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Memorial of chiefs and head-men of the Oneida Nation of Indians, asking the payment of certain sums of money claimed to be due the "Six Nations" of Indians under the treaties of 1838 and 1842

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MEMORIAL
OF
CHIEFS AND HEAD-MEN OF THE ONEIDA NATION OF INDIANS,

ASKING

The payment of certain sums of money claimed to be due the "Six Nations" of Indians under the treaties of 1838 and 1842.

MARCH 6, 1874.—Referred to the Committee on Indian Affairs.
MARCH 20, 1874.—Ordered to be printed.

To the honorable the Senate and House of Representatives of the United States of America :

Your memorialists, the chiefs and head-men of the Oneida Nation of Indians, residing in the county of Madison, in the State of New York, respectfully represent :

That they, in common with others, known as "the Six Nations of New York Indians," held, by right of purchase by them, under the auspices and with the assent of the United States, five hundred thousand acres of land near Green Bay, in Wisconsin, which, except a small reservation, was conveyed to the United States by the first article of the treaty dated January 15, 1838, conditioned upon the pledge of certain equivalents, to be thereafter conveyed to them as consideration therefor. These equivalents were principally the conveyance to them, by patent, in fee-simple, of one million eight hundred and twenty-four thousand acres of land, designated to lie west of Missouri, adjoining the Cherokee tract, by the second article, and the appropriation of four hundred thousand dollars to enable them to remove there, &c., by the 15th article.

When this treaty was made the Seneca Nation (being one of said Six Nations) owned improvements where they resided in New York, and their representatives were induced to convey the same in connection with and as a part of the treaty aforesaid, to Messrs. Ogden & Fellows, a private land company. Their people, refusing to ratify such conveyance, caused delay and strife, which was sought to be overcome by a subsequent treaty between the parties interested, made May 20, 1842, but which only partially accomplished its purpose.

The third article of the treaty of 1838 required the Indians to remove to their lands west of Missouri within five years, or such other time as the President should appoint. He has never yet appointed a time, nor was the \$400,000 appropriated for their removal, and hence they never have, nor could they remove by reason of these laches of the United States. The differences accruing between the Seneca portion of the Six Nations and the land company, which was foisted upon all the nations

in common by the interpolation into the treaty of that incongruous private land speculation referred to, was allowed to postpone and prevent the execution of the treaty of 1838. By reason of the failure of the United States to provide means and appoint the time, your memorialists and other portions of the Six Nations, therefore, were prevented from removing upon the possessions set apart for them west of Missouri, and for which they had fully paid. Hence they have refused to surrender their right to the consideration, or its equivalent, due them for conveying their Wisconsin lands to the United States. Their right to this equivalent appears to have been recognized by the United States in unmistakable terms, by the treaty of November 5, 1857, so far as the Tonawanda band of the Senecas were concerned. Your memorialists claimed the same equivalent, but even before the execution of the treaty made with the Tonawanda band of said Six Nations, viz, April 19, 1858, the then Secretary of the Interior, in the interest of squatter settlers upon their lands, promulgated the doctrine that the Indians had "forfeited their title to the reserve" by having "failed to remove." (See Ex. Doc. No. 37, 1st sess. 36th Cong.) Thus only about one-eighth of those entitled to participate in the equivalent for the consideration agreed to be paid for the conveyance of the Wisconsin lands, were satisfied under the partial treaty made with the Tonawanda band of Senecas.

By reason of this great wrong committed upon your memorialists by the head of the Department, whose duty in law it was to protect them, they were thus constrained and compelled either tamely to surrender their liquidated claim for the consideration due them, or employ counsel to seek to have done that which their legal guardian had willfully neglected to do. Therefore, during the following years, 1859 and 1860, your memorialists, by advice and aid of counsel, and in conjunction with the Cayugas, Tuscaroras, Onondagas, and the Senecas, other than the Tonawanda band, set forth their grievances, and demanded payment for the lands in Kansas withheld from them, in respectful petitions to each branch of Congress. These memorials were presented on the 17th and 19th December, 1860, in the House of Representatives and Senate, and referred to their respective committees on Indian affairs.

The secession of States and war of the rebellion, which immediately followed, was the excuse of the committees for postponement. In the mean time, through the efforts of our counsel and the visit of delegations to Washington in 1864, the then Secretary of the Interior was induced to review the action of his predecessor, and entered upon measures for negotiating a settlement with all the nations interested, on the basis of the treaty of 1857. Local difficulties intervening, they were postponed from time to time until the autumn of 1868, when negotiations resulted in a treaty concluded December 4 of that year. A prevalent sentiment of hostility to treating with Indian tribes, as nations, was brought to bear in antagonism to the treaty in connection with the merits of the claim. In consequence, the treaty still sleeps upon the Senate's executive calendar.

Having thus exhausted all means of obtaining their just rights through the executive branch of the Government, your memorialist beg again respectfully to ask your honorable bodies to provide and authorize the proper department to pay to themselves, and each nation entitled to participate in the consideration named, according to their numbers stated in the schedule appended to the treaty of January 15, 1838, less the band referred to, or individuals already paid, the same amount *pro rata* allowed under the treaty of November 5, 1857, viz, \$393.85, with interest from April, 1858, until paid, to each soul—that being the mini-

mum estimate for their respective quotas of 320 acres of Kansas lands, at one dollar per acre, and \$73.85, each soul's share of the removal money.

DANIEL SCONONDOA,
 ISAAC WEBSTER,
 THOMAS CORNELIUS,
 JONAS CORNELIUS,
 JOSHUA CORNELIUS,
 WESLEY CORNELIUS,
 NICHOLAS HONGON, his x mark.
 JACOB DOXTATER, his x mark.
 JOHN DANA, his x mark.
 CORNELIUS HILL,
 MOSES WEBSTER, his x mark.
 THOMAS WEBSTER, his x mark.
 DANIEL WEBSTER, his x mark.
 ABRAM SCONONDOA, his x mark.
 DANIEL SCONONDOA, J^R, his x mark.
 THOMAS SCONONDOA, his x mark.
Chiefs and Head-men.

Signed in the presence of—

A. E. WALLACE, M. D.

STATE OF NEW YORK,
Madison County, ss :

On this 4th day of March, A. D. 1874, before me, the subscriber, personally appeared Daniel Sconondoa, Isaac Webster, Rev. Thomas Cornelius, Jonas Cornelius, Joshua Cornelius, Wesley Cornelius, Nicholas Hongon, Jacob Doxtater, John Dana, Cornelius Hill, Moses Webster, Thomas Webster, Daniel Webster, Abram Sconondoa, Daniel Sconondoa, and Thomas Sconondoa, chiefs and head-men of the Oneida Nation of Indians, to me known to be the same persons described in and who executed the foregoing petition, and acknowledged that they executed the same for the purposes therein mentioned.

[SEAL.]

JAMES B. JENKINS,
Notary Public, Madison County, New York.

(Official signature of magistrate.)

JAS. B. JENKINS,
Notary Public.

STATE OF NEW YORK,
County of Madison, ss :

I, A. D. Kennedy, clerk of the courts of record of the county and State aforesaid, do hereby certify that James B. Jenkins is a notary public in and for said county, duly qualified to act as such; that his term of office commenced on the 31st day of March, in the year 1873, and will expire on the 30th day of March, in the year 1875, and that his signature, above written, is genuine.

Given under my hand and the seal of the said county, at Morrisville, in the said county of Madison and State of New York, on this 28th day of April, in the year of our Lord 1873.

[SEAL.]

A. D. KENNEDY, *Clerk.*