

Land Cl

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
FIELD SERVICE

New York Indian Agency
Salamanca, N. Y.
October 21, 1947

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Box 1058
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Commissioner of Indian Affairs,
Washington, D. C.

Sir:

This will refer to Mr. Critchfield's letter to the Hon. R. Walter Reihlman (Land-Claims 31000-47), concerning the claims of the Oneida Indians in New York to certain lands, a copy of which was directed to this agency with certain enclosures for a report.

Because of a lack of travel funds I was unable to visit the Onondaga reservation, where most of the Oneida Indians in New York reside, or Syracuse, where Edward D. Chapman, the attorney who wrote to Congressman Reihlman, resides, to make an investigation. I directed a letter to the self-styled chief of the Oneida Indians at Oneida, N. Y., but have received no reply. Recently, however, one of the better informed Oneida Indians, who resides at the Onondaga reservation, visited this office and I talked with him about this matter.

The news item enclosed with the copy of Mr. Critchfield's letter recites that under a treaty between the Oneida Indians and the state of New York in 1788 certain lands were reserved to the Indians and that a suit has now been instituted to recover these lands. The Oneida Indian with whom I talked, however, said he knew nothing of any litigation, and that his understanding was that the claim was one against the U. S. for the value of certain land sold to the state under a treaty which had not been ratified by the U. S.

Because of a lack of available facilities I have been unable to conduct an examination of the treaties between the Oneida Indians and the State of New York, and I can not, therefore, express any opinion regarding the validity of any claim such as outlined in the news item. In his report of December 26, 1914 (House Doc. 1590 - 63rd Cong., 3rd Sess.), Mr. Reeves reported that the Oneida Indians had sold all of their land to the State of New York except about 350 acres, which had long ago been divided in severalty under state laws. Less than 100 acres of these lands still remain in Indian ownership. For further information about these lands, see U. S. v. Boylan et al., (256 Fed. 468). Presumably Mr. Reeves, in preparing his report and in his investigation, examined all of the treaties between the Oneida Indians and the State and found that the Indians had no further claim to lands in New York except the 350 acres mentioned.

[Handwritten signature]

Filed by L. B. L.

REFER IN REPLY TO THE FOLLOWING:

Land Division
Claims

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CHICAGO FAX ROOM
WASHINGTON 25, D. C.

AUG -2 1948

Mr. William B. Bengé,

Supt. New York Agency.

My dear Mr. Bengé:

There is enclosed a letter from Mrs. Marie Winder, of Prattsburg, New York, concerning claims of the Oneida Indians living on the Onondaga Reservation in New York.

Mrs. Winder requests information concerning the prosecution of Oneida Indian claims and the employment of a tribal attorney. It appears that the Oneida Indians of New York State are not an identifiable group within the meaning of the Indian Claims Commission Act, and any claims they may have should be prosecuted by the Oneida Tribe in Wisconsin. The Oneida Indians of Wisconsin have employed Felix S. Cohen, Esq., to investigate land titles of the Oneida Tribe. Before advising Mrs. Winder with respect to the employment of an attorney to prosecute the tribal ~~claims we would like to have your views with respect to whether the Oneida~~ Indians of New York State are an identifiable group within the meaning of the Indian Claims Commission Act.

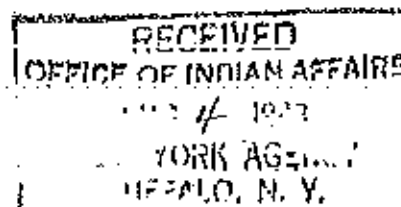
The enclosure should be returned with your report.

Sincerely yours,

J. W. Wheat

For the Commissioner.


Enclosure 729.



By letter of April 15, 1943, Mrs. Mary Winder, an Oneida Indian residing on the Onondaga reservation, wrote regarding this same claim, seeking assistance from this office in asserting the claims of the Oneida Indians to certain lands which she alleged were reserved to the Indians under a treaty with the state in 1788. Under date of April 17, 1943, this agency submitted a copy of Mrs. Winder's letter to the Office for consideration and advice. The Office replied on May 11, 1943 (Land Division - Acq., 15030-43), with the conclusion that nothing could be done to assist the Oneida Indians in the matter of lands claimed by them in the State of New York.

The enclosures are returned herewith.

Sincerely yours, —


William B. Bengt
Superintendent.

Encls.