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AB

ADDRESS
ON THE
PRESENT CONDITION
AND
PROSPECTS
OF THE
ABORIGINAL INHABITANTS
OF NORTH AMERICA,
WITH PARTICULAR REFERENCE
TO THE
SENECA NATION.

DELIVERED AT BUFFALO, NEW YORK,

BY **M. B. PIERCE,**

A CHIEF OF THE SENECA NATION, AND A MEMBER OF
DARTMOUTH COLLEGE.

PHILADELPHIA:

J. Richards, Printer, No. 130 North Third Street.

1839.

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PREFACE.

THE following Address, recently delivered, has been published under the hope that the subject of the wrongs done to the Indian tribes of our country by designing men, may claim more of the public attention. Surrounded as the Seneca Indians are with the conveniences of civilized life, they now are beginning to appreciate the efforts heretofore made by benevolent individuals and associations for their benefit. In order to enable these Indians to retain their lands, and encourage them to withstand the combined efforts of unprincipled men, who are endeavouring to wrest by fraud their property from them, it is hoped the citizens of our common country will join in petitioning the Senate not to ratify the Treaty which the agents of both the Land Company and others, have been endeavouring to make with a part of the Chiefs, during the past year, should they succeed in obtaining it.

In proof of the kind of fraud resorted to, the reader is referred to the case of John Snow's Contract.* In order to obtain his signature and influence, not only is a large sum of money to be paid him, but it is also guaranteed that he shall continue to possess his land, and shall not be compelled to remove. Thus, those who are openly and honestly contending for their rights, and entreating for the unmolested possession of their homes, are by the treachery of others, to be forced to relinquish them, whilst those who have thus betrayed them, are to remain in the enjoyment of their lands, and in addition, to receive a large sum of money as the price of their treachery; and this bribe is offered ostensibly for the *Indian's good*, by those professing to be christians. "Therefore all things whatsoever ye would that men should do to you, do ye even so to them."

Philadelphia, 1st mo. 1839.

* See Appendix—page 19.

ADDRESS.

THE condition and circumstances of the race of people of whom I am by blood *one*, and in the well being of whom I am, by the ties of kindred and the common feelings of humanity, deeply interested, sufficiently apologize, and tell the reason for my seeking this occasion of appearing before this audience, in this city. Not only the eyes and attention of *you*, our neighbors—but also of the councils of this great nation, are turned upon us. We are expected to do, or to refuse to do, what the councils of this nation, and many private men, are now asking of us—what many favour and advocate—yet also what many discountenance and condemn.

My relation to my kindred people being as you are aware it is, I have thought it not improper—rather that it was highly *proper*—that I should appear before you in my own person and character, in behalf of my people and myself, to present some facts, and views, and reasons, which must necessarily have a material bearing upon our decisions and doings at the present juncture of our affairs.

Hitherto our cause has been advocated almost exclusively, though ably and humanely, by the friends of human right and human weal, belonging by *nature* to a different, and by *circumstances* and *education*, to a superior race of men. The ability and humanity of its advocates, however, does not do away the expediency,

nor even the *necessity*, of those of us who can, standing forth with our own pen and voices, in behalf of that *same right* and *that same weal* as connected with ourselves, which have been and now are, by a powerful and perhaps *fatal* agency, almost fatally jeopardized.

It has been said and reiterated so frequently as to have obtained the familiarity of household words, that it is the *doom* of the Indian to disappear—to vanish like the morning dew, before the advance of civilization: and melancholy is it to us—those doomed ones—that the history of this country, in respect to *us* and its civilization, has furnished so much ground for the saying, and for giving credence to it.

But *whence* and why are we thus doomed? Why must we be crushed by the arm of civilization, or the requiem of our race be chaunted by the waves of the Pacific, which is destined to engulf us?

It has been so long and so often said as to have gained general credence, that our *natural constitution* is such as to render us incapable of apprehending, and incompetent to practice, upon those principles from which result the *characteristic* qualities of christian civilization; and so by a necessary consequence, under the sanction of acknowledged principles of moral law, we must yield ourselves sacrifices, doomed by the constitution which the Almighty has made for us, to that *other race* of human beings, whom the same Almighty has endowed with a more noble and more worthy constitution.

These are the premises; these the arguments; these the conclusions; and if they are *true*, and *just*, and *legitimate*, in the language of the poet, we must say,

“God of the just—thou gavest the bitter cup,
We bow to thy behest, and drink it up.”

But are they *true*, and *just*, and *legitimate*? Do we, as a people, lack the capacity of apprehending and appreciating any of the principles which form the basis of christian civilization? Do we lack the competency of practicing upon those principles in any or *all* their varieties of application?

A general reference to facts as they are recorded in the history of the former days of our existence, and as they now are transpiring before the eyes of the whole enlightened world, give an answer which should ever stifle the question, and redeem us from the stigma.

Before citing particular exemplifications of the truth of this, I will allude to one question which is triumphantly asked by those who adopt the doctrine of the untameable nature of the Indian, viz. "Why have not the Indians become civilized and christianized as a consequence of their intercourse with the whites—and of the exertions of the whites to bring about so desirable a result?" Who that believes the susceptibilities and passions of human nature to be in the main uniform throughout the rational species, needs an answer to this question from me?

Recur to the page which records the dealings, both in manner and substance, of the early white settlers and of their successors, down even to the present day, with the unlettered and unwary red man, and then recur to the susceptibilities of your own bosom, and the question is answered.

Say, ye on whom the sun light of civilization and christianity has constantly shone—into whose lap Fortune has poured her brimful horn, so that you are enjoying the *highest* and *best spiritual* and *temporal* blessings of this world,—say, if some beings from fairy land, or some distant planet, should come to you in such a manner as to cause you to deem them children of *greater*

light and *superior wisdom* to yourselves, and you should open to them the hospitality of your dwellings and the fruits of your *labor*, and they should, by dint of their *superior wisdom*, dazzle and amaze you, so as for what to them were *toys and rattles*, they should gain freer admission and fuller welcome, till finally they should claim the *right* to your possessions, and of hunting you, like wild beasts, from your long and hitherto undisputed domain, how ready would *you* be to be taught of *them*? How cordially would you open your *minds* to the conviction that they meant not to deceive you *further* and still more fatally in their proffers of pretended kindness. How *much* of the kindness of friendship for them, and of esteem for their manners and customs would *you feel*? Would not 'the milk of human kindness' in your breasts be turned to the gall of hatred towards them? And have not *we*, the original and undisputed possessors of this country, been treated *worse* than *you* would be, should my supposed ease be transformed to reality?

But I will leave the consideration of this point for the present, by saying, what I believe every person who hears me will assent to, that the manner in which the whites have habitually dealt with the Indians, make them *wonder* that their hatred has not burned with tenfold fury against them, rather than that they have not laid aside their own peculiar notions and habits, and adopted those of their civilized neighbors.

Having said thus much as to the question, "Why have not the Indians been civilized and christianized by the intercourse and efforts of the whites?" I would now call your attention to a brief exemplification of the point I was remarking upon before alluding to the above-mentioned question, viz. "That the Indian is capable of apprehending and appreciating, and is competent to prac-

tice on those principles which form the basis of christian civilization.”

I do not know that it has ever been questioned, and especially by those who have had the best opportunities to learn by *experience* and *observation*, that the Indian possesses as perfect a physical constitution as the whites, or any other race of men, especially in the matter of hardy body, swift foot, sharp and true eye, accompanied by a hand that scarcely ever drew the bow-string amiss, or raised the tomahawk in vain.

I believe also, that it is not denied that he is susceptible of hatred, and equally of friendship,—that he even can love and pity, and feel gratitude,—that he is prone to the adoration of the Great Spirit,—that he possesses an imagination, by which he pictures fields of the blessed in a purer and more glorious world than this,—that he possesses the faculty of memory and judgment, and such a combination of faculties as enable him to invent and imitate,—that he is susceptible of ambition, emulation, pride, vanity,—that he is sensitive to honor and disgrace, and necessarily has the *elements* of a *moral sense* or conscience. All these are granted as entering into his *native spiritual constitution*.

For instances of those *natural endowments*, which, by *cultivation*, give to the children of civilization their great names and far-reaching fame, call to mind Philip of Mount Hope, whose consummate talents and skill made him the white man's terror, by his display of those talents and skill for the white man's destruction.

Call to mind Tecumseh, by an undeserved association with whose name, one of the great men of your nation has obtained more of greatness than he ever merited, either for his *deeds* or his *character*. Call to mind *Red Jacket*, formerly your *neighbor*, with some of you a

friend and a familiar, of the same tribe with whom I have the honor to be a *humble member*: to have been a *friend* and *familiar* with whom none of you feel it a *disgrace*. Call to mind Osceola, the victim of the white man's treachery and cruelty, whom neither his enemy's cunning or arm could conquer on the battle field, and who at last was consumed "in durance vile," by the corroding of his own spirit. "In durance vile," I say—(blot the fact from the records of that *damning baseness*,—of that violation of *all law*, of all humanity,—which that page of your nation's history which contains an account of it, must ever be:—*blot out the fact*, I say, before you rise up to call an Indian treacherous or cruel.) Call to mind *these* and a thousand others, whom I have not time to mention, and my point is gained.

Here, then, the fundamental elements of the best estate of human nature are admitted as existing in the natural constitution of the Indian. The question now comes, are these elements susceptible of cultivation and improvement, so as to entitle their possessors to the rank which civilization and christianity bestow?

For an instance of active pity,—of *deep, rational, active pity*, and the attendant intellectual qualities, I ask you to call to mind the *story-surpassing romance* of Pocahontas—she who threw herself between a supposed inimical stranger, and the deadly club which had been raised by the stern edict of her stern father,—she begged for the victim's life,—she obtained his deliverance from the jaws of death by appealing to the affections which existed in the bosom of her father, savage as he was, and which affections overcame the fell intent which had caused him to pronounce the white man's doom. From this time she received the instruction, imbibed the principles and sentiments, adopted the manners and customs

of the whites; in her bosom burned *purely and rationally* the flame of love, in accordance with the promptings of which, she offered herself at the hymenial altar, to take the nuptial ties with a son of Christian England. The offspring of this marriage have been, *with pride*, claimed as *sons* and citizens of the noble and venerable State of Virginia.

Ye who love prayer, hover in your imagination around the cot of Brown, and listen to the strong supplications as they arise from the fervent heart of Catharine, and then tell me whether

"The poor Indian whose untutor'd mind
Sees God in clouds and hears him in the wind,"

is not capable, by cultivation, of rationally comprehending the *true God*, whose pavillion, though it be the *clouds*, still giveth grace even *to the humble*.

But perhaps I am indulging too much in minuteness. Let me then refer to one more instance which covers the whole ground and sets the point under consideration beyond dispute. The ill-starred Cherokees stand forth in colors of living light, redeeming the Indian character from the foul aspersions that it is not susceptible of civilization and christianization. In most of the arts which characterise civilized life, this nation in the aggregate, have made rapid and long advances. The arts of peace in all their varieties, on which depend the comforts and enjoyments of the enlightened, have been practised and the results enjoyed by them. The light of revelation has beamed in upon their souls, and caused them to exchange the *blind* worship of the Great Spirit, for the *rational* worship and service of the God of the Bible.— Schools have been established. An alphabet of the language invented by one of their own men; instruction

sought and imparted; and letters cultivated in their own as well as the English language.

Hence many individuals have advanced even to the refinements of civilized life, both in respect to their physical and intellectual condition. A John Ross stands before the American people in a character both of intellect and heart which many of the white men in high places may *envy*, yet *never be able to attain*. "A scholar, a patriot, an honest and honourable man; standing up before the "powers that be," in the eyes of heaven and men, now demanding, now supplicating of those powers a regard for the rights of humanity, of justice, of law,—is still a scholar, a patriot, an honest and honorable man, though an Indian blood coursing in his veins, and an Indian color giving hue to his complexion, dooms him and his children and kin to be hunted at the point of the bayonet by those powers, from their homes and possessions and country, to the "terra incognita" beyond the Mississippi.

I now leave this point, on which, perhaps I need not have spoken thus briefly, from the fact that it is granted by all of you as soon as announced; and proceed to make a few remarks confined more exclusively to my own kindred tribe, a part of whom live near this city.

Taking it as clearly true that the Indians are susceptible of cultivation and improvement, even to the degree of physical, intellectual and moral refinement, which confers the title of civilized and christianized,—I now proceed to consider whether their condition and feelings are such as to render feasible the undertaking to bring them up to *that degree*,—whether in fact they do not themselves *desire* to come up to it. When I say *they*, I mean those who constitute the body and stamina of the people. As to this point, I take it upon myself to

say that such an undertaking is feasible, and doubly so from the fact that the object of the undertaking is earnestly desired by themselves.

I know of no way to set this matter in a clearer light than by presenting you with some facts as to the spirit and the advance of improvements amongst them. And this I crave the liberty of doing by a brief detail of items, prefacing the detail by the remark of a highly respectable individual, formerly of Holland, Erie co., but for some eighteen years a resident of Illinois. After an absence of about fifteen years, he returned two or three years ago, and spent the summer in this region, and several days of the time on the Reservation. He frequently remarked that the Indians, during his absence, had improved far more rapidly than their neighbors in the country around them.

In business there is much greater diligence and industry; their teams, in respect to oxen, horses, wagons, sleighs, &c., are greater in number and better in quality than formerly: and in these respects there is a constant improvement. The men labor more, comparatively, and the women less, except in their appropriate sphere, than formerly.

With regard to buildings, they are much more conveniently planned, and of the best materials, both dwelling houses and barns, and new ones constantly going up. Those who have not lands of their own under cultivation, are much more willing to hire out their services to others, either by the year or by shares. This shows that the idea, "to work is thought to be dishonorable," has been done away. There are amongst us, good mowers, and cradlers, and reapers. Blacksmiths, carpenters, shoemakers, and other mechanics, find work enough from their own brethren. There are several

wagons in the nation, which are worth more than one hundred dollars in cash; tools of the best quality and of various kinds; manure and other things are sometimes applied, but five years ago almost or quite universally wasted.

With regard to mode of living, tables, chairs, and bedsteads and cooking apparatus have generally been purchased of the whites or manufactured in imitation of them; and they are used to a greater or less extent in almost every family. The habit of taking regular meals is gaining ground, and the provision luxurious. In the care of the sick, they are more attentive and judicious, and rely less on notions and quackery; they employ skilful physicians, and use the medicine with less prejudice, and a great deal more confidence.

Other evidences of improvement we have in the increase of industry, and a consequent advance in dress, furniture, and all the comforts and conveniences of civilized life. The fields of the Indians have never been kept in so good order, and managed with so much industry, as for the few years past. At public meetings and other large assemblies, the Indians appear comfortably and decently, and some of them richly clad. The population is increasing gradually, except when visited with epidemics. The increase of general information is visible: there are many of them, who keep themselves well informed of what is going on in the country; several newspapers have been taken from the cities of Washington, D. C., Philadelphia, New York, and other cities in the Union, and two or three copies of the Genessee Farmer. Some young men have a choice selection of books and libraries. All these improvements are advancing at a rapid rate, *except when they are distracted with cares and anxieties.*

In view of these facts, I deem it unnecessary to say any thing further, as to the question, whether or not the undertaking is feasible to bring the Senecas up to the standard which shall entitle them to be called civilized and christianized.

The only question which I shall now consider, included in the subject I am treating, is, *how* can this undertaking be carried into operation most advantageously for securing its ultimate object?

Can it be by remaining where we now are located, or by selling our lands and removing to the afore-mentioned "terra incognita?" The right and possession of our lands is undisputed—so with us it is a question appealing directly *to our interest*; and how stands the matter in relation *to that*? Our lands are as fertile and as well situated for agricultural pursuits as any we shall get by a removal. The graves of our fathers and mothers and kin are here, and about them still cling our affections and memories. Here is the theatre on which our tribe has thus far acted its part in the drama of its existence, and about it are wreathed the associations which ever bind the human affections to the soil, whereon one's nation, and kindred, and self, have arisen and acted. We are here situated in the midst of facilities for physical, intellectual and moral improvement; we are in the midst of the enlightened; we see their ways and their works, and can thus profit by their example. We can avail ourselves of their implements, and wares and merchandise, and once having learned the convenience of using them, we shall be led to deem them indispensable. We here are more in the way of instruction from teachers, having greater facilities for getting up and sustaining schools; and as we, in the progress of our improvement, may come to feel the want and the usefulness of books and

prints, so we shall be able readily and cheaply to get whatever we may choose. In this view of facts, surely there is no inducement for removing.

But let us look at the other side of the question. In the first place the white man wants our land; in the next place it is said that the offer for it is liberal; in the next place that we shall be better off to remove from the vicinity of the whites, and settle in the neighbourhood of our fellow red men, where the woods flock with game, and the streams abound with fishes. These are the reasons offered and urged in favour of our removal.

Let us consider each of these reasons a little in detail. The fact that the whites want our land imposes no obligation on us to sell it; nor does it hold forth an inducement to do so, unless it leads them to offer a price equal to its value. We neither know nor feel any debt of gratitude which we owe to them, in consequence of their "loving kindness or tender mercies" towards us, that should cause us to make a sacrifice of our property or our interest, to their wonted avarice, and which, like the mother of the horse leach, cries, Give, give, and is never sated.

And is the offer liberal? Of that who but ourselves are to be the final judges? If we do not deem one or two dollars an acre liberal for the land, which will to the white man's pocket bring fifteen to fifty, I don't know that we can be held heinously criminal for our opinion. It is well known that those who are anxious to purchase our Reservations, calculate safely on fifteen dollars the acre for the poorest, and by gradation up to fifty and more, for the other qualities: By what mode of calculation or rules of judgment, is one or two dollars a liberal offer to us, when many times that sum would be only fair to the avarice of the land speculator? Since

in us is vested a perfect title to the land, I know not why we may not, when we wish, dispose of it at such prices as we may see fit to agree upon.

“But the land company have the right of purchase,” it is said—granted; but they have not the right, nor, we trust in God, the power to force us to accept of their offers. And when that company finds that a whistle or a rattle, or one dollar or two, per acre, will not induce us to part with our lands, is it not in the nature of things that they should offer better and more attractive terms? If they could not make forty-nine dollars on an acre of land, I know no reason why they would fail of trying to make forty-five, or thirty, or ten. So I see no obstacle to our selling when and at such reasonable prices as we may wish, in the *fact* that the land company have the right of purchase: nor do I see any thing extortionate in us, in an unwillingness to part with our soil on the terms offered,—nor even in *the desire*, if our lands are sold, of putting into our *own* pockets a due portion of their value.

But the point of chief importance is, shall we be better off? If our object was to return to the manners and pursuits of life which characterised our ancestors, and we could be put in a *safe, unmolested and durable* possession of a wilderness of game, whose streams abound in fish, we might be better off; but though that were our object, I deny that we could possess *such a territory* this side of the shores of the Pacific, with *safety, free of molestation*, and in *perpetuity*.

“Westward the Star of Empire takes its way,” and whenever that Empire is held by the white man, nothing is safe or unmolested or enduring against his avidity for gain. Population is with rapid strides going beyond the Mississippi, and even casting its eye with longing

gaze for the woody peaks of the Rocky Mountains—nay even for the surf-beaten shore of the Western Ocean.— And in process of time, will not our territory there be as subject to the wants of the whites, as that which we now occupy is? Shall we not then be as strongly solicited, and by the same arguments, to remove still farther west? But there is one condition of a removal which must certainly render it hazardous in the extreme to us. The proximity of our then situation to that of other and more warlike tribes, will expose us to constant harassing by them; and not only this, but the character of those worse than Indians, those *white borderers* who infest, yes *infest* the western border of the white population, will annoy us more fatally than even the Indians themselves. Surrounded thus by the natives of the soil, and hunted by such a class of whites, who neither “fear God nor regard man,” how shall we be better off there than where we now are?

Having said thus much as to our condition after a removal, under the supposition that we wish to return to and continue in the habits of life which prevailed when the country was first taken possession of by the Europeans, I proceed now to say, that we do not wish so to do, and to repeat, that so far from it, we desire to renounce those habits of mind and body, and adopt in their stead those habits and feelings—those modes of living, and acting and thinking, which result from the cultivation and enlightening of the moral and intellectual faculties of man. And on this point, I need not insult your common sense by endeavouring to show that it is *stupid folly* to suppose that a removal from our present location to the western wilds would improve our condition. What! leave a fertile and somewhat improved soil—a home in the midst of civilization and christianity,

where the very breezes are redolent of improvement and exaltation,—where, by induction as it were, we must be pervaded by the spirit of enterprise,—where books, and preaching, and conversation, and business and conduct, whose influence we need, are all around us, so that we have but to stretch forth our hands, and open our ears, and turn our eyes, to experience in full their improving and enlightening effects,—leave these! and for what? and echo answers *for what?* But methinks I hear the echo followed by the anxious guileful whisper of some government land company agent—for one or two dollars the acre, and a western wilderness beyond the white man's reach, where an Eden lies in all its freshness of beauty for you to possess and enjoy. But ours, I reply, is sufficiently an Eden now, if but the emissaries of the arch fiend, not so much in the form of a serpent as of man, can be kept from its borders.

But I will relieve your patience by closing my remarks; it were perhaps needless, perhaps useless, for me to appear before you with these remarks, feebly and hastily prepared as they were; but as I intimated on the outset, the crisis which has now arrived in the affairs of our people furnish the apology and reason for my so doing. And now I ask, what feature of our condition is there which should induce us to leave our present location and seek another in the western wilds? Does justice, does humanity, does religion, in their relations to us demand it? Does the interest and well being of the whites require it? The plainest dictates of common sense and common honesty, answer *No!* I ask then, in behalf of the New York Indians and myself, that our white brethren will not urge us to do that which justice or humanity not only do not require, but condemn. I ask then to let us live on, where our fathers have lived;

let us enjoy the advantages which our location affords us; that thus we, who have been converted heathen, may be made meet for that inheritance which the *Father* hath promised to give his *Son*, our Saviour; so that the deserts and waste places may be made to blossom like the rose, and the inhabitants thereof utter forth the high praises of our God.

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APPENDIX.

It has been repeatedly said, that "if the Indians had been left to the exercise of their own judgment, they would have consented to have sold their lands in this state; but the interested white man opposed to their removal, have influenced them to reject the 'liberal offer' of the government."

This allegation is without foundation; the Indians know their interest very well; they ask no questions whether it is best for them to sell out and remove; they know that the moment they leave these premises, then will troubles commence; poverty, oppression, destruction, and perhaps war and bloodshed will fall upon them in the western wilderness.

The policy of the general government is well understood by them; and the country assigned them west, has been explored again and again, so that they do not lack knowledge in these respects. With all the light and information on the subject which is necessary to form a correct judgment upon it, they have a hundred times repeated in open council and in the presence of the United States commissioner, that they cannot and will not sell out their lands and remove beyond the Mississippi river. These are the honest judgments of the Indians, and this answer will the commissioner receive from the *honest* chiefs.

But while persuasion and lawful inducements have been held out to them, and they fail to produce the de-

sired effect, the "Ogden Company," through their agents, lose no time in buying over the chief to aid in procuring the treaty. Rewards have been made to promote it, and to induce our nation to consent to it. In the statements which follow, I shall confine myself principally to facts, that the public may be able to judge for themselves as to the correctness of the above remark.

First, the contract of John Snow, a chief; it was made a year ago, and may be known by the date. This is one of the many contracts entered into by the parties; we have them in our hands.

ARTICLE OF AGREEMENT

Made and concluded this 20th day of July, 1837, between Heman B. Potter, of the city of Buffalo, of the first part, and John Snow, a Seneca Chief of the Buffalo Creek Reservation, in the county of Erie, of the second part.

Whereas, in conformity with the declared policy of the government of the United States, the proprietors of the pre-emptive title of and in the four several tracts of land, reserved by the Seneca tribe of Indians, within the said State of New York, are desirous to induce the above-mentioned tribe of Indians to accept for their future and permanent residence, a tract of country in the territory west of the river Mississippi, appropriated for Indians inhabiting the Atlantic and other neighboring states; and are also desirous, by fair purchase, to extinguish the right of the said Indians in and to the lands in this state, so reserved by them.

And whereas, in furtherance of these objects, and in order to a future treaty by which to effect the same, the said proprietors have authorised negotiations to be open-

ed with the chiefs and other leading men of the said tribe of Indians, and certain offers to be made to them in money as a permanent fund for the nation, and a compensation for their improvements; and have also deemed it advisable and necessary to employ the aid, co-operation and services of certain individuals who are able to influence the said Indians to accept of the offers so to be made to them.

And whereas the said Heman B. Potter, the party of the first part, is empowered to act on behalf of the said proprietors, and to contract with any individuals whose co-operation and agency may be necessary and efficient in accomplishing the above-mentioned object; and the said John Snow, the party of the second part, has agreed to contribute his influence and services in the premises; and in case of the extinguishment of the same Indian title to the said reserved lands as aforesaid, to sell to the said proprietors all and singular his improvements of, in and to the same.

Now therefore, it is mutually agreed by and between the parties hereto, as follows:

First. The party of the second part undertakes and agrees to use his best exertions and endeavours to dispose and induce the said Indians to adopt and pursue the advice and recommendations of the government of the United States, in respect to their removal and future location, and on such *said* terms as the party of the first part, and his associates, in the name of the said proprietors, shall propose to sell and release, by treaty, their said reserved lands; and on all occasions to co-operate with and aid the said party of the first part, and his associates, as he may be from time to time advised, in talks and negotiations with the chiefs and other influential men of the said tribe; and in the active application of his

whole influence at councils and confidential interviews, for the purpose of effecting a treaty between the said tribe and the said proprietors, for the extinguishment of the Indian title to the said reserved lands.

Second. The second party of the second part hath sold, and hereby doth sell, to the said proprietors, all and singular, his buildings and improvements on the lands so to be released by treaty, and agrees to accept compensation therefor in the manner hereinafter mentioned; said buildings and improvements in the mean time not to be leased, or in any manner disposed of by said party of the second part.

Third. In consideration of such efforts, co-operation and services on the part of the said John Snow, faithfully bestowed in the premises, and of the sale and release of all and singular his said buildings and improvements upon any of the lands aforesaid, without leasing or otherwise disposing of the same, as herein above stipulated, the said Heman B. Potter, on his part, and that of his associates, agrees to pay, or cause to be paid, to the said John Snow the sum of two thousand dollars, within three months after notice of the ratification, by the Senate of the United States, of a valid treaty between the said tribe and the owners of the said pre-emptive title, or their trustees, by which the right and title of the said Indians shall be effectually released and extinguished in and to the said reserved lands; subject, however, to the following qualification and understanding,—that in case the said treaty shall provide for the payment to individual Indians for their buildings and improvements, then and in that case the said party of the second part shall accept and receive, as part payment of the above-mentioned sum of two thousand dollars, such sum or compensation as he shall or may be entitled to, by

and under the provisions of such treaty, for his said buildings and improvements, and the balance of the said two thousand dollars which shall remain, after deducting therefrom such compensation as aforesaid, and that only to be paid by the said party of the first part, as above specified, within the time above-mentioned; or as soon thereafter as the said balance can be ascertained; and in case said party of the second part shall be entitled by and under the provision of said treaty, to the sum of two thousand dollars and upwards, he shall receive the same as may be therein provided, and the said party of the first part shall be discharged from paying any part of the said two thousand dollars.

And the said John Snow shall also be entitled, at a nominal rent, to a lease from the owners of the pre-emptive title, or their trustees, of and for the lot of land actually improved and occupied by him, called the Whipple Farm, near the old council-house, on the Buffalo Reservation, for and during his own natural life, determinable when and as soon as he shall cease to live on and occupy the same; said lease to be executed by the lessors as soon after said treaty as said lands shall have been surveyed and allotted, said lease having reference to said survey.

This agreement on the part of said party of the first part, being expressly dependant upon a treaty to be made and ratified upon terms, conditions, and stipulations to be proposed and offered by said party of the first part and his associates.

WITNESS—

his
GEORGE X JIMESON.
mark.

H. B. POTTER, [L. s.]
his
JOHN X SNOW, [L. s.]
mark.

TRUE COPY.

In addition to the above stipulation, *money and brandy* have been used for the same purpose; and finally, intimidation and discouragement are not wanting,—for instance, they will tell us, “Here my friend, you have got to go, there is no earthly doubt—the policy of the government is fixed, and your best course is to get as much money as you can from the pre-emption company, make you a contract,” &c. The object of the present council is to give an opportunity for the chiefs to assent to the amendments of the last winter’s treaty, or to refuse them. The resolution of the Senate, is in the following words, to wit,—

Provided always, and be it further resolved, That this treaty shall have no force or effect whatever, as it relates to any of the said tribes, nations or bands of New York Indians, nor shall it be understood that the Senate have assented to any of the contracts connected with it, until the same, with the amendments herein proposed, is submitted and fully and fairly explained, by a commissioner of the United States, to each of said tribes or bands, separately assembled in council, and they have given their free and voluntary assent thereto; and if one or more of said tribes or bands when consulted as aforesaid, shall freely assent to said treaty as amended, and to their contract connected therewith, it shall be binding and obligatory upon those so assenting, although other, or others, of said bands or tribes may not give their consent, and thereby cease to be parties thereto: *Provided further*, That if any portion or part of said Indians do not emigrate, the President shall retain a proper portion of said sum of four hundred thousand dollars, and shall deduct from the quantity of land allowed west of the Mississippi, such number of acres as will leave to each emigrant three hundred and twenty acres only.

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