the Oneidas were aiding the thirteen colonies to establish a Constitution whereby equal rights would be available to us all in this country. We look up to that Constitution as ours as much as it is yours.

II.

Mr. Charles E. Berry
Indian Superintendent

9/12/38

We are living on reservation lands.

We are held under the same restrictions as the other five nations.

We are therefore under the same status, an un-taxed reservation Indians.

We appeal to our guardian to resurvey our reservation and avoid an unnecessary discrimination.

We rest with the thought that you have the same faith as we have in the rights granted to us by your government.

Sincerely yours,

W. H. Rockwell

W. H. Rockwell

Chief of the Oneida Nation.

CCC--Ind. Div.

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D E M

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White

Mr. G. H. Berry

Supt., New York Agency

Dear Mr. Berry:

This acknowledges your letter of October 15.

We do have authority to survey reservation boundaries, but we do not have authority to survey individual tracts within the area. If you have sufficient funds in your present CCC-ID allotment to cover this expense, please advise. We do not have sufficient funds to make an additional allotment to you at this time.

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In the event you do not have sufficient funds, we may be able to arrange for the survey of the reservation in the next fiscal year.

Please advise Chief Rockwell.

Sincerely yours,
(Signed D. E. MURPHY)

D. E. Murphy
Director, Indian Division, CCC

10-572-27

Section for Indian Office