

the sake of having them boarded and clothed. The Board, therefore, felt compelled to relinquish the project. And yet I am convinced that a vigorous co-operation between the State and some missionary organization might overcome all obstacles and gain a noble success.

A second complication in the problem of the New York Indians is the peculiar status of the land titles and the difficulty of securing a division in severalty. When the French and English were contending for the supremacy here, the French based their claim upon the right of discovery, but the English derived their title from an informal treaty with the Six Nations. Whatever may have been our inconsistencies, the binding and supreme force of Indian treaties was the ground on which we then took our stand. The plea which the British Government presented to the French Council in 1755, concerning what was known as the "Ohio country," ran as follows: "What the Court of Great Britain asserts and insists upon is this, that the five Iroquois nations are either originally or by conquest the lawful proprietors of the territory of Ohio in question." And it was upon this principle that the State of New York has from time to time purchased what were regarded as real titles to Indian lands.

But the land tenures existing among these tribes rest also on other grounds. Of the land owned by the Tuscaroras, 1,280 acres were deeded to them by the Seneca chiefs. This grant was overlooked in their subsequent sale to the Holland Land Company, but that Company, of its own accord, ratified the deed. And it is easy to see that if that Company had a recognizable title, then the title which they gave to the Tuscaroras must have had an equal validity, except in the rights reserved by the Company.

Another larger tract of 4,329 acres was purchased for the Tuscaroras from the Holland Company with money paid them by the general Government for lands previously held in North Carolina. That purchase the State cannot well ignore. The title to the Cattaraugus and Allegheny Reservations was the result of a compromise treaty formed at Buffalo Creek in 1842, in the presence of a United States Commissioner, by which the Ogden Company released to the Senecas the whole of those two reservations, on condition that they should surrender the Reservations of Buffalo Creek and Tonawanda, the Ogden Company retaining a pre-emption right to purchase.

The Tonawandas hold their land on the basis of a treaty ratified and proclaimed March, 1859, by which they purchased from the Ogden Company 7,547 acres of their own reservation, paying over \$20 an acre, or a total of \$165,000. This was drawn from a fund given them by the United States Government, in settlement of claims to certain Western lands.

That division of land in severalty is desirable, if made for the sole benefit of the Indian, cannot be doubted, but how can these tribal