

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

4-28-1864

New York Indians. Letter from the Secretary of the Interior, submitting recommendations to pay New York Indians under Treaty of January, 1838

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc No. 78, 30th Cong., 1st Sess. (1864)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

NEW YORK INDIANS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

SUBMITTING

Recommendations to pay New York Indians under treaty of January, 1838.

APRIL 28, 1864.—Referred to the Committee of Ways and Means and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., April 27, 1864.

SIR: I have the honor to transmit herewith a copy of a communication from the Commissioner of Indian Affairs, dated February 27, 1863, recommending that the sum of \$1,641 70 be appropriated by Congress to pay that amount of interest due the Orchard party and First Christian party of New York Indians, as explained by the Commissioner.

In view of the facts as represented by the Commissioner of Indian Affairs, I concur with that officer in the recommendation he makes, and submit the subject for the favorable consideration of Congress.

A memorial of the Indians, including a power of attorney to J. N. Messenger to act for them, accompanies this communication.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. SCHUYLER COLFAX,

Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs, February 27, 1863.

SIR: I have the honor to state that J. N. Messenger, esq., has filed in this office a memorial and power of attorney of the chiefs of the Orchard party and First Christian party of the New York Indians, authorizing him to act in their behalf, and asking for the payment of interest on \$6,000, stipulated to be paid by the treaty of 1838, for certain lands purchased by the United States, lying near Green Bay, Wisconsin, which sum of \$6,000 was appropriated June 27, 1846, and paid in 1851.—(See Statutes at Large, vol. 7, page 554.)

A similar petition of these Indians was filed in this office in 1851, by G. R. Herrick, their attorney at that time; the office considering the claim just and equitable, thereupon Commissioner Lea recommended the payment of interest on \$6,000, from June 27, 1846, the date of the act making the appropriation

of the principal, to January 18, 1851, when it was decided by the department that the claim should be paid. And in his special estimate of funds required for the service of the Indian department for the fiscal year ending June 30, 1852, he asked for the sum of \$1,641 70 for the adjustment of the claim.—(See Sen. Doc., 1st Sess. 32d Cong., vol. 3, pages 561, 564, 569, and 570.)

In view of the action of this office heretofore, I concur in its decision, and would respectfully recommend that you submit this claim to the chairman of the Committee on Indian Affairs of the Senate, with recommendation that this amount (\$1,641 70) be attached to some appropriation bill.

Very respectfully, your obedient servant,

WILLIAM P. DOLE,
Commissioner.

Hon. J. P. USHER,
Secretary of the Interior.

*To the honorable the Senaté and House of Representatives of the United States
of America in Congress assembled :*

The humble petition of the chief men of the First Christian party and the Orchard party of the Oneida Indians, residing in the counties of Madison and Oneida, in the State of New York, respectfully shows, that by a treaty made between the United States on the one part, and the First Christian and Orchard parties of Oneida Indians, then and now resident in the State of New York, as aforesaid, which said treaty was concluded on or about the year* 1837, the said First Christian party and Orchard party aforesaid sold and released to the United States a large tract of land lying near Green Bay, in the State of Wisconsin, for the consideration of six thousand dollars by the United States aforesaid, agreed to be paid as follows : to the First Christian party the sum of four thousand dollars, and to the Orchard party the sum of two thousand dollars.

That upon the completion of said treaty and said agreement the said First Christian party and the said Orchard party relinquished all their right, title, claim, and demand to the lands so sold, and the United States, by their agents, immediately entered upon the possession of the same, and used, occupied, and sold, granted, and otherwise disposed of said lands, as they of right under said treaty, sales, release, and agreement might do. That, notwithstanding the United States, as aforesaid, had agreed to pay the sum of six thousand dollars, and had, under said treaty, taken and occupied said lands from the date of said treaty, yet the United States did not pay the said sum of six thousand dollars, or any part thereof, to the said First Christian party, or the said Orchard party, until about the year 1852, and then only paid the principal sum of six thousand dollars, without interest, and have not paid said interest, or any part thereof, to said First Christian party, or to said Orchard party, or to any one on their behalf.

Wherefore your petitioners most respectfully ask that the interest on said sum of six thousand dollars from the date of said treaty to the year 1852—the time of the payment of said principal sum—be paid to your petitioners, or their agent, for the use and benefit of their respective parties, in proportion to the amount of the principal sum belonging to each party, being the interest on six thousand dollars for a period of fourteen years or more, and such future relief as to your honorable body shall seem proper.

And your petitioners ask leave further, respectfully, to represent that from their circumstances, condition, and want of experience in business matters, and the necessity of having some suitable and proper person to take the charge and attend to their interests in their behalf, they ask, request, and desire, that J.

Newton Messinger, residing at Oneida, Madison county, New York, may be held, regarded, and considered as the agent and attorney of the petitioners in this matter, and for that purpose your petitioners aforesaid do herein and hereby make, constitute, and appoint him, the said J. Newton Messinger, their true and lawful attorney, irrevocable, to ask for claims, and receive for them, in their name and for their use, all such sums of money as may, by the just consideration of your honorable body, be allowed and ordered paid upon this claim, hereby revoking all powers of attorney heretofore made or issued to any person or persons whatsoever, and hereby ratifying and confirming all just and legal acts of our said agent and attorney in the premises.

Your petitioners would further state that they in sincerity and good faith believe the facts above set forth to be correct, and that they and the people they represent have a most just as well as an entirely legal claim to the relief asked for in the premises.

And your petitioners, as in duty bound, will ever hold your honorable body in all high esteem and respect.

Dated and done at Oneida, in the State of New York, this 14th day of February, in the year A. D. 1863.

WILLIAM ^{his} × JOHNSON,

THOMAS ^{mark.} CORNELIUS,

MOSES ^{his} × DAY,

^{mark.}
Chief Men of Orchard Party.

ISAAC ^{his} × WEBSTER,

PETER ^{mark.} × DOCTABER,

PETER ^{his} × HONYOST,

^{mark.}
Chief Men of First Christian Party.

STATE OF NEW YORK,
Madison County, ss :

I certify that on this 14th day of February, in the year of our Lord one thousand eight hundred and sixty-three, before me personally appeared William Johnson, Thomas Cornelius, Moses Day, Isaac Webster, Peter Honyost, and Peter Dochstadter, to me known to be the persons described in, and who executed the foregoing power of attorney, and who signed the foregoing petition and statement, and acknowledged that they had severally executed the said power of attorney, and signed the said petition. And I further certify that I am personally well acquainted with the said persons making the said acknowledgment, and know them to be members of the Oneida tribe of Indians.

[SEAL.]

THOMAS. T. LOOMIS,
Justice of the Peace and Notary Public.