

Name of Tribe—Oneida Indians Inc.

Minutes of meeting held by—

Date of meeting—April 4, 1960

Place of meeting—Home of Eva Danforth c.c.c. Bldg.

Regular or special—regular

Was a quorum present—No

Name and title of council members present—Julius Danforth-Chairman, Mrs. Irene Moore-Vice-chairman, Althea Schuyler-tresure, Eva Danforth-Secretary, Sabie Danforth, Credit Committee.

A meeting was held by the Oneida Executive Committee with the Oneida Town board on Wednesday evening February 24th at 8 o'clock p.m. on the subject of taxing personal properties on Tribal lands in the town of Oneida. The chairman of the Oneida Executive Committee called on Mr. E.J. Riley to explain a letter from the Field Solicitors Office in Minneapolis, Minn. concerning the above subject. Their opinion stated that town assessments on restricted properties on the reservation were clearly illegal and should be cancelled by appropriate town board action. Mr. Riley also explained that he Solicitor come under the Dept. of the Interior and not the Dept. of Indian Affairs and that until such laws should be changed by an set of Congress that they shall remain as such. Mr. Riley asked the Chairman of the Oneida town board if he was satisfied with the explanation of the Solicitors opinion. Mr. Hill stated he was satisfied with the explanation, but didn't like it.

The question of maintaining and graveling town roads adjoining Indian lands in the area was again brought up Mr. Hill stated that the roads in question had not been brought to his attention and there certainly had been no discrimination.

Mr. Skogated from the Dept. of Industrial Development was present to plain the program set up by the Federal Government where by the Federal Government finances on-the-job training for any Industry that locates on or near Indian reservations. He stated that he had received a letter from congressman Byrnes stating that the Women League of Voters from Appleton had written him expressing much disappointment to not that Oneida was not mentioned as a possible sight for Industrial Development. He reported that he had contacted some Industrial leaders in near-by areas and found they wee interested in the program as a possibility of on-the-job training for Indians but he himself felt that the reservation itself lacked many necessary facilities for industry.

1260-1908
34500-1908
1649-1909
35164-1909

Section 3.

Oneida School, Wis.,

Complaints of Amos
Baird and Paul
Doxtator

October 16, 1909.

By Charles L Davis,
Supervisor of Indian Schools.

The several files sent me from the Office, shown by the numbers given above, show that for several months past numerous complaints have been coming to the Office, mostly from two members of the tribe, Amos Baird and Paul Doxtator, concerning the organization of town government on the east half of Oneida Reservation under the laws of Wisconsin, taxation of their property, and other similar matters. I considered these matters quite carefully, and talked with the two parties mentioned, together with a number of other members of the tribe that they asked to bring before me, and my conclusions in the matter will be found quite fully set forth in my letter to the Oneida Indians dated October 14, 1909 and transmitted here with as Exhibit A. There I tried to answer all questions raised by the Indians, both those presented to the office and some presented to me on the ground, with a view of stopping the unrest and agitation going on among them. It was really a matter of instruction and pacification, for the questions raised were such as have been passed upon as many times by the Office that there is really no question of doubt existing.

At first it seemed to me that there might be a federal question in the matter of whether the State could go ahead and organize municipal territory included in an Indian reservation where no formal opening of surplus lands or obliteration of reservation lines had ever taken place, but on further inquiry and examination I found decisions of the U. S. Supreme Court which seemed to leave no doubt whatever as to this question, and taking that view of it, the State has proceeded within its proper and lawful bounds, and so far as anything I can see, has acted wisely both as to its own interests and the future interests of the Indians.

There was at one time a great doubt as to whether or not the act of the State legislature in creating Hobart Township in Brown County was legal in that it seemed to conflict with the decision of the Supreme Court of the State in one minor particular. The State's Attorney for Brown county told me himself that he doubted whether or not the act was wholly legal by reason of a technicality, that in organizing the Township the County Board had attempted to correct this, and whether the said Board could correct it was the question of doubt in his mind, but in a subsequent Act the legislature had referred to Hobart Township in such a way as to virtually legalize it, and even if it should be held to be illegal, it would be an easy matter for the legislature to correct it by a legalizing act. The Office will understand that the question in doubt was purely a technical one and in no way operated to the jury of the Oneida Indian's or anyone else. There were a number

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so many times by the Office that there is really no question of doubt existing.

At first it seemed to me that there might be a federal question in the matter of whether the State could go ahead and organize municipal territory included in an Indian reservation where no formal opening of surplus lands or obliteration of reservation lines had ever taken place, but on further inquiry and examination I found decisions of the State Court of Wisconsin based on decisions of the U. S. Supreme Court which seemed to leave no doubt whatever as to this question, and taking that view of it, the State has proceeded within its proper and lawful bounds, and so far as anything I can see, has acted wisely both as to its own interests and the future interests of the Indians.

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REPRODUCTION OF THE NATIONAL ARCHIVES

legalize it, and even if it should be held to be illegal, it would be but an easy matter for the legislature to correct it by a legalizing act. The Office will understand that the question in doubt was purely a technical one and in no way operated to the injury of the Oneida Indians or anyone else. There were a number of land owners, able and competent men, who had purchased lands in large tracts on the Oneida Reservation, who held back from paying the taxes levied by Hobart Township to the very last, but before permitting the lands to be sold they came in and paid the taxes and thereby acknowledged that in their judgment an action in court to set aside the organization would doubtless prove a failure. I therefore recommended to the Indians to pay their taxes and not risk an action in court.

The Office will probably understand the situation on the Oneida Reservation better by saying that up to the time of the organization of Hobart Township the reservation lands wherein the restrictions has been removed were not taxed, from the fact that there was no system or means whereby taxes could be levied upon them, and that lands otherwise taxable had been allowed to run several years without any levy being made against them by reason of this want of township government. The purchasers of the reservation lands had made use of this fact as an inducement to men to whom they would sell by representing

that the lands were not now taxed and in all probability would not be taxed for many years yet to come. In this way the Indians and many of the later purchasers had come to feel that the lands would not be taxed until the full trust period had expired, which would, of course, be a great saving to all such land owners. Consequently, when Hobart Township was organized and the levy was made and the collection of taxes begun, there was a great deal of disappointment which crystallized into considerable discontent. I feel, however, that this has about entirely disappeared, and of course the Indians want to know from the Government whether or not they had to pay taxes. As the Office will see, I attempted to settle that in their minds in the letter addressed to them.

The question would arise whether or not the Superintendent has handled this matter wisely and whether he could have handled it in such a way as to prevent these complaints coming to the Office. I am rather of the opinion that Supt. Hart has done about all that he could, though it is probable had he taken a more active part in the matter he would have succeeded in educating his Indians up to the point where they would have accepted the situation without so much complaint. On the other hand, we must recognize that Amos Baird and Paul Doxtator are in a way the old-time Indian and are using this complaint, as is the custom of Indians, for what we might term political purposes among their tribe,

more than to prevent the State from collecting taxes. Baird is an exceptionally competent man in most ways, and looks the white man in almost every particular, but he has always allied himself with the faction known locally as the Indian Party, and through his ability has achieved considerable leadership. It is the ambition of Amos Doxtator and a few others to hold the leadership of the tribe that they are urging these things, according to my judgment.

I find nothing further to recommend in the premises. About the only thing left for the Office is to cooperate to the end of pacifying the Indians as far as possible, that they will accept the action of the State in organizing the township and collecting the taxes.

Chas. L. Davis
Supervisor.

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Supervisor.

Department of the Interior,
United, Wis. April 9, 1909.

Supt. J. C. Hart,

Sir:

This is the answer in reference to the request of your question put before me a few days ago, of what was my desire from the department concerning land patent in fee and organization of town government on our reservation in Wisconsin.

My full request and desires from the Government is to remain as we are as Indians to the full extent of the twenty five years period, as it was made on trust patent in 1891 or concerning the Dawes bill treaty, and to cause the organization of township government on our reservation.

Because none of us Oneidas are not yet capable to carry out such provisions. Another thing, referring to statement made by you to the Department concerning passage by the legislature of Wisconsin authorizing and creating the Town of Hobart on our reservation was never completed. So it was a vote.

In 1908 as it was stated that the Board of Brown County took up the matter and was advised by the district attorney, passed a resolution the action of the legislature to organize the town of Hobart in Brown County. We as homesteaders do not approve such provision, for it is illegal of such establishment town government here, for the County Board has nothing to do on the reservation.

Our customary to pass any such resolution, was always to be made by our council committee of our nation or by the whole nation's council. Here is also some passage that I am sorry to say or to refer to your opinion in your letter to the Office of Commissioner of Indian Affairs, stated, " that there will always be differences of opinion as to the time and manner in which political words should be made independent, but to the trend of opinion has latterly been in favor of getting all Indians out as fast as possible, and the Oneida probable be the first of all" is some what erroneously injurious to our nation of Oneidas in Wisconsin.

Respectfully,

Department of the Interior
United States Indian Service

Reply to
Land
W R L

Requesting address
Of Amos Baird.

Oneida Indian School,
Oneida, Wis. April 10, 1909

The Commissioner of Indian Affairs,
Washington, D. C.

Sir:

Replying to your office letter of March 31, as above, I have delivered the papers mention to Amos Baird, whose address is Oneida, Wisconsin, have requested to submit to me a definite statement of his wishes. This he has done, and at his request a literal typewritten copy signed by him is furnished; an exact copy of his letter except unnecessary words his contentions are:

1. That it is his desire that the Oneidas remain Indians, as they were at the time of the allotment, and until the expiration of the trust period.
2. He protests against the organization of a township government, claiming that it is illegal, and that he and others not named do not approve of it.
3. He contends that my statement that the trend of opinion is in favor of getting all Indians out (of their department condition) as fast as possible is injurious to the Oneidas.

Comment upon a part of these contentions may be unnecessary, for, unless I am greatly mistaken in the attitude and intention of your office, the ultimatum of our work with the Indians is to fit him for self government, and when he proves himself fit, and asks for the privilege, to give it to him.

Mr. Baird has asked for, and received, a patent in fee to a considerable part of his land, as have three of his children, and I believe it has been to his interest, as he is a careful and conservative man, but he now objects to taxation of such property by the state, claiming that the town board was not lawfully organized and elected because not approved by the Oneida council.

I have explained to Mr. Baird, and do not explain to all others who make application for title, that when land is sold through this office, or when patent in fee is issued, all restrictions as to taxation are removed, and that such land are subject to taxation whenever the proper machinery to levy the tax is provided by the State. The Township of Hobart was organized by authority of the county board of Brown County, in which this township lies, and if the organization is not legal, the remedy is in the courts, and it is the privilege of all property owners, white and Indian, to appeal to the courts for protection. So far as I know the White owners of the land in this township are satisfied, and since they are the largest individual owners and the heaviest taxpayers, it is safe to assume that they will take steps to ascertain if the taxes are legally levied and if not legal, to have the necessary correction made.

I believe that the opinion expressed in a former letter, and to which objects as being injurious to the Oneidas, namely "that the trend of opinion is in favor of getting all Indians out (of the dependent condition) as fast as possible, is a very mild statement of the hope that is in us that our work is bearing some fruit; that we are working for a definite and desirable end, and are making some progress toward that end. Without that hope we should have little excuse for being here.

That have used their opportunities unwisely may be true. Whether or not the whether or not the experience will be beneficial remains to be seen. Less than 1/8 of the reservation has been used except to out off wood and timber, and practically all the land sold has been unused, and with no immediate prospect of being used by the Oneidas, so that its sale has put the owners in possession of money which was not earned by their own labor, and therefore not always rightly appreciated. We should probably have somewhat the same experience with white people. Under the recent instruction the reports concerning applicants are complete and through, and unless the dependent condition is to endure forever, which is so, unthinkable, those who show a reasonable capacity to manage their own affairs, and ask the privilege, should be permitted to do so, even if in some cases the results are not what we wish.

Mr. Baird's statement covers the points which he now claims to be unsatisfactory, and on which he asked relief. If the Office wishes the former communication, which was sent to me March 31, I will return it, but perhaps you will have a clearer idea of his wishes without it. I think the opinion of the Office on the three points named should be plainly stated for the benefits of Mr. Baird, and the "Indian party" generally, and if my practice is not in accord with such opinion I shall cheerfully change it.

Very respectfully,

Superintendent