

Oct 13  
New York Indian Agency  
Salamanca, N. Y.  
Sept. 30, 1947

Mr. William Rockwell

Onaids, N. Y.

Dear Mr. Rockwell:

In the Syracuse Post-Standard of August 24, there was quite a spread about an "Onaids invasion" of Bernherds Bay and one or two adjoining villages. According to the item, the Onaids Indians claim that this land was reserved to them in a treaty and their title has never been extinguished.

I will appreciate it very much if you will give me a report concerning this matter. The news item referred to the visit of a delegation of Onaids Indians. If you have the information, I should like to know if there was in fact a visit by an Onaids delegation, if so whether the delegation was composed of Onaids from near your part of the country or those residing on the Onondaga reservation. I should also like to know if the Indians have had the assistance of a lawyer in formulating their claims. Anything you wish to add will be helpful.

I had hoped to be able to come up your way soon but it looks very doubtful right now.

I am enclosing a franked envelope for your convenience in replying.

Sincerely yours,

William R. Beago  
Superintendent.

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

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, 1911 (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 J. 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.

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., 15030-41), 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 S. Henge  
Superintendent.

Encls.