

OH

SIX NATION 1950

BEFORE THE
Indian Claims Commission.

Docket No. 84

THE SIX NATIONS, by Dean Williams, Jacob Jimerson, Ruby Charloe, David Charloe, Lewis Whitewing, Stewart Jamison, Peter Buck, Milton Babcock, Beryl Smith, Amanda Pierce, Julius Danforth, Oscar Archiquette, Sherman Skenadore, and Mamie Smith, members and representatives thereof,

THE SENECA NATION OF INDIANS,

THE CAYUGA NATION, by Stewart Jamison and Peter Buck, members and representatives thereof,

THE ONEIDA NATION, by Julius Danforth, Oscar Archiquette, Sherman Skenadore, Mamie Smith, Milton Babcock, Beryl Smith and Amanda Pierce, members and representatives thereof,

THE SENECA-CAYUGA TRIBE OF OKLAHOMA,

THE ONEIDA NATION OF NEW YORK,

THE ONEIDA TRIBE OF WISCONSIN,

THE TUSCARORA NATION,

Petitioners,

-v-

THE UNITED STATES OF AMERICA,

Defendant.

ACCOUNTING PETITION

Of Counsel

EARLE & REILLY,
Attorneys for The Seneca Nation of Indians, The Seneca-Cayuga Tribe of Oklahoma, Dean Williams and Jacob Jimerson, on behalf of the Six Nations, Stewart Jamison and Peter Buck, on behalf of the Cayuga Nation and the Six Nations, Ruby Charloe, David Charloe and Lewis Whitewing, on behalf of the Six Nations.

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Attorneys for The Tuscarora Nation

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*Attorneys of Record
For Petitioners.*

Grand Council wants 2 reps w/ 2 weeks

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THE TUSCARORA NATION,

Petitioners,

—v.—

THE UNITED STATES OF AMERICA,

Defendant.

Docket No.

ACCOUNTING PETITION

1. The tribal plaintiffs in this suit are the Seneca Nation of Indians, the Oneida Nation of Indians of New York, the Seneca-Cayuga Tribe of Oklahoma, the Tuscarora Nation, and the Oneida Tribe of Indians of Wisconsin, originally known as the First Christian and Orchard Parties of Oneida Indians.

2. The foregoing tribes are tribes of American Indians residing within the territorial limits of the United States, each of which has a tribal organization recognized by the Secretary of the Interior as having authority to represent the tribe and all of its respective members in matters relating to claims or rights within the provisions of and under the Indian Claims Commission Act (60 Stat. 939, 25 U. S. C. 70).

3. The Seneca-Cayuga Tribe of Oklahoma is a tribe consisting of organized portions of the Seneca and Cayuga Nations; and the Oneida Tribe of Wisconsin and the Oneida Nation of New York together comprise the Oneida Nation. Except for the said Seneca-Cayuga Tribe of Oklahoma, the Oneida Tribe of Wisconsin, and the Oneida Nation of New York, the tribal plaintiffs named in paragraph 1 were at all times herein mentioned and now are members of the Six Nations, which made certain treaties with the United States in 1784, 1789, 1792, 1794 and 1838.

4. The Six Nations, the Cayuga Nation and the Oneida Nation do not now have such tribal organizations as are recognized by the Secretary of the Interior as having authority to represent them.

5. Stewart Jamison and Peter Buck are members of the Cayuga Nation, of the Six Nations, and of the Seneca-Cayuga Tribe of Oklahoma, and appear herein in a representative capacity on behalf of the Cayuga Nation and the Six Nations. Ruby Charloe, David Charloe and Lewis Whitewing are members of the Six Nations, and of the Seneca-Cayuga Tribe of Oklahoma, and appear herein in a representative capacity on behalf of the Six Nations. Dean Williams and Jacob Jimerson are members of the

Seneca Nation appear herein on behalf of the Six Nations. Pierce are members of the Oneida Nation in a representative capacity on behalf of the Six Nations. Sherman Skene are members of the Oneida Nation of Wisconsin in a representative capacity on behalf of the Six Nations.

6. At all times herein mentioned and now are members of the Six Nations, which made certain treaties with the United States in 1784, 1789, 1792, 1794 and 1838.

7. The Six Nations have entered into treaties with the United States in 1784, 1789, 1792, 1794 and 1838, the virtue of which treaties the Six Nations have received allotments of land in fee simple for the use of tribal members, and in the various

Seneca Nation of Indians and of the Six Nations, and appear herein in a representative capacity on behalf of the Six Nations. Milton Babcock, Beryl Smith and Amanda Pierce are members of the Oneida Nation, the Six Nations and the Oneida Nation of New York, and appear herein in a representative capacity on behalf of the Oneida Nation and the Six Nations. Julius Danforth, Oscar Archiquette, Sherman Skenadore and Mamie Smith are members of the Oneida Nation, the Six Nations, and of the Oneida Tribe of Wisconsin, and appear herein in a representative capacity on behalf of the Oneida Nation and the Six Nations.

6. At all times mentioned herein the Petitioners herein were and still are restricted in the management of their finances and property, and the United States has been the Petitioners' guardian and has exercised management and control over their funds and property.

7. The Six Nations and each of the above tribes entered into treaties with the United States or other parties under the guidance and approbation of the United States, by virtue of which the United States assumed certain obligations including but not limited to payment of moneys, rendition of services, furnishing of goods and materials, allotments of lands, disposition of tribal lands and property for the account and benefit of the tribes, trusteeship of tribal funds, protection and care of the tribes and their members, and other matters more specifically set forth in the various treaties hereinafter listed.

8. The treaties above referred to are as follows:

THE SIX NATIONS

October 22, 1784 (7 Stat. 15)
 January 9, 1789 (7 Stat. 33)
 April 23, 1792 (Unpublished; Archives No. 19)
 November 11, 1794 (7 Stat. 44)
 January 15, 1838 (7 Stat. 550)

THE SENECA NATION OF INDIANS

September 15, 1797 (7 Stat. 601)
 June 30, 1802 (7 Stat. 72)
 January 15, 1838 (7 Stat. 550)
 May 20, 1842 (7 Stat. 586)
 June 27, 1846 (9 Stat. 35)

ONEIDA NATION

December 2, 1794 (7 Stat. 47) (also including
 the Tuscarora Nation)
 June 1, 1798 (Unpublished; Archives No. 28)

SENECA-CAYUGA TRIBE OF OKLAHOMA

July 4, 1805 (7 Stat. 87)
 September 29, 1817 (7 Stat. 160)
 September 17, 1818 (7 Stat. 178)
 February 28, 1831 (7 Stat. 348)
 July 20, 1831 (7 Stat. 351)
 December 29, 1832 (7 Stat. 411)
 August 24, 1835 (7 Stat. 474)
 February 23, 1867 (15 Stat. 513)

ONEIDA TRIBE OF WISCONSIN

February 3, 1838 (7 Stat. 566)

TUSCARORA NATION

December 2, 1794 (7 Stat. 47)

Copies of said treaties are attached hereto.

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9. In addition, pursuant to various statutes, executive orders and other official acts, the United States managed and controlled funds and property of Petitioners, assumed various obligations to Petitioners, and acted as a trustee with a duty to account to Petitioners as to the disposition of such funds and property.

10. The books of account and all other records pertaining to the financial affairs, trust funds and trust property of the Petitioners are presently and always have been in the exclusive custody and control of the Defendant.

11. Defendant has never rendered an accounting of the performance of its obligations to the Petitioners.

12. Prior to the filing of this Petition, Petitioners, by their counsel, served a written demand upon the Secretary of the Interior to furnish such a general accounting as is sought herein. The Secretary of the Interior has not acceded to such demand.

13. Petitioners are informed and believe that the Defendant has not fulfilled its obligations to them in full, and that a full and complete accounting will disclose that substantial sums remain due and owing to them from the Defendant.

14. This Petition for an accounting is made in the light of the aforementioned Act of August 13, 1946, with the intent and purpose that the accounting will fully and completely disclose to the fullest extent possible any and all rights and claims that the Petitioners may have by virtue of any treaty, executive order, or other transaction between the Government of the United States and Petitioners. In

making this request for an accounting the same shall not be interpreted to ratify any such treaty, statute, executive order, or other transaction on behalf of the Petitioners or in any way relinquish or waive any right, cause of action, or claim which the Petitioners have or may have pursuant to the terms and provisions of Section 2 of said Indian Claims Act, or otherwise. Petitioners reserve their rights under sec. 7(a)(2) of the General Rules of Procedure promulgated by the Indian Claims Commission, to file further petitions asserting additional claims, whether in the alternative or otherwise, and whether or not they may be deemed consistent with the claim made herein.

15. No previous application for the relief herein sought has been heretofore made.

WHEREFORE, Petitioners pray that the Defendant United States of America be directed to furnish them a full and final statement of all receipts and disbursements for the account of each of the Petitioners, and also a full and final statement of all funds and property, real and personal, taken, held or sold by the Defendant in trust for the Petitioners, showing specifically as to each transaction by whom it was authorized, for whose benefit it was undertaken and to whom any payment was made.

Petitioners further pray for judgment against the Defendant for the amount of money, including the value of services and property, real or personal, and interest properly owing, found upon such an accounting to be due and unpaid, after proper allowance for credits and offsets,

together with
Commission

Dated, Nov.

Of Counsel

EARLE & RE
Attorneys
Indians, Ya
Oklahoma,
Junction, &
Stewart, to
behalf of the
Nations, K.
and Lewis
Six Nation

AARON, AARON
Attorneys
Indians of
Nation of
Douville, &
Shenandoah,
Hatchcock, &
Pierce, and
and the Six

HOWARD D. N.
BEARD, VORON
Attorneys

STATE OF NY
COUNTY OF

PAUL G.
and states
Petition by
true in subs

Subscribed
this 30th

GENE
Notary Public

Qualific
Certs. Filed
and Que
and with
New York
Commission

together with such other and further relief as may to this Commission appear just and equitable.

Dated, November , 1950.

Of Counsel

*EARLE & REILLY,
Attorneys for The Seneca Nation of
Indians, The Seneca-Cayuga Tribe of
Oklahoma, Dean Williams and Jacob
Simerson, on behalf of the Six Nations,
Stewart Jamison and Peter Buck, on
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Skeneadore, and Momie Smith, Milton
Babcock, Heryl Smith and Amanda
Pierce, on behalf of the Oneida Nation
and the Six Nations.*

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231 South LaSalle Street,
Chicago 3, Illinois.

*Attorneys of Record
For Petitioners.*

STATE OF NEW YORK, }
COUNTY OF NEW YORK, } SS.:

PAUL G. REILLY, being first duly sworn on oath deposes and states that he has read the above and foregoing Petition by him subscribed and knows that the same is true in substance and in fact.

PAUL G. REILLY

Subscribed and sworn to before me
this 30th day of November, 1950.

GENEVIEVE J. HUNT
Notary Public, State of New York
No. 03-1893850
Qualified in Bronx County
Certs. Filed with New York, Kings
and Queens County Clerks
and with City Register, Bronx,
New York, Kings and Queens
Commission Expires March 30, 1951