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TREATY WITH THE SENECA INDIANS.

MEMORIAL

OF

BENJAMIN FERRIS,

IN BEHALF

Of the four yearly meetings of Friends, of Genesee, New York, Philadelphia, and Baltimore, remonstrating against any appropriation being made to carry out the treaty with the Seneca Indians.

JANUARY 8, 1841.

Referred to the Committee on Indian Affairs.

To the House of Representatives of the United States :

The memorial of the several committees on Indian concerns, appointed by the four yearly meetings of Friends, of Genesee, New York, Philadelphia, and Baltimore,

RESPECTFULLY REPRESENTS :

That the Society of Friends, from a religious concern for the welfare of the Indians in the State of New York, have for many years been engaged in promoting their civilization and improvement. Under this concern, we have had establishments amongst them, and agents residing on some of their reservations, to instruct them in agriculture and other arts of civil life; and it is by their desire we now solicit your attention.

These reservations, being the small remnants of their once extensive territory, were, by a treaty made between the Six Nations and our Government in the year 1794, solemnly guaranteed to them and their descendants as a home and inheritance forever.

As the white population of our country extended their settlements toward these reservations, they became enhanced in value, exciting the cupidity of land speculators, and urging them, by various means, to remove the Indians, in order to possess themselves of their land.

Alarmed and agitated by these movements, the Seneca and Onondaga Indians applied to our Government for its interposition and protection, in fulfilment of the guaranty stipulated in the said recited treaty. Faithful to its contract, and prompt in the performance of it, a proclamation was immediately issued by the authority of the President of the United States, under the hand of H. Dearborn, then Secretary of War, dated 17th March, 1802, strictly forbidding all persons, citizens of the United States, to disturb the said

Indians in the quiet possession of their lands; and declaring that "all lands claimed by, and secured to, the said Seneca and Onondaga Indians, by treaty, convention, deed of conveyance, or reservation, being within the limits of the United States, shall be and remain the property of the said Seneca and Onondaga Indians, forever, unless they shall voluntarily relinquish or dispose of the same."

Within the last ten years, these attempts have been renewed, and strenuous exertions made to get possession of these lands. For this purpose, no means which ingenuity could devise, or large pecuniary resources and untiring perseverance accomplish, have been unessayed. Under the operation of such powerful agents, a treaty has been procured and executed, under circumstances which we think ought to claim the serious attention of our Representatives in Congress. *That* treaty, we most surely believe, is tainted with *fraud*; and, if carried into effect, will be not only extremely oppressive to the poor defenceless Indians, but injurious to the character of our country.

The President of the United States, in his message to the Senate dated 13th January, 1840, returning this same treaty to that body, says: "That *improper means* have been employed to obtain the assent of the Seneca chiefs, *there is every reason to believe*; and I have not been able to satisfy myself that I can, consistently with the resolution of the Senate of the 2d March, 1839, cause the treaty to be carried into effect, in respect to the Seneca tribe."

The Committee of the Senate on Indian Affairs, after a long and laborious investigation of the evidence before them, and of the facts and circumstances connected with this treaty, reported (it is understood unanimously) against its ratification, on the ground that *it had not been assented to by the said Indians according to the terms of the resolution of the 11th June, 1838.*

The Senate finally ratified it, by the casting vote of the President—only nineteen members voting in its favor.

Although we believe there is ample evidence to prove the *fraudulent* character of this treaty, and that its execution will be grossly unjust and oppressive to the Seneca nation, yet it is far from our intention to throw the least censure on the Senate, or on any of its members. We are aware that the effects of testimony on the minds of men of unquestioned integrity are very different. Our object in soliciting the attention of the House to the subject is not to censure, but that the evidence in the case may be examined by your branch of the Legislature.

By the constitution of the United States, the treaty-making power is vested in the President and Senate. By the same constitution, no money can be drawn from the Treasury, but by appropriations made by law; and no law can be passed without the concurrence of both branches of the Legislature. Thus, over all treaties made by the President and Senate, the House of Representatives has a control, by the power it possesses, under the constitution, of withholding the means of carrying such treaties into effect. If, on investigation of the treaty in question, and the circumstances attending its execution, the House shall be satisfied that it was *not fairly obtained*; if it shall believe that to enforce it would be derogatory to the character of our country, as an honorable, just, and upright nation, it may refuse to grant the supplies necessary to carry it into effect; and thus save the country from the odium that must attach to any Government that deliberately does wrong.

There is one feature in the character of this negotiation with the New York Indians which we think ought to claim the particular attention of your body, as *the guardians of the public treasure*. By that treaty, four hundred thousand dollars of *public money*, and one million eight hundred and twenty-four thousand acres of the *public lands*, are to be given to the New York Indians, as an inducement to relinquish their possessions in the State of New York, *for the benefit of the Ogden Land Company*—an association of speculators, whose stock, to a considerable extent, is understood to be held by British capitalists.

To your memorialists it appears that, under this treaty, the Government gives away a vast amount of property, without any equivalent. It may be well asked, what advantage can accrue to the public from the removal of the New York Indians? As it regards the *people* of the United States, under whose authority the treaty is said to be made, and from whose resources the means to carry it into effect are to be drawn, it may safely be answered—none. In a national point of view, it is a matter of perfect indifference whether the New York Indians remove, or do not remove. Why, then, should our Representatives appropriate such a vast amount of money and property to an object *in which the community has no interest?*

We forbear to go further into the merits of the case. We would not unnecessarily take up the time of the House. We only ask for a thorough investigation of the subject; and that, if, after such investigation, it should appear that the treaty cannot be carried into effect without injustice to an unoffending people, and an improper expenditure of the *public treasure*, the House may refuse to make any appropriation for that purpose.

Signed on behalf of the said committees :

BENJAMIN FERRIS, *Clerk.*

WASHINGTON, 1st Mo. 7, 1841.