

Therefore, the Claim of the Indian follows:

- 1st. The Six Nations Indians consummated a Treaty with the United States Government through its regular channels, the same being approved and ratified by General George Washington, at Fort Stanwix in the state of New York in 1784, by which they were ceded certain territory, within the state of New York.
- 2nd. That the ceding and setting over to the Indians of this territory was in accordance with and at the conclusion of a treaty consummated by the Indians as a nation and by the United States as a Nation.
- 3rd. Further, that the passing of the title of the ceded territory to the Indians of the state was a legal and proper transaction, and that the Indians as a Nation became possessed of the ceded territory the same as any other nation would become possessed.
- 4th. That the said Indians of the State of New York as a nation are still the owners of the fee simple title to the territory ceded to them by the treaty of 1784.

It must be thoroughly understood by all parties concerned, that the vesting of this title in the Indian shall not be construed to mean that the Indian is taking any title from the white man; it being the fact that this is a division of territory formerly belonging in its entirety to the Indian, and that the ceding of this title at this time is simply a division of the Indians property, and an understanding as to where the line of division shall be as between the white man's country, and the country of the Indian, the same to be considered as permanent for all future time.

Treaty Making power is vested only in Nations. No one state has or ever had the power to make a treaty with a separate state or a nation. All the so-called treaties between the state of New York and the individual states of the Iroquois Confederacy are of no force and effect, and have no standing before any judicial body or Commission.

Any transfer of land made in such agreements is void and the title to all such land is still vested in the Six Nations.

The peaceful possession held by early settlers and their heirs or assignees for a century, has no legal effect, as the statute of limitation cannot run against any nation or people who are forced to procure a jurisdictional act to sue for rights in the courts of another country.

The Six Nation Indian is not bound by any proclamation, court decision or statute made by any other country or authority existing outside of the territory belonging to the Six Nations.

To The Six Nations Confederacy of America:

I hereby hand you excerpt from the evidence behind the opinion submitted by Hon. E. A. Everett and concurred in by Wise, Whitney, and Parker of New York City, in regard to your claim to the title to eighteen millions of acres of land located in the state of New York.

The evidence gathered by a Commission appointed by the state legislature of New York, to determine the legal status of the Six Nations Indian, fully substantiates your claim.

After two and a half years investigation by said Commission, with official access to all documents bearing on the subject, the following facts were found:

The white man discovered America in 1492, actually coming in contact with the Northern Indian in 1620. He found the country settled by a people representing all the stages of development to be found in any country possessing civilization. He found them divided into tribes, as all the old world had formerly been, with the exception of The Iroquois Confederacy.

While the Eastern and Northeastern tribes had some form of government, they all owed allegiance to a greater government located farther West. He found that all the tribes from Quebec on the North, to The Cumberland river on the South, and from the Atlantic West of the Mississippi, were paying taxes to the Confederate League. The tribes were taken under the protection of the League, and the taxes collected paid for protection against the barbarian tribes of the North and the Northeast.

The emigrant to the New World found a government unique in the history of governments, five separate tribes, individually harassed and whipped by more powerful tribes living on all sides of them, had formed a Union or Confederacy. Five States within one Central Government, both for offense and defense.

He found that in time of peace, each state regulated ITS OWN affairs in so far as these affairs did not nationally affect the Confederacy. But when the time of danger came, all states rights were subjected to the Federal, and all affairs were looked after as the common weal demanded.

The Iroquois Confederacy was so powerful, and their social order and system of government so far ahead of anything in theory and practice, that the European had ever known, that the immigrants to the new world reported to their respective governments, a mighty Nation existed here. And soon you find, England, Holland, and France, sending ambassadors to the Confederate League.

These ambassadors came with due authority to purchase land in the new world, but found they could purchase no land from subject tribes; all lands had to be purchased from the Six Nations Government.

Old Roman law, English Jurisprudence, and International law, generally agree that any Nation able to hold its territory against invasion and usurpation, and at the same time protect smaller peoples or nations from the same, collecting taxes from them for said protection, constitutes a Sovereign people, and holds absolute or fee title to land. This the Europeans found to be the facts with the Iroquois, and deeds taken by them from the Confederacy are evidence that the English, Holland and French Governments all bought the



fee title to the land the early settlers occupied, from the Iroquois Confederacy, taking from them deeds of warranty, thereby recognizing the Indians sovereign title to the land.

The Iroquois Confederacy was the only nation of Indians on the new continent which was never conquered and the only one recognized as a sovereign government in whom the fee simple was vested.

Prior to the Revolutionary War, the English and French engaged in a bitter war on the new continent. Both countries recognizing the power of the Confederacy were continually trying to gain their support. At this time General George Washington came to know the leaders of the Iroquois as he was serving on the English staff, and he appreciated their fighting strength as only a frontiersman could.

The English Colonies had been forming their separate government for many years and were desirous of obtaining more lands controlled by the Iroquois. In time the eastern Indian boundary moved westward. The English had appointed an ambassador to the Confederacy in Sir William Johnson, and in 1767, the Iroquois took a firm stand and notified the English, through their ambassador that not another foot of land would be sold, and themselves volunteered that Sir William Johnson should represent both countries in settling a permanent boundary line between the two nations.

This was agreed to by both governments, and the line known as the Sir William Johnson Line of Property was definitely fixed, in 1768.

This property line was religiously adhered to by both Nations, until 1775, when both the English government and the Colonies realized that the war clouds which had been so long threatening must break.

Both sides knew whichever side could ally itself with the Confederacy would have the balance of power. A Treaty Council was asked for by Sir William Johnson, and was granted by the Confederacy. Sir William told them that the English asked for an alliance, and their support against the Colonies; that the English government would pay them five pounds gold for every fighting man, and offered them a Treaty guaranteeing them security in their title to their territory, and protection, against all encroachments "as long as water runs, and grass grows." Also should the British be whipped, the English would deed them as much land in Canada as they then possessed in New York and would guarantee them their sovereignty as a Nation there.

General George Washington, two months later, asked for a National Council of the Iroquois, and it was granted. He told them the Colonies were poor, but they were fighting for Liberty, the one thing dearest to every Indian heart. He said he could not offer them gold, but asked for an alliance between them and the Continental Congress soon to be formed. And should the British be whipped, the new government of the United States would renew the alliance, both recognizing the sovereignty of one another. The U. S. would guarantee them in their title to their lands forever.

The majority of the Six Nations decided to remain neutral, except the Oneidas, and the Tuscaroras, who came into the League of the Five Nations making the Sixth, in 1710, and the wards of the Oneidas, the Stockbridges and Brothertowns, to a fighting man joined the Colonists, and carried the necessary balance of power.

After England was whipped, General Washington clothed with the power

of the Continental Congress called a Treaty Council at Fort Stanwix in 1784. He came to the friends who had helped him win the liberty of this country and asked what their wish was with regard to the rest of the Six Nations who had only remained neutral, and the Oneidas answered forgive them and let us proceed with our prewar agreement as the Six Nations. And so the Treaty of Fort Stanwix was the result.

That Treaty recognized the two Nations as equals. The Continental Congress recognized the sovereign title of the Confederacy to their title forever, and agreed to protect them in the same as against any encroachments whatsoever "as long as grass grows and water runs."

That as it was a national law of the Confederacy, that no one of the states of the Confederacy or no one of the dependent nations could sell a foot of territory unless said territory was sold by the Federal power of the Six Nations, that the same be made a part of the Treaty and that no state of the Confederacy could ever sell any land without the sale being consummated by the Six Nations government, and that the Six Nations Government must, if it should see fit to sell, either sell to the United States government, or get the consent of that government to sell. This Treaty was ratified by the Continental Congress and after the formation of the Union, ratified by the United States Senate.

This Treaty was promulgated and every state of the United States had official notice of the same. Notwithstanding the State of New York purchased millions of acres of lands from the individual states of the Confederacy, in no instance, purchasing it through the Six Nations government and never even asking the consent of the U. S. Government but buying it over the written protest of the U. S. Government. This outrage has continued until there remain today only 78,000 acres of the original eighteen million.

The Boylan case has brought the American people face to face with the crime which has been perpetrated on the Six Nations Indians. It has brought the state of New York and the U. S. Government to a point when they must face this issue and make a settlement with the Confederacy for the wrongs of degrading, pauperizing and well-nigh annihilating a once powerful Nation, which was the hope of the American Indian on the Western continent.

An Indian by the name of Margaret Honyost had mortgaged 32 acres in Oneida New York. In a few years she was foreclosed and forced to move. An action was started by the U. S. District Attorney to declare the foreclosure illegal. The said action went to the Federal Circuit Court of northern New York with Judge George W. Ray, presiding. After a long hearing Judge Ray handed down a decision stating that the title to the land had never left the Six Nations. That the Iroquois Confederacy was still a Nation and had never given up its right of self-government. And in effect therefor, no one but the Six Nations government could mortgage or sell one foot of the property guaranteed under the Treaty of 1784. The effect of this decision was that the 32 acres then in the hands of an innocent purchaser reverted back to the Six Nations by Court order and so stands today.

An appeal was taken by the white man to the Federal Court of Appeals and there Judge Ray's decision was sustained.