

# EXHIBIT A

## **ROBERT E. BIEDER**

### **Home address**

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Indiana University  
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### **ACADEMIC PREPARATION**

Ph.D. University of Minnesota (US History/Anthropology)  
M.A. Indiana University (US History)  
A.B. University of New Mexico (History)

### **BOOKS**

#### **Bear**

London: Reaktion Books, 2005

Native American Communities in Wisconsin, 1600-1960: A Study of Tradition and Change.  
Madison: University of Wisconsin Press, 1995.

Winner of the State Historical Society of Wisconsin's 1996 Book Award of Merit

Contemplating Others: Cultural Contacts in Red and White America. Series Materialien 27, Berlin:  
John F. Kennedy-Institut für Nordamerikastudien, Freie Universität Berlin, 1990.

A Brief Historical Survey of the Expropriation of American Indian Remains. Boulder: Native  
American Rights Fund, 1990.

Science Encounters the Indian: A Study of the Early Years of American Ethnology, 1820-1880.  
Norman: University of Oklahoma Press, 1986.

Science Encounters the Indian: A Study of the Early Years of American Ethnology, 1820-1880.  
Norman: University of Oklahoma Press, 1989, paperback edition.

### **EDITIONS**

"Introduction" and Editor, Johann G. Kohl, Kitchi-Gami. Life Among the Lake Superior Ojibway.  
St. Paul: Minnesota Historical Society, 1985, xiii-xxxix.

"Introduction" to Felix M. Keesing, The Menomini Indians of Wisconsin: A Study of Three  
Centuries of Cultural Contact and Change. Madison: University of Wisconsin Press, 1987,  
ix-xvi.

## **CURRENT RESEARCH/BOOKS IN PROGRESS**

A Cultural History of the Zoo: Representation of Animals

Legends of the Bear: Tales from North American Indians

Manatees (with Professor Martin Zanger)

## **MAJOR GRANTS, AWARDS, FELLOWSHIPS**

Senior Finnish Academy Grant, 2001

Book Award of Merit (1996) from the State Historical Society of Wisconsin for Native American Communities of Wisconsin, 1600-1960

Senior Postdoctoral Fellowship, Smithsonian Institution, 1990-91.

Senior Fulbright Lectureships: Germany (2), Hungary (2), Finland

Indiana University Faculty Research and Development Grant, 1987

National Endowment for the Humanities Travel Grant, 1985-86

American Philosophical Society Grant, 1984-1985, 1971-72

Newberry Library Postdoctoral Fellowship, 1975-1976

Ford Foundation Grant, 1971

### **Interviews:**

On the *Bear* on "Creature Curious" London radio Resonancefm January, 2006

On American Indian Music on Armed Forces Radio, Frankfurt, Germany August, 1995

## **MAJOR ARTICLES**

- \* "The Imagined Bear," *Current Writing*. 18(1) (2006): 163-173.
- \* "Taking the Heat: America and Global Warming," in Ethnocentrisme et diplomatie: l'Amérique et le monde au XXe siècle, eds. Pierre Melandri and Serge Ricard. Paris: Editions L'Harmattan. (2001): 201-16.
- \* "Sault Ste. Marie and the War of 1812: A World Turned Upside Down," Indiana Magazine of History. XCV:1 (March 1999): 1-13..

"The Representation of Indian Bodies in Nineteenth-Century American Anthropology," in Repatriation Reader: Who Owns American Indian Remains, ed. Devon A. Mihesuah. Lincoln: University of Nebraska Press. (October, 2000): 19-36.

- \* "Legal Warfare: "Cultural Rights versus Civil Rights," Société suisse des Américanistes Bulletin. 62 (1998): 67-74.
  
- "A Brief Historical Survey of the Expropriation of American Indian Remains," abridged in Readings in American Indian Law, ed. Jo Carrillo. Philadelphia: Temple University Press, (1998): 164-71.
  
- \* "Native American Literature and the Power of Imagination," Hungarian Journal of English and American Studies. 4: 1-2 (1998): 227-34.
  
- \* "Constructions of Wilderness," in Annales du Monde Anglophone. 3 (April 1996): 21-28.
  
- \* "The Body in Question," Hungarian Journal of English and American Studies. 2:1 (1996): 35-42.
  
- \* "Representations of the Primitive and the Call of the Wild," in Mythes et Représentations aux États-Unis: La Transgression. 16 (1996): 43-57.
  
- \* "Due gentlemen di Filadelfia e il loro contributo all'origine dell'antropologia americana." ["Two Gentlemen of Philadelphia: A Discourse on Science and Race in Late Eighteenth-Century America," in La Ricerca Folklorica. 32 (October 1995): 29-36.
  
- \* "The Representation of Indian Bodies in Nineteenth-Century American Anthropology," in American Indian Quarterly. 20 (Spring 1996): 165-79.
  
- \* "The Language of the Zoo," in Voix et langages aux États-Unis. II (1993): 165-177.
  
- \* "Marketing the American Indian in Europe: Context, Commodification and Reception," in Cultural Transmissions and Receptions: American Mass Culture in Europe, eds. Rob Kroes, Robert W. Rydell and Doeko F. J. Bosscher. Amsterdam: VU University Press. (1993): 15-23.
  
- \* "The Collecting of Bones for Anthropological Narratives," American Indian Culture and Research Journal. 16:2 (1992): 21-35.
  
- \* "The Return of the Ancestors," Zeitschrift für Ethnologie. 118 (1990): 229-240.
  
- \* "Anthropology and History of the American Indian," American Quarterly. 33 (1981): 309-26

## CONFERENCE PAPERS

"The Imagined Bear," Conference on Animal Presences, Animal Geographies, Rhodes University, South Africa, September, 2005

"Architecture and Democracy in Antebellum America: Orson Fowler and the Octagon House," American Studies Conference on Democratic Values: Past, Present and Future, University of Tampere, Finland, May, 2005

"Giving Meaning to Nature in an Age of Globalization." International Conference on New Directions in the Humanities, Greece July 2003

"The Buying and Selling of Niagara Falls." Crossroads in Cultural Studies, Tampere, Finland, July, 2002

"The American Suburb and the Search for Nature in the Twentieth Century." The 10<sup>th</sup> International Planning History Conference, London, July, 2002

"The Landscape of Transgression." The 2nd Baltic Region Symposium on Culture and Nature, University of Tampere, August, 2001

"Transgressing Boundaries: Representation of the Primitive." Conference on Boundaries and Divisions, University of Tampere, May, 2001

"Taking the Heat: America and Global Warming." Conference on Ethnocentrisme et Diplomatie: L'Amérique et le Monde au XX<sup>ème</sup> s., Université Paris III - Sorbonne Nouvelle, January, 2000

"New York: The Social Dimensions of Central Park." Eighth Tampere Conference on American Studies, University of Tampere, Tampere, Finland, April, 1999.

"Disasters and Survivals of Native Peoples in Nineteenth-Century Wisconsin." Conference on Native American Communities: Adaptation, Preservation, Renewal, University of New Hampshire, April, 1997.

"The Constructed Gaze: the National Zoological Park and the Representation of Animals." Conference on Zoos, Shelby Cullum Davis Center for Historical Studies, Princeton University, October, 1996.

"Enlightenment, Progress and Degeneration in America." Conference on the Challenge of the Enlightenment, William Clark Library, University of California, Los Angeles, November, 1995.

"Multiculturalism: The Term - The Debate." The 14th Biennial Nordic Association for American Studies Conference, University of Oslo, August, 1995.

"The Semiotics of Power: Controlling Images of the Indian." European Association of American Studies, Seville, April, 1992.

"Marketing the American Indian in Europe: Context, Commodification and Reception." Symposium: American Mass Culture in Europe, The Netherlands Institute for Advanced Study in the Humanities and Social Sciences, January, 1992.

## **OTHER PAPERS**

"The Importance of the Environment," Television lecture, Tampere, Finland, April, 2001.

"The Social Construction of Central Park," University of Joensuu, March 7, 2001.

"A Tour of Europe in 1872," University of Tampere, February 21, 2001.

"The Politics of Denial: America and Global Warming," The Wiesinger Lecture, University of Illinois at Chicago, March 30, 2000.

"Human Exhibits at the Zoo," The Newberry Library, March 29, 2000.

"Retreat to Paradise: The American Suburb Phenomenon," University of Tampere, Tampere, Finland, November 24, 1999.

"Landscape and Representation in the Washington Zoological Park," University of Helsinki, November 26, 1999.

"Ethnography in the Zoo," Project Strange Views, University of Vienna, June 2, 1999.

"Forests and Memories on Two Continents," Faculty Seminar, Geography Department, Indiana University, April 9, 1999.

"Cultural Rights vs Civil Rights," Université Strasbourg, April, 1998.

"The Winnebago and Menominee Indians in the Years of the French" Université Paul Valéry, Montpellier, March, 1993.

"Questions and Problems in the Writing of American Indian History." University of Helsinki, November, 1992.

## **BOOK REVIEWS**

Numerous reviews in history and anthropology journals including: American Historical Review, Journal of American History, Ethnohistory, Journal of the History of the Behavioral Sciences, and The Western Historical Quarterly, The Toronto Globe and Mail

## **TEACHING APPOINTMENTS**

Indiana University,  
Visiting Professor, Department of History and School of Public and Environmental Affairs,  
August, 2001 - May, 2006

## **COURSES TAUGHT**

### Graduate Courses:

- Urban environments
- Scientific attitudes toward race in America

### Upper Division Courses:

- Environmental ethic
- Urban environments
- American environmental history
- American cultural history: Nineteenth century
- American cultural history: Twentieth century
- Science, race and gender in American
- American frontier history

### Lower Division Courses in American History:

- American history survey I and II

### Courses on American Indian Histories and Cultures:

- American Indian Environments
- Indian-White Relations
- Midwest Woodland Indians
- Cultures in Conflict
- Urban Indians
- Contemporary Indian History
- Native American History from an Indian Perspective

## **DISSERTATION DIRECTOR**

Directed two doctoral dissertations

## **ADMINISTRATIVE POSITIONS**

The Newberry Library, 1973-75

Associate Director of the McNickle Center for the History of the American Indian, 1974-75.

Assistant Director, 1973-74.

### **PROFESSIONAL ACTIVITIES**

Research Historian and Expert Witness for the American Indian Law Resource Center, May 2006-

National Endowment for the Humanities, Panelist for Humanities Projects in Media, May 1995

Reader for the university presses of Nebraska, Oklahoma, and Wisconsin

### **ELECTED NATIONAL OFFICE**

Executive Council, American Society for Ethnohistory, 1984-86



# EXHIBIT B

**Papers from the American Philosophical Society, Philadelphia**

**Ely S. Parker Collection, #2576**

Onondaga Chiefs to Nathan Bristol, April 3, 1853

Rochester April 3<sup>rd</sup>, 1853

Hon. Nathan Bristol

N.Y.S. Senate

The undersigned Sachems, Chiefs, headmen & warriors, representing the feeling & interests of a great majority of the Onondaga Indians desire to express their gratitude and acknowledgements to you, for the promptness with which the Assembly Bill, for the survey of the Onondaga Indian lands, was repudiated by yourself & Committee. The measure was proposed & the Bill passed by the Assembly without our knowledge or solicitation. And it is only since its passage that we have been indirectly apprised of the fact. The survey of our lands is strongly opposed by a great majority of the Tribe & the measure is only asked for by a few. We believe that this survey is intended to apportion to each individual Indian his or her share of the lands, thereby destroying that bond of common interest which unites & holds Indian communities together. The effect of this Bill would be further to render miserably poor many of the tribe and entirely to dispossess of homes those other Indians who are now permitted to reside with us by courtesey. And for many more reasons not now necessary to enumerate, we feel truly grateful that [the Bill has been reported by you unfavorably. And we hope that it may not be cutted up. (This section in brackets is struck through in the original.)] an adverse report has been made by your Honbl. Self to the passage of the Bill, and we now believe you to be the Indians friend.

Tendering to you our sincere thanks for your course in this matter.

We remain Your Humble & Obdt. Servants

Approved by

[No signatures]

# EXHIBIT C

✓ *Speeches of Parker, Logan, Tall-Chief and Webster, Indians, before the Assembly Committee on Indian Affairs on the Bill introduced by Mr. Alvord to divide the Onondaga Reservation into severalties. Interesting protest of Indian chiefs against the project—Eloquence of the Red Man—His plea for a memorial of his race. Printed in Buffalo, 1880.*

From An Occasional Correspondent of the Buffalo Courier.

Albany, March 27, 1880—The assembly committee on Indian affairs met Thursday afternoon to consider the partition bill introduced by Assemblyman Alvord, for the purpose of enabling the Indians to become possessed of lands subject to the laws of the state, and virtually to destroy the existing Indian government of the Onondaga reservation. A large number of interested parties were present. Conspicuous among the assemblage sat some six or eight red men whose dusky forms appeared as historic vestiges of a race that once held sway over the Empire state.

After the arguments of the promoters of the bill the Indian chiefs were invited to speak. The first to respond was Parker, a Seneca who represented the Indian chiefs of the Onondagas. The following is the

#### SPEECH OF INDIAN PARKER

✓ I represent the Onondaga portion of the people opposed to the passage of this bill, should it be reported favorably to the assembly. Since these people are, by their ignorance of your language, unable to say a word on this subject themselves, I stand before you as their spokesman. I understand that the bill is for the purpose of dividing up these lands into severalties among the Onondaga Indians, but, as I learn from the gentleman who introduced it, it is merely to procure a new treaty. That means, I suppose, to abrogate the old one made between the people of the state of New York and the Onondaga Indians. So far as I am informed, there is not an Indian concerned in this bill. Its promoters consist of a number of religious gentlemen. Now, I impute no unjust motives to these reverend gentlemen who have spoken on the subject, but as I understand it, there are treaties in the way of any such measure. The people of the state of New York have solemnly bound themselves to protect these Indians, and to secure them in holding their lands peaceably, without any intrusion in any way from any source. Now, it seems that this bill has been gotten up by outside influence, as I understand it; for I take the word of the honorable gentleman as to what he has informed me in regard to it. According to my reading of the treaties between this state and the Onondaga Indians, I find nowhere any power given to any outside interests to get up such a bill as this. We protest against it. Why? Because if this legislature should pass this bill, would it not itself be transgressors in regard to the plain terms of this treaty? I say it would. Such has been the course pursued towards the Indians ever since the white man came into this country. I heard one gentleman remark that these Indians should not be treated as a sovereign people. Who has treated them as a sovereign people heretofore? Your forefathers. That is the reason why treaties have been made with them. If you make treaties you are bound to respect treaty stipulations. We are also bound to respect that treaty, and these Indians around me, have come down here, not for the purpose of

breaking that treaty, but in order to see that it is respected. That is what they desire, but here are outside influences brought to bear against the treaty already made. I ask the question, gentlemen, whether the treaty gives the right to any other party outside of the Indians themselves to ask for such a bill as this from the legislature? I think not. What will be the effect we well know. We understand why such a bill as this has been introduced. It is for the purpose of getting our houses and our lands. As I understand it, it is for that purpose; because the lands cannot be got in any other way, a bill must be introduced for their division. What's to be the consequence? You want to destroy their tribal relations in order that you may get hold of their land. That will be the end of it. For as soon as these lands are divided, we know what your people will do. There are sharpers living around the reservation who, just as soon as these lands are divided, will in some way get possession. It will be of no avail that you render it inalienable for twenty-one years; the land will pass away from its present owners to the whites. Before advocating such a bill, I would first recommend that more jails and poorhouses be built, for you will need them when these robbers have despoiled the Indians of their lands. The Indians, as they are now, have homes. The money for their support comes not out of your pockets. They live peaceably on the reservation. They trouble not those around them, and live in peace among themselves. I want that this committee should understand the real object of this bill. It is to get the lands of the Indians. I know what the policy of the white man has been heretofore. It has been to get the Indians away from the state and from all the states of the Union. Such has been the policy of this great government for many years! Is it possible that this state means to exterminate these Indians? I think it would be more honorable that this great state of New York should preserve her borders as a memorial that the red man once occupied and owned this vast extent of land that you now possess. I trust the committee will have some regard for existing treaties and not recommend the passage of a bill which the Indians have not asked for, but which emanates from outside the tribe.

The next speaker was

INDIAN LOGAN

who addressed the committee as follows:

This proposed act is entirely unconstitutional. The Indians whom I represent have not asked for it from the legislature. I think before proceeding further it would be wise to examine the constitution on this point. As my friend, Mr. Parker has stated, the Onondagas are opposed to dividing up their lands. They want them to remain as they are. I regret that the reverend gentleman who spoke here has been a little too hasty in this matter. He ought to be a little more patient. He has stated to this committee that he has spent eleven years trying to improve the Indians; but they have been slow to progress in civilization. I wish he would stay another eleven years and try it again. Let him work a little harder. Perhaps he has not been working very faithfully. We are very thankful to the state for what she has done for us. The chiefs are not to blame for not being educated, or for the children not being educated. The blame is personal. I am to blame myself if I don't send my children to school. Mr. Pierce says that the chiefs are to blame. I think, however, that Mr. Pierce is himself to blame if his children are not educated. He has abandoned his family; who is going then to care for them and send them to school? I

came here to represent the chiefs of the Onondaga nation. Here is the treaty of 1788, signed by George Clinton (pointing to an old parchment), in which it is said: "The Onondagas shall be protected forever; they shall remain as they are forever." That is the solemn promise and pledge of the great state of New York to the Onondaga nation.

✓ We have been from time to time, and now are under the care of this state. You are our guardians by treaty. We trust to you. We, therefore, ask of you—beg of you, in accordance with these treaties—to take care of us, and let us be where we are. We will bother nobody there. Even give us as much as you give to the rabbits that run through the land, or to the fish that swim through the water. You pass laws for their protection; give us such a law. Let us remain where we are, so that we can walk over our lands with happy hearts. We do not want to be thrown in the relation of competition as you are, with the white man. We cannot do it yet—we cannot do it yet. A great many of our people are not educated yet, and you must not blame us for that. How long, I ask, have you been in getting educated? Thousands of years. How long have we? It is just sixty years since on the Buffalo reservation, where I was born, a school was first established. We are, therefore, but sixty years old in civilization, while you, my brethren here, are thousands of years. We have had prejudices to overcome. We felt afraid of your people for good reasons. When you first came here, we took care of you—took you to our bosoms. We thought of you as our friends; we gave you a place to lie down, but by and by these treacherous men go to work to deprive us our homes, so that now we have scarcely left enough of land upon which to lay our blankets. Not satisfied with this, some of these sharp schemers come here before this honorable body to contrive some way to cheat our people out of the little of their land that remains. Is it right? I am glad as I travel through this state, that here and there, I find some warm hearts beating in the bosoms of my pale-faced friends, who are willing to vindicate the claims of our people. I hope this committee possesses that heart for the few red men who are left in the Empire state. We are trying to educate ourselves as fast as we can; we must proceed slowly as children do when they are learning to walk. It would not do to leave the child alone, for it would most assuredly fall. That is precisely our position in reference to this bill. If the state of New York wants the Indians to fall, it will pass this bill. That is all I have to say.

#### TALL CHIEF

next addressed the committee as follows, in Indian, it being interpreted sentence by sentence by Logan:

✓ I wish to say a few words by the desire of my friends here, the chiefs of the Onondaga tribe. We understand that there is a bill before this committee. As soon as we had been informed by some of our white friends what this purported to be—immediately after understanding its object—we instituted a canvass of our people of the age of twenty-one years, to ascertain their wishes and feelings in regard to it. The result was seventy-one opposed it and thirty-four were in favor. We wish you to understand the position of our people in reference to it. We do not favor the proposed bill by a majority of seventy-one to thirty-four. We leave the matter now with you.

At the request of the committee, an Onondaga chief named Thomas Webster spoke next. Logan being unable to understand him, Tall Chief interpreted to Logan and Logan to the committee. The speech was thus three times spoken, twice in Indian and once in English.

#### CHIEF WEBSTER'S SPEECH

Brothers, I want you to listen to me—to a few words. The way in which we have prepared our remonstrance we think has been according to our feeling. We have not tried to take any underhand way, nor to misguide this committee in the mode of presenting our remonstrance, which is now before the committee. We wish the committee should bear in mind that once we bordered the Atlantic Ocean, and that we have been driven back from time to time to this small patch of ground that we now occupy. We want you to take this into consideration and deal justly with us.

# EXHIBIT D



✓  
"The six Indian Chiefs, representing the Oneidas, Cayugas, Senecas, Tuscaroras, Onondagas, and St. Regis (Mohawks) Tribes, who are on their way to Washington, go there to adjust matters relative to their original treaties with the Government."

*Daily Journal, p. 4*  
\*  
**March 24, 1869**—"Indian Lands" [9-93]

✓  
"A remonstrance has been in circulation in this city for the past few days, against the bill introduced in the Assembly authorizing the purchase of the stone quarry and lands adjoining on the Indian Reservation, at a cost of about \$15 per acre. This is very justly regarded as an act of great injustice to the Indians and to the State, and meets with almost universal disapproval."

**January 27, 1871**—"Regulations Made and Established by the Onondaga Tribe" [1-75]

The regulations, written in legal language, relate to the use and cutting of timber on the Onondaga Reservation. The resolution is signed by the Chiefs: Abbott Jones, Baptist Thomas, Samuel Webster, William Hill, John Johnson, Joseph Lyon, Samuel Isaac, Wilson Reuben, John Jacobs, George Beurver, Thomas Webster, George Lyon, Albert Cusic, Jacob Bigbear, John Green, and Samuel George, in the presence of Ira West [Agent?] and Abram Hill.

**September 10, 1873**—"Laws of New York" [6-29] *Syracuse Journal*  
Official notice of law passed by New York Legislature relating to timber on the Onondaga Reservation—basically following the Chiefs regulations. Chap. 96, passed March 19, 1873

*Daily Journal, p. 13*  
\*  
**May 16, 1874**—"Indignant Indians" [1-93] *Syracuse Journal*

"In the House of Representatives on Saturday last, Representative Duell, in presenting a memorial of the Onondaga Indians, is reported by the *Congressional Record* as saying: 'I present the memorial of the chiefs of the Onondaga Nation of Indians, residing on their reservation in Onondaga county, New York, who say they have received a copy of a bill (S. No. 640) to provide a settlement with the Six Nations of New York Indians of questions growing out of unexecuted treaty stipulations, which relates to several nations or remnants of tribes of Indians in New York. They say they have convened councils of their chiefs and warriors, and have carefully considered the provisions of the bill, and have come to the unanimous conclusion to earnestly and respectfully remonstrate against its passage.'"

*Syracuse Daily Journal, p. 17*  
\*  
**March 2, 1880**—"The Onondaga Reservation" [1-176] *Syracuse Journal*

"Mr. Alvord has introduced a bill in the Assembly, which, if it becomes law, will constitute the Governor, Controller and State Engineer and Surveyor a commission to secure the dissolving of the present treaty relations of the State with the Onondaga Indians, to be done by the assent of a majority of the Indians, break up the tribal relations, and apportion the lands of the Onondaga Indians among the members of that nation. The

# **EXHIBIT E**

commissioners are eminently respectable men, but their duties would be simple, as the law would be directory, and the commissioners acting under it would simply carry out its mandate. The surveys and partitions would be merely engineering work, done under their oversight.

"The object of this proposed legislation is to destroy the existing Onondaga Reservation, and by partition give the lands to the individual members of the Onondaga people, who would share equally in them. This scheme is not a new one. It has been entertained by speculating white men, for many years, and has in one manner or another been attempted, with some degree of success in despoiling the Onondagas of their property in years past. During the past three years Mr. Alvord has favored bills, not quite so sweeping as this one is, but having practically the same object in view, which having finally passed the Legislature, encountered the righteous veto of the Governor. The pending proposition can be considered only as a means of ultimately despoiling the Onondagas of their landed inheritance. It may be done under the form of law, with the apparent sanction of the Legislature and Governor, and with its processes carried out under the auspices of a commission of high State officials. But the final object is to break up the reservation, and its lands once apportioned among the individuals inheriting the reserved territory, how long would it be before the Indian owners would be bought out or driven out, and their whole means of sustenance, provided under the treaties of the early Governors, would be wholly lost to them?"

No date, but 1880 [4-57]

"The letter of the Hon. Lewis H. Morgan, of Rochester, on the subject of Indians Lands and the proposed legislation relating to the Onondaga Reservation, is a calm, dispassionate expression of view. Senator Morgan has given this and kindred subjects his lifelong attention, and is a recognized authority upon them. He enters an earnest protest against the policy which the Alvord bill proposes, and with that bill before him, uninfluenced by any discussion here of its merits or intentions, passes upon it a severe judgment. He considers it a law designed to make the Onondagas despoil themselves of what little property is now left them. They have yielded to the aggressions of the whites until a mere fragment of their original possessions is remaining. Fair-minded people will agree with Senator Morgan that the carrying to its intended results of the Alvord bill would be 'an act of cruelty, as well as a public shame.'"

*Syracuse Daily Journal*, p. 2.  
March 5, 1880—"The Onondagas" [2-183] *Syracuse Journal*

*Editorial*

*"The Onondaga Indians should not only be permitted to hold land in severalty, but should be made citizens in the full sense of the word.—Rochester Democrat*

"But the bill before the Legislature relating to the partition of the lands of these Indians, which is commended by the *Democrat* in a very decided way, does not meet these conditions. It proposes to chop the Onondaga Reservation into small pieces, giving one piece to each of the adult Indians, and then to leave it for the greed and rapacity of white speculators to drive such bargains with these Indians, as they may, to gain

# **EXHIBIT F**

possession of their lands. The Indians, who have little business experience and no capacity for dealing with the whites in trade and barter, would speedily find themselves landless and homeless, with nothing to show for their former possessions. Even though the State has had the cause of the Indians wards in its keeping, the lands reserved to them under solemn treaty have gradually been wrested from them by 'legislation,' and in return for their original right to the whole soil of this region of country, all that remains to them is this reserved tract four and a half by two and a half miles in extent, a beggarly money pittance called an 'annuity' and a few bushels of salt, which each year are distributed by a State agent.

"The State should remedy wrongs and impositions to which its Indian wards have been subjected, rather than become a party to a policy which must result in utter disaster to the remnant of the once noble and powerful Onondagas.

"The bill of Mr. Alvord, if made a law, would overturn the time-honored principle of State protection to the Indian wards, and by withdrawing that protection wholly, leave the Indians, the squaws and children to the tender mercies of whites who covet the valuable remnant of the property of the Onondagas. Is this an honest, humane proposition?

"There would be some protection for the Indian,—who is now defenceless against the proposed legislation devised by cunning men who have long hankered after the spoils in the six thousand acres of first-class lands in the Onondaga Reservation, as he would be defenceless against the subtle wiles and allurements of these same men after the proposed legislation is perfected,—were the Indians to be 'made citizens in the full sense of the word.' But the conferring of citizenship upon the Indians is not in the scheme. The system of wrong and injustice and outrage that has been carried on for three-quarters of a century, upon the original inhabitants of the rich valleys and green hills of Central New York, is to be capped with this measure of practical and sure extermination.

"There are upwards of six thousand acres of excellent land in the Onondaga Reservation, worth on the average nearly or quite one hundred dollars an acre; and the aggregate of about six hundred thousand dollars' worth of land, located within ten miles of the city of Syracuse, is a tempting inducement to the instigators of the plan embraced in Mr. Alvord's bill, which be entitled 'An Act to facilitate the spoliation of the Onondaga Indians of their reserved lands, and to hasten their extermination from the face of the earth.'"

*Syracuse Daily Courier, p. 4*  
\* \* \* **March 16, 1880—"The Indian Bill" [2-133]**

"The Chiefs of the Onondaga Indians, whose interests will go to the wall with the passage of Mr. Alvord's bill, providing for separate ownership of lands in the Reservation and the dissolution of the State's treaty relations, are making all the opposition in their power. Chiefs Thomas Webster, Daniel Tallchief and Joseph Isaacs went to Albany yesterday to raise their voice against the bill. Tallchief will act as spokesman of the deputation."

# EXHIBIT G

reducing the staff of the corps of  
ry and the number of navy yards.

## TRIFIC EXPLOSION.

### 's Boiler Bursts at Philadelphia.

at Demolished—Several Men Killed  
ie Boiler Thrown Across a Street—  
Breaks Out and Destroys Consider-  
Property.

oller of the tug-boat *Henry C. Pratt*,  
ed at Philadelphia, Pa., this morning.  
Scully, Captain, was blown over the  
ops, and was taken to a hospital, where  
The dead bodies of Bernard McCann  
rick Flanagan, firemen, and a man  
Maloney were recovered. John Lyons,  
r, is missing and is supposed to be  
d. Two other men are reported missing.  
ug was about to take out a canal boat at  
t of Walnut-st., of which Maloney was  
e. The boiler was thrown across Dela-  
e., knocking the front out of a build-  
he boiler and wheel house fell in front of  
ne building.  
the explosion occurred a few hours later  
he avenue is crowded, the result would  
have been appalling.

the explosion the flames broke out in  
sections. Pier No. 8, occupied as a  
ter and freight station by the Philadel-  
id Atlantic City railway, was destroyed.  
g *Ellis* also took fire and sank after  
well burned.

lows were shattered in all directions for  
distant.

*Pratt's* anchor flew through the air to  
and Walnut-sts., where it became en-  
l and remained hanging among the tele-  
wires.

engineer has been found. He had a  
escape. The watchman jumped from  
ry house as the latter was falling.

ugs *Ellis* and *Pratt* were valued at \$15,  
th.

—It now appears that Lyons, the son  
of the *Pratt*, is not accounted for. The  
urvivor of the tug is a cat. A laborer  
Morrison is still missing.

## TH CONGRESS—FIRST SESSION.

### Proceedings of the Senate.

SENATE—March 23, 1882.

Committee on Foreign Relations re-  
adversely, the Senate bills in relation to  
ezuela award. [Indefinitely postponed.]  
Committee on Patents reported, favor-  
the bill relating to the registration of  
marks.

Committee on Agriculture reported the  
bill to constitute the Department of  
ture an Executive department and en-  
s powers and duties.

Frye introduced a bill for the admission  
State of Washington.

Morgan called up the concurrent resolu-  
favor of a reciprocity treaty with

Sherman said there was opposition on  
ides to all reciprocity treaties, and  
the reference of the resolution to the  
tee on Foreign Affairs.

### Proceedings of the House.

WEDNESDAY'S CONTINUOUS SESSION.

HOUSE—March 23, 1882.

burned.

3/24/1882

p1

## ALBANY.

### SPECIAL CORRESPONDENCE OF THE JOURNAL.

**The Indian Land Question—An Important Day to the Indians—The Onondagas' Protest from the United States Indian Agency—The Attorney-General's Opinion Requested—More Notaries Public—General Notes.**

#### INDIAN LANDS.

ALBANY, March 23, 1882.

To-morrow will be a very important day for the Indians of the State of New York, as a hearing is to be given them on the Schoonmaker bill dividing their lands in severalty. Several of the Senecas are here with protests. Jarvis Pierce, of the Onondagas, is here with the following letter:—

NEW YORK INDIAN AGENCY,  
RANDOLPH, March 7th, 1882.

To the Hon. Chiefs, Onondaga Indians:—

Gentlemen—The bill introduced into the Assembly at Albany, N. Y., by Mr. Schoonmaker, of Cattaraugus, ostensibly to confer citizenship upon the Indians of the six tribes in this State, and to allot their eight reservations in severalty, demands your careful consideration. A bill similar to the above was passed April 18, 1843, for the Oneida Indians. At that time they owned about twelve hundred acres of land, and now they have but 224 acres. In 1793 the Onondaga Indians owned ten square miles, or sixty-four hundred acres of land, and now you own but sixty-one hundred acres. I think you ought to do all you can to keep what you have, and to work your own lands and not to allow whites to work it for you. I think I can safely say if the Schoonmaker bill should become a law that in ten years from that time you would not own more than one-half the land you now own. This bill is to help the whites and not the Indians. I hope you will do all you can to defeat the bill. Do not put yourself in a position that you will lose any more of your lands.

Very truly yours, BENJ. G. CASLER,  
U. S. Indian Agent, New York Agency.

#### THE ATTORNEY-GENERAL'S OPINION ASKED.

Mr. McCarthy introduced the following in the Senate and it was adopted:—

Resolved, That the Attorney-General be requested to report to the Senate at as early a day as possible, what title or legislative control the State has over the lands of the Onondaga tribe of Indians; whether the Legislature has authority to divide the lands of their reservation among the individuals of the tribe *per capita*; whether the Legislature has power to regulate their internal government, modifying or supplanting that of the Chief's and what if any legislation is necessary to entitle them to become citizens.

#### RECENTLY CONFIRMED NOTARIES PUBLIC.

Among the Notaries Public recently confirmed by the Senate are:—L. Clinton Ball, of Marathon, Cortland county, *vice* D. Delos Hunt, declined; Henry S. Pratt, of Fayetteville, Onondaga county, *vice* John F. Gaynor, declined; John F. Dix, of South Richland, Oswego county, *vice* Wm. Sanders, failed to qualify; Thomas Barlow, of Canastota, Madison county.

#### GENERAL NOTES.

The Assembly Committee on Villages has

The hearing was postponed till Satur

## NEW YORK LEGISLATURE.

### Proceedings of the Senate.

SENATE—March 2

#### FREE CANAL DISCUSSION POSTPONED.

The discussion of the concurrent res providing for free canals, was postponed Wednesday next.

#### BILLS REPORTED.

The following bills were reported ad Relating to proceedings for the reco dower.

Relating to publication of the Supren reports.

Repealing section 1,380 of the civil co Relating to a justice of the peace at Ly

Relating to the bonded indebtedness o Relating to law students.

Relating to bets and pools.

The reports were agreed to.

The following were also reported ad Relating to prizes given away with m

dise. Tabled.

Amending the revised statutes in re wills (Tabled).

Mr. Roberts reported favorably the toll fixed by the canal board. (Agreed

#### UNDERGROUND TELEGRAPH WIRE.

Mr. Grady moved the appointment o committee of the Committee on Cities, sider the advisability of laying telegra under ground.

Mr. Daly favored the proposition.

The motion was agreed to.

Mr. Koch reported a bill relating Rochester and Charlotte Turnpike.

#### THE REGENCY.

The Senate agreed to the Assembly tion fixing Wednesday next for the ele a Regent, but reconsidered the vote and Thursday.

#### BILLS INTRODUCED.

By Mr. Makin—Authorizing the H and Connecticut railroad to purch Rhinebeck and Connecticut railroad.

By Mr. Koch—Relating to crimix cedure.

By Mr. A. Lansing—Relating to mo The Newburgh Centennial bill was from the Governor.

#### BILLS PASSED.

Extending the time for the colle taxes in Essex county.

Preventing the manufacture of cl tenement houses.

Relating to mortgages.

Amending the charter of Cayuga Asy

Destitute Children.

Amending the charter of Fredonia.

Authorizing the village of Clyde 1 money.

Paying contractors for extraordinary on the canal.

#### JUDGE CHERRYTREE CONFIRMED.

Andrew J. Cherrytree, as Judge of county, was confirmed.

Mr. Kernan moved to reconsider the report on the law students' bill. Agree

Mr. Grady reported the act to esta court at Utica.

Adjourned.

### Proceedings of the Assembly.

ASSEMBLY—March 2

#### FREE CANALS.

The House went into Committee Whole. Mr. Haggerty in the chair, on t current resolutions proposing amendm the Constitution so as to provide for free Mr. Brodsky said the resolutions are t

The New York Tribune has an account of an extraordinary and disgraceful religious excitement, injurious alike to personal character, public morals and religious truth that has recently taken possession of a portion of the Methodist society of North Lewisburg, Ohio. Without going into the details of this craze, it is enough to say that it was from first to last a disgusting exhibition of human frailty and nearly resulted in the murder of the pastor's wife by her own husband and his fellow fanatics in the frenzy which his prophecy of her death had kindled in them. While they were gathered about her the presiding elder who had been summoned from a neighboring town arrived and put a stop to the proceedings, exclaiming in righteous wrath: "It's the work of the Devil. There is no religion about this flummery. By your disgraceful actions you have put the Methodist Church in this town back twenty years. Get out of here, every one of you!" Gradually the persons involved in this affair have recovered their reason and many of them are deeply mortified at the reproach which they have brought upon their church and community.

#### HENRY W. LONGFELLOW.

The positive intelligence that the beloved poet HENRY W. LONGFELLOW is dying, and even before this reaches the eye of the reader may have passed from earth, leaving only a beneficent memory and the tender expressions of his poetic soul to assuage a people's grief, will cause a sharper pang, because unheralded by any announcement of his illness. The people will mourn the loss, as of one their own home circle whose voice they have been wont to hear, and for whose frequent coming they have eagerly watched. The sympathetic heart that entered into their common experiences is still, and will beat no more in unison with their better longings and aspirations.

HENRY WADSWORTH LONGFELLOW, one of the most popular of modern poets, was born in Portland, Me., February 27th, 1807, a descendant of WILLIAM LONGFELLOW, of Newbury, Mass., who, first of the name, came to America from England in 1651. On his mother's side, HENRY W. LONGFELLOW was a descendant of JOHN ALDEN, who was the first of the Pilgrim Fathers to set foot upon the Plymouth Rock, landing from the *Mayflower*. Mr. LONGFELLOW received a college education, graduating from Bowdoin College in 1825, and for a short time studied law. Then, having received the appointment of Professor of Modern Languages in his Alma Mater, he went abroad and spent three years in Europe. In 1831 he was married and in 1835 was elected Professor of Belles-Lettres in Harvard College which was followed by another sojourn in Europe, where his wife died. He retained his professorship twenty years, and then, in 1854, returned to the enjoyment of literary leisure and the production of the most of the poetical compositions that have given him both fame and the undying affection of the American people. Seven of his earlier poems were written before he was nineteen years of age. His first published work in 1820.

Mr. Schoonmaker—"It will be only courtesy to give me a hearing. I do not want it yet."

Mr. Higgins—"As a lawyer I wish to say that the law has never treated the Indians as they have treated the whites. An Indian's contract cannot be enforced in law; it is void if he chooses to make it so. The whole policy of the United States is to make the Indians wards. Years ago the ancestors of these Indians were awarded lands for their honorable conduct during the Revolutionary war. The State of New York has dealt with the Indians always by treaties, not by law. To break over these is revolutionary. The laws and treaties are all that we can go back to. There is nothing that goes back of or is superior to a treaty. The United States would not dare to overthrow a treaty. Now what kind of a treaty have we here? A bill that it would be an outrage to pass. There is a job afoot somewhere and when you get down it it will not be far from Cattaraugus county. Every one who has lived near our Indian Reservation knows that the only way to treat them is by treaty. A large portion of the Indians in my county (Niagara) are imprudent and if they had possession of their lands they would soon dispose of them by sale or mortgage. This would throw them upon the community for support; but as it is to-day they support themselves and their own poor. The Indians come down here unanimously against the project, no matter on what reservation they may live. Let them be where they are, and let them work out their own civilization. Let the chiefs still allot the land, for they govern successfully and well. I would like to hear some decent white man give some good reasons for the passage of this bill."

Mr. Farrar—"It seems to me that this movement is a part of the plan that has driven the Indians from place to place ever since the white man came to this continent. As to the Onondagas, there is a solemn treaty on the part of the State of New York, and it has no right to divide their lands without their consent. Look at the Oneidas, once the most powerful of the six nations, to-day they are the most contemptible element in the body politic of Madison county. They no longer respect any law, and they are an eye sore to the people of that county. I do not believe the time for any such move has come as to pass this bill. I stand here to express my own views, even if such expression works against me personally or politically. One-half of the Onondagas are Christians already, and the tendency is good under the present circumstances."

Andrew John jr.—"This bill is a great injury to the Indian people. 'The Seneca nation protests against the Schoonmaker bill. It is a bill introduced by mercileless land sharks to defraud and dispossess them of their lands. The New York Indians are protected by solemn treaty obligations on the part of the United States. In 1845-47 the United States passed an act which affirmed this. See what the United States Commissioner of Indian Affairs says about our affairs. [John here read extracts descriptive of the Cattaraugus and Allegany Reservations.] In 1875 Congress passed an act authorizing the Seneca Nation, New York Indians, to lease their lands. This act made the Seneca Nation independent in law. Now, gentlemen of this committee, is it right that this committee should abrogate the treaty made between the United States and these Indians. Even Congress cannot legislate against the New York Indians, unless they shall consent. A bill similar to this Schoonmaker bill, now before Congress, has been so amended as to except the New York Indians. This shows the attitude of the United States. I will also submit a letter from Indian Commissioner Price in favor of our side of the case and also a protest from the Seneca nation. If I were a member of this committee I would smother this bill at once. I sincerely hope you will see it in the same light as Hon. Walter L. Sessions, who says the bill is illegal. I will now appeal to you to let me

warmer portions light snow. To northern portions light snow. To warmer and fair.

Lower Lakes—Colder and general northwest winds becoming variable followed by falling barometer.

#### THE DOMINION.

##### AMERICAN CONSULAR OFFICE.

It is stated that the agent from W is inspecting the American Consular commercial agencies throughout Canada are about two hundred such offices, of them are said to be filled by Canada is expected the present incumbents v placed by Americans.

#### BUSINESS.

##### LOW OCEAN FREIGHT RATES.

Ocean freights, steamship men never before so low. Several lines they are virtually carrying freight for

##### RAILROAD DEFICIENCY.

The deficiency of the Wabash, St. Pacific railway for the years 1880 and officially stated at \$1,453,000.

#### CRIMINAL.

##### THE FORGER OF PROVIDENCE.

At Providence, R. I., Erastus Cook's are estimated as high as \$100,000.

##### KILLED BY SMUGGLERS.

Parker, customs collector at Fort Canada, was found insensible in the ether night, and died Thursday. It is he was killed by smugglers.

##### A SOLDIER'S MONUMENT MUTILATED.

The pedestal of the statue in Cent New York, to the memory of the the Seventh regiment who fell in the badly mutilated Tuesday night. known whether the perpetrators were who wished to sell the bronze or par taining malice toward the regiment.

#### CASUALTIES.

##### FATAL SOMNAMBULISM.

At Stantonburg, N. C., Emma aged 22, walking in her sleep the other into a creek 400 yards from the house drowned.

##### A SUSPICIOUS CASE OF DROWNING.

John Ennis and James Halladay schooner *Jennie* in a boat to go to W Del. The boat and the body of E found in the marsh. It is supposed was also drowned, though foul play suspected.

##### DOOMED AT SEA.

The sloop *Despatch* foundered at Rye Point, L. I., Wednesday in a blizzard. Capt. Sprung and William H. drowned. William Gardner was a passing vessel, after clinging several the masthead, which remained near t of the water.

#### MISCELLANEOUS.

##### MARITIME.

The steamship *India*, from Ham arrived at New York.

##### SARAH BURR'S MILLIONS.

A poor family at Cold Springs, K Burr, expect to inherit \$80,000 und of Sarah Burr, of New York city, \$3,000,000 for benevolent purposes. ney here thinks the will can be br the entire \$3,000,000 secured.

##### LIBEL SUIT IN BOSTON.

The suit of Collector Simmons a publishers of the *Sunday Mail*, which great attention, was opened at Boston.



entered into their common experiences is still, and will beat no more in unison with their better longings and aspirations.

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#### PERSONAL AND POLITICAL.

The Pennsylvania Democratic State Central Committee has decided to hold the State convention in Harrisburg on June 28.

There are twenty reliefs in Fauquier county, Va., of deceased soldiers of the war of 1812, who draw pensions from the government at the rate of \$8 a month.

George Bancroft gave a dinner in Washington Thursday night, to General and Mrs. Grant, President Arthur, Secretary Frelinghuysen, Hamilton Fish and others were present.

Mrs. Dr. Susan Edgerton denies that she fur-

do not believe the time for any such move has come as to pass this bill. I stand here to express my own views, even if such expression works against me personally or politically. One-half of the Onondagas are Christians already, and the tendency is good under the present circumstances."

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Elias Johnson—"Mr. Printup and I represent the Tascaroras of Niagara county. Our chiefs and council have sent us here with a protest for the chiefs and head men of the Tuscarora Reservation, stating that our two-thirds of the reservation is already partitioned to the heads of families, and is being improved as farm lands. The remaining one third is timbered land; owned in common by the tribe. To allot our land in the manner provided by the bill would be an unwarrantable interference little less than confiscation. The provision to allow the Indians to lease their lands to the white men is against the policy of thrift. The Tuscaroras support their own poor and are a peaceable and temperate community, but they are not sufficiently advanced to become citizens. The bill would work great hardship."

Jarvis Pierce—"So far as the Onondagas are concerned, we simply ask that they be exempted from the provisions of this bill. I do not know of any Onondagas who would be willing to have the land divided in this shape. We are doing well. The Missionaries say that if they can divide up our tribal relations they will make more progress. But they are too impatient. If they knew just how the division of the lands would work, they would not be in favor of it."

The committee then went into executive session and the subject was warmly discussed.

Mr. Schoonmaker asked for more time, but it was denied. A vote was demanded then and there. First, a motion to lay on the table was lost, and then a vote to report the bill adversely was carried.

The Indians, who were outside the door, heard of the fate of the bill, and departed for their homes rejoicing.

#### FATAL SOMNAMBULISM.

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#### A SUSPICIOUS CASE OF DROWNING.

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##### LIBEL SUIT IN BOSTON.

The suit of Collector Simmons against publishers of the *Sunday Mail*, which great attention, was opened at Boston day. It is alleged the paper contains articles averring, though his name mentioned directly, that Simmons was sary to the Mrs. Howe woman's bank

The Rev. Orville Dewey, D. D., a Unitarian clergyman, died Tuesday in Sheffield, Mass., at the age of 88 years born at Sheffield, and was a graduate of Williams College in 1814, and studied at Andover. Dr. Dewey embraced Unitarian faith while preaching at Gloucester was soon after appointed an assistant Channing and worked with him for ten years. In 1823 Dr. Dewey became pastor of Bedford Unitarian church. Twelve years he became pastor of the Second church in New York. Ill health caused him to make two trips to Europe and to resign several pastorates during his ministry. In 1853 he became pastor of the Unitarian church in Boston, and after four years was compelled to retire to his farm. frequent contributor to the *North American Review* and the *Christian Examiner* wrote a number of books. One of his works is on the Unitarian belief.

The statue of Washington which erected on the steps of the United States Treasury, on Wall-st., by the New York Chamber of Commerce, will be thirty feet high, above the pedestal. The figure standing, with the weight chiefly on the right foot, and will be in the civil costume of Washington. The right hand will be at the level of the hip. It is to be erected in time for the centennial anniversary of the evacuation of the city by the British on September 25, 1783. The sculptor is J. Q. A.

Charles S. Wolfe, leader of the Independent Republicans of Pennsylvania, says that C. Garrett, Wayne MacVeagh and Shiras are the men most prominent in the party for the nomination for Governor at the regular Republican candidate satisfactory to the Independents.

procedure and wholly without jurisdiction in the premises; even if the court martial had jurisdiction in the premises it exceeded its power in imposing sentence and judgment, as the same is in excess of any penalty or punishment authorized by law; and finally that the petitioner is entitled to trial by jury.

For a fish story, the following by a Boston sea captain will do. He states that while sailing near the spot where the multitude of dead fish covering the sea for a distance of fifty miles were encountered recently, he examined specimens. He states that they resembled a codfish in size, having a head like a dolphin, but with large scales on their sides, and weighing from eight to twenty pounds. The crew gathered numbers of them on deck. One was boiled and found to be very sweet and palatable. When taken it was nearly as hard as a rock. The crew for some time used them as food. The captain thinks the fish were indigenous to the warm waters south of the Gulf Stream, and were probably driven by a strong current into a colder climate where they were chilled to death. There was no decomposition among any of those handled.

Several miles of Edison's electric railway at Menlo Park are now completed, and cars are run on it by electricity at the rate of over twenty miles per hour. At the experiments in Berlin last year, on nine miles of the Siemens road, the speed attained was only about ten miles per hour. Mr. Edison's track is like that of any ordinary railroad, involving curves, grades (one over thirty feet to the mile), with the various obstacles of ravines, streams and rocks. The car resembles our modern horse-car. The electricity is communicated from the generators, some 300 yards away, by two heavy wires, one connecting with each track. The tracks are insulated by covering the ends of the ties with a non-conducting compound. The wheels take up the electricity from the tracks and communicate with the dynamo-electric machine and gearing in the locomotive. Thus is given to the train a noiseless, rapid, pleasant motion, unattended with smoke cinders and clatter.

The New York Tribune has an account of an extraordinary and disgraceful religious excitement, injurious alike to personal character, public morals and religious truth that has recently taken possession of a portion of the Methodist society of North Lewisburg, Ohio. Without going into the details of this craze, it is enough to say that it was from first to last a disgusting exhibition of human frailty and nearly resulted in the murder of the pastor's wife by her own husband and his fellow fanatics in the frenzy which his prophecy of her death had kindled in them. While they were gathered about her the presiding elder who had been summoned from a neighboring town arrived and put a stop to the proceedings, exclaiming in righteous wrath: "It's the work of the Devil. There is no religion about this

during all the war of the rebellion. During the later years of his life he was employed in inspecting the light houses on the sea coast.

## THE INDIAN RESERVATIONS.

**A Hearing on the Schoonmaker Bill to Divide Indian Lands in Severalty—Delegates from the Onondagas, Senecas and Tuscaroras—What will be Done with the Bill.**

[Special Correspondence of The Journal.]

ALBANY, March 23, 1882.

The hearing before the Indian Committee of the Assembly on the Schoonmaker bill (to divide the reservations in severalty) was given this afternoon.

There were present Jarvis Pierce and Daniel LaFort, of the Onondagas; Elias Johnson and William Printup, of the Tuscaroras; Willett B. Jameson, president, M. A. Pierce, treasurer, Andrew John, jr., clerk, and John Patterson, member of the council of the Senecas.

On the assembling of the committee, Mr. Higgins, of Niagara, wanted the mover of the bill to explain why it was wanted, or who wanted it.

Mr. Schoonmaker said:—"I introduced this bill. I have not desired to move this bill, and do not now move it."

Mr. Higgins (of Niagara)—"I object to have this matter continued indefinitely. It operates severely against the Indians. They have been here for days waiting. What in the world does this bill mean? I insist that some one shall father the bill on this occasion out of humanity to these Indians unless some good reason is given for a postponement."

Mr. Schoonmaker—"I have never asked for a hearing on this bill."

Mr. Butts—"This bill is the property of this committee."

Mr. Schoonmaker—"But it cannot come up unless the mover says so. There is a gentleman who wishes to be present and have a hearing on this bill."

Mr. Farrar—"So far as the Onondagas are concerned they are anxious for some kind of action, so that they may go home."

Mr. Schoonmaker—"I will move an amendment that will exclude all the Indians upon the Reservations in their districts."

Jarvis Pierce (of the Onondagas)—"That is all the Onondagas want."

Mr. Higgins—"That exempts the Tuscaroras of Erie and Niagara also?"

Mr. Schoonmaker—"Yes."

Andrew John, jr.—"We of the Senecas are also anxious to go home."

Mr. O'Neill (of Franklin)—"As representative of Indians in my county I accept Mr. Schoonmaker's amendment; but I will fight his bill."

Mr. Schoonmaker—"It will be only courtesy to give me a hearing. I do not want it yet."

Mr. Higgins—"As a lawyer I wish to say that the law has never treated the Indians as they have treated the whites. An Indian's contract cannot be enforced in law; it is void if he chooses to make it so. The whole policy of the United States is to make the Indians wards. Years ago the ancestors of these Indians were awarded lands for their honorable conduct during the Revolutionary war. The State of New York has dealt with the Indians always by treaties, not by law. To break over these is revolutionary. The laws and treaties are all that we can go back to. There is nothing that goes back of or is superior to a treaty. The United States would not dare to overthrow a treaty. Now what kind of a treaty have we here? A bill that it would be an outrage to pass. There is a job afoot somewhere and when you get down it it will not be far from Cattaraugus county. Every one who has lived near our Indian Reservation knows that the only way to treat them is by treaty. A large portion of the Indians in my county (Niagara) are imprudent and if

the Chinese bill, on the ground pension of immigration for 1 violates the treaty, and ask Consider the term of suspension and the obvious intention of the relieved a veto approving the get the bill, but objecting to the clause, would bring about the bill, providing either five or ten sion of immigration. A term would probably secure the votes voted against the bill as it stan not lose any votes which support day.

## Teller and the Inte

HIS NOMINATION A CERT

The New York Tribune's special is apparently no longer any do will be nominated for Secretary Senators who saw the President nomination would be sent in Th

## The Librarian Miss

DR. GARNET'S SUCCE

John H. Smyth, nominated f Liberia, was the predecessor of the same port, where he had record. He is a young lawyer blackest men in the world.

## Civil Service.

A PLAN FOR THE APPOINTMENT OFFICE EMPLOYE

The New York Herald's special House Committee on Civil Servi nearly completed its report upon applied to the large increase in to be authorized for the Pensic committee favor the appointm partisan board of examiners to fitness of all who apply for classes of work which belongs Office. The examination provi practical character. The plan features of tenure, dependent continued efficiency and good l

## The Postoffice Bi

ADVERSE ACTION ON THE FRA

LEGE.

The House Appropriation C terday decided to non-concur amendment to the Postoffice b franking privilege.

## THE WEATHE

INDICATIONS.

WASHINGTON, Mar

Middle States—Colder; norther winds; higher barometer partly northern portions light snow. warmer and fair.

Lower Lakes—Colder and g northwest winds becoming va followed by falling barometer.

## THE DOMINIO

AMERICAN CONSULAR OF

It is stated that the agent from is inspecting the American Cons commercial agencies throughout are about two hundred such off of them are said to be filed by is expected the present incumb placed by Americans.

## BUSINESS.

LOW OCEAN FREIGHT

Ocean freights, steamship n never before so low. Several l they are virtually carrying fre

RAILROAD DEFICIEN

The deficiency of the Wabash

Syn Journal Mar 23, 1882 p1

# EXHIBIT H

to sell or lease them, the Indians answered in the negative. They did not wish the treaty of September 12, 1788, changed, but extended so as to keep out the whites. G

Chancellor Sims explained that that would be brought about by carrying out the homestead plans. Chief Pierce insisted that talk was unnecessary. They were opposed to it. The information that this plan would make them more independent, brought out a request for the proposal in writing so that it may be submitted to the tribe.

After some discussion of the present condition of the affairs in the reservation, the commission adjourned to meet one week from next Tuesday. It is expected that the Attorney General will be present.

*Standard, p. 4*  
\* \* **January 11, 1884**—"Pagan Indian Stubbornness—White Men and Red Men Attempting to Reach Conclusions—Efforts for a New Treaty" [2-153] *Syracuse Standard*

In the president's office of the Onondaga County Savings Bank building yesterday afternoon, sat Chancellor Sims, E.B. Judson, and Charles D. Adams of Utica, representing the State of New York, and five black-haired, dark complexioned aborigines, representing the Nation of Onondaga Indians. It was the object of this meeting to form a new treaty between the State and the Indians in place of the present treaty which was made at Fort Stanwix in September, 1788. [The article includes elaborate, racially-tinged physical descriptions of the five Onondaga representatives, Daniel LaFort, Jaris Pierce, Joshua Pierce, John White and Orris Farmer, which, according to the writer, "formed a striking contrast to the three cultured Americans sitting opposite. The article includes excerpts of the discussion, in which the bottom line is expressed by Jaris Pierce, the spokesman, "We have taken that into consideration and we are all agreed we don't want the treaty changed." ✓

*Syracuse Standard, p. 4*  
\* **January 23, 1884**—"A Treaty with the Indians—Commissioners Succeed Finally to Bring the Pagans to Terms—Christians Greatly Pleased—Full Text of the Proposed Treaty—White Men Are not to be Allowed to Even Rent Lands on the Reservation—Marriage by Ministers" [2-154] *Syracuse Standard* ✓

The Joint Indian Commission convened yesterday, and late in the afternoon a new treaty was agreed upon. E. O. Farrar, William A. Duncan and several Christian Indians attended one or both of the sessions. The Christian Indians had prepared a petition for the State Commissioners, praying for relief from their "present unhappy condition," stating that they are strongly in favor of a division of the lands, and urging that the laws of the State are good enough for them. The petition was signed by twenty-eight males and thirty-three females.

Mr. Pierce of the Onondaga Commission objected to hearing a report prepared by the committee of Christian Indians. Mr. Pierce submitted a report prepared by himself for [the] commission as the basis on which a new treaty might be made. This report was examined by Chancellor Sims and Mr. Judson, the only State Commissioners present. In the afternoon Chancellor Sims submitted the framework of a new treaty. Each topic was freely discussed by the Indians, particularly that regarding the disposition of lands. The proposition to divide the land in severalty was abandoned, the Indian Commissioners refusing absolutely to entertain it. After going over each topic very thoroughly and after

# EXHIBIT I

REPORT

OF

SPECIAL COMMITTEE

TO INVESTIGATE THE

INDIAN PROBLEM

OF THE

STATE OF NEW YORK,

Appointed by the Assembly of 1888.

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TRANSMITTED TO THE LEGISLATURE FEBRUARY 1, 1889

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ALBANY:  
THE TROY PRESS COMPANY, PRINTERS.  
1889.

the corresponding rights which spring from that relation. These are the rights which a government owes to its citizens.

For these reasons my conclusion is, the defendant was entitled to vote, and was improperly convicted.

The motion for a new trial is granted.

SYRACUSE, November 20, 1888.

DEAR SIR—It has been intimated to me that I might, perhaps, render a service to the Indians on the Onondaga reservation, and to the white community in the neighborhood, and, indeed, indirectly to the State, by communicating to you and your committee such conclusions as I have reached touching the subject-matter before you. These conclusions are the result of a very frequent and varied intercourse with the Onondagas for nearly twenty years. Many opportunities have been afforded me for inquiry into their tribal, social, domestic, industrial and educational condition. I enjoyed a free acquaintance with the ablest pagan chief of this generation among them, known as "Captain George," and conducted the services at his funeral. Both pagans and Christians have made their views known to me in many ways. For the mission of my church among them I have expended many hundred dollars, in services, buildings, a school and otherwise. The missionaries employed and resident there have always made full reports. That there has been considerable improvement in several respects during this period cannot be doubted. The efforts of two religious bodies, of the State school and Mission school, of advice and example in agriculture, and the influence of the present intelligent and faithful agent, have not been wholly in vain. It has, however, become more and more evident, and in my own mind has become a certainty, that beyond a fixed limit this improvement cannot be carried without a radical change in the political status of the nation. The present tribal government is a fatal bar to real progress, and utterly destructive of anything that deserves to be called civilization. I am satisfied that it is a nest of abuses and an instrument of corruption. It discourages industry. It puts a large part, and often the best part of the land, out of the reach of the Indians husbandry. It fosters a ruinous system of leases to the whites. It lowers self-respect. It shelters laziness. It destroys all wholesome stimulus to strife and economy. It is, at the root, in essential harmony and kinship with barbarism. The relation of the sexes alone, which it fosters and protects, excludes all the sanctities, privities and refinements of household life.

Perhaps, you will permit me to express my deep conviction that the remedy for these wrongs and immoralities is to be sought in an equitable division of the territory into homesteads, the lifting of the Indians to citizenship and such other changes as would naturally accompany these fundamental measures. The measures, themselves, I do not believe to be impracticable. About half of the male adults of the nation desire them. The prejudices of self-interested chiefs and the ignorance of Pagan women, who do not understand the English language, oppose them. By what means the real or supposed existing treaty obligations are to be dealt with and modified, it is not for me to suggest. The State ought to inquire whether the acts and omissions of the nation itself, have not, in part at least, extinguished those obligations and rendered the last treaty itself void. Another question would seem to be, whether the persistent and flagrant mischiefs of a barbarous population, with its debasing ceremonies and multifarious facilities for vice, does not justify the interference of laws and the enforced establishment of institutions necessary for the protection of public virtue and the moral and civil welfare of the people.

I am, with high respect,

Obediently yours,

F. D. HUNTINGTON.

To J. S. WHEELER, *Chairman, &c., &c.*

BAKERT, January 5, 1889.

Hon. J. S. WHEELER:

DEAR SIR—A committee was appointed by the last Legislature of the State of New York to investigate Indian affairs. Said committee after conferring with the best class of Indians, find that the Indians here, and on other reservations, are poorly protected, or, more properly speaking, not protected at all in their rights to hold lands. Under the present government their officers do not seek to protect the Indians in any way, but allow the strong to enter the lands of the weaker ones, and cut and remove timber and commit other depredations with impunity.

I have heard some of the Christian Indians say that they would rather have one acre of land and be protected like our white people, than to have forty acres as they now hold it.

I believe the time has now come. I firmly believe that their land should be allotted to them in severalty—it would be for their best interests to do so. There is an element amongst the Indians—those who still hold to the pagan worship—who are opposed, for the reason that they can take from those who are more civilized and rob them of what



# **EXHIBIT J**

PROCEEDINGS  
OF THE  
NINETEENTH ANNUAL MEETING  
OF THE  
**Lake Mohonk Conference**  
OF  
FRIENDS OF THE INDIAN

1901

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REPORTED AND EDITED BY ISABEL C. BARROWS

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PUBLISHED BY  
THE LAKE MOHONK CONFERENCE  
1902

### Third Session.

Thursday Morning, October 17.

After morning prayers, conducted by the Rev. James M. Bruce, the Conference was called to order by the President, Dr. Merrill E. Gates, who introduced Mr. Philip C. Garrett, Dr. Merrill E. Gates, man of the Special Commission named by Hon. Theodore Roosevelt, when Governor of New York, to investigate the condition of the New York Indians.

### THE RELATION OF THE NEW YORK INDIANS TO THE UNITED STATES.

BY PHILIP C. GARRETT.

The beautiful State of New York, among other picturesque objects, is decorated by a lot of old-time Indian reservations, scattered across and through the length and breadth of the State from Long Island, in the southeast, to the St. Lawrence River, where the St. Regis Indians are, through the lake valleys in the center to almost within sight of Niagara; and to Lake Erie and along the beautiful valley of the Allegheny, in the southwest. Those who have attended these sessions will remember that years ago the condition of these reservations was a source of interest and discussion. Bishop Huntington first brought it to the attention of the Conference. He had found at his door, south of Syracuse, the Onondaga reservation, one of the most backward of them all, still maintaining barbarous rites of worship. He was much scandalized by the condition of things there and the injury it caused to the surrounding country. Judge Draper, then superintendent of schools of the State of New York, made a powerful address here against them. From that time to this, the topic has claimed more or less attention, and the reservation system has received the condemnation of intelligent people throughout the State and country. The Indians insist on retaining pagan worship, about half of them being pagans with their old rites. Some of these are regarded as objectionable by those who know most about them. These reservations are like scars on the beautiful territory of this State. They are *imperita in imperio*; they are foreign countries in the midst of the State of New York. They ought to be removed.

Last year, while Mr. Roosevelt was still Governor of New York, a citizen wrote to him, calling attention to these reservations and asking him to consider what should be done with them. His nomination as Vice President followed in June, and I suspect that he forgot all about it during his six-hundred-speech stumping tour. I hap-

pened to be attending the first meeting of the State Conference of Charities and Correction at Albany last November, and I spoke to Mr. Roosevelt about the matter. He invited me to an interview in the Executive Chamber and showed that he was deeply interested in the subject, although he confessed that he had naturally lost sight of it for a time. That led to the appointment of a commission to investigate the whole subject. He selected a commission of five, four of whom were citizens of New York, and I felt honored and complimented, being outside of the State, to be appointed as the fifth. The other members were Bishop Walker, Mr. Darwin R. James, President of the Board of Indian Commissioners, Mr. Daniel Smiley and Hon. Oscar Straus, at that time minister to Turkey. We had a very short time to get the report in to the Governor, and it was rather brief and, perhaps, superficial. We were unable to obtain information about the legislation of the State of New York and other matters desirable, and which would require more time than the committee had at its disposal before the term of the Governor should expire. However, they did make their report, which will be found bound with the report of the Board of Indian Commissioners for last year. They reviewed the state of things and made some recommendations, stating that they had found on the reservation somewhat barbarous conditions not at all in keeping with the civilization of so great and old a State. Their main recommendation was that everything relating to the legislation for the New York Indians should be relegated to the United States. That was a principal point of discussion, whether the United States or the State of New York should deal with them. It was our conclusion that the United States should take charge of the matter and that proper legislation should be sought at the next session of Congress, extending the provisions of the Dawes Bill to the Indians of New York, who were specifically left out of its application.

The commission also discussed the subject of the leasing of Indian lands, to deal with which may require a Congressional Commission. I think the report was made December 20th. The consequence was that Mr. Roosevelt, whose gubernatorial term was to end December 31st, himself being about to assume the duties of the Vice President of the United States, having other matters to attend to, really did not have an opportunity, as Governor of New York, to give the subject much attention. It was our hope that, being in Washington, he would be able to further this legislation, and I trust that may prove to be the case yet. In his still higher exaltation to the Presidency of the United States, he will be able to further such legislation, and his study of this subject, albeit somewhat limited hitherto, will lead him to see that the same line of treatment is now needed for the Indians of the whole country; that is, the destruction of all reservations, and the conversion of the Indians into citizens, and their absorption as members of the entire body politic of the United States. That is what we now want. In my estimation the Indians are all nearly ready for citizenship. I believe the great majority might safely be made citizens. Of course there are backward tribes, but I believe that even in those cases

there would be less suffering from their conversion into citizens, and the destruction of the present old and complex system, than from the great expense to the people of the United States by the retention of that system. It would cause less injury to the country than we suffer all the time from a lot of rowdy, lazy, loafing white people in the Western country. If it were not for the patronage system, I think the Indians would have made much further preparation for citizenship. Patronage is the curse of the United States. You cannot get a reservation abolished, because some member of Congress wishes to hold on to it for those to whom he owes his position in Congress. This is the principal source of the retardation of the Indians in their progress toward citizenship. The Church may well add to her prayers, "From the evils of patronage, good Lord, deliver us; from the despotism of agencies, deliver us, good Lord."

The agent is an absolute autocrat on his reservation. Why can we not get rid of them? Toward that we should bend our energies. This question of the New York Indians is only a trifling illustration of the need of that. The reservation system is a hindrance to the advance of civilization. It is preposterous in a State like this. The Indians have made scarcely any progress in a hundred years, and yet some of them are as well prepared for citizenship as many of the farmers around them.

With Dr. Gates I enjoyed a visit to the reservations this last summer, and we were much interested to observe that among the best of the Indians there was manifest preparation for citizenship, almost equal to that of the white people about them. We visited a number of houses of farmers where the evidences of intelligence, of education and taste for art were manifest. Some of them had pianos in their parlors, and their conversation indicated that they had been to schools and colleges, and it really seemed absurd to think of them on any theory as savages, and as though these reservations must be kept up.

I am inclined to believe that we have reached a time when we ought to look forward to the entire abolition of the Indian system at an early day. We want an emancipation proclamation, which dependent and subject to all the penalties, privileges and immunities of the laws of the United States. I think we should do all we can to bring that about.

CONTINUING THE "INDIAN SYSTEM" INDEFINITELY WILL DO MORE HARM THAN WOULD FOLLOW ITS IMMEDIATE ABOLITION.

The PRESIDENT.—Each added week of attention to this subject convinces me that if the entire Indian Bureau could be speedily done away with we should risk vastly less than I used to think we should. I believe that we should risk less than we risk by perpetuating the present system, if within the next five years the whole Indian system could be swept away! I doubt if there is a tribe now

in any State or Territory in the Union which, within the next five years, could not be put under the operation of the laws of the State and Territory and the local administration of the counties where they now live, and have land allotted them, with better results upon the whole than will follow if they are left as they now are! We must certainly face the problem.

May I add a word about New York? I visited not only the Cataraugus and Allegheny reservations, but also the Tonawandas and the Onondagas last summer. While on this trip I was interested in looking up a little mission church, where a missionary whom I knew in my boyhood had earlier preached to the Indians sixty years ago and more. Fully three generations ago there was a little Presbyterian church for Indians in that neighborhood. But you can still find pagan customs there. You will find there many Indians as well qualified to manage their own property as are the members of this Conference. Still they are herded together there as Indians, and paganism is perpetuated in the heart of the Empire State! Let in the law! Establish homesteads and homes! Allot land, and make self-respecting citizens of these people, too long "coddled" by a special system!

Beside the gospel, we need law. We need to make these men worth something to the State, and to themselves as individual citizens. They need to manage their own property, and to learn to take their places as American citizens. Let the end come soon!

#### ADDRESS OF MR. A. K. SMILEY.

I think Mr. Garrett has struck the right chord—the great danger from a continuance of the reservations. The men in office in Washington, in the Indian Bureau, and in the Indian agencies want this system to be perpetual, and the politicians want it so that they can distribute positions for political work, for there are many offices to fill. We are going to have a tremendous struggle to get rid of the Indian reservation and of the Indian Bureau. We recommended last year that ten or more agencies should be given up, but we got rid of only three. I had a letter from Mr. Murray, who says the question has come up in Oklahoma. If an Indian has taken up land in severalty he has become a United States citizen, and can vote or do anything that any other citizen can do; yet in Oklahoma the agent takes those Indians and manages them as in the old times. He takes charge of their property, leases their land, prevents them from going off the reservation; they are not allowed to vote, and they are treated exactly as in old times, so that the Indians are worse off than before. That ought not to be. These Indians lease their land and go off and live in a tent, putting their children into boarding schools, and live themselves like savages. Such Indians should be thrown into deep water and left to swim. I wish the moneys that the Indians got from the sales of land could be lost this year, every penny, and let them work or starve, those who have able bodies. This pampering of Indians is an error. I am more and more con-

# EXHIBIT K

SENECAS AND OTHER INDIANS OF THE FIVE NATIONS  
OF NEW YORK.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

REPORTS OF THE INTERIOR DEPARTMENT AND THE DEPARTMENT  
OF JUSTICE ON A BILL (H. R. 18735) TO SETTLE THE AFFAIRS OF  
THE SENECAS AND OTHER INDIANS OF THE FIVE NATIONS IN  
THE STATE OF NEW YORK.

FEBRUARY 12, 1915.—Ordered to be printed as a House document.

DEPARTMENT OF THE INTERIOR,  
Washington, September 24, 1914.

MY DEAR MR. STEPHENS: I have the honor to acknowledge receipt of your letter of September 16, 1914, transmitting a copy of H. R. 18735, providing for an allotment in severalty of the Indian lands in the State of New York. I note that you have also forwarded a copy of the bill to the Department of Justice.

As the wording of the bill will disclose, the situation respecting the Indian lands in New York is somewhat peculiar. Accordingly I have taken the matter up with the Attorney General in order to obtain his views with reference thereto, and at a later date I shall be pleased to furnish you with further report for the information of your committee.

Cordially, yours,

A. A. JONES,  
First Assistant Secretary.

Hon. JOHN H. STEPHENS,  
Chairman Committee on Indian Affairs,  
House of Representatives.

## 2. SENECA AND OTHER INDIANS, FIVE NATIONS OF NEW YORK.

A BILL Authorizing the allotment in severalty of Indian lands in New York State, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Attorney General be, and he hereby is, authorized and directed to institute such suit or suits as may be necessary in the Federal courts of the United States to test the validity and extent of the claim of the so-called Ogden Land Company in and to the lands embraced within any of the Indian reservations in the State of New York.

Sec. 2. That the Seneca Nation, being a corporate body under the laws of the State of New York, by appropriate resolution, agreed to by a majority of the members of the corporate body, on which resolution all the adult members, both male and female, of the Seneca Nation shall have the right to vote, may consent to a division of their lands in severalty and may authorize the president of the Seneca Nation to execute tribal or corporate deeds for particular tracts of land to individual members of the tribe, as hereinafter provided; said deeds to be signed by the president of said Seneca Nation, attested to under the seal of the corporate body by the secretary of said nation, and approved by the Secretary of the Interior.

Sec. 3. That the Secretary of the Interior be, and he hereby is, authorized to appoint a commission consisting of three members, one of whom shall represent the Interior Department, one the Seneca Nation of Indians, and the third to represent the State of New York, to be designated by the governor of said State, subject to approval by the Secretary of the Interior. The commission so appointed shall constitute a board for the purpose of appraising, dividing, and allotting in severalty the surface of the lands of the Seneca Indians in New York, which division or allotment shall be based on an average value of the allottable lands, to be ascertained by dividing the total number of members of the tribe entitled to allotment into the total value of the surface of the tribal lands of the Seneca Nation subject to allotment, as hereinafter provided. The improvements on any of said allottable lands placed thereon by individual members of said nation entitled to allotment, or otherwise owned by them, shall not be included in any appraisalment authorized hereby, nor shall the oil, gas, limestone, or similar deposits of a metalliferous or nonmetalliferous nature be included in said appraisalment, such deposits being hereby reserved for the benefit of the tribe at large and subject to lease for their benefit, as now provided by law. Any and all lands heretofore occupied by or used in connection with any school, church, missionary, religious, cemetery, administrative, or other tribal or governmental purposes shall not be appraised, but all of such lands are hereby specifically reserved from allotment hereunder. Such additional land as in the judgment of the commission may reasonably be needed for future use for school, church, missionary, religious, cemetery, administrative, or other tribal or governmental purposes shall not be included in the appraisalment provided for herein, and the Secretary of the Interior is hereby authorized to withhold such land from allotment or other disposition. The lands included in the villages of Vandalla, Carrollton, Great Valley, Salamanca, West Salamanca, and Red House, the establishment of which was had under the act of February nineteenth, eighteen hundred and seventy-five (Eighteenth Statutes at Large, page three hundred and thirty), or any other legally constituted village or town, shall not be included in said appraisalment. The members of said commission shall be paid a salary of \$10 per day each while actually and necessarily employed, and in addition thereto shall be allowed their actual necessary traveling expenses, including sleeping-car fare, but exclusive of subsistence. Said commission, by and with the approval of the Secretary of the Interior, and at such compensation as may be fixed by him, may employ such clerks, surveyors, timber cruisers, or other assistants as may be necessary to carry out the provisions of this act.

Sec. 4. That the commission authorized to be created hereby shall prepare, or cause to be prepared, a roll, subject to approval by the Secretary of the Interior, showing the membership of the Seneca Indians in the State of New York entitled to share in the distribution of the tribal or corporate assets, and on completion of the appraisalment and ascertainment of the standard value of an allotment or each member's share thereof, such commission shall proceed to allot in severalty to the individual members of such nation such tract or tracts of land within the Allegany and Cattaraugus Reservations in said State as may be cultivated, improved, occupied, or selected by such individual members, in such areas, however, as not to exceed the standard value of an allotment. Selections for minor children shall be made by their parents, and selections for orphans shall be made by the commission, to be appointed hereunder. No person who is not in being at the time of allotment by the commission shall be given an assignment of land.

Sec. 5. That individual members of the Seneca Tribe desiring to acquire more land than represented by the standard value of an allotment as fixed by said commission

may, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, purchase "allotment rights" from other members of the band desiring to sell. All moneys received from the sale of such rights shall be deposited in some suitable bank or banks to the credit of the party selling such rights and shall be subject to all the rules and regulations governing the handling of individual Indian money. The commission created hereby shall keep a complete record of all such sales and shall procure from the individuals selling such "allotment rights" an acknowledgment in proper form that the sale thereby made is a full and complete extinguishment of the right of the person therein named to share in the lands of the Seneca Nation, except such as may be otherwise reserved under the provisions of this act.

Sec. 6. That the Secretary of the Interior shall cause to be prepared and furnished for use of the commission a form of tribal or corporate deed which, in addition to reciting the claim or preemption right of the so-called Ogden Land Company (should such claim be recognized by the courts), shall further recite the retention in the tribe at large of the oil, gas, limestone, and other deposits of a similar nature as provided in section three hereof. Such deeds shall also recite that the lands thereby allotted shall not be subject to lease, sale, mortgage, alienation, taxation, or any other encumbrance for a period of twenty-five years from the date thereof without the consent of the Secretary of the Interior, as hereinafter provided. After approval of the tribal or corporate deeds as herein provided the individual allottees of the Seneca Band may lease their allotments made hereunder for a term of not exceeding ten years for agricultural or grazing purposes, under such rules and regulations as the Secretary of the Interior may prescribe.

Sec. 7. That during the twenty-five-year trust period the land of any individual allottee, with the consent of such allottee, or his heirs in case of death, may again be appraised and offered for sale under such rules and regulations as the Secretary of the Interior may prescribe. If it should be found by the courts that the Ogden Land Company, so called, has a preference right to purchase the lands of the Indians of the Seneca Nation, such individual allotments as may be offered for sale hereunder shall be so offered as to give the said Ogden Land Company, its successors or assigns, a period of ninety days within which to exercise its preference right to first purchase. Should such right not be exercised by said company, its successors or assigns, during such ninety-day period the right of said company, its successors or assigns, to first purchase shall thereby and thereupon become forfeited, and the lands so offered for sale may be sold to the highest and best bidder.

Sec. 8. That upon approval by the Secretary of the Interior of the tribal or corporate deeds in severalty as herein provided the patentees named therein shall thereby become citizens of the United States and amenable to the laws of the United States and of the State or Territory where such allottees may then reside.

Sec. 9. That all of the lands in any and all of the Indian reservations in the State of New York are hereby declared to be "Indian country" within the meaning of the act of June thirtieth, eighteen hundred and thirty-four (Fourth Statutes at Large, page seven hundred and twenty-nine), and all the laws of the United States prohibiting the introduction of intoxicants into the Indian country are hereby extended over and shall apply to all Indian lands in the State of New York until otherwise provided by Congress.

Sec. 10. That the provisions of this act, as far as applicable, shall extend to any and all of the other Indians and reservations in the State of New York.

Sec. 11. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$75,000 to enable the Attorney General and the Secretary of the Interior to carry out the provisions of this act.

DEPARTMENT OF JUSTICE,  
Washington, D. C., September 28, 1914.

Hon. JOHN H. STEPHENS,  
*Chairman Committee on Indian Affairs,*  
*House of Representatives.*

DEAR SIR: I beg to acknowledge the receipt of your letter of the 16th instant, inclosing a copy of H. R. 18735, entitled "A bill authorizing the allotment in severalty of Indian lands in New York State, and for other purposes." I lack the information necessary



to enable me to make any practical suggestions concerning the New York Indians and their affairs and the practical need of such a measure as this for the amelioration of their condition. Suggestions in these regards will come to you, I presume, from the Secretary of the Interior. Neither am I apprised of the nature of the claim of the Ogden Land Co., which is mentioned in the first section and elsewhere in the bill.

Advising you first that my understanding of the bill and its purposes is derived wholly from the bill itself, I would say that I see no objection to it other than the following:

1. While the bill does not say so expressly, I assume that the Secretary of the Interior, in carrying it out, would be expected to defer the appointment of the commission mentioned in section 3 until after the claim of the Ogden Land Co., whatever it may, had been finally adjudicated. Section 6 provides that the deeds hereafter to be delivered to the allottees by the commission shall recite the existence of that claim if "recognized by the courts." It can not well be the intention to appoint the commission possibly years before the final adjudication can be accomplished, and therefore I take it for granted that the appointment should not take place until after the claim of the Ogden Land Co. had been passed upon by the highest appellate court to which it could go (doubtless the Supreme Court of the United States) in the case contemplated by section 1, unless possibly, the Attorney General, upon being defeated by the company in a lower court, should conclude to abandon the litigation there. It may be that your committee could make the bill more definite here.

2. It has been suggested to me that the provision in section 4 that "no person who is not in being at the time of allotment by the commission shall be given an assignment of land" may cause trouble. The process of allotment may continue through a considerable period of time and new members of the tribe may be born during the period. It would be well, I think, to provide affirmatively that when the roll mentioned in section 4 shall have been prepared by the commission and approved by the Secretary of the Interior, it shall be deemed final and conclusive upon the right to allotment in so far as any children born thereafter may be concerned.

3. Section 5 allows individual members to buy the allotment rights of other members "with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe." This provision, as far as I know, is not found in any allotment act heretofore passed. A mere novelty, however, is no objection. The principal things to be guarded against in all legislation of this sort are improvidence and overreaching. As, in this instance, the transactions contemplated are only permissible with the consent of the Secretary of the Interior and under his rules and regulations, I have no criticism to make upon this part of the bill save that it may involve undue complexities of administration.

4. Section 6 allows conveyance of allotted lands by the allottees after 25 years from the dates of the tribal deeds. Restraints of this sort are attached to allotments upon the theory that the allottees are incapable of managing their own affairs. While it has been customary to name a definite date after which the allottees may convey, I submit that experience has demonstrated the folly of assuming in this manner that the average Indian, incompetent

to-day, will become competent within any period arbitrarily fixed. On the contrary, it is safe to assume that the average adult who is not competent now will never become competent as long as he lives to safeguard his own interests. Consequently these legislative presumptions of competency not only fly in the face of well-known facts, but, it seems to me (and I make the suggestion with much deference), are indulged in with too much regard for the idea of getting rid of the Indian and developing his property and too little regard for protecting and developing the Indian himself. I would advise, therefore, that instead of fixing a definite period, as is done in section 6, the section be amended to declare that none of the lands allotted shall be subject to taxation or to any form of alienation, encumbrance, or lease, while in the ownership of the allottees or their heirs, except in respect of such persons as the Secretary of the Interior, upon special inquiry, shall have adjudged to be competent to manage their own affairs.

In line with this suggestion it seems to me that the 10-year period of lease authorized in the last sentence of section 6 is probably too long.

5. The use of the expression "trust period" in section 7 may be objectionable from a technical standpoint. If the tribe owns the fee there is, properly speaking, no trust affecting the allottees' title under the tribal deeds other than the general power of guardianship residing in the Government. I assume that the tribe does own the fee; but if the fee be in the United States, then I would suggest the propriety of some provision whereby that title may be conveyed when the time comes for the removal of all restrictions.

6. Section 8 provides that upon approval of the tribal deeds the patentees named therein shall become citizens of the United States and amendable to the laws of the United States and of the State or Territory where they may then reside. Provisions like this, particularly the declaration subjecting the individual to the laws of the State, are constantly being revoked in the courts as an obstacle to the power of the Government to protect the incompetent Indian by legislation or by litigation instituted in his behalf. Out of abundant caution, therefore, I would suggest the insertion at the end of section 8 of the following proviso: "*Provided, That the protective powers of the Government of the United States in respect of the said Indians and their property shall not be affected thereby.*"

A declaration of this sort, though not, in my opinion, necessary, may serve to forestall much useless litigation and controversy.

For the Attorney General.

Respectfully,

ERNEST KNAEBEL,  
*Assistant Attorney General.*

Mr. Olancy, from the Committee on Indian Affairs, submitted the following report (to accompany H. R. 18735):

"The Subcommittee on Indian Affairs, to whom was referred the bill (H. R. 18735) authorizing the allotment in severalty of Indian lands in New York State, and for other purposes, having considered the same, report thereon with a recommendation that the bill be amended as proposed by the Department of Justice and the Department of the Interior and be given further consideration by the whole committee.

6 SENECA AND OTHER INDIANS, FIVE NATIONS OF NEW YORK.

"The legislation proposed in this bill is of such vast importance to the Indians of New York State, which has an Indian population greater than any other State east of the Mississippi River, that it should receive the very careful attention, not only of the entire committee but of Congress, and in order that this subject may be thoroughly understood by those interested attention is called to the very complete report of the Office of Indian Affairs, Department of the Interior, as to the whole New York State Indian situation, which follows:

"J. R. CLANCY.  
"DENVER S. CHURCH.  
"O. M. HAMILTON."

The Lake Mohonk conference on the Indian and other dependent peoples have had for some years a committee on New York State Indians, which at their conference on October 14, 15, 16, 1914, reported as follows:

"Your committee rejoices that in the further advancement of this work a bill was introduced into the House of Representatives on September 10, by Mr. Clancy, of New York, known as bill No. 18735, granting authority to the Attorney General of the United States to institute the necessary suit or suits in the case, providing for the appointment of a commission to appraise the Indian lands and to divide and allot them in severalty, and making the Indians thereafter citizens of the United States and subject to the laws of the State of New York. Your committee recommends that the conference express its approval of the action of the board of Indian commissioners and of the general plan of the House of Representatives bill referred to and that the committee of the conference on the New York Indians be discharged.

"For the committee.

"JAMES WOOD, Chairman.  
"JOHN J. FITZGERALD.  
"CHARLES E. LITTLEFIELD.  
"REGIS H. POST.  
"DANIEL SMILEY."

The report presented by Mr. Wood was accepted by the conference, and the committee on New York Indians discharged with thanks for its services.

DEPARTMENT OF THE INTERIOR,  
Washington, January 22, 1916.

Hon. JOHN H. STEPHENS,  
Chairman Committee on Indian Affairs,  
House of Representatives.

MY DEAR MR. STEPHENS: Reference is again made to your letter of September 16, 1914, transmitting a copy of H. R. 18735, providing for an allotment in severalty of the Indian lands in the State of New York.

Section 1 is designed to confer authority on the Attorney General to institute proceedings to test the validity and extent of the claim of the so-called Ogden Land Co. in and to the lands embraced within any of the Indian reservations in the State of New York, while the remainder of the bill contemplates an allotment in severalty of these lands as they now stand by making the tracts of individual allottees still subject to the claim of the company, if any such exists.

It is not deemed necessary here to go into an extensive résumé of the history of the claim of the so-called Ogden Land Co., as this matter has previously been before the Congress in various forms. (See Senate Executive Document No. 52, Fifty-third Congress, third session, and Senate Executive Document No. 154, Fifty-fourth Congress, second session; also hearings on House bill 1270, Fifty-seventh Congress, and House bill 7262, Fifty-eighth Congress.)

✓ other records.

# EXHIBIT L

DEPARTMENT OF JUSTICE

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R E P O R T

-of-

NEW YORK (STATE) INDIAN COMMISSION  
"

-by-

D. A. EVERETT, CHAIRMAN

Transmitted to, and Rejected by

The New York State Assembly

March 17, 1922

-with-

MEMORANDUM OF C. C. DANIELS

Special Assistant to

The Attorney General

November 21, 1934.

DEPARTMENT OF JUSTICE

"THE EVERETT REPORT"

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DEPARTMENT OF JUSTICE  
Room 409 - Bar Building  
36 West 44th Street  
New York City

November 21st, 1934

NEW YORK INDIANS

MEMORANDUM OF C. C. DANIELS  
Special Assistant to the  
Attorney General

RELATING TO

"THE EVERETT REPORT"

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## DEPARTMENT OF JUSTICE

"The Everett Report" on the New York Indians is herewith transmitted to the Department of Justice, and has for the first time since its dramatic rejection by the New York State Legislature, been made available for official files, by reason of the courtesy and cooperation of Mrs. L. C. Stillman, Clerk and Stenographer to the Committee, who possesses, perhaps, the only copy in existence.

A series of State and Federal decisions, and notably Judge Kay's opinion (U. S. vs. Boylan) made New York officials conscious of the possibility that their administration to and the exploitation of, the New York Indians might be without legal justification and an intrusion upon an exclusive right and obligation of the Federal Government.

The New York State Indian Commission, created May 12th, 1919, by Chapter 590, of the Laws of 1919, for the purpose of solving the "New York Indian Problem", held its organization meeting during July, 1919, and elected E. A. Everett, chairman, and A. C. Parker, secretary.

A meeting was held in New York City which resulted in a general discussion of what should be done by the Commission.

On July 27th, 1920, a joint session of the State and National Indian Commissions was held at

## DEPARTMENT OF JUSTICE

Saratoga, New York. Along with other things, it was argued that the proper method to settle the "Indian Problem" was to have the Supreme Court pass on the matter in a direct action, and upon having the question adjudicated, then and in the event the Federal Government had exclusive jurisdiction of the Indians, to legislate control of New York Indian affairs to the State of New York.

Whether or not growing out of this suggestion, Congressman Snyder of New York, sought to carry into effect the simple solution of "The New York Indian Problem" by introducing H.R. 3542 in 1921, to confer jurisdiction on the State of New York. Again in 1930 Congressman Snell of New York introduced a similar resolution (H.R. 9720; 71st Congress, 2nd Session). Both the State and Federal governments at these times surely indorsed the bills, but even with such approval, they never became laws. In the latter case, particularly, the bill was defeated by reason of the strong opposition of the Indians themselves.

There can be little question as to whether the Indians are satisfied with the administration of Indian affairs by the State of New York. The minutes taken on the various Indian reservations clearly show that the Indians insist on Federal and not State

## DEPARTMENT OF JUSTICE

supervision, notwithstanding the supposed generosity of the State in dealing with them.

The "Everett Report" is the only report that has come to my attention which has made any particular effort to encourage and secure a free and untrammelled expression of opinion by the Indians themselves.

The Commission visited the various reservations of the New York Indians and the report contains much valuable first hand information.

It was the original purpose of the Commission to return to the various reservations and complete their investigation, but a shortage of funds made this impossible. It is to be assumed that had the commission returned to the various reservations that a great deal more valuable information could have been obtained. In lieu of this, however, the Commission invited Indian representatives to come to Albany for a meeting which was held in February of 1922. An unsuccessful effort was made by the Chairman to have the expenses of these Indian representatives paid by the State.

On April 27th, 1922, the report was tendered to the Presiding officer of the Assembly, in accordance with the Act, as amended, creating the Commission. The report was signed only by the Chair-

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man, who had requested members not agreeing with his "conclusions" to prepare, for submission, individual reports. The report was rejected by the Assembly, and the most obvious reason that suggests itself for such refusal to accept a report which the State had spent over \$10,000 in preparing, is that it was not a justification of New York's supervision of Indian affairs.

Chairman Everett's conclusions questions the right of either the State or Federal government to regulate the Indians in New York without their consent, and impliedly holds all State dealings with the Indians to be illegal which are not directly sanctioned by the Federal Government.

However much the conclusions of the Chairman may be questioned, there can be little doubt that he was honest and sincere in his effort to get at the very bottom of the New York Indian situation. He was not out to gather facts to prove a given contention, which is too often the purpose of such investigations, but was determined to find out what the status of the New York Indians were in relation to the State and Federal governments.

This report does not present the results of the months of painstaking original research which was carried on, so that a reader of the report is

## DEPARTMENT OF JUSTICE

not given an opportunity to draw a conclusion on the same facts that was within the knowledge of the Chairman and upon which he based his conclusions.

Chairman Everett was by far the most active member of the commission. Some of the members were in conflict with the Chairman towards the end of the investigation, and some took no interest whatever.

April 12, 1920, of the original appropriation of \$3,500 for expenses, an unused balance of \$2,258.91 was reappropriated. May 10, 1920, chapter 634 of the laws of that year provided for an additional appropriation of \$5,000. The unused balance was reappropriated during that year for the use of the Commission. May 4, 1921, chapter 544 of the laws of that year amended the original bill by providing for an extension of time to submit the report and a further appropriation of \$1500.

May 24th, 1923, and after the rejection of the "Everett Report", chapter 690 of the laws of that year was passed, providing for the creation of a commission of five to continue the investigation of the Indian Problem. Chapter 590 of the laws of 1912, creating the first Indian Commission, was repealed and provision was made for the abolition of the previous Indian Commission upon appointment of

## DEPARTMENT OF JUSTICE

the members of the Second Commission by the Governor.

A careful search of the Governor's papers does not show any appointments being made to the second Commission. The unused appropriation for the Commission was reappropriated up to and including 1925. It is to be noted that Chairman Everett was not returned to the Assembly and died shortly afterwards. Whether this fact has any relation to the failure to organize the Second Commission to supersede the previous Commission would be hard to determine.

DEPARTMENT OF JUSTICE

R E P O R T

of

NEW YORK STATE INDIAN COMMISSION

to

INVESTIGATE

THE STATUS OF THE AMERICAN INDIAN

RESIDING IN

the

STATE OF NEW YORK,

TRANSMITTED TO THE LEGISLATURE

March 17, 1922

-----

DEPARTMENT OF JUSTICE

REPORT OF THE NEW YORK STATE INDIAN COMMISSION

March 17, 1932

\* \* \* \* \*

By an Act of the Legislature of 1919, known as the Mac-  
hold bill, and later as Chapter 590 of the Laws of New  
York, a commission was created known as the New York  
State Indian Commission whose duty it was to examine in-  
to the history, the affairs and transactions had by the  
people of the state of New York with the Indian tribes  
resident in the state and to report to the legislature  
the status of the American Indian residing in said state  
of New York. The bill creating the commission provided  
the manner in which the individuals to be named as mem-  
bers should be selected and appropriated the sum of  
thirty-five hundred dollars, or so much as might be  
necessary for the payment of the expenses of said com-  
missioners. The bill provided that no commissioner  
should receive a salary but should receive the actual  
and necessary expenses when working upon the commission  
and that the same should be paid out of the treasury on  
the warrant of the comptroller upon the certificate of  
the chairman of such commission.

By the provisions of the bill, the Attorney-  
General was made a member; the Indians were to have  
one member, the Health Department, the Charities Depart-



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That is one question; but the question with me is the interpretation of the word "disturb them". I may have the legal right to do a thing; but whether I possess the moral right to do it is another matter.

CHAIRMAN EVERETT:

Here is a case that cannot be disposed of by agreement or contract. If you assume the obligation of guardian you cannot, in an indifferent manner, dispose of it to somebody else. The Court does not allow you to pass it on without the consent of the Court. Now, if they acquired Indian property as a colony and merged into the United States without the consent of the Indians, thru the Court (which would be in direct defiance of our court rulings) the regular legislative rule would apply. So that, necessary to the case is the fundamental of what was done then. I succeeded in getting hold of an old book covering Indian treaties and containing an opinion of Judge Marshall's and in it is a good rule for us to follow as it follows the laws which have been established.

A copy of Judge Marshall's opinion is attached and marked as schedule "A"

CHAIRMAN VAUX:

The fundamental of this question is to get back to whether the whole of the State of New York belongs to

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these Indians and if they should have compensation for what they have lost.

CHAIRMAN EVERETT:

My opinion is to go back to the original landing of the white man in this state and continent and adjust this affair as if all the Indians who were here at that time were now here and the white men in the same proportion and determine what is the policy today and what has been the National policy of this Government. We could have taken Louisiana from France but we bought it. We took from Great Britain this territory and could also have taken Canada and the financial result would have been greater than what we took from the Indian.

MAJOR KNOX:

The Constitution of the United States excludes the right of an alien government to exist within the United States.

CHAIRMAN EVERETT:

Yet, the Circuit Court decision states they are aliens who have never given up their right to self government. In the Phillipines we left the people who were there in possession of the territory and in California there still exists fifty miles square of territory with which we have never interfered. Here we established the Indian ourselves in a territory and permitted him to

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held his own courts and originally did not interfere with him and had no authority nor power over him because we were the smaller number and less powerful element and in this we violated the constitution.

DR. HILL:

I heard an Iroquois leader state that the Indians wanted back the property of which they had been robbed by the white man. He said there was no law which should deprive them of this property which was once theirs and the fundamental title would still be theirs if legally recognized.

CHAIRMAN VAUX:

If that is the case, the State of New York and the United States will have exceeding difficulty in unscrambling the eggs. It cannot be done. I look upon this as something outside of the practical question which must be settled by the commission.

DR. HILL:

I agree with the chairman that from a point of humanity, we want to do the very best for the Indians and when we have done the best for the Indian of today, I think we have fully justified the existence of the Commission and exhausted its power.

Here Dr. Earl Bates made some remarks regarding his opinion from personal association among the Indians.

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Referring to remarks by Dr. Hill regarding an Iroquois leader's speech, he said he thought that Dr. Hill heard a man speak who was no representative of the Indians as he felt that the Indians had no disposition to possess the United States nor the State of New York; but simply wanted the land they now lived on as they fear that somebody will grab this up, this little they have left to live on. "I think, said he, they are satisfied with what they now have and only ask an opportunity for their children. You must start with your legal question in order to give them this."

CHAIRMAN EVERETT:

The balancing of the books is not in my mind altho I say they should be balanced and am not worrying what the result will be. As a humane proposition and in justice to the principle advocated by the United States, you cannot fail to say to the Indian you cannot balance the books. You cannot defend the crime because you have taken the money. We entangled them ourselves. My forefathers and yours did this and left it for you and me and we must do it or leave it to our children. The Indians all the time complain that we are waiting for something. We did not hesitate at expense or the sacrifice of human life when humanity issued the call for us to enter the world war, We sent two million

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across the ocean and had two million more ready to go. We spent \$20000000000.00 and loaned several billion to foreign countries who were in need of funds to prosecute this terrible struggle. We must remember that even the Indians have the natural instinct of humanity and joined us in our effort to stop the march of injustice and outrage and contributed proportionately a larger number of fighting men than any nation. They did this when there must have been in their minds the injustice of conquest that had deprived them of their home, country and property. I am firmly of the belief that the spirit of justice awakened by this terrible world war will last until the Indian problem has been settled in justice to the Indians and in such a way that every white man living in the United States can look the Indian in the eye and declare that he is really and truly the brother of the white man. I am not letting any difficulties interfere with the attempt to settle this very serious problem. I cannot blame the Indian for feeling aggrieved at the manner in which he has been treated and I certainly would be entitled to serious blame and criticism should I hesitate or refuse to attempt the solving of this problem. Whether it is a state or national matter, that comes up later. We did control our affairs concerning the sale of liquor, that was an internal problem; but we surrendered to the National government and must stand by its decision.

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this was done in the regular way under the laws enacted to control us. If the facts show the Indian problem to be an internal arrangement, why it does not pertain to the United States for our internal affairs we hold the right to settle ourselves.

CHAIRMAN VAUX:

Have you any practical suggestions?

CHAIRMAN EVERETT:

Yes, I would like you to furnish to this Commission any history, treaty or fact concerning the early treatment and trades with the Indians. I believe the fundamental of this case comes in there. Now, William Penn had regular deeds and satisfactory arrangements with the Indians. There were certain valid arrangements with and agreements between the white and the red men. For sometime, while we were of lesser strength, we considered the Indian in our transactions; but as we grew stronger and introduced liquor, we, so the story goes, got him drunk and dictated terms of the trade and you can hardly call that a fair deal. If the condition of those trades were not legal and just, why we must discover that and adjust it regardless of the instability of the Indian in his present lesser strength.

CHAIRMAN VAUX:

Does that help get a solution of the problem?

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CHAIRMAN EVERETT:

Well, I don't know that my remarks have done anything but create some lines of thought rather than solve the problem. What I feel we need is a history of what we originally did with the Indians. I have an impression that originally we dealt with him as an equal, for we were not strong enough to enforce the conditions that have since prevailed, as for a long period the Indian could have exterminated the white man; so, naturally in self preservation, we looked for fair treatment from the Indian. But, later when we got to a point where because of our superior forces, we felt we didn't have to council with him, we were liable to go beyond the mark of justice.

SENATOR BLACK:

I believe this commission should get together with the proper Federal authorities and find out what conflicting conditions exist, the points of conflict and of harmony and settle these points under the power of either the Federal or State Government. We cannot at this time, admit that we should return the State of New York to the Indians because we bought the land at a low price. I assume that if with these difficulties and conflicts, a decision could be reached by this Board and the Federal Board and the Indians, then we could have satisfied the body which created this com-

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mission.

CHAIRMAN EVERETT:

The statute plainly states that we should discover the STATUS of the AMERICAN INDIAN residing in the State of New York. That is the controlling feature of the discussion as to what we should do. We cannot discover the status of the Indian by simply adjusting this matter, disregarding the actual facts.

SENATOR BLACK:

But, we can discover the proper status by finding out the laws and conflicting troubles; but the finding how is pretty hard to determine.

DR. HILL:

Does the statute mean to determine the status in relation to the Federal government or only as regards the Indians of the State of New York?

CHAIRMAN EVERETT:

The duty of this Commission is not measured by what the United States has attempted to do and we are not restricted to either the State or United States action. The question is - has the action of the State or the United States been legal and just and in my judgment that is a part of the question for this Commission to determine because an alleged act should not be held to have changed the status of the Indians.

SENATOR BLACK:



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I think we have done our duty when we discover the status of the Indians of New York and who has authority over them.

DR. HILL:

I beg your pardon but the statute goes beyond that, not only to determine the status but to confer with the Committee of Congress in order that we make the status fit to the State requirement in dealing with the Indians.

HON. SMILEY:

If the question is what is the present status with relation to the National Government and the State of New York, I should say it is like Mohammed's coffin suspended between heaven and earth and touches neither.

DR. HILL:

But, we are to confer with Congress in order to know how to cut the rope and land the coffin permanently.

CHAIRMAN EVERETT:

I have no disposition to rebury the dead, but here is a bill in which the Indians ask for \$60000.00 which they claim in payment of obligations created by the State of New York. We have a case where some several thousand dollars is due an Indian tribe and which has been suspended for no reason. Can we get together and

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HON. A. C. PARKER (addressing Indians):

Mr. Chairman, my letter to you advising of the coming of the Commission was based on the history of the Commission, at the time of its inception and the purpose as outlined by the Commissioner of Indian Affairs in his brief report of 1919 and I will read it to you (read from report). In making some reference to that,- in my letter to the chiefs,- I requested them to prepare their opinion so far as it affected their tribal independence or sovereignty, which raises the question as to whether that caused their relations to be with the United States or with the State of New York. If they believe themselves to be wards of the Nation or of the State or whether they deny both and assert independence, that is only one feature of the question, the legal feature of which has been stated by the chairman.

CHIEF THOMAS:

Mr. Parker insists on explaining to us and it seems we are familiar with the statements he just made. I think it is more like the letter he sent the various members of the tribe and in that particular we have an answer for that which I will read to you.

"It is the will of God and the people, we the  
Chiefs of the Onondaga Nation of New York State

DEPARTMENT OF JUSTICE

and do hereby agree that the Federal Government of Washington, D. C. be the guardian of the Indians of the State of New York and to see that the treaties of 1795 between the Five Nations of New York State be lived up to by the said government. We firmly believe that the State of New York has no jurisdiction over the Five Nations of New York State.

Signed by the Chiefs of the Onondagas"

However, the signatures of the above were not affixed nor was it submitted as an exhibit to this report.

MR. JOSEPH ROBINSON:

May I ask a question? Was it thru the request of the Federal Government this Commission was appointed or thru the State of New York that it was appointed?

CHAIRMAN EVERETT:

As I explained when this decision was made that the Indians were wards of the United States, the State Comptroller raised the question of his right to pay money for the Indians if the obligation was the United States's obligation. The law of the State only allows the Comptroller to pay money on state matters and the payment of money not pertaining to an obligation of the state is illegal. No, the United States government had nothing to do with it. The Commission was organized and appointed by the State of New York to determine whether that decision was correct and proper, namely;- if the Indians were wards of the United States, all matters

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would have to be turned over to the United States government and any obligation would have to be taken care of by the United States government.

MR. JARVIS PIERCE:

May I ask about the treaty of 1788, between the State and the Onondagas? Have you examined that to satisfy yourselves that that treaty is void?

CHAIRMAN EVERETT:

No sir, I have not.

MR. PIERCE:

I hold that the state has no jurisdiction and therefore all the lands will have to be thrown up and you will have to clear the city of Syracuse as you said you would redeem all lands taken wrongfully. Shall we call for a new treaty or go to the United States and say the State has taken our land wrongfully? You would be powerless, wouldn't you?

DR. EARL BATES:

I have that treaty of which Mr. Pierce speaks, between the State and the Onondagas, showing the basis on which the Onondagas sold their interest except the 100 miles square and kept the sixty-one acres they have. That is the original sale covering most of the state. There is the treaty

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of September 12, 1783, by which they ceded all their interest in the land in the State, except the one hundred square miles.

MR. PIERCE:

The Attorney-General made motion, I was right about this land question. I suggest that my chiefs bring an action to test the legality of the treaty but as long as you are satisfied you have no claim upon it why all right. I think you are right here to place the question up to the Federal Government.

DR. BATES:

There was one question raised,- At the time the State of New York made this treaty in 1783, she was merging from the colonies but the Federal government did not come into existence until the year after. I think that clears the matter.

CHAIRMAN EVERETT:

I suggest that we learn what occurred when the Colony of New York merged into what is known as the United States of America. I want to suggest this,- that as a Commission, we are not asking you to do anything that is an original idea with ourselves. We are trying to find out what has been done and if you are a ward of somebody, you must have a guardian. Is it the United States or New York?

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DR. BATES:

I think it is about \$700. I might say in view of the conditions relative to health on the Onondaga reservation, it seems best we should have a resident nurse, a competent physician who might come in when the nurse thought it desirable. You see many of the physicians maintain they are called in unnecessarily.

MR. PIERCE:

I think we have departed from the meaning of the question. We have gotten to the ifs and ands. The State has no jurisdiction, whatever, as I understand and they came here for the purpose of solving the problem what the Indians can show and I make a motion that for the present we go away and find a conclusion to give a reasonable answer. When we come together again, I am willing to help all we can. If the United States has the jurisdiction, we want it to be there. The Commission wants to solve the problem. We want evidence that the statement is correct. We have no records, but Mr. Everett knew that, except the traditions told me when a young fellow.

DR. HILL:

We believe that the Commission is in a position to acquire information on these points

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to which you have referred. But if in the meantime the people are dying upon the reservation because of failure on the part of a public official to perform services for which he is paid, we want to know for it affects the present condition.

DR. PARKER:

There will be a meeting tomorrow affecting the Onaidas and we invite their voice expressing their desires and what information they can give. This will be as near 10 o'clock as possible.

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A great deal of money has been spent to establish other nations as Cuba and the Philippines, for self-government. We don't want it until we get fair treatment and by working in harmony with the human race. Speaking about putting Indians on equal basis, I surmise we should become citizens. But, as far as putting Indians on the same footing, that is impossible, God Almighty failed and so we must go on just as best we can. Here is the black race and the red and white and they always fight and will fight. I cannot say anymore than you have heard. But, we do believe in our hearts we are under the protection of the Federal Government. Now, Mr. Johnson knows more about our transactions and will state it to you.

MR. JOE JOHNSON:

I am glad to have the privilege again today after stealing a few minutes from the Onondagas yesterday. I am losing about eight dollars a day while you fellows are here. You said you aren't paid for being here and I am losing too. Now, I am glad and hope that the Commission which has been appointed by the State is somewhat different than any other appointed. In the past the Commissions sent would make a flying trip, stop on the outside of the reservation and ask some Irishman about the In-



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dians and then report on what the Irishman said. We have been held to a certain degree as a nuisance in the State. We know that statements made here have been misrepresented. In the first place, I would like to call your attention to the loyalty of an Indian. Of course, you fellows have heard considerable about them, but must live among them to know his nature. We have been condemned by the officials of the State, they say the Indians are dying because they don't know how to take care of themselves, that there ought to be State troopers there to prolong their lives. I don't believe it. The loyalty of the Indian was shown when the Indian sided with the white man, with the United States. In the last war when the country called for volunteers, how many of your good American citizens go forward and enlist? Very few. The only way was draft them, which is like catching a fish, did you do that with the Indians? We were not subject to any draft but volunteered. We wanted to help the government in which we lived. We were not citizens by any means and when it came to buying bonds, we went to the full extent of our pocket books. The first time the Indian showed his loyalty to George Washington, what did he do? He wrote in black and white that

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the Indians had the right forever, as long as the streams run to hunt and fish. He didn't say, regarding the cloth, you distribute this in installment plan, two and a half yards now and one and a half six months from now, as we get it. When I was a kid, thirty to thirty-five yards was the length for every individual. A few weeks ago, we got about two and a half yards, what we should have gotten last fall and which is supposed to come in a lump. Not only that but all these things. I say how has the Government appreciated the loyalty of the American Indians? All we ask is that the government that has control of Indian affairs, settle up the difficulties between the Indian and the white man by paying up the old indebtedness. Give us what is coming and what is right and we are willing to be satisfied. That is where our turning point comes. I don't believe there is any need of changing treaties since 1784 of any description until these things are settled up. Give us what is coming to us, that is all we ask. It was customary in all business transactions between the white man and the Indian that the father of the Indian God, something greater than man, it was their custom to have all agreements read "With the will of God and the people". I believe

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that by the aid of the Commission we can accomplish more and more I found that somewhere we had about thirteen treaties. If the story written by a white man is true, we find that this land had been leased by the Indians to the government of the State at the time of the removal of these tribes from the Stockbridge village and I am unable to find whether that lease has expired or the government has ever settled for it. We claim that the Onondas had more troubles than the others. The chiefs were pulling on all different ropes, they got to quarreling that is how our lands were ridden of. You will find in history that the land was sold for three dollars a thousand. Another spot they got one hundred dollars three hundred acres of land. It might have been like some of your land, but even that we consider quite valuable sometimes.

The following resolution was read-- Onondaga-

"We the Onondagas of the Six Nations of New York do hereby agree that the Federal Government of Washington, D. C. to deal with the Indians of the State of New York and see that the treaties of 1795 between the Six Nations of New York State be lived up to by the Federal government. We firmly believe the State of New York has no jurisdiction over the Indians of the State of New York."

Chairman Everett inquired if the above resolution was signed by the Chiefs of the Onondaga tribe, say-

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ing.- "It is not right to accept a record claiming to express the sentiments of the tribe, as it should be decided and signed by the right and proper chiefs to give it official standing." This resolution was not formally signed and is therefore not attached as an exhibit.

CHAIRMAN EVERETT:

For the purpose of getting the substance of our conference at the table on record and for the purpose of again calling your attention to the real object of this Commission and in order you may not want "to sail away" from the real hope and intention of the Commission and relative to the resolution read from the floor; the question as to what you find it is, is not of material interest to this Commission. Let me say here, we are not here to decide in this report any condition that exists between the State of New York or the United States and any of the Indian tribes. That is not our mission. We are simply here to discover and put on the record in orderly and regular form the status of the Indians of the State of New York. Our mission is not relative to any of the Indian tribes except those living in the state of New York. We are to find out if two tribes live on one reservation that is important. We want the history of the Indians of

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of America, that you treated and put down the lines where you would own and that should be owned by you, at the conclusion of our contention, having done that, I maintain that you are the owners of all the territory that was ceded to you at the close of the Revolutionary war and unless you disposed of that property by an instrument as legal and binding and necessary as the conditions of that treaty was to place the property in your possession, you are still the owners of it.

The funds of my Commission and the language of the Bill continuing the Commission make it impossible for me to establish the territory that was set apart to the Indians of this State under the treaty of 1784. The matter of determining the boundry lines is something that must be taken up at a later date, either by the State of New York or the United States or both in connection with the Indians of this State who are interested in the problem.

I have attempted in an honest, fair, candid, open way to solve this question. I have neither turned to the right nor to the left for any personal influences nor on account of any influences that would be of benefit to the State of New York or the United States or to the Indian.

I have arrived at a conclusion which I be-

AFFIDAVIT

Washington,  
District of Columbia

Robert T. Coulter, being first duly sworn, deposes and says:

That he is an attorney admitted to practice in the state of New York;

That his address is Route 8, Box 155, Annapolis, Maryland;

That the attached document is a copy of a document located on the shelves of the library of the Department of the Interior;

That the attached copy is true in every respect, including the reproduction of the front cover and the spine of the cover, made under his personal supervision by means of a Xerox copier;

That the original from which this copy was made, is a carbon copy made on stationery bearing the federal or "eagle" watermark, and having on each page the words "DEPARTMENT OF JUSTICE" printed in blue ink;

That the original contains pages i through ix, and pages 1 through 477, including the affidavit of Mrs. Lula G. Stillman which is not signed; *except there was no page 162; E. G.*

That the document from which this copy was made appears to be in all respects what it purports to be, namely the REPORT of NEW YORK INDIAN COMMISSION by E.A. EVERETT, CHAIRMAN along with related documents;

That he has read the foregoing and knows that facts therein to be true and correct.

Sworn to and subscribed before me this 7<sup>th</sup> day of December, 1972.

My commission expires Jan. 14, 1975.