

This should
be Typed

20220

murder Indians
of St. John
his

memorial and
record of proceedings
of council also

Enrollment of
claimants, ref. to
treaty of 1838.

their removal to
Ind. Tg. and hav-
ing been denied
for said Tg. T.

Wap & Binc

Rept to Secy Aug 30/84
with 1275/84

LB 121/278

12/178

C. J. A. New York N.Y.

James Harrison &
other Senecas.

Washington D.C. March 1838

Memorial pray-
-ing on behalf of their
Nation, the ratification
of the treaty lately
concluded with them.

John S. S. S.
(Recd. 30 March 1838)

(Copy)

To the President and to the Senate,
of the United States.

Father & Brothers;

We present ourselves to you, as chiefs of the Seneca tribe of Indians, deputed by our nation to repair to this place, to ask the early ratification of the treaty lately concluded at Buffalo Creek, between the United States and all the New York tribes and to transact other business connected with our speedy removal to the New Country which, in the wisdom and goodness of the General Government, has been offered, and secured to us. We are informed that two Seneca Chiefs belonging to that portion of our tribe which desires to remain in New York, are here to counteract the purposes of our Mission, that they are accompanied and encouraged by a number of white men of the sect called Quakers, and that they are seeking by means of affidavits and other papers, got up since the treaty, to call in question its validity and to prevent its ratification -

Being well acquainted, with the condition and wants of our people, and eye witnesses of the whole course of the proceedings which led to the treaty, we ask leave to submit to you a plain statement of facts.

Respectfully

Solemnly assuring you that it shall not contain
one word which we do not believe to be true.

It is now almost thirty years since
the subject of emigration, was brought under the
consideration of the scattered remnants of the
five nations and other Indian tribes in the
State of New York.

Crushed in by white settlements, harassed
by their intrusions, and hourly exposed to tempt-
ations which the propensities of the great
majority of our people, make it impossible for
them to resist, the necessity of removal was,
even then, perceived and expressed by our wisest
chiefs. This feeling soon became more
general, and in the year 1821, the New York
tribes, with the consent of the then President,
united in the purchase of a tract of Country,
at Green Bay, from the Winnebago and
Menominee tribes. During the next year, this
purchase was greatly enlarged, but difficul-
ties afterwards arose as to the location of the
bands, and also as to the title we were to
have in them. Many of the Indians became
disheartened, and the plan of emigration, the
dangers and inconveniences of which were
strongly urged by our white advisers, was for a
time laid aside. Among those who at this
time became, and have ever since continued,
busy in our concerns, some no doubt acted
from good, but more, as we now believe,
from bad and selfish motives.

Me

We are willing to suppose that the Quakers were among the first class - the second consisted chiefly of those who kept up a traffic with our people - of those who leased our lands - and of those who bought our timber, and built saw mills to convert it into lumber. Such use of our lands being contrary to the laws of the State of New York, our contracts with these people could not be enforced. We got from them only what they choose to pay us, so that their bargains, altho' very profitable to our white neighbors, were of little present benefit to us, and they served further to encourage idleness and other bad habits among our people. The years which have thus rolled over our heads, have brought no favorable change in our general condition, but in the mean time, some of our young men have been educated, and many of us have become more enlightened, and in proportion to this increase of intelligence, our leading men have become more and more sensible of the necessity of a radical change in our policy.

Under the influence of these sentiments, they have of late years, again turned their attention to the course recommended by the Government of the United States. Within the last three years, two successive delegations have been sent to explore the Country, West of the Mississippi, set apart for the Indian tribes. Last year on the return of the second delegation, the time was believed to have arrived for opening a negotiation for the acquisition of a permanent residence in that Country.

in extent, for the accommodation of all the New York tribes. Such negotiation was accordingly opened at Buffalo Creek, in December last, by a Commissioner of the United States and a Superintendent of the State of Massachusetts, a great majority of the Seneca Chiefs, all the principal Chiefs of the Tuscarora and Cayuga tribes, and delegates from those of Oneida, Onondaga and St. Regis, representing all the remaining tribes of the ancient confederacy of the six nations, being then assembled. The Council was opened by the Commissioner with a speech, in which he told us, that he was authorized by our great Father, the President, to treat with us for our removal to the West, where a large tract of land would be secured, by patent, to us and our children forever; and if we consented to go thither, that we should be removed free of expense, and be supported for one year after our arrival; that mills, churches, council houses, and shops should be erected for our use; that, for several years, teachers should be provided for us, and that we should have other privileges and favours.

The Superintendent of Massachusetts, then Mayor of the City of Buffalo, and a well known friend of our tribe, addressed the Council, informing us that he was sent to see that our rights were protected, and that no advantage was taken of our ignorance.

The Council then proceeded to hear the reports

reports of the delegates who had examined the country West of the Mississippi - these reports and the Speech of the Commissioner, gave rise to a discussion of several days continuance - When it had terminated, the Commissioner gave notice that a treaty, embracing a description of the Country, and the provisions offered by the Government for our benefit, should be prepared and presented to the Council, for consideration and acceptance. This was considered a fair and proper mode of proceeding, and no objection was made to it - The proposed treaty being written down, was at a subsequent meeting, deliberately read and interpreted to the Council, article after article, so that no one could misunderstand its contents -

Every chief who had anything to say, was then heard, and the Commissioner, whenever called upon, made all desired explanations - Notice was then given that on a certain day, the treaty would be opened in Council, for signature by the chiefs, and would continue open from day to day, until all had an opportunity to sign. This accorded with our own usages, and was acquiesced in without objection -

It is not our custom to divide our Councils by a formal vote, on any question -

When it is ascertained that any proposed measure is approved by the principal chiefs, it is acquiesced in as a matter of course, without

without a count of numbers, chiefs alone being
authorised to act for their respective tribes—

At the appointed time, the treaty was opened
for signatures in full council, and about
thirty of the Senecas, embracing the prin-
cipal and most influential chiefs, then
signed it— This occupied a considerable
time, and night coming on, the signing
was suspended until the following day,
when other chiefs of different tribes, added
their signatures— The treaty continued open
for signatures, from day to day, at the coun-
cil house; and other chiefs, as they came in,
there put their names to it, but owing to the
inclemency of the weather, and the difficulty
of crossing a stream of water near the coun-
cil house, it was proposed, for the accom-
modation of some aged and sick chiefs, who
desired to sign, and could not conveniently
reach the Council, that they should be
allowed to sign at the quarters of the
Commissioner, which were on the Indian
land about half a mile from the Council
house— This proposal was not objected
to, and accordingly, after most of the
chiefs had signed as above stated, notice
was given that the treaty would be opened
for signatures at the Commissioners room—

This room was free to all, the Commissioner
communications with the Indians were there,
as at the Council house, open and public.
Every individual, as he presented himself
to

to sign the treaty, was asked by the Commissioner, whether he knew its provisions, and understandingly and voluntarily put his name to it. He invited all to visit him, to examine for themselves, and to be satisfied before they acted.

It is now asserted, as we understand, that chiefs were permitted to sign the treaty whilst in a state of intoxication - We bear testimony to the utter falsehood of this charge - At every signature, whether in Council or at the Commissioner's room, &c, &c, also the Government Agent, and other respectable persons from Buffalo, were present - If this charge be true, why are not some of these persons called to substantiate it?

We are informed also that the opposition party now complain that money was offered to certain chiefs to obtain their influence in favor of the treaty - that threats were used by the emigration party to put down opposition to the treaty, and that other unfair means were employed to carry it thro'.

These charges we consider frivolous & unfounded, on sales of our lands, it has been common for chiefs who are in favor of the measure, to ask & obtain personal benefits from the preemption owners.

The price to be paid to the nation is settled in Council - And if that be right and just, our people do not think it wrong that

that individual Chiefs should get something more for themselves.

The principal opposition chief now here, receives an annuity granted to him for services on a former treaty, and several other of our Chiefs are known to be in the receipt of similar allowances and such Chiefs still enjoy the confidence of the nation.

The custom has always prevailed among us is understood by our people. has been spoken of in a few Councils, & on a former occasion was brought in the same way, to the attention of the Government.

However white men may esteem this Custom it is sufficient to say that it is sanctioned by our own usages.

As to threats, we are ignorant of any, excepting such as were employed by the opposition party, to deter from acting with us, several chiefs who were friendly to emigration and had to declare themselves - Among these, one of our aged Chiefs, called Jack Perry or Major Perry, refused to act further with us, on the declared ground that his life was threatened, and would be in danger, if he should do so.

During the Council the opposition was encouraged by wicked and designing white men, whose labours since have not been intermitted. After the conclusion of the treaty, the most gross deception &

Misrepresentations were used to induce chiefs who signed the treaty, to go before white men and testify that unfair means were employed to obtain their signatures - An accurate representation of the contents of these papers they were persuaded to sign without hearing them read or interpreted, altho the officer requested that this should be done.

Some of these proceedings being made known to us before we left Buffalo, the conspirators were detected and exposed, as will appear from the annexed depositions.

11 The same system has probably been pursued since we left our homes, and it is very likely that our opponents have brought with them other documents procured in the same manner, and containing similar falsehoods; for we are told, that even Buck Perry's name appears in the list of appropriation chiefs - These frauds if they had been known to us at Buffalo, would also have been detected and exposed).

We understand further, that the validity of the treaty is impeached on the ground that it had not been signed by a Majority of the Seneca Chiefs - On this point, the stations we hold among our people, and the active agency we have had, for a long time, in the management of their concerns, (some of us being chiefs of twenty years standing) enable us to speak with confidence.

We speak therefore, in this matter,

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understandingly, and as men fully sensible
of the obligation imposed on all, as chiefs,
and on most of us, as Christians, to speak
the truth.

There are Eighty one Chiefs in the
Seneca Nation of whom forty five have
agreed to and signed the Treaty. The
opposition party now pretend that several
of these Chiefs are not Chiefs, but on what
ground they rely to support this pretence we
do not know.

An attempt was made several years since
to depose, by violent and illegal means,
some of the present chiefs on the charge
of their being favorable to the plan of
emigration then recommended by the Government.
The deporal of these chiefs being declared
in Council, it produced great discontent &
animosity. The matter was brought under
the notice of the Secretary of War, and
the whole proceeding was pronounced to
be contrary to Indian usages and altogether
unjustifiable. This was officially communi-
cated to us, in Council, thro' the Govern-
ment agent, and we were informed that
the Chiefs sought to be deposed, would
continue to be recognised by the Secretary,
as still in Office. His decision was re-
quiesced in, and from that time to this,
every Chief whose name is signed to the
Treaty, has been acknowledged as such
by the Seneca Nation - has always acted

as

as such in Council, and elsewhere, and every one of them continues to act — On the opening of the late Council, the United States Commissioner called on the Government agent for a list of the Seneca Chiefs, and one was handed in by him. It was not objected to by any one, nor was the right of any individual named in it, to sit in Council as a chief, in any way questioned — Whether such question be now raised in this place, we are not informed.

We have seen and examined the list produced by the agent, and aver that it contains the names of all the regular, acting, and acknowledged chiefs of the Seneca Nation, and no other names.

Among the forty-five chiefs who have signed the treaty, will be found all the education, and most of the intelligence and moral worth of the nation. Of the thirty-six who have not signed, several are intelligent and respectable men, few of them, however, can read or write; nearly all are pagans, opposed to every form of instruction; and many of them, as well as the mass of our people, are ignorant, and under the influence of designing white men, who, for selfish ends work upon their prejudices, and taking advantage of their inability to read what is written, can always continue to obtain their names to any paper, whatever may be its import — If papers so obtained, should have any binding force on our national rights and interest would soon be

be bartered away for paltry considerations.
In that fundamental usage by which the
power to bind the nation is vested exclusively
in the chiefs, and in the recognition of that
usage, by the President and Government of
the United States, consist the only safety of
the nation in all that is most dear to it.
We therefore earnestly beseech you to regard
with distrust, everything emanating from a
different source.

At the close of the Council,
the United States Commissioner proclaimed
how many, and which, of our chiefs, had
agreed to, and signed, the treaty. It was
then considered a concluded and binding
transaction and as such, was signed by the
Commissioner and also by the Superintendent
of Massachusetts, who having for twenty
years, been a practicing Physician at Buff-
falo and among the neighboring Indians, was
personally acquainted with most of the
Chiefs. This was done, in open Council,
without dispute or objection as to the office
or power of any of the signing chiefs, the
treaty being then closed and consum-
mated in the presence of the collected
Council, the Council fire was, by common
consent covered up. The day previous to
this, Big Kettle, the great opposition leader
in speaking of the treaty (now signed by
a majority of chiefs, expressed his
regret that it did not allow such Indians

as were unwilling to emigrate, to remain in New York, adding, after a compliment to the Commissioners on the fairness of his conduct throughout the negotiation, that a provision, to this effect, would have satisfied all parties. These circumstances are entirely inconsistent with the pretences now set up. We solemnly repeat that the treaty was agreed to and signed by a majority, in number of all the Seneca chiefs and by a much greater majority, in information, weight of character, and influence.

Among the difficulties which the friends of emigration were compelled to encounter at Buffalo, was not only the persevering opposition of interested traders, but also the equally persevering opposition of the Quakers. On the opening of the Council, several Quakers, as if deputed by the whole Society, took their seat among the opposition party, and continued to occupy them throughout most part of the council. During the adjournment, they made addresses to the Indians telling them that they were as happy and prosperous in New York, as they could be elsewhere; and frequently insinuating that the promises of the Government would never be fulfilled. We find the same influence at work here, but policy will no doubt suggest arguments for your ears, very different from those used with us.

at

at Buffalo.

To the interference in our national concerns, of visionary-philanthropists, and unprincipled traffickers in Indian property, we owe all the dissensions which have, of late, distracted our people, and closed their ears to the paternal advice of the General Government —

The Chiefs to whom belong the management of these concerns, need no advice from cities. They know the rights of the nation, and are well informed as to the value of their property in New York — They have not been overreached in the bargain they made for the sale of their lands there, but have secured a fair price for them. Little indeed was left to us, but for that little, we are to receive a price greater, as we have heard, than the native Indian proprietors of Pennsylvania were able to obtain, on the sale of that entire State, to the pre-emption owner, altho he was a Quaker.

The Quakers prep us to remain in New York, because they have made large expenditures near to some of our lands, in improvements for the convenience of our people — but we ask what benefit do we derive from these improvements — as a community, we are making no perceptible advance in the arts of civilized life — There is no amelioration in our general condition, habits or manners — We are gradually diminishing in number — We have no incentive to individual enterprise or industry.

We

We are in a state more degraded than the lowest of the white population - In fine we are destitute of those essential means of civilization on which alone we can rest a hope, that the next half century, will serve, more than the last has done, to rescue us from increasing poverty and debasement.

In former times, the Quakers recommended that we should have separate rights of property, so that every Indian might reap the fruits of his own industry.

We were not insensible to the force of such remarks but our lands in New York were held by a title which did not secure to us the power of alienation and control exercised by white proprietors - Indians are not allowed to hold lands in the State of New York - Upon an application for this privilege, lately made to the Legislature by one of the undersigned, it was denied.

The acquisition of a better title in our new seat - relief from the encroachments & impositions of white neighbors, and from the corrupting influence of an unrestrained and licentious intercourse with them - the improvement of our social, political, and moral condition - the restoration of our people to that feeling - of self respect by which they were once animated - their elevation to a higher rank in the scale of human beings, are the great objects which we have now in view and in the pursuit of which, we are content to

abandon the homes of our fathers and to
seek peace and happiness in the West.

Guided by the lights of Christianity &
education, and encouraged and sustained by
the protection of the General Government, we
feel ourselves equal to the great enterprise
in which we are about to embark.

That humanity which would throw an
obstacle in our way, is false, mistaken, &
fallacious. Looking to your wisdom &
benevolence for a sounder estimate of our
true interests, We implore you not to blast
our hopes by refusing to ratify the treaty.

Dated at Washington, D.C. March 1835.

(Signed) James Stevenson his X. Mark

White Pineau his X. Mark

The Chiefs whose names are subscribed to this
paper executed the same in my
presence it having been first
read & interpreted.

George Penick his X. Mark

George Stinson his X. Mark

Nathaniel ... his X. Mark

Samuel Gordon

Daniel Pickens

James Stryker

Agent A.G. Indians

State of New York. 3
Orin County 3 J. George Lindsay

a Chief of the Seneca Nation of Indians residing on the Buffalo Reservation, being duly sworn deposed & says. That on or about the sixteenth day of February inst, this deponent was in the City of Buffalo where he met with an Indian name John Kennedy by whom he was requested to go into a Lawyers Office & see a paper which the said John Kennedy & others had got drawn up and this deponent says that he did go in company with the said John Kennedy to the Lawyers Office & to his surprise saw his name signed to the paper & he was asked by the said John Kennedy to make his mark and this deponent further deposes & says - that he did not sign the paper or make his mark & that he would not have any thing to do with it - this deponent further deposes & says that the said John Kennedy after his refusing to make his mark & with great persuasion - induced him to go to the Commissioners Office with him which this deponent says he did & was there sworn without the contents of the paper being read to him - & this deponent further says that at the time

of the oath being administered to him -
nor at this time does he know its contents -
but from some remarks made by the Com-
missioner - and what he has since learned
he has good reason to believe that it con-
tained statements which the deponent
never made - And this deponent further
says - that he has been heretofore and
now is in favour of the treaty - which
was lately made with the Seneca Indians,
and statements on the paper he swore to
to the contrary notwithstanding - and
this deponent further says that it is
his earnest wish that the treaty may
be ratified and confirmed - and fur-
ther this deponent saith not.

(Signed) George Lindsey

Sworn before me,

February 19. 1838, by & through
the oath of Nathaniel C. Strong, who
was sworn by me to make true inter-
-pretation, between me & the said George
Lindsey in relation to the contents of
said affidavit and the said Strong
on oath said he had explained the
contents of said affidavit to said
Lindsey and he declared the same
to be true.

(Signed) D. Pillinghast
Sup: Court Comr.

State of New York }
Eric County } So

John Ball Chief, a Chief of the Seneca Nation of Indians, residing on the Buffalo Creek Reservation in the State of New York, being duly sworn deposes and says:

That on or about the tenth day of Feb^y. instant William Crouse a Chief of the said Seneca Nation, called upon this deponent and told this deponent that many of the Chiefs who had signed the treaty, had since the adjournment of the Council signed a paper which he William Crouse, Big Kittle, John Kennedy and others had got drawn up, and urged this deponent to go to Buffalo with him and have his name put to the paper, This deponent further deposes and says that at the urgent solicitation of the said William Crouse and others, this deponent consented to go down to Buffalo with John Kennedy and Jasper (both Indians), and this deponent further says, that when he arrived at the City of Buffalo he went in company with John Kennedy to a Lawyers Office where his name was put to the paper, and that he then went in company with the said John Kennedy before a Commissioner and was sworn, and this deponent further says that the contents of the paper was not read to this deponent, and that he does not know the contents of it; but from some expressions which fell from the Commissioner and what he has since learned he has good reason to believe, that it contained Statements which this deponent never made, and this deponent further says that he has been here before and now is in favor of the treaty which was lately made with the Seneca Indians, any Statements on the paper he signed and swore to, to the contrary notwithstanding, and this deponent further says that it is his earnest

wish that the treaty ratified and confirmed, and further
this Deponent saith not.

John Tall Chief ^{his}
mark

Sworn before me Feb. 19. 1838., by the said John Tall Chief
& I do also certify that the said oath was administered
by me through Nathaniel T. Strong, who was by me sworn
that he had made known to the said John Tall Chief, the
contents of said Affidavit in the Indian language & that
the said John Tall Chief declared the same to be true

(D. Tillinghast
Sup Court Comm.

Erie County So. Orlando Allen of said County, being duly sworn
doth depose and say, that in the Month of January, 1838,
he called on the Chief of the Seneca Nation of Indians
named Major Jack Perry pursuant to a promise he
had made to the Deponent to sign a treaty with the
United States by which the Six Nations of Indians
agree to accept a large tract of Country West of the State
of Missouri and to emigrate to the same, and by which
treaty the said Seneca Nation agree to release to the Og-
den Company so called, the paper title to nearly all the
reservations in the Western part of this State - that the
said Perry informed the Deponent in the English lan-
guage that he was willing to sign the treaty, but that
he dare not do so in consequence of threats from Warriors
of the said Seneca Nation that if he did sign it they
would knock out his brains or words to that effect -
that the said Perry observed that he might hereafter
sign the treaty but that he dare not do so at the present
time And the Deponent further saith that he verily

believes the said Perry is wholly restrained from signing
the said treaty by the threats uttered as aforesaid against
his life.

Orlando Allen

Sworn before me

the 27th day of January

1838

James Stryker

First Judge of Erie County.

Erie County ss

Seneca Jones of the County of Livingston
being duly sworn deposes and saith that he accompanied
Orlando Allen in the Month of January 1838. on a visit
to the Indian Chief named Major Jack Perry on the sub-
ject of a treaty for the sale of the reservation lands
and that the said Perry informed the Deponent
that he did not sign the treaty for the sale of the lands
because his life had been threatened if he did so.

Seneca S. Jones

Sworn before me the

27 day of January 1838.

James Stryker

First Judge Erie County.

State of New York }
Eric County } ss

John Seneca a Chief of the Seneca Nation of Indians residing on the Buffalo Creek Reservation, being duly sworn, deposes and saith, That on or about the tenth day of February, instant, he was in the City of Buffalo and was invited by a Seneca Indian to go with him to a lawyers Office, This deponent went to the lawyers Office as requested, where he found Big Kittle, John Kennedy and several other Seneca Indians, Immediately after this deponent entered the lawyers Office, he was told by Big Kittle that they (meaning himself and the other Indians then present, as this deponent believes) had got some papers drawn up which had been signed by the Chiefs who signed the treaty and then requested this deponent to state the reasons which induced him to sign the Treaty. This deponent thereupon told Big Kittle and the other Indians then present, that he was invited by some of his Indian friends to go with them and examine the provisions of the Treaty, and that he did go when he found his brother White Seneca and several other of his Indian friends, that he had a long conversation with them in relation to the treaty, that he concluded to sign the treaty, and did so, Big Kittle then asked this deponent if he would swear to the statement just made, This deponent said he had no objection, upon which the lawyer then present drew up a paper which was signed by this deponent without knowing its contents, This deponent then went in company with John Kennedy a Seneca Indian to another lawyers Office for the purpose of swearing to the affidavit, This lawyer asked this deponent and Kennedy if this deponent understood the contents of the paper, Kennedy informed the lawyer that it had not been read to this deponent, as it

is unnecessary, for the paper contained nothing but the statements which this deponent had made. The lawyer insisted upon reading the contents of the paper to this deponent before administering the oath, stating at the same time that he was sorry to see such a statement made on paper, which he (the lawyer) did not believe to be true for he was personally acquainted with the Commissioner, and that he did not believe any such statement concerning the Commissioner to be true. The lawyer again insisted upon reading the contents of the paper to this deponent, to which John Kennedy objected, saying that it was all right, and that the paper contained nothing but the simple statement as made by this deponent at the other office.

This deponent further says, that he does not know the contents of the paper then sworn to by him, but that he has reason to believe that it contained statements in regard to certain white men, which was not made by this deponent. This deponent further says that he did not, in his conversation with Big Kettle John Kennedy and others mention the name of any white man as having had any thing to do with this deponent in regard to signing the Treaty, and this deponent further says, that when he saw the lawyer was anxious to have this deponent understand the contents of the paper, this deponent suspected that it contained something which this deponent did not state, this deponent asked to have it read to him, and that John Kennedy refused to have it read, saying again that it contained nothing but what this deponent had said, and this deponent further says, that he did not in his conversation with Big Kettle, John Kennedy and others at the lawyer's office,

or at any other place or time, express a regret at having signed the treaty, and that he did not then, neither does he now wish to have his name erased from the treaty. This deponent further says, that he is perfectly satisfied with the treaty and that he wishes to have it ratified and confirmed, and further this deponent saith not.

John Seneca ^{his}
+
Mark

Erie Is

On this 17. February 1838, before me appeared the above named John Seneca & was by me duly sworn to the truth of the Contents of the above affidavit by him subscribed: I do also certify that said oath was administered by & through Nathaniel T. Strong, who was sworn before me, to make true interpretation between & said John Seneca as to the contents of said affidavit & said Strong declared on oath that he had fully explained the Contents of said affidavit to said John Seneca in the Indian Language

D Tillinghast

Sup: Court Comr: