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Memorial from the Seneca Nation of New York Indians.

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 23, 1895.—Ordered to be printed.

Mr. PETTIGREW presented the following:

MEMORIAL FROM THE SENECA NATION OF NEW YORK INDIANS.

*To the Honorable Senate and House of Representatives
of the United States in Congress assembled.*

We, the undersigned, delegates of the Seneca Nation of New York Indians, would respectfully memorialize your honorable body against the proposed amendment in the Indian appropriation bill (H. R. 8479) intended to be proposed by Senator Hill, of New York:

That the Secretary of the Treasury be, and is, authorized and directed to negotiate with and purchase from the Ogden Land Company, so called, its successors, assigns, or legal representatives, all right, title, or interest of said company in and to the lands within the Cattaraugus and Allegany Indian reservations in the State of New York, at a price not exceeding ten dollars per acre for which purpose a sum sufficient is hereby appropriated out of any money in the Treasury not otherwise appropriated, payment to be made to said company, its successors, assigns, or legal representatives, upon the execution of a proper deed or deeds of conveyance to the United States of all right, title, and interest of said company in and to the lands aforesaid.

This intended legislation created a great disturbance among the officers of the Seneca Nation of New York Indians and of the people of said nation, and the councilors of said nation took immediate consideration on the subject and concluded to oppose the amendment intended to be proposed by the honorable Senator of New York, for the following reasons:

Your memorialist believes such act of legislation on the part of your Congress—the United States exercising—inconsistent with the agreement and understanding to our forefathers in pursuance to article 3, treaty proclaimed January 21, 1795, where the following clause mentioned: Now the United States acknowledged all the land within the aforementioned boundaries to be the property of the Seneca Nation, and the United States will never claim the same nor disturb the Seneca Nation, nor any of the Six Nations or of their Indian friends residing thereon and united with them in the free use and enjoyment thereof, but it shall remain theirs until they choose to sell the same to the people of the United States who have the right to purchase. And your memorialist will further show that the Constitution of the United States, article 6, clause 2: "All treaties made or which shall be made under the authority of the United States shall be the supreme law," etc. And inasmuch as the Constitution treats Indian tribes as belonging to the rank of nations capable of making treaties, it is evident that an act of Congress which should assume to abrogate the treaty obligations now exist-

ing between the Seneca nation of New York Indians and the United States would be unconstitutional and void.

In regard to Ogden Land Company's claim on the lands of Cattaraugus and Allegany Indian reservations in the State of New York. In pursuance of said treaty of January 21, 1795, in article 3, it is evident in this article that the United States did acknowledge all the lands within the aforementioned boundaries, "to be the property of the Seneca Nation." This property is the very lands on which the Cattaraugus and Allegany Indian reservations, now located, the same owned and occupied by the Seneca Nation of New York Indians, and your memorialist, under the agreement of said treaty and the same ratified by your honorable body. Also in the last clause in this article 3, when it says: "But it shall remain theirs until they choose to sell the same to the people of the United States who have the right to purchase."

In these last six words upon which the Ogden Land Company do rely their rights to the lands, said Cattaraugus and Allegany Indian reservations, if it should be followed up in accordance to the agreements in the treaties that the title of lands upon said Cattaraugus and Allegany Indian reservations, without any doubt the title is not vested on the part of said Ogden Land Company, and your memorialists believe, if the proposed amendment intended to be introduced by the Hon. D. B. Hill should pass and take effect, that the United States Government will pay large amount of money, when it is not necessary, even though if it was ordered to pay the said Ogden Land Company at the rate of three dollars per acre, it would then be too much money, certainly a large majority are not asking such favor. Your memorialists believe that the citizens of the United States together with a small number of Indians are making strenuous efforts to change the title of our lands, and if such a change should take place, your memorialists believe that it would be injurious and detrimental to the welfare and prosperity of the Seneca Nation of Indians of the New York State, and your memorialists still further believe, and having great faith in your Congress, that no such enormous measure be allowed to be passed relating to our municipal affairs and title to our lands without consent by a majority of the councillors of the Seneca Nation of New York Indians in open council and of the people of said nation in pursuance of the existing treaty stipulations. Therefore your memorialists respectfully and earnestly pray before your honorable body that no such legislation or amendment should be made in the aforesaid Indian appropriation bill as proposed and intended to be introduced by the Hon. D. B. Hill, Senator of New York State.

W. C. HOAG,
ALFRED L. JIMESON,
T. T. JAMIESON, Sr.,
New York Indian Delegation.

[W. C. Hoag, Pres.; Frank Patterson, Treas.; Alfred L. Jimerson, Clerk.]

EXECUTIVE DEPARTMENT,
SENECA NATION, NEW YORK INDIANS,
West Salamanca, N. Y., ——— —, 189—.

At a general council of the Seneca Nation of New York Indians, held at the court-house upon the Cattaraugus Indian Reservation on this 14th day of February, A. D. 1895, the following resolution was

adopted. Hon. Wallace Halftown offered the following preamble and resolution:

Whereas the Commissioner of the Indian Affairs and the Secretary of Interior on or about the 1st day of February, A. D. 1895, submitted their report to the United States Congress at Washington, D. C., relative to the rights, title, interest, and claims of the (so-called) Ogden Land Company to the lands upon the Cattaraugus and Allegany reservations, in the State of New York; and

Whereas in said report the said Commissioner of Indian Affairs and the Secretary of Interior recommended Congress to take such measures so as to provide for an extinguishment of the rights, title, interest, and claims of the so-called Ogden Land Co., by purchase at the rate of ten dollars per acre, and that as soon as the purchase is completed to allot the said lands to the Seneca Nation of New York Indians in severalty; also to make the said Indians citizens of the United States of America. Now, therefore, be it

Resolved, That Alfred L. Jimerson, W. C. Hoag, and T. F. Jimerson, sen., be, and they are, constituted and appointed delegates to go to Washington, D. C., to represent our wishes before the Commissioner of Indian Affairs, Secretary of Interior, Congress committees, and to the President of the United States, especially to remonstrate against the passage by Congress of any bill that which provide for an extinguishment of the rights, title, interest, and claims of the so-called Ogden Land Company by purchase to the lands upon the Cattaraugus and Allegany reservations; also allotment of lands to the Senecas in severalty and citizenship, hereby giving them full power and authority in the matter, with full confidence in them to represent us and make known our wishes unanimously adopted.

In witness whereof I, the undersigned clerk of the Seneca Nation of New York Indians, do hereby certify that the foregoing resolution is a true copy as found on the records of said nation, and do hereby affix the great seal of the said nation this 14th day of February, A. D. 1895.

[SEAL.]

ALFRED L. JIMERSON.

[W. C. Hoag, Pres.; Frank Patterson, Treas.; Alfred L. Jimerson, Clerk.]

EXECUTIVE DEPARTMENT,
SENECA NATION, NEW YORK INDIANS,
West Salamanca, N. Y., ——— ———, 189—.

CREDENTIAL.

Know all men by these presents, that the Seneca Nation of New York Indians, in council assembled, have duly made and appointed Alfred L. Jimerson, W. C. Hoag, and T. F. Jimerson, sr., to be our delegates to go to Washington, D. C., on business for the said Seneca Nation, and especially to remonstrate against the passage by Congress of any amendment to the bill (H. R. No. 8479); that which provides for an extinguishment of the rights, title, interest, and claims of the so-called Ogden Land Co., by purchase, to the lands upon the Cattaraugus and Allegany reservations; also allotment of lands to the Senecas in severalty, and citizenship, hereby giving them full power and authority in the matter, with full confidence in them to represent us and make known our wishes.

The foregoing was duly adopted in open council by a unanimous vote on the Cattaraugus Reservation this 14th day of February, A. D. 1895.

In testimony whereof we have caused these presents to be signed by our president and attested by our clerk, and have caused the great seal of our nation to be hereunto attached the day last above named.

[SEAL.]

W. C. HOAG,
President of the Seneca Nation of New York Indians.

Attested:

ALFRED L. JIMERSON,
Clerk, Seneca Nation of New York Indians.

UNITED STATES INDIAN SERVICE,
New York Agency, February 15, 1895.

To whom it may concern :

I hereby certify that W. C. Hoag, named in the annexed record of a meeting of the council of the Seneca Nation of Indians, is the president of said nation ; that Alfred Jimerson is the clerk of said Seneca Nation of Indians, and that T. F. Jimerson, sr., is surrogate of the Seneca Nation of Indians upon the Cattaraugus Reservation.

I also certify that, as I am reliably informed, the said W. C. Hoag, Alfred Jimerson, and T. F. Jimerson were duly chosen as delegates to represent the Seneca Nation of Indians as to the wishes of said Indians with reference to the proposed purchase of the alleged title of the Ogden Land Co. (so called) by the Government and upon the question of the proposed allotment of the lands of said Indians in severalty and making said Indians citizens, as recommended by the letter of the Secretary of the Interior to Congress dated February 1st, 1895.

I also certify that, as I am reliably informed, said W. C. Hoag, Alfred Jimerson, and T. F. Jimerson were chosen as such delegates at a regular meeting of the council of the Seneca Nation of Indians.

J. R. JEWELL,
United States Indian Agent.

