

REPORT OF COMMISSIONER TO INVESTIGATE CLAIM
TO CERTAIN LANDS LOCATED IN VERMONT BY
CERTAIN TRIBES OF THE IROQUOIS CONFEDERACY

TO: His Excellency, Lee E. Emerson, Governor
of the State of Vermont

The Commissioner authorized by Joint Resolution (H)49
(No. 368) of the Acts and Resolves of the Legislature of
1951 and appointed by your Excellency on the 18th day of
April, A.D. 1952 submits to you for transmission to the
1953 session of the General Assembly a report in accordance
with said Joint Resolution:--

REPORT

The Joint Resolution, above referred to, directed the
Commissioner to review the evidence on record together
with any new evidence that might be available pertaining
to the claim by certain tribes of the Iroquois Confederacy
to a portion of the lands within the State of Vermont.

The evidence on record in the Secretary of State's
Office and in the State Library which has come to the
attention of your Commissioner discloses that the claim
hereunder consideration has either been presented before

or referred to by the Vermont General Assembly at the sessions of 1798, 1799, 1812, 1826, 1851, 1854, 1855, 1874, 1880, 1896, and 1951. In 1798, 1799, 1854 and 1855, the claim was apparently studied very thoroughly by the then Governor in one instance and a Commissioner in another. However, each time that this claim has come to the attention of the Legislature, it has, either by inaction or positive expression, decided against making any financial settlement with the Indians whereby the claim would be finally disposed of. Some of the reasons assigned for this have been; abandonment of the disputed area by the claimant tribes; extinguishment of the claim through the terms of the Treaties between France and England in 1763 and between England and the United States in 1783; the restrictions imposed upon negotiations of this type with Indian Tribes by the provisions of our Federal Constitution and Federal enactments; and conquest of the French and English forces to which the claimant Tribes had been allied. Nothing more of record substantiating the claim has been brought to the attention of your Commissioner.

There apparently have been some instances of settlements being made by some of the States of this Union with some Indian Tribes whereby the Indians' right of occupancy or their title was acquired from them and merged with the title now held by the present owners of the fee to the premises. However, the legal basis and justification for such measures, as they might apply to the instant situation, have not been submitted to your Commissioner for his consideration; and therefore he has no legal grounds, if there be such, upon which to base any recommendation by him of a financial settlement directed toward finally and completely disposing of the claim hereunder consideration.

Since 1880 the Indian Claimants have apparently presented no new factual evidence of their claim, no basis in law for it and nothing to rebut the stand taken by various sessions of the Vermont General Assembly. In order that they might have an opportunity for doing so, your Commissioner scheduled a hearing for November 13, 1952 to be held in the Franklin County Court House at St. Albans. Notices of this hearing were sent by registered mail on October 14, 1952 to Chief Mose Thompson of the St. Regis Tribe, Chief Philip Sagodensta Angus, Chief James Sagogete Montour, and Matthew Lazare,

Secretary of the Indian Council of the Iroquois Confederacy, all of whom appeared to your Commissioner to be those entitled to such notice according to the files in the office of the Secretary of State. The same notice was sent to the Attorney General of Vermont and also to Mr. Roland E. Stevens of White River Junction, Vermont who had indicated he was Counsel for the claimant Tribes and who was later acknowledged by the Indians mentioned above to be such.

A period of time spent in corresponding and conferring with Mr. Stevens by reason of his request that the hearing be held at a later date and different place ended on November 7, 1952 when Mr. Stevens as Counsel for the three Tribes who had had notice of the hearing signed a stipulation in which he expressed a desire to forego presenting evidence of the claim before this Commissioner in order that he might bring it to the attention of the 1953 session of the General Assembly. He also indicated his willingness to release your Commissioner from any obligation he may have had to the claimants to hold this hearing for the purposes aforementioned. A copy of this stipulation is attached hereto.

Because the Indians so declined to appear before him when given the opportunity, your Commissioner has no more factual evidence or law before him to substantiate this claim than did the Committee on Federal Relations of the House of Representatives in 1880 when it made a report and recommendation in part as follows:

"And whereas, the same claim has been before the Legislature of the State in the years 1798, 1812, 1854, 1855 and 1874 and fully examined by competent committees on all these occasions, and said committees reported adversely on every occasion:

And whereas, the committee to whom was referred the claims presented at this session find no new evidence of the validity of said claims, therefore

Be it resolved by the Senate and House of Representatives, that the Governor be requested to notify the petitioners that the Legislature of the State of Vermont have examined their claims, and are of the opinion that the Petitioners have not at this time, any legal or equitable claim or interest in or to any of the lands described in their petition."

Thus your Commissioner makes substantially the same recommendation as was made in 1880; namely, that the Tribes of the Iroquois Confederacy be informed that they have shown no legal or equitable justification for their claim to a portion of the lands within the State of Vermont and that because of this, the General Assembly must decline making any financial settlement therefor with these claimants.

Respectfully submitted,

Charles J. Adams
Commissioner

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| In re Claims of Tribes | | Before Charles J. Adams, |
| of the Iroquois Confederacy | | Commissioner |

STIPULATION

After notice of hearing on tentative claims to be presented by the Tribes of the Lake of Two Mountains, Caughnawaga and St. Regis Indians and pending the introduction of any evidence in support of such claims, it is stipulated and agreed by and between the claimants and Clifton G. Parker, as Attorney General for the State of Vermont, that further proceedings before said Commissioner be terminated and that said Commissioner be relieved of any further duties in said Commission other than to report the substance of this stipulation to the General Assembly of 1953;

Said claimants before said Commissioner asserting their preference, by their counsel, Roland Stevens, Esq., for a hearing on said claim before the proper claims committee of the 1953 General Assembly or its special committee of commission which it may, in its determination, provide in the matter.

Dated at City of Montpelier, in the County of Washington, and State of Vermont, this 7th day of November, A.D. 1952.

TRIBES OF THE IROQUOIS CONFEDERACY
Lake of Two Mountains
Caughnawaga
St. Regis

By /s/ Roland E. Stevens
Their Attorney

STATE OF VERMONT

By /s/ Clifton G. Parker
Its Attorney General