



Oneida Cultural Heritage Department

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“The Law of the Land”

All treaties “shall be the supreme law of the land;...anything in the Constitution or laws of any State to the contrary notwithstanding.”

From the United States Constitution, Article VI.

TREATIES THEN AND THEIR IMPACT NOW

The Oneidas were party to the several Five Nations who were trading with them or attempting settlement in or near their ancient lands as early as 1613. The state of New York, as one of the thirteen colonies of the Continental Congress also treated with the Haudenosaunee—collectively and separately.

The United States, after adoption of the Constitution in 1789, also concluded treaties with the Oneidas and others of the Five Nations for cession of land, peace and friendship and to recognize services of the Tribes to the fledgling country.

The Treaty with the Six Nations of 1794 is also referred to as the Treaty of Canandaigua (place of agreement) or The Pickering Treaty with reference to the United States Commissioner present. The Oneida Nation still receives annuities (yearly payments) from the United States for the participation of Oneida Warriors in defense of the Colonies in the Revolutionary War. Older folks will remember the 52 cent checks they received every year.

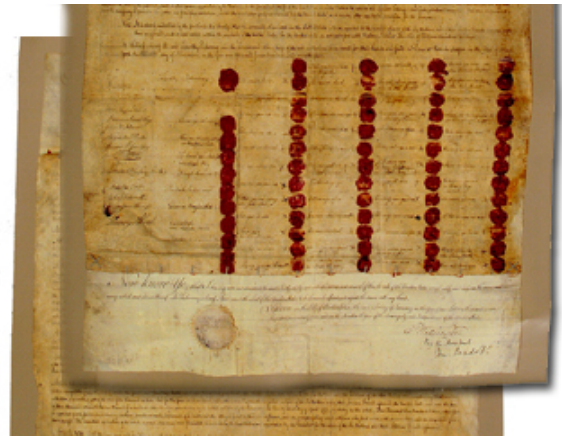
Now the payment accumulates at the rate of \$1800 per year in a Trust Fund with the Bureau of Indian Affairs. The last time funds were withdrawn was by a referendum of the people for the construction of the Anna John Nursing Home.

The United States attempted, on several occasions, to buy out the Oneidas and cease the

payments for all time to come. But the Oneida leadership of the time rejected all offers and held on to the Treaty Rights so that the Treaty of Canandaigua is as valid today as it was when it was made more than two hundred years ago.

Furthermore, Article II of the Treaty of Canandaigua was an important argument upon which the Supreme Court of the United States, in 1985, determined that the Oneidas have aboriginal title to the 270,000 acre reservation in mid-state New York.

TREATY WITH THE SIX NATIONS, 1794



A treaty between the United States of America, and the Tribes of Indians called the Six Nations.

The President of the United States having determined to hold conference with the Six Nations of Indians, for the purpose of

removing from their minds all causes of complaint, and establishing a firm and permanent friendship with them; and Timothy Pickering being appointed sole agent having met and conferred with Sachems, Chiefs and Warriors of the Six Nations, in a general council: Now, in order to accomplish the good design of this conference, the parties have agreed on the following articles; which, when ratified by the President, with the advice and consent of the Senate of the United States, shall be binding on them and the Six Nations.

ARTICLE I. Peace and Friendship are hereby firmly established, and shall be perpetual, between the United States and the Six Nations.

ARTICLE II. The United States acknowledge the lands reserved to the Oneida, Onondaga and Cayuga Nations, in their respective treaties with the state of New York, and called their reservations, to be their property; and the United States will never claim the same, nor disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: but the said reservations shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE III. The land of the Seneca Nation is bounded as follows: Beginning on Lake Ontario, at the north-west corner of the land they sold to Oliver Phelps, the line runs westerly along the lake, as far as O-yong-wong-yeh Creek, at Johnson's Landing-place, about four miles eastward from the fort of Niagara; then southerly up that creek to its main fork, then straight to the main fork of Stedman's creek, which empties into the river Niagara, above for Schlosser, and then onward, from that fork, continuing the same straight course, to that river; (this line, from the mouth of O-yong-wong-yeh Creek to the river of Niagara, above fort Schlosser, being the eastern boundary of a strip of land, extending from the same line to Niagara river, which the Seneca nation ceded to the King of Great Britain, at a treaty held about thirty years ago, with Sir William Johnson:) then the line runs along the river Niagara to Lake Erie; then along Lake Erie to the north-east corner of a triangular piece of land which the

United States conveyed the state of Pennsylvania, as by the President's patent, dated the third day March, 1792; then due south to the northern boundary of that state; then due east to the south-west corner of the land sold by the Seneca nation to Oliver Phelps; and then north and northerly, along Phelps's line, to the place of beginning on Lake Ontario. Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneca nation; and the United States will never claim the same, nor disturb the Seneca nation, nor any of the Six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs until they choose to sell the same to the people of the United States, who have the right to purchase.

ARTICLE IV. The United States having thus described and acknowledged what lands belong to the Oneida, Onondagas, Cayugas and Senecas, and engaged never to claim the same, nor to disturb them, or any of the Six Nations, or their Indian friends residing thereon and united with them, in the free use and enjoyment thereof: Now, the Six Nations, and each of them, hereby engage that they will never claim any other lands within the boundaries of the United States; nor ever disturb the people of the United States in the free use and enjoyment thereof.

ARTICLE V. The Seneca nation, all others of the Six Nations concurring, cede to the United States the right of making a wagon road from Fort Schlosser to Lake Erie, as far south as Buffalo Creek: and the people of the United States shall have the free and undisturbed use of this road, for the purposes of traveling and transportation. And the Six Nations, and each of them, will forever allow to the people of the United States, a free passage through their lands, and the free use of the harbors and rivers adjoining and within their respective tracts of land, for the passing and securing of vessels and boats, and liberty to land their cargoes where necessary for their safety.

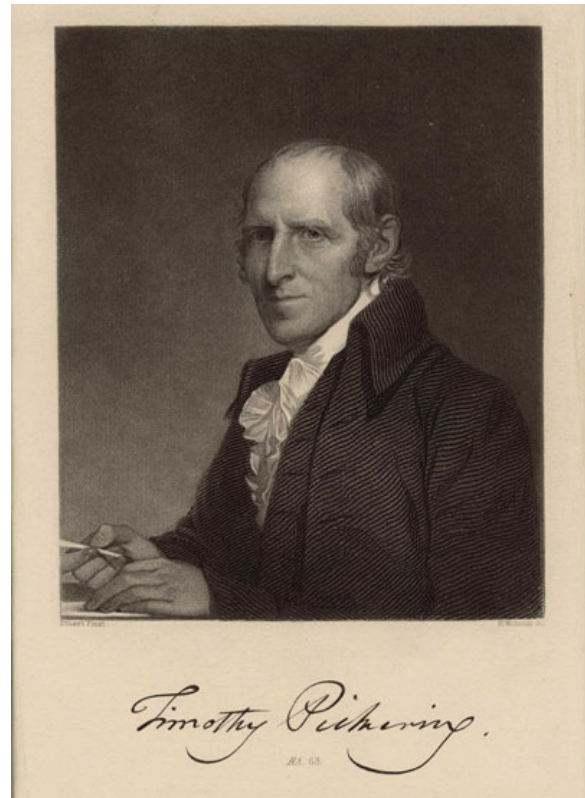
ARTICLE VI. In consideration of the peace and friendship hereby established, and of the engagements entered into by the Six Nations; and because the United States desire, with humanity and kindness, to contribute to their

comfortable support; and to render the peace and friendship hereby established, strong and perpetual; the United States now deliver to the Six Nations, and the Indians of the other nations residing among the united with them, a quantity of goods of the value of ten thousand dollars. And for the same considerations, and with a view to promote the future welfare of the Six Nations, and of their Indian friends aforesaid, the United States will add the sum of three thousand dollars to the one thousand five hundred dollars, heretofore allowed them by an article ratified by the President, on the twenty-third day of April, 1792; making in the whole, four thousand five hundred dollars; which shall be expended yearly forever, in purchasing clothing, domestic animals, implements of husbandry, and other utensils suited to their circumstances, and in compensating useful artificers, who shall reside with or near them, and be employed for their benefit. The immediate application of the whole annual allowance now stipulated, to be made by the superintendent appointed by the President for the affairs of the Six Nations, and their Indian friends aforesaid.

ARTICLE VII. Lest the firm peace and friendship now established should be interrupted by the misconduct of individuals on either side, no private revenge or retaliation shall take place; but, instead thereof, complaint shall be made by the party injured, to the other: By the Six Nations, or any of them, to the President of the United States, or the person appointed by the President, to the principal chiefs of the Six Nations, or of the nation to which the offender belongs: and such prudent measures shall then be pursued as shall be necessary to preserve our peace and friendship unbroken; until the legislature (or great council) of the United States shall make other equitable provision for the purpose.

NOTE: It is clearly understood by the parties to this treaty, that the annuity stipulated in the sixth article, is to be applied to benefit of such of the Six Nations and their Indian friends united with them as aforesaid, as do or shall reside within the boundaries of the United States: For the United States do not interfere with nation, tribes or families, of Indians elsewhere resident.

In witness, whereof, the said Timothy Pickering, and the fifty-nine sachems and war chiefs of the said Six Nations, have hereunto set their hands and seals. Signed at Canandaigua, in the State of New York, on the eleventh day of November, in the year one thousand seven hundred and ninety-four.



Timothy Pickering

O-no-ye-ah-nee
 Kon-ne-at-or-tee-oooh (Handsome Lake)
 To-kenh-you-hau (Captain Key)
 O-nes-hau-ee
 Hendrich Auapumut,
 David Neesoonhuk,
 Kanatsoyh (Nicholas Kusik)
 Soh-hon-te-o-quent
 Oo-duht-sa-it
 Ko-nooh-qung
 Tos-song-gau-lo-lus
 John Sken-en-do-a
 O-ne-at-or-lee-oooh (Handsome Lake)
 Kus-sau-wa-tau
 E-yoo-ten-yoo-tau-ook
 Kohn-ye-au-gong (Jake Stroud)
 Sha-qui-ea-sa
 Teer-ooos (Captain Printup)

Soos-ha-oo-wau
Henry Young Brant
Sonh-yoo-wau-na (Big Sky)
O-na-ah-hah
Hot-osh-a-henh
Oo-jau-gent-a (Fish Carrier)
Oot-a-guas-so
Joo-non-dau-wa-onch
Ki-yau-ha-onh
Oo-tau-je-au-genh (Broken Axe)
Tau-ho-on-dos (Open the Way)
Twan-ke-wash-a
Se-quid-ong-quee (Little Beard)
Ko-djeote (Half Town)
Ken-jau-au-gus (Stinking Fish)
Soo-noh-qua-kau
Twen-ni-ya-na
Jish-kaa-ga (Green Grasshopper; Little Billy)
Tug-geh-shot-ta
Teh-ong-ya-gau-na
Teh-ong-yoo-wush
Kon-ne-yoo-we-sot
Ti-oo-quot-ta-kau-na (Woods of Fire)
Ta-oun-dau-deesh
Ho-na-ya-wus (Farmer's Brother)
Sog-goo-ya-waut-hau (Red Jacket)
Kon-yoo-tia-yoo
Sauh-ta-ka-ong-yees (Two Skies of a Length)
Oun-na-shatta-kau
Ka-ung-ya-neh-quee
Soo-a-yoo-wau
Kau-je-a-ga-onh (Heap of Dogs)
Soo-nooh-shoo-wau
Tha-og-wau-ni-as
Soo-nong-joo-wau
Ki-ant-whau-ka (Cornplanter)
Kau-neh-shong-goo

Witness:

Israel Chapin
William Shepard, Jr.
James Smedley
John Wickham
Augustus Porter
James H. Garnsey
William Ewing
Isreal Chapin, Jr.

Interpreters:

Horatio Jones
Joseph Smith
Jasper Parrish
Henry Abeele

TREATY WITH THE ONEIDA, 1838

The Treaty of the Oneida of February 3, 1838 confirms the cession of land made by two earlier treaties with the Menominee Nation, which the Menominees had defined for the use of the Oneidas. It further proclaims the exact amount of land for use, at that date, of one hundred acres per Oneida person, to be held in and used in common for the common good. The boundaries were later defined by a survey to include 65,430 acres.

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 I. 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 Menomonies of February 8th, 1831, and the 2nd article of the treaty with the same tribe of October 27th, 1832.

ARTICLE II. 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 improvement in the vicinity of Green Bay.

ARTICLE III. 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 (3000) 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 2nd article to be surveyed as soon as practicable.

ARTICLE IV. 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 2nd article of this treaty.

ARTICLE V. 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 VI. 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 Powles
John Denny (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

Interpreter:

John Denny (John Sundown)
(To the Indian names are subjoined marks)