

New York Indian Agency
Salamanca, N. Y.
August 10, 1948

Commissioner of Indian Affairs

Washington, D. C.

Sir:

This will acknowledge Mr. Wheat's letter of August 2 (Land Division Claims), enclosing a letter from Mrs. Mary Winder, an Oneida Indian, concerning the claims of the Oneida Indians of New York. You ask for my views concerning whether these Indians are an identifiable group within the meaning of the Indian Claims Commission Act.

On April 15 of this year I was asked to attend a meeting of the Oneida Indians held on the Onondaga Reservation. Upon attending this meeting I learned that its purpose was to authorize the employment of an attorney for the prosecution of Oneida tribal claims. The attorney, Mr. August Merrill of Utica, N. Y., at whose request the meeting of April 15 apparently was held, had met several times, I was informed, with small groups and individual Oneida Indians to discuss the claims of the Oneida Indians and some of the Indians, including Mrs. Winder, appeared firmly convinced that some large settlement is due them, either from the State of New York or the United States. Apparently Mr. Merrill has evolved some theory of responsibility on the part of the United States resulting in loss to the Oneida Indians and the intent was to file a claim under this theory with the Indian Claims Commission.

The Oneidas in New York have recently formed some sort of organization purporting to represent the New York Oneidas, the Canadian Oneidas and the Wisconsin Oneidas, and it was this group which held the meeting. While there are some 380 Oneidas on the rolls maintained by this office, only about 35 or 40 Indians were present at the meeting, and a part of these were Canadian Indians. Resolutions were adopted authorizing the employment of Mr. Merrill and designating certain Indians to execute the contract of employment. Mr. Merrill stated that duly authenticated copies of the resolutions and the executed contract would be sent to me in short order. I advised both the Indians and Merrill of my doubt that they could properly prosecute any claims of the Oneida tribe but that I would submit the whole matter to the Office when I received the contract. I have had no word from Mr. Merrill since that time.

Regarding the question of whether the Oneida Indians of New York are an identifiable group within the meaning of the Indian Claims Commission Act, Mr. John R. T. Reeves, in his report of December 26, 1914 (House Doc. 1590, 63d Cong.,

3d Sess.), stated that the Oneidas had sold all their lands to the State of New York by various treaties and had removed to a reservation in Wisconsin. He further stated that the small parcel of land retained by the Oneidas in New York had long since been divided in severalty among the Oneida Indians remaining in New York and that "as a tribe these Indians are known no more in that State". In the case of U. S. v. Boylan et al., (256 Fed. 468), decided March 3, 1920, however, the U. S. Circuit Court of Appeals for the Second Circuit held that "some" of the Oneidas removed to Wisconsin, while others remained in New York constituting a "distinct people, tribe, or band", retaining their tribal relations and holding land in common.

The United States, through this agency, has treated the Oneida Indians in New York as a separate distinct group. Under the treaty of November 11, 1794 (7 Stat. 44), an annuity of \$4,500 is provided to be used in purchasing cloth or other articles for the Six Nations. When the Oneida tribe removed to Wisconsin in 1840 and 1841, a division of this \$4,500 annuity was arranged whereby the sum of \$1,800 is paid per capita in cash to the Oneidas of Wisconsin each year and the remaining \$2,700 is used for the purchase of cloth for issue to the Indians in New York. Our files do not disclose the basis for this division. The Oneida Indians remaining in New York have always received their proportionate shares of the cloth purchased with the \$2,700 referred to, and tribal rolls of the New York Oneidas have been maintained by this agency. The Oneida roll as of June 30, 1947, contains 381 names. Following the custom observed by the other tribes of the Six Nations, only those whose mothers are enrolled Oneida Indians are accorded enrollment.

There seems to be no question but that the Oneida Indians in New York have been regarded as a segment or band of the Oneida tribe proper which is in Wisconsin and which has organized under the IRA and has adopted a constitution. Any claims arising from ownership of land in New York by the Oneida tribe would have to be based on such ownership by the tribe prior to its division and removal to Wisconsin as the Oneida title was extinguished prior thereto. The Oneida tribe of Wisconsin would not be the sole beneficiary of any such claims because the identity of that band of Oneidas remaining in New York has been maintained and that band would be entitled to share in any such claims. The New York group of Oneidas, of course, could not be the sole beneficiary of any such claims because they are only a segment of the Oneida tribe proper. Certainly the Canadian Oneida Indians, with whom Mrs. Winder and her organization are closely associated and whose names Mrs. Winder has requested be place on the Oneida rolls maintained by this office, would not be beneficiaries in any case. It is my opinion, therefore, that the Oneida Indians of New York are not an identifiable group within the meaning of the Indian Claims Commission Act.

The enclosure with your letter is returned.

Sincerely yours,

William B. Senge
Superintendent.

Encl.

New York Indian Agency
Salamanca, New York
August 26, 1948

Mrs. Mary Winder
P. O. Box 275
Prattsburg, New York

Dear Mrs. Winder:

This will acknowledge your letter of August 24. I am sure you will soon hear from Mr. Haas, who is Chief Counsel of the Indian Service, or from the Commissioner's office in regard to the letter you wrote to Mr. Haas. In the meantime I will give such advice as is possible.

As I understand the claims of the Oneida Indians in New York, such claims arose or had a basis at a time when the Oneida tribe as a whole lived here, prior to its division and removal to Wisconsin. It appears to me, therefore, that since the Oneida tribe proper is composed of two groups, the larger group in Wisconsin and the smaller group in New York, both groups would have a like share in the claims which would be based on the ownership of land by the Oneida tribe proper. You will recall that I voiced this opinion as well as the opinion that the Oneida Indians of Canada would not be eligible to share in the claims, when I attended the meeting on the Onondaga reservation in April of this year.

With reference to the question of the Oneida Indians in New York organizing under the Indian Reorganization Act, I am very doubtful that it could be accomplished. Section 16 of the Act provides for the organization of tribes residing on a reservation, and further provides that the Act shall not apply to reservations where a majority of the adult Indians vote against it. The Oneida Indians in New York have no reservation so that they could not vote on the application of the Act. An election was held on the Onondaga reservation in June of 1935 and the Indians voted decisively against the Act. The Indians there turned it down by a decisive majority, which is why nothing more was heard of it.

August Merrill had attorney contracts with the Tonawanda Seneca and the St. Regis Indians, both of which have expired. I made a number of unsuccessful attempts to learn from Merrill what he had accomplished for these Indians but he never advised me. I understand also that he did not advise the Indians. I have not had a single word from him since the meeting in April although he said he would write immediately. Even if he executed a contract with you it seems doubtful to me that the contract would be approved in Washington, D. C.

Sincerely yours,

William B. Benge
Superintendent.

Frattingburg N.Y.
Aug. 24, 1948,

Dear Mr. Berge:

I am writing to you in regard to a letter I wrote Mr. Bass in Washington some time ago and have had no answer as yet. I had a few questions in the letter that I would be very glad to have your answer for me I am quite sure you can. First about the Onondaga Onondaga how they stand with any claim in N.Y. state do they have any claims whatsoever - and how could the Onondaga in N.Y. join the I.R.A. we voted for it back in '32, or '34 - sorta for got the date but it was presented to the Onondaga Reservation and all the Onondaga voted for it but we never heard any more about it - but as you know we would like to have a reservation of our own. and since Mr. Merrill has not made a contract with us yet - just how could I get appointment with the Power you know in our treaty it mentions that - Do you remember my daughters that rode back with you from Syracuse. The addresses you gave to inquire of Mr. Merrill's work. I wrote to all of them but never received an answer. Will you please answer & give me a good advice. Sincerely Mrs. Winder

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
WASHINGTON

RECEIVED
OFFICE OF INDIAN AFFAIRS
11 1940
NEW YORK AGENCY
BUFFALO, N. Y.

Statistics

Via Air Mail

SEP --9 1940

Mr. Charles H. Berry,
Supt., New York Agency.

Dear Mr. Berry:

The Indian population in continental United States by tribe and reservation as of January 1, 1940, is being compiled in this Office.

Last year you submitted an estimate by tribe of the Indians under your jurisdiction. Since a complete census was made by your agency during the past year, we hope you can supply the figures for inclusion in the 1940 supplement. If it is possible, please return this information by sex and by residence, that is, those living on the reservation and those enrolled at the reservation ^{but} residing elsewhere.

Kindly transmit this information by airmail.

Sincerely yours,

George M. Weber
George M. Weber,
Statistician.

Mr. Harry Hirsch

February 14, 1941

Edward T. Frankel

INDIAN RESERVATIONS

In accordance with the request transmitted by Miss Maguire, the table below showing the population of Indian Reservations in New York State, 1910, 1920, 1930 and 1940, has been compiled from publications of the U. S. Bureau of the Census.

Population of Indian Reservations in New York State, 1910, 1920, 1930, 1940
Source: U. S. Bureau of the Census

Indian Reservation	County	1910	1920	1930	1940
Allegany	Cattaraugus	1,627	934	972	1,151
Cattaraugus	Total	1,374	1,198	1,930	1,643
a.	Erie	1,125	1,067	1,196	1,411
b.	Cattaraugus	180	92	174	205
c.	Chautauqua	69	39	22	27
Onondaga	Onondaga	565	475	611	762
Poospatuck (ss Shinnecock)	Suffolk				
St. Regis	Franklin	1,249	1,016	945	1,262
Shinnecock (incl. Poospatuck)	Suffolk	171	112	194	156
Tonawanda	Total	497	400	443	539
a.	Erie	63	55	56	43
b.	Genesee	434	345	387	496
Tuscarora	Niagara	417	319	402	462

ETF:h

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Case trends and costs in the care and relief of Indians on the reservation, including hospital and other institutional care (exclusive of the Thomas Indian School) for the fiscal year ended June 30, 1940:

PUBLIC ASSISTANCE

Month	Allegheny		Cattaraugus		Ontonago		St. Regis		Shinnecock		Tonawanda		Tuscarora		Totals	
	No. of cases	Costs	No. of cases	Costs	No. of cases	Costs	No. of cases	Costs	No. of cases	Costs	No. of cases	Costs	No. of cases	Costs	Cases	Costs
1939																
July	119	1,257	99	\$1,827	26	\$ 451	105	\$1,481	10	\$ 137	31	\$ 316	14	\$ 197	404	\$5,666
Aug.	97	1,305	89	1,735	34	624	99	1,436	9	123	31	321	16	238	374	5,788
Sept.	110	1,741	99	2,218	28	555	126	2,203	9	117	39	392	25	170	438	7,396
Oct.	71	781	109	2,562	36	691	162	3,235	12	203	36	397	38	169	464	6,038
Nov.	74	1,114	101	3,283	39	764	181	3,357	18	396	35	346	22	223	470	9,478
Dec.	70	909	116	2,853	39	926	188	4,127	18	400	33	336	40	334	504	9,885
Jan. 1940	76	995	141	3,331	76	2,082	195	3,630	19	406	37	380	30	554	574	11,368
Feb.	82	1,003	134	3,395	80	1,702	177	3,201	24	410	30	297	25	278	552	10,286
Mar.	82	1,098	143	3,629	72	1,431	184	3,712	23	503	28	334	19	307	551	11,014
April	81	1,101	139	3,439	69	1,686	187	4,202	20	482	32	341	22	396	538	11,647
May	85	1,242	118	2,938	52	1,045	180	2,968	21	392	29	304	23	385	537	9,274
June	77	792	101	2,234	44	865	154	1,492	19	268	29	302	22	217	446	6,177
	1024	13,735	1389	33,444	595	12,822	939	35,044	259	3,833	309	4,066	296	3,473	106,017	

Av. No. cases under care per Mo. 85

All Res. 193

28

34

21

161

49

115

NON-PUBLIC ASSISTANCE

Months	Allegany		Cattaraugus		Onondaga		St. Regis		Shawneeock		Tonawanda		Tuscarora		Total	
	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs	no. of cases	Costs
July 1939	11	\$214	35	\$1,043	11	468	29	413	-	-	-	-	1	17	87	\$2,155
Aug.	14	251	44	1,189	20	579	28	423	-	-	-	18	2	110	108	2,570
Sept.	13	402	49	1,610	24	778	29	520	1	26	1	21	2	110	119	3,467
Oct.	12	340	52	1,616	18	560	36	444	4	151	1	27	2	110	125	3,218
Nov.	17	609	44	1,600	11	296	34	450	2	65	1	13	3	124	112	3,157
Dec.	10	367	34	1,708	17	454	33	581	1	37	1	11	4	214	100	3,372
Jan. '40	20	548	34	1,209	9	260	31	505	3	168	1	11	3	68	101	2,769
Feb.	16	496	44	1,812	9	222	24	437	2	107	1	10	2	144	98	3,128
Mar.	14	384	43	1,643	17	274	24	393	4	166	1	11	2	35	105	2,906
Apr.	11	372	36	1,425	13	314	24	486	7	154	1	11	-	-	92	2,762
May	17	529	32	735	7	249	24	469	1	35	1	11	-	-	82	2,028
June	8	227	29	833	21	620	24	412	-	-	1	11	-	-	82	2,403
Totals	163	4939	476	16,423	177	5274	340	5,533	25	909	10	155	21	832	1000	33,965
Average no. cases under care per mo.	13		39		15		28		2		1		2			
																<u>All Res. 100</u>

Rehabilitation

New York Indian Agency
807 Stock Exchange Building
Buffalo, New York
April 30, 1941

Commissioner of Indian Affairs

Washington, D. C.

Sir: Attention: Mr. Vigeant

During my recent visit to the Washington Office I was requested to furnish more detailed information relative to relief to New York Indians by the state, and I am enclosing herewith a copy of a report furnished us by the New York State Department of Social Welfare.

We have been advised that the average number of individuals per case is approximately 4, thus by multiplying the number of cases by 4, one will be able to determine the approximate number of individuals assisted by the state during the fiscal year ending June 30, 1940.

Kindly advise me if you desire more detailed information regarding this matter, and we will do our best to furnish such.

Sincerely yours,

CBB:lgj

C. H. Barry,
Superintendent.

050

Onondaga Reservation
Tredrow, New York.
April 13, 1943.

Charles H. Berry, Supt.
807 Stock Exchange Building,
Buffalo, New York.

Dear Sir:

I am writing in behalf of the Onidas
of the Onondaga Indian Reservation. We as
a tribe of Onidas have come to the conclusion
that if we must live as other Indians do, we
must act now. We as a people of Onidas,
have by the kindness of the Onondagas, shared
their land as far as to have a shelter over
~~our heads and a shelter from the storm.~~

But we are realizing at this time, when
our boys that have worked for our living are
being taken away to serve our country - that
we as a people must have lands to plant and
raise our own meat. I am sure you would
know more of the situation of our tribe of
Onidas on this Reservation. So we have decided
as a tribe of more than forty families and
about two hundred adults and children, that
we must plead to the Governor of New York
State to aid us in settling on the lands that

we know are ours. Our Treaty at Fort Schuyler, formerly called Fort Stanwix in 1788, the Oneida people reserved lands for their posterity forever. I have seen the map in a Lawyers office some time ago. The map outlines half mile squares at the distance of every six miles along the northern shore of Oneida Lake also one half mile in breadth on each side of Fish Creek, the length of forty miles, beginning at Sylvan Beach now, so called State lands today. We as a people are tired of being called intruders and would like to live, and own, more than just land to mouth. Our tribe of Oneidas have always proved loyal Americans in peace time and in war time. We feel privileged to ask this favor at this critical time for our people. If this indenture is beyond you, please forward it to the right person. We shall be waiting and holding our breaths hoping there will be justice done in our behalf.

The Oneidas of the Oneida Reservation
c/o Mrs Mary Winder
Redoubt, New York. P.T.

New York Agency
807 Stock Exchange Building
Buffalo, New York

April 17, 1943

The Oneidas of Onondaga Reservation
c/o Mrs. Mary Winder
Bedrow, New York

Dear Madam:

Your letter of April 15, advising that the Oneida Indians of New York State, principally residing on the Onondaga Reservation, have decided to make an earnest effort to obtain your own reservation, as you feel that you are entitled to the use of your reservation so that you may no longer be obliged to reside on the Onondaga Reservation.

While I am entirely in sympathy with your viewpoint and sincerely hope that something may be done to aid you in the realization of your ambition to repossess your own reservation, I am at a loss to know just how such could be accomplished at this time. Nevertheless, you may be assured of my interest and willingness to cooperate with you in every possible way in your efforts to procure land which you believe is rightfully yours, where you may establish your homes as families of the Oneida Tribe.

A copy of your letter is being forwarded to the Commissioner of Indian Affairs, with a request that we be advised of the attitude of the Department regarding the matter, and also, whether or not the Federal Government is in a position to aid you in your efforts to reestablish your tribe on your own reservation. You will be advised as soon as I have a reply to that letter.

Very truly yours,

C. H. Berry,
Superintendent

CHB:lb

New York Agency
807 Stock Exchange Building
Buffalo, New York

April 17, 1943

Commissioner of Indian Affairs
Department of the Interior
Chicago, Illinois

Dear Sir:

Please find enclosed the copy of a letter from the Oneida Indians of New York State, principally those residing on the Onondaga Reservation, in which we have been advised of the intention of this tribe to insist upon its rights to land within the State of New York which may be used as a reservation.

We have merely acknowledged receipt of this letter and advised Mrs. Mary Winder, Medow, New York, who signed the letter, that the matter is being referred to you for consideration, and that we personally know of no way whereby the Oneidas could be assisted in their efforts to procure land to be used by them as a reservation.

Will you please give this matter your consideration at your earliest possible convenience and advise us what sort of an answer we may make to the letter, copy of which is enclosed. Of course if there is nothing we can do to assist these people, the sooner they know it, the better.

Very truly yours,

C. H. Berry
Superintendent

CHB:ib
Enc.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

Land Division
Acq.
15030-41

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS
Chicago

RECEIVED
OFFICE OF INDIAN AFFAIRS
MAY 12 1943
NEW YORK AGENCY
BUFFALO, N. Y.

Mr. Charles H. Berry,

Supt., New York Indian Agency.

MAY 11 1943

My dear Mr. Berry:

The receipt is acknowledged of your letter of April 17 enclosing copy of a letter from Mrs. Mary Winder of Nedrow, New York on behalf of the Oneida Indians living on the Onondaga Reservation.

It appears from the letter above referred to, that Mrs. Winder and the Oneidas are under the impression that they have some claim or right to certain lands in the State of New York. In this connection it may be said that due to the fact that New York State was one of the original Thirteen States, legal title to Indian lands in that State was never vested in the United States. Land matters of these Indians are therefore largely under the control and supervision of the State of New York. For your information and that of the Indians, Articles II and IV of the treaty of November 11, 1794 (7 Stat. 44) with the Six Nations, are quoted below:

"The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

* * * * *

"The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senekas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof."

The report of Mr. John R. T. Reeves of this Office on the New York Indians, made in 1914, contains the following statement concerning the Oneida Indians:

"The Oneidas also, by various treaties, sold all of their land, except about 350 acres, to the State, and removed to the reservation in Wisconsin procured from the Menominees by treaty with the Federal Government. The 350 acres in New York belonging to the Oneidas have long since been divided in severalty under State laws, and as a tribe these Indians are known no more in that State. * * *

It will be seen from the foregoing that there is nothing that can be done by this Office to assist the Oneida Indians in the matter of lands claimed by them in the State of New York. //

Sincerely yours,

Walter V. Wohlke
Commissioner

Assistant to the

New York Agency
807 Stock Exchange Building
Buffalo, New York

May 14, 1943

Mrs. Mary Winder
Nedrow, New York

Dear Madam:

This has further reference to your letter of April 15 in which you advise that the Oneida Indians desire the assistance of the Government in their efforts to procure a reservation on which they might establish their homes. As I have notified you in my letter of April 17, your request for ^{information} ~~information~~ from the Government was forwarded to the United States Indian Office for consideration.

We are now in receipt of a letter from the Indian Office answering our letter. The Office letter is dated May 11, 1943. It does not hold out any hope of material aid to the Oneidas in their efforts to obtain a reservation.

The Indian Office letter embodies several quotations from treaties, the first of which is from Articles II and IV of the treaty of November 11, 1794, reads as follows:

"The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

* * * * *

"The United States having thus described and acknowledged what lands belong to the Oneidas, Onondagas, Cayugas and Senecas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof."

The Office letter also quotes from a report by Mr. John R. T. Reeves, legal counsel of the Indian Service, made in 1914, read as follows:

Mrs. Mary Winder

- 2 -

May 14, 1943

"The Oneidas also, by various treaties, sold all of their land, except about 350 acres, to the State, and removed to the reservation in Wisconsin procured from the Menominees by treaty with the Federal Government. The 350 acres in New York belonging to the Oneidas have long since been divided in severalty under State laws, and as a tribe these Indians are known no more in that State. * * *

Following these quotations from treaties and from the statement of Mr. John R. T. Reeves, the Indian Office concludes with the following:

"It will be seen from the foregoing that there is nothing that can be done by this Office to assist the Oneida Indians in the matter of lands claimed by them in the State of New York."

I am sorry not to be able to give you more encouragement, but you can see that there is nothing that I can do to assist you since my superiors have advised definitely that the Government is unable to assist the Oneidas in their efforts to obtain land in the State of New York for a reservation, since I am a representative of the Government.

Very truly yours,

C. H. Berry
Superintendent

CHB:lb

Handwritten: *Handwritten*
Oct 13

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

Mr. William Rockwell

Onsida, N. Y.

Dear Mr. Rockwell:

In the Syracuse Post-Standard of August 24, there was quite a spread about an "Onsida invasion" of Bernhards Bay and one or two adjoining villages. According to the item, the Onsida 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 Onsida Indians. If you have the information, I should like to know if there was in fact a visit by an Onsida delegation, if so whether the delegation was composed of Onsidas 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 B. Beage
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, 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.

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 B. Dunge
Superintendent.

Encls.

Land Division

February 2, 1948

Mr. Zimmerman

New York - Oneida Treaty with State at Fort Schuyler in 1788.

On January 19 we had a visit with Mrs. Mary Winder and Mrs. Della Waterman, Oneida Indians of Hedrow, New York.

The discussion dealt with a treaty which the State of New York entered into with the Oneida Indians at Fort Schuyler in 1788. The text of this Treaty was printed in the "Report of a Special Committee to Investigate the Indian problem of the State of New York," appointed by the Assembly of 1888, printed by the Troy Press Company, 1889.

The Treaty provided that one-half mile square areas of land should be set aside at a distance of every six miles on the North Bank of Oneida Lake, and a one-half mile strip on each side of Fish Creek. These lands were to be reserved "for the Oneidas and their posterity" and "for the inhabitants of the ~~said~~ State (of New York) to land and encamp on". In other words the Indians and non-Indians of the State were to have free use of these parcels of land which were to remain forever inalienable.

The Oneidas complain that in spite of this agreement, the lands have been sold into private ownership and the Indians are excluded from them.

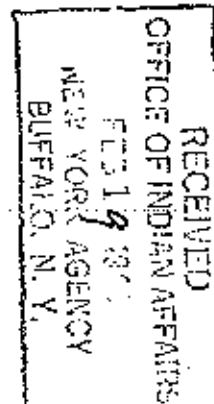
Do we have any records which might indicate when and by what means this 1888 agreement was set aside or modified. The Indians would be grateful for any information you can supply on this question.

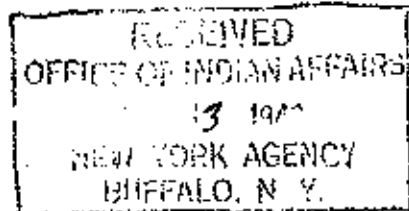
(Sgd) William Zimmerman, Jr.
Acting Commissioner.

Copy to Supt. Benge.

DXE/lso 2/3/48

cc: Mr. McKie





April 12, 1948

Mr. William B. Benge, Superintendent
United States Dept. of Interior
New York Indian Agency
Salamanca, New York

Dear Mr. Benge:

Your request for information on the
General Conference of Oneida Indians at the Onondaga Indian
Reservation has been received.

The Oneida Indians of New York State
are asking some kind of settlement due them as to treaties. In
~~order to file such claim with the U. S. Government, your signature~~
and approval will be required. The Oneida Tribe has engaged a
lawyer to handle the affairs for them. He will also be present at
this Conference.

Mrs. Beryle Smith is an Oneida Indian and
I don't know why she is not on your roll. Her maiden name was Logan.

Very truly yours,

Chapman Schmandook,

CS:CR

Medraw N.Y.

REFER IN REPLY TO THE FOLLOWING:

ADDRESS ONLY THE
COMMISSIONER OF INDIAN AFFAIRS

Land Division
Claims

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CHICAGO, ILLINOIS
WASHINGTON 25, D. C.

AUG -2 1946

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.

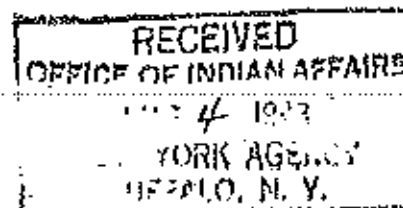
Mrs. Winder requests information concerning the prosecution of Oneida Indian claims and the employment of a tribal attorney. It appears that the Oneida Indians of New York State are not an identifiable group within the meaning of the Indian Claims Commission Act, and any claims they may have should be 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.



C o p y

Prattsburg, N. Y.
June 7, 1948

Dear Mr. Bass,

I am writing in behalf of the Oneida Indians of N. Y. S. living on the Onondaga Indian Reservation.

The Oneida people of Onondaga have organized as a body lately as you probably remember telling you when at your office. We have been wondering should we accept the I. R. A. plan, just what, or where to get all the information we should need. So I thought of your office, I am sure you can inform all about the matter.

If the New York Oneidas Indians file claim of N. Y. S. of lands that was never paid for, should we include the Oneida Indians in Wisconsin and those in Oneida Canada? We would appreciate the full information of these Oneida people as we are not sure if they are still N. Y. Indians or not. Since they have a reservation of their own.

Just why we do not get any satisfaction from the Indian department is more than I can see, for my sister and I have been to your office twice with no satisfaction at all, we have lands that N.Y.S. never paid for, and it seems that the Indian department should look into this for us. either the New York state pay our people or give back our lands then we can have our own reservation too. I think the Oneida people deserve attention from your office. They have always been ready to fight for the freedom of our country, but the Oneida people of the N. Y. S. was not known even known as a tribe, there are all of 350 Oneida Indians on the Onondaga reservation.

It seems you could at least give me a little advice on how to go about this business. for we are really in need of a reservation where we can call home. the lands we occupied on the Onondaga reservation were sold to N. Y. S. to build a dam to protect the White in Syracuse. and we are forced to look for new homes. hoping to hear from you real soon with some encouragement.

Sincerely
Mrs. Mary Winder
Prattsburg,
Box 275 N. Y.