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Ratified treaty no. 230, Documents relating to the negotiation of the treaty of January 15, 1838, with the New York Indians. January 15, 1838

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RATIFIED TREATY NO. 230
DOCUMENTS RELATING TO THE NEGOTIATION OF THE
TREATY OF JANUARY 15, 1838, WITH THE NEW YORK INDIANS

2

56
O. J. A. New York, 9362.
Hon. R. H. Gillet,
Ogdensburgh Feb 11. 1838.

Transmits the original
Treaty concluded by him with
the St. U. Indians.

Thinks the St. Regis tribe will
assent to it, and that a portion will
probably agree to remove west, while
the residue will retire to Canada.

Says the measures to accomplish
this, at a future time, were all
taken by him some time since.

(Treaty, Original & unratified)
Original sent to Secretary
General in 1833.

Rec^d 19 Feb 1838.

~~Notes~~

Treaty sent to Senate
15 Feb 1838.

W. H. C.

Ogdensburg Feb 11. 1838.

Sir,

Herewith I send you the original treaty concluded by me, with the New York Indians. Intelligence from St. Reges induces the belief that the Indians there will cheerfully assent to the treaty, & it is quite probable that a portion will positively agree to remove west, while the residue will retire to Canada to reside with their friends on that side of the line. The measures to accomplish this, at a future period, were all taken by me some time since.

Yours obt. servt
R. A. Gillet

C. A. Harris Esq
Commissioner of
Indian Affairs.

Supplemental (S. A. New York) G 262. - 1838,
E. No. 2
Article
July 13. 1838

DEPARTMENT OF THE INTERIOR,
RECEIVED
8217 NOV 4 1893
INDIAN DIV.

DEPARTMENT OF THE INTERIOR,
RECEIVED
408 JAN 15 1894
INDIAN DIV.

2648 INDIAN OFFICE
Incls. No. 9

2648
22459 INDIAN OFFICE
Incls. No. 9 1894.

Revised about 1894

Supplemental Article to the Treaty concluded at Buffolobuck in the state of New York dated January 15 1838

The undersigned Chiefs & head-men of the St. Regis Indians residing in the state of New York having had a copy of said treaty read by Ransom H. Gillit, the Commissioner who concluded that treaty on the part of the United States & the having fully & publicly explained the same, & believing the provisions of the said treaty to be very liberal on the part of the United States & calculated to be highly beneficial to the New York Indians, including the St. Regis who are embraced in its provisions, do hereby assent to every part of said treaty & approve the same. And it is further agreed that any of the said St. Regis Indians who wish to do so, shall be at liberty to remove to the said country at any time hereafter, ~~subject to the terms~~ ^{but under the Government shall not compel them to remove} specified ~~in this~~ ^{in the} treaty. The United States will within one year after the ratification of this treaty, ^{to the migration party of said Indians} pay over one thousand Dollars, part of the sum of five thousand Dollars mentioned in the special provisions for the St. Regis Indians

any thing in that article contained
to the contrary notwithstanding.
Done at the Council House at
St. Regis this thirtenth day of
February in the year of our Lord
one thousand eight hundred &
thirty eight. Witness our
hands & seals

R. H. Gillis
Commissioner

Loren + taie enre
Louis + taio rorio te
Michel garcault
Jose + Jori Rosane
Louis + tionsate
J. H. + taia whido
enria + ginasaim to
tomas + tatete
tier + te ganota en
tier + Salloia ni Sallo
Sasatis + otri bia te gan
tier + Igane Nor hallu
enria + anasatello
Louis + te ganota ti ro
J. H. + atia taronne
tomas + oneta gosa
Jose + te ganosable
Louis + arisalle mha
Sasatis + otri bia
tier + anasaken rat
Louis + taroria Kethon

inven + Karato on

The foregoing was executed in our
presence

A. K. Williams Agent on part State of New York

for St Regis Indians
Wm. L. Gray Jnr
his

Quent O. Donely
mark

Sag sarré

New York, G. 262 - 78

Special instruction
as to the Ornaments

of Regis

[The following text is written in a highly cursive, handwritten script, likely a shorthand or shorthand system. It is organized into several vertical columns across the page. The text is difficult to decipher due to the extreme cursive style.]

No. Department

Sir,

Under the ^{article} ~~section~~ of
the treaty concluded with the New York
Indians on the 15th of January last, there
is a provision ~~and~~ which of the sum of \$5,000
is to be paid to the ^{Indian} ~~Indians~~ ^{part of the} ~~Indians~~
of which is made dependant upon certain
contingencies. In the event of this bond
fully & freely opening to the treaty as
modified by the Senate, you are authorized
~~in this~~, to authorize & adjust with them
a provisional distribution of said money.
And in case the said Indians sell their
interest in their present reservation in
the state of New York, & agree to
remove to their new homes set apart
on the west, or to ~~remove~~ elsewhere
out of the United States, then you
are further authorized to inform
them that the money said sum of
four thousand dollars will be

If our person attends to all the submitting the
treaty to all the tribes, this should be added to the
general instructions

paid to them whenever they so remove.

Should the ~~Principals~~ of that
portion of the Onondas who signed
the treaty of Buffalo, object to
the treaty as amended, you are
authorized to act as Commissioner
in the distribution of
the sum of six thousand
Dollars set apart in said
treaty for their use.

Duplicates of all arrangements
of this description agreed upon
should be made, one of which
of which should be sent
to this office.

July 10 - 1838

38

(S. A. New York) 262-

DEPARTMENT OF THE INTERIOR
RECORDS
8217 NOV 4 1894
INDIAN DIV.

2648 INDIAN OFFICE
Inclos. No. 10 1894

408
DEPARTMENT OF THE INTERIOR
JAN 10 1894

22459 INDIAN OFFICE
1838-
Inclos. No. 10 1894

W. D. C. K.

Original

Treaty of January 18/38

011

Haw

Articles of a Treaty made & concluded at Buffalo Creek in the state of New York the fiftenth day of January in the year of our Lord one thousand eight hundred & thirty eight by Ransom A. Gillet, a Commissioner on the part of the United States, & the Chiefs, headmen & Warriors of the several tribes of the New York Indians, assembled in council, witnesseth:

Wheras the six Nations of New York Indians, not long after the close of the war of the Revolution, became convinced from the rapid increase of the white settlements around them, that the time was not far distant when their true interest must lead them to seek a new home among their red brethren in the west: And whereas the subject was agitated in a general council of the six Nations as early as 1810, and resulted in sending a memorial to the President of the United States enquiring, whether the Government would consent to their leaving their habitations & their removing into the neighbourhood of their western brethren, & if they could procure a home there, by gift or purchase, whether the Government would acknowledge their title to the lands so obtained in the same manner it had acknowledged it in those from whom they might receive it, & further, whether the existing treaties would, in such a case, remain in full force & their annuities be paid as heretofore: And whereas the President answered by saying, that their request should be granted: And whereas with the approbation of the President of the United States, purchases were made by the New York Indians from the Minorons of

Winnebago Indians of certain Lands at Green Bay in
the Territory of Wisconsin, which after much diffi-
culty & contention with those Indians concerning the
extent of their purchase, the whole subject was finally
settled by a treaty between the United States &
the Menominee Indians concluded in February 1831,
to which the New York Indians gave their assent on the
seventeenth day of October 1833: And whereas by
the provisions of that treaty five hundred & sev-
enty acres of Land are secured to the New York
Indians of the six Nations, & the St. Regis tribe,
as a future home on condition that they all remove
to the same within three years, or such reasonable
time as the President should prescribe: And whereas
the President is satisfied that various considerations
have prevented those still residing in New York
from removing to Green Bay, & among other reasons,
that many who were in favour of emigration per-
fected to remove at once to the Indian Territory which
they were fully ~~convinced~~ persuaded was the only
permanent & desirable home for all the Indians.
And they therefore applied to the President to take
their Green Bay lands, & provide for them a new
home among their brethren in the Indian Territory:
And whereas the President being anxious to pro-
mote the peace, prosperity & happiness of his red children
& being determined to carry out the humane policy
of the Government in removing the Indians from the East
to the west of the Mississippi within the Indian Territory
by bringing them to see & feel by his justice &
liberality, that it is their true policy & for their in-
terest to do so without delay:

Therefore taking
into consideration the foregoing premises, the

following articles of a treaty are entered into between the United States of America & the several Tribes of the New York Indians, the names of whose chiefs, head-men & Warriors are hereto subscribed, & those who may hereafter give their assent to this treaty in writing within such time as the President shall appoint.

General provisions.

Article 1. The several Tribes of New York Indians, the names of whose chiefs, head-men, Warriors & representatives are hereto annexed in consideration of the premises above recited & the covenants hereinafter contained to be performed on the part of the United States, herebycede & relinquish to the United States all their right, title & interest to the lands secured to them at Green Bay by the Menominee treaty of 1831 excepting the following tract on which a part of the New York Indians now reside, Beginning at the Southwesterly corner of the French Grants at Green Bay & running thence Southwardly to a point on a line to be run from the Little Lacacilin, parallel to a line of the French Grants & six miles from Fox River; from thence on said parallel line Northwardly six miles, from thence Eastwardly to a point on the North East line of the Indian lands & being at right angles to the same.

Article 2. In consideration of the above cession & relinquishment on the part of the Tribes of the New York Indians, & in order to manifest the deep interest of the United States in the future peace & prosperity of the New York

6 Indians, the United States agree to set apart
7 the following tract of country situated
8 directly west of the state of Missouri, as
9 a permanent home for all the New York
10 Indians now residing in the state of
11 New York, or in Wisconsin, or elsewhere in
12 the United States who have no permanent
13 homes, which said Country, is described as
14 follows to wit: Beginning on the west line
15 of the state of Missouri at the North East
16 corner of the Cherokee tract & running thence
17 north along the west line of the state of
18 Missouri twenty seven miles to the South
19 west line of the Miami Lands thence west
20 so far as shall be necessary by running a
21 line at right angles & parallel to the west
22 line of Missouri of one mile to the Osage
23 ~~Lands~~ ~~then~~ ~~thence~~ ~~west~~ ~~along~~ ~~the~~ ~~Osage~~ ~~&~~
24 Cherokee lands to the place of beginning,
25 to include one million eight hundred &
26 twenty four thousand acres of land, being
27 three hundred & twenty acres for each soul
28 of said Indians, as their numbers are at pres-
29 ent computed: [To have & to hold the same
30 in fee simple forever by patent from the
31 President of the United States, with full power
32 & authority to divide the same among the
33 members of the different tribes in severalty,
34 with power & authority to sell among each
35 other & their Indian brethren of the Indian Ter-
36 ritory, under such laws & regulations as may
37 be adopted by the respective tribes them-
38 selves, or by a general council of the
39 New York Indians.] It is understood

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agreed that the above described country is in-
 cluded as the future home of the following
 tribes, to wit: The Senecas, Onondagas, Cayu-
 gas, Tuscaroras, Oneidas, St Regis, Stockbridges,
 Minnes, & Brothertowns, residing in the state
 of New York [& of Green Bay] & the same is to be
 divided equally among them, according to their
 respective numbers, as mentioned in a sched-
 ule hereto annexed. [It is further agreed that if
 the United States, by any future arrange-
 ment can procure the Cherokee tract lying be-
 tween the Osage lands & the state of Missisipi,
 that then the New York Indians shall have
 the same, & a like quantity is to be taken off
 the western end of the tract therein set apart for
 the New York Indians. And in order to convince
 the New York Indians of the great desire of the Uni-
 ted States to gratify their wishes, it is agreed that
 the President shall invite a delegation of the
 Cherokees, & also a delegation of the New York
 Indians, to assemble at the City of Washington
 to participate in the negotiations for the said Cher-
 okee Country, the expense of which shall be
 born by the United States. It is agreed that
 the New York Indians shall confer on their
 delegates such powers as shall be necessary
 to relinquish the lands proposed to be given
 in exchange with the Government for the
 Cherokee lands, & such other powers as
 each tribe may confer relating to the interest
 of itself.]

out

Article 3. The United States stipulate & agree
 to remove all the New York Indians of the
 several tribes described in the foregoing

article to their new homes, & to supply them
with provisions for one year after their arri-
val there. But if any Chief, who shall be, in
the opinion of the Agent competent compe-
tent to take care of, remove himself &
family, in his own conveyance or other-
wise, wishes to do so, he shall be allowed
that privilege, & he shall be allowed the
same compensation for each person so
removed, as it would cost the United States,
which shall not be less than twenty Dollars
for each person so removed. And any
Chief who shall be, in the opinion of the
Agent competent to act as a subagent
in the removal of his party, & does actu-
ally remove them, shall be paid at the rate
of five hundred Dollars for every party
of one hundred persons so by him removed
& in the same ratio, be the number more
or less. It is understood that when any chief gives
notice to the Agent of the Government that he &
his party are ready to remove, that the means
shall be furnished for that purpose by the
Government, & a disbursing agent shall
accompany them. It is further agreed, that
such Indians as prefer to remove by land with
their own conveyances, shall be permitted to do
so, & those who are removed by the Government
shall have every attention paid to their health
& comfort, by having good & sufficient
conveyances for their accommodation, &
a physician to accompany each party of im-
igrants, if they desire it. It is agreed that
the Indians shall be permitted to commit

out

And one gives support for such a sum as
the nations would cost the Government of their
new homes.]

out
Article 4. It is further agreed that the United
States will erect in the territory set apart
for the New York Indians, for the use of the
respective nations, as many council Houses,
Churches, School Houses, saw mills,
grist mills & blacksmith shops, not to exceed
one for each nation, except when otherwise
specially provided, as shall be necessary &
desired by the said nations. But in case
any portion of any tribe removes, then a proper
proportion of the above mentioned buildings
are to be erected. It is further agreed, that
the United States shall pay salaried teachers,
millers & blacksmiths, & furnish the ne-
cessary coal, iron steel & blacksmith's tools
for ten years & as much longer as the President
shall deem proper.]

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Article 5. It is expressly agreed, that if in the opinion
of the President of the United States, he shall
hereafter deem it proper to locate the seat of
Government for the Indian Territory, within the
Territory set apart for the New York Indians,
that then he shall be at liberty to select a
tract, not to exceed a township, for that purpose,
which shall be accepted from the foregoing
grant & remain the sole property of the
United States & there shall be added to the
Territory set apart for the New York
Indians a ~~certain~~ quantity of land
which shall be equally valuable.]

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Article 6. The United States, taking a deep interest
in the improvement of the Indians in use-
ful knowledge, & believing that a literary
institution for their instruction in the
higher branches of education, when established in
the ~~higher branches of education~~ the Indian
Territory, will be highly beneficial to the
Indians, hereby stipulate ^{for that purpose} to set apart as a
permanent fund, the sum of thirty thou-
sand Dollars, to be invested in some safe
stock, by the President of the United States,
the income of which shall be applied to the
purchase of the necessary books & apparatus,
& the support of suitable teachers, who
shall always be selected from among the
Indians themselves, if persons of the ne-
cessary qualifications can be found among
them. It is understood that this institution
shall be organized under such rules & regu-
lations, as the President of the United States
shall from time to time prescribe; & when es-
tablished at such place as shall be final-
ly selected as the seat of Government of the
Indian Territory, if that shall be located
within the country assigned to the New York
Indians, & if not, then the said institution
shall be located at such place in said Coun-
try as shall be determined in a ^{council} general
of the New York Indians residing there.

Article 7. It is further agreed that such of the
tribes of the New York Indians as do not
^{except & agree to} remove to the Country set apart for
their new homes within five years

or such other time as the President may from time to time appoint shall forfeit all interest in the lands so set apart, to the United States.

Article 8. Perpetual peace & friendship shall exist between the United States & the New York Indians, & the United States hereby guarantee to protect & defend them in the peaceable possession & enjoyment of their new homes, & hereby secure to them, in said country, the right to establish their own form of government, appoint their own officers, & administer their own laws, subject however to the legislation of congress of the United States regulating trade & intercourse with the Indians. The lands secured to them by treaty under this treaty, shall never be included in any state or territory of this Union. The said Indians shall also be entitled in all respects to the same political & civil rights & privileges, that are granted & secured by the United States to any of the several tribes of emigrant Indians settled in the Indian Territory. It is expressly understood & agreed that if any of the several tribes of New York Indians shall suffer depredations from any other Indian tribes residing in the Indian Territory, or from citizens of the United States, & the same is proved to be the case to the satisfaction of the agent residing among them, & the property cannot be recovered, nor satisfaction therefor

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obtained by such agent, that when the United States will pay the Indians so sustaining such loss for the same.]

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Article 9. The United States agree to pay the New York Indians at their new homes each year for five years, ten thousand Dollars in forming utensils, looms & spinning wheels, & in money to support persons to instruct them in the use of the same, & in domestic animals, under such regulations as shall be prescribed by the President of the United States. The rejection of this article by the Senate shall not invalidate the residue of the treaty, & the Senate shall be at liberty to modify & alter this article as they shall deem proper.]

Article 10. The Indians are whose their lands in the Indian Territory in the tract set apart for the New York Indians adjoining the Osage tract, & that hereinafter set apart for the Senecas, & the same shall be so laid off as to secure them a sufficient quantity of timber for their use. Those tracts whose lands are not specially designated in this treaty, or whose such shall be set apart by the President

1 Article 11. It is further agreed that the United
2 states will pay to those who remove west
3 of their new homes, all such annuities
4 as shall properly belong to them, [& the Gov-
5 ernment will have one of its Agents

6
7
reside among the New York Indians of
the west.] The schedules hereto annexed
shall be deemed & taken as a part of
this Treaty.

Article 12. It is expressly understood & agreed
that this treaty must be approved by
the President & ratified & confirmed by the
Senate of the United States before it
shall be binding upon the parties to it.
It is further expressly understood & agreed
that the rejection by the President & Senate
of the provisions thereof applicable to one
tribe, or distinct branch of a tribe, shall
not be construed to invalidate it as to the
others, but as to them it shall be binding
& remain in full force & effect.

Article 13. It is stipulated & agreed that the ac-
counts of the Commissioner & expenses
incurred by him in holding a council
with the New York Indians, & concluding
treaties at Green Bay & Duck Creek in
Wisconsin & in the state of New York
in 1836, & those for the exploring party of
the New York Indians in 1837, & also the
expenses of the present treaty shall be
allowed & settled according to former pre-
cedents.

Special provisions for the St Regis
1 Article 14. It is agreed with the Aronson
2 party of the St. Regis Indians, that the
3 United States will pay to the said tribe
4 on their removal west, or at such
5 time as the President shall appoint

6 the sum of five thousand dollars as a
7 remuneration for monies laid out by the
8 said tribe, & for services rendered by them
9 chiefs & agents in securing the title
10 to the Green Bay lands & in removal to
11 the same, the same to be apportioned
12 out to the several claimants by the
13 chiefs of said party & a United States
14 Commissioner, as may be deemed by
15 them equitable & just. It is further
16 agreed that the following reservation
17 of land shall be made to the Rev. El-
18 eazer Williams of said tribe which he
19 claims in his own right & in that of
20 his wife, which he is to hold in fee sim-
21 ple by patent from the President, with
22 full power & authority to sell & dis-
23 pose of the same, to wit: Beginning at
24 a point in the west bank of the Fox River
25 fifteen chains above the ^{old} mill-dam at
26 the rapids of the little Kackalin, thence
27 north fifty two degrees & thirty min-
28 utes west two hundred & forty chains,
29 thence north thirty seven degrees &
30 thirty minutes east two hundred chains,
31 thence south fifty two degrees & thirty
32 minutes east two hundred & forty
33 chains, to the bank of Fox river, thence
34 up along the bank of Fox River to the
35 place of beginning. [But if the Pres-
ident & Senate shall not ratify & confirm
this reservation, then the said Williams is to
receive in lieu thereof ten thousand dollars &
have the preemption right to purchase the

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said Lands at Government price.]

Special provisions for the Senecas.

1 Article 15. It is agreed with the Senecas, that they
 2 shall have for themselves & their friends, the
 3 Cayugas & Onondagas residing among them,
 4 the best part of the tract set apart for
 5 the New York Indians, & extend so far west
 6 as to include one half a section (that is
 7 hundred & twenty acres) of Land for each
 8 soul of the Senecas, & the Cayugas & Onon-
 9 dagas residing among them, & if on remo-
 10 ving west they find that there is not
 11 sufficient timber on this tract for their
 12 use, then the President shall add thereto
 13 timber land sufficient for their accommo-
 14 dation. [But in case the Cherokee tract
 15 lying East of the Cayugas is obtained by
 16 the United States, that then the Senecas
 17 or have that tract & so much north of it
 18 of the Country, set apart for the New York
 19 Indians as shall be necessary to make the
 20 requisite quantity for them & their friends,
 21 the Cayugas & Onondagas residing among them,
 22 & they agree to remove from the state of New
 23 York to their new homes within five years
 24 & to reside on the lands set apart for them.
 25 And whereas, at the making of this treaty, Thomas
 26 L. Cayden & Joseph Fellows, the officers of
 27 the State of Massachusetts, had purchased
 28 of the Seneca nation of Indians, in the pres-
 29 ence & with the approbation of the Commission-
 30 er appointed by the United States to hold said
 31 treaty, or convention, all the right, title, interest
 32 & claim of the said Seneca Nation to certain

33 London by a Deed of conveyance, a duplicate
34 of which is hereto annexed, & whereas
35 the consideration money mentioned in said
36 Deed amounting to ~~two~~ ^{two} hundred & ~~two~~ ^{two}
37 ~~five~~ thousand Dollars, belongs to the Seneca
38 nation, & the said nation agrees that the
39 said sum of money shall be paid to the
40 United States, & the United States agree
41 to receive the same, to be disposed of as
42 follows: The sum of ~~two~~ ^{one} hundred & ~~two~~ ^{two}
43 thousand Dollars is to be invested by the
44 President of the United States in safe
45 stocks for their use the income of
46 which is to be paid to them at their new
47 homes annually; & the balance being the
48 sum of ~~two~~ ^{one} hundred & ~~two~~ ^{two}
49 thousand Dollars is to be paid out to the owners of the
50 improvements on the lands so divided
51 according to an appraisement of said im-
52 provements & a distribution & award of
53 said sum of money among the owners
54 of said improvements to be made by offi-
55 cers hereafter to be appointed by the Seneca Nation
56 in the presence of a United States Com-
57 missioner hereafter to be appointed, to be
58 paid by the United States to the individ-
59 uals who are entitled to the same according
60 to the said appraisement & award on their sev-
61 erally relinquishing their respective pos-
62 sessions to the said Agent & Fellows.
63 [The United States also agree to build at
their new homes for the Senecas, & their
friends the Cayugas & Onondagas re-
siding among them four or six mills

out

four gristmills, four Council Houses, four school houses, four churches, if they desire it, & three blacksmiths shops & one gunsmith shop, & also to provide & pay necessary millus, tools & blacksmiths & a gunsmith, for ten years & as much longer as the President of the United States shall deem proper, & the United States will also supply the necessary blacksmith tools, iron, steel & coal for said shops during that period. It is expressly understood that the gunsmith is to do all the work for all the New York Indians who remove west & reside at their new homes.]

Special provisions for the Cayugas.

Article 16. The United States will set apart for the Cayugas, on their removing to their new homes at the west, two thousand Dollars & will invest the same in some safe stocks, the income from which shall be paid to them annually at their new homes. The United States further agree to pay to the said Nation on their removal west two thousand five hundred Dollars, to be disposed of as the Chiefs shall deem just & equitable.

Special provisions for the Onondagas residing on the Seneca Reservations.

Article 17. The United States agree to set apart for the Onondagas residing on the Seneca Reservations, two thousand five hundred Dollars on their removing west, & invest the same in safe stocks, the income of which shall be paid to them annually at

their new homes. And the United States further agree to pay said Onondagas on their removal to their new homes in the west two thousand Dollars to be disposed of as the chiefs shall deem equitable & just.

Special provisions for the Onondas residing in the state of New York
Article 18. The United States will pay the sum of four thousand Dollars to be paid to Baptiste Paulis, of the Chiefs of the first Christian party residing at Onondas, & the sum of two thousand Dollars shall be paid to William Day, of the Chiefs of the Ojebow party residing there, for expenses incurred & services rendered in securing the Green Bay Country, & the settlement of a portion thereof. And they hereby agree to remove to their new homes in the Indian Territory, as soon as they can make satisfactory arrangements with the Governor of the state of New York for the purchase of their lands at Onondas.

Special provisions for the Onondas at Green Bay.
Article 19. The United States agree to pay the sum of three thousand Dollars to the Ojebow party of the Onondas at Green Bay & the sum of thirty thousand five hundred Dollars to the first Christian party settled at that place, as a remuneration for monies laid out & expended by the said parties & for

services rendered by their chiefs & agents in securing the title to the Green Bay lands & the removal to the same, the same to be apportioned & paid out to the several claimants by the chiefs of a United States Commission, is may be deemed most equitable & just. It is expressly agreed, that if the Senate of the United States does not ratify & confirm the above in relation to the Green Bay Indians it shall not invalidate any of the other provisions of this treaty. It is expressly agreed, that if any of the Indians now at Green Bay wish to remove to the Country set apart as their future homes, they shall be at liberty to do so, & on relinquishing their possessions & improvements to the United States, they shall be paid the value of said improvements & when a sufficient number of said Indians remove to their new homes to need them, the United States will make the provisions for this part of the Onidas, separate from those at Onida, if they desire it, which are specified in article fourth of this treaty. This article shall not be construed to ^{compel them to remove} authorize the government to

Special provisions for the Tuscarora.

Article 20. The Tuscarora nation agree to accept the country set apart for them in the Indian Territory & to remove there within five years & continue to reside there. It is further agreed that the Tuscaroras shall have their lands in the Indian Country at the forks of the Neosho River, which shall be so laid off as to secure a sufficient quantity of timber for the accommodation of the nation. But if on examination they are not satisfied

with this location, they or to have their lands
at such place as the President of the United
States shall designate. The United States
will pay to the Tuscarora nation, on their
settling at the west three thousand Dollars
to be disposed of as the Chiefs shall deem
most equitable & just. Whereas the
said Nation owns in fee simple five
thousand acres of Land lying in Niagara
County in the State of New York which
was conveyed to the Nation by Henry
Deorbant, & they wish to sell & con-
vey the same before they remove west,
now therefore in order to have the
same done in a legal & proper way,
they hereby convey the same to the United
States to be held in trust for them, &
they authorize the President to sell &
convey the same, & the money which
shall be received for the said lands
exclusive of the improvements, the Pres-
ident shall invest in safe stocks for
their benefit, the income from which
shall be paid to the Nation at their new
homes annually, & the money which shall
be received for improvements on said
Lands shall be paid ~~shall be paid~~ to the
owners of the improvements when the
lands are sold. The President shall cause
said lands to be surveyed & the improve-
ments shall be appraised by such persons
as the Nation shall appoint, & the said
lands shall also be appraised & shall
not be sold at a less price than the

appraisal, without the consent of
James Cusick, William Mount Pleasant
& William Chew, or the survivor, or
survivors of them. The expenses incurred
by the United States in relation to this
treaty are to be deducted from the monies
received before investment.

And whereas at the making
of this treaty Thomas La Caden &
Joseph Fellows, the assignees of
of the state of Massachusetts,
bought for the
Tuscarora Nation of Indians, in the
presence & with the approbation of the
Commissioner appointed on the part of
the United States to hold said treaty,
or convention, all the right, title interest
& claim of the Tuscarora Nation to
certain lands by a deed of conveyance
a duplicate of which is hereunto
annexed, & whereas the consideration
money for said sale of said lands
has been secured to the said nation
to their satisfaction, by the said
Thomas La Caden & Joseph
Fellows, therefore the United
States hereby assent to said
sale & conveyance & sanction
the same.

In testimony whereof the Commissioners
& the chiefs, head men & people whose
names are hereunto subscribed, being duly
authorized, have hereunto set their
hands & affixed their respective seals
at the time & place above mentioned

A. D. 1811

Commissioners:

Seneos.

Daonekogakwek or Little John his X mark

Da gao yeas or Daniel Lewis

Gaodo wa nek or Captain Pollard his X mark

Joh nek ka dik or James Stevenson his X mark

Hau kau stak or Captain Strong his X mark

So nek a ge or Captain Snow his X mark

Hau nek hoyi'ok or Blue Eyes his X mark

Hau neen wak es or Levi Halftown his X mark

Go at haw ok or Billy Shanks his X mark

Hau sa nea nes or White Seneca his X mark

Ho wak de gok dek or George Bennett his X mark

Hoys ta jik or Job Peirce his X mark

Sho nan do wak or John Gordon his X mark

Nok sok dak or Jim Jones his X mark

Shaw neh dek or William Johnson his X mark

Gaw neh do au ok or Ruben Peirce his X mark

Shawgo nes gok sha ok or Morris Halfston his X mark

Shawgoza sot kah or Jacob Jameson his X mark

Gau wa no ok or George Biddle his X mark

Sho sok do wak or Thomas Jameson his X mark

Jok que ya suse or Samuel Gordon

Gau ne ok dok or Thomson S. Harris.

Gau yeh quek dok or George Jameson his X mark

Hon non de uk or Nathl. J. Strong

Nuk jok gau ek or Fall Peter his X mark

Sho nauk ga nes or Tommy Jammy his X mark

So gok gwa us or John Gall Chief his X mark

Shau gau nes et tk or George Fox

Go no dau goyk or Jabez Stevenson

Tit ho yek' or William Jones his + mark

Ineak dah gi ene or George White by his agent White Seneca, his X mark

Gau nu dai yek or John Snow his X mark

Gau ne su gok or Walter Thompson, by his agent Daniel Two Guns, his X mark

Deau ja se or Long John his + mark

Gausa ne doh or John Buck his X mark

Gau ni dai iuk or George Lindsey

Hoh. ma. ya. wos or Jacob Bennett his X mark

Ou di kek oh or John Bennett his X mark

Nika nea rent or Seneca White his X mark

Ha dya no doh or Morris B. Pierce,

Yek doh doh or David White

James Shongo his X mark

Kanon da yik or William Cass his & mark
Nige jos a or Samuel Wilson his & mark
Joon da gok or John Seneca his & mark

Tuscaroras.

Kanatsouk or Nicholas Pusick
Sacharissa or Wm Chew

Kaw we ah ka or Mrs. Ant Pleasant

Kaureurockka or John Fox his X mark

See me or James Busick

Sa ke on at kah or John Patterson his X mark

O'kak quaw rawwa or Samuel Jacobs

Ka nok sa ta or James Anthony his X mark

Sau ro quau or Peter Elm his X mark

Tu nok she a kan or Daniel Peter his X mark

Onidas residing in the
state of New York for themselves
& their heirs

Baptiste Pomes his X mark

Jonathan Jordan his X mark

Onidas of Green Bay

John Anthony his X mark

Honjoot Smith his X mark

Henry Jordan his X mark

Thomas King his X mark

A. Reys

Charles Williams Chief Agent

for himself & in behalf
of the nation

Onondago. residing on the Seneca reservations
Aho no ne ya dok or Silver Smith his X mark
for himself & in behalf of his nation.

Hoye' nagh tak or William Jacket his X mark

Sah ku gae ne or Button George his X mark

Principal Onondaga Warriors In behalf of themselves
and the Onondaga Warriors
Ka noh qua sa or William John his X mark

Dah ga e u dah or Noah Silversmith his X mark

Cayugas

Skok no eh or William King his & mark

Gehdaodoh or James Young

Guy on nek or Jack Wheelbarrow his & mark

2 Biyo ya tek or Joseph Isaac his & mark
for themselves & in behalf of their nation

Principal Cayuga Warriors.

On behalf of themselves & the
Cayuga warriors

Hakohke or John Crow his & mark

Hu na e geh dah or Snow Darkness his & mark

Gone ah ga a do. or Jacob G. Seneca

Dei en use or Hastly Darkness his & mark

Hou ho gah dyok or Thomas Crow his & mark

Wou wah wa na onte or Peter Wilson

Soen dugh or Jonathan White his & mark

Tago gane ongwus or Harvey Rowe his & mark

To gan e ah dok or David Crow his & mark

Tok. win. dah. nek or George Wheeler

De geh no de nis or Simon Isaac his & mark

He dai so's or Joseph Peter his & mark
Ja go di yet ha or Jacob Jackson his & mark

Witnesses.

James Stryker Sub Agent Six Nations N.Y. Indians
Nathl J. Strong U. S. Interpreter N.Y. Agency
H. B. Potter

Orlando Allen
38

H. P. Wilcox

H. H. Allen
Horatio Jones

Spencer H. Love

W. Jones

J. F. Schermeshorn

J. T. Tubinger

Schedule A
Census of the (New York)
Indians as taken in 1837

Number residing on the Seneca reservations.	
Senecas	2309
Onondagas	194
Cayugas	130
	<hr/>
	2633

Onondagas at Onondago	300
Tuscaroras	273
St. Regis in New York	350
Onidas at Green Bay	600
Onidas in New York	620
Stockbridges	217
Mimses	132
Proskertowns	360

The above was made before
the execution of the treaty

A. H. Hill
Commissioner

Schedule B.

The following is the disposition
agreed upon to be made of the sum of
three thousand Dollars provided in this
Treaty for the Suscaroras by the Chiefs
& aperted to by the Commission
& is to form a part of the Treaty:

To Jonathan Printup ninety three Dollars.

To William Chew one hundred & fifteen Dollars.

To John Patterson forty six Dollars

To William Mount Pleasant one hundred &
seventy one Dollars.

To James Busick one hundred & twenty five
Dollars.

To David Peter fifty Dollars.

The rest & residue thereof is to be paid
to the Nation

The above was agreed to before
the execution of the Treaty

N. A. Hill
Commissioner

Schedule C.

Schedule applicable to the Onondagas
& Cayugas residing on the Seneca
Reservations. It is agreed that
the following disposition shall be
made of the amount set apart to be
divided by the Chiefs of these nations
in the preceding parts of this treaty, any
thing therein to the contrary notwithstanding
standing.

To William Remy one thousand five
hundred Dollars.

Joseph Hoopes seven hundred Dollars.

Jack Whelbarrow, three hundred Dollars.

Silversmith one thousand Dollars.

William Jackett five hundred Dollars.

Button George five hundred Dollars

The above was agreed to before the treaty
was finally executed.

R. S. Giffet

Commissioner

Schedule D.

The United States will ^{pay} to the persons named below the sums mentioned for them, as a remuneration for their services in procuring the Green Bay country & for services as delegates in exploring the western country, & for losses sustained in consequence thereof, & for other services, to wit:

- To George Fenison, two thousand Dollars.
- To Thompson S. Harris twelve hundred Dollars.
- To Nathaniel S. Shany, one thousand Dollars.
- To Seneca White one thousand Dollars.
- To Marcus B. Pierce, one thousand Dollars.
- To William Johnson one thousand Dollars.
- To James Young one thousand Dollars.
- To William King five hundred Dollars.

The above mentioned sums to be paid to the persons named, on their settling at their new homes at the west.

To William Patterson, Israel Fenison, Little Johnson, White Seneca, Silversmith, Baptiste Paulis, Jonathan Fenison, Mountain Dancy, John Anthony, Honyast Smith, Henry Fenison, John Casick, & James Young, each the sum of two hundred Dollars to be paid when an appropriation is made to the persons mentioned first deducting the following sums, which have been already advanced to them by J. F. Schermerhorn. to wit, William Patterson one hundred & fifty Dollars - Israel Fenison fifty Dollars, Little Johnson, sixty Dollars, White Seneca one hundred Dollars, James Young, one hundred Dollars & Silversmith

2-17-
No. 10.

Smith fifty Dollars, which respective
sums have been heretofore advanced
by said Schumehorn, and are to be
paid to him. they having been with
him on the exploring expedition
of the west.

The above was agreed
to as a part of the treaty before the same
was finally executed

R. A. Gillet
Commissioner

Schedule C.

The United States will set apart twenty thousand Dollars to be paid out in erecting dwellings & making enclosures for such poor persons of the several nations of New York Indians who remove west after their arrival there as shall be designated by the chiefs of the respective nations, with the consent of the agent, which shall be appended under such regulations as the President shall prescribe. But the Senate shall have the power to reject or modify this provision without impairing the other parts of the treaty.

Whereas the provision in this treaty for a high school or college is supposed not to be large enough to meet the object contemplated, it is therefore provided that the sum of twenty thousand Dollars shall be added to the sum so set apart for that purpose, but the Senate shall be at liberty to reject or modify this provision without impairing the other provisions of the treaty.

The above was made and agreed to, before the final conclusion of the treaty.

R. H. Gillet
Commissioner

All a Treaty

held under the Authority of the
 United States of America at

Buffalo Creek in the County, of Erie and State of New-York, Between
 the Chiefs and Head Men of the Seneca Nation of Indians duly assembled in
 Council and representing and acting for the Said Nation on the one part
 and Thomas Ludlow Ogden of the City of New York and Joseph Fellows
 of Geneva in the County, of Ontario on the other part, Concerning the
 purchase of the right and claim of the Said Nation of Indians in and to the
 Lands within the State of New York remaining in their occupation
 Hanson R. Gillet Esquire the Commissioner appointed by the President of
 the United States to attend and hold the Said Treaty, and also Josiah
 Frowbridge Esquire the Superintendent on behalf of the Commonwealth of
 Massachusetts, being severally present at the Said Treaty, the Said Chiefs
 and Head Men on behalf of the Said Seneca Nation did agree to sell and
 release to the Said Thomas Ludlow Ogden and Joseph Fellows, and they the
 Said Thomas Ludlow Ogden and Joseph Fellows did agree to purchase All the
 right, title, and claim of the Said Seneca Nation of, in and to, the several
 Tracts pieces or parcels of Land mentioned and described in the Instrument
 of writing next hereinafter set forth and at the price or Sum therein specified
 as the consideration or purchase money for Such Sale and release; which
 Instrument being read and explained to the Said Parties and mutually
 agreed to, was signed and sealed by the Said Contracting parties, and is
 in the words following—

This Indenture,

made this fifteenth day of January
 in the Year of our Lord one thousand eight hundred and thirty eight,
 Between the Chiefs and Head Men of the Seneca Nation of Indians
 duly assembled in Council and acting for and on behalf of the Said Seneca
 Nation of the first part, and Thomas Ludlow Ogden of the City of New-
 York and Joseph Fellows of Geneva in the County, of Ontario of the
 Second part— Witnesseth, that the Said Chiefs and Head Men of the
 Seneca Nation of Indians in consideration of the Sum of Two hundred
 and two thousand Dollars — to them in hand paid by the Said

Thomas Ludlow Ogden and Joseph Fellows, the receipt whereof is hereby
acknowledged, have granted, bargained, sold, released, and confirmed and by
these presents do grant, bargain, sell, release and confirm unto the said
Thomas Ludlow Ogden and Joseph Fellows and to their heirs and assigns
All that certain Tract or parcel of Land situate, lying and being in
the County of Erie and State of New-York, commonly called and known by
the name of The Buffalo Creek Reservation, containing by estimation forty nine
thousand nine hundred and twenty acres be the contents thereof more or less -
Also All that certain other Tract or parcel of Land, situate, lying and
being in the Counties of Erie, Chautauque and Cattaraugus in said State,
commonly called and known by the name of The Cattaraugus Reservation,
containing by estimation twenty one thousand six hundred and eighty acres,
be the contents thereof more or less - Also All that certain other Tract or
parcel of Land, situate lying and being, in the said County of Cattaraugus
in said State, commonly called and known by the name of The Allegany
Reservation, containing by estimation thirty thousand four hundred and
sixty nine acres, be the contents thereof more or less - And Also All that
certain other Tract or parcel of Land, situate, lying and being partly in
said County of Erie and partly in the County of Genesee in said State
commonly called and known by the name of The Tonawanda Reservation
and containing by estimation twelve thousand eight hundred acres, be the
same more or less; as the said several Tracts of Land have been heretofore
reserved and are held and occupied by the said Seneca Nation of Indians
or by Individuals thereof - Together with all, and singular the rights, privileges
hereditaments and appurtenances to each and every of the said Tracts or parcels
of land belonging or appertaining; And all the Estate, right, title, interest, claim
and demand of the said party of the first part and of the said Seneca
Nation of Indians of in and to the same and to each and every part and
parcel thereof - To have and to hold all and singular the above described
and released premises unto the said Thomas Ludlow Ogden and Joseph
Fellows, their heirs and assigns, to their proper use and behoof forever, as joint
Tenants and not as Tenants in Common -

In Witness whereof, the Parties to these presents
have hereunto, and to three other Instruments of the same tenor and date,

one to remain with the United States, one to remain with the State of
Massachusetts, one to remain with the Seneca Nation of Indians, and one to
remain with the Said Thomas Lualow Ogden and Joseph Fellows, interchange-
ably set their hands and Seals the day and year first above written &

Little Johnson his X mark

Daniel Purging

Captain Pollard his X mark

James Stearnson his X mark

Captain Strong his X mark

Captain Snow his X mark

Blue Eyes his X mark

Levi Hulflown his X mark

Billy Chunks his X mark

White Seneca his X mark

George Bennet his X mark

Job Peice his X mark

John Gordon his X mark

Jim Jones his X mark

William Johnson his X mark

Ruben Peice his X mark

Morris Halftorod his X mark

Jacob Finerson his X mark

George Big Deer his X mark

Thomas Finerson his X mark

Samuel Gordon

Thomson S. Harris

George Finerson his X mark

Nathl. T. Strong

Tall Peter his X mark

Tommy Jimmy his X mark

John Tall Chief his X mark

George F. of

Jabez Stevenson

William Jones his + mark

George White, by his agent White Seneca, his X mark

John Snow his X mark

Walter Thompson by his agent Daniel Two Guns, his X mark

Long John his X mark

John Back his X mark

George Lindsay

Jacob Bennett his X mark

John Bennett his X mark

Seneca White his X mark

Muris B. Pierce.

David White

James Mingo his X mark

William Carr his X mark

Samuel Wilson his X mark

John Seneca his X mark

Signed, Sealed & delivered in the presence of

James Stryker

Nathl J. Strong } Interpreters
Spencer H. Bone }

J. B. Potter
Chas. H. Allen

At the before mentioned Treaty held in my presence as
Superintendent on the part of the Commonwealth of Mas-
sachusetts and this day concluded, the foregoing Instrument
of writing was agreed to by the contracting parties therein
named and was in my presence Executed by them and
being approved by me I do hereby certify and declare
such my approbation thereof.
Witness my hand and seal at Buffalo creek this fifteenth
day of January in the year 1838. J. Howbridge

I have attended a treaty of the Seneca
nation of Indians held at Buffalo Creek
in the county of Erie in the state of New
York on the fifteenth day of January in
the year of our Lord one thousand eight
hundred & thirty eight. I saw the within
instrument was duly executed in my
presence by the chiefs of the Seneca
nation being fairly & properly understood
by them. I do therefore certify
& approve the same.

A. S. Hill
Commissioner

At a Treaty held under the Authority of the —
United States of America at Buffalo Creek in the County of Erie and State —
of New-York, Between the Sachems, Chiefs and Warriors of the —
Tuscarora Nation of Indians duly assembled in Council and representing —
and acting for the Said Nation on the one part and Thomas —
Ludlow Ogden of the City of New-York and Joseph Fellows of —
Geneva in the County of Ontario on the other part, concerning the —
purchase of the right and claim of Said Nation of Indians in and to —
the Lands within the State of New-York remaining in their occupation
Ransom H. Gillet Esquire the Commissioner appointed by the President
of the United States to attend and hold the Said Treaty, and also Josiah —
Trowbridge Esquire the Superintendent on behalf of the Commonwealth of —
Massachusetts, being severally present at the Said Treaty, the Said Sachems
Chiefs and Warriors on behalf of the Said Tuscarora Nation did agree to —
sell and release to the Said Thomas Ludlow Ogden and Joseph Fellows, —
and they the Said Thomas Ludlow Ogden and Joseph Fellows did —
agree to purchase All the right, title and claim of the Said Tuscarora —
Nation of, in and to the ~~land~~ Tract, piece, or parcel of Land mentioned
and described in the Instrument of writing next hereinafter set forth —
and at the price or Sum therein specified as the consideration or —
purchase money, for such sale and release; which Instrument being
read and explained to the Said parties and mutually agreed to was —
signed and sealed by the Said contracting parties and is in the —
words following:—

This Indenture, made this fifteenth day of —
January in the Year of our Lord one thousand eight hundred and —
thirty eight, Between the Sachems, Chiefs and Warriors of the —
Tuscarora Nation of Indians duly assembled in Council and acting for —
and on behalf of the Said Tuscarora Nation of the first part, and Thomas
Ludlow Ogden of the City of New-York and Joseph Fellows of Geneva —
in the County of Ontario of the Second part Witnesseth that the —
Said Sachems, Chiefs and Warriors of the Tuscarora Nation in —

consideration of the Sum of Nine thousand Six hundred Dollars —
to them in hand paid by the Said Thomas Ludlow Ogden and Joseph
Fellows, the receipt whereof is hereby acknowledged, have granted, bargained,
Sold, released and confirmed and by these presents do grant, bargain, Sell,
release and confirm unto the Said Thomas Ludlow Ogden and Joseph Fellows
and to their heirs and assigns All that certain Tract or parcel of Land —
Situate lying and being in the County of Niagara and State of New York
commonly called and known by the Name of The Tuscarora Reservation
or Seneca Grant containing Nineteen hundred and twenty acres be the —
Same more or less, being the Lands in their occupancy, and not included in
the Lands conveyed to them by Henry Scarborough Together with all and —
Singular the rights privileges hereditaments and appurtenances to the Said
Tract or parcel of Land belonging or appertaining And all the estate right
title interest claim and demand of the Said party of the first part and
of the Said Tuscarora Nation of Indians of in and to the Same and to
every part and parcel thereof To have and to hold all and Singular
the above described and released premises unto the Said Thomas Ludlow
Ogden and Joseph Fellows, their heirs and assigns, to their proper use and
behof forever, as joint Tenants and not as Tenants in Common —

In Witness whereof the parties to these presents —
have hereunto and to three other instruments of the Same tenor and date,
one to remain with the United States, one to remain with the State of
Massachusetts, one to remain with the Tuscarora Nation of Indians —
and one to remain with the Said Thomas Ludlow Ogden and Joseph
Fellows, interchangeably set their hands and Seals the day and Year
first above written —

Michael Gussick

Wm Chew

Wm Mt Pleasant

John Fox his mark

James Gussick

John Patterson his X mark

Samuel Jacobs

James Anthony his X mark

Peter Elm his X mark

Daniel Peter his X mark

Sealed and delivered in the presence of

James Strickes

R. A. Gillis
Chap. H. Allen

W. Schermerhorn

Nathl. J. Strong U. S. Interpreter
G. B. Potter

Quando Allue
31.

At the above mentioned Treaty held in my presence as Superintendent on the part of the Commonwealth of Massachusetts and this day concluded the foregoing Instrument of writing was agreed to by the contracting parties therein named and was in my presence executed by them and being approved by me I do hereby certify and declare such my approbation thereof.

Witness my hand and Seal at Buffalo Creek this fifteenth day of January in the year 1838.

J. F. Howbridge
Superintendent

I have attended a treaty of the Tuscarora
nation of Indians held at Buffalo Creek
in the County of Erie in the State of
New York on the fifteenth day of
January in the year of our Lord one thousand
eight hundred & thirty eight when
the within instrument was duly executed
in my presence by the Sachems, Chiefs &
Warriors of the said nation being fairly &
properly understood & transacted by all the
parties of Indians concerned & declared to be
done to their full satisfaction. I do
therefore certify & approve the same

R. H. Gillet
Commissioner

IN EXECUTIVE SESSION—SENATE UNITED STATES.

FEBRUARY —, 1839.

Mr. SEVIER made the following report; which was read, and ordered to be printed, in confidence, for the use of the Senate.

The Committee on Indian Affairs, to whom was referred the President's message of the 21st of January, 1839, transmitting a treaty, as amended by the Senate, which was negotiated by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, &c. of the New York Indians, &c., report:

That the original treaty was concluded on the 15th of January, 1838, by Ransom H. Gillet, a commissioner on the part of the United States, and the chiefs, headmen, and warriors of the several tribes of the New York Indians, and which treaty, thus concluded, was, on the 23d day of April, 1838, transmitted by the President for the advisement and consent of the Senate.

On the 11th of June, 1838, this treaty was considered by the Senate, and on that day was ratified on certain conditions. These conditions were that the treaty should be modified and amended in several essential particulars, and that these amendments or modifications should be fully and fairly explained to each tribe separately, assembled in open council, and that a majority of the chiefs should voluntarily and freely assent to each and all of the amendments made by the Senate. This being done, it was the sense of the Senate that the treaty should, in that event, be binding and complete, and in failure thereof, that the treaty should have no force or effect.

The committee have endeavored to ascertain if the treaty, *as amended*, had been fully and fairly explained in open council to each tribe separately assembled; and with this view they have carefully examined all the documents submitted with the treaty, and have had before them several witnesses, whose testimony they have taken—and submit the same herewith, with this report—and after this examination, and after hearing this testimony, which was taken in the presence of the commissioner and of the agent of the Senecas, and in the presence also of the respective delegations of Senecas, one of which is in favor of, and the other against the treaty as amended, they are *unanimously of opinion* that the amendments aforesaid were fully and fairly explained, to the Indians referred to, in open council, to each tribe separately assembled.

The next inquiry with the committee was to ascertain if the amended treaty, when explained as above stated, had been freely and voluntarily assented to by a majority of the Senecas.

In respect to all the tribes except the Senecas, the application appears to have been satisfactory to the Executive; and there being no question submitted as to the assent of the other tribes, the committee have confined themselves exclusively to an inquiry into the assent given to the

amendments by the Senecas, and have endeavored to ascertain if a majority of the chiefs of this tribe had freely and voluntarily assented to the amendments, according to the terms of the resolution of the 11th of June, 1838.

Upon this branch of the subject the committee have had much difficulty; and to solve these difficulties, they have consulted the documents aforesaid, and have heard testimony.

It appears from the testimony that the treaty-making power with this tribe is vested in, and is exercised by, the chiefs. It appears from the testimony of the agent of the tribe, and from the testimony of the chiefs who testified before us on the side of the treaty or emigrating party, that the number of the chiefs is eighty-one; and on the other hand, it is sworn to by those opposing the treaty, and who are against emigrating, that there are upwards of ninety chiefs of the Senecas; and it is proved that, during the sitting of the council, which lasted for weeks, that the greater part of those chiefs attended the council occasionally, and as many as sixty at a time. It appears from the letter of Mr. Gillet, dated Washington, 25th of October, 1838, on page 13 of the written document, addressed to Mr. Crawford, of the Indian Bureau, that "the Seneca nation is divided on the question of emigration;" that "there is a large and highly respectable and intelligent portion who are the unwavering friends of emigration, while another considerable portion appear to be its inflexible opponents." "There is a third class who do not appear to have sufficient independence of mind and character to be described as belonging to, or acting with, either party, and while the current of their feelings seems to be with the emigration party, they are often restrained from action by the threats and compulsion of the opposite party." He adds, "this was the condition of the tribe at the opening of the council."

At page sixteen of the same document, in the letter aforesaid, the commissioner, after describing the course he had taken to obtain signatures of assent to the amended treaty, by obtaining leases for them, &c., he states, "I presented the manuscript copy of the amended treaty to which I had attached a written assent. I informed the council that those who chose to do so, could sign it, and those who, from fear or other cause, preferred signing at my room in presence of myself, the superintendent from Massachusetts, the agent, and such other persons as might be present, might do so. I then received sixteen signatures, and, subsequently, at my room, in presence of General Dearborn, thirteen, and two other signatures at the rooms of chiefs, who were too unwell to attend council, making in all thirty-one chiefs. These were all by persons who understood the subject, and were freely and voluntarily given."

At page eighteen of the same document, the commissioner sums the details of his negotiation, which was signed, as before stated, by thirty-one chiefs, by saying, "the question then arises, is it necessary to have the names of all the chiefs on the reservation? If so, it was not sufficiently signed in my presence; if not, need it be more than a majority of all who attended the council? This is what is usually required in legislative bodies, and reasoning from analogy, the assent is sufficiently signed. If it requires a majority of all who, from time to time, may have been, for short periods, at council, it is not in my power to give you the necessary information whereon to decide." The commissioner then concludes his report by saying, "in the foregoing statement, I have stated every thing which I suppose at

all material to a right understanding of the whole matter, including all the facts which either the friends or opponents of emigration could desire," &c.

The above the committee consider the substance of Mr. Gillet's report; and for fear of doing injustice, have quoted his own language, and given, as it is entitled to receive, the most implicit credence to the whole of his statement; and after doing so, the committee are unanimously of opinion, that the assent of the majority of the chiefs of the Seneca nation, or of those who attended the council during its sitting, had not been obtained at the date of that report. And in this light it appears to have been viewed by the Executive, or else he would have disposed of it, as he did of the other tribes who were parties to this treaty. But the commissioner made another report, which we will now examine. Having failed, as the Executive evidently considered, in obtaining such an assent to the amended treaty as the resolution of the Senate required, he was despatched a second time to the Senecas; and, in his report of his doings in this second mission, he says, in his second report to the commissioner, at page 19 of same document, "You have heretofore received a full report of all that transpired prior to your instructions of the 30th of October last. On the receipt of those instructions," (what those instructions were, have not been made known to the committee,) "I repaired to Buffalo, New York, for the purpose of carrying them into effect. On my arrival there, I was joined by General Dearborn, the superintendent appointed by the Governor of Massachusetts, who continued with me until the close of my visit there. He was present and witnessed every signature to the assent except one, which was taken while he was confined to his room by indisposition. Soon after my arrival there, I directed the United States sub-agent to give public notice that I was present, and was authorized to receive the signatures of such chiefs as desired to give them; and that the superintendent from Massachusetts was also present to discharge the duty assigned him by the authorities of his State. After this notice, ten additional names were received to the assent, making, in all, *forty one*."

The above is all that is contained, in the opinion of the committee, in the second report, materially bearing upon the subject now immediately under consideration; and the analysis of the whole of the two reports is, that sixteen chiefs signed the amended treaty in open council; thirteen in his room, in person, or by attorney; two at their own houses, where they were sick; and ten on the second mission, acting under the instructions of the 30th of October; making in all forty-one; being only a majority of one: and that majority is made by rating the chiefs at the lowest estimate. This number has been increased by three additional names, which have been forwarded since the treaty has been under consideration, which increases the number of those who have assented to forty-four. If these forty-four had signed the amended treaty in open council, the committee would consider that the requirements of the Senate had been complied with, at least with the appearance of having a majority. But it is in vain to contend that the signatures of the last *ten*, which were obtained on the second mission, or of the three who have sent on their assent lately, is such a signing as was contemplated by the resolution of the Senate. It is competent, however, for the Senate to waive the usual and customary forms in this instance, and consider the signatures of these last thirteen as good as though they had been obtained in open council. But the committee cannot recommend the adoption of such a practice, in making treaties, for divers good reasons,

which must be obvious to the Senate; and among those reasons, against these secret, individual negotiations, is the distrust created that the chiefs, by so acting, are doing what a majority of their people do not approve of, or else that they are improperly acted upon by bribery or threats, and unfair influences. In this case we have most ample illustrations. Those opposed to the treaty accuse several of those who have signed their assent to the amended treaty with having been bribed; and, in at least one instance, they make out the charge very clearly.

In the Indian lands there are two separate interests of our own citizens; the one are the lessees of the Indians, and the other the pre-emptive claimants; and these two white interests seem to be as violently arrayed against each other as are the two divisions of the Indians themselves; and, as active partisans, take sides with the Indian party according to their interests.

The above are the leading facts of this negotiation; and the committee, being but four in number, have been unable to agree upon any recommendation to the Senate other than to submit the facts; and this they do for the future action of the Senate.