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RATIFIED TREATY NO. 305
DOCUMENTS RELATING TO THE NEGOTIATION
OF THE TREATY OF NOVEMBER 5, 1857, WITH
THE TONAWANDA SENECA INDIANS

1857

New York

Philadelphia Oct. 18, 1857

Hon. J. M. Denver

As I promised you yesterday, I have drafted a treaty in full, to be submitted to you and the Scty of the Interior — In my interview with the Scty, the "details" were most perplexing — I have endeavored to draw them out in such form as to suggest to you the points to provide for —

The dismemberment of the Senecas, has existed in the State of New York in fact, however it may be regarded in law, more than 40 years. — Will it be of any service to you to refer to the brief which I left with you at the Scty in July last on this subject — The brief was used by me in the Circuit appeals, New York, —

— Hoping to see Mr. May in the course of the next 10 days, and the final settlement of this protracted perplexing difficulty.

I remain with sincere appreciation of your kindness & attention to me & the Senecas.

Yours Oct 18, 57.

J. H. Martindale

New York -
High Minutes of
Talk or Council

with
Sarcoc & Lomax

Index

12-03-1857

(1) Second day's council.

Thursday November 3rd 1837.

The Council again assembled, but before the U. S. Commissioner was notified thereof Mr. Martindale stated to the Indians that he had learned since of the instructions to the Com^{rs} touching the quantity of land to be secured by them, and that the President desired and would as far as proper co-operate in obtaining 6500 acres of land. & Mr. M. recommended the council to obey the ~~express~~ wishes of the President and secure the amount 6500 acres.

Mr. May, the Commissioner who had previously returned and taken his seat then addressed the Indians as follows:

Seneca at Tonawanda! I meet you agreeably to the appointment of yesterday, the Great Spirit having preserved me & enabled me to return; and I am ready now, to hear what you have to say through your Speaker.

Elon S. Parker (chief) then briefly spoke to the Indians after which he turned to the Commissioner and addressed him as follows:

Brother! I have been deputed by the Tonawandas to report to you the result of the deliberations on the matter submitted to you yesterday. They think they understand fully, and they think they see something of the kindness of the President in selecting one so learned and competent in Indian affairs as

(2)

The papers will
show the names
to be inserted
here

yourself to conduct this negotiation. They have authorized and named ~~Isaac~~ Lyman, Jesse Spring, Isaac Shanks, George Sky and Ely S. Parker to treat for them. And they request you to take these papers home to their Great Father so that they may be executed agreeably to their wishes. They have also agreed as to the number of acres, and have taken the census of the Band. They have also executed this supplemental paper. It authorizes the President to exercise his discretion in allowing them to obtain lands at more ^{than} \$20. per acre. Some ^{and are} lands may be ^{bid} so high that they cannot obtain them at that price. ^{and will fail to get some lots they very much need & desire} Take this to the President and solicit him to execute it on his part for us. That is all & have been deputed to report.

7
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The Commissioners then said,

Brothers I have heard with a great deal of pleasure the report addressed to me by your speaker. I hope from the length of time you have had this agreement under consideration you have arrived at the result with unanimity of feeling. Now that there may be no mistake about it I purpose to have each article read by the U. S. Interpreter so that it cannot be said hereafter you did not understand its full purport & meaning. Interpreter you will interpret as I read and any errors or mistakes in the two papers will be detected and corrected!

The Commissioners thereupon read and Nicholas Parker (the interpreter) interprets the same article by article separately.

The Comr then said I now wish to have the sentiment ^{of the Council} taken in some way, by rising or otherwise as to whether they assent to this Treaty.

All the Indians rose at once. The Comr here said I want now to be informed whether there are any negatives.

The Chairman of the Indians reported that the expression of the

council ~~was unanimous~~ had been taken and then it was unanimous with one exception (Stephen Smith) who dissented.

Among other things Smith said that his father once owned the land from the river to the fresh waters - but they had divided among them from the interest taken in them by the President & Secy of the Interior he thought he would be allowed to remain on his land even notwithstanding he did not sign ^{that he would} the paper. ^{look to it for protection though he feared rather} that he would lay up in his heart all the kind things said by the Commissioners. Smith had in his hand ^{what appeared to be} a duplicate in parchment of an old treaty made by George Washington with the Indians of Western N. York wherein it was covenanted that the Senecas should be allowed to remain on certain lands "forever". And ^{Smith} said that the white men had got round that treaty and that he Smith was "too afraid of treaties" ever to sign one.

During the proceedings the Comr said. It had been suggested to me by your brother that under the original Treaty you may not be able to obtain the quantity of land desired. I replied that under that Treaty no alteration could be made by me. But a supplemental Treaty not to

impair the force & validity of the original might be executed, if ^{it was} approved by the President.

I state this that they may understand that if it shall not be approved by him it does not affect the validity of the Treaty we have ^{here} already made.

The Comin then read & the Interpreter ^{after them} interpreted the several articles of the Supplemental Treaty. The Comin then said - Now put this question! If this Supplemental Treaty is also approved by them and they desire me to do so, I will sign it.

The Interpreter replied - It is unanimous; and they request you to sign it.

The census was then produced & presented and signed by the U. S. Interpreter.

After the round forms and ceremonies of signing the several instruments had been completed, the chief, Oley S. Parker rose and spoke to the Comin as follows:

Brother! I am again deputed by the Tonawandas to express to you & through you to the President the ~~congratulations~~ ^{gratitude} they feel at the conclusion of this days work. To you as the Representative of the Great Father they desire to return

I believe that the sheets "A" & "B" are coming at this hour. Mr. Will will recollect.

their grateful acknowledgments for the humane manner in which you have treated with them. They repeat their acknowledgments, they wish you health, and as you are about to return; they wish the Great Spirit to ~~take~~ ^{protect} you. When they close they will take you by the hand.

Mr. Mix responded in substance as follows.

Senecas! I have heard the remarks of your speaker and I shall take pleasure in communicating to your Great Father the sentiments expressed on this occasion. I think I can say in his behalf that he will bear with equal pleasure the sentiments you have uttered.

For the kind feelings you have expressed to me personally I can say they are reciprocated, and I take this occasion ^{to remark} that when I depart this life I desire no grander inscription on my tomb than this "Here lies the friend of the Indian." The hour approaches for my return, and I must not extend these remarks. I assure those present, and you can communicate it to those that are absent, that as long as my heart pulsates the Indian will not be forgotten.

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I am about to take my departure
from you officially, and I close
with the expression of the hope
that your children, under the
provisions of this ^{new} Treaty may be
able to improve upon the conditions
of their parents and to enjoy ^{& preserve} the
^{substantial} blessings of civilized life.

Ely S. Parker then stated that the
Indians desired to give the Com-
missioner a name by which they
might know him among themselves
in their official business with him.
^{Mr. Mix told them they ought not to object to the proffered}
^{compliment} The Band then bestowed upon him
the designation of "Ho-gua-de-go"
which signifies "The Man of
Peace"

Ely S. Parker then said "Mr.
Commissioner on the part of the
Council I take your hand and
with you a pleasant journey

The Gros Ventre composed entirely
of ^{residing upon the Reservation} young Indians, then struck up
several lively airs, and the Coun-
cil was terminated; and the crowd
dispersed amid much rejoicing
& good feeling.

Articles of agreement and Convention made this
day of _____, in the year One thousand
Eight hundred and fifty seven, at
between _____ Commissioners, on behalf of the
United States, and the following persons duly authorized thereto
by the Tonawanda band of Seneca Indians ~~in Council~~
~~assembled~~ viz:

Whereas a certain treaty was heretofore made between
the Six Nations of New-York Indians and the United States
on the 15th day of January, 1838, and another between the
Seneca Nation of Indians and the United States on the 20th
day of May, 1842, - by which, among other things, the Seneca
Nation of Indians granted and conveyed to Thomas Lud-
low Ogden and Joseph Fellows the two certain Indian
Reservations, in the State of New-York, known as the Buf-
falo Creek and the Tonawanda Reservations, to be sur-
rendered to the said Ogden and Fellows on the perfor-
mance of certain conditions precedent, defined in said
treaties, and whereas in and by the said treaties there
were surrendered and relinquished to the United States
500,000 acres of land in the then Territory of Wisconsin:
And whereas the United States in and by said treaties
agreed to set apart for said Indians certain lands in
the Indian Territory immediately west of Missouri, and
to grant the same to them to be held and enjoyed in
fee-simple, the quantity of said lands being computed
to afford 320 acres to each soul of said Indians, and
did agree that any individual, or any number of said
Indians might remove to said Territory and thereupon
be entitled to hold and enjoy said lands and all the
benefits of said treaties according to numbers respectively,

And whereas the United States did further agree to pay the sum of \$400,000 for the removal of the Indians of New York to the said Territory, and for their support and assistance during the first year of their residence in said Territory.

And whereas the said Ogden and Fellows did agree to pay to the said Seneca Nation of Indians, as the consideration of the surrender and relinquishment of the said two Reservations, known as the Buffalo Creek and Tonawanda Reservations, certain sums of money, one part of which was to be paid to the Individual Indians, residing upon said Reservations, for the improvements held and owned by them in severally, the amount of which "improvement money," heretofore apportioned to those residing upon the Tonawanda Reservation, being \$15,018³⁶/₁₀₀, - which money has been paid into, and still remains in the Treasury of the United States.

And whereas for divers reasons and differences the said treaties remain unexecuted as to the said Tonawanda Reservations, and the band of Senecas residing thereon.

And whereas it is ascertained at the date of these Articles that the Seneca Indians, composing the Tonawanda band and residing upon the Tonawanda Reservation, amount to _____ Souls in number; and

Whereas the United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor, these Articles are entered into:

Article 1. The said ~~Chief and Headmen~~^{persons}, authorized as in the caption hereof stated, hereby surrender and relinquish to the United States all claims severally, and in common as a band of Indians and as a part of the Seneca Nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support

and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842; except, however, such moneys as they may be entitled to under said treaties paid or payable by the said Ogden and Fellows.

Article 2. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of \$256,000 for the said Tonawanda band of Indians.

X Article 3. It is hereby agreed that the Tonawanda band may purchase of the said Ogden and Fellows, of the survivor of them, or of their heirs or assigns, the entire Tonawanda Reservation, or such portions thereof as they may be willing to sell, and said band may be willing to purchase, (at ~~a rate~~ ~~not exceeding \$20. per acre~~) and the United States undertake and agree to pay for the same out of the said sum of \$256,000 - upon the express condition that the rate of purchase shall not exceed, on an average, \$20. per acre.

The land so purchased shall be taken by Deed of Conveyance to the Secretary of the Interior of the United States and his successors in office in fee, to be held by him in trust for the said Tonawanda band of Indians, and their exclusive use, occupation and enjoyment - until the Legislature of the State of New-York shall pass an act designating some persons, or public officer of that State to take and hold said land upon a similar trust for said Indians; whereupon they shall be granted by the said Secretary to such persons, or public officer.

X Article 4. And the said Tonawanda band of Indians hereby agree to surrender, relinquish and give up to the said Ogden and Fellows, the survivor of them, or their assigns, - provided the whole reservation shall not be purchased, - the unimproved lands, which they shall not purchase,

as aforesaid, within thirty days after this treaty shall be proclaimed by the President of the United States, and the improved lands, which they shall not purchase, as aforesaid, on the 1st day of June, 1859.

Article 5. For the purpose of contracting for, and making purchase of the lands contemplated herein, a majority of the Chiefs and Headmen of said Tonawanda band, in Council assembled, may appoint one or more Attorneys with adequate powers; which appointment must be approved by the Secretary of the Interior before such Attorney or Attorneys can have power to act in the premises.

Article 6. Whenever ^{any} ~~such~~ quantity of said lands ^{acres at the land from the terms herein before provided} ~~may be purchased by the Chiefs and Headmen in Council assembled may adjudge to be sufficient for the uses~~ ~~and purposes of their band,~~ ^{written notice executed by the Chiefs and Headmen in Council} ~~them,~~ and acknowledged before a Justice of the Supreme Court of New York or Judge of the Superior Court of the City of Buffalo, shall be given to the Secretary of the Interior - whereupon the portion of said sum of \$256,000 not expended (in the purchase of lands as aforesaid) shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States at his discretion, and the increase arising from such investment shall be paid to the said Tonawanda Indians at the time and in the manner that the annuities are paid, which said Indians are now entitled to receive from the United States.

Article 7. It is hereby agreed that the sum of \$15,018³⁶/₁₀₀ "improvement money," heretofore apportioned to the Indians upon the Tonawanda Reservation, shall be again apportioned by an agent to be appointed by the Chiefs and Headmen, in Council assembled; - to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and

if he concur therein, the Shares, so ascertained, shall be paid to the Individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them or their assigns, their improvements - and any balance remaining shall be paid to the Chiefs and Headmen of the band to be disbursed by them in payment of the debts or for the use of the band. The services of the Agent, to be thus appointed, and all other expenses attending the execution of these Articles are to be paid ~~by the United States~~ ^{restored} out of any money coming to the Tonawandas, that ~~may the United States~~ ^{may elect}

In Testimony whereof the said Commissioner, as aforesaid, and the undersigned persons representing the Tonawanda Band of Seneca Indians have herunto set their hands and seals the day and year first above written.

(Nov. 5-1857.)
found in =

New York - J. 1022 (59)

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TREATY
BETWEEN
THE UNITED STATES
AND THE
TONAWANDA BAND
OF
SENECA INDIANS.

NOVEMBER 5, 1857.



JAMES BUCHANAN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee, and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, by Charles E. Mix, as a commissioner on behalf of the United States, and the following persons, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, duly authorized thereunto by the Tonawanda band of Seneca Indians, which treaty is in the following words, to wit:

Articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee and State of New York, between Charles E. Mix, commissioner on behalf of the United States, and the following persons, duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker.

Whereas a certain treaty was heretofore made between the Six Nations of New York Indians and the United States on the 15th day of January, 1838, and another between the Seneca nation of Indians and the United States on the 20th day of May, 1842, by which, among other things, the Seneca nation of Indians granted and conveyed to Thomas Ludlow Ogden and Joseph Fellows the two certain Indian reservations in the State of New York known as the Buffalo Creek and the Tonawanda reservations, to be surrendered to the said Ogden and Fellows, on the performance of certain conditions precedent defined in said treaties; and

Whereas in and by the said treaties there were surrendered and relinquished to the United States 500,000 acres of land in the then Territory of Wisconsin; and

Whereas the United States, in and by said treaties, agreed to set apart for said Indians certain lands in the Indian territory immediately west of Missouri, and to grant the same to them, to be held and enjoyed in fee-simple, the quantity of said lands being computed to afford 320 acres to each soul of said Indians, and did agree that any individual, or any number of said Indians, might remove to said territory, and thereupon be entitled to hold and enjoy said lands, and all the benefits of said treaties, according to numbers, respectively; and

Whereas the United States did further agree to pay the sum of \$400,000 for the removal of the Indians of New York to the said territory, and for their support and assistance during the first year of their residence in said territory; and

Whereas the said Ogden and Fellows did agree to pay to the said Seneca nation of Indians, as the consideration of the surrender and relinquishment of the said two reservations, known as the Buffalo Creek and Tonawanda reservations, certain sums of money, one part of which was to be paid to the individual Indians residing upon said reservations, for the improvements held and owned by them in severalty, the amount of which "improvement money," heretofore apportioned to those residing upon the Tonawanda reservation, being \$15,018 36, which money has been paid into, and still remains in the Treasury of the United States; and

Whereas, for divers reasons and differences, the said treaties remain unexecuted as to the said Tonawanda reservation, and the band of Senecas residing thereon; and

Whereas it is ascertained, at the date of these articles, that the Seneca Indians, composing the Tonawanda band and residing upon the Tonawanda reservation, amount to 650 souls in number; and

Whereas the United States are willing to exercise the liberal policy which has heretofore been exercised in regard to the Senecas, and for the purpose of relieving the Tonawandas of the difficulties and troubles under which they labor,

These articles are entered into:

ARTICLE 1. The said persons, authorized as in the caption hereof stated, hereby surrender and relinquish to the United States all claims severally and in common as a band of Indians, and as a part of the Seneca nation, to the lands west of the State of Missouri, and all right and claim to be removed thither, and for support and assistance after such removal, and all other claims against the United States under the aforesaid treaties of 1838 and 1842, except, however, such moneys as they may be entitled to under said treaties, paid or payable by the said Ogden and Fellows.

ARTICLE 2. In consideration of which aforesaid surrender and relinquishment, the United States agree to pay and invest, in the manner hereinafter specified, the sum of \$256,000 for the said Tonawanda band of Indians.

ARTICLE 3. It is hereby agreed that the Tonawanda band may purchase of the said Ogden and Fellows, or the survivor of them, or of their heirs or assigns, the entire Tonawanda reservation, or such portions thereof as they may be willing to sell and said band may be willing to purchase; and the United States undertake and agree to pay for the same out of the said sum of \$256,000,

upon the express condition that the rate of purchase shall not exceed, on an average, \$20 per acre.

The land so purchased shall be taken by deed of conveyance to the Secretary of the Interior of the United States and his successors in office, in fee, to be held by him in trust for the said Tonawanda band of Indians and their exclusive use, occupation and enjoyment, until the legislature of the State of New York shall pass an act designating some persons, or public officer of that State, to take and hold said land upon a similar trust for said Indians; whereupon they shall be granted by the said Secretary to such persons or public officer.

ARTICLE 4. And the said Tonawanda band of Indians hereby agree to surrender, relinquish, and give up to the said Ogden and Fellows, the survivor of them, or their assigns—provided the whole reservation shall not be purchased—the unimproved lands which they shall not purchase, as aforesaid, within thirty days after this treaty shall be proclaimed by the President of the United States, and the improved lands which they shall not purchase, as aforesaid, on the 1st day of June, 1859.

ARTICLE 5. For the purpose of con-

tracting for and making purchase of the lands contemplated herein, a majority of the chiefs and headmen of said Tonawanda band, in council assembled, may appoint one or more attorneys with adequate powers, which appointment must be approved by the Secretary of the Interior before such attorney or attorneys can have power to act in the premises.

ARTICLE 6. Whenever a quantity of said lands, amounting to 6,500 acres, at the least, upon the terms hereinbefore provided, may be purchased, written notice, executed by the chiefs and headmen in council, and acknowledged before a justice of the supreme court of New York, or judge of the superior court of the city of Buffalo, shall be given to the Secretary of the Interior, whereupon the portion of said sum of \$256,000, not expended in the purchase of lands, as aforesaid, shall be invested by the said Secretary of the Interior in stocks of the United States, or in stocks of some of the States, at his discretion; and the increase arising from such investment shall be paid to the said Tonawanda Indians, at the time and in the manner that the annuities are paid which

said Indians are now entitled to receive from the United States.

ARTICLE 7. It is hereby agreed that the sum of \$15,018 36 "improvement money," heretofore apportioned to the Indians upon the Tonawanda reservation, shall be again apportioned by an agent, to be appointed by the chiefs and headmen in council assembled, to be approved by the Secretary of the Interior, which agent shall make a report of such apportionment to the said Secretary of the Interior, and if he concur therein, the shares so ascertained shall be paid to the individual Indians entitled thereto, who shall surrender and relinquish to the said Ogden and Fellows, or the survivor of them, or their assigns, their improvements, and any balance remaining shall be paid to the chiefs and headmen of the band, to be disbursed by them in payment of the debts, or for the use of the band. The services of the agent to be thus appointed, and all other expenses attending the execution of these articles, are to be paid by the United States out of any moneys coming to the Tonawandas.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons, representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, *Commissioner*. [L. S.]

Isaac x Shanks. [L. S.]
George x Sky. [L. S.]
Jabez x Ground. [L. S.]

Jesse x Spring. [L. S.]
Ely S. Parker. [L. S.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto at the same time affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.
FREDERICK FOLLETT.
WILLIAM G. BRYAN.
C. B. RICH.
LEANDER MIX.
HENRY BETTINGER.

NICHOLSON H. PARKER,
U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing articles in behalf of themselves and their people:

Jesse x Spring.
Wm. x Parker.
Jabez x Ground.
John x Wilson.
John x Bigfire.
Thomson x Blinkey.
James x Mitten.
John x Joshua.
James x Williams.

George x Sky.
Snow x Cooper.
Isaac x Doctor.
Isaac x Shanks.
William x Moses.
David x Printup.
Benj. x Jonas.
Addison x Charles.
John x Hatch.

Headmen.

John x Smith.
Small x Peter.
John x Beaver.
John x Farmer.
Tommy x White.
John x Griffin.
Geo. x Moses.
Henry x Moses.
Saml. x Blue Sky.
James x Scroggs.
Monroe x Jonas.
Wm. x Johnson.
Jackson x Ground.
Harrison x Scrogg.

Wm. x Alick.
Wm. x Stewart.
Andrew x Blackchief.
John x Infant.
Wm. x Taylor.
James x Billy.
Danl. x Peter.
John x Hill.
John x Jones.
John x Shanks.
Levi x Parker.
John x Jemison.
Chauncey x Abram.

Signed in open council, in presence of—

FREDERICK FOLLETT.

NICHOLSON H. PARKER, *U. S. Interpreter.*

And whereas certain supplemental articles of agreement and convention were also concluded at the meeting-house, on the Tonawanda reservation, in the county of Genesee and State of New York, on the fifth day of November, one thousand eight hundred and fifty-seven, between Charles E. Mix, commissioner on behalf of the United States, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker—which supplemental articles are in the words and figures following, to wit:

Supplemental articles of agreement and convention made this fifth day of November, in the year one thousand eight hundred and fifty-seven, at the meeting-house on the Tonawanda reservation, in the county of Genesee, State of New York, between Charles E. Mix, commissioner on behalf of the United States, of

the first part, and the following persons duly authorized thereunto by the Tonawanda band of Seneca Indians, viz: Jabez Ground, Jesse Spring, Isaac Shanks, George Sky, and Ely S. Parker, of the second part.

Whereas, at the date hereof and concurrent with the execution of this instrument, articles of agreement and convention have been entered into between the parties aforesaid, in and by which articles it is provided that the said Tonawanda band of Seneca Indians may purchase portions of the Tonawanda reservation, "upon the express condition that the rate of purchase shall not exceed \$20 per acre on an average."

And whereas the President of the United States may deem it discreet and expedient that certain portions of said reservation, held in severalty by the assigns of said Ogden and Fellows, should be purchased by said Indians if it shall be necessary so to do, at a rate exceeding \$20 per acre on an average.

Now, therefore, the said parties of the second part agree, that portions of said reservation may be purchased by the authorized agents of said Indians for them, and paid for out of said sum of \$256,000, at a rate exceeding \$20 per acre on an average, provided the contract or contracts therefor shall be first submitted to and approved by the President, or some public officer to be designated by him.

And the said parties of the second part solicit the President to accept and adopt this supplement as a part of the said articles of agreement and convention entered into concurrent with the execution of this agreement.

In testimony whereof the said Charles E. Mix, commissioner as aforesaid, and the undersigned persons representing the Tonawanda band of Seneca Indians, have hereunto set their hands and seals the day and year first above written.

CHARLES E. MIX, *Commissioner*. [L. S.]

Isaac x Shanks. [L. S.]
George x Sky. [L. S.]
Jabez x Ground. [L. S.]

Jesse x Spring. [L. S.]
Ely S. Parker. [L. S.]

The foregoing instrument was, on the day of the date thereof, executed in our presence, and we have hereunto, at the same time, affixed our names as subscribing witnesses.

JOHN H. MARTINDALE.
FREDERICK FOLLETT.
WILLIAM G. BRYAN.
C. B. RICH.
LEANDER MIX.
HENRY BETTINGER.

NICHOLSON H. PARKER,
U. S. Interpreter.

Also, the following chiefs and headmen heartily concur in the foregoing supplemental articles in behalf of themselves and their people:

Lewis x Poodry.
Jesse x Spring.
Wm. x Parker.
Jabez x Ground.
John x Wilson.
Isaac x Shanks.

Thomson x Blinkey.
James x Mitten.
John x Joshua.
James x Williams.
Samuel x Parker.
George x Sky.

Snow x Cooper.
Isaac x Doctor.
John x Bigfire.
William x Moses.

David x Printup.
Benj. x Jonas.
Addison x Charles.
John x Hatch.

Headmen.

John x Smith.
Small x Peter.
John x Beaver.
John x Farmer.
Tommy x White.
John x Griffin.
George x Moses.
Henry x Moses.
John x Hill.
John x Jones.
Monroe x Jonas.
Wm. x Johnson.
Jackson x Ground.
Harrison x Scrogg.

Wm. x Alick.
Wm. x Stewart.
Andrew x Blackchief.
John x Infant.
Wm. x Taylor.
James x Billy.
Danl. x Peter.
Saml. x Blue Sky.
James x Scrogg.
John x Shanks.
Levi x Parker.
John x Jemison.
Chauncey x Abram.

Signed in open council, in presence of—

FREDERICK FOLLETT.

NICHOLSON H. PARKER, *U. S. Interpreter.*

And whereas, the said treaty and the supplementary articles thereunto appended, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fourth day of June, one thousand eight hundred and fifty-eight, advise and consent to the ratification of the same by a resolution, in the words and figures following, to wit:

“IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

“June 4, 1858.

“Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention between the United States and the Tonawanda band of Seneca Indians, of New York, made the 5th day of November, 1857.

“Attest:

“ASBURY DICKINS, *Secretary.*”

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of June the fourth, one thousand eight hundred and fifty-eight, accept, ratify, and confirm the said treaty and supplementary articles.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.



Done at the city of Washington, this thirty-first day of March, in the year of our Lord one thousand eight hundred and fifty-nine, and of the independence of the United States the eighty-third.

JAMES BUCHANAN.

By the President:

LEWIS CASS.

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