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New York Indian Lands

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IN THE SENATE OF THE UNITED STATES.

MARCH 7, 1888.—Presented by the President *pro tempore*. Referred to the Committee on Indian Affairs and ordered to be printed.

PAPERS RELATING TO BILL (H. R. 1406) FOR THE RELIEF OF THE
SETTLERS ON THE SO-CALLED NEW YORK INDIAN LANDS IN
KANSAS.

MARCH 6, 1888.

SIR: Referring to H. R. No. 1406, which is now before the Senate Committee on Indian Affairs, we have the honor to inclose herewith the affidavits of eight different persons going to show that the Indians to whom these lands were allotted September 14, 1860, were never in possession of the lands in question; but that the present settlers, or their assignees, were in possession, which affidavits we respectfully request may be submitted to Hon. Henry L. Dawes, chairman of said committee, for consideration in determining the merits of said bill.

Yours, respectfully,

CHARLES & WILLIAM B. KING.

Hon. JOHN J. INGALLS,
President United States Senate.

Affidavit of James J. Dorsey.

STATE OF KANSAS, *Bourbon County, ss:*

Before me, a notary public in and for the county and State aforesaid, on this 18th day of February, 1888, personally came JAMES J. DORSEY, whom I certify to be reputable and a credible person, and who, after being by me first duly sworn according to law, on his oath says: My post-office address is Fulton, Kans. My age is forty-two years. I first settled in Kansas July, 1859, and have lived in the neighborhood of the so-called New York Indian lands ever since. When I first came here, there were but few of the New York Indians residing here. I did not know but one Indian who claimed to be of the tribe of New York Indians, whose name was Mitchell or Michael Gray. I served three months with said Mitchell or Michael Gray in the Army, in the same company and same mess. He was anxious to sell his claim here; wanted me to send him a purchaser for said claim. He afterwards sold said claim to one William D. Haverly, and removed to Wyandotte County, Kans., where he since died. Said Mitchell or Michael Gray was acting chief of said New York Indians. He said that he had a sister residing in Wyandott County, and that he felt lonely here and wanted to settle near his said sister. I never heard him complain of receiving any ill treatment from the white settlers, or of any of his tribe being mistreated by them.

JAMES J. DORSEY.

Subscribed and sworn to before me this 18th day of February, 1888; and I certify that I read said affidavit to said affiant before he executed the same, and that I have no interest in the matter. My commission expires September 26, 1888.

[SEAL.]

W. J. STONE,
Notary Public.

Affidavit of Patrick Devereux.

STATE OF KANSAS, *Bourbon County, ss:*

Before me the undersigned, a notary public in and for aforesaid county and State, on this 20th day of February, 1888, personally came PATRICK DEVEREUX, whom I cer-

tify to be reputable and entitled to credit, and who, being by me first duly sworn according to law, says: My post-office address is Fulton, Bourbon County, Kans. My age is fifty years. I came to Kansas in 1857 and settled upon the farm where I now reside and have resided since that time.

To the best of my knowledge no one of the said New York Indians ever settled upon the tract of land that was afterward set off or allotted to him. I never heard and do not believe that any of the aforesaid Indians were driven from the lands that was allotted to them. I have lived in the immediate neighborhood of these New York Indian lands since the said year 1857.

PT. DEVEREUX.

Subscribed and sworn to before me this 20th day of February, 1888, and I certify that I read the above statement to said affiant and acquainted him with its contents before he executed the same, and that I am not interested in this matter. My commission as notary expires September 26, 1888.

[SEAL.]

W. J. STONE,
Notary Public.

Affidavit of Charles Elliott.

STATE OF KANSAS, *Bourbon County, ss :*

Before me, a notary public in and for the county and State aforesaid, personally came CHARLES ELLIOTT, of lawful age, whom I certify to be a credible person, and who, being by me first duly sworn according to law, on his oath says:

I first came to this State in the year 1858 and settled upon the farm where I now reside and have resided since the aforesaid year, and in the immediate neighborhood of said "New York Indian lands." Those lands were mostly settled up before the allotments were made to said Indians. To the best of my knowledge none of the said Indians ever occupied the land allotted to him, and none of them were ever driven from the lands allotted to them. I think that they mostly left this part of the State of their own free will. I have no interest whatever in said lands, and am not concerned in this matter. The settlers upon these lands have been taxed from year to year on their improvements on the same.

CHARLES ELLIOTT.

Subscribed and sworn to before me, this 18th day of February, 1888, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same, and that I am not interested in the matter. My commission as notary expires September 26, 1888.

[SEAL.]

W. J. STONE,
Notary Public.

Affidavit of William D. Haverly.

STATE OF KANSAS,
Bourbon County, ss :

On this 20th day of February, 1888, personally came WILLIAM D. HAVERLY, to me well known to be reputable and entitled to credit, and, who, after being by me first duly sworn according to law, on his oath says: My age is sixty-nine years; my post-office address is Fulton, Bourbon County, Kans. I first came to Kansas in the month of July, 1857; have resided in this neighborhood ever since that time. I purchased a claim of Mitchell or Michael Gray, one of the so-called New York Indians; he told me that the said New York Indians had made a treaty and had agreed to give up their lands here, and that said treaty would be ratified by Congress in the course of a year or so from that time, and that I could then get a deed to it. That under that treaty they would all go away, with the understanding that the said New York Indian lands in Bourbon County, Kans., was to be turned over to the white settlers. I do not know of any of said Indians being driven from their lands here. I think that it was in the year 1863 that I purchased the claim of said Mitchell or Michael Gray. I did not hear him complain of the said Indians ever having been driven from their claims or in any other way mistreated by white settlers. After I purchased the claim (of 160 acres of land) of said Gray, he lived in the same house with me for two or three months afterwards, and I became well acquainted with him, and often conversed with him in regard to said lands, and it was my understanding that the white settlers were to have the lands in question under the treaty aforesaid. After the said Mitchell or Michael Gray left and settled in Wyandotte County, of this State, and I found that said treaty had not been perfected, I sold my interest in said claim, and am not personally interested in the matter of the said New York Indian lands.

WILLIAM D. HAVERLY.

Subscribed and sworn to before me this 20th day of February, 1888, and I certify that I read the foregoing statement to said affiant and acquainted him with the facts therein set forth before he executed the same, and that I am not interested in the matter.

My commission expires September 20, 1888.

[SEAL.]

W. J. STONE,
Notary Public.

Affidavit of Benjamin Sheat.

STATE OF KANSAS, *Bourbon County, ss :*

Before me, the undersigned, a notary public in and for aforesaid county and State, personally came BENJAMIN SHEAT, of lawful age, to me well known to be reputable and entitled to credit, and who, after being by me first duly sworn according to law, on his oath says:

I first settled upon the southeast quarter of section No. 1, in township No. 24, south of range 24 east, in the year 1859, and have resided on the same ever since, it being a part of the land afterward allotted or set off to one of the so-called New York Indians. I am well acquainted with the lands allotted to said Indians, and know of my own personal knowledge that said lands were settled upon and improvements made upon the same by white settlers before said allotments were made to said Indians, and that no one of said New York Indians ever settled upon the land allotted to him. When I settled upon my quarter section, or the one upon which I now reside and have resided since 1859, I did not know that it would be set off to said Indians, but fully believed that I would obtain a title thereto either by homestead or pre-emption, the same as did my neighbors adjoining me on the south, and that I have been assessed on my improvements and have paid taxes on the same every year since 1860, and my taxes have been about the same or but little less than the amount paid by my neighbors upon their deeded land. All the settlers residing upon said lands have paid taxes on their improvements from the year 1860 to the present time.

BENJAMIN SHEAT.

Subscribed and sworn to before me this 17th day of February, 1888. My commission as notary expires September 26, 1888.

[SEAL.]

Affidavit of William Hinton.

STATE OF KANSAS, *Bourbon County, ss :*

Before me, a notary public in and for the county and State aforesaid, on this 22d day of February, 1888, personally came WILLIAM HINTON, whom I certify to be a credible person, and who, after being by me first duly sworn according to law, says: I first came to Bourbon County, Kans., in the year 1855, and settled on the southwest quarter of section No. 21, in township 23, south of range 24 east, where I resided until the year 1881, since that time have resided upon the so-called New York Indian lands in said county of Bourbon. The family of New York Indians whose name, I think, was Lewis, whom it is alleged that one Basil Hutton drove from their claim, lived on an adjoining claim to me at the time this alleged trouble should have happened. There was some trouble between the said parties, but to the best of my knowledge said trouble did not grow out of any dispute about the possession of the said claim, and that the said Indians did not leave the said claim on account of said trouble, but continued in the possession of the same until the said tribe or those of the tribe who had—in the neighborhood—left the county, which I think occurred a year or more afterward. The said Basil Hutton resided on a claim in the immediate neighborhood of where the said family of New York Indians lived at the time of the alleged trouble, and continued to live in the neighborhood until date of his death, which occurred several years subsequent.

The claim from which the said Lewis, New York Indians; were alleged to have been driven is the northwest quarter of section 21, in township 23, range 24 east, and is not a part of the lands that was afterward allotted or set off to the said New York Indians.

The said Basil Hutton was not in possession of the said claim when the said Indians left it, nor at any time subsequent.

WM. HINTON.

Subscribed and sworn to before me this 22d day of February, 1888, and I certify that I read the foregoing statement to said affiant and acquainted him with its con-

tents before he executed the same, and that the above erasures were made by affiant before he signed the same. I am not interested in this matter. My commission expires September 26, 1888.

W. J. STONE,
Notary Public.

Affidavit of George McNeil.

STATE OF KANSAS, *Bourbon County, ss :*

On this 29th day of February, 1888, before me, a notary public in and for the county and State aforesaid, personally came GEORGE MCNEIL, whom I certify to be a credible person, and who, being by me first duly sworn according to law, says: My age is fifty-three years; my post-office is Barnesville, Bourbon County, Kans.; I came to Bourbon County, Kans., in the year 1859, and have resided in the immediate neighborhood of and upon the so-called New York Indian reserve lands in this county continuously ever since my first settlement in the State. To the best of my knowledge and belief none of the so-called Indians ever resided on the land that was afterward allotted to or set off to them or to him. I settled upon the said New York Indian land, on the southeast quarter of section 26, township 23, range 24, in the year 1862, where I have resided ever since. I have paid taxes upon my improvements and personal property every year since my first settlement on said lands.

GEORGE MCNEIL.

Subscribed and sworn to before me this 29th day of February, 1888, and I certify that I read the above statement to and acquainted said affiant with its contents before he executed the same, and that I am not interested in this matter. My commission as notary expires September 26, 1888.

[SEAL.]

W. J. STONE,
Notary Public.

Affidavit of Wesley Ston

STATE OF KANSAS, *Bourbon County, ss :*

On this 2d day of March, 1888, before me, a notary public in and for the State and county aforesaid, personally came WESLEY STONE, whom I certify to be a credible person, and who after being by me first duly sworn according to law, on his oath says:

My age is 51 years; my post-office is Fulton, Bourbon County, Kansas; I first came to and settled in Bourbon County near the tract of land set off or allotted to the so-called New York Indians in the year 1855, and have resided in the immediate neighborhood ever since the said year 1855; I was pretty well acquainted with all the New York or other Indians, who resided in the neighborhood at that time, and know of my own personal knowledge that no one of said Indians ever settled upon or occupied the tract of land that was afterward allotted to him or her. One Daniel Jack, who claimed to be one of the New York Indians, kept a saloon and sold whisky and other intoxicating liquors at or near the Missouri State line, but this was at least 4 miles from the tract that was afterward allotted to him. One Mitchell, or Michal Gray, lived upon a quarter section adjoining the tract of land in question, but said quarter section was never set off to said Indians, but was deeded, and is now held in fee simple by one Benjamin Sheat. I never knew or heard of any of the said Indians being driven from the land they desired to occupy. Almost all of this tract of land was settled upon and occupied by white settlers before it was set off or allotted to the said Indians in 1860.

WESLEY STONE.

Subscribed and sworn to before me, this 2d day of March, 1888; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same; and that I am not interested in this matter. My commission as notary expires September 26, 1888.

[SEAL.]

W. J. STONE,
Notary Public.