

State of New York.

No. 181.

IN ASSEMBLY,

March 22, 1867.

REPORT

OF THE COMMITTEE ON INDIAN AFFAIRS ON THE PETITION OF DANIEL BREAD AND OTHERS.

The committee on Indian affairs, to which was referred the petition of Daniel Bread and other chiefs and head men of the Oneida nation, beg leave to make the following

REPORT:

That the petitioners claim—
1. Compensation for the sale of lands reserved to them under and by virtue of a treaty made with them at Fort Stanwix, September 22, 1788, as by a reference to said treaty plainly shows.
2. Compensation for the entire abrogation and destruction of the right to hunt upon all the ceded lands mentioned in the aforesaid treaty, and of fishing in all the streams within the same, which was reserved unto them in said treaty and their posterity forever.
Your committee find in a report of Surveyor General Simeon DeWitt (Assembly Journal of 1822, on page 545), a statement that at a (then) late treaty the small reservations referred to had been ceded to the State, and were then advertised to be sold as unappropriated lands. An act of the Legislature, founded in chapter 66 of the Laws of 1822, authorizes and requires the sale of one of those small reservations to two persons, who had settled thereon and made improvements.
All of these reservations were sold in that year. The treaty referred to in the report of Mr. DeWitt cannot be found; but your committee believe it incredible that the Surveyor General should have made such a statement in a report to the Legislature, had it been untrue; and equally incredible that the Indians living in close

1039. (Senate.) An act to amend chapter 374 of the Laws of 1866, entitled "An act to supply the village of Middletown with water for public and private purposes."

1040. (Senate.) An act to organize the fire department of the village of Lowville, in the county of Lewis.

1041. An act to release to Arthur Dougherty, the estate, right, title and interest of the people of the State of New York, of, in and to a certain lot of land in the Twenty-second ward of the city of New York.

1042. An act to prevent obstructions of Indian river, between certain points in the counties of Jefferson and St. Lawrence.

1043. An act authorizing the First Baptist Church of Harpersfield, Delaware county, and the Jefferson and Gilboa Baptist Church of Schoharie county, to consolidate the societies.

1044. (Senate.) An act to provide for a supply of water in the city of Schenectady.
1045. An act ceding jurisdiction to the United States over land to be occupied as sites for light-houses and keepers' dwellings within this State.

Petition for Compensation for land sold and fishing rights

proximity to these reservations have acquiesced in the sale of these lands without claiming any compensation for a period of forty-four years.

As to the second claim, namely, "the destruction of the right to hunt on all the lands ceded to the State by the Oneidas, and to fish in all the waters within the territory," it is believed by your committee that the State has done nothing more than was contemplated by both the authority of the State and the Oneidas at the time said treaty was made; that such reserved right has only been interrupted and overborne by the settlement and improvement of the country. There can be no doubt that the State acquired the title to this territory for the purpose of settlement and civilization.

Your committee are of the opinion that the prayer of the petitioners should not be granted, and ask to be discharged from the further consideration of the petition.

GEO. M. GLEASON,  
WM. E. HUNT,  
J. H. DUNTZ,  
*Com. on Indian Affairs.*

IN AS

OF THE COMMITTEE ON  
WILLIAM HOLLISTER

The committee on claims,  
Wm. Hollister and John D.

That the petitioners own a  
in the city of Rochester; that  
was a great flood in the Genesee  
Eric canal crosses this river—  
clogged up at that time, and  
logs, dammed up the waters  
to the lumber yard of the  
much thereby, and carrying  
and the petitioners estimate  
and they affirm they have received  
ask that an act be passed  
Appraisers to hear and determine

Your committee see no ground  
the claimants, as their claim appears  
therefore they report favorably