UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS

DAVID V. DILLENBURG
AND THOMAS G. SLADEK,

Appellants,

v.

vi.

APPENDIX TO APPELLANTS’
OPENING BRIEF

MIDWEST REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,

Appellee.

Docket Nos. IBIA 15-005
15-006
15-007
15-008
APPENDIX TO BRIEF:

1. TREATY WITH THE ONEIDA, FEBRUARY 3, 1838
2. 1887 ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS
4. 1891 ANNUAL REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS
5. 1903 ANNUAL REPORT OF THE DEPARTMENT OF THE INTERIOR
6. 1904 ANNUAL REPORT OF THE DEPARTMENT OF THE INTERIOR
7. INCORPORATION OF THE VILLAGE OF HOBART, MARCH 13, 1908
8. Henry Doxtator Letter to Congressman Thomas F. Konop, April 30, 1911
9. C.F. Hauke’s Letter to Congressman Thomas F. Konop, May 6, 1911
10. 1912 Annual Report of the Department of the Interior
11. Warranty Deed, October 2, 1924, United States of America to Murphy Land and Investment Company
12. Warranty Deed, October 31, 1924, Murphy Land and Investment Company to Catholic Diocese of Green Bay
13. House Congressional Record, p. 5877, March 3, 1927
14. Report of Commissioner of Indian Affairs, June 30, 1929
15. C.J. Rhoads Letter to Oscar Archiquette, November 13, 1931
16. C.J. Rhoads Letter to Chauncey Doxtator, November 19, 1931
17. De Pere Journal Article, January 8, 1931
18. Some Observations on the Results of the Allotment System Among the Oneidas of Wisconsin," dated January 24, 1933
20. Letter to Commissioner of Indian Affairs, October 26, 1933
21. Memorandum for Mr. Margold, January 16, 1934
22. January 31, 1934 correspondence of Mr. Watkins
23. Memo dated February 26, 1934 from Commissioner Collier to Secretary Ickes

24. March 13, 1934 correspondence from Secretary Ickes to Mr. Watkins

25. Memorandum for Mr. Daiker, August 17, 1934


27. Commissioner of Indian Affairs List of Indian Tribes Under the I.R.A., 1937


29. State of Wisconsin Articles of Incorporation of Oneida Indians Incorporated, September 24, 1934


31. Ralph Fredenberg Letter to Commission of Indian Affairs, November 12, 1934

32. Ralph Fredenberg Letter to Commission of Indian Affairs, February 8, 1935

33. President of Oneida Nation State Corporation Letter to John Collier, September 17, 1935

34. Corporate Charter of the Oneida Tribe of Indians of Wisconsin, Approved April 14, 1937

35. Affidavit of M. Sharon Blackwell, June 14, 2001

36. Federal Enabling Act for the State of Wisconsin, August 6, 1846
TREATY WITH THE ONEIDA, 1838.

part of the Indians, based on such remainder, it is hereby agreed, that every such section, fractional section, or other unsold remainder, shall, at the expiration of five years from the ratification of this treaty, be sold for such sum as it will command, Provided, That no such sale shall be made for less than seventy-five cents per acre.

ARTICLE 3rd. This treaty shall be binding from the date of its constitutional ratification; but its validity shall not be affected by any modification, or non-concurrence of the President and Senate, in the third and fourth articles thereof.

In testimony whereof, the undersigned, Superintendent of Indian Affairs and commissioner on the part of the United States, and the chiefs and delegates of said bands, have hereunto set their hands, and affixed their seals, at the city of Sagana on this twenty-third day of January, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States, the sixty-second year.

Henry R. Schoolcraft, commissioner.

Ogema Keegido, Saw-wur-bon,
Ko-buss-kooan, Shoo-ee-hoote-see,

Signed and executed in presence of—
Jeremiah Riggs, overseer farmers I. D.
E. S. Williams,
Sam'l G. Watson,
Wm. E. Mosesy,
D. E. Corbin,

(To the Indian names are subjoined a mark and seal.)

TREATY WITH THE ONEIDA, 1838.

ART. 1. The First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonees of February 9th, 1831, and the 2d article of the treaty with the same tribe of October 37th, 1832.

ART. 2. From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres, for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

ART. 3. In consideration of the cession contained in the 1st article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3000) dollars, and to the First Christian party of Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of monies expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further
TREATY WITH THE IOWA, 1838.

Agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

Art. 4. In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias John Sundown,) their interpreter, agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

Art. 5. It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

Art. 6. This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

In witness whereof, the said Carey A. Harris and the undersigned chiefs and representatives of the said parties of Oneida Indians have hereunto set their hands at the City of Washington, this third day of February 1838.

C. A. Harris.

First Christians:
Henry Powless.
John Denny, alias John Sundown,
Adam Squaw,
Daniel Bread.
Orchard:
Jacob Cornelius.
In presence of—
G. E. Jones, Delegate Wisconsin Territory.
Solomon Davis.
Alfred Iveson.
O. S. Hall.
Jas. P. Maury.
Charles E. Mix.
Charles J. Love.
John Denny, alias John Sundown, Interpreter
(To the Indian names are subjoined marks.)

TREATY WITH THE IOWA, 1838.

Articles of a treaty made at the Great Nemaha sub-agency between
John Dougherty Agent of Indian Affairs on the part of the United
States, being specially authorized, and the chiefs and headmen of the
Ioway tribe of Indians for themselves, and on the part of their tribe.

ARTICLE 1st. The Ioway tribe of Indians cede to the United States,
First. All right or interest in the country between the Missouri
and Mississippi rivers, and the boundary between the Sacs and Foxes,
and Sioux, described in the second article of the treaty made with
these and other tribes, on the 19th of August 1825, to the full extent
to which said claim is recognized in the third article of said treaty, and
all interest or claim by virtue of the provisions of any treaties since
made by the United States with the Sacs and Foxes of the Mississippi.

Second. All claims or interest under the treaties of August 4th 1824,
July 16th 1830, and September 17th 1836, except so much of the last
mentioned treaty as secures to them two hundred sections of land the
erection of five comfortable houses, to enclose and break up for them
two hundred acres of ground to furnish them with a ferry boat, one
hundred cows and calves, five bullocks, one hundred head of stock hoges
and interpreter.

Art. 2d. In consideration of the cession contained in the pre-
ceding article, the United States agrees to the following stipulations
on their part.
Treaty with The Oneida

February 3, 1838

Articles of a treaty made at the City of Washington between Carey A. Harris, thereto specially directed by the President of the United States and the First Christian and Orchard parties of the Oneida Indians residing at Green Bay, by their chiefs and representatives.

Article 1.

THE First Christian and Orchard parties of Indians cede to the United States all their title and interest in the land set apart for them in the 1st article of the treaty with the Menomonees of February 8th, 1831, and the 2d article of the treaty with the same tribe of October 27th, 1832.

Article 2.

From the foregoing cession there shall be reserved to the said Indians to be held as other Indian lands are held a tract of land containing one hundred (100) acres, for each individual, and the lines of which shall be so run as to include all their settlements and improvements in the vicinity of Green Bay.

Article 3.

In consideration of the cession contained in the 1st article of this treaty, the United States agree to pay to the Orchard party of the Oneida Indians three thousand (3000) dollars, and to the First Christian party of Oneida Indians thirty thousand five hundred (30,500) dollars, of which last sum three thousand (3,000) dollars may be expended under the supervision of the Rev. Solomon Davis, in the erection of a church and parsonage house, and the residue apportioned, under the direction of the President among the persons having just claims thereto; it being understood that said aggregate sum of thirty-three thousand five hundred (33,500) dollars is designed to be in reimbursement of monies expended by said Indians and in remuneration of the services of their chiefs and agents in purchasing and securing a title to the land ceded in the 1st article. The United States further agree to cause the tracts reserved in the 2d article to be surveyed as soon as practicable.

Article 4.

In consideration of the sum of five hundred (500) dollars to be paid to him by the chiefs and representatives of the said parties of Oneida Indians, John Denny (alias John Sundown,) their interpreter agrees to relinquish to them all his title and interest in the tract reserved in the 2d article of this treaty.

Article 5.
It is understood and agreed that the expenses of this treaty and of the chiefs and representatives signing it, in coming to and returning from this city, and while here, shall be paid by the United States.

Article 6.

This treaty to be binding upon the contracting parties when the same shall be ratified by the United States.

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C. A. Harris.

First Christians:

- Henry Powles,
- John Denny, alias John Sundown,
- Adam Swamp,
- Daniel Bread.

Orchard:

- Jacob Cornelius.

In presence of -

- Geo. W. Jones, Delegate Wisconsin Territory.
- Solomon Davis.
- Alfred Iverson.
- O. S. Hall.
- Jas. P. Maury.
- Charles E. Mix.
- Charles J. Love.
- John Denny, alias John Sundown, Interpreter.
- (To the Indian names are subjoined marks.)
BOARD OF INDIAN COMMISSIONERS

REPORT

APR 8 1896

WIS. HISTORICAL SOCIETY

Received

73, 196
REPORT OF THE BOARD OF INDIAN COMMISSIONERS

INTRODUCTION OF AGRICULTURE INTO SCHOOLS
The Yangtze River Basin

Reform and Development

Introduction to the Economic and Social Development of the Yangtze River Basin

The Yangtze River Basin is a vast region covering a significant portion of China, with a rich history and diverse cultures. This report aims to provide an overview of the economic and social development of the Yangtze River Basin, focusing on key aspects such as environmental protection, economic growth, and social welfare.

Environmental Protection

The Yangtze River, as China’s longest river, plays a crucial role in the country’s economy and environmental balance. However, over the years, the river has faced significant challenges due to pollution and overfishing. The report highlights the government’s efforts in implementing strict environmental protection measures to restore the river’s ecological balance.

Economic Development

The Yangtze River Basin is home to many of China’s major economic hubs, including Shanghai and Chongqing. The report discusses the region’s economic growth, focusing on sectors such as manufacturing, finance, and tourism, and how these sectors contribute to the overall development of the region.

Social Welfare

The report also delves into the social welfare aspects of the Yangtze River Basin, emphasizing the government’s commitment to improving the living conditions of the region’s inhabitants. This includes initiatives in education, healthcare, and housing.

Conclusion

In conclusion, the Yangtze River Basin is a region of significant economic and social importance to China. The report underscores the need for continued efforts in environmental protection, economic development, and social welfare to ensure sustainable growth and prosperity for the region.

Report of the Yangtze River Commission
and ensuring a comprehensive approach to the preparation and presentation of

In the current era, the demand for qualified professionals has increased significantly, and the education system needs to adapt to meet these needs. There is a growing emphasis on the integration of technology and digital literacy in the curriculum, which requires educators to update their teaching methods and incorporate new tools and techniques.

Moreover, there is a need to foster critical thinking and problem-solving skills among students, preparing them for the challenges of the future workforce. This can be achieved through projects, case studies, and collaborative learning activities that encourage students to think creatively and apply their knowledge in practical situations.

Furthermore, the education system needs to be more inclusive, acknowledging the diverse needs and backgrounds of students. This can be achieved through differentiated instruction, providing support for students who may require additional assistance and recognizing the contributions of all students, regardless of their background.

In conclusion, the education system must evolve to meet the demands of the future, focusing on the development of skills and competencies that will enable students to thrive in a rapidly changing world. This requires a collaborative effort between educators, policymakers, and society at large, working together to create a supportive and dynamic learning environment.
support to the schools to improve the learning outcomes of its students. The education of the students should be prioritized as the most important aspect of school education. The school must be equipped with the necessary resources, infrastructure, and personnel to provide quality education to the students. The teachers must be trained and motivated to provide quality education to the students. The students must be encouraged to participate actively in the learning process. The parents must be involved in the education of their children. The community must support the schools to provide quality education to the students.

The core components of the education system are:

1. Curriculum
2. Pedagogy
3. Assessment
4. Teacher Training
5. School Infrastructure
6. Resources
7. Parental Involvement
8. Community Support

The education system must be designed to meet the needs of the students and the society. The curriculum must be designed to provide a balanced education to the students. The pedagogy must be designed to encourage active learning. The assessment must be designed to evaluate the learning outcomes of the students. The teacher training must be designed to provide quality education to the students. The school infrastructure and resources must be designed to provide quality education to the students. The parental involvement and community support must be designed to provide quality education to the students.

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A REPORT OF THE PLANNING COMMITTEE
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Act Feb. 8, 1887, c. 119, § 6, 24Stat. 390, 25
U.S.C.A. § 349, provides that any Indian who adopts the habits of civilized life may become a citizen, and 24 Stat. 388, 25 U.S.C.A. § 331 et seq., declares that every allottee shall be subject to the laws of the state or territory. Held that, where an Indian reservation had been broken up and a large part of it was owned in trust by allottees, such allottees became citizens of the state, and were not subject to prosecution in the federal courts for carrying ardent spirits into the reservation in violation of Act Cong. Jan. 30, 1897, c. 109, 29 Stat. 506, 25 U.S.C.A. § 241; the regulation of the liquor traffic being within the exclusive jurisdiction of the state.

The defendants, who are Oneida Indians, are indicted under the law of 1897 (Act Jan. 30, 1897, c. 109, 29 Stat. 506), for carrying ardent spirits into the Indian Reservation. A demurrer has been interposed to the indictment. The defendants are themselves allottees, to each of whom a tract of land has been allotted, and to whom has been given by the government what is known as a trust patent, whose terms and legal effect are discussed in several of the cases cited in the opinion. It is conceded in argument that a large fraction of the Oneida Reservation is now owned and occupied by white men who have obtained title through the heirs at law of deceased allottees pursuant to an act of Congress. Act May 27, 1902, c. 888, 32 Stat. 245. It further appears by the statutes of the state that the former Oneida Reservation has been organized and divided into two townships—with provisions for local government.


Kittell & Burke, for defendants.

QUARLES, District Judge (after stating the facts as above).

The demurrer questions the jurisdiction of the government in the premises to enforce Act Jan. 30, 1897, c. 109, 29 Stat. 506. This is a serious and important question, which, for many reasons, ought to be speedily and finally settled.

The relation between the United States government and the Indians was settled by a learned and elaborate opinion by Mr. Justice Marshall in Cherokee
Nation v. Georgia, 5 Pet. 1, 8 L.Ed. 25, which opinion has been followed in many later cases. The United States, as in duty bound, assumed guardianship over the United States, as in duty inferior race, and as such has exercised all the functions of guardianship over them. It assumed personal control, and directed tribes to move west of the Mississippi river when their hunting grounds were obstacles in the way of advancing civilization. It corralled them upon reservations. Congress legislated to protect the Indian against the wiles of the white man as well as against his own appetite. Stringent laws were passed prohibiting the introduction of ardent spirits into the Indian country. For many years the tribes were recognized as possessing certain qualified sovereignty and capable of making treaties. But as time progressed experience demonstrated that the tribal relation was an insuperable obstacle to civilization. In 1871 Congress passed an act, now found in the Revised Statutes as section 2079, whereby no Indian nation or tribe as such should thereafter be recognized by treaty or otherwise. But finally the great truth was made manifest to the Indian Bureau that in civilization, as in education or religion, the individual is the unit, and that it is hopeless to undertake to civilize a tribe as such; that public sentiment is as strong a factor among a band of Indians isolated on a reservation as in a white community; that the influence of the tepee was neutralizing the training of the school. Experience showed that a graduate of Carlyle or Hampton who returned to his tribe was compelled to go back to the blanket with all that this implies. Education and culture were not popular, and were treated with ridicule and contempt. The reservation impaired the strength and vigor of the race, but did not weaken its instincts and prejudices. Finally Congress came to the wise conclusion that, if the red men were to be civilized, they must be dealt with like other foreign elements, and assume the duties and responsibilities of citizenship. Whereupon it was provided that any Indian who adopts the habits of civilized life may become a full citizen. Act Feb. 8, 1887, c. 119, Sec. 6, 24 Stat. 390. Thereupon Congress adopted the policy of breaking up reservations and allotting the territory to the individual members of the respective bands or tribes. In the enforcement of this policy Congress declared (24 Stat. 388) that each and every member of the respective bands or tribes to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the state or territory in which they may reside. This statute was construed by the Supreme Court in Re Heff, 197 U. S. 488, 499, 25 Sup.Ct. 506, 508, 49 L.Ed. 848. This case involved the supposed crime of selling liquor to an allottee outside the reservation. The Solicitor General argued that:

"The continuance of the relation as wards relates both to property and personal protection. The personal protection is at least as important, and the time of all others when Indians need this protection is when they are taking their first tentative steps as citizens."

The court held that the government was under no constitutional obligation to perpetually continue the relationship of guardian and ward; that it might at any time abandon its guardianship, and leave the ward to assume and be subject to all the privileges and burdens of one sui juris. At page 505 of 197 U.S., at page 510 of 25 Sup. Ct. (49 L.Ed. 848), the court say:

"The general police power is reserved to the states, subject, however, to the limitation that in its exercise the state may not trespass upon the rights and powers vested in the general government. The regulation of the sale of intoxicating liquors is one of the most common and significant exercises of the police power. And so far as it is an exercise of the police power it is within the domain of state jurisdiction."

At page 508 of 197 U.S., at page 512 of 25 Sup.Ct. (49 L.Ed. 848), the act of 1897 is designated as a mere statute of police regulation. At page 509 of 197 U.S., at page 512 of 25 Sup. Ct. (49 L.Ed. 848), the court further say:
'When the United States grants the privileges of citizenship to an Indian, it gives him the benefit of and requires him to be subject to the laws, both civil and criminal, of the state. It places him outside the reach of police regulations on the part of Congress. That the emancipation from federal control thus created cannot be set aside at the instance of the government without the consent of the individual Indian and the state,' etc.

It is further held that two sovereignties cannot at the same time exercise the police power over a given territory.

The attention of the court was again called to the same subject in Dick v. United States, 208 U.S. 352, 28 Sup.Ct. 402, 52 L.Ed. 520, where the indictment was for introducing liquor into the Indian country. The court say:

'If this case depended alone upon the federal liquor statute forbidding the introduction of intoxicating drinks into the Indian country, we should feel obliged to adjudge that the trial court erred in not directing a verdict for the defendant; for that statute, when enacted, did not intend by the words 'Indian country' to embrace any body of territory in which at the time the Indian title had been extinguished, and over which, and over the inhabitants of which, the jurisdiction of the state for all purposes of government was full and complete.'

The Dick Case was differentiated by the provision in a treaty which stipulated for the continuance of the jurisdiction and laws of the United States over the allotted territory. It would seem, therefore, that both features of the liquor law of 1897 have been considered as inapplicable to Indians who are allottees under the act of 1887. These cases would seem to rule the instant case.

*217 To get a comprehensive view of the legal situation we must read United States v. McBratney, 104 U.S. 621, 26 L.Ed. 869, and Draper v. United States, 164 U.S. 240, 17 Sup.Ct. 107, 41 L.Ed. 419. These cases clearly recognize the exclusive jurisdiction of any state that is admitted upon an equal footing with other states to try and punish its own citizens for offenses committed upon a reservation, in the absence of any modifying clause in statute or treaty. This doctrine as to white citizens was clearly asserted by the Supreme Court of Wisconsin in State v. Doxtater, 47 Wis. 278, 2 N.W. 439, holding that, as there was no reservation of jurisdiction in the Wisconsin enabling act (Act Aug. 6, 1846, c. 89, 9 Stat. 56), the state jurisdiction over all its citizens wherever found is complete. In United States v. Kagama, 118 U.S. 381, 6 Sup.Ct. 1109, 30 L.Ed. 228, the court sustained the federal jurisdiction over an Indian who had committed the crime of murder upon a reservation located within a state pursuant to Act March 3, 1885, c. 341, Sec. 9, 23 Stat. 362. On page 383 of 118 U.S. on page 114 of 6 Sup. Ct. (30 L.Ed. 228), the court say:

'...These Indian tribes are the wards of the United States. They are communities dependent upon the United States. They owe no allegiance to the states, and receive from them no protection.'

This is the basic proposition upon which the decision rests. It is obvious that the later legislation of Congress providing for allotments and consequent citizenship has changed the attitude of the parties. The defendants, being allottees, are citizens of the state of Wisconsin to all intents and purposes, receiving protection from the laws of the state, and being amenable thereto. Here the color line fades out. While conceding that this prosecution cannot rest on the police power, it is, however, strenuously urged that another line of decisions of the Supreme Court give countenance to the present contention of the government. United States v. Rickert, 188 U.S. 437, 23 Sup.Ct. 478, 47 L.Ed. 532, is cited in this connection. The Rickert Case involved the protection of the lands of allottee Indians against the taxing power of the state. The fee title of such lands being in the government, they were held to be an instrumentality of the government to carry out the purposes of Congress, and were therefore beyond the taxing power of the state. It was a case of the
guardian interposing to protect the property of his ward. Jourdan v. Barrett, 4 How. 168, 177, 11 L.Ed. 924, is also relied upon, which merely holds that the federal government has power to punish a trespass on government lands. See, also, United States v. Gardner, 133 Fed. 285, 66 C.C.A. 663. McKay v. Kalyton, 204 U.S. 458, 27 Sup.Ct. 346, 51 L.Ed. 566, emphasizes the supervisory control of the government over these allotted lands, and the court in that case expressly held that it was not in conflict with the doctrine of the Heff Case, supra. Camfield v. United States, 167 U.S. 518, 17 Sup.Ct. 864, 42 L.Ed. 260, merely elaborates the doctrine of the earlier cases, vindicating the power of Congress to pass regulations to control the conservation and management of these lands which the government holds for the benefit of its wards; and that such regulations may even savor of the police power, but the opinion expressly limits its scope and meaning by the clause 'so long as such power is directed solely to its own protection.' The argument of the government ignores a fundamental distinction.

Guardianship is a trust which is dual in its nature, involving two distinct and separable functions. One is the control of the person of the ward, the other the management of his estate. We have seen that it has been settled that the government may at any time terminate this relation of guardianship. It follows, therefore, it may at its pleasure emancipate the Indian from personal control, and still retain the other function of managing and conserving his property. That the emancipation of the Indian from further federal control was the purpose of Congress is so plain from the language employed in the act of 1887 that no argument could make it plainer. The purpose of the government to protect the title of allotted land has been declared with equal distinctness. To control the habits and restrain the passions of a people is the peculiar province of the police power. This jurisdiction has been distinctly renounced by the United States, and is now clearly vested in the states. To say that temperate habits and correct living by the inhabitants will enhance the value of government land, and that, therefore, federal jurisdiction may find in this fact a substantial basis within the territory formerly occupied as a reservation is far-fetched and illogical. It is contended that it is competent for the government to determine what shall constitute a trespass upon its lands. To say that an allottee when entering upon his own land becomes a trespasser thereon if he carries a pint bottle of whisky in his pocket is a confusion of ideas. A trespass upon lands is something so familiar and well-defined that it cannot be distorted to cover the misconduct charged against these defendants.

Furthermore, it is conceded in argument that a large fraction of the territory formerly known as the Oneida Reservation is owned and occupied by white men. It is conceded that the state has complete and exclusive jurisdiction over such white men. If the theory of the government here presented were to be adopted, we should have this anomalous situation: a quarter section occupied by a white man would be under the jurisdiction of the state, while the next quarter section, occupied by an allottee, would fall under the federal jurisdiction. There would be two rules of conduct, which might be entirely different, operating at the same time upon the same township, according to the complexion of the inhabitants. This amounts to a reductio ad absurdum. When understandably read, there is no conflict in the federal decisions. The Indian allottees are citizens of the state of Wisconsin upon an even footing with all other citizens. It is the exclusive prerogative of the state to pass and enforce laws relating to the liquor traffic which is wholly separate and apart from the jurisdiction which the federal government retains to protect and regulate the allotted lands. This jurisdiction of the state extends to all its citizens without regard to color, race, or former condition. Under the legislation of Congress, the allottee has certain vested rights. The state has assumed a vested jurisdiction. In the Heff Case it is distinctly held that these vested rights 'cannot be set aside at the instance of the government without the consent of the individual Indian and the states.'
For these reasons, I feel constrained to hold that the demurrer should be sustained, and that the defendants should be discharged.

D.C.Wis. 1909.
U.S. v. Hall
171 F. 214
SIXTIETH ANNUAL REPORT

OF THE

COMMISSIONER OF INDIAN AFFAIRS

TO THE

SECRETARY OF THE INTERIOR.

1891.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1891.
REPORTS OF AGENTS IN WISCONSIN.

REPORT OF PHYSICIAN, YANKAMA AGENCY.

YANKAMA AGENCY, WASH., August 11, 1891.

Sir: I have the honor to submit this my third annual report relative to the sanitary condition of the Indians belonging to and located in this reservation.

During the past 12 months not a single instance of infectious disease was reported. Several of these deaths occurred in the course of the winter and were not reported until well into the spring. The Indians have been removed from the adjacent country and have taken to the fields, where they have been in perfect health. The Indian school has been well attended by the children.

The school is well attended and the health of the Indians is improving with the season. The children show a marked improvement in the Indian school. The health of the children has been good during the past year.

The health of the children is good during the past year. The school is well attended and the children are making good progress.

Very respectfully,

ALBERT WILLIS M.D.

REPORTS OF AGENTS IN WISCONSIN.

REPORT OF GREEN BAY AGENCY.

GREEN BAY AGENCY, Wis., August 30, 1891.

Sir: I have the honor to present this my second annual report, showing conditions of affairs at this agency.

The agency office is at Keshena, on the east bank of the Wolf River, within the Menominee Reservation. The agency consists of five townships of land, but one section in each township has been claimed as "school land," and the title has been disputed for a number of years. The land is of no value, and the agency has not been able to secure possession of it.

The work of the agency during the past year has been the same as in previous years. The agency has been in charge of Mr. J. B. A. Johnson, who has been most efficient and successful in his work.

Very respectfully,

WILLIAM J. BROWN.
one-fifth of net proceeds is to go into the Treasury to be used for the benefit of the
Menomonee Indians at any time in such manner as shall receive the approval of the
Secretary of the Interior, the four-fifths to form a fund on which the Government
is to pay 5 per cent. annually.

A good sawmill and a roller-service flouring mill, for which power is furnished by
the Wolf River, are found very useful for the Menomonees.

A new hospital building for the Menomonees has also been undertaken, and will
be completed before the beginning of winter. Sunday school improvements in the
enlargement and repair of buildings, construction of bridges, etc., are in progress at the
current time.

The Bureau of Catholic Indian Missions has also erected a new building, nearly
completed, for use as a contract school, larger than that destroyed by fire last January.

The Otecita Reservation, situated between the counties of Brown and Outagamie,
about 5 or 6 miles in a southerly direction from the office, contains a little
less than three hundred, 63,500 acres, affected in severity by Special Agent Loomis,
which allotment was completed a little more than a year ago. The Indians have a
satisfaction of farming land, a small amount of cultivated farms and housing buildings;
but there is a general negligence in the care of lands and also in supplying manures
and fertilizers to the land, without which crops must become poor and fail.

There are six day schools maintained upon this reservation at government
expense; two teachers are whites; the other four are Indians graduates of Indian
schools elsewhere.

The Episcopal Mission church is a large and substantial stone structure with
good parsonage buildings and school adjacent thereto.

The Otecita Episcopal Mission has now partly completed a new church building
of fine proportions and larger extent than the old one. Each of these missions
has an allotment of land from the Government.

Only five new dwelling houses are reported as having been erected by Otecan
during the past year, and only a small amount of new land has been broken, 30 to 75
acres. They support themselves by farming, by picking up and selling dead wood
for fuel and by making charcoal. Many of them leave the reservation a part of the
year to earn wages by the month or with their teams.

The population, as returned for 30th June, at

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>516</td>
<td></td>
<td>516</td>
</tr>
<tr>
<td>Females</td>
<td></td>
<td>284</td>
<td>284</td>
</tr>
<tr>
<td>Total</td>
<td>799</td>
<td>284</td>
<td>1,083</td>
</tr>
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Children of school age:

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
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<tbody>
<tr>
<td>Males</td>
<td>239</td>
<td></td>
<td>239</td>
</tr>
<tr>
<td>Females</td>
<td></td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Total</td>
<td>489</td>
<td></td>
<td>489</td>
</tr>
</tbody>
</table>

Only about 10 per cent of those over 20 years of age are able to read, while 50 per
cent of those under 20 are reported to have learned sufficient English to accomplish
that result.

Farming—Upon the Menomonee Reservation quite a number of fields once cultivated
have been abandoned, the occupants going elsewhere in the hope of doing better.
As reported, 2,618 acres are under cultivation this season, 500 of which is new land.
Within the Stockbridge Reservation 300 acres are reported as under cultivation and
2,300 acres are reported for the Otecan Reservation. Upon each of these reservations
the same crops are grown, viz., oats, wheat, corn, potatoes, beans, and other vegetables,
as shown in accompanying paper.

The following products grown the estimated harvest will be:

<table>
<thead>
<tr>
<th>Crop</th>
<th>Bushels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oats</td>
<td>44,000</td>
</tr>
<tr>
<td>Corn</td>
<td>3,066</td>
</tr>
<tr>
<td>Potatoes</td>
<td>8,000</td>
</tr>
<tr>
<td>Wheat</td>
<td>5,000</td>
</tr>
<tr>
<td>Beans</td>
<td></td>
</tr>
<tr>
<td>Hay</td>
<td>1,000</td>
</tr>
<tr>
<td>Total</td>
<td>58,000</td>
</tr>
</tbody>
</table>

The Otecan Reservation suffered more from dry weather than did the Menomonee,
but all have suffered.
Schools.—A Government boarding school, located about half a mile east of this office, provides for about 300 pupils. A new building 40 by 72 feet, with basement and two stories above, is in process of erection. When completed, about 50 pupils more can be received.

The contract school, located one-fourth mile east of this office, heretofore under control of the Catholic Bishop of Indian Missions, usually provides for 110 pupils. A new building is nearing completion in place of a small one burned last January, by which the number of pupils can be increased to 50 more if required.

One day school upon the Stockbridge Reservation and six day schools upon the Ojibwa Reservation are accomplishing good results in their respective fields, but all labor under the heavy disadvantage of irregular attendance of pupils.

The number of children of school age upon each of these reservations is reported as follows: Menominee, 425; Ojibwa, 31; Stockbridge, 2; Ojibwa, 475. The exact number of children from these reservations who are pupils in the different training or contract schools has not been reported to this office, but these tribes have a goodly representation in several of the Indian training schools abroad.

Indian court.—The court of Indian affairs have the same judges as are used by the State courts, viz., Judge McCullough, Judge Montgomery, and Judge DeLoss. The court renders good service in settling many questions arising among members of the tribe and in suppressing the use of liquor on the reservation. During the fiscal year the sum of $77 was collected from laws adjudged by this court and fees were paid to the State and Federal government. In addition to these, fees were paid to the court clerk and other expenses.

In the United States district court there have been prosecuted for violation of laws relating to the sale of liquor upon the several reservations in this agency 5 cases, of which 4 have been tried and 1 case is still pending. County authorities are very unwilling to take action for punishment of offenses where Indians are offenders; therefore many go unpunished.

Indian police.—A captain with 8 privates constitutes the present police force at this agency, but there are 2 in service on the Menominee Reservation and if of them upon the Menominee Reservation, the more is the better.

Policemen have been found faithful and efficient in all emergencies so far, and the liquor nuisance could not be controlled without the vigor of an energetic police.

The cases of Indians in this jurisdiction are well disposed and desire to advance in material interests pertaining to civilization, but some evidences of the Indian character, and hereditary tendencies are not easily overcome. Many of them will leave any kind of work, without regard to its importance, when the white man makes them to take vacations. Persistence in some recent work is one of the needed requisites.

The most severe of punishments and absolute improvement is the use of liquor, which but few Indians appear able to resist when the commodity is within reach, and the impunity of the depraved whites who supply the deceasing liquids is correspondingly great.

Very respectfully yours,

CHAS. S. KEENEY,
United States Indian Agent.

The Commissioner of Indian Affairs.

REPORT OF LA POINTE AGENCY.

La Pointe Agency,
June 15, 1881.

SIR: I have the honor to submit herewith my third annual report.

In the La Pointe Agency are seven reservations, four in Wisconsin and three in Minnesota. These in Wisconsin are the Lake Court-D'Orléans, Red River, and the 102.585 acres of land to the north of it.

Very respectfully yours,

LA POINTE AGENCY.

CHAS. S. KEENEY,
United States Indian Agent.
<table>
<thead>
<tr>
<th>Date</th>
<th>Amount</th>
<th>Description</th>
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<tr>
<td>1/1/1909</td>
<td>$500</td>
<td>Entrance of goods</td>
</tr>
<tr>
<td>2/1/1909</td>
<td>$750</td>
<td>Exit of goods</td>
</tr>
<tr>
<td>3/1/1909</td>
<td>$600</td>
<td>Entrance of goods</td>
</tr>
<tr>
<td>4/1/1909</td>
<td>$900</td>
<td>Exit of goods</td>
</tr>
</tbody>
</table>

The total amount is $3,750.00

FRANCE

These figures were made by the General Auditor

The Indian appropriation for the fiscal year 1909, is as follows:

- Entrance: $600.00
- Exit: $900.00
- Total: $1,500.00

The report of the Office of Indian Affairs is attached.

REPORT OF INDIAN AFFAIRS
ANNUAL REPORTS

OF THE

DEPARTMENT OF THE INTERIOR

FOR THE

FISCAL YEAR ENDED JUNE 30, 1904.

INDIAN AFFAIRS.
PART I.
REPORT OF THE COMMISSIONER,
AND APPENDIXES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.
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<tr>
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<td>113</td>
</tr>
<tr>
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<td>113</td>
</tr>
<tr>
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In Indian agency service............................................. 634
Miscellaneous positions.............................................. 635
In Indian school service............................................. 635

Addresses—

Members of Board of Indian Commissioners.................. 645
Inspectors..................................................................... 646
Special Indian agents................................................ 648
Superintendent and supervisors of Indian schools........... 648
Secretaries of societies carrying on missions and schools among Indians, Indian agents and school superintendents................................................................. 657

Index ........................................................................ 702
REPORT
of the
COMMISSIONER OF INDIAN AFFAIRS.

Office of Indian Affairs,
Washington, D. C., October 17, 1905.


FINANCE.

Appropriations. The aggregate of appropriations contained in the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ended June 30, 1905, is $80,839,480.75. The aggregate of the appropriations for the same purposes for the fiscal year 1904, as given in the previous report, was $88,521,306.77.

The objects of the appropriations for the two years are shown as follows:

<table>
<thead>
<tr>
<th>Table No. 1.—Appropriations contained in the Indian appropriation act for the fiscal years 1904 and 1905.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current and contingent expenses</td>
</tr>
<tr>
<td>Fulfilling treaties (Indian service)</td>
</tr>
<tr>
<td>Miscellaneous expenditures</td>
</tr>
<tr>
<td>Incidental expenses</td>
</tr>
<tr>
<td>Support of schools</td>
</tr>
<tr>
<td>Miscellaneous</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Excess of 1905 over 1904, $1,352,176.98.

Other appropriations for the Indian service were made by the deficiency and other acts for 1904 and 1905 as follows:

<table>
<thead>
<tr>
<th>Table No. 2.—Appropriations made by deficiency and other acts, 1904 and 1905.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current and contingent expenses</td>
</tr>
<tr>
<td>Fulfilling treaties (Indian service)</td>
</tr>
<tr>
<td>Miscellaneous expenditures</td>
</tr>
<tr>
<td>Incidental expenses</td>
</tr>
<tr>
<td>Support of schools</td>
</tr>
<tr>
<td>Miscellaneous</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>
existing here, some time since two Indians were arrested for pulling ties on the railroad track to wreck a train. The Indians were arrested and the case brought to trial in the superior court of this county. The prisoners were dismissed on the ground that the offense was committed on the reservation and that the court did not have jurisdiction. The Indians charged with the crime were then arrested by the United States marshal and the case brought in the United States court, when it was found there was no United States law or statute covering the crime committed and they were dismissed.

It seems we have over 2,000 Indians who are citizens but are not amenable to the laws of the State in which they reside, because they are on the reservation, and if the superintendent in charge takes upon himself to confine an Indian in the Indian jail he is in danger of being brought against him for depriving a person of liberty without due process of law. Under these conditions the Indian is in danger of his life and a few offenses that are expressly made crimes by the United States Statutes. It is high time for the reservation system to be abolished here.

Every year there are from 40 to 60 white people convicted and sentenced in the United States courts for selling whisky to Indians, and yet there are a great many who are not apprehended.

The Indians are constantly increasing the acreage of improved lands, hay and grain being the principal products raised. In stock there is a great improvement in the quality and size of horses. Crops on the reservation are good and being threshed and saved in fine condition.

As stated in my last report, there are quite a large number of Indians allotted on this reservation who do not reside here, and there are only about 1,400 actually residing on the reservation.

Indian allotted and belonging on this reservation: 2,291
Estimated number of Indians actually residing on reservation: 1,400
Married women: 200
Married men: 400
Children under 18 years of age: 300
Children under 6 years of age: 200

There is a school on the reservation under Government control. Pupils enrolled during the year, 190; average daily attendance, 157; teachers employed, 3.

Statistics of crops raised, etc., will be the subject of a separate communication on the blank furnished by the Office.

Respectfully submitted.

JAY LYNCH, Superintendent, etc.

REPORTS CONCERNING INDIANS IN WISCONSIN.

REPORT OF SUPERINTENDENT IN CHARGE OF GREEN BAY AGENCY.

GREEN BAY INDIAN AGENCY,

Keshena, Wis., August 7, 1904.

Sir: I have the honor to submit herewith the annual report of this agency for the fiscal year ending June 30, 1904.

This agency embraces the Menominee and the Stockbridge and Munsee reservations.

The Indian school and several school buildings are located at Keshena, Wis., on the east bank of the Wolf River, 8 miles distant from Shawano, the nearest railroad and telegraph station.

The Menominee Reservation contains 220,400 acres of land, the greater portion of which is covered with merchantable timber. The soil is sandy, productive, and yields a large produce. The area is divided into 11 sub-reservations, each under the control of a different agent, and the Indians are engaged in various pursuits, including farming, hunting, fishing, and the raising of crops.

The Stockbridge and Munsee Reservation contains 12,290 acres of land, from which the greater part of the timber has been cut. The soil is suitable for agricultural purposes.

Timber resources.—The logging operations in the past have been confined almost exclusively to pine timber, with the result that over 3,000,000 feet of this class of timber has been marketed, aggregating over $1,000,000. In addition to pine there are large tracts of lumber timber, also red oak, basswood, elm, birch, maple, and other hardwoods, which will prove a great source of revenue to the Indians when opened to the market.

The enormous waste of timber through the lumbering and felling methods of logging by the Indians has been remedied by the adoption of the amended logging rules, which have been in operation since the beginning of the year.

Education.—The completion of the Indian Mission School, which has been in operation since the beginning of the year, has increased the number of pupils, and the Menominee Reservation, with a combined capacity of 35 pupils, now has a larger number of children in attendance, due to our

<table>
<thead>
<tr>
<th>Menominees</th>
<th>Stockbridge and Munsee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>1,283</td>
</tr>
<tr>
<td>Males over 15 years of age</td>
<td>454</td>
</tr>
<tr>
<td>Females over 15 years of age</td>
<td>488</td>
</tr>
<tr>
<td>Children between the ages of 16 and 20 years</td>
<td>302</td>
</tr>
<tr>
<td>Total population</td>
<td>621</td>
</tr>
<tr>
<td>Males over 15 years of age</td>
<td>190</td>
</tr>
<tr>
<td>Females over 15 years of age</td>
<td>190</td>
</tr>
<tr>
<td>Children between the ages of 16 and 20 years</td>
<td>160</td>
</tr>
</tbody>
</table>

The progress of the Indians is slow, but steady. They are acquiring the habits of civilization and are steadily becoming more and more independent of the whites. The reservation system is working well, and the Indians are making good progress in every direction.
REPORT OF SCHOOL SUPERINTENDENT IN CHARGE OF ONEIDA

ONEIDA INDIAN SCHOOL
Oneida Ws., August 25, 1891.

Sir: I have the honor to submit my fifth annual report for the Oneida Indian School and Reservation.

The population of the reservation by the June census was as follows:

<table>
<thead>
<tr>
<th>Group</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>1,408</td>
</tr>
<tr>
<td>Females</td>
<td>956</td>
</tr>
<tr>
<td>Marriages</td>
<td>44</td>
</tr>
</tbody>
</table>

An unusual, farming is the main occupation, and 30 families are living on and cultivating farms of from 5 to 50 acres of cleared land, raising hay, corn, and when its improved, hay and grain crops. The soil is more fully appreciated and more students return from the training schools who Improved methods of farming and dairying are taught. These students are of course using some of the money they buy stores and to clear their own lands, which, for the most part, are still in brush. For the best present opportunity seems to be with their parents, improving their own lands as they have time.

The Wisconsin Indians receive an annuity of $1,000,000 from the Six Nations. The fund, which at the present enrollment amounts to 35,000 dollars, is paid to the benefit of the school, and it would seem that the fund from which it arises should be disinterested and the account closed. The "Kansas" has not yet been paid and its final settlement is anxiously awaited by the beneficiaries.

Sincerely yours,

W. J. Phillips,
Superintendent.

REPORT OF SCHOOL SUPERINTENDENT IN CHARGE OF WINNEBAGO

UNITED STATES INDIAN SCHOOL
Winnebago, Wis., August 15, 1891.

Sir: I have the honor to submit below my eleventh annual report of the Winnebago School for the fiscal year ending June 30, 1891, and the fifth annual report of the Winnebago School for the same period.

The school is located on the main line of the Chicago and North-Western Railroad, about midway between Milwaukee and Winnebago. There is a passenger train passing through the village daily. There are also good connections with the villages from 31 to 36 miles from the station.

I had expected to be able to report improvement in the school plant at this writing, but we are still present in the same old building structures, heated by stoves, lighted by kerosene lamps, and the water needed for use carried about in the buildings by pans. The lack of proper conveniences in these respects obviates the need of a considerable extent in that time which should be used for the instruction and instruction of the children. But the difference is broken further by the necessary hardship over the work. However, we expect shortly to commence installing proper waterworks, sewerage, etc., this fall, and also the construction of necessary buildings.

Notwithstanding the poor and inadequate accommodations, the attendance the past year averaged 169. Eight pupils were transferred to Haskell Institute in July and 4 in November.

The department of the school has been good, with no cases of particularly bad behavior, except the common petty misunderstandings which occur at all schools.

The literary work has progressed quite satisfactorily, although the transfer of 18 pupils rather depleted the lower grades.

Music lessons on the piano were given to a number who made good progress. Vocal music did not, however, progress as successfully as it should.
ANNUAL REPORTS

DEPARTMENT OF THE INTERIOR

FISCAL YEAR ENDED JUNE 30, 1903.

INDIAN AFFAIRS.

PART I.

REPORT OF THE COMMISSIONER,

AND

APPENDIXES.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1904.
Improvements.—During the year many improvements to the buildings and grounds have been made, most of which may be seen from the most important. The foundation was completed, and the building was made more secure for the use of the students. The ornamental shrubbery was planted around the school, and the grounds were kept neat and clean.

Needs.—A building suitable for chapel service and entertainment purposes is badly needed, as the present building is too small to accommodate the number of pupils and is not easily accessible at all times. The school needs a more attractive building, and a chapel for the use of the pupils, and more suitable accommodations for the teachers.

The school has been in operation for eight years, and has been most successfully conducted throughout the entire period. The children have been taught to be kind and helpful, and have been most successful in making the school a place of instruction and pleasure for all.

Sincerely,

Henry J. Phillips, Superintendent.

REPORT OF SCHOOL SUPERINTENDENT IN CHARGE OF ONEDIA INDIAN SCHOOL,
Onedia, Wis., August 25, 1907.

Ser: I have the honor to submit my fourth annual report for the Onedia School and Reservation.

The Onedia School and the Onedia Reservation are in the state of Wisconsin, on the Green Bay and Western Railroad, 10 miles west from Green Bay, from which it may be reached by train and steamer in about an hour and a half. The Onedia school is in the town of Onedia, and the Onedia Reservation is in the county of Brown, Wisconsin.

Population of the reservation by the June census was as follows:

<table>
<thead>
<tr>
<th>Sex</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Males</td>
<td>85</td>
</tr>
<tr>
<td>Females</td>
<td>105</td>
</tr>
<tr>
<td>Males over 18</td>
<td>70</td>
</tr>
<tr>
<td>Females over 18</td>
<td>90</td>
</tr>
<tr>
<td>Children from 6 to 18</td>
<td>50</td>
</tr>
</tbody>
</table>

Farming continues to be the principal occupation, but there is room for improvement in the methods and for a large increase in the acreage under cultivation. The town has a number of large grain elevators and a large flour mill, which are in operation.

The school has been in operation for eight years, and has been most successfully conducted throughout the entire period. The children have been taught to be kind and helpful, and have been most successful in making the school a place of instruction and pleasure for all.

Sincerely,

S. W. Campbell, United States Indian Agent.

REPORT OF SCHOOL SUPERINTENDENT IN CHARGE OF WINNEBAGO INDIAN SCHOOL,
Winnebago, Wis., August 10, 1908.

Ser: In compliance with regulations, I have the honor to submit my tenth annual report of the Winnebago Indian School and the fourth annual report in regard to the Winnebago Reservation.

The Winnebago School has been in operation for eight years, and has been most successfully conducted throughout the entire period. The children have been taught to be kind and helpful, and have been most successful in making the school a place of instruction and pleasure for all.

Sincerely,

Joseph C. Hart, Superintendent.
Fort Peck, Mont. — The two brick dormitories at this school have a capacity for 200 pupils each. All the buildings are constructed of logs and covered with roof. The pupils are provided with good rooms and have plenty of space. The school is well filled and doing good work.

Agriculture, Mont. — The location of the Government school at this place is a fine one, and the property is located on the Bismarck River, 4 miles north of the town. It has been recently established.

Neah Bay Agency, Wash. — Neah Bay is a fine school, with 200 pupils, and is situated on the east side of Neah Bay. It is well conducted and doing good work.

Tulalip Agency, Wash. — There is no school on the Tulalip Reservation, but there is a small school at the reservation. The pupils are being taught at the reservation.

Spokane Agency, Wash. — The school at this agency is supported by the Indian Department and is doing good work. It is situated on a beautiful site on the banks of the Spokane River. It is well conducted and doing good work.

Fort Laramie, Wyo. — The school at this place is in a prosperous condition. It has a fine Apple, and the climate is favorable to agricultural pursuits. The school is doing good work.

Cross Agency, Mont. — Three schools are supported by the Government at this agency, and are doing good work.

Tongue River Agency, Mont. — The school at this agency is in a prosperous condition. It has a fine Apple, and the climate is favorable to agricultural pursuits. The school is doing good work.

REPORT OF SUPERVISOR J. FRANKLIN HOUSE.

The fifth district comprises all of North Dakota and all the territory of the Missouri River, except the school at Pipestone, Minn., and the schools in the Dakotas. There are 24 day schools, and 7 mission boarding schools, with a total enrollment of 1,000 pupils.

The attendance, which has been largely of the free will and of the parents, has, I think, been fully equal to what has been done in the Territory of the schools. With one exception, the enrollment has been about the capacity, and in a few instances pupils were refused admission on account of the over-crowding. Though I have not the statistics at hand, I am satisfied that there are 1,000 Indian children of school age in the district who are not attending school. However, in view of the fact that the non-reservation schools are doing as well as any schools from this territory, and as some of the people who are likely to become a part of the State and thereby have access to facilities, I recommend that no additional boarding-school accommodations be provided.

Much attention has been given to the industrial instruction and there has been much improvement in the equipment for this kind of work. There are now excellent farms and are supplied with the necessary farm machinery, domestic animals, and schools, and the boys are taught practical work in agriculture, forestry, and trades. The employees in general have manifested much interest in their work and a desire to make the service better.

REPORT OF JOHN CHARLES, SUPERINTENDENT OF CONSTRUCTION.

Practical education.—I would suggest that practical, rather than ornamental, education, is what is needed. The Indian's primary wants are food, clothing, shelter, and education. The industrial work, as now conducted, is not likely to meet the needs of the boys. There is a great need for the establishment of a school of practical mechanics, where boys can be taught to do practical work.

REPORT OF D. W. MANCHESTER, U. S. SPECIAL INDIAN AGENT.

Rosebud, S. Dak. — A favorable report can be made concerning the schools on this reservation. The Government boarding schools are excellent, and are being well conducted. The teachers seem to be well qualified for their work. The schools are doing good work.

Sequoyah School, Wyandotte, Ind. T. — Scarcely a school anywhere among the Indians can equal this in the excellence of the work done. The instruction is well conducted, and the pupils are doing good work.
ORDINANCE.

Green Bay, Wis., March 13th., 1908.

The Board of Supervisors of the County of Brown, Wisconsin, do ordain and determine as follows:

The town of Hobart in Brown County, Wisconsin, as created by chapter 339, laws of 1903 is hereby vacated.

All that portion of the Oneida Reservation, situated in Brown County, Wisconsin, except such as is located in sections Thirty-Two (32) and Thirty-Three (33), Township Twenty-Five (25) North; Range Nineteen (19) East; is hereby duly created and organized as a separate town to be known and designated as the town of Hobart. Said town of Hobart is hereby created and organized with all the rights, powers and privileges conferred and granted to other towns in the state of Wisconsin, and shall be subject to all the general laws enacted for town government therein.

The first town meeting of said town of Hobart shall be held on the 7th day of April, 1908, in Parish Hall situated on Section 3; Township Twenty-Three (23) North; Range Nineteen (19) East; in said town.

After the 7th. day of April, 1908, town meetings in such town shall be held on the days and at the places provided by law for the holding of town meetings in other towns in the state of Wisconsin.

The notice of said first town meeting shall be given by posting a copy of this ordinance in at least six (6) public places in said new town, at least ten (10) days prior to the time of holding said first town meeting; said notices may be posted by any duly qualified elector residing in said town, who shall make the proper affidavit of posting and file the same on the day of said first town meeting with the inspectors chosen to conduct said first town meeting.

The county clerk shall make a plat and record of said new town, specifying the name and boundary of said town which plat and record
shall be kept in his office.

This ordinance shall take effect and be in force from and after its passage and publication.

Introduced by John P. Schumacher.

[Signature]
Chairman County Board of Supervisors.

[Signature]
County Clerk.

State of Wisconsin
County of Brown

I, Elmer S. Hall, County Clerk of Brown County Wisconsin, hereby certify that the foregoing is an accurate and correct copy of an ordinance adopted and passed by the Brown County Board of Supervisors at a meeting held on the 13th. day of March, A.D. 1908.

Given under my hand and seal this 14th. day of March, A.D. 1908.

[Signature]
County Clerk, Brown County, Wisconsin.
GREEN BAY, WISCONSIN

JAN 8 1909

January 7th., 1909.

Hom. James A. Frear,
Secretary of State,
Madison, Wis.,
Dear Sir:-

Replying to the enclosed letter:

Your files contain two resolutions, sent within the past year, organizing the town of Hobart with the limits of the Oneida Indian Reservation and adding a small part of the Oneida Indian Reservation to the town of Pittsfield.

These resolutions are the only actions ever taken in the organization of town governments in the Oneida Reservation.

For your information I will say that the town officers are all residents of the newly organized town and with one exception they are all Oneida Indians.

Respectfully yours,

[Signature]

County Clerk.
West De Pere, Wis., April 30, 1911

Dear Sir:

I am an Oneida Indian living on the Reservation. I was introduced to you last fall by H. Jansen. I have never applied for neither do I want a patent in fee simple for my land. Am satisfied as it is. I wish you to inform me if my personal property is subject to taxation. Also if an act passed by Congress on Feb. 6th 1897 made Indians on Oneida Reservation citizens compulsory or otherwise I have never used the right of franchise and would like to have you inform me if I am not still a ward of the Government and exempt from personal property taxes. Thanking you in advance for any information that you can give me I remain

Respt

Henry Doxtator

P. S. Indian Rights Association will turn over to you opinion of District Attorney of Brown County Wis

H. Doxtator
Hon. Thomas F. Kornop,

House of Representatives.

Sir:

I have the honor to acknowledge the receipt of your letter of May 3, 1911, transmitting a letter to you dated April 30, 1911, from Henry Doxtater, West De Pere, Wisconsin, regarding his citizenship rights, and asking whether the State had a right to tax his personal property.

The records of this Office show that Henry Doxtater, an Oneida Indian, was allotted on the Oneida Reservation, the schedule of allotments being approved by the Secretary of the Interior September 25, 1891, and trust patents issued to the allottee June 13, 1892.

The patents issued to the allottees were in accordance with the 5th Section of the Act of February 8, 1887 (24 Stat. L., 356), declaring that the United States does and will hold the lands allotted for the period of twenty-five years in trust for the sole use and benefit of the Indian to whom such allotment has been made, or in case of his decease, of his heirs according to the laws of the State or Territory wherein his allotment is located.
The 6th section of the Act of February 8, 1887, supra, provides:

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands or tribes of Indians to whom allotments have been made shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

It appears therefore that Henry Dextator is a citizen of the United States, has the benefit of and is subject to the laws, both civil and criminal, of the State of Wisconsin, and that he is entitled to all the rights, privileges and immunities of any citizen of the United States.

He asks particularly whether the act referred to made citizenship compulsory. The Congress has the sole power
of regulating the Indian tribes, as granted by the Constitution of the United States, and has the right to declare when and in what manner the Indians become citizens of the United States, subject to State laws, and entitled to the same rights and benefits as are accorded to other citizens of the United States. In accordance with the provisions of the General Allotment Act of February 8, 1887, supra, all Indian allottees allotted under that act or any act prior to May 8, 1906, the date of the passage of the Burke Act (34 Stat. L., 182), are citizens of the United States.

In the opinion of the Office, any personal property acquired by Mr. Doxtator as the result of his own efforts and industry, or any property acquired by him from the Government which has passed out of the control and supervision of the Government and over which the Government asserts no jurisdiction, is taxable the same as the property of any other person situated in the State of Wisconsin.

Mr. Doxtator's letter to you is returned as requested.

Respectfully,  
(Signed) C. F. Hauke,

5-CAS-4  
Second Assistant Commissioner.
The Office of the Oneida Agency is at the Oneida Boarding School, and the buildings and equipment are sufficient for agency needs while the school is maintained, except that additional filing cabinets are required for preservation of land records, so that such records may be safely kept ready for reference when required.

The Oneida reservation has been divided into two townships with a full set of officers in each, and there is no longer any need for agency employees, except the one police private to secure attendance of witnesses at hearings in probate cases, and such other purposes as may be required.

The maintenance of order now devolves upon the township and county officers, and requires only the co-operation of this Office.

There are no distinctively Indian dances, and their social functions do not require the supervision of this Office.

All marriages are contracted under a license by the state, and the ceremonies are usually under the supervision of the several churches.
Section 1. Law and Order—2.

Divorces are only granted by the State Courts, and for the reasons prescribed by the State laws.

Religious work is conducted by four societies, Protestant Episcopal, Methodist Episcopal, Roman Catholic and Adventist, with membership in the order named, and for the purpose of burial, practically all are members of one of these organizations.

The Federal officers now take practically no part in the suppression of the liquor traffic. The Oneidas are all allotted and citizens, and Federal laws apply only to lands still in trust. The State authorities hold that the Oneidas are citizens, and that the statute concerning the rule of liquor to Indians does not apply to them. The Oneidas do not manufacture any intoxicating drinks and are not addicted to gambling.
20th day of November 1924

The County and State of Wisconsin

In the presence of

R. J. Roymaker
P. C. Scott

Notary Public

Recorder

Registrar

United States of America

IN WITNESS WHEREOF, That the following described property situated on the Osceola Indian Reservation in Wisconsin constitutes the now abandoned Osceola Indian Boarding School plant, consisting of 118.71 acres with the buildings thereon:

a. 80 acres; being Claim 145 in Sections 3 and 4, Township 23 North, Range 19 East, 4th P.M., in Wisconsin secured and retained and set apart for tribal school purposes, said tract being the site of the buildings.

b. Three tracts aggregating 38.71 acres, hereinafter more particularly described, lying within the boundaries of Osceola allotment No. 1 made to George Sexton, acquired by the United States for farm use in connection with the said Osceola School, by purchase from the allottee, purchases and titles being evidenced by deed executed by the allottee and his wife on March 10, 1903.

This instrument further witnessed:

That the operation and maintenance of the said school as a government institution has been discontinued and that no part of the property is longer needed for Indian or administrative purposes, and therefore that the same and buildings are subject to sale and disposition in the manner provided in the following acts of Congress:

a. Claim 145; under the Act of February 14, 1920, (41 Stat., 460-461)

That the Secretary of the Interior is hereby authorized to sell and convey at public sale, to the highest bidder, under such regulations and under such terms and conditions as he may prescribe, at not less than the appraised value thereof, any abandoned day or boarding school plant, or any abandoned agency buildings, situated on lands belonging to any Indian tribe and not longer needed for Indian or administrative purposes, and to sell thereafter not to exceed one hundred and sixty acres of land on which such plant or buildings may stand. Title to all lands disposed of under the provisions of this Act shall pass to the purchaser by deed or by patent in fee, with such reservations or conditions as the said Secretary may deem just and proper, no purchaser to acquire more than one hundred and sixty acres in any one tract.

Provided, That the proceeds of all such sales shall be deposited in the Treasury of the United States to the credit of the Indians to whom said lands belong, to be dis-
posed of in accordance with existing law.

31.71 acres, under the Act of March 2, 1917, \((39\text{ Stat.}, 909-973)\).

"That the Secretary of the Interior is hereby authorized to cause to be sold, to the highest bidder, under such rules and regulations as he may prescribe, any tract or part of a tract of land purchased by the United States for day-school or other Indian administrative uses, not exceeding one hundred and sixty acres in any one tract, when said land or a part thereof is no longer needed for the original purpose; the net proceeds therefore in all cases to be paid into the Treasury of the United States; title to be evidenced by a patent in the name of such lands as can be described in terms of the legal survey, or by deed duly executed by the Secretary of the Interior containing such metes-and-bounds description as will identify the land as conveyed and said land which had been purchased: PROVIDED, That where the purchase price was paid from tribal funds, such proceeds shall be placed in the Treasury of the United States to the credit of the respective tribes of Indians."

AND THEREOF, in pursuance of the Congressional authorities above cited, the property was duly advertised and the highest bid received was made by the party of the second part herein, and a certified check therefor has been received for the full amount of the bid:

NOW THEREFORE the party of the first part for and in consideration of the sum of $21,774.25, in cash paid, receipt of which is hereby acknowledged; does hereby grant, bargain, sell and convey unto said party of the second part the following described land together with all the improvements thereon and the appurtenances thereunto belonging, and warrants the same:

Claim 147 in Township 23 North, Range 19 East, 4th P.M., in Wisconsin, 30 acres.

Tract No. 1 in Outagamie County.

Commencing at the NW corner of Claim No. 147 in Section No. 4, Township 23 N., Range 19 E., 4th P.M., thence N. 39° W., 10,606.4 chains; thence N. 74° 37' W., 1,555 chains; thence S. 26° 44' E., 9,705 chains; thence S. 39° W., 10,606.4 chains; thence N. 55° 4' W., 4,274.8 chains, to the place of beginning, and containing 4.9746 acres.

Tract 2 in Outagamie County.

Commencing at a point 924 links S. of the i post on the N. side of Section No. 4, Township 23 N., Range 19 E., 4th P.M., thence W. 88° 39' E., along the N. line of right of way of 314 B. W., 10,404 chains, to the center line of the road; thence N. 35° W., along the center of said road, 21.14 chains; thence N. 55° W., 21.83 chains; thence S. 26° 44' E., 9,705 chains, to place of beginning and containing 31.592 acres of land, being a part of the W/2 of SE/4 Section No. 4, of Lot (Claim) 146, Ozenda Reserve.

Tract 3 in Brown County.

Beginning at the NW corner of Claim 147 in Section 3, Township 23 North, Range 19 East, 4th P.M., in Wisconsin, running thence N. 14° W., 268.71; thence N. 58° W., 203 ft.; thence N. 65° W., 203 ft.; thence S. 59° W., 100 ft.; thence S. 35° W., 203 ft.; thence S. 35° W., 700 ft., to place of beginning, said tract being in SE corner of Claim 147 in said Sec. 3, as shown on the accompanying copy of a plat based on the accepted survey.

In Witness Whereof, said party of the first part represented by Hubert Work, Secretary of the Interior, set his hand and seal this second day of October 1924.

Signed and sealed in the Presence of:

F. J. Donald

E. K. Darby

Washington, D. C.
Personally come before me this 27th day of October, 1924 the above named Robert Ackeck, Secretary of the Interior to me known to be the person who executed the foregoing instrument and acknowledged that he executed and delivered the same as and for the act of the United States of America, in pursuance of authority conferred in the Act of May 29, 1918, (Public No. 199).

W. Bertrand Ackeck

Notary Public in and for B. C.

My commission expires Dec. 15, 1928.


Murphy Land & Investment Co.

The Catholic Diocese of Green Bay, Wisconsin.

MURPHY LAND & INVESTMENT COMPANY, a corporation duly organized and existing under the laws of Wisconsin and having its principal office in the city of Green Bay, Brown County, Wisconsin, grantee, hereby QUITCLAIM in the Catholic Diocese of Green Bay of Green Bay, Brown County, Wisconsin, grantee for the sum of One ($1.00) Dollar --- DOLLARS, the following tract of land in Outagamie and Brown Counties, in the State of Wisconsin:

The following tract of land in Outagamie County:

Claim One hundred Forty-five (145) in Township 23, North Range 19 East, 4th P.M., in Wisconsin; 89 acres, and a tract of land described as follows: Commencing at the Northwest (NW) corner of Claim One hundred forty-five (145) in Section Four (4), Township Twenty-three (23) North of Range Nineteen (19) East of the 4th P.M.; thence W. 35 degrees East, 10.6664 chains; thence N. 74 degrees East, 1,515 chains; thence N. 35 degrees West, 1,070 chains; thence S. 35 degrees West, 9.36 chains; thence N. 55 degrees West, 4,3418 chains, to the place of beginning, and containing 89 acres.
on the S. side of Section No. 4, Township 23 North of Range 29 East, 4th A.M., thence N. 80 degrees 30' E. along the N. Line of right of way of O. D. A. R.R. 30.4941 chain to the center line of the road; thence S. 35 degrees W., along the center of said road 21.14 chains; thence N. 20 degrees W. 21.13 chains; thence N. 52 degrees W., to place of beginning, and containing 31.596 acres of land, being a part of the East One-half of the Northeast Quarter (NW 1/2) of Section four (4) or Lot (Claim) 146, Osceola Reserve.

Also the following tract of land in Brown County: Beginning at the Northeast (NE) corner of Claim 146 in Section 3, Township 23, North Range 29 East, 4th A.M., in Wisconsin, running thence N. 14 degrees W. 268.41 ft.; thence W. 200.00 ft.; thence N. 59 degrees E. 201.4 ft.; thence W. 124 ft.; thence N. 35 degrees E. 179.08 ft.; thence W. 200 ft., to place of beginning, said tract being in Southeast (SE) corner of Claim 146, in said section 3.

IN WITNESS WHEREOF, the said grantor has caused this deed to be signed by its president, counterigned by its secretary, and its corporate seal hereunto affixed this 1st day of October, 1924.

In Presence of

June Hale

James Bultzer

MURPHY LAND & INVESTMENT COMPANY (Seal)

By: W. L. Golden, President.

COUNTERSIGNED: Philip Sheridan, Secretary

STATE OF WISCONSIN

Brown County

Personally came before me this 1st day of October, 1924, the above named W. L. Golden, President, and Philip Sheridan, Secretary of the Murphy Land & Investment Company, to me known to be the persons who executed the foregoing instrument and acknowledged that they executed and delivered the same as and for the use and deed of said Murphy Land & Investment Co., Company:

James Bultzer

Notary Public, Brown County, Wis.


Recorded Dec. 4, 1924.

James Bultzer

Register.

IN WITNESS WHEREOF, the party of the first part, has hereunto set his hand and seal this 1st day of October, 1924.

IN PRESENCE OF

A. King

RECEIVED THIS DAY OF

E. C. Rogers

RECEIVED
CHARGES, H. B. E. Commissioner,

Placently yours,

[Signature]

[Note: The text is not fully legible and contains several lines that are not clearly visible.]

From the House Congressional Record, Page 5877; March 3, 1927
## Indian Population of the United States Enumerated at Federal Agencies as of June 30, 1928—Continued

<table>
<thead>
<tr>
<th>State and agency</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma—Continued.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Osage Agency</td>
<td>3,263</td>
<td>1,675</td>
<td>1,588</td>
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<tr>
<td>Pawnee Agency</td>
<td>2,786</td>
<td>1,402</td>
<td>1,384</td>
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<tr>
<td>Quapaw Agency</td>
<td>1,969</td>
<td>972</td>
<td>997</td>
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<tr>
<td>Shawnee Agency</td>
<td>5,974</td>
<td>2,958</td>
<td>3,016</td>
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<tr>
<td>Oregon</td>
<td>4,521</td>
<td>2,203</td>
<td>2,318</td>
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<tr>
<td>Klamath Agency</td>
<td>1,276</td>
<td>604</td>
<td>672</td>
</tr>
<tr>
<td>Salem School</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fourth Section Allottees</td>
<td>330</td>
<td>164</td>
<td>166</td>
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<tr>
<td>Gresham Subagency</td>
<td>334</td>
<td>175</td>
<td>159</td>
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<tr>
<td>Siletz Subagency</td>
<td>449</td>
<td>220</td>
<td>229</td>
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<tr>
<td>Umatilla Agency</td>
<td>1,168</td>
<td>523</td>
<td>645</td>
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<tr>
<td>Warm Springs Agency</td>
<td>1,064</td>
<td>491</td>
<td>573</td>
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<td>South Dakota</td>
<td>23,518</td>
<td>12,018</td>
<td>11,500</td>
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<td>Cheyenne River Agency</td>
<td>3,083</td>
<td>1,599</td>
<td>1,484</td>
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<tr>
<td>Crow Creek Agency</td>
<td>1,535</td>
<td>769</td>
<td>766</td>
</tr>
<tr>
<td>Piandrea School, Sioux</td>
<td>320</td>
<td>172</td>
<td>148</td>
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<tr>
<td>Pine Ridge Agency</td>
<td>711</td>
<td>400</td>
<td>311</td>
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<tr>
<td>Rosebud Agency</td>
<td>5,670</td>
<td>3,003</td>
<td>2,667</td>
</tr>
<tr>
<td>Sitkaitx Agency</td>
<td>2,582</td>
<td>1,361</td>
<td>1,221</td>
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<tr>
<td>Yankton Agency</td>
<td>2,046</td>
<td>1,023</td>
<td>1,026</td>
</tr>
<tr>
<td>Texas</td>
<td>250</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>1,536</td>
<td>803</td>
<td>733</td>
</tr>
<tr>
<td>Paiute Agency</td>
<td>391</td>
<td>188</td>
<td>203</td>
</tr>
<tr>
<td>Uintah and Ouray Agency</td>
<td>1,162</td>
<td>617</td>
<td>545</td>
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<tr>
<td>Washington</td>
<td>12,881</td>
<td>6,956</td>
<td>5,925</td>
</tr>
<tr>
<td>Colville Agency</td>
<td>3,685</td>
<td>1,518</td>
<td>1,567</td>
</tr>
<tr>
<td>Coeur d'Alene Agency</td>
<td>48</td>
<td>48</td>
<td>0</td>
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<tr>
<td>Neah Bay Agency</td>
<td>624</td>
<td>329</td>
<td>315</td>
</tr>
<tr>
<td>Tubulap Agency</td>
<td>2,077</td>
<td>1,032</td>
<td>1,045</td>
</tr>
<tr>
<td>Tulalip Agency</td>
<td>5,425</td>
<td>1,748</td>
<td>1,682</td>
</tr>
<tr>
<td>Yakima Agency</td>
<td>2,985</td>
<td>1,396</td>
<td>1,589</td>
</tr>
</tbody>
</table>

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5 There are 1,115 restricted members. The census of the unrestricted members is inaccurate. Approximately 35 per cent of the tribe resides outside of Osage County in 21 States. The increase in population for 1929 as compared with 1928 is the result of a special survey of absentee. The 1929 figure includes births previously unreported.

6 Approximately 65 per cent reside off the reservations in 24 States. No census of the Miami and Peorias under Quapaw Jurisdiction is available. They are scattered over the United States and maintain no tribal relations. Restrictions on their land and property were removed in 1916. At that time they numbered 286. This figure is not included in that for the jurisdiction.

7 Approximately 45 per cent live off the reservations. The increase of 1,634 in the census is due to the fact that the 1929 figure included only 725 Potawatomi, the number living on or near the reservation. The whereabouts of the others was unknown. The 1929 Potawatomi census shows 2,301, including those off the reservation in all sections of the United States.

8 The Fourth Section Allottees were allotted under the fourth section of the general allotment act of Feb. 8, 1887, on the public domain in 5 counties in southern Oregon. Their census is inaccurate.

9 There is no reservation. Approximately 55 per cent reside away from the old agency and are scattered throughout the United States. This percentage includes the Pomeroy and Wagzhe Subagencies in Nebraska.

10 Approximately 50 per cent live off the reservations and are scattered throughout the United States. They are not Federal wards and have no treaty with the Government. However, there is an unusual appropriation for educational purposes.

11 Approximately 60 per cent reside off the reservations, the majority in Washington. A decrease of 588 in the 1929 census as compared with 1928 is due to the fact that in 1928 the unrestricted Cowitz and Chinook Indians were estimated at 1,376; in 1929, at 688. They are widely scattered throughout southwestern Washington and northern Oregon and have little contact with the Indian Service. No census of them is available.
### Indian Population of the United States Enumerated at Federal Agencies as of June 30, 1929—Continued

<table>
<thead>
<tr>
<th>State and agency</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
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<tbody>
<tr>
<td>Wisconsin</td>
<td>11,539</td>
<td>5,761</td>
<td>5,768</td>
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<tr>
<td>Hayward School, Lac Courte Oreille Reservation 14</td>
<td>1,417</td>
<td>696</td>
<td>721</td>
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<tr>
<td>Kesheka Agency 15</td>
<td>5,559</td>
<td>2,761</td>
<td>2,798</td>
</tr>
<tr>
<td>Lac du Flambeau Agency 16</td>
<td>5,162</td>
<td>2,807</td>
<td>2,355</td>
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<tr>
<td>Tonah School, Grand Rapids Subagency 17</td>
<td>1,571</td>
<td>677</td>
<td>894</td>
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<tr>
<td>Wyoming: Shoshone Agency</td>
<td>1,979</td>
<td>1,017</td>
<td>962</td>
</tr>
</tbody>
</table>

14 Approximately 35 per cent live off the reservation in Wisconsin and Minnesota.
15 Approximately 30 per cent live off the reservations and are scattered throughout the United States. The last census of the Stockbrides and Mens in 1910 showed a population of 390. They have received fee patents on their land. The O'aida have severed their relationship with the agency with the exception of annuity payments. Their population is 3,012. The Mesquites reside mostly on the reservation and number 1,339.
16 The last census of the Rice Lake Chippewas under Lac du Flambeau was made in 1910 and showed a population of 120. They have little contact with the agency.
17 The majority are living on restricted homesteads in Wisconsin and on land purchased with trust funds in Wisconsin, Minnesota, and Iowa. Approximately 40 per cent reside on private property in Wisconsin.

### Indian Population of States in Which There Are No Federal Agencies as of 1920

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>405</td>
<td>311</td>
<td>194</td>
</tr>
<tr>
<td>Arkansas</td>
<td>106</td>
<td>61</td>
<td>45</td>
</tr>
<tr>
<td>Connecticut</td>
<td>168</td>
<td>79</td>
<td>80</td>
</tr>
<tr>
<td>Delaware</td>
<td>8</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>37</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>Georgia</td>
<td>123</td>
<td>68</td>
<td>57</td>
</tr>
<tr>
<td>Illinois</td>
<td>194</td>
<td>109</td>
<td>86</td>
</tr>
<tr>
<td>Indiana</td>
<td>125</td>
<td>73</td>
<td>52</td>
</tr>
<tr>
<td>Kentucky</td>
<td>57</td>
<td>27</td>
<td>30</td>
</tr>
<tr>
<td>Louisiana</td>
<td>1,666</td>
<td>550</td>
<td>616</td>
</tr>
<tr>
<td>Maine</td>
<td>1,260</td>
<td>430</td>
<td>410</td>
</tr>
<tr>
<td>Maryland</td>
<td>32</td>
<td>18</td>
<td>14</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>555</td>
<td>262</td>
<td>293</td>
</tr>
<tr>
<td>Missouri</td>
<td>317</td>
<td>171</td>
<td>146</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>26</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>New Jersey</td>
<td>40</td>
<td>100</td>
<td>50</td>
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<tr>
<td>Ohio</td>
<td>151</td>
<td>94</td>
<td>57</td>
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<tr>
<td>Pennsylvania</td>
<td>351</td>
<td>190</td>
<td>161</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>110</td>
<td>59</td>
<td>51</td>
</tr>
<tr>
<td>South Carolina</td>
<td>304</td>
<td>145</td>
<td>159</td>
</tr>
<tr>
<td>Tennessee</td>
<td>96</td>
<td>85</td>
<td>33</td>
</tr>
<tr>
<td>Texas</td>
<td>2,126</td>
<td>1,161</td>
<td>965</td>
</tr>
<tr>
<td>Vermont</td>
<td>74</td>
<td>13</td>
<td>61</td>
</tr>
<tr>
<td>Virginia</td>
<td>624</td>
<td>435</td>
<td>189</td>
</tr>
<tr>
<td>West Virginia</td>
<td>7</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

---

1 Fourteenth Census of the United States taken in the year, 1920.
http://www.archive.org/stream/usindianaffairs29usdorich#page/n33/mode/2up

Page 27 of a 1929 of the Annual Report of the Commissioner of Indian Affairs:

Zoom: 25% Annual report of the Commissioner of Indian Aff...
Mr. Oscar Archiquette,
Rt. 2, c/o G. F. Smith,
West De Pere, Wisconsin.

Dear Mr. Archiquette:

Receipt is acknowledged of your letter of October 14, relative to homesteading vacant Oneida Reservation land, and relative to hunting and fishing rights of Indians.

There are a few scattered tracts of unallotted land on the Oneida reservation, embracing approximately 85 acres. This land is not subject to entry under the homestead laws. We have considered selling these isolated tracts under the act of April 12, 1884 (43 Stat. 153) under sealed bids to the highest bidder. However, as it is occasionally found that members of the Oneida tribe, entitled to allotments, did not receive land, this small unallotted area is still being retained as tribal property for that purpose.

The Oneida allotment roll was closed May 31, 1889, and persons born to members of the tribe subsequent to that time are not entitled to land. As the date of your birth is given as June 15, 1901, this accounts for your failure to receive an allotment.

As a general rule the State game laws apply to the Indians, except when exercising their hunting or fishing privileges within their reservation or restricted tribal or allotted land. There are only a few scattered tracts of tribal land on the Oneida Reservation and you have no allotment of your own. You should, therefore, obtain a license and comply with the State regulations as to season, quantity, etc., just the same as any other citizen.

Sincerely yours,

(Signed) C. J. Rhoads

Commissioner.

Carbon to Kaheka.

10-31-09

Initialing Copy for File
Mr. Chauncey Doxtator,

BOWLER, WISCONSIN

Dear Mr. Doxtator:

Receipt is acknowledged of your letter of September 25, concerning hunting and fishing rights of Indians.

Generally speaking, the State game laws apply to the Indians except when exercising their hunting and fishing privileges on tribal Indian land within their reservations or, if allotted, within the limits of their own allotments still held in trust or under restricted patents.

There are only a few small tracts of tribal Indian land within the limits of what was formerly the Oneida Indian Reservation. The ceded land to which the Indian title has been extinguished no longer belongs to the Indians, and as you have received a fee patent to your land and the Oneida Indian reservation has been broken up, you would have no special hunting or fishing privileges thereon because of the fact that you are an Indian. Under the circumstances you should comply with the state laws and regulations as to season, license, etc.

Sincerely yours,

(Signed) C. I. Haynes

Commissioner.

11-Jan-31

(Jan01)
Appeal Is Issued To Assist Indians

Dire Distress Reported Among Indians on Reservation; Relief Committee Organized.

An appeal for aid, to save 300 destitute Indians in the town of Oneida from starvation and freezing during the coming winter months, was issued Saturday by a volunteer committee of Appleton citizens who have just completed a survey of conditions among the Ojibwa.

Members of the committee are: County Judge Fred V. Heidemann; Congressman George J. Schneider; County Clerk John R. Haas and Highway Commissioner Frank Appleton, and Town Chairman P. M. Gurley.

Defended of Rights

A long chain of circumstances in which the unhappy Ojibwa Indians were deprived of their rights through the trickery of whites resulted in their present condition. Originally from New York, the Indians were sent to Wisconsin early in the nineteenth century when the government wanted their land in an eastern state. They were offered a "trade" by which they acquired the land in Wisconsin.

It was then known as the Ojibwa Indian reservation but it is now the town of Oneida, Oconto county. At the urging of land agents the Indians petitioned the United States to remove them as government charges and pay the right price for the land. The government finally did but no sooner had the Indians obtained the land than they sold their holdings.

No Summer Jobs Last Year

The depression hit with unusual severity this year and the Indians were unable to get the usual bit of summer work which in other years helped them over the winter without money, with many of the Indian families quitting their land and pursuing other occupations.

Many of these families have been assisted by the town and are doing better off. The Indians' only hope is unemployment and their efforts are table catic.

Poverty Neatly Grids

Families of Indians, consisting of two to 12 children, are living in crowded hovels in poverty, the committee reports. Only the most bare necessities are contained in these "homes." There is not sufficient bedding to keep the families warm. It is not unusual for an Indian father or mother to remain awake all night to keep the fire in the cook stove burning.

Many of the children have been exposed to cold, wet weather, and many of them have been ill. The investigators found children without shoes and stockings who had to be kept indoors all the time. Many of the older Indians are blind and some are incapacitated by disease.

The town has succeeded in finding a federal Indian bureau at Washington, D.C., for $2,000 which will be used to meet the emergency and buy the necessary food. The request, pointing out that it is impossible to grow corn because the Indians are no longer government charges and therefore cannot be supplied through the regular channel.

The Rev. A. A. Vassar, pastor of the Immaculate Conception church, assisted materially in writing the letter to the Indians.
SOME OBSERVATIONS ON THE RESULTS OF THE ALLOTMENT SYSTEM AMONG THE OSEIDAS OF WISCONSIN.

In choosing the Oseidas as the first to be allotted, the allotment system has been given perhaps the fairest trial that can be instanced, for several reasons.

In the first place, the Oseidas were as nearly ready for allotment as any people can be ready to step from tutelage into independence. They had not been pauperized by rations or valuable annuities. They were accustomed to self-support. They were already in general a group of farmers and workers.

In the second place, the entire reservation was allotted, so that no surplus lands were left to create a tribal fund with its consequent pull away from individualization.

In the third place, the size of the allotments and the character of the surroundings was such that no leasing problem arose.

We thus have a real trial of the allotment system; it was applied to Indians who could justly be supposed to benefit by it; it was actually put into complete operation; it was not perverted by the evils of leasing.

To study the entire fifteen hundred members of the tribe would have meant more than one year of labor, so it was thought best to select a certain number who might prove typical of the whole. Forty names were taken from the
allotment roll and every effort made to ascertain the facts concerning the allottees themselves and the land which was assigned to them. As this report is merely preliminary, there will be no attempt at drawing conclusions. The facts given will be interpreted sufficiently to make them intelligible. Conclusions must await the study of other tribes under other conditions, and comparisons of the different groups.

I. Method of Allotment

The allotment of the Oneidas took place under the terms of the original allotment act of February 8, 1887. According to its provisions married women were not allotted, but the head of a family received a double portion. Single portions were given to each single person over eighteen, and each orphan under eighteen. Half portions were allotted to minor children. The size contemplated in the act for these portions was quarter, one-eighth, and one-sixteenth sections; but the Oneida reserve was not sufficiently large for this. Each head of a family received ninety acres; single allotments were forty-five acres; while the share of a minor was as a rule twenty-six acres. This disposed of the entire land holdings of the tribe with the exception of some acres reserved for school purposes.

Not many tribes were allotted under the original act. Two or three years later it was modified so that a quarter
section was allotted to each individual, male or female, minor or adult. This change was an extremely serious modification of the original idea, which thought of the Indians as family groups who would draw their living from a family farmstead.

II. Time of Allotment

The Onida Indians were listed for allotment and the roll closed May 21, 1889. Allotting followed during the next three years, and the trust patents bear the date of June 13, 1892. The Twenty-five year trust period was thus due to expire June 13, 1917.

III. Age at Allotment

Of the forty allottees studied, the ages at allotment were as follows:

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<thead>
<tr>
<th>Age Group</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under two years</td>
<td>4</td>
<td>8</td>
<td>12</td>
</tr>
<tr>
<td>Ten to twenty-one years</td>
<td>10</td>
<td>5</td>
<td>15</td>
</tr>
<tr>
<td>Twenty-one to thirty</td>
<td>5</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Thirty-one to forty</td>
<td>2</td>
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<td>2</td>
</tr>
<tr>
<td>Forty-one to fifty</td>
<td>4</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Over fifty</td>
<td>3</td>
<td></td>
<td>3</td>
</tr>
</tbody>
</table>

|       | 28 | 12 | 40 |

It will be seen that the method of allotment resulted in the giving of land to but one female over twenty-one years, the others being married. Among the males half were under twenty-one years and half were above the age.

In studying the Oneida groups at this time there seemed something like a shortage on the age group around thirty years. This may partly be accounted for by the fact that the Oneidas sent a large contingent of soldiers to the
Civil war, reported as a hundred and thirty-five of their young men. Many of these never returned to the reservation. Not only were there many losses by death, but there were others who simply took up life elsewhere after the war was over. In this way there were fewer new families and fewer births during the sixties, with a resultant loss in the age group twenty-five to thirty years after.

Throughout the period since their removal from New York to Wisconsin, however, the Oneidas had been steadily increasing in numbers. That increase has gone on steadily to the present time. Theirs is not an ever diminishing tribe, so far as tribal numbers are concerned. Slightly over fifteen hundred were enrolled for allotment; the 1932 roll lists 3123.

IV. Mortality of Allottees.

Of the forty allottees considered, there are now fourteen living, forty-three years after enrollment. The trust period was extended by Presidential proclamation for one year, to June, 1918; and at that date patents in fee were issued to all, with thirty-five exceptions. Of our forty members of the tribe, just half died before this date. Between June, 1918 and the present time six more have died.

The death of half the allottees before the expiration of the trust period raises the question of the purpose of the trust period. It is assumed to be a time of instruction
and development in the requirements of citizenship, in industry and self-support. For twenty of the forty, however, the period of preparation marked all the life that remained, and prepared for precisely nothing.

Nor was it only the elder members of the tribe who died thus in advance of 1918. Of the twenty who did not survive the period of education there were

Under twenty-one years of age  11
From twenty-one to forty  4
Over forty  5

In these forty cases the total number of allottees under twenty-one years of age was twenty-five. Of these twenty-five eleven failed to live through the trust period.

V. Use of the Land.

In considering the use made of these forty allotments the greatest possible liberality has been shown. If an allottee lived on and made use of even a portion of his allotment he was considered to have "farmed" it.

It must be remembered that the Oneidas were already making their living from their land, before allotment. The number who were already using their land would be, therefore, larger in proportion to the total than in most other tribes.

| Allotments already being farmed in 1889 | 10 |
| Allotments farmed later by allottee    | 7  |
| Allotments of which no use was made    | 23 |

This would seem to indicate that the purpose of training was more than fifty per cent a failure. It is
necessary, however, to analyze the reasons why these twenty-thirty allotments were useful only as a piece of property to be sold. The reasons for the failure to use them were:

\[
\begin{array}{ll}
\text{Death of allottee} & 6 \\
\text{Occupation of allottee elsewhere} & 7 \\
\text{Incapacity of allottee} & 1 \\
\text{Female allottees who married other allottees} & 9 \\
\end{array}
\]

It is thus seen that in seven out of the twenty-three cases the purpose of civilization was already, for one reason or another, carried out. The allottees were self-sustaining away from the reservation. No beneficial purpose would be served by calling them back from a useful life in an occupation which they had mastered, to take up the cultivation of the soil.

Seven other cases of death and incapacity defeated any purpose allotment may have had.

In the case of the nine girls and young women who received allotments which were never farmed by them, it is odd to speculate what idea could lie behind giving each of them twenty-six acres, in any case. It was surely not expected that they would grow up to farm the lands on their own account. Their obvious destiny was fulfilled; they married other allottees, and either lived upon their husbands' lands or went with their spouses to homes elsewhere.

Of all the twenty-three unused allotments, therefore, the reason for failure to use is one which would be reasonable in any case. None of the reasons bear any relation to
Indian life and character, but are such reasons as apply to all races.

VI. Disposition of Land.

Of these forty allotments, there remains in the hands of an original allottee a portion of one allotment. Half of another is held for an heir who is still a minor and unable to sell; his sister, who has attained her majority, has disposed of her half. The rest of the land has all been sold.

Prior to 1910, when an Indian allottee died, his heirs might be determined by the county. After the act of June 25, 1910, they were determined by the Secretary of the Interior. Some of the sales of land of deceased allottees were made under the first arrangement; some later. In the early years a fee patent for the land was frequently issued "to the heirs of John Doe." This was evidently accepted as negotiable and carried a title acceptable to the buyer. At least no record appears of any dispute arising after such a sale.

After the Burke Act of May, 1906, it was permitted to issue patents in fee for land to Indians who were adjudged competent to manage their own affairs. This was done at their request. Many of the Oneidas requested fee patents and received them under this act. The details of the sale are as follows:
Sold for the benefit of heirs 17
Sold under provisions of Burke Act 17
Sold after expiration of trust period in 1918 5
Unsold (widow living on it) (part) 40

VIII. Living Allottees.

Of the fourteen allottees still living, the youngest is forty-four years of age and the oldest seventy-seven. Not one of these is living on his own allotment, though some have done so in the past. Their present location follows:

Living on own land 0
Living on husband's land 1
Living on reservation (town of Oneida) 2
Living near (Green Bay, Wis.) 1
Employed in Indian Service 5
Living away from reservation (either self-supporting or living with children) 4
In a State Institution 1

This brief summary seems to indicate that the Onidas have passed through the allotment cycle and have for the most part taken their places in the world along with other people. There are some stories of failure and some of success; the latter, however, predominates. In a more complete study I design to take up each case and ascertain as far as possible what benefit was derived from the use of the land, or possibly from its sale. It may prove impossible to learn whether allotment, or schools, or white contact, or development previous to all this, was the means of bringing about
the present status of the Oneidas. At least I shall try to learn as much as possible about the contributing factors, with the hope that some useful information may be brought out.

Mrs. Seymour
No regret that we are not able to assist your request, but shall be glad to have you ask the right person of the proper authority.

(Signed) William Zimmerman, Jr.
Assistant Superintendent
Commissioner of Indian Affairs

Washington, D. C.

Dear Mr. Commissioner,

Recently I received an application from McKenzie John, a non-ward Indian of Oneida blood, to lease a piece of unallotted tribal land on the former Oneida reservation. His application is enclosed herewith, and it gives the description of the land he desires to lease.

Your Office understands that we have no field employee in the Oneida country, neither do we have any clerk to handle Oneida affairs. The property clerk formerly took care of the Oneida work, but his position was abolished June 30, 1933. Although we have special authority to employ additional clerical help to draw up the Oneida annuity roll, to date we have been unable to have certified an eligible for this temporary employment.

On similar lease cases in the past we have experienced difficulty due to the fact that we had no field employee who could supervise this work and check up on the activities of the lessor. We have been unable to collect rent on a similar piece of tribal land and also failed to evict the lessor who did not pay his rent. We also had complaint that the renter was cutting a large amount of small timber on the tribal tract he used, and we were unable to arrange for a settlement on this unauthorized cutting. In view of the fact that we have no field assistance to supervise the leases of these few tracts of tribal Oneida land, I doubt the advisability of making more leases of this kind.

I believe that Mr. McKenzie John can rent another small piece of land, and for reasons stated in this letter. I recommend that no new leases of Oneida tribal land be considered.

Very respectfully,

Superintendent
Memorandum for Mr. Margold

January 16, 1934

Pursuant to your request, I have carefully read and considered the lengthy statement prepared by Mr. Skenandore regarding the Oneida Indians in Wisconsin, with particular regard to the inquiry in Commissioner Collier's memorandum of January 12 as to whether there is any basis for intervention in the suit instituted by the Indians in the United States District Court for the Eastern District of Wisconsin. So far as can be determined from the facts at hand, the suit in question was instituted by individual Indians for the purpose of challenging the jurisdiction of the State of Wisconsin and its legal subdivisions over plaintiffs and their lands. The main concern of the Indians appears to involve the taxation of lands allotted to individual members of the Tribe; also alienation and encumbrance of the lands.

The Oneidas migrated from New York to Wisconsin many years ago and located on lands set apart for the purpose by Article I of the Treaty of February 8, 1831, between the United States and the Menominees (7 Stat. 342). By the Treaty of February 2, 1838 (7 Stat. 566), the Oneidas ceded all their lands to the United States, with the exception of a tract sufficient to give each individual 100 acres. Allotments in severalty were made to the members of the Tribe under the provisions of the general allotment act of February 8, 1877 (24 Stat. 388), for which they received 25-year trust patents. With the exception of some 30 or 40 allotments, the original trust was not extended upon its expiration about the year 1917 and patents in fee thereupon issued. These fee patents have the effect provided for in Section 6 of the act of May 8, 1906 (34 Stat. 132), which reads:

"That at the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section five of this Act, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made and who has received a patent in fee simple under the provisions of this Act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property: Provided, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any
Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent; Provided further, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States; And provided further, That the provisions of this Act shall not extend to any Indians in the Indian Territory.”

The foregoing section provides in clear and unequivocal language that when the trust period expires and when the lands have been conveyed to the Indians by patent in fee, each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State and Territory in which they reside. The fee patent divests the United States of the legal title. The jurisdiction and authority theretofore exercised by the Secretary of the Interior by reason of the prior trusts and restrictions come to an end. Larkin v. Paugh (276 U. S. 431). The allottee becomes invested with full power of alienation and as a necessary incident thereof, the lands become subject to taxation in the same manner as property belonging to other citizens. Goudy v. Meath (203 U. S. 146).

It is settled by repeated decisions of the Supreme Court of the United States that Congress has plenary authority with respect to the Indians and their property. United States v. Kagama (118 U. S. 383); Lone Wolf v. Hitchcock (187 U. S. 553); Cherokee Nation v. Hitchcock (187 U. S. 294); that the Indian Reservations set aside for Indians are part of the States in which they lie, and the laws of such States, both civil and criminal, have the same force therein as elsewhere within their limits, save that they can have only restricted application to the Indian wards. Surplus Trading Co. v. Cook (281 U. S. 647, 651); that the Government is under no constitutional obligation to perpetually continue the relationship of guardian and ward; that it may at any time abandon it and leave the ward to assume and be subject to all the privileges and burdens of one sui juris, and that it is for Congress to determine when and how the relationship of guardian and ward shall be terminated. See United States v. Celestine (215 U. S. 279). Under these principles the power of Congress to subject the lands of the Oneidas, through the issuance of fee simple patents or otherwise, to taxation and otherwise bring these Indians within the jurisdiction of the State and its legal subdivisions, cannot be successfully challenged.

In the light of the facts now at hand, therefore, I am aware of no basis for intervention by the United States in the pending suit.
I can understand just what the status of the present acts of the old Oyade Reservation is, knowing that you have the interest of all Indians at heart. Could you convey to these Indians just exactly if they can recover their lands here at Oyade or not.

There is a small paper here that reaches most of the Oyade's called the 
Oyade Journal Democrat, who know would be very glad to publish any facts regarding the Oyade. If you would be so kind to furnish me with these facts, on the above subject, it would be a blessing to this Oyade community & a great help to the Oyade Indians and stop this idle talk. I do not believe the true conditions of the Oyade's have ever been conveyed.

...good to the Indians whatever, when in these times of depression their rights are not to be used for other purposes. I do not believe that Mr. Johnson understands the communications he receives from Washington or if he does, he misquotes them or interprets them or falsely believes or leads these Indians to believe that the present reservation will be returned to them and at the present time believes it to be a fact.

I am a white man married to an Indian girl and fully believe that the Oyade's have been badly mistreated, not by the government but through partly this own folly and the greed of white land sharks, I have been attempting to fight and help them to the best I can, but I fully believe that they should not be told things that falsely raise these hopes. I think they should be told in a straightforward manner the real truth in plain words as that all...
MEMORANDUM FOR SECRETARY IOKES

The attached became mislaid and has just reached me. The answer to it is that the Onasidas were allotted, and through fee patenting and other allotment procedures they lost all of their land. And they are living practically unprotected and not in any real way under Federal jurisdiction. They are one of the groups that ought to be brought into new land as an organized community.

[Signature]
Commissioner

Attached:
Letter of January 31, 1934
from Walker B. Watkins,
West De Pere, Wis.

SPECIAL
From the Secretary
To: Commissioner Collier

What is the answer to this.
Mr. Walter B. Watkins,
R. F. D. No. 2, Box 62,
West De Pere, Wisconsin.

My dear Mr. Watkins:

Reference is made to your letter of January 31, relating to the condition of the Oneida Indians of Wisconsin.

In 1892 the usual 25-year trust patents were issued to approximately 1500 members of the Oneida Tribe, embracing about 70,000 acres. Through sales and issuance of fee patents to allottees and heirs, practically all of these allotted lands have passed from government supervision. Only about 20 allotments or parts of allotments, containing between 500 and 600 acres, remain under trust. In view of this unrestricted condition of these Indians' individually owned property, efforts on our part at this time to assist them in their local activities would necessarily be very limited.

It is presumed that these Indians would welcome federal supervision and guidance of their affairs. In this connection, attention is invited to Senate bill No. 2755 and companion bill No. 7802 in the House of Representatives, the purpose of which is to establish a new policy with respect to Indian rights, acquisition of lands upon which to establish Indian communities or colonies where worthy landless Indians could be supplied with home places, and for other purposes. A copy of H. R. 7802 and an explanatory memorandum are enclosed for your information. The bills mentioned are the outcome of the efforts of this Department to improve Indian conditions generally, and if enacted would no doubt be applicable to the Oneidas, as a group that ought to be settled upon land as an organized community. It is expected that this legislation will be given favorable consideration by Congress. However, no action can be taken in accordance with the plans proposed therein until it has been enacted and funds appropriated to purchase land, as apparently would be necessary in the case of the Oneidas.

Sincerely yours,

(Sgd) HAROLD L. ICKES
Secretary of the Interior.
Memorandum for
Mr. Daiker,

Mr. Skenandore's contention has been that the United States should sue to prevent the taxation of Oneida allotments for which fee patents were issued after the trust period expired, and particularly, to set aside a mortgage against the allotment of Henry Doxtater, executed by the latter after he had received a fee patent.

Mr. Skenandore's complaints were referred to the Attorney General in 1929 for consideration and "such action as the law and the facts may warrant." The Attorney General replied January 30, 1929 that as the Oneida lands had become taxable when the trust period was allowed to expire, and as the United States had no such interest in the allotment of Henry Doxtater as to enable it to maintain a suit to cancel the mortgage in question (a view supported by the decision of the Supreme Court in the case of United States v. Waller, 243 U.S., 452), there were no grounds upon which the United States could bring suit or upon which the United States Attorney could properly be directed to represent the Oneida Indians in their claims. The case was then considered closed.

Later, it appears, some of the Oneidas, led by Skenandore, brought suit in their own names in the United States District Court, Eastern District of Wisconsin, to contest the legality of tax assessments against their lands. By letter of May 8, 1933 Skenandore requested that the United States intervene in the suit in behalf of the Oneida Indians. By letter of July 24, 1933 this Office advised him that the United States did not have such an interest in the subject-matter
of the suit as would enable it to maintain
a bill or petition for intervention.

All the information we have about the
suit brought in the Federal Court in Wisconsin
is that which is contained in Skanandore's letter.

[Signature]
Chief of Land Division.
Oneida Lives
Long-Lost Voices of the Wisconsin Oneidas

EDITED BY Herbert S. Lewis
WITH THE ASSISTANCE OF L. Gordon McLester III
WITH A FOREWORD BY Gerald L. Hill
Stadler King gave this account of the problems involved in getting relief from the local authorities before the New Deal took over that town. Relief had been the obligation of the federal government through the Bureau of Indian Affairs, but from 1910 Oneida was no longer considered a reservation and the bureau had abandoned most operations and services there. By the early years of the depression the town government of Oneida was largely in the control of whites.

Distribution of Town Relief

Relief in the Town of Oneida was started at the same time that the first town ships were started, about 1910. I remember the first town board. All the officers were Oneidas. There may have been quite a few white people, but the vote was mostly Oneidas, so they were elected. At these elections and town meetings the officers spoke in Oneida because there were not many white people. I remember so well when the question of relief came up before the town meeting. The officers understood that they were obliged to give relief to people who are poor and unable to earn their living. I remember the first town chairman, Nelson Metz, when he was asked just how poor must a person be to be entitled to town relief. The chairman himself did not know, so he only said that they must be poor. I remember that there was much laughter at this gathering. There were two older men as supervisors whose names were James W. Cornelius and Wesley Cornelius. James, after the chairman was done speaking, got up and explained that it is for when a person is sick or unable to work to earn his living, and then he has no other relatives who may be able to help him. This gave a better idea to the people and to the town officials.

This was the beginning of town relief in Oneida. This was thought to be a good system because there were some real old people who could not work anymore, and their relatives were not fixed so they could care for them for any length of time. We heard afterwards that certain people were getting relief. The Oneida officials did not give much help to the old people could live without depending on other people. Some of them were given to the care of some other people who were paid a certain amount for the care. There were not many of these people because Oneidas hated to be classed as being supported by the government. As the number of white people were increasing in Oneida, the need for relief became greater and greater because white people knew the Oneidas had to work old people along when they moved into town. I would not call it relief when at that time there were many new homes that were built and this was done by strong, able-bodied Oneidas. This would be considered as labor. There really was not much given to Oneidas in the years between 1910 to about 1920, when the effects of the world war were felt in all parts of the country. Wages were good during that war and a couple years after, until the president changed back to a Republican president. I remember that the election of Harding everything such as labor and circulation of relief were just like it froze in one day. Coolidge and Hoover did not like the conditions, so these were the years of much relief from the towns themselves were short of funds, and there were times when they were obliged to borrow money from county funds. Farmers did not have money to hire labor, and many construction jobs failed. It was noticeable that almost every other store or shop in Green Bay was vacant, and many windows were used to display advertisements of jobs big or small. There were no saloons or taverns, which pay the largest part of revenue to county, state, and federal government. So the whole country was on a downward trend. There were many hobos in those years called jungles along railroad tracks. I saw poor city people at the junkyards looking for shoes and other things that they may be able to use. The worst of these years were when Mr. Hoover had the stock market crash. These were surely hard times, and everybody wanted some relief. The towns did not have money, but they were able to give orders for grocires and paid it later.

It seemed easier for white people to get relief than Oneidas. The towns gave jobs like cutting brush or cutting wood or working on roads to the Oneidas to pay for groceries that they were given. That is, the Oneidas had to work for the relief they got from the town. I remember that the Town of Oneida, when it gave jobs to men who asked for relief, these were such small jobs that one could hardly live on what was allowed to make. The white people—men like Bill Ness, David Fisum, and Joe Stick—these men had big families and sure needed relief but they did not have to work at any of these jobs, but they got
relief, and more, too, than Oneidas—even though Oneidas had to work a hundred for their milk. That was the year they organized what they for what they got. The chairman in Town of Hobart was John Roels and they held a milk pool and they went on strike. They would not sell milk, Pat Garvey was chair of the Oneida Town board for so many years.

The first time I ever asked for relief was in 1930. I had been working in Green Bay up to the fall of that year. The depression had then started and the strike some trucks were sent out by big factories to get the and I was hurt on the railroad job that I was working on and was out of work, but they were stopped by farmer-pickets. They had a big fight near the Union station, so some state guards were sent there with regular guns and I moved back to Oneida and I did not work anywhere for a month, no gas. They put these farmer-pickets in a garage and locked them up, so until I was just about completely out of money. I went to Pat Garvey and they were kept there about three days on skim milk and crackers.

and asked him for relief. He said, I will be at your place tomorrow morning. At this same time some Red Cross flour was brought into Oneida and see you, so the next day he did come. He looked around the room and distributed by the chairman of each town. There was a big truckload of then began to ask a few questions. He said, you always worked a little brought to the parish hall. John Roels had told Father Grant that this is the first time you ever asked for relief, and you would have been at the Roels did not come on a certain day, Father Grant could give it working now if you did not get it. I said, yes I would, so he pulled up a chair and made out an order for twenty dollars. He said, the men were rather drunk on that day, so when the time came and John will hold you for a while and if you still have no job when this is good, if I can sell it as flour, but to take names of those who got it. Both Father Grant and Fred chair to a table and made out an order for twenty dollars. He said, the men were rather drunk on that day, so when the time came and John

I went to the farmers’ store and traded. I had so much and I took one bag to Father Grant’s and left it and told him that I will groceries that I felt I was rich.

It was toward spring in 1931 that I asked for more, and sure enough, he kept his promise. He gave me another twenty-dollar order. The next spring I went and helped him to get elected because he was my friend. Mr. Kyesik, the town clerk, and then white people began to get this Red and he saved me. That year about planting time I needed seed and other things like plowing, so I went to the lumber company and they gave him back to me. Kyesik, the town clerk, and then white people began to get this Red

The towns also got things like meat, lard, tea, sugar, coffee, and some a job to cut brush for Van Kauenberg at five dollars an acre. I finished other stuff which they gave to both Oneidas and white people. The white two acres when I went to Kauenberg for my pay. This was all [the work] people did not seem to care if the Oneidas got it because it was all Red he had because other men had controlled so we were done. He picked stuff and this was meant for the Oneidas, but when the towns got me ten dollars and then I was able to get my plowing done. This was all [the work] people did not seem to care if the Oneidas got it because it was all Red

It was the fall of 1931 and on to 1932 that was the hardest for me, and it was the same with others. The farmers too were so broke that none of them hired men, but I was able to get a job at fifty cents a day and dinner and some yard goods for dresses, towels, army shoes, socks, stockings, and supper and a small pail of milk a day. The farmers only got fifty cents and other things. I was not going to be left out. But after everything was
given out they found out that some of us had been to both towns, so they made [decided?] permanent residence for some. However, they could not keep families from moving from one town to the other.

There were not so many white families that were poor enough to come under the relief class. Most of the whites had farms and cows so they did not get relief, but there was quite a number of them just the same. Nearly all of the Oneida families were entitled to relief because most of them did not have homes or stock, so they received more relief than the whites. This included the flour, meat, lard, dust tea, coffee, and sugar that the towns had. The meat they had was thin pieces of salt pork; the tea was all dust tea with a picture of a red rooster on the package. This Red Cross flour was fairly good flour, but it seems that it must be made from wheat that was not dried out. But if the flour were kept in a dry place it was fairly good flour. Some of the Oneidas were said to have made inside pants out of the bags because some people saw the pants on the clothesline with the writing “Red Cross” and “Not To Be Sold” still on it.

I was rather lucky to always have a good boss because when it was time for me to go and get this relief, the boss would always volunteer to take me there and back with the groceries and then he would bring me home in the evening with them. This saved me a lot because it would be a load to carry all that home. He would not charge me anything for this.

It was during this time in early fall of 1932 that I did not have any wood and no money to buy coal. I went out looking for a place to get wood from. I saw John Housh who had some wooded lands, so I asked him if there was any way that I could deal with him for some wood. He said yes, but first I want some stumps grubbed out and you can have the stumps and all that you pick up. You can pile them up so you can haul them out before I plow the land and I will also give you some wood that cut afterwards. I will give you a pig—any one of those in the pen—for grubbing three acres. We went and saw the pigs; they were all over two hundred pounds, so I thought either one would be worth fifteen dollars.

I agreed to do the work so I got an ax, shovel, and grub hoe and made a strong pry. Most of the stumps were old and gave way easily. I kept the two boys from school to help me so we could get done quick. It took us nine days to finish it. We then went to his place and told him that we were done. He came with us to see the job. He was satisfied with the work so he says well we will go and butcher the pig you chose.
Hon. Elmer Thomas,
Chairman, Committee on Indian Affairs,
United States Senate.

My dear Mr. Chairman:

I have your letter of March 12 requesting seven sets of documents relating to the Indian Reorganization Act. Here-with and under separate cover, I am sending you the following:

1) List of Indian tribes under the Indian Reorganization Act.

2) List of Indian tribes who have adopted constitutions and by-laws in accordance with the Indian Reorganization Act.

3) List of Indian tribes who have adopted charters of incorporation in accordance with the Indian Reorganization Act.

4) Copy of the "Law and Order Regulations" approved by the Secretary of the Interior, November 27, 1935.

5) Copy of the "Code of Ordinances of the Gila River Pima-Maricopa Indian Community".

6) Printed copies of seventeen charters of incorporation and fifty constitutions and by-laws.

We are unable to send you copies of the following:

1) Five charters of incorporation and nine constitutions and by-laws which have been adopted.

2) Copies of several constitutions and charters which have been submitted for election, or which are in the process of being submitted.

3) Copies of law and order codes which have been adopted by certain tribes.

It would place a very excessive demand upon our stenographic force, to supply you with copies of the above. They are, however, available for inspection at this Office.

Sincerely yours,

[Signature]

Commissioner.

Enclosure 1183744
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- **State:** California, Colorado, Florida
- **Agency or School:** Sacramento (not list)
- **Reservation of Land:** Yosemite National Park
- **Case:** 85
- **Total Population:**
  - Millerton: 14
  - Nevada City: 36
  - Pescadero: 52
  - Pineville: 102
  - Potter Valley: 52
  - Redwood Valley: 36
  - Rumsey: 22
  - Santa Rosa: —
  - Napa: —
  - Sheep Ranch: 1
  - Stewart's Point: 149
  - Sulphur Springs: 48
  - Summerville: 12
  - Taylorville: 4
  - Pawnee: 83
  - Tale River: 168
  - Upper Lake: 73
  - Wilton: 23
  - Round Valley: Gevole (227)
  - Southern Ute: Ute (339)
  - Ute Mountain: Ute (445)
  - Seminole: Seminole (220)

- **Total Population:**
  - Millerton: 14
  - Nevada City: 36
  - Pescadero: 52
  - Pineville: 102
  - Potter Valley: 52
  - Redwood Valley: 36
  - Rumsey: 22
  - Santa Rosa: —
  - Napa: —
  - Sheep Ranch: 1
  - Stewart's Point: 149
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  - Summerville: 12
  - Taylorville: 4
  - Pawnee: 83
  - Tale River: 168
  - Upper Lake: 73
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  - Southern Ute: Ute (339)
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MAY 10 1937

Hom. F. Ryan Duffy,

United States Senate.

My dear Senator Duffy:

This is in reply to your letter of April 21 analyzing correspondence from Mr. C. F. Clifford, of Green Bay, Wis., with which is included a resolution adopted by the Oneida Town Board urging support of a bill (S. 1756) to repeal the Indian Reorganization Act.

It is evident that neither Mr. Clifford nor the Town of Owaia possess a very clear idea of the purpose of the Indian Reorganization Act or of the manner in which it operates.

It should be made clear, first of all, that the intention of the legislation in question is to add to the economic resources of Indian tribes; to make them less, not more, dependent upon local and Federal Government aid. Tribes which have accepted application of the Indian Reorganization Act are free to organize their tribal governments as representative bodies, and such tribal governments may assume a control over tribal resources which in the past has been largely exercised by the Indian Office through the local agency. Many tribes, as a matter of fact, have few if any resources to manage. The Act attempts to assist such Indians, first of all, by authorizing funds for the purchase of land, and then by providing a revolving credit fund for the development of land or other resources. Land purchased with funds authorized by this Act is held in trust for the tribe as a measure of insuring that it will never pass out of Indian ownership. Such land, like all federally owned land, is tax exempt. While it is true, therefore, that land purchased for Indians will be removed from the local tax list, the community should not lose sight of the fact that Indians for whom land has been purchased, and who have as a result some means of subsistence, are to be preferred to Indians living continually on the verge of starvation.

Carbon for Indian Office
The Town of Oneida is fearful that if the Federal Government purchases land in its vicinity, Indians who are not now in the community will be attracted there. As a matter of fact, no Indians will be settled on any such land purchased who do not now have a right to be there. This Office does not have information to show to what extent the Oneida Indians participate in local politics, but it can see no reason why the fact of their organizing as a tribal government and having land purchased for them will increase their participation in local town affairs.

In the past the community has felt that it bore a disproportionate share in the cost of supporting public schools. Whether or not there is any justification for this feeling, I should like to point out that the reason why the Federal Government did not participate to a greater extent in meeting the cost of educating Indian children was the fact that the Oneida Indians had largely passed out of Government supervision by reason of their having been granted fee patents and having alienated the greater part of their land holdings. Only 20 small trust allotments remain today out of the original rather large reservation area. When land is purchased for the Oneida tribe, it can be assumed that the Federal Government will increase its share of responsibility in educational and other matters.

The statement by Mr. Clifford that the promise of the Department to contribute proportionately to the upkeep of schools where children are living on trust patented land is a mere promise by some individual, belittles the intent of Congress which year after year has appropriated money for the payment of tuition where Indian children live on tax free lands. We make contracts each year with more than 2,000 different school districts and there is no reason to believe that these will be suddenly discontinued.

These are considerations which Mr. Clifford and the Oneida Town Board should have before them for consideration before deciding that the Indian Reorganization Act is injurious to their interests. They should realize, too, that the repeal of this legislation will mean a continuation of the conditions of the past, against which they have protested. The answer is not to go backward, but to continue ahead with this program until it begins to achieve the results intended. Not the Oneida Indians alone, but some 253,000 Indians of the United States and Alaska look to this legislation as the way out of their present poverty and lack of opportunity.

Sincerely yours,
(Signed) John Collie
Commissioner
UNIVERSAL STATE OF AMERICA

ARTICLES OF INCORPORATION

STATE OF WISCONSIN
DEPARTMENT OF BUSINESS.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Theodore Dannem, Secretary of State of the State of Wisconsin, do hereby certify that the original Articles of Organization of the ONEDA INDIANS INCORPORATED of which the herald attached is a verified copy, was on the 28th day of September, A.D., 1934, accepted and filed in the Department of State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the Capitol, in the city of Madison, this 28th day of September A.D., 1934.

(The Seal) Theodore Dannem
Secretary of State

KNOW ALL MEN by these presents, that the undersigned, adult residents of the State of Wisconsin, do hereby make, sign and agree to the following:

ARTICLES OF ORGANIZATION

ARTICLE FIRST. The undersigned have associated, and do hereby associate themselves together for the purpose of forming a corporation under Chapter 180 of the Wisconsin Statutes, the business and purposes of which corporation shall be:

To promote closer co-operation between the whites and Indians; to transact all tribal affairs of the Oneda Indians who are on the tribal roll; said roll now in the custody of the agent located in the United States Indian School at Tomah, Wis., and all Onedas who are one-half Oneda Indian blood and further to comply with the act of the Seventy-third Congress known as the Wheeler-Howard Bill of Indian Rights approved June 18th, 1934.

ARTICLE SECOND. The name of said corporation shall be ONEDA INDIANS INCORPORATED and its location shall be in Town of Oneda, County of Outagamie, Wisconsin.

ARTICLE THIRD. The corporation shall be non-stock and no dividends or pecuniary profits shall be declared to the members thereof.

ARTICLE FOURTH. The general officers of said corporation shall be a President, Vice-President, Secretary, and Treasurer, and the Board of Directors shall consist of Thirteen members. Directors to be elected for a term of one year and until their successors are elected and qualified.

ARTICLE FIFTH. The principal duties of the President shall be to preside at all meetings of the Board of Directors and to have a general supervision of the affairs of the corporation.

The principal duties of the Vice-President shall be to discharge the duties of the President in the event of absence, or disability, for any cause whatever, of the latter.

The principal duties of the Secretary shall be to countersign all deeds, leases and conveyances executed by the corporation, affix the seal of the corporation thereto, and to keep all books, papers, records and do all acts and things belonging to the corporation, or in any wise pertaining to the business thereof.

The principal duties of the Treasurer shall be to keep and account for all moneys, credits and property, of any kind or nature, of the corporation, which shall come into his hands, and keep an accurate account of all moneys received and disbursed, and proper vouchers for moneys disbursed, and to render such accounts, statements and inventories of moneys received and disbursed, and of moneys and property on hand, and generally of all matters pertaining to this office, as shall be required by the Board of Directors.

The Board of Directors may provide for the appointment of such additional officers as they may deem for the best interests of the corporation.

Whenever the Board of Directors may so order the offices of Secretary and Treasurer may
The said officers shall perform such additional or different duties as shall from time to time be imposed or required by the Board of Directors, or as may be prescribed from time to time by the by-laws.

ARTICLE SIXTH. The said corporation shall hold its first meeting, for the election of officers, on the 35 day of October, A.D. 1934, at Episcopal Hall, in the Town of Oshkosh, County of Outagamie, State of Wisconsin.

ARTICLE SEVENTH. The officers shall be elected by the Directors, who shall first be elected by the members of said corporation.

ARTICLE EIGHTH. The method and conditions upon which members shall be accepted and discharged or expelled shall be as follows:

The original membership of this association shall include all Oshkosh Indians who shall be more than 21 years of age and who shall be enrolled upon the tribal roll in the custody of the agent at Tomah, Wisconsin, or any other like persons of half or more Oshkosh blood, as shall signify their acceptance of these articles of Association by signing a membership roll at the first meeting.

After the original Board of Directors shall be elected, no new members shall be added to the membership of the Association except upon approval of a majority of the Board of Directors then in office and who shall likewise possess the qualifications of the original members.

Any member of the Association may be expelled for cause by a majority of the Board of Directors who may be convicted of a felony in any court of competent jurisdiction or whose conduct may in the judgment of such majority of the Board of Directors indicate an unwillingness to co-operate with the purposes of the Association or to be destructive of the accomplishment of such purposes.

in the event of an expulsion except for conviction, written charges shall be filed by a member of the Association, and a copy of such charges furnished to the accused at least ten days before the time fixed for his hearing and written notice of not less than five days before such hearing shall be given to the accused who shall have the right to be heard by witnesses and by counsel of his own choosing before the vote upon his expulsion shall be taken.

ARTICLE NINTH. These articles may be amended by resolution setting forth such amendments or amendments adopted at any meeting of the members by a vote of at least one-half of all the members.

ARTICLE TENTH. NAMES AND RESIDENCES

The names and residences of the persons forming this corporation are:

Oscar Archiquette—residing at Town of Hobart, Brown County, Wis.

Hyon D. Cornelius—residing at Town of Oshkosh, Outagamie County Wis.

Mark M. Powless—residing at Town of Oshkosh, Outagamie County Wis.

Morris Wheeolock—residing at Town of Hobart, Brown County, Wis.

Harrision Smith—residing at Town of Hobart, Brown County, Wis.

IN WITNESS WHEREOF, we have hereunto set our hands, this 30th day of September A.D. 1934.

SIGNED IN PRESENCE OF:

Oscar Archiquette

Hyon D. Cornelius

Mark M. Powless

Morris Wheeolock

Harrision Smith

STATE OF WISCONSIN)

BROWN COUNTY.

Personally came before me this 30th day of September A.D. 1934 the above named Oscar Archiquette, Hyon D. Cornelius, Mark M. Powless, Morris Wheeolock, and Harrision Smith, to
be known to all persons and said to: have subscribed and sworn to me, who am a public officer, that the

Norris Wheelock and Oscar Archiquette, being each duly sworn, do hereby declare and certify that each of them is one of the original signers of the above declaration of organization, and that the above and foregoing is a true, correct, and complete copy of said original and above document, and of the whole thereof.

Norris Wheelock
Oscar Archiquette

Subscribed and sworn to before me, this 20th day of September, 1904.

Lynn D. Jackson
Notary Public, Wisconsin

Received for Record
September 20, 1904, at 8 A.M.
A. C. Knox, Register of Deeds

Number 317904.

AMENDMENT OF ARTICLES OF ORGANIZATION

UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, Theodore Dammann, Secretary of State of the State of Wisconsin, do hereby certify that a copy of Amendment of the Articles of Organization of the BLACK CREEK CO-OPERATIVE DAIRY COMPANY, of which the present is a duplicate, was on the 6th day of September A.D. 1904, accepted and filed in the Department of State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at the Capital, in the city of Madison, this 6th day of September A.D., 1904.

(Seal)

Theodore Dammann
Secretary of State

At a meeting of the members of BLACK CREEK CO-OPERATIVE DAIRY COMPANY, a corporation organized under the laws of the State of Wisconsin, which meeting was duly convened pursuant to the articles and by-laws of said corporation, the following resolution was duly adopted:

ARTICLE I, NAME AND LOCATION

"The name of this association shall be the Outagamie Producers-Consumers Cooperative and its location and principal office shall be in the Village of Black Creek, County of Outagamie, State of Wisconsin, P.O. Address, Black Creek, Wisconsin."

ARTICLE III, CAPITAL STOCK

"The capital stock of this association shall be Seventy-Five Hundred Dollars ($7500.00) which shall be divided into three hundred shares (300) of the par value of Twenty-Five Dollars ($25.00) each, all of which shall be common stock.

STATE OF WISCONSIN

OUTAGAMIE COUNTY

We, the undersigned C. F. Rohm, President, and Gilbert W. Nathaning, Secretary of Black Creek Co-Op, do hereby certify that the foregoing resolution was duly adopted at a special meeting of the members of said corporation, duly convened according to the articles and by-laws of said corporation, which meeting was held at the principal office of said corporation at the Village of Black Creek on the 6th day of March, 1904.

And we further certify that the whole number of members of said corporation at the time of holding such meeting was 22, that 22 members voted in favor of said resolution and no members voted against it.

That the foregoing copy of such resolution is a full, true and correct copy of the
Honorable John Collier,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D.C.

Dear Sir:

The writer was instrumental as attorney and
counsel for the group which in October, 1934, organized
the Oneida Indians Incorporated, for the purpose of
acting as the authorized representative of the Oneida
people in its dealings with the Department of the
Interior under the Wheeler-Howard Act so-called.

This organization was perfected in the presence
of and with the direct cooperation of Superintendent
Friedenburg of Keshena.

We are informed that Mr. Friedenburg forwarded
to your Bureau a copy of the articles of Incorporation and
By-laws, and recommended the recognition of this group
as the authorized agency of the Oneidas.

A small minority of the Oneida people was
organized several years ago for the purpose of initiating
certain litigation with the United States government for
the purpose of establishing certain treaty rights claimed
to have been violated in the allotment of the Oneida
land. This minority has been a continual thorn in the
side of the new organization and have repeatedly challenged
the authority of the new organization to act for the tribe.

As we understand the situation no formal recognition
of the Oneida Indians Inc. has been extended by the Department.
May we venture to suggest at this time that such formal
recognition be given by the Secretary of the Interior through
your Bureau so that there may be no longer any question as to
the character of this organization?
On behalf of and at the request of the Oneida Indians Inc. of this State and upon the instructions of its Board of Directors.

Very respectfully yours,

JASEPH YOUNG & EVERSO
PER E. D. JACOBS

Entry 1012

Tomah Agency

Oneida, Wis.
Keshena Indian Agency  
Keshena, Wisconsin  
November 12, 1934

Commissioner of Indian Affairs,  
Washington, D. C.

Dear Mr. Commissioner:

I am enclosing herewith copy of the by-laws of the Oneida Indians Incorporated, also Articles of Organization. I have been requested by this organization, comprising the majority of the Oneida tribe, to submit this matter for your consideration and approval.

If I might be permitted to comment on this organization, I wish to say that I am pleased to recommend them as energetically and industriously bringing together the remnants of the Oneida tribe into some semblance of organization which is a credit to their people. It was indeed a pleasure for me to visit them at one of their meetings, which consisted of approximately 250 people, and note the enthusiasm and hopes which they hold for their future under the Indian Reorganization Act, and this prompts my urging the Office to do everything possible to encourage and provide for their future.

These people are undoubtedly in the most pathetic condition of any tribe in this locality. Practically all of their holdings have gone into white ownership and as many as two and three families are now living in one house. The immediate need of this community is fuel. All the timber has been moved from the original reservation and the cost of coal is so high, together with the fact that they are not properly equipped to burn this type of fuel, that it makes this condition increasingly bad.

I shall discuss with Mr. Mullen, Manager of the Menominee Indian Mills, the possibility of allotting to these people a certain area of slash where the logging has been completed and the removal of this type of fuel would benefit the remaining stand of timber. It is my hope that I can work out a reasonable agreement and make available to this group of people the fuel that would under ordinary conditions go entirely to waste. I believe this arrangement can be worked out with a very nominal stumpage cost to the Oneida organization.

Very respectfully,

Ralph Fredenberg  
Superintendent

RF/ef  
Enc.
Keshena Indian Agency
Keshena, Wisconsin
February 8, 1935

Commissioner of Indian Affairs,
Washington, D.C.

Dear Mr. Commissioner:

Under date of November 12, 1934, I forwarded to your Office Articles of Incorporation of the Oneida Indians Incorporated. I have had no acknowledge of these articles and it seems highly desirable that the Office take some action to recognize the organization as a group representing the Oneida Indians. I have had the privilege of speaking to this group several times during the fall and winter and I find them very enthusiastic and eager to improve their conditions. My contact with the tribe has been entirely through the Oneida Indians Incorporated, representing a membership of 631, which is a very large majority of the Oneida Indians residing at the site of the original reservation.

In one of my previous letters I called your attention to the fact that there is a small group, known as the Treaty Indians, who have for some time been quite active in trying to bring certain action against the U.S. Government for treaty violations, holding out to the members of the tribe the promise that if they are able to successfully prosecute this case the entire original holdings of the Oneida reservation would be returned to the Indians together with a large sum of money. My recollection is that I saw a letter from the Office in which the matter of possible recovery for the Oneidas was discussed in some detail. It appears from the information contained in that letter that the promises made by the Treaty group, headed by William Shanabore, are fantastic and groundless. This agitation on the part of the comparatively small group of Oneida Indians has had the tendency to disorganize the tribe.

I suggest that the Office acknowledge the existence of the Oneida Indians Incorporated, and in some definite manner make it known that the recognized group of Oneida
Commissioner of Indian Affairs

- 3 -

Indians is that group having filed papers of incorporation. It is desired at this point to call the attention of the Office to the interest which is being taken by the Oneida Indians Incorporated in holding a series of meetings for the purpose of explaining the privileges which might be obtained by the Oneidas by the adoption of the Indian Reorganization Act. This group of people have been active and are intelligently promoting the best interest of the Oneidas.

Trusting that the Office will take early action to clear this matter up and discourage the practice of the disgruntled group which certainly are not working for the best interest of the Oneidas, I am

Very respectfully,

Ralph Freudenberg
Superintendent

RE/of

copy - Morris Wheelock, Oneida, Wis.
I. Introduction

2. Conclusion

3. Discussion

4. Results

5. Literature Review

6. Methodology

7. Conclusion

8. References

9. Acknowledgments
UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

CORPORATE CHARTER
OF THE
ONEIDA TRIBE OF INDIANS OF
WISCONSIN OF THE ONEIDA
RESERVATION

RATIFIED MAY 1, 1937

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1937
CORPORATE CHARTER OF THE ONEIDA TRIBE OF INDIANS
OF WISCONSIN OF THE ONEIDA RESERVATION

A FEDERAL CORPORATION CHARTERED UNDER THE ACT OF JUNE 18, 1934

Whereas, the Oneida Tribe of Indians of the Oneida Reservation in Wisconsin is a recognized Indian
tribe organized under a Constitution and By-laws ratified by the Tribe on November 14, 1936, and
approved by the Secretary of the Interior on December 21, 1936, pursuant to section 16 of the Act of
June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a Charter of
incorporation be granted to such Tribe subject to ratification by a vote of the adult Indians living on the
Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon
me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of
incorporation to the Oneida Tribe of Indians of the Oneida Reservation to be effective from and after
such time as it may be ratified by a majority vote in an election in which at least 30 per cent of the adult
Indians living on the Reservation shall vote.

Corporate
Existence.

1. In order to further the economic development of the Oneida Tribe of
Indians of the Oneida Reservation in Wisconsin by conferring upon
said Tribe certain corporate rights, powers, privileges, and immunities;
to secure for the members of the Tribe an assured economic
independence; and to provide for the proper exercise by the Tribe of
various functions heretofore performed by the Department of the
Interior, the aforesaid Tribe is hereby chartered as a body politic and
corporate of the United States of America, under the corporate name
"The Oneida Tribe of Indians of Wisconsin."

Perpetual
Succession.

2. The Oneida Tribe of Indians of Wisconsin, shall as a Federal
Corporation, have perpetual succession.

Membership.

3. The Oneida Tribe of Indians of Wisconsin shall be a membership
corporation. Its members shall consist of all persons now or hereafter
members of the Tribe, as provided by its duly ratified and approved
Constitution and By-laws.

Management.

4. The General Tribal Council of the Oneida Tribe of Indians of
Wisconsin established in accordance with the said Constitution and
By-laws of the Tribe, shall exercise all the corporate powers
hereinafter enumerated.

Corporate Powers.

5. The Tribe, subject to any restrictions contained in the Constitution
and laws of the United States, or in the Constitution and By-laws of
the said Tribe, shall have the following corporate powers, in addition
to all powers already conferred or guaranteed by the tribal Constitution
and By-laws:

http://thorpe.ou.edu/IRA/oneidachrtr.html
(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage, except to the United States, may be made to the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Oneida Reservation.

(2) No mortgage may be made by the Tribe of any standing timber on any land now or hereafter held by the Tribe within the boundaries of the Oneida Reservation.

(3) Leases or permits (which terms shall not include land assignments to members of the Tribe) may be made to members of the Tribe, on any land now or hereafter owned by the Tribe, for a term of one year, without the approval of the Secretary of the Interior or his duly authorized representative: Provided,

That oil and gas leases, water power leases, or any leases requiring substantial improvements of the land may be made for longer periods than ten years, when authorized by law.

(4) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber or other natural resources of the Oneida Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit, or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall
render the agreement revocable in the
discretion of the Secretary of the Interior.

(5) No distribution of corporate property to
members shall be made except out of net
income.

c) To issue interests in corporate property in exchange for
restricted Indian lands, the forms for such interests to be
approved by the Secretary of the Interior.

d) To borrow money from the Indian Credit Fund in
accordance with the terms of section 10 of the Act of June
18, 1934 (48 Stat. 984), or from any other governmental
agency, or from any member or association of members of
the Tribe, or from any other source, and to use such funds
directly for productive tribal enterprises, or to loan money
thus borrowed to individual members or associations of
members of the Tribe: Provided, That the amount of
indebtedness to which the Tribe may subject itself, other
than indebtedness to the Indian Credit Fund, shall not
exceed $5,000, except with the express approval of the
Secretary of the Interior.

e) To engage in any business that will further the
economic well-being of the members of the Tribe or to
undertake any activity of any nature whatever, not
inconsistent with law or with any provisions of this
Charter.

f) To make and perform contracts and agreements of
every description, not inconsistent with law or with any
provisions of this Charter, with any person, association, or
corporation, with any municipality or any county, or with
the United States or the State of Wisconsin including
agreements with the State of Wisconsin for the rendition
of public services: Provided, That any contract involving
payment of money by the corporation in excess of $1,000
in any one year shall be subject to the approval of the
Secretary of the Interior.

(g) To pledge or assign chattels or future tribal income
due or to become due to the Tribe: Provided, That any
such assignment of tribal income, other than an
assignment to the United States, shall not extend more
than 5 years from the date of execution: Provided further,
That no such assignment of tribal income shall exceed
one-half the net income of the Tribe from any one source:
And provided further, That any such pledges or
assignments shall be subject to the approval of the

http://thorpe.ou.edu/IRA/oneidachrtr.html

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Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the corporation.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the said Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Upon the request of the General Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b), 3, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 9 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination to the Tribe for referendum. The termination shall be effective upon ratification by a majority vote at an election in which at least 30 per cent of the adult members of the Tribe residing on the Reservation shall vote. If at any time after 5 years from the effective date of this Charter, such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within 90 days after its receipt, the question of the termination of any such power may then be submitted by the Secretary of the Interior, or by the General Tribal Council, to popular referendum of the adult members of the Tribe actually living within the Reservation and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. No property rights of the Oneida Tribe of Indians of Wisconsin as heretofore constituted, shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or canceled pursuant to law.

8. Forty per cent of net income from corporate enterprises shall be placed in a reserve fund, annually, until said reserve fund equals not
less than 25 per cent of the capital investment in such corporate enterprises. Thereafter the amount of net income to be devoted to the reserve fund may be optional, except that amounts expended therefrom shall be replaced in the same manner that the fund was created. This fund shall be used only for repairs, replacements, improvements, and expansion of corporate enterprises.

Corporate Dividends.

9. The Tribe may issue to each of its members a non-transferable certificate of interest in corporate property and corporate enterprises evidencing the equal share of each of such members of the tribe in the corporate assets of the Tribe and may make a dividend distribution among such members of profits of corporate enterprises over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits shall be made amounting to a distribution of more than one-half of the accrued surplus without the approval of the Secretary of the Interior. No distribution of the financial assets of the Tribe shall be made except as provided herein or as authorized by Congress.

Corporate Accounts.

10. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs. The Treasurer of the Tribe shall be the custodian of all moneys which come under the jurisdiction or control of the Tribal Council as provided in the Constitution and By-laws of the Oneida Tribe of Indians of Wisconsin.

Amendments.

11. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 per cent of the eligible voters shall vote.

Ratification.

12. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Oneida Tribe of Indians of Wisconsin living on the Oneida Reservation, provided at least 30 per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Tomah Indian Agency and the Chairman of the Executive Committee of the General Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Oneida Tribe of Indians of Wisconsin of the Oneida Reservation in a popular referendum to be held on May 1, 1937.

CHARLES WEST,  

Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., April 14, 1937.
CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on April 14, 1937, by the Secretary of the Interior to the Oneida Tribe of Indians of Wisconsin was duly submitted for ratification to the adult Indians living on the reservation and was on May 1, 1937, duly ratified by a vote of 349 for and none against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

WHEELOCK,

Executive Committee

FRANK CHRISTY,

Superintendent of the Tomah Agency.

MORRIS

Chairman of the General Tribal Council.
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

THE ONEIDA INDIAN NATION
OF NEW YORK STATE, THE ONEIDA
INDIAN NATION OF WISCONSIN, and
THE ONEIDA OF THE THAMES,

Plaintiffs,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

THE STATE OF NEW YORK, COUNTY
OF MADISON, NEW YORK, and
COUNTY OF ONEIDA, NEW YORK,

Defendants.

CIVIL ACTION
No. 74-CV-187
(LEK/DRH)

(Federal Common Law Claims;
Nonintercourse Act Claims)

AFFIDAVIT

I, M. Sharon Blackwell, being duly sworn according to law, depose and state the
following:

1. I am employed by the United States Department of the Interior, and hold the
position of Deputy Commissioner, Bureau of Indian Affairs. I have held the
position of Deputy Commissioner of Indian Affairs since April 2000. As Deputy
Commissioner of Indian Affairs, I am the senior government official responsible for
supervising and managing the many offices comprising the Bureau of Indian
Affairs, including the Office of Tribal Government. The Office of Tribal Services
is responsible for overseeing the organization of Indian tribes, the revision or
modification of tribal governing documents, and the preparation of the list of
federally recognized Indian tribal entities pursuant to the Federally Recognized

2. It is the position of the Department of the Interior that the historic Oneida Nation
was one of the Indian tribes which entered into and signed the Treaty of Fort
Stanwix dated October 22, 1764, 7 Stat. 15; the Treaty of Fort Harmar dated
January 9, 1769, 7 Stat. 33; and the Treaty with the Six Nations ("Treaty of Canandaigua"), dated November 11, 1794, 7 Stat. 44.

3. The Secretary of the Interior recognizes the Oneida Nation of New York and the Oneida Tribe of Wisconsin as successors-in-interest to the historic Oneida Nation signatories of those treaties.

4. The Secretary of the Interior recognizes the Oneida Nation of New York as the Indian tribe that remained on the New York Oneida Reservation, as surveyed by Nathan Burchard, following the Treaty of May 23, 1842, between the State of New York and the First and Second Christian Parties of the Oneida Indians.


7. The Oneida Nation of New York and the Oneida Tribe of Indians of Wisconsin are the only federally recognized Indian tribes having any interests protected, secured, or reserved to the historic Oneida Nation by Articles II and IV of the Treaty of Canandaigua. 7 Stat. 44.

8. The Oneida of the Thames, a Canadian tribe, also claims to be a successor-in-interest to any interests protected, secured, or reserved to the historic Oneida Nation by Articles II and IV of the Treaty of Canandaigua. 7 Stat. 44. The Oneida of the Thames is not a federally recognized tribe. The absence of federal recognition, however, does not imply that it is not a successor-in-interest to any interests protected, secured, or reserved to the historic Oneida Nation by Articles II and IV of the Treaty of Canandaigua. 7 Stat. 44.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 24, 2001.

[Signature]
M. Sharon Blackwell
and numbers of their respective parties, and the laws and usages in said tribe. The lands in the Indian District are to remain and to be held in common; those in the Citizen District are to be divided; and to each Indian who becomes a citizen the said sub-agent shall assign, by distinct metes and bounds, his ratable proportion of land. And, after the division and allotment are completed, it shall be the duty of the said sub-agent to make out three copies of the divisions thus made, one of which he shall file with the clerk of the District Court of the county in which the Citizen District of land may be situated; one other copy he shall file in the land office at Green Bay, in Wisconsin Territory; and the other shall be returned to the Secretary of War. And, upon the receipt of the said return by the Secretary of War, patents may be issued to the individual reserves who become citizens, upon the receipt of which a title in fee simple to the lot of land shall vest in the patentee; and all transfers and assignments of the land made previous to the issuance of the patent shall be null and void: Provided, however, That those Indians who become citizens shall forfeit all right to receive any portion of the annuity which may now be or may become due the nation of Stockbridges, by virtue of any treaty herefore entered into by this government, with said Stockbridges.

SEC. 3. And it is further enacted, That, in consideration of the moneys paid by said Stockbridge nation of Indians to the Winnebagoes and Menomonees in the years eighteen hundred and twenty-one and eighteen hundred and twenty-two, and all other claims, the sum of five thousand dollars be paid to said tribe of Indians by the Secretary of War; and for this purpose, the said sum of five thousand dollars be, and the same is hereby, appropriated, out of any money in the treasury not otherwise appropriated: Provided, That nothing in this act contained shall be construed to impair any claim which said nation may have upon the Delaware nation to a share of the lands assigned to them west of the Missouri River.

Approved, August 6, 1846.

Enabling Act

Aug. 6, 1846.

CHAP. LXXXIX. — An Act to enable the People of Wisconsin Territory to form a Constitution and State Government, and for the Admission of such State into the Union.

The people of Wisconsin authorized to form a constitution and State government.

Boundaries.

1847, ch. 55, § 2.

Post, p. 97.
same, above the Indian village, according to Nicollet's map; thence due south to the main branch of the River St. Croix; thence down the main channel of said river to the Mississippi; thence down the centre of the main channel of that river to the north-west corner of the State of Illinois; thence due east with the northern boundary of the State of Illinois to the place of beginning, as established by "An Act to enable the People of the Illinois Territory to form a Constitution and State Government, and for the Admission of such State into the Union on an equal footing with the original States," approved April eighteen, eighteen hundred and eighteen.

Sec. 3. And be it further enacted, That, to prevent all disputes in reference to the jurisdiction of islands in the said Brulé and Menomonic Rivers, the line be so run as to include within the jurisdiction of Wisconsin all the islands in the Brulé and Menomonic Rivers, to the extent in which said rivers are adopted as a boundary, down to, and inclusive of, the quinnessee Falls of the Menomonic; and from thence the line be so run as to include within the jurisdiction of Wisconsin all the islands in the Menomonic River, from the falls aforesaid down to the junction of said river with Green Bay: Provided, That the adjustment of boundary, as fixed in this act, between Wisconsin and Michigan shall not be binding on Congress, unless the same shall be ratified by the State of Michigan on or before the first day of June, one thousand eight hundred and forty-eight.

Sec. 3. And be it further enacted, That the said State of Wisconsin shall have concurrent jurisdiction on the Mississippi, and all other rivers and waters bordering on the said State of Wisconsin, so far as the same shall, form a common boundary to said State and any other State or States now or hereafter to be formed or bounded by the same; and said river and waters, and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll, therefor.

Sec. 4. And be it further enacted, That from and after the admission of the State of Wisconsin into the Union, in pursuance of this act, the laws of the United States, which are not locally inapplicable shall have the same force and effect within the State of Wisconsin as elsewhere within the United States; and said State shall constitute one district, and be called the District of Wisconsin; and a district court shall be held therein, to consist of one judge, who shall reside in the said district and be called a district judge. He shall hold, at the seat of government of said State, two sessions of said court annually, on the first Mondays in January and July; and he shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky District, under an act entitled "An Act to establish the Judicial Courts of the United States." He shall appoint a clerk for said district, who shall reside and keep the records of said court at the place of holding the same; and shall receive for the services performed by him the same fees to which the clerk of the Kentucky District is by law entitled for similar services. There shall be allowed to the judge of said district court the annual compensation of fifteen hundred dollars, to commence from the date of his appointment, to be paid quarterly at the treasury of the United States.

Sec. 5. And be it further enacted, That there shall be appointed in said district a person learned in the law to act as attorney of the United States, who, in addition to the stated fees, shall be paid the sum of two hundred dollars annually by the United States, as a full compensation for all extra services; the said payment to be made quarterly at the treasury of the United States. And there shall also

1618, ch. 67.

Jurisdiction of islands in Brulé and Menomonic Rivers.

Assent of Michigan required.

To have concurrent jurisdiction on the Mississippi and other rivers.

Navigable waters to be common highways.

Laws of U.S. extended to said State.

Shall constitute one judicial district.

A district court to be held.

Sessions of the court, and powers and jurisdiction of the judge.

Shall appoint a clerk, &c.

Fees.

1789, ch. 20, § 10.

Compensation of judge.

District attorney to be appointed.

Compensation and fees.
TWENTY-NINTH CONGRESS. Sess. I. Ch. 89. 1846.

Marshall to be appointed.
Duties, fees, and compensation.

To be entitled to two representatives in Congress.
Propositions submitted to the convention, &c.

Lands for schools.

Lands for a seminary of learning.
1839, ch. 110.

Lands for public buildings and seat of government.

Salt springs.

Provided.

5 per cent. of proceeds of sales of lands given for roads and canals.

Condition.

Taxes.

be appointed a marshal for said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed and allowed to marshals in other districts; and shall, moreover, be allowed the sum of two hundred dollars annually, as a compensation for all extra services.

Sec. 6. And be it further enacted, That, until another census shall be taken and apportionment made, the State of Wisconsin shall be entitled to two representatives in the Congress of the United States.

Sec. 7. And be it further enacted, That the following propositions are hereby submitted to the convention which shall assemble for the purpose of forming a constitution for the State of Wisconsin, for acceptance or rejection; and if accepted by said convention, and ratified by an article in said constitution, they shall be obligatory on the United States:

First. That section numbered sixteen, in every township of the public lands in said State, and, where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools.

Second. That the seventy-two sections or two entire townships of land set apart and reserved for the use and support of a university by an act of Congress, approved on the twelfth day of June, eighteen hundred and thirty-eight, entitled "An Act concerning a Seminary of Learning in the Territory of Wisconsin," are hereby granted and conveyed to the State, to be appropriated solely to the use and support of such university, in such manner as the Legislature may prescribe.

Third. That ten entire sections of land, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States within the said State, are hereby granted to the said State, for the purpose of completing the public buildings of the said State, or for the erection of others at the seat of government, under the direction of the Legislature thereof.

Fourth. That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to the State for its use; the same to be selected by the Legislature thereof, within one year after the admission of said State; and when so selected, to be used or disposed of on such terms, conditions, and regulations, as the Legislature shall direct: Provided, That no salt spring or land the right whereof is now vested in any individual or individuals, or which may hereafter be confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State.

Fifth. That five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress, from and after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, for the purpose of making public roads and canals in the same, as the Legislature shall direct: Provided, That the foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents.

Approved, August 6, 1846.